

Licensing Sub-Committee Report

Item No:	
Date:	14 December 2017
Licensing Ref No:	17/11140/LIPN - New Premises Licence
Title of Report:	Basement and Ground Floor 88 Great Portland Street London W1W 7NS
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Ms Daisy Gadd Senior Licensing Officer
Contact details	Telephone: 0207 641 2737 Email: dgadd@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	4 October 2017		
Applicant:	Townhouse Partners Limited		
Premises address:	Basement and Ground Floor	Ward:	West End
	88 Great Portland Street London W1W 7NS	Cumulative Impact Area:	N/A
Premises description:	The premises intends to operate as a nail and beauty salon.		
Premises licence history:	This is a new premises licence and therefore no history exists. However, an application for a new special treatment premises licence has been made in conjunction with this application (reference 17/11744/LIMSTN). District Surveyor, Ms Jenny Wilson, has made a holding objection to this application as works are due to be completed in December 2017.		
Applicant submissions:	<p>The applicant has offered amendments to the application which are as follows:</p> <ul style="list-style-type: none"> The hours during which alcohol may be sold has been amended from 10:00 to 23:00 to 10:00 to 22:00 hours 		
Plans:	Plans are available to view upon request to the Licensing Authority and they will be made available at Licensing Committee.		

1-B Proposed licensable activities and hours							
Films:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	07:00	07:00	07:00	07:00	07:00	07:00	07:00
End:	23:00	23:00	23:00	23:00	23:00	23:00	23:00
Seasonal variations/ Non-standard timings:		None					

Sale by retail of alcohol				On or off sales or both:			On
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	10:00
End:	22:00	22:00	22:00	22:00	22:00	22:00	22:00
Seasonal variations/ Non-standard timings:		None					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	00:00	00:00	00:00	00:00	00:00	00:00	00:00
End:	24:00	24:00	24:00	24:00	24:00	24:00	24:00
Seasonal variations/ Non-standard timings:		None					
Adult Entertainment:		None					

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health
Representative:	Mr Maxwell Owusu Koduah
Received:	27 October 2017
<p>I refer to the application for a new Premises Licence.</p> <p>This representation is based on plans of Basement & Ground Floors by Collective Design dated May 2017 ref. JM/FI/506/03</p> <p>The applicant is seeking the following licensable activities:</p> <ol style="list-style-type: none"> 1. Exhibition of films “indoors” Monday to Sunday from 07:00 to 23:00 hours 2. Supply of Alcohol for consumption “On” the premises Monday to Sunday from 07:00 to 23:00 hours 	

I wish to make the following representation

1. The hours sought to exhibit films will have the likely effect of causing an increase in Public Nuisance within the area
2. The hours sought to supply alcohol will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the area

The granting of the application as presented would have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the area

The applicant has provided some conditions in support of the application which are being considered but do not fully address the concerns of Environmental Health

The applicant is asked to contact the undersigned to arrange a site visit to assess premises to ensure the premises is satisfactory and following this, additional conditions may be recommended by Environmental Health to support the licensing objectives of Prevention of Public Nuisance and Public Safety.

2-B Other Persons

Name:	Resident 1
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Received:	31 October 2017
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I am concerned on the grounds of public nuisance about the proposed opening hours within a residential street for the establishment described in this application. Other salons of the type envisaged generally advertise their opening hours as being within more normal trading hours (eg 9 am to 7 pm). The suggested opening hours, together with the alcohol and film licence applications, plus the proposal that the premises could be hired for private events together give the impression that the applicants may intend to expand the business beyond that of a nail and beauty salon to an events venue, (letting, for example, to hen parties).

As regards the alcohol licence, since alcohol sales are described as ancillary to the operation of the salon, I would request that this be written in as a condition to any licence granted and it should be a further condition that the licence relates only to the business authorised to be carried on at the premises under the ownership of the named applicant.

Name:	Resident 2
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Received:	13 October 2017
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We do not want the noise and trouble of licenced premises immediately opposite our block. The noise of drunk visitors and of delivery vans is unsuitable for the area.

Received 26 October 2017

I write to express my objections to the application for a licence at the above address. I understand that their application is open ended and it is possible that hours may be extensive. This is completely unsuited to a street like Great Portland Street and the noise therefrom would be extremely troublesome to the occupants of my block at 89 Great Portland Street. I do not want there to be a bar there or a party hire space or any

such development. The area is predominantly residential and should stay so.

Name: Fitzrovia Neighbourhood Association

Received: 1 November 2017

Our association objects to this application because we have concerns about public nuisance arising from the licensing activities applied for. We are particularly concerned about activities outside of the "core hours" which could disturb nearby residents, particularly those living opposite the premises.

Name: Resident 3

Received: 29 October 2017

I write on behalf of the Directors of Portland Apartments Ltd, the resident management company representing the 18 leaseholders of 89 Great Portland Street, W1W 7LX.

Background

89 Great Portland Street is a 1950's constructed concrete and glass building. The 84 windows, front and rear elevations, are single glazed bar 4 which has secondary glazing fitted. Sound reverberates through this concrete structure, front to back of the building i.e. building works across the road and along the street. In the summer it is necessary to keep windows open because of the heat generated by sunshine, therefore any sounds in the street can be heard by all residents living in 89 Great Portland Street.

We have retired residents who have lived in the building for decades, as well as owners who work in Finance and leave for work at 6.00 (therefore need to sleep early), young working professional couples and students. They have all enjoyed a quiet life in this backwater of Great Portland Street for many years.

Up until recently the commercial units opposite were predominantly clothing offices and showrooms – Notre Dame Paris (clothing) traded there for many years and subsequently Velorution a high end electric bicycle shop now moved down the road.

This meant zero noise and early closing times. This area of the West End can in no way be deemed a shopping destination, so the foot fall is minimal during the day and certainly in the evenings any day of the week. Yes, it is walkthrough for people getting to and from offices but generally north of Margaret Street, footfall drops off significantly.

Leaseholder concerns

This application is very vague/open ended. Two residents had a site meeting with the proposed leaseholder of 88 Great Portland Street on Tuesday 24th October at 9.15 for which we are most grateful. Unfortunately, I was unable to attend. The meeting was useful, up to a point, in answering some of the resident leaseholder concerns.

The top concerns raised at the site meeting regarding the Alcohol license and Film license were: -

1. **Ensuring the license is restricted for use only by a beauty salon** – i.e. if Townhouse were to vacate during our 10 year rental term or after, to avoid a pub/bar or other operator taking over the premises
2. **Avoiding people drinking / smoking in front of the shop**
3. **Operating hours**

4. **Ensuring film license will not be used for “cinema-style” shows / other uses not linked to the proposed use within the beauty salon**

What we learned from the site visit was: -

- The plans are for luxury nail and beauty salon
- The luxury salon concept is inspired by Duck & Dry salon on Market Place, and they used Duck & Dry's license as a basis for their application - <https://www.duckanddry.com/story>. **[This is a hair salon with a nail bar add on and differs from the Townhouse proposition].**
- They plan to lease the retail unit for 10 years.
- Upstairs, there is space for 11 clients upstairs (6 manicure, 5 pedicure) and a waiting area for 3-5 clients. Downstairs, there is space for 3 clients for treatments, as well as room for staff. There are no plans for events yet, but he said "in theory" they could hold events. **[This is too vague for our leaseholders]**
- Townhouse will organise a "small" private press launch event
- Jonathan Millet said he was happy that there would be no seats outside, no drinks outside and no smoking outside the premises. **[I think this means that we need them to update the operating schedule (point 10. references designated smoking areas) and to add this as a condition on the license to make sure it's enforceable. I have asked if the garden is internal or external. If external – this may be the smoking area? What leaseholders don't want is people smoking in front of 88 GPS or even worse crossing the road to use our canopy as a smoking room – the CCTV will pick this up]**
- They will serve prosecco and water only for now. **[BUT what about the future?]**
- His wife previously ran a nail salon on Margaret Street
- Great Portland Estates owns the building and are planning on selling the flats above the premises^{***}. Therefore, they are very careful about what activities they will permit downstairs. They have been advising Jonathan on what he can and can't do with the license e.g. nail salon needs to be primary use and alcohol should only ever be ancillary. **[Please note, Great Portland Estates were less carefully with the Whisky Exchange, 90-92 GPS, ref 17/07371/LIPN, with social housing above – unless Portland Estates have got the message that 89 Great Portland Street are going to object to noisy neighbours!]**

*****Also Westminster Council should be mindful the owners of the flats still to be sold have had no opportunity to object to this or any other commercial unit licence application**

Referring to the conditions to the licence requested for the Whisky Exchange (and in common with the Cowshed in Soho – a similar operation in 31 Foubert Place

W1(number: 12/03140/LIPVM) but in a much busier shopping area) and again seeking advice from the Westminster Licensing expert Richard Brown, we wish to add a few more items that were not discussed in detail (but since confirmed in writing to Townhouse): -

1. **Ensuring the license is restricted for use only by a beauty salon.** Condition 1 in the operating schedule is noted, although based on advice and our research of other licenses, the wording could be improved upon. For example: -

o *Alcohol may only be sold to patrons attending the premises for, and ancillary to, Manicure and Pedicure Special Treatments.*

o *The retail sale of alcohol shall be ancillary to the provision of special treatments licensed under the London Local Authorities Act 1991 to patrons of the premises.* (This is in the Cowshed Shop Soho Premises licence, number: 12/03140/LIPVM)

2. **Events.** Condition 3 in the operating schedule refers to "individual bespoke events".

o If private pre-booked events are permitted, suggest a condition there shall be no private events unless the premises is operating under the authority of a Temporary Event Notice

o Also we would also ask that there is a maximum number of people for any event. This would be in line with the license for the premises next door (license 17/07371/LIPN at [90-92 Great Portland Street](#), W1).

3. **Noise from people outside the premises.** Condition 8 on the operating license doesn't address noise from people. Not allowing any seating, smoking or glasses/drinking outside the premises is our top concern for noise which has been noted in Jonathan Millet's list. However, it would also be helpful to include a common condition to make an effort to restrict noise from people arriving and leaving. For example, here is a condition on the license for the premises next door (license 17/07371/LIPN at [90-92 Great Portland Street](#), W1).

o Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.

4. **Alcohol.** It would be helpful to add conditions similar to the Cowshed Shop Soho Premises licence (number: 12/03140/LIPVM):

o *There shall be no off sales permitted*

o *There shall be no bar permitted at the premises*

o *The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible*

promotions in relation to the premises.

- o *No sale of draught beer /lager /cider*

5. Deliveries and collections. Here are the conditions agreed on the license for the premises next door (license 17/07371/LIPN at [90-92 Great Portland Street](#), W1.) to limit public nuisance due to noise and to avoid peak congestion times in an already heavily polluted area, which we think are reasonable and we would appreciate it if they could also be included in the license for [88 Great Portland Street](#):

- o All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times Westminster Council published collection times for the street.
- o No collections of waste or recycling materials (including bottles) from the premises shall take place between 20.00 and 09.00 on the following day Monday to Saturday and between 18.00 and 09:00 on the following day on Sundays.
- o No deliveries to the premises shall take place between 20.00 and 09.00 on the following day Monday to Saturday and between 18.00 and 09:00 on the following day on Sundays.

6. Operating Times

The hours proposed for sale of alcohol are very late for the type of premises. In an area of low footfall in the evenings, one would expect the premises to close to patrons much earlier. What is the basis for applying for the late hours?

It is proposed that the premises would be allowed to remain open for 24 hours per day (section L). Why?

The licence request is for: -

Exhibition of a film Monday to Sunday 07.00- 23.00

Sale by Retail of Alcohol Monday to Sunday 10.00 - 23.00

For your reference the Duck and Dry Salons trading times, Market Place W1 and Carnaby Street, are as follows: -

Monday - Friday 07.30 - 19.30

Saturday 09.00 - 19.00

Sunday 10.00-18.00 (Market Place closed)

So much earlier than the Townhouse application which they say their licence application is based.

Therefore, we request a terminal hour of 20.00 Monday to Saturday and 18.00 on Sundays and Bank Holidays as per the Whisky Exchange Licence 17/07371/LIPN

at [90-92 Great Portland Street](#), W1, next door.

Conclusion

Overall, the leaseholders who attended the site meeting this week were very pleased about their visit, and think that Townhouse would be a welcome addition to the neighbourhood if our concerns above are addressed.

We appreciate Mr Millet has advised me that he will revert on Monday 30/10/17 with his responses to above. However, I am duty bound to lodge the concerns of the Leaseholders and directors regarding this application as they stand now.

RECEIVED ON 1 NOVEMBER 2017

I wish to add further comments to my submission on behalf of the 18 leaseholders of 89 Great Portland Street, W1 made on 29 October.

I have been in contact with Mr Millet, the applicant, last week and he has kindly furnished us with more information regarding The Townhouse application yesterday 31/10/17 for which we are most grateful. Whilst some of our concerns appear to have been alleviated, assuming wording can be added to the licence, we still have concerns relating to the following matters. For transparency, my replies are in blue: -

1. Ensuring the license is restricted for use only by a beauty salon.

- Understand Townhouse would need to retain flexibility to offer other related beauty treatments and I suspect this would require a variation of your licence. [I am checking this for our leaseholders](#)
- [Thank you for your suggested wording of " Alcohol may only be sold to patrons, and individuals accompanying patrons, attending the premises for, and ancillary to, beauty treatments". We need to better understand the implications of 'individuals accompanying patrons'](#)

2. Events:

- We do not have the treatment capacity to offer large scale events. Currently only capacity for 14 treatments at any one time.
- In order to give the community further comfort on this, we would be happy to agree to the following
 - ["Any events consisting of more than 50 people will require a temporary event notice"](#)

[Regret 50 people is far too many - if capacity is 14 then why would Townhouse have 50 people in the salon - presumably drinking and watching a film? Have you ever had 50 people leaving a single address in one go outside your bedroom or sitting room window? This is not what Mr Laydon remembers from your discussion with him last week. Suggest 15 people plus require a TEN](#)

3. Noise from people outside the premises:

- It would be completely against the image we are looking to cultivate for the business to have noisy people outside and this absolutely something

we want to avoid

- “No outdoor seating in front of the property will be permitted”

If this can be noted in the licence I am sure all of the leaseholders will be delighted

- We do not want customers loitering outside
 - “It will be company policy and staff will be trained to move patrons on in the rare event they do smoke outside”

Neither do we. It would be helpful if taxis are called from inside the salon to reduce noise when clients leaving

- No drinks will be allowed to be taken outside in front of the store – this will be completely against our image
 - “Patrons will not be allowed to take drinks outside in front of the store”

Thank you - assume this can added into the licence?

- With regard to erecting a sign outside, we believe this is disproportionate given the low volume of patrons we will have who will be drinking and given the kind of establishment we are. Were we to be opening a pub or restaurant, we would fully agree with this. Note, in addition, we have spoken to our landlord on this point and they have raised an objection as it will disrupt the high end design they are looking for on this unit.

I will raise this with the leaseholders

- We do not have the treatment capacity to offer large scale events.

We are therefore curious how Townhouse then requests events for up to 50 people which is over 3.5 times treatment capacity?

4. Alcohol:

- Fine with no off sales, this was never an intention
 - “There shall be no off sales permitted”

It is better for all parties to be crystal clear!

- We have a “bar” built into the design of the premises although this might be more what one would call a drinks cabinet, i.e. somewhere that drinks are stored/displayed (in keeping with the overall aesthetic)

So there are/will be no stools with this bar? It is just storage and a display cabinet above?

- Happy to agree to no “irresponsible promotions”, again, not in keeping at all with what we want to achieve
 - “The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.”

Thank you for the clarity
- can this wording be added?

- Draught beer – no plans to have beer on tap now or in the future, again, completely counter to the high end image
 - “No on tap / draught beer/lager/cider”

Again thank you for this clarity which can be added to the licence wording.

5. Deliveries and Collections:

- Happy to be sensible around this but please bear in mind a) we are not a bar/restaurant and b) alcohol consumption levels will be low given primary usage as a beauty salon so there will be low levels of alcohol deliveries and low levels of bottles resulting

What the residents are endeavouring to avoid is glass/empty bottles clanking in rubbish sacks or boxes. Sound travels!

- That means that likely 90% of deliveries we may receive (which will again likely be low vs. a café/shop etc) will be in the normal course of business – e.g. beauty supplies. We do however need to make sure the business is not disrupted.

Churchill said: - 'He who fails to plan, plans to fail'.

No one is suggesting any business is disrupted - just deliveries are made at convenient times for residents who need their sleep/have no wish to be disturbed. We have city workers who sleep early and retired residents who sleep late.

- If helpful, we would be happy to agree the following
 - “No deliveries between 21.00 and 07.30”

Would suggest no deliveries between 20.00 and 8.00 please

Note made today - the street is busy with traffic, particularly in the morning and afternoon rush hours. More deliveries will only make the traffic congestion worse.

6. Trading times:

- The plan is to offer a flexible service that accommodates the busy schedule of professionals
- Our core opening hours are to be confirmed but are likely to be 9am to 8pm Monday to Sunday. We may wish to open before and after these times on certain occasions (e.g. in our opening week, we plan to open at 7.30am one day for a private event for approximately four senior members of the press to have a private tour and experience the treatments)
- This will in no way effect the licensing hours for sale of alcohol of 10am to 10pm

As before we are asking for a terminal hour of 20.00 for trading and alcohol sales Monday to Saturday 8.00- 20.00 and Sunday 12.00 - 18.00 for this quiet backwater of the West End.

In Conclusion

We too wish to be constructive and have amenable neighbours be they residential or commercial.

89 Great Portland Street have been very fortunate to have had commercial businesses trading normal office hours for decades, prior to the redevelopment across the road from us as well as below. We have excellent relations with our commercial neighbours below our properties, for example. However I am sure you can appreciate we wish to preserve the quiet nature of this part of Great Portland Street and ensure no future licensing issues (alcohol or film) should Townhouse ever wish to relocate its business to another location.

On 30 November 2017, the resident provided further detail regarding their original submission which is shown below:

As currently salon only has capacity for 14 treatments at any one time we request a temporary event notice for any event consisting of more than 14 people. We are concerned that they 'do not have a plan or capacity to have large events'. They did suggest a capacity for 50 people which regrettably is far too many. If capacity for treatments is 14 then why would Townhouse have 50 people in the salon – over 3.5 times treatment capacity – presumably drinking and watching a film? Have you ever had 50 people leaving a single address in one go outside your bedroom or sitting room windows?

Name:	Resident 4
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Received:	30 October 2017
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Introduction

I am writing to make a relevant representation on behalf of myself as a local resident and one of the leaseholders at Flat 7, 89 Great Portland Street.
I object on the basis that the likely impact of the application, if granted with its current wording, will be to harm the licensing objectives of 'prevention of public nuisance' and 'prevention of crime and disorder'.

The scope of the application and the nature of the activities proposed raise a number of

issues relevant to the City Council's Statement of Licensing Policy ("the Policy").

Background

The area surrounding the premises is extremely residential. Directly opposite the premises is 89 Great Portland Street, a block of 18 flats where most windows have single glazing. I live in this building permanently with my husband, and our neighbours range from families with small children to elderly couples who have lived here for decades. There are also new residential units above and around the premises. When I made my decision to purchase the flat to settle down and start a family, we researched the surrounding commercial units to make sure that they are solely for retail units, and this was what was promised by Westminster council.

Please find attached a document with some photographs of the immediate area at different times of day including in the evenings, to give Members of the Licensing Sub-Committee and the parties an idea of the context in which the proposed licensed premises would be operating (see attachment: Photos of local area - 88 Great Portland Street.pdf)

The street is very quiet in the evenings. There are no other licensed premises in the immediate vicinity and we are therefore protected from disproportionate noise in the evenings and late at night. I am worried that the licence with its current scope and wording would change the current situation.

The nature of the local area engages specific sections of policy PN1 in the Council's Statement of Licensing Policy

The application

The application is for nail and beauty salon premises, seeking to sell alcohol for consumption on the premises until 11pm while remaining open 24 hours per day. Permission is also sought to show films, and the application mentions private events. The scope of the application as presented is very wide. I am very keen to ensure that the terms and conditions of the licence granted (including the hours) are in keeping with the local neighbourhood. I am also keen to reduce the risk of future operators who may not use the premises in the same way as The Townhouse to offer luxury surroundings and top quality, high end services.

The applicant has been very responsive and helpful to date. I met the applicant, Jonathan Millet, on 24 October 2017 for a site visit at 88 Great Portland Street and to answer our questions. He was very friendly and, more importantly, helpful in addressing our concerns. Overall, we were very pleased about the site visit, and we think that Townhouse would be a welcome addition to the neighbourhood if the residents' concerns are addressed.

I have listed my specific concerns below, which I also discussed with the applicant during the site visit and he is reviewing them with his solicitor so that he can address the concerns as far as possible. The timelines are very tight for the applicant to make revisions, therefore I am submitting my comments before the Council's deadline. I am very happy to withdraw my objections once the revised application and operating schedule that addresses these comments is received.

Reasons for objections

1. Scope of the licence

The scope of the original licence application is very broad. Therefore I would like to ensure the licence is restricted for use only by a nail and beauty salon. I think this is important to avoid a pub/bar or other operator taking over the premises and exploiting the licence in a way that causes greater harm to local residents in terms of 'public nuisance' and 'crime and disorder'.

Following my site visit and meeting with the applicant, he assured us that this was the intention of the original application and so he will review the wording in the licence to make sure it reflects this. Based on advice and my research of other licences (e.g. Cowshed Shop Soho Premises licence, number: 12/03140/LIPVM), I would like to suggest the following wording is included with the licence granted:

Alcohol may only be sold to patrons attending the premises for, and ancillary to, Manicure and Pedicure Special Treatments.

The retail sale of alcohol shall be ancillary to the provision of special treatments licensed under the London Local Authorities Act 1991 to patrons of the premises.

2. Opening times

I am concerned that the application states opening times that are 24 hours per day and 7 days per week. This is excessive for a beauty salon and the nature of the activities described by the applicant.

Following my site visit and meeting with the applicant, he explained that these hours were stated in the application to enable flexibility. Having heard our concerns, the applicant is reviewing the opening times. Specifically I hope that the licence application can be updated to reflect the actual intended opening times of the premises, and extended opening times can be covered in the seasonal variations / non standard timings sections.

3. Noise from people in front of the premises

I am also concerned about potential public nuisance due to noise from people drinking, talking and smoking in front of the premises. This noise would reach dozens of residents in the surrounding flats, which mostly have single glazed windows.

Following my site visit and meeting with the applicant, he assured us that he was also keen to limit noise outside the premises. Therefore I hope that we can attach some conditions to the licence to reflect our conversation, for example:

Clients and staff shall not be permitted to take drinks or glass containers with them outside of the premises.

There will be no seating outside of the premises.

Smoking shall not be permitted in front of the premises.

I also think it could be helpful to include a condition found on the licence next door to help encourage people to arrive and leave quietly (e.g. licence 17/07371/LIPN at 90-92 Great Portland Street, W1):

Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.

4. Noise from events

Condition 3 in the operating schedule refers to "individual bespoke events" and the applicant's solicitor made reference to "wedding parties" in response to our questions. Events involve larger groups of people arriving, leaving, and loitering outside the premises during breaks, and these groups can also be served alcohol during the event. Therefore I would be grateful if private events can be limited in frequency and timings through the use of Temporary Event Notices. I would also ask that there is a maximum number of people for the event. This would be similar to the licence for the premises next door (licence 17/07371/LIPN at 90-92 Great Portland Street, W1.), which includes the following conditions that I think could work well:

There shall be no private events for groups unless the premises is operating under the authority of a Temporary Event Notice.

When events are held in the premises, the maximum capacity shall not exceed XX people, excluding staff.

The applicant is considering how to address this concern, and suggested that Temporary Event Notices could be used for events involving larger groups of people. I think this is reasonable and a great compromise.

5. Films

I am concerned that the current licence application for films is extremely broad and there is no mention of the intention for films in the operating schedule, which could lead to future operators hosting "cinema-style" showings that attract large groups of people therefore leading to noise and disturbance in the local area.

The applicant's solicitor provided more explanation about why a film licence is sought: "The inclusion of films as part of our licensed offering is to allow for a TV screen to be placed in the premises. Whilst the showing of live TV is not a licensed activity the showing of a recorded film is. Rather than just offer standard TV my client would like to have the ability to show recorded films to customers which would complement the beauty offering. This may include movies such as Casablanca showing rather than Sky News. This is really just background entertainment and is not a significant part of the offering. It is intended simply to enhance the atmosphere within the salon."

Therefore I think it would be very helpful to update the licence / operating schedule to reflect this. For example:

Films will only ever be shows as an ancillary to the main use of the premises as a nail and beauty salon. There will be no events held for film showings or other uses not linked to the provision of nail and beauty services.

6. Deliveries and collections

Here are the conditions agreed on the licence for the premises next door (licence 17/07371/LIPN at 90-92 Great Portland Street, W1.) to limit public nuisance due to noise and to avoid peak congestion times in an already heavily polluted area. I think these conditions are reasonable and I would appreciate it similar conditions could also be included in the licence for 88 Great Portland Street that work for their business operations:

All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

No collections of waste or recycling materials (including bottles) from the premises shall take place between 20.00 and 09.00 on the following day Monday to Saturday and between 18.00 and 09:00 on the following day on Sundays.

No deliveries to the premises shall take place between 20.00 and 09.00 on the following day Monday to Saturday and between 18.00 and 09:00 on the following day on Sundays.

Statement of Licensing Policy 2016 ("the Policy")

The application engages a number of sections of the Policy.

The application as currently presented is contrary to Policy PB1 and Policy PN1. I would like in particular to refer to policy PN1, regarding public nuisance.

The criteria for policy PN1 is stated to be:

'The potential for nuisance associated with the style, characteristics and activities of the business to be carried on at the premises and the potential steps which could be taken to reduce the risk of nuisance occurring. This will particularly apply in areas of residential accommodation and where there is residential accommodation in the proximity of the premises.'

Para 2.2.12 states that: 'Residents are often subjected to nuisance from the noise of people on their way to and from premises, and loitering in the streets after they have left premises. This can affect residents even at some distance from the premises themselves, especially along routes to transport facilities, and to car parks and parking areas and on routes between late night premises of various types. The nuisance from noise depends on its nature and whether it is during the day, the evening or at night. Late night noise is often unsettling; particularly shouting and screaming. Some of this is associated with aggression and assaults but most of it is "high spirits". It is impossible to distinguish between the reasons for these noises and in any case, it is very disturbing late at night. The degree of nuisance caused by noise increases with the lateness of the hour; especially if it disturbs or prevents sleep.'

Conclusions

I ask that the scope of the licence is limited and that robust safeguards are included on the licence to limit the potential for nuisance. In summary, these may include:

1. Restricting the operation of the licence to a nail and beauty salon of the type described in the application.
2. Restricting the opening times and licensable activity in line with nearby and similar premises.
3. Preventing noise from clients and staff outside of the premises by preventing seating areas, drinking and smoking in front of the premises.
4. If any private pre-booked events are permitted, that they be limited in frequency and timings through the use of Temporary Event Notices.
5. Restricting the operation of the film licence as an ancillary to the main use of the premises as a nail and beauty salon.
6. Restricting the frequency and hours for deliveries, and movement and collections of waste/recycling etc.

I was very encouraged by the conversation with the applicant and he understands the nature of the local area, therefore I'm sure that we can find a suitable compromise that protects local residents and also allows The Townhouse to run their business. Overall, I think that Townhouse would be a welcome addition to the neighbourhood if the residents' concerns are addressed.

Please see photographs attached with this representation at Appendix 5.

Name:	Resident 5
Received:	30 October 2017
<p>I have owned my flat here at 89 Great Portland Street for the last 17 years. I live here because I work in London and enjoy the area - which although busy during the week days, is quiet and residential in the evenings and at the weekends. I would like it to stay so.</p> <p>I wish to voice my concerns about the possible effect of the proposals set out by Townhouse on the local community, unless there are adequate restrictions imposed in the licence granted.</p> <ol style="list-style-type: none"> 1. Great Portland Street is very quiet in the evenings and weekends, when full time residents can enjoy some peace and quiet. We do not wish to see disturbance and public nuisance becoming the norm during every day and every evening with a very busy nail bar across the road operating during all hours of the day and night for the general public customers and for private parties. 2. Whilst I have absolutely no objection to a nail bar locally operating normal shop hours, it's a major concern that the opening hours requested are from 0000 to 2400 i.e. never closed. This is wholly out-of-keeping with the area and is likely to be a cause of public nuisance. Information provided by Townhouse's solicitor said that the opening hours would normally be around 0900 - 2100, but that sometimes they might want to open at 0700 and close at 2300. The letter also stated that they could run wedding parties and Christmas events and presumably "hen do's", office parties and the like - where I expect the main event is the drinking and socialising, not the nail bar services. The application talks of films being shown from 0700 - 2300 and alcohol being sold from 1000 to 2300. <p>These hours must be restricted to something acceptable and in line with other shop premises in the area; surely it is not to become a night club with some ancillary services? Although Townhouse are seeking only "on sales" to customers, this is ill-defined; a condition needs to be imposed that the business/licence is for a nail bar with any alcohol being an occasional extra only for customers using the nail bar services as their primary requirement. If/when Townhouse moves on, the licence must not allow the operation of a club or pub.</p> <ol style="list-style-type: none"> 3. Given that Townhouse wish to organise wedding and other parties and Christmas events, where alcohol will be sold, precautions must be imposed to require patrons to remain inside for drinking and smoking, and not crowd the pavements noisily making it difficult for residents living here. Parties are not known for being peaceful and quiet and conditions need to require patrons to leave the premises quietly. If they do not, it must be possible to challenge the licence. 4. I am advised that the salon is proposing a launch spend of around £500,000, which will be additional to the cost of the lease and operating costs, especially for actively running 7 days a week, 24 hours (or nearly) a day. With regular and high costs, and in order to be financially viable, the salon will have to attract a very large number of customers, throughout many hours and days of operation, which is of concern to local people as patrons could leave, having drunk half a bottle of wine or more, causing disturbance in a quiet area. 	

5. I cannot see the need for a general, widely worded, licence to cover all possible options. If a Christmas party is to be offered to nail bar customers, or a private or office party, or extended hours, a special licence should be required.

6. Any licence must be restricted to alcohol being part of the nail bar service only.

7. The street is very busy already, and any deliveries to this shop will have to be made to the front door. This will block the street even further as boxes of bottles are taken in and empty boxes removed. A parked delivery truck outside will reduce the road to single lane - with the consequent effect on traffic congestion and fumes.

Name:

Resident 6

Received:

30 October 2017

Introduction

I am writing in regard to licensing application 17/11140/LIPN for Townhouse at 88 Great Portland Street. I have been in contact with the owner, Jonathan Millet, and have outlined my concerns to him, both in person (at a site visit arranged by him) and over the phone. I have found him to be helpful, reasonable, flexible and sensitive to the needs of local residents, and I believe that Townhouse will prove to be a welcome addition to the neighbourhood if residents' concerns are resolved. I will outline these concerns below, and I will do my best to accurately reflect Mr Millet's response as well, for the benefit of the council.

Opening Hours

The application states that the proposed opening hours are 24 hours a day, 7 days a week. While I understand that the demand for beauty treatments in the middle of the night is likely to be minimal, and I accept the Mr Millet feels the same, it would be helpful if the opening hours were changed to something more reasonable. On the phone, Mr Millet suggested 9am until 9pm, perhaps extending until 10pm. I think these times are reasonable, particularly if my concerns about the noise from patrons are addressed, which I will detail below.

Noise from patrons

I request that an amendment stating that there shall be no seating outside, and especially no drinking. Although our building (89 Great Portland Street, directly opposite the premises) is busy during the day, during the evening and at night time it is quiet, and it is very important to us that we preserve this. Mr Millet understood our concerns and helpfully agreed that there would be no seating outside.

I had originally sought the presence of signs asking patrons to be mindful of local residents. However I am assured that Townhouse does not intend to operate as a bar, and therefore that such signs are both unnecessary and an unreasonable condition to inflict upon the business that would be contrary to the relaxed atmosphere that Townhouse wants to create. Mr Millet stated that his staff will be trained to ask patrons to move on quickly if they are loud. I think this is reasonable and ideally a note on staff training could be added to the license. The fact that the capacity of the business allows for less than 20 clients at any one time has also alleviated my concerns.

Sale of alcohol

The application of the license for the sale of alcohol was originally a source of concern due to the likelihood of increased noise. However, our site visit was very helpful on this front, since again it is clear that Townhouse does not intend to operate as a bar. I have no objection to prosecco etc. being served to patrons in moderate quantities. The only other concern regarding the sale of alcohol is that the license could be "sold on" to another business. Therefore I would request that the licensing of the premises is explicitly and inextricably linked to its use as a beauty salon. Mr Millet stated that he was confident that this was already the case, but if not then I would ask the licensing committee to make sure of it.

Exhibition of films

I have no objection to the exhibition of films in the manner described by Mr Millet, namely that films may play in the background to contribute to the atmosphere. Again, however, I have a small concern that such a license could be sold on, and so I would request that the exhibition of films be contingent on the premises being used for a beauty salon.

Private events

In their application, Townhouse state that they intend to hold private events. I had thought that all such events should require Temporary Event Notices (TENs). However, Mr Millet informed me that many of these events will be only for very few people and/or only for a very short duration, and hence that this requirement is too restrictive. He also stated that he was happy for the license to require TENs for private events of more than, say, 15 people (I am not sure of the exact number). I thought this was reasonable and I would request that the license be amended to reflect this condition.

To summarise, I believe first that Townhouse will be a welcome addition to the neighbourhood, and second that Townhouse and Jonathan Millet have been duly respectful and considerate to the concerns of residents during their application. I believe that the implementation of the amendments suggested above would be beneficial to all parties. However in the event of any disagreements, I would welcome dialogue and expect that a mutually satisfactory compromise can be found.

Name:

Resident 7

Received:

30 October 2017

I have owned my flat on the 6th floor of 89 Great Portland Street for over 10 years. I have enjoyed this quiet part of the West End because it's near all the facilities but far enough to remain quiet and somehow intimate and I wish to continue my peaceful life here.

What concerns me most about this licence application is the potential noise and activity directly opposite our building.

The main concerns are:

Presentation of alcohol sale and or serving

Long opening and operating hours

Various other license permissions requests as per my understanding of the application in this case, such as extended opening hours, 'exhibition of films' (not sure about the purpose of the latter), bespoke events, etc.

I am hopeful the above is self-explanatory and the reasons for my objection acceptable

and sufficient to express a major concern.

Name: Resident 8

Received: 31 October 2017

I am writing to object to the new licence application at 88 Great Portland Street. As the owner of Flat 3, 89 Great Portland Street I strongly object on the grounds of public nuisance and noise. Having a premises that is licensed to sell alcohol and stay open late will greatly impact on the existing quiet of Great Portland Street after the commercial buildings close at 6pm.

Name: Resident 9

Received: 1 November 2017

We Cluttons LLP act on behalf of the Freeholders, All Souls College, Oxford of 85-95 Great Portland Street London W1

We understand our leaseholders both residential and commercial have raised the following concerns:

The application in question appears to be very vague/open ended as highlighted during a recent meeting

The top concerns raised at the site meeting regarding the Alcohol license and Film license were: -

1. Ensuring the license is restricted for use only by a beauty salon - i.e. if Townhouse were to vacate during our 10 year rental term or after, to avoid a pub/bar or other operator taking over the premises
2. Avoiding people drinking / smoking in front of the shop
3. Operating hours
4. Ensuring film license will not be used for "cinema-style" shows / other uses not linked to the proposed use within the beauty salon

What was learned from the site visit was: -

The plans are for luxury nail and beauty salon

The luxury salon concept is inspired by Duck & Dry salon on Market Place, and they used Duck & Dry's license as a basis for their application -

<https://www.duckanddry.com/story>. [This is a hair salon with a nail bar add on and differs from the Townhouse proposition].

Plan to lease the retail unit for 10 years.

Upstairs, there is space for 11 clients upstairs (6 manicure, 5 pedicure) and a waiting area for 3-5 clients. Downstairs, there is space for 3 clients for treatments, as well as room for staff. There are no plans for events yet, but he said "in theory" they could hold events. [This is too vague for our leaseholders]

Townhouse will organise a "small" private press launch event

Jonathan Millet said he was happy that there would be no seats outside, no drinks outside and no smoking outside the premises.

We understand Great Portland Estates owns the building and are planning on selling the flats above the premises. They have been advising Jonathan on what he can and can't do with the license e.g. nail salon needs to be primary use and alcohol should only ever be ancillary.

Referring to conditions to the licence requested for the Whisky Exchange (and in common with the Cowshed in Soho - a similar operation in 31 Foubert Place W1(number: 12/03140/LIPVM there are a few more items that were not discussed during the meeting but worth pointing out.

1. Ensuring the license is restricted for use only by a beauty salon. Condition 1 in the operating schedule is noted, although based on advice and our research of other licenses, the wording could be improved upon. For example: -

- o Alcohol may only be sold to patrons attending the premises for, and ancillary to, Manicure and Pedicure Special Treatments.

- o The retail sale of alcohol shall be ancillary to the provision of special treatments licensed under the London Local Authorities Act 1991 to patrons of the premises. (This is in the Cowshed Shop Soho Premises licence, number: 12/03140/LIPVM)

2. Noise from people outside the premises. Condition 8 on the operating license doesn't address noise from people. Not allowing any seating, smoking or glasses/drinking outside the premises is our top concern for noise which has been noted in Jonathan Millet's list. However,

it would also be helpful to include a common condition to make an effort to restrict noise from people arriving and leaving. For example, here is a condition on the license for the premises next door (license 17/07371/LIPN at 90-92 Great Portland Street, W1.

- o Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.

3. Alcohol. It would be helpful to add conditions similar to the Cowshed Shop Soho Premises licence (number: 12/03140/LIPVM):

- o There shall be no off sales permitted

- o There shall be no bar permitted at the premises

- o The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

- o No sale of draught beer /lager /cider

4. Deliveries and collections. The conditions agreed on the license for the premises next door (license 17/07371/LIPN at 90-92 Great Portland Street, W1.) to limit public nuisance due to noise and to avoid peak congestion times in an already heavily polluted area, which we think are reasonable and we would appreciate it if they could also be included in the license for 88 Great Portland Street:

- o All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times Westminster Council published collection times for the street.

- o No collections of waste or recycling materials (including bottles) from the premises shall take place between 20.00 and 09.00 on the following day Monday to Saturday and between 18.00 and 09:00 on the following day on Sundays.

- o No deliveries to the premises shall take place between 20.00 and 09.00 on the following day Monday to Saturday and between 18.00 and 09:00 on the following day on Sundays.

. Operating Times

The hours proposed for sale of alcohol are very late for the type of premises. In an area of low footfall in the evenings, one would expect the premises to close to patrons much earlier. What is the basis for applying for the late hours?

It is proposed that the premises would be allowed to remain open for 24 hours per day (section L). Why?

The licence request is for: -

Exhibition of a film Monday to Sunday 07.00- 23.00

Sale by Retail of Alcohol Monday to Sunday 10.00 - 23.00

For your reference the Duck and Dry Salons trading times, Market Place W1 and Carnaby Street, are as follows: -

Monday - Friday 07.30 - 19.30

Saturday 09.00 - 19.00
 Sunday 10.00-18.00 (Market Place closed)
 So much earlier than the Townhouse application which they say their licence application is based.
 Therefore, we request a terminal hour of 20.00 Monday to Saturday and 18.00 on Sundays and Bank Holidays as per the Whisky Exchange Licence license 17/07371/LIPN at 90-92 Great Portland Street, W1, next door.

Name:	Resident 10
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Received:	1 November 2017
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I am writing to raise objection to the licence application to Westminster Council by Townhouse at 88 Great Portland Street.
 I own two of the flats in the building at No. 89 Great Portland Street which is directly opposite the commercial unit and am writing on behalf of myself and my tenants.
 Due to the application of an alcohol and film license there is a real concern that the business may change its trading activities from a nail & beauty salon once the license has been agreed.
 Also the events that have been suggested may cause disruption and noise to the area. The trading hours should not exceed the stated 9am to 8pm. The majority of the other nail salons on Great Portland Street operate from 10am to 7pm.

3. Policy & Guidance

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

Policy HRS1 applies:	<p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(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.</p>
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4. Equality Implications

The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- a) Eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act,
- b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it, and
- c) Foster good relations between persons who share relevant protected characteristics and persons who do not share it.

Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

5. Appendices

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

Report author:	Ms Daisy Gadd Senior Licensing Officer
Contact:	Telephone: 0207 64 2737 Email: dgadd@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	April 2017
4	Representation Environmental Health	27 October 2017
5	Representation resident 1	31 October 2017
6	Representation resident 2	13 October 2017
7	Representation Fitzrovia Neighbourhood Association	1 November 2017
8	Representation resident 3	29 October 2017
9	Representation resident 4	30 October 2017
10	Representation resident 5	30 October 2017
11	Representation resident 6	30 October 2017
12	Representation resident 7	30 October 2017
13	Representation resident 8	31 October 2017
14	Representation resident 9	1 November 2017
15	Representation resident 10	1 November 2017

Applicant Supporting Documents

Appendix 1

None

Premises History

Appendix 2

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 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.

Conditions consistent with the operating schedule

9. The premises shall operate as a nail and beauty salon. Alcohol will only ever be sold and films will only ever be shown as an ancillary to the main use of the premises. There shall be no change to the operating style without proper written notice to the Licensing Authority, which shall include details of the operating style proposed. The Licensing Authority shall advise within 21 days whether a formal application for full or minor variation or a new licence is required and the licence holder shall comply with that direction.
10. The operator shall ensure that at all times when the premises are open for any licensable activity, there is sufficient, competent staff on duty at the premises for the purpose of fulfilling the terms and conditions of the licence and for preventing crime and disorder.
11. The operator and designated premises supervisor shall conduct a risk assessment for the general operation of the premises and in the case of individual bespoke events.
12. 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 conditions. The CCTV system shall continuously 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 request of Police or authorised officer throughout the entire 31 day period.
13. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premise 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 absolute minimum of delay when requested.
14. The maximum number of persons permitted on the premises at any one time shall not exceed a figure prescribed by the risk assessment carried out by the Premises Licence Holder in accordance with fire safety legislation.

15. The Designated Premises Supervisor shall ensure that there are effective management arrangements in place to enable him/her to know how many people there are in the premises at times prescribed within the management risk assessment.
16. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
17. There shall be no self-service alcohol.
18. Notices shall be prominently displayed at any area designated for smoking requesting patrons to respect the needs of local residents and use the area quietly.
19. All members of staff at the premises including door supervisors shall seek 'credible photographic proof of age evidence' from any person who appears to be under the age of 21 years and who is seeking to purchase or consume alcohol on the premises. Such credible evidence, which shall include a photograph of the customer, will either be a passport, photographic driving licence or proof of age card carrying a 'PASS' logo.
20. Any events consisting of more than 50 people will require a temporary event notice.
21. There shall be no off sales permitted.
22. No on tap draught beer/lager/cider.
23. Patrons will not be allowed to take drinks outside in front of the store.
24. No outdoor seating in front of the property will be permitted.
25. It will be company policy, and staff will be trained, to move patrons on in the rare event they do smoke outside.
26. The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
27. No deliveries between 21:00 and 07:30.

Conditions proposed by the Environmental Health

20. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as a nail and beauty salon.

The applicant has agreed to condition 20 in lieu of condition 9.

21. The supply and consumption of alcohol shall be restricted to patrons attending the premises for, and ancillary to, nail and beauty treatment, and their bona fide guests.

Condition 21 has been agreed with the applicant.

22. There shall be no sale of draught beer, lager and cider at the premises.

Condition 22 has been agreed with the applicant.

23. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 25 persons
24. 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.
25. 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.

Condition 25 has been agreed with the applicant.

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.

The applicant has agreed to condition 26 in lieu of condition 19.

27. 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.

Condition 27 has been agreed with the applicant.

28. 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.

Condition 28 has been agreed with the applicant.

29. Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, the licence holder shall ensure that all alcohol within the premises (including alcohol behind the counter) is secured in a locked store room or behind locked grilles, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff
30. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times

31. No collections of waste or recycling materials (including bottles) from the premises shall take place between 21:00 hours and 07:00 hours on the following day.

Condition 31 has been agreed with the applicant.

32. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 21:00 hours and 07:00 hours on the following day.

Condition 32 has been agreed with the applicant.

33. No deliveries to the premises shall take place between 21:00 hours and 07:00 hours on the following day.

Condition 33 has been agreed with the applicant.

34. 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.
35. 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.
36. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
37. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
38. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
39. No licensable activities shall take place at the premises until the premises have been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the Licensing Authority.

Conditions proposed by the Police

None

Conditions proposed by resident 9

40. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times Westminster Council published collection times for the street.

41. No collections of waste or recycling materials (including bottles) from the premises shall take place between 20.00 and 09.00 on the following day Monday to Saturday and between 18.00 and 09:00 on the following day on Sundays.
42. No deliveries to the premises shall take place between 20.00 and 09.00 on the following day Monday to Saturday and between 18.00 and 09:00 on the following day on Sundays.
43. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
44. There shall be no off sales permitted.
45. There shall be no bar permitted at the premises.
46. The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
47. No sale of draught beer /lager /cider.
48. Alcohol may only be sold to patrons attending the premises for, and ancillary to, Manicure and Pedicure Special Treatments.
49. The retail sale of alcohol shall be ancillary to the provision of special treatments licensed under the London Local Authorities Act 1991 to patrons of the premises.

Conditions proposed by resident 4

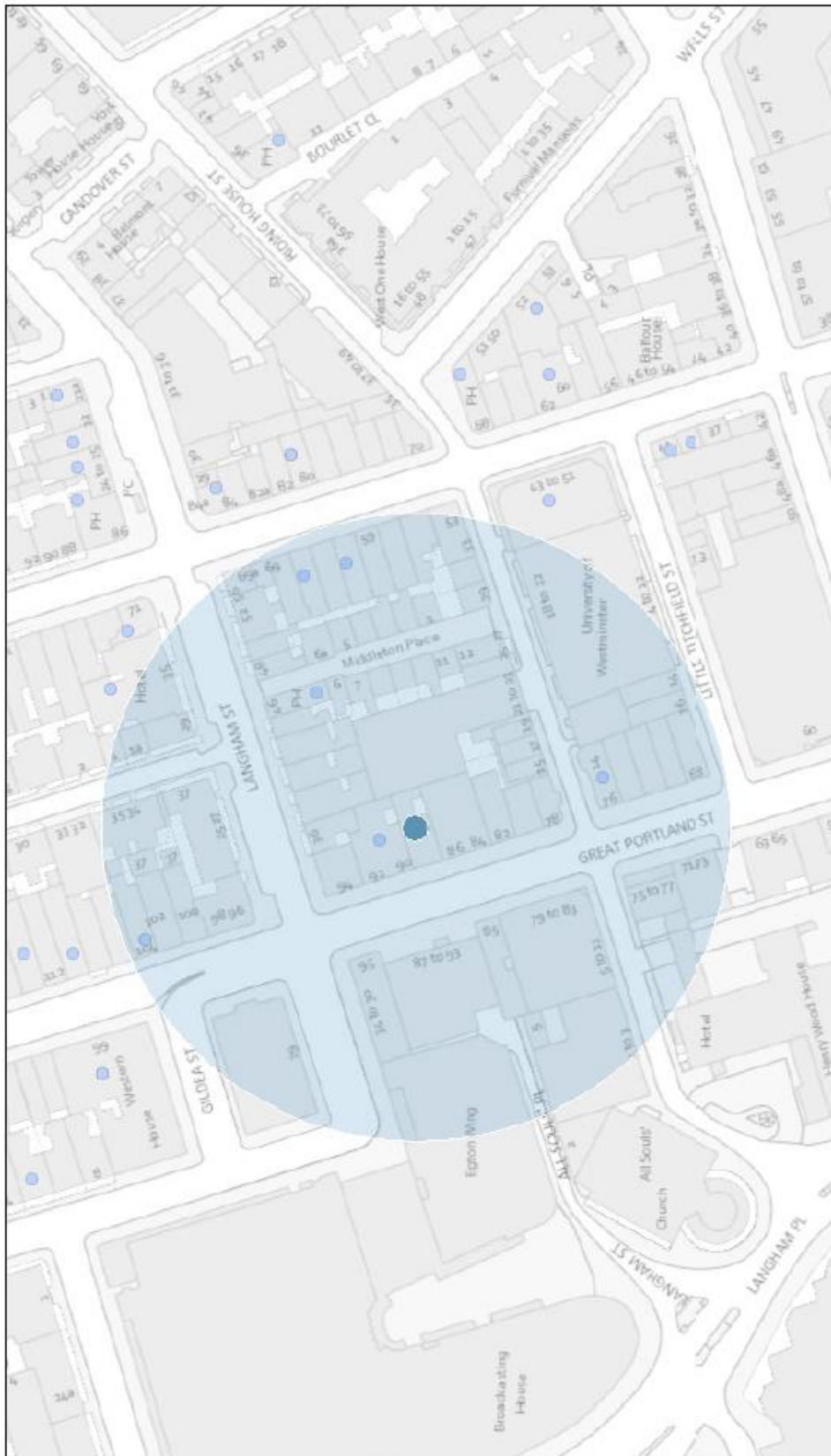
50. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
51. No collections of waste or recycling materials (including bottles) from the premises shall take place between 20.00 and 09.00 on the following day Monday to Saturday and between 18.00 and 09:00 on the following day on Sundays.
52. No deliveries to the premises shall take place between 20.00 and 09.00 on the following day Monday to Saturday and between 18.00 and 09:00 on the following day on Sundays.
53. There shall be no private events for groups unless the premises is operating under the authority of a Temporary Event Notice.
54. When events are held in the premises, the maximum capacity shall not exceed XX people, excluding staff.
55. Films will only ever be shows as an ancillary to the main use of the premises as a nail and beauty salon. There will be no events held for film showings or other uses not linked to the provision of nail and beauty services.
56. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.

57. Smoking shall not be permitted in front of the premises.
58. Clients and staff shall not be permitted to take drinks or glass containers with them outside of the premises.
59. There will be no seating outside of the premises.
60. Alcohol may only be sold to patrons attending the premises for, and ancillary to, Manicure and Pedicure Special Treatments.
61. The retail sale of alcohol shall be ancillary to the provision of special treatments licensed under the London Local Authorities Act 1991 to patrons of the premises.

Following clarification with resident 3, below is the list of their confirmed proposed conditions.

62. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times Westminster Council published collection times for the street.
63. No collections of waste or recycling materials (including bottles) from the premises shall take place between 20:00 and 09:00 on the following day Monday to Saturday and between 18:00 and 09:00 on the following day on Sundays.
64. No deliveries to the premises shall take place between 20:00 and 09:00 on the following day Monday to Saturday and between 18:00 and 09:00 on the following day on Sundays.
65. There shall be no off sales permitted.
66. There shall be no bar permitted at the premises.
67. No sale of draught beer/lager/cider.
68. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
69. Alcohol may only be sold to patrons attending the premises for, and ancillary to, Manicure and Pedicure Special Treatments.
70. The retail sale of alcohol shall be ancillary to the provision of special treatments licensed under the London Local Authorities Act 1991 to patrons of the premises.
71. 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.
72. No outdoor seating in front of the property will be permitted.

88 Great Portland Street



November 28, 2017

● Live Licensing Act

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Resident count = 201

Licence Number	Trading Name	Address	Premises Type	Time Period
17/07371/LIPN	Not Recorded	90-92 Great Portland Street London W1W 7NT	Shop	Monday to Saturday: 10:00 - 20:00 Sunday: 10:00 - 18:00
16/03015/LIPDPS	Yorkshire Grey Public House	46 Langham Street London W1W 7AX	Public house or pub restaurant	Monday to Saturday: 10:00 - 23:00 Sunday: 12:00 - 23:00
16/07226/LIPDPS	Assortl	14 Riding House Street London W1W 7EB	Restaurant	Monday to Sunday: 12:00 - 23:00
16/09925/LIPCH	Scandinavian Kitchen	Basement And Ground Floor 61 Great Titchfield Street London W1W 7PP	Restaurant	Monday to Sunday: 08:00 - 23:00
17/09195/LIPDPS	MacAndWild	Ground Floor 65 Great Titchfield Street London W1W 7PT	Restaurant	Monday to Thursday: 09:00 - 00:00 Friday to Saturday: 09:00 - 00:30 Sunday: 09:00 - 23:30 Sundays before Bank Holidays: 09:00 - 00:30
06/07767/WCCMAP	Portland Food & Wine	Ground Floor 104 Great Portland Street London W1W 6PE	Shop	Monday to Sunday: 00:00 - 00:00

Re: 88 Great Portland Street, London W1W 7NT
Application for new premises licence ref: 17/11140/LIPN

Photos of the immediate area surrounding the premises
on different days and times of the week:

*88 Great Portland Street proposed premises for retail unit with all residential flats
above these premises including families with young children*



*89 Great Portland Street residential building with 18 flats and single glazing
opposite the premises*



30 October at 09:43



22 August at 11.22am

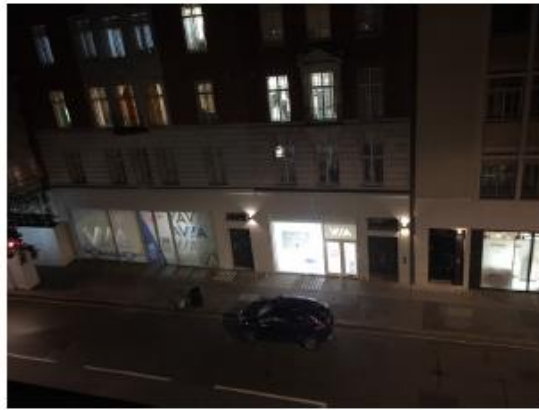


3 August at 9.23am

Traffic jam caused by van



4 August at 23:01



15 August at 20:22



23 August at 20:20

