



City of Westminster

# Committee Agenda

Title: **Licensing Sub-Committee (5)**

Meeting Date: **Thursday, 13<sup>th</sup> May 2021**

Time: **10.00 am**

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

Members: **Councillors:**  
Murad Gassanly (Chairman)  
Louise Hyams  
Maggi Carman

If you require further information, please contact Cameron MacLean, Temporary Senior Committee and Governance Officer.

**Email:** [cmaclean@westminster.gov.uk](mailto:cmaclean@westminster.gov.uk)

**Tel:** **07814 998 037**

**Corporate Website:** [www.westminster.gov.uk](http://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. Regarding Item 2, guidance on Declarations of Interests is included in the Code of Governance. If Members and Officers have any questions, they should contact the Director of Law before 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. 10.00 AM: 18-22 FINCHLEY ROAD, LONDON NW8 6EB

Pages

5 - 20

Ward CIA* SCZ**	Site Name & Address	Application Type	Licensing Reference No.
Abbey Road NA NA	18 - 22 Finchley Road London NW8 6EB	New Premises Licence	21/01568/LIPN
*Cumulative Impact Area ** Special Consideration Zone			

#### 2. 1.00 PM: 105 GREAT PORTLAND STREET, LONDON W1W 6QF

21 - 52

Ward CIA* SCZ**	Site Name & Address	Application Type	Licensing Reference No.
West End NA NA	105 Great Portland Street London W1W 6QF	New Premises Licence	21/00161/LIPN
*Cumulative Impact Area ** Special Consideration Zone			

**Stuart Love**  
**Chief Executive**  
**05 May 2021**

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 January 2021.

### **Guidance Considerations**

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

### **Core Hours When Customers Are Permitted to Be on The Premises**

Core hours, as set out in the Council's Statement of Licensing Policy 2021, are when customers are permitted to be on the Premises. The maximum opening hours permitted will not exceed the start time and terminal hour for each of the days where licensable activity is permitted.

**Note:** The core hours are for all licensable activities but if an application includes Late Night Refreshment, then the starting time for that licensable activity will be 11.00 pm.

#### **1. Casinos**

Up to 24 hours a day whilst Casino Gaming is permitted by a Premises Licence under the Gambling Act 2005.

#### **2. Cinemas, Cultural Venues and Live Sporting Premises**

Monday to Sunday: 09:00 hours to 24:00 hours

#### **3. Hotels**

Monday to Thursday: 09:00 hours to 23:30 hours  
Friday and Saturday: 09:00 hours to 24:00 hours  
Sunday: 09:00 hours to 22:30 hours  
Sundays Immediately Prior To A Bank Holiday: 09:00 Hours to 24:00 hours  
Sale of alcohol to guests for consumption in hotel/guest rooms only: Anytime up to 24 hours

#### **4. Off licences**

Monday to Saturday: 08:00 hours to 23:00 hours  
Sunday: 09:00 hours to 22:30 hours

#### **5. Outdoor Spaces**

Monday to Thursday: 09:00 hours to 23:30 hours  
Friday and Saturday: 09:00 hours to 24:00 hours  
Sunday: 09:00 hours to 22:30 hours  
Sundays Immediately Prior To A Bank Holiday: 09:00 Hours to 24:00 Hours

#### **6. Pubs and bars, Fast Food and Music and Dance venues**

Monday to Thursday: 10:00 hours to 23:30 hours  
Friday and Saturday: 10:00 hours to 24:00 hours  
Sunday: 09:00 hours to 22:30 hours

Sundays Immediately Prior To A Bank Holiday: 12:00 hours to 24:00 Hours

## **7. Qualifying Clubs**

Monday to Thursday: 09:00 hours to 24:00 hours  
Friday and Saturday: 09:00 hours to 24:00 hours  
Sunday: 09:00 hours to 22:30 hours  
Sundays Immediately Prior To A Bank Holiday: 09:00 hours to 24:00 hours

## **8. Restaurants**

Monday to Thursday: 09:00 hours to 23:30 hours  
Friday and Saturday: 09:00 hours to 24:00 hours  
Sunday: 09:00 hours to 22:30 hours  
Sundays Immediately Prior To A Bank Holiday: 09:00 hours to 24:00 hours

## **9. Sexual Entertainment Venues and Sex Cinemas**

Monday to Thursday: 09:00 hours to 23:30 hours  
Friday and Saturday: 09:00 hours to 24:00 hours  
Sunday: 09:00 hours to 22:30 hours  
Sundays Immediately Prior To A Bank Holiday: 09:00 hours to 24:00 hours

This page is intentionally left blank

## 1. 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.

## 2. 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.

## 3. 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 **5.00 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 **12 noon, 3 working days** before the hearing is due to take place. The Licensing email address is: [licensing@westminster.gov.uk](mailto:licensing@westminster.gov.uk)

## 4. Rules During Licensing Hearings

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

- 4.1. 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](mailto:licensing@westminster.gov.uk) no later than 12 noon on the Monday before the Thursday hearing is scheduled to take place.
- 4.2. 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.
- 4.3. All parties must only address the hearing when invited to do so by the Chairman.
- 4.4. All parties must keep their microphones on mute unless they are speaking. The Chairman has the ability to mute all parties’ microphones.

- 4.5. 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.
- 4.6. All parties are asked to keep their comments as succinct as possible.
- 4.7. 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.
- 4.8. 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.
- 4.9. 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.
- 4.10. When referring to the hearing papers, participants should give the page and paragraph number when appropriate.
- 4.11. The Chairman has the discretion to amend these rules in any given case where they consider it is appropriate to do so.

## **5. Procedure**

- 5.1. 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.
- 5.2. The Chairman will confirm the procedure that the hearing will follow.
- 5.3. The Sub-Committee members and officers will be asked to declare any interests they may have and any other procedural business will be transacted.
- 5.4. 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
- 5.5. 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.
- 5.6. 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
- 5.7. 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.

- 5.8. 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.
- 5.9. 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
- 5.10. 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.
- 5.11. 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: 14 January 2021**

This page is intentionally left blank

Item No:	
Date:	13 May 2021
Licensing Ref No:	21/01568/LIPN - New Premises Licence
Title of Report:	18 - 22 Finchley Road London NW8 6EB
Report of:	Director of Public Protection and Licensing
Wards involved:	Abbey Road
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Kevin Jackaman Senior Licensing Officer
Contact details	Telephone: 0207 641 5000 Email: kjackaman@westminster.gov.uk

<b>1.</b>	<b>Application</b>		
<b>1-A</b>	<b>Applicant and premises</b>		
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	4 March 2021		
<b>Applicant:</b>	Quick Commerce Ltd		
<b>Premises address:</b>	18 - 22 Finchley Road London NW8 6EB	<b>Ward:</b>	Abbey Road
		<b>Cumulative Impact Area:</b>	None
		<b>Special Consideration Zone:</b>	None
<b>Premises description:</b>	According to the application form The premises will be stocked with convenience goods including alcohol for packaging and delivery to fulfil customer orders made Online or via an App.		
<b>Premises licence history:</b>	This is an application for a new premises licence and therefore has no licence history.		
<b>Applicant submissions:</b>	There will be no customer access to the premises.		
<b>Applicant amendments:</b>	None		

<b>1-B</b>	<b>Proposed licensable activities and hours</b>						
<b>Sale by retail of alcohol</b>				<b>On or off sales or both:</b>			Off the premises
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	00:00	00:00	00:00	00:00	00:00	00:00	00:00
<b>End:</b>	23:59	23:59	23:59	23:59	23:59	23:59	23:59
<b>Seasonal variations/ Non-standard timings:</b>		None					

<b>Hours premises are open to the public</b>							
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	00:00	00:00	00:00	00:00	00:00	00:00	00:00
<b>End:</b>	23:59	23:59	23:59	23:59	23:59	23:59	23:59
<b>Seasonal variations/ Non-standard timings:</b>		Members of the public will not have access to the premises at any point in time.					
<b>Adult Entertainment:</b>		None					

<b>2.</b>	<b>Representations</b>
<b>2-A</b>	<b>Responsible Authorities</b>
<b>Responsible Authority:</b>	Environmental Health
<b>Representative:</b>	Sally Fabbricatore
<b>Received:</b>	23 March 2021
<p>I refer to the application for a new Premises Licence for the above premises.</p> <p>This representation is based on the Operating Schedule and the floor plan of the premises, which is titled with the address. It is not clear which floor the warehouse is located, clarification is sought.</p> <p>The applicant is seeking the following:</p> <ol style="list-style-type: none"> <li>To allow the Supply of Alcohol 'off' the premises Monday to Sunday 00:00-23:59 hours.</li> </ol> <p>I wish to make the following representation in relation to the above application:</p> <ol style="list-style-type: none"> <li>The provision and hours proposed for the Supply of Alcohol may cause an increase in Public Nuisance in the area.</li> </ol> <p>As detailed in the Statement of Licensing Policy <a href="https://www.westminster.gov.uk/node/20023">https://www.westminster.gov.uk/node/20023</a> the core hours for off licences are as follows:</p> <ul style="list-style-type: none"> <li>Monday to Saturday: 8am to 11pm.</li> <li>Sunday: 9am to 10.30pm.</li> </ul> <p>The 24 hours trading is beyond this, however the premises will operate as a click and collect premises between 09:30-16:30 hours daily and deliveries to customers can be made at any time of the day. A condition has been proposed limiting this. However, in the summary of the application it states there will be no customer access. Clarification is required.</p> <p>The applicant has proposed conditions within the operating schedule which are being considered. Further conditions are proposed below:</p> <ol style="list-style-type: none"> <li>All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.</li> <li>There shall be no self service of alcohol by members of the public on the premises.</li> <li>A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises for click and collect customers 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 or other form of identification that complies with any mandatory condition that may apply to this licence.</li> <li>Deliveries to the premises shall only take place between 07:00 and 23:00 hours.</li> <li>To amend your proposed condition 4 from '<i>An incident log/register shall be maintained to record all incidents of crime and disorder occurring on delivery of products. This log/register will be available for inspection by a police officer or other authorised officer on request</i>' to '<i>An incident log/register shall be maintained to record all incidents of crime and disorder occurring on delivery of products and refused sales of alcohol (by either way of delivery or click and collect from the premises). This log/register shall be made available for inspection by a police officer or other authorised officer on request.</i>'</li> </ol>	

**The granting of the new Premises Licence as presented may have the likely effect of causing an increase in Public Nuisance in the area.**

**Responsible Authority:** Metropolitan Police Service

**Representative:** Reaz Guerra

**Received:** 22 March 2021

With reference to the above applications, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, are objecting to this application as it is our belief that if granted the application would undermine the Licensing Objectives.

The hours sought exceed Westminster's Core Hours Policy and there is insufficient detail contained within the operating schedule to promote the licensing objectives.

An officer from this unit will be in contact with you shortly to discuss the application

It is for these reasons that we are objecting to the application.

**3. Policy & Guidance**

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

**Policy HRS1 applies**

- A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.
- B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:
1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm.
  2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation.
  3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed.
  4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.
  5. The proposed hours when any music, including incidental music, will be played.
  6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises.
  7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.
  8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.
  9. The capacity of the premises.
  10. The type of use, recognising that some venues are more likely to

	<p>impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation.</p> <p>11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.</p> <p>12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.</p> <p>13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.</p> <p>14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.</p> <p>For the purpose of Clauses A and B above, the Core Hours for applications for the premises use type as defined within this policy are: Off licences Monday to Saturday: 8am to 11pm. Sunday: 9am to 10.30pm.</p>
<b>Policy OS1 applies</b>	<p>A. Applications outside the West End Cumulative Zones will generally be granted subject to: 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities are within the council's Core Hours Policy HRS1. 3. The applicant has taken account of the Special Consideration Zone Policy SCZ1 if the premises are located within a designated zone. 4. The application and operation of the venue meeting the definition for a premises that provides off sales of alcohol as per Clause C. B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to: 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities are within the council's Core Hours Policy HRS1. 3. The applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone. 4. The application and operation of the venue meeting the definition for a premises that provides off sales of alcohol as per Clause C. C. For the purposes of this policy, a premises that provides off sales of alcohol is defined as a premises where the sale of alcohol is primarily for consumption off the premises (i.e. shops, stores and supermarkets, etc.).</p>

#### 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

<b>4.</b>	<b>Appendices</b>
<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents
<b>Appendix 3</b>	Premises history
<b>Appendix 4</b>	Proposed conditions
<b>Appendix 5</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Kevin Jackaman Senior Licensing Officer
<b>Contact:</b>	Telephone: 0207 641 6500 Email: kjackaman@westminster.gov.uk

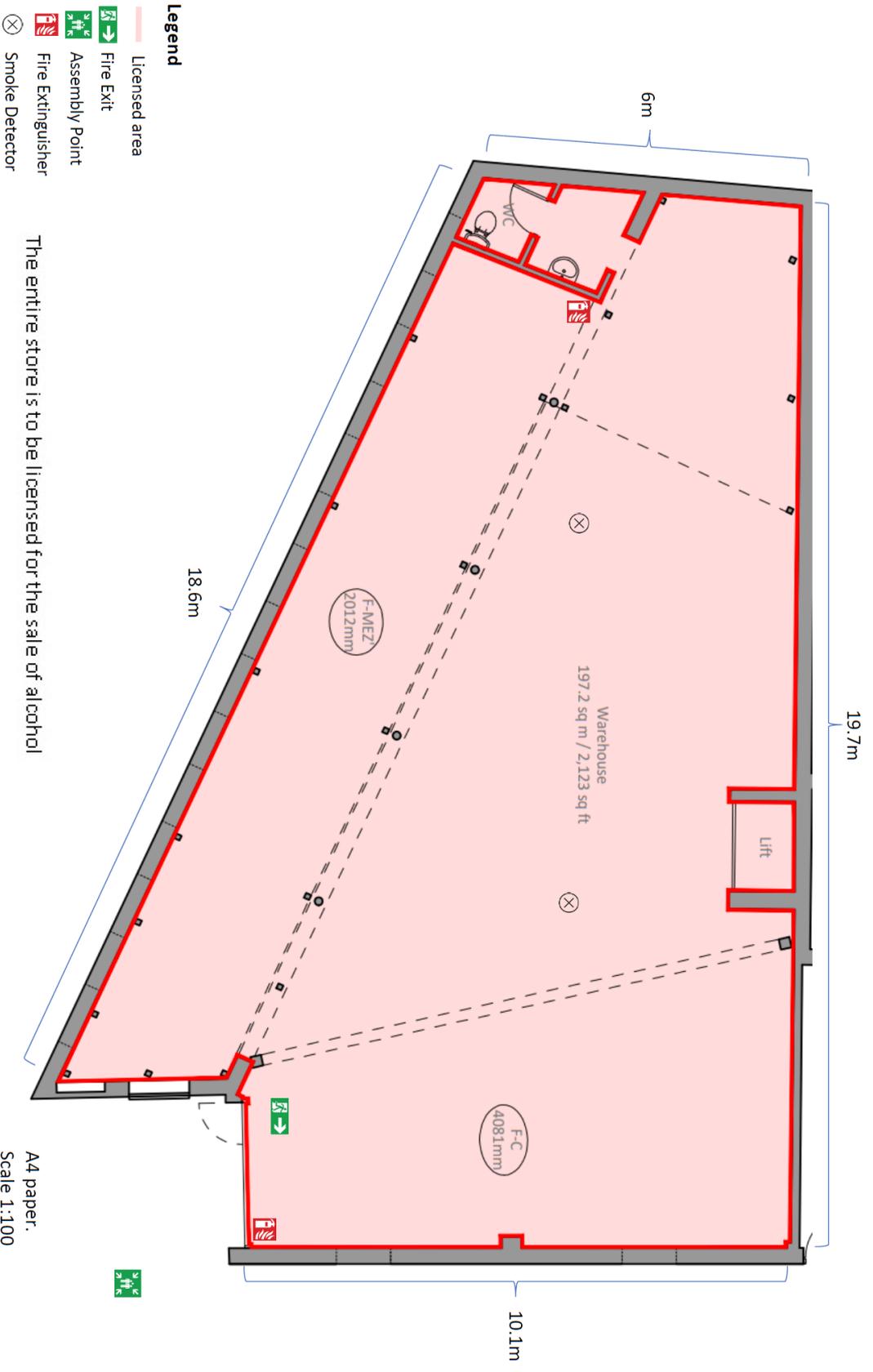
**If you have any queries about this report or wish to inspect one of the background papers please contact the report author.**

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

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2021
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
<b>4</b>	Environmental Health Representation	23 March 2021
<b>5</b>	Metropolitan Police Representation	22 March 2021

18-22 Finchley Rd, St John's Wood, London NW8 6EB

197.2m<sup>2</sup>



None

There is no licence or appeal history for the premises.

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

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

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

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

**Mandatory Conditions**

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

less in a manner which carries a significant risk of undermining a licensing objective;

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

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

officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

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

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

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

(b) "permitted price" is the price found by applying the formula -

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

Where -

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

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

## Conditions consistent with the operating schedule

9. The sale of alcohol from the premises shall be for delivery only by a delivery rider.
10. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
11. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
12. An incident log/register shall be maintained to record all incidents of crime and disorder occurring on delivery of products. This log/register will be available for inspection by a police officer or other authorised officer on request.
13. There shall be no signage or advertisement or promotional material affixed to the outside of the premises that give any reference to the sale of alcohol taking place at the premises.
14. The premises licence holder will ensure that an age verification policy will apply whereby all delivery riders will be trained to ask any customer to whom alcohol is delivered, who appears to be under the age of 25 years to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark or other form of identification that complies with any mandatory condition that may apply to this licence.
15. All delivery riders shall receive training in age restricted sales.
  - Induction training must be completed and documented prior to the delivery of alcohol by the rider.
  - Refresher/reinforcement training must be completed and documented at intervals of no more than 6 months.Training records will be available for inspection by a police officer or other authorised officer on request. Training records will be electronically stored by the licence holder for a period of 12 months.
16. A warning shall be displayed on the digital platform on which an order is placed informing customers that they must be aged 18 or over to make a purchase of alcohol and notifying customers that the rider will carry out age verification on delivery. The customer will be required to declare that he or she aged 18 or over. If the rider is not satisfied that the customer is aged 18 or over any alcohol in the order will be withheld.
17. All riders shall be trained to record refusals of sales of alcohol in a refusals log/register. The log/register will contain:
  - details of the time and date the refusal was made;
  - the identity of the rider refusing the sale;
  - details of the alcohol the person attempted to purchase.This log/register will be available for inspection by a police officer or other authorised officer on request.

18. Members of the public will not be allowed to enter the premises save for the purpose of click and collect between the hours of 0930 and 1630.
19. Delivery of alcohol shall be to a residential address or place of work.
20. Riders will be permitted to collect orders and deliver by pedal bike, electric bike (or other electric vehicle) only.
21. Riders will not be permitted to smoke in the immediate vicinity of the premises.
22. Riders will not be permitted to congregate in the immediate vicinity of the premises.
23. Riders will be instructed not to loiter in the vicinity of residential premises.
24. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
25. 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.
26. Prominent, clear and legible notices must be displayed at all exits requesting staff and couriers to respect the needs of local residents and to leave the premises and the area quietly
27. 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.
28. The premises licence holder shall not sell super-strength beer, lager, cider or spirit mixtures with an alcohol content over 5.5% ABV (alcohol by volume) save for products agreed (email will suffice) with the police This restriction shall not apply in respect of the specialist branded, premium priced products - for example craft ales, local or microbrewery specialist products, boxed gifts or national celebratory/commemorative beer, lager or cider.
29. All delivery riders will be employed directly by the licence holder or a group company of the licence holder

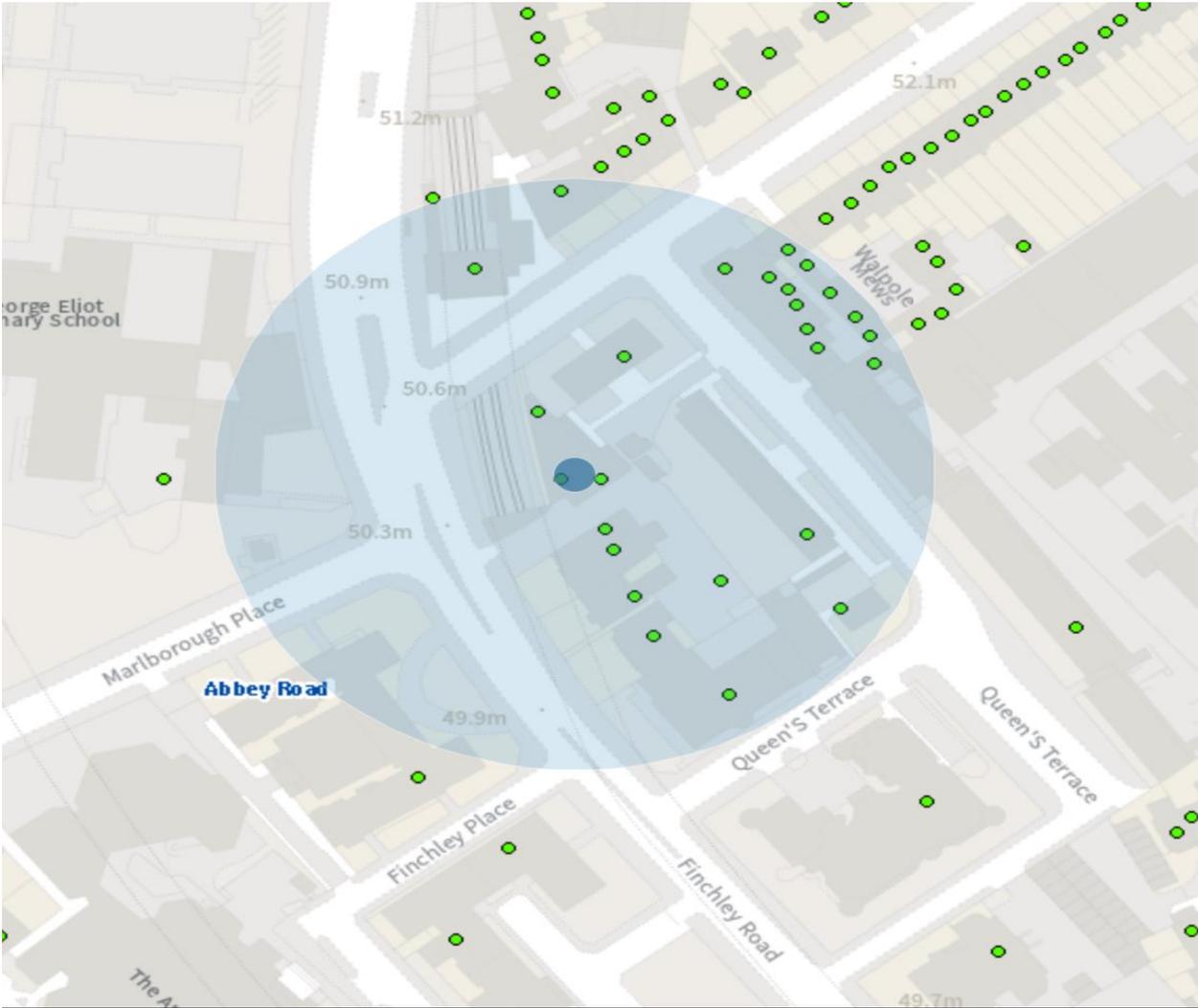
**Conditions proposed by Environmental Health and agreed by the applicant so as to form part of the operating schedule**

30. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
31. Deliveries to the premises shall only take place between 07:00 and 23:00 hours save that this restriction does not apply to deliveries of bread and milk

**Conditions proposed by the Police**

32. After 23:00 hours, all delivery riders/drivers acting on behalf of the premises shall be equipped with Body Worn Video (BWV), capable of recording audio and video in any light condition as per the minimum requirements of the Westminster Police Licensing Team. 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 an authorised officer of the Council throughout the preceding 31 day period. BWV must be activated prior to the point of delivery of alcohol and record the delivery

rider/driver verifying the customers identity and age where the customer appears to be under 25.



Resident count: 119

There are no licensed premises within 75 metres of 18 - 22 Finchley Road, London, NW8 6EB



City of Westminster

# Licensing Sub-Committee Report

Item No:

Date:

Licensing Ref No:

Title of Report:

Report of:

Wards involved:

Policy context:

Financial summary:

Report Author:

Contact details

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	8 January 2021		
<b>Applicant:</b>	Java Whiskers UK Ltd		
<b>Premises address:</b>	105 Great Portland Street London W1W 6QF	<b>Ward:</b>	West End
		<b>Cumulative Impact Area:</b>	None
		<b>Special Consideration Zone:</b>	None
<b>Premises description:</b>	According to the application form, the premises proposes to operate as a cat café with a maximum of 14 people at a time.		
<b>Premises licence history:</b>	This is a new premises licence application and therefore no premises licence history exists. The premises does benefit from a Licence to Keep or Train Animals for Exhibition and this can be found at Appendix 3. Pre-application advice was given by Environmental Health in 2019 and this can be found at Appendix 4.		

1-B Proposed licensable activities and hours							
<b>Sale by retail of alcohol</b>				<b>On or off sales or both:</b>			On
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	10:00	10:00	10:00	10:00	10:00	10:00	10:00
<b>End:</b>	20:00	20:00	20:00	20:00	20:00	20:00	20:00
<b>Seasonal variations/ Non-standard timings:</b>			None				

Hours premises are open to the public							
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	10:00	10:00	10:00	10:00	10:00	10:00	10:00
<b>End:</b>	20:00	20:00	20:00	20:00	20:00	20:00	20:00
<b>Seasonal variations/ Non-standard timings:</b>			None				
<b>Adult Entertainment:</b>			None				

## 2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Service
Representative:	Sally Fabbricatore
Received:	21 January 2021

I refer to the application for a new Premises Licence for the above premises.

This representation is based on the Operating Schedule and the submitted plans for the ground floor and basement, this is titled with the address, there is no drawing number and this is not dated.

The applicant is seeking the following on the **ground floor**:

1. To allow the Supply of Alcohol 'on' the premises Monday to Sunday 10:00-20:00 hours.

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

1. The provision of the Supply of Alcohol may cause an increase in Public Nuisance in the area, it may also impact on Public Safety.

The applicant has not provided information within the Operating Schedule. Pre-application advice was given on 1<sup>st</sup> October 2019, 19/11596/PREAPM, which has not been referenced. The following conditions are proposed in order to help prevent Public Nuisance and protect Public Safety:

1. Licensable activities shall be ancillary to the premises being used as a cafe.
2. The supply of alcohol for consumption on the premises shall be by waiter or waitress service only.
3. There shall be no self service of alcohol.
4. 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.
5. 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.
6. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
7. 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.
8. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
9. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 07.00 hours on the following day.
10. No deliveries to the premises shall take place between 23.00 and 07.00 hours on the following day.

11. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 07.00 hours on the following day.
12. 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.
13. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
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. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following: (a) all crimes reported to the venue (b) all ejections of patrons (c) any complaints received concerning crime and disorder (d) any incidents of disorder (e) all seizures of drugs or offensive weapons (f) any faults in the CCTV system, searching equipment or scanning equipment (g) any refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service.
17. 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 unless seated in an authorised external area.
18. 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.
19. 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.

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

Should you wish to discuss the matter further please do not hesitate to contact me.

**Conditions proposed by Environmental Health have been agreed with the applicant and can be found at Appendix 5.**

<b>Responsible Authority:</b>	Metropolitan Police Service
<b>Representative:</b>	PC Nicole Sondh 2438AW
<b>Received:</b>	28 January 2021 (Withdrawn 1 <sup>st</sup> February 2021)

**This application is now subject to Westminster City Council new Statement of Licensing Policy effective January 2021**

<https://www.westminster.gov.uk/statement-licensing-policy>

We the Metropolitan Police as a responsible authority are making a representation against the application in the prevention of crime and disorder. There is insufficient information contained within the operating schedule.

Further to my meeting with Natalia Santis on Friday 22<sup>nd</sup> January 2021 and after gaining an understanding of how you wish to operate. In order to uphold the licensing objectives in the Prevention of Crime and Disorder and in the Protection of Children from harm, I propose the following conditions;

1. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24hours of the incident and will record the following;
  - (a) All crimes reported to the venue
  - (b) Any ejections of patrons
  - (c) Any complaints received concerning crime and disorder
  - (d) Any incidents of disorder
  - (e) Any faults in the CCTV system
  - (f) Any refusal of the sale of alcohol
  - (g) Any visit by a relevant authority or emergency service
2. No super strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles.
3. Alcohol shall only be sold for consumption by persons attending a booked appointment at the venue.

Please let me know if you agree to these conditions or wish to discuss them further.

**Conditions were agreed between the applicant and the Police. As a result, the Metropolitan Police Service as a responsible authority withdrew their representation on 1<sup>st</sup> February 2021. The agreed conditions can be found at Appendix 5.**

<b>2-B Other Persons</b>			
<b>Name:</b>	[REDACTED]		
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]		
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	11 February 2021		
Java Whiskers Cat Cafe licence application at 105 Great Portland Street			
I am writing about the planning application for 105 Great Portland Street, the Java Cat Re-homing Cafe. I would like to protest against the application on the grounds that insufficient detail			

is presented as to how the cafe will operate and how the considerable space will be used. The application needs to be more specific.

<b>Name:</b>	[REDACTED]		
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]		
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	11 January 2021 (Withdrawn 3 <sup>rd</sup> March 2021)		

I write in response to the application for a new Premises Licence at Java Whiskers, 105 Great Portland Street, London W1W 6QF. The licence application reference number is 21/0016/LIPN.

As a local resident living close by these premises, I am concerned about the increasing number of licenced premises in this area of Fitzrovia which is generally characterised by mainly quiet residential streets and small businesses.

As the application contains very limited information and there are no proper floor plans included with the application, it is difficult to establish what the large basement area is currently used for or what it could be used for in the future. I am concerned that were the licence to be granted there could be the potential for the premises to be used for activities other than its current main function of a cat-themed café with a corresponding increase in the number of persons on the premises.

In considering the granting of a premises licence, therefore, I would ask that the Committee agree the following:

- That the number of persons permitted in the café premises at any one time (excluding staff) shall not exceed 14 persons.
- That the basement is used only for non-licenced activities.
- Even though not part of the current licence application, there should be an absolute prohibition on external seating.
- The applicants do not identify the arrangements for customers smoking outside the premises.
- The service of alcohol should be only to the interior of the premises and always in connection with consuming food - i.e. definitely not a vertical drinking establishment or bar - even if cat-themed.

I would ask that the Committee Members take into consideration my concerns and those of neighbouring properties.

<b>Name:</b>	[REDACTED]		
<b>Address and/or Residents Association</b>	[REDACTED] [REDACTED]		
<b>Status:</b>	Valid	<b>In support of opposed:</b>	Opposed
<b>Received:</b>	11 February 2021		

I write to make a relevant representation concerning the above application for a new premises licence. I represent [REDACTED] which is the Management Company for [REDACTED] [REDACTED] situated one block from these premises.

I represent both the directors and leaseholders of 18 flats, housing approximately 50 residents ranging from a baby, professional workers, post graduate and MBA students and retired residents with health issues who have lived in the building for over 40 years. We are concerned

about any change in business practices which may disturb our residents and many neighbours as we have enjoyed living in this very quiet corner of Fitzrovia outside the traditional rush hours for decades.

Having walked past this establishment so often I thought this was a Japanese cat cafe but I was wrong... it is in fact a Swedish cat re-homing cafe business.

Without a proper floor plan and zero information in the application it is hard to work out what the extensive basement is (might be) used for. I attach the submitted Fire Evacuation Plan for reference. Can a clear floor plan of both floors marked with usage and more information be supplied within this application please?

Our main concern is that this establishment morphs into something else quite different with a licence in place. Therefore, can this licence be restricted to the applicant only and for the numbers quoted on the application please? So can the following conditions be agreed:

- The number of persons permitted in the café premises at any one time (excluding staff) shall not exceed 14 persons
- The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as a cat-themed café.
- The basement is used for non-licenced activities
- There is no noise from customers either entering or leaving the premises
- Please confirm smoking arrangements for customers outside the premises

We ask Committee Members to consider our concerns and that of our neighbours.

I have copied Richard Brown whom we have asked to represent our residents at any future licence committee meeting.

Can you please confirm receipt of this representation and redact any personal details?

With grateful thanks

### 3. Policy & Guidance

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

<b>Policy HRS1 applies</b>	<p>A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:</p> <ol style="list-style-type: none"><li>1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm.</li><li>2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation.</li><li>3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed.</li><li>4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.</li><li>5. The proposed hours when any music, including incidental music,</li></ol>
----------------------------	---

	<p>will be played.</p> <p>6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises.</p> <p>7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.</p> <p>8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.</p> <p>9. The capacity of the premises. 10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation.</p> <p>11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.</p> <p>12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.</p> <p>13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.</p> <p>14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.</p> <p>C. For the purpose of Clauses A and B above, the Core Hours for this application for each premises use type as defined within this policy are:</p> <p><b>6. Pubs and bars, Fast Food and Music and Dance venues</b>  Monday to Thursday: 10am to 11.30pm.  Friday and Saturday: 10am to 12am.  Sunday: 9am to 10.30pm.  Sundays immediately prior to a bank holiday: 12pm to 12am</p>
<p><b>Policy PB1 applies</b></p>	<p>A. A. Applications outside the West End Cumulative Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</li> <li>2. The hours for licensable activities being within the council's Core Hours Policy HRS1.</li> <li>3. The applicant has taken account of the Special Consideration Zones policy SCZ1 if the premises are located within a designated zone.</li> <li>4. The application and operation of the venue meet the definition of a Public House or Bar in Clause D.</li> </ol> <p>B. It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone other than:</p> <ol style="list-style-type: none"> <li>1. Applications to vary the existing licence hours within</li> </ol>

	<p>the council's Core Hours Policy HRS1.</p> <p>2. Applications that seek to vary the existing licence so as to reduce the overall capacity of the premises.</p> <p>C. The applications referred to in Clause B1 and B2 will generally be granted subject to:</p> <p>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1, and/or,</p> <p>2. The application and operation of the venue continuing to meet the definition of a Public House or Bar in Clause D.</p> <p>D. For the purposes of this policy a Public House or Bar is defined as</p> <p>a premises, or part of a premises that's primary use is the sale or supply of alcohol for consumption on those premises and/or for consumption off the premises for consumption outside the venue.</p>
--	--

#### 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

<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents
<b>Appendix 3</b>	Premises history
<b>Appendix 4</b>	Pre-Application Advice 19/11596/PREAPM
<b>Appendix 5</b>	Proposed conditions
<b>Appendix 6</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Karyn Abbott Senior Licensing Officer
<b>Contact:</b>	Telephone: 07866 019698 Email: <a href="mailto:kabbott@westminster.gov.uk">kabbott@westminster.gov.uk</a>

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 <sup>th</sup> January 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Environmental Health Service	21 <sup>st</sup> January 2021
5	Metropolitan Police Service <b>(Withdrawn 1<sup>st</sup> February 2021)</b>	28 <sup>th</sup> January 2021
6	Representation 1	11 <sup>th</sup> January 2021
7	Representation 2 <b>(Withdrawn 3<sup>rd</sup> March 2021)</b>	11 <sup>th</sup> January 2021
8	Representation 3	11 <sup>th</sup> January 2021

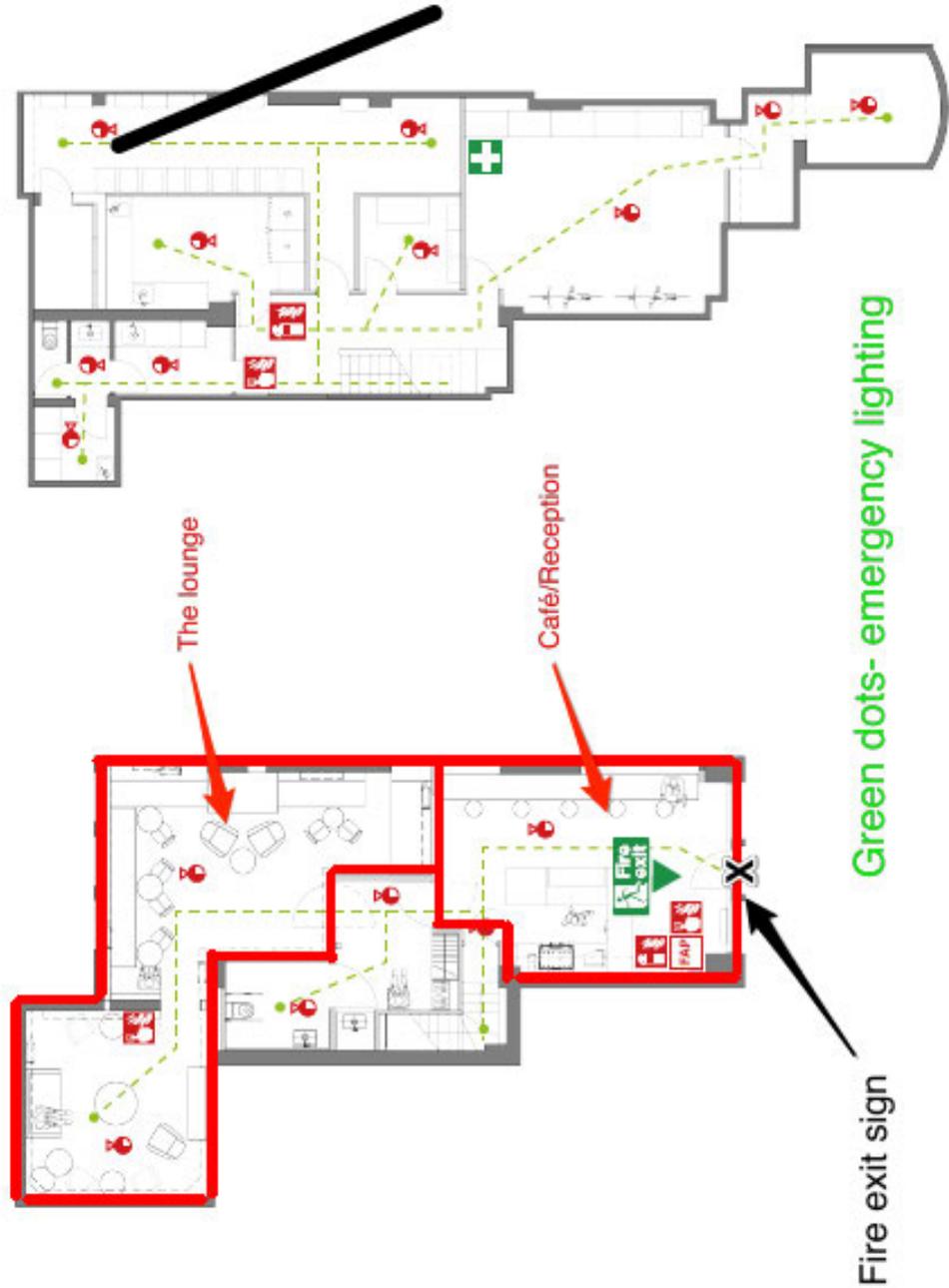
# FIRE EVACUATION PLAN

105 Great Portland Street, Marylebone, London W1W 6QF



	Your Location
	Fire Exit
	Fire Extinguisher
	Fire Alarm: Manual Call Point
	Fire Alarm: Panel
	Fire Alarm: Detector / Sounder
	First Aid Kit

	<b>Fire Action</b>
	Raise the alarm
	Leave the building by the nearest exit
	Report to assembly point
	Do not return to the building until authorised to do so
	Do not take any risks



Emergency Contact No: **999**

**Applicant Supporting Documents**

**Appendix 2**

None provided

The premises has a benefit of a Licence to Keep or Train Animals for Exhibition.

City of Westminster



Ward: West End

UPRN: 100023466656

Licence Number: 19/13079/LIAEXN

**The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations  
2018**

**LICENCE TO KEEP OR TRAIN ANIMALS FOR EXHIBITION**

The City of Westminster being the local authority under the above Act hereby licence Tobias Larsson being the proposed occupier of the premises known as Java Whiskers, 105 Great Portland Street, London, W1W 6QF of the said authority to keep or train animals for exhibition at those premises subject to the conditions endorsed hereon.

A fee of £765 has been paid for the licence.

This licence shall remain in force from 29 October 2020 until and including the 28 October 2023.

This licence permits 10 Felis Catus (Cats) to be kept or trained for exhibition at the premises.

Granted at the office of the said Council on 29 October 2020.

**This licence has been authorised by Miss Daisy Gadd on behalf of the Director –  
Public Protection and Licensing.**

**Part A – General Conditions (Schedule 2 of the Regulations)**

1. A copy of the licence must be clearly and prominently displayed on any premises used for the licensable activity.
2. The name of the licence holder followed by the number of the licence holder's licence must be clearly and prominently displayed on any website used in respect of the licensable activity.
3. The licence holder must ensure that at any time all the records that the licence holder is required to keep as a condition of the licence are available for inspection by an inspector in a visible and legible form or, where any such records are stored in electronic form, in a form from which they can readily be produced in a visible and legible form.
4. The licence holder must keep all such records for at least three years beginning with the date on which the record was created.
5. No animals or types of animal other than those animals and types of animal specified in the licence may be used in relation to the relevant licensable activity.
6. The number of animals kept for the activity at any time must not exceed the maximum that is reasonable taking into account the facilities and staffing on any premises used for the licensable activity.
7. Sufficient numbers of people who are competent for the purpose must be available to provide a level of care that ensures that the welfare needs of all the animals are met.

8. The licence holder or a designated manager and any staff employed to care for the animals must have competence to identify the normal behaviour of the species for which they are caring and to recognise signs of, and take appropriate measures to mitigate or prevent, pain, suffering, injury, disease or abnormal behaviour.
9. The licence holder must provide and ensure the implementation of a written training policy for all staff.
10. All areas, equipment and appliances to which the animals have access must present minimal risks of injury, illness and escape. They must be constructed in materials that are robust, safe and durable, in a good state of repair and well maintained.
11. Animals must be kept at all times in an environment suitable to their species and condition (including health status and age) with respect to—
  - (a) their behavioural needs,
  - (b) its situation, space, air quality, cleanliness and temperature
  - (c) the water quality (where relevant),
  - (d) noise levels
  - (e) light levels
  - (f) ventilation.
12. Staff must ensure that the animals are kept clean and comfortable.
13. Where appropriate for the species, a toileting area and opportunities for toileting must be provided.
14. Procedures must be in place to ensure accommodation and any equipment within it is cleaned as often as necessary and good hygiene standards are maintained. The accommodation must be capable of being thoroughly cleaned and disinfected.
15. The animals must be transported and handled in a manner (including for example in relation to housing, temperature, ventilation and frequency) that protects them from pain, suffering, injury and disease.
16. All the animals must be easily accessible to staff and for inspection. There must be sufficient light for the staff to work effectively and observe the animals.
17. All resources must be provided in a way (for example as regards frequency, location and access points) that minimises competitive behaviour or the dominance of individual animals.
18. The animals must not be left unattended in any situation or for any period likely to cause them distress.
19. The animals must be provided with a suitable diet in terms of quality, quantity and frequency. Any new feeds must be introduced gradually to allow the animals to adjust to them.
20. Feed and (where appropriate) water intake must be monitored, and any problems recorded and addressed.
21. Feed and drinking water provided to the animals must be unspoilt and free from contamination.

22. Feed and drinking receptacles must be capable of being cleaned and disinfected, or disposable.
23. Constant access to fresh, clean drinking water must be provided in a suitable receptacle for the species that requires it.
24. Where feed is prepared on the premises, there must be hygienic facilities for its preparation, including a working surface, hot and cold running water and storage.
25. Active and effective environmental enrichment must be provided to the animals in inside and any outside environments.
26. For species whose welfare depends partly on exercise, opportunities to exercise which benefit the animals' physical and mental health must be provided, unless advice from a veterinarian suggests otherwise.
27. The animals' behaviour and any changes of behaviour must be monitored. Advice must be sought, as appropriate and without delay, from a veterinarian or, in the case of fish, any person competent to give such advice if adverse or abnormal behaviour is detected.
28. Where used, training methods or equipment must not cause pain, suffering or injury.
29. All immature animals must be given suitable and adequate opportunities to—
  - (a) learn how to interact with people, their own species and other animals where such interaction benefits their welfare, and
  - (b) become habituated to noises, objects and activities in their environment.
30. All people responsible for the care of the animals must be competent in the appropriate handling of each animal to protect it from pain, suffering, injury or disease.
31. The animals must be kept separately or in suitable compatible social groups appropriate to the species and individual animals. No animals from a social species may be isolated or separated from others of their species for any longer than is necessary.
32. The animals must have at least daily opportunities to interact with people where such interaction benefits their welfare.
33. Written procedures must—
  - (a) be in place and implemented covering—
    - (i) feeding regimes,
    - (ii) cleaning regimes,
    - (iii) transportation
    - (iv) the prevention of, and control of the spread of, disease,
    - (v) monitoring and ensuring the health and welfare of all the animals, (vi) the death or escape of an animal (including the storage of dead animals);
  - (b) be in place covering the care of the animals following the suspension or revocation of the licence or during and following an emergency.
34. All people responsible for the care of the animals must be made fully aware of these procedures.

35. Appropriate isolation, in separate self-contained facilities, must be available for the care of sick, injured or potentially infectious animals.
36. All reasonable precautions must be taken to prevent and control the spread among the animals and people of infectious diseases, pathogens and parasites.
37. All excreta and soiled bedding for disposal must be stored and disposed of in a hygienic manner and in accordance with any relevant legislation.
38. Sick or injured animals must receive prompt attention from a veterinarian or, in the case of fish, an appropriately competent person and the advice of that veterinarian or, in the case of fish, that competent person must be followed.
39. Where necessary, animals must receive preventative treatment by an appropriately competent person.
40. The licence holder must register with a veterinarian with an appropriate level of experience in the health and welfare requirements of any animals specified in the licence and the contact details of that veterinarian must be readily available to all staff on the premises used for the licensable activity.
41. Prescribed medicines must be stored safely and securely to safeguard against unauthorised access, at the correct temperature, and used in accordance with the instructions of the veterinarian.
42. Medicines other than prescribed medicines must be stored, used and disposed of in accordance with the instructions of the manufacturer or veterinarian.
43. Cleaning products must be suitable, safe and effective against pathogens that pose a risk to the animals. They must be used, stored and disposed of in accordance with the manufacturer's instructions and used in a way which prevents distress or suffering of the animals.
44. No person may euthanise an animal except a veterinarian or a person who has been authorised by a veterinarian as competent for such purpose or-
  - (a) in the case of fish, a person who is competent for such purpose;
  - (b) in the case of horses, a person who is competent, and who holds a licence or certificate, for such purpose.
  - (c) a person who has been authorised by a veterinarian as competent for such purpose
45. All animals must be checked at least once daily or more regularly as necessary to check for any signs of pain, suffering, injury, disease or abnormal behaviour. Vulnerable animals must be checked more frequently. Any signs of pain, suffering, injury, disease or abnormal behaviour must be recorded and the advice and further advice (if necessary) of a veterinarian (or in the case of fish, of an appropriately competent person) must be sought and followed.
46. Any signs of pain, suffering, injury, disease or abnormal behaviour must be recorded and the advice and further advice (if necessary) of a veterinarian (or in the case of fish, of an appropriately competent person) must be sought and followed.

47. A written emergency plan, acceptable to the local authority, must be in place, known and available to all the people on the premises used for the licensable activity, and followed where necessary to ensure appropriate steps are taken to protect all the people and animals on the premises in case of fire or in case of breakdowns for essential heating, ventilation and aeration or filtration systems or other emergencies.
48. The plan must include details of the emergency measures to be taken for the extrication of the animals should the premises become uninhabitable and an emergency telephone list that includes the fire service and police.
49. External doors and gates must be lockable.
50. A designated key holder with access to all animal areas must at all times be within reasonable travel distance of the premises and available to attend in an emergency.

**Part B – Specific Conditions (Schedule 7 of the Regulations)**

51. The licence holder must hold valid public liability insurance in respect of the licensable activity of keeping or training animals for exhibition.
52. A written policy detailing contingency measures in the event of the breakdown of a vehicle used to transport the animals or any other emergency must be available to all staff.
53. Suitable temporary accommodation must be provided for all the animals at any venue where they are exhibited.
54. The animals must be trained by competent staff and given suitable and adequate opportunities to become habituated to being exhibited, using positive reinforcement.
55. Animals must be prevented from coming into contact with each other during any exhibition where such contact would be likely to cause any of them to show signs of aggression, fear or distress.
56. All persons likely to come into contact with the animals during an exhibition must be briefed about how to behave around the animals so as to minimise anxiety, fear and stress in the animals.
57. The licence holder must keep a list of each animal kept, or trained, for exhibition with all the information necessary to identify that animal individually (including its common and scientific names) and must provide the local authority with a copy of the list and any change to it as soon as practicable after the change.
58. A register must be kept of each animal exhibited or to be exhibited which must include—
  - (a) the full name of the supplier of the animal,
  - (b) its date of birth,
  - (c) the date of its arrival,
  - (d) its name (if any), age, sex, neuter status, description and microchip or ring number (if applicable),
  - (e) the name and contact details of the animal's normal veterinarian and details of any insurance relating to it,
  - (f) details of the animal's relevant medical and behavioural history including details of any treatment administered against parasites and any restrictions on exercise or diet,

- (g) a record of the date or dates of the animal's most recent vaccination, worming and flea treatments, and
- (h) the distance to and times taken for it to travel to and from each exhibition event.

- 59. The exhibited animals must be suitable for the specific conditions, type of enclosure and actions involved in the exhibition.
- 60. The animals must be transported in suitable, secure and appropriately labelled carriers.
- 61. The licence holder or the licence holder's staff must undertake a risk assessment before each exhibition event.
- 62. The animals must not be handled by persons whose behaviour appears at the time to be influenced by the consumption of alcohol or by any psychoactive substance.



Office Name: Sally Fabbricatore  
 Designation: EHO – Senior Practitioner  
 Date: 1<sup>st</sup> October 2019  
 Contact number: 020 7641 2788  
 Email: sfabbricatore@westminster.gov.uk  
 Signed: Sally Fabbricatore  
 WCC Uniform Ref Number: 19/11596/PREAPM

<b>Trading name of business and Address:</b> Ground floor and basement, 105 Great Portland Street, London, W1W 6QF		
<b>Licence:</b>  No	<b>Applicant/solicitor:</b>  Tobias Larsson	<b>Cumulative Impact Area:</b>  No
<b>Type of Business:</b> Empty unit.		
<p><b>Pre application advice purpose:</b> To assess the proposal of a cat café. Customers will be able to visit the cats at the premises whilst having beverages and food. The applicant expressed to possibly sell alcohol for consumption on the premises in the future.</p> <p><b>Background to application:</b></p> <p>This application is for the ground floor and back of house facilities in the basement. Discussion took place regarding the sale of alcohol for consumption on the premises. The hours of use have been proposed as 10:00-20:00 hours.</p> <p>The proposal is to house around 9 cats from a local cat shelter in the coffee shop for a maximum of 2 months with the aim to rehome the cats. Customers can enter the front part of the premises and sit in the coffee shop without coming into contact with the cats. To visit the cat lounge customers will have to pre-book a slot for 1 hour. Food will only be prepared in the front coffee shop part of the premises, however it will be able to be consumed in the cat lounge part of the premises.</p> <p>With regard to appropriate licence required to house the cats Daisy Gadd has provided detail about this process.</p> <p>This report intends to give information on the requirements if you wish to sell alcohol and environmental health requirements for the food hygiene element of the cat café.</p> <p><b>The main Environmental Health considerations:</b></p>		

## 1. Licensing Policy

The premises are not situated in a Cumulative Impact Area (CIA) as defined in Westminster's Statement of Licensing policy. The policy can be found on the Council's website at the following link:

<https://www.westminster.gov.uk/licensing-policy>

The following policy would apply:

- PB1: Pubs and Bars (however the premises will operate as a café with alcohol, the closest policy that fits the operation is PB1)

The proposed use will need to comply with '*Public houses and bars outside the Cumulative Impact Areas - Policy PB1*'. The policy states - '*Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.*'

The core hours in the policy should be considered. The proposed hours of 10:00-20:00 hours from Monday to Saturday fit within the core hours policy. The commencement hour on a Sunday should be revised to midday in order to be in line with the policy.

The core hours for consumption of alcohol 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

## 2. Sanitary accommodation

Environmental Health requires the provision of sanitary accommodations to be in compliance with the minimum provision as stated in *British Standard 6465 -1:2006 + A1:2009; Sanitary installations – Part 1: Code of practice for the design of sanitary facilities and scale of provision of sanitary and associated appliances: Table 10; restaurants and other places where seating is provided for eating and drinking.*

For a proposed capacity of 20 covers there will need to be at least 1 WC. The planning permission permits more customers, and a further WC would be required if the capacity is between 20-40 customers.

Due to the premises not being in the CIA, a capacity condition will not be imposed at this stage. However, the fire risk assessment will need to be complied with. In order to not impact on Public Nuisance a condition will be proposed that a minimum number of seats should be provided at all times.

Separate staff facilities should be provided. Under the Workplace (Health, Safety and Welfare) Regulations 1992, Regulation 20, the following numbers of WCs are stated for staff facilities: 1 WC for 1-5 staff, 2 WCs for 6-15 and 3 WCs for 16-30.

All toilets in food business premises should be separated by a lobby from food eating or preparation areas.

### 3. Regulated entertainment

The provision of recorded music was discussed. If this is background or incidental to the main activity this would not be licensable. If played at a volume that would be considered an attraction to the premises this may be considered licensable. However, due to the premises capacity being under 500 people and the recorded music would not be played beyond the hours of 08:00-23:00 hours then this would be deemed deregulated. Further information can be found here:

<https://www.gov.uk/guidance/entertainment-licensing-changes-under-the-live-music-act>

### 4. Outside Use

Tables and chairs have not been proposed outside and there is no other external use proposed.

### 5. Food Hygiene

I understand that no cooking can take place in the unit as there is no extract ventilation. The food offering will be cold food that does not require any cooking (salads, sandwiches, etc.). A wash hand basin will need to be provided (with hot and cold water) in the preparation area.

The following link from the Food Standards Agency will assist with items that you need to consider when setting up a food business: <https://www.food.gov.uk/business-guidance/starting-a-food-business>

The premises will need to be registered as a food business, details can be found here:

<https://www.westminster.gov.uk/registration-food-business>

No detailed kitchen layout plans have been provided therefore the layout has not been assessed for food hygiene requirements.

To ensure food hygiene standards are maintained cats should not be allowed in any area where food is stored or prepared. Regular and sufficient cleaning of the tables in the cat lounge should take place.

A hand wash basin should be provided to customers whilst in the cat café and it food preparation areas for staff.

#### Documented Food Safety System

Regulations that have been in place since 1st January 2006 say that you must write down simple details of what you do to make sure that the food produced or sold at your premises is safe to eat. You need to ensure that the documentation covers the following areas:

- Possible food safety hazards that could be relevant to your business
- Things that must be checked to ensure food is safe
- Records of any important checks adapted to and relevant to your business on things like cleaning, chilling of food or the prevention of cross contamination

In order to comply with this requirement from 2006, I suggest that you follow the guidance issued by the Food Standards Agency, Safer Food Better Business, which will guide you through how to comply and provide the necessary documentation.

This food safety management pack has been developed to help catering businesses  
<https://www.food.gov.uk/business-guidance/safer-food-better-business#sfbb-packs>

Develop this guidance so that is relevant to your food business in the following areas:

- All white boxes in the safe methods in the Four C's to be completed: Cross Contamination, Cleaning, Chilling, and Cooking.
- The opening and closing checks must be completed every day.
- Safe Method completion record at the end of the management section must be signed and dated when the safe method has been completed.
- Take and record the fridge/freezer temperatures in the morning. Temperature checks must be completed twice a day, once in the morning and once in the evening.
- Complete and sign off a cleaning schedule.
- The diary must be signed off on a daily basis to ensure that everything done in the kitchen was done safely on that day. And the opening and closing checks to be completed and ticked in the diary.
- After four weeks the four weekly review sheet must be completed.

Ensure that you familiarise yourself with all areas of the SFBB pack. You need only to complete the areas that are relevant to your business e.g. if you do not cook joints of meat then just record this fact in the relevant section of the pack.

The documented system should be kept on site at all times.

#### **6. Type of application**

The application to provide alcohol would need to be a new application. Details for the application process can be found here: <https://www.westminster.gov.uk/premises-licence>

A Designated Premises Supervisor (DPS) would need to be associated with the application. This person will need to be the holder of a personal licence <https://www.westminster.gov.uk/personal-licence> (there are requirements for gaining this and this personal licence application should be made to where the applicants lives).

#### **7. Planning Permission**

I understand the planning permission has been permitted for use as a cat café, reference number 19/05927/FULL.

#### **8. Conditions**

You may wish to consider proposing the following conditions in order to prevent public nuisance and protect public safety:

1. Licensable activities shall be ancillary to the premises being used as a cat cafe.
2. The supply of alcohol for consumption on the premises shall be by waiter or waitress service only.
3. There shall be no self service of alcohol.
4. There shall be a minimum number of (TBC) covers provided at the premises at all times.
5. 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.
6. 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.
7. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
8. 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.
9. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

10. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 07.00 hours on the following day.
11. No deliveries to the premises shall take place between 23.00 and 07.00 hours on the following day.
12. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 07.00 hours on the following day.
13. 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.
14. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
15. 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.
16. 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.
17. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following: (a) all crimes reported to the venue (b) all ejections of patrons (c) any complaints received concerning crime and disorder (d) any incidents of disorder (e) all seizures of drugs or offensive weapons (f) any faults in the CCTV system, searching equipment or scanning equipment (g) any refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service.
18. 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 unless seated in an authorised external area.

19. 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.

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.

Should you wish to discuss the matter further or seek further clarification or information please do not hesitate to contact me.

Sally Fabbriatore

Environmental Health Officer – Senior Practitioner

EH Consultation Team

Please note that any advice given will not guarantee that your application will be granted by the Licensing Service and the Environmental Health Consultation Team may still choose to make a representation to the application submitted.

**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**

None provided

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

9. Licensable activities shall be ancillary to the premises being used as a cafe.
10. The supply of alcohol for consumption on the premises shall be by waiter or waitress service only.
11. There shall be no self service of alcohol.
12. 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.
13. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
14. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
15. 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.
16. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
17. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 07.00 hours on the following day.
18. No deliveries to the premises shall take place between 23.00 and 07.00 hours on the following day.
19. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 07.00 hours on the following day.
20. 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.
21. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
22. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
23. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff

member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

24. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following: (a) all crimes reported to the venue (b) all ejections of patrons (c) any complaints received concerning crime and disorder (d) any incidents of disorder (e) all seizures of drugs or offensive weapons (f) any faults in the CCTV system, searching equipment or scanning equipment (g) any refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service.
25. 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 unless seated in an authorised external area.
26. 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.
27. 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 by the applicant so to form part of the operating schedule.**

28. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24hours of the incident and will record the following;
  - (h) All crimes reported to the venue
  - (i) Any ejections of patrons
  - (j) Any complaints received concerning crime and disorder
  - (k) Any incidents of disorder
  - (l) Any faults in the CCTV system
  - (m) Any refusal of the sale of alcohol
  - (n) Any visit by a relevant authority or emergency service
29. No super strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles.
30. Alcohol shall only be sold for consumption by persons attending a booked appointment at the venue.

**Condition proposed by Representation 3 and agreed by the applicant so to form part of the operating schedule.**

31. The supply of alcohol shall only be served to people seated in the lounge area as shown on the licensing plan

105 Great Portland Street, London



Resident Count = 111

**Licensed premises within 75 metres of 294 Elgin Avenue**

<b>Licence Number</b>	<b>Trading Name</b>	<b>Address</b>	<b>Premises Type</b>	<b>Time Period</b>
08/07443/LIPD	Hallam Hotel	12 Hallam Street London W1W 6JF	Hotel, 3 star or under	Sunday; 12:00 - 23:00   Monday to Saturday; 10:00 - 23:30
08/07458/LIPD	BBC	Wogan House 99 Great Portland Street London W1W 7NY	Office	Monday to Sunday; 07:00 - 00:00
17/02261/LIPDPS	Club West One	Wogan House 99 Great Portland Street London W1W 7NY	Studio	Monday to Sunday; 00:00 - 00:00
16/13088/LIPCH	BBC	Wogan House 99 Great Portland Street London W1W 7NY	Not Recorded	Monday to Sunday; 07:00 - 00:00
14/05266/LIPN	(Restaurant)	Ground Floor 113 Great Portland Street London W1W 6QQ	Restaurant	Monday to Sunday; 08:00 - 00:00

20/02336/LIPDPS	Co-operative Food	James Boswell House 118 - 122 Great Portland Street London W1W 6PW	Food store (large)	Monday to Sunday; 06:00 - 00:00
17/14779/LIPCHT	Sushi Atelier	114 Great Portland Street London W1W 6PH	Cafe	Sunday; 07:00 - 22:45   Monday to Thursday; 07:00 - 23:45   Friday to Saturday; 07:00 - 00:15   Sundays before Bank Holidays; 07:00 - 00:00
20/03540/LIPT	LABORATORIO PIZZA	Basement And Ground Floor 110 Great Portland Street London W1W 6PQ	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
19/00868/LIPDPS	Horse & Groom Public House	128 Great Portland Street London W1W 6PS	Public house or pub restaurant	Sunday; 12:00 - 23:00   Monday to Saturday; 10:00 - 23:30
20/00591/LIPV	Fugazzina	Basement And Ground Floor 104 Great Portland Street London W1W 6PE	Shop	Sunday; 08:00 - 22:30   Monday to Saturday; 08:00 - 00:00
09/06366/LIPT	Stag's Head Public House	102 New Cavendish Street London W1W 6XW	Public house or pub restaurant	Sunday; 09:00 - 23:00   Monday to Thursday; 09:00 - 23:30   Friday to Saturday; 09:00 - 00:00
14/02148/LIPVM	Cavendish Candy	Ground Floor 112 New Cavendish Street London W1W 6XS	Shop	Sunday; 10:00 - 22:30   Monday to Saturday; 08:00 - 23:00