



City of Westminster

Committee Agenda

Title: **Licensing Sub-Committee (4)**

Meeting Date: **Thursday 9 February 2023**

Time: **10.00 am**

Venue: **Rooms 18.01 - 18.03 - 18th Floor, 64 Victoria Street, London, SW1E 6QP**

Members: **Councillors:**

Angela Piddock (Chair)
Judith Southern
Jacqui Wilkinson

Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda.

Admission to the public gallery is via a visitor's pass which is available from the main ground floor reception at 64 Victoria Street from 9.30am.

If you have a disability and require any special assistance, please contact the Committee Officer (details listed below) in advance of the meeting.

An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter.

If you require further information, please contact the Committee Officer, Sarah Craddock, Committee and Councillor Co-ordinator.

Email: scraddock@westminster.gov.uk Tel: 07790980186
Corporate Website: www.westminster.gov.uk

Note for Members: Members are reminded that officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. 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. WOK AND FIRE, 326 VAUXHALL BRIDGE ROAD, SW1V 1AA

(Pages 1 - 28)

Ward CIA* SCZ**	Site Name & Address	Application Type	Licensing Reference No.
Vincent Square * None ** Victoria	Wok and Fire 326 Vauxhall Bridge Road SW1V 1AA	New Premises Licence	22/11099/LIPN
*Cumulative Impact Area ** Special Consideration Zone			

**2. DONER SHACK, BASEMENT AND GROUND FLOOR,
102 BAKER STREET, W1U 6TL**

(Pages 29 - 54)

Ward CIA* SCZ**	Site Name & Address	Application Type	Licensing Reference No.
Marylebone * None ** None	Doner Shack Basement and Ground Floor 102 Baker Street W1U 6TL	New Premises Licence	22/11290/LIPN
*Cumulative Impact Area ** Special Consideration Zone			

3. FIVE GUYS, 59-63 QUEENSWAY, W2 4QH

(Pages 55 - 82)

Ward CIA* SCZ**	Site Name & Address	Application Type	Licensing Reference No.
Lancaster Gate * None ** Queensway/ Bayswater	Five Guys 59-63 Queensway W2 4QH	New Premises Licence	22/11368/LIPN
*Cumulative Impact Area ** Special Consideration Zone			

4. CA JAPANESE PANCAKES, 324 VAUXHALL BRIDGE ROAD, SW1V 1AA

(Pages 83 - 104)

Ward CIA* SCZ**	Site Name & Address	Application Type	Licensing Reference No.
Vincent Square * None ** Victoria	CA Japanese Pancakes 324 Vauxhall Bridge Road SW1V 1AA	New Premises Licence	22/11065/LIPN
*Cumulative Impact Area ** Special Consideration Zone			

**Stuart Love
Chief Executive
1 February 2023**

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: 12:00 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



City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	09 February 2023
Licensing Ref No:	22/11099/LIPN - New Premises Licence
Title of Report:	Wok and Fire 326 Vauxhall Bridge Road London SW1V 1AA
Report of:	Director of Public Protection and Licensing
Wards involved:	Vincent Square
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Kevin Jackaman Senior Licensing Officer
Contact details	Telephone: 0207 641 6500 Email: kjackaman@westminster.gov.uk

1.	Application		
1-A	Applicant and premises		
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	17 November 2022		
Applicant:	Global Partners Bd Limited		
Premises:	Wok and Fire		
Premises address:	326 Vauxhall Bridge Road London SW1V 1AA	Ward:	Vincent Square
		Cumulative Impact Area:	None
		Special Consideration Zone:	Victoria
Premises description:	<p>Wok & Fire is a chain of three restaurants & take-aways which serve traditions Pan Asian Fusion Cuisine for consumption on the premises and for take-away & delivery.</p> <p>The food is cooked to order for customers attending the premises, which is located on the ground floor with a smaller prep area and small office space on the first floor.</p>		
Premises licence history:	The premises have the benefit of two existing premises licences (Licence numbers 16/03312/LIPDPS and 16/06647/LIPN) Both Licences are currently suspended for non payment of the annual fee by the previous licence holder.		
Applicant submissions:	<p>The premises has been operating for nearly 3 years and is now seeking to licence the premises for Late Night Refreshment until 01.00.</p> <p>The applicant is aware that these hours fall outside of the core hours of the Westminster Licensing Policy, however the nature of the food served at the premises and the ability for people to remain inside when ordering or eating, along with the measures/ conditions put in place to prevent nuisance, means that we feel that Public Nuisance will be less of a concern than with similar styles of premises.</p> <p>The application is only for Late Night Refreshment and no alcohol is served from the premises</p>		
Applicant amendments:	None		

1-B	Proposed licensable activities and hours						
Late Night Refreshment:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	23:00
End:	01:00	01:00	01:00	01:00	01:00	01:00	00:00
Seasonal variations/ Non-standard timings:		None					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	11:00	11:00	11:00	11:00	11:00	11:00	11:00
End:	01:30	01:30	01:30	01:30	01:30	01:30	00:30
Seasonal variations/ Non-standard timings:		None					
Adult Entertainment:		None					

2.	Representations
2-A	Responsible Authorities
Responsible Authority:	Metropolitan Police Service
Representative:	Dave Morgan
Received:	12 December 2022 (withdrawn 5 January 2022)

With reference to the above, 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, namely the Prevention of Crime and Disorder.

The applicant is seeking Late Night Refreshment for:

Monday to Saturday: 2300 to 0100
Sunday: 2300 to 0000

The venue is situated within the Victoria Special Consideration Zone and the hours sought are beyond Westminster Councils Core Hours Policy.

As stated in Westminster Councils Fast Food Policy, venues which are open after 11pm can attract large groups of customers, many of whom have been consuming alcohol in pubs, bars, or night clubs sometimes some distance away. The congregation of people around these premises leads to additional noise and disturbance and further congestion in the area.

I am therefore concerned that this venue could become a 'destination point' for people who have consumed alcohol which may lead to further antisocial issues within the area.

Although you have supplied a number of conditions to help promote the licensing conditions, there are some further conditions that I would like to see added to the licence. However, before

I send these, can you please provide me with further information on how your client will regulate your conditions 7 and 9 (i.e. have you considered the need for SIA?).

On 13 December 2022 the applicant provide the following response:-

Hi Dave,

Thank you for your email and for taking the time to give consideration to the application.

Conditions 7 & 9 we feel can both be regulated by the staff working at the premises.

Condition 7 regarding readmission was included to give reassurance that the premises will indeed close at 01.00 and make clear to customers that from 01.00 it is closed with signage backing that up. We have already discussed with the client the principle which catches out many Late Night Refreshment operations, this being that the 01.00 cut off, is not the time you take the last order, but rather the time the last food must be served by.

By this principle you would not want anyone else in the premises after 01.00, prevention being simpler than having to refuse service. I would expect the door to be closed at that time and adequately supervised by staff as is necessary. There may be some customers finishing their food inside on the few tables, hence the 01.30 opening hours, but as you can see from the plans there are not many seats and we would expect people at this time to eat their food and leave.

With no alcohol being served at the premises, there is little incentive for people to hang around after they have finished their food.

Condition 9 was included in part to demonstrate how small the premises is and also to provide reassurance that large numbers of people will not be permitted to gather. While staff will have to be aware of the numbers and ensure that it is not exceeded, I believe this will largely be self-regulating. By that I mean that the space itself is not conducive to having that number of people in it, seating is limited.

The premises also largely cooks to order. Customers come in and order bespoke dishes, which are then prepared in front of them. This differentiates it from a more traditional kebab / burger place where they have a constant churn of the same 4 or 5 dishes and where throughput is much quicker. I am not sure any customers are going to wait around if 20 people are ahead of them in the queue. On that basis I can't see the capacity being an issue.

However, if it were, then it would of course be for the staff to regulate this according to the condition.

That brings me onto your point about SIA registered Door Supervisors.

We did have a discussion about this when we were completing the risk assessment and it may well be that there are times in the future when Door Supervisors may be required as the business develops. The applicant is not against employing Door Supervisors in principle and if a situation were to arise where the limits outlined in Condition 9 were getting close on a regular basis, then I think a Door Supervisor would be a reasonable way of managing this.

Of course, not having included a condition regarding Door Supervisors, does not mean that Door Supervisors will never be employed at the premises. In a perfect world (I know...) there would be no need for the condition and operators would employ Door Supervisors as required. I think we will both be familiar with the three usual solutions here. No condition, a specified condition and a risk assessment based condition.

I don't feel there is a requirement for a specified condition which requires the premises to employ Door Supervisors on a daily basis, I am appreciative of the SCZ, but the nature of this premises and the products they are selling, which while it could business. I suspect there will be a lot of times, when to have a Door Supervisor would simply be unnecessary and the staff could easily exert a level of control sufficient to promote the Licensing Objectives

I was considering a Door Supervisor Risk Assessment condition; often we link these to certain activities such as events or regulated entertainment. While every premises should risk assess their need for Door Supervisors, I don't know if including a condition to that effect where it can't

be linked to a certain type of activity, brings anything constructive to a Premises Licence. In this case because all they are asking for is to sell some noodles & rice without entertainment or alcohol, I don't see a risk assessment style of conditions adding to what should already be their duty to risk assess the impact of their business.

On that basis we decided not to include a condition relating to Door Supervisors. It is not that we didn't consider them, nor that they might not employ one as and when it was necessary, but simply that a condition was not in this case and in our opinion a proportionate response to a low level of risk.

I hope this provides an insight into how we approached the application, specifically around those points you raised. If you would like to discuss these matters further, please do not hesitate to contact me.

be described as 'fast food', is not your traditional kebab, burger or chip shop so favoured by those drunk people leaving pubs and bars who you describe. They do a fair bit of trade for example to theatre goers leaving the theatre after a show.

I think a requirement for Door Supervisors is going to be over burdensome for the nature of the

In light of the above submissions, the Metropolitan Police withdrew their representation on 5th January 2023

Responsible Authority:	Environmental Health Consultation Team
Representative:	Ayesha Bolton
Received:	15 th December 2022

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

The applicant has submitted floor plans of the premises.

This representation is based on the plans and operating schedule submitted.

The applicant is seeking the following:

1. To provide Late Night Refreshment indoors only from Monday to Saturday from 23.00 to 01.00 and Sunday from 23.00 to 00.00 hours.

I wish to make the following representation:

1. The provision and the hours requested for Late Night Refreshment will have the likely effect of causing an increase in Public Nuisance within the area and may impact on Public Safety.

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

The applicant has provided additional information within the application which is being assessed. Additional conditions will be proposed by Environmental Health to address the licensing objectives

2-B Other Persons	
Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Received:	13 December 2022
<p>This premises forms part of the ground floor of our residential block. I & my neighbours strongly object to this licence which will further exacerbate the late night nuisance, particularly noise & smell, caused by this establishment. The existing problems caused until 23.30hrs (often exceeded) is bad enough without an additional attraction to 'late nighters' of extended opening hours.</p> <p>As the granting of this licence is contrary to permitted hours of Westminster Licencing it should be refused on those grounds alone.</p>	

3.	Policy & Guidance
The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy SCZ1 applies	<p>A. In addition to meeting the other policies within this statement, applications within a designated Special Consideration Zone should demonstrate that they have taken account of the issues particular to the Zone, in question as identified within the 2020 Cumulative Impact Assessment, and should set out any proposed mitigation measures in relation to those issues within their operating schedule.</p> <p>For the purpose of Clause A, the designated Special Consideration Zones for this application is the Victoria SCZ</p>
Policy FFP1(A) applies	<p>A. Applications outside the West End Cumulative Zones will generally be granted subject to:</p> <ol style="list-style-type: none"> 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 operation of any delivery services for alcohol and/or late night refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1. 4. The applicant has taken account of the Special Consideration Zones Policy SCZ1 if the premises are located within a designated zone. 5. The application and operation of the venue meet the definition of a fast food premises in Clause D. <p>D. For the purposes of this policy a Fast Food Premises is defined as:</p> <ol style="list-style-type: none"> 1. A premises that provides late night refreshment, either by way of fast food over a counter, via a self-seating basis or take away for immediate consumption. 2. Food and drink are:

	<p>a. Available on the premises for self-selection.</p> <p>b. Prepared on the premises.</p> <p>c. Cooked or produced off the premises but brought to that premises in advance of its sale to customers.</p> <p>3. The food and drink are provided in pre-sealed or open disposable packaging which is intended for immediate consumption.</p> <p>4. A fast-food premises can provide a delivery service as part of its operation, however that service must be ancillary to the main function of the premises as defined within sub-clauses D,1 to D,3 above.</p>
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4. Equality Implications

The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary, section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

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

Report author:	Kevin Jackaman Senior Licensing Officer
Contact:	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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	October 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Metropolitan Police Service representation	12 December 2022 (withdrawn 5 January 2023)
5	Environmental Health representation	15 December 2022
6	Interested Party representation	13 December 2022

Applicant response to Environmental Health conditions



REPRESENTATION RESPONSE

PREMISES	Wok & fire, 326 Vauxhall bridge Road, London SW1V 1AA
APPLICANT	Global Partners BD Ltd
OBJECTOR	Ayesha Bolton
AGENCY	Environmental Health
DATE RECEIVED	31/01/2023
EMAIL(S)	abolton1@westminster.gov.uk
TELEPHONE	07885 457 659

THIS DOCUMENT AND ITS CONTENTS ARE SENT WITHOUT PREJUDICE

REPRESENTATION RESPONSE

Having received your email, we have considered all the points raised and would welcome further discussions with an aim of reaching an agreement, which would see the representation being withdrawn.

In the response below, I have copied your proposed conditions; I have then added my comments in red, to make them easily distinguishable. These comments are made with a view to reaching an agreement in relation to the application.

Any comments or proposed agreements / amendments are made without prejudice.

RESPONSES TO THE PROPOSED CONDITIONS

1. The number of persons accommodated at any one time (excluding staff) shall not exceed 10 persons

I would be interested to understand a little better the basis for this nominal number of 10?

Any such figure we finally agree on would need to be limited to the hours for which this licence applies, namely after 23.00.

2. No new admissions or re-admissions shall be allowed to the premises after 23.00 hours.

We could not agree to this condition, as this is in effect an objection to the application as a whole. No licence is required before 23.00 and the whole purpose

of the application is to permit Late Night Refreshment until 01.00 (00.00 on Sundays)

3. Deliveries of food shall only be made to a bonafide residential or business addresses

We can accept this proposed condition as a similar condition was offered in the original application. I would suggest that our proposed condition is more comprehensive than the one proposed here.

4. The premises Licence Holder shall ensure that riders/drivers will be instructed not to loiter in the vicinity of residential premises

I think this condition is a little imprecise and open to interpretation.

The term 'Loiter' suggests the riders hanging around without any purpose and the definition of 'riders / drivers' is also a little unclear.

Of course the premises should control the behaviour of delivery drivers they employ directly and the vehicles they use. However, to suggest when they are waiting for a collection they not 'loiter' near residential premises is quite difficult. We acknowledge that there are residents either side of the premises and we feel it is the behaviour of the delivery drivers which is important to control, rather than where they are on this very busy street.

The premises can of course not exact control over drivers not directly employed by them.

I think this is a very difficult condition for any premises licence holder to enforce. The condition we offered in the application (MC98) I think offers more protection to residents than the one proposed here.

See also point 6 below.

5. The premises Licence Holder shall ensure that riders/drivers will not be permitted to congregate in the immediate vicinity of the premises

I would refer you to my response to point 4 and see point 6 below.

6. The premises Licence Holder shall ensure that riders/drivers will not be permitted to smoke in the immediate vicinity of the premises

I think 4, 5 and 6 are very similar in nature and my response outlined in point 4 applies to all three.

I might suggest we amalgamate these into one condition such as:

Drivers & riders directly engaged by the Premises Licence Holder shall be instructed not to congregate or smoke in the immediate vicinity of the premises.

7. Delivery drivers/riders shall be given clear written instructions to use their vehicles in a responsible manner so as not to cause a nuisance to any residents or generally outside of the licenced premises

This condition is acceptable, but I would suggest we use MC98 as offered in the original application, as it offers a more comprehensive description of the behaviours expected of drivers.

8. All outside tables and chairs shall be rendered unusable by 23.00 each day.

This condition is acceptable as a similar condition was offered in the original application.

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 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.

This condition is acceptable as it was offered in the original application and has already been agreed with the Police.

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 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.

This condition is acceptable as it was offered in the original application and has already been agreed with the Police.

11. 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 visit by a relevant authority or emergency service.

This condition is acceptable as it was offered in the original application and has already been agreed with the Police.

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

This condition is acceptable as it was offered in the original application.

13. All windows and external doors shall be kept closed after 23:00 hours except for the immediate access and egress of persons.

This condition is acceptable as a very similar condition was offered in the original application.

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.

This condition is acceptable as a very similar condition was offered in the original application.

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.

This condition is accepted by the applicant.

16. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

This condition is acceptable as it was offered in the original application.

17. 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.

My understanding of the waste arrangements for this area are that waste is collected by Westminster up to 3 times a day and that they do come as early as 06.00 and as late as midnight.

I think it would be difficult for the applicant to accept a condition which the Westminster Collection Service does not allow them to comply with. We would be happy to change this to:

No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between midnight and 06.00 hours on the following day.

18. 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.

I would refer you to the points raised in response to your proposed condition 17. We would be happy to agree to:

No collections of waste or recycling materials (including bottles) from the premises shall take place between midnight and 06.00 on the following day.

19. No deliveries to the premises shall take place between 23.00 and 08.00 on the following day.

This condition is accepted by the applicant.

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.

This condition is acceptable as a very similar condition was offered in the original application.

Updated: Peter Mayhew – 31/01/2023

Licence & Appeal History

Premises Licence 16/03312/LIPDPS			
Application	Details of Application	Date Determined	Decision
13/02360/LIPN	New premises licence		Granted by licensing sub committee
16/03309/LIPT	Transfer - Mr Luigi Venosi to Covent Garden Italy Ltd	19.04.2016	Granted under delegated authority
16/03312/LIPDPS	Variation of DPS	07.04.2016	Licence suspended 18.11.2022 for non-payment of annual fees

Premises Licence 16/06647/LIPN			
Application	Details of Application	Date Determined	Decision
16/06647/LIPN	Variation of DPS	07.04.2016	Licence suspended 18.11.2022 for non-payment of annual fees

There is no appeal history

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

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

At a hearing the licensing authority may, in addition, and having regard to any representations received, grant the licence subject to such conditions which are consistent with the operating schedule submitted by the applicant as part of their application, or alter or omit these conditions, or add any new condition to such extent as the licensing authority considers 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. Appropriate induction training shall be undertaken with all relevant staff to cover appropriate subjects for their role including:
 - a. The hours of operation
 - b. Preventing Public Nuisance
 - c. Fire safety & emergency evacuation procedures
10. All training shall be recorded and training records made available on request to an authorised officer of the Licensing Authority or the Police.
11. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - a. all crimes reported to the venue
 - b. all ejections of patrons
 - c. any complaints received concerning crime and disorder
 - d. any incidents of disorder
 - e. all seizures of drugs or offensive weapons
 - f. any faults in the CCTV system or searching equipment or scanning equipment
 - g. any visit by a relevant authority or emergency service.
12. The delivery of food shall only be made to a residential or business address, where the customer uses that address as an official place of residence or their recognised designated place of work. The delivery of alcohol shall not be made or completed in a public place (on the street, in a park, by the bus stop, etc.).
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 is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31-day period.
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 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.
15. A Zero Tolerance Policy towards the use, possession and supply of illegal drugs shall be adopted and enforced.
16. No new admissions or re-admissions shall be allowed to the premises after 01.00. Signage to this effect shall be displayed at the premises
17. A fire risk assessment shall be conducted and regularly reviewed. In-line with the Fire Risk Assessment:
 - a. An integrated fire detection and alarm system is installed, checked, regularly tested and maintained by a competent person.
 - b. Fire extinguishers are installed in accordance with the recommendations of the fire risk assessment.
 - c. Emergency lighting is installed in accordance with the recommendations of the fire risk assessment.
 - d. All emergency exits are marked on the premises plan.

18. The number of persons accommodated at any one time (excluding staff) shall not exceed 30 persons.
19. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
20. Deliveries related to the permissible Licensable Activities shall not take place between the hours of 22.00 and 08.00
21. The area immediately outside the premises shall be maintained to ensure that any litter generated by the premises and / or its customers is regularly cleared.
22. 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.
23. Telephone contact details for the premises shall be provided to residents and the Responsible Authorities on request.
24. No amplification system or speakers shall be used in the external areas of the premises.
25. All tables and chairs located in the external areas of the premises shall not be used for the consumption any food or drinks sold under the Premises Licence as Late Night Refreshment.
26. A sign requesting customers to respect local residents and leave the premises quietly, shall be displayed at each public the exit to the premises.
27. All external doors to the premises shall remain closed after 23.00 except for entrance and egress, to prevent noise escaping from the premises.
28. Delivery drivers shall be given clear, written instructions to use their vehicles in a responsible manner so as not to cause a nuisance to any residents or generally outside the license premises; not to leave engines running when the vehicles are parked; and not to obstruct the highway.
29. Unaccompanied children under the age of 18 years shall not be permitted on the premises after 23.00 on any day.

Conditions proposed by the Environmental Health to replace those contained in the operating schedule (numbering to correspond with the applicants response which appears at appendix 2)

1. The number of persons accommodated at any one time (excluding staff) shall not exceed 10 persons
2. No new admissions or re-admissions shall be allowed to the premises after 23.00 hours.
3. Deliveries of food shall only be made to a bonafide residential or business addresses.

4. The premises Licence Holder shall ensure that riders/drivers will be instructed not to loiter in the vicinity of residential premises.
5. The premises Licence Holder shall ensure that riders/drivers will not be permitted to congregate in the immediate vicinity of the premises.
6. The premises Licence Holder shall ensure that riders/drivers will not be permitted to smoke in the immediate vicinity of the premises.
7. Delivery drivers/riders shall be given clear written instructions to use their vehicles in a responsible manner so as not to cause a nuisance to any residents or generally outside of the licenced premises.
8. All outside tables and chairs shall be rendered unusable by 23.00 each day.
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 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.
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 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.
11. 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 visit by a relevant authority or emergency service.
12. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
13. All windows and external doors shall be kept closed after 23:00 hours except for the immediate access and egress of persons.
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 08.00 hours on the following day.
18. 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.
19. No deliveries to the premises shall take place between 23.00 and 08.00 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.

Conditions proposed by the Police

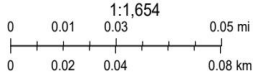
None

326 Vauxhall Bridge Road



27/01/2023, 15:43:44

- Property Mailing List
- Ward Labels
- Borough Boundary - Mask
- Borough Boundary - Detailed
- Ward Boundaries



Resident count: 99

Licensed premises within 75m of 326 Vauxhall Bridge Road, London, SW1

Licence Number	Trading Name	Address	Premises Type	Time Period
07/01007/WCCMAP	Il Posto	Ground Floor 314 - 316 Vauxhall Bridge Road London SW1V 1AA	Restaurant	Sunday; 12:00 - 23:00 Monday to Saturday; 10:00 - 23:30
22/11580/LIPDPS	Apollo Victoria Theatre	17 Wilton Road London SW1V 1LG	Theatre	Monday to Sunday; 09:00 - 00:30
14/05987/LIPDPS	Lime Orange Limited	Basement And Ground Floor 312 Vauxhall Bridge Road London SW1V 1AA	Restaurant	Monday to Sunday; 10:00 - 01:30
21/12390/LIPDPS	John Lewis Plc	171 Victoria Street London SW1E 5NN	Office	Monday to Sunday; 08:30 - 00:30

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City of Westminster

Licensing Sub-Committee Report

Item No:

9 February 2023

Date:

Licensing Ref No:

22/11290/LIPN - New Premises Licence

Title of Report:

Doner Shack
Basement And Ground Floor
102 Baker Street
London
W1U 6TL

Report of:

Director of Public Protection and Licensing

Wards involved:

Marylebone

Policy context:

City of Westminster Statement of Licensing Policy

Financial summary:

None

Report Author:

Karyn Abbott

Contact details

Telephone: 0207 641 6500
Email: kabbott@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	21 November 2022		
Applicant:	Treats Leisure Limited		
Premises:	Doner Shack		
Premises address:	Basement And Ground Floor 102 Baker Street London W1U 6TL	Ward:	Marylebone
		Cumulative Impact Area:	None
		Special Consideration Zone:	None
Premises description:	According to the application form, the applicant proposes to operate the premises as a restaurant.		
Premises licence history:	The premises previously benefitted from a premises licence (19/05744/LIPDPS) but the licence lapsed due to the Licence Holder going into liquidation in October 2021. The premises history can be found at Appendix 3 of the report.		
Applicant submissions:	The applicant has proposed a number of conditions to form part of their operating schedule. These can be found at Appendix 4 of the Report.		
Applicant amendments:	None		

1-B Proposed licensable activities and hours							
Sale by retail of alcohol				On or off sales or both:			On Sales
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	11:00	11:00	11:00	11:00	11:00	11:00	11:00
End:	23:00	23:00	23:00	23:00	23:00	23:00	23:00
Seasonal variations/ Non-standard timings:		None					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	11:00	11:00	11:00	11:00	11:00	11:00	11:00
End:	23:00	23:00	23:00	23:00	23:00	23:00	23:00
Seasonal variations/ Non-standard timings:		None					
Adult Entertainment:		None					

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Service
Representative:	Anil Drayan
Received:	23 December 2022

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

The applicant has submitted plans of the Ground Floor, drawing no 032A, dated November.2022 and Basement, drawing no 032B, dated November.2022, showing the proposed licensing areas.

The following licensable activity is being sought:

1. Supply of Alcohol 'On' the premises between 11:00 to 23:00 hours Monday to Sunday.

I wish to make the following representations based on the plans and operating schedule submitted:

1. The Supply of Alcohol and for the hours requested may impact on Public Safety and lead to an increase in Public Nuisance in the area.

Environmental Health also makes the following further comments:

Westminster's Statement of Licensing Policy – see on the Council's website – requires licensed premises demonstrating compliance with policy CH1, Protection of Children from Harm, (see page 36 of policy).

- Some conditions have been offered and these are considered to be insufficient for the proposed use. Clarification is requested, in particular, on the proposed capacity, external area (eg is it private forecourt), delivery and takeaway timings, etc
- The provision of sanitary accommodation is recommended to be at least in line with BS6465 for any proposed capacity.
- An assessment will need to be made as to how the plant and machinery employed for the cooking of food will not result in odour or noise nuisance
- It is unclear if the premises have already been refurbished for the proposed use. Clarification is therefore sought as to the previous use of the premises to determine if this proposed use will result in nuisance from the internal transfer of noise to other users within the building block. Standards to be achieved are outlined in Appendix 11 of the Statement of Licensing Policy

The applicant is therefore requested to contact the undersigned to discuss the above and arrange a site visit after which Environmental Health may propose additional conditions for the proposed use.

Further Submissions received 1st February 2023

Further to my memo of 23 December 2022 and following a site visit to the premises I have the following further comments:

- The Premises was previously licensed under the Gourmet Burger Kitchen brand – a premises history check of Environmental Health records showed this similar operation did not raise any relevant issues with regards to the licensing objectives.
- The external area in Baker Street (as marked on the submitted plan) is a private forecourt so can be deemed to be an ‘On’ sale of alcohol area for purposes of licensing requirements. It is being proposed this area shall have a capacity of 8 patrons
- The Premises has a rear exit (into Sherlock Mews) which can be used as an escape route in an emergency. This can also be used for deliveries and should therefore be subject to the model hours for deliveries(ie none permitted between 23:00 to 08:00 hours). However I am satisfied that deliveries from the Baker Street frontage can be permitted from 07:00 hours without this causing undue nuisance)

Taking into account what was originally proposed by the applicant and conditions already agreed with other interested parties Environmental Health proposes the conditions as follows:

1. The supply of alcohol at the premises (including on the external private forecourt) shall only be to a person seated taking a substantial table meal there and for consumption by such a person as ancillary to their meal.

For the purpose of this condition a ‘Substantial Table Meal’ means – a meal such as might be expected to be served as the main midday or main evening meal, or as a main course at either such meal and is eaten by a person seated at a table, or at a counter or other structure which serves the purposes of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure servicing the purposes of a table.

2. The Supply of Alcohol shall be by waiter or waitress only.
3. 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.
4. 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
5. 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.
6. 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.

7. An incident log shall be kept at the premises and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
8. Takeaways of food by use of a courier service shall only be with a courier service who have agreed that their delivery drivers have been give clear, written instructions to use their vehicles in a responsible manner so as not to cause a nuisance to any residents or generally outside the licenced premises; not to leave engines running when the vehicles are parked; not to obstruct the highway.
9. All outside tables and chairs shall be removed or rendered unusable by 23.00 each day.
10. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke or make a phone call, shall not be permitted to take drinks or glass containers with them.
11. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
12. 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.
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. 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.
15. All waste is to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
16. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 08.00 hours on the following day unless collections are arranged during the times for the Council's own commercial waste collection service for the street.
17. 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.

18. No deliveries to the premises shall take place between 23:00 and 08:00 hours on the following day except for in the Baker Street frontage which may be permitted to have deliveries from 07:00 to 23:00 hours
19. 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.
20. The number of persons permitted in the premises at any one-time (excluding staff) shall not exceed (X) persons. *(to be determined by Environmental Health on clearance of 'works' condition but it shall not be more than 60 including not more than 8 in the external area)*
21. 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 have been proposed by Environmental Health by yet to be agreed by the applicant. These conditions can be found at Appendix 4.

2-B Other Persons	
Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Received:	15 December 2022
<p>I write as a [REDACTED] of a [REDACTED]. The continued licensing of fast food shops in this zone is having a severely detrimental affect. Furthermore, the conditions are not sufficiently worded to prevent further deterioration of this area.</p> <p>The Council has a document of 'Model Conditions' which constitutes your preferred wording for conditions which are not being adhered to here.</p> <ul style="list-style-type: none"> -The CCTV conditions do not comply with MC1 and MC2. - There is no mention of an incident log as per MC49 - No mention of courier services and how they will be mitigated or managed - we are blighted here by congregating delivery drivers and today I walked past and saw no less than 5 police officers trying to deal with this as well as their tendancy to drive the wrong way on one-way streets. Allowing another venue to use these delivery services will only increase the problems here. Can the Council include a condition not permitting the use of these delivery app services here? - There is no request for notices asking patrons to leave quietly as per MC21 - There is no mention of how fumes, steam, odour will be mitigated and manged as per MC87 - There is no mention of times that waste and recycling can be put out, or where it can be put, or when it can be collected <p>Conditions have been proposed by the interested parties. These conditions can be found at Appendix 4.</p>	

Name:	████████████████████
Address and/or Residents Association:	████████████████████ ████████████████████ ████████████████████
Received:	29 November 2022

On behalf of the ████████████████████ I object to this application on the grounds it does not promote the Licensing Authorities objectives, subject to the following:
 There is no condition in relation to times of refuse collections and deliveries which should be in line with Westminster's policy.
 The proposed conditions, 1, 8 and 11 by the applicant are contradictory as they have only applied for "On Sales."
 We will not object if our standard condition that, sales of alcohol shall be ancillary to persons seated and taking a substantial table meal with waiter or waitress service is accepted throughout.

Further Submissions received 24th January 2023

████████████████████ would prefer no alcohol to be sold, but they have not applied for Off Sales, so that is noted.

As already mentioned in the objection, there are a number of fast food restaurants at this end of Baker Street and the ████████████████████ are constantly liaising with the Police and City Inspectors about the congregation of delivery riders literally opposite this premises, causing a public nuisance, following complaints from residents.

Another fast food restaurant in this location is the last thing the residents and area needs, but it is appreciated this is not a licensing consideration.

We would like to see the following conditions added to the Licence should this application be granted: our standard condition that, sales of alcohol shall be ancillary to persons seated and taking a substantial table meal with waiter or waitress service is accepted throughout (MC38),MC41 and MC43,MC37 (to be determined by EH)MC 34,MC35, No deliveries before 08:00.

Conditions have been proposed by the interested parties. These conditions can be found at Appendix 4.

Name:	██████████
Address and/or Residents Association:	████████████████████ ██████████ ██████████
Received:	13 December 2022

This area is already suffering from quite serious anti-social behaviour. We as residents are also suffering from a huge amount of delivery drivers who seem to loiter on the streets and don't seem to deliver food but rather engage in antisocial and illegal behaviour. I would like to object to unnecessary additions to restaurant operation. This is a fast food take away serving alcohol can and will increase antisocial behaviour by people in the area. I would also suggest applying restrictions to third party deliver so as not to exasperate the delivery driver problem. Further I would suggest a close eye is kept on any food outlet and their operating hours. There seems to be a problem with sticking to authorisers operating hours in some outlets. As residents with families we are asking the council to be mindful of our concerns and daily problems. The antisocial behaviour/ delivery driver gang situation on Baker Street and the vicinity is getting worse by the day. Anything including limiting the sale of alcohol can only help.

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Received:	9 December 2022
<p>I write as a [REDACTED]. The continued licensing of fast food shops in this zone is having a severely detrimental affect. Furthermore, the conditions are not sufficiently worded to prevent further deterioration of this area.</p> <p>The Council has a document of 'Model Conditions' which constitutes your preferred wording for conditions which are not being adhered to here.</p> <ul style="list-style-type: none"> -The CCTV conditions do not comply with MC1 and MC2. - There is no mention of an incident log as per MC49 - No mention of courier services and how they will be mitigated or managed - we are blighted here by congregating delivery drivers and today I walked past and saw no less than 5 police officers trying to deal with this as well as their tendency to drive the wrong way on one-way streets. Allowing another venue to use these delivery services will only increase the problems here. Can the Council include a condition not permitting the use of these delivery app services here? - There is no request for notices asking patrons to leave quietly as per MC21 - There is no mention of how fumes, steam, odour will be mitigated and manged as per MC87 - There is no mention of times that waste and recycling can be put out, or where it can be put, or when it can be collected <p>Conditions have been proposed by the interested parties. These conditions can be found at Appendix 4.</p>	
Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Received:	10 December 2022
<p>If delivery apps are to be used, can WCC put in place a condition which prevents bikes/bikers from delivery after a certain time in the day in order to ensure that there is less congregation and ASB caused in the area.</p> <p>Also, what will the premises do to combat bad behaviour from bikes/bikers. The premises has a responsibility to local residents, patrons and pedestrians to ban any bikes/bikers from delivering from their premises if they are involved in ASB, drugs or any other form of bad behaviour.</p>	
Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Received:	9 December 2022
<p>I write as a [REDACTED]. The continued licensing of fast food shops in this zone is having a severely detrimental affect. Furthermore, the conditions are not sufficiently worded to prevent further deterioration of this area.</p> <p>The Council has a document of 'Model Conditions' which constitutes your preferred wording for conditions which are not being adhered to here.</p>	

- The CCTV conditions do not comply with MC1 and MC2.
- There is no mention of an incident log as per MC49
- No mention of courier services and how they will be mitigated or managed - we are blighted here by congregating delivery drivers and today I walked past and saw no less than 5 police officers trying to deal with this as well as their tendency to drive the wrong way on one-way streets. Allowing another venue to use these delivery services will only increase the problems here. Can the Council include a condition not permitting the use of these delivery app services here?
- There is no request for notices asking patrons to leave quietly as per MC21
- There is no mention of how fumes, steam, odour will be mitigated and managed as per MC87
- There is no mention of times that waste and recycling can be put out, or where it can be put, or when it can be collected

Conditions have been proposed by the interested parties. These conditions can be found at Appendix 4.

Name:	██████████
Address and/or Residents Association:	████████████████████ ████████████████████ ██████████ ██████████
Received:	11 December 2022

Another fast food shop, not exactly what we need here on Baker Street. Who will be managing the congregating delivery drivers? How can they demonstrate that they will not be adding to existing problems here? We now regularly see police officers trying to deal with the problems of using delivery apps. The only way that they can demonstrate that they will not be damaging the neighbourhood further is if they are not permitted to use delivery apps. Can WCC write this into the conditions or as a minimum have a very strict condition that can be enforced.

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 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.
 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.
 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.
 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.
 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

	<p>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 applications for each premises use type as defined within this policy are:</p> <p>8. Restaurants Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am.</p> <p>D. Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.</p> <p>E. For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement.</p>
<p>Policy RNT1 applies</p>	<p>A. Applications outside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities being within the council's Core Hours Policy HRS1. 3. The operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1. 4. The applicant has taken account of the Special Consideration Zones Policy SCZ1 if the premises are located within a designated zone. 5. The application and operation of the venue meeting the definition of a restaurant as per Clause C. <p>B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> 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 operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1. 4. The applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone. 5. The application and operation of the venue meeting the definition of a restaurant as per Clause C. <p>C. For the purposes of this policy a restaurant is defined as:</p> <ol style="list-style-type: none"> 1. A premises in which customers are shown to their table or the customer will select a table themselves to which food is either served to them or they have collected themselves. 2. Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at a table. 3. Which do not provide any takeaway service of food and/or drink for immediate consumption, except if provided via an ancillary delivery service to customers at their residential or workplace address. 4. Where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking

	substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals. 5. The sale and consumption of alcohol prior to such meals may be in a bar area but must also be ancillary to the taking of such meal.
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4. Equality Implications

The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary, section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

5. Appendices

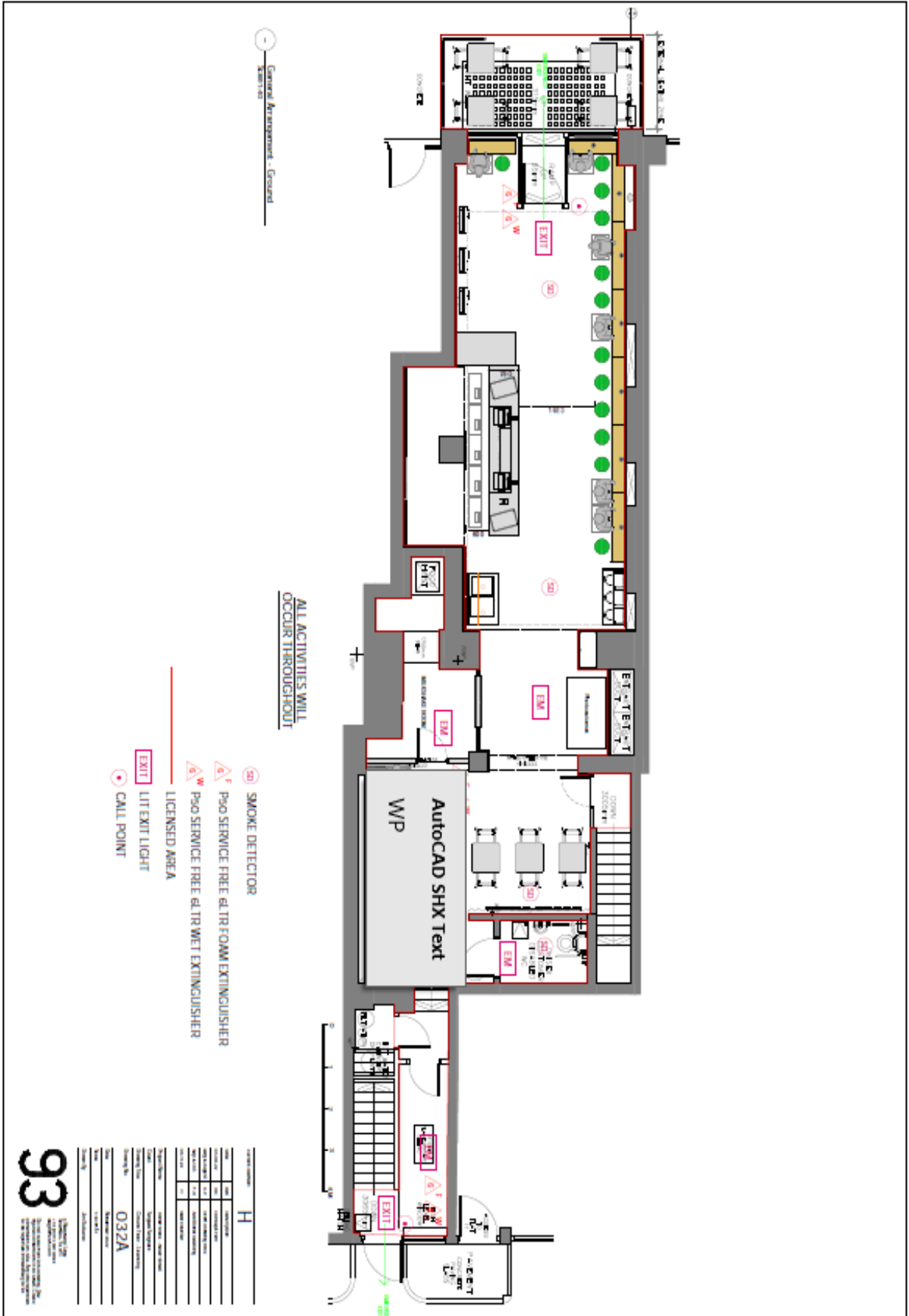
Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

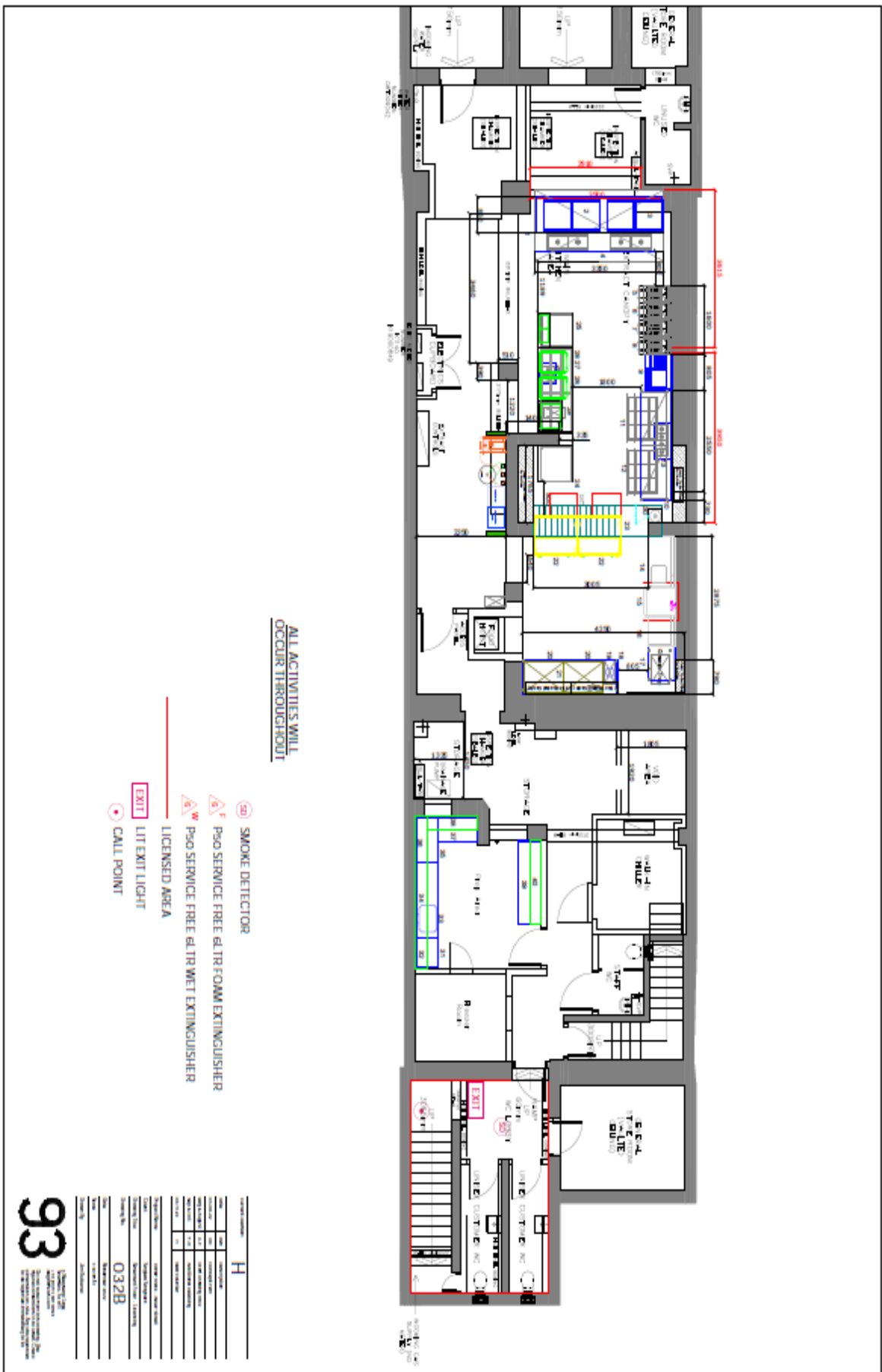
Report author:	Karyn Abbott
Contact:	Telephone: 020 7641 6500 Email: kabbott@westminster.gov.uk

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

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	October 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Environmental Health Service	23 December 2022
5	Representation 1	15 December 2022
6	Representation 2	29 November 2022
7	Representation 3	13 December 2022
8	Representation 4	9 December 2022
9	Representation 5	10 December 2022
10	Representation 6	9 December 2022
11	Representation 7	11 December 2022





Applicant Supporting Documents

Appendix 2

None

Licensing Act 2003 History

Application	Details of Application	Date Determined	Decision
07/11873/WCCMAP	<p>Master Licence</p> <p>Recorded Music Monday to Thursday 10:00 to 23:00 Friday to Saturday 10:00 to 23:30 Sunday 12:00 to 22:30</p> <p>Late Night Refreshment Friday to Saturday 23:00 to 23:30</p> <p>Sale by Retail of Alcohol Monday to Thursday 10:00 to 23:00 Friday to Saturday 10:00 to 23:30 Sunday 12:00 to 22:30</p>	10 December 2017	Granted under Delegated Authority
08/04805/LIPRW	Premises Licence – Removal of Works	22 May 2008	Granted under Delegated Authority
08/04872/LIPV	Premises Licence – Variation – Vary the Plans	1 July 2008	Granted under Delegated Authority
11/02354/LIPRW	Premises Licence – Removal of Works	20 May 2011	Granted under Delegated Authority
14/04902/LIPDPS	Premises Licence – Vary the DPS	16 July 2014	Granted under Delegated Authority
15/10869/LIPDPS	Premises Licence – Vary the DPS	8 December 2014	Granted under Delegated Authority
16/04002/LIPDPS	Premises Licence – Vary the DPS	11 May 2016	Granted under Delegated Authority
17/14050/LIPDPS	Premises Licence – Vary the DPS	27 May 2018	Granted under Delegated Authority
18/12981/LIPT	Transfer Licence Holder from Gourmet Burger Kitchen Limited to Gbk Restaurants Limited	5 February 2019	Granted under Delegated Authority
19/00590/LIPVM	Minor Variation to Premises Licence – to extend opening hours on a Sunday	5 February 2019	Granted under Delegated Authority
19/03057/LIPDPS	Premises Licence – Vary the DPS	7 May 2019	Granted under Delegated Authority
19/05744/LIPDPS	Premises Licence – Vary the DPS	6 June 2019	Granted under Delegated Authority

****Licence Lapsed October 2021 due to Licence Holder going into Liquidation****

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 'On' the premises shall only be to persons taking a table meal there and consumption by such a person as ancillary to their meal.
10. The Supply of Alcohol shall be by waiter or waitress only.
11. Substantial food and non-intoxicating beverages, including drinking water, shall be available throughout the permitted hours in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
12. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

Environmental Health have proposed an alternative wording to Condition 12 below but has not yet agreed by applicant:

12. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
13. All waste is to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
14. No striptease, no nudity and all persons to be decently attired at all times.
15. A comprehensive CCTV system to be installed, operated and maintained as per the recommendation of the Metropolitan Police Crime Prevention Officer with Images to be stored for 31 days. Recordings shall be made available to a Police Officer or an authorised officer immediately on request together with facilities for viewing. (Subject to the Data Protection Act 1998).
16. There shall be no sale, supply or consumption of intoxicating liquor to or by any customers not seated at tables or bar stools within the premises and any such service shall be by waiter, waitress or bartender only.
17. Crime Prevention Literature or Posters will be displayed advising customers to not leave their property unattended.
18. Children shall be accompanied by a responsible adult at all times.
19. The Supply of Alcohol in the external part of the premises shall only be to persons taking a table meal there and consumption by such a person as ancillary to their meal.
20. The external tables and chairs must not be used after 23:00 on any day and must be made unusable after this time.

Environmental Health have proposed an alternative wording to Condition 20 below but has not yet agreed by applicant:

20. All outside tables and chairs shall be removed or rendered unusable by 23.00 each day.
21. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, is swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.

Conditions proposed by Interested Parties and agreed by the applicant to form part of the operating schedule.

22. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
23. 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.
24. The number of persons permitted in the premises at any one-time (excluding staff) shall not exceed (X) persons. (to be determined by Environmental Health)

Environmental Health have proposed an alternative wording to Condition 24 below but has not yet agreed by applicant:

24. The number of persons permitted in the premises at any one-time (excluding staff) shall not exceed (X) persons. *(to be determined by Environmental Health on clearance of 'works' condition but it shall not be more than 60 including not more than 8 in the external area)*
25. The supply of alcohol at the premises shall only be to a person seated taking a substantial table meal there and for consumption by such a person as ancillary to their meal.

For the purpose of this condition a 'Substantial Table Meal' means – a meal such as might be expected to be served as the main midday or main evening meal, or as a main course at either such meal and is eaten by a person seated at a table, or at a counter or other structure which serves the purposes of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure servicing the purposes of a table.

Environmental Health have proposed an alternative wording to Condition 25 below but has not yet agreed by applicant:

25. The supply of alcohol at the premises (including on the external private forecourt) shall only be to a person seated taking a substantial table meal there and for consumption by such a person as ancillary to their meal.

For the purpose of this condition a 'Substantial Table Meal' means – a meal such as might be expected to be served as the main midday or main evening meal, or as a main course at either such meal and is eaten by a person seated at a table, or at a counter or other structure which serves the purposes of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure servicing the purposes of a table.

27. (a) The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team.
(b) All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.
(c) The CCTV system shall continually record whilst the premises is 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.
(d) All recordings shall be stored for a minimum period of 31 days with date and time stamping.
(e) Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.

28. 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.
29. 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.
30. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
31. 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.
32. 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
33. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke or make a phone call, shall not be permitted to take drinks or glass containers with them.

Condition 34 was proposed by the interested parties but not agreed by the applicant

34. No deliveries to the premises shall take place between 20.00 and 08.00 hours on the following day.

Environmental Health have proposed an alternative wording to Condition 34 below but has not yet agreed by applicant:

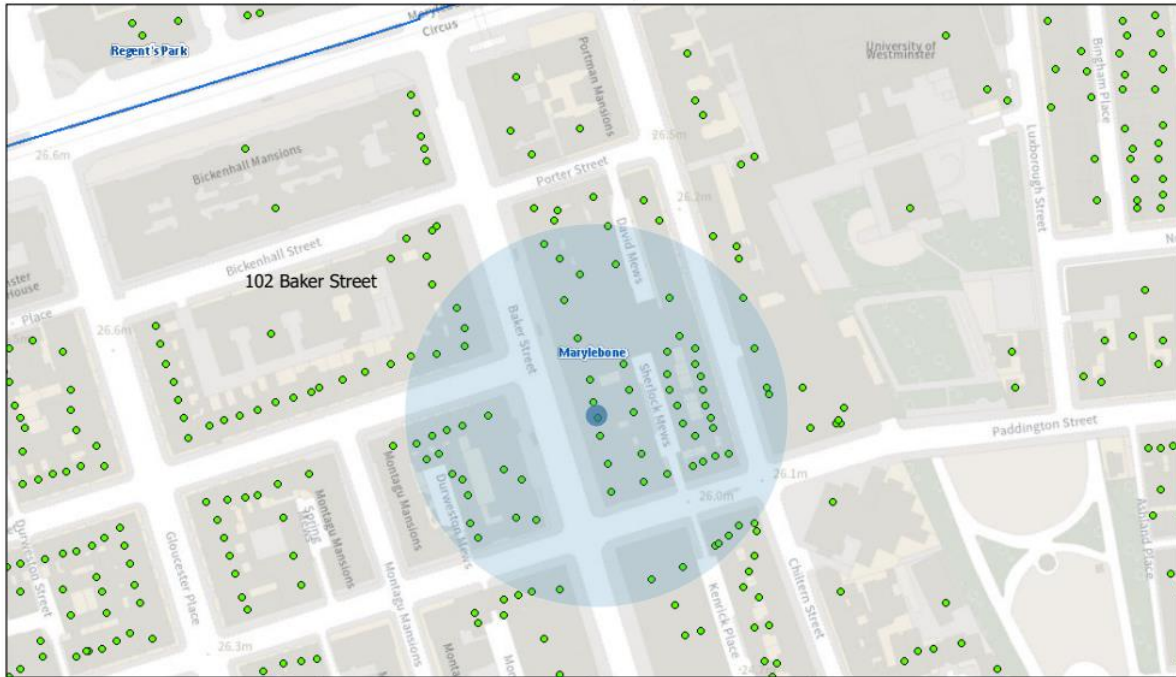
34. No deliveries to the premises shall take place between 23:00 and 08:00 hours on the following day except for in the Baker Street frontage which may be permitted to have deliveries from 07:00 to 23:00 hours

Conditions proposed by the Environmental Health but not yet agreed by the applicant.

35. Takeaways of food by use of a courier service shall only be with a courier service who have agreed that their delivery drivers have been give clear, written instructions to use their vehicles in a responsible manner so as not to cause a nuisance to any residents or generally outside the licenced premises; not to leave engines running when the vehicles are parked; not to obstruct the highway.
36. 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.

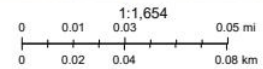
37. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 08.00 hours on the following day unless collections are arranged during the times for the Council's own commercial waste collection service for the street.
38. During the hours 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.
39. 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.

102 Baker Street, London



27/01/2023, 09:35:17

- Property Mailing List
- Ward Labels
- Borough Boundary - Mask
- Borough Boundary - Detailed
- Ward Boundaries



Resident Count = 130

Licensed premises within 75 metres of 58 – 58A Old Compton Street, London				
Licence Number	Trading Name	Address	Premises Type	Time Period
21/06446/LIPDPS	Rosa's Thai Cafe	Basement And Ground Floor 100 Baker Street London W1U 6TW	Restaurant	Sunday; 10:00 - 00:00 Monday to Saturday; 10:00 - 00:30
22/11017/LIPN	Not Recorded	Ground Floor 106 Baker Street London W1U 6TW	Cafe	Friday; 07:00 - 00:00 Saturday; 07:00 - 00:00 Sunday; 07:00 - 22:30 Monday to Thursday; 07:00 - 23:30
19/11707/LIPDPS	Everyman Baker Street	Ground Left 96-98 Baker Street London W1U 6TJ	Cinema	Thursday; 09:00 - 01:00 Friday to Saturday; 09:00 - 02:00 Sunday to Wednesday; 09:00 - 00:00
22/10058/LIPDPS	Holmes Hotel London	108 Baker Street London W1U 6LJ	Hotel, 4+ star or major chain	Monday to Sunday; 10:00 - 00:30
22/00623/LIPDPS	Tesco Express	110-112 Baker	Shop (large)	Sunday; 10:00 -

		Street London W1U 6TP		22:30 Monday to Saturday; 08:00 - 23:00
23/00073/LIPDPS	Chipotle Mexican Grill	Basement And Ground Floor Caparo House 101-103 Baker Street London W1U 6HQ	Restaurant	Sunday; 11:00 - 22:30 Monday to Saturday; 11:00 - 23:30 Bank Holiday; 11:00 - 23:00
09/09022/LIPD	Casa Becci	Ground Floor 32 Paddington Street London W1U 4HE	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
22/10577/LIPCH	Honest Burgers	31 Paddington Street London W1U 4HD	Restaurant	Sunday; 10:00 - 23:00 Monday to Saturday; 10:00 - 23:30 Sundays before Bank Holidays; 10:00 - 23:30
21/06352/LIPN	Franco Manca	91 - 93 Baker Street London W1U 6QQ	Restaurant	Sunday; 08:00 - 23:30 Monday to Thursday; 08:00 - 23:30 Friday to Saturday; 08:00 - 00:00
17/02929/LIPDPS	AD Food Wine	Basement And Ground Floor 29 Paddington Street London W1U 4HA	Shop	Sunday; 10:00 - 22:30 Monday to Saturday; 08:00 - 23:00
22/06993/LIPDPS	Sainsburys	116A Baker Street London W1U 6TS	Shop (large)	Monday to Sunday; 00:00 - 00:00
22/09882/LIPDPS	Mielo Restaurant	35-38 Paddington Street London W1U 4HQ	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
14/10659/LIPDPS	Ohisama	Basement And Ground Floor 39 Paddington Street London W1U 4HH	Restaurant	Sunday; 10:00 - 23:00 Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30 Sundays before Bank Holidays; 10:00 - 00:30
20/03181/LIPCH	Arro Coffee	Basement And Ground Floor 67 Chiltern Street London W1U 6NQ	Cafe	Sunday; 08:00 - 22:00 Monday to Saturday; 07:00 - 22:00
09/06785/LIPV	Fabels	67 Chiltern Street London W1U 6NJ	Shop	Sunday; 10:00 - 22:30 Monday to Saturday; 08:00 - 00:00



City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	9 February 2023
Licensing Ref No:	22/11368/LIPN - New Premises Licence
Title of Report:	Five Guys 59-63 Queensway London W2 4QH
Report of:	Director of Public Protection and Licensing
Wards involved:	Lancaster Gate
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Roxsana Haq Senior Licensing Officer
Contact details	Telephone: 020 7641 6500 Email: rhaq@westminster.gov.uk

1.	Application		
1-A	Applicant and premises		
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	22 November 2022		
Applicant:	FIVE GUYS JV LIMITED		
Premises:	Five Guys		
Premises address:	59-63 Queensway London W2 4QH	Ward:	Lancaster Gate
		Cumulative Impact Area:	None
		Special Consideration Zone:	Queensway/Bayswater Special Consideration Zone
Premises description:	According to the application form these premises intend to operate as a Five Guys burger restaurant with ancillary facilities.		
Premises licence history:	This application is for a new premises licence, and therefore no premises licence history exists.		
Applicant submissions:	There have been no submissions from the applicant		
Applicant amendments:	<p>The application has been amended so that Recorded Music is now removed from the application. There will be no deliveries after 11pm Monday to Saturday and 22:30 on Sunday. Non-standard timings for New Year's Eve have been removed</p> <p>The hours for Films (Indoors), Late Night Refreshment (Indoor and Outdoor), Supply of Alcohol (On and Off Premises) and Opening Hours have also been amended to core hours as seen below in section 1-B.</p>		

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

Sale by retail of alcohol				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	11:00	11:00	11:00	11:00	11:00	11:00	12:00
End:	23:30	23:30	23:30	23:30	00:00	00:00	22:30
Seasonal variations/ Non-standard timings:			N/A				

Films				Indoors, outdoors or both:			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	11:00	11:00	11:00	11:00	11:00	11:00	12:00
End:	23:30	23:30	23:30	23:30	00:00	00:00	22:30
Seasonal variations/ Non-standard timings:		N/A					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	11:00	11:00	11:00	11:00	11:00	11:00	12:00
End:	23:30	23:30	23:30	23:30	00:00	00:00	22:30
Seasonal variations/ Non-standard timings:		N/A					
Adult Entertainment:		None					

2.	Representations
2-A	Responsible Authorities
Responsible Authority:	Environmental Health Service
Representative:	Maxwell Koduah
Received:	5 December 2022
<p>FIVE GUYS, 59-63 Queensway, London, W2 4QH</p> <p>I refer to the application for a new Premises Licence number for the above-mentioned premises. I have considered the information that you have provided within and accompanying this application. I have also considered the application in line with the relevant policies within the Councils Statement of Licensing Policy dated October 2021.</p> <p>Applicant is seeking the following licensable activities:</p> <p>1. Exhibition of films indoors at the following times Sunday to Thursday 11:00 – 00:00 hours Friday – Saturday 11:00 – 01:00 hours New eve to New Year 11:00 – 02:00 hours</p> <p>2. Playing of recorded music indoors at the following times Sunday to Thursday 11:00 – 00:00 hours Friday – Saturday 11:00 – 01:00 hours New eve to New Year 11:00 – 02:00 hours</p> <p>3. Provision of late-night refreshment indoors & outdoor at the following times Sunday to Thursday 23:00 – 00:00 hours Friday – Saturday 23:00 – 01:00 hours New eve to New Year 23:00 – 02:00 hours</p> <p>4. Supply of alcohol be for consumption on & off the premises at the following times Sunday to Thursday 11:00 – 00:00 hours</p>	

Friday – Saturday 11:00 – 01:00 hours

New eve to New Year 11:00 – 02:00 hours

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

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

As presented, the application would have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the Edgware Cumulative Impact area

Conditions, to form part of the operating schedule, have been proposed to support the licensing objectives of Prevention of Public Nuisance and Public Safety. These conditions shall be discussed during a site visit to the premises.

Proposed Environmental Health conditions to form part of the operating schedule

1. A noise limiter must be fitted to the musical amplification system and maintained in accordance with the following criteria:
 - (a) the limiter must be set at a level determined by and to the satisfaction of an authorised Environmental Health Officer, so as to ensure that no noise nuisance is caused to local residents or businesses,
 - (b) The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of the authorised Environmental Health Officer and access shall only be by persons authorised by the Premises Licence holder,
 - (c) The limiter shall not be altered without prior written agreement from the Environmental Health Consultation Team,
 - (d) No alteration or modification to any existing sound system(s) should be affected without prior knowledge of the Environmental Health Consultation Team, and
 - (e) No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
2. 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
3. All windows and external doors shall be kept closed after **21:00** hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons
4. All sales of alcohol for consumption off the premises shall be in sealed containers only
5. Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to food that is available to take-away for immediate consumption and/or delivery

6. 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
7. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number and/or is to be made available to residents and businesses in the vicinity
8. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times
9. The supply of alcohol at the premises shall only be to a person seated taking a burger meal there and for consumption by such a person as ancillary to their meal
10. The supply of alcohol shall be by waiter or waitress service only
11. 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
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. Delivery drivers/riders shall wait inside the premises between deliveries/ for deliveries
14. Delivery drivers/riders shall be given clear written instructions to use their vehicles in a responsible manner so as not to cause a nuisance to any residents or generally outside of the licenced premises
15. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke or make a phone call, shall not be permitted to take glass containers with them
16. No deliveries to the premises shall take place between **23.00** and **08.00** hours on the following day
17. 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
18. 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
19. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means
20. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device
21. 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
22. 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

23. No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined.

Please contact me if you are minded discussing any of the matters above.

Maxwell Owusu Koduah
Environmental Health Officer

2-B	Other Persons		
Name:	[REDACTED]		
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]		
Status:	Valid	In support or opposed:	Opposed
Received:	08 Dec 2022		

Dear Sirs,

I am writing on behalf of [REDACTED] to make a relevant representation objecting to this licence application.

Introduction

[REDACTED] was formed in 1970 and works to protect the special character of our area. A non-profit, non party-political, voluntary organisation, we represent more than 1,000 people. [REDACTED] is consulted by Westminster Council on both major developments and all Council activities which affect the daily lives of residents.

As a recognised amenity society we often engage in consultations with licence applicants both before and during the application process and note with some disappointment that we have not been contacted by the applicant in this case.

Background

The premises is located within the Queensway Special Consideration Zone (SCZ). This area is highlighted within the City Council's Statement of Licensing Policy 2021 (the Policy). The City Council created this policy 'to alert future licensing applicants to the importance of taking such significant local issues fully into account in their operating schedules, by particularising the steps that they are proposing to take to promote the licensing objectives in light of those issues in addition to all other matters'. The policy 'aims to prevent areas that have a high concentration of licensed premises and significant levels of incidents from reverting to or becoming a Cumulative Impact Zone.'

The Policy informs applicants that they 'should demonstrate that they have taken account of the issues particular to the Zone, in question as identified within the 2020 Cumulative Impact Assessment, and should set out any proposed mitigation measures in relation to those issues within their operating schedule.'

Queensway is an area which is under pressure from problems caused by a large number of licensed premises and, in particular, 'quick service restaurants' (QSRs) or fast-food eat in and takeaways. These issues increase with i) the lateness of the terminal hours; ii) amount of alcohol consumed; and iii) the proportion of takeaway/delivery of hot food. This causes issues including noise, anti-social behaviour, litter, nuisance from delivery drivers etc.

██████████ and the authorities are very alive to these issues. For instance, the KFC fast-food premises immediately opposite this premises, at No 54 Queensway, has been refused permission to extend its operations – see the attached planning appeal decision. A Premises licence application to extend the operating hours was withdrawn earlier this year.

The impact of these issues is felt so severely due to the extent of residential accommodation in the vicinity.

Above the premises is Princess Court, a large block of flats (111), and flats at Queens House (10) and Queens Court (154) either side.

The application

We are aware that the site has a previous/existing premises licence, permitting sale of alcohol and late night refreshment to 'core hours', operating as a sit-down traditional restaurant. In contrast, Five Guys is a very popular burger restaurant with low dwell time and high turnover. Therefore, quite apart from the differences between the application and the previous/existing licence, the difference in the style of operation is marked and is more likely to impact on the licensing objectives.

We are extremely surprised by the lack of information in the application, particularly for an application of this scope and to these hours, in an SCZ and beneath and adjacent to residential buildings. This does not encourage us that the applicant has done their 'due diligence' prior to submitting the application. If in the alternative they have done 'due diligence' it is highly concerning that they feel it acceptable to propose the few conditions that are included in the application, and to apply for the hours requested. This is a significant deficiency in the application and, whilst we do not contend that the application is not lawful, we do draw the Licensing Authority's attention to the expectations set out in the Policy, which have not been followed either sufficiently or at all, e.g. (our emphasis):

'Applicants should include as much detail as possible in their **operating schedule** to enable responsible authorities and other parties to understand the operation of the venue. The information provided within the operating schedule should consider the policy requirements contained within this statement. The applicant should demonstrate how the applicant and the operation of the premises will promote the licensing objectives. Residents, businesses and Responsible Authorities will have regard to the information contained within the operating schedule and therefore it is important to provide as much information upon application as possible.' (p6).

'the importance of taking such significant local issues fully into account in their operating schedules, by particularising the steps that they are proposing to take to promote the licensing objectives in light of those issues in addition to all other matters' (D37).

The application seeks:

Films, recorded music, late night refreshment indoors and outdoors, and sale of alcohol for consumption on and off the premises –from 11am to midnight Sun-Thurs, 11am to 1am Fri-Sat. The opening times would be the same. They have applied for 2am New Year's Eve.

The proposed conditions are scant - the only proposals are CCTV, training for staff, and challenge 25.

By way of comparison, the previous/existing licence was for on sales only, with an earlier terminal hour, and conditions securing no takeaway after 11pm.

██████████ position

██████████ strongly objects to the hours proposed in the application. No justification has been provided for why the Licensing Authority should grant these hours. The nature of the operation would mean that customers would be attracted to the premises from other licensed premises late at night, particularly when pubs close, and it would become a 'honeypot', increasing the risk of crime, noise, and anti-social behaviour.

Whilst we would like to see a significant reduction in hours of opening if the application was to be granted at all, we would also not want to see takeaway of hot food and drink after 11pm and

possibly earlier.

There is no condition that sale of alcohol would be ancillary to a table meal and we consider that it is essential to have this condition.

The hours sought and absence of conditions re: takeaway food and alcohol being ancillary to a table meal means that the premises could operate in future as a late night 1am bar, with on and off sales, takeaway hot food, and no requirement for food to be served at all.

Even if these matters were remedied and the hours reduced to a reasonable level (we would suggest no later 11pm, which is more in line with new licences which the applicant has had granted in Westminster), we would also want a range of other conditions to promote the licensing objectives. We would have expected to see these conditions in the application. They include:

No off sales of beers, lagers, cider over 5.5% ABV (to reduce attractiveness to street drinkers)

No off sales of alcohol without food (ditto).

Conditions preventing noise emanation and odours (to protect residents above and adjacent)

A condition ensuring the frontage is kept free of litter

Doors & Windows to be in closed position after 9pm.

Timings for deliveries and waste collections.

It is unclear whether the applicant wishes to operate a delivery service of hot food and, if so, whether it will be operated 'in house' or by way of a delivery app. There is no mention of this in the application, and we hope that this does not mislead members of the public if it transpires (as we are sure it will) that they do intend to offer a delivery service.

Regarding deliveries of food from the premises, there are various logistical problems with this. There is a raised loading bay immediately outside premises, has loading permitted only between 8am and 1pm and after those hours becomes use for pedestrians only. The road outside the premises is very narrow at 4.75 metres, just wide enough for Route 70 single level bus but no room for motor scooters to park up to collect takeaways and cluster but is forbidden under parking regulations to stop, even for this pick up. We would like to see bicycles only.

██████████ shares the concerns set out in Policy DEL1:

'The Licensing Authority is concerned with the growing levels of residential complaints and issues associated with public nuisance that is either generated at or in the general vicinity of the licensed premises where deliveries are collected or at the end destination where the delivery is made. Complaints often relate to noise from delivery personnel waiting around the licensed premises or from their delivery vehicles. Applicants must consider the potential impact of noise nuisance from delivery personnel and their vehicles at the licensed premises or at the end destination. Appropriate waiting areas inside the licensed premises must be provided to prevent delivery personnel congregating outside the venue.' (G4).

Again, it appears that the applicant has not discharged the expectations set out in this policy.

Conclusion

The application is contrary to a number of policies, for instance HRS1, PN1, FFP1, CD1, SCZ1. It should therefore be refused.

We are aware of course that applications can be amended, and as ever, ██████████ is very happy for our contact details to be passed to the applicant/their solicitors, and to discuss the operation and application with them.

We reserve the right to make further comments/proposals/conditions in due course when we have more information about the application/operation.

Yours sincerely,

██████████
██

Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	14 Dec 2022		
<p>I am writing on behalf of [REDACTED] to support the objection made by the [REDACTED]. The proposed hours of operation until 1am on Friday and Saturday as well as midnight on all other days are outside of the core hours specified by WCC and will undoubtedly create a nuisance for local residents. We therefore request that the council refuses this application.</p>			
Name:		[REDACTED]	
Address and/or Residents Association		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	18 December 2022		
<p>As the [REDACTED] and local resident, I fully support [REDACTED]'s objections. Thanks</p>			
Name:		[REDACTED]	
Address and/or Residents Association		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	02 December 2022		
<p>I am very concerned at the impact of the provision of late-night refreshments and alcohol at this site. I want object to the above application on grounds of noise, litter etc nuisance and potential crime and disorder.</p> <p>The premises, which is directly beneath a large residential block, Princess Court with other large residential blocks in immediate vicinity, will operate as a 'fast food' takeaway business that also sells alcohol until 1am in the morning. The hours proposed for takeaway and alcohol sales are against policy and Queensway is situated in a special dedicated area to protect the wellbeing of residents in the area.</p> <p>To grant permission for this site to serve alcohol and food until 1am will be to the direct detriment of residents in the area and will create a hotspot for crime and disorder in an area already suffering with ASB.</p> <p>The hours of operation should be reduced to align with the hours of operation of other takeaway establishments on the street (i.e. 11pm latest).</p>			

Name:		[REDACTED]	
Address and/or Residents Association		[REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	10 December 2022		
<p>[REDACTED] has had the opportunity to review [REDACTED] response to this application & we concur wholeheartedly with the points raised therein. In particular we would draw the committee's attention to their note ie. residential properties above premises along with two very large blocks of flats opposite (Princess Court, Queens Court & Queens House) and the premises are in the Queensway / Bayswater WCC designated Area as identified within the 2020 Cumulative Impact Assessment, and should set out any proposed mitigation measures in relation to those issues within their operating schedule. We trust therefore that ALL will be properly considered accordingly.</p>			

3.	Policy & Guidance
The following policies within the City of Westminster Statement of Licensing Policy apply:	
Fast Food Premises Policy FFP1 applies	<p>A. Applications outside the West End Cumulative Zones will generally be granted subject to:</p> <ol style="list-style-type: none"> 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 operation of any delivery services for alcohol and/or late night refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1. 4. The applicant has taken account of the Special Consideration Zones Policy SCZ1 if the premises are located within a designated zone. 5. The application and operation of the venue meet the definition of a fast food premises in Clause D. <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"> 1. Applications to vary the existing licence hours within the council's Core Hours Policy HRS1, and/or, 2. Applications that seek to vary the existing licence so as to reduce the overall capacity of the premises. <p>C. The applications referred to in Clause B1 and B2 will generally be granted subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1. 3. The application and operation of the venue continuing to meet the definition of a Fast Food Premises in Clause D. <p>D. For the purposes of this policy a Fast Food Premises is defined as:</p> <ol style="list-style-type: none"> 1. A premises that provides late night refreshment, either by way of fast food over a counter, via a self-seating basis or take away for immediate consumption. 2. Food and drink are: <ol style="list-style-type: none"> a. Available on the premises for self-selection. b. Prepared on the premises. c. Cooked or produced off the premises but brought to that premises in advance of its sale to customers. 3. The food and drink are provided in pre-sealed or open disposable packaging which is intended for immediate consumption. 4. A fast-food premises can provide a delivery service as part of its operation, however that service must be ancillary to the main function of the premises as defined within sub-clauses D,1 to D,3 above.

<p>Special Consideration Zones Policy SCZ1 applies</p>	<p>A. In addition to meeting the other policies within this statement, applications within a designated Special Consideration Zone should demonstrate that they have taken account of the issues particular to the Zone, in question as identified within the 2020 Cumulative Impact Assessment, and should set out any proposed mitigation measures in relation to those issues within their operating schedule.</p> <p>B. For the purpose of Clause A, the designated Special Consideration Zones are:</p> <ul style="list-style-type: none"> • West End Buffer. • Queensway/Bayswater. • Edgware Road. • East Covent Garden. • Mayfair. • Victoria. <p>Queensway/Bayswater Special Consideration Zone</p> <p>D49. The Queensway/Bayswater area is 0.13km² in size, accounting for 0.5% of the borough's footprint. The local issues that need to be considered by applicants are:</p> <ul style="list-style-type: none"> • Elevated levels of noise nuisance at night. • Illegal waste. • Incidents relating to ambulance call outs at night to the locations of licensed premises for intoxication, injury related to intoxication and/or assault. • Serious violent crimes. • Robberies at night. <p>D50. The incidents recorded between 2017 and 2019 for this area were nearly three times the borough's average rate of incidents per square kilometre.</p>
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4. Equality Implications

The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary, section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

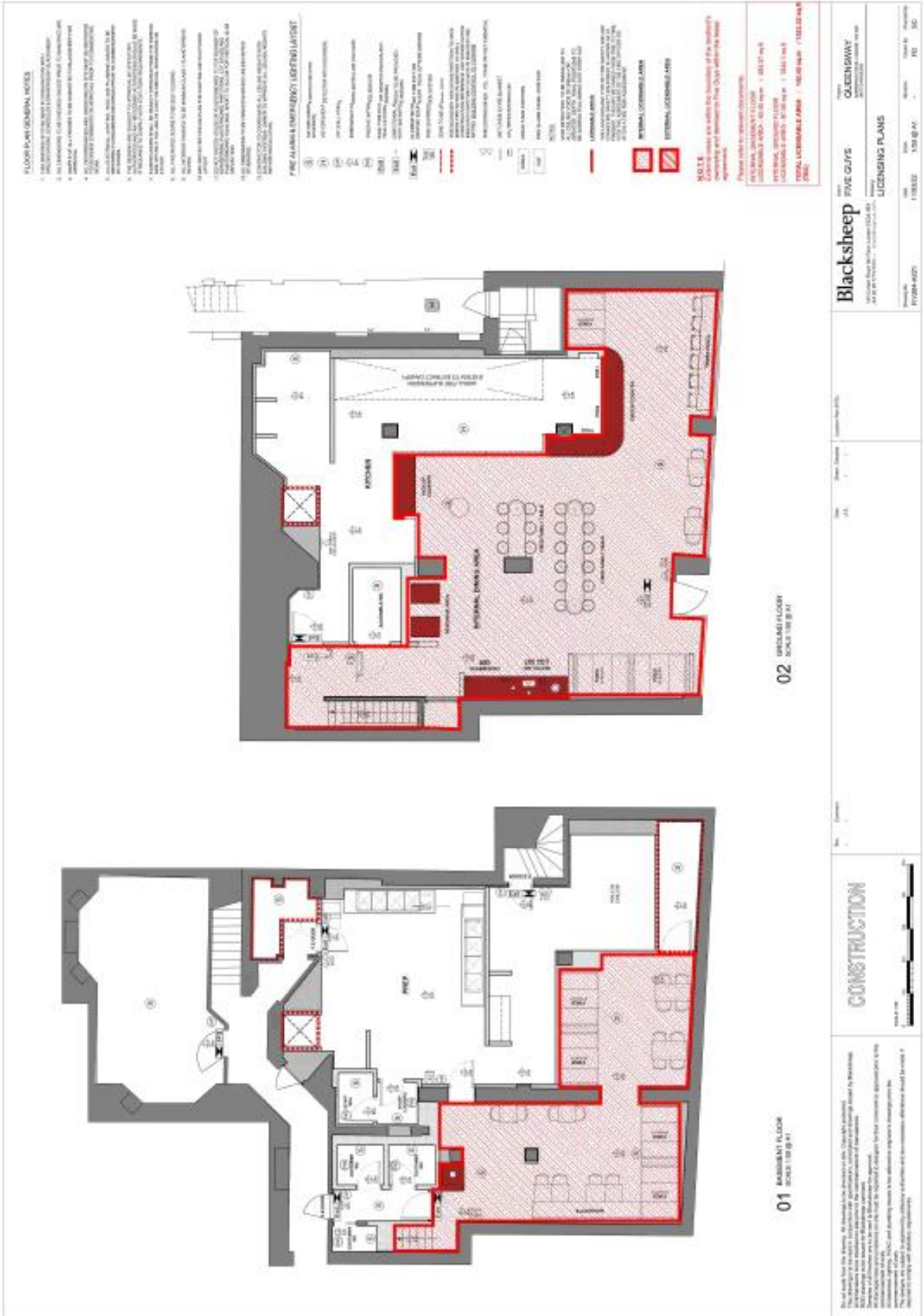
5.	Appendices
Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

Report author:	Roxsana Haq Senior Licensing Officer
Contact:	Telephone: 020 7641 6500 Email: rhaq@westminster.gov.uk

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

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	01 October 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Environmental Health Service	05 December 2022
5	Interested party 1	08 December 2022
6	Interested party 2	14 December 2022
7	Interested party 3	18 December 2022
8	Interested party 4	02 December 2022
9	Interested party 5	10 December 2022



Mediation correspondence between applicant and interested parties:

From: [REDACTED]
Sent: 20 January 2023 09:14
To: [REDACTED] Licensing: WCC
<Licensing@westminster.gov.uk>
Cc: [REDACTED]
Subject: RE: Re: Five Guys, Queensway - New Premises Licence Application Public Representations 22/11368/LIPN PCX:000006000000082

Hi [REDACTED]

My clients have considered their position and are amending their application as below. This is within Core Hours I believe and includes all but one of the conditions agreed with EH (even when the hours applied for were longer).

I hope the below will satisfy all those who have made representations and I would be most grateful if you could forward it to them at the earliest opportunity in the hope that all parties will withdraw and we can avoid a hearing.

Many thanks

[REDACTED]

Proposed amended hours, activities and conditions

The application to be amended to Films (Indoors), Late Night Refreshment (Indoor and Outdoor), Supply of Alcohol (On and Off Premises) and Opening Hours:

Monday to Thursday: 11am to 11.30pm.

Friday and Saturday: 11am to Midnight.

Sunday: Midday to 10.30pm.

Sundays immediately prior to a bank holiday: Midday to Midnight

Recorded Music removed from the application.

No deliveries after 11pm Mon-Sat and 2230 Sunday and we would withdraw the request for NYE hours.

Conditions agreed with the EHO (I have removed the one that related to delivery drivers waiting inside after 2300 as this is no longer relevant):

1. 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
2. All sales of alcohol for consumption off the premises shall be in sealed containers only, except for in a designated outside seating area.
3. Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to food that is available to take-away for immediate consumption and/or delivery

4. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number and/or is to be made available to residents and businesses in the vicinity
5. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times
6. The supply of alcohol at the premises shall be for consumption by such a person as ancillary to their meal
7. 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
8. 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
9. Delivery drivers/riders shall be given clear written instructions to use their vehicles in a responsible manner so as not to cause a nuisance to any residents or generally outside of the licenced premises
10. No deliveries to the premises shall take place between 23.00 and 08.00 hours on the following day
11. 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
12. 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
13. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means
14. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device
15. 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
16. 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
17. No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined.

From: [REDACTED] <licensing@westminstercab.org.uk>

Sent: 31 January 2023 16:09

To: [REDACTED]

Cc: [REDACTED]

Subject: FW: 22/11368/LIPN - Five Guys, 59-63 Queensway

Dear [REDACTED]

I have taken instructions on the current position following my call with [REDACTED] yesterday.

I can confirm:

1. [REDACTED] will maintain their position in respect of their proposed condition '*There shall be no sales of hot food or hot drink for consumption off the premises after 23.00 hours*'

[REDACTED] believes that this condition is appropriate and proportionate given the location in a Special Consideration Zone. It is consistent with Model Condition 56. It is also consistent with what has been agreed by [REDACTED] in negotiations with premises in recent times (and indeed the existing licence for this premises), and is consistent with the relevant policy provisions in FFP1.

2. [REDACTED] is prepared to amend its suggested condition re: timings for collections of waste, and suggests a condition which instead refers to the times for WCC collections of waste as may from time to time be in force.
3. [REDACTED] hopes that the remaining conditions proposed in my email below are uncontroversial.
4. Finally, my email below flagged up that [REDACTED] may, on behalf of residents, request an earlier time for deliveries to the premises (currently with a proposed finish time 23.00) due to problems currently experienced with another local premises. Having deliberated, [REDACTED] proposes an amendment to the condition to read:

'No deliveries to the premises shall take place between 20.00 and 08.00 hours on the following day'

[REDACTED] – can you please include the mediation correspondence in the LSC Report so that the Committee is aware of the current position.

Kind regards,

[REDACTED]

Licensing Advice Project
Citizens Advice Westminster

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From: [REDACTED]
Sent: 18 January 2023 15:39
To: [REDACTED]
Cc: [REDACTED]
Subject: 22/11368/LIPN - Five Guys, 59-63 Queensway

Dear [REDACTED]

Thank you for forwarding mediation correspondence from the applicant's solicitor.

[REDACTED] A has passed on the mediation correspondence to me and asked me to respond on their behalf, and I do so below. Could you possibly confirm whether EH are maintaining their representation, and also whether the police have agreed any conditions and maintaining their representation?

Firstly, may we reiterate that [REDACTED] welcomes the applicant to the area; confirms they are very happy to work in partnership; and that they are likewise happy to meet as suggested in the penultimate paragraph of [REDACTED] email.

Secondly, it is noted that the mediation is expressed to be 'without prejudice'. Presumably this does not apply to the conditions agreed with Environmental Health.

In any event, although [REDACTED] acknowledges that some progress has been made, the proposed hours for licensable activities remain too late. The premises is located in a very busy part of a Special Consideration Zone, to which no account appears to have been paid in the application as submitted, albeit there appears to be some belated recognition in the conditions now proposed. It is also located beneath a large block of flats, Princess Court.

With the conditions now proposed and a some additions (see below), [REDACTED] would accept 'core hours' for 'on' sales of alcohol and late night refreshment on the premises. This is consistent with the previous licence for the premises and in fact in some respects is more generous (e.g. the previous licence did not permit off sales at all).

The additional conditions [REDACTED] seeks are:

- *All windows and external doors shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.*
- *There shall be no sales of alcohol for consumption off the premises after 23.00 hours*
- *There shall be no sales of hot food or hot drink for consumption off the premises after 23.00 hours*
- *No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 08.00 hours on the following day.*
- *Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke or make a phone call, shall not be permitted to take drinks or glass containers with them.*

- *All tables and chairs shall be removed from the outside area by 23.00 hours each day*

██████████ would also like to flag up that residents may wish for an earlier time for deliveries to the premises (currently with a proposed finish time 23.00) due to problems currently experienced with another local premises.

██████████ will therefore be maintaining their representation at this stage.

Kind regards,

██████████

████████████████████
Licensing Advice Project
[Citizens Advice Westminster](#)

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. A CCTV system with recording equipment shall be installed, operated and maintained at the premises (unforeseen faults excepted). Images will be retained for a minimum of 28 days and supplied to a police officer upon reasonable request subject to the Data Protection Act 1998.
10. Members of staff authorised to sell alcohol shall receive training on the law with regard to alcohol sales (including the prohibition of sale of alcohol to those who are under age and those who are drunk).
11. The premises will operate a "Challenge 25" proof of age scheme whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. Acceptable identification for the purposes of age verification will include a driving licence, passport or photographic identification bearing the "PASS" logo and date of birth. If the person seeking alcohol is unable to produce acceptable means of identification, no sale or supply of alcohol will be made to that person.
12. Challenge 25 signage shall be displayed within the premises.

Conditions proposed by an Interested Party [REDACTED]

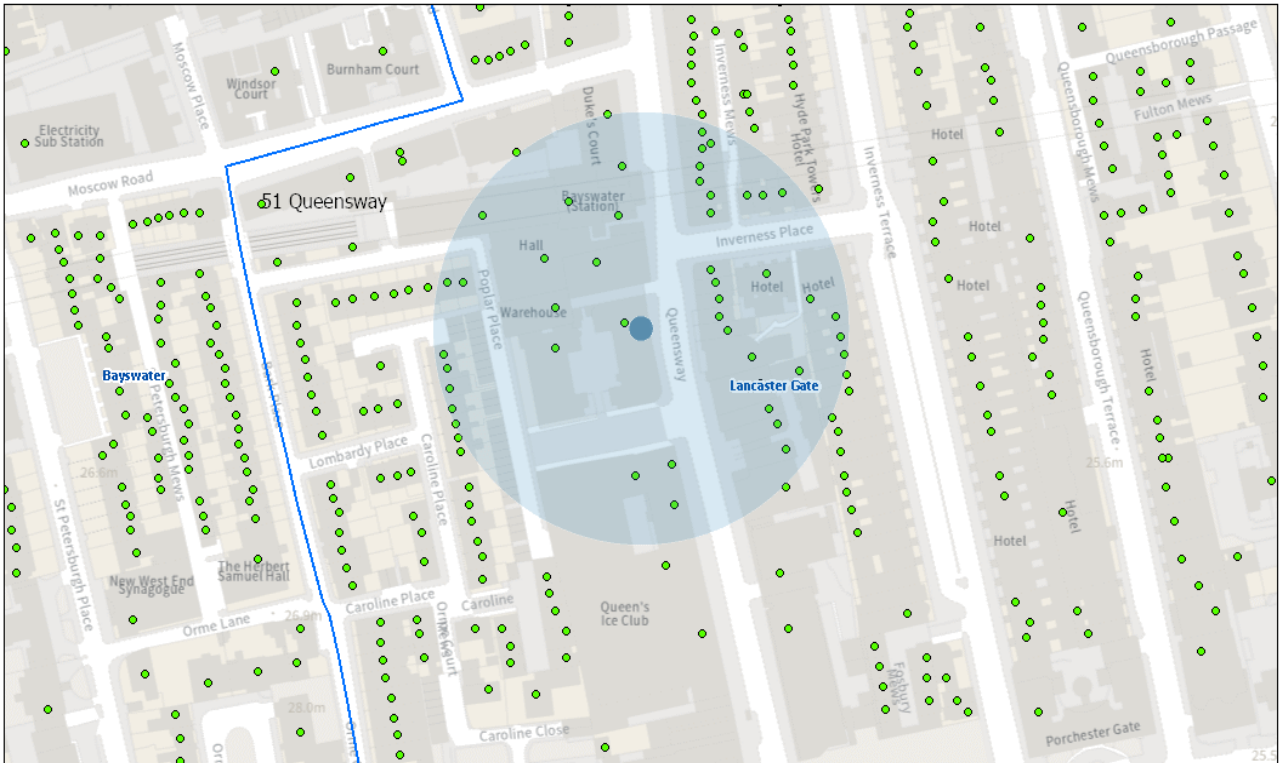
13. There shall be no sales of alcohol for consumption off the premises after 23.00 hours.
14. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00 hours.
15. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 08.00 hours on the following day.
16. All tables and chairs shall be removed from the outside area by 23.00 hours each day.

Conditions proposed by the Environmental Health Service and agreed by the applicant

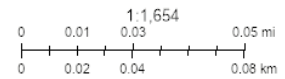
17. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
18. All sales of alcohol for consumption off the premises shall be in sealed containers only, except for in a designated outside seating area.
19. Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to food that is available to take-away for immediate consumption and/or delivery.
20. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number and/or is to be made available to residents and businesses in the vicinity.
21. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
22. The supply of alcohol at the premises shall be for consumption by such a person as ancillary to their meal.

23. 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.
24. 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.
25. Delivery drivers/riders shall be given clear written instructions to use their vehicles in a responsible manner so as not to cause a nuisance to any residents or generally outside of the licenced premises.
26. No deliveries to the premises shall take place between 23.00 and 08.00 hours on the following day.
27. 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.
28. 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.
29. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
30. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
31. 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.
32. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.
33. No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined.

59-63 Queensway London W2 4QH



26/01/2023, 14:00:49



- Property Mailing List
- Ward Labels
- Borough Boundary - Mask
- Borough Boundary - Detailed
- Ward Boundaries

Resident Count: 248

Licensed premises within 75 meters of 59-63 Queensway, London W2 4QH				
Licence Number	Trading Name	Address	Premises Type	Time Period
21/05954/LIPCH	Bella Italia	55-57 Queensway London W2 4QH	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
16/02012/LIPDPS	Taste Of India	51 Queensway London W2 4QH	Restaurant	Sunday; 12:00 - 22:30 Monday to Saturday; 12:00 - 23:30

16/05337/LIPT	Kam Tong Chinese Restaurant	59-63 Queensway London W2 4QH	Restaurant	Sunday; 12:00 - 22:30 Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sundays before Bank Holidays; 12:00 - 00:00
19/05374/LIPDPS	Sainsburys	Queens House 73-77 Queensway London W2 4RA	Shop (large)	Monday to Sunday; 00:00 - 00:00
17/02109/LIPDPS	Maharaja	50 Queensway London W2 3RY	Restaurant	Monday to Sunday; 12:00 - 00:30
19/14229/LIPT	Manoush Restaurant	48 Queensway London W2 3RY	Restaurant	Sunday; 12:00 - 22:30 Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sundays before Bank Holidays; 12:00 - 00:00
22/11982/LIPCHT	Grosvenor Casino Bayswater	79-81 Queensway London W2 4QH	Casino or gambling club	Monday to Sunday; 00:00 - 00:00
20/00632/LIPN	Not Recorded	40 Queensway London W2 3RS	Cafe	Monday to Sunday; 09:00 - 21:00
22/12079/LIPDPS	Tesco Express (03466)	62-64 Queensway London W2 3RL	Shop	Sunday; 10:00 - 22:30 Monday to Saturday; 08:00 - 23:00
21/13617/LIPVM	Pizza Pilgrims	38 Queensway London W2 3RS	Restaurant	Monday; 10:00 - 23:30 Tuesday; 10:00 - 23:30 Wednesday; 10:00 - 23:30 Thursday; 10:00 - 23:30 Friday; 10:00 - 00:00 Saturday; 10:00 - 00:00 Sunday; 12:00 - 22:30

22/04843/LIPDPS	Berjaya Eden Park Hotel	35-39 Inverness Terrace London W2 3JS	Hotel, 3 star or under	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
06/10311/WCCMAP	Taza Take Away	35A Queensway London W2 4QJ	Shop	Monday to Sunday; 10:00 - 00:00
20/04031/LIPD	Kalinka	35 Queensway London W2 4QJ	Shop	Sunday; 12:00 - 18:30 Monday to Saturday; 11:00 - 20:00
15/03800/LIPT	Queensway Food & Wine	37 Queensway London W2 4QJ	Food store	Sunday; 10:00 - 22:30 Monday to Saturday; 08:00 - 23:00
17/06728/LIPN	Queensway Food Wine	31-31A Queensway London W2 4QJ	Shop	Sunday; 08:00 - 00:00 Monday to Saturday; 07:00 - 00:00
10/04568/LIPN	Curry Place	36 Queensway London W2 3RX	Restaurant	Sunday; 12:00 - 22:30 Monday to Thursday; 11:00 - 23:30 Friday to Saturday; 11:00 - 00:00
21/07962/LIPDPS	Rosa's	36 Queensway London W2 3RX	Not Recorded	Sunday; 12:00 - 22:30 Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00
21/04609/LIPT	Chamuyo Steakhouse	66 Inverness Mews London W2 3JQ	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
22/09135/LIPT	La Brasserie	Basement And Ground Floor 68 Queensway London W2 3RL	Restaurant	Sunday; 07:00 - 23:00 Monday to Saturday; 07:00 - 23:30



City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	9 February 2023
Licensing Ref No:	22/11065/LIPN - New Premises Licence
Title of Report:	CA Japanese Pancakes 324 Vauxhall Bridge Road London SW1V 1AA
Report of:	Director of Public Protection and Licensing
Wards involved:	Vincent Square
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Jessica Donovan Senior Licensing Officer
Contact details	Telephone: 020 7641 6500 Email: Jdonovan@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	16 November 2022		
Applicant:	Family Happy Ltd		
Premises:	CA Japanese Pancakes		
Premises address:	324 Vauxhall Bridge Road London SW1V 1AA	Ward:	Vincent Square
		Cumulative Impact Zone:	None
		Special Consideration Zone:	Victoria
Premises description:	This is an application for a new premises licence for the retail sale of alcohol for consumption on the premises. Off sales shall be limited to those customers occupying the outside space. The shop occupies the ground floor and front outside space (subject to a Westminster Council pavement licence) of 324 Vauxhall Bridge Road and will operate as a licensed cafe where the sale of alcohol shall be dependent upon a supply of food to seated customers.		
Premises licence history:	This is a new premises application and therefore no Premises Licence history exist.		
Applicant submissions:	The application has provided a mediation letter to the interested party which can be found at Appendix 2 along with correspondence with the Environmental Health Service.		
Applicant amendments:	None		

1-B Proposed licensable activities and hours							
Sale by retail of alcohol				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	11:00	11:00	11:00	11:00	11:00	11:00	11:00
End:	21:00	21:00	21:00	21:00	21:00	21:00	21:00
Seasonal variations/ Non-standard timings:			None				

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	09:00	09:00	09:00	09:00	09:00	09:00	09:00
End:	21:30	21:30	21:30	21:30	21:30	21:30	21:30
Seasonal variations/ Non-standard timings:			None				

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Service
Representative:	Dave Nevitt
Received:	09 December 2022
<p>I wish to make Representations on the following grounds:</p> <p>Representation is made in relation to the application, as the proposals are likely to increase the risk of Public Nuisance and may impact upon Public Safety.</p> <p>Further comments provided to the applicant on 12 December 2022:</p> <p>I carried out a site visit today. The operators were very helpful. I have a couple of concerns:</p> <ol style="list-style-type: none">1. There are inadequate sanitary facilities. The premises is a small unit (probably an A1 shop) which does not have any toilets on site for either staff or customers. I asked the operator about this and they say that they direct customers to the public toilets at Victoria station as there are none on site.2. The plans show the red line as including the external highway/pavement area – this seems to be public highway and is subject to a tables & chairs licence. I understand from the operating schedule that Off Sales are restricted to patrons seated in the area - we have a Model Condition that can be used for that but my understanding is that the red line will need to be redrawn so as to include the demise of the premises only and not the public highway. I suggest to discuss this point with the Licensing Service. <p>I will be sending some proposed conditions but at this stage I will need to maintain a Rep because of the lack of toilet provision.</p> <p>I look forward to your comments.</p>	
Responsible Authority:	Metropolitan Police Service (<i>Withdrawn 16 December 2022</i>)
Representative:	PC Dave Morgan
Received:	06 December 2022
<p>With reference to the above, I am writing to inform you that the Metropolitan Police Service, as a Responsible Authority, are objecting to this application, as it is our belief that if granted, the application would undermine the Licensing Objectives, namely the Prevention of Crime and Disorder.</p> <p>Within the application, you have supplied a number steps to help promote the Licensing Objectives which I appreciate. However, I feel that there are a few additional conditions that I would like to see added to the licence should it be granted.</p> <p>Attached to this email is a list of those conditions, some of which you have already offered.</p> <p>Please have a read through and let me know whether you and your client are happy to accept them or please feel free to contact me should you wish to discuss them further.</p> <p>Following an agreement of conditions, The Metropolitan Police Service withdrew their representation on 16 December 2022. A copy of the conditions can be found at Appendix 4.</p>	

2-B Other Persons			
Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	13 December 2022		
<p>I & my neighbours strongly object to this licence which will further exacerbate the nuisance, particularly noise, caused by these establishments forming [REDACTED] [REDACTED]. There are adequate alternative places designed and managed for socialising / drinking alcohol, in the neighbourhood.</p> <p>Additionally the application is conflicting by stating 'retail sale of alcohol for consumption ON the premises' and then stating ' Off sales shall be limited to those customers occupying the outside space'. This is clearly designed to allow off sales - how could it be monitored ?</p>			

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<p>Policy SCZ1 applies</p>	<p>A. In addition to meeting the other policies within this statement, applications within a designated Special Consideration Zone should demonstrate that they have taken account of the issues particular to the Zone, in question as identified within the 2020 Cumulative Impact Assessment, and should set out any proposed mitigation measures in relation to those issues within their operating schedule.</p> <p>B. For the purpose of Clause A, the designated Special Consideration Zones are:</p> <ul style="list-style-type: none"> • West End Buffer • Queensway/Bayswater • Edgware Road • East Covent Garden • Mayfair • Victoria
<p>Policy HRS1 applies</p>	<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"> 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 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. 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.

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.

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.

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.

C. For the purpose of Clauses A and B above, the Core Hours for applications for each premises use type as defined within this policy are:

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: 9am to 12am

3. **Hotels:** Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am. For the sale of alcohol to guests for consumption in hotel/guest rooms only: Anytime up to 24 hours.

4. **Off licences:** Monday to Saturday: 8am to 11pm. Sunday: 9am to 10.30pm.

5. **Outdoor Spaces:** Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am.

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

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.

7. **Qualifying Clubs:** Monday to Thursday: 9am to 12am.. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am.

8. **Restaurants:** Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am.

9. **Sexual Entertainment Venues and Sex Cinemas:** Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am.

D. Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.

E. For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement.

<p>Policy RNT1 applies</p>	<p>A. Applications outside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities being within the council's Core Hours Policy HRS1. 3. The operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1. 4. The applicant has taken account of the Special Consideration Zones Policy SCZ1 if the premises are located within a designated zone. 5. The application and operation of the venue meeting the definition of a restaurant as per Clause C. <p>B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> 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 operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1. 4. The applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone. 5. The application and operation of the venue meeting the definition of a restaurant as per Clause C. <p>C. For the purposes of this policy a restaurant is defined as:</p> <ol style="list-style-type: none"> 1. A premises in which customers are shown to their table or the customer will select a table themselves to which food is either served to them or they have collected themselves. 2. Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at a table. 3. Which do not provide any takeaway service of food and/or drink for immediate consumption, except if provided via an ancillary delivery service to customers at their residential or workplace address. 4. Where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals. 5. The sale and consumption of alcohol prior to such meals may be in a bar area but must also be ancillary to the taking of such meal.
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4. Equality Implications

The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary, section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

5. Appendices

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

Report author:	Jessica Donovan Licensing Officer
Contact:	Telephone: 020 7641 6500 Email: Jdonovan@westminster.gov.uk

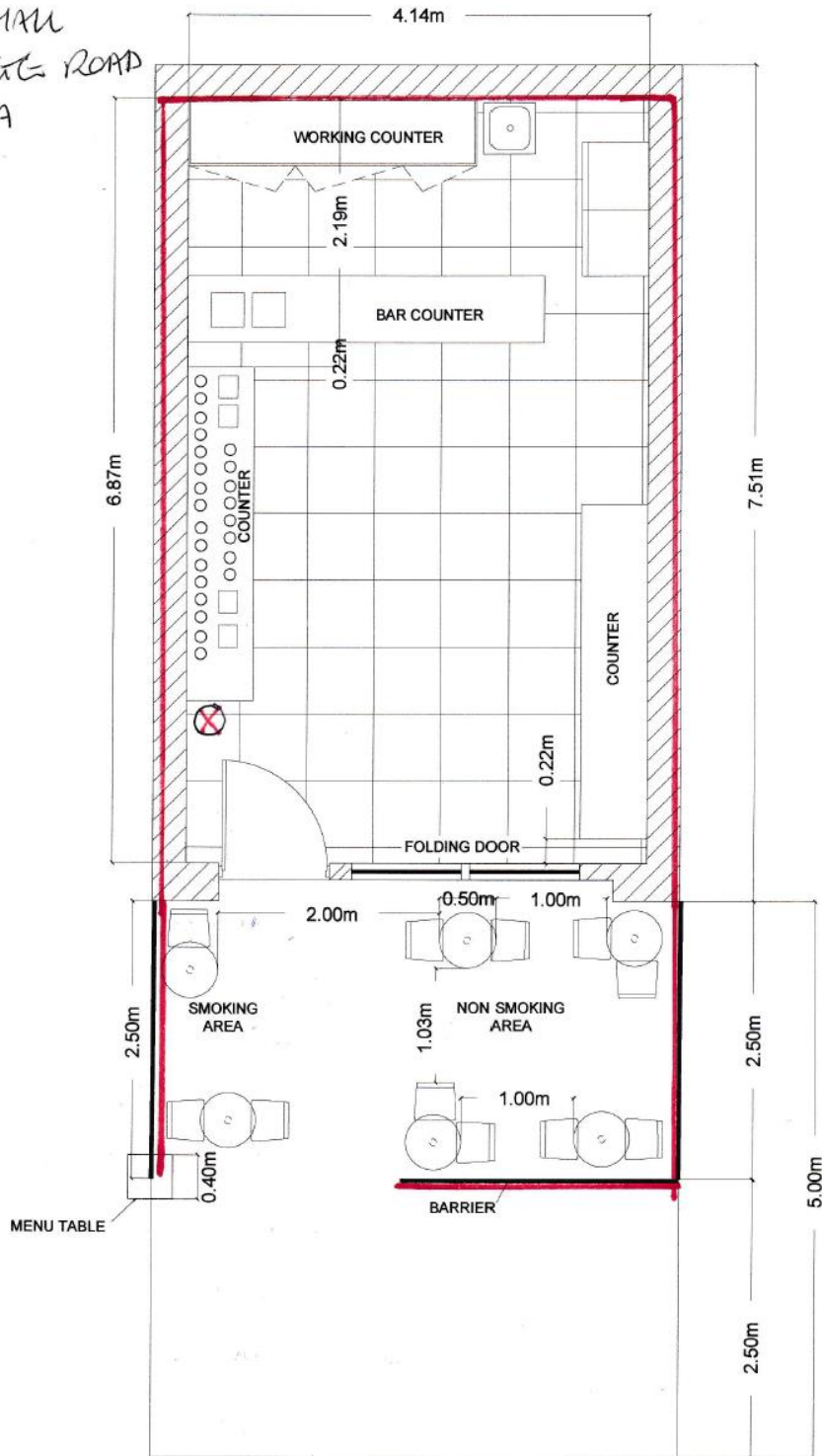
If you have any queries about this report or wish to inspect one of the background papers please contact the report author.

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	01 October 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Environmental Health Service representation	09 December 2022
5	Metropolitan Police Service representation <i>(Withdrawn 16 December 2022)</i>	06 December 2022
6	Interested party representation	13 December 2022

CA JAPANESE PANCAKES
324 VAUXHALL
BRIDGE ROAD
SW1V 1AA

SCALE 1:50
APPROX.



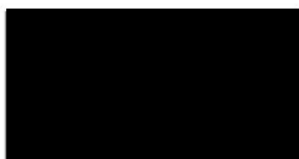
⊗ FIRE EXTINGUISHER

① BUILDING LEVEL

— LICENSED AREA

Mediation letter to interested party

04 January 2023



Dear [REDACTED]

CA Japanese Pancakes, 324 Vauxhall Bridge Road, London SW1V 1AA - Premises Licence application

I act for Antonina Siciliano & Marco Molone of Family Happy Ltd in respect of their application for the grant a new premises licence. We note your representation in opposition to this application which will cause a hearing to be held in front of Westminster Council's Licensing sub-committee in due course. Yours is the only representation received from a resident.

We have been in discussion with each of the responsible authorities, notably the police, and agreed further conditions in addition to those already contained in our operating schedule. I have attached details of both sets of conditions in case you have not had an opportunity to scrutinise the application fully. These conditions are measurable and enforceable and there to promote the Licensing Objectives.

It is only the sale of alcohol between 11am and 9pm to complement meals that is under consideration in this matter, not the very existence of CA Japanese Pancakes. There is no requirement for Antonina and Marco to demonstrate a need for this licence and any issues associated with other premises has no relevance to this application.

I would ask you to keep this application in perspective. Antonina and Marco's business depends upon the good will of the local community and they are very keen that local residents support their business rather than raise concerns that are unrelated to this licensing application.

We very much respect your right to raise concerns and my clients would welcome an opportunity to speak with you, to identify common ground and to examine those concerns effectively, rather than in the formal arena of a council hearing. If you are prepared and able to speak with Antonina and Marco at any time, I would be grateful if you could confirm this by emailing me at [REDACTED] indicating a time when they may contact you.

If, after having given consideration to my letter and the enclosed application detail, you feel sufficiently reassured and able to withdraw your written representation, please contact licensing@westminster.gov.uk

Yours Faithfully,

Mike Nickson, Director, INN Confidence Ltd



Mike Nickson is the holder of the national NITA training award for 'Social Responsibilities in Licensed Retailing'

In addition to the letter the applicant also provided the interested party with the conditions found at Appendix 4.

Correspondence between the applicant and Environmental Health

From: Nevitt, Dave: WCC <dnevitt@westminster.gov.uk>
Sent: 26 January 2023 11:49
To: Mike Nickson [REDACTED]
Cc: Meloyan, Emanuela: WCC <emeloyan@westminster.gov.uk>; Abbott, Karyn: WCC <kabbott@westminster.gov.uk>
Subject: RE: Representations 22/11065/LIPN, 324 Vauxhall Bridge Road, London, SW1V 1AA

Hi Mike

My apologies for not responding sooner.

In my view the lack of customer toilets is of concern because it represents and increased of Public Nuisance.

From: Mike Nickson [REDACTED]
Sent: 11 January 2023 17:15
To: Nevitt, Dave: WCC <dnevitt@westminster.gov.uk>
Subject: RE: Representations 22/11065/LIPN, 324 Vauxhall Bridge Road, London, SW1V 1AA

Thanks Dave

I am assured that the toilets are free for use in the station.

In respect of which licensing objective do you consider this imposition to be

relevant? Ta, Mike

From: Nevitt, Dave: WCC [<mailto:dnevitt@westminster.gov.uk>]
Sent: 11 January 2023 15:08
To: Mike Nickson
Cc: Meloyan, Emanuela: WCC
Subject: RE: Representations 22/11065/LIPN, 324 Vauxhall Bridge Road, London, SW1V 1AA

Hi Mike

Yes, I have considered what you say about the lack of toilets. I am of the view that public toilets in Victoria Station (I haven't checked but I think users need to pay) is not sufficient. I will be maintaining a Representation so that the Sub Committee may adjudicate the application.

From: Mike Nickson [REDACTED]
Sent: 11 January 2023 14:46
To: Nevitt, Dave: WCC <dnevitt@westminster.gov.uk>
Subject: RE: Representations 22/11065/LIPN, 324 Vauxhall Bridge Road, London, SW1V 1AA

Hi again Dave

Have you considered my email below please?

Ta, Mike

From: Mike Nickson [REDACTED]
Sent: 05 January 2023 12:37
To: 'Nevitt, Dave: WCC'
Subject: RE: Representations 22/11065/LIPN, 324 Vauxhall Bridge Road, London, SW1V 1AA

Dear Dave Happy

2023!

You will have noted a lack of toilets at the property. My client has commented below: "thank you for your email, we have limited seating and we have 1 hour time table policy, after this time, we give the bill to the customers. Plenty of toilets are inside Victoria Station that are 2min from our Cafe. We provide guidance and directions to customers in this regard.
Kind Regards".

This application is for the grant of a premises licence for the retail sale of alcohol; the lack of a toilet is not changed by this application, as the property will continue to operate as a restaurant/cafe even without the sale of alcohol. There is no likelihood that a public nuisance issue will arise from the granting of such a premises licence, indeed, the business owner will be bound to observe a host of extra conditions to prevent any potential nuisance.

Is it reasonable and relevant to pursue a representation solely on the grounds of no toilets when my clients will clearly take reasonable steps to ensure that customers are guided to the nearby public toilets as they have done since they commenced trading?

Is there an appropriate condition that we may agree that will satisfy you in this respect?
Many thanks, Mike

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. A written notice of 'authority' record for all staff who sell alcohol.
10. Comprehensive training for staff in the main requirements of the Licensing Act 2003, the specific measures and conditions in place to promote the Licensing Objectives and the staff roles and responsibilities. Such records shall be available for inspection by the responsible authorities.
11. Contact details of the Designated Premises Supervisor available to staff and to the authorities.
12. The front outside space shall not be used other than in accordance with a Westminster Council Pavement Licence.
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 is 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. Staff shall be trained on all security issues including how to identify and refuse service to customers that are drunk, appear to be drunk or are suspected to be dependent drinkers.
16. Appropriate fire fighting equipment shall be installed and maintained at the premises and staff trained in its use.
17. Fire risk assessments shall be undertaken and acted upon in accordance with current recommendations and requirements.
18. Effective lighting shall be maintained and operated to ensure the safety of the public and staff.
19. 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.
20. 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
21. The number of persons permitted at the premises at any one-time (excluding staff) shall not exceed 25 persons (inside and occupying the outside space).
22. Any noise, light pollution and any other potential nuisance is monitored and kept to an acceptable level.

23. Deliveries to and waste removal from the premises are undertaken at a time and in a manner that does not cause disturbance to local residents or businesses.
24. The premises licence holder shall ensure that any patrons drinking and/or 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.
25. 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.
26. 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.
27. 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.
28. All staff shall be fully trained and made aware of the legal requirement of businesses to comply with their duty of care as regards the disposal of waste produced from the business premises. The procedure for handling and preparing for disposal of the waste shall be in writing and displayed in a prominent place where it can be referred to at all times by staff.
29. 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.
30. 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.
31. Staff training will occur before a staff member is authorised to sell alcohol within the premises.
32. Staff training will be recorded with regular refresher sessions and signed off by the DPS and/or Premises Licence Holder.
33. Staff training records will be available for inspection by the police or other responsible authority upon request.

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

34. The consumption of alcohol at the premises shall only be by a person seated taking a substantial table meal there and for consumption by such a person as ancillary to their meal.

For the purpose of this condition a 'Substantial Table Meal' means – a meal such as might be expected to be served as the main midday or main evening meal, or as a main course at either such meal and is eaten by a person seated at a table, or at a counter or other structure which serves the purposes of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure servicing the purposes of a table.

35. The supply of alcohol shall be by waiter or waitress service only.

36. The sale and supply of alcohol for consumption off the premises shall be restricted to alcohol consumed by persons who are seated in an area appropriately authorised for the use of tables and chairs on the highway and bona fide taking a substantial table meal there, and where the consumption of alcohol by such persons is ancillary to taking such a meal, and where the supply of alcohol is by waiter or waitress service only.

For the purpose of this condition 'Substantial Table Meal' means – a meal such as might be expected to be served as the main midday or main evening meal, or as a main course at either such meal and is eaten by a person seated at a table, or at a counter or other structure which serves the purposes of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure servicing the purposes of a table.

37. There shall be no self-service of alcohol at the premises.

38. 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.

39. 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.

40. Except for authorised external areas, patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke or make a phone call, shall not be permitted to take glass containers with them.

Conditions proposed by the Environmental Health Service

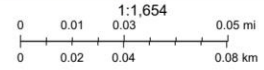
None

324 Vauxhall Bridge Road, London, SW1V 1AA



24/01/2023, 13:28:55

- Property Mailing List
- Borough Boundary - Mask
- Ward Boundaries
- Ward Labels
- Borough Boundary - Detailed



Resident count: 102

Licensed premises within 75 metres of 324 Vauxhall Bridge Road, London, SW1V 1AA				
Licence Number	Trading Name	Address	Premises Type	Time Period
07/01007/WCCMAP	Il Posto	Ground Floor 314 - 316 Vauxhall Bridge Road London SW1V 1AA	Restaurant	Sunday; 12:00 - 23:00 Monday to Saturday; 10:00 - 23:30
14/05987/LIPDPS	Lime Orange Limited	Basement And Ground Floor 312 Vauxhall Bridge Road London SW1V 1AA	Restaurant	Monday to Sunday; 10:00 - 01:30
22/08827/LIPDPS	Apollo Victoria Theatre	17 Wilton Road London SW1V 1LG	Theatre	Monday to Sunday; 09:00 - 00:30
21/12390/LIPDPS	John Lewis Plc	171 Victoria Street London SW1E 5NN	Office	Monday to Sunday; 08:30 - 00:30

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