



City of Westminster

Committee Agenda

Title: **Licensing Sub-Committee (2)**

Meeting Date: **Thursday 18 May 2023**

Time: **10.00 am**

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

Members: **Councillors:**

Maggie Carman (Chair)
Iman Less
Louise Hyams

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: 0779098018
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. BASEMENT AND GROUND FLOOR, 111 QUEENSWAY, W2 4SJ

(Pages 1 - 20)

Ward CIA* SCZ**	Site Name & Address	Application Type	Licensing Reference No.
Lancaster Gate * N/A ** Queensway & Bayswater	Basement and Ground Floor 111 Queensway W2 4SJ	New Premises Licence	23/01277/LIPN
*Cumulative Impact Area ** Special Consideration Zone			

2. GROUND FLOOR, 47 MOSCOW ROAD, W2 4AH**(Pages 21 - 52)**

Ward CIA* SCZ**	Site Name & Address	Application Type	Licensing Reference No.
Lancaster Gate * None ** None	Ground Floor 47 Moscow Road W2 4AH	New Premises Licence	23/01053/LIPN
*Cumulative Impact Area ** Special Consideration Zone			

3. SOUTHERN UNIT, 40 EASTBOURNE TERRACE, W2 6LG**(Pages 53 -
132)**

Ward CIA* SCZ**	Site Name & Address	Application Type	Licensing Reference No.
Lancaster Gate * None ** None	Southern Unit 40 Eastbourne Terrace W2 6LG	New Premises Licence	23/00953/LIPN
*Cumulative Impact Area ** Special Consideration Zone			

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

**(Pages 133 -
180)**

Ward CIA* SCZ**	Site Name & Address	Application Type	Licensing Reference No.
West End * None ** West End	Aki London 1 Cavendish Square W1G 0LA	New Premises Licence	23/00825/LIPN
*Cumulative Impact Area ** Special Consideration Zone			

**Stuart Love
Chief Executive
10 May 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

Licensing Sub-Committee Report

Item No:	
Date:	18 May 2023
Licensing Ref No:	23/01277/LIPN - New Premises Licence
Title of Report:	Basement And Ground Floor 111 Queensway London W2 4SJ
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:	Emanuela Meloyan Licensing Officer
Contact details	Telephone: 0207 641 6500 Email: emeloyan@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	2 March 2023		
Applicant:	Naser Supermarket Limited		
Premises address:	Basement And Ground Floor 111 Queensway London W2 4SJ	Ward:	Lancaster Gate
		Cumulative Impact Area:	
		Special Consideration Zone:	Queensway and Bayswater
Premises description:	According to the application form the premises intend to operate as a retail supermarket.		
Premises licence history:	This is a new premises licence application, and no premises history exists.		
Applicant submissions:	None		
Applicant amendments:	None		

1-B Proposed licensable activities and hours							
Sale by retail of alcohol				Indoors, outdoors or both			Outdoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	09:00	09:00	09:00	09:00	09:00	09:00	10:00
End:	23:00	23:00	23:00	23:00	23:00	23:00	22:00
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:	03:00	03:00	03:00	03:00	03:00	03:00	03:00
Seasonal variations/ Non-standard timings:		None					
Adult Entertainment:		None					

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Service
Representative:	Ayesha Bolton
Received:	04 April 2023
<u>Re: Basement and Ground Floor, 111 Queensway, London, W2 4SJ</u>	
<p>I refer to the application for a new Premises Licence for the above premises.</p> <p>The applicant has submitted floor plans of the premises.</p> <p>This representation is based on the plans and operating schedule submitted.</p> <p>The applicant is seeking the following:</p> <ol style="list-style-type: none">1. To provide for the Supply of Alcohol 'Off' the premises only from Monday to Saturday 09.00 to 23.00 and Sunday 10.00 to 22.00 hours. <p>I wish to make the following representation:</p> <ol style="list-style-type: none">1. The provision of Supply of Alcohol and the hours requested for the Supply of Alcohol will have the likely effect of causing an increase in Public Nuisance within the area and may impact on Public Safety. <p>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.</p> <p>Conditions have been proposed by The Environmental Health Service which have been agreed by the applicant. The agreed conditions appear at Appendix 4.</p>	
Responsible Authority:	Metropolitan Police Service
Representative:	Steve Muldoon
Received:	05 April 2023
<p>Metropolitan Police as a responsible authority proposed conditions on the 05 April 2023 which were accepted by the applicant. On that basis the Metropolitan Police did not submit a formal representation.</p> <p>The agreed conditions appear at Appendix 4.</p>	

2-B Other Persons

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED]
Received:	26 March 2023

Dear Sirs,

I am writing on behalf of the [REDACTED] to make a relevant representation objecting to this licence application on the basis of the likely impact on the licensing objective of 'prevention of public nuisance'.

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 [REDACTED] 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

This mini market premises is located in middle section of Queensway, with commercial units along the street on ground floor and basement with residential units above and opposite with the surrounding area predominantly residential. Under the Council's Licensing policy the premises are in the Queensway/Bayswater Special Consideration Zone.

[REDACTED] position

We welcome the applicant to the area and do not object to a licence being granted, but we do have concerns that issues in the area are at present not adequately mitigated by the application.

We have concerns on the number of premises in Queensway holding Premises Licences, particularly 'off licences', so we would want additional conditions, same as to those granted to other 'off licence' premises in Queensway, most recent being one at No 52 Queensway. The main conditions we require are below but there are others required as in Premises Licence for No 52 Queensway.

We would require only 15% of ground floor sales area to be dedicated to sale, exposure for sale, or display of alcohol and all spirits to be kept and displayed behind the sales counter with all other alcohol to be displayed behind locked grills /screens or secured behind locked cabinet doors, which are in use at all times outside hours authorised for sale of alcohol, especially as the premises are open, according to application, daily to 3am.

Also, No self service of spirits except for spirit mixers not above 5.5% ABV. We also require standard conditions on CCTV, Challenge 25 together with hours of deliveries and refuse & recycling collections shall not take place between 23.00 and 08 00 the following day.

We would also not want any 'off sales' of alcohol by way of any deliveries such as by Deliveroo. We would also require no super strength beer, lagers, or ciders to have APV of more than 5.5%

alcohol and standard condition re no sale of miniature bottles of 20cl alcohol, shall be sold at the premises.

Also required standard condition in Queensway over the Notting Hill Carnival, namely:
On the Sunday and Monday of the Notting Hill Carnival:

There shall be no sale of alcohol in glass vessels from the premises.

There will be no external advertisement of alcohol promotions at the premises and

There shall be no sale of alcohol from the premises after 20.00 hours.

Conclusion

We are aware of course that applications can be amended, and as ever, [REDACTED] 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.

[REDACTED] have indicated that they would be minded to withdraw their representation subject to all other representations also being withdrawn. However, at the time of publication [REDACTED] have not formally withdrawn their representation.

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED]

Received: 07 April 2023

I would like to also lodge an objection to this, for the same reasons as outline by [REDACTED] below. Adding these conditions is vital to make sure this is acceptable for all in the area.

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED]

Received: 27 March 2023

I would also like to echo [REDACTED] objections and conditions.

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED]

Received: 27 March 2023

Hi team,

Please could I lodge my objection to the application in the email subject header. I believe for this application to be acceptable we need to ensure the following conditions to prevent public nuisance in a residential area:

- Only 15% of ground floor sales area to be dedicated to sale, exposure for sale, or display of alcohol.
- All spirits to be kept and displayed behind the sales counter with all other alcohol to be displayed behind locked grills /screens or secured behind locked cabinet doors, which are in use at all times outside hours authorised for sale of alcohol.
- No self-service of spirits except for spirit mixers not above 5.5% ABV.

- Standard conditions on CCTV and Challenge 25
- Hours of deliveries and refuse & recycling collections shall not take place between 23.00 and 08 00.
- No 'off sales' of alcohol by way of any deliveries such as by Deliveroo.
- No super strength beer, lagers, or ciders to have APV of more than 5.5% alcohol shall be sold at the premises and standard condition re no sale of miniature bottles of 20cl alcohol.
- Also required standard condition in Queensway over the Notting Hill Carnival, namely. On the Sunday and Monday of the Notting Hill Carnival:
 - There shall be no sale of alcohol in glass vessels from the premises.
 - There will be no external advertisement of alcohol promotions at the premises and
 - There shall be no sale of alcohol from the premises after 20.00 hours

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED]
Received:	27 March 2023

Dear Sir / Madam,

I am writing on behalf of the [REDACTED] to object to licence application 23/01277/LIPN at Basement and Ground Floor 111 Queensway, W2 on the basis of the likely impact on the licensing objective of 'prevention of public nuisance'. We fully support the representation made by the [REDACTED] ([REDACTED]) and request that the conditions they have specified be enacted if the licence is to be granted.

[REDACTED] have indicated that they would be minded to withdraw their representation subject to all other representations also being withdrawn. However, at the time of publication [REDACTED] have not formally withdrawn their representation.

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>B. For the purpose of Clause A, the designated Special Consideration Zone for this application is:</p> <ul style="list-style-type: none"> • Queensway/Bayswater.
Policy SHP1 applies	<p>A. Applications for a shop 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 are within the council's Core Hours Policy HRS1. 3. The operation of any delivery services for alcohol meeting the council's Ancillary Alcohol and/or Latenight Refreshment Delivery Service Policy DEL1. 4. The applicant having taken account of the Special

	<p>Consideration Zone Policy SCZ1 if the premises are located within a designated zone.</p> <p>5. The application and operation of the venue meeting the definition of a shop in Clause C.</p> <p>B. Applications for a shop inside the West End Cumulative Impact Zone will be considered on their own merits and 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 meeting the council's Ancillary Alcohol and/or Latenight Refreshment Delivery Service Policy DEL1. 4. The applicant having 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 shop in Clause C. <p>C. For the purposes of this policy:</p> <ol style="list-style-type: none"> 1. A shop is defined as a stall, vehicle, vessel, temporary structure, building or part of a stall, vehicle, vessel, temporary structure or building where the primary activity is the sale of goods or services to customers upon payment. 2. The licensable activities for the sale of alcohol for consumption on the premises, regulated entertainment and/or late night refreshment must be ancillary to the primary use of the premises as a shop. 3. The licensable activity of the sale of alcohol for consumption off the premises must be an ancillary function to the primary use of the premises unless that primary use is to sell alcohol for consumption off the premises, e.g. a traditional off licence.
<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:

10a. Shops (all licensable activities that are provided as ancillary to the primary use of the premises as a shop except the off sale of alcohol)

- Monday to Thursday: 9am to 11.30pm.
- Friday and Saturday: 9am to Midnight.
- Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to Midnight.

10b. Shops (off-sales of alcohol where it forms either the ancillary or primary use of the premises) Monday to Saturday: 8am to 11pm. Sunday: 9am to 10.30pm.

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
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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:	Emanuela Meloyan Licensing Officer
Contact:	Telephone: 0207 641 6500 Email: emeloyan@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.

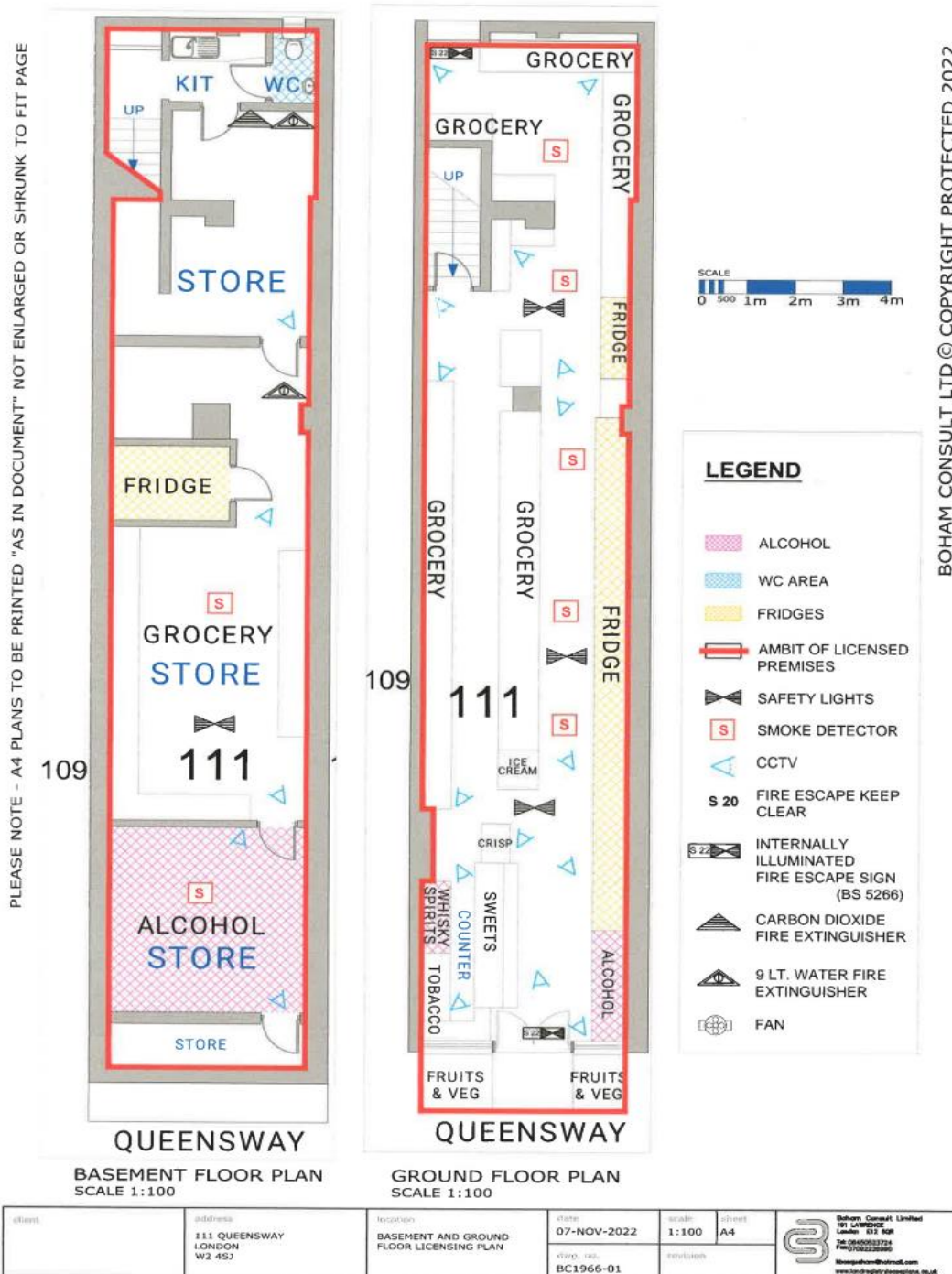
Background Documents – Local Government (Access to Information) Act 1972

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	December 2022

4	Environmental Health Service	04 April 2023
5	Metropolitan Police Service	05 April 2023
6	Interested Party representation (1)	07 April 2023
7	Interested Party representation (2)	27 March 2023
8	Interested Party representation (3)	27 March 2023
9	Interested Party representation (4)	27 March 2023
10	Interested Party representation (5)	26 March 2023

Premises Plans

Appendix 1



Applicant Supporting Documents

Appendix 2

None

Premises History

Appendix 3

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 proposed by the Metropolitan Police Service to replace those contained in the operating schedule as agreed by the applicant.

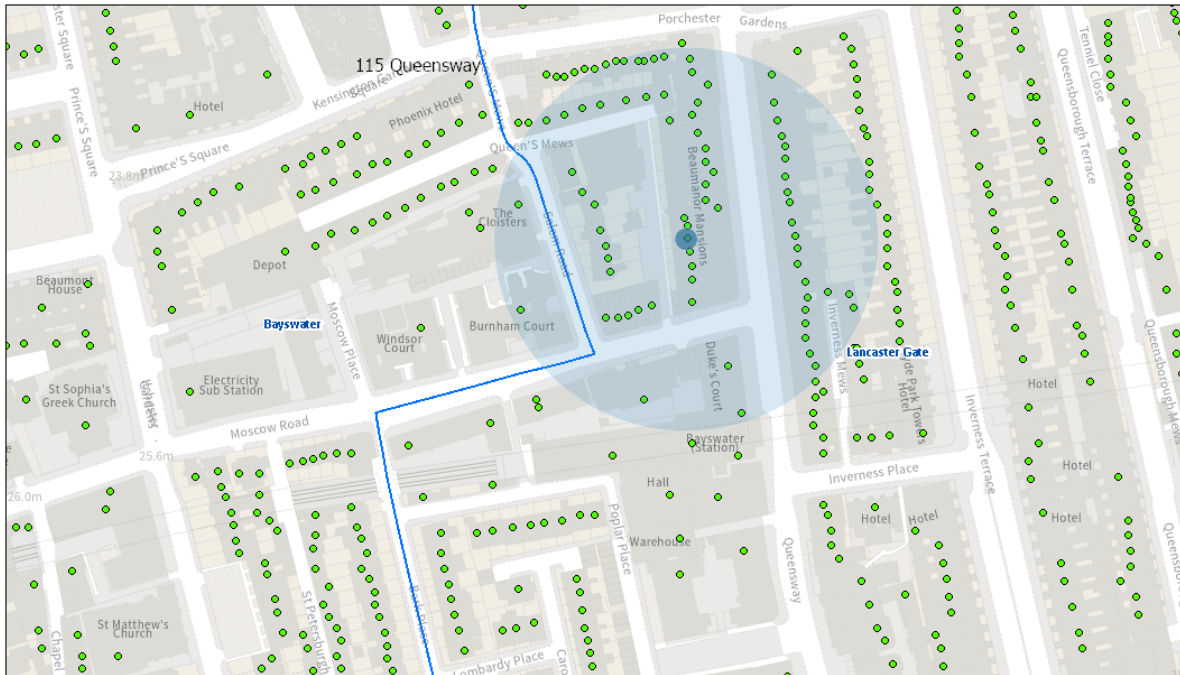
9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police licensing team
 - a) All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.
 - b) The CCTV system shall 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.
 - c) All recordings shall be stored for a minimum period of 31 days with date and time stamping.
 - d) Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period. MC02 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.
10. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
11. 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.
12. No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles and cans.
13. No single cans or bottles of beer or cider or spirit mixtures shall be sold at the premises.
14. No more than (15)% of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol.
15. There shall be no self-selection of spirits on the premises, save for spirit mixtures less than 5.5% ABV.
16. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale.
17. 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.
18. 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 is open.

19. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - a) all crimes reported to the venue
 - b) all ejections of patrons
 - c) any complaints received concerning crime and disorder
 - d) any incidents of disorder
 - e) all seizures of drugs or offensive weapons
 - f) any faults in the CCTV system, searching equipment or scanning equipment
 - g) any refusal of the sale of alcohol
 - h) any visit by a relevant authority or emergency service.
20. No miniature bottles of spirits of 20 cl or below shall be sold from the premises.
21. On the Sunday and Monday of the Notting Hill Carnival:
 - a) There will be no sale of alcohol in glass vessels from the premises; and
 - b) There will be no external advertisement of alcohol promotions at the premises.
 - c) There shall be no sale of alcohol from the premises after 20:00 hours.

Conditions proposed by the Environmental Health Service to form part of the operating schedule agreed by the applicant.

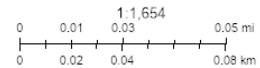
22. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.
23. There shall be no 'off sales' of alcohol by way of any deliveries such as by Deliveroo.
24. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
25. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
26. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
27. 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.
28. 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.
29. No deliveries of alcohol to the premises shall take place between 23.00 and 08.00 on the following day.

111 Queensway, London, W2 4SJ



05/05/2023, 09:57:28

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



Resident Count: 285

Licensed premises within 75m of Basement and Ground Floor, 111 Queensway, London, W2 4SJ				
Licence Number	Trading Name	Address	Premises Type	Time Period
21/10367/LIPN		115 Queensway W2 4SJ	Cafe	Monday to Sunday – 06:00 – 22:00
19/00389/LIPT	Preto	117 - 119 Queensway W2 4SJ	Restaurant	Monday to Thursday – 10:00 – 23:30; Friday to Saturday – 10:00 – 00:00; Sunday – 10:00 – 22:30
20/08509/LIPT	Pizza Hut	Basement And Ground Floor 103 Queensway W2 4SJ	Restaurant	Monday to Friday – 10:00 – 00:30; 12:00 – 00:00
06/09762/WCCMAP	Santorini Taverna	10-12 Moscow Road London W2 4BT	Restaurant	Monday to Saturday – 10:00 – 00:30; Sunday – 12:00 – 00:00

14/00835/LIPT	Beity Lebanese	92 Queensway W2 3RR	Restaurant	Monday to Saturday – 09:00 – 01:30; Sunday – 09:00 – 00:30
13/05504/LIPDPS	The Beachcomber	Ground Floor 86 Queensway W2 3RR	Night Club	Monday to Thursday – 09:00 – 01:00; Friday to Saturday – 09:00 – 02:00; Sunday – 12:00 – 00:00
22/05146/LIPDPS	Athenian Grocery	16A Moscow Road W2 4BT	Shop	Monday to Saturday – 08:00 – 23:00; Sunday – 10:00 – 22:30
13/08965/LIPDPS	Four Seasons Chinese Restaurant	84 Queensway W2 3RL	Restaurant	Monday to Saturday – 10:00 – 00:30; Sunday – 12:00 – 00:00
10/02136/LIPT	Art Cafe	Basement And Ground Floor 96 Queensway W2 3RR	Restaurant	Monday to Saturday – 08:00 – 23:00; Sunday – 08:00 – 23:00
13/05099/LIPDPS	Horapha Thai Cuisine	Basement And Ground Floor 82 Queensway London W2 3RL	Restaurant	Monday to Saturday – 10:00 – 00:30; Sunday – 12:00 – 00:00
06/10206/WCCMAP	Halal Restaurant	Basement And Ground Floor 98 Queensway London W2 3RR	Restaurant	Monday to Saturday – 23:00 – 01:00; Sunday – 23:00 – 00:00
18/15895/LIPDPS	Bayswater Arms	99 Queensway London W2 4QH	Public House	Monday to Thursday – 07:00 – 23:30; Friday to Saturday – 07:00 – 00:00; Sunday – 07:00 – 23:00
20/08346/LIPCHT	Gold Mine Restaurant	100 Queensway W2 3RR	Restaurant	Monday to Saturday – 10:00 – 00:30; Sunday – 12:00 – 00:00
22/11247/LIPT	McDonalds	76-78 Queensway W2 3RL	Restaurant	Monday to Sunday – 05:00 – 00:00
19/12635/LIPT	Noodle Oodle	106 Queensway W2 3RR	Restaurant	Monday to Wednesday – 11:00 – 00:00; Thursday – 11:00 – 02:00; Friday to Saturday – 11:00 – 03:00; Sunday – 11:00 – 23:30
21/06481/LIPCH	Burger King	70-72 Queensway London W2 3RL	Restaurant	Sunday to Thursday – 23:00 – 00:00; Friday to Saturday – 23:00 – 01:00
21/14341/LIPVM	Bella Italia	108 - 110 Queensway London W2 3RR	Restaurant	Monday to Saturday – 09:00 – 00:30; Sunday – 09:00 – 00:00

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City of Westminster

Licensing Sub-Committee Report

Item No:

Date:

Licensing Ref No:

Title of Report:

Report of:

Wards involved:

Policy context:

Financial summary:

Report Author:

Contact details

18 May 2023

23/01053/LIPN - New Premises Licence

Ground Floor
47 Moscow Road
London
W2 4AH

Director of Public Protection and Licensing

Lancaster Gate

City of Westminster Statement of Licensing Policy

None

Kevin Jackaman
Senior Licensing Officer

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:	18 February 2023		
Applicant:	Pastada Ltd.		
Premises:	Pastada		
Premises address:	Ground Floor 47 Moscow Road London W2 4AH	Ward:	Lancaster Gate
		Cumulative Impact Area:	None
		Special Consideration Zone:	None
Premises description:	According to the application form the premises intend to trade as a small cafe serving all day brunch as a sit down venue. The applicant would like to provide a selection of cocktails and a small wine list to serve with brunch.		
Premises licence history:	The premises previously held a premises licence which was granted by Licensing Sub Committee in January 2013 however this licence subsequently lapsed when the licence holder became insolvent in February 2018. A full licence history for the premises appears at appendix 3		
Applicant submissions:	The applicant has provided photographs of the premises, which appear at appendix 2 The hours for licensable activities exceed the proposed opening hours however the applicant is proposing to extend the opening hours to match the hours for licensable activities should this application be granted.		
Applicant amendments:	Following two failed notice checks, the representations response date was extended to 02 April 2023. Following consultation, the applicant has reduced the hours for the sale of alcohol on Sundays to 22:30. The hours now applied for are set out at section 1-B below.		

1-B	Proposed licensable activities and hours						
Sale by retail of alcohol				On or off sales or both:			On only
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	10:00
End:	23:00	23:00	23:00	23:00	23:00	23:00	22:30
Seasonal variations/ Non-standard timings:		None					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	08:00	08:00	08:00	08:00	08:00	08:00	08:00
End:	20:00	20:00	21:00	21:00	22:00	22:00	21:00
Seasonal variations/ Non-standard timings:	None						
Adult Entertainment:	None						

2.	Representations
2-A	Responsible Authorities

Responsible Authority:	Metropolitan Police Service
Representative:	Adam Deweltz
Received:	24 February 2023

I refer to the above-mentioned application for a new premises licence.

Following consideration of the application and how it may affect the Licensing Objectives, I wish to make the following representation:

Licensable activities, namely the supply of alcohol, are likely to undermine the following licensing objective:

- The Prevention of Crime and Disorder.

There are insufficient conditions contained within the operating schedule to show how you will promote the Licensing objectives.

The hours on Sunday do not reflect those of Westminster's Core hours policy.

I am happy to discuss my representation in further detail with you.

Following a reduction in hours on a Sunday, and agreement of additional conditions, the Metropolitan Police withdrew their representation on 26 April 2023.

The additional conditions agreed are set out in appendix 4

Responsible Authority:	Environmental Health
Representative:	Anil Drayan
Received:	01 April 2023

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

The applicant has submitted plans of the premises Ref. 1050-AGA-AZ-ZZ-DR-A-26100, rev P08

The following licensable activity is being sought:

1. Supply of Alcohol 'On' the premises between 10:00 to 23:00 hours Monday to Sunday.

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

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. Free advice on complying with this can be found in the Policy (see page 36 of policy).
- Some undertakings have been offered and these are being considered as to if they are sufficient for the proposed use. In any case these will need to be turned into enforceable conditions.
- Clarification is also requested on the proposed external area ie it is a private forecourt or part of the public highway.
- 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 also sought as to the previous use of the premises to determine if this 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.

2-B	Other Persons		
Name:	██████████		
Address and/or Residents Association:	██ ██████████		
Status:	Valid	In support or opposed:	Opposed
Received:	22 March 2023		
Dear Sirs,			
I am writing on behalf of the ██████████ to make a relevant representation objecting to this licence application on the basis of the likely impact on the licensing objective of ‘prevention of public nuisance’.			
<u>Introduction</u>			
██████████ 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. ██████████ 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 on the corner of Moscow Road and Bark Place, opposite the Phoenix public house which is on the opposite corner of Moscow Road and Bark Place.

The premises have a highways licence for six months covering tables & chairs outside.

There are residential units above the premises and along Moscow Road and to the side are residential houses along Bark Place and the surrounding streets.

Given the proximity of residents, we are concerned at the potential for noise and nuisance from the operation of the premises, unless adequately mitigated by conditions to address these issues.

The premises has been licensed in the past – I attach a copy of the licence for information.

The application

The application is for a 'Small cafe serving all day brunch as a sit down environment, we'd like to have a small selection of cocktails and a small wine list available to serve with our brunch.'

The application seeks sale of alcohol to 11pm Monday until Sunday. This is outside 'core hours' on a Sunday and we would like it reduced to be in line with 'core hours'.

██████████ position

We welcome the applicant to the area and do not object to a licence being granted, but we do have concerns that issues in the area are at present not adequately mitigated by conditions. We note there are no 'off sales' applied for.

We have noticed that the terminal opening hour is earlier than the terminal hour stated for sale of alcohol. Can the applicant confirm what hours they seek for alcohol, as the application form as submitted would not permit sale of alcohol after the last time for the premises being open to the public.

The current/previous licence has a number of sensible conditions, although these are not included in the application. We would want the same conditions to apply to this licence, as would be the case if the current/previous licence was transferred.

In particular, there is currently no condition proposed that alcohol is ancillary to a table meal, nor conditions regarding noise emanation, waste collections, deliveries, doors and windows being kept closed etc.

Conclusion

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.

██████ have indicated that they would be minded to withdraw their representation subject to all other representations also being withdrawn. However, at the time of publication ██████ have not formally withdrawn their representation.

Name:	██████████████████████████████████████		
Address and/or Residents Association:	██████████ ████████████████████ ██████████		
Status:	Valid	In support or opposed:	Opposed
Received:	28 March 2023		

I would like to lodge my objections to this application please on the same premise as ██████. Thanks

Name:	██████████████████████████████████████		
Address and/or Residents Association	████████████████████ ██████████ ██████████		
Status:	Valid	In support of opposed	Opposed
Received:	13 March 2023		

I am a little confused the written text states opening for brunch but the hours requested are open till 21.00 seven days a week and serving alcohol until 23.00 this doesn't seem correct.

The Moscow Arms often has a spill out of customers onto the pavement, and this premise will be only 2 doors down - where there is a narrowed entrance road to bark place anyway I do believe this could cause a pedestrian hazard with poor visibility at night.

There are many young families in the road and any disturbance or difficulty traversing this area with pedestrian traffic with alcohol would be detrimental the evenings.

Name:	██████████████████████████████████████		
Address and/or Residents Association	██████████████████████████████████████		
Status:	Valid	In support of opposed	Opposed
Received:	27 March 2023		

I am writing on behalf of the ██ to object to licence application 23/01053/LIPN at 47 Moscow Road, W2 on the basis of the likely impact on the licensing objective of 'prevention of public nuisance'.

We fully support the representation made by the ██ ██████████ and request that the conditions they have specified be enacted if the licence is to be granted.

██████ have indicated that they would be minded to withdraw their representation subject to all other representations also being withdrawn. However, at the time of publication ██████ have not formally withdrawn their representation.

3.	Policy & Guidance
The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy HRS1 applies	<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

	<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>10a. Shops (all licensable activities that are provided as ancillary to the primary use of the premises as a shop except the off sale of alcohol)</p> <p>Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to Midnight. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to Midnight.</p> <p>10b. Shops (off-sales of alcohol where it forms either the ancillary or primary use of the premises) Monday to Saturday: 8am to 11pm. Sunday: 9am to 10.30pm.</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>Policy RNT1(A) 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>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.

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.

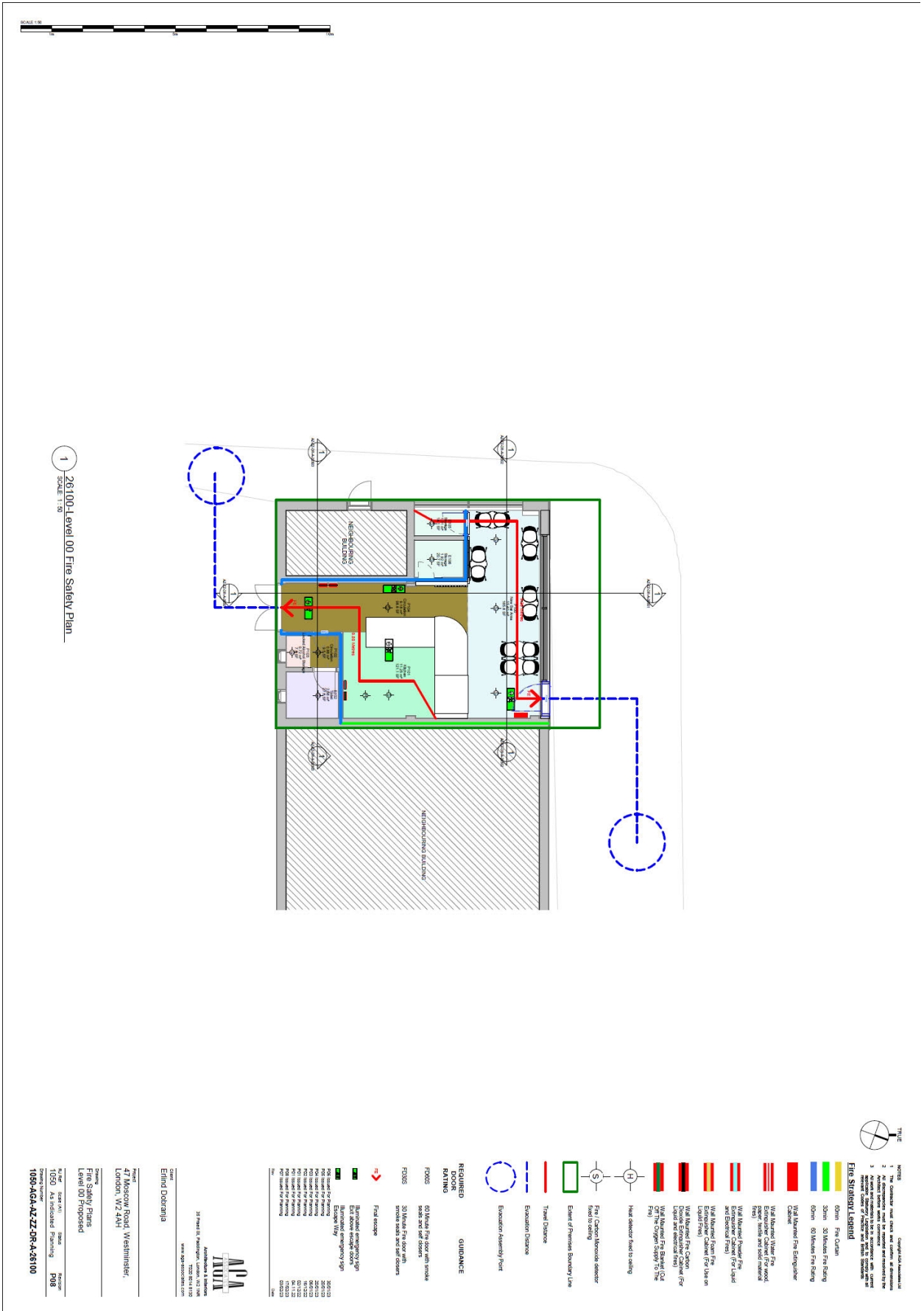
5.	Appendices
Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

Report author:	Kevin Jackaman 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	December 2022
4	Metropolitan Police Service representation	24 February 2023 (withdrawn 26 April 2023)
5	Environmental Health representation	01 April 2023
6	Interested Party representation (1)	22 March 2023
7	Interested Party representation (2)	28 March 2023
8	Interested Party representation (3)	13 March 2023
9	Interested Party representation (4)	27 March 2023



1 26100-L level 00 Fire Safety Plan
SCALE 1:50



FIGURE 1 Level 00 Fire Safety Plan

1. As an employer, you must ensure that your premises are safe and sound for the people who work there. The Health and Safety at Work Act 1974 states that it is your duty to protect the health, safety and welfare of your employees. This includes ensuring that your premises are safe and sound for the people who work there.

2. This Fire Safety Plan is a key document for ensuring that your premises are safe and sound for the people who work there. It sets out the measures you must take to protect the health, safety and welfare of your employees. This includes ensuring that your premises are safe and sound for the people who work there.

3. This Fire Safety Plan is a key document for ensuring that your premises are safe and sound for the people who work there. It sets out the measures you must take to protect the health, safety and welfare of your employees. This includes ensuring that your premises are safe and sound for the people who work there.

ASHBURNHAM & SONS
 Fire Safety Engineers
 47 Moscow Road, Westminster,
 London, W2 4AH
 T: 020 7499 4999
 F: 020 7499 4999
 www.ashburnham.com

Client: **Elind Doranija**
 Project: **47 Moscow Road, Westminster,
 London, W2 4AH**
 Document: **Fire Safety Plans
 Level 00 Proposed**
 Drawing Number: **1050**
 Drawing Version: **Proposed Planning P08**
 Date: **1050-AGA-AZ-ZZ-DR-A-28100**







Schedule 12
Part A

WARD: Lancaster Gate
UPRN: 010033584225

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

Premises licence

Regulation 33, 34

Premises licence number:

12/10331/LIPN

Original Reference:

12/10331/LIPN

Part 1 – Premises details

Postal address of premises:

Mulberry Street
Ground Floor
47 Moscow Road
London
W2 4AH

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Sale by Retail of Alcohol

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

Sale by Retail of Alcohol

Monday to Saturday: 12:00 to 23:00
Sunday: 12:00 to 22:30

The opening hours of the premises:

Monday to Saturday: 12:00 to 23:00
Sunday: 12:00 to 22:30

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

Alcohol is supplied for consumption both on and off the Premises.

Part 2

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

Red Rooster Restaurants Limited
124 Finchley Road
London
NW3 5JS

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

05314358

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

Name: Maria O'Connor

Please note: It is the policy of the Licensing Authority not to display the address details of a designated premises supervisor.

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:

Licence Number: 05/12154/LIPDPS
Licensing Authority: City of Westminster Council

Date: 22nd February 2013

Signed: pp
Operational Director - Premises Management

Annex 1 – 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 shall take all reasonable steps to 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—
 - (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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (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;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) 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.
5. The responsible person shall ensure that no alcohol is dispensed 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).

6. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
7.
 - (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
 - (2) 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 a holographic mark.
8. The responsible person shall 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; and
 - (b) customers are made aware of the availability of these measures.

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.

Annex 2 – Conditions consistent with the operating Schedule

None

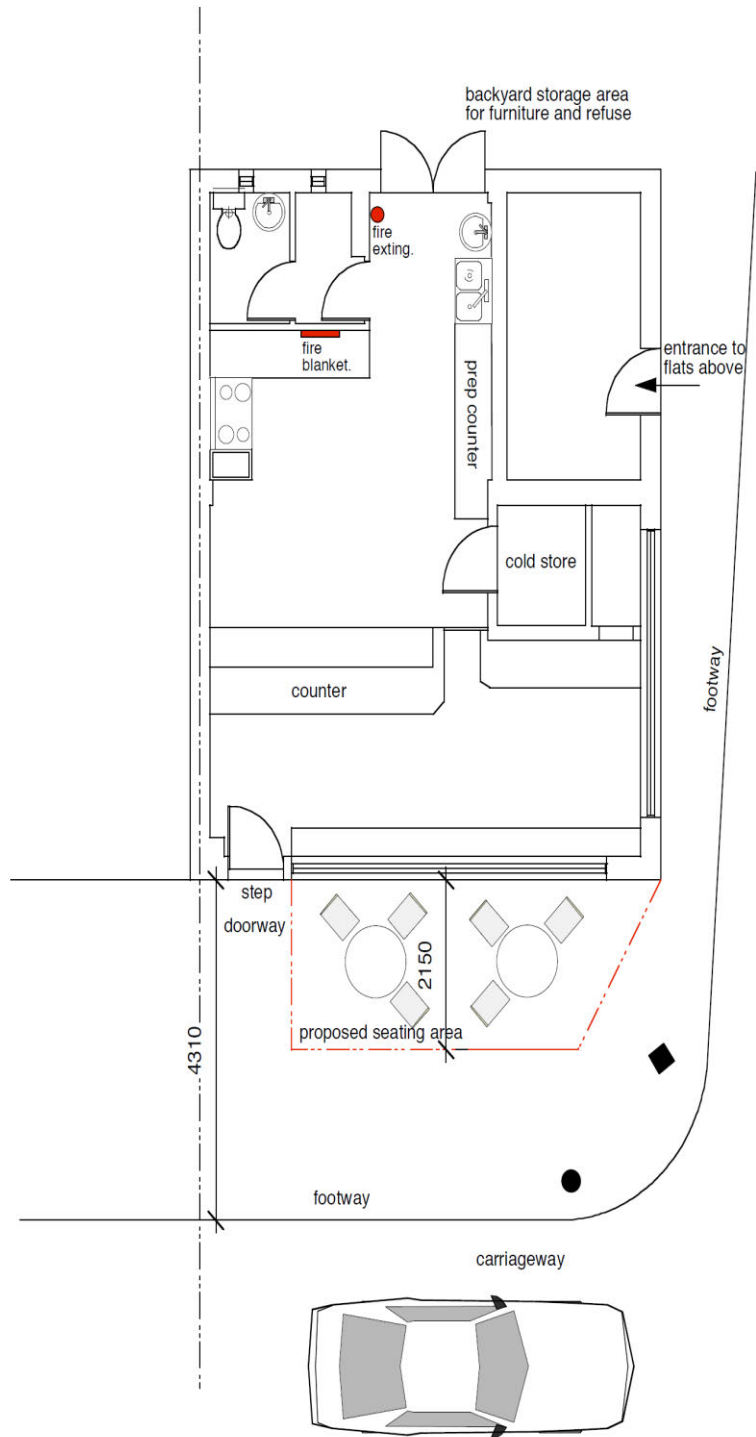
Annex 3 – Conditions attached after a hearing by the licensing authority

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 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, eg 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 is 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. 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
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system or searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.

23. There shall be no off sales of super-strength beer, lagers or ciders of 5.5% ABV (alcohol by volume) or above.
24. 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.
25. There shall be no draught beer available at the premises.
26. Toilet facilities shall be provided for customers, if requested.
27. No alcohol sales shall be permitted as part of the delivery service of food.
28. The outside area shall be kept clean at all times the premises is open.
29. All windows and external doors shall be kept closed at all times, except for the immediate access and egress of persons.
30. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the 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. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
31. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.
32. The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
33. A proof of age scheme, such as Challenge 21, shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.
34. The supply of alcohol shall be by waiter/waitress service only.
35. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to nuisance.
36. Notices shall be prominently displayed at all exists requesting patrons to respect the needs of local residents and leave the area quietly.
37. Only alcohol purchased at the premises shall be consumed at the tables outside.

Annex 4 – Plans

Attached



ADDRESS	47 Moscow Road. London W2
DATE	November 2012
SCALE	1 : 100
DRAWING NO:	MSC/01/B



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

Schedule 12
Part B

WARD: Lancaster Gate
UPRN: 010033584225

Premises licence
summary

Regulation 33, 34

Premises licence number:

12/10331/LIPN

Part 1 – Premises details

Postal address of premises:

Mulberry Street
Ground Floor
47 Moscow Road
London
W2 4AH

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Sale by Retail of Alcohol

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

Sale by Retail of Alcohol

Monday to Saturday:	12:00 to 23:00
Sunday:	12:00 to 22:30

The opening hours of the premises:

Monday to Saturday:	12:00 to 23:00
Sunday:	12:00 to 22:30

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

Alcohol is supplied for consumption both on and off the Premises.

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

Red Rooster Restaurants Limited
124 Finchley Road

London
NW3 5JS

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

05314358

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

Name: Maria O'Connor

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

Restricted

Date: 22nd February 2013

Signed: pp
Operational Director - Premises Management

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
12/10331/LIPN	Application for a new premises licence seeking supply of alcohol from 12:00 to 23:00 Monday to Saturday and 12:00 to 22:30 Sunday.	24.01.2013	Granted by Licensing Sub Committee. Licence lapsed in May 2018 due to the PLH going into liquidation.

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 and which replicate those on the previous premises licence

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 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, eg 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 is 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.
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 is 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.

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

32.
 - (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.
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 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.
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.

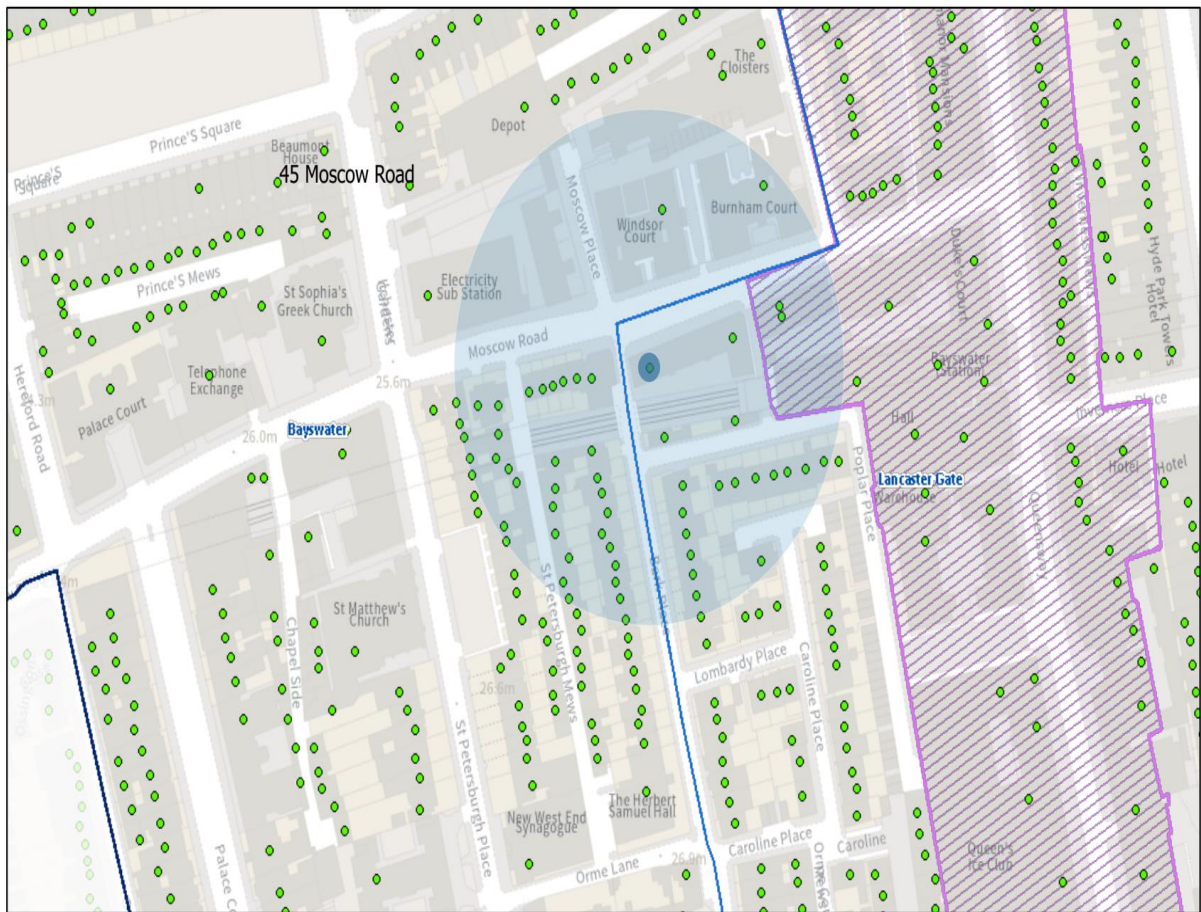
36. Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, the licence holder shall ensure that all alcohol within the premises (including alcohol behind the counter) is secured in a locked store room or behind locked grilles, locked screens or locked 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.

Conditions proposed by the Environmental Health

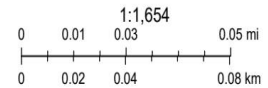
None

47 Moscow Road



05/05/2023, 11:16:12

- Property Mailing List
- Borough Boundary - Mask
- Ward Boundaries
- Ward Labels
- Stress Areas
- Special Consideration Zones
- Borough Boundary - Detailed



Resident count: 302

Licensed premises within 75m of 47 Moscow Road, London, W2				
Licence Number	Trading Name	Address	Premises Type	Time Period
15/09578/LIPV	Kaiseki Cocoro	45 Moscow Road London W2 4AH	Restaurant	Sunday; 12:00 - 22:30 Monday to Saturday; 12:00 - 23:00
19/15298/LIPDPS	The Phoenix	51 Moscow Road London W2 4AL	Pub or pub restaurant with lodge	Sunday; 07:00 - 23:00 Monday to Saturday; 07:00 - 23:30

20/09002/LIPDPS	Kings Head Public House	Kings Head 33 Moscow Road London W2 4AH	Public house or pub restaurant	Sunday; 07:00 - 23:00 Monday to Saturday; 07:00 - 23:30
22/09791/LIPDPS	Byzantium Cafe	Ground Floor 31 Moscow Road London W2 4AH	Cafe	Monday to Sunday; 08:00 - 23:00
21/11439/LIPN	Dacha Russian Shop	21 Moscow Road London W2 4AH	Shop	Monday to Sunday; 10:00 - 21:00



City of Westminster

Licensing Sub-Committee Report

Item No:

Date:

18 May 2023

Licensing Ref No:

23/00953/LIPN - New Premises Licence

Title of Report:

Southern Unit
40 Eastbourne Terrace
London
W2 6LG

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:

Karyn Abbott
Senior Licensing Officer

Contact details

Telephone: 020 7641 6500
Email: kabbott@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	14 February 2023		
Applicant:	Universities Superannuation Scheme Ltd		
Premises:	Southern Unit		
Premises address:	40 Eastbourne Terrace London W2 6LG	Ward:	Lancaster Gate
		Cumulative Impact Area:	None
		Special Consideration Zone:	None
Premises description:	<p>According to the application form, the applicant proposes to operate the premises as a restaurant.</p> <p>This application is for a separate unit at 40 Eastbourne Terrace with its own entrance. Customers cannot access the Hotel from the Restaurant and vice versa.</p>		
Premises licence history:	<p>The premises currently benefits from a premises licence (20/11835/LIPN), which is for the Premier Inn Hotel that is under the same address and was granted in March 2021.</p> <p>The premises history can be found at Appendix 3 of the report.</p>		
Applicant submissions:	<p>The applicant has provided a letter and attachment of conditions to the interested parties addressing their concerns.</p> <p>These can be found at Appendix 2 of the Report.</p> <p>The applicant has also proposed a number of conditions plus agreed a condition with the Police to form part of the operating schedule.</p> <p>These can be found at Appendix 4 of the Report.</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	N/A
End:	23:30	23:30	23:30	23:30	00:00	00:00	N/A
Seasonal variations/ Non-standard timings:			Sundays immediately prior to a Bank Holiday 23:00 - 00:00				

Sale by retail of alcohol				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	09:00	09:00	09:00	09:00	09:00	09:00	09:00
End:	23:30	23:30	23:30	23:30	00:00	00:00	22:30
Seasonal variations/ Non-standard timings:		Sundays immediately prior to a Bank Holiday 09:00 - 00:00					

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:	23:30	23:30	23:30	23:30	00:00	00:00	22:30
Seasonal variations/ Non-standard timings:		Sundays immediately prior to a Bank Holiday 09:00 - 00:00					
Adult Entertainment:		None					

2. Representations

2-A Other Persons	
Name:	██████████
Address and/or Residents Association:	████████████████████ ██████████ ██████████
Received:	24 February 2023

Please can you post the following objection against this application:

I am a ██████████ at 40 Eastbourne Terrace, living ██████████
████████████████████

There have been significant concerns from the local community about this development and licence since planning permission for the development at 40 Eastbourne Terrace was granted. Subsequently, and I made contact with the property owners (USS), on June 20 2022 to discuss these.

Regrettably the reply I received from the Deputy Head of Property at USS, Mr Alex Turner, was a summary declined to engage with local residents, (email on 21-06-2022).

I am very grateful to our local amenity society, ██████████ and the Westminster Citizens Advice Bureau for forwarding a copy of this application.

I would be very grateful to WCC Licensing if the local community could receive a letter drop on this licensing application. It will have a direct impact their welfare and amenity, and at present, no information is available or notices are posted.

Reason for the Objection:

This restaurant backs on to the Bayswater Conservation area residential road of Chilworth Mews and Chilworth Street and all servicing is proposed to be via our frontages.

We have secured some planning and licensing conditions for the building, but none are referenced or duplicated in this application.

At a minimum, I think it reasonable for there to be consistency in this licence to protect the local residential community and would be grateful to see the following conditions duplicated from the owner's adjacent premises, reference 20/11835/LIPN:

22. 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 (f) any visit by a relevant authority or emergency service.

23. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.

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

25. No collections of waste or recycling materials (including bottles) from the premises shall take place between 20.00 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.

26. No deliveries to the premises shall take place between 20.00 and 07.00 on the following day.

27. All servicing must take place between 07:00-20:00 on Monday to Saturday and 10:00-16:00 in Sundays and Bank Holidays. Servicing included loading and unloading goods from vehicles.

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 around 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. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.

30. The licence holder shall effectively manage the use of Chilworth Mews to ensure that Patrons do not congregate so as to cause a nuisance to the residents of Chilworth Mews.

31. 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.

32. Taxis collecting and picking up Patrons from the premises shall do so from a designated waiting area to be agreed with the Councils Environmental Health Officer which shall exclude Chilworth Mews for the avoidance of doubt.

The licence holder shall ensure that Coaches are not permitted to enter the rear of the premises by using Chilworth Mews at any time.

Further submissions received on 24 February 2023:

Please may I add the further conditions requested, pursuant to the planning permission for 40 Eastbourne Terrace 19_03058 Full Decision Notice_6208050.pdf and the Developer's undertakings: no general access for staff via Chilworth Mews, and no use of the roof area or enclosed loading bay area for sitting out or any other purpose, (Condition 28).

Notwithstanding a detailed operational and servicing management plan is required for the restaurant before operating, it would be most helpful for all parties to have absolute clarity that the residential road of Chilworth Mews has no permitted access points for staff or patrons, save as an emergency exit.

Once again, thank you very much in advance.

I am a [REDACTED], [REDACTED]
[REDACTED]

Residents have raised significant concerns about the diminishment of our safety, welfare and amenity resulting from the proposed commercial servicing for this restaurant, which is to be undertaken entirely via our historic, height restricted arches and all along our property frontages.

I contacted USS on June 20 2022 to request a conversation on our concerns. What I received in return was a summary rebuff and dismissal of my request from the Deputy Head of Property, Mr Alex Turner, via email on 21-06-2022.

This unpreparedness to communicate with local residents on reasonable protections for our safety and welfare indicates the need for this licence to be fully detailed, to ensure clarity and compliance.

First and foremost is a condition for restaurant service vehicles to fall within the legal height published on the Chilworth Mews arches. These are: 7' 3" on the south arch and 10' 6" on the north arch.

This is a matter of public safety, the protection of children and others from harm, and the prevention of nuisance, which has been overlooked for far too long by the Council, resulting in pedestrian injury and property damage.

Further, the license must detail the protections for residential safety welfare and amenity already agreed for the building in 20/11835/LIPN and 19/03058/FULL. Conditions that must be included, (but not limited to) are: 22, 34-41, 50-54 as required for 20/11835/LIPN and condition 29, as required for 19/03058/FULL.

Finally, the licence must provide absolute clarity that the residential road of Chilworth Mews has no permitted access points or rest or smoking areas for staff or patrons; and is not a service yard or staff rest or or smoking area for the building.

Further submissions received on 27 February 2023:

I write again with an additional point for my objection to this application.

It would be beneficial to both the Licensee and the local community, as well as in keeping with the Licensing Objectives of public safety and the avoidance of nuisance, for this license to include the height restrictions for vehicle entry into Chilworth Mews arches, which are: 7' 3" on the south arch and 10' 6" on the north, as below:



South Arch

North Arch

Families live above the arches and have their front doors within them as you can see above, and it has become a persistent problem since the commercial developments at 40 and 50 Eastbourne Terrace that service vehicles that exceed the height restrictions enter the Mews, compromising public safety and creating a nuisance.

The north arch has been damaged more than once by an over-sized vehicle crashing into its roof and one resident has been hit in the head with an HGV wing mirror as it moved across into his path to avoid the triangular support on the south arch.



Once in the Mews, these over-sized vehicles find they cannot drive straight through, and attempt a three point turn. The result is that they drive on to our thresholds, as below and several residents have had their plant pots destroyed as a result.



Therefore, I would be grateful if you would include this information in the License for the avoidance of doubt as well as the information below, that Chilworth Mews is a conservation area residential road, and not the service yard or rest area for the commercial development at 40 Eastbourne Terrace.

I note that the Licencing Committee for the adjacent premises at 40 Eastbourne Terrace, reference 20/11835/LIPN, included avoidance of doubt information in that license to help ensure safety and avoid nuisance in our residential road. We would be grateful to see the information above and below in this license for that purpose.

Further Submissions and a Letter to Applicant received on 28th April 2023

Thank you very much for the correspondence from the applicant's agent sent to me yesterday.

I have reviewed the attachments and regret to say that I do not believe they include reasonable safeguards to protect local area safety, welfare and amenity and therefore I am not in a position to withdraw my objection at this time.

I have responded to the applicant's agents letter. This is attached for your reference.

I am afraid that the applicant's agent has not provided a direct email. I am copying in the general email for the firm and would be grateful to know if you are able to forward this response directly to Mr Elford.

Also, please can you advise if a hearing date has been set and if so, the location, timing and registration process for speakers?

Objection: 23/00953/LIPN – 40 Eastbourne Terrace.
April 28, 2023

Dear Mr Elford,

RE: 23/00953/LIPN – 40 Eastbourne Terrace, your reference LE/LON221/SOU236/
Thank you for your letter.

I am very keen to work together to resolve concerns regarding your client's application collaboratively and in both parties' interest.

My objections remain on the grounds that this proposal may undermine the Public Safety, Prevention of Public Nuisance and Disorder, and Protection of Children Licensing Objectives as follows:

The proposal to secure a premises licence in advance of a tenant being secured would be a benefit to your client at the expense of the local community, divesting us of the opportunity to

review and comment on an actual tenant's operations and their potential impact on the local area.

There are many types of restaurants with a variety of different offerings. The speculative nature of this application precludes details on the type of restaurant, its plan and layout, the proposed number of covers, etc., making it impossible to ascertain whether or how the licensing objectives will be met.

To ensure public safety and prevent nuisance the conditions must reasonably specify the following:

- The maximum capacity the venue is licensed to hold;
- The layout of the restaurant;
- Operating policies, including the exclusion of a bar area/vertical drinking;
- A reason why off-sales of alcohol are considered appropriate;
- Servicing policies and processes, including managing suppliers who do not comply with service bay requirements.

If the Committee is minded to grant a license without details of the operator or operations, it must reasonably include the following safeguard:

- No licensable activities shall take place at the premises until the final layout and operations are submitted for public comment and Committee review.

While Licensing and Planning are two separate regimes, what is not separate is the context of the premises or the requirement to ensure that public safety, welfare and amenity is preserved.

The conditions in this application fail to acknowledge that this premises borders the Bayswater Conservation area and is surrounded by the predominantly residential roads of Chilworth Street, Chilworth Mews and Craven Road.

In addition, it fails to consider and risk assess the cumulative impact of the operations alongside the next door 366-bed hotel and 280 capacity Whitbread restaurant, as well as the adjacent Vapiano restaurant comprising 170 covers.

At a minimum, this application must reasonably duplicate the Licensing conditions agreed to protect local residents from harm resulting from additional late-night activities of these establishments, including:

- The licence holder shall demonstrate policies to effectively manage the use of Chilworth Mews, road located behind the premises, to ensure that Patrons do not congregate so as to cause a nuisance to the residents of Chilworth Mews.
- No use of Chilworth Mews by staff at any time.
- 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.
- The licensee or a suitable staff member will monitor patrons leaving the establishment and Patrons will be encouraged by staff to leave quietly and respect the interests of the occupiers of any nearby noise sensitive premises.

- Sales of alcohol for consumption 'Off' the premises, (if Off-sales are permitted), shall cease at 23.00 hours on Monday to Saturday and 22.30 hours on Sunday.
- 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.
- 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.
- The management of the premises will liaise with police on issues of local concern or disorder.
- There shall be no striptease or nudity in premises and a dress policy stating that all persons shall be decently attired at all times.
- No advertisements of any kind that advertise or promotes the establishment premises or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, upon any building, structure, works, street furniture, tree or any other property or be distributed to the public.
- There shall be no admittance or new entry to the premises after 23:00 hours.

The potential for local area nuisance is exacerbated by the location of this restaurant on Eastbourne Terrace, which has no drop off/pick up point and is a major bus route, with double yellow lines on both sides of the road.

The application does not include sufficient safeguards for the local community regarding patron drop off and pick up and must reasonably match the adjacent restaurant Licensing conditions to ensure that safety and amenity is not compromised in the area, follows:

- Taxis collecting and the picking up of Patrons from the premises shall do so from a designated waiting area to be agreed with the Councils Environmental Health Officer which shall exclude Chilworth Mews for the avoidance of doubt.
- The licence holder shall ensure that Coaches are not permitted to enter the rear of the premises by using Chilworth Mews at any time.
- No patron parking in Chilworth Mews.

This latter point is of considerable significance. Chilworth Mews must not be used as the parking lot for the restaurant.

No policies are included to safeguard the considerable number of children in the local area. The following conditions should reasonably be included:

- A policy statement in relation to children shall be developed and reviewed prior to the operations, including a communications policy for patrons by staff.
- Children under the age of 16 shall not be permitted to enter the premises after 21:00 unless dining with an adult.

Conditions related to deliveries and servicing are excluded from the application and this is a significant feature of restaurant operations and evidenced source of loss of public safety, welfare and amenity, if left unchecked.

All servicing is designated via a single loading bay in the residential road of Chilworth Mews and the Servicing Management Plan is not yet approved for 40 Eastbourne Terrace. Therefore, it would seem premature to request a license until this key feature of operations is assured.

Notwithstanding, if the Committee is minded to consider this application in advance of servicing arrangements for the establishment being agreed, the license must reasonably include the following conditions:

- All loading bay conditions must be expressed in the licence for avoidance of doubt and adhered to at all times, (such as use of the booking system, no deliveries from the public highway and that load bay doors are kept closed at all times except for vehicle exit and entrance, etc.)
- No vehicles that exceed the height restrictions on Mews arches will be permitted for deliveries via Chilworth Mews.
- No deliveries or servicing will take place between 20:00 and 08:00 Monday through Saturday and 16:00 to 10:00 on Sundays and Bank Holidays.
- Refuse will not be put out more than 30 minutes before collection time.

The loading bay for 40 Eastbourne Terrace has a permitted maximum of 15 vehicles per day for the 366-bed hotel, the 280 covers restaurant, and this premises.

The proposed servicing management plan has allocated a maximum of 4 deliveries per day to this premises and this must reasonably be including in the Licensing conditions to prevent nuisance in Chilworth Mews.

- A maximum of 4 deliveries/collections per day are permitted for this unit.

The drawings submitted with the licensing application do not show an access door to the bin store, only a fire exit, which would not be suitable for regular access.

Please can the license demonstrate the access route for operations, such as waste storage.

I am pleased to learn that your client is now willing to engage with the local community to ensure that any licence granted is on terms that are acceptable to all known stakeholders.

Thank you in advance and I look forward to hearing from you further on these points.

Yours sincerely,

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED]
Received:	13 March 2023

I would also like to submit a representation on this application.

I would like to fully support [REDACTED] comments below, and to support the wider [REDACTED] application, which makes very sensible points. There have been a number of applications and ongoing situations that have negatively impacted the residents of Chilworth Mews, and I am keen to ensure that this is not worsened by this application.

I will not repeat all of [REDACTED] points below, which I endorse, but consistency with conditions on previous accepted applications is a must, as is the need for further details on noise, odours and the potential for a delivery service.

Name:	██████████
Address and/or Residents Association:	██
Received:	13 March 2023

I am writing on behalf of the ██████████ to make a relevant representation objecting to this licence application on the grounds of 'prevention of public nuisance'.

Introduction

██████████ 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. ██████████ 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 on Eastbourne Terrace, opposite the Elizabeth Line entrances and main entrance to Paddington Station. As such, it is likely to have the benefit of significant passing footfall.

The premises is physically part of (although we believe operationally separate to) a Premier Inn hotel. The Premier Inn has been granted a premises licence (ref: 20/11835/LIPN). We attach a copy of this for information. It would be very helpful to see the plans for this premises in the context of the hotel.

This application is preceded by a planning application for redevelopment of the building (ref: 19/03058/FULL).

Immediately behind Eastbourne Terrace and running parallel to it is Chilworth Mews, a residential mews of approximately thirty residential dwellings between Craven Road to the south and Chilworth Street to the north. We believe that residents of Chilworth Mews are very ably represented by one of their residents, who has submitted a representation in respect of the application.

██████████ wishes to support and endorse that representation, but we will comment on the application and add our own thoughts below.

The application

The application seeks:

- Sale of alcohol for consumption on and off the premises – in line with 'core hours' policy HRS1.
- Late night refreshment, indoors only – in line with 'core hours' policy HRS1
- Times premises is open to the public - in line with 'core hours' policy HRS1

██████████ position

Activity – whether from patrons, staff, deliveries etc – must be solely focused on the front of the premises on Eastbourne Terrace. Any activity to the rear (save for servicing in line with the planning permission and hotel licence) must be restricted to avoid adverse impact on the very quiet and sensitive residential Mews to the rear.

We note that the application includes the full MC66 restaurant condition, and some other appropriate conditions, but we agree with the representative for Chilworth Mews that the conditions are insufficient and need to be amended/added to.

In particular, the proposed conditions related to servicing the restaurant are different to the conditions on the planning permission and the licence granted for the hotel part of the building. These conditions were and are appropriate, and we agree that there should be consistency.

The licence, if granted, should therefore include reference to a dedicated smoking area in Eastbourne Terrace; confirmation of no use of Chilworth Mews by staff or customers at any time; dispersal policy to include taxi and uber collection and drop off (away from Chilworth Mews).

We should be grateful for confirmation of what measures are in place to ensure that noise and odours do not emanate from the premises, given the proximity at the rear of residents.

In this location, we do have concerns about off sales (which we noted as currently proposed

would be to the full extent of the hours for on sales, and not subject to being ancillary to food). 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 detail in the application as to whether the applicant intends to offer a delivery service and, if so, whether it would be via delivery personnel directly employed by them. We have concerns about take away food whether by way of a delivery service, due to well documented issues in the vicinity and indeed in the borough as whole with the logistics of this, or for immediate consumption. There are a number of conditions which are directly linked to Chilworth Mews in the hotel licence, which we would like to see replicated.

Conclusion

We are very happy to be part of ongoing discussions regarding this application and would wish to attend any future hearing.

We are aware of course that applications can be amended, and as ever, [REDACTED] 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.

Additional Documents that were received with SEBRA's Representation can be found at Appendix 3

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED]
Received:	13 March 2023

I would like to submit my support for [REDACTED] objection to the licence application in the email subject.

I summarise here the key points I'd like to re-emphasize:

- o Activity must be solely focused on the front of the premises on Eastbourne Terrace. Any activity to the rear (save for servicing in line with the planning permission and hotel licence) must be restricted to avoid adverse impact on the very quiet and sensitive residential Mews to the rear.
- o We note that the application includes the full MC66 restaurant condition, and some other appropriate conditions, but we agree with the representative for Chilworth Mews that the conditions are insufficient and need to be amended/added to. In particular, the proposed conditions related to servicing the restaurant are different to the conditions on the planning permission and the licence granted for the hotel part of the building. These conditions were and are appropriate, and we agree that there should be consistency.
- o The licence, if granted, should therefore include reference to a dedicated smoking area in Eastbourne Terrace; confirmation of no use of Chilworth Mews by staff or customers at any time; dispersal policy to include taxi and uber collection and drop off (away from Chilworth Mews).
- o 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 detail in the application as to whether the applicant intends to offer a delivery service and, if so, whether it would be via delivery personnel directly employed by them. We have concerns about take away food whether by way of a delivery service, due to well documented issues in the vicinity and indeed in the borough as whole with the logistics of this, or for immediate consumption.

3. Policy & Guidance

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

<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
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	<p>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. 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>
<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

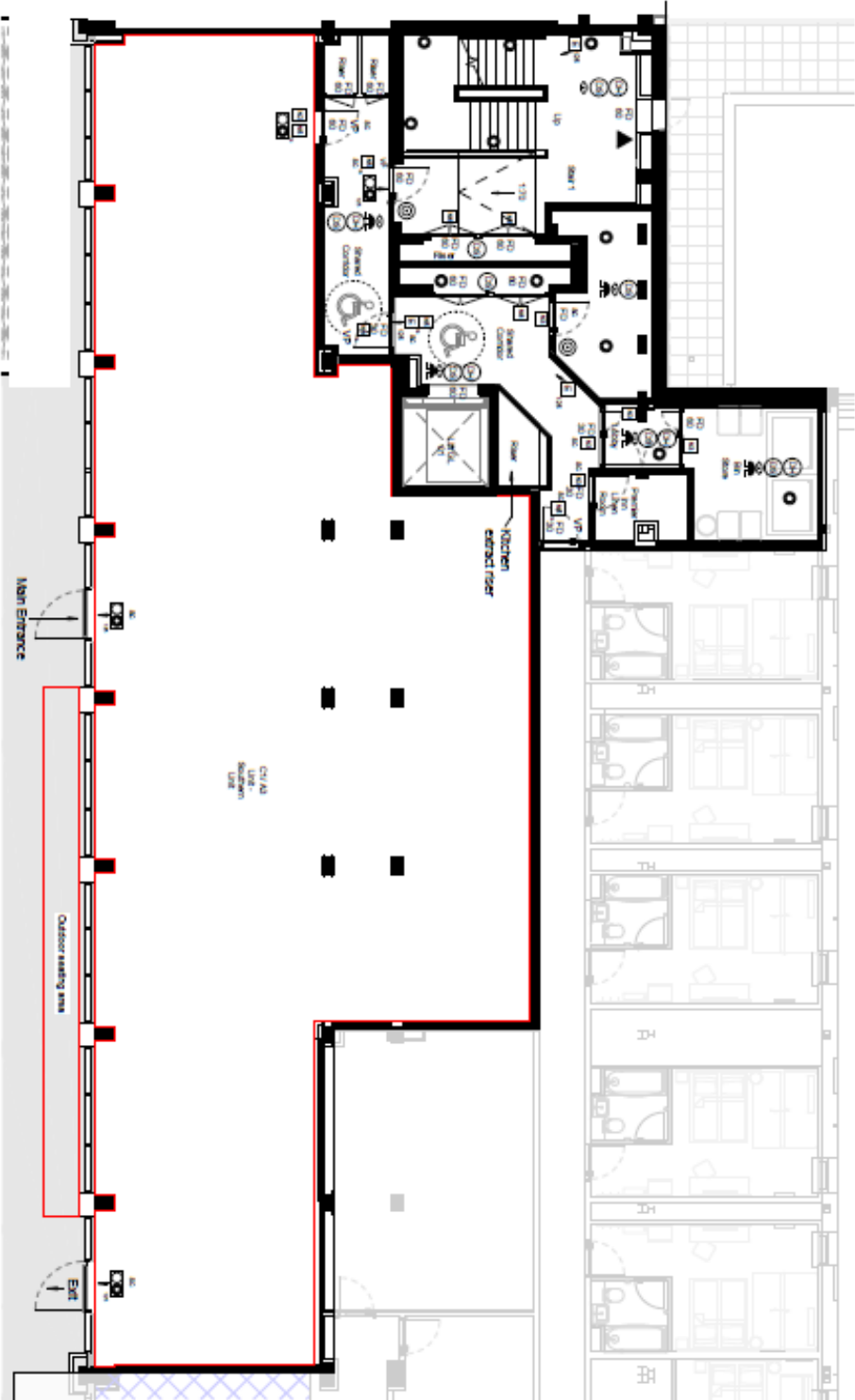
Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	██████████ Additional Documents
Appendix 4	Premises history
Appendix 5	Proposed conditions
Appendix 6	Residential map and list of premises in the vicinity

Report author:	Karyn Abbott Senior Licensing Officer
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	December 2022
4	Representation 1	24 February 2023
5	Representation 2	13 March 2023
6	Representation 3	13 March 2023
7	Representation 4	13 March 2023



Plan - Ground Floor FFL 26,940

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PROJECT INFORMATION
 PROJECT NO: 2018-001
 PROJECT NAME: [REDACTED]
 PROJECT ADDRESS: [REDACTED]
 PROJECT TYPE: [REDACTED]
 PROJECT STATUS: [REDACTED]

REVISIONS

NO.	DESCRIPTION	DATE
001	ISSUED FOR PERMIT	2018-08-15
002	ISSUED FOR PERMIT	2018-08-15

LEGEND

GENERAL NOTES

- 1. ALL WORK SHALL BE IN ACCORDANCE WITH THE BC BUILDING ACT AND THE BC BUILDING REGULATIONS.
- 2. THE DESIGNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
- 3. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE AUTHORITY HAVING JURISDICTION.
- 4. THE DESIGNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
- 5. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE AUTHORITY HAVING JURISDICTION.

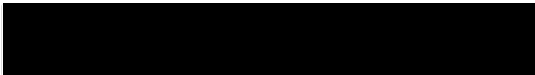
SYMBOLS

- Licensed activities may take place anywhere within the red line.
- Fire alarm call point.
- Fire Door.
- Fire Door - Clearing Obstruction.
- Visual Warning.
- Fire Notice - Keep clear.
- Fire Notice - Keep clear.
- Fire Notice - Fire exit keep clear notice.
- Fire Notice - Fire exit keep clear shut.
- Fire exit directional sign.
- Smoke detector.
- Heat detector.
- Emergency lighting point.
- Fire alarm - visual warning device.
- Fire alarm - audible warning device.
- Illuminated fire exit.
- Illuminated fire exit directional.
- Fire alarm - directional sign.
- Fire alarm - directional sign.

The same letter was sent to all interested parties with the attachment of conditions from the Hotel Licence and proposed conditions for this application.



Our Ref: LE/LON221/SOU236/2
Contact: Luke Elford



c/o licensing@westminster.gov.uk

27 April 2023



**Universities Superannuation Scheme Ltd
Southern Unit, 40 Eastbourne Terrace, London W2 6LG
Application for a premises licence (23/00953/LIPN)**

I am the Licensing Solicitor representing Universities Superannuation Scheme Ltd ("the Applicant").

My client is applying for a premises licence at Southern Unit, 40 Eastbourne Terrace, London W2 6LG ("the Premises") to which you have objected.

I thought it would be helpful if I wrote to you, as well as any other objectors, to explain why the application is being made and to address the points/requests made in your objection. I hope this letter is useful.

Why is the Applicant making this application?

The Applicant is the landlord of the Premises.

To attract a suitable tenant to the Premises the Applicant has made an application for a premises licence.

The type of tenant that the Applicant wishes to attract is a restaurant. I hope this was clear from the conditions included within the application.

We do not know at this stage who the tenant is going to be.

Planning and Licensing

Tel: 0114 266 8664
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Planning and licensing are two separate regimes.

Licensing committees are not bound by decisions made by planning committees, and vice-versa.

The Revised Guidance issued under section 182 of the Licensing Act 2003 is clear that planning permission, building control approval, and licensing regimes will be properly separated to avoid duplication.

It is not necessary for any condition that appears on a planning permission to be imposed on my client's licence (if granted).

Conditions

In your objection you request that my client accept several of the conditions that have been attached to premises licence number 20/11835/LIPN.

I note that premises licence number 20/11835/LIPN is the premises licence granted to Whitbread Group PLC for its hotel.

I think that we shall be able to agree some of the conditions that you have asked for, but probably not those that are hotel specific.

I also note that some of the conditions you have requested have already been offered as part of my client's operating schedule.

To assist, I have prepared a schedule of the conditions that have been requested (attached) with our responses. I also attach a copy of the conditions that we submitted with the application.

Summary

I understand your concerns in relation to my client's application.

I hope that the above and attached have been useful in explaining what my client's intentions are.

My client would like to work in partnership to ensure that this licence is granted on terms that are acceptable to all parties, including any prospective tenant.

My client is a responsible landlord and will make sure, along with Whitbread Group PLC, that any tenant operates in accordance with the premises licence.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Luke Elford', with a stylized flourish at the end.

Luke Elford
Partner
John Gaunt & Partners

Enc.

Conditions from 20/11835/LIPN (Premier Inn Licence)

Applicant's responses in blue

11. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as a hotel.

This condition is specific to the hotel. We would be amenable to a similar condition stating that licensable activities are ancillary to the use of the premises as a restaurant.

12. Sales of alcohol for consumption 'Off' the premises which are to be taken away from the hotel (i.e. not to be consumed by residents within the hotel) shall only be in sealed containers.

My client has already offered a condition that sales of alcohol for consumption off the premises will be in sealed containers only and shall not be consumed on the premises. Please see our application.

13. Sales of alcohol to non-residents for consumption 'Off' the premises shall cease at 23.00 hours on Monday to Saturday and 22.30 hours on Sunday.

This condition is specific to the hotel. In any event, we would prefer to keep the hours for on and off-sales within our application consistent.

14. 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.

The use of door staff at a restaurant premises is unnecessary and inappropriate.

15. 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.

We have proposed a Challenge 25 condition and staff would need to be trained in that policy. The other matters identified by this condition are dealt with in other pieces of legislation.

16. 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.

We do not think this condition is necessary or appropriate for a restaurant.

17. The premises shall operate a proof of age scheme and will require photographic identification from any person who appears to be under the age of 21 years.

We have proposed Westminster City Council's model Challenge 25 condition.

18. The management of the premises will liaise with police on issues of local concern or disorder.

We would expect any tenant to do this anyway. We do not believe that it needs to be a condition of the premises licence.

19. The premises shall install and maintain a CCTV system as per the minimum requirements of 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 at 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 proper request of Police or authorised Officers during the preceding 31-day period.

We have proposed Westminster City Council's (and by extension the Westminster Police Licensing Team's) model CCTV conditions within our application.

20. A staff member who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to non-residents of the hotel. The staff member must be able to provide a Police or authority Council Officer copies of recent CCTV images or data with the absolute minimum of delay when properly requested.

We have proposed Westminster City Council's (and by extension the Westminster Police Licensing Team's) model CCTV conditions within our application.

21. 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.

We do not think this condition is appropriate or proportionate for a restaurant.

22. No advertisements of any kind that advertise or promotes the establishment premises or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, upon any building, structure, works, street furniture, tree or any other property or be distributed to the public.

We are unable to accept this condition. We are concerned that accepting such a condition could leave a tenant unable to advertise the existence of the restaurant.

23. There shall be no drinks promotions at the premises which are inconsistent with the need to promote responsible drinking.

This is covered by a Mandatory Condition applied to all premises licences including the sale of alcohol.

24. A record shall be kept detailing all refused sales of alcohol. The record shall 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 when the premises are open to non-residents.

A record of refused sales is contained within our incident log condition. Please see our application.

25. Policies in relation to children shall be adequately communicated to patrons by staff or through appropriate signage.

This is a hotel specific condition. We do not believe it is appropriate for a restaurant.

26. 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
- (f) any visit by a relevant authority or emergency service.

We have already offered Westminster City Council's model incident log condition within our application. Please see our application.

27. The licence holder shall comply with the reasonable requirements of the fire officer from time to time.

This is a legal requirement.

28. The premises will have adequate safety and fire-fighting equipment, and such equipment will be maintained in good operational order.

We have already offered Westminster City Council's model condition regarding approved arrangements. Please see our application.

29. Spillages and breakages will be removed as soon as possible to reduce the risk to patrons and staff.

We believe this is good practice and does not need to be made a condition of the licence.

30. Toughened glasses will be used in the premises where appropriate.

We do not believe that toughened glass is appropriate for a restaurant premises.

31. Fire Exits and means of escape shall be kept clear and in good operational condition.

We believe this is good practice and does not need to be made a condition of the licence.

32. The certificates listed below shall be made available to an authorised officer upon request;

- a. Any permanent or temporary emergency lighting battery or system
- b. Any permanent or temporary electrical installation
- c. Any permanent or temporary emergency warning system
- d. Any ceiling inspection

We believe this is good practice and does not need to be made a condition of the licence.

33. Where appropriate, prominent, clear and legible notices shall be displayed at all exits requesting the public respect the needs of local residents and to leave the premises and area quietly.

We have offered Westminster City Council's model condition to this effect. Please see our application.

34. 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.

We believe this is good practice and does not need to be made a condition of the licence.

35. 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.

We have already offered this condition. Please see our application.

36. Contact numbers for local taxi firm(s) shall be kept at the premises and made available to patrons requiring a taxi.

Whilst we believe that most customers will use app-based travel, we are happy to agree this.

37. All outside tables and chairs shall be removed or rendered unusable by 23.00 each day.

We have already offered this condition. Please see our application.

38. 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.

We have already offered this condition. Please see our application.

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

Regarding waste, we are happy to align ourselves with the hotel operation. We would be willing to accept this condition.

40. 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.

As above.

41. No deliveries to the premises shall take place between 21.00 and 07.00 on the following day.

Regarding deliveries to the premises, we are happy to align ourselves with the hotel. We would be willing to accept this condition.

42. No licensable activities shall take place at the premises until the licensing authority are satisfied that the premises is constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association - Technical Standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition shall be removed from the licence by the licensing authority. If there are minor changes during the course of construction new plans shall be submitted to the licensing authority when requesting removal of this condition.

We have offered a condition to this effect. Please see our application.

43. 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.

We have already offered this condition. Please see our application.

44. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.

We have already offered this condition. Please see our application.

45. The layout of the ground floor licensed area shall be substantially laid out with tables and chairs as indicated on the Premises Licence plan.

We are not able to agree this condition. Whilst we expect this will be the case we are not at the stage in discussions with prospective tenants whereby we have been provided with any designs.

46. 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.

We do not have any problem with agreeing this condition.

47. The number of persons permitted in the premises on the ground floor at any one-time (excluding staff) shall not exceed (X) persons (to be determined on clearance of 'works' condition but it shall not be more than 280 persons).

This condition is specific to the hotel. We have offered Westminster City Council's model condition regarding capacities being set in discussion with the Environmental Health Consultation Team.

48. No films or videos of any description will be shown so that they can be viewed by persons under the age of any applicable BBFC/Local Authority certification.

We have not applied to show films.

49. Children under the age of 16 shall not be permitted to enter the premises after 21:00 unless dining with an adult or attending a pre-booked function or resident in the hotel.

This condition is specific to the hotel.

50. There shall be adequate controls in place including staff training to safeguard against the sale of alcohol to persons under 18 years.

This is a Mandatory Condition in relation to all licences that authorise the sale of alcohol.

51. The premises supervisor or appointed staff member shall ensure that when children are admitted to the premises their presence is not inconsistent with the style of operation of the premises at that time and the licensable activities that are being carried out.

We do not believe that this condition is appropriate or proportionate to a restaurant.

52. Policies in relation to children shall be adequately communicated to patrons by staff or through appropriate signage.

This appears to be a duplication of condition 25.

53. 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.

We have agreed this condition with the Police Licensing Team.

54. 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.

We are happy to agree this condition.

55. The licence holder shall effectively manage the use of Chilworth Mews being the Mews located behind the premises to ensure that Patrons do not congregate so as to cause a nuisance to the residents of Chilworth Mews.

We would prefer the condition to be phrased as follows – the premises licence holder shall devise, implement, and maintain an external management policy dealing with how customers use external areas at the premises and ensuring that the residents of Chilworth Mews are not disturbed. A copy of the policy shall be kept at the premises and made available for inspection by responsible authority officers upon request.

56. 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. Any doors to the ground floor of the premises facing Chilworth Mews shall only be used for the following purposes:

(a) Patrons staying overnight at the premises with a valid blue or white badge only using one of the four DDA car parking spaces.

(b) Staff Cyclists using one of the 28 day long stay cycle spaces.

(c) In the case of an emergency

Notwithstanding the above the licence holder shall ensure that a notice is displayed at all times on any doors exiting Chilworth Mews requesting staff to leave quietly and to avoid the use of mobile phones.

Our unit does not have any doors or windows onto Chilworth Mews. These are controlled by the hotel.

57. 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.

We are happy to agree this condition.

58. The licence holder shall ensure that Coaches are not permitted to enter the rear of the premises by using Chilworth Mews at any time.

We do not believe that coaches are relevant to the restaurant and that this matter is already controlled on the hotel licence.

59. There shall be no admittance or new entry to the premises after 23:00 hours.

We do not consider this condition appropriate or proportionate for a restaurant.

Universities Superannuation Scheme Ltd
Southern Unit Conditions

- 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.
 - 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.
 - There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
 - All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
 - Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.
 - 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.
 - 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.
 - 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.

- 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.
 - 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.
 - 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.
 - 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.
 - The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
 - 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.
 - 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.
 - All outside tables and chairs shall be rendered unusable by 22:00 hours each day.
 - All tables and chairs shall be removed from the outside area by 23:00 hours each day.
 - Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
 - 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.
 - 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.
 - 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.

- No collections of waste or recycling materials (including bottles) from the premises shall take place between 23:00 hours and 08:00 hours on the following day.
- 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.
- 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.
- 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.
- 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.

Westminster City Council

Development Planning
Westminster City Council
PO Box 732
Redhill, RH1 9FL

westminster.gov.uk

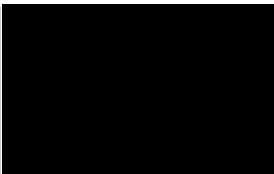


City of Westminster

Your ref: 40 Eastbourne Terrace
My ref: 19/03058/FULL

**Please
reply to:**
Tel No:

Sarah Whitnall
020 7641 2929



Development Planning
Westminster City Council
PO Box 732
Redhill, RH1 9FL

1 November 2019

Dear Sir/Madam

**TOWN AND COUNTRY PLANNING ACT 1990
PERMISSION FOR DEVELOPMENT (CONDITIONAL)**

The City Council has considered your application and permits the development referred to below subject to the conditions set out and in accordance with the plans submitted.

Unless any other period is stated in the Schedule below or by conditions attached; this consent, by virtue of Section 91(1) of the Town and Country Planning Act 1990 (as amended), is granted subject to the condition that the development shall be commenced within 3 years of the date of this decision.

Your attention is drawn to the enclosed Statement of Applicant's Rights and General Information.

SCHEDULE

Application No: 19/03058/FULL

Date Received: 20.04.2019

Date Amended: 20.05.2019

Plan Nos: 40ET-SRA-P00-100; 40ET-SRA-P12-099; 40ET-SRA-P12-100; 40ET-SRA-P12-10140ET-SRA-P12-102; 40ET-SRA-P12-103; 40ET-SRA-P12-104; 40ET-SRA-P12-10540ET-SRA-P12-200; 40ET-SRA-P12-201; 40ET-SRA-P12-300; 40ET-SRA-P20-099 RevP02; 40ET-SRA-P20-100-RevP02; 40ET-SRA-P20-101-RevP01; 40ET-SRA-P20-102-RevP01
40ET-SRA-P20-103-RevP01; 40ET-SRA-P20-104-RevP01; 40ET-SRA-P20-105-RevP01; 40ET-SRA-P20-106-RevP01; 40ET-SRA-P20-107-RevP01; 40ET-SRA-P20-200; 40ET-SRA-P20-201-RevP02; 40ET-SRA-P20-300; 40ET-SRA-SK022; 40ET-SRA-SK023.

Site Location Plan; Design & Access Statement, by Sheppard Robson Architects and Design and Access Statement Addendum, prepared by Shepherd Robson Architects; Heritage and Townscape Statement, by KM Heritage; Transport Assessment, by Steer; Draft Operational Management Plan, prepared by Gerald Eve LLP; Daylight and Sunlight Assessment, by Point 2; Energy Strategy, by WPP; Sustainability Strategy, by WPP; Noise Impact Assessment, by AECOM; Statement of Community Involvement, prepared by Kanda; Economic Statement, prepared by Volterra; Arboricultural Survey and Impact Assessment, by tree:fabrik; Air Quality

4/26/2019

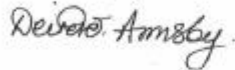
Assessment, by Air Quality Consultants; Flood Risk Assessment, by AEC; Signed Draft Code of Construction Practice Appendix A Form.

Address: 40 Eastbourne Terrace, London, W2 6LG,

Proposal: Demolition of top floor and erection of replacement floor plus one storey extension, rear extensions, and replacement facades with associated external alterations for use as a 366 bed hotel (Class C1) with flexible use at part of ground floor for restaurant/hotel use (Class A3/C1).

See next page for conditions/reasons.

Yours faithfully



Deirdra Armsby
Director of Place Shaping and Town Planning

Note: As the requirements of the Building Regulations may affect the design of the proposed development our Building Control team can offer advice and guidance at an early stage. If you would like to take advantage of this service please contact them on 020 7641 6500 or email districtsurveyors@westminster.gov.uk to arrange a preliminary discussion.

Note:

- The Plain English Crystal Mark applies to those conditions, reasons and informatives in this letter which have an associated reference number with the prefix C, R, X or I.
- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority.



Condition(s):

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
- o between 08.00 and 18.00 Monday to Friday;
 - o between 08.00 and 13.00 on Saturday; and
 - o not at all on Sundays, bank holidays and public holidays.

You must carry out piling, excavation and demolition work only:

- o between 08.00 and 18.00 Monday to Friday; and
- o not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 Prior to the commencement of each part:
- (a) Demolition,
 - (b) Earthworks/piling
 - (c) Construction

On site you must apply to us for our written approval of evidence to demonstrate that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of the relevant completed Appendix A checklist from the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Sciences Team, which constitutes an agreement to comply with the Code of Construction Practice and requirements contained therein. Commencement of the relevant stage of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval through submission of details prior to each stage of commencement. (C11CD)

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

Note:

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- 4 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 5 You must apply to us for approval of 1m x 1m fabricated sample panels of the following parts of the development:

- i) typical facade bay of the front elevation, upper level of the building.
ii) typical facade bay of the rear ground and first floor levels.

The sample(s) should demonstrate the colour, texture, face bond, pointing, component interfaces and means of construction (including any typical expansion/movement joints). You must not start on the relevant parts of the development until we have approved the sample panels. You must then carry out the work according to these approved sample(s).

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 6 You must apply to us for approval of a scheme of public art. You must not start work on the public art until we have approved what you have sent us. Before anyone moves into the building you must carry out the scheme according to the approved details. You must maintain the approved public art and keep it on this site. You must not move or remove it

Reason:

To make sure the art is provided for the public and to make sure that the appearance of the building is suitable. This is as set out in DES 7 (A) of our Unitary Development Plan that we adopted in January 2007. (R37AB)

- 7 You must provide the waste store shown on drawing 23340102-STR-HGN-100-DR-D-00502 Revision P2 within the Transport Statement-before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the building. You must not use the waste store for any other purpose. (C14DC)

Note:

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Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 8 You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 9 Prior to the commencement of works on the ~Chilworth Street face, you must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:

a. A revised layout removing any pedestrian access points onto Chilworth Street.

You must not start work on the Chilworth Street facade until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 10 Prior to occupation you must provide to us and we must have agreed

a. An Operational Management Plan for the hotel and restaurant uses.
b. Details of how you will manage a No Coach/No group bookings policy
c. Details of Electric Vehicle charging points for LGV delivery use and the 4 DDA car parking bays.

These plans must thereafter be followed/maintained for the life of the development, unless a revised plan is agreed by us in writing.

Reason:

In the interests of public safety, to avoid blocking the road and to protect the environment of residents and the area generally as set out in S41 and S29 of Westminster's City Plan (November 2016) and STRA25, TRANS 2, TRANS23, ENV5, ENV6 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007.

- 11 The enclosed loading bay shall be provided with a headroom of at least 4.6m (clear unobstructed height above the floor surface level) across the full width of the entrance to the service bay, and throughout the service bay itself. It shall be maintained for servicing (including waste collection) and for no other purpose. All servicing (including waste collection) shall take place from within this loading bay and no goods are to be accepted and dispatched or waste collected directly from any other location including from the highway.

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Reason:

In the interests of public safety, to avoid blocking the road and to protect the environment of residents and the area generally as set out in S41 and S29 of Westminster's City Plan (November 2016) and STRA25, TRANS 2, TRANS23, ENV5, ENV6 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007.

- 12 You must provide each of the car and cycle parking spaces shown on the approved drawings prior to occupation and as set out below:
- A maximum of 4 car parking spaces for guests staying overnight at the hotel with a valid blue or white badge only, with electrical vehicle charging points
 - A maximum of 7 car [parking spaces retained for the adjoining residential mews houses currently under construction at 50 Eastbourne Terrace with electrical vehicle charging points.
 - minimum of 28 long stay cycle spaces (24 for hotel use and 4 for A3 use) as indicated on the approved drawings
 - The short stay cycle parking as indicated on the approved drawings.

Thereafter the car parking and cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

To provide 4 parking spaces for blue or white badge hotel guests, 7 parking spaces for residents of the adjoining mews houses under construction at 50 Eastbourne Terrace and to provide cycle parking for people using the development as set out in STRA 25 and TRANS23 of our Unitary Development Plan that we adopted in January 2007 and Policy 6.9 (Table 6.3) of the London Plan 2016.

- 13 A) Prior to any Demolition you must provide to us (in liaison with TFL) a Demolition Logistics Plan which should take into consideration the ongoing construction works for Crossrail on Eastbourne Terrace and in the surrounding area and consider measures such as a delivery booking system, off site fabrication, consolidation of deliveries and co-operation between construction sites in the area (including common practice procurement).

B) Prior to any Construction you must provide to us (in liaison with TFL) a Constructions Logistics Plan which should take into consideration the ongoing construction works for Crossrail on Eastbourne Terrace and in the surrounding area and consider measures such as a delivery booking system, off site fabrication, consolidation of deliveries and co-operation between construction sites in the area (including common practice procurement).

Reason:

In order to appropriately manage any potential adverse effects on the local road network and adjacent bus stops, as requested by Transport for London (TFL)

- 14 A) Demolition must not commence until detailed design and construction method statements for all of the ground floor structures, foundations and basements and for any other structures below ground level, including piling, any other temporary or permanent installations and for site investigations, have been submitted to and approved in writing by us which:-
- Accommodate the location of the Crossrail structures including temporary works, maintenance and works compounds and all access and egress requirements.
 - Mitigate the effects on Crossrail, of ground movement arising from development

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B) Construction must not commence until a method statement has been submitted to, and approved in writing, by us to include arrangements to secure that, during any period when concurrent construction is taking place of both the permitted development and of the Crossrail structures and tunnels in or adjacent to the site of the approved development, the construction of the Crossrail structures and tunnels is not impeded.

The development shall be carried out in all respects in accordance with the approved design and method statements. All structures and works comprised within the development hereby permitted which are required by Parts A and B of this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.

Reason:

To ensure that the development does not impact on existing Crossrail infrastructure and does not impede or compromise the delivery of Crossrail, as requested by Crossrail Limited.

- 15 Prior to occupation you must provide confirmation in liaison with Thames Water

A. that either:- all surface water network upgrades required to accommodate the additional flows from the development have been completed; or - a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

B. that either:- all water network upgrades required to accommodate the additional flows from the development have been completed; or - a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

Reason:

The development may lead to flooding and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional flows anticipated from the new development. Any necessary reinforcement works will be necessary in order to avoid sewer flooding and/or potential pollution incidents. The development may also lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development. All as requested by Thames Water.

- 16 You must apply to us for approval of details of the ventilation system to get rid of cooking smells, including details of how it will be built and how it will look. You must not begin the use allowed by this permission until we have approved what you have sent us and you have carried out the work according to the approved details. (C14AB)

Reason:

To protect the environment of people in neighbouring properties as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and DES 5 of our Unitary

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Development Plan that we adopted in January 2007. (R14AC)

- 17 **Pre Commencement Condition.** You must carry out a detailed site investigation to find out if the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated Land Guidance for Developers submitting planning applications' - produced by Westminster City Council in January 2018.

You must apply to us for approval of the following investigation reports. You must apply to us and receive our written approval for phases 1, 2 and 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed but before it is occupied.

Phase 1: Desktop study - full site history and environmental information from the public records.

Phase 2: Site investigation - to assess the contamination and the possible effect it could have on human health, pollution and damage to property.

Phase 3: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution.

Phase 4: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate.
(C18AA)

Reason:

To make sure that any contamination under the site is identified and treated so that it does not harm anyone who uses the site in the future. This is as set out in STRA 34 and ENV 8 of our Unitary Development Plan that we adopted in January 2007. (R18AA)

- 18 All servicing must take place between 07.00-20.00 on Monday to Saturday and 10.00-16.00 on Sundays and Bank Holidays. Servicing includes loading and unloading goods from vehicles. (C23DA)

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 19 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

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Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 19 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

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As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration. (R48AA)

- 21 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the hotel and restaurant use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest.

(2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the hotel and restaurant use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest.

(3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) The location of most affected noise sensitive receptor location and the most affected window of it;
- (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (d) The lowest existing LA90, 15 mins measurement recorded under (c) above;
- (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;
- (f) The proposed maximum noise level to be emitted by the activity.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R47AB)

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- 22 (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the lowest 24 hour LA90, 15 mins) by more than 10 dB one metre outside any premises.
- (2) The emergency plant and generators hereby permitted may be operated only for essential testing, except when required by an emergency loss of power.
- (3) Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays.

Reason:

As set out in S32 of Westminster's City Plan (November 2016) and ENV 7 (B) of our Unitary Development Plan that we adopted in January 2007. Emergency and auxiliary energy generation plant is generally noisy, so a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing and other non-emergency use is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby. (R50AB)

- 23 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition(s) 19,20,21,22 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. (R51AB)

- 24 You must provide to us details of an acoustic report demonstrating how the noise from internal activity will meet the requirements of condition 21.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R47AB)

- 25 You must apply to us for approval of details of a security scheme for the hotel and restaurant. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work according to the approved details before anyone moves into the building. (C16AC)

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Reason:

To reduce the chances of crime without harming the appearance of the building as set out in S29 of Westminster's City Plan (November 2016) and DES 1 (B) of our Unitary Development Plan that we adopted in January 2007. (R16AC)

- 26 **Pre Commencement Condition.** You must apply to us for approval of the ways in which you will protect the trees which you are keeping on site. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved in writing what you have sent us. The tree protection must follow the recommendations in section 7 of British Standard BS5837: 2012. You must then carry out the work according to the approved details. (C31AC)

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in S38 of Westminster's City Plan (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31AC)

- 27 The building shall be operated in accordance with the following details:-

- A. The doors and windows to the ground floor rear elevation of the restaurant facing Chilworth Mews shall not be opened or used, except in the case of an emergency.
B. The doors to the ground floor rear elevation of the building facing Chilworth Mews shall only be used by the following:
i) Guests staying overnight at the hotel with a valid blue or white badge only using one of the four of DDA car parking spaces
ii) Staff Cyclists using one of the 28 long stay cycle spaces (24 for hotel use and 4 for A3 use)
ii) In the case of an emergency.

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 28 The ground floor restaurant must operate in accordance with the following:-

- A. The doors and windows to the ground floor rear elevation of the restaurant facing Chilworth Mews shall not be opened or used, except in the case of an emergency.
B. The restaurant shall not be open to members of the public (Non-Hotel guests) between Midnight and 7am daily.

Reason:

To protect the environment of residents and the area generally as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

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- 29 You must not use any of the roofs of the building or the enclosed loading bay for sitting out or for any other purpose. You can however use the roof to escape in an emergency and for maintenance purposes. (C21AA)

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

- 30 The rear elevation of the building shall be constructed in line with the details submitted set out in the Design and Access Statement Addendum May 2019 as amended by the following:

A. The permanent screens with the angle of the slats fixed to look upwards at 60 degrees (at lower ground, ground floor, first and Second floor levels) and 45 degrees (to third floor and above) to the sky at all times and the height set to 1850mm from the floor finish level leaving the top portion of the window translucent to enable receiving daylight into the hotel rooms.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 31 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs and details of the green roof including maintenance and irrigation. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then carry out the landscaping and planting within 1 planting season of completing the development (or within any other time limit we agree to in writing).

If you remove any trees or find that they are dying, severely damaged or diseased within 5 years of planting them, you must replace them with trees of a similar size and species. (C30CB)

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of the area, and to improve its contribution to biodiversity and the local environment. This is as set out in S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30BC)

- 32 Notwithstanding the outline servicing plan submitted, you must apply to us for approval of a detailed Servicing Management Plan in relation to the hotel and restaurant premises.

The Servicing Management Plan will include details of the operational safety measures that will be employed to restrict the use of reversing "bleepers" associated with vehicles reversing into the loading bay at 40 Eastbourne Terrace. An associated risk assessment must also be provided.

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The Servicing Management Plan will also include confirmation of the maximum permitted vehicle size to be used to service the development, namely 7.5 t vehicle class approximately 8 m in length.

The hotel and/or restaurant must not commence operation until we have approved what you have sent us. You must then operate the hotel and/or restaurant in accordance with the approved Servicing Management Plan at all times.

Reason:

To protect neighbouring residents from noise nuisance and to safeguard highway safety, as set out in S24, S29, S32, S41 and S42 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, neighbourhood plan (where relevant), supplementary planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 The developer is required to apply to Westminster City Council for approval of the chimney/flue height in accordance with the Clean Air Act 1993 (14) subsection 2. Applications should be made to environmentalsciences2@westminster.gov.uk
- 3 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: districtsurveyors@westminster.gov.uk. Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply.

The Equality and Human Rights Commission has a range of publications to assist you, see www.equalityhumanrights.com. The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit www.cae.org.uk.

If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see www.habinteg.org.uk

It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.

- 4 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act

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1939, and there are regulations that specify the exact requirements. For further information on how to make an application and to read our guidelines on street naming and numbering, please visit our website: <https://www.westminster.gov.uk/street-naming-numbering> (I54AB)

- 5 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 6 The term 'clearly mark' in condition 7 means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 7 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)
- 8 Crossrail Informative - transmitted groundbourne noise & vibration
The Developer is recommended to assess and consider mitigating the possible effects of noise and vibration arising from the operation of Crossrail (the future Elizabeth Line) within tunnels and nearby structures.
- 9 Thames Water Advice
The developer can request information to support the discharge of this Thames water conditions by visiting the Thames Water website at thameswater.co.uk/preplanning. Thames Water Development Planning Department (telephone 0203 577 9998).

There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>

The proposed development is located within 15m of our underground water assets and as such we would like the following informative attached to any approval granted. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk

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Waste: Based on the info provided;

Proposed: 368 bed hotel. Foul water to discharge by gravity using 2 existing and 1 new connection into combined 1829x787 sewer. Surface water to discharge by gravity via 3 combined connections as foul. Attenuated and restricted to 2l/s per connection (total 6l/s).

Foul - combined 1829x787 sewer has enough capacity Surface Water: Needs to reduce further.

- 10 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974.

24 Hour Noise Team
Environmental Health Service
Westminster City Hall
64 Victoria Street
London
SW1E 6QP

Phone: 020 7641 2000

Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (150AA)

- 11 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:

* Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;

* This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant.

Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/risk/index.htm.

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It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.

- 12 Regulation 12 of the Workplace (Health, Safety and Welfare) Regulations 1992 requires that every floor in a workplace shall be constructed in such a way which makes it suitable for use. Floors which are likely to get wet or to be subject to spillages must be of a type which does not become unduly slippery. A slip-resistant coating must be applied where necessary. You must also ensure that floors have effective means of drainage where necessary. The flooring must be fitted correctly and properly maintained.
Regulation 6 (4)(a) Schedule 1(d) states that a place of work should possess suitable and sufficient means for preventing a fall. You must therefore ensure the following:
- * Stairs are constructed to help prevent a fall on the staircase; you must consider stair rises and treads as well as any landings;
 - * Stairs have appropriately highlighted grip nosing so as to differentiate each step and provide sufficient grip to help prevent a fall on the staircase;
 - * Any changes of level, such as a step between floors, which are not obvious, are marked to make them conspicuous. The markings must be fitted correctly and properly maintained;
 - * Any staircases are constructed so that they are wide enough in order to provide sufficient handrails, and that these are installed correctly and properly maintained. Additional handrails should be provided down the centre of particularly wide staircases where necessary;
 - * Stairs are suitably and sufficiently lit, and lit in such a way that shadows are not cast over the main part of the treads.
- 13 Every year in the UK, about 70 people are killed and around 4,000 are seriously injured as a result of falling from height. You should carefully consider the following.
- * Window cleaning - where possible, install windows that can be cleaned safely from within the building.
 - * Internal atria - design these spaces so that glazing can be safely cleaned and maintained.
 - * Lighting - ensure luminaires can be safely accessed for replacement.
 - * Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission).
- More guidance can be found on the Health and Safety Executive website at www.hse.gov.uk/falls/index.htm.
- Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (180CB)
- 14 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 15 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to

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- a) All highway works immediately surrounding the site required for the development to occur prior to occupation of the development, including reinstatement of the redundant crossovers in Chilworth Mews including signage improvements as required by City Highways. All to the council's specification, at full cost (administrative, legal and physical).
- b) Employment and skills plan and financial contribution of £117,162.15 towards initiatives that provide employment, training and skills development.
- c) Carbon Off-set payment of £141,243.
- d) The costs of monitoring the S106 agreement.

All figures are to be index linked and paid on commencement of development.
(155AA)

- 16 With respect to condition 32, you are expected to undertake neighbour liaison as required and set out in the minutes of the Planning Applications Sub-Committee 17.09.2019. Any forthcoming approval of details application pertaining to condition 32 will also be the subject of formal consultation by the City Council with neighbours.

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City of Westminster

TOWN AND COUNTRY PLANNING ACT 1990 PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990

Applicant's Rights and General Information

1. Applicant's Rights (refusals and conditional approvals)

a) Appeals to the Planning Inspectorate

If your application has been **refused** by the City Council or **granted subject to conditions** that you are not happy with, you have the right to appeal to the Planning Inspectorate (under Section 78 of the Town and Country Planning Act 1990 or Section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990). The Planning Inspectorate is an Executive Agency reporting to the Secretary of State for Communities and Local Government.

The time limits for submitting an appeal may vary. The period after the date of the City Council's decision within which an appeal must be received by the Secretary of State is:

- **28 days** in the case of an appeal against refusal of a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice.
- **8 weeks** in the case of an appeal against refusal of advertisement consent.
- **12 weeks** in the case of appeals made under s78(1) against refusal of any 'householder application' – that is,
 - refusal of an application for planning permission to alter or extend a house, or for works within the curtilage of a house.
 - Refusal to approve details submitted as required by a condition imposed on a permission granted for a householder application.
 - Refusal of prior approvals relating to dwelling houses, including the neighbours' consultation scheme for larger home extensions under Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order.
- **12 weeks** in the case of 'minor commercial applications that is,
 - refusal of an application for development of an existing building or part of a building currently in use for any purposes in Classes A1, A2, A3, A4 and A5 where the proposal does not include a change of use, a change to the number of units, development that is not wholly at ground floor level and/or does not increase the gross internal area of the building.
 - Interested parties have no right to comment on an appeal with regards to a minor commercial development (specifically a shopfront).
- **6 months** in the case of all other appeals made under s78(1) or s20 of the above Acts relating to a decision on a planning application or listed building consent application. The 6 month time limit also applies to any appeal made under s78 (2) of the Act in respect of a failure to give a decision within the statutory period.

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With immediate effect, prospective appellants requesting an inquiry into their appeal must notify the Local Planning Authority and Planning Inspectorate at least 10 days prior to appeal submission.

If you want to appeal, you must use the correct appeal form from the following list: Planning, Householder, Minor Commercial, Listed Building Consent or Certificate of Lawful Use or Development.

The Planning Inspectorate has an online appeals service: www.planningportal.gov.uk/pcs. The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the application form and associated documents and the completed appeal documents. Please ensure that you only provide information, including personal information, that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure that you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal. Alternatively, you can obtain a form from the **Customer Support Team, Planning Inspectorate, 3/08a, Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN Tel: 0303 4440000**. An extension of time for lodging an appeal is unlikely to be granted except in special circumstances. There is a guide and other useful advice about appeals on line at www.planningportal.gov.uk/planning/appeals/online/makeanappeal

APPROVAL OF DETAILS:

If your application has been granted and is subject to the approval of details reserved by condition please use the form 'Application For Approval Of Details Reserved By Condition' in order to discharge the relevant details. This form can be downloaded from the City Council's web site at www.westminster.gov.uk/planning

b) Purchase Notices

In certain circumstances the owner of a property has the right to serve a Purchase Notice on the City Council or the Department for Communities and Local Government. A Notice may be served if, following a refusal or a conditional approval, the owner considers the land cannot be put to a reasonably beneficial use in either its existing state or through development which has or would be permitted. A Purchase Notice would require the City Council to purchase the owner's interest in the land in accordance with the relevant provisions of the Acts (Part VI of the Town and Country Planning Act 1990 and Sections 32-37 of the Planning (Listed Buildings and Conservation Areas) Act 1990).

2. General information relating to all approvals

a) Other legislative requirements

This decision has been made by the City Council as the local planning authority. You are reminded of the need to comply with other relevant regulations and statutory provisions and respect the rights of other owners/occupiers provided by relevant property legislation.

Transportation: If your proposal involves works which affect the public highway you should consult the City Council as Highways Authority. This includes works to, over or below any carriageway, footway or public forecourt. You should contact the Highways Planning Team by email highwaysplanning@westminster.gov.uk or telephone 020 7641 3326. If your proposal is related to

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paving works and/or is associated with an agreement under Section 106 of the Town and Country Planning Act 1990 please telephone: 020 7641 2920.

Highways Licensing: For general enquiries about temporary structures on the highway, such as hoardings, skips, the excavation and storage of materials on the highways, please telephone 020 761 2000.

Building Control: You are advised to contact Westminster District Surveyors immediately to find out whether your proposal will require consent under the Building Regulations: Tel: 020 7641 6500 Email :districtsurveyors@westminster.gov.uk.

Building Regulation forms and further information is available on the Council's web site: <http://www.westminster.gov.uk/services/environment/landandpremises/buildings/forms/>

Land Drainage: Where major works are involved, Land Drainage Consent may be required under the Water Resources Act 1991 and Thames Region Land Drainage By Laws 1981. You are advised to contact the Environment Agency, Apollo Court ,2 Bishop's Square Business Park, St Albans Road West Hatfield AL10 9EX Tel: 03708 506 506 or email:enquiries@environment-agency.gov.uk.

b) Provision of access and facilities for disabled people

Designing new buildings and adapting existing buildings to meet the needs of people with disabilities results in a safer and more convenient environment for all. General advice is available from planning and building control officers who can also direct you to appropriate sources of technical/specialist advice.

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

Schedule 12
Part A

WARD: Hyde Park
UPRN: 010033589309

Premises licence

Regulation 33, 34

Premises licence number:

20/11835/LIPN

Original Reference:

20/11835/LIPN

Part 1 – Premises details

Postal address of premises:

40 Eastbourne Terrace
London
W2 6LG

Telephone Number: Not supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Exhibition of a Film
Late Night Refreshment
Sale by Retail of Alcohol

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

Exhibition of a Film

Monday to Thursday: 10:00 to 23:30
Friday to Saturday: 10:00 to 00:00
Sunday: 12:00 to 22:30

Seasonal Details/Non-standard Timings: To extend the licensing hours on New Year's Eve: 10:00 to 24:00 New Year's Day/1st January. The Premises shall remain open to permit the sale of alcohol to hotel residents 24 hours a day.

Late Night Refreshment

Monday to Thursday: 23:00 to 23:30
Friday to Saturday: 23:00 to 00:00

Seasonal Details: 23:00 New Year's Eve to 05:00 1st January

Sale by Retail of Alcohol

Monday to Thursday: 10:00 to 23:30
Friday to Saturday: 10:00 to 00:00
Sunday: 12:00 to 22:30

Seasonal Details/ Non-standard Timings: To extend the licensing hours on New Years Eve: 10:00 to 24:00 New Years Day /1st January. The Premises shall remain open to permit the sale of alcohol to hotel residents 24 hours a day.

The opening hours of the premises:

Monday to Thursday: 07:00 to 00:00
Friday to Saturday: 07:00 to 00:30
Sunday: 07:00 to 23:00

Seasonal Details/ Non-standard Timings: The Premises shall remain open 24 hours a day for hotel residents. From 08:00 New Year's Eve to 00:30 1st January.

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

Alcohol is supplied for consumption both on and off the Premises.

Part 2

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

Whitbread Group Plc
Whitbread Court
Houghton Hall Business Park
Porz Avenue
Dunstable
Bedfordshire
LU5 5XE

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

00029423

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

Name: Mrs Jacqueline Ruth Allum

Please note: It is the policy of the Licensing Authority not to display the address details of a designated premises supervisor.

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:

Licence Number: HARTDC05/00452/LAPR
Licensing Authority: Hart District Council

Date: 26 May 2021

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

Annex 1 – 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.
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.
-

Annex 2 – Conditions consistent with the operating Schedule

None

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

11. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as a hotel.
 12. Sales of alcohol for consumption 'Off the premises which are to be taken away from the hotel (i.e. not to be consumed by residents within the hotel) shall only be in sealed containers.
 13. Sales of alcohol to non-residents for consumption 'Off the premises shall cease at 23.00 hours on Monday to Saturday and 22.30 hours on Sunday.
 14. 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.
 15. 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.
 16. 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.
 17. The premises shall operate a proof of age scheme and will require photographic identification from any person who appears to be under the age of 21 years.
 18. The management of the premises will liaise with police on issues of local concern or disorder.
 19. The premises shall install and maintain a CCTV system as per the minimum requirements of 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 at 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 proper request of Police or authorised Officers during the preceding 31-day period.
 20. A staff member who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to non-residents of the hotel. The staff member must be able to provide a Police or authority Council Officer copies of recent CCTV images or data with the absolute minimum of delay when properly requested.
 21. 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.
 22. No advertisements of any kind that advertise or promotes the establishment premises or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, upon any building, structure, works, street furniture, tree or any other property or be distributed to the public.
 23. There shall be no drinks promotions at the premises which are inconsistent with the need to promote responsible drinking.
-

24. A record shall be kept detailing all refused sales of alcohol. The record shall 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 when the premises are open to non-residents.
 25. Policies in relation to children shall be adequately communicated to patrons by staff or through appropriate signage.
 26. 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
 - (f) any visit by a relevant authority or emergency service.
 27. The licence holder shall comply with the reasonable requirements of the fire officer from time to time.
 28. The premises will have adequate safety and fire-fighting equipment, and such equipment will be maintained in good operational order.
 29. Spillages and breakages will be removed as soon as possible to reduce the risk to patrons and staff.
 30. Toughened glasses will be used in the premises where appropriate.
 31. Fire Exits and means of escape shall be kept clear and in good operational condition.
 32. The certificates listed below shall be made available to an authorised officer upon request:
 - a. Any permanent or temporary emergency lighting battery or system
 - b. Any permanent or temporary electrical installation
 - c. Any permanent or temporary emergency warning system
 - d. Any ceiling inspection
 33. Where appropriate, prominent, clear and legible notices shall be displayed at all exits requesting the public respect the needs of local residents and to leave the premises and area quietly.
 34. 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.
 35. 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.
 36. Contact numbers for local taxi firm(s) shall be kept at the premises and made available to patrons requiring a taxi.
 37. All outside tables and chairs shall be removed or rendered unusable by 23.00 each day.
-

38. 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.
 39. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
 40. 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.
 41. No deliveries to the premises shall take place between 21.00 and 07.00 on the following day.
 42. No licensable activities shall take place at the premises until the licensing authority are satisfied that the premises is constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association - Technical Standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition shall be removed from the licence by the licensing authority. If there are minor changes during the course of construction new plans shall be submitted to the licensing authority when requesting removal of this condition.
 43. 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.
 44. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
 45. The layout of the ground floor licensed area shall be substantially laid out with tables and chairs as indicated on the Premises Licence plan.
 46. 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.
 47. The number of persons permitted in the premises on the ground floor at any one-time (excluding staff) shall not exceed (X) persons (to be determined on clearance of 'works' condition but it shall not be more than 280 persons).
 48. No films or videos of any description will be shown so that they can be viewed by persons under the age of any applicable BBFC/Local Authority certification.
 49. Children under the age of 16 shall not be permitted to enter the premises after 21:00 unless dining with an adult or attending a pre-booked function or resident in the hotel.
 50. There shall be adequate controls in place including staff training to safeguard against the sale of alcohol to persons under 18 years.
 51. The premises supervisor or appointed staff member shall ensure that when children are admitted to the premises their presence is not inconsistent with the style of operation of the premises at that time and the licensable activities that are being carried out.
-

52. Policies in relation to children shall be adequately communicated to patrons by staff or through appropriate signage.
 53. 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.
 54. 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.
 55. The licence holder shall effectively manage the use of Chilworth Mews being the Mews located behind the premises to ensure that Patrons do not congregate so as to cause a nuisance to the residents of Chilworth Mews.
 56. 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. Any doors to the ground floor of the premises facing Chilworth Mews shall only be used for the following purposes:
 - (a) Patrons staying overnight at the premises with a valid blue or white badge only using one of the four DDA car parking spaces.
 - (b) Staff Cyclists using one of the 28 day long stay cycle spaces.
 - (c) In the case of an emergencyNotwithstanding the above the licence holder shall ensure that a notice is displayed at all times on any doors exiting Chilworth Mews requesting staff to leave quietly and to avoid the use of mobile phones.
 57. 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.
 58. The licence holder shall ensure that Coaches are not permitted to enter the rear of the premises by using Chilworth Mews at any time.
 59. There shall be no admittance or new entry to the premises after 23:00 hours.
-

Annex 4 – Plans



THE CITY OF VANCOUVER
PLANNING DEPARTMENT
4457-41-098



AXIOM ARCHITECTS
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Vancouver, BC V6Z 1Y1
Tel: 604-681-1111
www.axiomarchitects.com

4457-41-098



- LEGENDA**
- **PERMUTAZIONE**
 - **STATO PRESENTAZIONE**
 - **INTERNO INIZIATIVA**
- COLORI**
- **PERMUTAZIONE**
 - **STATO PRESENTAZIONE**
 - **INTERNO INIZIATIVA**

NOTE

1. PERMUTAZIONE
2. STATO PRESENTAZIONE
3. INTERNO INIZIATIVA

NO	DESCRIZIONE	DATA
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02		
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KABON ARCHITECTS

4457-1-099



1. ALL DIMENSIONS ARE IN METERS
 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED
 3. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE SPECIFIED
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- Mechanical Room
 Open Office
 Conference Room
 Reception
 Open Office

Room No.	Room Name	Area (sqm)
101	Reception	15.00
102	Open Office	120.00
103	Open Office	120.00
104	Open Office	120.00
105	Open Office	120.00
106	Open Office	120.00
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 10000 100th Ave NW
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 Greenwood, WA 98041
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 Website: www.axiomarchitects.com





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

Schedule 12
Part B

WARD: Hyde Park
UPRN: 010033589309

Premises licence
summary

Regulation 33, 34

Premises licence number:

20/11835/LIPN

Part 1 – Premises details

Postal address of premises:

40 Eastbourne Terrace
London
W2 6LG

Telephone Number: Not supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Exhibition of a Film
Late Night Refreshment
Sale by Retail of Alcohol

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

Exhibition of a Film

Monday to Thursday: 10:00 to 23:30
Friday to Saturday: 10:00 to 00:00
Sunday: 12:00 to 22:30

Seasonal Details/Non-standard Timings: To extend the licensing hours on New Year's Eve: 10:00 to 24:00 New Year's Day/1st January. The Premises shall remain open to permit the sale of alcohol to hotel residents 24 hours a day.

Late Night Refreshment

Monday to Thursday: 23:00 to 23:30
Friday to Saturday: 23:00 to 00:00

Seasonal Details: 23:00 New Year's Eve to 05:00 1st January

Sale by Retail of Alcohol

Monday to Thursday: 10:00 to 23:30
Friday to Saturday: 10:00 to 00:00
Sunday: 12:00 to 22:30

Seasonal Details/ Non-standard Timings: To extend the licensing hours on New Years Eve: 10:00 to 24:00 New Years Day /1st January. The Premises shall remain open to permit the sale of alcohol to hotel residents 24 hours a day.

The opening hours of the premises:

Monday to Thursday: 07:00 to 00:00
Friday to Saturday: 07:00 to 00:30
Sunday: 07:00 to 23:00

Seasonal Details/ Non-standard Timings: The Premises shall remain open 24 hours a day for hotel residents. From 08:00 New Year's Eve to 00:30 1st January.

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

Alcohol is supplied for consumption both on and off the Premises.

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

Whitbread Group Plc
Whitbread Court
Houghton Hall Business Park
Porz Avenue
Dunstable
Bedfordshire
LU5 5XE

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

00029423

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

Name: Mrs Jacqueline Ruth Allum

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

Restricted

Date: 26 May 2021

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

Premises History**Appendix 4****Licensing Act 2003 History**

Application	Details of Application	Date Determined	Decision
20/11835/LIPN	Application for a New Premises Licence – A copy of the Licence is found in Appendix 3	25 March 2021	Granted by Licensing Sub-Committee

There is no 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. 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.

10. 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.
11. There shall be a personal licence holder on duty on 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.
 - (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.
16. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
17. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder

- (d) any incidents of disorder
- (e) 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. 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.
29. 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.
30. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23:00 hours and 08:00 hours on the following day.
31. 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.

32. 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.
33. 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.

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

34. 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.

Conditions proposed by Interested Parties to replicate the existing Premises Licence but not agreed by the applicant. Comments regarding these conditions can be found in the Applicants Submissions at Appendix 2.

35. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as a hotel.
36. Sales of alcohol for consumption 'Off' the premises which are to be taken away from the hotel (i.e. not to be consumed by residents within the hotel) shall only be in sealed containers.
37. Sales of alcohol to non-residents for consumption 'Off' the premises shall cease at 23.00 hours on Monday to Saturday and 22.30 hours on Sunday.
38. 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.
39. 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.
40. 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.
41. The premises shall operate a proof of age scheme and will require photographic identification from any person who appears to be under the age of 21 years.
42. The management of the premises will liaise with police on issues of local concern or disorder.
43. The premises shall install and maintain a CCTV system as per the minimum requirements of 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 at 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 proper request of Police or authorised Officers during the preceding 31-day period.

44. A staff member who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to non-residents of the hotel. The staff member must be able to provide a Police or authority Council Officer copies of recent CCTV images or data with the absolute minimum of delay when properly requested.
45. 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.
46. No advertisements of any kind that advertise or promotes the establishment premises or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, upon any building, structure, works, street furniture, tree or any other property or be distributed to the public.
47. There shall be no drinks promotions at the premises which are inconsistent with the need to promote responsible drinking.
48. A record shall be kept detailing all refused sales of alcohol. The record shall 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 when the premises are open to non-residents.
49. Policies in relation to children shall be adequately communicated to patrons by staff or through appropriate signage.
50. 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
 - (f) any visit by a relevant authority or emergency service.
51. The licence holder shall comply with the reasonable requirements of the fire officer from time to time.
52. The premises will have adequate safety and fire-fighting equipment, and such equipment will be maintained in good operational order.
53. Spillages and breakages will be removed as soon as possible to reduce the risk to patrons and staff.
54. Toughened glasses will be used in the premises where appropriate.
55. Fire Exits and means of escape shall be kept clear and in good operational condition.
56. The certificates listed below shall be made available to an authorised officer upon request;
 - a. Any permanent or temporary emergency lighting battery or system
 - b. Any permanent or temporary electrical installation
 - c. Any permanent or temporary emergency warning system

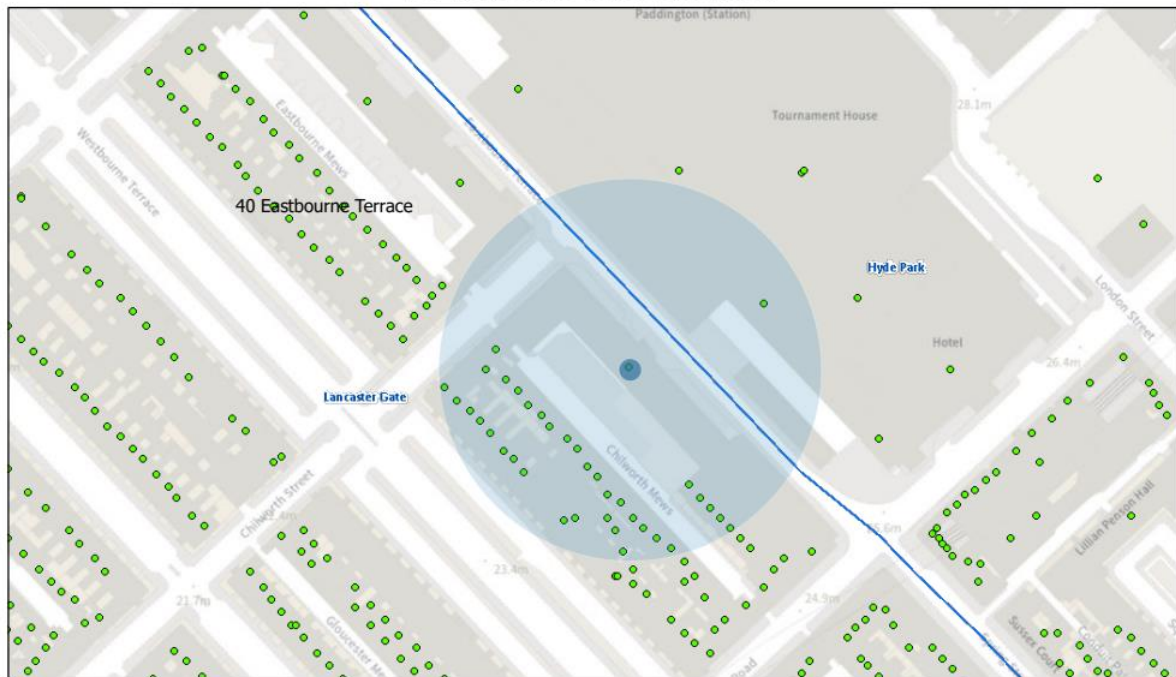
d. Any ceiling inspection

57. Where appropriate, prominent, clear and legible notices shall be displayed at all exits requesting the public respect the needs of local residents and to leave the premises and area quietly.
58. 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.
59. 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.
60. Contact numbers for local taxi firm(s) shall be kept at the premises and made available to patrons requiring a taxi.
61. All outside tables and chairs shall be removed or rendered unusable by 23.00 each day.
62. 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.
63. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
64. 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.
65. No deliveries to the premises shall take place between 21.00 and 07.00 on the following day.
66. No licensable activities shall take place at the premises until the licensing authority are satisfied that the premises is constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association - Technical Standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition shall be removed from the licence by the licensing authority. If there are minor changes during the course of construction new plans shall be submitted to the licensing authority when requesting removal of this condition.
67. 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.
68. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
69. The layout of the ground floor licensed area shall be substantially laid out with tables and chairs as indicated on the Premises Licence plan.

70. 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.
 71. The number of persons permitted in the premises on the ground floor at any one-time (excluding staff) shall not exceed (X) persons (to be determined on clearance of 'works' condition but it shall not be more than 280 persons).
 72. No films or videos of any description will be shown so that they can be viewed by persons under the age of any applicable BBFC/Local Authority certification.
 73. Children under the age of 16 shall not be permitted to enter the premises after 21:00 unless dining with an adult or attending a pre-booked function or resident in the hotel.
 74. There shall be adequate controls in place including staff training to safeguard against the sale of alcohol to persons under 18 years.
 75. The premises supervisor or appointed staff member shall ensure that when children are admitted to the premises their presence is not inconsistent with the style of operation of the premises at that time and the licensable activities that are being carried out.
 76. Policies in relation to children shall be adequately communicated to patrons by staff or through appropriate signage.
 77. 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.
 78. 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.
 79. The licence holder shall effectively manage the use of Chilworth Mews being the Mews located behind the premises to ensure that Patrons do not congregate so as to cause a nuisance to the residents of Chilworth Mews.
 80. 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. Any doors to the ground floor of the premises facing Chilworth Mews shall only be used for the following purposes:
 - (a) Patrons staying overnight at the premises with a valid blue or white badge only using one of the four DDA car parking spaces.
 - (b) Staff Cyclists using one of the 28 day long stay cycle spaces.
 - (c) In the case of an emergency
- Notwithstanding the above the licence holder shall ensure that a notice is displayed at all times on any doors exiting Chilworth Mews requesting staff to leave quietly and to avoid the use of mobile phones.
81. 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.
 82. The licence holder shall ensure that Coaches are not permitted to enter the rear of the premises by using Chilworth Mews at any time.

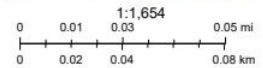
83. There shall be no admittance or new entry to the premises after 23:00 hours.

40 Eastbourne Terrace, London



05/05/2023, 10:07:48

- Property Mailing List
- Ward Labels
- Stress Areas
- Borough Boundary - Mask
- Borough Boundary - Detailed
- Ward Boundaries
- Special Consideration Zones



Resident Count = 107

Licensed premises within 75 metres of 40 Eastbourne Terrace, London				
Licence Number	Trading Name	Address	Premises Type	Time Period
20/11835/LIPN	Bar Block	40 Eastbourne Terrace London W2 6LG	Hotel, 4+ star or major chain	Sunday; 07:00 - 23:00 Monday to Thursday; 07:00 - 00:00 Friday to Saturday; 07:00 - 00:30
21/04582/LIPDPS	Chilworth Hotel	55 Westbourne Terrace London W2 3UZ	Hotel, 4+ star or major chain	Monday; 00:00 - 00:00 Tuesday; 00:00 - 00:00 Wednesday; 00:00 - 00:00 Thursday; 00:00 - 00:00 Friday; 00:00 - 00:00 Saturday; 00:00 - 00:00 Sunday; 00:00 - 00:00
23/00095/LIPRW	Vapiano	50 Eastbourne Terrace London W2 6LG	Restaurant	Sunday; 09:00 - 22:30 Monday to Thursday; 09:00 - 23:30 Friday to Saturday; 09:00 - 00:00 Sundays before Bank

				Holidays; 09:00 - 23:30
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Agenda Item 4. Licensing Sub-Committee Report



City of Westminster

Item No:	
Date:	18 May 2023
Licensing Ref No:	23/00825/LIPN - New Premises Licence
Title of Report:	Aki London 1 Cavendish Square London W1G 0LA
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Angela Lynch Senior Licensing Officer
Contact details	Telephone: 0207 641 6500 Email: aseaward@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	7 February 2023		
Applicant:	Db Lifestyle Operations Limited		
Premises:	Aki London		
Premises address:	1 Cavendish Square London W1G 0LA	Ward:	West End
		Cumulative Impact Area:	None
		Special Consideration Zone:	West End
Premises description:	The premises intends to operate as a Restaurant and Lounge venue.		
Premises licence history:	This is an application for a new premises licence and therefore no premises licence history exists.		
Applicant submissions:	The applicant has provided a presentation to outline the operation of the venue and following the notice of hearing has also provided further submissions on 9.05.2023 to support the application. These can be found in Appendix 2 .		
Applicant amendments:	The applicant has amended the basement plan on 20 th April 2023 following mediation with the Metropolitan Police Service. a copy of the plan is attached at Appendix 1 .		

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	23:00
End:	00:30	00:30	00:30	00:30	01:00	01:00	00:30
Seasonal variations/ Non-standard timings:		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.					

Exhibition of Film:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	08:00	08:00	08:00	08:00	08:00	08:00	08:00
End:	00:30	00:30	00:30	00:30	01:00	01:00	00:30
Seasonal variations/ Non-standard timings:		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, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	08:00	08:00	08:00	08:00	08:00	08:00	08:00
End:	00:30	00:30	00:30	00:30	01:00	01:00	00:30
Seasonal variations/ Non-standard timings:		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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Performance of Recorded Music:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	08:00	08:00	08:00	08:00	08:00	08:00	08:00
End:	00:30	00:30	00:30	00:30	01:00	01:00	00:30
Seasonal variations/ Non-standard timings:		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 or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	08:00	08:00	08:00	08:00	08:00	08:00	08:00
End:	00:30	00:30	00:30	00:30	01:00	01:00	00:30
Seasonal variations/ Non-standard timings:		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							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	07:00	07:00	07:00	07:00	07:00	07:00	07:00
End:	01:30	01:30	01:30	01:30	01:30	01:30	01:30
Seasonal variations/ Non-standard timings:		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.					
Adult Entertainment:		None					

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Service
Representative:	Mr Ian Watson
Received:	4 th April 2023

I refer to the application for a New Premises Licence.

The premises are located within the West End Buffer Special Consideration Zone as stated in the City of Westminster's Statement of Licensing Policy.

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 for the Supply of Alcohol 'On' and 'Off' the premises Sunday to Thursday between 08.00 and 00.30 hours and Friday and Saturday 08.00 to 01.00 hours. NYE to NYD.
2. To provide Late Night Refreshment 'Indoors' and 'Outdoors' Sunday to Thursday between 23.00 and 00.30 hours and Friday and Saturday 23.00 to 01.00 hours. NYE to NYD.
3. To provide regulated entertainment 'Indoors' comprising
 - Films
 - Live Music
 - Recorded MusicSunday to Thursday between 08.00 and 00.30 hours and Friday and Saturday 08.00 to 01.00 hours. NYE to NYD.

I wish to make the following representation

1. The hours requested for the Supply of Alcohol will have the likely effect of causing an increase in Public Nuisance within the West End Buffer SCZ.
2. The hours requested to permit the provision of late-night refreshment will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the West End Buffer SCZ.
3. The hours requested to permit 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.

The applicant has provided additional information with the application which is being addressed.

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

Responsible Authority:	Metropolitan Police Service – Withdrawn 14 th April 2023
Representative:	PC Adam Dweltz
Received:	20 th February 2023

Dear Andrew

I refer to the above-mentioned application for a new premises licence.

Following consideration of the application and how it may affect the Licensing Objectives, I wish to make the following representation:

The hours for licensable activities are likely to undermine the following licensing objective:

- The Prevention of Crime and Disorder.

The hours requested for licensable activity are beyond Westminster's core hours policy. The licensed premises is also situated in Westminster's Special Consideration Zone.

I am happy to discuss my representation in further detail with you.

Further submissions received from the Metropolitan police service on 14.04.2023

Hi Andrew.

Many thanks for providing the following additional conditions. These are really helpful and address my concerns in relation to crime and disorder.

1. *A minimum of 2 SIA licensed door supervisors shall be on duty at the Premises on Fridays and Saturday from 9pm until 30mins past close.*
2. *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 pre-booked functions*
3. *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.*

I can confirm that I agree to the above conditions and the updated plans as attached.

On this basis, the Metropolitan Police, as a responsible authority, withdraws its representation.

A copy of the conditions proposed by the Metropolitan Police Service can be found at appendix 4.

2-B Other Persons

Name:

[REDACTED]

Address and/or Residents Association:

[REDACTED]
[REDACTED]
[REDACTED]

Status:

Valid

In support or opposed:

Opposed

Received:

17th March 2023

[REDACTED]
[REDACTED]
[REDACTED]

We are very much concerned RE possible / probable issues redevelopment holds for us residents opposite site.

First on positive side, Site is a fab building architecturally / w/ sympathetic restoration & redevelopment. This could be a wonderful local feature
Hoping for beautiful & respectful redevelopment.

[REDACTED]
[REDACTED]

Significant issues include;

- 1 late night noise from customers leaving
- 2 Noise = Extractor fans / Air-con units - request control of this noise & cooking smells from kitchen extractors.
- 4 Noise from extra rubbish removal & food deliveries.
- 5 Noise from music / entertainment = Live or Electronic. Request sound proofing used throughout development. Note all site entrances & Windows face Us Directly.

HOPE provisions are made to minimise inconvenience & disruption to our daily lives.
Flats house young children + grandparents. These people deserve proper rest time.

[REDACTED] are concerned the development could negatively impact daily life + our PROPERTY VALUES.

Regards

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

signed for on behalf of all above mentioned by agreement

[REDACTED]

Following the response from the applicant to the interested party as shown in **Appendix 2**, please see below the interested parties response received on 26.04.2023.

Dear Jessica

First i would like to thank you very much for keeping our building in the loop, and for forwarding the communication from the developers to me as the spokesperson for our building.

It is generally very reassuring, in that it indicates that this is a serious investment by a professional development firm - not a fly-by-night quick for profit nightclub operator.

I will communicate directly with [REDACTED], as indeed he suggested. They have been very discreetly doing preliminary works for some time with no disruptions - no issues for our building.

thanks again and all the best

[REDACTED]

[REDACTED]

Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or opposed:	Support
Received:	28 th March 2023		
<p>This building has been empty for a number of years since Nat West closed this branch and having looked at the proposed works, and the history and reputation of the new tenant, this new project will have a huge positive impact and will upgrade the area for all. The project is very much in line with the vision by the City of Westminster to upgrade Oxford Street.</p> <p>There are no negatives in turning an unused building into a high end restaurant.</p>			
Name:		[REDACTED]	
Address and/or Residents Association		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support of opposed:	Support
Received:	27 th March 2023		
<p>I am a local business owner [REDACTED] who works in the proximity of [REDACTED]. I am writing a letter of support. I understand that an intended operator of the above premises has made an application for a new licence.</p> <p>The hours sought are like some other premises in the area and this location does need a high calibre restaurant that can enhance a neighbourhood. This property has been abandoned for several years and hopefully with this new development it can be brought back to its former glory. I think restaurants like the type that I have been made aware of and the calibre of the cuisine should be most welcomed. I have also personally dined at this establishment in Malta and can attest to its quality.</p> <p>Having seen what has been achieved at other db Group restaurants, I am hopeful that this new operator can renovate this abandoned building and change it to be an attraction befitting of the area. Furthermore, the fact that this abandoned site will be brought back to life will improve the security and safety in the neighbourhood.</p> <p>Like all abandoned premises, this site in its current state attracts unpleasant and anti-social behaviour. Once it is back in full-time use and with the proposed security arrangements and cctv cameras etc it will certainly become a safer and more attractive area particularly at night-time.</p> <p>This gives me great confidence that the style of the restaurant will not negatively impact on the area and will promote the main licensing objectives.</p> <p>Thank you for taking the time to read this.</p> <p>[REDACTED]</p>			

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy SCZ1 applies	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.
Policy HRS1 applies	<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

	<p>and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.</p> <p>C. For the purpose of Clauses A and B above, the Core Hours for applications for each premises use type as defined within this policy are:</p> <p>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>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. 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. B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to: 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities are within the council's Core Hours Policy HRS1. 3. The 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. C. For the purposes of this policy a restaurant is defined as: 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.</p>

4. Equality Implications

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

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

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

5. Appendices

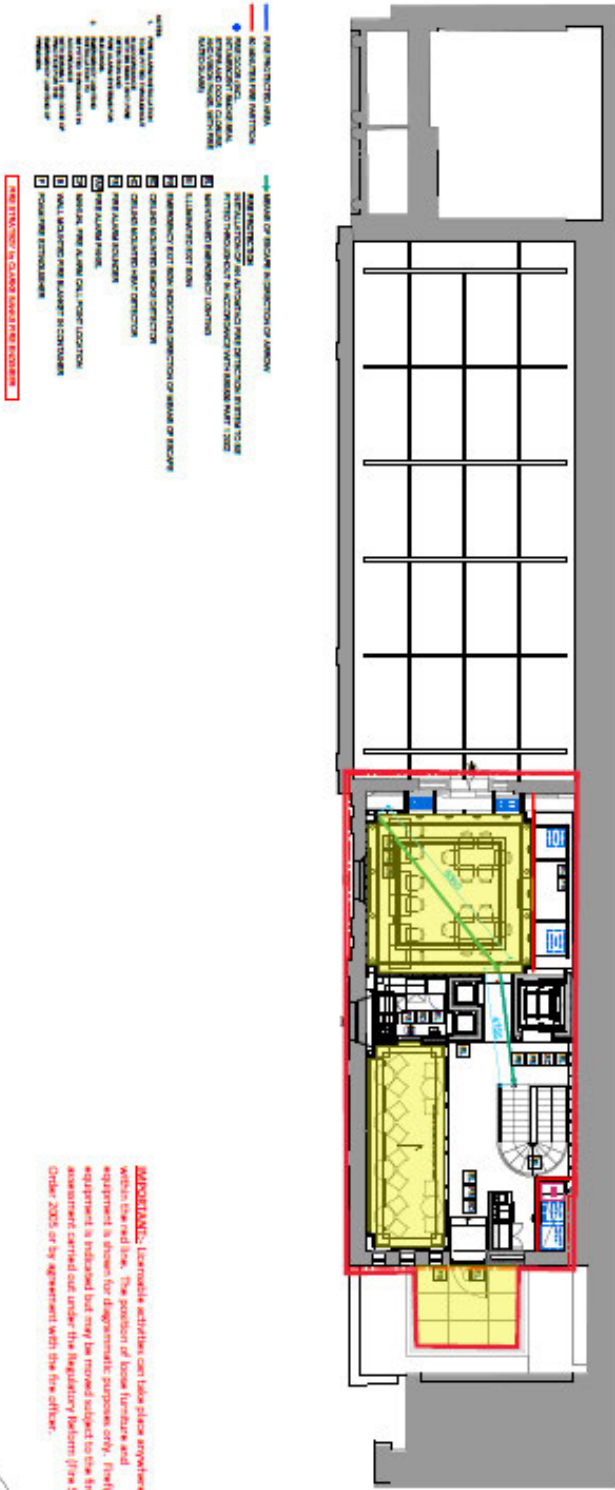
Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

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

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

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	1 st October 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	December 2022
4	Environmental Health Service	4 th April 2023
5	Metropolitan Police service	20 th February 2023
6	Interested Party 1	17 th March 2023
7	Interested Party 2	28 th March 2023
8	Interested Party 3	27 th March 2023



Applicants presentation





AKI 秋津
LONDON

REGENERATING
1 CAVENDISH SQUARE
LONDON

THE SITE

CAVENDISH SQUARE



CAVENDISH SQUARE IS SITUATED ON THE CORNER OF CAVENDISH SQUARE AND MARGRET STREET. ONCE A FORMER BANKING HALL, THE BUILDING IS A GRADE II LISTED PROPERTY AND IS OFFICIALLY NAMED AFTER THE EARL OF OXFORD'S WIFE, HENRIETTA CAVENDISH-HOLLERS.

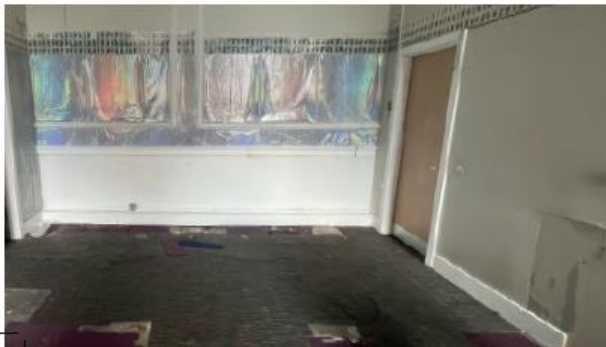
THE BUILDING

This elegant building was laid out in 1717-18 with the primary purpose of an aristocratic home. In 1825 it was then formerly converted into a five-bay bank by Sir Claude Scott, who then, in 1873, extended the building's footprint eastwards by four bays to provide more functional space for general bank expansion services. Over the last few decades, the building has been formally operated by NatWest. However, the branch was closed over five years ago, and today is used as 'Meanwhile Space' for temporary accommodation. The building was once surrounded by affluent trade, food and drink, which were of frequent historical reference in relation to Cavendish Square, as captured in literature and art. Today, the site remains a smart and desirable address. The following photograph presentation is evident in the building's aristocratic history and the requirement for significant conservation and restoration work.



CAVENDISH SQUARE GARDENS

1, CAVENDISH SQUARE
TODAY



THE PROPOSAL

THE DB GROUP HAS PLANS TO DEVELOP TO RESTORE 1 CAVENDISH SQUARE TO ITS FORMER GLORY AND BRING IT BACK INTO USE BY CREATING A UNIQUE RESTAURANT DESIGNED IN AN ELEGANT, SOPHISTICATED AND CONTEMPORARY STYLE.

For this, they will be engaging Francis Sultana, a London (St James' based) International Leading Interior Designer (AD USA, France 100, H & G UK 100) to create a restaurant of international distinction. Every detail, from the historical conservation of the building to the engagement of leading British artisans, will be engaged to make this one of the leading restaurants in London.



THE RESTAURANT

The Ground floor will house a grand dining room in what was the banking hall taking advantage of the elegantly proportioned room ceiling level. The concept endeavours to create harmony between the building's architecture, scale and historical elegance, creating a most contemporary vision for its renewed life as a leading restaurant and considering its most spectacular menus to bring the building into the most priceless experience at every level.

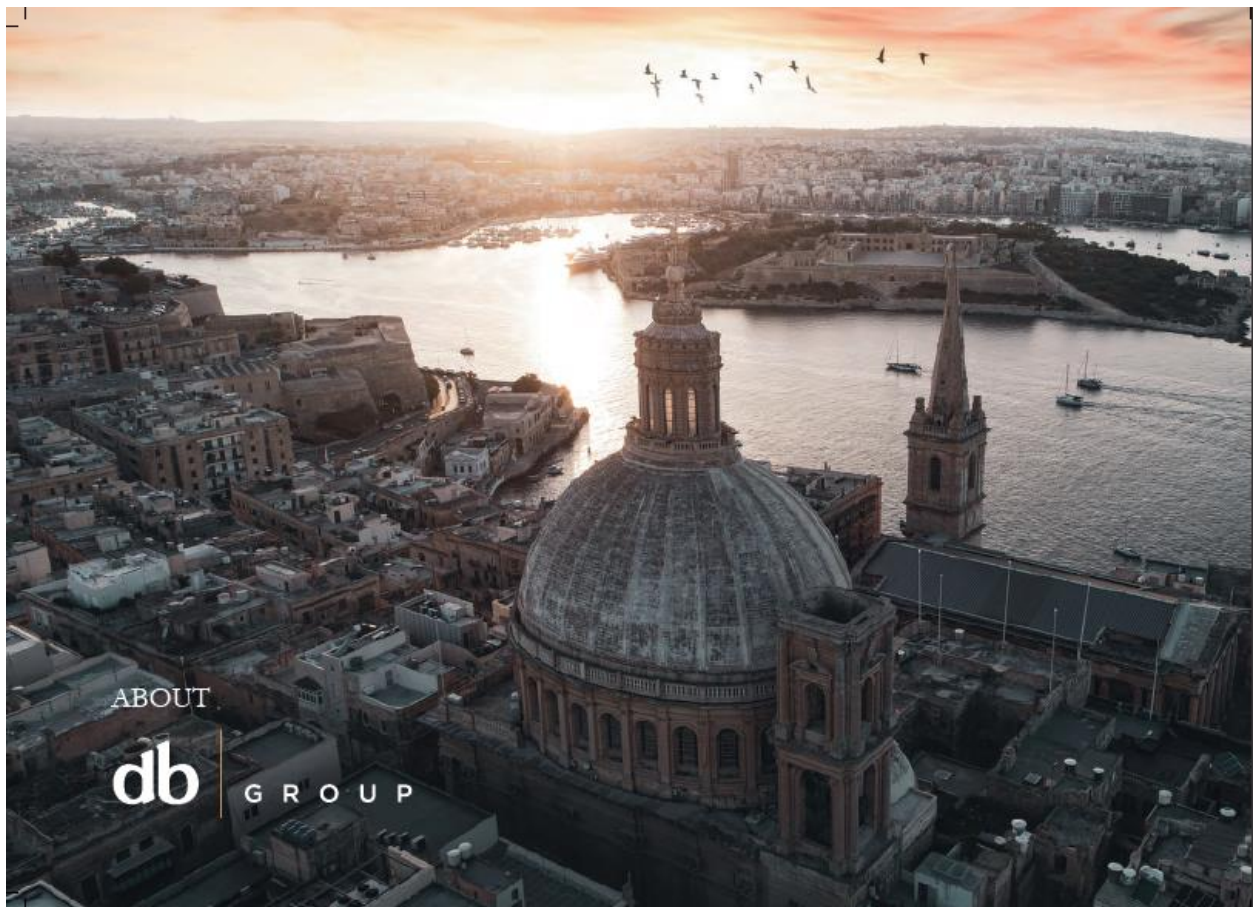
THE LOUNGE

THE LOWER GROUND LEVEL
WILL HOST A LOUNGE AREA;
THIS WILL BE A RENAISSANCE.

The inspiration of these spaces will be that of a 1950's elegant place, where pre and postdinners can have a place to relax and have cocktails in a fashionable style reminiscent of 20th-century Hollywood scene movies. Dining The upper mezzanine floor will house a dining space, which the 'winter garden' space will inspire, that will be both interior and exterior use. with enclosed terrace space - creating the ambience.



THE MALTA HOTELS &
 RESTAURANTS ASSOCIATION
 SUPPORTS THE PROJECT



THE DB GROUP IS ONE OF MALTA'S LARGEST COMPANIES, WITH A FOOTPRINT IN THE HOSPITALITY, LEISURE, CONTRACT CATERING, PROPERTY DEVELOPMENT AND HEALTHCARE SECTORS.

Still a family business, the Group employs around 4,700 people across all the businesses. It owns and operates a range of high-end restaurants, hotels.

db | GROUP

Period	EBIDTA	Revenue
FYE 2020	€27m	€59m
FYE 2021	€6m*	€17m
FYE 2022	€21m*	€40m
FYE 2023 (forecast)	€29m**	€82m

* Impacted by Covid19
 ** Including share of associates' profits



EXAMPLE OF RESTAURANTS

MALTA

THE DB GROUP OWNS AND OPERATES A NUMBER OF HIGH-END RESTAURANTS, INCLUDING ONES IN REGENERATED HISTORIC SITES DATING BACK TO THE 17TH CENTURY IN THE CAPITAL CITY VALLETTA.



With an ever-changing culinary landscape, the Group kept abreast of evolving, and ever more exacting, gastronomic choices and standards. This is path that led to the Group's high-end restaurants - Aki, LOA and Amami.



Further submissions received on 9.5.2023.

AKI
1 Cavendish Square

Applicants Submissions to the Westminster City
Council for a New Premises Licence

INDEX

Tab	Description	Pages
1.	Letter to Resident <small>NB - Presentation omitted as same as in original papers to avoid duplication</small>	1
2.	Amalgamation of Conditions	2
3.	Dispersal Policy	6
4.	Menu	8

24th April 2023

[REDACTED]

Application for a new Premises Licence, Aki, 1 Cavendish Square, London, W1G 0LA

Application Reference: 23/00825/LIPN

I have received a copy of your Representation from Westminster City Council, in relation to our application for a new premises licence and I thought I would take this opportunity to introduce myself and our company.

DB Group is one of Malta's largest companies that operate fine dining restaurants and hotels. We are very excited about our newest proposed concept for 1 Cavendish Square. We are interested in restoring and redeveloping the former bank building into one of our flagship fine dining restaurant's known as "Aki". Aki is a contemporary Japanese fine dining restaurant that will have modern twists on Japanese traditional dishes. Please see a copy of the presentation accompanying this letter for the full details of the project.

Please rest assured that we always look to work in a spirit of partnership and always try to support the local community surrounding our premises. We do not intend or want to upset our neighbours and local community. We hope that you will be our guests, after all.

This application was made after careful consultation and analysis of the area. We are a fine dining restaurant and not a public house or nightclub. We have already agreed a number of sensible conditions during the pre-application consultation period with the authorities and believe that these will sensibly strike the right balance for us to operate and ensure that your enjoyment of your premises and the area are protected. I attach a copy of these conditions for your consideration.

I can be reached at [REDACTED] at any time so please do not hesitate to contact me.

Also, I would like to welcome you to the site as may be convenient to discuss the Restaurant Concept in more detail and the application with you in person. You can ask me about how the operation works and how we will operate in that area and hopefully I can put your mind at ease with the way customers leave etc.

Many thanks for your time in considering this letter, and I hope to hear from you soon.

Yours sincerely,

[REDACTED]

Managing Director

**1 CAVENDISH SQUARE
AMALGAMATED PROPOSED CONDITIONS
26/4/23**

PREVENTION OF PUBLIC NUISANCE

1. 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 take away service of food or drink for immediate consumption,
 - (v) which do not provide any take away 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.

2. 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.
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. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and to leave the area quietly.
5. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before collection times.

6. Loudspeakers shall not be located in the entrance lobby or outside the premise building.
7. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
8. 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.
9. A direct telephone number for the manager at the premises shall be publically available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
10. 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.
11. 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.
12. 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.

PREVENTION OF CRIME AND DISORDER

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 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.
15. An incident log shall be kept at the premises and made available on request to an authorised officer of the City Council or the Police, 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.
16. 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.
17. 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

PREVENTION OF CHILDREN FROM HARM

18. A challenge 21 proof of age scheme shall be operated at the premise 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.

PUBLIC SAFETY

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. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
22. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
23. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
24. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.

WORKS CONDITIONS

25. 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.
26. Before the premises open to the public, the plans as deposited will be checked by the Environmental health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where there are minor changes to the premises layout during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.
27. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.

ADDITIONAL CONDITIONS AGREED WITH THE POLICE

28. A minimum of 2 SIA licensed door supervisors shall be on duty at the Premises on Fridays and Saturday from 9pm until 30mins past close.
29. 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 pre-booked functions
30. 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.



DISPERSAL POLICY FOR AKI, 1 CAVENDISH SQUARE

This Dispersal Policy has been implemented to assist in the promotion of the four licensing objectives, in particular crime and disorder, public nuisance, and public safety. This document is subject to change from time to time as it is a working best practices document that may change through discussions with interested parties and more specifically with our neighbours.

1. Management are aware of the potential for neighbourhood noise and disturbance at the time that customers leave at closing time. Management have agreed to implement a written dispersal policy to move customers from the premises and the immediate vicinity in such a way so as to cause minimum disturbance or nuisance to neighbours. Every effort will be made by staff to minimise any potential nuisance and it will be the responsibility of all members of staff to support this policy.

Winding-down Period

2. Management have put into place an effective "wind-down" procedure in order to facilitate prompt closure of the premises and orderly dispersal pattern by customers.
3. At closing additional staff are directed to work in the customer areas near the front entrance. Customers are informed that the premises are about to close and are directed towards the nearest exit.
4. Given the style of the business there is a gradual departure of customers, and the premises are frequently not at capacity at closing time.
5. Internal lighting levels will be increased during the last 30 minutes of trading.
6. The winding down period outlined above ensures that customers disperse gradually prior to cessation of trade.
7. We are proud of our building and the area we work in. We will endeavour to keep the area clean and attractive for our patrons and our neighbours. This means dealing with debris outside our frontage that may have nothing to do with us but in the interests of maintaining good standards in the area we will still clear it up.

Door Supervisors

8. When applicable, door supervisors shall be maintained until the premises are closed and shall be in position early enough in the evening to ensure that procedures for promoting public safety and preventing public nuisance are effective. This will be risk assessed on a regular basis.
9. DB Group staff are trained to know:-
 - (a) where the nearest mode of public transport is

- (b) details of taxis and a number is available at the reception
 - (c) location of noise sensitive premises and to minimise the potential for any⁷ disturbance to those premises.
 - (d) general local knowledge so that if customers decide to move on the door staff can help them with directions.
10. DB Group duty Managers are assigned key roles and these are split between supervising the dispersal and general control of the vicinity.
 11. They are easily identifiable in uniforms and before each night there will be a team briefing to allocate the roles.
 12. There is an end of night team meeting to discuss any ways that the premises may improve the dispersal of patrons and any actions points are added into each supervisor's job cards.
 13. They will be trained to direct customers on departure to transport links away from local residents. They will be directed towards Regent Street/Oxford Circus and away from local residents.

Notices

14. Notices shall be displayed at customer exits and in prominent positions requesting that patrons respect the needs of local residents and leave the premises and area quietly.
15. All employees are given appropriate instructions and training to encourage customers to leave the premises and the area quietly.

Incident Reports

16. All incidents of crime or disorder or nuisance are to be reported by the designated premises supervisor or responsible member of staff.
17. The licence holder shall ensure that the details of all complaints are recorded in an occurrence book.
18. When required, DB Group staff shall be in place at the exits to wish customers farewell and ask them to leave quietly and shall answer any questions regarding transport availability. DB Group do not tolerate departing customers congregating outside of the premises.
19. DB Group should at all times be aware of activity outside of the premises and endeavour by their presence to minimise bad behaviour. They should be aware of potential areas of difficulty (nearby residences) and provide a presence in those places to minimise potential problems.
20. Whilst carrying out their legitimate duties outside of the premises all staff are trained not to behave in a manner likely to disturb the neighbourhood, conversation and laughter must be quiet and any communication is usually digital through an earpiece.



INSPIRED BY THE LAND OF THE RISING SUN

Taking its name from akitsu, which means 'dragonfly', AKI aims to reflect the elegance and sophistication this insect demonstrates in its sleek body and flying pattern.

IZAKAYA DINING

We invite our guests to enjoy a sophisticated twist on the traditional izakaya style of Japanese dining.

Food will be served as ready, we encourage our guests to share and enjoy the variety of dishes available from our menu.

IZAKAYA JAPANESE 'TAPAS'

Wagyu Gyoza 19.00

Kabocha Puree | Sweet Soy
(Add shaved alba truffles as a supplement)

Shrimp Tempura 18.00

Snap Peas | Spicy Mayo
Black Truffle Vinaigrette

Asparagus Tempura 12.00

Chili | Kaffir Leaf Jam

Edamame 6.50

Chili & Garlic Salt

Kakisu 11.50

Gillardeau Oyster With Ponzu Sauce
Spring Onion | Salmon Roe

Anchovy 'Temaki' 12.00

Fresh Anchovy Fillets | Yuzu
Wasabi Ricotta | Spinach | Tobiko |
Liquorice

Blue Lobster Tempura 35.00

Spicy Mayo | Keluga Caviar

Agedashi Tofu 12.50

Fried Tofu & Eggplant | Steamed Shitake
Ginger Cream Sauce

Hokkaido Scallop 19.00

Ikura | Garlic Chips
(Add osetra caviar as a supplement)

Duck Harumaki 17.00

Duck Spring Rolls | Hoisin | Chilli |
Cucumber

Wagyu Bao Buns 25.00

Pulled Wagyu Beef Short Rib
Pickled Vegetables | Peanut Mayo
(Add shaved alba truffles as a supplement)

SIGNATURE DISHES⁹

Whole Lobster Aged In Beef Fat 95.00
Yuzukosho Vinaigrette | Tempura Artichoke

Baby Back Iberico Pork Ribs 30.00

Sesame Glaze | Sansho Pepper
Cashew Nuts | Lime

Miso Black Cod 50.00

Nori Prawns | Yuzu Garlic Butter Sauce

Surf & Turf 80.00

Robata Grilled Red Prawns
Bone Marrow | Razor Clams | Foie Gras
Truffle Ponzu Cream

Duck Breast 30.00

Teriyaki Honey | Passionfruit | Lavander

Turbot Sakamushi 60.00

Sake Steamed Turbot | Roasted Mango
Hokkaido Sea Urchin Sauce

Wagyu A5 Sirloin 95.00

Yuzu Kosho Butter | Foie Gras
Pickled Plums
(Add roasted bonemarrow as a supplement)

FROM OUR DRY AGER

(Prices depending on market price,
weight and aged date)

Beef

Striploin
Cote Du Beouf
Sirloin
Tomahawk

Pork

Chuleta De Bellota
Iberico Shoulder Rack

Fish

Wild King Fish
Scottish Salmon

SIDES

Oyster Mushrooms 14.00

Truffle Butter Ponzu

Grilled Asparagus 12.00

Sweet Soy & Sesame

Yaki Udon Noodles 22.00

Confit Duck | Mushrooms | Pork
Belly | Cashew Nuts | Spinach |
Oyster Sauce

Aki Baked Potato 11.00

Yuzu Cream & Chives

Charred Corn & Tofu 11.00

Smoked Miso Butter |
Dancing Bonito

Potato Fries 9.00

Wasabi Salt

Aki Fried Rice 22.00

Crispy Wagyu Short Rib Meat |
Corn | Spring Onions | Confit
Egg Yolk | Soy Sauce | Crispy
Onions

Truffle Fries 15.00

Triple Cooked Potato Chips |
Sliced Fresh Truffles | Truffle
Salt

RAW & SEARED

10

Hamachi Carpaccio 24.00

Hamachi Yellowtail
Tosazu Sauce | Grapefruit

Mukozuke 26.00

Raw Scottish Langoustine | Tokyo
Turnip | Yuzu | Kaluga Caviar

Akazaebi Abura 27.00

Seared Red Prawns | Sesame Oil
Yuzu Soy Sauce

Toro Sumiso 25.00

Seared Toro Tuna Belly | Karashi
Sumiso | Chives

Kagoshima Wagyu Tartare 35.00

Minced Wagyu Fillet | Sudachi
Myoga Ginger | Anchovy
Mayonnaise
(Add shaved alba truffle as a
supplement)

Hotate Usuzukuri 25.00

Hokkaido Scallop Carpaccio |
Yuzu Vinaigrette | Oscietra Caviar
| Umeboshi | Red Shiso Powder

Picanha Tataki 23.00

Seared Australian Picanha | Fried
Egg | Grated Foie Gras | Ponzu
Sauce | Garlic Chips

SUSHI & MAKI ROLLS

Rock 'N' Roll 17.50

Shrimp Tempura | Amberjack
Raw Shrimp | Avocado | Spicy Sauce

Hotate Roll 18.50

Canadian Scallop | Avocado | Pak Choi
Fried Capers | Ginger Sauce | Yamagobo

Chu Toro Roll 19.50

Tuna Belly | Avocado | Seared Foie Gras
Teriyaki Sauce | Maldon Salt

Blu Lobster Roll 25.50

Seared Blue Lobster | Avocado | Chives |
Ginger

Flamed Wagyu Roll 21.50

Flamed Wagyu Picanha | Avocado
Fried Shallots | Shiso | Yakiniku Sauce

Vegan Roll 16.50

Sesame Soybean Sheet | Carrot | Cucumber |
Avocado | Vegan Mayo | Sriracha

Surf & Turf Roll 19.50

Raw Beef Fillet | Canadian Scallop
Cream Cheese | Truffle | Togarashi

Duck Roll 16.50

Confit Duck Leg Meat | Hoisin Sauce
Crispy Leeks | Sesame Seeds

Fried Sumo Roll 17.50

Akami Tuna | Salmon | Alaskan King Crab
Avocado | Yoghurt

Spicy Tuna Roll 18.50

Akami Tuna | Japanese Mayo | Togarashi
Spring Onion | Sambal Oelek

GUNKAN 1 Piece

Lobster Out 9.00

Blue Lobster Tartare | Amberjack | Wasabi | Oscietra Caviar

Toro Out 8.00

Chu Toro Tuna Belly | Tobiko | Spicy Mayonnaise

Aki Gunkan 7.00

Scottish Salmon | Quail Egg | Salmon Roe | Chives | Truffle

Vegeterian 7.50

Cucumber | Cream Cheese | Wakame | Avocado

(Add Oscietra Caviar as a supplement to any of the above
dishes) 25.00 per 10gr

SASHIMI 3 Pieces

Red Prawn 17.00 - Hokkaido Scallop 12.00
Otoro Tuna 19.00 - Scottish Salmon 10.00
Atlantic Black Cod 18.00
Alaskan King Crab 20.00

12 Piece Platter 41.00

18 Piece Platter 60.00

NIGIRI 2 Pieces

A5 Wagyu 20.00 - Gillardeau Oyster 17.00
Scottish Salmon 10.00 - Octopus 12.00
Chu Toro Tuna Belly 18.00
Japanese Yellow Tail 18.00

6 Piece Platter 39.00

10 Piece Platter 62.00

ROBATA & KUSHIYAKI

SEAFOOD

Salmon Teriyaki 24.00
Smoked Scottish Salmon | Kombu Kelp
| Teritaki Glaze | Peashoots

Yaki Hotate 15.00
Hokkaido Scallop Skewer With Wasabi
& Shiso

Black Cod Saikyo Yaki 42.00
Saikyo Miso Marinade | Japanese
Pickles

BBQ Octopus Skewers 28.00
Japanese Bbq Glaze | Spring

Hay Smoked Lobster 90.00
Smoked And Grilled Blue Lobster
& Yuzukosho Butter

MEAT

Yuzu Baby Chicken 25.00
Soy & Sake Marinade | Pickled Radish
Yuzu Mayonnaise

Iberico Pork Belly Skewers 35.00
Butterscoth Miso | Black Garlic Powder
Green Apple

Hojicha Smoked Lamb Cutlets 42.00
Korean Spices | Yuzu Honey

48 Hrs Wagyu Short Rib 60.00
Maple Teriyaki | Garlic Chips

**Japanese Kobe A5 Sirloin
140.00 per 100gr**
Garlic & Ginger Sauce | Smoked Maldon Salt
(Add Rosted Bonemarrow as a Supplement)

VEGETABLES

**Shitake Mushroom &
Tofu Skewers 12.00**
Soy Glaze | Fried Garlic

Miso Cauliflower Skewers 12.00
Crispy Kale | Spring Onion
Peanuts

Yaki Asparagus 12.00
Sweet Soy | Sesame
Chilli

DESSERTS

Smoked Coconut Parfait 15.00
Passionfruit Sauce | Lychee | Raspberry Puree

Dark Chocolate & Green Tea Lava Cake 17.00
Cocoa Nibs | Pear Ice Cream

Milk Chocolate, Sesame & Caramelised Miso Tart 15.00
Tahini Crumble | Apricot Doughnut | Hibiki Whiskey Ice Cream
Puffed Grains & Honey

Hot Matcha Brownie 16.00
Vanilla Ice Cream | White Chocolate
& Miso Sauce

Baked Yuzu Cheesecake 15.00
Matcha Crumble | Blueberries
Puffed Grains & Honey

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.
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.

Conditions consistent with the operating schedule

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 take away service of food or drink for immediate consumption,
 - (v) which do not provide any take away 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 publically available at all times the premises is 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 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.
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 premise 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 has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.

Conditions proposed by the Metropolitan Police Service and agreed with the applicant.

38. A minimum of 2 SIA licensed door supervisors shall be on duty at the Premises on Fridays and Saturday from 9pm until 30mins 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 pre-booked 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.



Resident Count 7

**Licensed premises with 75 metres of Aki London, 1 Cavendish Square, London
W1G 0LA**

Licence Number	Trading Name	Address	Premises Type	Time Period
22/07235/LIPDPS	Phoenix	37 Cavendish Square London W1G 0PP	Pub or pub restaurant with lodge	Monday; 07:00 - 03:00 Monday; 07:00 - 00:00 Tuesday; 07:00 - 00:00 Tuesday; 07:00 - 03:00 Wednesday; 07:00 - 03:00 Wednesday; 07:00 - 00:00 Thursday; 07:00 - 03:00 Thursday; 07:00 - 00:00 Friday; 07:00 - 00:00 Friday; 07:00 - 03:00 Saturday; 07:00 - 00:00 Sunday; 07:00 - 00:00 Sunday; 07:00 - 00:30
22/01124/LIPV	Swingers	15 John Prince's Street London W1G 0AB	Miscellaneous	Sunday; 10:00 - 23:00 Monday to Wednesday; 10:00 - 00:30 Thursday to Saturday; 10:00 - 01:00
14/02743/LIPN	(Cafe)	Ground Floor Gulliver 34-36 Margaret Street London W1G 0JE	Cafe	Monday to Sunday; 06:00 - 23:00
17/09691/LIPDPS	University Of Westminster	307 - 309 Regent Street London W1B 2HW	University	Sunday; 12:00 - 23:00 Monday to Saturday; 10:00 - 23:30
19/08518/LIPVM	MeatLiquor	Ground Floor 37-38 Margaret Street London W1G 0JF	Night clubs and discos	Monday; 10:00 - 03:00 Tuesday; 10:00 - 03:00 Wednesday; 10:00 - 03:00 Thursday; 10:00 - 03:00 Friday; 10:00 -

				03:00 Saturday; 10:00 - 03:00 Sunday; 10:00 - 03:00
19/12841/LIPN	No 6 Cavendish	Ground Floor 6 Cavendish Square London W1G 0PD	Shop	Monday to Sunday; 10:00 - 23:00
19/02094/LIPDPS	All Bar One	Marcol House 289-293 Regent Street London W1B 2HJ	Restaurant	Monday to Saturday 08: - 00:00 Sunday 09:00 – 23:00