



City of Westminster

Committee Agenda

Title: **Licensing Sub-Committee (6)**

Meeting Date: **Thursday 16 February 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
Melvyn Caplan

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 any further information, please contact Sarah Craddock, Committee and Councillor Co-ordinator.

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

Note for Members: Members are reminded that officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. Regarding Item 2, guidance on Declarations of Interests is included in the Code of Governance. If Members and Officers have any questions, they should contact the Director of Law before the meeting please.

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To report any changes to the membership.

2. DECLARATIONS OF INTEREST

To receive declarations by Members and Officers of the existence and nature of any pecuniary interests or any other significant interest in matters on this agenda.

Licensing Applications for Determination

1. STREET TRADING - ISOLATED PITCH 1717, NEW BOND STREET

(Pages 1 - 22)

| Ward CIA* SCZ** | Site Name & Address | Application Type | Licensing Reference No. |
|--|--|---------------------------|----------------------------|
| West End * ** | Street Trading - Isolated Pitch 1717 New Bond Street | Street Trading Licence | 05/04818/LI_STE |
| *Cumulative Impact Area – N/A ** Special Consideration Zone – N/A | | | |

2. STREET TRADING - ISOLATED PITCHES 1612 AND 1736 VILLIERS STREET

(Pages 23 - 34)

| Ward CIA* SCZ** | Site Name & Address | Application Type | Licensing Reference No. |
|--|--|---------------------------|---|
| St James's * ** | Street Trading Isolated Pitches 1612 and 1736 Villiers Street | Street Trading Licence | Application to rescind and vary street trading designation |
| *Cumulative Impact Area – N/A ** Special Consideration Zone – N/A | | | |

3. YOLE ICE CREAM, GROUND FLOOR, 74 SHAFTESBURY AVENUE, W1D 6NB

(Pages 35 - 58)

| Ward CIA* SCZ** | Site Name & Address | Application Type | Licensing Reference No. |
|--|---|-------------------------|----------------------------|
| St James's * West End ** None | Yole Ice Cream Ground Floor 74 Shaftesbury Avenue W1D 6NB | New Premises Licence | 22/11453/LIPN |
| *Cumulative Impact Area ** Special Consideration Zone | | | |

4. PACHAMAMA BAR AND KITCHEN, 18 THAYER STREET, W1U 3JY

(Pages 59 - 106)

| Ward CIA* SCZ** | Site Name & Address | Application Type | Licensing Reference No. |
|--|--|----------------------------------|----------------------------|
| Marylebone * None ** None | Pachamama Bar 18 Thayer Street W1U 3JY | Premises Licence Variation | 22/11544/LIPV |
| *Cumulative Impact Area ** Special Consideration Zone | | | |

5. FIFTH AND SIXTH FLOOR, 64 NORTH ROW, W1K 7DA

(Pages 107 - 128)

| Ward CIA* SCZ** | Site Name & Address | Application Type | Licensing Reference No. |
|--|--|-------------------------|----------------------------|
| West End * None ** None | Fifth and Sixth Floor 64 North Row W1K 7DA | New Premises Licence | 22/11509/LIPN |
| *Cumulative Impact Area ** Special Consideration Zone | | | |

6. LOCKHOUSE, 3 MERCHANT SQUARE, CITY OF WESTMINSTER, W2 1AZ

(Pages 129 - 164)

| Ward CIA* SCZ** | Site Name & Address | Application Type | Licensing Reference No. |
|--|---|-------------------------------|----------------------------|
| Hyde Park * None ** None | Lockhouse 3 Merchant Square City of Westminster W2 1AZ | Premises Licence Variation | 22/11910/LIPV |
| *Cumulative Impact Area ** Special Consideration Zone | | | |

**Stuart Love
Chief Executive
8 February 2023**



City of Westminster

Licensing Sub-Committee Report

Item No:

Licensing Ref No:

05/04818/LI_STE

Date:

16 February 2023

Classification:

For General Release

Title of Report:

Street Trading - Isolated Pitch 1717 New Bond Street

Report of:

Director Public Protection & Licensing

Policy context:

To provide a safe, well-regulated environment.

Financial summary:

None

Report Author:

**Miss Farhana Ali
Senior Licensing Street Trading**

Contact Details:

**Telephone: 0781 566 4817
E-mail: fali1@westminster.gov.uk**

PROPOSAL DETAILS

| | |
|---------------------------|--|
| Proposal: | The designating resolution passed by the Council on 25 July 1990 be varied to rescind the designation of street trading Pitch 1717 New Bond Street. |
| Pitch Designation: | New Bond Street east footway, 4' 6" from pedestrian cross push button pole, 18" from kerb edge. The pitch location and image of the kiosk can be found at Appendix A |
| Ward Name: | West End |

1. Purpose of the report

The Licensing Sub-Committee is asked to vary the designating resolution passed by the Council on 25 July 1990 to rescind the designation of Pitch 1717 New Bond Street as recommended by officers.

2. Summary

Section 4.1 of the City Council's Mayfair Neighbourhood Plan 2018 – 2038 relating to Retail outlines policies that are aimed at 'securing world-class retail for the long term, including the encouragement of new retail in the area, the direction of new retail opportunity locations, and the districts in Mayfair where specialist retailers deserve particular designation and support'.

MR1.6 of the Mayfair Neighbourhood Plan (MNP) specify' s that "Stand alone retail "huts" such as exist in the side streets along Oxford Street are not supported and opportunities to remove or relocate them should be taken."

The Licensing Service supports an opportunity for the City Council to further the aims as set out at page 38 of the MNP. A copy of the Plan is not included as part of the report due to the size of the document; however, a copy of the document can be found [here](#).

3. Background

Pitch 1717 is positioned on the east footway at the top of New Bond Street at its junction with Oxford Street.

The pitch has a licence attached to it and is currently operating as a retail unit selling mini pancakes, fruit with chocolate toppings, hot & cold drinks, juices & smoothies, souvenirs, neckwear, hats & gloves, bus tour tickets, telephone cards and sunglasses.

A freeholder of a property wishes to secure the removal of the street trading pitch and has reached a private agreement with the street trader to support the de-designation of the pitch. If the officer's recommendation is approved by the Licensing Sub-Committee the licence holder will surrender their street trading licence after a period of 3 months.

4. Consultation

In seeking to de-designate Pitch 1717 New Bond Street the Licensing Service has undertaken the statutory consultation with the Street Trading licence holder, Highway Authority, Police, and the West End Street Traders Association.

In addition, notification of the intention to de-designate the pitch was sent to the Council's relevant Ward Members.

A copy of the notification of intent to de-designate is included as **Appendix B**.

5. Consultation Responses:

a) Licence Holder:

On 01 December 2022, the Licensing Service received a letter from the licence holder advising that she supports the council's intention to rescind the designation. The letter can be found at **Appendix C** of the report.

b) Ward Councillors:

At the time of publishing the report, the Licensing Service has not received any comments from the West End Ward Councillors.

c) West End Traders Association (WESTA):

On 01 December 2022, the Licensing Service received a representation supporting the council's intention to rescind the designation. The full representation can be found at **Appendix E** of the report.

d) Highways Planning:

On 03 January 2023, the Licensing Service received an email from Highways Planning confirming that they support the de-designation of the pitch. A copy of the email can be found at **Appendix F** of the report.

e) Metropolitan Police Service:

At the time of publishing the report the Licensing Service has not received any comments from the Metropolitan Police Licensing Team.

6. 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.

7. Street Trading Policy

a) Policy ST5 within the City of Westminster Statement of Street Licensing Policy relates to the designation and de-designation of street trading pitches. However, the Licensing Service requests that the committee consider this application as an exception to this policy.

Designation and De-designation- Policy ST5

- (i) The Licensing authority will designate specific resolution for licensed street trading.*
- (ii) The Licensing authority may de-designate pitches that are no longer suitable for licensed street trading.*
- (iii) The Licensing authority will not designate any new isolated street trading pitches, apart from in exceptional circumstances.*

Policy ST5(2) states that the Licensing authority may, subject to the appropriate consultation and notification procedures, de-designate street trading pitches where in the opinion of the licensing authority, they are no longer suitable for street trading. The circumstances under which a location may be considered not suitable include:

- (a) It has not been used for trading for a period of greater than six months;*
- (b) There has been altered circumstances due to the increased pedestrian footfall resulting from altered highways layouts, public realms improvements or construction projects;*
- (c) Where there is new development and the siting and operation of the trading pitch would adversely affect local pedestrian flow or cause congestion, including close to the transport stops or stations.*

8. Legal Framework

Designating Resolution

- a) Section 5(1)(a) of the City of Westminster Act 1999 (the Act) provides:
The council may pass a resolution designating a street or part of a street in the city as a licence street (a designating resolution).
- b) Section 5(2) of the Act provides:
The council may from time to time rescind or vary any such resolution.
- c) Section 6(1) of the Act provides:
The council shall not pass a designating resolution or rescind or vary such a resolution unless they have first given notice in writing of their intention to do so—
 - (a) to the Commissioner;

- (b) to the highway authority (except where the council is the highway authority);
- (c) to any body which appears to the council to represent the relevant street traders;
- (d) to all licence holders whom the council could reasonably expect would be affected by the proposed resolution; and
- (e) where the proposed resolution would designate private land, to the owner of that land or to the person assessed for the uniform business rate on it.

d) Section 6(5) of the Act provides:

The council shall give to any person who makes representations by the due date an opportunity to make oral representations to the council and may at their discretion give to other persons making representations a similar opportunity.

9. Appeals

a) Section 19(1) of the Act provides:

Any person aggrieved—

- (a) by a resolution varying or rescinding a designating resolution;
 - (b) by a specifying resolution or a resolution varying such a resolution;
 - (c) by a standard condition; or
 - (d) by the amount of a fee or charge under section 22 (Fees and charges) of this Act,
- may appeal to the Magistrates Court acting for the Area of the Council whose decision shall be final.

10. Recommendation

That the designating resolution passed by the Council on 25 July 1990 be varied to rescind the designation of street trading Pitch 1717 New Bond Street.

List of Appendices

| | |
|-------------------|--|
| Appendix A | Pitch location and GIS Map |
| Appendix B | Consultation letter sent to relevant parties |
| Appendix C | Consultation response from Licence Holder |
| Appendix D | Consultation response from West End Street Trading Association (WESTA) |
| Appendix E | Consultation response from Highways Planning |

If you have any questions about this report, or wish to inspect one of the background papers, please contact **Farhana Ali** at fali1@westminster.gov.uk

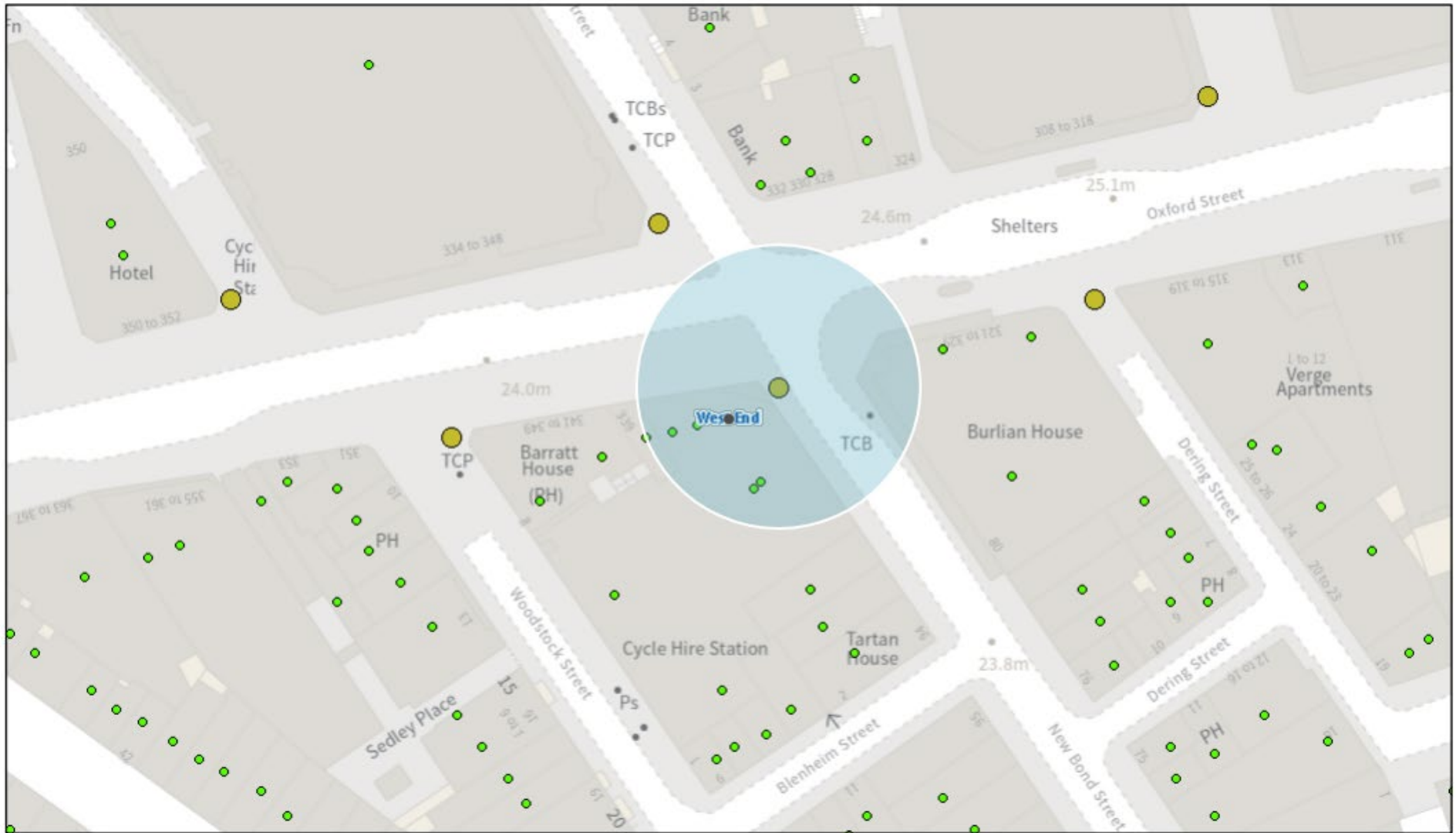
Background Documents – Local Government (Access to Information) Act 1972

- City of Westminster Act 1999
- City of Westminster Statement of Street Licensing Policy adopted in December 2013
- Rules of Procedure for Licensing Sub-Committee
- Designating Resolution passed by the Council on 25 July 1990



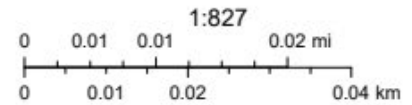
Pitch 1717 - New Bond Street

page 8



12/01/2023, 12:15:57

- | | | | |
|-------------------------|-----------------------------|----------------|-------------------|
| Override 1 | Ward Labels | Exhibition | Temporary Traders |
| Property Mailing List | Borough Boundary - Detailed | Isolated Pitch | Vacant Pitch |
| Borough Boundary - Mask | Live Street Trading | Market | |
| Ward Boundaries | Casual Traders | Street Trading | |



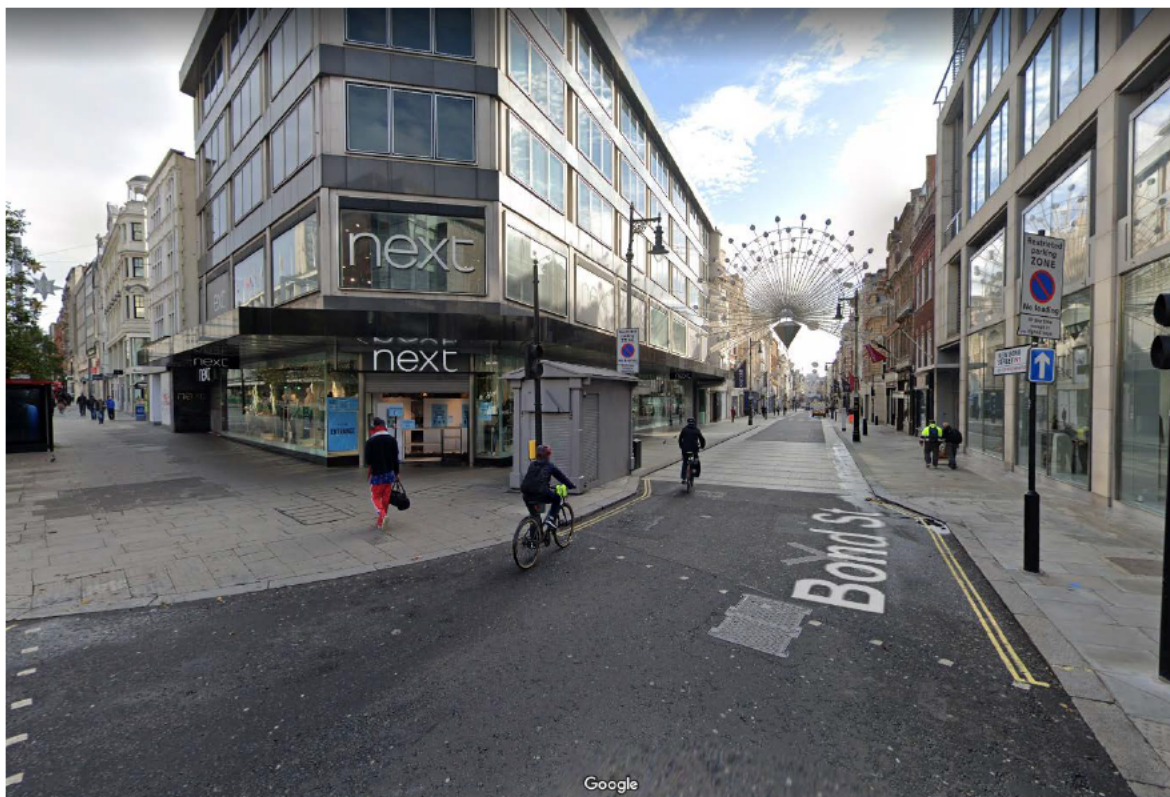
From: [street_tradinglicensing: WCC](#)
To: [Dwyer, Sean: WCC](#)
Cc: [Lloyd, Jonathan Russell: WCC](#)
Subject: INTENTION TO RESCIND DESIGNATION: PITCH 1717 NEW BOND STREET
Date: 29 November 2022 16:20:23
Attachments: [image001.png](#)
[image002.jpg](#)
[image003.png](#)

Dear Highways Authority,

INTENTION TO RESCIND DESIGNATION: PITCH 1717 NEW BOND STREET

I write to inform you, in accordance with Section 6 of the City of Westminster Act 1999, that the City Council intends to rescind the designating resolution for street trading Pitch 1717 New Bond Street.

Pitch 1717 New Bond Street is located on New Bond Street east footway, 4' 6" from pedestrian cross push button pole, 18" from kerb edge. The following image is a photograph of where the pitch is currently designated:



The reason for the de-designation

The City Council's Mayfair Neighbourhood Plan 2018 – 2038 outlines policies that are aimed at:

Securing world-class retail for the long term, including the encouragement of new retail in the area, the direction of new retail opportunity locations, and the districts in Mayfair where specialist retailers deserve particular designation and support.

Under this, policy MR1 Retail Encouragement and Direction, specifically states under MR1.6 that,

“Stand alone retail “huts” such as exist in the side streets along Oxford Street are not supported and opportunities to remove or relocate them should be taken.”

In this case an opportunity has arisen to further this policy aim of the City Council. The Council has been notified that a local freeholder of a property, close to Pitch 1717, in Bond Street wishes to secure the de-designation of the street trading pitch. They have reached a private agreement with the street trader who supports the de-designation on the terms agreed. Therefore, to achieve both the objective of the freeholder and in furtherance of the Council's clear policy of removing such pitches when there is the opportunity (MR1.6), the pitch needs to be de-designated.

Anyone wishing to make representations about the Council's application should do so by **27 December 2022**. Representations can be made in writing to streettradinglicensing@westminster.gov.uk or alternatively to the address above. Any person that makes a representation will also be invited to make oral representations at a Licensing Sub-Committee hearing. The date of which is to be confirmed.

Yours sincerely,



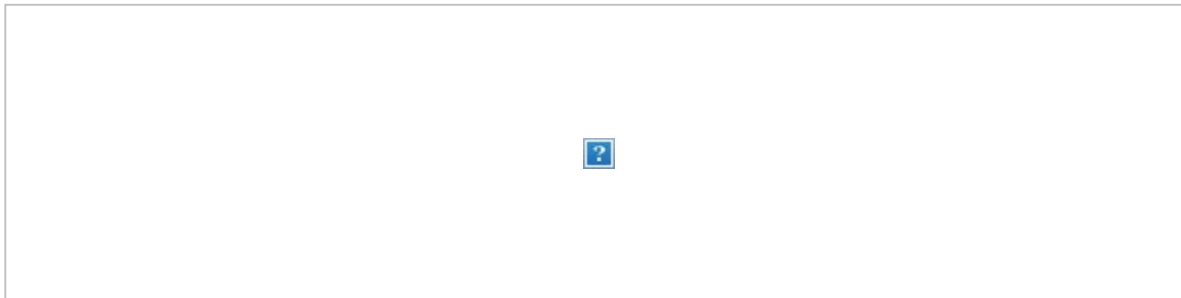
Mr Jonathan Russell Lloyd

Senior Licensing Officer | Public Protection and Licensing

Westminster City Council | City Hall, 15th floor, 64 Victoria Street, London SW1E 6QP

T: **0207 641 6500** (Contact Centre) | T: **07971 026993** (Personal)

E: jrlloyd@westminster.gov.uk | W: www.westminster.gov.uk



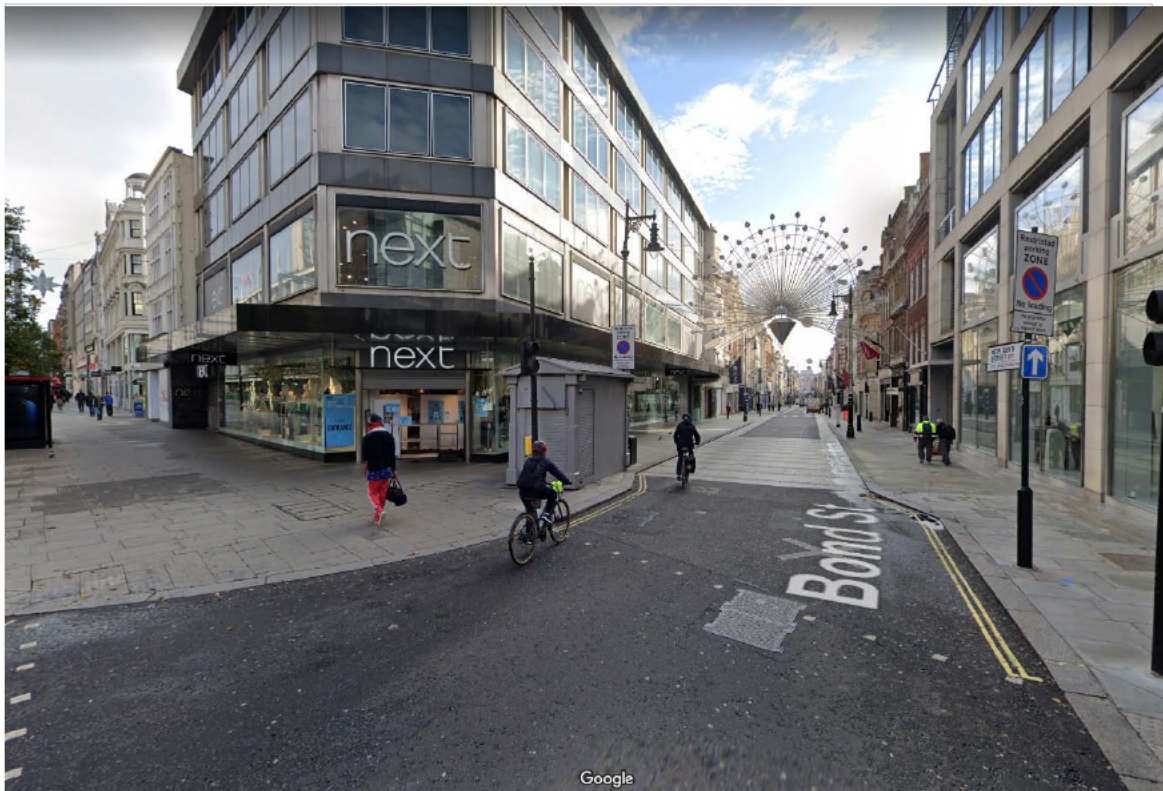
From: [street_tradinglicensing: WCC](#)
To: [Police General Licensing: WCC](#)
Cc: [Lloyd, Jonathan Russell: WCC](#)
Subject: INTENTION TO RESCIND DESIGNATION: PITCH 1717 NEW BOND STREET
Date: 29 November 2022 16:21:42
Attachments: [image001.png](#)
[image002.jpg](#)
[image003.png](#)

Dear Police Licensing,

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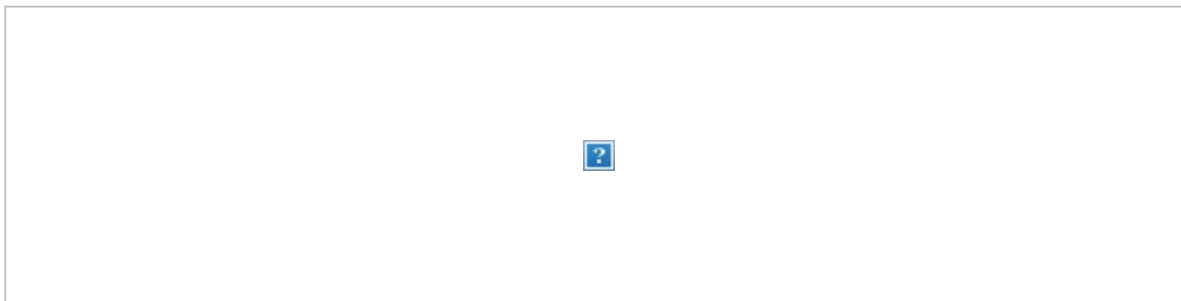
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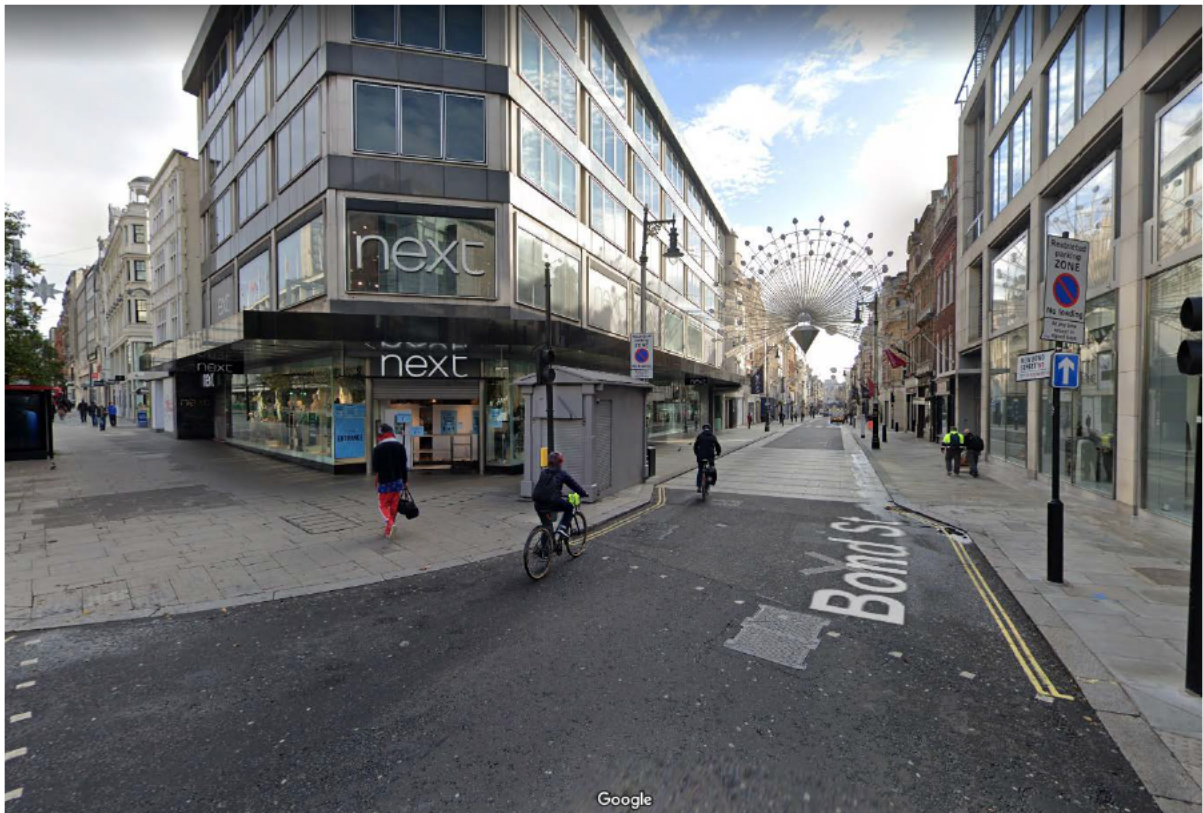


From: [street_tradinglicensing: WCC](#)
To: [REDACTED]
Cc: [Lloyd, Jonathan Russell: WCC](#)
Subject: INTENTION TO RESCIND DESIGNATION: PITCH 1717 NEW BOND STREET
Date: 29 November 2022 16:25:45
Attachments: [image001.png](#)
[image002.png](#)
[image003.jpg](#)

Dear [REDACTED]

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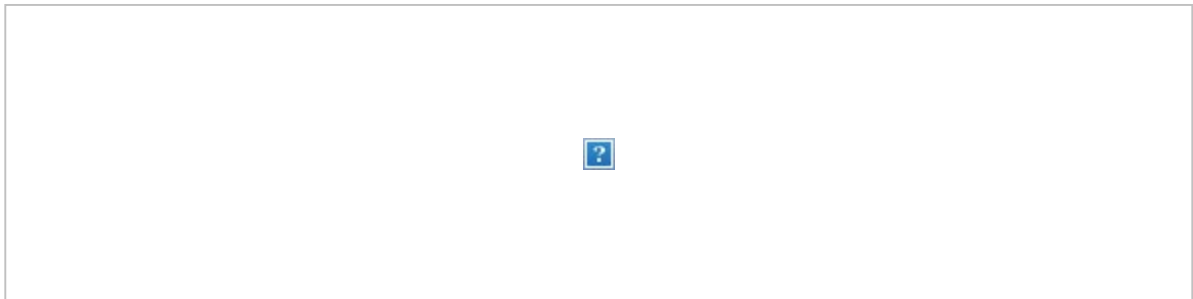
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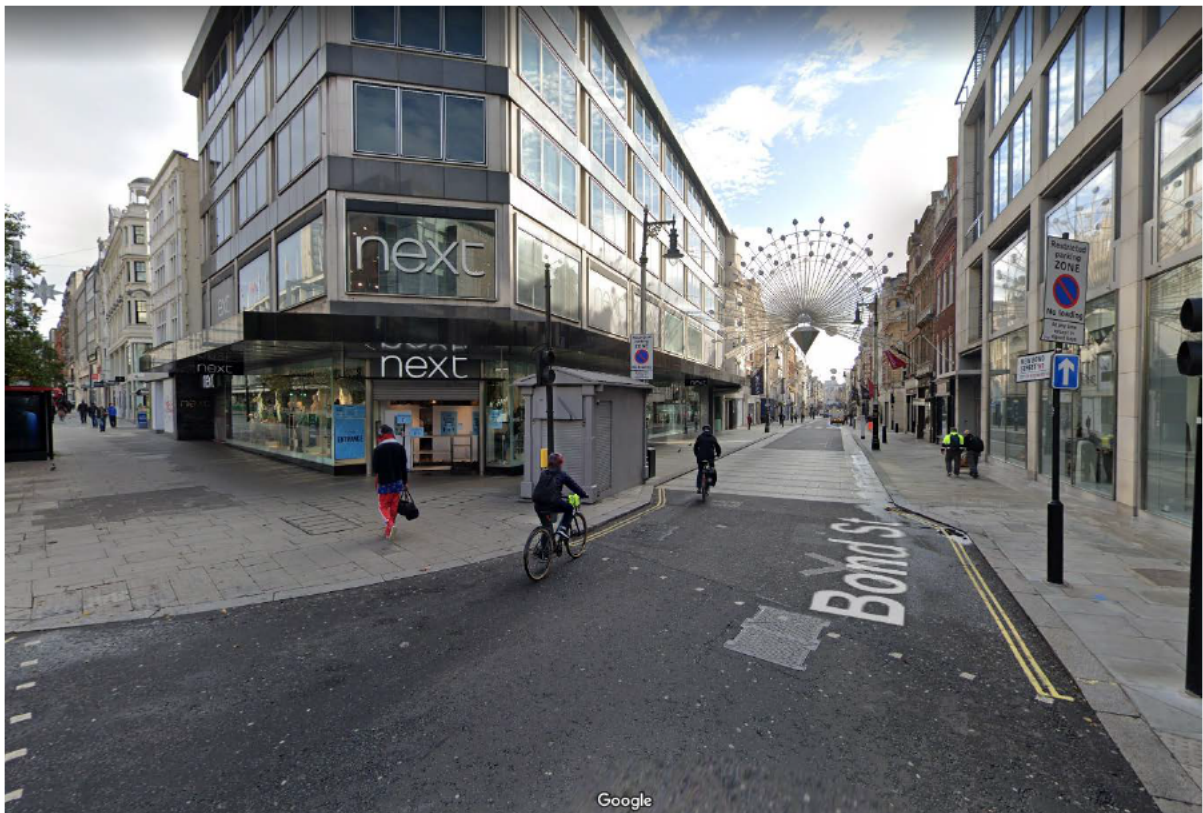
From: [street_tradinglicensing: WCC](#)
To: [Fisher, Paul \(Cllr\): WCC](#); [Lilley, Patrick \(Cllr\): WCC](#); [Toale, Jessica \(Cllr\): WCC](#)
Cc: [Lloyd, Jonathan Russell: WCC](#)
Subject: INTENTION TO RESCIND DESIGNATION: PITCH 1717 NEW BOND STREET
Date: 29 November 2022 16:23:26
Attachments: [image001.png](#)
[image002.png](#)
[image003.jpg](#)

Dear West End Councillors,

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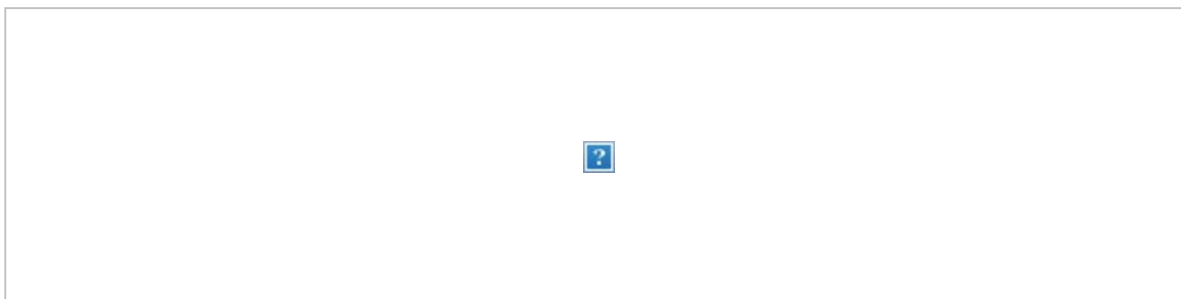
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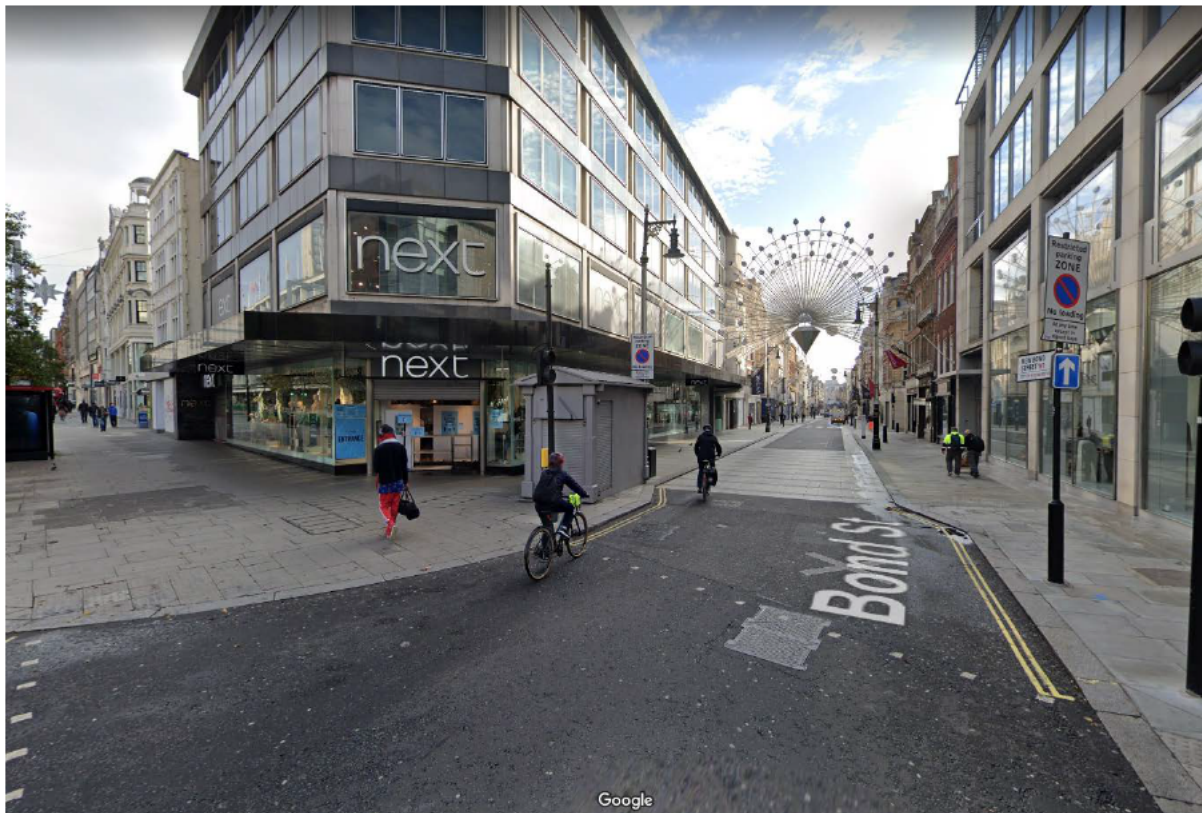
From: [street_tradinglicensing: WCC](#)
To: wallywatson@kws-imports.co.uk
Cc: [Lloyd, Jonathan Russell: WCC](#)
Subject: INTENTION TO RESCIND DESIGNATION: PITCH 1717 NEW BOND STREET
Date: 29 November 2022 16:27:05
Attachments: [image001.png](#)
[image002.png](#)
[image003.jpg](#)

Dear Mr Watson,

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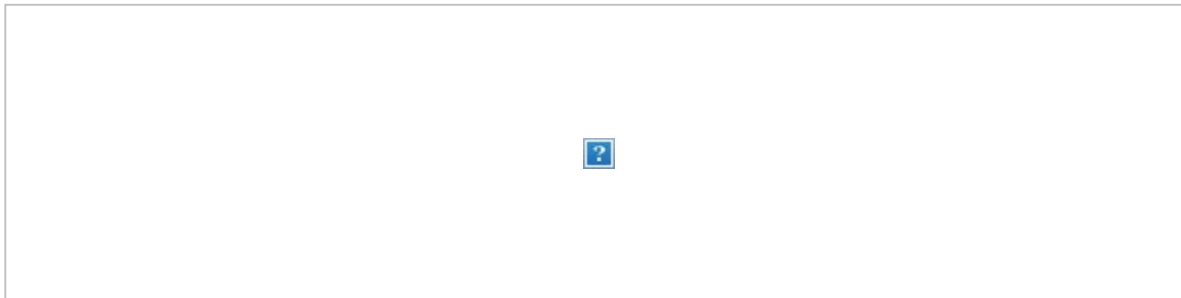
Mr Jonathan Russell Lloyd

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Jonathan Russell Lloyd
Senior Licensing Officer
Public Protection and Licensing
Westminster City Council
15th Floor, City Hall
Victoria Street, SW1E 6QP



By email jrlloyd@westminster.gov.uk

1 December 2022

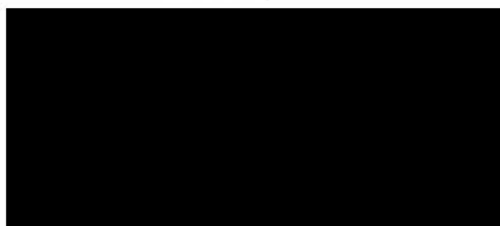
Dear Jonathan

**INTENTION TO RESCIND DESIGNATION: PITCH 1717
NEW BOND STREET**

Thank you for your notice of 29 November 2022 advising that the Council intends to rescind the designating resolution for street trading from pitch 1717, New Bond Street. As you will know from your records with the assistance of WESTA I have successfully resisted previous attempts to deprive me of my livelihood by de-designating my pitch. However, I have reached agreement with a local stakeholder to voluntarily surrender my licence for the pitch if the Council de-designates it.

Accordingly, I support the proposed de-designation.

Yours sincerely



WEST END STREET TRADERS BRANCH

N.M.T.F.

THE OLD VICARAGE, LANGLEYBURY,
KINGS LANGLEY, HERTS WD4 8QR
FAX NUMBER: 0208 5915427– OFFICE: 020 8591 1004
Committee Chairman: Wally Watson. Secretary: Caroline Pattenden
Committee Members: Mark Impleton, Victoria Munroe
Stephen Burney, Peter Compobassi
Treasurer: Stephen Burney

BY EMAIL: jrlloyd@westminster.gov.uk

1 December 2022

Jonathan Russell Lloyd
Senior Licensing Officer /Public Protection and Licensing
Westminster City Council
15th Floor, City Hall
64 Victoria Street
London SW1E 6QP

Dear Jonathan

INTENTION TO RESCIND DESIGNATION: PITCH 1717 NEW BOND STREET W1

Thank you for your notice advising that the Council intends to rescind the designating resolution for street trading from pitch 1717, New Bond Street.

As you are no doubt aware some Council officers have long wanted to de-designate this pitch. In December 2014 officers recommended to the Licensing Sub-Committee that the designating resolution be rescinded. This recommendation was strongly opposed by both the licence holder and WESTA and the Sub-Committee decided to defer a decision indefinitely to allow officers time to review the position. As far as WESTA is aware the 2014 rescinding recommendation has not been withdrawn nor returned to the Licensing Sub-Committee and is still outstanding.

However, Council officers continued to seek the removal of the trader - most notably in 2019 when WESTA sought legal advice in successfully resisting the attempt which did not reach the Licensing Sub-Committee.

Under normal circumstances WESTA would have continued to strongly oppose the de-designation of this pitch. However, a local stakeholder has reached a private agreement with the licence holder for her to voluntarily surrender her licence.

In these circumstances the de-designation of Pitch 1717 will fulfil the aims of Council officers, accord with a policy objective of the Council and be achieved without detriment to the licence holder. Accordingly, WESTA supports the proposal to

rescind the designating resolution for this pitch on the basis of your notice of 29 November 2022.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Wally Watson', is centered below the text 'Yours sincerely'.

Wally Watson
Chairman – West End Street Trading Association

wallywatson@kws-imports.co.uk

Office 0208-591 1004

Mobile 07973210161

From: [Lloyd, Jonathan Russell: WCC](#)
To: [Pring, Shannon: WCC](#)
Subject: FW: INTENTION TO RESCIND DESIGNATION: PITCH 1717 NEW BOND STREET
Date: 03 January 2023 10:52:01
Attachments: [image004.png](#)
[image005.png](#)
[image006.jpg](#)
[image007.png](#)

Mr Jonathan Russell Lloyd
Senior Licensing Officer | Public Protection and Licensing

Westminster City Council | City Hall, 15th floor, 64 Victoria Street, London SW1E 6QP
T: 0207 641 6500 (Contact Centre) | **T: 07971 026993** (Personal)
E: jrlloyd@westminster.gov.uk | **W: www.westminster.gov.uk**



From: Dwyer, Sean: WCC <sdwyer@westminster.gov.uk>
Sent: 03 January 2023 10:42
To: street, tradinglicensing: WCC <streettradinglicensing@westminster.gov.uk>
Cc: Lloyd, Jonathan Russell: WCC <jrlloyd@westminster.gov.uk>
Subject: RE: INTENTION TO RESCIND DESIGNATION: PITCH 1717 NEW BOND STREET

Hi Jonathan

Thank you for consulting Highways Planning on this proposal.

To be honest I can't really see any circumstances under which Highways would not support the de-designation of a pitch. If it were to be replaced somewhere else we might want to comment on the new location, but where it is being taken away I think we would always support that.

With the pitch gone it will free up more space for pedestrians to use.

Sean

Sean Dwyer
Highways Planning Manager
City Highways
Environment and City Management
13th Floor City Hall,
64 Victoria Street, London, SW1E 6QP



City of Westminster

Licensing Sub-Committee Report

Item No:

Licensing Ref No:

Application to rescind & vary street trading designation

Date:

16 February 2023

Classification:

For General Release

Title of Report:

Street Trading - Isolated Pitches 1612 & 1736 Villiers Street

Report of:

Interim Director Public Protection & Licensing

Policy context:

To provide a safe, well-regulated environment.

Financial summary:

None

Report Author:

**Sana Butt
Senior Licensing Officer - Street Trading**

Contact Details:

**Telephone: 07971 920 409
E-mail: sbutt@westminster.gov.uk**

PROPOSAL DETAILS

| | |
|--|---|
| Proposal: | Rescind the designating resolution for street trading Pitch 1736 on Villiers Street and vary the designating resolution for Pitch 1612 on Villiers Street |
| Current Pitch Designation: Pitch 1736 | Pitch 1736 Villiers Street is located on the pedestrian area immediately south of licence pitch number 1612. The size of the pitch is L10.6' (3.23m), W7' (2.13m). |
| Current Pitch Designation: Pitch 1612 | Pitch 1612 Villiers Street is located on the west side near the junction with the Strand 32' from the back of the Strand footway. The size of the pitch is L15' (4.57m) W7' 6" (2.29m). |
| Proposed Varied Pitch Designation: Pitch 1612 | On the west side near the junction with the Strand 32' from back of Strand footway commencing L20' x W: 9' (L: 6.1m x W: 2.7m). An image of the proposed pitch can be found at Appendix A |
| Ward Name: | St James |

1. Purpose of the report

The Licensing Sub-Committee is asked to rescind the designating resolution for street trading Pitch 1736 on Villiers Street and vary the designating resolution for Pitch 1612 on Villiers Street as recommended by officers.

2. Summary

The licence holder for Pitch 1736, who is not currently trading, has requested that his pitch be de-designated and has confirmed that he will surrender his licence on completion of the de-designation of his pitch.

The licence holder for Pitch 1612 has requested that the designation of his pitch be varied from L: 15' x W: 7'6" (L: 4.57m x W: 2.29m) to L20' x W: 9' (L: 6.1m x W: 2.7m).

The Licensing Service is in support of this proposal in that by creating one pitch and reducing the overall area occupied by two pitches this will significantly improve the public realm. Also, the licence holder for Pitch 1736 will not be adversely affected by surrendering his licence because he will continue to be supported by his son, the licence holder of Pitch 1612.

3. Background

Pitch 1736 Villiers Street is located on the pedestrian area immediately south of licence pitch number 1612. The size of pitch is L10.6' (3.23m), W7' (2.13m).

The pitch has a licence attached to it, although the trader has not been trading since 2017 when he submitted a request to suspend his licence to the Licensing Service. This was originally scheduled to be heard by the Licensing Sub-Committee but it was withdrawn before being heard.

Pitch 1612 Villiers Street is located on the west side near the junction with the Strand, 32' from the back of the Strand footway. The size of pitch is L15' (4.57m) W7' 6" (2.29m).

The pitch has a licence attached to it and is currently operating as a retail unit selling food and beverages, mobile phones and accessories, and festive novelties.

4. Consultation

In seeking to rescind the designating resolution for street trading Pitch 1736 on Villiers Street and vary the designating resolution for Pitch 1612 on Villiers Street, the Licensing Service has undertaken the statutory consultation with the Street Trading licence holders, Highway Authority, Police, the West End Street Traders Association and any other licence holders whom the City Council could reasonably expect would be affected by the proposed rescission and variation.

In addition, notification of the intention was sent to the Council's relevant Ward Members.

A copy of the notification sent to one of the relevant parties can be found at **Appendix B**.

5. Consultation Responses:

a) Licence Holder(s):

On 5 January 2023, the Licensing Service received a representation supporting the council's intention to rescind the designation. The full representation can be found at Appendix C of the report.

b) Ward Councillors:

At the time of publishing the report the Licensing Service has not received any comments from the Ward Councillors.

c) West End Traders Association (WESTA):

On 5 January 2023, the Licensing Service received a representation supporting the council's intention to rescind the designation of 1736 and vary the designation for pitch 1612 to increase the pitch size. The full representation can be found at Appendix C of the report.

d) Highways Planning:

On 23 January 2023, the Licensing Service received a representation supporting the council's intention to rescind the designation of 1736 and vary the designation for pitch 1612 to increase the pitch size. The full representation can be found at Appendix D of the report.

e) Metropolitan Police Service:

At the time of publishing the report the Licensing Service has not received any comments from the Metropolitan Police Licensing Team.

6. Notice of Hearing

On 23rd January 2023, the Licensing Service sent a notice of hearing to the Street Trading licence holders, Highway Authority, Police, the West End Street Traders

Association, and the Council's relevant Ward Members. A copy of the notice can be found at Appendix E of the report.

7. 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.

The Licensing Service do not consider that these recommendations have any Equality Act implications to report.

8. Street Trading Policy

- a) Policy ST5 within the City of Westminster Statement of Street Licensing Policy relates to the designation and de-designation of street trading pitches. However, the Licensing Service requests that the committee consider this application as an exception to this policy.

Designation and De-designation- Policy ST5

- (i) The Licensing authority will designate specific resolution for licensed street trading.*
- (ii) The Licensing authority may de-designate pitches that are no longer suitable for licensed street trading.*
- (iii) The Licensing authority will not designate any new isolated street trading pitches, apart from in exceptional circumstances.*

Policy ST5(2) states that the Licensing authority may, subject to the appropriate consultation and notification procedures, de-designate street trading pitches where in the opinion of the licensing authority, they are no longer suitable for street trading. The circumstances under which a location may be considered not suitable include:

- (a) It has not been used for trading for a period of greater than six months;*
- (b) There has been altered circumstances due to the increased pedestrian footfall resulting from altered highways layouts, public realms improvements or construction projects;*

- (c) *Where there is new development and the siting and operation of the trading pitch would adversely affect local pedestrian flow or cause congestion, including close to the transport stops or stations.*

9. Legal Framework

Designating Resolution

- a)** Section 5(1)(a) of the City of Westminster Act 1999 (the Act) provides:
The council may pass a resolution designating a street or part of a street in the city as a licence street (a designating resolution).
- b)** Section 5(2) of the Act provides:
The council may from time to time rescind or vary any such resolution.
- c)** Section 6(1) of the Act provides:
The council shall not pass a designating resolution or rescind or vary such a resolution unless they have first given notice in writing of their intention to do so—
- (a) to the Commissioner;
 - (b) to the highway authority (except where the council is the highway authority);
 - (c) to any body which appears to the council to represent the relevant street traders;
 - (d) to all licence holders whom the council could reasonably expect would be affected by the proposed resolution; and
 - (e) where the proposed resolution would designate private land, to the owner of that land or to the person assessed for the uniform business rate on it.
- d)** Section 6(5) of the Act provides:
The council shall give to any person who makes representations by the due date an opportunity to make oral representations to the council and may at their discretion give to other persons making representations a similar opportunity.

10. Appeals

- a)** Section 19(1) of the Act provides:
Any person aggrieved—
- (a) by a resolution varying or rescinding a designating resolution;
 - (b) by a specifying resolution or a resolution varying such a resolution;
 - (c) by a standard condition; or
 - (d) by the amount of a fee or charge under section 22 (Fees and charges) of this Act,
- May appeal to a Magistrates Court acting for the area of the council.

11. Recommendation

Rescind the designating resolution for street trading Pitch 1736 on Villiers Street and vary the designating resolution for Pitch 1612 on Villiers Street.

List of Appendices

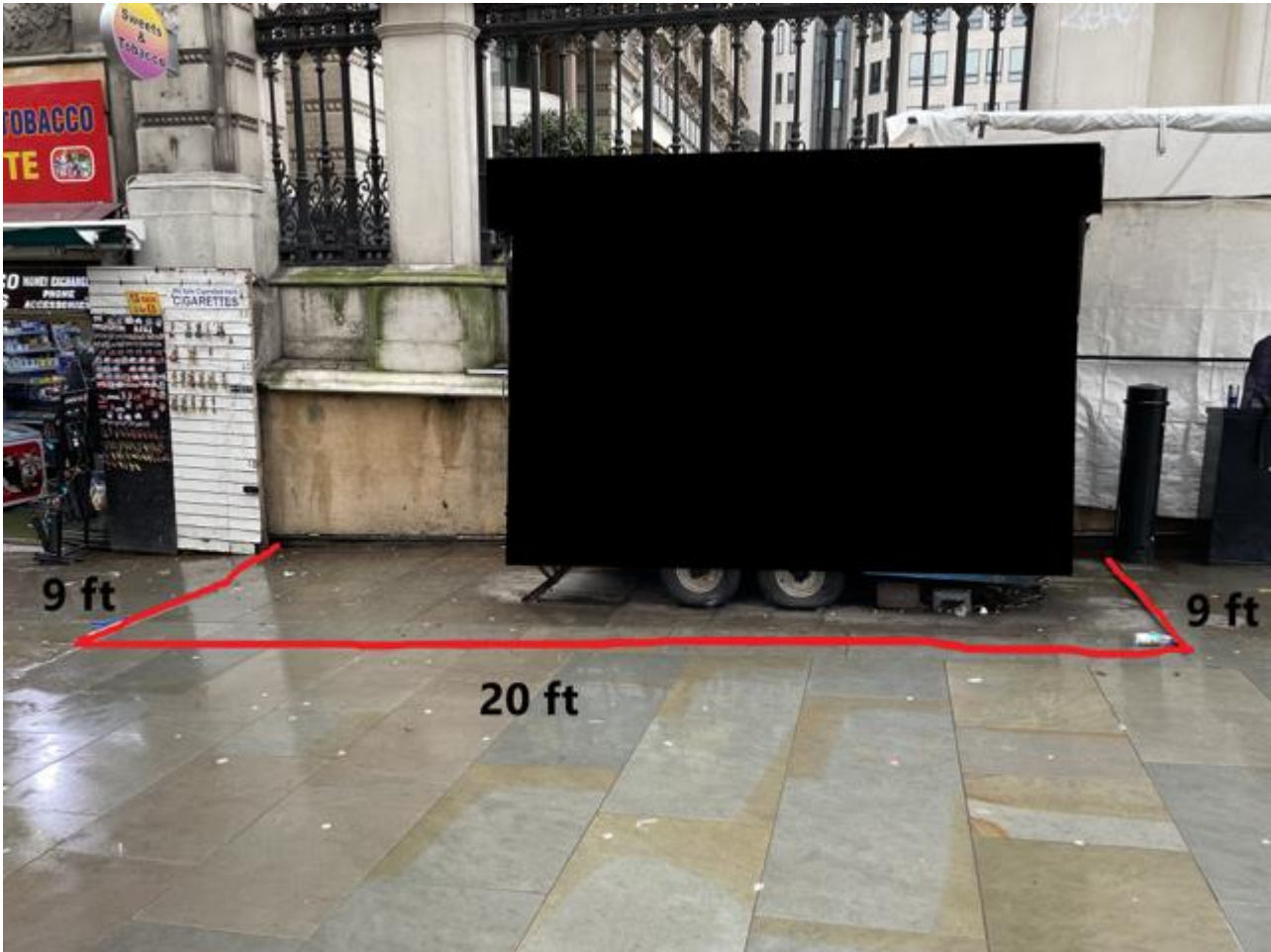
| | |
|-------------------|---|
| Appendix A | Image of the proposed Pitch |
| Appendix B | Consultation letter sent to one of the relevant parties |
| Appendix C | Consultation response from Licence Holder(s) and WESTA |
| Appendix D | Consultation response from Highways Planning |
| Appendix E | Notice of hearing sent to relevant parties |

If you have any questions about this report, or wish to inspect one of the background papers, please contact **Sana Butt** at sbutt@westminster.gov.uk

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

- City of Westminster Act 1999
- City of Westminster Statement of Street Licensing Policy adopted in December 2013
- Rules of Procedure for Licensing Sub-Committee
- Designating Resolution passed by the Council on 25 July 1990

Appendix A – Image of the proposed Pitch



Photograph supplied by WESTA. The red line shows the proposed varied size of pitch 1612

Appendix B - Consultation letter sent to relevant parties

From: [Butt, Sana: WCC](#)
To: [Hyams, Louise \(Cllr\): WCC](#); [Mitchell, Tim \(Cllr\): WCC](#); [Shearer, Mark \(Cllr\): WCC](#)
Cc: [street_tradinglicensing: WCC](#)
Bcc: [Pring, Shannon: WCC](#)
Subject: Notification of intent to: Rescind designation for Pitch 1736 Villiers Street & Vary designation for Pitch 1612 Villiers Street
Date: 22 December 2022 15:37:00
Attachments: [image002.png](#)
[image004.png](#)
[image001.wmx](#)
[image003.png](#)
[image008.jpg](#)

Dear St James's Councillors,

**INTENTION TO RESCIND DESIGNATION: PITCH 1736 VILLIERS STREET
INTENTION TO VARY THE DESIGNATION: PITCH 1612 VILLIERS STREET**

I write to inform you, in accordance with Section 6 of the City of Westminster Act 1999, that the City Council intends to rescind the designating resolution for street trading Pitch 1736 on Villiers Street and vary the designating resolution for Pitch 1612 on Villiers Street.

Pitch 1612 Villiers Street is located West side near junction with Strand 32' from back of Strand footway. The size of pitch is L15' (4.57m) W7' 6" (2.29m).

Pitch 1736 Villiers Street is located on the pedestrian area immediately South of licence pitch number 1612. The size of pitch is L10.6' (3.23m), W7' (2.13m).

The following image is a photograph of where the pitches are currently designated:

Reason: The licence holder for Pitch 1612 has requested that the designation of his pitch be varied from L: 15' x W: 7'6" (L: 4.57m x W: 2.29m) to L20' x W: 9' (L: 6.1m x W: 2.7m). The licence holder for Pitch 1736, who is not currently trading, will surrender his licence on completion of the de-designation of his pitch.

The Licensing Service is in support of this proposal in that by creating one pitch and reducing the overall area occupied by two pitches will significantly improve the Public

Realm area. Also, the licence holder for Pitch 1736 will not be adversely affected by surrendering his licence because he will continue to be supported by his son, the licence holder of Pitch 1612.

Anyone wishing to make representations about the Council's application should do so by **19 January 2023**. Representations can be made in writing to streettradinglicensing@westminster.gov.uk or alternatively to the address above.

Yours faithfully,

Sana Butt
Senior Licensing Officer - Street Trading Team
Public Protection & Licensing
Westminster City Council
City Hall
64 Victoria Street
15th floor
London
SW1E 6QP

07971920409
sbutt@westminster.gov.uk

Appendix C – Consultation response from Licence Holder(s) and WESTA

WEST END STREET TRADERS BRANCH
N.M.T.F.

THE OLD VICARAGE, LANGLEYBURY,
KINGS LANGLEY, HERTS WD4 8QR
FAX NUMBER: 0208 5915427– OFFICE: 020 8591 1004
Committee Chairman: Wally Watson. Secretary: Caroline Pattenden
Committee Members: Mark Impleton, Victoria Munroe
Stephen Burney, Peter Compobassi
Treasurer: Stephen Burney

BY EMAIL: sbutt@westminster.gov.uk

5 January 2023

Sana Butt
Senior Licensing Officer /Public Protection and Licensing
Westminster City Council
15th Floor, City Hall
64 Victoria Street
London SW1E 6QP

Dear Sana

INTENTION TO VARY DESIGNATION: PITCH 1612
INTENTION TO RESCIND DESIGNATION: PITCH 1736

Thank you for your notice advising that the Council intends to rescind the designating resolution for street trading from Pitch 1736 and vary the designating resolution for Pitch 1612 to increase the pitch size from L15' W7'6" to L20' W9'.

As you are aware, both Terry Palmer and Albert Palmer, the licence holders of Pitches 1612 and 1736 respectively, have agreed to the proposal to create one licensed street trading pitch at the location, and that the street trading licence for 1736 will be surrendered following the determination of the Council to vary the designation for Pitch 1612.

Accordingly, WESTA and on behalf of Terry and Albert Palmer support the proposal to rescind the designating resolution for Pitch 1736, and simultaneously vary the designating resolution for Pitch 1612 on the basis of your notice of 22 December 2022.

In your email of 22 December 2022, you provided a photograph of where the pitches are currently designated. I have attached a photograph showing the location of Pitch 1612 if the pitch was the proposed size of L20' W9". I hope this photograph will be helpful to the Licensing Sub-Committee, and also show how the change will enhance the area at the steps leading up to Charing Cross Station.

Yours sincerely



Wally Watson
Chairman – West End Street Trading Association

wallywatson@kws-imports.co.uk

Office 0208-591 1004
Mobile 07973210161

Appendix D – Consultation response from Highways Planning

From: [Dwyer, Sean: WCC](#)
To: [Butt, Sana: WCC](#)
Cc: [street_tradinglicensing: WCC](#)
Subject: RE: Notification of intent to: Rescind designation for Pitch 1736 Villiers Street & Vary designation for Pitch 1612 Villiers Street
Date: 23 January 2023 13:10:56
Attachments: [image003.png](#)
[image004.png](#)
[image006.wmz](#)
[image007.png](#)
[image008.png](#)
[image009.jpg](#)

Hi Sana

Thank you for consulting Highways Planning on this case.

I would support the proposals.

Having one pitch instead of two and with the one taking up less space on the highway than the existing two would seem to me to be an improvement from a highways point of view.

Sean

Sean Dwyer

Highways Planning Manager
City Highways
Environment and City Management
13th Floor City Hall,
64 Victoria Street, London, SW1E 6QP

Telephone/Mobile: 07971-093037
sdwyer@westminster.gov.uk

Appendix E – Notice of hearing sent to relevant parties

From: [Butt, Sana: WCC](#)
Cc: [street, tradinglicensing: WCC](#)
Bcc: [Dwyer, Sean: WCC](#); [Police General Licensing: WCC](#); [terrupalmer1983@yahoo.co.uk](#); [Wally Watson](#); [Hyams, Louise \(Cllr\): WCC](#); [Mitchell, Tim \(Cllr\): WCC](#); [Shearer, Mark \(Cllr\): WCC](#); [Pring, Shannon: WCC](#)
Subject: NOTICE OF HEARING - RESCIND DESIGNATION FOR PITCH 1736 VILLIERS STREET & VARY DESIGNATION FOR PITCH 1612 VILLIERS STREET
Date: 23 January 2023 12:23:00
Attachments: [RULES OF PROCEDURE LICENSING SUB COMMITTEE.pdf](#)
[image002.png](#)

Dear Sir/Madam,

REGULATION OF STREET TRADING INTENTION TO RESCIND DESIGNATION: PITCH 1736 VILLIERS STREET INTENTION TO VARY THE DESIGNATION: PITCH 1612 VILLIERS STREET

I am writing further to my email dated 22 December 2022 in respect of the proposal to rescind the designating resolution for street trading Pitch 1736 on Villiers Street and vary the designating resolution for Pitch 1612 on Villiers Street in accordance with Section 6 of the City of Westminster Act 1999.

The matter must now be considered by the Council's Licensing Sub-Committee on **16th February 2023. The meeting will begin at 10am and will be held in room 18:01, 18th Floor, City Hall, Victoria Street, London SW1E 6QP.** If you have any special requirements for access to this building e.g. wheelchair access, please contact the case officer on the telephone number or email address listed below.

I attach a copy of the Rules of Procedure for such meetings.

Please confirm by **10th February 2023** if you will be attending the meeting and the name(s) of anyone attending with you.

A copy of the report to be considered by the Sub-Committee will be sent to you a few days before the hearing.

Yours sincerely,

Sana Butt
Senior Licensing Officer - Street Trading Team
Public Protection & Licensing
Westminster City Council
City Hall
64 Victoria Street
15th floor
London
SW1E 6QP

07971920409
sbutt@westminster.gov.uk

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City of Westminster

Agenda Item 3. Licensing Sub-Committee Report

Item No:

Date:

16 February 2023

Licensing Ref No:

22/11453/LIPN - New Premises Licence

Title of Report:

Yole Ice Cream
Ground Floor
74 Shaftesbury Avenue
London
W1D 6NB

Report of:

Director of Public Protection and Licensing

Wards involved:

St James's

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: | 25 November 2022 | | |
| Applicant: | Mr Shamim Mia | | |
| Premises: | Yole Ice Cream | | |
| Premises address: | Ground Floor 74 Shaftesbury Avenue London W1D 6NB | Ward: | St James's |
| | | Cumulative Impact Zone: | West End |
| | | Special Consideration Zone: | None |
| Premises description: | The premises intends to sell low sugar ice cream treats to eat in or take out. | | |
| Premises licence history: | This is a new premises application and therefore no Premises Licence history exist. | | |
| Applicant submissions: | The applicant has provided a response to the Licensing Authority's representation which can be found under appendix 2 . | | |
| Applicant amendments: | Following consultation, the applicant amended the hours for Late Night Refreshment from 23:00 to 02:00 to 23:00 to 01:00 Monday to Sunday and the opening hours from 11:00 to 02:00 to 11:00 to 01:00 Monday to Sunday. | | |

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

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

2. Representations

| 2-A Responsible Authorities | |
|-------------------------------|---------------------|
| Responsible Authority: | Licensing Authority |
| Representative: | Karyn Abbott |
| Received: | 13 December 2022 |

I write in relation to the application submitted for a new premises licence for Ground Floor, 74 Shaftesbury Avenue, London, W1D 6NB.

As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011, the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the four Licensing Objectives:

- Public Nuisance
- Prevention of Crime & Disorder
- Public Safety
- Protection of children from harm

The application seeks the following:

Late Night Refreshment
Monday to Sunday 23:00 to 02:00

Opening Hours to Public
Monday to Sunday 11:00 to 02:00

The premises is located within the West End Cumulative Impact Area and as such various policy points must be considered, namely CIP1, HSR1 and FFP1.

At present, the operating hours applied for Late Night refreshment currently fall outside of Westminster's core hours under Policy HRS1. The Licensing Authority encourage that the applicant reduces the hours to be within Westminster's Core hours.

6. Pubs and bars, Fast Food and Music and Dance venues
Monday to Thursday: 10am to 11.30pm.
Friday and Saturday: 10am to Midnight.
Sunday: Midday to 10.30pm.
Sundays immediately prior to a bank holiday: Midday to Midnight.

The Licensing Authority note that the applicant has proposed that the operation of the premises will be a shop that sells low sugar ice-cream treats to eat in or take out. Due to the nature of the premises this application falls within Westminster's FFP1 (b, c, d) Policy that states.

B. It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone other than:

1. Applications to vary the existing licence hours within the council's Core Hours Policy HRS1, and/or,
2. Applications that seek to vary the existing licence so as to reduce the overall capacity of the premises.

C. The applications referred to in Clause B1 and B2 will generally be granted subject to:

1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.
2. The operation of any delivery services for alcohol and/or laternight

refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.

3. The application and operation of the venue continuing to meet the definition of a Fast Food Premises in Clause D.

D. For the purposes of this policy a Fast Food Premises is defined as:

1. A premises that provides late night refreshment, either by way of fast food over a counter, via a self-seating basis or take away for immediate consumption.

2. Food and drink are:

a. Available on the premises for self-selection.

b. Prepared on the premises.

c. Cooked or produced off the premises but brought to that premises in advance of its sale to customers.

3. The food and drink are provided in pre-sealed or open disposable packaging which is intended for immediate consumption.

4. A fast-food premises can provide a delivery service as part of its operation, however that service must be ancillary to the main function of the premises as defined within sub-clauses D,1 to D,3 above.

The Licensing Authority would like further submissions from the applicant to the questions below;

1. Besides Ice-Cream what else would the premises be selling?
2. Where will customers be able to consume their purchases inside the premises as it's not clear on the plan in regards to table and chairs?
3. Will there be delivery's involved?

The Licensing Authority has concerns regarding this application and encourages the applicant to provide further submissions on how the premises will be operated and controlled to have no adverse impact on the cumulative impact area.

Paragraph F56 states; Fast food premises which are open after 11pm can attract large groups of customers, many of whom have been consuming alcohol in pubs, bars, or night clubs sometimes some distance away. The congregation of people around these premises leads to additional noise and disturbance and further congestion in the area. Although premises which serve cold food and drink are not subject to licensing and may stay open all night, they are not so attractive to people who have been drinking as those providing hot food and drink. The council considers that the addition of hot fast food and hot drink adds to the attractiveness of premises to people who have been drinking and who are more likely to be involved in anti-social behaviour.

Paragraph F59 goes on to say. Applications within the West End Cumulative Impact Zone, where there is a presumption to refuse under this policy will be expected to demonstrate why their application should be permitted as an exception to this policy.

The Licensing Authority encourages the applicant to provide further submissions as to how the premises will not add to cumulative impact in the West End cumulative impact area, in accordance with policy CIP1.

Therefore, it is a decision for the Licensing Sub-Committee to determine whether the applicant has demonstrated any exceptional circumstances that would allow to depart from policy.

Please accept this as a formal representation.

| | |
|-------------------------------|------------------------------|
| Responsible Authority: | Environmental Health Service |
| Representative: | Sally Fabbricatore |
| Received: | 23 December 2022 |

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

The premises is situated in the West End Cumulative Impact Zone.

This representation is based on the Operating Schedule, and a layout plan submitted for the ground floor and basement titled with the address and dated 17/11/22.

The applicant is seeking to allow the provision of Late Night Refreshment 'indoors' from 23:00 – 02:00 hours Monday to Sunday.

I wish to make the following representation in relation to the above application, the provision and the hours proposed for Late Night Refreshment may cause an increase in Public Nuisance in the cumulative impact zone and may impact on Public Safety.

Further information has been provided, which is being considered, but further conditions may be proposed by Environmental Health in order to protect the Licensing Objectives. Clarification is also required regarding customer WC facilities, as it does not appear facilities are provided.

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

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

Further submissions received from the Environmental Health Service on 27 January 2023.

Thank you for meeting me on site yesterday Abudulla.

I believe there are just two representation, mine and the Licensing Authority.

Please find a copy of the licensing policy here [Licensing Policy - October 2021 FINAL \(13\).pdf](#)

The core hours for late night refreshment in Fast Food Venues are as follows:

- Monday to Thursday: 10am to 11.30pm.
- Friday and Saturday: 10am to Midnight.
- Sunday: Midday to 10.30pm.
- Sundays immediately prior to a bank holiday: Midday to Midnight

You mentioned you only wanted to sell late night refreshment until 01:00 hours and remain open until 02:00hours to allow for cleaning. Please confirm the hours you seek for licensable activity.

Please find my proposed conditions below:

1. There shall be no consumption of late night refreshment on the premises after midnight.
2. The number of persons permitted in the premises at any one-time (excluding staff) shall not exceed 10 persons.

3. 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.
4. 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.
5. No deliveries to the premises shall take place between (23.00) and (08.00) hours on the following day.
6. No deliveries from the premises, either by the licensee or a third party shall take place between (23:00) and (08:00) hours on the following day.
7. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
8. 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.
9. (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.
10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

Please let me know your thoughts on the above. Any questions please do not hesitate to ask.

A copy of the conditions agreed between the Environmental Health Service and the applicant can be found at appendix 4.

3. Policy & Guidance

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

Policy HRS1 applies

- A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.
- B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:
1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm.
 2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation.
 3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed.
 4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.
 5. The proposed hours when any music, including incidental music, will be played.
 6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises.
 7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.
 8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.
 9. The capacity of the premises.
 10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation.
 11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.
 12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.
 13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.
 14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days

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| | <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> <ol style="list-style-type: none"> 1. Casinos: Up to 24 hours a day whilst casino gaming is permitted by a premises licence under the Gambling Act 2005. 2. Cinemas, Cultural Venues and Live Sporting Premises: Monday to Sunday: 9am to 12am 3. Hotels: Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am. For the sale of alcohol to guests for consumption in hotel/guest rooms only: Anytime up to 24 hours. 4. Off licences: Monday to Saturday: 8am to 11pm. Sunday: 9am to 10.30pm. 5. Outdoor Spaces: Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am. 6. Pubs and bars, Fast Food and Music and Dance venues: Monday to Thursday: 10am to 11.30pm. Friday and Saturday: 10am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 12pm to 12am. 7. Qualifying Clubs: Monday to Thursday: 9am to 12am.. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am. 8. Restaurants: Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am. 9. Sexual Entertainment Venues and Sex Cinemas: Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am. <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 FFP1 Applies</p> | <p>A. Applications outside the West End Cumulative Zones will generally be granted subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities are within the council's Core Hours Policy HRS1. 3. The operation of any delivery services for alcohol and/or 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 meet the definition of a fast food premises in Clause D. <p>B. It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone other than:</p> |

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| | <p>1. Applications to vary the existing licence hours within the council's Core Hours Policy HRS1, and/or,</p> <p>2. Applications that seek to vary the existing licence so as to reduce the overall capacity of the premises.</p> <p>C. The applications referred to in Clause B1 and B2 will generally be granted subject to:</p> <p>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</p> <p>2. The operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.</p> <p>3. The application and operation of the venue continuing to meet the definition of a Fast Food Premises in Clause D.</p> <p>D. For the purposes of this policy a Fast Food Premises is defined as:</p> <p>1. A premises that provides late night refreshment, either by way of fast food over a counter, via a self-seating basis or take away for immediate consumption.</p> <p>2. Food and drink are:</p> <p>a. Available on the premises for self-selection.</p> <p>b. Prepared on the premises.</p> <p>c. Cooked or produced off the premises but brought to that premises in advance of its sale to customers.</p> <p>3. The food and drink are provided in pre-sealed or open disposable packaging which is intended for immediate consumption.</p> <p>4. A fast-food premises can provide a delivery service as part of its operation, however that service must be ancillary to the main function of the premises as defined within sub-clauses D,1 to D,3 above.</p> |
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4. Equality Implications

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

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

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

5. Appendices

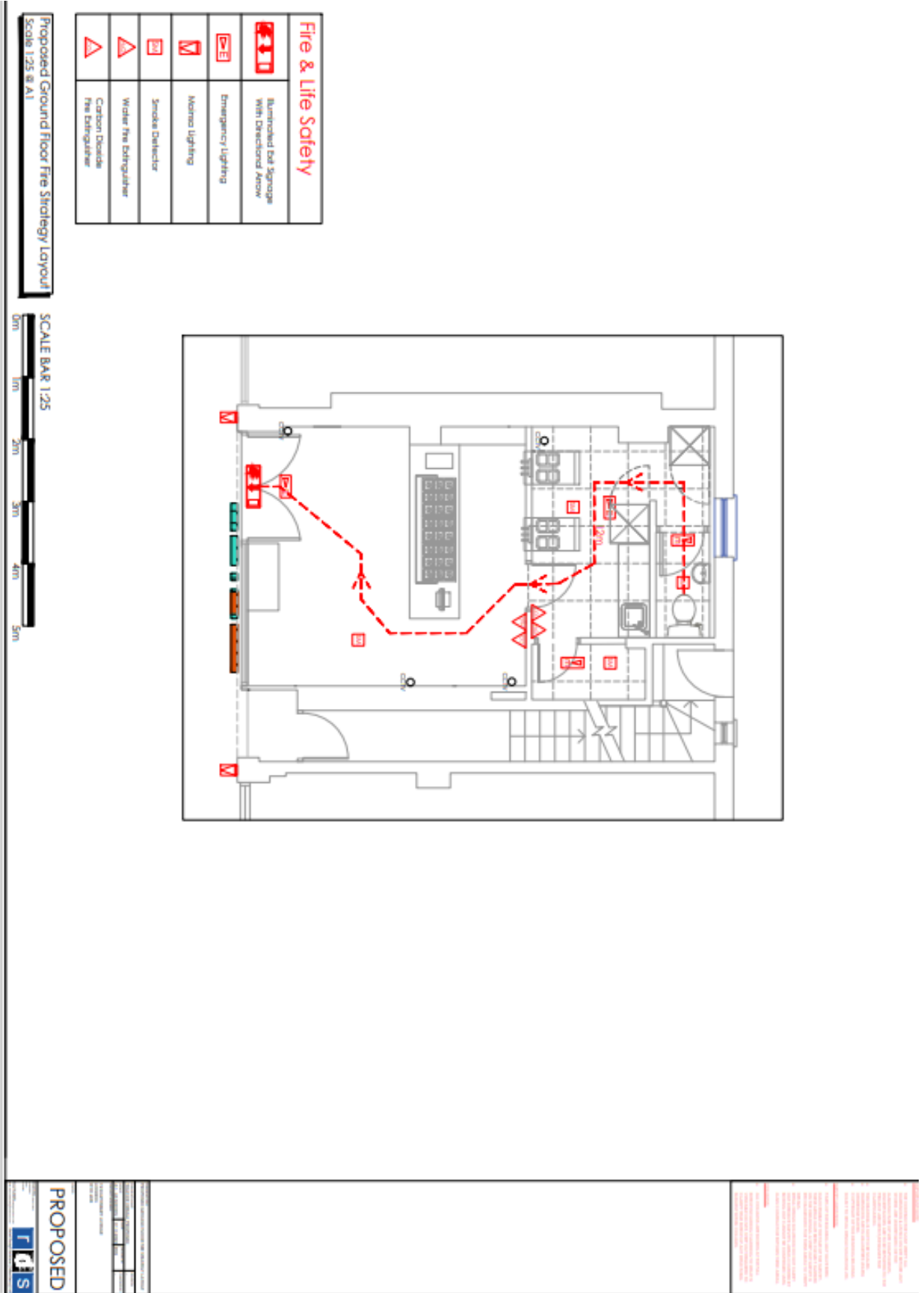
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|-------------------|--|
| Appendix 1 | Premises plans |
| Appendix 2 | Applicant supporting documents |
| Appendix 3 | Premises history |
| Appendix 4 | Proposed conditions |
| Appendix 5 | Residential map and list of premises in the vicinity |

| | |
|-----------------------|--|
| Report author: | 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 | 01 October 2021 |
| 3 | Amended Guidance issued under section 182 of the Licensing Act 2003 | April 2018 |
| 4 | Licensing Authority representation | 13 December 2022 |
| 5 | Environmental Health Service representation | 23 December 2022 |



Response from applicant to the Licensing Authority's representation.

Hi Karyn,

Hope your well,

Please see below highlighted in red for the answers to the questions, and just so I am clear we need to change the late night refreshment hours and state how we would promote the 4 licensing objectives, and how the premises will not add to cumulative impact in the west end.

Please let me know if there is anything else we need to address to be successful in the application.

4. Besides Ice-Cream what else would the premises be selling? **(Just Hot Beverages)**
5. Where will customers be able to consume their purchases inside the premises as it's not clear on the plan in regards to table and chairs? **(The Premises has some Chair And Tables for eating in)**
6. Will there be delivery's involved? **(No Deliveries)**

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

None

Conditions consistent with the operating schedule

None

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

1. There shall be no consumption of latenight refreshment on the premises after midnight.
2. The number of persons permitted in the premises at any one-time (excluding staff) shall not exceed 10 persons.
3. 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.
4. 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.
5. No deliveries to the premises shall take place between (23.00) and (08.00) hours on the following day.
6. No deliveries from the premises, either by the licensee or a third party shall take place between (23:00) and (08:00) hours on the following day.
7. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

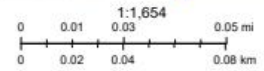
8. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23.00) hours and (08.00) hours on the following day.
9. (a) The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police 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.
10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

74 Shaftesbury Avenue, London, W1D 6NB



31/01/2023, 15:54:03

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



Resident Count 98

| Licensed premises with 75 metres of 74 Shaftesbury Avenue, London, W1D 6NB | | | | |
|---|----------------------------|---|----------------------|--|
| Licence Number | Trading Name | Address | Premises Type | Time Period |
| 16/04273/LIPCHT | Pho & Bun | 76 - 78 Shaftesbury Avenue London W1D 6NG | Restaurant | Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30 |
| 18/05198/LIPCH | Little Lamb | Basement And Ground Floor 72 Shaftesbury Avenue London W1D 6NA | Restaurant | Monday to Sunday; 10:00 - 23:30 |
| 22/05805/LIPDPS | The Eight | 68 - 70 Shaftesbury Avenue London W1D 6LY | Restaurant | Sunday; 11:00 - 04:00 Monday to Saturday; 10:00 - 04:00 |
| 20/09847/LIPN | Ruyi Chinese Restaurant | 18 Gerrard Street London W1D 6JF | Not Recorded | Sunday; 10:00 - 22:30 Monday to Thursday; 08:00 - 23:30 Friday to Saturday; 08:00 - 00:00 Sundays before Bank Holidays; 12:00 - 00:00 |
| 19/12735/LIPDPS | Lotus Garden | Basement To First Floor 15 - 16 Gerrard Street London W1D 6JB | Restaurant | Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30 |
| 15/11567/LIPDPS | Dumplings' Legend | Basement To First Floor 15 - 16 Gerrard Street London W1D 6JB | Restaurant | Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 03:00 |
| 22/03368/LIPDPS | Opium Dim Sum Parlour | Ground Floor Entrance And Second Floor To Fourth Floor 15 - 16 Gerrard Street London W1D 6JB | Leisure (other) | Sunday; 12:00 - 00:00 Monday to Saturday; 12:00 - 03:00 |

| | | | | |
|-----------------|---------------------------|---|------------------------|--|
| 18/15565/LIPRW | Olle Restaurant | Basement And Ground Floor 84-88 Shaftesbury Avenue London W1D 6NH | Restaurant | Sunday; 12:00 - 23:00 Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30 Sundays before Bank Holidays; 12:00 - 00:00 |
| 21/11055/LIPDPS | Rasa Sayang Restaurant | 5 Macclesfield Street London W1D 6AY | Restaurant | Sunday; 11:00 - 23:30 Monday to Saturday; 11:00 - 00:00 |
| 20/07900/LIPDPS | Le Hanoi | 4 Macclesfield Street London W1D 6AX | Restaurant | Sunday; 12:00 - 23:00 Monday to Saturday; 10:00 - 23:30 |
| 16/10458/LIPVM | Plum Valley | 20 Gerrard Street London W1D 6JQ | Restaurant | Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30 |
| 20/05973/LIPT | Shuang Shuang | 64 Shaftesbury Avenue London W1D 6LU | Restaurant | Monday; 10:00 - 00:30 Tuesday; 10:00 - 00:30 Wednesday; 10:00 - 00:30 Thursday; 10:00 - 00:30 Friday; 10:00 - 00:30 Sunday; 12:00 - 00:00 |
| 18/08305/LIPN | Not Recorded | Ground Floor 65 Shaftesbury Avenue London W1D 6LD | Restaurant | Sunday; 12:00 - 22:30 Monday to Saturday; 12:00 - 23:00 |
| 22/10902/LIPDPS | Century Club | 61 - 63 Shaftesbury Avenue London W1D 6LG | Club or institution | Sunday; 08:00 - 01:00 Monday to Saturday; 08:00 - 01:30 |
| 21/10660/LIPT | Bella Italia | 63 Shaftesbury Avenue London W1D 6LQ | Restaurant | Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30 |

| | | | | |
|-----------------|-------------------------------|--|---------------------------|--|
| 21/14004/LIPDPS | Bella Italia | 63 Shaftesbury Avenue London W1D 6LQ | Restaurant | Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30 |
| 17/03204/LIPDPS | Kowloon Restaurant | Basement And Ground Floor Gerrard Mansions 21 - 22 Gerrard Street London W1D 6JH | Restaurant | Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30 |
| 17/03088/LIPVM | The Piccadilly London Soho | 69 Shaftesbury Avenue London W1D 6EX | Hotel, 3 star or under | Monday to Sunday; 00:00 - 00:00 |
| 15/04586/LIPDPS | Vietnamese Restaurant | 36 Wardour Street London W1D 6QT | Restaurant | Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30 |
| 16/06186/LIPN | Viet Food | 34-36 Wardour Street London | Restaurant | Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30 |
| 20/04624/LIPVM | Preto | 71-73 Shaftesbury Avenue London W1D 6LN | Restaurant | Monday; 10:00 - 00:30 Tuesday; 10:00 - 00:30 Wednesday; 10:00 - 00:30 Thursday; 10:00 - 00:30 Friday; 10:00 - 00:30 Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00 |
| 22/00165/LIPT | Pataka | 53 Shaftesbury Avenue London W1D 6LB | Not Recorded | Monday; 10:00 - 00:30 Tuesday; 10:00 - 00:30 Wednesday; 10:00 - 00:30 Thursday; 10:00 - 00:30 Friday; 10:00 - 00:30 Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00 |

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|-----------------|--------------------------|---|----------------------------------|---|
| 06/07153/WCCMAP | Crispin's Food & Wine | 90 - 92 Shaftesbury Avenue London W1D 5EA | Shop | Monday to Sunday; 08:00 - 05:00 |
| 22/06552/LIPVM | De Hems Public House | 11 Macclesfield Street London W1D 5BW | Pub or pub restaurant with lodge | Monday; 07:00 - 00:30 Tuesday; 07:00 - 00:30 Wednesday; 07:00 - 00:30 Thursday; 07:00 - 00:30 Friday; 07:00 - 00:30 Saturday; 07:00 - 00:30 Sunday; 07:00 - 00:00 |
| 19/07471/LIPVM | Monga Fried Chicken | Basement And Ground Floor 12 Macclesfield Street London W1D 5BP | Restaurant | Sunday; 12:00 - 01:00 Monday to Saturday; 10:00 - 01:00 |
| 19/08394/LIPDPS | Tiangfu | 14 Gerrard Street London W1D 5PT | Shop | Sunday; 11:00 - 22:30 Monday to Saturday; 11:00 - 23:00 |
| 21/01866/LIPV | Royal China Restaurant | 30 Gerrard Street London W1D 6JS | Restaurant | Monday to Sunday; 12:00 - 03:00 |
| 22/06081/LIPN | One Plus | 31 Gerrard Street London W1D 6JT | Restaurant | Saturday; 11:00 - 00:00 Sunday; 11:00 - 22:30 Monday to Thursday; 11:00 - 23:00 |
| 14/01226/LIPT | Golden Dragon Restaurant | 28 - 29 Gerrard Street London | Restaurant | Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30 |
| 06/08810/WCCMAP | Far East Restaurant | Ground Floor 13 Gerrard Street London W1D 5PS | Restaurant | Monday to Sunday; 23:00 - 05:00 |
| 18/08208/LIPN | Far East | Ground Floor 13 Gerrard Street London W1D 5PS | Not Recorded | Monday to Sunday; 09:00 - 05:00 |

| | | | | |
|-----------------|-----------------------------|---|------------------------|---|
| 19/16307/LIPDPS | Experimental Cocktail Club | First Floor And Second Floor 13 Gerrard Street London W1D 5PS | Night clubs and discos | Sunday; 09:00 - 02:00 Monday to Saturday; 09:00 - 03:30 Sundays before Bank Holidays; 09:00 - 02:30 |
| 19/05239/LIPDPS | Four Seasons | 12 Gerrard Street London W1D 5PR | Restaurant | Monday to Sunday; 09:00 - 03:30 |
| 19/12509/LIPDPS | London Chinatown Restaurant | 27 Gerrard Street London W1D 6JN | Restaurant | Sunday; 12:00 - 23:00 Monday to Saturday; 10:00 - 23:30 |
| 15/03177/LIPDPS | Gerrard's Corner | 25 Gerrard Street London W1D 6JL | Restaurant | Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30 |
| 21/01613/LIPDPS | Gold Mine Restaurant | 45 Wardour Street London W1D 6PZ | Restaurant | Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30 |
| 17/14772/LIPN | The Shan State | 100 - 102 Shaftesbury Avenue London W1D 5EE | Restaurant | Monday to Sunday; 12:00 - 23:30 |
| 22/07042/LIPDPS | China Exchange | Gerrard Building 32-35 Gerrard Street London W1D 6JA | Miscellaneous | Monday to Sunday; 10:00 - 22:00 |
| 06/13240/WCCMAP | Mr Wu Restaurant | 28 Wardour Street London W1D 6QN | Restaurant | Monday to Sunday; 11:00 - 00:00 |
| 22/03235/LIPDPS | Gerrys Club | Basement 52-53 Dean Street London W1D 5BJ | Club or institution | Sunday; 12:00 - 23:00 Monday to Saturday; 10:00 - 03:30 |
| 15/07793/LIPDPS | Little Four Seasons | Basement To First Floor 11 Gerrard Street London W1D 5PP | Restaurant | Sunday; 11:00 - 01:00 Monday to Saturday; 11:00 - 00:00 |
| 17/14804/LIPV | Young Cheng Restaurant | 39 Wardour Street London W1D 6PX | Restaurant | Sunday; 12:00 - 23:00 Monday to Saturday; 10:00 - 23:30 |

| | | | | |
|-----------------|--------------------------|--|--------------------------------|--|
| 22/09788/LIPDPS | New Fook Lam Moon | Basement And Ground Floor 10 Gerrard Street London W1D 5PW | Restaurant | Monday to Sunday; 10:00 - 01:00 |
| 16/07026/LIPCH | Golden Lion Public House | 51 Dean Street London W1D 5BH | Public house or pub restaurant | Sunday; 07:00 - 23:00 Sunday; 07:00 - 00:00 Monday to Thursday; 07:00 - 23:30 Monday to Saturday; 07:00 - 00:30 Friday to Saturday; 07:00 - 00:00 |
| 19/05809/LIPDPS | ER MEI | Basement And Ground Floor 6-7 Lisle Street London WC2H 7BG | Not Recorded | Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30 |
| 22/12093/LIPDPS | ONeills Public House | 33 Wardour Street London W1D 6PU | Public house or pub restaurant | Sunday; 08:00 - 02:00 Monday to Tuesday; 08:00 - 02:30 Wednesday to Saturday; 08:00 - 03:30 Sundays before Bank Holidays; 08:00 - 02:30 |
| 14/01871/LIPDPS | Wong Kei Restaurant | 41-43 Wardour Street London W1D 6PY | Restaurant | Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30 |
| 16/00578/LIPDPS | MW Buffet | 58-60 Shaftesbury Avenue London W1D 6LS | Restaurant | Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30 |
| 19/12738/LIPDPS | Golden Phoenix | 37-38 Gerrard Street London W1D 5QB | Restaurant | Sunday; 12:00 - 01:00 Monday to Saturday; 10:00 - 02:00 |

| | | | | |
|-----------------|------------------|---|--------------------------------|---|
| 22/07505/LIPDPS | Slug And Lettuce | Ground 5 Lisle Street London WC2H 7BF | Public house or pub restaurant | Sunday; 07:00 - 23:00 Monday to Wednesday; 07:00 - 23:20 Thursday to Saturday; 07:00 - 00:30 |
| 21/05153/LIPVM | Macellaio RC | 39 - 45 Shaftesbury Avenue London W1D 6LA | Restaurant | Monday; 08:00 - 00:00 Tuesday; 08:00 - 00:00 Wednesday; 08:00 - 00:00 Thursday; 08:00 - 00:00 Friday; 08:00 - 00:30 Saturday; 08:00 - 00:30 Sunday; 08:00 - 23:00 |
| 20/05564/LIPT | Cafe Monico | 39 - 45 Shaftesbury Avenue London W1D 6LA | Not Recorded | Monday; 08:00 - 00:00 Tuesday; 08:00 - 00:00 Wednesday; 08:00 - 00:00 Thursday; 08:00 - 00:00 Friday; 08:00 - 00:30 Saturday; 08:00 - 00:30 Sunday; 08:00 - 23:00 |

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City of Westminster

Licensing Sub-Committee Report

| | |
|--------------------|---|
| Item No: | |
| Date: | 16 February 2023 |
| Licensing Ref No: | 22/11544/LIPV - Premises Licence Variation |
| Title of Report: | Pachamama Bar + Kitchen 18 Thayer Street London W1U 3JY |
| Report of: | Director of Public Protection and Licensing |
| Wards involved: | Marylebone |
| Policy context: | City of Westminster Statement of Licensing Policy |
| Financial summary: | None |
| Report Author: | Kevin Jackaman Senior Licensing Officer |
| Contact details | Telephone: 0207 641 6500 Email: kjackaman@westminster.gov.uk |

| | | | |
|-----------------------------------|---|------------------------------------|------------|
| 1. | Application | | |
| 1-A | Applicant and premises | | |
| Application Type: | Variation of a Premises Licence, Licensing Act 2003 | | |
| Application received date: | 29 November 2022 | | |
| Applicant: | CRG London Ltd | | |
| Premises: | Pachamama Bar + Kitchen | | |
| Premises address: | 18 Thayer Street London W1U 3JY | Ward: | Marylebone |
| | | Cumulative Impact Area: | None |
| | | Special Consideration Zone: | None |
| Premises description: | The premises trade as a peruvian restaurant | | |
| Variation description: | <p>We would like to increase the number seats in the entire premise by 16. Therefore, making the entire number of seats available 116.</p> <p>We would like to extend the operating hours on Monday - Thursday from 10:00 - 23:30 to 10:00 - 00:00. We would also like to change Sundays and opening hours from 12:00 - 22:30 to 11:00 - 23:00.</p> <p>Also as Seasonal Variation on Sundays Before Bank Holidays from 12:00 - 00:00 to 11:00 - 00:00.</p> <p>We would like to extend the hours of Sale by Retail of Alcohol on Sunday from 12:00 - 22:30 to 11:00 - 22:30. Also a Seasonal Variation on Sundays Before Bank Holidays from 12:00 - 00:00 to 11:00 - 00:00.</p> <p>Regarding Annex 3, Condition 9, as we propose to move the position of the bar shown on the plan 9962LIREV2, dated 15.06.2010, we would now like Annex 3, Condition 9 to be updated to refer to the new position of the bar on Plan number P101 P1 dated 02/12/2022.</p> <p>Regarding Annex 3, Condition 10, we will eliminate the bar lounge area and convert it into restaurant seating instead.</p> | | |
| Premises licence history: | <p>The premises have had the benefit of a premises licence since June 2010.</p> <p>The current premises licence reference is 16/12473/LIPDPS, a copy of which is attached as Appendix 1 of this report. A full premises history for premises appears at appendix 3</p> <p>There is also a shadow licence in respect of the premises held by the landlords, Starclass (Hinde House) Limited.</p> | | |

| | |
|-------------------------------|--|
| Applicant submissions: | None |
| Applicant amendments: | <p>Following consultation, the applicant has now withdrawn all aspects of the application save for an update of the Licensing layout plan attached to the licence and is no longer seeking to extend the licensable hours or capacity which will remain as per the current licence.</p> <p>The purpose of the application as it now stands is to regularise the plan attached to the premises licence to ensure that it correctly reflects the layout of the premises with a consequential amendment to the existing condition 9</p> |

| | | | | | | |
|---|--|---|-----------------------|-------------|------------------------|------------------|
| 1-B | Current and proposed licensable activities, areas and hours | | | | | |
| Regulated Entertainment | | | | | | |
| Late night refreshment | | | | | | |
| Indoors, outdoors or both | | | Current : | | | Proposed: |
| | | | Both | | | No change |
| | Current Hours | | Proposed Hours | | Licensable Area | |
| | Start: | End: | Start: | End: | Current: | Proposed: |
| Monday | 23:00 | 23:30 | No change | | Basement | No change |
| Tuesday | 23:00 | 23:30 | | | | |
| Wednesday | 23:00 | 23:30 | | | | |
| Thursday | 23:00 | 23:30 | | | | |
| Friday | 23:00 | 00:00 | | | | |
| Saturday | 23:00 | 00:00 | | | | |
| Sunday | N/A | | | | | |
| Seasonal variations/ Non-standard timings: | | Current: | | | Proposed: | |
| | | Sundays before a Bank Holiday 23:00 to 00:00 | | | No change | |

| | | | | | | |
|---|----------------------|---|-----------------------|-------------|------------------------|------------------|
| Sale by Retail of Alcohol | | | | | | |
| On or off sales | | | Current : | | | Proposed: |
| | | | On only | | | No change |
| | Current Hours | | Proposed Hours | | Licensable Area | |
| | Start: | End: | Start: | End: | Current: | Proposed: |
| Monday | 10:00 | 23:30 | No change | | Basement | No change |
| Tuesday | 10:00 | 23:30 | | | | |
| Wednesday | 10:00 | 23:30 | | | | |
| Thursday | 10:00 | 23:30 | | | | |
| Friday | 10:00 | 00:00 | | | | |
| Saturday | 10:00 | 00:00 | | | | |
| Sunday | 12:00 | 22:30 | | | | |
| Seasonal variations/ Non-standard timings: | | Current: | | | Proposed: | |
| | | Sundays before a Bank Holiday 12:00 to 00:00 | | | No change | |

| Hours premises are open to the public | | | | | | |
|---|---|-------|----------------|------|------------------|-----------|
| | Current Hours | | Proposed Hours | | Premises Area | |
| | Start: | End: | Start: | End: | Current: | Proposed: |
| Monday | 10:00 | 23:30 | No change | | Basement | No change |
| Tuesday | 10:00 | 23:30 | | | | |
| Wednesday | 10:00 | 23:30 | | | | |
| Thursday | 10:00 | 23:30 | | | | |
| Friday | 10:00 | 00:00 | | | | |
| Saturday | 10:00 | 00:00 | | | | |
| Sunday | 12:00 | 22:30 | | | | |
| Seasonal variations/ Non-standard timings: | Current: | | | | Proposed: | |
| | Sundays before a Bank Holiday 12:00 to 00:00 | | | | No change | |

| 1-C | Layout alteration |
|-----|--|
| | <ul style="list-style-type: none"> Relocating reception desk area (loose furniture) from middle to side of internal basement entrance area. Relocating main bar from vertical position (top left of plan) to horizontal position (top middle of plan) and relocating storage of alcohol. Reconfiguration of designated Bar Lounge area with additional table and chairs set up (no change to capacity). Reconfiguration of loose furniture (tables and chairs layout) (not required to be recorded on the plans) |

| 1-D | Conditions being varied (this is to reflect the change of plan number and date only) | |
|-----|---|--|
| | Condition 9 | Proposed variation |
| | Save for the Bar area (as shown on the plan, 9962LIREV2, dated 15.06.2010) alcohol shall only be served to persons seated at tables and the service of alcohol shall be by way of waitress/waiter service only and ancillary to a table meal. | Save for the Bar area (as shown on the plan, PMC P101 P1, dated 31/01/2023) alcohol shall only be served to persons seated at tables and the service of alcohol shall be by way of waitress/waiter service only and ancillary to a table meal. |
| | Adult entertainment: | Current position: |
| | | None |
| | | Proposed position: |
| | | No change |

| 2. | Representations |
|--|--|
| 2-A | Responsible Authorities |
| Responsible Authority: | Environmental Health |
| Representative: | Maxwell Koduah |
| Received: | 30 December 2022 (withdrawn 01 February 2023) |
| I refer to the variation Premises Licence for the above premises. The premises already benefits from a premises licence 16/12473/LIPDPS. | |

This representation is based on the Operating Schedule and layout plans that have been submitted for the basement floor, drawing number P101 and dated 02/12/2022.

The applicant is seeking the following:

1. To amend the layout to accommodate an extra 16 people.
2. To extend the hours for the Supply of Alcohol 'on' the premises on a Sunday from 12:00 - 22:30 to 11:00 - 22:30 hours. Also to allow a Seasonal Variation on Sundays before Bank Holidays from 12:00 - 00:00 to 11:00 -00:00 hours.
3. To amend the associated conditions (9,10, 11 and 12).

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

1. The change to the layout may cause an increase in Public Nuisance in the area and may impact on Public Safety.
2. The increase of hours of the Supply of Alcohol on a Sunday may cause an increase in Public Nuisance in the area.
3. The amendment of conditions may cause an increase in Public Nuisance in the area and may impact on Public Safety.

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

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

Based on the amendments to the application and following a site visit, Environmental Health withdrew their representation on 1 February 2023

| 2-B Other Persons | |
|---|--|
| Name: | [REDACTED] |
| Address and/or Residents Association: | [REDACTED] [REDACTED] [REDACTED] [REDACTED] |
| Received: | 26 December 2022 |
| <p>[REDACTED]. My flat is currently rented out. During the time that Pachamama has occupied this premises, I have also resided at the property. The restaurant repeatedly already violates its licence by not closing on time, late night noise, nuisance and abuse by drunken customers to the residents, many of whom, like myself are elderly. This is very intimidating.</p> <p>Extending the opening hours and capacity can only worsen this. A restaurant that is already in repeated violation of its licence cannot be rewarded with a new/extended licence and thereby rewarded for its violations - making a mockery of the licensing procedure. My tenants have also complained about the late night noise, disruption and mess from the restaurant. I object to this application being granted.</p> | |

| | |
|--|--|
| Name: | [REDACTED] |
| Address and/or Residents Association: | [REDACTED] [REDACTED] [REDACTED] [REDACTED] |
| Received: | 29 December 2022 |

I strongly object. This is a residential block - 34 individual flats

The entrance to the restaurant is at ground floor immediately beneath bedrooms for those who live in 14 Hinde St and 18 Thayer St and very close to 16 and 17 Thayer St.

Pachamama, the existing occupiers, have been tenants for more than 10 years. During that time we have had many issues including:

- Not closing at the appropriate time
- Drunk people mingling in the street from the restaurant late at night, with shouting and loud behaviour into the early hours.
- Customers and staff using the steps of Hinde House as places to 'hang out' and being abusive to residents when being asked to move
- Cigarette smoking outside the entrance
- Litter, including cigarette butts, being left in the street close to the entrances to our flats.

Westminster have an extensive file relating to various noise, litter, and general poor behaviour instances over the years.

In spite of much negotiation and promises, the reality is Pachmama have never taken seriously their obligations as a licence holder or neighbour.

WCC (Mary Pring) also has an official record of the incident last November when a drunk customer was left in a toilet when the restaurant was closed up which resulted in a smoke based alarm system being triggered at 4am and residents of Hinde House being forced to evacuate. It took hours before the residential area cleared of smoke.

Pachamama didn't think this this was sufficiently important to contact us to discuss the incident and offer to change their processes or alarm system.

In an ideal world, the opening hours would be reduced not extended.

Moreover extending the number of people by 16% means many more than an additional 16 people coming and going on a busy night.

This impacts the quality of life of those living close by very directly - please do not allow it to happen.

| | |
|--|--|
| Name: | [REDACTED] |
| Address and/or Residents Association: | [REDACTED] [REDACTED] [REDACTED] |
| Received: | 20 December 2022 |

I wish to object to extending the licensing hours of the restaurant.

[REDACTED]

There are extractor fans from the restaurant placed [REDACTED] on the flat roof above the restaurant.

These are noisy and smelly and I object strongly to this nuisance being extended for even more hours in the day, making it impossible to sleep.

| | |
|--|--|
| Name: | [REDACTED] |
| Address and/or Residents Association: | [REDACTED] [REDACTED] [REDACTED] [REDACTED] |
| Received: | 18 December 2022 |

I live in the block mid week and don't want more noise or late closings hindering my sleep or quiet enjoyment of my property.

The key areas of objection are as follows:

This is a residential block - 34 individual flats

The entrance to the restaurant is at ground floor immediately beneath bedrooms for those who live in 14 Hinde St and 18 Thayer St and very close to 16 and 17 Thayer St.

Those who live in this part of Hinde House will be very directly affected, but the rest of the building will also be impacted by noise, rubbish and an intensification of people using our entrances as places to sit.

Pachamama, the existing occupiers, have been tenants for more than 10 years. During that time we have had many issues including:

- Not closing at the appropriate time
- Drunk people mingling in the street from the restaurant late at night, with shouting and loud behaviour into the early hours.

Customers and staff using the steps of Hinde House as places to 'hang out' and being abusive to residents when being asked to move

Cigarette smoking outside the entrance

Litter, including cigarette butts, being left in the street close to the entrances to our flats.

| | |
|--|--|
| Name: | [REDACTED] |
| Address and/or Residents Association: | [REDACTED] [REDACTED] [REDACTED] [REDACTED] |
| Received: | 13 December 2022 (withdrawn 26 January 2023) |

The [REDACTED] objects to this licence variation because of the implications regarding PN1, prevention of public nuisance. The restaurant is located in the basement of a stretch of buildings entirely consisting of apartments on the first floors and above. These are not modern buildings and it is unlikely that the frontages give much protection from sounds in the street. Pachamama is a successful and rather lively restaurant attracting a young crowd who enjoy themselves immensely. The exit onto Thayer street is right under the apartments. There are also residential buildings in close proximity in Hinde Street. It is inevitable that customers exiting the premises will cause noise so we see no good reason why hours should be allowed beyond Core Hours in this residential neighbourhood. We have no objections to other aspects of the application.

Based on the amendments to the application the interested party withdrew their representation on 26 January 2023

| | |
|--|--|
| Name: | [REDACTED] |
| Address and/or Residents Association: | [REDACTED] [REDACTED] [REDACTED] [REDACTED] |
| Received: | 22 December 2022 |

I strongly object. This is a residential block - 34 individual flats

The entrance to the restaurant is at ground floor immediately beneath bedrooms for those who live in 14 Hinde St and 18 Thayer St and very close to 16 and 17 Thayer St.

Pachamama, the existing occupiers, have been tenants for more than 10 years. During that time we have had many issues including:

- Not closing at the appropriate time
- Drunk people mingling in the street from the restaurant late at night, with shouting and loud behaviour into the early hours.
- Customers and staff using the steps of Hinde House as places to 'hang out' and being abusive to residents when being asked to move
- Cigarette smoking outside the entrance
- Litter, including cigarette butts, being left in the street close to the entrances to our flats.

Westminster have an extensive file relating to various noise, litter, and general poor behaviour instances over the years.

In spite of much negotiation and promises, the reality is Pachmama have never taken seriously their obligations as a licence holder or neighbour.

WCC (Mary Pring) also has an official record of the incident last November when a drunk customer was left in a toilet when the restaurant was closed up which resulted in a smoke based alarm system being triggered at 4am and residents of Hinde House being forced to evacuate. It took hours before the residential area cleared of smoke.

Pachamama didn't think this this was sufficiently important to contact us to discuss the incident and offer to change their processes or alarm system.

In an ideal world, the opening hours would be reduced not extended.

Moreover extending the number of people by 16% means many more than an additional 16 people coming and going on a busy night.

This impacts the quality of life of those living close by very directly - please do not allow it to happen.

| | |
|--|--|
| Name: | [REDACTED] |
| Address and/or Residents Association: | [REDACTED] [REDACTED] [REDACTED] [REDACTED] |
| Received: | 19 December 2022 |

This is a residential block - 34 individual flats

The entrance to the restaurant is at ground floor immediately beneath bedrooms for those who live in 14 Hinde St and 18 Thayer St and very close to 16 and 17 Thayer St.

Pachamama, the existing occupiers, have been tenants for more than 10 years. During that

time we have had many issues including:

- Not closing at the appropriate time
- Drunk people mingling in the street from the restaurant late at night, with shouting and loud behaviour into the early hours.
- Customers and staff using the steps of Hinde House as places to 'hang out' and being abusive to residents when being asked to move
- Cigarette smoking outside the entrance
- Litter, including cigarette butts, being left in the street close to the entrances to our flats.

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| | |
|--|--|
| Name: | [REDACTED] |
| Address and/or Residents Association: | [REDACTED] [REDACTED] [REDACTED] |
| Received: | 23 December 2022 |

Please find details of my objections relating to the licensing application submitted by Pachamama.

This is a residential block - 34 individual flats

The entrance to the restaurant is at ground floor level immediately beneath bedrooms for those who live in 14 Hinde St and 18 Thayer St and very close to 16 and 17 Thayer St.

[REDACTED].

As I understand it, Pachamama, the existing occupiers, have been tenants for more than 10 years.

During this time, I believe there have been several issues and it would therefore seem entirely inappropriate to increase customer footfall and opening hours that are already considered antisocial in what is largely a residential building.

The current and already unmanaged issues (I believe) are as follows:

1. current opening hours are not respected.

2. Issues with excess alcohol use and departing customers demonstrating antisocial behaviours.
3. Reports of both customers and employees using the steps of Hinde House as place to gather. Creating distress and noise for residents
4. Cigarette smoking outside the entrance - which has the potential to have very serious H&S consequences. Fire risk has to be considered given the litter issues that are also prevalent.
5. Litter, including cigarette butts, being left in the street close to the entrances to our flats.

I am told that several reports relating to noise, litter, and antisocial behaviour have been filed with WCC.

As I understand it, there is also an official record of the incident last November which resulted in a smoke based alarm system being triggered at 4am and residents of Hinde House being forced to evacuate.

I believe this will have a significant impact on the health and well-being of the residents. There is already substantial evidence that current licensing arrangements are extremely problematic without perpetuating this issue further.

I object to all of what has been outlined for approval.

| | |
|--|--|
| Name: | ██████████ |
| Address and/or Residents Association: | ████████████████████ ████████████████████ ████████████████████ ██████████ |
| Received: | 21 December 2022 |

██
██████████

The entrance to the restaurant is at ground floor immediately beneath bedrooms for those who live in 14 Hinde St and 18 Thayer St and very close to our building which is very close.

- Pachamama, the existing occupiers, have been tenants for more than 10 years. During that time we have had many issues including:
- Not closing at the appropriate time
 - Drunk people mingling in the street from the restaurant late at night, with shouting and loud behaviour into the early hours.
 - Loud bottle collections at inhospitable hours
 - Litter, including cigarette butts, being left in the street close to the entrances to our flats.

Westminster have an extensive file relating to various noise, litter, and general poor behaviour instances over the years.

In spite of much negotiation and promises, the reality is Pachmama have never taken seriously their obligations as a licence holder or neighbour.

In an ideal world, the opening hours would be reduced not extended.

Moreover extending the number of people by 16% means many more than an additional 16 people coming and going on a busy night.

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| | |
|--|--|
| Name: | [REDACTED] |
| Address and/or Residents Association: | [REDACTED] [REDACTED] [REDACTED] [REDACTED] |
| Received: | 21 December 2022 |

Strongly object This is a residential block - 34 individual flats

The entrance to the restaurant is at ground floor immediately beneath bedrooms for those who live in 14 Hinde St and 18 Thayer St and very close to 16 and 17 Thayer St.

Pachamama, the existing occupiers, have been tenants for more than 10 years. During that time we have had many issues including:

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Pachamama didn't think this this was sufficiently important to contact us to discuss the incident and offer to change their processes or alarm system.

In an ideal world, the opening hours would be reduced not extended.

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| | |
|--|--|
| Name: | [REDACTED] |
| Address and/or Residents Association: | [REDACTED] [REDACTED] [REDACTED] [REDACTED] |
| Received: | 21 December 2022 |

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| | |
|--|--|
| Name: | [REDACTED] |
| Address and/or Residents Association: | [REDACTED] [REDACTED] [REDACTED] [REDACTED] |
| Received: | 21 December 2022 |

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| | |
|--|--|
| Name: | [REDACTED] |
| Address and/or Residents Association: | [REDACTED] [REDACTED] [REDACTED] [REDACTED] |
| Received: | 19 December 2022 |

This is a residential block - 34 individual flats

The entrance to the restaurant is at ground floor immediately beneath bedrooms for those who live in 14 Hinde St and 18 Thayer St and very close to 16 and 17 Thayer St.

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| | |
|--|--|
| Name: | [REDACTED] |
| Address and/or Residents Association: | [REDACTED] [REDACTED] [REDACTED] [REDACTED] |
| Received: | 21 December 2022 |

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In spite of much negotiation and promises, the reality is Pachmama have never taken seriously their obligations as a licence holder or neighbour.

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Moreover extending the number of people by 16% means many more than an additional 16 people coming and going on a busy night.

This impacts the quality of life of those living close by very directly - please do not allow it to happen.

| | |
|--|--|
| Name: | [REDACTED] |
| Address and/or Residents Association: | [REDACTED] [REDACTED] [REDACTED] [REDACTED] |
| Received: | 20 December 2022 |

[REDACTED]

When we bought the flat there was no restaurant on the site. The existence now of a restaurant on the site has severely reduced any enjoyment of the property both from a noise and environmental point of view. The application by Pachamama to further extend their licensing hours and increase the number of covers will have an even greater detrimental affect on our flat

and any enjoyment thereof. The buildings of which Pachamama is a part are, apart from a few select shops, residential.

The situation is bad enough at the moment due to drunken people in the street from the restaurant late into night, with shouting and unacceptable behaviour and language into the early hours.

[REDACTED]. The smoking area used is [REDACTED]. As a non-smoker I find this disgusting and a definite health hazard. The prospect of this going on even later into the night horrifies me.

Cigarette butts and other detritus (including broken glass) are often left in the street close to the entrances to the flats.

Customers and staff use the steps of Hinde House as a place to 'hang out'. It is not pleasant having to step between people who are 'the worse for wear' when accessing the building. In fact it can feel threatening, especially as a female.

I sincerely hope you reject this application. One of my many concerns is that this is only the start and that Pachamama will continue to apply for 'small' extensions in opening hours/increases in covers until they are open until 2 or 3 am!

| | |
|--|--|
| Name: | [REDACTED] |
| Address and/or Residents Association: | [REDACTED] [REDACTED] [REDACTED] [REDACTED] |
| Received: | 22 December 2022 |

I strongly object This is a residential block - 34 individual flats

The entrance to the restaurant is at ground floor immediately beneath bedrooms for those who live in 14 Hinde St and 18 Thayer St and very close to 16 and 17 Thayer St.

Pachamama, the existing occupiers, have been tenants for more than 10 years. During that time we have had many issues including:

- Not closing at the appropriate time
- Drunk people mingling in the street from the restaurant late at night, with shouting and loud behaviour into the early hours.
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| | |
|--|--|
| Name: | [REDACTED] |
| Address and/or Residents Association: | [REDACTED] [REDACTED] [REDACTED] [REDACTED] |
| Received: | 29 December 2022 |

Although I can't see the comments on this page, I am in agreement with other objectors over the issues of noise, nuisance and intensification based on greater capacity / extended hours.

| | |
|--|--|
| Name: | [REDACTED] |
| Address and/or Residents Association: | [REDACTED] [REDACTED] [REDACTED] [REDACTED] |
| Received: | 22 December 2022 |

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

| | |
|------------------|------------------|
| Received: | 19 December 2022 |
|------------------|------------------|

one of the main entrances to Thayer street flats is a constant area for staff to smoke and hang out - longer hours & more seating = more problems.

most important for me is the extra noise pollution anticipated

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

| | |
|------------------|------------------|
| Received: | 20 December 2022 |
|------------------|------------------|

I wish to object to extending the licensing hours of the restaurant.

[REDACTED]
There are extractor fans from the restaurant placed [REDACTED] on the flat roof above the restaurant.

These are noisy and smelly and I object strongly to this nuisance being extended for even more hours in the day, making it impossible to sleep.

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

| | |
|------------------|------------------|
| Received: | 22 December 2022 |
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| Received: | 19 December 2022 |

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| | |
|--|--|
| Name: | [REDACTED] |
| Address and/or Residents Association: | [REDACTED] [REDACTED] [REDACTED] |
| Received: | 21 December 2022 |

[REDACTED] of this residential block of 34 individual flats

The entrance to the restaurant is at ground floor immediately beneath bedrooms for those who live in 14 Hinde St and 18 Thayer St and very close to our building across the road.

Pachamama, the existing occupiers, have been tenants for more than 10 years. During that time we have had many issues including:

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| | |
|--|--|
| Name: | [REDACTED] |
| Address and/or Residents Association: | [REDACTED] [REDACTED] [REDACTED] |
| Received: | 20 December 2022 |

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| Received: | 19 December 2022 |

Neighbours in this building and nearby have written to the Council previously about the many negative issues arising from this restaurant tenant and the many breaches of their licence. We have been seriously considering bringing a challenge to the licence, in its existing form. If the Council were to consider approving this change of licence, we would immediately make a challenge. We have shared information with the Council and can resend photos, contemporaneous diary notes, letters of complaint to the Council (noise team, licensing team). There was an application for a shadow licence most recently and we shared the problems with the Council during that process.

[REDACTED] has written a more extensive objection. I fully support his views.

| | |
|--|--|
| Name: | [REDACTED] |
| Address and/or Residents Association: | [REDACTED] [REDACTED] [REDACTED] [REDACTED] |
| Received: | 20 December 2022 |

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| 3. | Policy & Guidance |
|-----------|------------------------------|

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

| | |
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| 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 |
|----------------------------|---|

| | |
|---------------------------------------|--|
| | <p>impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation.</p> <p>11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.</p> <p>12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.</p> <p>13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.</p> <p>14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.</p> <p>C. For the purpose of Clauses A and B above, the Core Hours for This application as defined within this policy is: 8. Restaurants: Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am.</p> |
| <p>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. |

| | |
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| | 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.

| | |
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| 5. | Appendices |
| Appendix 1 | Premises Licence |
| Appendix 2 | Updated premises plan |
| Appendix 3 | Premises history |
| Appendix 4 | Proposed conditions |
| Appendix 5 | Residential map and list of premises in the vicinity |

| | |
|-----------------------|---|
| Report author: | Kevin Jackaman Senior Licensing Officer |
| Contact: | Telephone: 0207 641 6500 Email: kjackaman@westminster.gov.uk |

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

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

| | | |
|-----------|---|---|
| 1 | Licensing Act 2003 | N/A |
| 2 | City of Westminster Statement of Licensing Policy | October 2021 |
| 3 | Amended Guidance issued under section 182 of the Licensing Act 2003 | December 2022 |
| 4 | Environmental Health representation | 30 December 2022 (withdrawn 01 February 2023) |
| 5 | Interested Party representation (1) | 26 December 2022 |
| 6 | Interested Party representation (2) | 29 December 2022 |
| 7 | Interested Party representation (3) | 20 December 2022 |
| 8 | Interested Party representation (4) | 18 December 2022 |
| 9 | Interested Party representation (5) | 13 December 2022 (withdrawn 26 January 2023) |
| 10 | Interested Party representation (6) | 22 December 2022 |
| 11 | Interested Party representation (7) | 19 December 2022 |
| 12 | Interested Party representation (8) | 23 December 2022 |
| 13 | Interested Party representation (9) | 21 December 2022 |
| 14 | Interested Party representation (10) | 21 December 2022 |
| 15 | Interested Party representation (11) | 21 December 2022 |
| 16 | Interested Party representation (12) | 21 December 2022 |
| 17 | Interested Party representation (13) | 19 December 2022 |
| 18 | Interested Party representation (14) | 21 December 2022 |
| 19 | Interested Party representation (15) | 20 December 2022 |
| 20 | Interested Party representation (16) | 22 December 2022 |
| 21 | Interested Party representation (17) | 29 December 2022 |
| 22 | Interested Party representation (18) | 22 December 2022 |
| 23 | Interested Party representation (19) | 19 December 2022 |
| 24 | Interested Party representation (20) | 20 December 2022 |
| 25 | Interested Party representation (21) | 22 December 2022 |
| 26 | Interested Party representation (22) | 23 December 2022 |
| 27 | Interested Party representation (23) | 19 December 2022 |
| 28 | Interested Party representation (24) | 21 December 2022 |
| 29 | Interested Party representation (25) | 20 December 2022 |
| 30 | Interested Party representation (26) | 19 December 2022 |
| 31 | Interested Party representation (27) | 20 December 2022 |



City of Westminster

64 Victoria Street, London, SW1E 6QP

Schedule 12
Part A

WARD: Marylebone High
Street
UPRN: 100023464496

Premises licence

Regulation 33, 34

Premises licence number:

16/12473/LIPDPS

Original Reference:

10/03054/LIPN

Part 1 – Premises details

Postal address of premises:

Pachamama Bar + Kitchen
18 Thayer Street
London
W1U 3JY

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Late Night Refreshment
Sale by Retail of Alcohol

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

Late Night Refreshment

| | |
|-------------------------------|----------------|
| Monday to Thursday: | 23:00 to 23:30 |
| Friday to Saturday: | 23:00 to 00:00 |
| Sundays before Bank Holidays: | 23:00 to 00:00 |

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 |
| Sundays before Bank Holidays: | 12:00 to 00:00 |

The opening hours of the premises:

| | |
|-------------------------------|----------------|
| Monday to Thursday: | 10:00 to 23:30 |
| Friday to Saturday: | 10:00 to 00:00 |
| Sunday: | 12:00 to 22:30 |
| Sundays before Bank Holidays: | 12:00 to 00:00 |

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

Alcohol is supplied for consumption on the Premises.

Part 2

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

CRG London Ltd
167-169
Great Portland Street
London
W1W 5PF

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

9013006

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

Name: Iskandarbek Narzibekov

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: 14/03923/LIPERS
Licensing Authority: City Of Westminster Council

Date: 13 December 2016

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

Annex 1 – Mandatory conditions

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.

Annex 2 – Conditions consistent with the operating Schedule

None

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

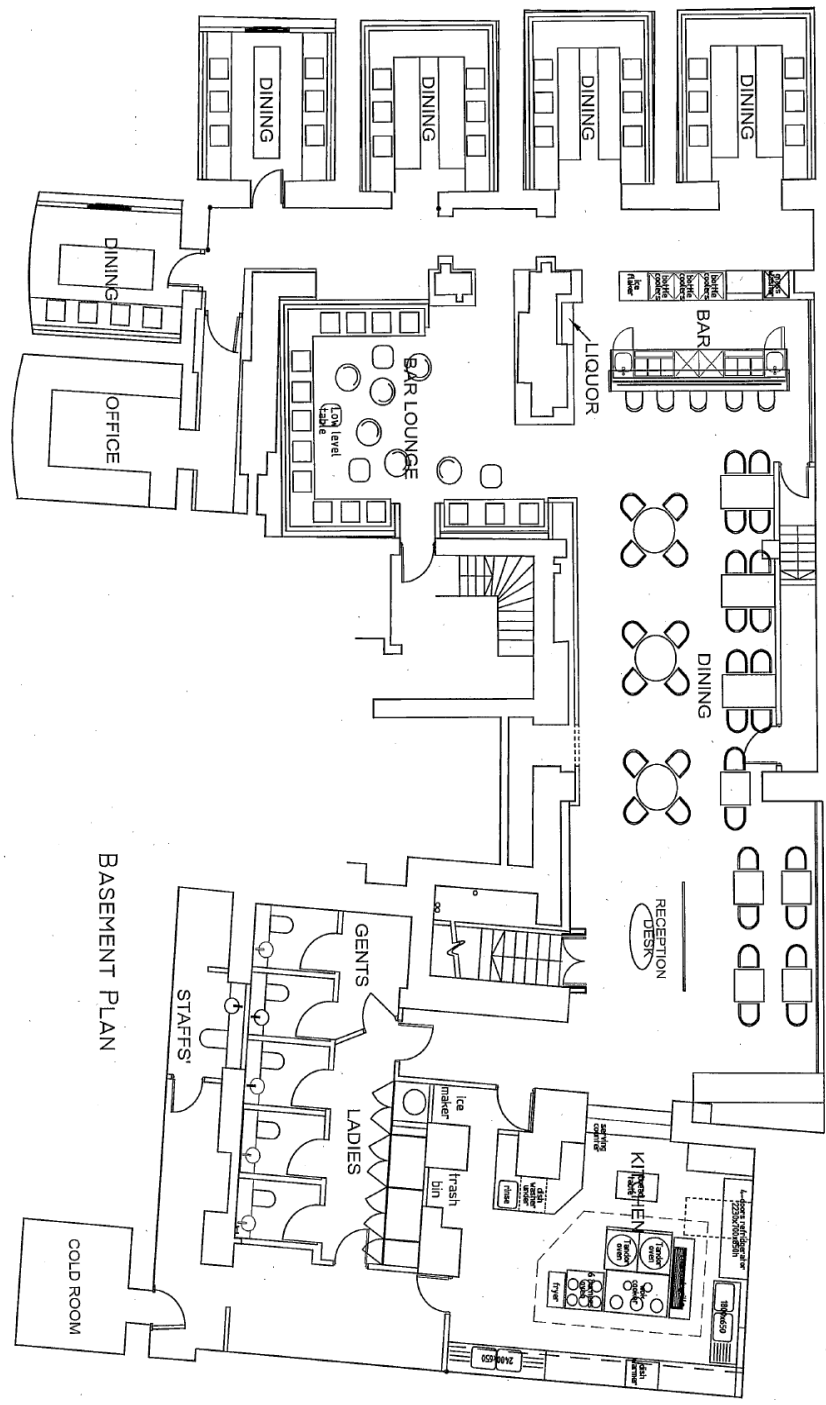
9. Save for the Bar area (as shown on the plan, 9962LIREV2, dated 15.06.2010) alcohol shall only be served to persons seated at tables and the service of alcohol shall be by way of waitress/waiter service only and ancillary to a table meal.
10. In the 'Bar Lounge' alcohol shall only be served to persons seated at tables and the service of alcohol shall be by way of waitress/waiter service only.
11. The provision of Alcohol 'On' the premises in the Bar area and in the Bar Lounge shall only be to persons having a drink before and/or after a table meal.
12. The maximum number of persons to be accommodated at any one time in the premises (exclusive of staff) shall be 100 with the following local maximums for each area of the premises:-
 - Bar: 6
 - Bar Lounge: 21
 - Restaurant: 73
13. Substantial food and non-intoxicating beverages shall be available throughout the permitted hours in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
14. 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.
15. Any entertainment, performance, service, or exhibition involving nudity or sexual stimulation which would come within the definition of a sex establishment in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Greater London Council (General Powers) Act 1986 (whether or not locally adopted), shall not be provided.
16. There shall be no striptease or nudity and all persons shall be decently attired at all times.
17. All patrons leaving the premises, whether to smoke or not, shall not take any open bottles or glasses with them and there shall be no consumption of drink outside the premises.
18. The highway and public spaces in the vicinity of the premises are kept free of litter from the premises at all material times to the satisfaction of the Council.
19. No rubbish including bottles will be moved, removed or placed in outside areas between 23:00 hours and 08:00 hours.
20. No deliveries of stock are to be received between 23:00 hours and 08:00 hours.
21. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
22. Loudspeakers shall not be located in the entrance area or outside the premises building.
23. Notices shall be prominently displayed at exits requesting persons to respect the needs of local residents and to leave the premises and area quietly.

24. The venue 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 venue 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.
25. 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 shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
26. There shall be no sales of alcohol for consumption off the premises.
27. There shall be no provision of late night refreshment for consumption off the premises.
28. 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 in the vicinity.

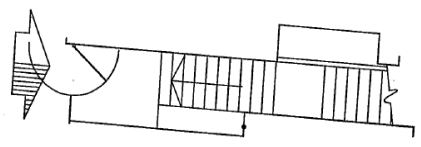
Annex 4 – Plans

Attached

Notes:
 Do Not Scale. All dimensions to be checked on site and verified with architect prior to construction.



BASEMENT PLAN



GROUND FLOOR PLAN

| | | |
|---|------------|------------------------|
| Rev 2 | 15-06-10 | Gents toilet separated |
| Rev 1 | 15-06-10 | |
| Top Concept Ltd. 45/46a, Strine Avenue, Offical Lane N, Greenway, Hilda, 086 9AL | | |
| Job Title Samarqand Restaurant Basement 18 Thoyr St, WU 3UY | | |
| Drawing Title Layout | | |
| Date | 15-06-2010 | 1:00 |
| Drawing No. | 9962 / LI | 2 |



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

Schedule 12
Part B

WARD: Marylebone High
Street
UPRN: 100023464496

Premises licence
summary

Regulation 33, 34

Premises licence number:

16/12473/LIPDPS

Part 1 – Premises details

Postal address of premises:

Pachamama Bar + Kitchen
18 Thayer Street
London
W1U 3JY

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Late Night Refreshment
Sale by Retail of Alcohol

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

Late Night Refreshment

| | |
|-------------------------------|----------------|
| Monday to Thursday: | 23:00 to 23:30 |
| Friday to Saturday: | 23:00 to 00:00 |
| Sundays before Bank Holidays: | 23:00 to 00:00 |

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 |
| Sundays before Bank Holidays: | 12:00 to 00:00 |

The opening hours of the premises:

| | |
|-------------------------------|----------------|
| Monday to Thursday: | 10:00 to 23:30 |
| Friday to Saturday: | 10:00 to 00:00 |
| Sunday: | 12:00 to 22:30 |
| Sundays before Bank Holidays: | 12:00 to 00:00 |

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

Alcohol is supplied for consumption on the Premises.

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

CRG London Ltd
167-169
Great Portland Street
London
W1W 5PF

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

9013006

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

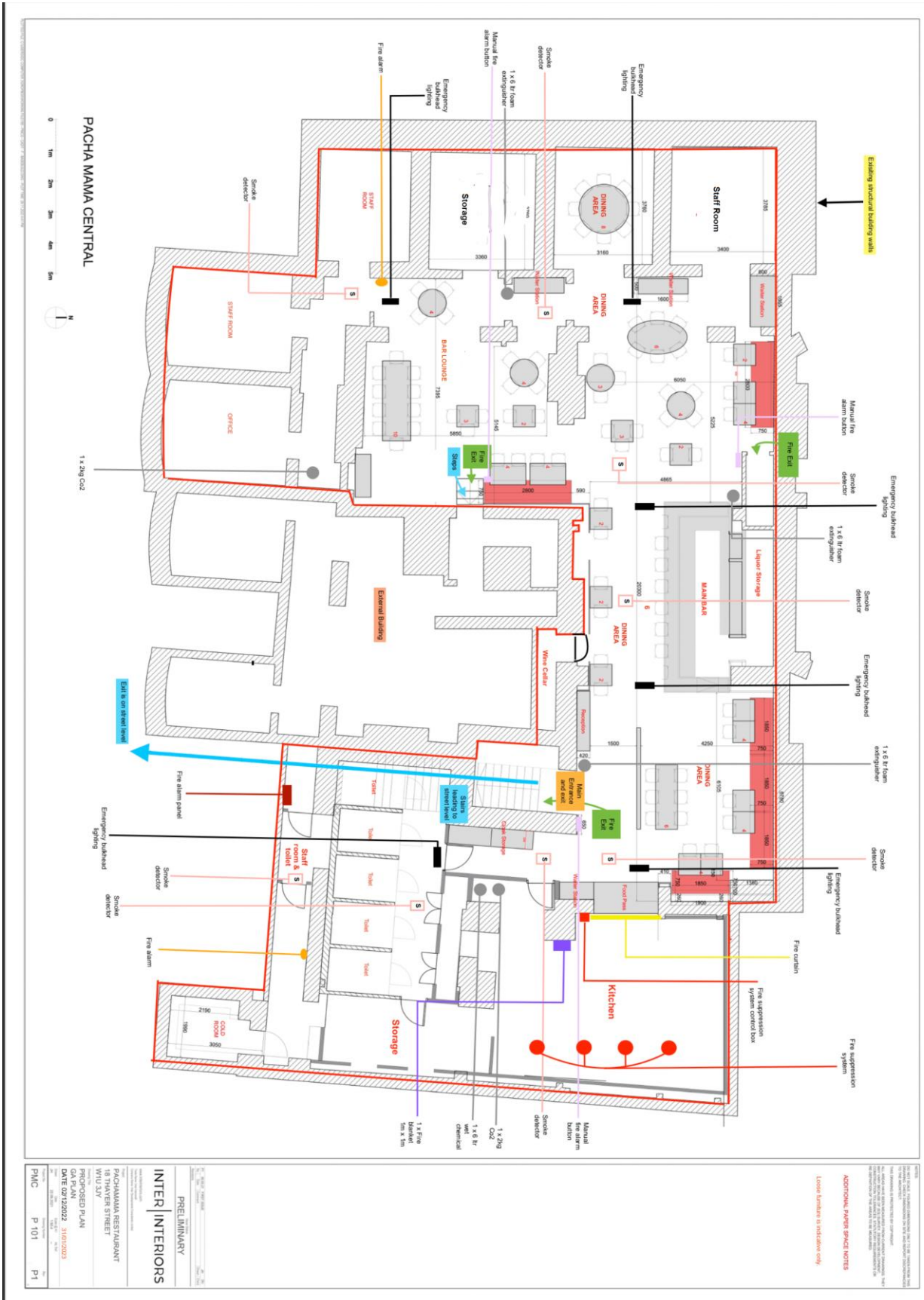
Name: Iskandarbek Narzibekov

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

Restricted

Date: 13 December 2016

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



Applicant Supporting Documents

Appendix 3

None

Licence & Appeal History

| Application | Details of Application | Date Determined | Decision |
|----------------------|---|---|---|
| 10/03054/LIPN | New premises licence | 17.06.2010 | Granted by Licensing Sub Committee |
| 14/09956/LIPT | Transfer - Samarquand Limited to CRG London Ltd | 04.02.2015 | Granted under delegated authority |
| 16/12473/LIPDPS | Variation of DPS | 13.12.2016 | Granted under delegated authority |
| 18/04021/LIPVM | Minor variation | Removal of conditions 9 and variation of condition 12 | Refused under delegated authority |
| 20/07866/LIPN | New premises licence (shadow licence on behalf of the landlord) | 18.11.2020 | Granted under delegated authority |

| Temporary Event Notices | Date of Event | Activities/Hours | Decision |
|--------------------------------|--------------------------|--|-----------------|
| 21/14444/LITENP | 01.01.2022 | Late night refreshment and Supply of Alcohol – 00:00 to 02:00 | Event permitted |
| 23/00618/LITENP | 07.02.2023 to 12.02.2023 | To permit the premises to trade to its normal trading hours pending determination of the current application | Event permitted |
| 23/00620/LITENP | 14.02.2023 to 16.02.2023 | To permit the premises to trade to its normal trading hours pending determination of the current application | Event permitted |

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 appropriate for the promotion of the licensing objectives.

This schedule lists those conditions which are consistent with the operating schedule, or proposed as appropriate 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

Conditions: On Current Licence -

Mandatory:

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;
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 - (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.

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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.

Annex 2 – Conditions consistent with the operating Schedule

None

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

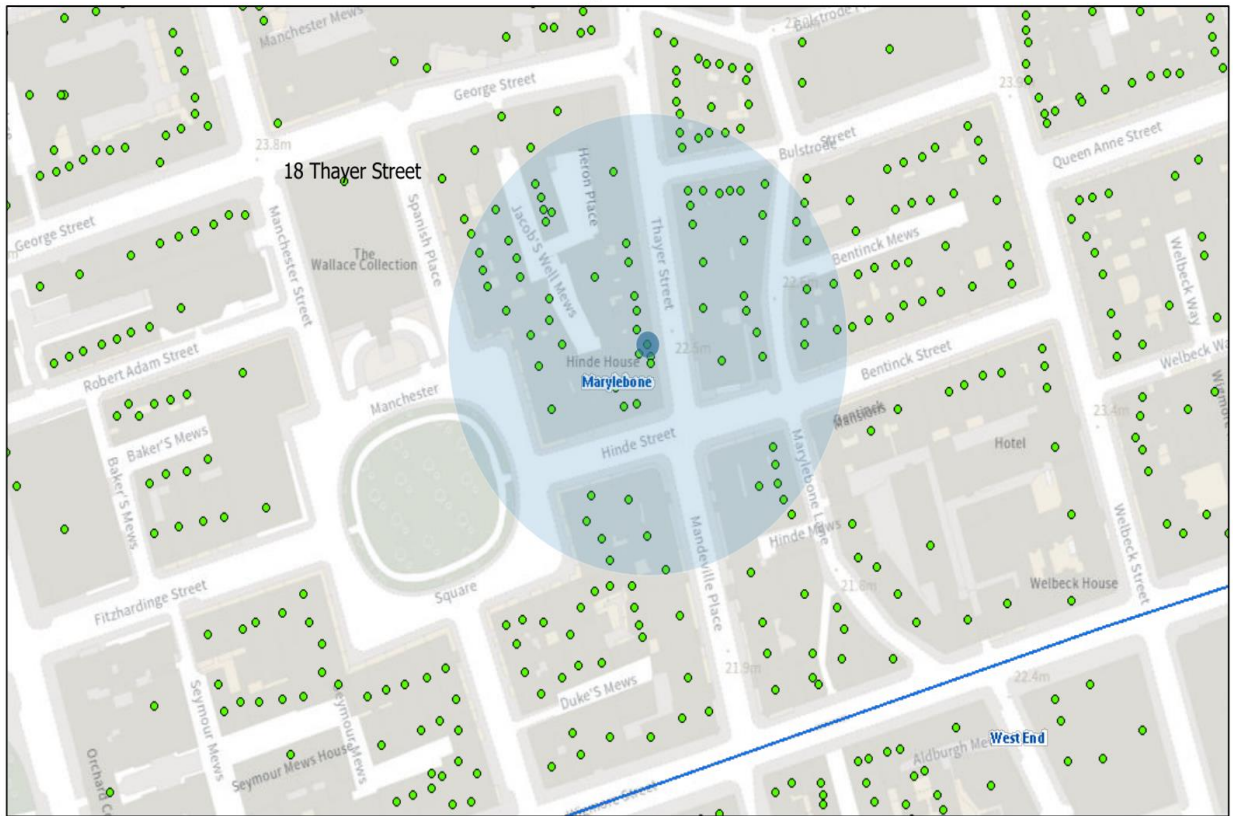
9. Save for the Bar area (as shown on the plan, 9962LIREV2, dated 15.06.2010) alcohol shall only be served to persons seated at tables and the service of alcohol shall be by way of waitress/waiter service only and ancillary to a table meal.

As a result of the change of plan, the applicant is proposing to amend condition 9 as follows:-

9. **Save for the Bar area (as shown on the plan, PMC P101 P1, dated 31/01/2023) alcohol shall only be served to persons seated at tables and the service of alcohol shall be by way of waitress/waiter service only and ancillary to a table meal.**
10. In the 'Bar Lounge' alcohol shall only be served to persons seated at tables and the service of alcohol shall be by way of waitress/waiter service only.
11. The provision of Alcohol 'On' the premises in the Bar area and in the Bar Lounge shall only be to persons having a drink before and/or after a table meal.
12. The maximum number of persons to be accommodated at any one time in the premises (exclusive of staff) shall be 100 with the following local maximums for each area of the premises:-
 - Bar: 6
 - Bar Lounge: 21
 - Restaurant: 73
13. Substantial food and non-intoxicating beverages shall be available throughout the permitted hours in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
14. 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.
15. Any entertainment, performance, service, or exhibition involving nudity or sexual stimulation which would come within the definition of a sex establishment in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Greater London Council (General Powers) Act 1986 (whether or not locally adopted), shall not be provided.
16. There shall be no striptease or nudity and all persons shall be decently attired at all times.
17. All patrons leaving the premises, whether to smoke or not, shall not take any open bottles or glasses with them and there shall be no consumption of drink outside the premises.
18. The highway and public spaces in the vicinity of the premises are kept free of litter from the premises at all material times to the satisfaction of the Council.
19. No rubbish including bottles will be moved, removed or placed in outside areas between 23:00 hours and 08:00 hours.
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21. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
22. Loudspeakers shall not be located in the entrance area or outside the premises building.
23. Notices shall be prominently displayed at exits requesting persons to respect the needs of local residents and to leave the premises and area quietly.
24. The venue 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 venue 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.
25. 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 shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
26. There shall be no sales of alcohol for consumption off the premises.
27. There shall be no provision of late night refreshment for consumption off the premises.
28. 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 in the vicinity.

18 Thayer Street



03/02/2023, 13:38:01

● Property Mailing List

Ward Labels

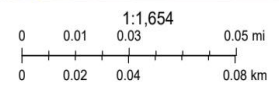
▨ Stress Areas

□ Borough Boundary - Mask

— Borough Boundary - Detailed

▭ Ward Boundaries

▨ Special Consideration Zones



Resident count: 172

Licensed premises within 75m of 18 Thayer Street, London, W1

| Licence Number | Trading Name | Address | Premises Type | Time Period |
|-----------------|-------------------------|--|----------------------------------|---|
| 20/07866/LIPN | Not Recorded | 18 Thayer Street London W1U 3JY | Restaurant | Sunday; 12:00 - 22:30 Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 |
| 16/12473/LIPDPS | Pachamama Bar + Kitchen | 18 Thayer Street London W1U 3JY | Public house or pub rest | Sunday; 12:00 - 22:30 Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sundays before Bank Holidays; 12:00 - 00:00 |
| 22/10653/LIPDPS | Nakanojo Marylebone | Basement To First Floor 13-14 Thayer Street London W1U 3JR | Restaurant | Sunday; 12:00 - 00:00 Sunday; 12:00 - 23:00 Monday to Saturday; 10:00 - 23:30 Monday to Saturday; 10:00 - 00:30 |
| 19/11922/LIPCH | Tommi's Burger Joint | Basement And Ground Floor 30 Thayer Street London W1U 2QP | Restaurant | Monday to Sunday; 10:00 - 23:30 |
| 17/03613/LIPN | Magnum News | 10 Thayer Street London W1U 3JN | Shop | Monday to Sunday; 07:00 - 23:00 |
| 22/08349/LIPDPS | The Coach Makers Arms | 88 Marylebone Lane London W1U 2PY | Pub or pub restaurant with lodge | Monday; 10:00 - 01:30 Tuesday; 10:00 - 01:30 Wednesday; 10:00 - 01:30 Thursday; 10:00 - 01:30 Friday; 10:00 - 01:30 |

| | | | | |
|-----------------|------------------------------|--|--|---|
| | | | | Saturday; 10:00 - 01:30 Sunday; 12:00 - 01:00 |
| 21/02464/LIPN | Diwan | 31 Thayer Street London W1U 2QR | Restaurant | Monday to Sunday; 08:00 - 01:00 |
| 06/10427/WCCMAP | Golden Eagle Public House | 59 Marylebone Lane London W1U 2NY | Pub or pub restaurant with lodge | Sunday; 12:00 - 23:00 Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 |
| 22/09542/LIPDPS | Ivy Cafe | 96 Marylebone Lane London W1U 2QA | Restaurant | Sunday; 09:00 - 00:30 Monday to Saturday; 08:00 - 01:30 |
| 17/07107/LIPD | Cocoro Restaurant | 31 Marylebone Lane London W1U 2NH | Restaurant | Sunday; 12:00 - 22:30 Monday to Saturday; 12:00 - 23:00 |
| 22/11779/LIPRW | Not Recorded | 98 Marylebone Lane London W1U 2QA | Shop | Friday; 09:00 - 00:30 Saturday; 09:00 - 00:30 Sunday; 09:00 - 23:00 Monday to Thursday; 09:00 - 00:00 |



City of Westminster

Licensing Sub-Committee Report

| | |
|--------------------|--|
| Item No: | |
| Date: | 16 February 2023 |
| Licensing Ref No: | 22/11509/LIPN - New Premises Licence |
| Title of Report: | Fifth & Sixth Floor 64 North Row London W1K 7DA |
| 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: | Roxsana Haq Senior Licensing Officer |
| Contact details | Telephone: 020 7641 6500 Email: rhaq@westminster.gov.uk |

| | | | |
|-----------------------------------|---|------------------------------------|----------|
| 1. | Application | | |
| 1-A | Applicant and premises | | |
| Application Type: | New Premises Licence, Licensing Act 2003 | | |
| Application received date: | 28 November 2022 | | |
| Applicant: | One Avenue Park Lane Limited | | |
| Premises: | Fifth & Sixth Floor | | |
| Premises address: | 64 North Row London W1K 7DA | Ward: | West End |
| | | Cumulative Impact Area: | None |
| | | Special Consideration Zone: | None |
| Premises description: | According to the application form these premises are serviced offices located on 5th & 6th Floor of 64 North Row, London. They provide a dedicated onsite support team, a full concierge service and bespoke spaces tailored to clients. They include a VIP Lounge Area, multiple boardrooms and kitchen / cafe area. | | |
| Premises licence history: | This application is for a new premises licence, and therefore no premises licence history exists. | | |
| Applicant submissions: | There have been no submissions from the applicant. | | |
| Applicant amendments: | There are no amendments. | | |

| | | | | | | | |
|---|---|-------------|------------|---------------------------------|------------|------------|------------|
| 1-B | Proposed licensable activities and hours | | | | | | |
| Sale by retail of alcohol | | | | On or off sales or both: | | | On sales |
| Day: | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
| Start: | 08:00 | 08:00 | 08:00 | 08:00 | 08:00 | 08:00 | 08:00 |
| End: | 22:00 | 22:00 | 22:00 | 22:00 | 22:00 | 22:00 | 22:00 |
| Seasonal variations/ Non-standard timings: | | | None. | | | | |

| | | | | | | | |
|---|------------|-------------|--|-------------|------------|------------|------------|
| Hours premises are open to the public | | | | | | | |
| Day: | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
| Start: | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| End: | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| Seasonal variations/ Non-standard timings: | | | These premises are not open to the public. | | | | |
| Adult Entertainment: | | | None | | | | |

| | |
|--|--------------------------------|
| 2. | Representations |
| 2-A | Responsible Authorities |
| Responsible Authority: | Environmental Health Service |
| Representative: | Maxwell Koduah |
| Received: | 6 December 2022 |
| <p>Fifth & Sixth Floor, Fifth Floor, 64 North Row, London, W1K 7DA</p> <p>I refer to the application for a new Premises Licence number for the above-mentioned premises. I have considered the information that you have provided within and accompanying this application. I have also considered the application in line with the relevant policies within the Councils Statement of Licensing Policy dated October 2021.</p> <p>Applicant is seeking supply alcohol for consumption on the premises Monday to Sunday 08:00 – 22:00 hours</p> <p>Following consideration of the application and how it may affect the Licensing Objectives and meeting the requirements of the Council’s Statement of Licensing Policy I wish to make the following representations:</p> <ol style="list-style-type: none"> 1. The supply of alcohol and the hours requested to supply alcohol may have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the area <p>As presented, the application would have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the Edgware Cumulative Impact area</p> <p>Conditions, to form part of the operating schedule, have been proposed to support the licensing objectives of Prevention of Public Nuisance and Public Safety. These conditions shall be discussed during a site visit to the premises.</p> <p>Proposed Environmental Health conditions to form part of the operating schedule</p> <ol style="list-style-type: none"> 1. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance 2. All windows and external doors shall be kept closed after 21:00 hours except for the immediate access and egress of persons 3. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times 4. Non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises 5. 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 | |

6. No deliveries to the premises shall take place between **23.00** and **08.00** hours on the following day
7. 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
8. 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
9. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means
10. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device
11. No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public

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

Maxwell Owusu Koduah
Environmental Health Officer

| | | | |
|---|--|-------------------------------|---------|
| 2-B | Other Persons | | |
| Name: | [REDACTED] | | |
| Address and/or Residents Association: | [REDACTED] [REDACTED] [REDACTED] [REDACTED] | | |
| Status: | Valid | In support or opposed: | Opposed |
| Received: | 19 December 2022 | | |
| Dear Sirs, | | | |
| <p>I write to inform you, as the owners of [REDACTED], that my wife and myself ([REDACTED]) strongly support [REDACTED] objections to an application for an alcohol licence, set out in an e-mail from [REDACTED] to yourselves dated 7 December 2022, under reference 21/11509/LIPN. Incidentally, our Flat is directly opposite that part of New Hereford House used for commercial purposes, who are the applicants for the licence. The lighting in their offices seem to be on all night, and granting them an alcohol license will presumably result in noise, to add to the light pollution we already have to bear.</p> | | | |
| Yours faithfully, [REDACTED] | | | |

| | | | |
|--|--|-------------------------------|---------|
| Name: | [REDACTED] | | |
| Address and/or Residents Association: | [REDACTED] [REDACTED] [REDACTED] | | |
| Status: | Valid | In support or opposed: | Opposed |
| Received: | 07 December 2022 | | |

I live in a residential building less than 20 meters from the proposed site for the license application. I am totally opposed to this application for the following reasons

- If there is any music going to be played at the site then this will disturb us until late in the night.
- There will be lights on at the site which will affect us until late in the night. Even now light pollution is a big problem from the site.
- People in the building will be able to look directly into my flat.

The proposed site is an office building and a license for serving alcohol is completely inappropriate and I hope the council will reject it.

| | | | |
|---|--|-------------------------------|---------|
| Name: | [REDACTED] | | |
| Address and/or Residents Association | [REDACTED] [REDACTED] [REDACTED] | | |
| Status: | Valid | In support of opposed: | Opposed |
| Received: | 05 December 2022 | | |

I would like to object to the application for the new premises license as it will be more intrusion into our apartments. The office already leaves the lights on all night which is disturbing and given the last few years of the pandemic our homes should be a place of solace and comfort.

| | | | |
|---|--|-------------------------------|---------|
| Name: | [REDACTED] | | |
| Address and/or Residents Association | [REDACTED] [REDACTED] [REDACTED] [REDACTED] | | |
| Status: | Valid | In support or opposed: | Opposed |
| Received: | 03 December 2022 | | |

North Row is a mixed residential as well as commercial area. My building is old, poorly insulated and certainly not sound proofed and is home for a wide range of young families with children and older people.

As a neighbour [REDACTED] of premises, I am concerned about privacy (windows at 64 do not all have blinds), and noise, mostly when people leave 64 by North Row exit.

The acoustics in the road are such that I can hear nearly everything people say from the street to the top of my building and would not appreciate this escalating, later at night as a result of the application being granted.

The presence of CCTV to monitor activity is welcomed and I am aware that security staff are present 24/7.

| | | | |
|--|------------------|-------------------------------|---------|
| Name: | | [REDACTED] | |
| Address and/or Residents Association: | | [REDACTED] | |
| Status: | Valid | In support or opposed: | Opposed |
| Received: | 07 December 2022 | | |

Normally 999 out of 1000 applications like this would pass on the nod with no discussion. Unfortunately, this is the exception since a number of issues arise with this application. I am therefore objecting in a personal capacity, [REDACTED] and as the [REDACTED] [REDACTED] on the grounds of nuisance, specifically light pollution.

To set the context; 64 North Row is the middle block of 3 making up what was originally known as Hereford House when it was the Head Office of C and A. Over time this building was converted into 3 separate blocks with 64 North Row being the middle block between two residential blocks. The eastern block, known as New Hereford House, was converted into residential in the late 90's and first occupied in 2000. I have been resident in that block since then. 20 of the flats in New Hereford House have their bedroom windows directly facing 64 North Row, mine included.

The problem is that there is only a short distance between the two blocks, 10 to 12 yards would be my guess. Up to and including the Covid lockdown there were occasional problems with lights being left on all night but a quiet word in the right ear was able to resolve this amicably. Since the current tenants have been in 64 North Row however we have faced serious problems with light pollution which we have been unable to resolve. The solution would be quite simple ie to fit blinds or curtains and to use them. I will forward by separate e-mails examples of the impact this failure has. There will be 3 separate e-mails.

Requests for a cooperative approach have been made to the Head Lessee and the Managing Agents without success. Earlier this year I decided to try a direct approach and google searched the Tenants and it appeared that the person responsible was [REDACTED] so I sent her an e-mail on 18th Feb asking for a meeting to discuss our problem. I will forward separately a copy of that e-mail. I received no response whatsoever.

When I did not get a reply to my e-mail, I did some further digging and became convinced that the room that was causing the problems was being advertised on their website as a bar. I could not find any trace of a licence, so I contacted Licensing Services to notify them of my concerns on 25th March.

I don't know what has been happening in the intervening period but now months later this application is made, and I note that the proposed licence holder is (presumably the same) [REDACTED] Having a licence is a serious and responsible matter and I would query whether the applicants have demonstrated the necessary gravitas needed. They have adopted a rather cavalier attitude throughout. I instance:-

Operating in such a way as to need a licence but doing so without the necessary licence and advertising this facility at the same time.

Operating knowing that they are causing a nuisance to neighbours and not being willing even to discuss how that might be mitigated.

Taking so much time to apply for a licence after they were made aware of the need for one.

Failure, at the time of making this submission, to comply with requirements regarding public notices.

In my view any of those factors are negatives in considering this application.

If however you are minded to grant then, as this application stands, I believe the following should be considered :-

1. Supplying a full set of conditions intended to apply.

2. Imposing limits of "customers" per licensed area and overall.

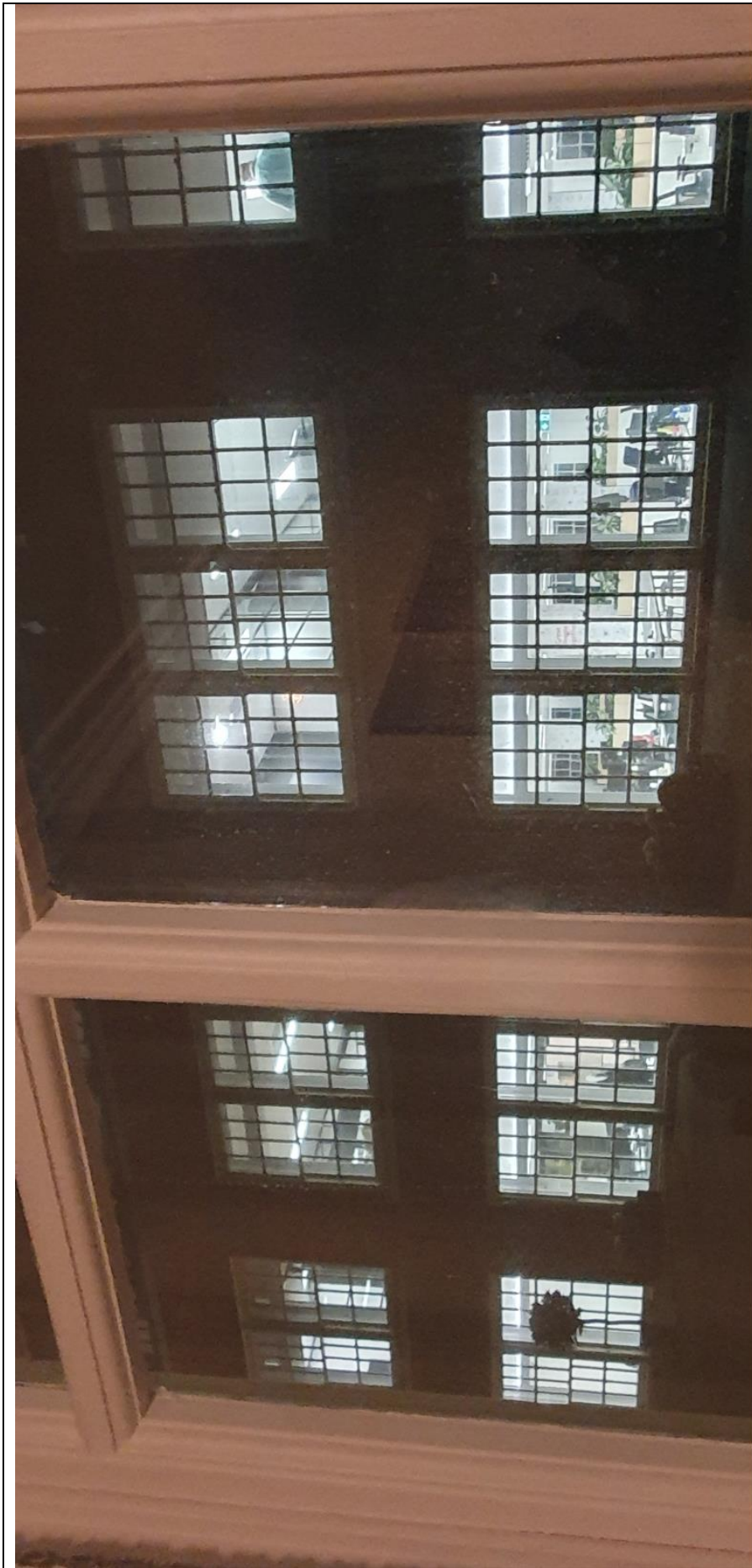
3. Clarifying exactly what is meant by para 2 on Page 15a of the Application Form. My understanding is that these premises operate as Serviced Offices where One Avenue Group is the tenant but third parties use sections of these offices on a rental basis. Thus the only parties able to use the bar facilities should be One Avenue Group, their employees and their (One Avenue Group's) sub-tenants. Use of the phrase "bona fide guests" troubles me.

4. And most importantly any licence granted should be conditioned to the effect that during hours of darkness all lights in licensed areas shall be kept off unless the area is occupied and when the area is in use blinds and or curtains shall be fitted and used. It would be great if that condition could be applied to the whole of the premises including those parts not licensed. I realise that that may be beyond the powers of the licence but failure to do that would indicate a continuing lack of consideration for their neighbours.

Regards [REDACTED]







| | |
|--|--|
| 3. | Policy & Guidance |
| The following policies within the City of Westminster Statement of Licensing Policy apply: | |
| Public Houses and Bars Policy PB1 applies | <p>A. Applications outside the West End Cumulative 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 late night refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1. 4. The applicant has taken account of the Special Consideration Zones policy SCZ1 if the premises are located within a designated zone. 5. The application and operation of the venue meet the definition of a Public House or Bar in Clause D. <p>B. It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone other than:</p> <ol style="list-style-type: none"> 1. Applications to vary the existing licence hours within the council's Core Hours Policy HRS1. 2. Applications that seek to vary the existing licence so as to reduce the overall capacity of the premises. <p>C. The applications referred to in Clause B1 and B2 will generally be granted subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1, and/or, 2. The operation of any delivery services for alcohol and/or late night refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1. 3. The application and operation of the venue continuing to meet the definition of a Public House or Bar in Clause D. <p>D. For the purposes of this policy a Public House or Bar is defined as a premises, or part of a premises that's primary use is the sale or supply of alcohol for consumption on those premises and/or for consumption off the premises for consumption outside the venue.</p> |
| Additional considerations from PB1. | <p>Paragraph F103.</p> <p>The provision of a bar within a workplace solely for the use of those working there, and their invited guests, will generally be regarded as an exception to the policy not to grant new bars in the Cumulative Impact Areas. Regard will be had to other policies in this Statement and the hours of operation of the workplace, the hours and extent of the use of the bar and the effect on cumulative impact in the West End Cumulative Impact Zone. The off sale of alcohol and drinking outside the premises would also be of concern.</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 Roxsana Haq Senior Licensing Officer |
| Contact: | Telephone: 020 7641 6500 Email: rhaq@westminster.gov.uk |

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

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

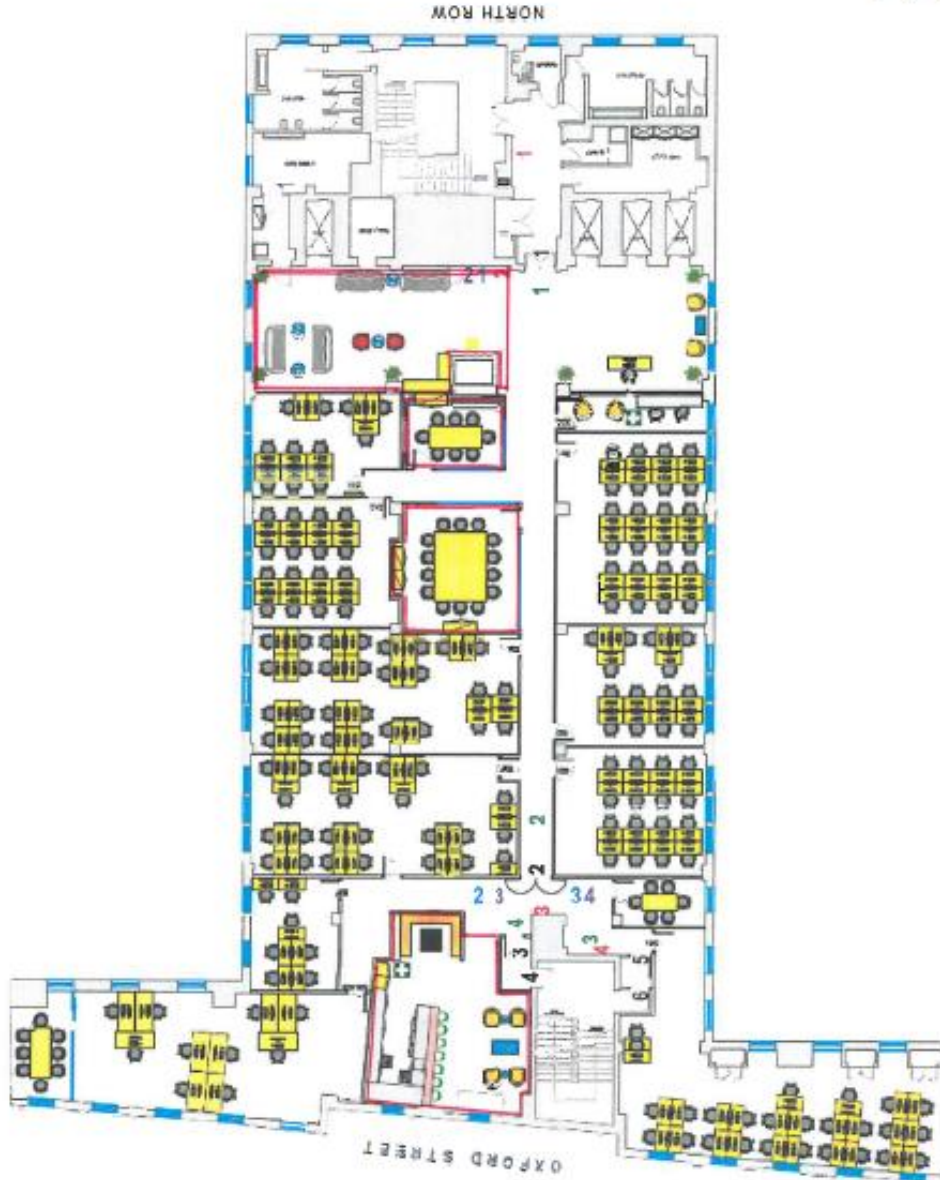
| | | |
|----------|---|------------------------------|
| 1 | Licensing Act 2003 | N/A |
| 2 | City of Westminster Statement of Licensing Policy | 1 st October 2021 |
| 3 | Amended Guidance issued under section 182 of the Licensing Act 2003 | April 2018 |
| 4 | Environmental Health Service | 06 December 2022 |
| 5 | Interested Party 1 | 19 December 2022 |
| 6 | Interested Party 2 | 07 December 2022 |
| 7 | Interested Party 3 | 05 December 2022 |
| 8 | Interested Party 4 | 03 December 2022 |
| 9 | Interested Party 5 | 07 December 2022 |

Fifth Floor

ONE AVENUE

- Map Keys:**
- Alarm Call Point
 - Co2 Extinguisher
 - Water Extinguisher
 - Fire Door
 - Fire Escape
 - Area to be leased on site of accident

One Avenue Park Lane Limited
Fifth & Sixth Floors
64 North Row
London
W1K 7DA



5th Floor

Sixth Floor



Map Keys:

Alarm Call Point

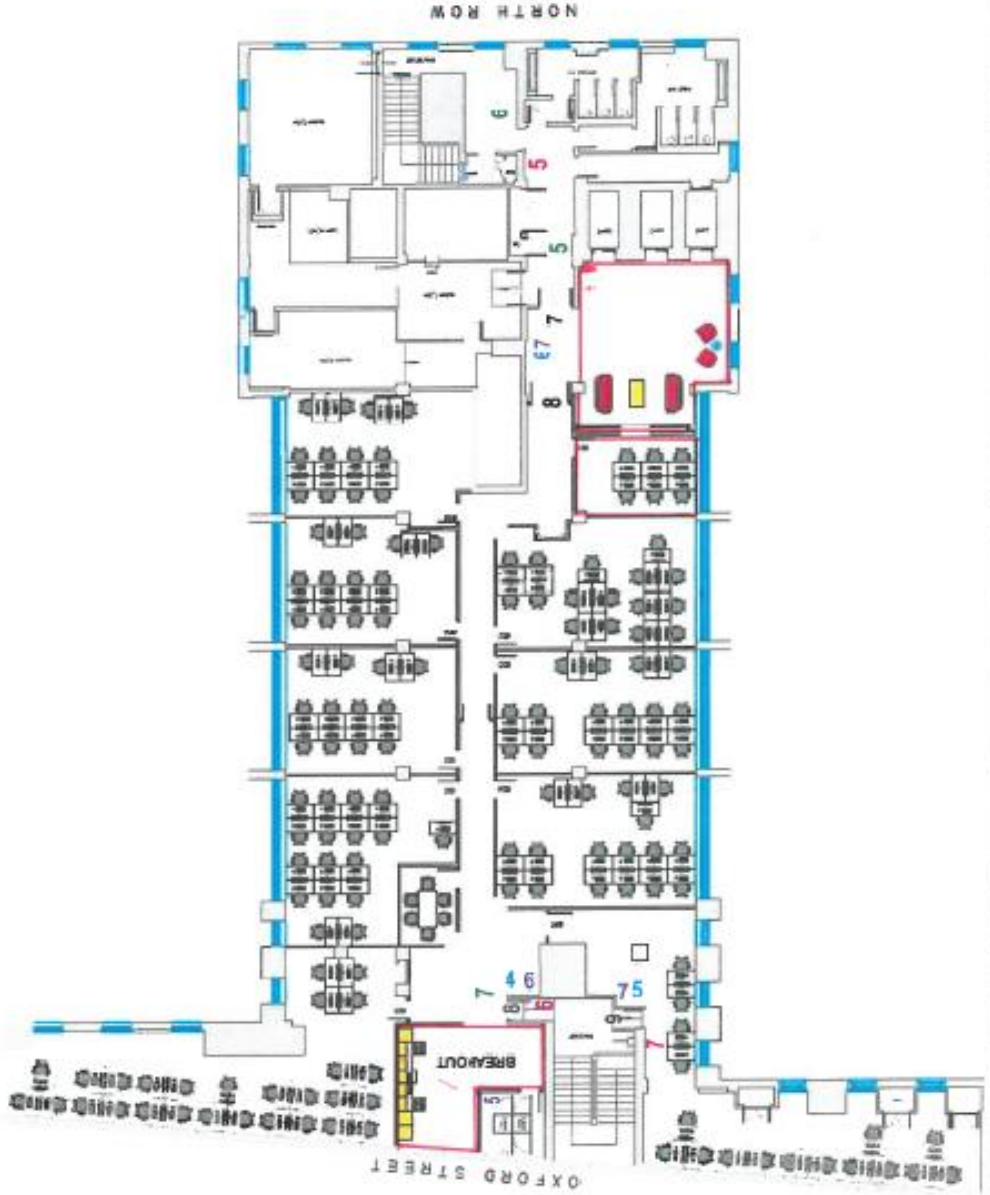
Co2 Extinguisher

Water Extinguisher

Fire Door

Fire Escape

— Area To Be Licensed For Sale of Alcohol



One Avenue Park Lane Limited
 Fifth & Sixth Floors
 64 North Row
 London
 W1K 7DA

6th Floor

There are no applicant submissions.

There is no licence or appeal history for the premises.

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

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

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

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

Mandatory Conditions

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

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

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

- 8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 8(ii) For the purposes of the condition set out in paragraph 8(i) above -
- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -
- $$P = D + (D \times V)$$
- Where -
- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Conditions consistent with the operating schedule

9. The licensable activities provided at the premises shall be ancillary to the main function of the premises as offices.
10. These premises are not open to the public.
11. The supply of alcohol shall only be to the One Avenue group of companies (tenants) and their employees or their bona fide guests.
12. Outside of the hours authorised for the sale of alcohol and whilst the premises are open, the licence holder shall ensure that all alcohol within the premises which is dispensed by the licence holder is secured so as to prevent access to alcohol by both members and staff.
13. The premises shall install and maintain a comprehensive CCTV system.
14. 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.
15. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open.
16. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system, searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
17. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
18. There shall be no consumption of alcohol after 22:30
19. The Designated Premises Supervisor/nominated Manager responsible for the premises shall ensure that the area of the premises where alcohol is supplied under this licence shall be regularly patrolled during the hours that supply of alcohol is permitted to ensure compliance with the Licensing Act 2003
20. 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.
21. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team.

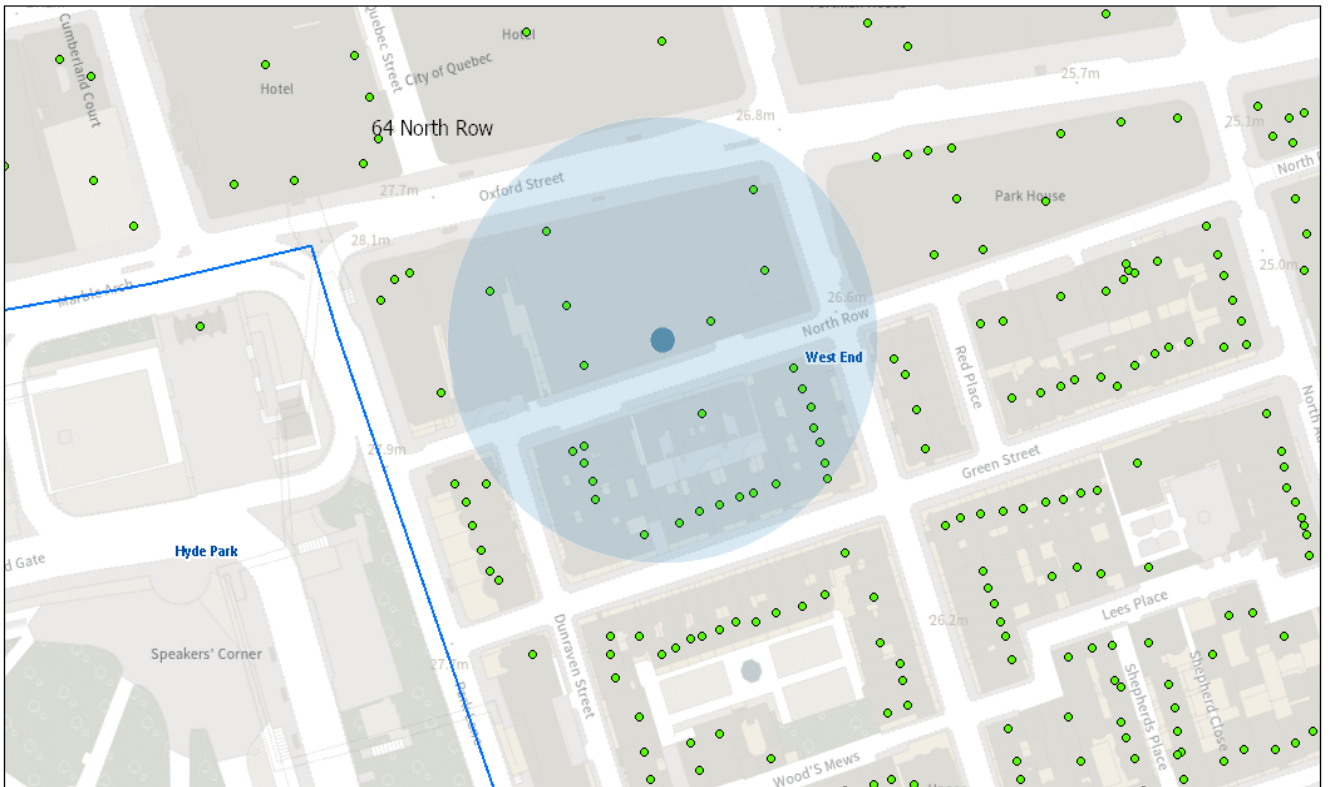
Conditions proposed by the Environmental Health Service

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 except for the immediate access and egress of persons
24. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times
25. Non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises
26. 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
27. No deliveries to the premises shall take place between **23.00** and **08.00** hours on the following day
28. 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
29. 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
30. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means
31. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device
32. No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public

Conditions proposed by an Interested Party

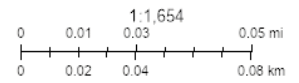
33. During hours of darkness all lights in licensed areas shall be kept off unless the area is occupied and when the area is in use, blinds and or curtains shall be fitted and used.
34. The maximum capacity at the premises will be xx

64 North Row London W1K 7DA



03/02/2023, 09:34:01

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



Resident Count: 176

Licensed Premises within 75 metres of 64 North Row, London W1K 7DA

| Licence Number | Trading Name | Address | Premises Type | Time Period |
|-----------------------|----------------------|--|----------------------|--|
| 20/09586/LIPT | Ask Pizza & Pasta | 121-127 Park Street London W1K 7JA | Restaurant | Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30 |
| 06/03936/WCCMAP | Cardinals Of Mayfair | Basement Rear and Ground Floor Rear 115 Park Street London W1K 7JG | Restaurant | Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30 |
| 19/06695/LIPDPS | Boisdale Of Mayfair | 12 North Row London W1K 7DF | Wine bar | Sunday; 23:00 - 00:00 Monday to Saturday; 10:00 - 00:30 |
| 20/08385/LIPT | Pizza Hut | 523 Oxford Street London W1C 2QJ | Restaurant | Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30 |



City of Westminster

Licensing Sub-Committee Report

| | |
|--------------------|---|
| Item No: | |
| Date: | 16 February 2023 |
| Licensing Ref No: | 22/11910/LIPV - Premises Licence Variation |
| Title of Report: | Lockhouse 3 Merchant Square City Of Westminster London W2 1AZ |
| Report of: | Director of Public Protection and Licensing |
| Wards involved: | Hyde Park |
| Policy context: | City of Westminster Statement of Licensing Policy |
| Financial summary: | None |
| Report Author: | Karyn Abbott Senior Licensing Officer |
| Contact details | Telephone: 0207 641 6500 Email: kabbott@westminster.gov.uk |

1. Application

| 1-A Applicant and premises | | | |
|-----------------------------------|---|------------------------------------|-----------|
| Application Type: | Variation of a Premises Licence, Licensing Act 2003 | | |
| Application received date: | 14 December 2022 | | |
| Applicant: | Young & Co.'s Brewery Plc | | |
| Premises: | Lockhouse | | |
| Premises address: | 3 Merchant Square City Of Westminster London W2 1AZ | Ward: | Hyde Park |
| | | Cumulative Impact Area: | None |
| | | Special Consideration Zone: | None |
| Premises description: | The premises operates as a Public House and Restaurant. | | |
| Variation description: | <p>This variation application seeks to permit the following:</p> <p>1. Remove Condition 46 below No licensable activities shall take place 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.</p> <p>2. Amend condition 21 to Patrons permitted to temporarily leave and re-enter the premises shall be limited to 20 persons with a maximum of 10 persons each in two separate designated smoking areas.</p> <p>4. Amend condition 47 to The consumption of alcohol outside the building will be restricted to customers who are seated.</p> | | |
| Premises licence history: | <p>The premises has had the benefit of a premises licence since July 2016.</p> <p>The current premises licence (22/04300/LIPCH) can be viewed at Appendix 1 of this report.</p> <p>A full licence and Temporary Event Notice History for the premises appears at Appendix 4.</p> | | |
| Applicant submissions: | None | | |
| Applicant amendments: | None | | |

| 1-B Current and proposed licensable activities, areas and hours | | | | | | |
|---|--|-------|----------------|------|----------------------------|-----------|
| Regulated Entertainment | | | | | | |
| Exhibition of films | | | | | | |
| | Current Hours | | Proposed Hours | | Licensable Area | |
| | Start: | End: | Start: | End: | Current: | Proposed: |
| Monday | 10:00 | 23:30 | No Change | | Ground and Mezzanine Floor | No Change |
| Tuesday | 10:00 | 23:30 | | | | |
| Wednesday | 10:00 | 23:30 | | | | |
| Thursday | 10:00 | 23:30 | | | | |
| Friday | 10:00 | 23:30 | | | | |
| Saturday | 10:00 | 23:30 | | | | |
| Sunday | 12:00 | 22:00 | | | | |
| Seasonal variations: | Current: | | | | Proposed: | |
| | None | | | | No Change | |
| Non-standard timings: | Current: | | | | Proposed: | |
| | When hours for the sale of alcohol are extended on New Year's Eve OR Sundays before Bank Holidays these hours shall also be extended until: (a) 30 minutes prior to the terminal hour for the sale of alcohol in the case of Sundays before Bank Holidays or, (b) the terminal hour for the Sale of Alcohol on New Year's Eve/New Year's Day | | | | No Change | |

| Recorded Music | | | | | | |
|---|-----------------|-------|----------------|-----------|----------------------------|-----------|
| | Current Hours | | Proposed Hours | | Licensable Area | |
| | Start: | End: | Start: | End: | Current: | Proposed: |
| Monday | 00:00 | 00:00 | No Change | | Ground and Mezzanine Floor | No Change |
| 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 | | | | |
| Seasonal variations/ Non-standard timings: | Current: | | | | Proposed: | |
| | None | | | | No Change | |
| None | | | | No Change | | |

| Late night refreshment | | | | | | |
|---|--|-------|----------------|------|----------------------------|-----------|
| Indoors, outdoors or both | | | Current : | | Proposed: | |
| | | | Both | | No Change | |
| | Current Hours | | Proposed Hours | | Licensable Area | |
| | Start: | End: | Start: | End: | Current: | Proposed: |
| Monday | 23:00 | 23:30 | No Change | | Ground and Mezzanine Floor | No Change |
| Tuesday | 23:00 | 23:30 | | | | |
| Wednesday | 23:00 | 23:30 | | | | |
| Thursday | 23:00 | 23:30 | | | | |
| Friday | 23:00 | 00:00 | | | | |
| Saturday | 23:00 | 00:00 | | | | |
| Sunday | N/A | N/A | | | | |
| Seasonal variations/ Non-standard timings: | Current: | | | | Proposed: | |
| | None | | | | None | |
| | When hours for the sale of alcohol are extended on New Year's Eve OR Sundays before Bank Holidays these hours shall also be extended until: (a) the terminal hour for the sale of alcohol in the case of Sundays before Bank Holidays, or; (b) from 23:00 on New Year's Eve until 05:00 in the morning on New Year's Day | | | | No Change | |

| Sale by Retail of Alcohol | | | | | | |
|---|---|-------|----------------|------|----------------------------|-----------|
| On or off sales | | | Current : | | Proposed: | |
| | | | Both | | Both | |
| | Current Hours | | Proposed Hours | | Licensable Area | |
| | Start: | End: | Start: | End: | Current: | Proposed: |
| Monday | 10:00 | 23:30 | No Change | | Ground and Mezzanine Floor | No Change |
| Tuesday | 10:00 | 23:30 | | | | |
| Wednesday | 10:00 | 23:30 | | | | |
| Thursday | 10:00 | 23:30 | | | | |
| Friday | 10:00 | 00:00 | | | | |
| Saturday | 10:00 | 00:00 | | | | |
| Sunday | 12:00 | 22:30 | | | | |
| Seasonal variations/ Non-standard timings: | Current: | | | | Proposed: | |
| | Sundays before Bank Holidays: 12:00 to 00:00 | | | | No Change | |
| | From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day | | | | No Change | |

| Hours premises are open to the public | | | | | | |
|---|---|-------|----------------|------|----------------------------|-----------|
| | Current Hours | | Proposed Hours | | Premises Area | |
| | Start: | End: | Start: | End: | Current: | Proposed: |
| Monday | 07:00 | 23:30 | No Change | | Ground and Mezzanine Floor | No Change |
| Tuesday | 07:00 | 23:30 | | | | |
| Wednesday | 07:00 | 23:30 | | | | |
| Thursday | 07:00 | 23:30 | | | | |
| Friday | 07:00 | 00:00 | | | | |
| Saturday | 07:00 | 00:00 | | | | |
| Sunday | 07:00 | 22:30 | | | | |
| Seasonal variations/ Non-standard timings: | Current: | | | | Proposed: | |
| | None | | | | No Change | |
| | When hours for sale of alcohol are extended these hours shall also be extended to a later terminal hour | | | | No Change | |

| 1-C Layout alteration |
|-----------------------|
| No Change |

| 1-D Conditions to be removed |
|--|
| Condition |
| 46. No licensable activities shall take place 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. |

| Conditions to be being varied | | |
|---|---|---------------------------|
| Condition | Proposed variation | |
| 21. Patrons permitted to temporarily leave and then re-enter the premises shall be limited to 10 persons and those wishing to smoke shall be directed to the designated smoking area defined on the licence plan | Patrons permitted to temporarily leave and re-enter the premises shall be limited to 20 persons with a maximum of 10 persons each in two separate designated smoking areas. | |
| 47. The sale and supply of alcohol outside the premises building shall be restricted to alcohol consumed at the outside tables and chairs shown on the licence plan, shall be by waiter or waitress service, served only to a person seated taking a substantial meal there and for consumption by such a person ancillary to their meal. | The consumption of alcohol outside the building will be restricted to customers who are seated. | |
| Adult entertainment: | Current position: | Proposed position: |
| | None | No Change |

2. Representations

| 2-A Responsible Authorities | |
|---|------------------------------|
| Responsible Authority: | Environmental Health Service |
| Representative: | Ayesha Bolton |
| Received: | 11 January 2023 |
| <p>I refer to the application for a variation of the Premises Licence number 22/04300/LIPCH, for the above 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 remove condition 46 under Annex 3, a works condition.2. To amend condition 21 under Annex 3 to read "Patrons permitted to temporarily leave and re-enter the premises shall be limited to 20 persons with a maximum of 10 persons each in two separate designated smoking areas."3. To amend condition 47 under Annex 3 to read "The consumption of alcohol outside the building will be restricted to customers who are seated." <p>I wish to make the following representation:</p> <ol style="list-style-type: none">1. The removal of condition number 46 may impact on Public Safety.2. The amendment of condition 21 as proposed will have the likely effect of causing an increase in Public Nuisance within the area and may impact on Public Safety.3. The amendment of condition 47 as proposed will have the likely effect of causing an increase in Public Nuisance within the area and may impact on Public Safety. <p>Should you wish to discuss the matter further please do not hesitate to contact me.</p> | |

| 2-B Other Persons | |
|--|--|
| Name: | ██████████ |
| Address and/or Residents Association: | ██████████ ██████████ ██████████ |
| Received: | 24 December 2022 |
| <p>Dear Sir, I write regarding the recent application to alter the licensing for The Lockhouse. Whilst at first it seems like a minor change it fundamentally changes this premises from primarily being a restaurant-as the origin noise and anti-social owners stated and the licensing committee agreed-to being a "public house" with all the attendant problems such a license gives in terms of "public nuisance,noise etc".The original decision agreed this was primarily a residential area-there are 19 stories of flats immediately above it- and the restrictions put in place were to protect this area.</p> <p>The new application fails to take note of the fact that the existing license specifies on the outside plan only 12 tables, seating only 24 people, and only one smoking area at one end of the outside area with no seating and therefore no drinking in that area as per the license, drinking being limited to being seated and with table service only as with all the outside area . It makes no reference to most of these restrictions nor to the need for table service. The idea that the customers will all buy inside and then come and sit at the limited number of tables is not realistic.</p> | |

I have made a formal complaint about the number of people drinking outside (roughly 50-60 I counted, virtually none seated and smokers also outside, all drinking, at both ends of the outside area and at the left hand end also all of them (10 in total) actually outside the area for eating/drinking for as per the plan for tables.

The new owners-by their own admission not a restaurant company-are quite clearly, belatedly, trying to fundamentally change this to a drinking venue as opposed to a restaurant and should never have bought it with its existing license if this was their intention.

I would urge the committee to refuse this new licence as the "likely effect" will be an increase in public nuisance including noise and anti-social behaviour in this essentially residential area. I will attend a meeting if

| | |
|--|--|
| Name: | [REDACTED] |
| Address and/or Residents Association: | [REDACTED] [REDACTED] [REDACTED] [REDACTED] |
| Received: | 10 January 2023 |

Our comments are made as an Amenity Society recognised by Westminster City Council. We are officially charged with working towards the preservation and enhancement of the architectural and environmental quality of Little Venice, Maida Vale and the Paddington Waterway area (including planning and licensing issues).

We recognise that these premises are run as a business and we are aware that it has to be a viable operation, providing services for locals. We are very keen to ensure that an appropriate balance is maintained between the legitimate rights of business and the equally legitimate and important rights of residents.

Introduction

Our representation is made on the basis that the likely impact of the application, if granted as applied for, would be to harm the licensing objectives, particularly that of prevention of public nuisance.

We would also ask that the Licensing Authority pay great attention to any comments submitted by local residents, and we would wish to support them in respect of valid concerns they may have.

The application and reasons for representation

The application seeks The application is to:

Remove condition 46 under Annex 3. This is a works condition, and this should have been removed by the previous operator.

Amend condition 21 under Annex 3 to read "Patrons permitted to temporarily leave and re-enter the premises shall be limited to 20 persons with a maximum of 10 persons each in two separate designated smoking areas."

Amend condition 47 under Annex 3 to read "The consumption of alcohol outside the building will be restricted to customers who are seated."

We do not have any objection to the removal of condition 46.

However we do object to the amending of the other two conditions.

Effectively, the changes increase the numbers of smokers and provide an alternative location, and remove the requirement for those outside to consume a table meal with alcohol.

These conditions were added to the licence when it was granted in order to protect local residents who live in very close proximity above the premises.

The applicant saying that they are not a restaurant operator is wholly insufficient to justify the changes. The premises does not have an ‘ancillary’ condition inside, only outside. The reasons for the condition are clear and it should remain. The same goes for the smoking condition.

Conclusion

We are also aware that applications can be amended to take into account concerns raised by responsible authorities or other persons. Please let us know if any amendments are made to this application so that we can consider if they resolve our concerns and, if appropriate, liaise with local residents.

If a hearing takes place, we will endeavour to attend. Or appoint Richard Brown to represent us.

| | |
|--|--|
| Name: | [Redacted] |
| Address and/or Residents Association: | [Redacted] [Redacted] [Redacted] [Redacted] |

| | |
|------------------|-----------------|
| Received: | 10 January 2023 |
|------------------|-----------------|

Dear Sirs

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

Introduction

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

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

Background

The application site is large restaurant/bar in Merchant Square, within the Bayswater Conservation Area, facing over to a large public area and the canal.

The application

We make this representation based on prevention of public nuisance and prevention of crime and disorder.

There is an existing licence for the premises which permits sale of alcohol on and of the premises to the general public, Monday to Thursday 10am to 11.30pm, Friday & Saturday 10am to midnight, Sunday, midday to 22.30.

The application seeks to remove works Condition No 46 and to substantially vary wording of Conditions Nos 21 & 47.

██████████_position

██████████ strongly objects to changes proposed to Conditions No's 21 & 47 but has no objection to remove Condition No 46.

We consider that the proposed rewording of the two Condition will cause a substantial nuisance to occupants of the surrounding properties and to the general area in and around Merchant Square.

The application states that *'Young's are not restaurant operators and the current restriction on customers outside is that they must all be seated and taking a substantial meal and service must be by waiter or waitress only. Young's are principally pub operators, although food is a significant part of the offer. Young's recognise the sensitivity of the site in relation to local residents and for that reason are content to maintain the other restrictions, but particularly that customers must be seated.'*

However, the premises is not a restaurant. The more restrictive conditions only relate to the outside area and were imposed when the licence was granted in recognition of the sensitivity of the location (which the applicant appears to accept). We therefore fail to see how rewording the conditions promotes the licensing objectives.

We understand that there may have been some enforcement visits to the premises as a result of a complaint made by a resident as a result of apparent breaches of the very conditions the applicant seeks to amend. We assume that these details will be provided by the relevant authority.

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.

| | |
|--|--|
| Name: | ██ |
| Address and/or Residents Association: | ██ ██ ██ ██ ██ ██ |
| Received: | 10 January 2023 |

Dear Premises Licensing

I am writing to make a relevant representation objecting to this license application. I make this representation based on prevention of public nuisance and prevention of crime and disorder.

There is an existing license for the premises which permits sale of alcohol on and off the premises to the general public, Monday to Thursday 10am to 11.30pm, Friday & Saturday 10am to midnight, Sunday, midday to 22.30.

The application seeks to remove works Condition No 46 and to substantially vary wording of Conditions Nos 21 & 47.

I object to changes proposed to Conditions Nos 21 & 47 but have no objection to remove Condition No 46. The proposed rewording of the two Conditions will cause a substantial nuisance to occupants of the surrounding properties and to the general area in and around

Merchant Square.

The application states that *'Young's are not restaurant operators and the current restriction on customers outside is that they must all be seated and taking a substantial meal and service must be by waiter or waitress only. Young's are principally pub operators, although food is a significant part of the offer. Young's recognise the sensitivity of the site in relation to local residents and for that reason are content to maintain the other restrictions, but particularly that customers must be seated.'*

However, the premises is not a restaurant. The more restrictive conditions only relate to the outside area and were imposed when the license was granted in recognition of the sensitivity of the location (which the applicant accepts). I therefore fail to see how rewording the conditions promotes the licensing objectives.

I also understand that there may have been some enforcement visits to the premises as a result of a resident's complaint following apparent breaches of the very conditions the applicant seeks to amend.

3. Policy & Guidance

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

Policy PB1 applies

- A. Applications outside the West End Cumulative 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 late night refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.
 4. The applicant has taken account of the Special Consideration Zones policy SCZ1 if the premises are located within a designated zone.
 5. The application and operation of the venue meet the definition of a Public House or Bar in Clause D.
- B. It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone other than:
1. Applications to vary the existing licence hours within the council's Core Hours Policy HRS1.
 2. Applications that seek to vary the existing licence so as to reduce the overall capacity of the premises.
- C. The applications referred to in Clause B1 and B2 will generally be granted subject to:
1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1, and/or,
 2. The operation of any delivery services for alcohol and/or late night refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.
 3. The application and operation of the venue continuing to meet the definition of a Public House or Bar in Clause D.
- D. For the purposes of this policy a Public House or Bar is defined as a premises, or part of a premises that's primary use is the sale or supply of alcohol for consumption on those premises and/or for consumption off the premises for consumption outside the venue.

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 | Current Premises Licence 22/04300/LIPCH |
| Appendix 2 | Applicant supporting documents |
| Appendix 3 | Premises history |
| Appendix 4 | Proposed conditions |
| Appendix 5 | Residential map and list of premises in the vicinity |

| | |
|-----------------------|---|
| Report author: | Karyn Abbott Senior Licensing Officer |
| Contact: | Telephone: 0207 641 6500 Email: kabbott@westminster.gov.uk |

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

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

| | | |
|----------|---|------------------|
| 1 | Licensing Act 2003 | N/A |
| 2 | City of Westminster Statement of Licensing Policy | October 2021 |
| 3 | Amended Guidance issued under section 182 of the Licensing Act 2003 | April 2018 |
| 4 | Environmental Health Service | 11 January 2023 |
| 5 | Representation 1 | 24 December 2022 |
| 6 | Representation 2 | 10 January 2023 |
| 7 | Representation 3 | 10 January 2023 |
| 8 | Representation 4 | 10 January 2023 |



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

Schedule 12
Part A

WARD: Hyde Park
UPRN: 010033626529

Premises licence

Regulation 33, 34

Premises licence number:

22/04300/LIPCH

Original Reference:

18/05415/LIPN

Part 1 – Premises details

Postal address of premises:

Lockhouse
3 Merchant Square
London
W2 1AZ

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Exhibition of a Film
Playing of Recorded Music
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 Sunday: 10:00 to 23:30
Sunday: 12:00 to 22:00

Non-standard Timings: When hours for the sale of alcohol are extended on NYE OR Sundays before BH these hours shall also be extended until:

- (a) 30 minutes prior to the terminal hour for the sale of alcohol in the case of Sundays before Bank Holidays or,
- (b) the terminal hour for the Sale of Alcohol on New Year's Eve/New Year's Day

Playing of Recorded Music

Unrestricted

Late Night Refreshment

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

Non-standard Timings: When hours for the sale of alcohol are extended on NYE OR Sundays before BH these hours shall also be extended until:

- (a) the terminal hour for the sale of alcohol in the case of Sundays before Bank Holidays, or,
- (b) from 23:00 on New Year's Eve until 05:00 in the morning on New Year's Day

| | |
|---|----------------|
| 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 |
| Sundays before Bank Holidays: | 12:00 to 00:00 |
| Non-standard Timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day | |

| | |
|---|----------------|
| The opening hours of the premises: | |
| Monday to Thursday: | 07:00 to 23:30 |
| Friday to Saturday: | 07:00 to 00:00 |
| Sunday: | 07:00 to 22:30 |
| When hours for sale of alcohol are extended these hours shall also be extended to a later terminal hour | |

| | |
|--|--|
| 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: |
| Young & Co.'s Brewery Plc Copper House 5 Garratt Lane Wandsworth London SW18 4AQ |

| |
|---|
| Registered number of holder, for example company number, charity number (where applicable) |
| 00032762 |

| |
|--|
| Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol: |
| Name: Daithi Mayston King |
| <i>Please note: It is the policy of the Licensing Authority not to display the address details of a designated premises supervisor.</i> |

| |
|--|
| 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: 05/09149/LIPERS |
| Licensing Authority: City of Westminster Council |

Date: 21 April 2022

This licence has been authorised by Mary Pring 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

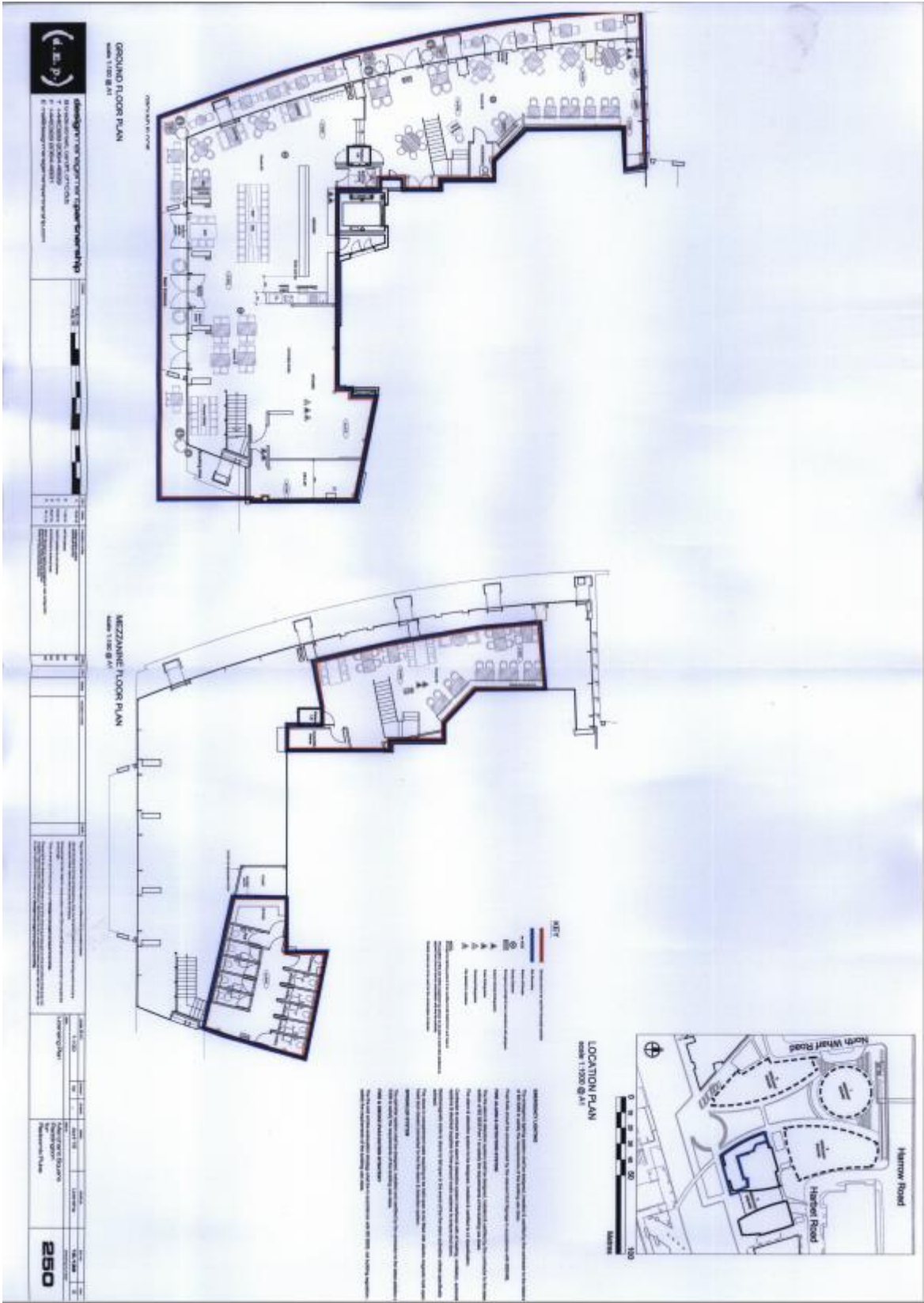
Annex 3 – Conditions attached after a hearing by the licensing authority

11. Alcoholic drinks may not be removed from the premises building save for consumption by those seated in the external demised areas provided for that purpose.
12. Children under the age of 16 shall not be permitted to enter or remain at the premises after 22:00 unless they are dining with an adult or attending a pre booked function.
13. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
14. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
15. 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) any faults in the CCTV system
 - (f) any refusal of the sale of alcohol
 - (g) any visit by a relevant authority or emergency service
16. 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
17. Door supervisors will be employed by the Premises Licence Holder on a risk assessed basis. A suitable risk assessment will be undertaken and documented on a daily basis by the DPS, in relation to whether or not door supervisors are to be employed on specific occasions. On occasions when door supervisors are employed they shall display their SIA Licence at all times, worn with a high visibility arm band.
18. All outside tables and chairs shall be rendered unusable by 22:00 each day
19. Substantial food and suitable beverages other than intoxicating liquor shall be available during the whole of permitted hours in all parts of the premises where intoxicating liquor is sold and supplied.
20. Patrons permitted to temporarily leave and then re-enter the premises shall not be permitted to take drinks or glass containers with them.
21. Patrons permitted to temporarily leave and then re-enter the premises shall be limited to 10 persons and those wishing to smoke shall be directed to the designated smoking area defined on the licence plan
22. There shall be no take away of hot food or hot drink after 23.00 hours.

23. 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.
24. Clearly legible notices shall be displayed at all exits from the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.
25. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
26. During the Notting Hill Carnival, the following conditions will apply on Sunday and Monday of that weekend:

Drinks shall only be served in polycarbonate glasses
There shall be no entry or re-entry to the premises after 20.30hrs
27. The layout of the licensed area both internally and externally as shown on the approved plan at the ground floor layout shall be substantially laid out for tables and chairs as indicated on the approved licensing drawing.
28. There shall be no sales of alcohol for consumption off the premises.
29. All external doors and windows shall be kept closed whilst regulated entertainment is taking place and in any case after 22:00 hours except for immediate access and egress of persons.
30. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
31. There shall be no regulated entertainment in the outside area.
32. Loudspeakers shall not be located in the entrance or exits areas or outside the premises building.
33. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0800 hours.
34. During the hours of operation, sufficient measures must be in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and the 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.
35. 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.
36. 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.
37. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.
38. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.

39. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.
40. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
41. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
42. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given.
 - dry ice and cryogenic fog
 - smoke machines and fog generators
 - pyrotechnics including fireworks
 - firearms
 - lasers
 - explosives and highly flammable substances - real flame
 - strobe lighting
43. The certificates listed below shall be submitted to the Licensing Authority upon written 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
44. There shall be no cinema style seating at the premises.
45. Deliveries to the premises shall only take place in the designated area within the basement loading area.
46. No licensable activities shall take place 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.
47. The sale and supply of alcohol outside the premises building shall be restricted to alcohol consumed at the outside tables and chairs shown on the licence plan, shall be by waiter or waitress service, served only to a person seated taking a substantial meal there and for consumption by such a person ancillary to their meal.
48. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
49. The use of Shisha or Hookah (or similar) smoking apparatus is not permitted anywhere on the premises.





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

Schedule 12
Part B

WARD: Hyde Park
UPRN: 010033626529

Premises licence
summary

Regulation 33, 34

Premises licence number:

22/04300/LIPCH

Part 1 – Premises details

Postal address of premises:

Lockhouse
3 Merchant Square
London
W2 1AZ

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Exhibition of a Film
Playing of Recorded Music
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 Sunday: 10:00 to 23:00
Sunday: 12:00 to 22:00

Non-standard Timings: When hours for the sale of alcohol are extended on NYE OR Sundays before BH these hours shall also be extended until:

- (a) 30 minutes prior to the terminal hour for the sale of alcohol in the case of Sundays before Bank Holidays or,
- (b) the terminal hour for the Sale of Alcohol on New Year's Eve/New Year's Day

Playing of Recorded Music

Unrestricted

Late Night Refreshment

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

Non-standard Timings: When hours for the sale of alcohol are extended on NYE OR Sundays before BH these hours shall also be extended until:

- (a) 30 minutes prior to the terminal hour for the sale of alcohol in the case of Sundays before Bank Holidays or,

(b) the terminal hour for the Sale of Alcohol on New Year's Eve/New Year's Day

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 |
| Sundays before Bank Holidays: | 12:00 to 00:00 |

Non-standard Timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day

The opening hours of the premises:

| | |
|---------------------|----------------|
| Monday to Thursday: | 07:00 to 23:30 |
| Friday to Saturday: | 07:00 to 00:00 |
| Sunday: | 07:00 to 22:30 |

When hours for sale of alcohol are extended these hours shall also be extended to a later terminal hour

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:

Young & Co.'s Brewery Plc
Copper House
5 Garratt Lane
Wandsworth
London
SW18 4AQ

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

00032762

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

Name: Daithi Mayston King

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

Restricted

Date: 21 April 2022

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

None

Licence & Appeal History

| Application | Details of Application | Date Determined | Decision |
|--------------------|--|------------------------|------------------------------------|
| 16/05415/LIPN | New Premises Licence Application | 14 July 2016 | Granted by Licensing Sub-Committee |
| 16/12702/LIPVM | Premises Licence – Minor Variation – Layout Changes | 8 December 2016 | Granted under Delegated Authority |
| 16/13206/LIPDPS | Premises Licence – Vary DPS | 31 January 2017 | Granted under Delegated Authority |
| 17/07075/LIPCH | Premises Licence – Change Licence Holders Address | 26 January 2017 | Granted under Delegated Authority |
| 19/02681/LIPCH | Premises Licence – Change Licence Holders Address | 6 March 2019 | Granted under Delegated Authority |
| 19/08713/LIPDPS | Premises Licence – Vary DPS | 18 October 2019 | Granted under Delegated Authority |
| 19/10394/LIPDPS | Premises Licence – Vary DPS | 18 October 2019 | Granted under Delegated Authority |
| 20/08855/LIPT | Transfer Premises Licence Holder from BFI Limited to Young & Co.'s Brewery Plc | 19 October 2020 | Granted under Delegated Authority |
| 20/11327/LIPDPS | Premises Licence – Vary DPS | 21 December 2020 | Granted under Delegated Authority |
| 21/07566/LIPDPS | Premises Licence – Vary DPS | 16 August 2021 | Granted under Delegated Authority |
| 22/04300/LIPCH | Premises Licence – Change Licence Holders Address | 21 April 2022 | Granted under Delegated Authority |

There is no appeal history

Temporary Event Notice History

| Application | Details of Application | Date Determined | Decision |
|--------------------|-------------------------------|------------------------|-----------------|
| 19/07728/LITENP | Temporary Event Notice | 16 July 2019 | Notice Granted |
| 19/07872/LITENP | Temporary Event Notice | 2 July 2019 | Notice Granted |
| 22/04113/LITENP | Temporary Event Notice | 25 April 2022 | Notice Granted |
| 22/05897/LITENP | Temporary Event Notice | 20 June 2022 | Notice Granted |
| 22/05898/LITENP | Temporary Event Notice | 20 June 2022 | Notice Granted |
| 22/10195/LITENP | Temporary Event Notice | 6 December 2022 | Notice Granted |

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 appropriate for the promotion of the licensing objectives.

This schedule lists those conditions which are consistent with the operating schedule, or proposed as appropriate 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

Conditions: On Current Licence -

Mandatory:

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. Alcoholic drinks may not be removed from the premises building save for consumption by those seated in the external demised areas provided for that purpose.
12. Children under the age of 16 shall not be permitted to enter or remain at the premises after 22:00 unless they are dining with an adult or attending a pre booked function.
13. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
14. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
15. 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) any faults in the CCTV system
 - (f) any refusal of the sale of alcohol
 - (g) any visit by a relevant authority or emergency service
16. 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
17. Door supervisors will be employed by the Premises Licence Holder on a risk assessed basis. A suitable risk assessment will be undertaken and documented on a daily basis by the DPS, in relation to whether or not door supervisors are to be employed on specific occasions. On occasions when door supervisors are employed they shall display their SIA Licence at all times, worn with a high visibility arm band.
18. All outside tables and chairs shall be rendered unusable by 22:00 each day
19. Substantial food and suitable beverages other than intoxicating liquor shall be available during the whole of permitted hours in all parts of the premises where intoxicating liquor is sold and supplied.

20. Patrons permitted to temporarily leave and then re-enter the premises shall not be permitted to take drinks or glass containers with them.
21. Patrons permitted to temporarily leave and then re-enter the premises shall be limited to 10 persons and those wishing to smoke shall be directed to the designated smoking area defined on the licence plan

Condition 21 is proposed to be varied by the applicant to the following:

Patrons permitted to temporarily leave and re-enter the premises shall be limited to 20 persons with a maximum of 10 persons each in two separate designated smoking areas.

22. There shall be no take away of hot food or hot drink after 23.00 hours.
23. 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.
24. Clearly legible notices shall be displayed at all exits from the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.
25. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
26. During the Notting Hill Carnival, the following conditions will apply on Sunday and Monday of that weekend:

Drinks shall only be served in polycarbonate glasses
There shall be no entry or re-entry to the premises after 20.30hrs
27. The layout of the licensed area both internally and externally as shown on the approved plan at the ground floor layout shall be substantially laid out for tables and chairs as indicated on the approved licensing drawing.
28. There shall be no sales of alcohol for consumption off the premises.
29. All external doors and windows shall be kept closed whilst regulated entertainment is taking place and in any case after 22:00 hours except for immediate access and egress of persons.
30. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
31. There shall be no regulated entertainment in the outside area.
32. Loudspeakers shall not be located in the entrance or exits areas or outside the premises building.
33. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0800 hours.
34. During the hours of operation, sufficient measures must be in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and the 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.

35. 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.
36. 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.
37. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.
38. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
39. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame- retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.
40. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
41. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
42. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given.
 - dry ice and cryogenic fog
 - smoke machines and fog generators
 - pyrotechnics including fireworks
 - firearms
 - lasers
 - explosives and highly flammable substances - real flame
 - strobe lighting
43. The certificates listed below shall be submitted to the Licensing Authority upon written 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
44. There shall be no cinema style seating at the premises.
45. Deliveries to the premises shall only take place in the designated area within the basement loading area.

Condition 46 is proposed to be removed by the applicant:

46. No licensable activities shall take place 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.

47. The sale and supply of alcohol outside the premises building shall be restricted to alcohol consumed at the outside tables and chairs shown on the licence plan, shall be by waiter or waitress service, served only to a person seated taking a substantial meal there and for consumption by such a person ancillary to their meal.

Condition 47 is proposed to be varied by the applicant to the following:

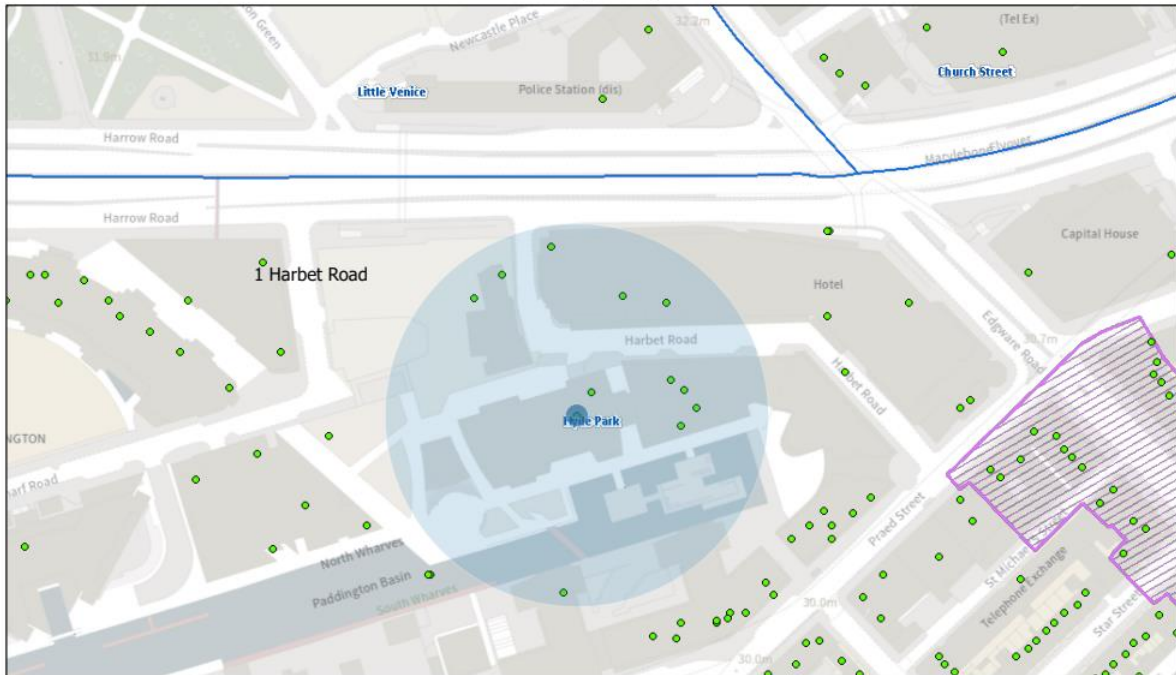
The consumption of alcohol outside the building will be restricted to customers who are seated.

48. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
49. The use of Shisha or Hookah (or similar) smoking apparatus is not permitted anywhere on the premises.

Residential Map and List of Premises in the Vicinity

Appendix 5

3 Merchant Square, London



Resident Count = 226

| Licensed premises within 75 metres of 3 Merchant Square, London | | | | |
|---|-----------------|---|-------------------|---|
| Licence Number | Trading Name | Address | Premises Type | Time Period |
| 20/07542/LIPT | Pizza Express | Units 35 And 37 3 Merchant Square City Of Westminster London W2 1BF | Restaurant | Sunday; 12:00 - 22:30 Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sundays before Bank Holidays; 12:00 - 00:00 |
| 22/04300/LIPCH | Lockhouse | 3 Merchant Square City Of Westminster London W2 1AZ | Cafe | Sunday; 07:00 - 22:30 Monday to Thursday; 07:00 - 23:30 Friday to Saturday; 07:00 - 00:00 |
| 10/02411/LIPVM | Merchant Square | Development Site - Land At Harbet Road London W2 1JU | Park / Open Space | Monday to Sunday; 00:00 - 00:00 |

| | | | | |
|-----------------|------------------------|--|--------------------------------------|--|
| 22/06867/LIPDPS | Merchant Square Estate | Merchant Square City Of Westminster London | Not Recorded | Monday to Sunday; 00:00 - 00:00 |
| 16/01609/LIPN | The Pavilion | Merchant Square City Of Westminster London | Miscellaneous | Sunday; 12:00 - 21:00 Monday to Saturday; 12:00 - 22:00 |
| 21/02426/LIPCHT | Brew Dog | Unit 1 West End Quay South Wharf Road London W2 1JX | Public house or pub restaurant | Sunday; 12:00 - 22:30 Monday to Saturday; 10:00 - 23:30 |