



City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	10 October 2019
Licensing Ref No:	19/09327/LIPV - Premises Licence Variation
Title of Report:	Bombay Bustle Ground Floor 29 Maddox Street London W1S 2PA
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:	Michelle Steward Senior Licensing Officer
Contact details	Telephone: 020 7641 1872 Email: msteward1@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	30 July 2019		
Applicant:	SMD Concepts Limited		
Premises:	Bombay Bustle		
Premises address:	Ground Floor 29 Maddox Street London W1S 2PA	Ward:	West End
		Cumulative Impact Area:	West End
Premises description:	The premises currently trades a restaurant with ancillary bar.		
Variation description:	<p>The changes sought by way of this application are as follows:</p> <ul style="list-style-type: none"> The applicant proposes to change the layout of the premises as shown in the attached plans. It is proposed that customers can enter/exit on both ground and basement levels. The applicant proposes to vary conditions 16 and 17 under Annex 3 of the current premises licence to permit customers to consume alcohol in a designated bar area in the basement, with a capacity of 10 people, without waiter/waitress service and prior to their meal, as shown in the attached drawing. The applicant also proposes to vary the opening times from 11am on Sundays and to commence sales of alcohol on Sundays from 11am as they have started offering brunch to customers and would benefit from the earlier start on Sundays. 		
Premises licence history:	The premises has had the benefit of a premises licence since 2007. The current premises licence 17/11679/LIPCHT is attached at Appendix 3 together with full licence history.		
Applicant submissions:	There are no submissions from the applicant.		

1-B Current and proposed licensable activities, areas and hours						
Regulated Entertainment						
Late night refreshment						
Indoors, outdoors or both			Current :		Proposed:	
			Indoors Only		No Change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	00:00	No Change		Ground Floor and Basement	No Change
Tuesday	23:00	00:00				
Wednesday	23:00	00:00				
Thursday	23:00	00:00				
Friday	23:00	00:00				
Saturday	23:00	00:00				
Sunday						
Seasonal variations/ Non-standard timings:		Current:			Proposed:	
		None			No Change	

Sale by Retail of Alcohol						
On or off sales			Current :		Proposed:	
			On Sales Only		No Change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	00:00	No Change		Ground Floor and Basement	No Change
Tuesday	10:00	00:00				
Wednesday	10:00	00:00				
Thursday	10:00	00:00				
Friday	10:00	00:00				
Saturday	10:00	00:00				
Sunday	12:00	23:00	11:00	23:00		
Seasonal variations/ Non-standard timings:		Current:			Proposed:	
		None			No Change	

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	00:00	No Change		Ground Floor and Basement	No Change
Tuesday	10:00	00:00				
Wednesday	10:00	00:00				
Thursday	10:00	00:00				
Friday	10:00	00:00				
Saturday	10:00	00:00				
Sunday	12:00	23:00	11:00	23:00		
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	None				No Change	

1-C Layout alteration
The layout changes sought by way of this application is to create entrance and exits points on both the ground and basement levels.

1-D Conditions being varied:	
Condition	Proposed variation
<p>16. The premises shall only operate as a fine dining restaurant</p> <p>(i) in which customers are shown to their table,</p> <p>(ii) where, save for the ground floor bar area, the supply of alcohol is by waiter or waitress service only,</p> <p>(iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,</p> <p>(iv) which do not provide any take away service of food or drink for immediate consumption,</p> <p>(v) which do not provide any take away service of food or drink after 23.00, and</p> <p>(vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.</p> <p>Notwithstanding this condition, customers are</p>	<p>16. The premises shall only operate as a fine dining restaurant</p> <p>(i) in which customers are shown to their table,</p> <p>(ii) where, save for the ground floor bar area, the supply of alcohol is by waiter or waitress service only,</p> <p>(iii) where, save for the ground floor and basement bar areas, the supply of alcohol is by waiter or waitress service only.</p> <p>(iv) which do not provide any take away service of food or drink for immediate consumption,</p> <p>(v) which do not provide any take away service of food or drink after 23.00, and</p> <p>(vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.</p> <p>Notwithstanding this condition, customers are permitted to take from the premises part</p>

permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.	consumed and resealed bottles of wine supplied ancillary to their meal.
17. Notwithstanding condition 16, alcohol may be supplied and consumed prior to their meal in the bar area (designated on the plan), by up to a maximum at any one time, of 10 persons dining at the premises.	17. Notwithstanding condition 16, alcohol may be supplied and consumed prior to their meal in the designated ground floor and basement bar areas as shown on the plan, by up to a maximum at any one time, of 10 persons in each bar area, dining at the premises.

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Licensing Authority
Representative:	Karyn Abbott
Received:	23 August 2019
<p>I write in relation to the application submitted for a variation of the premises licence for Ground Floor, 29 Maddox Street, London.</p> <p>As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011, the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the four Licensing Objectives:</p> <ul style="list-style-type: none"> • Public Nuisance • Prevention of Crime & Disorder • Public Safety • Protection of children from harm <p>The application seeks the following variations:</p> <p><i>The applicant proposes to change the layout of the premises as shown in the attached plans. It is proposed that customers can enter/exit on both ground and basement levels.</i></p> <p><i>The applicant proposes to vary conditions 16 and 17 under Annex 3 of the current premises licence to permit customers to consume alcohol in a designated bar area in the basement, with a capacity of 10 people, without waiter/waitress service and prior to their meal, as shown in the attached drawing.</i></p> <p><i>To amend condition 16(ii) under Annex 3 of the current Premises licence to state "where, save for the ground floor and basement bar areas, the supply of alcohol is by waiter or waitress service only".</i></p> <p><i>To amend condition 17 to state "Notwithstanding condition 16, alcohol may be supplied and consumed prior to their meal in the designated ground floor and basement bar areas as shown on the plan, by up to a maximum at any one time, of 10 persons in each bar area, dining at the premises".</i></p> <p><i>The applicant also proposes to vary the opening times from 11am on Sundays and to commence sales of alcohol on Sundays from 11am as they have started offering brunch to</i></p>	

customers and would benefit from the earlier start on Sundays.

The premises is located within the West End Cumulative Impact Area and as such various policy points must be considered, namely CIP1, HRS1 and RNT2.

The Licensing Authority note that the operating hours applied for Sale by Retail of Alcohol on Sunday's currently fall outside of Westminster's HSR1 core hours. The policy states 'Applications for hours outside the core hours set out in this policy will be considered on their merits, subject to other relevant policies. Whether there is residential accommodation in the proximity of the premises that would be likely to be adversely affected by premises being open or carrying out operations at the hours proposed.

As part of the application and plans the Licensing Authority notes the applicant would like to have another holding bar within the basement. Paragraph 2.5.3 states 'The sale and consumption of alcohol prior to such meals may be in a bar area but must also be ancillary to the taking of such meal. Where an application is to be considered under the policies which apply to restaurants, following relevant representations, conditions restricting the premises in accordance with this definition may be attached.'

The Licensing Authority would encourage the applicant to provide information as to the proposed operation of the basement bar and specifically with how the alcohol will be served to these 10 persons, i.e. will the bar operate by way of vertical drinking or will they be seated? Can alcohol be served by waiter/waitress service?

Paragraph 2.4.5 states, The Licensing Authority's policies, in relation to the Cumulative Impact Areas, are directed at the global and cumulative effects of licences on the area as a whole. The Licensing Authority encourages the applicant to provide further submissions as to how the premises will not add to cumulative impact in the West End cumulative impact area, in accordance with policy CIP1.

The Licensing Authority looks forward to receiving further submissions from the applicant in due course.

Response from the Applicant to the Licensing Authority received on the 28 August 2019:

Thank you for your email confirming your representation.

Proposal to vary opening times and commence alcohol sales from 11am on Sundays

We understand that the policy states applications for hours outside core hours will be considered on their merits. Pre-application advice was obtained in this matter and a site visit conducted. We understood from the pre-application advice that the applicant's proposal was not particularly controversial due to condition 16 under Annex 3 of the Premises Licence which obliges the applicant to operate the premises as a fine dining restaurant and sets out terms on how this will be achieved, in support of the licensing objectives. The application was advertised and a blue notice displayed and no representations were received from surrounding residents. The applicant is asking for an additional hour in the first part of the day because they have started offering brunch to customers and wish to comply with the demand of customers who are early starters and where some would like to purchase an alcoholic drink whilst they are in a relaxing environment and enjoying their brunch on a Sunday.

To permit customers to consume alcohol in a designated bar area in the Basement

The proposal is that customers would be consuming drinks prior to their meal which would be a similar set up as the bar area on the Ground Floor which has been run successfully since implementation. We understood from the pre-application advice obtained that this was not particularly controversial because of the character and operation of the premises as a

restaurant. A limit on capacity has been proposed of ten customers which is not excessive and was calculated taking into account the successful running of the limited bar area on the Ground Floor. The proposal includes four stools at the basement bar and there is sufficient space for six standing customers. The applicant will be continuing to run the premises as a fine dining restaurant and will not be promoting vertical drinking as this is an area where customers can have a drink whilst they are waiting to be seated for their meal. Snacks can be consumed at the bar while customers are waiting to be seated. It is not proposed that alcohol will be by waiter/waitress service at the bar area. Once customers are seated, there will of course be waiter/waitress service in accordance with the terms of the premises licence.

I am happy to discuss the matter further by telephone. The applicant would be prepared reach a compromise by agreeing a condition that the basement bar area will not be in use between the hours of 11:00-12:00, if this is necessary.

Response from the Licensing Authority to the applicant received on the 24 September 2019:

Please thank Amit, Quikobad and Abner for seeing me the other Monday and again apologies for the delay in getting back to you.

After viewing the premises and discussing the proposed operation of the of the new holding bar downstairs the Licensing Authority has a better understanding of how the premises operates.

Paragraph 2.5.3 states 'The sale and consumption of alcohol prior to such meals may be in a bar area but must also be ancillary to the taking of such meal. Where an application is to be considered under the policies which apply to restaurants, following relevant representations, conditions restricting the premises in accordance with this definition may be attached.'

Unfortunately due to the variation being outside core hours the Licensing Authority must maintain their representation and allow the Licensing Sub-Committee Members to determine the application.

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> <p><u>For premises for the supply of alcohol for consumption on the premises:</u> 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</p> <p><u>For premises for the supply of alcohol for consumption off the premises:</u> Monday to Saturday: 08:00 to 23:00 Sundays: 10:00 to 22:30</p> <p><u>For premises for the provision of other licensable activities:</u> Monday to Thursday: 09:00 to 23.30 Friday and Saturday: 09:00 to midnight Sundays immediately prior to Bank Holidays: 09:00 to midnight Other Sundays: 09:00 to 22:30</p>
Policy CIP1 applies	(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.
Policy RNT2 applies	Applications will be granted subject to other policies in this Statement and subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas.

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.

4. Appendices

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

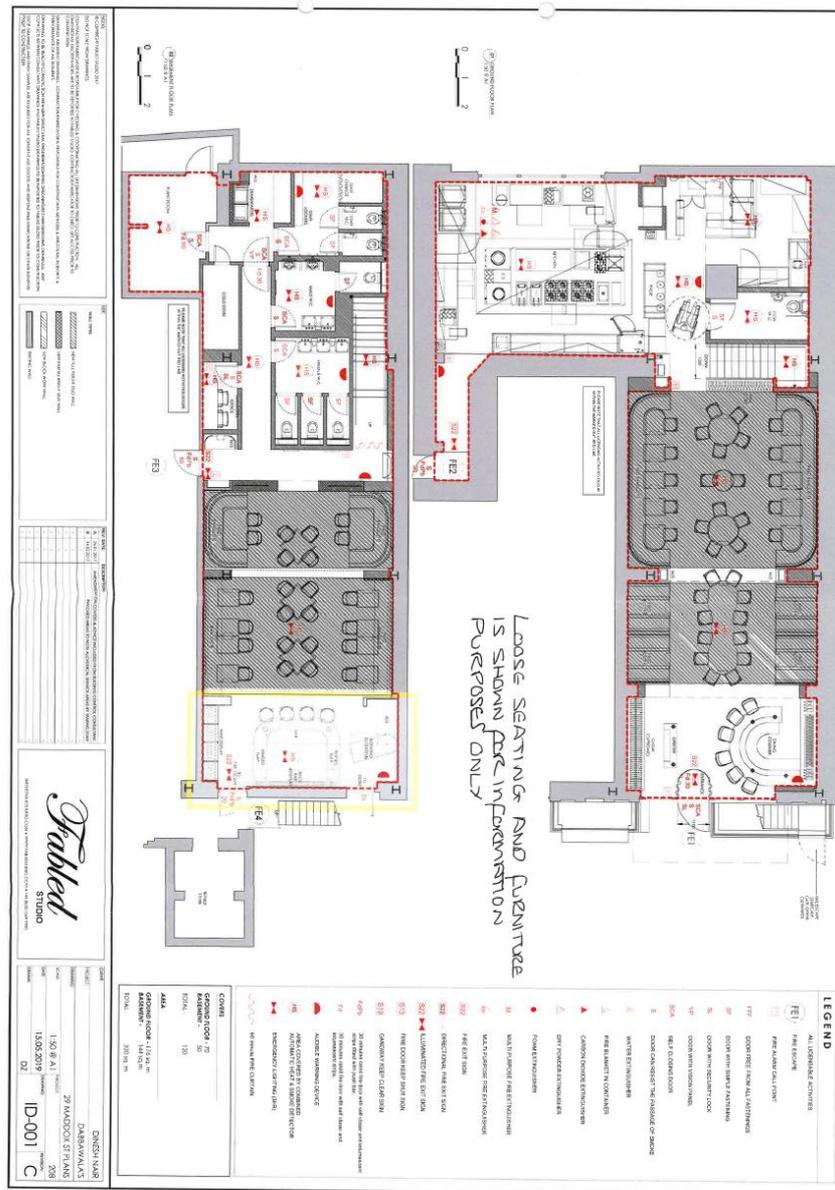
Report author:	Michelle Steward Senior Licensing Officer
Contact:	Telephone: 020 7641 1872 Email: msteward1@westminster.gov.uk

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 2018
4	Licensing Authority Representation	23 August 2019

Proposed Layout



Applicant Supporting Documents

Appendix 2

There are no submissions from the applicant.

Current Licence



City of Westminster
64 Victoria Street, London,
SW1E 6QP

Schedule 12
Part A

WARD: West End
UPRN: 010033537738

Premises licence

Regulation 33, 34

Premises licence
number:

17/11679/LIPCHT

Original Reference:

07/05420/LIPN

Part 1 – Premises details

Postal address of premises:

Bombay Bustle
29 Maddox Street
London
W1S 2PA

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Late Night Refreshment
Sale by Retail of Alcohol

The times the licence authorises the carrying out of licensable activities:

Late Night Refreshment

Monday to Saturday: 23:00 to 00:00

Sale by Retail of Alcohol

Monday to Saturday: 10:00 to 00:00

Sunday: 12:00 to 23:00

The opening hours of the premises:

Monday to Saturday: 10:00 to 00:00

Sunday: 12:00 to 23:00

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

Alcohol is supplied for consumption on the Premises.

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:

SMD Concepts Limited
Ground Floor Offices
9 Ritz Parade
Western Avenue
London
W5 3RA

Registered number of holder, for example company number, charity number (where applicable)

10156488

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:

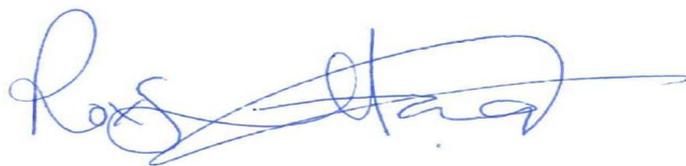
Name: Abner Eisma

Please note: It is the policy of the Licensing Authority not to display the address details of a designated premises supervisor.

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:

Licence Number: 16-187653-1
Licensing Authority: The Royal Borough of Kensington And Chelsea

Date: 01 October 2019



Signed:

This licence has been authorised by Ms Roxsana Haq on behalf of the Director - Public Protection and Licensing.

Annex 1 – 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.
- (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.
- (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.
- (iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the operating Schedule

None

Annex 3 – Conditions attached after a hearing by the licensing authority

9. The number of persons accommodated at the premises (excluding staff) shall not exceed:
Ground Floor - 70 persons
Basement - 50 persons
10. 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.
11. 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.
12. 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.
13. 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.
14. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
15. No rubbish including bottles will be moved, removed or placed in outside areas between 23:00 hours and 08:00 hours.
16. The premises shall only operate as a fine dining restaurant
 - (i) in which customers are shown to their table,
 - (ii) where, save for the ground floor bar area, the supply of alcohol is by waiter or waitress service only,
 - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
 - (iv) which do not provide any take away service of food or drink for immediate consumption,
 - (v) which do not provide any take away service of food or drink after 23.00, and
 - (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

Notwithstanding this condition, customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

17. Notwithstanding condition 16, alcohol may be supplied and consumed prior to their meal in the bar area (designated on the plan), by up to a maximum at any one time, of 10 persons dining at the premises.
18. 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.
19. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. 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.
20. 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.

Annex 4 – Plans

attached



City of Westminster
64 Victoria Street, London,
SW1E 6QP

Schedule 12
Part B

Premises licence
summary

WARD: West End
UPRN: 010033537738

Regulation 33, 34

Premises licence
number:

17/11679/LIPCHT

Part 1 – Premises details

Postal address of premises:

Bombay Bustle
29 Maddox Street
London
W1S 2PA

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Late Night Refreshment
Sale by Retail of Alcohol

The times the licence authorises the carrying out of licensable activities:

Late Night Refreshment

Monday to Saturday: 23:00 to 00:00

Sale by Retail of Alcohol

Monday to Saturday: 10:00 to 00:00

Sunday: 12:00 to 23:00

The opening hours of the premises:

Monday to Saturday: 10:00 to 00:00

Sunday: 12:00 to 23:00

Where the licence authorises supplies of alcohol, whether these are on and/or off
supplies:

Alcohol is supplied for consumption on the Premises.

Name and (registered) address of holder of premises licence:

SMD Concepts Limited
Ground Floor Offices
9 Ritz Parade
Western Avenue
London
W5 3RA

Registered number of holder, for example company number, charity number (where applicable)

10156488

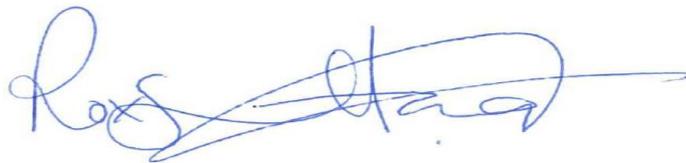
Name of designated premises supervisor where the premises licence authorises for the supply of alcohol:

Name: Abner Eisma

State whether access to the premises by children is restricted or prohibited:

Restricted

Date: 01 October 2019

A handwritten signature in blue ink, appearing to read 'Roxsana Haq', with a long horizontal stroke extending to the right.

Signed:

This licence has been authorised by Ms Roxsana Haq on behalf of the Director - Public Protection and Licensing.

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
07/05420/LIPN	Application for a new Premises Licence	08 August 2007	Granted under delegated authority
07/07583/WCCMAP	Master Licence		
16/08222/LIPT	Application to transfer the Premises Licence	26 January 2017	Granted under delegated authority
17/01328/LIPDPS	Application to vary the Designated Premises Supervisor	02 March 2017	Granted under delegated authority
17/01629/LIPV	Application to vary the Premises Licence	04 May 2017	Granted at Licensing Sub Committee
17/04538/LIPCHT	Change of Premises Licence Holder details	07 June 2017	Granted under delegated authority
17/11679/LIPCHT	Change of Premises Licence Holder details	3 October 2017	Granted under delegated authority

There is no appeal history

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

When determining an application for a 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 appropriate for the promotion of the licensing objectives.

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

Conditions: On Current Licence -

Mandatory:

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

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

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

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

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

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

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula -

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

Where -

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the operating Schedule

None

Annex 3 – Conditions attached after a hearing by the licensing authority

9. The number of persons accommodated at the premises (excluding staff) shall not exceed:
Ground Floor - 70 persons
Basement - 50 persons
10. 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.
11. 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.
12. 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.
13. 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.
14. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
15. No rubbish including bottles will be moved, removed or placed in outside areas between 23:00 hours and 08:00 hours.
16. The premises shall only operate as a fine dining restaurant
 - (i) in which customers are shown to their table,
 - (ii) where, save for the ground floor bar area, the supply of alcohol is by waiter or waitress service only,
 - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,

Proposed alternative wording for 16 (iii) by the applicant:

- (iii) where, save for the ground floor and basement bar areas, the supply of alcohol is by waiter or waitress service only.**
- (iv) which do not provide any take away service of food or drink for immediate consumption,
- (v) which do not provide any take away service of food or drink after 23.00, and
- (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

Notwithstanding this condition, customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

17. Notwithstanding condition 16, alcohol may be supplied and consumed prior to their meal in the bar area (designated on the plan), by up to a maximum at any one time, of 10 persons dining at the premises.

Proposed alternative wording for condition 17 by the applicant:

17. **Notwithstanding condition 16, alcohol may be supplied and consumed prior to their meal in the designated ground floor and basement bar areas as shown on the plan, by up to a maximum at any one time, of 10 persons in each bar area, dining at the premises.**
18. 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.
19. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. 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.
20. 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.

Residential Map and List of Premises in the Vicinity

Appendix 5



Resident Count: 66

Licensed Premises within 75 metres of Bombay Bustle, 29 Maddox Street, London, W1S 2PA				
Licence Number	Trading Name	Address	Premises Type	Time Period
17/11679/LIPCHT	Bombay Bustle	Ground Floor 29 Maddox Street London W1S 2PA	Restaurant	Monday to Saturday; 10:00 - 00:00 Sunday; 12:00 - 23:00
19/06627/LIPDPS	Maddox	3-5 Mill Street London W1S 2AU	Night clubs and discos	Monday to Sunday; 00:00 - 00:00
06/05993/WCCMAP	Sidney Rose Mini Market	Ground Floor 34-36 Maddox Street London W1S 1PD	Shop	Monday to Saturday; 08:00 - 23:00 Sunday; 10:00 - 22:30
19/01662/LIPDPS	Goodman	26 Maddox Street London W1S 1QH	Restaurant	Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 23:00
18/10524/LIPN	Not Recorded	24 - 26 Maddox Street London W1S 1PP	Club or institution	Monday to Thursday; 08:00 - 00:00 Friday to Saturday; 08:00 - 00:30 Sunday; 09:00 - 23:00

18/11608/LIPDPS	Masons Arms Public House	Whole Building 38 Maddox Street London W1S 1PY	Public house or pub restaurant	Monday to Thursday; 10:00 - 23:30 Monday to Saturday; 10:00 - 00:30 Friday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00 Sunday; 12:00 - 23:00 Sundays before Bank Holidays; 12:00 - 00:30
18/00377/LIPDPS	28/50	17-19 Maddox Street London W1S 2QH	Restaurant	Monday to Thursday; 08:00 - 23:30 Friday to Saturday; 08:00 - 00:00 Sunday; 08:00 - 22:30
19/09948/LIPCH	Riwas	17-19 Maddox Street London W1S 2QH	Restaurant	Monday to Thursday; 08:00 - 23:30 Friday to Saturday; 08:00 - 00:00 Sunday; 08:00 - 22:30
19/00468/LIPV	Riwas	17-19 Maddox Street London W1S 2QH	Restaurant	Monday to Thursday; 08:00 - 23:30 Friday to Saturday; 08:00 - 00:00 Sunday; 08:00 - 22:30
17/04660/LIPV	Sketch	9 Conduit Street London W1S 2XG	Night clubs and discos	Monday to Sunday; 00:00 - 00:00
19/06970/LIPDPS	The East India Company	7 - 8 Conduit Street London W1S 2XF	Shop	Monday to Saturday; 08:00 - 23:00 Sunday; 10:00 - 22:30
16/13587/LIPN	Not Recorded	15 Maddox Street London W1S 2QQ	Shop	Monday to Friday; 07:30 - 23:00 Saturday to Sunday; 09:00 - 23:00
18/02532/LIPDPS	No 4 Mayfair	First Floor 4 Mill Street London W1S 2AX	Club or institution	Monday to Saturday; 09:00 - 05:30 Sunday; 12:00 - 23:00
11/00325/LIPD	Pattersons	Basement And Ground Floor 4 Mill Street London W1S 2AX	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
19/05223/LIPDPS	Black Roe	Basement And Ground Floor 4 Mill Street London W1S 2AX	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00

18/14086/LIPN	Not Recorded	11 - 13 Pollen Street London W1S 1NH	Not Recorded	Monday; 10:00 - 00:00 Tuesday; 10:00 - 00:00 Wednesday; 10:00 - 00:00 Thursday; 10:00 - 00:00 Friday; 10:00 - 00:30 Saturday; 10:00 - 00:30 Sunday; 12:00 - 23:00
16/03058/LIPDPS	The Windmill Public House	6-8 Mill Street London W1S 2AZ	Public house or pub restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 23:30
19/06289/LIPN	Not Recorded	St George's Church St George Street London W1S 1FX	Miscellaneous	Monday; 08:00 - 23:30 Tuesday; 08:00 - 23:30 Wednesday; 08:00 - 23:30 Thursday; 08:00 - 23:30 Friday; 08:00 - 23:30 Saturday; 12:00 - 23:30 Sunday; 12:00 - 22:30
06/07027/WCCMAP	Sakana-tei Japanese Restaurant	Basement And Ground Floor 11 Maddox Street London W1S 2QF	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
15/11666/LIPT	Sunflower Cafe Restaurant	3 Pollen Street London	Cafe	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
15/06730/LIPV	Aline's Sandwich Table	14 Maddox Street London W1S 1PQ	Restaurant	Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sunday; 11:30 - 22:30 Sundays before Bank Holidays; 11:30 - 00:00
11/10307/LIPV	Pollen Street Social Jason Atherton	Ground Floor 10 Pollen Street London W1S 1NH	Restaurant	Monday to Thursday; 10:00 - 00:30 Friday to Saturday; 10:00 - 01:00 Sunday; 12:00 - 00:30 Sundays before Bank Holidays; 12:00 - 00:30
13/03894/LIPVM	Karaoke Box	12 - 14 Maddox Street London W1S 1PH	Miscellaneous	Monday to Sunday; 10:00 - 02:00

19/03571/LIPVM	Karaoke Box	12 - 14 Maddox Street London W1S 1PH	Night clubs and discos	Monday; 10:00 - 00:00 Tuesday; 10:00 - 02:00 Tuesday to Wednesday; 10:00 - 02:00 Wednesday; 10:00 - 02:00 Thursday; 10:00 - 05:00 Thursday to Saturday; 10:00 - 05:00 Friday; 10:00 - 05:00 Saturday; 10:00 - 05:00 Sunday; 10:00 - 00:00
13/01666/LIPVM	Little Social	Basement And Ground Floor 5 Pollen Street London W1S 1NE	Restaurant	Monday to Thursday; 07:00 - 23:30 Friday; 07:00 - 00:00 Saturday; 10:00 - 00:00 Sunday; 11:00 - 22:50