



City of Westminster

# Licensing Sub-Committee Report

Item No:	
Date:	1 October 2015
Licensing Ref No:	15/05191/LIPV - Premises Licence Variation
Title of Report:	Cafe Berlin At The Goethe Institute 51 Princes Gate London SW7 2PH
Report of:	Director of Public Protection and Licensing
Wards involved:	Knightsbridge And Belgravia
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Mr Ola Owojori Senior Licensing Officer
Contact details	Telephone: 020 7641 7830 Email: owojori@westminster.gov.uk

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	Variation of a Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	26 June 2015		
<b>Applicant:</b>	Goethe Institute.e.V		
<b>Premises:</b>	Cafe Berlin At The Goethe Institute		
<b>Premises address:</b>	51 Princes Gate London SW7 2PH	<b>Ward:</b>	Knightsbridge And Belgravia
		<b>Stress Area:</b>	None
<b>Premises description:</b>	The premises (including 50 Princes Gate) provide workshops and training seminars for teachers of German as a second language which includes learning about German life and an extensive examination programme. Licensable activities is allowed to members of the public at the premises whilst at 50 Princes Gates, licensable activities is restricted to employees, students, members of the institute and their bona fide guests.		
<b>Variation description:</b>	To vary the hours for sale of alcohol on Saturday and Sunday and to permit sale of alcohol for consumption off the premises		
	To change the layout of the premises in accordance with the submitted plan and to extend the licensed area to include the terrace behind 50 and 51 Princes Gate		
<b>Premises licence history:</b>	The premises are currently licensed under reference 08/03917/LIPT. The premises licence history can be found at <b>Appendix 3</b>		
<b>Applicant submissions:</b>	Planning permission for use of the outside terrace, letter of commendation from Richmond Council, main presentation, applicant's propose conditions, noise management plan and invitation from Kingston Council for a reference call.		

1-B Current and proposed licensable activities, areas and hours						
Sale by Retail of Alcohol						
On or off sales		Current :			Proposed:	
		On			On and Off	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
<b>Monday</b>	10:00	00:00	No change		Lower and upper ground floors	Lower ground, upper ground and outside terrace behind 50 and 51 Princes Gate
<b>Tuesday</b>						
<b>Wednesday</b>						
<b>Thursday</b>						
<b>Friday</b>						

<b>Saturday</b>	10:00	00:00	08:30	00:00		
<b>Sunday</b>	12:00	23:30	08:30	23:30		
<b>Seasonal variations:</b>	<b>Current:</b>				<b>Proposed:</b>	
	On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).				No change	
<b>Non-standard timings:</b>	<b>Current:</b>				<b>Proposed:</b>	
	N/A				N/A	

<b>Hours premises are open to the public</b>						
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Premises Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	10:00	00:30	08:00	00:30	Lower and upper ground floors	Lower ground, upper ground and outside terrace behind 50 and 51 Princes Gate
<b>Tuesday</b>						
<b>Wednesday</b>						
<b>Thursday</b>						
<b>Friday</b>						
<b>Saturday</b>						
<b>Sunday</b>						
<b>Seasonal variations:</b>	<b>Current:</b>				<b>Proposed:</b>	
	On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).				No change	
<b>Non-standard timings:</b>	<b>Current:</b>				<b>Proposed:</b>	
	N/A				N/A	

<b>Late night refreshment:</b>	No variation proposed
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<b>Regulated Entertainment:</b>	No variation proposed
Recorded Music and Private Entertainment	

<b>1-C Layout alteration</b>
To change the layout of the premises so as to: <ul style="list-style-type: none"> <li>• Move the kitchen from the window area to behind the columns at the back of the room.</li> <li>• Move the bar from the side of the room to the centre of the room between the columns.</li> <li>• Add additional customer toilets and storage facilities in the basement</li> </ul>

To extend the licensed area to include the terrace behind 50 and 51 Princes Gate.

**1-D Conditions being varied, added or removed**

<b>Condition</b>		<b>Proposed variation</b>	
4. Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal.		To be removed	
<b>Adult entertainment:</b>	<b>Current position:</b>	<b>Proposed position:</b>	
	N/A	N/A	

**2. Representations**

**2-A Responsible Authorities**

<b>Responsible Authority:</b>	Environmental Health
<b>Representative:</b>	Dave Nevitt
<b>Received:</b>	24 July 2015

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TO Licensing Officer

REFERENCE 15/05191/LIPV

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FROM EH Consultation Team, 4<sup>th</sup> Floor (West) City Hall  
REFERENCE 15/024273/EHCT  
BEING DEALT WITH BY David Nevitt  
TELEPHONE 3188  
DATE 24.7.2015

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**LICENSING ACT 2003**

**APPLICATION FOR A VARIATION TO A PREMISES LICENCE**

**CAFÉ BERLIN AT THE GOETHE INSTITUT, 52 PRINCES GATE, SW7**

I refer to the above application which seeks a Variation to Premises Licence 08/03917/LIPT to include the following:

***Alterations to the layout and arrangement of the premises, including rear terrace area. Changes to Licence Conditions and Hours for Licensable Activities.***

The applicant also states: ***'Please remove conditions under paragraph 6 and replace with the following:***

***Requested non standard times for sale of alcohol:***

***Day before a bank holiday: like a Saturday 08:00 am to 00:30.***

***Bankholiday: like a Sunday 08:00 am to 00:00***

***Good Friday: like a Saturday 08:00 to 00:30***

***New Years Eve: 08:00 to 05:30 on New Years day***

***New Years day 08:00 to 00:00'***

And: ***'Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals or otherwise and ancillary to meals served in the licensed premises. '***

***'Proposed to be replaced with:***

***The premises should offer table meals during the times when alcohol is on sale.'***

I wish to make Representations on the following grounds:

Representation is made in relation to the application, as the proposals are likely to increase Public Nuisance and may impact upon Public Safety.

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

David Nevitt  
Environmental Health Officer

## **PROPOSED EH CONDITIONS**

### **GOETHE INSTITUT, 51 PRINCES GATE**

**REF: 15/05191/LIPV**

**7.8.2015**

I propose the following Conditions:

1. Before 1000hrs on Monday to Saturday and before 1200hrs on a Sunday the supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
2. The supply of alcohol shall at all times only be to persons who are seated.
3. The supply of alcohol shall be by waiter or waitress service only.
4. The use of the rear external terrace area by patrons shall cease at 2100hrs.
5. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises 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.
6. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
7. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables
8. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
9. 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.
10. 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.
11. The number of persons permitted in the premises at any one time (including staff) shall not exceed (X) persons.(to be specified on completion of the works).
12. No collections of waste or recycling materials (including bottles) from the premises shall take place between (23.00) and (08.00) on the following day.
13. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
14. 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.
15. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00.

16. 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.
17. No deliveries to the premises shall take place between (23.00) and (08.00) on the following day.
18. The licence will have no effect until the capacity of the premises has been assessed by the Environmental Health Consultation Team and a condition detailing the agreed capacity has replaced this condition on the Licence.

The applicant has agreed some of the conditions and have proposed alternatives to those that have not been agreed. **See Appendix 4.**

<b>Responsible Authority:</b>	Metropolitan Police
<b>Representative:</b>	PC Reaz Guerra
<b>Received:</b>	24 July 2015

With reference to the above application I am writing to inform you that the Police, as a Responsible Authority, object to your application for a New Premises Licence as it is our belief that if granted the application would undermine the Crime Prevention Objective.

There is insufficient detail in the operating schedule to address the Crime Prevention Objective.

It is for this reason that we are objecting to the application

Should you wish to discuss the matter further please contact PC Reaz Guerra on **0207 641 1709** or via email, [rguerra@westminster.gov.uk](mailto:rguerra@westminster.gov.uk).

<b>2-B Other Persons</b>			
<b>Name:</b>	Sophie Andreae		
<b>Address and/or Residents Association:</b>	Brompton Association 23 Brompton Square London SW3 2AD		
<b>Status:</b>	Amenity Association	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	24 July 2015		
<p>I write as Chairman of the Brompton Association, the local amenity society and registered charity, to object strongly on behalf of the Association to the Goethe Institute's application to use the terrace as an open-air restaurant and bar. The application seeks to lift the current restriction that alcohol can only be served to those taking a meal and also seeks permission to remain open until 00.30. The application also seeks permission to sell alcohol on and off the premises until midnight.</p> <p>There are a considerable number of residents living in the immediate area with flats directly overlooking this terrace. These residents will be seriously affected by noise and</p>			

nuisance from the many more people who will use the Goethe Institute building and its terrace should permission be given. This proposal is wholly unacceptable. The extension of hours needs to be resisted as does the proposed extension of the restaurant/bar provision on the terrace.

<b>Name:</b>		Cllr Mr Tony Devenish	
<b>Address and/or Residents Association:</b>		64 Victoria Street, London, SW1E 6QP	
<b>Status:</b>	Ward Councillor	<b>In support or opposed:</b>	
<b>Received:</b>	24 July 2015		
<p><i>This has only just come to my attention - this premise overlooks multiple residential, is way too big 68 covers and a 00.30 opening ! No to an open air bar.</i></p> <p><i>I vigorously object.</i></p>			
<b>Name:</b>		John Curry	
<b>Address and/or Residents Association:</b>		49H Princes Gate London SW7 2PG	
<b>Status:</b>	Resident	<b>In support of opposed:</b>	Opposed
<b>Received:</b>	23 July 2015		



PREMISES MANAGEMENT  
LICENSING SERVICE  
23 JUL 2015  
CITY OF WESTMINSTER

To;  
City of Westminster Licensing Service,  
Westminster City Hall,  
London SW1E 6QP.

From;  
Mr John Curry,  
49H Princes Gate,  
London SW7 2PG.

19 July 2015 ( email;curryjfc@aol.com/mob;07753 982388)

Dear Sirs,  
**Re Premises License Variation Application Ref; 15/05191/LIPV.**


I am a resident of 49 Princes Gate and wish to lodge an objection to the proposed variation to the licensing hours of Cafe Berlin at the Goethe Institute under the heading of Prevention of Public Nuisance.

Number 49 Princes Gate is in a residential building .My bedroom is located at the rear of the building as are the bedrooms of a number of other residents. As such they are vulnerable to late night noise especially from the external terrace of the Goethe Institute which is located next door directly beneath our bedroom windows. Therefore, the sale of alcohol to midnight on Saturday and 11.30 on Sunday is worrying to say the least with the prospect of noise continuing to the early hours of the morning. I am also confused as to why the sale of alcohol off the premises is proposed especially given the issue of late night drinking in Princes Square.

I would emphasise that we are talking of a residential area including student residences. I would point out that the bar of the Students Union on the other side of the Square is licensed to 11 pm and earlier on Sundays because of this fact. I would also point out that the Goethe Institute is a cultural organisation.

I sincerely hope that all these points will be taken into account when considering the above licensing application.

Signed,

Mr John F. Curry. 

<b>Name:</b>		Eva Skinner	
<b>Address and/or Residents Association</b>		Onslow Neighbourhood Association	
<b>Status:</b>	Residents Association	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	24 July 2015		

I am writing on behalf of the Onslow Neighbourhood Association which has members in the immediate vicinity of The Goethe Institute and also has a general interest in any licensing decisions in relation to premises in Exhibition Road, as such decisions have the capacity to set a precedent for other premises in the Road, including those in Kensington and Chelsea.

I would like to object to this application on the following grounds of:

- prevention of crime and disorder
- prevention of public nuisance
- protection of children from harm

It is worth noting that at the south end of Exhibition Road (a far busier and more commercial area than The Goethe Institute with no less than 10 caf  /restaurants operating in a single block all with tables and over 200 chairs in total outside their premises in the open air) all patrons are required to have finished their meal and the tables and crockery to have been cleared away by 22.00 in order to avoid disturbing local residents. The Goethe Institute is surrounded by considerably more residents (Council figures state the area is 75% residential) in a location with next to no background noise but is proposing to operate a restaurant/bar on the rear open air terrace until 00.30

The application for The Berlin Cafe seeks to convert what is currently a **restaurant** licence for the Institute, into a **public bar**. We have no objection to the current restaurant licence allowing licensable activities to be undertaken by the Goethe Institute to serve their members and their bona fide guests. However, this application is for a commercial company seeking to operate as a public bar in the heart of a highly residential area without even trying to consult with local residents. The application, by seeking the removal of the current restriction to sell alcohol only with table meals, and by seeking instead permission to sell alcohol for sales on and off the premises is actually applying to run a bar open to the public. The proposal also represents a very significant increase in scale and a very large intensification of use from the current licence.

Currently we experience the well-known problems of South Kensington turning into a destination point for young revellers, street drinking, vagrancy, noise and other problems fuelled by late night drinking. These problems should not be encouraged to move into the cultural and residential area of Exhibition Road.

The application is looking to include into the drinking licence an open-terrace at the back of property, and does not propose any measures to limit the noise and inconvenience to residential bedrooms overlooking the rear of these premises. This area is particularly quiet, many of the bedrooms overlook a garden square, so any activity on the terrace has the capacity to cause significant noise pollution given low levels of background noise at any time, let alone late in the evening. Residents, and their families including children, should be able to have quiet nights, and to be able to enjoy their homes, without being disturbed by noise and nuisance caused by the members of the public, or by open function rooms for pre-booked functions from outside

organisations.

We object to the long hours proposed in this application. the highly sensitive nature of the location (densely residential with no other commercial premises of this nature) the hours proposed for operation of the licence as a bar 08.30 until 00.00 with patrons not to depart the premises until 00.30 - are far too early and far too late.

We would like to refer you to a similar application Re 14/09733/LIPV - 55 Princess Gate , London SW7 2PN (Ognisko Polish Club) which was refused by Committee due to the unsuitability of the location for a bar, the sensitivity of introducing an open air dining area in a residential area, and known late night street drinking problems in the area. Ognisko only received permission on the basis of confining their application to operating as a restaurant (not a bar), not proposing sales of alcohol off the premises and with additional conditions, (including for the use of the terrace) to mitigate the obvious risks to the licensing objectives.

We urge you to turn this application down.

<b>Name:</b>	Jane Whewell		
<b>Address and/or Residents Association</b>	67 Princes Gate Mews, London , SW7 2PP		
<b>Status:</b>	Resident	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	24 July 2015		

I wish very strongly indeed to object to this application on my own behalf personally and on behalf of the Princes Gate Mews Residents' Association, of which I am Chair. (Residents of the Mews have homes directly overlooking the gardens alongside which the applicant is proposing to install and open air bar and open air dining for 68 patrons).

I would also whether it is appropriate for such a radical change to the licence to be proceeded with by means of a licence variation. My understanding is that the variation procedure is only for smaller changes – not those of such significance as proposed here.

This application for a variation is entirely inappropriate for a profoundly residential area and is in conflict with all of the licensing objectives.

The Goethe Institute is an academic institution in a residential area which appears to be sub-letting half its entire ground floor to a commercial company seeking to operate as a public bar in the heart of a residential area – a fact the application only briefly and indirectly acknowledges. We also very much regret that to the best of our knowledge, no attempt has been made by the applicant to consult with local residents. As a result, we wish to object to all of this application, in particular on the licensing grounds of: prevention of crime and disorder, prevention of public nuisance and protection of children from harm.

**Objection to replacement of Current Licence with one in effect for a commercial public bar,**

We wish to object to the fundamental principle of this application – turning a restaurant into a commercial bar. The application, by seeking the removal of the current restriction to sell alcohol only with table meals, and by seeking additional permission to sell alcohol for sales off the premises is actually applying to run a bar. open to the public. This would set a highly damaging precedent for the area and pressure for other

bars/restaurants to open up elsewhere in Exhibition Rd north of Cromwell Rd will be intense if this is granted. It is highly regrettable that the application makes limited and indirect acknowledgement of the highly residential nature of the Club's vicinity (and no regard is paid whatsoever to the sensitivity of proposing an open air dining area for 68 people + staff with an additional public bar on the terrace. See below for more detail)

The Club is directly overlooked front and back by multiple noise sensitive properties and is in an area with no other commercial premises of this nature open to the public. The proposal also represents a very significant increase in scale and a very large intensification of use from the current licence.

We do not consider the conversion of a the current licence to that for a commercial public bar in this sensitive area could ever be acceptable and we note that the Guidance acknowledges this can be the case as it says "*premises that primarily serve alcohol, with or without the provision of any ancillary playing of music, can give rise to public nuisance for residents ... This is principally due to noise from the premises and from patrons when they leave. Pubs and bars present opportunities for crime and can also give rise to disorder*"

A restaurant is a very different proposition causing less concern. As Council guidance says "It is recognised that restaurants, ... have little association with crime and disorder". Unfortunately, the application is for a public bar.

"where intoxicating liquor 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 intoxicating liquor by such persons is ancillary to taking such meals.. ....The operation of premises with a new premises licence granted as a restaurant ... may not include independent use of the bar ... Bar use and entertainment would have to be specifically sought and considered under policies appropriate... Policies include PB1and PB2 on pubs and bars and Policies MD1 and MD2 on music and dancing ... and other relevant policies."

Clearly the applicant is seeking to operate as a bar. Given the complete unsuitability of the local area for a commercial public bar and given that Council guidance states that " Policy PB1 Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1." – something the application totally fails to demonstrate – we would ask the Council to reject this proposed conversion to a commercial public bar.

Although a similar application to this one was made by Ognisko only a couple of years ago, this was refused by the Committee due to the unsuitability of the location for a bar, the sensitivity of introducing an open air dining area in a residential area and known late night street drinking problems in the area.

Ognisko only received permission on the basis of confining their application to operating as a restaurant (not a bar), not proposing sales of alcohol off the premises and with very tight additional conditions, including on use of the terrace to mitigate the obvious risks to the licensing objectives. The strict conditions include:

*"The provision of licensable activities and access to the premises shall be restricted to:*

- a) *Persons attending the ground floor restaurant in the dining hall;*
- b) *Persons attending pre-booked private events; or*

c) *Members of the Polish Hearth private members club operating at the premises and their bona fide guests.*

*The ground floor dining room 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 or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.”*

**Noise risks from the premises, and in particular from the application proposing inclusion of an open air terrace for 68 diners + open air public bar**

The Council's guidance states *“The Licensing Authority will expect applicants to set out in their Operating Schedules the steps taken, or proposed to be taken, to deal with the potential for public nuisance arising from the operation of the premises or open air site under the licence. Applicants should identify and describe through a risk assessment how these risks will be managed.”*

It is regrettable that the applicant has made little or no reference to the fact the application includes a large open-air dining/smoking space that is directly overlooked by multiple private and student residential bedrooms. This space is particularly quiet as it and the bedrooms overlook a garden square, so any activity on the terrace has the capacity to cause significant noise pollution given low levels of background noise at any time, let alone late in the evening.

The application does not propose any risk mitigation measures for this particularly sensitive space and no additional measures are proposed for the premises in general. There has been no Environmental Noise Impact Assessment nor does the application and Operating Schedule address multiple issues in the Metropolitan Police's "effective management checklist" or the long list of issues requiring mitigation highlighted in the Council's guidance. Late night dining alone has the capacity to cause significant disruption – and this application is to run as a public bar and to include an open air bar on the terrace and the premises already has a licence to play music. Presumably vertical drinking would also be possible – and no limit on the number of persons on the terrace is proposed.

The Council's guidance states that a noise report is not likely to be required if key criteria are met. However, this application fails to meet these criteria, for example the application does not comply with criterion

*“(d) There are no noise sensitive properties above, below, adjacent, opposite in the proximity of the premises or otherwise likely to be affected.*

The Guidance also states *“Planned management measures for control of noise disturbance related to ..... waste management, servicing, and any other aspects requiring control of noise. (This will be required in most noise reports and all*

*applications where operating hours include any of the period 19.00-07.00 hours)”*

The application covers much longer hours than this, the licence already permits the playing of music and yet no mitigation for use of the terrace is proposed.

There is also a distinct lack of clarity on plans for deliveries, collections and servicing to and from the terrace but the criteria relating to these are that the applicant *“must demonstrate appropriate measures that will be taken to limit noise from these sources and that these will prevent avoidable noise disturbance to noise sensitive properties.”*

There will also be noise from clearing up and from departing customers, who are presumably able to leave and arrive via the terrace (as no requirement to forbid this has been included) and of course there has also been an application for the sale of alcohol for consumption off the premises which adds to the risks in this space (see below). The noise risks of this application, in particular for the open air terrace, have not been sufficiently considered and this plan is currently a recipe for causing a nuisance. Ognisko’s application to operate a terrace in a similar manner to that proposed here was flatly refused by the Committee. It is only allowed to operate now under new and very tight and limited conditions only, namely:

*“All windows and external doors leading to the terrace shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.*

42. (i) *Use of the external terraced area by patrons (including smokers) and by staff (including for purposes of clearing up) shall cease by 22.30 hours except for access and egress in an emergency.*

(ii) *The external terraced area shall be covered by a tented or similar temporary type structure whenever the terrace is being used as pursuant to the licence.*

43. *After 21:00 hours the number of persons permitted on the terrace at any one time (including staff) shall not exceed 40*

44. *Except in the case of an emergency or persons with disabilities access and egress to the terrace shall only be from the Dining Room”*

We cannot support the applicant’s proposals here and would ask the Council to reject them.

### **Objection to the Hours of operation sought, and to sales of alcohol for consumption off the premises**

Given the highly sensitive nature of the location (densely residential with no other commercial premises of this nature) the hours proposed for operation of the licence as a bar – 08.30 until 00.00 with patrons not to depart the premises until 00.30 - are far too early and far too late. At night, departing patrons will either have to walk past numerous residential blocks to reach the local tube station or depart by car – with all the associated noise problems caused by lack of parking in the areas, running engines and slamming car doors. The applicant has in no way demonstrated how such late hours for a public commercial bar would comply with relevant licensing criteria and indeed the guidance says that the hours at which noise may occur and disturbance of disturbance of residents *“ rest, relaxation and sleep will be of particular concern.”* and that *The effect of noise is greater later at night when ambient noise levels are lower and residents are at home relaxing or wishing to sleep.*

We also note that the applicant states that it wants to sell alcohol at an early hour to allow alcohol to be served with Brunch – brunch at 08.30????

Policy OS1 also shows the Council is well aware of “*areas with recurring problems of street drinking*” that off-sales can result in alcohol loading and it states “*new licences for the off sale of alcohol will be considered in the light of the problems of street drinking in that area.*” Given the well-known problems at South Kensington of street drinking, ‘loading’ by customers of night-clubs at South Kensington (so bad is it that local Police have covered it in the “Safer Neighbourhoods Newsletter” and stated their intention to use ASBOs) vagrancy and noise and other problems fuelled by late night drinking, we are particularly concerned about the proposals to sell alcohol for consumption off the premises. We also believe that the hours proposed for off-sales exceed those of off-sales core hours. We would ask that the Council reject the application for off-sales in its entirety.

We note that, “*Westminster has a substantial residential population and the council as the Licensing Authority has a duty to protect it from nuisance.*” And we would ask the Council on these grounds to reject this application and require the premises to operate under the hours set in its current licence.

<b>Name:</b>		Tolworth Investment	
<b>Address and/or Residents Association</b>		Paul Baudet PO Box 36 Sommerville House Phillips Street St Helier Jersey Channel Islands	
<b>Status:</b>	Interested Party	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	24 July 2015		

# **TOLWORTH INVESTMENTS LIMITED**

PO BOX 36 1<sup>ST</sup> FLOOR 37 BROAD STREET  
ST HELIER JERSEY JE4 9NU CHANNEL ISLANDS

Tel: (44-1534) 824000 Fax: (44-1534) 824010

E-mail: [verite@verite.co.je](mailto:verite@verite.co.je)

Licensing Service  
Westminster City Hall  
64 Victoria Street  
London  
SW1E 6QP

20<sup>th</sup> July 2015

Dear Sir,

**Re: NOTIFICATION OF A PREMISES LICENCE VARIATION APPLICATION  
UNDER THE LICENSING ACT 2003**

**Application Reference: 15/05191 /LIPV**

We are the owners of Flat A, 57 Princes Gate, Exhibition Road, London SW7 2PG and strongly oppose the above application by the Café Berlin at the Goethe Institute on the grounds that to allow the provision of these facilities would potentially greatly increase the level of lawlessness, disorder and noise level in the immediate vicinity after midnight as well as in the early morning at weekends, to the detriment of adjoining residential occupiers.

As your records will show, we already have disturbance from the Ognisko Polskie restaurant/club at 55, Princes Gate at unsocial hours; as far as we are concerned, this is at least in part due to the extension of the licence you have previously granted to Ognisko to sell late night alcohol back in 2013. For your convenience, we attach a copy of our recent letter to you, dated 16<sup>th</sup> July 2015 relating to recent disturbance over the weekend of 11<sup>th</sup>-12<sup>th</sup> July 2015. We are quite frankly fed up with disturbance to the occupiers of 57, Princes Gate from their restaurant and the gardens behind our premises. Of particular relevance to the Café Berlin application, is that when the Ognisko terrace closes, customers continue drinking and creating disturbance in Princes Gardens behind our premises. The extension of the Café Berlin licence to allow the sale of alcohol up to 12.30 am on Saturday nights (including an off-licence facility), is, therefore, going to exacerbate an already existing problem of noise and nuisance not only from the Cafe premises themselves but also migrating into the gardens at the rear of Princes Gate.

At the other end of the day, we simply cannot understand the need for patrons of the Cafe to consume alcohol or to be able to purchase alcohol for consumption off site as early as 8.30am in an area with nearby residents, other than to cater for the needs of alcoholics. In other words, we question the need or social desirability of a licence variation permitting sales as early as 8.30am on Saturdays and Sundays to the detriment of residents. We would submit that the current licensing hours, namely, 10am-midnight on Saturdays and 11am-midnight on Sundays are quite sufficient and

**Registered Office: Lorne House, Castletown, Isle of Man, IM9 1AZ**



strike a correct balance between the commercial interests of the Cafe and the private interests of residential neighbours and this balance should not be disturbed.

We are further aware that occupants of the other flats in our property (which are owned and let by associate companies of ours) also strongly oppose this application which, we reiterate, if granted, would, in our joint view, exacerbate the current level of disturbance to our and their quite enjoyment of the property at 57, Princes Gate.

57, Princes Gate is now a fully tenanted building with five residential flats. 51, Princes Gate is very close to our building. Our tenants took this accommodation, for which they pay high rents, precisely because this was a high class **residential** area where they felt that they would be safe and at peace and they are very concerned that this will now be endangered by the variation proposed by the Café Berlin.

The proposed variation would mean that, during the Spring, Summer and early Autumn, residents would be particularly at risk. Further, should residents at 57, Princes Gate wish to sit outside either on the terraces of our property or in the gardens they would be at increased risk of harm or interference from any drunken exploits of customers of Café Berlin migrating outside into the gardens, particularly in light of the off-licence facility. This would be intolerable. It is common knowledge that those who are intoxicated cause trouble in the area and behave in a loud manner late at night.

The Princes Gate gardens are an area of beauty and peaceful tranquillity which is already spoilt on occasions by some users and we have no doubt that, if this application is granted, this would increase to a level which would constitute a public nuisance and inevitably threaten the safety of residents specifically as well as the public generally.

Having seen the notice mentioned above we are concerned that the grant of the variation to the Café Berlin licence would impact on all of the following objectives:

- Prevention of crime and disorder.
- Public safety.
- Prevention of public nuisance, especially to neighbours.
- Protection of children from harm.

We hope that you will fully consider our objection to this application and evaluate our points in relation to a now increasingly significant problem very carefully. We stress that this objection is not intended in any way to restrict the legitimate development of the Café Berlin business; the point is that this is a predominantly residential area on the east side of Exhibition Road; Café Berlin have chosen to site their premises in such an area. The issue, we reiterate, is therefore about achieving a proper balance, against this background between the Café's understandable **commercial** desire to improve their facility and the needs and rights of adjoining residential occupiers in a predominantly residential area to quiet enjoyment of their premises late at night and relatively early in the morning, especially at weekends when we seriously question

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the legitimate need to be met by this facility. To allow the variation sought would, in our submission, plainly tilt that balance unfairly against the legitimate interests of adjoining, residential occupiers.

We would accordingly urge you in the strongest terms to refuse the variation sought as we believe it can only be damaging to residents in the local area.

Yours faithfully,



**Paul Baudet**  
**Director**

# TOLWORTH INVESTMENTS LIMITED

PO BOX 36 SOMMERVILLE HOUSE, PHILLIPS STREET  
ST HELIER JERSEY CHANNEL ISLANDS

Tel: (44-1534) 824000 Fax: (44-1534) 824010

E-mail: [verite@verite.co.je](mailto:verite@verite.co.je)

Our ref: PAB/AO/C1344

20<sup>th</sup> July 2015

Licensing Service  
Westminster City Hall  
64 Victoria Street  
London  
SW1E 6QP

**Re: Ognisko Polskie (Polish Hearth Club), Basement to fourth floor, 55, Princes Gate, London**

Dear Sir/Madam,

I write to notify you of a breach of the conditions of the Licence relating to the above premises which occurred on Saturday, 11th July 2015.

You will be aware from your records that at the licensing session held on the 15<sup>th</sup> January 2015 amendments were made to the licence for these premises. In particular, condition 40 of the original licence was deleted on the basis that certain other restrictions were substituted. In particular, conditions 41-45 below were imposed on the Licence:

41. All windows and external doors leading to the terrace shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
42. (i) Use of the external terraced area by patrons (including smokers) and by staff (including for purposes of clearing up) shall cease by 22.30 hours except for access and egress in an emergency.
- [(ii) .....]
43. After 21:00 hours the number of persons permitted on the terrace at any one time (including staff) shall not exceed 40
44. Except in the case of an emergency or persons with disabilities access and egress to the terrace shall only be from the Dining Room
45. From 21:00 hours until 22:30 the terrace 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,

**Registered Office: PO Box 118, Chesterfield House, Victoria Street, Douglas, IM1 2LR**

(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) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

One of our occupiers, in Flat A, 57, Princes Gate, has informed us that on Saturday night, there was a live band playing on the terrace at the back of 55, Princes Gate with what we are told were "scores of youngsters" in attendance. The level of noise is described by the occupant as "mayhem". Despite the fact that the occupier in question called the Council's noise team at 10.30pm, it was, we understand, well after midnight by the time matters quietened down.

The noise officer visited the Ognisko Club premises at 11:40 where the wedding party was in progress accompanied with very loud music from the audio music player.

The officer spoke to the manager called Mr. Jan Mamak who was told to turn the music down immediately which was done just before midnight. Mr. Mamak was warned if any further occurrences of this sort that they will be issued enforcement notice.

For completeness, the occupant also informs us that persons on the Imperial College premises at 58, Princes Gate were also involved in the disturbance.

From the above information, it is plain that patrons remained on the terrace after 10.30pm and that the number of people on the terrace after 9pm exceeded 40. It also seems clear that the terrace which should not have been in use at all was certainly not being used purely as a restaurant, let alone a restaurant in compliance with requirements (i) -(iv) above.

In the circumstances, please take this letter as notice of our objection to the renewal of the Ognisko Licence regarding use of the terrace. Those in charge of the club premises have plainly betrayed the assurances given to me personally by the Chairman of Ognisko Polskie, Mr Nicholas Kelsey, dated the 12th December 2014 (copy attached). They plainly cannot be trusted to run these premises in compliance with the licence. Further the events of Saturday night appear to confirm the fears expressed in my letters of objection to the Ognisko Licence, dated the 30th October 2013 and 22<sup>nd</sup> November 2014 which doubtless you also have in your records. You will, I am sure, understand that we cannot allow our tenants or other occupiers to be disturbed in the way they were last Saturday night.

We intend sending a copy of this letter to the Knightsbridge Association together with the report from the Westminster Council noise officer (reference number : 15/17759/ ENC45) .

We look forward to hearing from you concerning this disturbing matter.

Yours faithfully,

Paul Baudet  
Director

### 3. Policy & Guidance

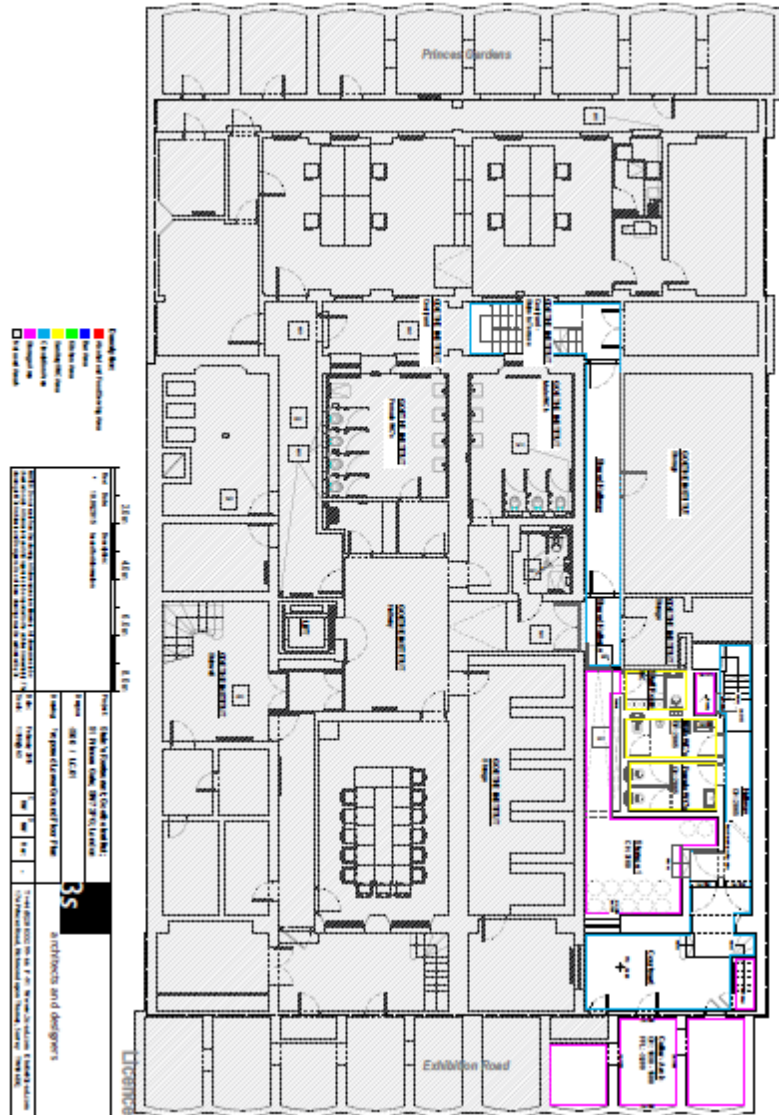
The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy HRS1 applies	(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.  (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 RNT1 applies	Applications will generally be granted and reviews determined, subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1.
Policy PB1 applies	Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.

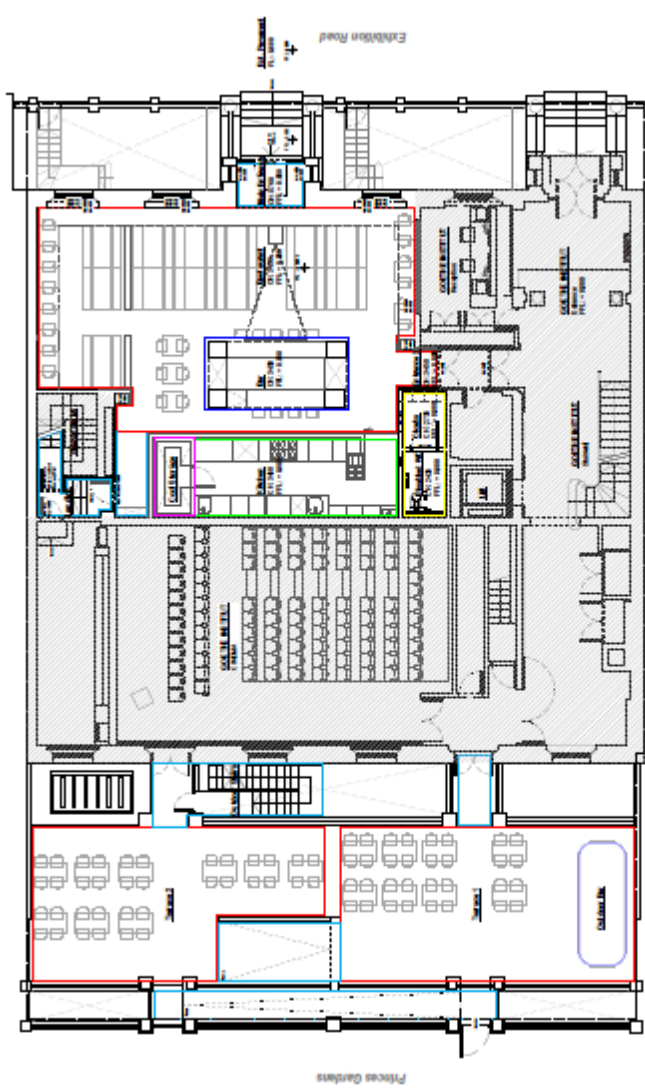
### 4. Appendices

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

<b>Report author:</b>	Mr Ola Owojori Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 7830 Email: owojori@westminster.gov.uk

# Proposed Plans





Licence

3s architects and designers  
 Project: 3s s.v. (London and County of London)  
 Address: 27 Princes Gardens, SW1P 2JX, London  
 Phone: 020 7 110 1100  
 Website: www.3sarchitects.com  
 Date: 15/06/2011  
 Scale: 1:1000  
 Drawing No.: 11/06/11/001

- Legend:  
 - Red line: Boundary of existing site  
 - Blue line: New site  
 - Green line: Existing site  
 - Yellow line: Existing site  
 - Purple line: Existing site  
 - Pink line: Existing site  
 - Grey box: Existing site

This drawing is the property of 3s architects and designers and is not to be used, copied, reproduced, or otherwise disseminated without the written consent of 3s architects and designers.

# Existing Plans

**ROBERT O'HARA ARCHITECTS**

Notes:  
 1. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL OTHER RELEVANT DRAWINGS AND SPECIFICATIONS.  
 2. ANY DISCREPANCIES BETWEEN THE ADOPTED SPECIFICATIONS AND THIS DRAWING MUST BE BROUGHT TO THE ATTENTION OF THE ARCHITECT IMMEDIATELY.  
 3. ONLY WRITTEN DIMENSIONS ARE TO BE USED. DO NOT SCALE FROM ANY PART OF THIS DRAWING.  
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Rev.	Date	Description
1	15/02/2011	ISSUED FOR PERMIT
2	15/02/2011	ISSUED FOR PERMIT

Client:  
 C. O'BRYEN  
 15, BRISTOL ROAD  
 LONDON W1E

Project:  
 25-27 LONSDALE ROAD  
 THE GEOMETRIC INSTITUTE

This drawing is the property of ROBERT O'HARA ARCHITECTS and is protected by copyright.

Job Number	Scale	Date
00004	1:100	FEB 2011
Stage	Design Number	Rev
1	1	0

The Architect's responsibility is limited to the design of the building and its structure. The client is responsible for the design of the interior fit-out and the services to be provided.

**ROBERT O'HARA ARCHITECTS**  
 Chartered Architects  
 25 - 27 Lonsdale Road

**FLOOR PLAN**

**SECTIONAL ELEVATION A - A**

**REFLECTED CEILING PLAN**

**SECTIONAL ELEVATION A - A**



- Notes
1. THIS DRAWING IS TO BE READ IN CONNECTION WITH ALL OTHER RELEVANT DRAWINGS AND SPECIFICATIONS AND CONSULTANTS DRAWINGS AND SPECIFICATIONS OF WORK.
  2. ANY OTHER RELEVANT DRAWING MUST BE BROUGHT TO THE ATTENTION OF THE ARCHITECT BY THE CONTRACTOR.
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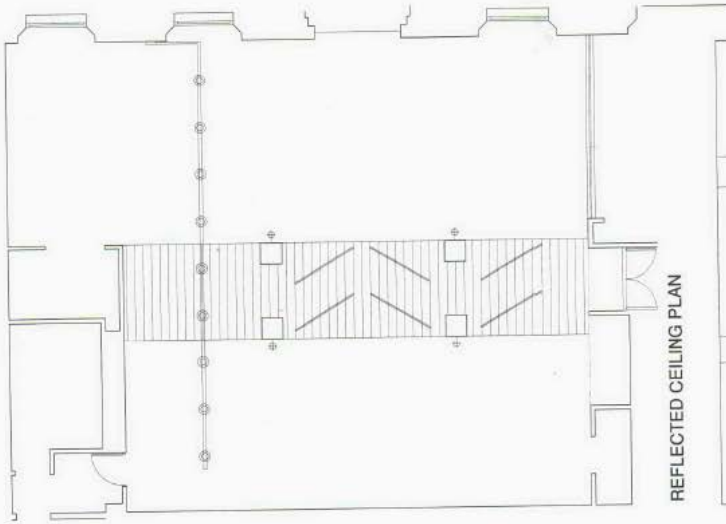
Rev. | Date | Description

01 | 11/10/2011 | C.D. CHARLTON  
2/3 LINDSAY ROAD  
LONDON NW6

Project: C.O.'S  
SOCIAL RESTAURANT  
111-113 LINDSAY ROAD  
LONDON NW6

THE GENERAL CONTRACTOR: UMC  
THE ARCHITECT: ROBERT OHARA ARCHITECTS  
A REFLECTED CEILING PLAN

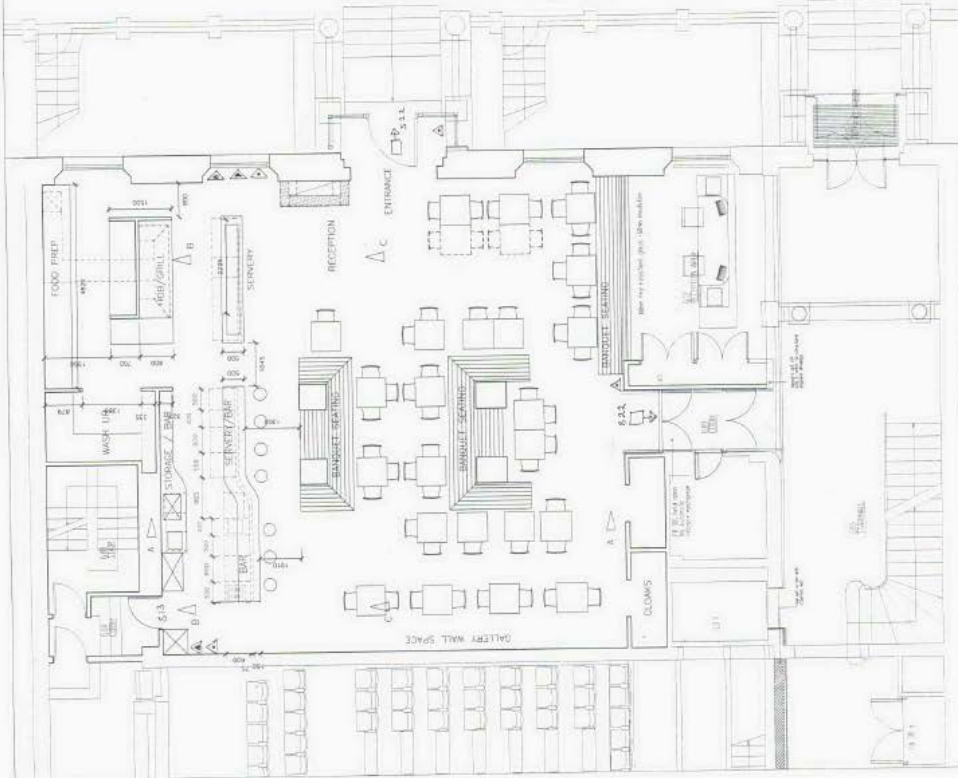
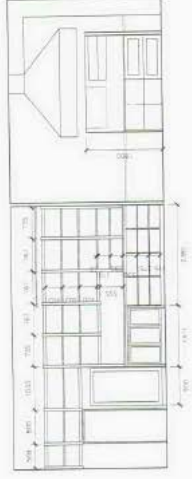
JOB NUMBER	SCALE	DATE	REV.	DATE
111-113	1:100	FEB. 2011		
DRAWING NUMBER				
111-113-01				
REV.				
D				
BY				
MC				



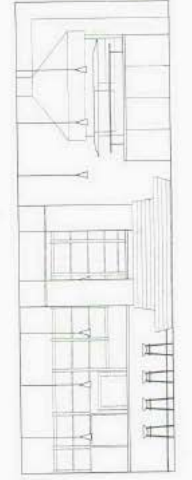
REFLECTED CEILING PLAN



SECTIONAL ELEVATION A - A



FLOOR PLAN





## City of Westminster

Gordon Chard - Director of Planning and City Development

Your ref: SF/6967  
My ref: PT/03/09776/FULL  
TP/9578

Please reply to: Louise Francis  
Direct Tel. No: 020 7641 2488  
Direct Fax No: 020 7641 2339

Goethe Institute  
c/o Anthony Bowhill & Associates  
4 Leathermarket Street  
London SE1 3HN

**Development Planning Services**  
Department of Planning and City Development  
Westminster City Hall  
64 Victoria Street  
London SW1E 6QP

Date: 19 August 2004

**CERTIFIED TRUE RECORDS  
OF COUNCIL'S DECISION OF 19.8.04**

Dear Sir

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

The City Council has considered your application and permits the development referred to below subject to the conditions set out and in accordance with the plans submitted. Unless any other period is stated in the Schedule this permission, by virtue of Section 91(1) of the Town and Country Planning Act 1990 is subject to a condition that the development shall be commenced within 5 years of the date of this decision.

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

### SCHEDULE

Application No:	03/09776/FULL	Application Date:	19.12.2003
Date Received:	22.12.2003	Date Amended:	27.07.2004
Plan Nos:	01209/1.02; L[2]-J01 rev D; 01209/01.13; 4 unnumbered photographs; acoustic report ref MWH32/MWH/R24088		
Address:	51 Princes Gate, London, SW7 2PH,		
Proposal:	Continued use of part ground floor of 50-51 Princes Gate as a restaurant (Class A3).		

See next page for conditions/reasons.

Yours faithfully

*G.W. Chard*  
Gordon Chard  
Director of Planning and City Development

**Condition(s):**

1 You must only use the part of the property we have approved as a sit-down waiter service restaurant for that purpose. You must not use it for any other purposes, including any within Class A3 of the Town and Country Planning (Use Classes) Order 1987 (or any equivalent class in any order that may replace it). (C05BA)

**Reason:**We cannot grant planning permission for unrestricted use within Class A3 because it would not meet STRA 11, SS 13 and H 10B of our Unitary Development Plan and STRA 11A(B) STRA 14 of our Pre-Inquiry Unitary Development Plan and TACE9 as set out in the Schedule of Modifications to the Pre-Inquiry Unitary Development Plan (May 2004). (R05CA)

2 The maximum number of patrons within the restaurant (including rear terrace) shall not exceed 120 at any one time, unless otherwise agreed in writing by the City Council.

**Reason:**To protect the environment of people in neighbouring properties, as set out in SC 19 of our Unitary Development Plan, ENV 6 of our Replacement Unitary Development Plan (Second Deposit version) and ENV 6a and 6b of our Pre-Inquiry Unitary Development Plan and TACE9 as set out in the Schedule of Modifications to the Pre-Inquiry Unitary Development Plan (May 2004). (R13BA)

3 You must not open the restaurant premises to customers, and you must not allow customers on the premises, outside the following times: between 0900 hours and 2330 hours on Monday to Saturday (not Bank holidays) and 0900 hours and 2300 hours on Sundays and Bank Holidays. (C12BC)

**Reason:**To protect the environment of people in neighbouring properties as set out in SS 13 of our Unitary Development Plan, STRA 11A(B), STRA 14 and ENV 6a and 6b of our Pre-Inquiry Unitary Development Plan and TACE9 as set out in the Schedule of Modifications to the Pre-Inquiry Unitary Development Plan (May 2004). (R12BA)

4 You must not open the rear terrace to customers, and you must not allow customers on the terrace, outside 0900 hours to 2230 hours.

**Reason:**To protect the environment of people in neighbouring properties as set out in SS 13 of our Unitary Development Plan, STRA 11A(B), STRA 14 and ENV 6a and 6b of our Pre-Inquiry Unitary Development Plan and TACE9 as set out in the Schedule of Modifications to the Pre-Inquiry Unitary Development Plan (May 2004). (R12BA)

5 The restaurant use hereby approved shall only continue as long as the Goethe Institute occupies 50-51 Prince's Gate. In the event of the Goethe Institute leaving 50-51 Prince's Gate, the restaurant use shall be discontinued unless otherwise agreed in writing by the City Council as local planning authority.

**Reason:**Because of the special circumstances of this case, we need to ensure that the restaurant element would not prejudice the future use of 50-51 Prince's Gate if the Goethe Institute leaves the premises. This is as set out in policy H4 of our Unitary Development Plan, H3 and TACE7 of our Replacement Unitary Development Plan (Second Deposit version) and H3 and TACE7 of our Pre-Inquiry Unitary Development Plan.

**Note:**

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



(a) Unless and until the 'maximum noise level' and 'measurement location' are fixed under (b), the plant / machinery hereby permitted shall be operated so as to ensure that any noise generated does not exceed the external background noise level (without the plant / machinery hereby permitted operating) at any time outside any residential property (to be referred to as the 'receptor location/s').

(b) If the 'maximum noise level' and 'measurement location' have been fixed under this condition, the plant hereby permitted shall be operated so as to ensure that any noise generated does not exceed the 'maximum noise level' between 0800 hours and 2330 hours daily (permitted hours of operation) when measured at the 'measurement location'.

For the purposes of fixing the 'maximum noise level' and the 'measurement location' details of the following noise scheme shall be submitted to and approved in writing by the City Council, namely a scheme including:

i) A suitable location accessible to the applicant and City Council, close to the plant/ machinery hereby permitted, for measuring noise emitted by it (to be referred to as the 'measurement location'); and

ii) Results of monitoring at the 'measurement location' and 'receptor location/s' when external background noise levels are at their quietest between 0800 hours and 2330 hours daily (permitted hours of operation). The results of the monitoring shall determine the highest noise level (to be referred to as the 'maximum noise level') emitted by the plant /machinery hereby permitted when measured at the 'measurement location' which does not exceed the external background noise level at any time (without the plant/ machinery hereby permitted operating) at the 'receptor location/s'. The results shall be provided as the maximum sounds levels over a 5-minute period expressed as LAeq and un-weighted octave band frequency spectra.

**Reason:** To ensure that the plant/machinery hereby permitted which is outside the Central Activities Zone (CAZ), not on a CAZ Frontage and not in a Stress Area will be designed and operated so that noise generated by the plant/machinery hereby permitted will not exceed the background noise outside the nearest noise sensitive property.

This is required in order to protect nearby occupiers of noise sensitive properties and the area generally from excessive noise and disturbance as set out in SC 19 of our Unitary Development Plan, ENV 6 of our Replacement Unitary Development Plan (Second Deposit version) and ENV 6b of our Pre-Inquiry Unitary Development Plan.

7 The plant/machinery hereby permitted shall be operated so as to ensure that there is no perceptible noise or vibration transmitted through the structure to adjoining premises.

**Reason:** To safeguard the amenity of occupiers of adjoining premises by preventing noise and vibration nuisance as set out in SC 19 of our Unitary Development Plan, ENV 6 of our Replacement Unitary Development Plan (Second Deposit version) and ENV 6b of our Pre-Inquiry Unitary Development Plan.

8 The plant/machinery hereby permitted shall not be operated except between the hours of 0800 hours and 2330 hours daily.

**Reason:** To safeguard the amenity of occupiers of noise sensitive properties and the area generally by ensuring that the plant/machinery hereby permitted is not operated at hours when external background noise levels are quietest thereby preventing noise and vibration nuisance as set out in

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- The terms 'us' and 'we' refer to the Council as local planning authority.



4  
SC 19 of our Unitary Development Plan, ENV 6 of our Replacement Unitary Development Plan (Second Deposit version) and ENV 6b of our Pre-Inquiry Unitary Development Plan.

9 You must apply to us for approval of a detailed statement providing information as to how the building has been made accessible to customers with disabilities.

Reason: To make sure that there is reasonable access for people with disabilities as set out in DES 1(B) and SC 3 of our Unitary Development Plan, DES 1(B) and STRA 25A of our Replacement Unitary Development Plan (Second Deposit version) and DES 1(B) and STRA 25A of our Pre-Inquiry Unitary Development Plan. Also, to make sure that the access does not harm the appearance of the building. (R20AA)

**Informative(s):**

1 You are advised that any references in this decision letter to our Pre Inquiry Unitary Development Plan also include the subsequent Schedule of Modifications May 2004.

2 This permission does not allow any work which would change the outside appearance of the property. (I18AA)

3 You may need separate licensing approval for the restaurant premises. Your approved licensing hours may differ from those given above but you must not have any customers on the premises outside the hours set out in this planning permission. (I61AB)

4 Conditions 6, 7 and 8 control noise from the approved machinery. It is very important that you meet the terms of the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)

5 Planning legislation requires that an application for planning permission should be determined in accordance with the City Council's development plan unless material considerations indicate otherwise. The application was considered in relation to the policies of the adopted City of Westminster Unitary Development Plan 1997 and the Replacement Unitary Development Plan (2nd deposit version and pre inquiry version). We also took account of representations received and all other material considerations, including Supplementary Planning Guidance, but there were no issues of sufficient weight to override the decision to grant permission.

This informative is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision, you can see the application report by contacting 020 7641 2513 (telephone) or 020 7245 5510 (fax). Reports of applications presented to Planning and Development Committee and Planning Applications Sub-Committee can also be seen by visiting the City Council's web site [www.westminster.gov.uk](http://www.westminster.gov.uk). The adopted and replacement Unitary Development Plans can be viewed either at the City Council's One Stop Services offices (City Hall, 62 Victoria Street, London, SW1 or 91-93 Church Street, London, NW8 or 317 Harrow Road, London, W9) or on the City Council's web site [www.westminster.gov.uk](http://www.westminster.gov.uk).

This application has been determined principally with regard to the policies in the following chapters of the adopted and replacement plans:

[Note: AD = Adopted UDP & RE = Replacement UDP (Pre-inquiry versions and the Schedule of Modifications to the Pre-Inquiry UDP)]

**Note:**

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- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority.



AD: Part 1- Strategic Policies.

RE: Part 1- Our Vision & Strategy for promoting & controlling development in Westminster.

AD: Chapt. 7 - Transport

AD: Chapt. 8 - Shopping & Services

AD: Chapt. 10 - Standards & Controls

RE: Chapt. 4 - Transport

RE: Chapt. 8 - Tourism, Arts, Culture & Entertainments

RE: Chapt. 9 - Environment

**Note:**

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- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority.



Contact Peter Southcombe  
Job Title Head of Estates and Valuation  
☎ Tel 020 8487 5118  
☎ Fax 020 8487 7055  
✉ e-mail [p.southcombe@richmond.gov.uk](mailto:p.southcombe@richmond.gov.uk)

To whom it may concern

9<sup>th</sup> December 2011

Dear Sirs,

**Re:** Stein's restaurant, Midhurst Gardens, Richmond Riverside

Stein's restaurant has leased premises from the London Borough of Richmond at the above address for the past 7 years. The current lease for 10 years from 2009 is a renewal of a previous lease, at the commencement of which Steins substantially refurbished and reconstructed the premises currently at the site to a high quality design. This has significantly improved the riverside. The premises comprise toilet facilities, kitchen with serving hatch, and a wholly external seating area enclosed by planters.

Given that the seating area is entirely external, and the premises are located by the River Thames within an area of public open space, and also adjacent to residential properties, it is important that the premises are managed well to minimise disturbance to neighbours. Stein's have been a good tenant, have managed the premises responsibly with suitably qualified staff, and have been responsive to address any issues that may occasionally arise. They attract a generally family orientated clientele and have established a facility which is a benefit to the Richmond river environment

Please feel free to call me if further information is required.

Yours sincerely



Peter Southcombe  
Head of Estates & Valuation

[www.richmond.gov.uk](http://www.richmond.gov.uk)

London Borough of Richmond upon Thames  
Civic Centre, 44 York Street, Twickenham TW1 3BZ  
Tel 0845 6122 660 Fax 020 8891 7713

Dear Mr Owojori,

I have attached all background material which we would like to submit to the council, some of which you may already have in previous versions. To avoid confusion please use only these for the hearing in addition to the existing licence and proposed variation application including plan and the representations.

- 1) Main presentation
- 2) Proposed conditions
- 3) Noise management plan
- 4) Reference from Richmond council
- 5) Invitation from Kingston council for a reference call

Kai Ueberall has also written a separate letter to the residents to explain our background as operators and concept for Cafe Berlin. We will explain these points as part of the presentation to the committee.

Thank you very much

Bele Weiss  
Director Stein's Ltd (Richmond)

Director Stein's Kingston Ltd

phone 07554013044  
email [info@stein-s.com](mailto:info@stein-s.com)

The logo for Stein's, featuring the word "Stein's" in a stylized, blue, cursive font.

A Bavarian Experience

[www.stein-s.com](http://www.stein-s.com)

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# *Café Berlin*

## Cafe and Restaurant Concept

### Target group:

Goethe Institute staff and clients, families, business clients, locals and tourists pre and post theatre diners

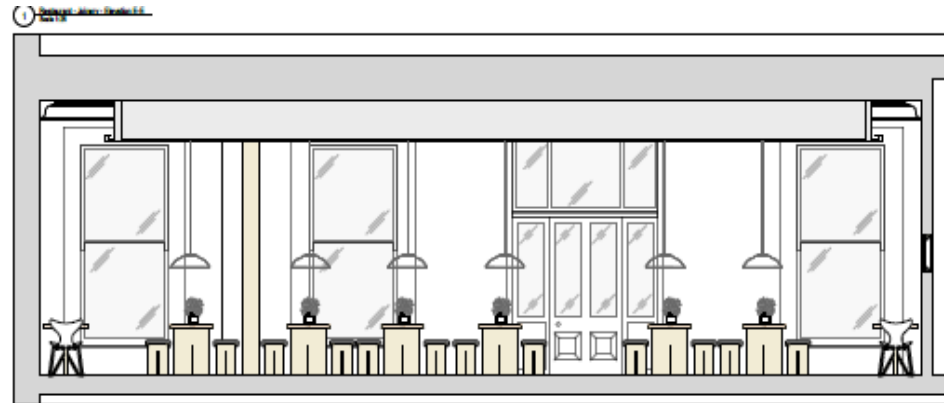
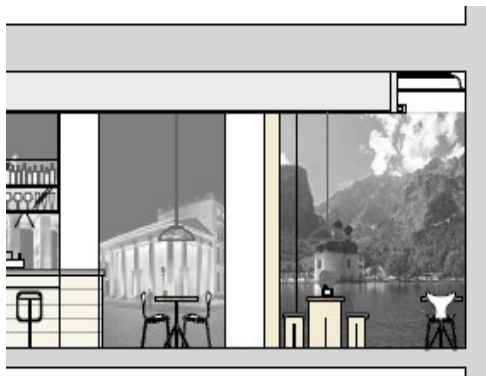
Offering: Typical imported German food and premium imported drink in pleasant, well designed environment with tables and waiter service.

→ Supporting the Goethe Institutes' mission to make German culture and language accessible for the general public of the UK

# Café Berlin

Cafe and Restaurant

Impressions of well designed future interior



# Café Berlin

Cafe and Restaurant  
Food and Drink examples



# *Café Berlin*

## Cafe and Restaurant Operators

- German operators living in the UK for 21 years. Background Architect and Business Manager.
- German Outdoor restaurant on Richmond Towpath for 11 years – amongst high value residential properties – highly valued by Richmond council – lease renewed after initial 5 years – reference attached
- Indoor and outdoor restaurant in Kingston on the towpath – surrounded by high value block of apartments. No complaints to council since opening in 2012
- Personal investment in excess of £450k in kitchen and toilet facilities and generating high value ambience

# *Café Berlin*

## Cafe and Restaurant

### Variation application summary

- Evening times taken over from existing licence – Earlier morning times to allow for breakfast for Goethe Institute during the week and locals on weekends. Minor time adjustments on bank holidays.
- Additional off licence for gift items – not intended for consumption in the park or street.
- Minor internal lay out changes – not increasing capacity – no noise from indoors escaping to the rear of the building
- Include terrace in the licence
- Change condition – alcohol 'only ancillary to meals' to 'offer food at all times' to avoid having to force customers to eat even for one drink after course in the Goethe Institute

# Café Berlin

Cafe and Restaurant

Analysis of neighbourhood



# *Café Berlin*

## Cafe and Restaurant

### Main concerns for licensing objectives

- Disturbance on neighbours in 49 through terrace, clients smoking outside, deliveries, waste and clients leaving – High risk
  - Disturbance of general neighbourhood in and around the park through noise and nuisance and increase in crime - Minor risk due to size of the restaurant and nature of clientele.
- we will demonstrate in the following how we propose to mitigate these risks

# *Café Berlin*

Cafe and Restaurant

Indoor operation

- Adhere to times of current licence with minor changes proposed in variation – start weekend 9 am with 9:30 alcohol sales. Weekdays 8 am opening with 10 am alcohol sales.
- See list of attached proposed conditions
- 
- Attached noise management plan



# *Café Berlin*

Cafe and Restaurant

Terrace operation

- Reduced opening times to 22:30 with sales cease at 21:45 - this allows to serve Goethe Institute course members after finishing courses at 21:00. Breakfast times as indoors
- See list of attached proposed conditions
- Attached noise management plan

## ***Proposed conditions***

**REF: 15/05191/LIPV**

1. Before 1200hrs the supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
2. The supply of alcohol shall at all times only be to persons who are seated.
3. The supply of alcohol shall be by waiter or waitress service only.
4. Substantial food and non-intoxicating beverages, including drinking water, shall be available where alcohol is sold or supplied for consumption on the premises.
5. Use of the external terraced area by patrons (including smokers) and by staff (including for purposes of clearing up) shall cease by 22.30 hours except for access and egress in an emergency sales to patrons on the terrace should cease at 21:45.
6. Alcohol consumed outside the premises building shall only be consumed by patrons seated
7. 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.
8. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
9. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
10. 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.
11. 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. All waste storage and removal should be conducted from the front of the building on Exhibition Road.
12. The number of customers permitted indoors should not exceed 100 and the number of customers permitted on the terrace should not

exceed 68 at any one time . The total number of persons in the premises at any one time shall not exceed (X) persons.(to be specified on completion of the works).

13. The licence will have no effect until the capacity of the premises has been assessed by the Environmental Health Consultation Team and a condition detailing the agreed capacity has replaced this condition on the Licence.
14. No collections of waste or recycling materials (including bottles) from the premises shall take place between (23.00) and (08.00) on the following day.
15. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
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. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00.
18. 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. Smokers should only be allowed on the terrace when terrace open for customers, otherwise customers should smoke in front of the building.
19. No deliveries to the premises shall take place between (23.00) and (08.00) on the following day. All deliveries shall be carried out at the front of the building.
20. The operation shall not be marketed or described in marketing literature as a bar – only as restaurant and cafe.
21. All windows and external doors shall be kept closed after 23:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
22. Alcohol for consumption off the premises shall be limited to premium priced wrapped gift items only.
23. 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.

----- Original Message -----

Subject: RE: Reference Stein's Kingston Ltd for application in Westminster

From: Licensing <[Licensing@kingston.gov.uk](mailto:Licensing@kingston.gov.uk)>

Date: Mon, September 21, 2015 10:10 am

To: 'Stein's' <[info@stein-s.com](mailto:info@stein-s.com)>

Dear Sir/Madam,

Thank you for your letter. Unfortunately we do not provide references to businesses for premises licence's in other authority areas. However if Westminster licensing team wish to contact us we will give them details of any complaint history, or lack of.

Regards

**Dave Williams**  
**Licensing Officer**

The Royal Borough of Kingston Upon Thames  
Environmental Health and Trading Standards Service  
Guildhall 2, Kingston upon Thames KT1 1EU

Telephone [0208 547 5074](tel:02085475074)

Email [david.williams@kingston.gov.uk](mailto:david.williams@kingston.gov.uk)

[www.kingston.gov.uk](http://www.kingston.gov.uk)

*The information contained in this message is confidential. It is intended solely for the use of the individual or entity to who it is addressed and others authorised to receive it. If the reader of this message is not the intended recipient, you are hereby notified that any use, copying, dissemination or disclosure of this information is strictly prohibited*

# *Café Berlin*

## **Noise Management Plan**

Cafe Berlin  
51 Princes Gate  
Exhibition Road  
London SW7 2PH

### A Aims and Objectives

To ensure that the operation of Stein's is carried out in such a manner as to eliminate or minimise disturbance of our neighbours, in particular in the garden behind and to achieve the council's objective in preventing public nuisance.

### B Potential Sources of Disturbance of our neighbours

1. Noise escaping from the open windows particularly at night time to the park. The sources of noise are likely to be live or recorded music . Risk low
2. Noise escaping from the open windows particularly at night time to the street. The sources of noise are likely to be live or recorded music . Risk high
3. Noise from people dining on the terraces. Risk High
4. Noise escaping when guest leave the restaurant through the main door Risk medium
5. Noise from people standing outside the restaurant in loud conversation waiting to leave or for taxis, particularly late at night. Risk medium
6. Noise from guests smoking on the terrace. Risk high
7. Noise from deliveries or waste collection at anti social hours. Risk high
8. Noise from ventilation operated for the restaurant. Risk low

### C Actions to eliminate or minimise disturbance

#### Noise escaping from inside the restaurant

1. All managers and shift managers will be trained to watch out for noise levels rising above an acceptable level and will be instructed to close all windows and doors should they be reached. Additionally should a neighbour feel disturbed in a particular instance and calls the restaurant, the manager will close the windows immediately. From 11 pm generally all windows and doors will be generally closed and the manager will make sure that doors are closed immediately after someone has entered or left the building.

Residents will be issued with manager's number to call should they feel disturbed.

External checks shall take place to ensure that when regulated entertainment is in progress any noise from the premises is not clearly audible at the boundary of the nearest residential premises. Appropriate steps to reduce the noise shall be taken if this is not the case. The checks should take place within 30 minutes of the commencement of playing and at 10:30pm. Written records of these assessments and any remedial action should be kept and be available at the premises for inspection by enforcement officers of the Council or Police. For the purpose of this condition checks should be made at no 49 Exhibition Road. By “not clearly audible” the regulated entertainment must appear as distant and in the background and not readily discernible over other environmental and premises noise sources in the area.

3. Noise from the terraces

It is not permitted to have any loudspeakers outside, no loudspeakers are near the doors and windows and no live music outside.

Guests are reminded by staff and signs to keep noise levels down to acceptable level. Should a group become too loud they will be asked to be quiet in the first instance and if they are not complying then asked to sit inside.

2. Noise escaping when people are leaving

When large numbers of people are leaving a member of staff will supervise the exit and will make the door is closed immediately behind them if there is noisy activity taking place in the restaurant.

3. Noise from people leaving or smoking outside.

There will be either a receptionist or other member of staff always near the door when the restaurant is likely to be full. They will help people to order taxis and encourage them to wait inside at the bar or leave quickly. Signs will also remind customers to leave quietly.

Clients will be asked to smoke on the terrace only when it is open and are not allowed to take drink from inside on the terrace. After closing time of the terrace the customers are smoking in front of the building and not allowed to bring their drink outside.

4. Plant and equipment noise

All equipment for the restaurant will be at the latest standard and installed with noise insulation. It will be maintained regularly. It will be at roof level and an acoustics report will be supplied to the planning department of the council.

5. Deliveries and Waste Disposal

Cafe Berlin will try to minimise waste by selling mainly draft beer. Deliveries will not be carried out before 8:00 and after 23:00. All deliveries and waste disposal will be carried out in the front of the building.

## D Management Procedure and Responsibilities

1. The DPS and his deputy have responsibility to ensure that the above are adhered to at all times.
2. The DPS shall review the operation and effectiveness of the noise management plan at the beginning of every summer season.

3. Regular consultation meetings will be held with resident representatives to assess the effectiveness of the noise management plan.

**Licence & Appeal History**

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
Conversion	Application to convert existing Justices Restaurant Licence	22.9.05	Granted under delegated authority
Transfer	Transfer of premises licence from Hugo's (Kensington) Limited to Goethe Institute.e.V	23.5.08	Granted under delegated authority

**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 hold a personal licence.

**Conditions reproducing the effect of conditions subject to which the relevant existing licences have effect**

**Conditions for Sale of Alcohol**

4. Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal.
5. Suitable beverages other than intoxicating liquor (including drinking water) shall be equally available with or otherwise as an ancillary to meals served in the licensed premises.

**Conditions which reproduce the effect of any restriction imposed on the use of the premises by specified enactments.**

6. Alcohol may be sold or supplied:
  - (a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 10:00 to 00:00.
  - (b) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12:00 to 23:30.
  - (c) On Christmas Day: 12:00 to 22:30;
  - (d) On New Year's Eve, except on a Sunday, 11:00. to 23:00.

- (e) On New Year's Eve on a Sunday, 12:00 to 22:30.
- (f) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

NOTE - The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (b) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking table meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (c) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (d) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (e) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (f) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (g) the taking of alcohol from the premises by a person residing there;
- (h) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
- (i) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.

- 7. Alcohol shall not be sold or supplied unless the premises have been structurally and bona fide used, or intended to be used, for the purposes of habitually providing the customary main meal at midday or in the evening, or both, for the accommodation of persons frequenting the premises.
- 8. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.

Annex 2 – Conditions consistent with the operating Schedule

None

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

None

## Conditions proposed by the Environmental Health

9. Before 1000hrs on Monday to Saturday and before 1200hrs on a Sunday the supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
10. The supply of alcohol shall at all times only be to persons who are seated. **Agreed**
11. The supply of alcohol shall be by waiter or waitress service only. **Agreed**
12. The use of the rear external terrace area by patrons shall cease at 2100hrs.
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. **Agreed**
14. Loudspeakers shall not be located in the entrance lobby or outside the premises building. **Agreed**
15. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables
16. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly. **Agreed**
17. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly. **Agreed**
18. 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.
19. The number of persons permitted in the premises at any one time (including staff) shall not exceed (X) persons.(to be specified on completion of the works).
20. No collections of waste or recycling materials (including bottles) from the premises shall take place between (23.00) and (08.00) on the following day.
21. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram. **Agreed**
22. 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. **Agreed**
23. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00. **Agreed**
24. 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.
25. No deliveries to the premises shall take place between (23.00) and (08.00) on the following day.
26. The licence will have no effect until the capacity of the premises has been assessed by the Environmental Health Consultation Team and a condition detailing the agreed capacity has replaced this condition on the Licence. **Agreed**

## Conditions proposed by the applicant

27. Before 1200 hours the supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
28. Alcohol consumed outside the premises building shall only be consumed by patrons seated.
29. Substantial food and non-intoxicating beverages, including drinking water, shall be available where alcohol is sold or supplied for consumption on the premises.
30. Use of the external terraced area by patrons (including smokers) and by staff (including for purposes of clearing up) shall cease by 22.30 hours except for access and egress in an emergency sales to patrons on the terrace should cease at 21:45.
31. No deliveries to the premises shall take place between (23.00) and (08.00) on the following day. All deliveries shall be carried out at the front of the building.
32. The operation shall not be marketed or described in marketing literature as a bar – only as restaurant and cafe.
33. All windows and external doors shall be kept closed after 23:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
34. Alcohol for consumption off the premises shall be limited to premium priced wrapped gift items only.
35. 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.
36. 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. All waste storage and removal should be conducted from the front of the building on Exhibition Road.
37. The number of customers permitted indoors should not exceed 100 and the number of customers permitted on the terrace should not exceed 68 at any one time . The total number of persons in the premises at any one time shall not exceed (X) persons.(to be specified on completion of the works).
38. 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. Smokers should only be allowed on the terrace when terrace open for customers, otherwise customers should smoke in front of the building.

## Mandatory Conditions to be attached

- A. (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).
- B. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- C. (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.

D. 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.

E(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.

E(ii) For the purposes of the condition set out in paragraph 8(i) above -

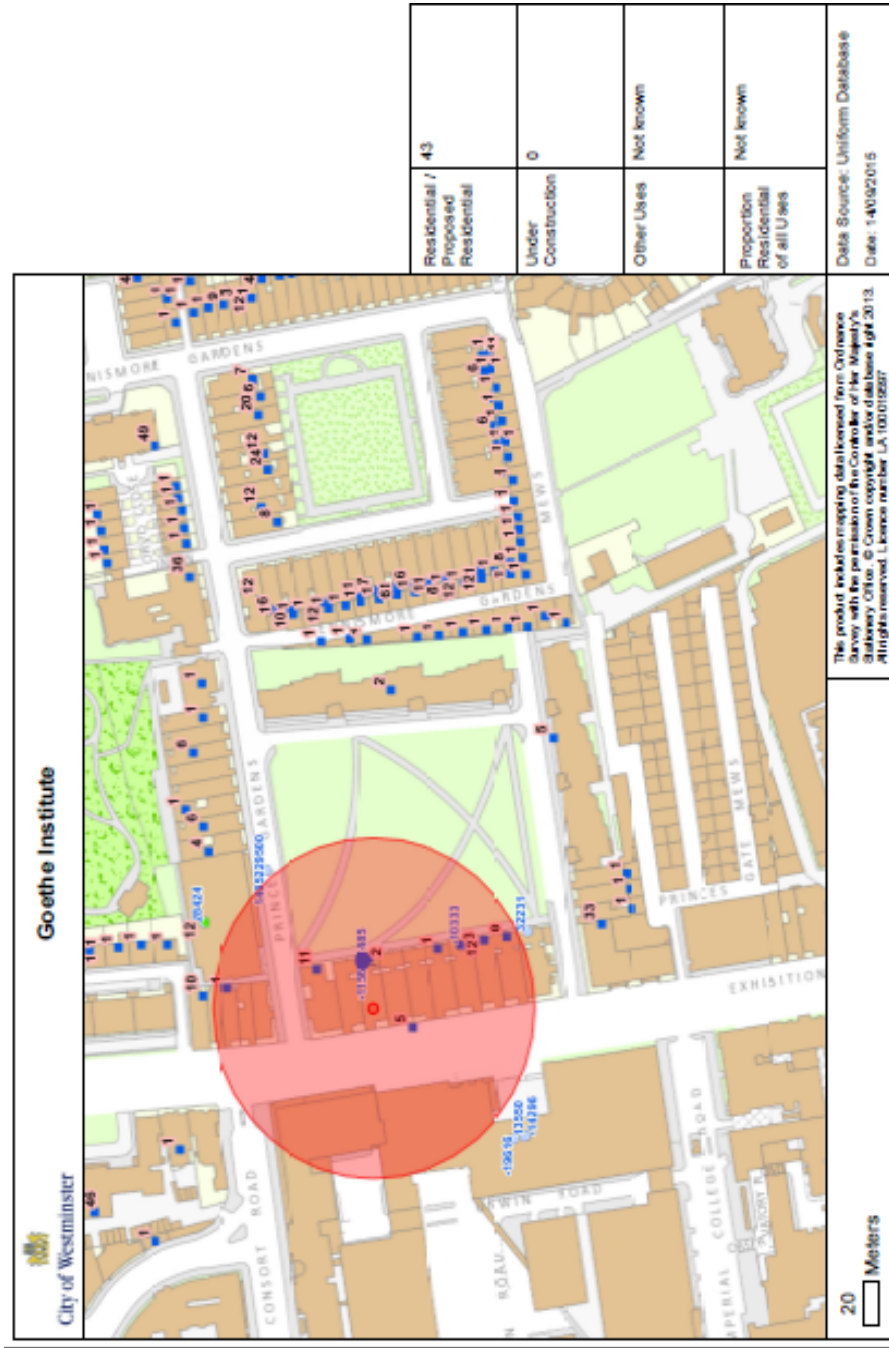
- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

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.
- E(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.
- E(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.



Residential / Proposed Residential	43
Under Construction	0
Other Uses	Not known
Proportion Residential of all Uses	Not known

Data Source: Uniform Database  
Date: 14/02/2015





**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**

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2011
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
<b>4</b>	Public Notice	30/6/15
<b>5</b>	Application Form	30/6/15
<b>6</b>	Application acknowledged and Service	30/6/15
<b>7</b>	Residents notification list	30/6/15
<b>8</b>	Variation details	30/6/15
<b>9</b>	Applicant's correspondence	30/6/15
<b>10</b>	Tolworth Investment representation	23/7/15
<b>11</b>	John Curry representation	23/7/15
<b>12</b>	Jane Whewell representation	24/7/15
<b>13</b>	Onslow Neighbourhood Association representation	24/7/15
<b>14</b>	Cllr Devenish representation	24/7/15
<b>15</b>	Brompton Association representation	24/7/15
<b>16</b>	Police representation	24/7/15
<b>17</b>	Environmental representation	24/7/15
<b>18</b>	Hearing notification	4/8/15
<b>19</b>	Adjournment notification	17/8/15
<b>20</b>	Applicant's submission	9/9/15
<b>21</b>	Jane Whewell confirm attendance	14/9/15
<b>22</b>	Revised hearing notification	14/9/15
<b>23</b>	Additional information from the applicant	23/9/15