

Licensing Sub-Committee Report

Item No:	
Date:	20 th December 2016
Licensing Ref No:	16/11180/LIPN - New Premises Licence
Title of Report:	Maison Berteaux
	28 Greek Street
	London
	W1D 5DQ
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
5	
Policy context:	City of Westminster Statement of Licensing Policy
	L
Financial summary:	None
Report Author:	Miss Bina Patel
	Senior Licensing Officer
_	
Contact datails	Telephone: 020 7641 2125

Email: bpatel@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	14 October 2016		
Applicant:	Michele Caroline Wade		
Premises:	Maison Berteaux		
Premises address:	28 Greek Street London	Ward:	West End
	W1D 5DQ	Cumulative Impact Area:	West End
Premises description:	These premises currently operates as an existing patisserie and tea rooms.		
Premises licence history:	None		
Applicant submissions:	None	_	

1. Proposed Licensable activities and hours#

Sale by retail of alcohol			On or off sales or both:			Both	
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	10:00
End:	21:00	21:00	21:00	21:00	21:00	21:00	21:00
	Seasonal variations/ Non- None standard timings:						

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	08:00	08:00	08:00	08:00	08:00	08:00	08:00
End:	23:00	23:00	23:00	23:00	23:00	23:00	23:00
Seasonal variations/ Non- standard timings:			None				
Adult Entertainment:			None				

2. Representations

2-A Responsible Authorities				
Responsible Authority:	Environmental Health Consultation Team			
Representative:	Nicola Curtis			
Received:	10 th November 2016			

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

The premises are located within the West End Cumulative Impact Area as defined within the City of Westminster Statement of Licensing Policy.

The applicant has submitted the following plans for the premises:

◆ Existing Arrangement: drawing number 165 - 10, Rev A, Dated May 2014

This representation is based on the plans and Operating Schedule submitted.

The applicant is seeking the following licensable activities:

1. The Supply of Alcohol both 'on' and 'off' the premises Monday to Sunday 1000 to 2100 hours.

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

 The Supply of Alcohol both 'on' and 'off' the premises will have the likely effect of causing an increase in Public Nuisance in the West End Cumulative Impact area and may impact upon Public Safety

The applicant states that the application is consistent with Cumulative Impact Licensing Policy section 2.4.20. However the application and Operating Schedule does not reflect the requirements of sections 2.4.21 & 2.4.22 and therefore there is no demonstration of an exception to policy.

The applicant is advised to contact the undersigned to arrange a suitable time for inspection of the premises.

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

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

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy				
urs within the core hours set out below in ly be granted, subject to not being ies 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.:				
ng Authoritys policy to refuse mulative Impact Areas for: pubs and es, and premises offering facilities for her than applications to vary hours within Policy HRS1.				
(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.:				
claim that the application is in aph 2.4.20 of Policy CIA				

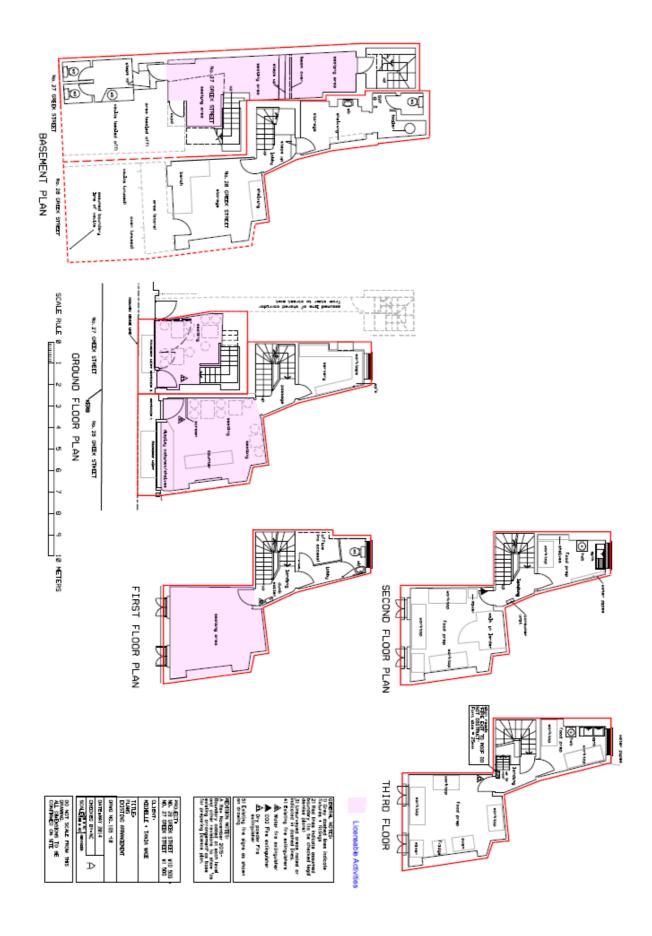
4. Appendices

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

Report author:	Miss Bina Patel	
	Senior Licensing Officer	
Contact:	Telephone: 020 7641 2125 Email: bpatel@westminster.gov.uk	

backgro	If you have any queries about this report or wish to inspect one of the background papers please contact the report author.			
Backgro	und Documents – Local Government (Access to Infor	mation) Act 1972		
1	Licensing Act 2003	N/A		
2	City of Westminster Statement of Licensing Policy	7 th January 2016		
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015		
4	Application form for a New Premises Licence under the Licensing Act 20013	14 October 2016		
5	Representation from Environmental health Service	10 November 2016		

Premises Plans Appendix 1



Applicant Supporting Documents

Appendix 2

None

Premises History Appendix 3

There is no licence or appeal history for the premises.

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

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

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

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

Mandatory Conditions

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

- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
- 5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
- 7. The responsible person must ensure that—
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor.

For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

- 8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 8(ii) For the purposes of the condition set out in paragraph 8(i) above -
 - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) "permitted price" is the price found by applying the formula -

P = D+(DxV)

Where -

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
 - (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

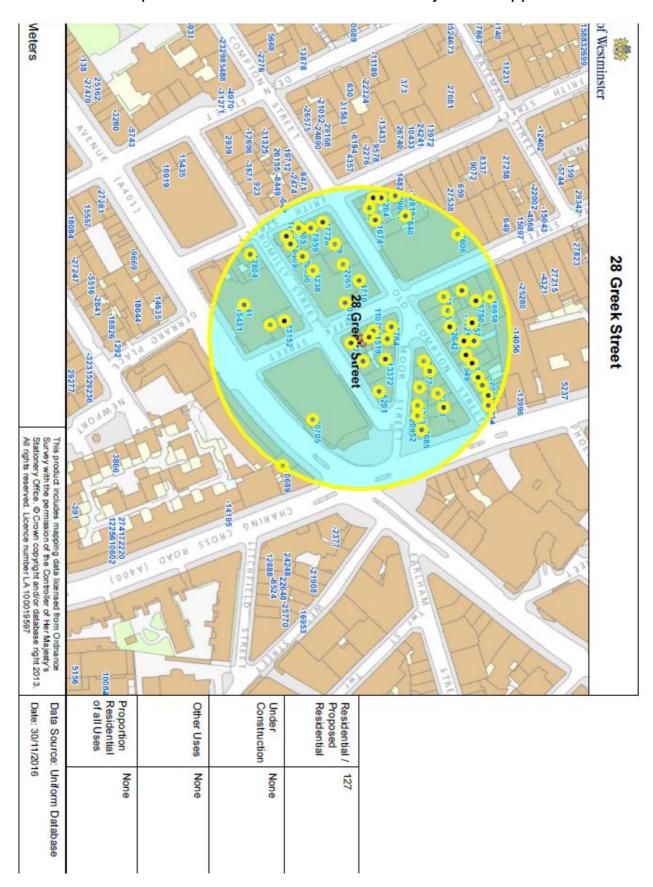
Conditions consistent with the operating schedule

- 9. The 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 entire 31 day period.
- 10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
- 11. The premises shall operate as a French cafe
 - (i) where the supply of alcohol is by waiter or waitress service only
 - (ii) where alcohol shall not be sold or supplied for consumption on the premises otherwise than by persons who are seated in the premises and where the consumption of alcohol by such persons is ancillary to food (including cake and chocolate).
 - 12. All sales of alcohol for consumption off the premises shall be in sealed containers only, save for alcohol consumed by persons who are seated in an area appropriately authorised for the use of tables and chairs on the highway and served by waiter or waitress service and ancillary to food (including cake and chocolate).
- 13. No more than 15% of the retail area shall be used at any one time for the sale, exposure for sale, or display of alcohol.
- 14. Substantial food and non-intoxicating beverages, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
- 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 log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log 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. The number of persons permitted in the premises at any one time shall not exceed [TO BE AGREED]
- 18. No noise or odour shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

- 19. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
- 20. No deliveries shall take place between 23:00 and 07:00 hours.
- 21. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and /or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.

Conditions proposed by the Environmental Health

None



	Premises within 75 metres of: 28 Greek Street				
p/n	Name of Premises	Premises Address	Licensed Hours		
6840	G-A-Y Bar	Basement To First Floor 30 Old Compton Street London W1D 4TP	Sunday 09:00 - 00:30 Monday to Saturday 09:00 - 01:30		
11079	Restaurant	26 Greek Street London W1D 5DE	Monday to Thursday 09:00 - 00:00 Friday to Saturday 09:00 - 00:30 Sunday 10:00 - 23:00		
-16214	Shackfuyu	Basement And Ground Floor 14 Old Compton Street London W1D 4TH	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00		
-5201	The Spice Of Life	37-39 Romilly Street London W1D 5NA	Sunday 09:00 - 23:00 Monday to Saturday 09:00 - 23:30		
-4710	Cafe Boheme	Basement And Ground Floor 13 - 17 Old Compton Street London W1D 5JH	Monday to Saturday 09:00 - 05:00 Sunday 12:00 - 00:00		
99	Bar Soho	23 Old Compton Street London W1D 5JL	Sunday 09:00 - 01:00 Monday to Thursday 09:00 - 01:30 Friday to Saturday 09:00 - 03:30		
-18858	Pizza Express	Basement And Ground Floor 20 Greek Street London W1D 4DU	Monday to Saturday 10:00 - 01:30 Sunday 12:00 - 00:00		
-13542	Balans Cafe	34 Old Compton Street London W1D 4TP	Monday to Saturday 10:00 - 05:00 Sunday 12:00 - 05:00		
11519	26 Greek Street	26 Greek Street London W1D 5DE	Monday to Thursday 09:00 - 00:00 Friday to Saturday 09:00 - 00:30 Sunday 10:00 - 23:00		
12431	La Bodega Negra	Basement And Ground Floor 16 Moor Street London W1D 5AP	Monday to Sunday 00:00 - 00:00		
-13372	Restaurant	Basement And Ground Floor 8-9 Moor Street London W1D 5ND	Monday to Thursday 08:00 - 00:30 Friday to Saturday 08:00 - 01:00 Sunday 08:00 - 23:00		
-10689	Walkabout	136 Shaftesbury Avenue London W1D 5EZ	Monday to Saturday 09:00 - 04:00 Sunday 10:00 - 04:00		
6934	Molly Moggs Public House	Molly Moggs 2 Old Compton Street London W1D 4TA	Sunday to Thursday 09:00 - 00:30 Friday to Saturday 09:00 - 01:30		
22642	Patty & Bun	Basement And Ground Floor 18 Old Compton Street London W1D 4TN	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00		
-22597	La Porchetta Pizzeria & Pollo Bar	Basement And Ground Floor 20 Old Compton Street London W1D 4TW	Sunday 11:00 - 00:00 Monday to Saturday 11:00 - 00:30		
-3299	Taro Japanese Restaurant	10 Old Compton Street London W1D 4TF	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00		
22377	Ed's Easy Diner	Basement And Ground Floor 12 Moor Street London W1D 5NG	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00		
-28450	Cho Won Korean Restaurant	27 Romilly Street London W1D 5AL	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00		
-20952	Z Hotel	The Z Hotel Soho 17 Moor Street London W1D 5AP	Monday to Sunday 00:01 - 00:00		
2264	Bar Italia	Basement And Ground Floor Front 22 Frith Street London W1D 4RP	Monday to Saturday 10:00 - 05:00 Sunday 12:00 - 05:00		

2573	Eat Tokyo	16 Old Compton Street London W1D 4TL	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-15431	Genting Casino London China Town	First Floor Wingate House 93 - 107 Shaftesbury Avenue London W1D 5DY	Monday to Sunday 00:00 - 23:59
1012	Soho House	40 Greek Street London W1D 5JJ	Sundays before Bank Holidays 09:00 - 00:00 Monday to Saturday 09:00 - 03:30 Sunday 09:00 - 23:00
5784	Three Greyhounds Public House	The Three Greyhounds Public House 25 Greek Street London W1D 5DD	Monday to Thursday 07:00 - 00:00 Friday to Saturday 07:00 - 00:30 Sundays before Bank Holidays 07:00 - 00:30 Sunday 07:00 - 23:00
23078	Bar Termini	7 Old Compton Street London W1D 5JE	Friday to Saturday 07:00 - 01:00 Sunday 07:00 - 22:30 Monday to Thursday 07:00 - 23:30 Sundays before Bank Holidays 07:00 - 23:30
7606	Prince Edward Theatre	Prince Edward Theatre 28 Old Compton Street London W1D 4HS	Monday to Sunday 09:00 - 01:00
12804	Bar Shu	28 Frith Street London W1D 5LF	Sunday 11:00 - 00:00 Monday to Saturday 11:00 - 00:30
22405	Blade Soho	26 Frith Street London W1D 5LE	Monday to Saturday 10:00 - 22:00 Sunday 12:00 - 20:00
27707	Coach & Horses Public House	29 Greek Street London W1D 5DH	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 - 22:50
14669	Muse Soho	Basement 23 Frith Street London W1D 4RR	Sunday 09:00 - 01:00 Monday to Saturday 09:00 - 04:00
14826	Little Italy	21A Frith Street London W1D 4RW	Monday to Sunday 09:00 - 05:30
17959	Ku Bar	Basement To First Floor 25 Frith Street London W1D 5LB	Friday to Saturday 10:00 - 00:00 Sundays before Bank Holidays 10:00 - 00:00 Sunday 10:00 - 22:30 Monday to Thursday 10:00 - 23:30
-3238	Kettners	29 Romilly Street London W1D 5HP	Monday to Saturday 10:00 - 01:30 Sunday 12:00 - 00:00
26750	Londis	21 Greek Street London W1D 4DX	Monday to Sunday 08:00 - 03:00
30409	Kyoto	26 Romilly Street London W1D 5AJ	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
30705	Palace Theatre	Palace Theatre 109-113 Shaftesbury Avenue London W1D 5DZ	Monday to Sunday 09:00 - 00:00
-32191	Piccolo Diavolo	Basement To First Floor 8 Old Compton Street London W1D 4TE	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
7685	The Cambridge Hotel	93 Charing Cross Road London WC2H 0DP	Friday to Saturday 07:00 - 00:00 Sunday 07:00 - 00:00 Sundays before Bank Holidays 07:00 - 00:00 Monday to Saturday 07:00 - 00:30 Sunday 07:00 - 22:50 Monday to Thursday 07:00 - 23:30

		•	
-23152	Y Ming	35-36 Greek Street London W1D 5DN	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
20988	Melanie Restaurant	Basement And Ground Floor 4 - 6 Old Compton Street London W1D 4TB	Monday to Saturday 10:00 - 01:00 Sunday 12:00 - 00:00
-41	Curzon Soho Cinema	93-107 Shaftesbury Avenue London W1D 5DY	Sunday 09:00 - 00:00 Monday to Saturday 09:00 - 02:30
22265	Soho Kitchen And Bar	19-21 Old Compton Street London W1D 5JJ	Monday to Sunday 00:00 - 00:00
-11549	Lab Bar	Basement And Ground Floor 12 Old Compton Street London W1D 4TQ	Monday to Saturday 09:00 - 00:30 Sunday 12:00 - 23:00
17663	Bistro 1	27 Frith Street London W1D 5LE	Sunday 08:00 - 00:00 Monday to Saturday 08:00 - 01:00
17728	Dodo Supermarket	Basement And Ground Floor 24 Frith Street London W1D 5LA	Monday to Thursday 08:00 - 01:00 Friday to Saturday 08:00 - 03:00 Sunday 10:00 - 22:30
21674	Dozo	Basement To First Floor 32 Old Compton Street London W1D 4TP	Monday to Saturday 10:00 - 01:30 Sunday 12:00 - 00:00
29091	Little Italy Two	Ground Floor 21A Frith Street London W1D 4RF	Monday to Saturday 10:00 - 05:00 Sunday 12:00 - 05:00
11835	Bun House	23-24 Greek Street London W1D 4DZ	Monday to Sunday 09:00 - 03:30