

# Licensing Sub-Committee Report

Item No:	
Date:	17 January 2019
Licensing Ref No:	18/12577/LIPN - New Premises Licence
Title of Report:	Pronto Grill Bar Ground and First Floor 51 Strutton Ground London SW1P 2HY
Report of:	Director of Public Protection and Licensing
Wards involved:	St James's
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Shannon Pring Senior Practitioner Street Trading and Enforcement
Contact details	Telephone: 020 7641 3217 Email: spring3@westminster.gov.uk

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	19 October 2018		
<b>Applicant:</b>	Mr Yilmaz Akcadag		
<b>Premises address:</b>	Pronto Grill Bar Ground and First Floor 51 Strutton Ground London SW1P 2HY	<b>Ward:</b>	St James's
		<b>Cumulative Impact Area:</b>	No
<b>Premises description:</b>	The premises currently operates as a restaurant and take away. The premises is applying for a premises licence to enable them to sell alcohol for consumption both on and off the premises in addition to their food offering.		
<b>Premises licence history:</b>	This is a new premises licence application and as such no premises licence history exists.		
<b>Applicant submissions:</b>	There are no submissions from the applicant.		

1-B Proposed licensable activities and hours							
<b>Sale by retail of alcohol</b>				<b>On or off sales or both:</b>			Both
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	11:00	11:00	11:00	11:00	11:00	11:00	11:00
<b>End:</b>	22:30	22:30	22:30	22:30	22:30	22:30	22:30
<b>Seasonal variations/ Non-standard timings:</b>			None				

Hours premises are open to the public							
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	10:00	10:00	10:00	10:00	10:00	10:00	10:00
<b>End:</b>	23:00	23:00	23:00	23:00	23:00	23:00	23:00
<b>Seasonal variations/ Non-standard timings:</b>			None				

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Environmental Health Service
<b>Representative:</b>	Maxwell Owusu Koduah
<b>Received:</b>	19 November 2018

I refer to the application for a secondary Premises Licence for the above mentioned premises. I have considered the information that you have provided within and accompanying this application. I have also considered the application in line with the relevant policies within the Councils Statement of Licensing Policy dated January 2016.

**The applicant is seeking the following licensable activities:**

1. The sale by Retail of Alcohol for consumption "On" & "Off" the premises Monday to Sunday from 11:00 to 22:30 hours

**Following consideration of the application and how it may affect the Licensing Objectives and meeting the requirements of the Council's Statement of Licensing Policy I wish to make the following representations:**

1. The supply of alcohol and the hours requested to supply alcohol would have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the area

The premises was granted a certificate of lawful use A3 (restaurant use) on 13.11.2017. The A3 status applies ONLY to the ground floor. Therefore there shall be no licensable activities on the 1st floor at any time.

Apart from a section 60 notice served on 30/03/2018 ref 18/09696/ENC45, there is no record of public nuisance or public safety complaints associated with the premises going back 24 months.

Licensable activities are limited to ground floor. The first floor houses customer toilets, storage (freezer & cold room) and kitchen. With the exception of the kitchen which has noise and vibration implication, the 1st floor will serve as buffer for the 2nd floor which is in residential use (one bedroom flat). Therefore MC 12 will apply to ensure the operation of the kitchen does not lead to increased risk for transmission of audible noise or perceptible vibration through the fabric of the building to adjoining properties.

The applicant has provided conditions in support of the application but these do not fully address the concerns of Environmental Health and therefore the granting of this application as presented would have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the area. Additional conditions would be discussed with applicant to address any residual concerns with this application.

<b>Responsible Authority:</b>	Metropolitan Police Service (withdrawn)
<b>Representative:</b>	PC Cheryl Boon
<b>Received:</b>	07 November 2018

With reference to the above application, I am writing to inform you that the Metropolitan Police, as a responsible authority, will be objecting to this application at this stage in the application process. The venue is situated outside Westminster's Cumulative Impact Area but it is our belief that if granted the application would undermine the Licensing Objectives with regards to the prevention of crime and disorder.

I have looked through the application and would like to try and arrange a meeting at the venue to discuss this fully and then try and propose some conditions for your application. Would you be free for me to visit the venue to discuss this with you or your client on the afternoon of 13<sup>th</sup> or 14<sup>th</sup> November 2018?

If you have any questions in the meantime then please do not hesitate to contact me.

**Following the applicant's agreement to the Police's proposed conditions being added to the operating schedule of the premises licence, the Metropolitan Police Service withdrew their representation to the application on 12 December 2018.**

## 2-B Other Persons

### Resident Representation 1

<b>Received:</b>	26 November 2018
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I am very concerned about this application. Living next door at [REDACTED] our front door porch already provides a cosy shelter for daily deposits of trash, partly consumed food and drink, general detritus, human urination, vomit, human faecal fouling, cigarette butts and chewing gum.

Westminster Council deems the space as 'private' as it is adjacent to the pavement, and therefore will not clean up any mess.

If this licence is passed, alcohol will be allowed to be sold at the premises - effectively as an off-licence, for 11 hours a day, 7 days a week without respite.

There are already four other outlets selling alcohol until late within 500 yards of the proposed premises - is another one required or necessary? There are also various hostels also within 500 yards of the proposed premises. The police are called regularly by local residents to sort out various public order offences. There are public disorder and human fouling incidences associated with Tesco Express in Monck St, caused by alcohol. The local streets are filthy and marred with vomit.

The quality of living in SG has further deteriorated since delivery vehicles are allowed up until 11pm to replenish the likes of Pret a Manger - [REDACTED] and noise nuisance is now another major blight.

This application shows alcohol will be stored on the first floor. The walls between the buildings are paper thin - even movements up and down the stairs can be easily heard. In the past we have called Westminster Noise Team on various occasions and a noise order was served on 51 SG. Greater noise and disturbance will be made by the restocking of the alcohol store - the staff already unload food supplies late at night.

If alcohol is consumed on the premises, likely this will have a knock-on effect disturbance-wise inside and outside the premises, impacting on other properties and residents in the locale. How is this going to be monitored and eradicated?

## Resident Representation 2

**Received:** 26 November 2018

I would like to strongly object to allowing sale of alcohol at the restaurant in the evening.

1. The entrance to [REDACTED], where I am one of the tenants, has a [REDACTED] which is liable to become regularly used as a toilet by the intoxicated. This is not an imaginary worry - rubbish is already daily dropped at the entrance to the house, and there have been cases of urine, vomit and even worse. The sale of alcohol right next door until a late hour will probably to make this critical.
2. It is worth mentioning that the rubbish/fouling issue can affect not only us who live at [REDACTED] and our neighbours with similar situations, but (unless cleaned up every single night) also all the business and government workers who get their lunch at the street market on Strutton Ground every weekday.
3. There is likely to be a lot of noise (and potentially bad behaviour) at 11pm every evening, when the restaurant closes. We need have enough time to get uninterrupted sleep.
4. I cannot see anything in the application that ensures that alcohol will only be sold with food - it might attract people simply going there for drinking in the late evening.

### 3. Policy & Guidance

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

#### Policy HRS1 applies

- (i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.
- (ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.

For premises for the supply of alcohol for consumption on the premises:

Monday to Thursday: 10:00 to 23:30

Friday and Saturday: 10:00 to midnight

Sundays immediately prior to Bank Holidays: Midday to midnight

Other Sundays: Midday to 22:30

#### 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 a 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

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

<b>Report author:</b>	Shannon Pring Senior Practitioner Street Trading and Enforcement
<b>Contact:</b>	Telephone: 020 7641 3217 Email: spring3@westminster.gov.uk

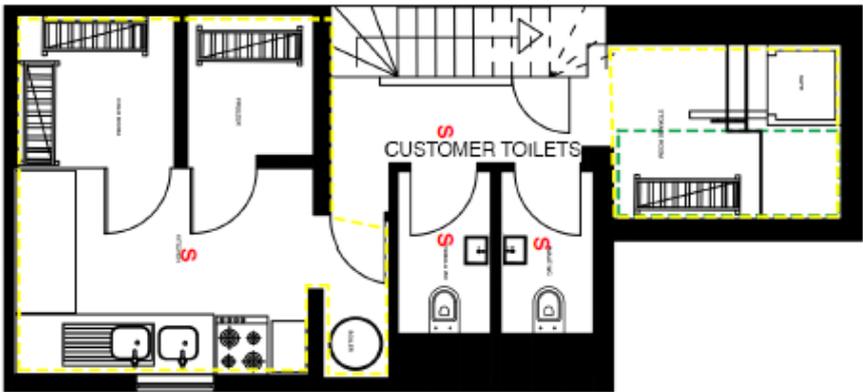
**If you have any queries about this report or wish to inspect one of the background papers please contact the report author.**

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

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
<b>4</b>	Environmental Health Service representation	19 November 2018
<b>5</b>	Metropolitan Police Service representation (withdrawn)	07 November 2018
<b>6</b>	Resident representation 1	26 November 2018
<b>7</b>	Resident representation 2	26 November 2018



First Floor



ALCOHOL STORAGE  
 KITCHEN & STAFF AREA  
 FIRE EXTINGUISHER STATION  
 FIRE EXIT  
 SMOKE DETECTOR



A4: 1/100

DATE: 06.09.2018

51 Stratton Ground,  
 Westminster,  
 London  
 SW1P 2HY

SHEET TITLE  
 FIRST FLOOR PLAN

SHEET NO  
 SS.LON.HSK.LP-001

**A.100.00**

**SCALE A4 1:100**

Drawn  
 Architect *Canus AVRILMAZ*

NOTES  
 1. Any dimensions and levels are on the site, so they are also shown on the drawings.  
 2. For the construction, dimensions must be checked at the site.

**Applicant Supporting Documents**

**Appendix 2**

There are no supporting documents from the applicant.

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. No alcohol shall be sold if the CCTV equipment is inoperative for any reason.

10. Staff will be trained to be alert at all times to any potential danger to customers and react accordingly. If they are unable to diffuse the situation quickly, without the risk to staff or customers, they are instructed to call the Police.
11. All relevant Fire Procedures are in place for a premises of this size.
12. Alcohol sale will cease 30 minutes before closure, to allow drink-up time

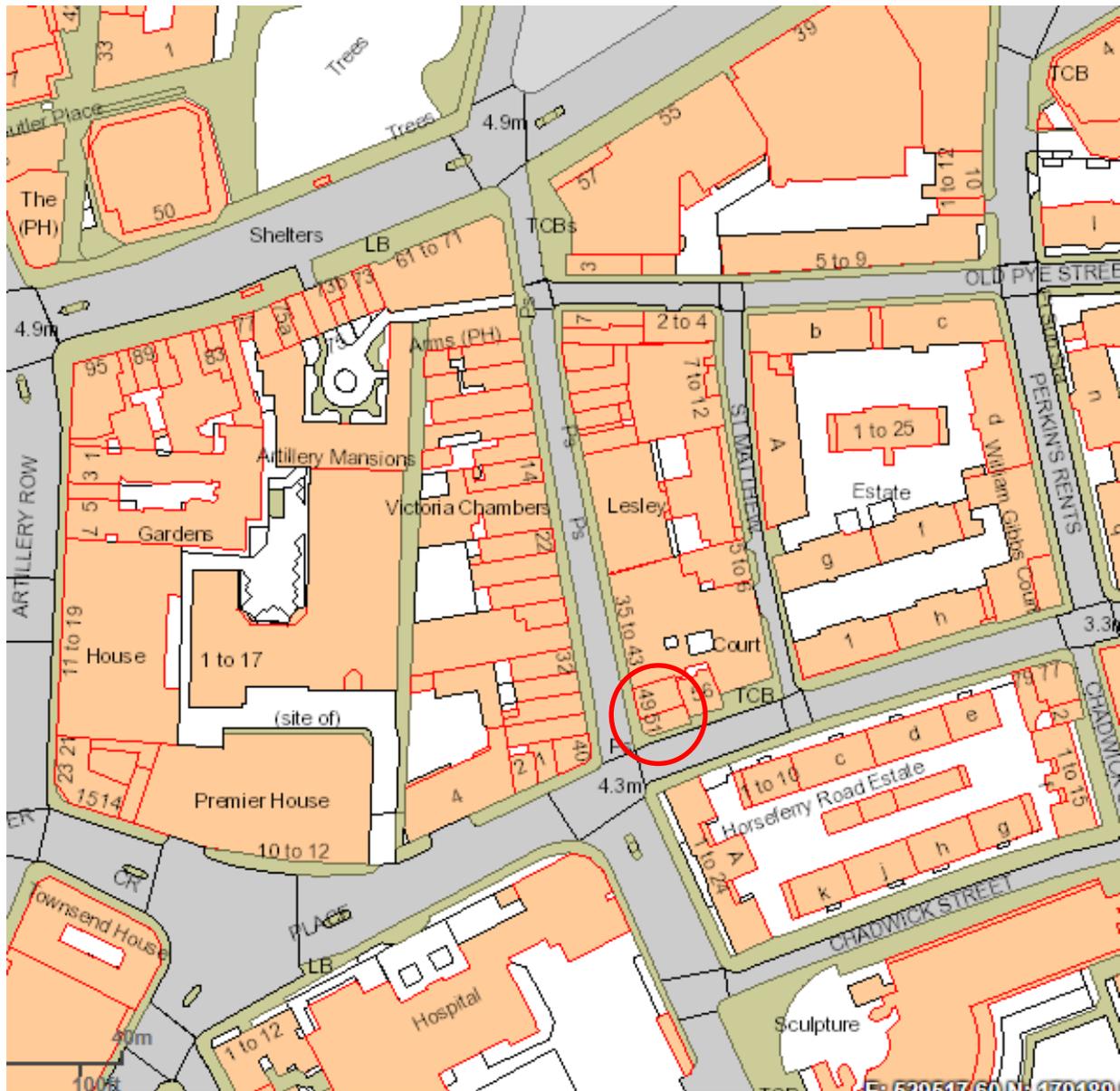
**Conditions proposed by the Environmental Health and agreed with the applicant so as to be incorporated within the Operating Schedule**

13. The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal
14. The supply of alcohol shall be by waiter or waitress service only
15. Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to a take-away meal
16. 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
17. 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
18. The external door shall be kept closed after **21:00** hours except for the immediate access and egress of persons
19. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly
20. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times
21. The number of seated persons permitted in the premises at any one time (excluding staff) shall not exceed 30 persons
22. 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
23. No deliveries to the premises shall take place between **23.00** hours and **08.00** hours on the following day
24. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them
25. No 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

**Further conditions proposed by the Police and agreed with the applicant so as to be incorporated with the Operating Schedule**

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 entire 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. All sales of alcohol for consumption off the premises shall be in sealed containers, and shall not be consumed on the premises.
29. A 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.
30. There shall be no self service of alcohol.
31. An incident log shall be kept at the premises, and made available upon request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
  - a) All crimes reported to the venue
  - b) All ejections of patrons
  - c) Any complaints received concerning crime and disorder
  - d) Any incidents of disorder
  - e) All seizures of drugs or offensive weapons
  - f) Any faults in the CCTV system
  - g) Any refusal of the sale of alcohol
  - h) Any visit by a relevant authority or emergency service

Due to a technical issue with this Council's GIS Mapping system, an alternative map of the premises and locality has been provided below.



Resident count: 563

**Licensed premises within 75 metres of 51 Strutton Ground**

<b>Licence Number</b>	<b>Trading Name</b>	<b>Address</b>	<b>Premises Type</b>	<b>Time Period</b>
16/11463/LIPDPS	(coffee Shop / Restaurant)	58 Great Peter Street London SW1P 2HD	Restaurant	Monday to Saturday; 07:00 - 21:00
16/07810/LIPT	My Local - Strutton 123	41 - 45 Strutton Ground London SW1P 2HY	Shop (large)	Monday to Sunday; 07:00 - 23:00
18/12104/LIPT	Bamboo Basket Neway	37 Strutton Ground London SW1P 2HY	Restaurant	Monday to Saturday; 17:00 - 23:00   Monday to Sunday; 12:00 - 15:00   Sunday; 17:00 - 22:30
18/03480/LIPT	Bamboo Basket Neway	37 Strutton Ground London SW1P 2HY	Restaurant	Monday to Saturday; 17:00 - 23:00   Monday to Sunday; 12:00 - 15:00   Sunday; 17:00 - 22:30

17/07990/LIPV	Express Coffee Company	Basement And Ground Floor 40 Strutton Ground London SW1P 2HR	Cafe	Monday to Saturday; 07:00 - 22:00   Sunday; 07:00 - 18:00
06/09018/WCCMAP	Demes Newsagents	1 Greycoat Place London SW1P 1SB	Shop	Monday to Saturday; 06:00 - 20:00   Sunday; 07:00 - 17:00
09/09686/LIPCH	Pizzetta	2 Greycoat Place London SW1P 1SB	Shop	Monday to Saturday; 08:00 - 23:00   Sunday; 10:00 - 22:30
06/04690/WCCMAP	Victoria News	28 Strutton Ground London SW1P 2HR	Shop	Monday to Saturday; 08:00 - 23:00   Sunday; 10:00 - 22:30
06/08970/WCCMAP	Costcutter Express	23 Strutton Ground London SW1P 2HY	Shop	Monday to Saturday; 08:00 - 23:00   Sunday; 10:00 - 22:30
15/10996/LIPDPS	Ichiriki Sushi House	Basement 17 Strutton Ground London SW1P 2HY	Shop	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00