

# Licensing Sub-Committee Report

Item No:	
Date:	14 July 2016
Licensing Ref No:	16/05415/LIPN - New Premises Licence
Title of Report:	Unit 31/33 3 Merchant Square City Of Westminster London
Report of:	Director of Public Protection and Licensing
Wards involved:	Hyde Park
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Yolanda Wade Senior Licensing Officer
Contact details	Telephone: 020 7641 1884 Email: <a href="mailto:ywade@westminster.gov.uk">ywade@westminster.gov.uk</a>

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	26 May 2016		
<b>Applicant:</b>	BFI Limited		
<b>Premises:</b>	Unit 31/33		
<b>Premises address:</b>	3 Merchant Square City Of Westminster London W2 1AZ	<b>Ward:</b>	Hyde Park
		<b>Cumulative Impact Area:</b>	No
<b>Premises description:</b>	The premises is a new build with Ground and Mezzanine Floors, comprising of a bar and cafe area with outside seating area		
<b>Premises licence history:</b>	None		
<b>Applicant submissions:</b>	None		

1-B Proposed licensable activities and hours							
<b>Late Night Refreshment:</b>				<b>Indoors, outdoors or both</b>			Both
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	23:00	23:00	23:00	23:00	23:00	23:00	
<b>End:</b>	23:30	23:30	23:30	23:30	00:00	00:00	
<b>Seasonal variations/ Non-standard timings:</b>	When hours for the sale of alcohol are extended hereunder (see section J), these hours shall also be extended until (a) the terminal hour for the sale of alcohol in the case of Sundays before Bank Holidays or (b) from 23:00 on New Year's Eve until 05:00 in the morning on New Year's day						

Films				<b>Indoors, outdoors or both</b>			Indoors
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	10:00	10:00	10:00	10:00	10:00	10:00	12:00
<b>End:</b>	23:30	23:30	23:30	23:30	23:30	23:30	22:00
<b>Seasonal variations/ Non-standard timings:</b>	a) In accordance with Westminster City Council's core hours policy. Between 12:00 midday and 00:00 midnight on Sundays immediately prior to Bank Holidays and (b) From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day						

<b>Sale by retail of alcohol</b>	<b>On or off sales or both:</b>	both
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Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
<b>Start:</b>	10:00	10:00	10:00	10:00	10:00	10:00	12:00
<b>End:</b>	23:30	23:30	23:30	23:30	00:00	00:00	22:30
<b>Seasonal variations/ Non-standard timings:</b>	a) In accordance with Westminster City Council's core hours policy. Between 12:00 midday and 00:00 midnight on Sundays immediately prior to Bank Holidays and (b) From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day						

<b>Hours premises are open to the public</b>							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
<b>Start:</b>	07:00	07:00	07:00	07:00	07:00	07:00	07:00
<b>End:</b>	23:30	23:30	23:30	23:30	00:00	00:00	22:30
<b>Seasonal variations/ Non-standard timings:</b>	When hours for the sale of alcohol are extended these hours shall also be extended to a later terminal hour						
<b>Adult Entertainment:</b>	When hours for the sale of alcohol are extended these hours shall also be extended to a later terminal hour						

## 2. Representations

<b>2-A Responsible Authorities</b>	
<b>Responsible Authority:</b>	The Environmental Health Service
<b>Representative:</b>	Dave Nevitt
<b>Received:</b>	23.6.2016
<p>I refer to the above application which seeks a Premises Licence to include the following Licensable activities:</p> <p><b>Regulated Entertainment</b> – <i>Films</i>: Monday to Thursday 1000hrs-2300hrs, Friday and Saturday 1000hrs-2330hrs, and Sunday 1200hrs-2200hrs;</p> <p><i>Recorded Music</i> is also sought: 'when hours for the sale of alcohol are extended authorisation is sought for the provision of Recorded Music from 2300hrs on New Year's Eve until the terminal hour for the sale of alcohol on New Year's Day.'</p> <p><b>Late Night Refreshment</b> – until 2330hrs on Monday to Thursday, and until 0000hrs on Friday and Saturday; also: 'when hours for the sale of alcohol are extended these hours shall also be extended until (a) the terminal hour for the sale of alcohol in the case of Sundays before Bank Holidays or (b) from 2300hrs on New Year's Eve until 0500hrs on New Year's Day'.</p>	

**The Supply of Alcohol 'On' and 'Off' the premises 1000hrs-2330hrs Monday to Thursday, 1000hrs-0000hrs on Friday and Saturday, and 1200hrs-2230hrs on Sunday (to 0000hrs on Sundays before a Bank Holiday). Also: 'From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day'.**

The applicant has proposed Conditions which are under consideration. The applicant has submitted Drawing No. 250 Rev. B.

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.

<b>Responsible Authority:</b>	The Metropolitan Police
<b>Representative:</b>	PC Sandy Russell
<b>Received:</b>	1.06.2016

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

The Police have proposed conditions that have been agreed by the Applicant. The Police representation has been withdrawn (**Appendix 5**)

<b>2-B Other Persons</b>	
<b>Name:</b>	Dr Michael Clarke
<b>Address and/or Residents Association:</b>	Appartment 1401 3 Merchant Square London W21BF
<b>Received:</b>	9 <sup>th</sup> June 2016

I am writing to formally object to this Application for a New Premises Licence ref: 16/05415/LIPN for Unit 31/33, 3 Merchant Square, London W2.

My objection is made on the grounds of 'prevention of public nuisance'.

I have lived in a flat directly above this unit for 2 years and before that for 8 years directly opposite on the other side of the Canal for 8 years. I believe I know this new neighbourhood as well as anyone.

The fundamental problem with this application is the potential for noise (as well as smoking) directly or indirectly due to alcohol consumption. We are having continuing problems with Grand Union and Kupp both of which have a premises licence permitting sale of alcohol and late night refreshment. Grand Union's licence restricts all outside customers to be seated, and after 5pm alcohol is ancillary to food. Nevertheless, there are regularly 10-20 people standing outside the premises drinking and not eating or being seated. We have had the Enforcement section visit them last year but despite this they continue to be in breach of their planning permission (by having their customers outside the demise of of the permission) and of their Licensing conditions. I am in the process of Formally complaining to your department about these problems.

This is all relevant because the new application for Unit 31/33 is confusing in what is actually going to take place (inside and outside) . The proposed conditions in Schedule A relating to the external area are somewhat confusing, and propose having customers outside standing and seating until 11pm, with no requirement for food. In fact, I note that the proposed schedule of conditions is very similar if not identical to the conditions on the Kupp premises licence. It should be noted that Kupp is not underneath a residential block.

Whatever is being asked it is of paramount importance, particularly in view of the continuing problems with Grand Union (and also in view of the recent restrictions prohibiting alcohol consumption at ANYTIME outside the premises of The Pavilion immediately opposite the side of Unit 31/33 only 15 feet away that your committee recently passed) that we do not allow a similar situation to be permitted here.

The Eastern End of this whole development -and that includes all the above premises-was designated by WCC as a residential area. There is no need for another drinking , and inevitably noise generating , premises here. The large amount of tall glass-fronted buildings means that noise is reflected and amplified. This is obviously a concern, particularly in the evening and night time.

It is unclear if indeed this will be a restaurant in view of the lack of conditions tying alcohol to food. Why is "late night refreshment" and "alcohol for consumption off the premises" being sought?

The tables and chairs outside are restricted to under the overhang of the building, according to the plans. However, I believe there is barely room for such tables let alone passage of serving staff. Tables and chairs outside could be used until 11pm each night, which is highly likely to cause a noise nuisance.

In summary I represent a number of the residents above this site and we believe strongly that there should be NO alcohol consumed outside at any time unless seated and accompanying food both being by waiter service. This would be in line with the Grand Union Licence and that recently granted to The Pavilion. Similarly Smoking must be in a controlled zone away from the flats immediately above.

<b>Name:</b>	Mrs Elizabeth Virgo
<b>Address and/or Residents Association:</b>	Chairman & Treasurer Paddington Waterways and Maida Vale Society 4 Browning House 19-21 Formosa Street London W9 2JS
<b>Received:</b>	17.06.2016

Our comments are made as an Amenity Society recognised by Westminster City Council. We are officially charged with working towards the preservation and enhancement of the architectural and environmental quality of Little Venice, Maida Vale and the Paddington Waterway area (including planning and licensing issues). We are concerned with the well-being and sense of community of its residents, including those who live in the vicinity of Paddington Station and those who use the station either for travel or for passing through.

Introduction

We recognise that this proposal is designed to provide services for locals as well as people who are not residents in this area..

However, the application for on and off sales of alcohol raises a number of issues which lead us to conclude that it should be stringently conditioned.

Our representation is made on the basis that the likely impact of the application, if granted, would be to harm the licensing objectives of prevention of public nuisance. It could also impair the prevention of crime and disorder. We are also concerned about the impact of noise on children living in the immediate locale.

The operation is sited underneath residential accommodation in Merchant Square, below an overhang. Activities in it need careful regulation to minimise the disruption for neighbours in terms of noise and anti-social behaviour. It does not appear to be a restaurant in that the sale of alcohol is not ancillary to the purchase of food and we are concerned that this will just be another bar with vertical drinking. In any case, it falls under Policy PB1, so a lesser terminal hour should be granted due to the increased risk of public nuisance. Sales of alcohol (and the playing of music) until 23.30 Monday through Thursday and 00.00 Friday and Saturday seem too late.

We consider the application for Late Night Refreshment is inappropriate, given the location.

We would argue that drinking at tables and chairs outside until 11.00pm is unreasonable and that this activity should be terminated by 10.00pm. All sales of alcohol outside should be ancillary to food, waiter/waitress service only and patrons must be seated. There should be a limit on the numbers outside, in view of the close proximity to the residential block. This is unlike the situation for nearby café Krupp, which is not below residential.

Provision needs to be made to contain the impact of smoking on the nearby housing. We would like to know where smoking will be allowed, and how it would be policed.

We would ask that all patrons leaving are requested to do so quietly, and directed away in an appropriate direction, causing as little nuisance to the nearby residents as possible.

We would be very concerned about the emission of noise externally from the activities, particularly the varied types of music to be played and would seek reassurances, if not conditions on how this might be contained.

Alcohol is for consumption off premises too – we would ask why, and where?

<b>Name:</b>	Mr John Zamit
<b>Address and/or Residents Association:</b>	SEBRA (South East Bayswater Residents Association) 2 Claremont Court Queensway LONDON W2 5HX
<b>Received:</b>	16.06.2016

The South East Bayswater Residents' Association (SEBRA) fully supports objections raised by the Paddington Waterways & Maida Vale Society (PW&MV Society) in their letter of 9 June 2016 (copy attached).

The location for the Premises Licence is immediately underneath large block of flats and we are concerned that proposed use will cause a nuisance to the residents above.

We would not wish to see customers taking drinks off the premises (excluding outside tables and chairs) and we also have concerns on where smokers are to be facilitated outside and should be limited to no more than say six at any time.

On smoking generally we have concern on nuisance that can be caused to smokers at table and chairs outside to residential units immediately above (and to adjacent non smoking diners) .

We also would wish doors and windows are in closed permission after 21.00 (or earlier) and notices displayed asking customers to leave quietly and assume will be CCTV.

<b>Name:</b>	Mr Alex Harman
<b>Address and/or Residents Association:</b>	Flat 36 5 Harbet Road London W2 1AJ
<b>Received:</b>	3.06.2016

Please, I implore the council to not allow this premises to be used as a music and alcohol venue. This area is entirely for residents in the sense that hundreds of flats overlook the area where this venue proposes to be set up. The area, surrounded by buildings, is like a gold fish bowl as far as noise is concerned. Patrons of the new venue will inevitably congregate in the merchant square area late at night either when smoking/arriving/departing the area. We already suffer hugely from noise from the grand union pub and I fear another venue of this sort will make living here unbearable. This is a residential area and should be reserved for day time venues not nighttime music/alcohol venues. I can't stress enough how much this proposed venue will blight this area. I invite anyone from the council to come to my flat on a Friday or sat night to experience the noise from the grand Union pub to gain an insight in to what it will be like to have another late night music venue in the area.

<b>Name:</b>	Manisha Shah
<b>Address and/or Residents Association:</b>	
<b>Received:</b>	11.06.2016

Please take this communication as formal objection to the above new premises license. We believe this application to be a public nuisance and the hours proposed to be adverse to the lives of residents living directly above the new eatery. There are more than enough similar establishments in this area and none of them seem to be able to control their patrons. In addition to permission has recently been granted for the 'pavilion' adjacent to this side of the building. 3 Merchant Square, which is approximately 3 meters from the windows/doors of the proposed premises, with public seating benches running between them.

Whilst permission was not granted for the consumption of alcohol outside of the Pavilion smoking was restricted to the opposite side, however we are at a loss to see how the patrons from this establishment will not spill over to the walkway, especially in adverse weather, to utilize the benches and join those at the tables under the covered way thus escalating the noise levels and smoke rising to the residents above and hindering the passage of pedestrians. Second hand smoke is as dangerous as smoking and I would



like to understand who will be responsible for any residents getting cancer; shortening their lives and the impact on their families.

My apartment is approximately 45 feet above this walkway and I will certainly be affected just as those above Grand Union continue to flaunt the terms of their license permissions. I believe that they have been visited on several occasions by Enforcement Department with no results.

I strongly object to any new restaurant/bar with outside seating opening onto my side of 3 Merchant Square. Whilst it would be acceptable to have windows opening onto the canal side with tables and seating inside only, to render this walkway side of the proposed establishment as an outside restaurant until 11.00pm (with the results that customers do not clear the area for at least another hour) would be a violation of the WCC's designation of the area as residential.

There must be no consumption of alcohol in any area outside and a designated smoking area situated well away from the residences immediately above and there must be strict enforcement of crowds and noise levels.

<b>Name:</b>	Ginger & Arthur Sheriff
<b>Address and/or Residents Association:</b>	Apartment 602 London
<b>Received:</b>	10.06.2016

Ref : New Premises License ref: 16/05415/LIPN

Please take this communication as our formal objection to the above new premises license.

We believe this application to be a public nuisance and the hours proposed to be adverse to the lives of residents living directly above the new eatery. There are more than enough similar establishments in this area and none of them seem to be able to control their patrons. In addition to permission has recently been granted for the 'pavilion' adjacent to this side of our residential building, 3 Merchant Square, which is approximately 3 meters from the windows/doors of the proposed premises, with public seating benches running between them.

Whilst permission was not granted for the consumption of alcohol outside of the Pavillion smoking was restricted to the opposite side, however we are at a loss to see how the patrons from this establishment will not spill over to the walkway, especially in adverse weather, to utilise the benches and join those at tables under the covered way thus escalating the noise levels and smoke rising to the residents directly above and hindering the passage of pedestrians.

Our apartment is approximately 45 feet above this walkway and we will certainly be affected just as those above Grand Union at the end of the canal are frequently disturbed. In fact not just those immediately above because the noise late at night resounds around all the residential buildings as Grand Union continue to flaunt the

terms of their license permissions. I believe that they have been visited on several occasions by the Enforcement Department with no results.

We strongly object to any new restaurant/bar with outside seating opening onto this side area of 3 Merchant Square. Whilst it would be acceptable to have windows opening onto the canal side with tables and seating inside only, to render this walkway/side of the proposed establishment as an outside restaurant area until 11.00pm (with the results that customers do not clear the area for at least another hour) would be a violation of the WCC's designation of the area as residential.

There must be no consumption of alcohol in any area outside and a designated smoking area situated well away from the residences immediately above and there must be strict enforcement of crowds and noise levels.

### 3. Policy & Guidance

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

Policy OS1 applies:	Policy OS1 applies:  Applications will generally be granted and reviews determined subject to the relevant criteria in Policies CD1, PS1, PN1 CH1 and HRS1 and other policies in this Statement.
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>	Photos received from Dr Michael Clarke supporting his representation
<b>Appendix 4</b>	Premises history
<b>Appendix 5</b>	Proposed conditions
<b>Appendix 6</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Miss Yolanda Wade Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 1884 Email: ywade@westminster.gov.uk

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

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

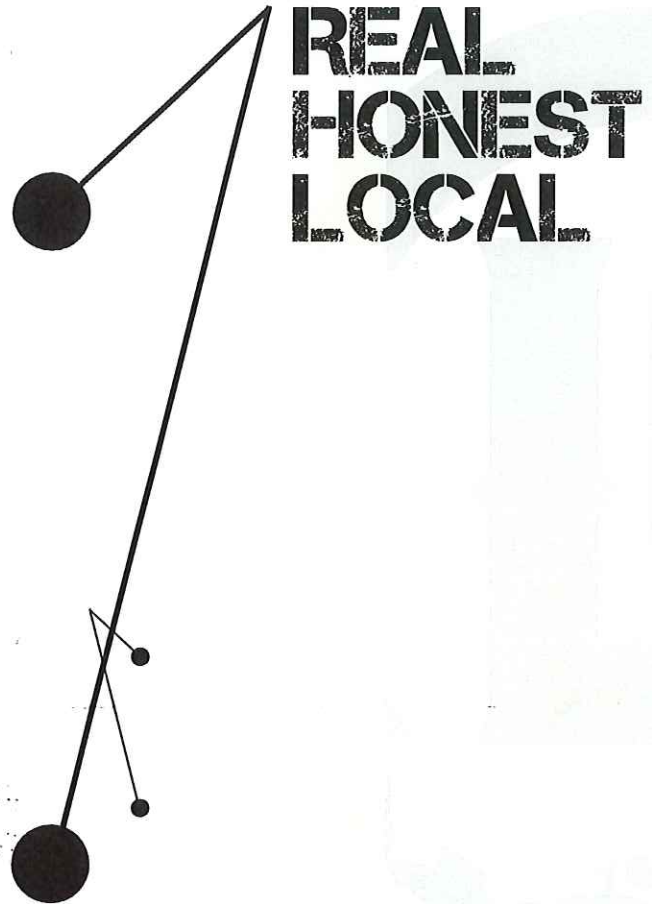
<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
<b>4</b>	Email- Police Representation	1 <sup>st</sup> June 2016
<b>5</b>	Mr Alex Harman Representation	3 <sup>rd</sup> June 2016
<b>6</b>	Dr Michael Clarke	9 <sup>th</sup> June 2016
<b>7</b>	Ginger & Arthur Sheriff Representation	10 <sup>th</sup> June 2016
<b>8</b>	Manisha Shah Representation	11 <sup>th</sup> June 2016
<b>9</b>	Mr John Zamit SEBRA Representation	16 <sup>th</sup> June 2016
<b>10</b>	Mrs Elizabeth Virgo- Paddington Waterways and Maida Vale Society Representation	17 <sup>th</sup> June 2016
<b>10</b>	Email- Dave Nevitt (EH) Representation	23 <sup>rd</sup> June 2016
<b>11</b>	Email- Photos from Dr Clarke	3 <sup>rd</sup> July 2016
<b>12</b>	Email- letters sent by Applicant's solicitor to interest parties who made representations	4 <sup>th</sup> July 2016
<b>13</b>	Email- Brochure received from Applicant's solicitor	4 <sup>th</sup> July 2016
<b>14</b>	Email- Police Withdrawal of Representation	6 <sup>th</sup> July 2016







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## LOCKHOUSE VALUES

**LOCKHOUSE** is the new relaxed, all-day fast casual dining venue offering urban hero dishes done better and a modern take on craft.

**LOCKHOUSE** offers a stylish mix of the old and the new that is in keeping with its urban surroundings and regeneration. Fusing together the ultra modern urban edge of fast paced functionality and speed with a softer, more laid back friendly service and delivery, it featuring timeless classics - the best burgers, rotisserie chicken and superfood salads - brought bang up to date with a modern twist and an authentic selection of premium craft beers, wines and soft drinks. An all-day hangout for today's fast paced consumer, **LOCKHOUSE** is as connected as its customers and engaged within the touchpoints that are important to them.

The **LOCKHOUSE** Values

### **Real**

Uncomplicated, simple delivery of the best food and the best service - done better. No elaborate explanations, over-promises or flowery introductions - just straight talking communications and authentic experiences.

### **Honest**

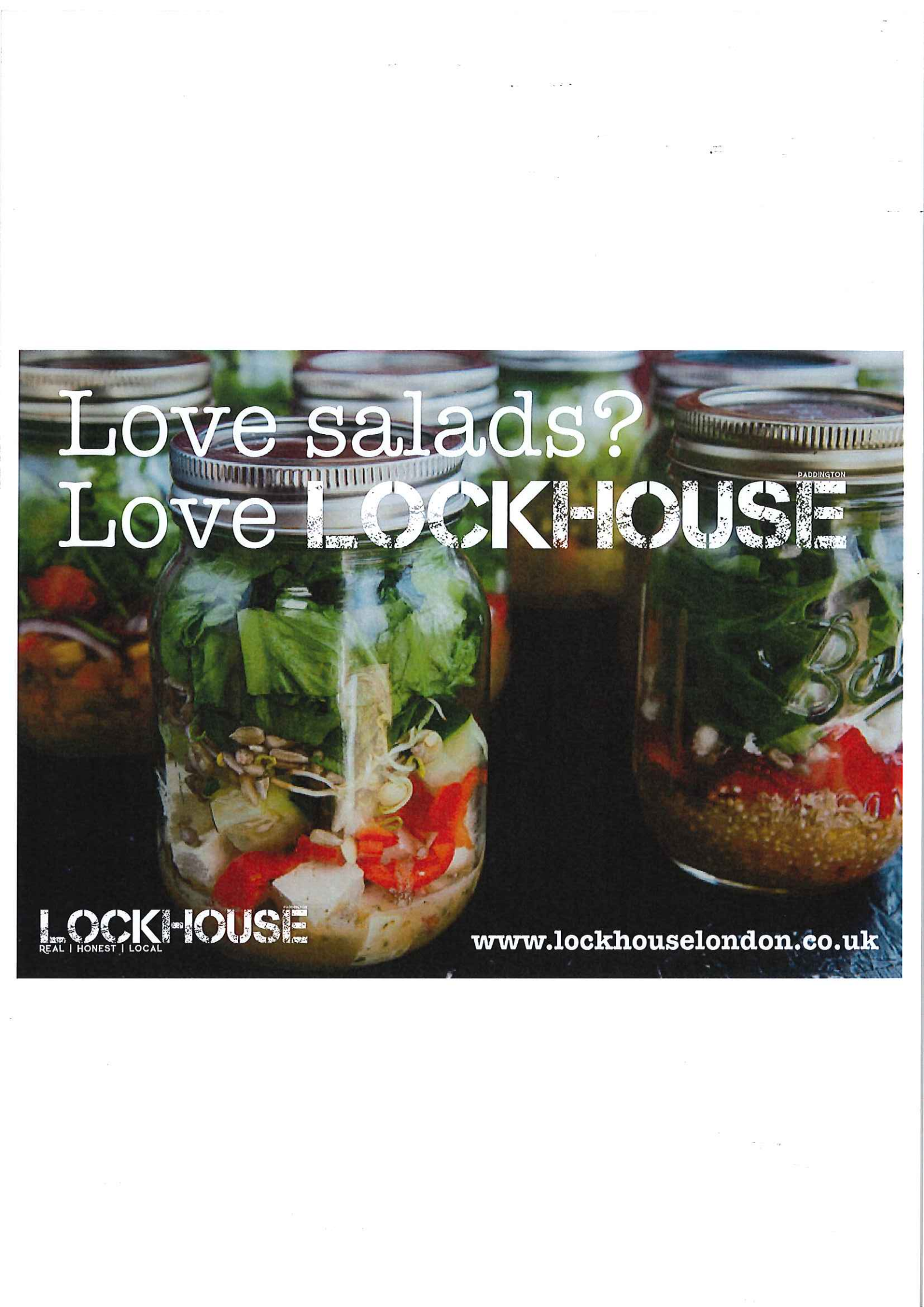
Authenticity of the dishes we serve and the way we serve them, along with a transparency of our sourcing and procurement.

### **Local**

Engaged and connected with the local community and our customers - commuters and residents - to provide a relaxed, "common room" style all-day dining and drinking experience with a home-from-home feel.

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# Love food?

## JAM JAR SALADS

Green & leafy with vinaigrette 4.95

Sumac chicken, wild rice, macadamia nut 7.95

Mexican black beans, guacamole, salsa, lime sour cream, tortillas 7.95

Feta, pomegranate, pea shoots, yogurt & herb dressing 7.25

Chick peas, wood roasted peppers, tabbouleh, Persian dressing 7.25

## ROTISSERIE CHICKEN

Shropshire farmed chicken, basted with garden herbs & english rapeseed oil, slow cooked for 2 hours in our rotisserie oven served with fries & crunchy slaw.  
Quarter 6.95 | Half 12.95

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## BURGERS

Lock Burger - lettuce, sautéed onions, relish, American cheese, pickle 8.5

Lock & Loaded - Wiltshire cured bacon, double cheese, sautéed onions, relish, lettuce, pickle 10

Black 'n' Blue - dolcelatte, Wiltshire cured bacon, relish, lettuce, pickle 10

Hot House - jalapeños, sriracha sauce, American cheese, lettuce, pickle, sautéed onions, relish 10

Cock House - crispy coated buttermilk chicken breast, sriracha mayo, lightly pickled slaw 10

## SIDES

Salted Fries 3.95

Jalepeno & cheese fries 5.95

Buffalo wings in our hot sauce 5.95

Crunchy Slaw 2.95

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The background of the advertisement is a photograph of a restaurant's interior. It shows several tables set with white tablecloths, glassware, and plates. In the background, there is a bar area with a person working behind the counter. The walls are light-colored with some decorative elements, and there are hanging lights. The overall atmosphere is warm and inviting.


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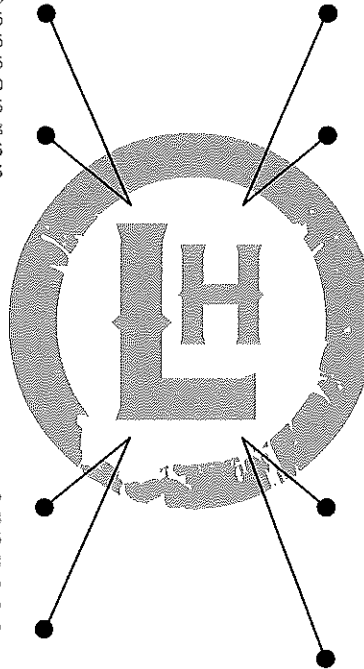
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# Love brunch?

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**americano** £2.25  
**cafetiere** £2.25  
**latte** £2.75  
**cappuccino** £2.75  
**mocha** £3.25  
**breakfast tea** £1.80  
**herbal or fruit teas** £2.75  
**hot chocolate** £3  
**espresso** £1.75  
**double espresso** £3

**oj** £2.15  
**tomato** £3  
**apple** £2.15  
**mineral water** £3  
**coke** £1.95  
**diet coke** £1.95  
**lemonade** £1.95



**plain & simple** - single beef patty, french's mustard relish, lettuce, basket of artisan sourdough and wholegrain toast £4

**full english** - pork sausages, smoked bacon, mushrooms, grilled tomato, black pudding, baked beans, eggs of your choice, toast £9

**full veggie** - roasted haloumi, avocado, wood roasted peppers, spinach, grilled tomato, eggs of your choice, sourdough toast £9

**craft granola** - greek yoghurt, blueberry compote £5

**porridge** - apple compote, london honey £4

**american pancakes** - maple syrup  
full stack £8 | half stack £5.50 | add smoked bacon £2

**smashed avocado** - sour dough toast, poached eggs £7

**huevos rancheros tacos** - eggs, chorizo, chilli, tomatoes, roasted red pepper £3

**pork belly hash** - fried egg £3

**panko coated mac 'n' cheese** - leeks & bacon, fried and served with a poached egg £3

**3 eggs** - any style on sour dough toast £5  
on a muffin benedict or royale £9

**mimosa** - champagne, orange liqueur, orange juice, a dash of blood orange

**orchard bellini** - champagne, apricot liqueur, fresh peach purée

**bloody mary** - vodka, standard bloody mary mix, hand-cut fresh herbs

**bloody bull** - vodka, classic bloody mary with beef bouillon

**strawberry fields** - rye, strawberry-thyme cordial, lemon, prosecco

**aged heat** - tequila reposado, chili cordial, lemon, sage, prosecco

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# REAL HONEST LOCAL



club chairs for beer bears



vintage boston shaker classic cocktail convert



mein stein



lights from edisons mind



tiffin tins lunch for two or ten sharing in tins of style



spotlight the right spot



reclaimed brick & wood old texture new feel



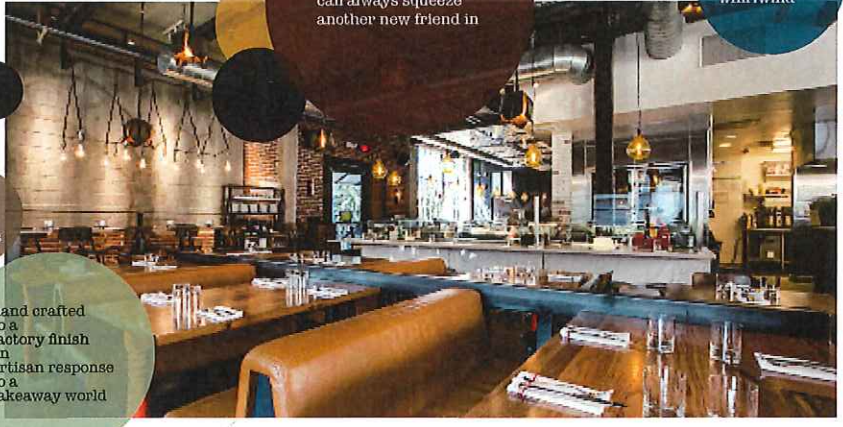
booths & benches can always squeeze another new friend in



space for staff to serve like a crafty whirlwind



nooks fit for a few friends



hand crafted to a factory finish an artisan response to a takeaway world

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**LOCKHOUSE**  
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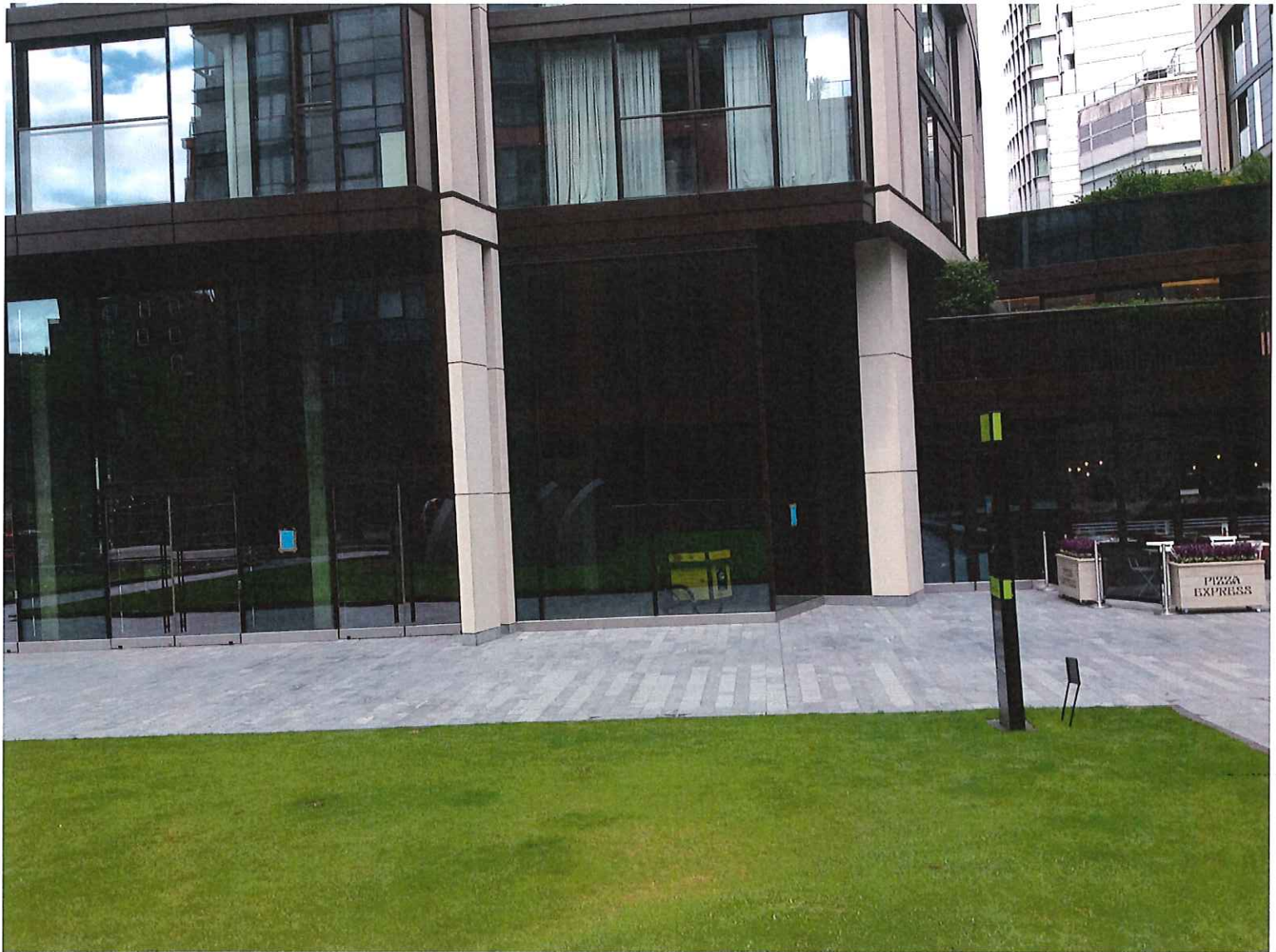
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# APPENDIX 3



























There is no licence or appeal history for the premises

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

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

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

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

### **Mandatory Conditions**

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
  - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
  - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

- (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

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

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

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

Where -

- (i) P is the permitted price,
  - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
  - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
  - (ii) the designated premises supervisor (if any) in respect of such a licence, or
  - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
9. Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.
- 10 All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

#### **Proposed conditions by the Police and agreed with the applicant**

11. Alcoholic drinks may not be removed from the premises in open containers save for consumption in external areas provided for that purpose.
12. Children under the age of 16 shall not be permitted to enter or remain at the premises after 22:00 unless they are dining with an adult or attending a pre booked function.
13. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
14. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested
15. An incident log shall be kept at the premises, and made available on request to an

authorised officer of the City Council or the Police, which will record the following:

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received concerning crime and disorder
- (d) any incidents of disorder
- (e) any faults in the CCTV system
- (f) any refusal of the sale of alcohol
- (g) any visit by a relevant authority or emergency service

16. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open
17. Door supervisors will be employed by the Premises Licence Holder on a risk assessed basis. A suitable risk assessment will be undertaken and documented on a daily basis by the DPS, in relation to whether or not door supervisors are to be employed on specific occasions. On occasions when door supervisors are employed they shall display their SIA Licence at all times, worn with a high visibility arm band.
18. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.
19. All tables and chairs shall be rendered unusable by 22.00 each day.
20. Substantial food and suitable beverages other than intoxicating liquor shall be available during the whole of permitted hours in all parts of the premises where intoxicating liquor is sold and supplied.
21. Patrons permitted to temporarily leave and then re-enter the premises after 22:00 hours, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
22. After 22.00hrs patrons permitted to temporarily leave and re-enter the premises shall be limited to 15 and those wishing to smoke shall be directed to the designated smoking area.
23. There shall be no take away of hot food or hot drink after 23.00 hours.
24. 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.
25. Clearly legible notices shall be displayed at all exits from the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.
26. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic

identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

27. During the Notting Hill Carnival, the following conditions will apply on Sunday and Monday of that weekend:

- Drinks shall only be served in polycarbonate glasses
- There shall be no entry or re-entry to the premises after 20.30hrs



## Proposed Conditions by applicant

28. No customers carrying opened bottles of alcoholic drink upon entry shall be admitted to premises at anytime the premises are open to the public. **(Agreed with EH)**
29. It is considered that for the nature of the operation door supervisors will not be required however, the Designated Premises Supervisor will undertake a risk assessment should unusual events takes place and if they consider it appropriate will employ the same.
30. The layout of the licensed area both internally and externally as shown on the approved plan at the ground floor layout shall be substantially laid out for tables and chairs as indicated on the approved licensing drawing. **(Agreed with EH)**
31. There shall be no sales of alcohol for consumption off the premises after 23.00 hours. **(Agreed with EH)**
32. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises. **(Agreed with EH)**
33. After 23.00 hours the outside area shall only be used by patrons who have temporarily left the premises to smoke. **(Agreed with EH)**
34. No drinks shall be permitted to be taken outside after 23.00 hours. **(Agreed with EH)**
35. All external doors and windows shall be kept closed whilst regulated entertainment is taking place and in any case after 23:00 hours except for immediate access and egress of persons. **(Agreed with EH)**
36. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance. **(Agreed with EH)**
37. There shall be no regulated entertainment in the outside area. **(Agreed with EH)**
38. Loudspeakers shall not be located in the entrance or exits areas or outside the premises building. **(Agreed with EH)**
39. There shall be no amplified live music. **(Agreed with EH)**
40. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0800 hours. **(Agreed with EH)**
41. During the hours of operation, sufficient measures must be in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and the area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business. **(Agreed with EH)**

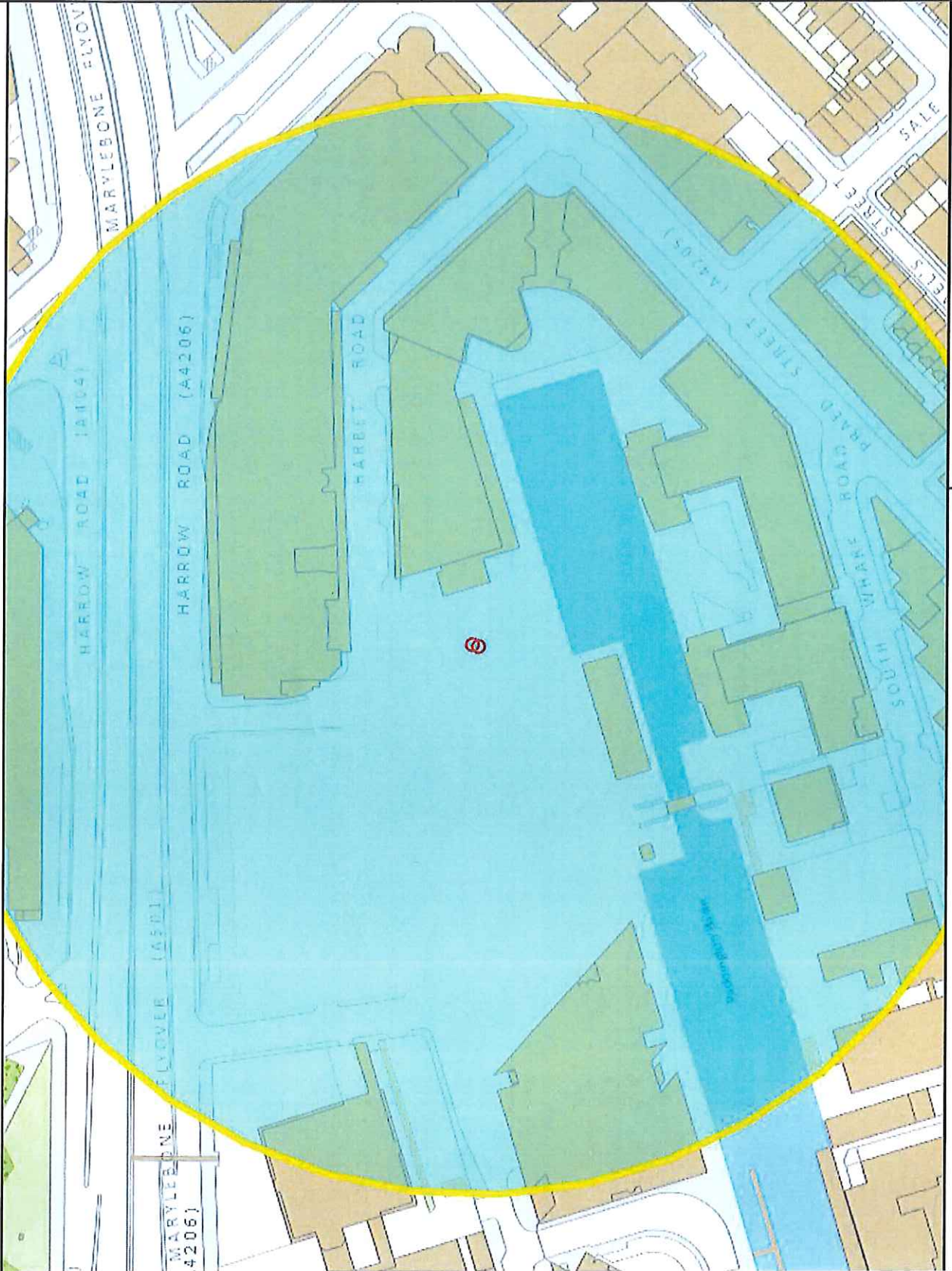
42. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order. **(Agreed with EH)**
43. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided. **(Agreed with EH)**
44. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means. **(Agreed with EH)**
45. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device. **(Agreed with EH)**
46. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame- retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible. **(Agreed with EH)**
47. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment. **(Agreed with EH)**
48. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous. **(Agreed with EH)**
49. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given. **(Agreed with EH)**
  - dry ice and cryogenic fog
  - smoke machines and fog generators
  - pyrotechnics including fireworks
  - firearms
  - lasers
  - explosives and highly flammable substances - real flame
  - strobe lighting
50. The certificates listed below shall be submitted to the Licensing Authority upon written request. **(Agreed with EH)**
  - a. Any permanent or temporary emergency lighting battery or system
  - b. Any permanent or temporary electrical installation
  - c. Any permanent or temporary emergency warning system
51. There shall be no cinema style seating at the premises. **(Agreed with EH)**
52. Deliveries to the premises shall only take place in the designated area within the basement loading area. **(Agreed with EH)**

53. The number of persons accommodated at any one time (excluding staff) shall not exceed ..... in the internal area....in the external area.
54. There shall be no drinking outside after 21:00 hours unless seated.
55. No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles.



City of Westminster

# Unit 31/33, 3 Merchant Square



Residential / Proposed Residential	Under Construction	Other Uses	Proportion Residential of all Uses
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10

Meters

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Date: 30/06/2016

# APPENDIX 6

**Premises within 75 metres of: Unit 31/33 3 Merchant Square**

<b>p / n</b>	<b>Name of Premises</b>	<b>Premises Address</b>	<b>Licensed Hours</b>
12527	Fantasia	28 Praed Street London W2 1NH	Monday to Wednesday 10:00 - 01:00 Thursday to Saturday 10:00 - 01:30 Sundays before Bank Holidays 12:00 - 00:15 Sunday 12:00 - 23:00
23422	Kupp	Unit 53 5 Merchant Square West City Of Westminster London W2 1AS	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 22:30
-21000	Grand Union	Unit 1 West End Quay South Wharf Road London W2 1LA	Friday to Saturday 09:00 - 00:00 Sunday 09:00 - 22:30 Monday to Thursday 09:00 - 23:30
3060	Hilton London Metropole	Hilton London Metropole And Conference Centre 225 Edgware Road London W2 1DH	Monday to Sunday 08:00 - 04:00
14688	See Cafe	4D Praed Street London W2 1XJ	Monday to Saturday 09:00 - 23:00 Sunday 10:00 - 22:30
12766	Kupp	Unit 53 5 Merchant Square West City Of Westminster London W2 1AS	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 22:30
-9350	Tesco - Paddington Express	Unit 8 West End Quay South Wharf Road London W2 1LA	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30
5239	Merchant Square	Development Site - Land At Harbet Road London W2 1JU	Monday to Sunday 00:00 - 00:00
-28985	Halst Bank	3 - 15 North Wharf Road London W2 1LA	Friday to Saturday 08:00 - 00:00 Sundays before Bank Holidays 08:00 - 00:00 Monday to Thursday 08:00 - 23:30 Sunday 09:00 - 22:30
32665	Kupp	Unit 53 5 Merchant Square West City Of Westminster London W2 1AS	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 22:30
21540	Rosa Cafe	57 Praed Street London W2 1NS	Friday to Saturday 07:00 - 00:00 Sunday 07:00 - 23:00 Monday to Thursday 07:00 - 23:30
1156	Pizza Express	Units 35 And 37 3 Merchant Square City Of Westminster London W2 1BF	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sundays before Bank Holidays 12:00 - 00:00 Sunday 12:00 - 22:30



