



City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	22.09.2016
Licensing Ref No:	16/07748/LIPV - Premises Licence Variation
Title of Report:	Picture Marylebone Basement And Ground Floor 19 New Cavendish Street London
Report of:	Director of Public Protection and Licensing
Wards involved:	Marylebone High Street
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Mr David Sycamore Senior Licensing Officer
Contact details	Telephone: 020 7641 8556 Email: dsycamore@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	22 July 2016		
Applicant:	Act Restaurants Limited		
Premises:	Picture Marylebone		
Premises address:	Basement and Ground Floor 19 New Cavendish Street London W1G 9TZ	Ward:	Marylebone
		Cumulative Impact Area:	No
Premises description:	This is a small restaurant on a busy high street. It backs onto a residential area.		
Variation description:	<p>The application is to extend the times alcohol can be sold until 23:00hrs on Monday, Tuesday and Wednesday. No late night refreshment had been sought.</p> <p>The application also seeks to reduce the sale of alcohol and opening hours from 11:00hrs till 11:30hrs Monday to Saturday. (A reduction of 30 minutes) Sunday remains unchanged.</p> <p>The application seeks to allow for a limited number of tables and chairs to be used outside on the private forecourt.</p>		
Premises licence history:	Please see appendix 3		
Applicant submissions:	Agreement to proposed conditions with Environmental Health and the reduction of hours. No further documents.		

1-B Current and proposed licensable activities, areas and hours						
Sale by Retail of Alcohol						
On or off sales			Current :		Proposed:	
			On and off		On and off	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	11:00	22:30	11:30	23:00	Whole premises	No change.
Tuesday	11:00	22:30	11:30	23:00		
Wednesday	11:00	22:30	11:30	23:00		
Thursday	11:00	23:00	11:30	23:00		
Friday	11:00	23:00	11:30	23:00		
Saturday	11:00	23:00	11:30	23:00		
Sunday	11:00	22:30	11:00	22:30		
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	n/a				n/a	
	n/a				n/a	

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	11:00	22:30	11:30	23:00	Whole premises	No change
Tuesday	11:00	22:30	11:30	23:00		
Wednesday	11:00	22:30	11:30	23:00		
Thursday	11:00	23:00	11:30	23:00		
Friday	11:00	23:00	11:30	23:00		
Saturday	11:00	23:00	11:30	23:00		
Sunday	11:00	22:30	11:00	22:30		
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	n/a				n/a	
	n/a				n/a	

1-C Layout alteration
No change.

1-D Conditions being varied, added or removed		
Condition	Proposed variation	
25. There shall be no outside tables and chairs at any time.	To be removed.	
Adult entertainment:	Current position:	Proposed position:
	n/a	n/a

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Licensing Authority
Representative:	Miss Claire Hayes
Received:	18.08.2016
<p>As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011 the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the Licensing Objectives:</p> <ul style="list-style-type: none"> • Public Nuisance • Prevention of Crime & Disorder • Public Safety • Protection of Children from Harm <p>As it stands the application does contravene Westminster's Statement of Licensing Policy HRS1. The application is requesting the sale of alcohol on the premises between 11:30 to 00:00 Monday to Saturday.</p> <p>Policy HRS1 states at paragraph 2.3.2: "It is the intention to generally grant licences... where the hours when customers are permitted to be on the premises are within the 'core hours' as set out in Policy HRS1. This is not a policy to refuse applications for longer hours than the core hours and consideration will in all cases be given to the individual merits of an application. Where a proposal is made to operate outside these core hours each application will be considered on its merits against the criteria as set out in paragraph (ii) (of Policy HRS1)".</p> <p>The current application is beyond core hours on Monday to Thursday by 30 minutes.</p> <p>Additionally, your application is for sale of alcohol beyond 23.00 and condition 28 on the premises licence requires the sale of alcohol to be ancillary to a full table meal. The current licence does not include Late Night Refreshment and the application has not requested it to be added.</p> <p>Please therefore accept this as a formal representation, further details will be provided in due course including a discussion relating to conditions. In the meantime, please provide a suitable date to arrange a site visit.</p>	

Responsible Authority:	Environmental Health
Representative:	Anil Drayan
Received:	16.08.2016

The applicant is seeking the following variation:

To change the hours for the provision of Alcohol for both 'On' and 'Off' the premises so that there is a later start time but also finishing later becoming from 11:30 to 00:00 hours Monday to Saturday.

To remove condition 25 from the licence.

I wish to make the following representations:

The change for later hours requested for the provision of Alcohol for both 'On' and 'Off' the premises may lead to an increase in Public Nuisance in the area.

The removal of condition 25 may lead to an increase in Public Nuisance in the area

Environmental Health agrees the contradictory nature of conditions 12 and 25 needs to be clarified.

Environmental Health also makes the following additional comments:

The applicant is reminded that, as the premises operates as a restaurant, any service of hot food and hot drink after 23:00 hours requires the licensable activity of 'Provision of Late Night Refreshment' to be included on the licence.

As this is currently not on the licence and has not been applied for this application is recommended to be withdrawn and a re-application submitted by also including a request for this licensable activity to be added to the licence.

The applicant is advised to contact the undersigned to arrange a site visit to discuss the above issues.

Responsible Authority:	Metropolitan Police
Representative:	Pc Lewis
Received:	16.08.2016

With reference to the above application I am writing to inform you that the Police, as Responsible Authority, object to your application for the variation of the Premises Licence as it is our belief that if granted the application may undermine the Licensing Objectives contained in the 2003 Licensing Act.

Our objections relate to the following:

- There are insufficient conditions offered to promote the licensing objectives
- Further information is required to properly assess this application

2-B Other Persons			
Name:		Peter Farren	
Address and/or Residents Association:		5 Westmoreland Street London W1G 8PJ	
Status:	Valid	In support or opposed:	Opposed
Received:	18.08.2016		
<p>Extensions on to the pavement are wholly undesirable. They are impossible to manage, and, as is seen nightly in the case of the Cavendish, a few yards east, they invariably stray further onto the pavement than has been agreed, making it difficult and sometimes dangerous to pass by, when forced into the road</p> <p>They also increase noise levels for residents.</p> <p>In my submission, the first was a mistake - but that should not be regarded as a precedent whereby as many as apply can be permitted</p>			
Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	15.08.2016		
<p>We live in the same block, Kingsley Lodge, than this restaurant, on the first floor and have a common wall with this premise. Kingsley Lodge is a very quiet residential block, with few shops on the ground floor, away from the busy Marylebone High Street. Since the opening of the restaurant Picture on the 4th of July 2016, we have been suffering from a strong nuisance coming from this restaurant.</p> <p>They have repeatedly not complied with the term of their existing license (Annex 2, conditions: 10 and 11) by leaving the back windows of the restaurant open which creates a very strong noise due to the resonance in the backyard of the building meaning we needed to keep our windows closed which is clearly unacceptable. We have notified Westminster Noise team several times of the constant breach of the term of the license and once contacted by the noise team they were closing down the windows but leaving them open the day after... this restaurant is absolutely not respectful of the residential neighbourhood and orders from Westminster. It is also frequent that when they close down their kitchen late in the evening they empty the bins in the courtyard or have staff discussing</p>			

outside which give further nuisance..

In addition, when the restaurant is busy in the evening we can clearly hear background noise through the walls of the bedroom of our children because the sound insulation of the premise is not sufficient. We have notified this issue to their landlord but no action has been taken so far.

Consequently, we object to the proposed variation which can only increase the nuisance caused by this restaurant:

- by extending the opening hours of premises that don't benefit from proper sound insulation and is likely to create further nuisance to the neighbourhood
- by leaving tables and chairs outside the premise until midnight while residents are living above which would be in contradiction with the term of the license Annex 2- Condition 10.

A further update received – received 15.09.2016

1. The new restaurant has not demonstrated a good sense of complying with its licence (For instance: Windows shall be kept closed after 9 pm)– during the whole July month, they kept leaving the windows of the back of the restaurant open which was creating a substantial noise nuisance in the back courtyard of the building to such an extent that we could not open our back windows anymore. I mentioned the issue to them, to their landlord and to Westminster noise nuisance many times and strangely they finally decided to keep them closed once they applied for this variation of the license. I believe the covenant to keep the windows closed should by the way be extended to be at any time and not only after 9 pm

2. I am still objecting to the extension of the hours from 10.30 pm to 11 pm until they sort out the sound insulation of the premises. When the restaurant is busy, which is fortunately for us not every night, we can clearly hear background noise through the wall in the bedroom where my children are sleeping. I have notified the issue to the landlord who discussed with the restaurant but no action has been taken so far. They are in breach of their existing covenant “No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.” Honestly, I think their opening hours should even be reduced until they fix this issue

Name:	Cllr Scarborough		
Address and/or Residents Association	City Hall		
Status:	Valid	In support of opposed:	Opposed
Received:	13.08.2016		

I am writing to object to with regard to the above extension of opening hours, to beyond Core Hours, as this will be contrary to WCC's licensing objectives, namely the prevention of public nuisance. New Cavendish Street is in the heart of the Marylebone Village which is hugely residential.

To allow this restaurant to serve alcohol beyond Core Hours would set a precedent, as there are numerous other restaurants in the area close by. Many of whom actually such as the Cavendish Wine Bar, Cote, close at 11pm.

The clause regarding tables and chairs obviously need re wording but I would also request that alcohol is only served outside by Waiter/waitress service, to persons seated at tables, that this is ancillary to food and the tables and chairs be rendered unusable by 11pm.

Name:		Nicholas McGill	
Address and/or Residents Association		20a De Walden Street London w1g 8rn	
Status:	Valid	In support or opposed:	Opposed

Received:	18.08.2016
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Number 19 New Cavendish Street backs onto De Walden Street a 100% residential street. The premises has large windows (open in summer)and an open area backing onto De Walden Street. Extension of the permitted licensing hours will inhibit my freedom to sleep after 11pm, use of the outside are or keeping windows open after 9.30pm would serious effect our quiet enjoyment of living in de walden street. I therefore object. Chairs and tables being used after 11pm on New Cavendish street will also lead to unacceptable noise for local residents. I do not object to them having chairs and tables on the pavement but their use after 9.30pm in the evening.

Name:		Dr Nicholas Merthyr Day	
Address and/or Residents Association		10 De Walden Street	
Status:	Valid	In support or opposed:	Opposed

Received:	01.08.2016
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I am writing to object, in the strongest possible terms, to the proposed extension of the licensing hours at Picture Restaurant.

I live a few feet immediately behind the restaurant in De Walden Street, at first and second floor. Due to the close proximity of the restaurant and the solid brick wall outside of the basement kitchen doors, sound is channelled up between the buildings. Every sound in both the restaurant room and the kitchen is transmitted directly and clearly to our flat. I can hear every single rattle of plates, cutlery, pots and pans, and diner's conversation, even with all my windows closed.

This nuisance noise starts early in the morning from the kitchen and already continues to after midnight when the kitchen is still clearing up.

The property where the restaurant is located is totally unsuitable for restaurant usage, due to the close siting of neighbouring domestic buildings. It should never have been granted a license in the first place, nor the construction of the large extractor duct which emits a loud buzzing noise 24hrs a day.

The suggestion of extending the licensing hours to midnight would mean noise pollution from circa 7am to 1am, leaving only six hours during the night in which to try and sleep. This is totally unacceptable.

Marylebone has become a prime location, and an extremely expensive one, and residents expect protection from commercial interests creating a constant disturbance.

If you would care to come and have a site visit to see the scale of the problem, please contact me.

Name:		Lorraine Goodhew	
Address and/or Residents Association		20A De Walden St London	
Status:	Valid	In support or opposed:	Opposed
Received:	15.08.2016		
<p>Re opening hours - this is a residential area. Extending the opening hours to 0.00 means that people will be leaving and making a noise up to 1 a.m. These hours are longer than those at nearby Cavendish where there is already considerable noise from customers at the outside tables. 23.00 is a reasonable time for closing bearing in mind that there are flats above the restaurant, to the rear of the restaurant and opposite the restaurant.</p>			

3. Policy & Guidance

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

Policy HRS 1 applies	(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 RNT 1 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

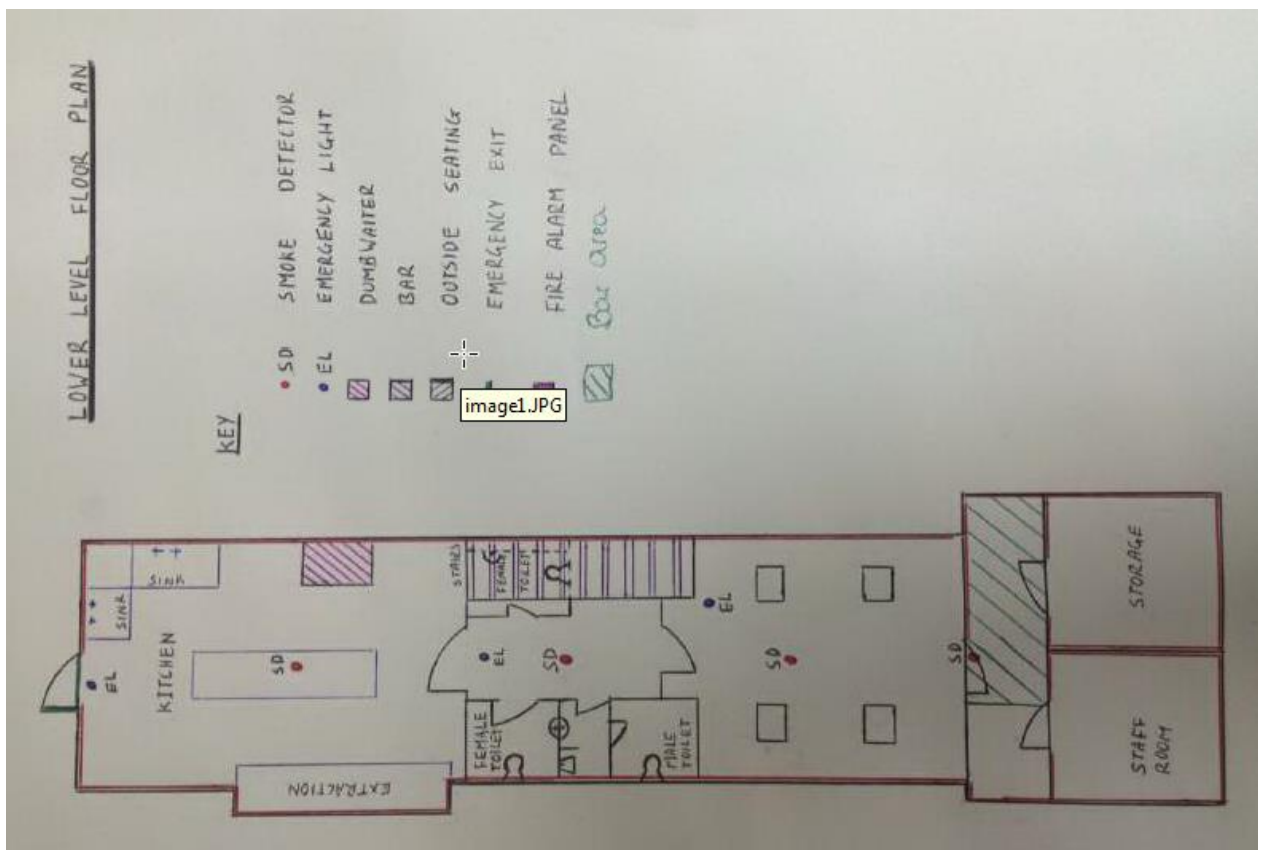
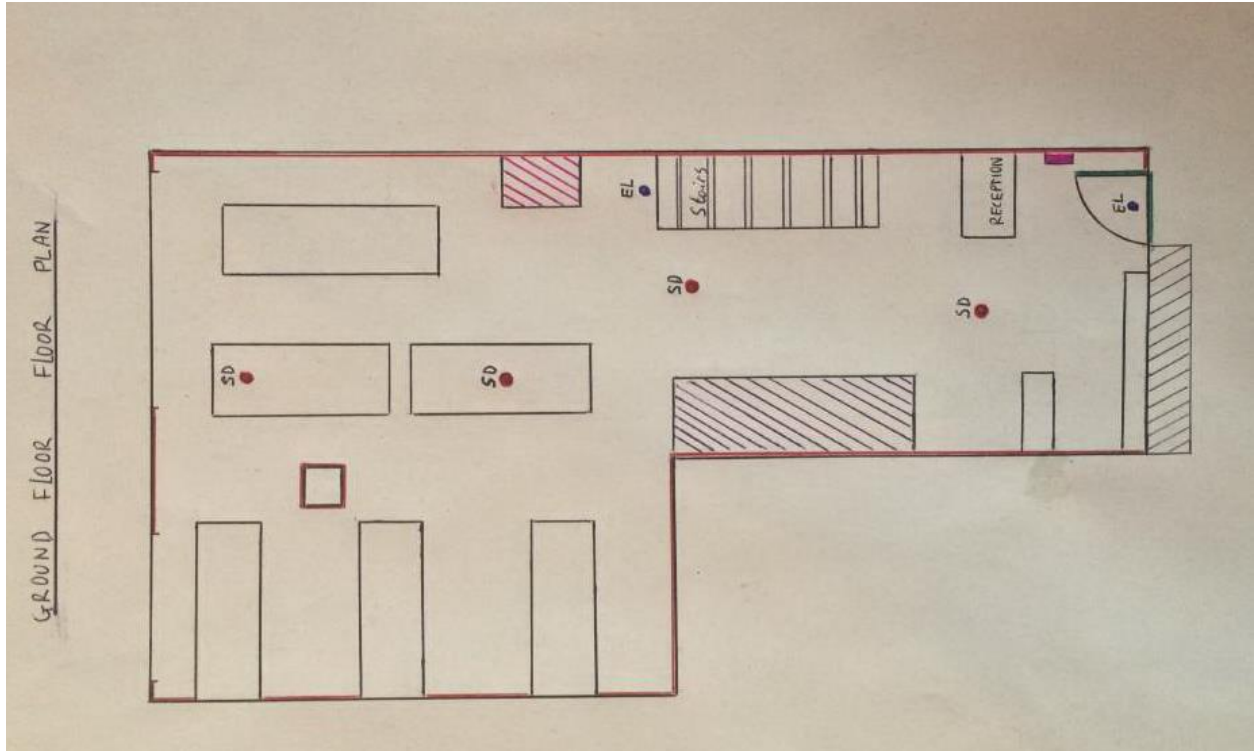
Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

Report author:	Mr David Sycamore Senior Licensing Officer
Contact:	Telephone: 020 7641 8556 Email: dsycamore@westminster.gov.uk

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

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Objections from EH, Police and LA	August 2016
5	Objections from residents	August 2016
6	Email From LA to applicant	September 2016
7	Notice of Hearings to all	September 2016
8	Email from EH to applicant	September 2016
9	Email from applicant to LA – agreed and withdrawn parts of the application.	September 2016



Applicant Supporting Documents

Appendix 2

None.

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
14/07476/LIPN	New Premises	10.10.2014	Granted (GDA)
15/10287/LIPT	Transfer	16.12.2915	Granted (GDA)
16/05807/LIPT	Transfer	27.06.2016	Granted (GDA)
16/05811/LIPDPS	Vary DPS	21.06.2016	Granted (GDA)

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

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

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

Conditions: On Current Licence -

Mandatory:

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

- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;

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

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

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

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

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

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

Where -

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

- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the operating Schedule

9. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
10. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
11. All windows and external doors 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.
12. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.
13. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
14. Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to a take-away meal.
15. The supply of alcohol shall be by waiter or waitress service only.
16. 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.
17. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
18. Notices shall be prominently displayed at all exits and all areas used for smoking requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

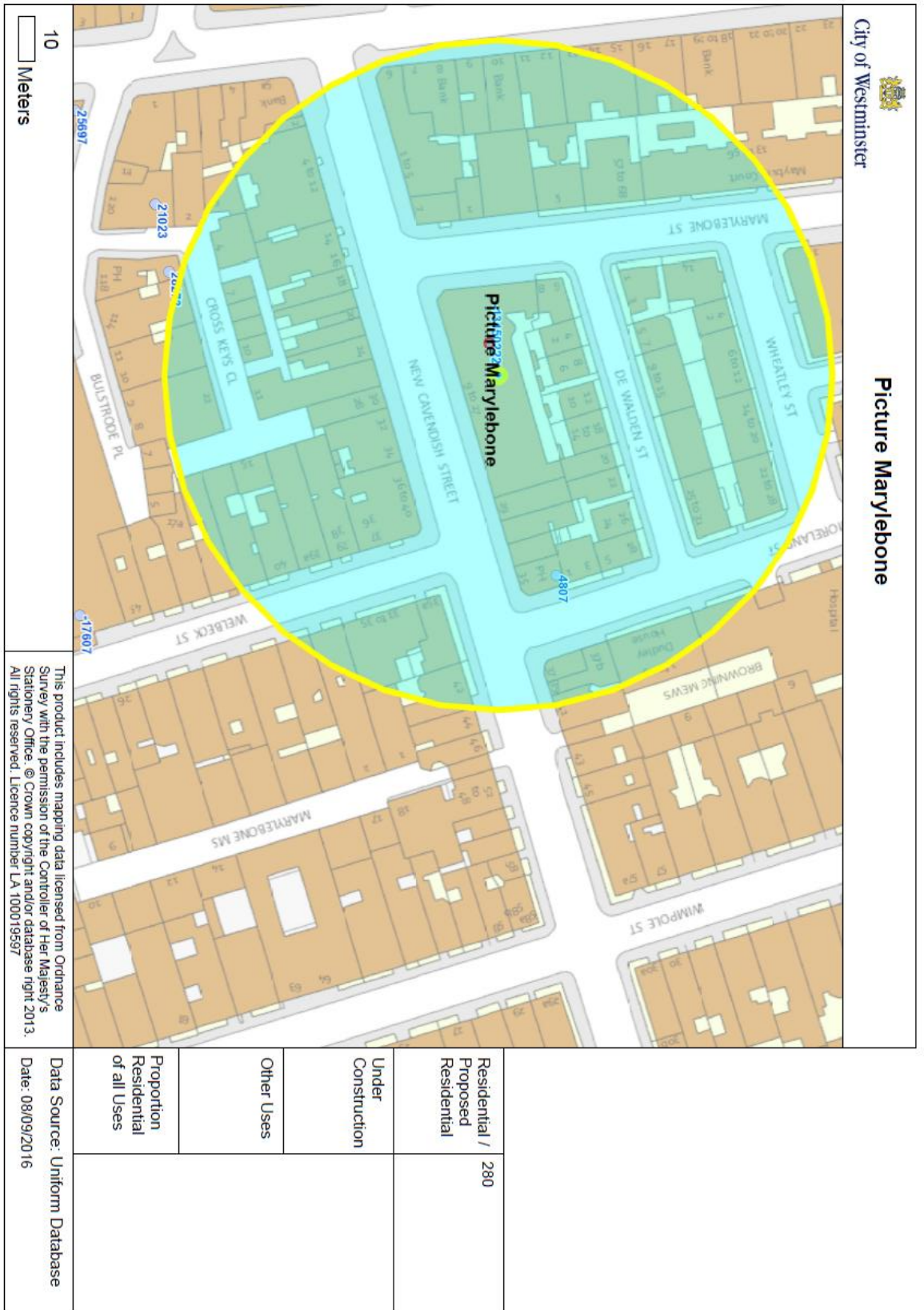
19. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
20. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 2300 hours and 0800 hours on the following day.
21. The number of persons permitted in the premises at any one time (including staff) shall not exceed 90 persons.
22. No deliveries to the premises shall take place between 2300 hours and 0800 hours on the following day.
23. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
24. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
25. *There shall be no outside tables and chairs at any time.* To be deleted
26. 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.
27. 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.
28. The premises shall only operate as a restaurant (i) in which customers are shown to their table, (ii) where the supply of alcohol is by waiter or waitress service only, (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery, (iv) which do not provide any take away service of food or drink for immediate consumption, (v) which do not provide any take away service of food or drink after 23.00, and (vi) where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are seated in the premises and bona fide taking substantial table meals there and

provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

29. Notwithstanding condition 28, customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.
30. Notwithstanding condition 28, alcohol may be supplied and consumed prior to their meal by up to a maximum of 20 seated persons in the basement bar area (designated on the plan) dining at the premises at any one time.
31. 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.
32. There shall be no self service of alcohol.
33. 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 are open.
34. 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.

Proposed by Environmental Health

35. All tables and chairs shall be removed from the outside private forecourt area or rendered unusable by 21.00 hours each day
36. The number of tables and chairs in the outside private forecourt shall be limited to 3 tables and 6 chairs.
37. The premises licence holder shall ensure that any patrons using the outside tables and chairs and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
38. Staff shall not use the rear courtyard as a recreational place, such as for smoking, at any time



Premises within 75 metres of Vegan Hippo, 52 Rupert Street, W1D 6DS

p/n	Name of Premises	Premises Address	Licensed Hours
4807	The Fat Of The Land Public House	35 New Cavendish Street London W1G 9TR	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
-13150	Cafe Gallery	17 New Cavendish Street London W1G 9UA	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
22282	Picture Marylebone	Basement And Ground Floor 19 New Cavendish Street London W1G 9TZ	Sunday to Wednesday 11:00 - 22:30 Thursday to Saturday 11:00 - 23:00