



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (2)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (2)** held on **Thursday 18th May, 2023**, Rooms 18.01 - 18.03 - 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Maggie Carman (Chair), Iman Less and Louise Hyams

1. MEMBERSHIP

1.1 It was noted that there were no changes to the Membership.

2. DECLARATIONS OF INTEREST

2.1 There were no declarations of interest.

1. BASEMENT AND GROUND FLOOR, 111 QUEENSWAY, W2 4SJ

This application was Granted under Delegated Authority.

2. GROUND FLOOR, 47 MOSCOW ROAD, W2 4AH

WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO. 2
("The Committee")

Thursday 18 May 2023

Membership: Councillor Maggie Carman (Chair),
Councillor Iman Less and Councillor Louise Hyams.

Officer Support: Legal Adviser: Vivienne Walker
 Policy Officer: Kerry Simpkin
 Committee Officer: Katherine Stagg
 Presenting Officer: Jessica Donovan

Other Parties: Mr Erlind Dobranja of the Applicant Company Pastada Ltd, Mr
 Richard Brown (Solicitor, Westminster's Citizens Advice
 representing SEBRA) and Mr John Zamit (SEBRA).

**Application for New Premises Licence in respect of Ground Floor 47 Moscow
Road London W2 4AH - 23/01053LIPN - Item 2**

FULL DECISION

Premises

Pastada
Ground Floor
47 Moscow Road
London W2 4AH

Applicant

Pastada Limited

Ward

Lancaster Gate

Cumulative Impact Zone

None

Special Consideration Zone

None

Proposed Licensable Activities and Hours

- Sale by Retail of Alcohol (On Sales)
Monday to Saturday 10:00 to 23:00 hours

Sunday 10:00 to 22:30 hours

Seasonal Variations: None

- Hours Premises are Open to the Public
Monday to Tuesday 08:00 to 20:00 hours
Wednesday to Thursday 08:00 to 21:00 hours
Friday to Saturday 08:00 to 22:00 hours
Sunday 08:00 to 22:30 hours.

Seasonal Variations: None

Summary of Application

This is an application for a New Premises Licence. The Premises proposed to trade as a small café serving all day brunch as a sit-down venue. The Applicant proposed to provide a selection of cocktails and a small wine list to serve with brunch.

The Premises had the benefit of a licence in 2013, this licence subsequently lapsed when the licence holder became insolvent in February 2018. There is a resident count of 302.

Representations Received

- Metropolitan Police Service (withdrawn)
- Environmental Health Service
- South East Bayswater Residents' Association (SEBRA)
- Councillor Laila Cunningham
- Local resident
- Bayswater Residents Association (BRA)

Summary of Objections

- 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.
- There are concerns about the noise and odour emanating from the Premises due to the plant and machinery employed for the cooking of food.

Policy Position:

HRS1

Applications within the core hours set out 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.

RNT1(A)

Applications outside the West End Cumulative Impact Zone will generally be granted subject to:

1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.
2. The hours for licensable activities being within the Council's Core Hours Policy HRS1.

SUBMISSIONS AND REASONS

The Chair of the Sub-Committee, Councillor Maggie Carmen noted that the Police and Environmental Health Service have withdrawn their representations and that all parties were willing to withdraw their objections, but they were waiting for the others to withdraw first. She asked whether there were any further submissions the relevant parties would like to raise to the Sub-Committee not already raised in their submissions.

Mr Richard Brown, representing SEBRA informed the Sub-Committee that there was an error on the opening hours which were less than the licensing hours. He confirmed that they would be the same as the licensing hours.

Mr John Zamit, on behalf of SEBRA, informed the Sub-Committee that the Premises had previously been a pizza restaurant where substance use was prevalent on that corner impacting negatively on residents. He advised that because of the requested hours and conditions, including those requested and accepted by Environmental Health Service and SEBRA, they were content with the application. He informed the Sub-Committee that there would be an opportunity for review if needed.

Conclusion

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

The Sub-Committee noted that the Metropolitan Police Service and the Licensing Authority had not made representations against the application. The Sub-Committee noted that the Applicant had successfully consulted with the local residents and the relevant authorities and amended their application accordingly.

The Sub-Committee noted that the proposed conditions had been agreed with the Responsible Authorities and concluded that these conditions attached to the Licence would alleviate residents' concerns and were appropriate to promote the licensing objectives.

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

1. To grant permission for the **Sale by Retail of Alcohol (On Sales)**
Monday to Saturday 10:00 to 23:00 hours
Sunday 10:00 to 22:30 hours

Seasonal Variations: None
2. To grant permission for the **Opening Hours for the Premises**
Monday to Tuesday 08:00 to 20:00 hours
Wednesday to Thursday 08:00 to 21:00 hours
Friday to Saturday 08:00 to 22:00 hours
Sunday 08:00 to 22:30 hours.

Seasonal Variations: None
3. That the Licence is subject to any relevant mandatory conditions.
4. That the Licence is subject to the following conditions imposed by the Sub-Committee which are considered appropriate and proportionate to Promote the licensing objectives.

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

9. 'Off' sales of alcohol shall only be provided to person seated at the external table and chair.
10. The maximum number of persons accommodated at any one time (excluding staff) shall not exceed 15.
11. All tables and chairs shall be removed from the outside area by 23.00 hours each day.
12. All waste shall be properly presented and placed for collection no earlier than 30 minutes before the scheduled collection time.
13. No rubbish, including bottles, shall be moved, removed or placed in the outside areas between 2300 hours and 0800 hours.
14. The pavement from the building line to the kerb edge immediately outside the premises, including gutter / channel at its junction with the kerb edge, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
15. Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to a table meal to persons seated.

16. There shall be no self service of alcohol on the premises.
17. Patrons permitted to temporarily leave and then re-enter the premises, e.g., to smoke, shall not be permitted to take drinks or glass containers with them.
18. 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.
19. The licence holder shall ensure that all cashiers and relevant staff are trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 21 years (or older if the licence holder so elects) for evidence of age. This evidence shall be photographic, such as passport or photographic driving licence until other effective identification technology (for example, thumb print or pupil recognition) is introduced. All cashiers will be instructed, through training, that a sale shall not be made unless this evidence is produced.
20. A direct telephone number for the manager at the premises shall be publicly available at all times the premises are open. This telephone number is to be made available to residents and businesses in the vicinity.
21. There shall be no striptease or nudity, and all persons shall be decently attired at all times.
22. There shall be no off sales of super-strength beer, lagers or ciders of 5.5% ABV (alcohol by volume) or above.
23. No deliveries shall be made to the premises between 20:00 and 08:00 hours Monday to Saturday and Sunday between 22:00 to 10:00 hours.
24. There shall be no draught beer available at the premises.
25. Toilet facilities shall be provided for customers, if requested.
26. No alcohol sales shall be permitted as part of the delivery service of food.
27. The outside area shall be kept clean at all times the premises are open.
28. All windows and external doors shall be kept closed at all times, except for the immediate access and egress of persons.
29. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to nuisance.
30. Notices shall be prominently displayed at all exists requesting patrons to respect the needs of local residents and leave the area quietly.
31. Only alcohol purchased at the premises shall be consumed at the tables outside.

32. 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 the Police or authorised officer throughout the entire 31-day period.
33. 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.
34. 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.
35. 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.
36. Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, the licence holder shall ensure that all alcohol within the premises (including alcohol behind the counter) is secured in a locked store room or behind locked grilles, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff.
37. The premises shall only operate as a restaurant,
 - (i) in which customers are shown to their table or the customer will select a table themselves,
 - (ii) where the supply of alcohol is by waiter or waitress service only,
 - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table,
 - (iv) which do not provide any takeaway service of food or drink for immediate consumption off the premises,
 - (v) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking

substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

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.

This is the Full Decision reached by the Licensing Sub-Committee which takes effect forthwith.

**The Licensing Sub-Committee
18 May 2023**

3. SOUTHERN UNIT, 40 EASTBOURNE TERRACE, W2 6LG

WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO. 2
("The Committee")

Thursday 18 May 2023

Membership: Councillor Maggie Carman (Chair),
Councillor Iman Less and Councillor Louise Hyams.

Officer Support:	Legal Adviser:	Vivienne Walker
	Policy Officer:	Kerry Simpkin
	Committee Officer:	Katherine Stagg
	Presenting Officer:	Jessica Donovan

Other Parties: Mr Luke Elford- John Gaunt (Solicitor for the Applicant), Mark Younger for the Applicant Company Universities Superannuation Scheme Ltd, Mr Richard Brown (Solicitor, Westminster's Citizens Advice representing SEBRA), Ms Amy Rogers (resident) and Mr John Zamit (SEBRA)

Application for New Premises Licence in respect of Southern Unit 40 Eastbourne Terrace London W2 6LG – 23/00953/LIPN - Item 3

FULL DECISION

Premises

Southern Unit
40 Eastbourne Terrace
London W2 6LG

Applicant

Universities Superannuation Scheme Limited

Ward

Lancaster Gate

Cumulative Impact Zone

None

Special Consideration Zone

None

Proposed Licensable Activities and Hours

- Late Night Refreshment (Indoors)
Monday to Thursday 23:00 to 23:30 hours
Friday to Saturday 23:00 to 00:00 hours

Seasonal Variations: Sundays immediately prior to a Bank Holiday 23:00 to 00:00 hours

- Sale by Retail of Alcohol (On and Off Sales)
Monday to Thursday 09:00 to 23:30 hours
Friday to Saturday 09:00 to 00:00 hours
Sunday 09:00 22:30 hours

Seasonal Variations: Sundays immediately prior to a Bank Holiday 09:00 to 00:00 hours

- Hours Premises are Open to the Public
Monday to Thursday 09:00 23:30 hours
Friday to Saturday 09:00 00:00 hours
Sunday 09:00 to 22:30 hours

Seasonal Variations: Sundays immediately prior to a Bank Holiday 09:00 to 00:00 hours

Summary of Application

This is an application for a New Premises Licence. The Applicant proposes to operate the Premises as a restaurant. The Premises currently benefit from a Premises Licence 20/11835/LIPN which is for the Premier Inn Hotel under the same address and was granted in March 2021.

There is a resident count of 107.

Representations Received

- Local resident
- Councillor Ryan Jude
- South East Bayswater Residents' Association (SEBRA)
- Councillor Ellie Ormsby

Summary of Objections

- The residents were concerned as the restaurant backs on to the Bayswater Conservation area residential road of Chilworth Mews and Chilworth Street and all servicing is proposed to be via their frontages.
- Residents have raised concerns about the diminishment of their safety, welfare and amenity resulting from the proposed commercial servicing for this restaurant.

- The residents also had concerns about noise and odours emanating from the premises and about off sales.

Policy Position

HRS1

Applications within the core hours set out 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.

RNT1

Applications outside the West End Cumulative Impact Zone will generally be granted subject to the application meeting the requirements of policies CD1, PS1, PN1 and CH1 and the hours for licensable activities being within the Council's Core Hours Policy HRS1.

SUBMISSIONS AND REASONS

Ms Jessica Donovan, Senior Licensing Officer, outlined the application to the Sub-Committee. She advised that representations had been received from four interested parties including SEBRA. The Premises are located within the Lancaster Gate Ward and not in a Cumulative Impact Area or Special Consideration Zone. She confirmed that the additional submissions from the Applicant and the Interested Parties had been circulated.

Mr Luke Elford, on behalf of the Applicant outlined the application to the Sub-Committee. He advised that the Premises are in a suitable condition where it can be put on the market, so they applied for this licence to attract a good quality operator. He advised that the application is within the Council's Core Hours Policy and included Model Condition 66 where alcohol must be ancillary to food. He advised that the application included a schedule of conditions which promote the licensing objective including conditions on CCTV, incident log and a mandatory Environmental Health Service visit before opening to the public. He also advised that restaurants are less likely to contribute to crime and disorder.

Mr Elford informed the Sub-Committee that the representations received from interested parties requested conditions applied to the hotel premise and not a restaurant. He advised that many of the conditions would be hard to enforce, duplicate planning permission or were not appropriate for a restaurant. He stated that the Applicant understood the concerns about deliveries, but they are not the operator, and the future operator will have a policy on how they deal with deliveries. He advised that the Applicant understood the concerns regarding off-sales, but they requested off-sales due to the ongoing impact of the pandemic and to give the future tenant options. The application had restricted the terminal hours for off-sales to 23:00 hours Monday to Saturday and to 22:30 hours on Sunday. He advised that alcohol would not be delivered without food or to open spaces. Mr Elford also advised that the Applicant had agreed to the same servicing arrangement than the neighbouring hotel.

In response to questions from the Sub-Committee, Mr Elford confirmed that Chiltern Mews would only be used for deliveries and not for staff breaks. There would be a smoking area for the premises on Eastbourne Terrace which will be agreed with Environmental Health Service. He also advised that they were looking to attract an experienced operator for a mid-market restaurant akin to Franco Manca. Mr Elford in response to questions on the conditions requested by a local resident, informed the Sub-Committee that the Applicant would accept conditions to risk assess the need for door staff, not allow striptease or nudity, fire exits being kept clear, to encourage patrons to leave quietly and no new admittance after 23:00 hours. He advised that the operator would liaise with the Police if any issues arise on refusal of alcohol and there would be an incident log condition. He informed the Sub-Committee that some of the conditions requested would be difficult to accept. Mr Elford confirmed to the Sub-Committee that the operator would engage with residents and had offered a condition to provide the telephone number for the manager to the residents.

Ms Amy Rogers, local resident of Chiltern Mews, informed the Sub-Committee that 30 properties will be affected by the application. The Premises used to be an office block with 09:00-17:00 hours but with this application and other changes there will be 730 covers in the area. She advised that there was a misunderstanding as residents did not request a duplication of the hotel conditions but did request the same conditions for the hotel restaurant due to same size, same premises and using the same operational processes. She informed the Sub-Committee that residents believe this application was using Westminster City Council's Licences for commercial gain at the loss of amenity and safety of residents. She advised that residents had problems with congregation of Vapiano staff on Chiltern Mews as there was no designated staff area. She appreciated that Mr Elford had agreed to some of her suggested conditions but due to the lack of detail on this application residents requested that all their conditions be included.

In response to questions from the Sub-Committee, Ms Rogers informed the Sub-Committee that the Premises will share a service bay with Unit 50, Vapiano's, where there will be challenges with capacity and delivery vehicles waiting in the Mews. She also informed the Sub-Committee that engagement with Vapiano's had been poor and she had not been able to engage with Universities Superannuation Scheme Ltd, the Applicant.

Mr John Zamit, from SEBRA, informed the Sub-Committee that Units 40 and 50 back onto residential mews. He would like certainty that no staff will be allowed in the Mews and that notices will be placed on fire doors to confirm this. He highlighted that coaches were a problem across London so he would like to see the inclusion on the licence a condition which prohibits the use of coaches and that there would be no striptease. He advised the Sub-Committee that the Applicant had agreed to stop takeaways after 23:00 hours.

Mr Richard Brown, representing SEBRA, informed the Sub-Committee that he was pleased that the Applicant had agreed the conditions proposed by Environmental Health Service and the Metropolitan Police Service.

Ms Vivienne Walker, Legal Adviser to the Licensing Committee, discussed the wording of the proposed conditions with all parties and made amendments, as necessary. All parties eventually agreed on the wording of the following conditions.

Conclusion

The Sub-Committee has a duty to consider the application on its individual merits and took into account all the committee papers, policies, and all submissions made by parties.

The Sub-Committee noted that the Applicant had agreed to the conditions proposed by the Environmental Health Service and Metropolitan Police Service.

The Sub-Committee was satisfied that, in accordance with the Licensing Act, Home Office Guidance, the Statement of Licensing Policy and the evidence before it, it was appropriate and proportionate, in the circumstances to **GRANT** the application.

The Sub-Committee decided that the Applicant had provided valid reasons as to why the granting of the application would not undermine the licensing objectives.

The Sub-Committee placed weight on the fact that conditions had been agreed with the Interested Parties and concluded that the conditions attached to the Licence would alleviate the Interested Parties concerns and were appropriate and would promote the licensing objectives.

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

1. To grant permission for **Late Night Refreshment (Indoors)**
Monday to Thursday 23:00 to 23:30 hours
Friday to Saturday 23:00 to 00:00 hours

Seasonal Variations: Sundays immediately prior to a
Bank Holiday 23:00 to 00:00 hours

2. To grant permission for **Sale by Retail of Alcohol (On and Off Sales)**
Monday to Thursday 09:00 to 23:30 hours
Friday to Saturday 09:00 to 00:00 hours
Sunday 09:00 22:30 hours

Seasonal Variations: Sundays immediately prior to a
Bank Holiday 09:00 to 00:00 hours

3. To grant permission for the **Opening Hours for the Premises**
Monday to Thursday 09:00 23:30 hours
Friday to Saturday 09:00 00:00 hours
Sunday 09:00 to 22:30 hours

Seasonal Variations: Sundays immediately prior to a
Bank Holiday 09:00 to 00:00 hours

4. That the Licence is subject to any relevant mandatory conditions.
5. That the Licence is subject to the following conditions imposed by the Sub-Committee which are considered appropriate and proportionate to promote the licensing objectives.

Conditions imposed after a hearing with the agreement of the Applicant

9. No licensable activities shall take place at the premises until the premises have 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.
10. A direct telephone number for the manager at the premises shall be publicly available at all times the premises are open. This telephone number is to be made available to residents and businesses in the vicinity.
11. There shall be a personal licence holder on duty at the premises at all times when the premises are authorised to sell alcohol.
12. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.
13. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.
14. The premises shall only operate as a restaurant,
 - (i) in which customers are shown to their table or the customer will select a table themselves,
 - (ii) where the supply of alcohol is by waiter or waitress service only,
 - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table,
 - (iv) which do not provide any takeaway service of food or drink for immediate consumption off the premises,
 - (v) where, with the exception of off sales in sealed containers, alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

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.

15. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises 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.
16. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises 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.
17. An incident log shall be kept at the premises and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) any faults in the CCTV system
 - (f) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
18. 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.
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 edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
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. 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.
24. All outside tables and chairs shall be rendered unusable by 22:00 hours each day.
25. All tables and chairs shall be removed from the outside area by 23:00 hours each day.
26. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
27. 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.
28. 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.
29. 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.
30. 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.
31. 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.
32. 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.
33. Sales of alcohol for consumption 'Off' the premises which are to be taken away from the premises shall only be in sealed containers.
34. Sales of alcohol for consumption 'Off' the premises shall cease at 23.00 hours on Monday to Saturday and 22.30 hours on Sunday.

35. The use of door staff will be risk assessed on an ongoing basis by the licence holder of premises supervisor. Where engaged, door staff shall be licensed by the Security Industry Authority.
36. Staff will receive training on matters concerning underage sales, drugs policies and operating procedures to include safety, evacuation and use of emergency equipment as required.
37. There shall be a zero-tolerance policy in relation to drugs at the premises and there shall be regular checks by management to prevent the use of drugs by patrons. Drugs seized shall be stored securely and handed to the Police.
38. There shall be no striptease or nudity in the public licensed area and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue Licence.
39. Policies in relation to children shall be adequately communicated to patrons by staff or through appropriate signage.
40. Toughened glasses will be used in the premises where appropriate.
41. Patrons will be encouraged by staff to leave quietly and respect the interests of the occupiers of any nearby noise sensitive premises, where appropriate the licensee or a suitable staff member will monitor patrons leaving at the closing time.
42. Contact numbers for local taxi firm(s) shall be kept at the premises and made available to patrons requiring a taxi.
43. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
44. No collections of waste or recycling materials (including bottles) from the premises shall take place between 21.00 and 07.00 on the following day unless done during the Council's own collection times for the street as shown on the Council's website.
45. No deliveries to the premises shall take place between 21.00 and 07.00 on the following day.
46. The layout of the ground floor licensed area shall be substantially laid out with tables and seating as indicated on the Premises Licence plan.
47. Patrons permitted to temporarily leave and then re-enter the premises, e.g., to smoke shall not be permitted to take drinks or glass containers with them. This condition shall not apply to customers remaining within the demise of an external seating area, provided by the premises.
48. Children under the age of 16 shall not be permitted to enter the premises after 21:00 unless dining with an adult.

49. At all times the licence holder shall ensure that smoking by Patrons and staff shall only be permitted by the Eastbourne Terrace frontage and restricted to a designated area between the two entrances along the terrace frontage to be agreed with the Council's Environmental Health Officer.
50. The Premises Licence Holder shall devise, implement and maintain an external management policy dealing with how customers and staff use external areas at the premises and ensuring that they do not congregate or disturb residents in Chilworth Mews. A copy of the management policy shall be made available upon request by the Police and Authorised Officers.
51. Any doors and windows to the ground floor rear of the premises facing Chilworth Mews shall not be opened or used except in the case of an emergency.
52. Taxis collecting and the picking up of Patrons from the premises shall do so from a designated waiting area to be agreed with the Council's Environmental Health Officer which shall exclude Chilworth Mews for the avoidance of doubt.
53. The Premises Licence Holder shall not take bookings from Coach Parties.
54. There shall be no admittance or new entry to the premises after 23:00 hours except where patrons are permitted to temporarily leave and then re-enter the premises, e.g., to smoke or make a phone call.
55. There shall be no deliveries of hot food or alcohol after 23:00 hours Monday to Saturday and 22:30 hours on Sundays.
56. All deliveries of hot food and alcohol from the premises shall be made on foot, by bicycle or by electric powered vehicles.

This is the Full Decision reached by the Licensing Sub-Committee which takes effect forthwith.

**The Licensing Sub-Committee
18 May 2023**

4. AKI LONDON, 1 CAVENDISH SQUARE, W1G 0LA

WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO. 2
("The Committee")

Thursday 18 May 2023

Membership: Councillor Maggie Carman (Chair),
Councillor Iman Less and Councillor Louise Hyams.

Officer Support:	Legal Adviser:	Vivienne Walker
	Policy Officer:	Kerry Simpkin
	Committee Officer:	Katherine Stagg
	Presenting Officer:	Jessica Donovan

Other Parties: Mr Craig Baylis of Key Stone Law (Solicitor for the Applicant), Mr Robert Debono (CEO) and Mr Nicholas Portelli (Managing Director) on behalf of the Applicant Db Lifestyle Operations Limited and Mr Ian Watson (Environmental Health Service)

Application for New Premises Licence in respect of Aki London 1 Cavendish Square London W1G 0LG - 23/00825/LIPN - Item 4

FULL DECISION

Premises

Aki London
1 Cavendish Square
London W1G 0LA

Applicant

Db Lifestyle Operations Limited

Ward

West End

Cumulative Impact Zone

None

Special Consideration Zone

West End

Licensable Activities and Hours applied for

- Late Night Refreshment (Indoors and Outdoors)

Monday to Thursday 23:00 to 00:30 hours

Friday to Saturday 23:00 to 01:00 hours

Sunday 23:00 to 00:30 hours

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

- Provision for the Exhibition of Film (Indoors)

Monday to Thursday 08:00 to 00:30 hours

Friday to Saturday 08:00 to 01:00 hours

Sunday 08:00 to 00:30 hours

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

- Performance of Live Music (Indoors)

Monday to Thursday 08:00 to 00:30 hours

Friday to Saturday 08:00 to 01:00 hours

Sunday 08:00 to 00:30 hours

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

- Performance of Recorded Music (Indoors)

Monday to Thursday 08:00 to 00:30 hours

Friday to Saturday 08:00 to 01:00 hours

Sunday 08:00 to 00:30 hours

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

- Sale by Retail of Alcohol (On and Off Sales)

Monday to Thursday 08:00 to 00:30 hours

Friday to Saturday 08:00 to 01:00 hours

Sunday 08:00 to 00:30 hours

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

- Hours Premises are Open to the Public
Monday to Sunday 07:00 to 01:30 hours

Seasonal Variations: Opening hours shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Summary of Application

This is an application for a New Premises Licence. The Premises propose to operate as a Restaurant and Lounge Venue. There is a resident count of 7.

Representations Received

- Environmental Health Service
- Metropolitan Police Service (withdrawn)
- 3 local residents (including 1 supporter)

Summary of Objections

- The hours requested for the supply of alcohol, provision of late-night refreshment and the provision of regulated entertainment will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the West End Buffer SCZ.
- There are concerns over the issues arising from re-development on the neighbouring residents.

Policy Position

SCZ1

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.

HRS1

Applications for hours outside the core hours 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 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.

RNT1

Applications outside the West End Cumulative Impact Zone will generally be granted subject to: 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities being within the Council's Core Hours Policy HRS1.

SUBMISSIONS AND REASONS

Ms Jessica Donovan, Senior Licensing Officer, outlined the application to the Sub-Committee. She advised that representations had been received from Environmental Health Service and one interested party and that the Premises are located within the West End Ward and the West End Special Consideration Zone but not the Cumulative Impact Area. She confirmed that the additional submissions from the Applicant and the Interested Parties had been circulated.

Mr Craig Baylis on behalf of the Applicant outlined the application to the Sub-Committee. He explained that the Applicant company already operated successfully in Malta. They are investing £14 million into their first upmarket operation in London, updating a grade 2 listed old bank building. He advised that the application had two representations in support from local businesses and one objection from a local resident. The Applicant has liaised with the residents on their concerns on noise issues. He advised that all plant and machinery will be housed inside the premises and that live music will be in the basement so there will be no noise breakout. He also informed the Sub-Committee that there is a dispersal policy and that they had agreed to provide two SIA door staff on Fridays and Saturdays to manage dispersal. He advised that the ground floor would be used for the restaurant and the basement would be a lounge bar with waitress service.

Mr Ian Watson for Environmental Health Service informed the Sub-Committee that he had visited the premises with the District Surveyor. They looked at the operation of the proposed plans. He informed the Sub-Committee that the entrance to the Premises was on Margaret Street nearby to residential properties while the address was on Cavendish Square. He informed the Sub-Committee that Meat Liquor, a nearby 3am licensed premises, had recent noise complaints and was currently under investigation. There were two other nearby licensed premises, The Phoenix and Swingers, they have had no complaints. He advised that while live and recorded music has been requested he did not have concerns about it as the Premises did not have the capacity to accommodate large bands and the Licence would be conditioned for noise breakout. He advised that the Applicant had provided a dispersal policy and that Margaret Street is one way and the Premises were close to Oxford Street with plenty of access for late night traffic. He stated that Model Conditions on waste were included and that a works condition for Environmental Health Service to visit the Premises again when they are ready to trade.

In response to questions Mr Baylis informed the Sub-Committee that the Premises will be staff intensive employing around 100 staff in total. The restaurant bar would have 80 covers the basement lounge bar would be used primarily before or after customers' meals.

In summing up, Mr Watson informed the Sub-Committee that the licence had a raft of model conditions which addressed residents' concerns and public safety and that the Applicant had also agreed to the conditioned proposed by Metropolitan Police Service. He stated that he was contented with this food-led application.

Conclusion

The Committee it has a duty to consider the application on its individual merits. The Sub-Committee noted that the Metropolitan Police Service had withdrawn their representation following the Applicant's agreement to the proposed conditions and The Licensing Authority had made no representations.

The Sub- Committee noted that the Applicant had engaged with local residents and Responsible Authorities. The Committee placed weight on the statement made by Environmental Health Service that the Premises would be a food led operation.

The Sub-Committee noted that the Applicant had a dispersal policy and was satisfied that, in accordance with the Licensing Act, the Council's Statement of Licensing Policy, Home Office Guidance and the evidence before it, it was appropriate and proportionate, in all the circumstances to **GRANT** the application.

In reaching its decision, the Committee concluded that the conditions attached to the licence would alleviate Environmental Health Service and residents' concerns, were appropriate and would promote the licencing objectives.

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

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1. To grant permission for **Late Night Refreshment (Indoors and Outdoors)**
Monday to Thursday 23:00 to 00:30 hours
Friday to Saturday 23:00 to 01:00 hours
Sunday 23:00 to 00:30 hours

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

2. To grant permission for the **Exhibition of Film (Indoors)**
Monday to Thursday 08:00 to 00:30 hours
Friday to Saturday 08:00 to 01:00 hours
Sunday 08:00 to 00:30 hours

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

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3. To grant permission for **Performance of Live Music (Indoors)**
Monday to Thursday 08:00 to 00:30 hours
Friday to Saturday 08:00 to 01:00 hours
Sunday 08:00 to 00:30 hours

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

4. To grant permission for **Performance of Recorded Music (Indoors)**
Monday to Thursday 08:00 to 00:30 hours
Friday to Saturday 08:00 to 01:00 hours
Sunday 08:00 to 00:30 hours

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

5. To grant permission for the **Sale by Retail of Alcohol (On and Off Sales)**
Monday to Thursday 08:00 to 00:30 hours
Friday to Saturday 08:00 to 01:00 hours
Sunday 08:00 to 00:30 hours

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

6. To grant permission for the **Opening Hours for the Premises**
Monday to Sunday 07:00 to 01:30 hours.

Seasonal Variations: Opening hours shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

7. That the Licence is subject to any relevant mandatory conditions.
8. That the Licence is subject to the following conditions imposed by the Sub-Committee which are considered appropriate and proportionate to promote the licensing objectives.

Conditions imposed after a hearing with the agreement of the Applicant

9. Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this Licensing Authority as appropriate.
10. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.
11. Save in the areas shaded in yellow the premises shall only operate as a restaurant
 - (i) in which customers are shown to their table,
 - (ii) where the supply of alcohol is by waiter or waitress service only,
 - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery (except chopsticks),
 - (iv) which do not provide any takeaway service of food or drink for immediate consumption,
 - (v) which do not provide any takeaway service of food or drink after 23.00, and
 - (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

Notwithstanding this condition customers are permitted to take from the premises part consumed, and resealed bottles of wine supplied ancillary to their meal.
12. During the hours of operation, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
13. 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.
14. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and to leave the area quietly.
15. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before collection times.
16. Loudspeakers shall not be located in the entrance lobby or outside the premise building.

17. 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.
18. The premises licence holder shall ensure that any patrons smoking outside the premises do so on an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
19. A direct telephone number for the manager at the premises shall be publicly available at all times the premises are open. This telephone number is to be made available to residents and businesses in the vicinity.
20. 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.
21. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Services and access shall only be by persons authorised by the Premises Licence Holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
22. No fumes, steam or odours shall be emitted from the licenced premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
23. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises are open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31-day period.
24. A staff member from the premises who is conversant with the operation of the CCTV shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.

25. An incident log shall be kept at the premises and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - a) All crimes reported to the venue;
 - b) All ejections of patrons;
 - c) Any complaints received concerning crime and disorder;
 - d) Any incidents of disorder;
 - e) All seizures of drugs or offensive weapons;
 - f) Any refusal of sale of alcohol.
26. There shall be no striptease or nudity and all persons shall be decently attired at all times unless the premises are operating under the provisions of a Sexual Entertainment Licence.
27. Any event shall be risk assessed and should the risk assessment deem it necessary the requisite number of SIA licensed door supervisors shall be on duty at the premises whilst the event/operation is taking place and up to at least 30 minutes after the event has finished. The risk assessment shall also include a dispersal policy for the event. The risk assessment and dispersal policy shall be retained and available for inspection by the Licensing Authority and the Police for 31 days after the event.
28. A challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards such as a driving licence, passport or proof of age card with the PASS hologram.
29. 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.
30. 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.
31. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
32. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
33. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
34. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
35. No licensable activities shall take place at the premises until the Environmental Health Consultation Team has determined the capacity of the

premises and the Licensing Authority has replaced this condition on the licence with a condition detailing the capacity so determined.

36. Before the premises open to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where there are minor changes to the premises layout during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.
37. No licensable activities shall take place at the premises until the premises have 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.
38. A minimum of 2 SIA licensed door supervisors shall be on duty at the Premises on Fridays and Saturdays from 9pm until 30 mins past close.
39. The supply of alcohol in the basement lounge shall be by waiter or waitress service only save for a maximum of 15 persons by the bar area shaded green or during private prebooked functions.
40. There shall be no externally promoted events at the premises and details of any event shall be kept in a register or electronic system that will be made available to the Police on request.

This is the Full Decision reached by the Licensing Sub-Committee which Takes effect forthwith.

**The Licensing Sub-Committee
18 May 2023**

The Meeting ended at 2.30 pm