



City of Westminster

# Licensing Sub-Committee Report

Item No:

Licensing Ref No:

**15/01790/LIPV**

Date:

**14 May 2015**

Classification:

**For General Release**

Title of Report:

**Top Dog Eats  
48 Frith Street  
London**

Report of:

**Director of Public Protection and Licensing**

Policy context:

**City of Westminster Statement of Licensing Policy**

Financial summary:

**None**

Report Author:

**Mrs Sumeet Anand-Patel  
Senior Licensing Officer**

Contact Details:

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E-mail: [sanandpatel@westminster.gov.uk](mailto:sanandpatel@westminster.gov.uk)**

## APPLICATION DETAILS

<b>Application Type:</b>	Variation of a premises licence application under the Licensing Act 2003.		
<b>Applicant:</b>	Top Dog Eats Ltd	<b>Date Application Received:</b>	10 March 2015
<b>Premises Name and Address:</b>	Top Dog Eats 48 Frith Street London W1D 4SF		
<b>Ward Name:</b>	West End	<b>Stress Area:</b>	West End
<b>Description of Premises:</b>	<p>The premises shall operate as a restaurant on basement and ground floor levels.</p> <p>The premises is licensed for the provision of regulated entertainment, late night refreshment and sale of alcohol as per the City Council's Core Hours.</p>		
<b>Variation Description:</b>	<p>To vary the existing premises licence so as to amend condition 10 (iii) which reads:</p> <p>10 (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,</p> <p>To read:</p> <p>10 (iii) which provide food in the form of substantial table meals that are prepared on the premises and consumed at the table using non disposable crockery,</p> <p>The applicant has stated that this amendment is sought to allow customers to purchase food over the counter. The premises will continue to operate as a restaurant with alcohol served by waiter or waitress as conditioned.</p>		

### Proposed Condition Amendment:

To vary the existing premises licence so as to amend condition 10 (iii) which reads:

10 (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery.

To read:

*10 (iii) which provide food in the form of substantial table meals that are prepared on the premises and consumed at the table using non disposable crockery.*

### 1. Relevant representations

- 1.1 The Environmental Health Service made an adverse representation against this application however following discussions with the applicant, Environmental Health have withdrawn their representation.
- 1.2 The Metropolitan Police service has made an adverse representation against this application as it is their belief that this amendment would undermine the licensing objectives.

## 2. Policies Applicable

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

### Policy HRS1 applies:

- (i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.
- (ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.

### Policy RNT2 applies:

Applications will be granted subject to other policies and subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that they will not add to cumulative impact in the Stress Areas.

### Policy FFP2 applies:

It is the Licensing Authority's policy to refuse applications in the Stress Areas, other than applications to vary hours within the Core Hours under Policy HRS1.

### Policy STR1 applies:

- (i) It is the Licensing Authority's policy to refuse applications in the Stress Areas for: pubs and bars; fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.
- (ii) Applications for other licensable activities in the Stress Areas will be subject to other policies and must demonstrate that they will not add to cumulative impact in the Stress Areas.

## 3. Summary

3.1 The Licensing Sub-committee may refuse, grant in full or grant in part this proposal, having taken into account the representations received and Westminster's Statement of Licensing Policy. The decision taken should promote the licensing objectives of:

- prevention of public nuisance,
- prevention of crime & disorder,
- public safety and
- protection of children from harm.

3.2 Where the committee is minded to grant the licence it will be granted subject to the mandatory conditions and conditions consistent with the operating schedule modified to such extent as the authority considers appropriate for the promotion of the licensing objectives detailed in Appendix D to this report.

## 4. Current Licensing Position

These premises currently hold a Premises Licence 15/01288/LIPV. Full licence history can be found in **Appendix A**.

## 5. Residential Density

110 units within a 75m radius of the premises are residential or proposed residential or under construction, refer to **Appendix C**.

## **6. List of Appendices**

- A – Premises Licence History
- B - Conditions
- C – Residential Map and list of premises in the vicinity

## **7. Background Documents – Local Government (Access to Information) Act 1972**

- Licensing Act 2003
- City of Westminster Statement of Licensing Policy (7<sup>th</sup> January 2011)
- Amended Guidance issued under section 182 of the Licensing Act 2003 (March 2015)
- Application form
- Existing Premise Licence
- Representations received
- Photos

## Licence &amp; Appeal History

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
New Application <b>14/03927/LIPN</b>	Application to permit recorded music, late night refreshment and sale of alcohol	10.07.2014	Granted Under Delegated Authority
Transfer Application <b>15/01149/LIPT</b>	Application to transfer the licence	29.04.2015	Granted Under Delegated Authority
Variation Application 15/01288/LIPV	Application to vary the layout	29.04.2015	Granted Under Delegated Authority
Variation Application 15/01790/LIPV	Current Application	Pending	

**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 -**

**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.

## **Annex 2 – Conditions consistent with the operating Schedule**

10. The premises shall only operate as a restaurant (i) in which customers are shown to their table, (ii) where the supply of alcohol is by waiter or waitress service only, (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery, (iv) which do not provide any take away service of food or drink for immediate consumption, (v) which do not provide any take away service of food or drink after 23.00, and (vi) where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are seated in the premises and bona fide taking substantial table meals there and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

Notwithstanding this condition (10) customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal and (b) alcohol may be supplied to and/or consumed prior to their meal by customers in the basement up to a maximum, at any one time, of 16 persons dining at the premises

***The applicant is seeking to amend part (iii) to read:***

***10 (iii) which provide food in the form of substantial table meals that are prepared on the premises and consumed at the table using non disposable crockery.***

11. The maximum number of persons accommodated at any one time (excluding staff) shall not exceed
- Basement 18 persons
  - Ground Floor 42 persons
  - First Floor 30 persons
12. After 22:00 hours the entrance door shall be kept closed except for immediate access and egress of persons or at anytime that regulated entertainment is provided.
13. 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.
14. 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.
15. Patrons permitted to temporarily leave and then re-enter the premises, eg to smoke, shall not be permitted to take drinks or glass containers with them.

16. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 23.00 and 08.00 hours.
17. No deliveries to the premises shall take place between 23.00 and 08.00 hours.
18. 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.
19. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
20. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the Premises where alcohol is sold or supplied for consumption on the Premises.
21. A record shall be kept detailing all refused sales of alcohol. The record shall include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the Premises by the police or an authorised officer of the City Council at all times whilst the Premises are open.
22. Children under the age of 14 will not be permitted to remain in the premises after 21:00 hours
23. No noise shall emanate from the Premises nor vibration be transmitted through the structure of the Premises which gives rise to a public nuisance:
24. Loudspeakers shall not be located in the entrance lobby or outside the building of which the Premises form part.
25. Hours for licensable activities and opening may be extended from the end of trade on New Year's Eve to the beginning of trade on New Year's Day.
26. The variation of the Premises Licence 14/03927/LIPN to include the following works:
  - ground floor: minor changes to back -of-house areas
  - installation of counter/till area

will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.

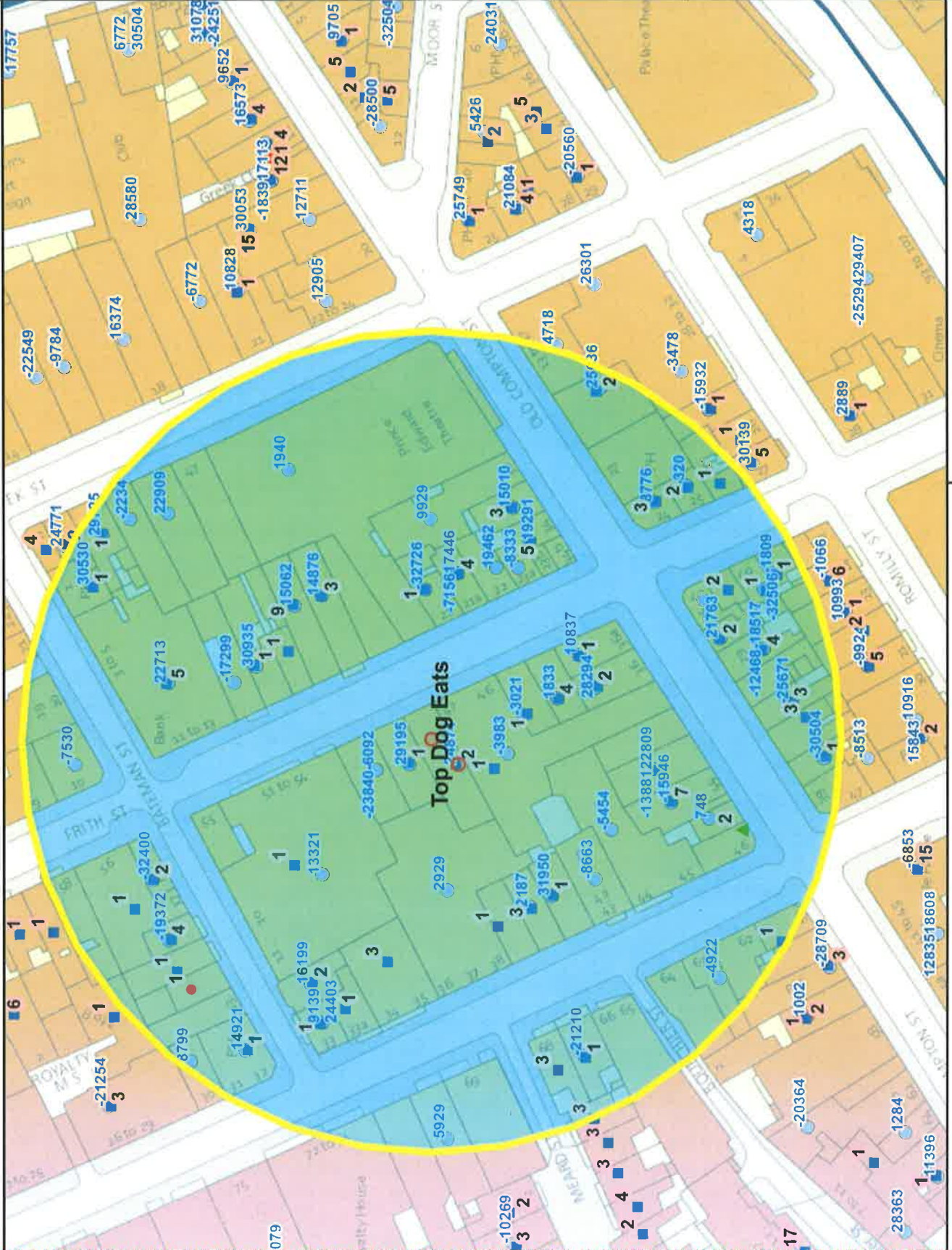
### **Annex 3 – Conditions attached after a hearing by the licensing authority**

None



# Top Dog Eats, 48 Frith Street, London W1D 4SF

## APPENDIX C



Residential / Proposed Residential	110
Under Construction	Not known
Other Uses	Not known
Proportion Residential of all Uses	Not known

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Data Source: Uniform Database  
Date: 29/04/2015

**Premises within 75 metres of: Top Dog Eats, 48 Frith Street, London W1D**

<b>p / n</b>	<b>Name of Premises</b>	<b>Premises Address</b>	<b>Opening Hours</b>
748	Compton News	48 Old Compton Street London W1D 4UA	Monday to Saturday 07:00 - 01:00 Sunday 08:00 - 22:00
9929	G-A-Y Bar	Basement To First Floor 30 Old Compton Street London W1D 4TP	Sunday 09:00 - 00:30 Monday to Saturday 09:00 - 01:30
14876	Karaoke Box	Ground Floor 18 Frith Street London W1D 4RQ	Monday to Wednesday 09:00 - 02:00 Thursday to Saturday 09:00 - 05:00 Sunday 09:00 - 23:00
16199	Gopal's Of Soho	Basement And Ground Floor 12 Bateman Street London W1D 4AH	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
19291	Balan's Cafe	34 Old Compton Street London W1D 4TP	Monday to Saturday 10:00 - 05:00 Sunday 12:00 - 05:00
19462	Bar Italia	Basement And Ground Floor Front 22 Frith Street London W1D 4RP	Monday to Saturday 10:00 - 05:00 Sunday 12:00 - 05:00
22713	Chotto-Matte	11-13 Frith Street London W1D 4RB	Monday to Saturday 10:00 - 01:30 Sunday 12:00 - 00:30
22809	The Vintage House	Basement And Ground Floor 42 Old Compton Street London W1D 4TX	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30
22909	L'Escargot	48 Greek Street London W1D 4EF	Monday to Sunday 10:00 - 01:00
24874	Siam Thai Restaurant	Basement And Ground Floor 48 Frith Street London W1D 4SF	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sundays before Bank Holidays 12:00 - 00:00 Sunday 12:00 - 22:30
28294	Muriel's Kitchen	36 Old Compton Street London W1D 4TT	Monday to Sunday 07:00 - 01:30
30530	Carlisle Arms Public House	2 Bateman Street London W1D 4AE	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sundays before Bank Holidays 12:00 - 00:00 Sunday 12:00 - 22:30
-15946	Patisserie Valerie	44 Old Compton Street London W1D 4TY	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-12468	Amalfi Restaurant	29-31 Old Compton Street London W1D 5JR	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-7530	Nando's	Ground Floor 10 Frith Street London W1D 3JF	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-5454	The Groucho Club	44-45 Dean Street London W1D 4QB	Monday to Saturday 09:00 - 02:30 Sunday 12:00 - 00:00
-3983	Ronnie Scott's Jazz Club	Basement And Ground Floor And Part First Floor 47 Frith Street London W1D 4SE	Sunday 09:00 - 00:30 Monday to Saturday 09:00 - 03:30
-3517	Hotel Chocolat	25 Old Compton Street London W1D 5JN	Friday to Saturday 08:00 - 00:00 Monday to Thursday 08:00 - 23:00 Sundays before Bank Holidays 10:00 - 00:00 Sunday 10:00 - 22:30
1833	The Delhi Brasserie	44 Frith Street London W1D 4SB	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
2187	40 Dean Street	40 Dean Street London W1D 4PX	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
5929	Dean Street Town House	69 - 71 Dean Street London W1D 3SE	Monday to Sunday 00:00 - 00:00
14921	The Crown & Two Chairmen	31-32 Dean Street London W1D 3SB	Friday to Saturday 07:00 - 00:00 Sundays before Bank Holidays 07:00 - 00:00 Sunday 07:00 - 22:50 Monday to Thursday 07:00 - 23:30
15062	Ceviche	Basement And Ground Floor 17 Frith Street London W1D 4RG	Monday to Saturday 10:00 - 01:30 Sunday 12:00 - 01:00
21763	Opuz Kitchen	Basement And Ground Floor 27 Old Compton Street London W1D 5JP	Monday to Wednesday 08:00 - 00:30 Thursday to Saturday 08:00 - 01:00 Sunday 10:00 - 00:00
24403	Cookhouse Joe	33 Dean Street London W1D 4PW	Friday to Saturday 09:00 - 00:00 Monday to Thursday 09:00 - 23:30 Sundays before Bank Holidays 12:00 - 00:00 Sunday 12:00 - 22:30

25636	Soho Kitchen And Bar	19-21 Old Compton Street London W1D 5JJ	Monday to Sunday 00:00 - 00:00
29195	Koya	49 Frith Street London W1D 4SG	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 23:30
29725	Union Club	50 Greek Street London W1D 4EQ	Monday to Saturday 10:00 - 01:30 Sunday 12:00 - 01:00
30935	Gourmet Burger Kitchen	15 Frith Street London W1D 4RE	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
31950	Duck Soup	Basement And Ground Floor 41 Dean Street London W1D 4PY	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-32726	Little Italy	21 Frith Street London W1D 4RN	Monday to Sunday 09:00 - 05:00
-32506	Dozo	Basement And Ground Floor 40 Frith Street London W1D 5LN	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-32400	Dog & Duck Public House	18 Bateman Street London W1D 3AJ	Friday to Saturday 07:00 - 00:00 Sunday 07:00 - 00:00 Sundays before Bank Holidays 07:00 - 00:00 Monday to Saturday 07:00 - 00:30 Sunday 07:00 - 22:30 Monday to Thursday 07:00 - 23:30
-30504	Pulcinella Restaurant	Basement To First Floor 37 Old Compton Street London W1D 5JY	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-25671	Herman Za German	Basement And Ground Floor 33 Old Compton Street London W1D 5JU	Friday to Saturday 11:00 - 00:00 Sunday 11:00 - 22:30 Monday to Thursday 11:00 - 23:30
-23840	The Arts Theatre Club	Ground Floor West 50 Frith Street London W1D 4SQ	Monday to Saturday 09:00 - 03:30 Sunday 09:00 - 23:00
-21210	Black's	Basement To First Floor 67 Dean Street London W1D 4QH	Monday to Saturday 10:00 - 01:30 Sunday 12:00 - 01:00
-19372	Pix	Ground Floor 16 Bateman Street London W1D 3AH	Friday to Saturday 11:00 - 00:00 Monday to Thursday 11:00 - 23:30 Sunday 12:00 - 22:30 New Year's Eve XXXX - XXXX
-18517	Amalfi Restaurant	29-31 Old Compton Street London W1D 5JR	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-17299	Garlic & Shots	Basement And Ground Floor 14 Frith Street London W1D 4RD	Monday to Saturday 10:00 - 01:00 Sunday 12:00 - 23:30
-13881	Soho Whisky Club	First Floor 42 Old Compton Street London W1D 4TX	Friday to Saturday 10:00 - 00:00 Sunday 10:00 - 22:00 Monday to Thursday 10:00 - 23:00
-8663	Cay Tre (Soho)	42-43 Dean Street London W1D 4QA	Monday to Sunday 09:30 - 01:30
-8333	Labels	Basement 23 Frith Street London W1D 4RR	Sunday 09:00 - 01:00 Monday to Saturday 09:00 - 04:00
-7156	Little Italy	21A Frith Street London W1D 4RW	Monday to Sunday 09:00 - 05:30
-6092	Koya Bar	Ground Floor 50 Frith Street London W1D 4SQ	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 22:30
-4922	Tonkotsu	Basement To First Floor 63 Dean Street London W1D 4QG	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-3021	Buffo	45 Frith Street London W1D 4SD	Monday to Saturday 10:00 - 01:00 Sunday 12:00 - 00:00
-2234	Club 49	Basement And Ground Floor 49 Greek Street London W1D 4EG	Monday to Saturday 10:00 - 03:30 Sunday 12:00 - 23:00
-1809	Buen Gusto Cafe	39 Frith Street London W1D 5LL	Monday to Sunday 08:00 - 03:00
-320	Ku Bar	Basement To First Floor 25 Frith Street London W1D 5LB	Friday to Saturday 10:00 - 00:00 Sundays before Bank Holidays 10:00 - 00:00 Sunday 10:00 - 22:30 Monday to Thursday 10:00 - 23:30
1940	Prince Edward Theatre	Prince Edward Theatre 28 Old Compton Street London W1D 4HS	Monday to Sunday 09:00 - 01:00
2929	Burger Lobster	36 - 38 Dean Street London W1D 3TE	Monday to Thursday 10:00 - 00:30 Friday to Saturday 10:00 - 01:00 Sundays before Bank Holidays 12:00 - 00:30 Sunday 12:00 - 23:00

8776	Dodo Supermarket	Basement And Ground Floor 24 Frith Street London W1D 5LA	Monday to Thursday 08:00 - 01:00 Friday to Saturday 08:00 - 03:00 Sunday 10:00 - 22:30
8799	Sunset Strip	Basement To First Floor 30 Dean Street London W1D 3SA	Sunday 09:00 - 00:00 Monday to Saturday 09:00 - 01:30
9139	Cookhouse Joe	33 Dean Street London W1D 4PW	Friday to Saturday 09:00 - 00:00 Monday to Thursday 09:00 - 23:30 Sundays before Bank Holidays 12:00 - 00:00 Sunday 12:00 - 22:30
10837	Caffe Nero	Ground Floor 43 Frith Street London W1D 4SA	Sunday to Wednesday 23:00 - 02:00 Thursday to Saturday 23:00 - 04:00
13321	Barrafina	54 Frith Street London W1D 4SL	Monday to Saturday 10:00 - 01:30 Sunday 12:00 - 01:00
15010	Dozo	Basement To First Floor 32 Old Compton Street London W1D 4TP	Monday to Saturday 10:00 - 01:30 Sunday 12:00 - 00:00
17446	Little Italy Two	Ground Floor 21A Frith Street London W1D 4RF	Monday to Saturday 10:00 - 05:00 Sunday 12:00 - 05:00

# **BACKGROUND PAPERS**

**Application to vary a premises licence under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Top Dog Eats Ltd

*(Insert name(s) of applicant)*

**being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below**

<b>Premises licence number</b> 14/03927/LIPN
---

**Part 1 – Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description Top Dog Eats 48 Frith Street			
Post town	London	Postcode	W1D 4SF

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£52,000

**Part 2 – Applicant details**

Daytime contact telephone number			
E-mail address (optional)			
Current postal address if different from premises address			
Post town		Postcode	



**Part 3 - Variation**

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?  Yes  No

If not, from what date do you want the variation to take effect?

DD		MM		YYYY			
?	?	?	?	?	?	?	?

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?  
(Please see Guidance Note 1)  Yes  No

**Please describe briefly the nature of the proposed variation** (Please see guidance note 2)

To vary the existing premises licence so as to amend condition 10 (iii), as follows:-

Existing;

10 (iii). which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,

Proposed amendment;

10 (iii). which provide food in the form of substantial table meals that are prepared on the premises and consumed at the table using non disposable crockery,

This amendment is sought to allow customers to purchase food over the counter. The premises will continue to operate as a restaurant with alcohol served by waiter or waitress, as conditioned.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

**Part 4 Operating Schedule**

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

**Provision of regulated entertainment**

**Please tick all that apply**

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g)  
(if ticking yes, fill in box H)

**Provision of late night refreshment** (if ticking yes, fill in box I)

**Sale by retail of alcohol** (if ticking yes, fill in box J)

**In all cases complete boxes K, L and M**

A

Plays Standard days and timings (please read guidance note 7)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
Wed					
			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
Thur					
			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

**B**

Films Standard days and timings (please read guidance note 7)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 4)</u>		
Mon					
			<u>State any seasonal variations for the exhibition of films (please read guidance note 5)</u>		
Tue					
			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)</u>		
Wed					
Thur					
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)	
Day	Start	Finish		
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)	
Tue				
Wed				
Thur				<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6),
Fri				
Sat				
Sun				

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 4)</u>		
Mon					
			<u>State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5)</u>		
Tue					
			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 6)</u>		
Wed					
Thur					
Fri					
Sat					
Sun					



F

Recorded music Standard days and timings (please read guidance note 7)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)					
Mon								
Tue								
Wed						<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)		
Thur								
Fri						<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat								
Sun								



G

<b>Performances of dance</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of dance take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)					
Mon								
Tue								
Wed						<b>State any seasonal variations for the performance of dance</b> (please read guidance note 5)		
Thur								
Fri						<b>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sat								
Sun								

H

<p><b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 7)</p>			<p>Please give a description of the type of entertainment you will be providing</p>		
Day	Start	Finish	<p><b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><b><u>Please give further details here</u></b> (please read guidance note 4)</p>		
Wed					
Thur			<p><b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 5)</p>		
Fri					
Sat			<p><b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)</p>		
Sun					

1

<b>Late night refreshment</b> Standard days and timings (please read guidance note 7)			<b><u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon					
Tue			<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 5)		
Wed					
Thur			<b><u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Fri					
Sat					
Sun					

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 6)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>State any seasonal variations for the supply of alcohol</u></b> (please read guidance note 5)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					
			<b><u>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		

K

<p><b>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children</b> (please read guidance note 9).</p>
---

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 7)			<u>State any seasonal variations</u> (please read guidance note 5)
Day	Start	Finish	
Mon			
Tue			
Wed			
Thur			
Fri			<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 6)
Sat			
Sun			

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.  
Licence with the council following submission of transfer and variation applications.

**M**

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)**

The existing conditions address the licensing objectives and are to remain unchanged.

**b) The prevention of crime and disorder**

see a) above

**c) Public safety**

see a) above

**d) The prevention of public nuisance**

see a) above

**e) The protection of children from harm**

see a) above

**Checklist:**

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.**

**Part 5 – Signatures** (please read guidance note 11)

**Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent** (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	<i>Thomas &amp; Thomas</i>
Date	10/03/2015
Capacity	Thomas & Thomas Partners LLP, Solicitors on behalf fo the applicant

**Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent** (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

**Contact name (where not previously given) and address for correspondence associated with this application** (please read guidance note 14)

TOM/TB/IGN.1.23  
 Thomas & Thomas Partners LLP  
 38a Monmouth Street

Post town	London	Post code	WC2H 9EP
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Telephone number (if any)	020 7042 0415
---------------------------	---------------

If you would prefer us to correspond with you by e-mail, your e-mail address (optional)  
 tburton@tandtp.com



## Notes for Guidance

**This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.**

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.
2. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
4. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
7. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
10. Please list here steps you will take to promote all four licensing objectives together.
11. The application form must be signed.
12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
13. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
14. This is the address which we shall use to correspond with you about this application.



Schedule 12  
Part A

WARD: West End  
UPRN: 010033570852

# City of Westminster

64 Victoria Street, London, SW1E 6QP

## Premises licence

Regulation 33, 34

Premises licence number:

15/01288/LIPV

Original Reference:

14/03927/LIPN

### Part 1 – Premises details

#### Postal address of premises:

Top Dog Eats  
48 Frith Street  
London  
W1D 4SF

Telephone Number: Not Supplied

#### Where the licence is time limited, the dates:

Not applicable

#### Licensable activities authorised by the licence:

Playing of Recorded Music  
Late Night Refreshment  
Sale by Retail of Alcohol

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

##### Playing of Recorded Music

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

##### 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:**

Top Dog Eats Ltd  
15A Ives Street  
London  
SW3 2ND

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

08559444

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

**Name:** Thanatip Ketchart

*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:** 02892  
**Licensing Authority:** London Borough of Lambeth

**Date:** 29<sup>th</sup> April 2015

**This licence has been authorised by Mrs Sumeet Anand-Patel 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.

## Annex 2 – Conditions consistent with the operating Schedule

10. The premises shall only operate as a restaurant (i) in which customers are shown to their table, (ii) where the supply of alcohol is by waiter or waitress service only, (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery, (iv) which do not provide any take away service of food or drink for immediate consumption, (v) which do not provide any take away service of food or drink after 23.00, and (vi) where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are seated in the premises and bona fide taking substantial table meals there and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

Notwithstanding this condition (10) customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal and (b) alcohol may be supplied to and/or consumed prior to their meal by customers in the basement up to a maximum, at any one time, of 16 persons dining at the premises

11. The maximum number of persons accommodated at any one time (excluding staff) shall not exceed
- |                |            |
|----------------|------------|
| ○ Basement     | 18 persons |
| ○ Ground Floor | 42 persons |
| ○ First Floor  | 30 persons |
12. After 22:00 hours the entrance door shall be kept closed except for immediate access and egress of persons or at anytime that regulated entertainment is provided.
13. 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.
14. 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.
15. Patrons permitted to temporarily leave and then re-enter the premises, eg to smoke, shall not be permitted to take drinks or glass containers with them.
16. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 23.00 and 08.00 hours.
17. No deliveries to the premises shall take place between 23.00 and 08.00 hours.
18. 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.
19. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
20. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the Premises where alcohol is sold or supplied for consumption on the Premises.
21. A record shall be kept detailing all refused sales of alcohol. The record shall include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the Premises by the

police or an authorised officer of the City Council at all times whilst the Premises are open.

22. Children under the age of 14 will not be permitted to remain in the premises after 21:00 hours
23. No noise shall emanate from the Premises nor vibration be transmitted through the structure of the Premises which gives rise to a public nuisance:
24. Loudspeakers shall not be located in the entrance lobby or outside the building of which the Premises form part.
25. Hours for licensable activities and opening may be extended from the end of trade on New Year's Eve to the beginning of trade on New Year's Day.
26. The variation of the Premises Licence 14/03927/LIPN to include the following works:
  - ground floor: minor changes to back -of-house areas
  - installation of counter/till area

will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.



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

None

**Annex 4 – Plans**

Attached



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TO Mrs Sumeet Anand-Patel

REFERENCE 15/01790/LIPV

---

FROM EH Consultation Team  
BEING DEALT WITH BY Cliona Coleman (ccoleman@westminster.gov.uk)  
TELEPHONE 020 7641 6830  
DATE 23rd March 2014

---

The Licensing Act 2003

Top Dog Eats, Basement And Ground Floor, 48 Frith Street, London W1D 4SF

I refer to the application for variation of the premises licence

**The premises are located within the West End Stress Area as stated in the City of Westminster's Statement of Licensing Policy.**

The applicant is seeking the following:

1.Variation of condition 10 of the current licence 14/03927/LIPN as set out in the operating schedule below.

**Existing;**

10 (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery.

**Proposed amendment;**

10 (iii) which provide food in the form of substantial table meals that are prepared on the premises and consumed at the table using non disposable crockery.

I wish to make the following representation:

1.Representation is made to variation of condition 10 as it will have the likely effect of causing an increase in Public Nuisance in the West End Stress Area.

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

Cliona Coleman  
Environmental Health Consultation Team

29/04/2015 11:25:08

From: "Coleman, Cliona" </O=CITYOFWESTMINSTER/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CCOLEMAN>  
Sent: 14/04/2015 13:17:59  
To: "Anand-Patel, Sumeet" </O=CITYOFWESTMINSTER/OU=CORPORATE/CN=RECIPIENTS/CN=SANAND>  
Cc: Anand-Patel, Sumeet  
Subject: 15/01790/LIPV- Top Dog Eats

Hi Thomas,

Environmental Health are satisfied with the proposed varied licence condition MC66 to allow customers to purchase food over the counter and consume on the premises there I wish to withdraw my objection.

"10 (iii). which provide food in the form of substantial table meals that are prepared on the premises and consumed at the table using non disposable crockery, "

If you have any questions please do not hesitate to contact me.

Cliona Coleman

Environmental Health Officer  
EH Consultation Team

Premises Management

Westminster City Council  
4th Floor West  
City Hall  
64 Victoria Street  
London SW1E 6QP

T: 020 7641 6830

E: ccoleman@westminster.gov.uk <mailto:dhine@westminster.gov.uk>

cid:image003.jpg@01CD3505.A8C05CE0  
<<http://www.westminster.gov.uk/services/environment/environmentalhealth/environmental-health-training/>>

<http://westminstercitycouncil.newswave.com/1gvm89my1a11s8n2z6jwk?email=true&p=505211t=127635>

You can now apply online for the majority of licensing regimes that the authority is responsible for. Please visit [www.westminster.gov.uk/licensing](http://www.westminster.gov.uk/licensing) <<http://www.westminster.gov.uk/licensing>> and following the relevant links to apply.

Please consider your environmental responsibilities before printing this email!

29/04/2015 11:24:38

From: "Marriott, Chris" </O=CITYOFWESTMINSTER/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CMARRIOTT2>  
Sent: 08/04/2015 09:52:07  
To: "Anand-Patel, Sumeet" </O=CITYOFWESTMINSTER/OU=CORPORATE/CN=RECIPIENTS/CN=SANAND>  
Subject: 15/01790/LIPV - TOP DOG EATS - 48 Frith Street W1

Hi Sumeet,

FYI

Kind regards

Chris

From: Marriott, Chris  
Sent: 02 April 2015 12:37  
To: 'Tilly Burton'  
Cc: idoxlicensing  
Subject: FW: 15/01288/LIPV - TOP DOG EATS - 48 Frith Street W1

15/01790/LIPV - TOP DOG EATS - 48 Frith Street W1

Dear Sir/Madam,

With reference to the above application, I am writing to inform you that the Metropolitan Police, as a responsible authority have representations to this application. It is our belief that if granted the application would undermine the Licensing Objectives.

The venue is situated within the West End stress area where this is traditionally high crime and disorder. There are concerns that this application will cause further policing problems in an already demanding area and add to the cumulative impact.

Kind regards

PC Chris Marriott 3540CW

Westminster Police Licensing Team

4th floor, 64 Victoria Street,

London, SW1 EQP

C:\Users\sanand\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.IE5\5WO8YIRC\3728023[1].msg

## Anand-Patel, Sumeet

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**Subject:** FW: 15/01790/LIPV- Top Dog Eats

**From:** Marriott, Chris  
**Sent:** 16 April 2015 13:16  
**To:** Thomas O'Maoileoin  
**Cc:** Anand-Patel, Sumeet; Sollars, Jim  
**Subject:** RE: 15/01790/LIPV- Top Dog Eats

15/01790/LIPV- Top Dog Eats

Good afternoon Thomas,

Sorry this is a model condition. The venue is inside the West End Stress area, Should you wish to show you are an exception to the current policy, then you will need to attend a licensing subcommittee.

Kind regards

Chris

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**From:** Thomas O'Maoileoin [<mailto:TOMaoileoin@tandtp.com>]  
**Sent:** 14 April 2015 14:20  
**To:** Marriott, Chris  
**Subject:** FW: 15/01790/LIPV- Top Dog Eats

Hi Chris

Can this not be agreed? Best wishes – see EHO comments below

Thomas

**NOTE: THE EHO COMMENTS CAN BE FOUND WITH THE EH REPRESENTATION AND WITHDRAWAL**



26/02/2015 03:41 PM