



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (5)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (5)** held on **Thursday 21st October, 2021**, Rooms 18.01 - 18.03 - 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Murad Gassanly (Chairman), Susie Burbridge and Aicha Less

1. MEMBERSHIP

1.1 There were no changes to the Membership.

2. DECLARATIONS OF INTEREST

2.1 There were no declarations of Interest.

Applicatons

2. MONA'S, 114 SEYMOUR PLACE, W1H 1NN

WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO.5

Thursday 21 October 2021

Membership: Councillor Murad Gassanly (Chairman), Councillor Susie Burbridge and Councillor Aicha Less

Officer Support: Legal Adviser: Vivienne Walker
Committee Officer: Sarah Craddock
Presenting Officer: Jessica Donovan

Application for a New Premises Licence – Mona's, 114 Seymour Place, London W1H 1NN – 21/06011/LIPN

FULL DECISION

Premises

Mona's

114 Seymour Place
London W1H 1NN

Applicant

Bexani Restaurants Limited
Represented by Niall McCann (Law Solicitors) and Kunal Suresh Advani (Bexani Restaurants Limited)

Cumulative Impact Area?

None

Ward

Bryanston and Dorset Square

Summary of Application

This is an application for a New Premises Licence under the Licensing Act 2003 ("The Act"). The Premises proposes to operate as a Café/Restaurant. This is a new Premises Licence application and therefore no Premises Licence history exists.

Proposed Activities and Hours

[Retail Sale of Alcohol \[On and Off Sales\]](#)

Monday to Sunday 11:00 to 22:30
Seasonal Variation/Non-Standard Timings:

From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day

[Hours premises are open to the public](#)

Monday to Sunday 11.00 to 23.30

Seasonal Variation/Non-Standard Timings:

From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day

Representations Received

- Environmental Health (Dave Newitt)
- Four Local Residents (one resident withdrew on the 5 August)

Summary of Objections

- Environmental Health expressed that the proposals were likely to increase the risk of Public Nuisance and may impact upon Public Safety.

- The residents expressed concern regarding crowds hanging around causing noise nuisance in the vicinity which will have a detrimental impact on the value of the residential properties in close proximity. The residents were also concerned about queuing and Public Safety.

Policy Position

Under Policy HRS1, applications for hours within the Core Hours would generally be granted. Applications for hours outside Core Hours would be considered on their merits, subject to other relevant policies.

Under Policy RTN1, applications outside the West End Cumulative Impact Zone will generally be granted subject to the matters identified in Policy RTN1.

SUBMISSIONS AND REASONS

Ms Jessica Donovan, Presenting Officer, outlined that this was an application for a New Premises Licence for a Café/Restaurant. The Applicant was requesting Sale by Retail of Alcohol Monday to Sunday 11:00 to 22:30. She explained that representations had been received from the Environmental Health Service, the Metropolitan Police Service and four local residents. The Metropolitan Police Service had withdrawn their representation on the 5 August after conditions had been agreed with the Applicant and one of the four residents had also withdrawn their representation. She advised that the Premises were located within the Bryanston and Dorset Ward and were not situated in a Cumulative Impact Area or a Special Consideration Zone. She further advised that additional submissions had been received from the Applicant which had been circulated to all the relevant parties before the Sub-Committee hearing.

Mr Niall McCann, on behalf of the Applicant's Company, addressed the Sub-Committee and advised that the Applicant was a start-up company that had previously operated from stalls at various markets including Marylebone and Brick Lane. The Applicant now wished to have his first permanent café/restaurant and offer both eat in and takeaway meals of Turkish/Indian fusion food.

Mr McCann referred to the plans of the Premises. He explained that the ground floor had approximately ten covers with the space being dominated by an induction counter and service area so patrons could see the food on offer. There was also a small kitchen. He added that downstairs there were male and female toilets, a preparation area and an office with another toilet. He outlined that there was a small outside area with room for five tables and ten chairs which formed part of the Applicant's demise. He advised that customers on entering the Premises would be shown to a table. They would then go to the food counter to order their food and drink, which would then be served to them by a waiter/waitress at their table.

Mr McCann advised that the Applicant had spoken with the Environmental Health Service before they had started the refurbishment of the Premises and had followed their advice regarding fitting a false ceiling and handrails. He further advised that all works had now been completed and were waiting to be signed off by the Environmental Health Service. He confirmed that Model Condition 38 would be

attached to the Premises Licence and all conditions had been agreed with both the Environmental Health Service and the Metropolitan Police Service.

Mr McCann outlined that the Premises had previously been a rundown café with shisha smoking and that residents had been unhappy with late night card games and the smoke coming from the Premises. He emphasised that there would be no shisha smoking at the café and agreed to have a condition as such attached to the Premises Licence.

Mr Dave Nevitt, representing the Environmental Health Service, confirmed to the Sub-Committee that the Premises would be operating as a restaurant within the Council's Core Hours Policy. He advised that there were residents living above and on both sides of the Premises and conditions had been agreed with the Applicant to alleviate the public safety concerns of these residents. He further advised that these conditions should also alleviate the resident's concerns regarding the Premises shared front door and prevent public nuisance. He outlined that the Environmental Health Service had requested that the Applicant install additional soundproofing for residents living above the Premises and confirmed that all proposed conditions had been agreed with the Applicant.

In response to questions from the Sub-Committee, Mr McCann advised that the takeaway food would be taken out to drivers and that staff could clearly see when a driver arrived outside of the Premises to pick up food. He further advised that there would be a space allocated for smoking. The Sub-Committee noted that a new kitchen and extraction fan had been installed within the Premises and that the Applicant wished to have a good relationship with its neighbours.

Conclusion

The Sub-Committee has a duty to consider the application on its individual merits and took into account all of the committee papers and the oral evidence given by all parties during the hearing in its determination of the matter.

In reaching its decision the Sub-Committee took into consideration that this was a small Premises which would operate as a café/restaurant within the Council's Core Hours Policy. The Sub-Committee also noted that the Premises were situated outside of a Cumulative Impact Area and that the proposed conditions had been agreed with all the Responsible Authorities. The Sub-Committee were further pleased that the Applicant had agreed to the following Informative 'there will be no shisha consumption of any description on the Premises'. The Sub-Committee concluded that the conditions attached to the licence would alleviate the residents' concerns and were appropriate and would promote the licencing objective.

Having carefully considered the committee papers and the submissions made by all parties, both orally and in writing the Committee has decided, after taking into account all the circumstances of this application and the promotion of the four licensing objectives to grant the application with the following permissions:

1. To grant permission for the **Sale of alcohol (On and Off)** Monday to Sunday 11:00 to 22:30 hours.

2. To grant permission for the **Opening Hours of the Premises** Monday to Sunday 11:00 to 23:00 hours.
3. To grant permission for **Seasonal Variations**: From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.
4. That the Licence is subject to any relevant mandatory conditions.

That the Licence is subject to the following conditions and Informative imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.

Conditions imposed by the Committee after a hearing

9. 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 are 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.
10. 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 are 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.
11. 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.
12. 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.
13. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
14. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the

member of staff who refused the sale. The record shall be available for inspection at the premises by the Police or an authorised officer of the City Council at all times whilst the premises are open.

15. 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.
16. No licensable activities shall take place at the premises until the licensing authority are satisfied that the premises are constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association – Technical Standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition shall be removed from the licence by the Licensing Authority.
17. No deliveries to the premises shall take place between (23.00) and (07.00) on the following day.
18. The premises may remain open for the sale of alcohol and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.
19. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.
20. The premises shall only operate as a restaurant
 - (i) where the supply of alcohol is by waiter or waitress service only,
 - (ii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
 - (iii) which do not provide any take away service of food or drink for immediate consumption,
 - (iv) which do not provide any take away service of food or drink after 23.00, and
 - (v) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there and provided

always that the consumption of alcohol by such persons is ancillary to taking such meals.

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

INFORMATIVE:

The Applicant has agreed that there shall be no shisha consumption of any description on the premises.

**This is the Full Decision reached by the Licensing Sub-Committee
This Decision takes immediate effect.**

**Licensing Sub-Committee
21 October 2021**

3. 6 RATHBONE PLACE, W1T 1HL

WITHDRAWN

4. DEVELOPMENT SITE AT 70-88, OXFORD STREET, W1D 1BS

WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO.5

Thursday 21 October 2021

Membership: Councillor Murad Gassanly (Chairman), Councillor Susie Burbridge and Councillor Aicha Less

Officer Support: Legal Adviser: Vivienne Walker
Committee Officer: Sarah Craddock
Presenting Officer: Jessica Donovan

Application for a New Premises Licence – Development Site At 70-88 Oxford Street, London W1D 1BS – 21/06754/LIPN

FULL DECISION

Premises

Development Site at
70-88 Oxford Street
London
W1D 1BS

Applicant

Pontsarn Investments Ltd And Bbb Thirteen Ltd
Represented by Alun Thomas (Thomas and Thomas Partners) and Mark Terry and Elliot Shuttleworth (Pontsarn Investments Ltd and Bbb Thirteen Ltd)

Cumulative Impact Area?

West End

Ward

West End

Summary of Application

This is an application for a New Premises Licence under the Licensing Act 2003 (“The Act”). The Premises proposes to operate as a competitive socialising venue. Activities include inter alia, axe throwing, shuffleboard, mini-golf, augmented reality darts, escape rooms, American pool, ping-pong, curling and Karaoke. This is a New Premises Licence application and therefore no Premises history exists for the Premises.

Proposed Activities and Hours

Retail Sale of Alcohol [On Sales]

Monday to Saturday 11:00 to 23:00

Sunday 12:00 to 22:00

Seasonal Variation/Non-Standard Timings:

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. Bank Holidays 12:00 to 22:00

Plays, Films, Indoor sporting events, Live Music, Recorded Music, Performance of Dance and Anything of a Similar Description (Indoors)

Monday to Saturday 11:00 to 23:00

Sunday 12.00 to 22.00

Seasonal Variation/Non-Standard Timings:

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. Bank Holidays 12:00 to 22:00

Hours premises are open to the public

Monday to Saturday 11.00 to 23.00

Sunday 12:00 to 22:30

Seasonal Variation/Non-Standard Timings:

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. Bank Holidays 12:00 to 22:30

Adult Entertainment: None

Representations Received

- Environmental Health (withdrawn on 8 September 2021)
- Licensing Authority (Roxsana Haq)

Summary of Objections

- The Licensing Authority had concerns as to how the premises would promote the four licensing objectives and not add to the cumulative impact in the cumulative impact area as per policy CIPI and COMB1.
- The Licensing Authority required clarification on whether the use of the Premises was ancillary to each other and the nature of the 'off' sales of alcohol.

Policy Position

Under Policy CIP1, it is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for pubs and bars, fast food premises and premises offering facilities for music and dancing and similar entertainment, other than

applications to vary hours within the Core Hours under Policy HRS1. Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.

Under Policy COMB, applications inside the West End Cumulative Impact Zones for premises that propose to operate as a 'combined use premises' will be considered on their merits.

SUBMISSIONS AND REASONS

Ms Jessica Donovan, Presenting Officer, outlined that this was an application for a New Premises Licence for a competitive socialising venue with Sale by Retail of Alcohol Monday to Saturday 11:00 to 23:00 and Sunday 12:00 to 22:00. She explained that representations had been received from the Environmental Health Service which had been withdrawn on the 8 September 2021, after agreement with the Applicant to their proposed conditions. She advised that the Licensing Authority had maintained their representation to clarify whether the use of the Premises was ancillary to each other and the nature of the "off" sales of alcohol. She confirmed that no representations had been received from other parties. She advised that the Premises were located within the West End Ward and in the West End Cumulative Impact Area. She further advised that additional submissions had been received from the Applicant which had been circulated to all the relevant parties before the Sub-Committee hearing.

Mr Thomas, on behalf of the Applicant's Company, addressed the Sub-Committee and outlined the application. He advised that the Premises had recently been granted planning permission for, inter alia, use of basement level 01 for entertainment, games and food and drink. He explained that the Premises was just within the West End Cumulative Impact Area and that it would primarily operate as a competitive socialising venue so would not add to the existing cumulative impact. This was because the Premises were located on Oxford Street, there was a relative lack of residential amenity and the hours sought were within the Council's Core Hours Policy. He added that the availability of public transport at closing time (23:00 Monday to Saturday; 22:30 Sundays) negates concerns for dispersal away from the Premises at closing time.

Mr Thomas advised that the Premises did not require "off" Sales of alcohol and that this had been an administrative error on his part. He confirmed that the licensable activities would be ancillary to the main function of the Premises as a competitive socialising venue. He added that there would be a substantial food menu available and only 30% would be wet sales. He explained that all customers needed to pay a minimum admission charge of £15 and that most people booked their activities on-line before visiting the Premises.

Mr Thomas explained why the application should be considered under the Council's Combined Use Premises Policy COMB1 and not PBI and emphasised that the application should be considered (i) on its merits; (ii) subject to the promotion of the licensing objectives – to which the detailed Operating Schedule relates; (iii) within Core Hours; (iv) no deliveries applied for; and (v) no addition to cumulative impact, as it was located in Oxford Street and would be operating as a competitive

socialising venue where alcohol was ancillary to this main function of the venue. He emphasised to the Sub-Committee that the Premises were not going to be a bar and that Oxford Street was the perfect location for this type of venue.

Mr Thomas presented slides to the Sub-Committee that showed photographs of the Applicant's other venues across England. He advised that drinks could be ordered via an APP whilst customers were participating in their game and/or they could be purchased at the bar. He outlined that the activities/games available would be axe throwing, shuffleboard, mini-golf, darts, escape rooms, pool and Karaoke as well as others. He advised that customers were met and checked in at reception and then taken to their game area. Most people booked a block of three games. He added there was always a SIA located at the entrance. He further advised that 58% of their customers were female.

Ms Roxsanna Haq, representing the Licensing Authority, advised that the Licensing Authority had maintained their representation because they needed clarification on whether the use of the Premises was ancillary to each other and the nature of the 'off' sales of alcohol. Ms Haz advised that she was pleased that the "off" sales of alcohol had been withdrawn and that it was for the Sub-Committee to be satisfied that this application was what it stated it was as the Premises were located in the West End Cumulative Impact Area.

In response to questions from the Sub-Committee, Mr Thomas advised that smokers would be given a bright paper wrist band so they could re-enter the Premises. He outlined that families attended these types of venues during school holidays. He confirmed the capacity was 500 persons and that this was not a late-night venue. He emphasised that there were no drink promotions, drinks could only be ordered whilst doing an activity and that the serving of alcohol would cease if the staff considered a person/group of people were behaving inappropriately. He advised that the Premises had been very expensive to refurbish so the Applicants wanted their customers to respect the venue. Mr Thomas agreed to have the condition that 'waiter/waitress service shall be available throughout the whole of the Premises and the model condition in relation to smoking attached to the Premises Licence.

Mr Thomas summed up by advising that he was pleased that the Licensing Authority had agreed that the application should be considered under the Council's COMB1 policy and as such there was no need for the Applicant to prove exceptional circumstances.

Conclusion

The Sub-Committee has a duty to consider the application on its individual merits and took into account all of the committee papers and the oral evidence given by all parties during the hearing in its determination of the matter.

The Sub-Committee noted that the application should be considered under the Council's Licensing Policy COMB1 as the Premises would be operating as a competitive socialising venue where alcohol was ancillary to its main function. The Applicant therefore did not need to prove exceptional circumstances to the Sub-Committee. The Sub-Committee further noted that the Responsible Authorities were

content with the application and the Premises were operating within the Council's Core Hour Policy and were located away from highly residential areas.

In reaching its decision, the Sub-Committee took into consideration that the conditions had been agreed with all the responsible authorities, that this type of Premises did not cause the Responsible Authorities concern and that all alcohol would be ancillary to the main function of the Premises. The Sub-Committee concluded that the conditions imposed on the Premises Licence were appropriate and would promote the licensing objectives.

Having carefully considered the committee papers and the submissions made by all of the parties, both orally and in writing, **the Committee has decided**, after taking into account all of the individual circumstances of this case and the promotion of the four licensing objectives: -

1. To grant permission for **Plays, Films, Indoor Sporting Events, Live Music, Recorded Music, Performances of Dance and anything of a similar description (Indoors)** Monday to Saturday 11:00 to 23:00 hours Sunday 12:00 to 22:00 hours
2. To grant permission for **Seasonal Variations:** From the end of permitted Hours on New Year's Eve to the start of permitted hours on New Year's Day. Bank Holidays 12:00 to 22:00 hours.
3. To grant permission for the **On Sale of Alcohol** Monday to Saturday 11:00 to 23:00 hours Sunday 12:00 to 22:00 hours.
4. To grant permission for **Seasonal Variations:** From the end of permitted Hours on New Year's Eve to the start of permitted hours on New Year's Day. Bank Holidays 12:00 to 22:00 hours.
5. To grant permission for the **Opening Hours of the Premises** Monday to Saturday 11:00 to 23:00 hours Sunday 12:00 to 22:30 hours.
6. To grant permission for **Seasonal Variations:** From the end of permitted Hours on New Year's Eve to the start of permitted hours on New Year's Day. Bank Holidays 12:00 to 22:30 hours.
7. That the Licence is subject to any relevant mandatory conditions.
8. That the Licence is subject to the following conditions imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.

Conditions imposed by the Committee after a hearing with the agreement of the Applicant

10. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

11. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as a competitive socialising venue.
12. The provision of licensable activities shall only be provided to:
 - a) Persons paying a minimum admission charge of £15;
 - b) Persons attending a pre-booked and bona fide private function or event to which members of the public are not admitted. A register of persons attending the event shall be kept for a minimum period of 31 days at the premises and made available for immediate inspection by Police or an authorised officer of the Council throughout the entire 31-day period; or
 - c) Bona fide guests of the management
13. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises are open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
14. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
15. The premises licence holder shall ensure that the management team register and successfully complete the nationally recognised counter terrorism training product referred to as ACT eLearning package or can demonstrate that the ACT eLearning product has been successfully completed within the preceding 12 months and that all staff employed by or at the premises complete the ACT eLearning within a reasonable period not exceeding 3 months from the day they start their employment.
16. On Thursday, Friday and Saturday, a minimum of two SIA licensed door supervisors shall be on duty at the premises at all times whilst it is open for business and they must correctly display their SIA licence(s) when on duty so as to be visible. At all other times, the requirement for SIA licensed door supervisors shall be risk-assessed.
17. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
18. No drinks shall be taken outside the premises.

19. 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.
20. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
21. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
22. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
23. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.
24. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
25. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
26. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.
27. The certificates listed below shall be submitted to the licensing authority upon written request.
 - i. Any permanent or temporary emergency lighting battery or system
 - ii. Any permanent or temporary electrical installation
 - iii. Any permanent or temporary emergency warning system
28. Flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby properties, save insofar as they are necessary for the prevention of crime.

29. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
30. No noise generated on the premises, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
31. All windows and external doors shall be kept closed after **23:00** hours except for the immediate access and egress of persons.
32. The premises licence holder shall ensure that any patrons smoking outside the premises do so in an orderly manner and are properly supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
33. No deliveries to the premises shall take place between **23.00** and **08.00** on the following day.
34. No collections of waste or recycling materials (including bottles) from the premises shall take place between **23.00** and **08.00** on the following day.
35. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
36. 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
37. The premises licence holder shall ensure that any patrons smoking outside the premises do so in an orderly manner so as to ensure that there is no public nuisance.
38. 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.
39. A direct telephone number for the manager at the premises shall be publicly available at all times the premises are open. This telephone number is to be made available to residents and businesses in the vicinity.
40. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
41. 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

42. No licensable activities shall take at the premises until the capacity of the premises have been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined.
43. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
44. Waiter/Waitress service shall be available throughout the Premises.

**This is the Full Decision reached by the Licensing Sub-Committee
This Decision takes immediate effect.**

**Licensing Sub-Committee
21 October 2021**

5. BASEMENT AND GROUND FLOOR, 101 PRAED STREET, W2 1NT

WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO.5

Thursday 21 October 2021

Membership: Councillor Murad Gassanly (Chairman), Councillor Susie Burbridge and Councillor Aicha Less

Officer Support: Legal Adviser: Vivienne Walker
Committee Officer: Sarah Craddock
Presenting Officer: Jessica Donovan

Application for a Variation to the Premises Licence – It’s All Greek to Me, Basement and Ground Floor, 101 Praed Street, London W2 1NT – 21/06137/LIPV

FULL DECISION

Premises

It’s All Greek to Me
Basement and Ground Floor
101 Praed Street
London
W2 1NT

Applicant

Greek Restaurant Ltd
Represented by Nigel Carter (Carter Consultancy) and Pantelis Zirinis (Applicant, Greek Restaurant Ltd)

Cumulative Impact Area?

None

Ward

Hyde Park

Summary of Application

This is an application for a Variation to the Premises Licence under the Licensing Act 2003 (“The Act”). The Premises currently operates as a restaurant. The Applicant wishes to vary the layout of the Ground Floor and Basement of the Premises and allow deliveries from the restaurant from 00.00 hours until 03.00 hours Monday to Saturday, and from 23.30 - 03.00 Sunday, using such companies as Deliveroo & Uber Eats. The Premises has had the benefit of a Premises Licence since 2005.

Proposed Activities and Hours

The Applicant wishes to vary the licence as follows:

To vary the layout as per the plans attached to the application; the changes proposed are as follows:

- Remove all customer seating from the basement and create a larger kitchen and preparation area.
- To inset a customer WC on the ground floor.

To allow deliveries from the restaurant from 00.00 hours until 03.00 hours Monday to Saturday and from 23.30 - 03.00 Sunday, using such companies as Deliveroo & Uber Eats.

Representations Received

- Metropolitan Police Service (withdrawn 19 July)
- Environmental Health Service (Maxwell Koduah)
- Southeast Bayswater Residents Association (SEBRA).
- Councillor Heather Acton (Ward Councillor)
- One Local Resident in support of the application

Summary of Objections

- Environmental Health Service expressed concerned that the application would have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the area.
- Deliveries, after midnight to 3am will cause noise and nuisance outside the premises and to residents nearby and to residents near to or in same building, wherever deliveries are being delivered.
- The late hours of the proposed variation. Collections and deliveries post core hours cause nuisance to residents living near the premises, enroute to the delivery address and at the delivery address.

Policy Position

Under Policy HRS1, applications for hours within the Core Hours would generally be granted. Applications for hours outside Core Hours would be considered on their merits, subject to other relevant policies.

Under Policy RTN1, applications outside the West End Cumulative Impact Zone will generally be granted subject to the matters identified in Policy RTN1.

SUBMISSIONS AND REASONS

Ms Jessica Donovan, Presenting Officer, outlined that this was an application for a Variation to the Premises Licence to vary the layout of the Ground Floor and Basement of the Premises and allow deliveries from the restaurant from 00.00 hours

until 03.00 hours Monday to Saturday, and from 23.30 - 03.00 Sunday, using such companies as Deliveroo & Uber Eats. She explained that representations had been received from the Environmental Health Service, the Metropolitan Police Service (who withdrew on the 19 July), the Southeast Bayswater Residents Association (SEBRA) and one Ward Councillor. She added that a representation from a local resident had also been received in support of the application. She advised that the Premises were located within the Hyde Park Ward and were not situated in a Cumulative Impact Area or a Special Consideration Zone. She further advised that additional submissions had been received from the Southeast Bayswater Resident's Association (SEBRA) which had been circulated to all the relevant parties before the Sub-Committee hearing.

Mr Nigel Carter, representing the Applicant, addressed the Sub-Committee and outlined the application. He advised that the application was to vary the layout of the Ground Floor and Basement of the Premises and allow deliveries from the restaurant from 00.00 hours until 03.00 hours Monday to Saturday, and from 23.30 - 03.00 Sunday, using such companies as Deliveroo & Uber Eats. He explained that there had been an increase in the demand for takeaway food during the pandemic which had now become a key ancillary element to the Applicant's business. He outlined that takeaway had become the 'norm' and that there was now a demand for a takeaway delivery service until 3am. He highlighted that the Applicant had reduced his capacity by 50% from 54 to 27 patrons because fewer customers wished to dine in the restaurant and instead were opting for takeaway food via delivery.

Mr Carter advised that none of the drivers would be carrying cash and that all transactions would be undertaken over the internet. He added that there would also be no cash on the Premises. He outlined that the takeaway food would be immediately ready for collection and would be handed to the driver via the hatch situated at the front of the Premises. He advised that the Applicant wished to eventually employ their own drivers, however, at present this was impossible because of staff shortages and the vast investment needed to set up such an operation. He then referred to the additional conditions that the Applicant had offered which were attached to their application form which included the operation of deliveries and clearing up litter/waste in the area.

Mr Carter advised that Praed Street was already a noisy road with two lanes of traffic, ambulances and sirens travelling to and from St Mary Hospital and eleven buses running during each hour throughout the night. He advised that the Applicant had been providing a takeaway service until 12.30am for the past three years and had never received any noise complaints. He outlined that the Premises were situated in a row of ground floor retail units and that a very large part of Praed Street was non-residential. Mr Carter highlighted that there would be no delivery of alcohol included with the Premises takeaway offer.

Mr Carter advised that any inappropriate behaviour by a driver would be reported to the Account Managers of Deliveroo and/or Uber Eats and the driver in question would then be prevented from collecting food from the Premises. He referred to the representations made by the Environmental Health Service and advised that the Applicant had agreed to all their proposed conditions which would alleviate the concerns of residents and promote the licensing objectives. He emphasised that the Metropolitan Police had withdrawn their representation after the Applicant had

agreed with their proposed conditions which demonstrated that they had no concerns regarding public safety. Mr Carter then referred to the representations from the Southeast Bayswater Resident's Association (SEBRA) and the ward councillor outlining their concerns regarding late night noise nuisance from midnight to 3am. Mr Carter stated the Premises were not situated in a very residential area and that the Premises should not be blamed for general noise nuisance in the area and the busy road. Mr Carter highlighted that no residents had objected to the application and in fact one resident had written in support of the application.

Mr Carter referred to the front of the Premises which the Applicant had altered without planning consent as he had considered that he did not need it as the previous owner had made alternations to the building without planning consent. Mr Carter confirmed that the Applicant had since been in contact with Westminster City Council's Planning Department and planning consultants and was in the process of submitting a retrospective planning application. He added that the Applicant was hopeful that the hatch at the front of the Premises would be allowed as drivers would then be able to collect the takeaway food from the hatch instead of entering the Premises.

Mr Carter advised that the Applicant had reduced the capacity of the Premises by 50% and that the Environmental Health Service had agreed that condition 17 be updated to reflect this change in the capacity of the Premises. He further advised that all packaging was recyclable. In conclusion, Mr Carter advised that the agreed proposed conditions would promote the licensing objectives and requested that the Sub-Committee grant the application.

Mr Maxwell Koduah, representing the Environmental Health Service, advised that this application was in two parts: the layout of the Premises and the extension of hours. He confirmed that he was content with the amendment to condition 17 and for condition 32 to be removed from the Premises Licence. He advised that he was concerned about the potential noise nuisance and the late hour of takeaway delivery and had suggested to the Applicant that he scaled back his application to only include Thursday to Saturday 23.30 - 03.00.

Mr Zamit, representing the Southeast Bayswater Resident's Association (SEBRA), referred to their late submission that had been circulated to the Sub-Committee. He advised that their main concern was the inappropriate behaviour of some of the drivers. He further advised that there were noise nuisances associated with the actual delivery of the takeaway itself with the noise of the motorbikes/delivery vehicles and doorbells being pressed by mistake. He emphasised that this application should be refused as the Premises were already allowed to deliver takeaway until 12.30am which was much longer than most Premises were allowed in the area.

In response to questions from the Sub-Committee, the Applicant confirmed that drivers that behaved inappropriately would be banned from the Premises and that they had specific contracts with the companies that delivered their food. The Applicant further confirmed that there would be a member of staff located on the ground floor at all times who would oversee the takeaway operation. The Sub-Committee then discussed the need for sensitivity and public safety to be seriously considered as the hospital was situated opposite the Premises. Mr Carter

advised that his Applicant would accept a reduction in the hours requested to say 2am Wednesday through to Saturday. Mr Zamit confirmed that he considered that this application should be refused under the new Council's Licensing Policy as the Premises could not control the drivers as they worked for 3rd party companies such as Uber Eats and/or Deliveroo. Mr Carter advised that the Premises would remain as a restaurant and the takeaway was ancillary to the whole operation of the Premises. Mr Carter then confirmed with the legal advisor the additional conditions that the Applicant had offered to be attached to the Premises Licence.

Conclusion

The Sub-Committee has a duty to consider the application on its individual merits and took into account all of the committee papers and the oral evidence given by all parties during the hearing in its determination of the matter.

The Sub-Committee had regard to the fact that the Applicant had reduced the capacity of his restaurant by 50% and that the Metropolitan Police Service had withdrawn their application after their proposed conditions had been agreed by the Applicant. The Sub-Committee further noted that local residents had not made representations against the application and conditions had been agreed between the Environmental Health and Applicant that should alleviate any public nuisance. The Sub-Committee however were mindful that there was a hospital located opposite the Premises and therefore considered that the application should only be granted in part from Thursday to Saturday until 2am.

In reaching its decision, the Sub-Committee took into consideration that the conditions had been agreed with all the responsible authorities and that this Premises were remaining as a restaurant. The Sub-Committee concluded that the conditions imposed on the Premises licence were appropriate and would promote the licensing objectives.

Having carefully considered the committee papers and the submissions made by all of the parties, both orally and in writing, **the Committee has decided**, after taking into account all of the individual circumstances of this case and the promotion of the four licensing objectives: -

1. To grant permission to **vary the layout of the Premises** in accordance with the plans submitted to the Licensing Authority.
2. To grant permission for **deliveries from the Premises** Monday, Tuesday, Wednesday and Sunday from 23:00 hours to 00:30 hours and Thursday to Saturday from 23:00 to 02:00 hours using Delivery Agents e.g., Deliveroo and Uber Eats via a dedicated hatch at the front of the Premises.
3. That conditions 17,18 and 25 are amended accordingly and thereafter remain on the Premises Licence in full force and effect.
4. That the varied licence is subject to any relevant mandatory conditions.
5. That the existing conditions on the licence shall apply in all respects except in so far as they are varied by this Decision.

6. That the varied licence is subject to the following additional conditions imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.

Conditions consistent with the Operating Schedule

9. Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal.
10. Suitable beverages other than intoxicating liquor (including drinking water) shall be equally available with or otherwise as an ancillary to meals served in the licensed premises.
11. Alcohol may be sold or supplied:
 - (a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 10.00 to 00.00
 - (b) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12.00 to 23:30
 - (c) On Christmas Day: 12.00 to 22.30
 - (d) On New Year's Eve, except on a Sunday, 11.00 to 23.00
 - (e) On New Year's Eve on a Sunday, 12.00 to 22.30
 - (f) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

The above restrictions do not prohibit:

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

in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.

12. Alcohol shall not be sold or supplied unless the premises have been structurally and bona fide used, or intended to be used, for the purposes of habitually providing the customary main meal at midday or in the evening, or both, for the accommodation of persons frequenting the premises.
13. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.
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 are open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31-day period.
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 are 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, which will record the following:
 - a. all crimes reported to the venue
 - b. all ejection of patrons
 - c. any complaints received
 - d. any incidents of disorder
 - e. seizures of drugs or offensive weapons
 - f. any faults in the CCTV system
 - g. any refusal of the sale of alcohol
 - h. any visit by a relevant authority or emergency service.
17. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 30 persons.
18. The supply of alcohol shall be by waiter or waitress service to seated persons only.
19. Substantial food and non-intoxicating beverages, including drinking water shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
20. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic

identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

21. 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.
22. All external doors shall be kept closed after 23:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
23. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
24. All outside tables and chairs shall be removed or rendered unusable after 23.00 hours.

Conditions imposed by the Committee after a hearing with the agreement of the Applicant

25. After 00:00 hours Monday to Saturday and 23:30 hours Sunday, sales of take away hot food and hot drinks shall be by delivery service only to a bona fide residential address or bona fide place of work.
26. The Premises Licence Holder shall ensure that riders will not be permitted to smoke in the immediate vicinity of the premises.
27. The Premises Licence Holder shall ensure riders will not be permitted to congregate in the immediate vicinity of the premises.
28. The Premises Licence Holder shall ensure that riders are instructed not to loiter in the vicinity of residential premises.
29. 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. This log/register shall be made available for inspection by a Police officer or other authorised officer on request.
30. A direct telephone number for the manager at the premises shall be publicly available at all times the premises are open. This telephone number and/or is to be made available to residents and businesses in the vicinity.
31. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
32. All transactions will be cashless. No cash will be kept on the premises or by the delivery drivers or riders.
33. 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 or delivery drivers in the area immediately outside the premises, and in the designated parking area, 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.

34. Drivers or riders will be instructed to park and wait in a particular location until their order is ready to collect.
35. Drivers or riders will be allowed to use toilet facilities at the Premises.

INFORMATIVE:

36. The Premises Licence Holder is encouraged to use mopeds for deliveries where possible.

**This is the Full Decision reached by the Licensing Sub-Committee
This Decision takes immediate effect.**

**Licensing Sub-Committee
21 October 2021**

6. SACHI@THE PANTECHNICON, 19 MOTCOMB STREET, SW1X 8LB

WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO.5

Thursday 21 October 2021

Membership: Councillor Murad Gassanly (Chairman), Councillor Susie Burbridge and Councillor Aicha Less

Officer Support: Legal Adviser: Vivienne Walker
Committee Officer: Sarah Craddock
Presenting Officer: Jessica Donovan

Application for a Variation to the Premises Licence – Sachi@ The Pantehnicon, 19 Motcomb Street, London SW1X 8LB – 21/05224/LIPV

FULL DECISION

Premises

Sachi @ The Pantehnicon
19 Motcomb Street
London
SW1X 8LB

Applicant

Pantehnicon (London) Limited
Represented by Niall McCann (Keystone Law Solicitors), Richard Clegg (Legal Director of Pantehnicon) and Justin AC Thomas - Co-Founder & Director of Pantehnicon

Cumulative Impact Area?

None

Ward

Knightsbridge and Belgravia

Summary of Application

This is an application for a Variation to the Premises Licence under the Licensing Act 2003 ("The Act"). The Premises currently operates as a restaurant. The Applicant is seeking to extend the hours for the Retail by Sale of Alcohol and Late Night Refreshment on the Lower Ground Floor only to 02:00 on Thursdays, Fridays and Saturdays with closing 30 minutes later. All other hours to remain the same and no other changes were sought.

Proposed Activities and Hours

The Applicant wishes to vary the licence as follows:

Late Night Refreshment (Lower Ground Floor only)

- To vary the terminal hour on the lower ground floor only for Late Night Refreshment on Thursday to Saturday 23:00 to 02:00.

Sale by Retail of Alcohol (Lower Ground Floor only)

- To vary the terminal hour on the lower ground floor only for Sale by Retail of Alcohol on Thursday to Saturday 08:00 to 02:00

Representations Received

- Metropolitan Police Service (withdrawn on the 17 August 2021)
- Environmental Health (Dave Newitt)
- The Belgravia Society
- Two Local Residents

Summary of Objections

- Environmental Health expressed that the proposals were likely to increase the risk of Public Nuisance and may impact upon Public Safety.
- The hours requested are outside the Council's Core Hours Policy.
- Late night noise nuisance disturbing residents, gangs congregating, street drinking and litter in the area.
- All sales of alcohol should be ancillary to the taking meal to avoid the expansion of uses. This should not just be a restaurant style operation, but if it is to be given a licence must be a restaurant.

Policy Position

Under Policy HRS1, applications for hours within the Core Hours would generally be granted. Applications for hours outside Core Hours would be considered on their merits, subject to other relevant policies.

Under Policy RTN1, applications outside the West End Cumulative Impact Zone will generally be granted subject to the matters identified in Policy RTN1.

SUBMISSIONS AND REASONS

Ms Jessica Donovan, Presenting Officer, outlined that this was an application for a variation to a Premises Licence for the Lower Ground Floor only for Late Night Refreshment and the Sale of Retail of Alcohol Thursday to Saturday to 02:00 . She explained that representations had been received from the Environmental Health Service, the Metropolitan Police Service and the Belgravia Society. She added that the Police Service had withdrawn their representation on the 17 August after

conditions had been agreed with the Applicant. She advised that the Premises were located within the Knightsbridge and Belgravia Ward and was not situated in a Cumulative Impact Area or a Special Consideration Zone. She further advised that additional submissions had been received from the Applicant and the Belgravia Society which had been circulated to all the relevant parties before the Sub-Committee hearing.

Mr McCann, representing the Applicant's Company, addressed the Sub-Committee and advised that the Premises were situated in a building that was a mixture of restaurants and retail outlets. He explained that the application was for the Lower Ground Floor only which had been recently refurnished to a very high standard to operate as a fine dining restaurant. He advised that the reason behind the application was so international travellers and residents had the opportunity to dine in a fine dining restaurant locally instead of having to travel into the West End.

Mr McCann advised that the Applicant had been disappointed to read the additional representation made from the Belgravia Society as they had discussed the application with them over a TEAMS meeting. He emphasised that the Premises were a fine dining restaurant only and that the proposed conditions on the licence would prevent the Applicant turning the Premises into a nightclub. He added that the Applicant did not wish to turn the Premises into a nightclub and had their reputation to consider as they operated a number of other venues in London. Mr McCann then outlined the operation of the Premises to the Sub-Committee and emphasised that all customers would be asked to remain inside the Premises until their taxi arrived and that all customers would be asked to quietly leave the Premises.

Mr McCann advised that the Premises were not situated in a Cumulative Impact Area or a Special Consideration Zone and that the majority of the surrounding buildings were either retail or other licensed Premises. He emphasised that there would be no Regulated Entertainment at the Premises and that the variation to the Premises Licence was for the Lower Ground Floor only. He advised that there would be a 30-minute drinking up period.

Mr McCann advised that every application should be treated on its own merits and that the Premises would continue to work and maintain a good relationship with the Belgravia Society. He advised that the Premises had a capacity of 60 patrons.

Mr Dave Newitt, representing the Environmental Health Service, advised that the lower ground floor had been well constructed and was completely self-contained so no noise nuisance would escape to the outside of the Premises. He advised that Environmental Health had maintained their representation as they were concerned about the dispersal of customers at 2am, however, the Applicant had agreed with all the proposed conditions which would alleviate residential concerns and the concerns of the Belgravia Society. He further added that the impact of any late- night activity would be relatively low as there were no residents living immediately next to the Premises.

In response to questions from the Sub-Committee, the Applicant advised that there would be no takeaway at the Premises.

Conclusion

The Committee decided that the Applicant had provided valid reasons as to why the granting of the application would promote the licensing objectives.

In reaching its decision, the Sub-Committee took into consideration that the conditions had been agreed with all the Responsible Authorities, that the premises would be food led and operated as a restaurant and that there were no residential properties directly next to the Premises. The Sub-Committee were also of the opinion that the nature and operation of the Premises would not cause concern and in addition the conditions imposed on the premises licence were appropriate and would ensure that the licensing objectives were promoted.

Having carefully considered the committee papers and the submissions made by all of the parties, both orally and in writing, **the Committee has decided**, after taking into account all of the individual circumstances of this case and the promotion of the four licensing objectives: -

1. To grant permission to extend the hours for the Sale of Alcohol on the lower ground floor on Thursday to Saturday 08:00 to 02:00 hours.
2. To grant permission to extend the hours for Late Night Refreshment on the lower ground floor on Thursday to Saturday 23:00 to 02:00 hours.
3. To grant permission to extend the hours the Ground floor, Lower ground floor and Mezzanine are open to the public Thursday to Saturday 07:30 to 02:30 hours.
4. That the varied licence is subject to any relevant mandatory conditions.
5. That the varied licence is subject to the following additional conditions imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.

Conditions consistent with the operating schedule

9. Alcohol consumed on the roof area or at the front of the premises at ground floor level shall only be consumed by patrons seated at tables.
10. 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.
11. The number of persons permitted on the top floor external terrace at any one time (including staff) shall not exceed (X) persons.
12. No more than (15)% of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol.
13. There shall be no self service of spirits on the premises, save for spirit mixtures less than 5.5% ABV.

14. Loudspeakers shall not be located in the entrance lobby, outside the premises building or the top floor external terrace.
15. Alcohol consumed on the roof area or at the front of the premises at ground floor level shall only be consumed by patrons seated at tables.
16. 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.
17. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
18. A proof of age scheme, such as Challenge 21, shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.
19. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
20. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0800 hours.
21. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
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 are open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
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 are open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
24. No entertainment, performance, service, or exhibition involving nudity or sexual stimulation which would come within the definition of a sex establishment in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Greater London Council (General Powers) Act 1986 (whether or not locally adopted), shall be provided.
25. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.

26. The sale of alcohol between 8.00 and 10.00 hours shall only be to persons taking a table meal there and consumption by such a person as ancillary to their meal.
27. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system or searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.

Conditions imposed by the Committee after a hearing with the agreement of the Applicant

28. There shall be at least 1 SIA licensed door supervisors on duty at the entrance of the premises at all times whilst only the basement is open for business and they must correctly display their SIA licence(s) when on duty so as to be visible.
29. When only the basement is open customers shall only enter or leave the premises from Motcomb Street.
30. The number of persons permitted in the basement from midnight on Thursday to Saturday at any one-time (excluding staff) shall not exceed 60 persons.
31. The basement will not be hired to any third party.
32. A direct telephone number for the manager at the premises shall be publicly available at all times the premises are open. This telephone number and/or is to be made available to residents and businesses in the vicinity.
33. After 00:00 the premises shall only operate as a restaurant,
 - (i) in which customers are shown to their table or the customer will select a table themselves,
 - (ii) where the supply of alcohol is by waiter or waitress service only,
 - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table,
 - (iv) which do not provide any takeaway service of food or drink for immediate consumption off the premises,
 - (v) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

34. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.
35. 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.
36. A copy of the premises' dispersal policy shall be made readily available at the premises for inspection by a Police Officer and/or an authorised officer of Westminster City Council.

**This is the Full Decision reached by the Licensing Sub-Committee
This Decision takes immediate effect.**

**Licensing Sub-Committee
21 October 2021**

7. PANTECHNICON, 19 MOTCOMB STREET, SW1X 8LB

WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO.5

Thursday 21 October 2021

Membership: Councillor Murad Gassanly (Chairman), Councillor Susie Burbridge
and Councillor Aicha Less

Officer Support: Legal Adviser: Vivienne Walker
Committee Officer: Sarah Craddock
Presenting Officer: Jessica Donovan

**Application for a New Premises Licence –Pantehnicon, 19 Motcomb Street,
London SW1X 8LB – 21/04812/LIPN**

FULL DECISION

Premises

Pantehnicon
19 Motcomb Street
London
SW1X 8LB

Applicant

Pantehnicon (London) Limited
Represented by Niall McCann (Keystone Law Solicitors) and Richard Clegg (Legal
Director of Pantehnicon) and Justin AC Thomas (Co-Founder & Director of
Pantehnicon)

Cumulative Impact Area?

None

Ward

Knightsbridge and Belgravia

Summary of Application

This is an application for a New Premises Licence under the Licensing Act 2003 ("The Act"). The Premises intend to operate as an external Café/Restaurant. The premises has had the benefit of a premises licence since June 2016 for the internal area.

Proposed Activities and Hours

[Retail Sale of Alcohol \[On Sales\]](#)

Monday to Sunday 11:00 to 20:30

Seasonal Variation/Non-Standard Timings: None

[Hours premises are open to the public](#)

Monday to Sunday 11.00 to 21.00

Seasonal Variation/Non-Standard Timings: None

Representations Received

- Metropolitan Police Service (withdrawn on the 24 August)
- Environmental Health Service (David Newitt)
- The Belgravia Society Representation
- One Local Resident

Summary of Objections

- Environmental Health expressed that the proposals were likely to increase the risk of Public Nuisance and may impact upon Public Safety.
- Concern regarding potential smoke and smells rising from open grilling or barbecuing of food.
- Concern regarding noise nuisance from music or other live performances permitted on the premises.
- The need for the doors/exits to be supervised from 9.00pm onwards to ensure guests leave quietly.

Policy Position

Under Policy HRS1, applications for hours within the Core Hours would generally be granted. Applications for hours outside Core Hours would be considered on their merits, subject to other relevant policies.

Under Policy RTN1, applications outside the West End Cumulative Impact Zone will generally be granted subject to the matters identified in Policy RTN1.

SUBMISSIONS AND REASONS

Ms Jessica Donovan, Presenting Officer, outlined that this was an application for a New Premises Licence for an external café/Restaurant for Retail by Sale of Alcohol (on sales) Monday to Sunday 11:00 to 20:30. She explained that representations had been received from the Environmental Health Service, the Metropolitan Police Service and the Belgravia Society. She added that the Police Service had withdrawn their representation on the 24 August after conditions had been agreed with the Applicant. She advised that the Premises were located within the Knightsbridge and Belgravia Ward and were not situated in a Cumulative Impact Area or a Special Consideration Zone. She further advised that additional submissions had been received from the Applicant and the Belgravia Society which had been circulated to all the relevant parties before the Sub-Committee hearing.

Mr McCann, representing the Applicant's Company, addressed the Sub-Committee and advised that the New Premises Licence would be for an external café/restaurant in the courtyard outside of the building. He outlined that the area had been used successfully at various times for 'pop up' restaurants/family parties and last year the area was used for a series of temporary event notices (TENs). He advised that the idea was to have various pop-up events during the year for families with young children. There would be a temporary bar but no primary cooking as food would be heated up. The terminal hour would be 20.30. He confirmed there would no amplified music although there would be carol singings during the Christmas period. He advised that the Premises were not situated in a Cumulative Impact Area or a Special Consideration Zone

Mr Dave Nevitt, representing the Environmental Health Service, advised the Sub-Committee that there were residential flats surrounding the area and overlooking the courtyard, however, there would be no primary cooking so there would be no cooking smells and the terminal hour was 21:00 so well within the Council's Core Hours Policy.

In response to questions from the Sub-Committee, Mr McCann advised that the maximum capacity would be 50 persons. He confirmed that the Applicant was happy to have model conditions 87, 37 and 35 attached to the Premises Licence. The Sub-Committee further noted that the Applicant was happy to give an undertaking that there shall be no amplified live music, musical or other live performances permitted on the premises or the use of the restaurant for dancing or events or any other purpose other than the supply of meals to guests.

Conclusion

The Committee decided that the Applicant had provided valid reasons as to why the granting of the application would promote the licensing objectives.

In reaching its decision, the Sub-Committee took into consideration that the conditions had been agreed with all the Responsible Authorities, that there would be no primary cooking and no amplified live music or other live performances on the Premises. The Sub-Committee were also of the opinion that the nature and operation of the Premises would not cause concern, especially as all activities ceased at 21:00, and in addition the conditions imposed on the premises licence were appropriate and would ensure that the licensing objectives were promoted.

Having carefully considered the committee papers and the submissions made by all of the parties, both orally and in writing, **the Committee has decided**, after taking into account all of the individual circumstances of this case and the promotion of the four licensing objectives: -

1. To grant permission for the **Sale of Alcohol (On)** Monday to Sunday 11:00 to 20:30 hours
2. To grant permission for the **Opening Hours of the Premises** Monday to Sunday 11:00 to 21:00 hours.
3. That the licence is subject to any relevant mandatory conditions.
4. That the licence is subject to the following additional conditions and Undertaking imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.

Conditions imposed by the Committee after a hearing with the agreement of the Applicant

9. Alcohol shall only be consumed by patrons seated at tables.
10. Loudspeakers shall not be permitted.
11. 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.
12. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
13. A proof of age scheme, such as Challenge 21, shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.
14. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

15. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 2300 hours and 0800 hours on the following day.
16. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
17. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
18. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system or searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
19. A direct telephone number for the manager at the premises shall be publicly available at all times the premises are open. This telephone number and/or is to be made available to residents and businesses in the vicinity
20. 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 are open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance. 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.
21. 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 are 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.
22. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 50 persons.
23. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.

24. The door/exit will be supervised from 20:30 hours onwards to ensure that guests leave the area quietly.
25. The Premises Licence Holder shall provide the Licensing Authority with a plan showing the cooking area.

INFORMATIVE

The Committee noted that the Applicant gave an undertaking that there shall be no amplified live music, musical or other live performances permitted on the premises or the use of the restaurant for dancing or events or any other purpose other than the supply of meals to guests.

**This is the Full Decision reached by the Licensing Sub-Committee
This Decision takes immediate effect.**

**Licensing Sub-Committee
21 October 2021**

The Meeting ended at Time Not Specified

CHAIRMAN: _____

DATE _____