

Licensing Sub-Committee Report

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| Item No: | |
| Date: | 7 November 2019 |
| Licensing Ref No: | 19/12002/LIPN - New Premises Licence |
| Title of Report: | 59 Westbourne Grove London W2 4UA |
| Report of: | Director of Public Protection and Licensing |
| Wards involved: | Lancaster Gate |
| Policy context: | City of Westminster Statement of Licensing Policy |
| Financial summary: | None |
| Report Author: | Michelle Steward Senior Licensing Officer |
| Contact details | Telephone: 0207 641 1872 Email: msteward1@westminster.gov.uk |

1. Application

| 1-A Applicant and premises | | | |
|-----------------------------------|--|--------------------------------|----------------|
| Application Type: | New Premises Licence, Licensing Act 2003 | | |
| Application received date: | 18 September 2019 | | |
| Applicant: | Mr Ilir Ismailovic | | |
| Premises address: | 59 Westbourne Grove London W2 4UA | Ward: | Lancaster Gate |
| | | Cumulative Impact Area: | Bayswater |
| Premises description: | According to the application form, this is a new Premises Licence application for a restaurant with the supply of alcohol for consumption on the premises. | | |
| Premises licence history: | As this is a new premises licence application, no licence history exists for this premises. | | |
| Applicant submissions: | There are no submissions from the applicant. | | |

| 1-B Proposed licensable activities and hours | | | | | | | |
|---|------------|-------------|------------|----------------------------------|------------|------------|--------------|
| Recorded Music | | | | Indoors, outdoors or both | | | Indoors Only |
| Day: | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
| Start: | 11:00 | 11:00 | 11:00 | 11:00 | 11:00 | 11:00 | 11:00 |
| End: | 22:00 | 22:00 | 22:00 | 22:00 | 22:00 | 22:00 | 22:00 |
| Seasonal variations/ Non-standard timings: | | None | | | | | |

| | | | | | | | |
|---|------------|-------------|------------|---------------------------------|------------|------------|---------------|
| Sale by retail of alcohol | | | | On or off sales or both: | | | On Sales Only |
| Day: | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
| Start: | 11:00 | 11:00 | 11:00 | 11:00 | 11:00 | 11:00 | 11:00 |
| 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: | 11:00 | 11:00 | 11:00 | 11:00 | 11:00 | 11:00 | 11:00 |
| End: | 23:00 | 23:00 | 23:00 | 23:00 | 23:00 | 23:00 | 23:00 |
| Seasonal variations/ Non-standard timings: | | None | | | | | |

2. Representations

| 2-A Responsible Authorities | |
|--|------------------------------|
| Responsible Authority: | Environmental Health Service |
| Representative: | Maxwell Koduah |
| Received: | 7 October 2019 |
| <p>I refer to the application for a new Premises Licence for the above-mentioned premises. These premises is located within the Queensway/Bayswater Cumulative Impact area. 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.</p> <p>The applicant is seeking to:</p> <ol style="list-style-type: none"> 1. Play recorded music "indoors" Monday to Sunday from 11:00 to 22:00 hours 2. Supply of alcohol be for consumption "on the premises" Monday to Sunday from 11:00 to 22:00 hours <p>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 representation:</p> <ol style="list-style-type: none"> 1. The playing of recorded music and the hours requested may have the likely effect of causing an increase in Public Nuisance within the Queensway/Bayswater Cumulative Impact area 2. The supply of alcohol and the hours requested may have the likely effect of increasing Public Nuisance and impact on Public Safety within the Queensway/Bayswater Cumulative Impact area <p>It is not clear why a restaurant seeking to provide alcohol ancillary to a meal would need recorded music. This risk of public nuisance arising from the playing of recorded music would be discussed further with applicant.</p> <p>It is my view that there is insufficient information to address the concerns of Environmental Health and 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 Queensway/Bayswater Cumulative Impact area</p> <p>The applicant is asked to contact the undersigned to arrange a site visit to assess the premises to ensure the premises is satisfactory and following this, additional conditions may be recommended by Environmental Health to support the licensing objectives Prevention of Public Nuisance and Public Safety.</p> | |
| Responsible Authority: | Licensing Authority |
| Representative: | Karyn Abbott |
| Received: | 4 October 2019 |
| <p>I write in relation to the application submitted for a new premises licence for 59 Westbourne Grove, 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</p> | |

the premises would promote the four Licensing Objectives:

- Public Nuisance
- Prevention of Crime & Disorder
- Public Safety
- Protection of children from harm

The application seeks the following:

- **Supply of Alcohol On Premises**

Monday to Sunday 11:00 to 22:00

- **Opening Hours to Public**

Monday to Sunday 11:00 to 23:00

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

At present, the operating hours applied for licensable activities currently fall outside of Westminster's core hours. The Licensing Authority encourages the applicant to reduce the commencement hour for Sale of Alcohol to 12:00hrs for Sunday so the application is in line with Westminster's Core Hours.

- **Supply of Alcohol On Premises**

Sunday 12:00 to 23:00

The Licensing Authority note that the operating schedule suggests the premises is a Restaurant serving tables meals and the Supply of alcohol is by way of Waiter/Waitress service only.

The Licensing Authority encourages the applicant to consider bringing the application in line with the Council's restaurant policy, RNT2. In order to do so, the Licensing Authority suggests the applicant considers the below condition to replace the 'Supply of alcohol is by way of Waiter/Waitress service only.'

The premises shall only operate as a restaurant

- (i) *in which customers are shown to their table,*
- (ii) *where the supply of alcohol is by waiter or waitress service only,*
- (iii) *which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,*
- (iv) *which do not provide any take away service of food or drink for immediate consumption*
- (v) *which do not provide any take away service of food or drink after 23.00,*
and
- (vi) *where alcohol shall not be sold 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.

The Licensing Authority note that on the plans there is an area which is marked 'Bar'. Is this area a servery or is it a bar where patrons can stand to drink?

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 Bayswater cumulative impact area, in accordance with policy CIP1.

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

Please accept this as a formal representation.

Response from the applicant to the Licensing Authority:

Thank you for your email.

I (as the applicant) confirm the following items as part of your objection and hopefully I can resolve the items mentioned.

I can confirm that I wish to change the supply of alcohol on the application to the following;

Supply of Alcohol On Premises

Monday to Saturday 11:00 - 22:00

Sunday 12:00 - 22:00

I would like to submit this change in order to comply with WCC Licensing Policy.

Furthermore, and again to comply with WCC Licensing Policy, I wish to add the following condition to the application including the wording below;

The premises shall only operate as a restaurant

- (i) in which customers are shown to their table,*
- (ii) where the supply of alcohol is by waiter or waitress service only,*
- (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,*
- (iv) which do not provide any take away service of food or drink for immediate consumption*
- (v) which do not provide any take away service of food or drink after 23.00, and*
- (vi) where alcohol shall not be sold 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.*

The last point that I would like to clarify regarding the bar area, this is an area used for waiters and waitresses only to collect alcohol and to bring/serve the customers seated at the tables with their table meal. Customers will under no circumstances be allowed to loiter within this area or be served alcohol.

I would also like to say that a gentleman from the planning office at Westminster visited the premises and stated to me that the forecourt at the front of the business is private. Can you please double check this with the planning department in case I have been misinformed.

Please do not hesitate to contact me if you have any further questions.

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| Responsible Authority: | Metropolitan Police Service (Withdrawn) |
| Representative: | PC Adam Deweltz |
| Received: | 7 October 2019 |

With reference to the above, I am writing to inform you that the Metropolitan Police, as a

Responsible Authority, are making a representation against this application.

The venue is situated within the Cumulative Impact Area. It is our belief that if granted the application would undermine the Licensing Objectives in relation to The Prevention of Crime and Disorder. I look forward to your prompt response. Many thanks.

I have been through the operating schedule and note the measures you will implement to promote the licensing objectives. Below I have listed some conditions the Police would like on the premises licence should it be granted. Please confirm if you agree to them.

1. *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.*
2. *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.*
3. *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.*
- 4) *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.*
- 5) *The premises shall only operate as a restaurant*
 - (i) in which customers are shown to their table,*
 - (ii) where the supply of alcohol is by waiter or waitress service only,*
 - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,*

(iv) which do not provide any take away service of food or drink for immediate consumption,

(v) which do not provide any take away service of food or drink after 23.00, and

(vi) where alcohol shall not be sold 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.

I look forward to your prompt response.

Response from the applicant to the Metropolitan Police Service:

Thank you for your email and the concerns raised.

As stated in the application, it is my intention to operate a quiet business in the form of a restaurant and the prevention of crime and disorder is a high priority for me personally and for that of my customers. As you will note from the application, it was always my intention to have CCTV and an alcohol policy of over 25 added to the licence as standard.

I agree to any conditions and control measures that you and the Police Licensing Team propose should be added to the premises licence.

Please do not hesitate to contact me or visit the business if you have any further questions or concerns.

Following the applicant accepting the conditions, the Metropolitan Police Service withdrew their representation on the 15 October 2019.

| 2-B Other Persons | |
|--|--|
| Name: | [REDACTED] |
| Address and/or Residents Association: | [REDACTED] [REDACTED] [REDACTED] |
| Received: | 29 September 2019 |
| Will this mean more delivery bikes, we are infested with them already do we need another noisy bar/restaurant playing music with groups congesting the pavements. The vast majority of westbourne grove is residential something that the council seems to ignore. The council as it stands cannot control the motor bikes/the refuse/street cleaning/ illegal parking and you want to add to the problem. the 11pm finish which in a few months they will want an extension to 12am and latter after that an extension to 1am that is how it works. | |
| Name: | [REDACTED] |
| Address and/or Residents Association: | [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] |
| Received: | 7 October 2019 |
| The [REDACTED] | |

██████████ wish to lodge an objection to this application.

The premises are situated within the WCC 'Queensway/ Bayswater Stress Area' and as many residents live in Queensway & Westbourne Grove as well as in the surrounding area and we are concerned as to potential noise and nuisance etc in the area as well as potential for crime and disorder.

We object to hours applied for on Sunday as WCC 'Core Hour policy' is for sale of alcohol to be from noon.

We note no 'off sales' applied for.

The plan show that the forecourt in front of No 59 is private but it is our understanding that it is public highway and any proposed tables & chairs on this area would require planning consent and a Tables & Chairs highways licence

We believe that there is no ventilation shaft (for discharging cooking smells etc) running from premises to the top of building to allow for primary cooking on the premises but no doubt WCC Environmental Health department will check this out.

We understand that the premises are to run as a restaurant but we would want standard conditions that alcohol to be ancillary to main meal and to persons seated with waiter / waitress service at all times.

We also would want standard CCTV conditions, no noise or odour emanating from premise affecting nearby flats, delivery hours controlled to say only between 0800 and 20.00 with Sundays & Bank Holidays 10.00 to 18.00.

We would also want no refuse or recycling collections to take place between midnight and 08 00.

Other model conditions required such as notices displayed asking customers to leave quietly, Challenge 25 etc.

As always we are more than happy to meet up with the application and/or their agent to discuss their application and are content for this email setting out our concerns and contact details to be forward onto to them

3. Policy & Guidance

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| 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 | <p>(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.</p> <p>(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas</p> |
| Policy RNT2 applies | <p>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.</p> |

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

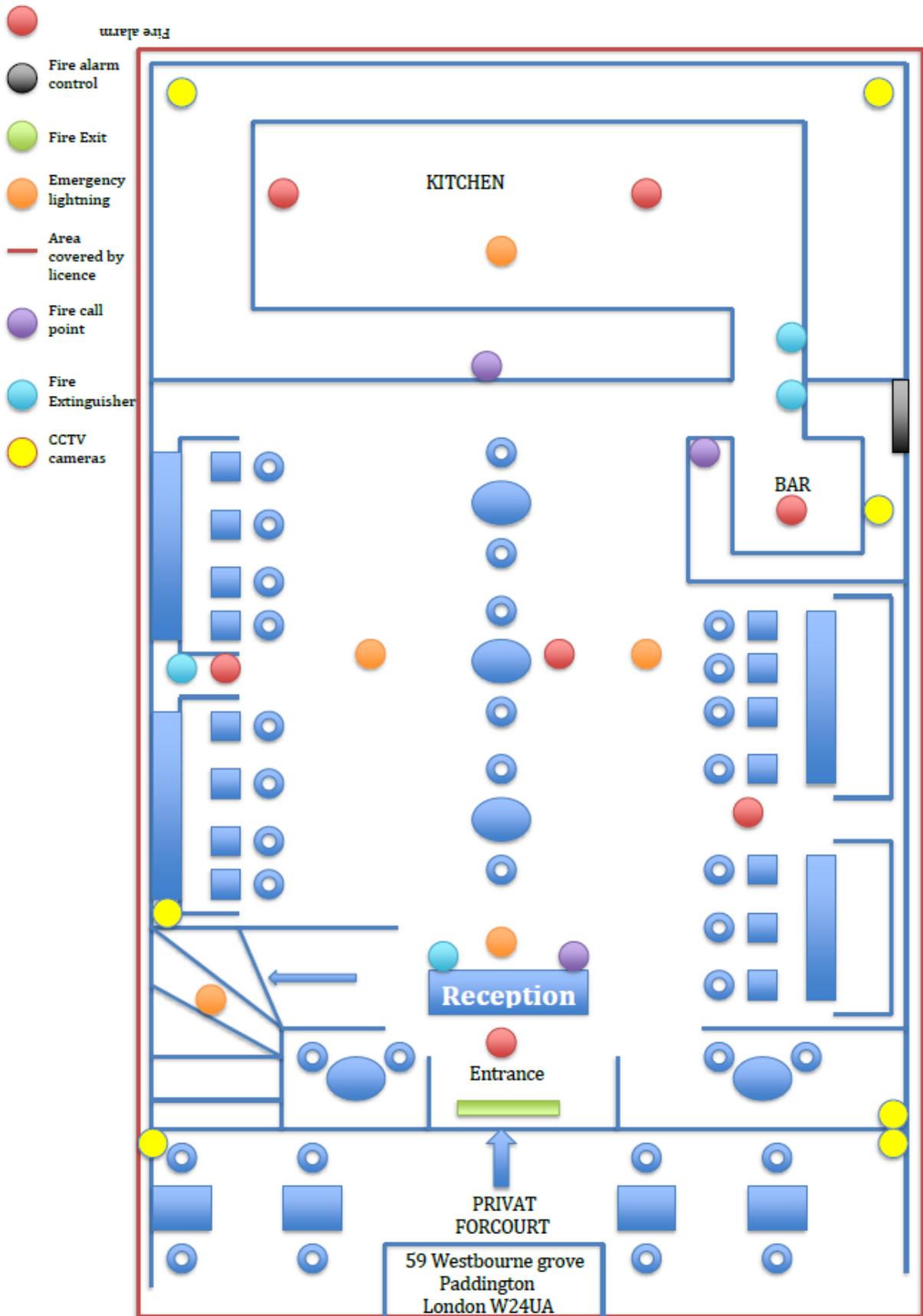
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| Appendix 1 | Premises plans |
| Appendix 2 | Applicant supporting documents |
| Appendix 3 | Premises history |
| Appendix 4 | Proposed conditions |
| Appendix 5 | Residential map and list of premises in the vicinity |

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| Report author: | Michelle Steward Senior Licensing Officer |
| Contact: | Telephone: 0207 641 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

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|----------|---|------------------------------|
| 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 | Environmental Health Service | 7 October 2019 |
| 5 | Licensing Authority | 4 October 2019 |
| 6 | Metropolitan Police Service (<i>Withdrawn</i>) | 7 October 2019 |
| 7 | Representation 1 | 29 September 2019 |
| 8 | Representation 2 | 7 October 2019 |



Applicant Supporting Documents

Appendix 2

None

Premises History

Appendix 3

There is no licence or appeal history for the premises.

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

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

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

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

Mandatory Conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (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. Premises Licence holder will provide a dedicated telephone number to residents and local residents association.
10. All members of staff are trained and experienced in Licensing Act 2003 requirements.
11. All tills automatically prompt staff to ask for ID verification when alcohol is requested through sales.
12. There shall be no draught beer available.
13. Staff will ensure that sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers or general public in the area immediately outside the premises and that the area will be swept and washed regularly.
14. Entrance door and window(s) to be kept closed daily after 2100hrs.
15. All speakers for the purpose of background music will be filtered through a noise limiter.
16. A notice will be displayed at the exit of the premises requesting customers leave quietly.
17. Customers wishing to smoke outside the premises will be restricted to no more than five persons at a time and will not be allowed to take drinks or glass containers outside.
18. All waste shall be properly presented and placed out for collection no more than 30 minutes before the scheduled collection times.
19. No waste or recyclable material, including bottles, shall be moved from or placed in areas that will cause public nuisance to residents during operating times.
20. Children will not be served alcohol under any circumstances.

Conditions proposed by the Police and accepted by the applicant so as to form part of the operating schedule:

21. 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.
22. 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.
23. 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.
24. 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.

Conditions proposed by the Licensing Authority and the Metropolitan Police Service and accepted by the applicant so as to form part of the operating schedule:

25. The premises shall only operate as a restaurant

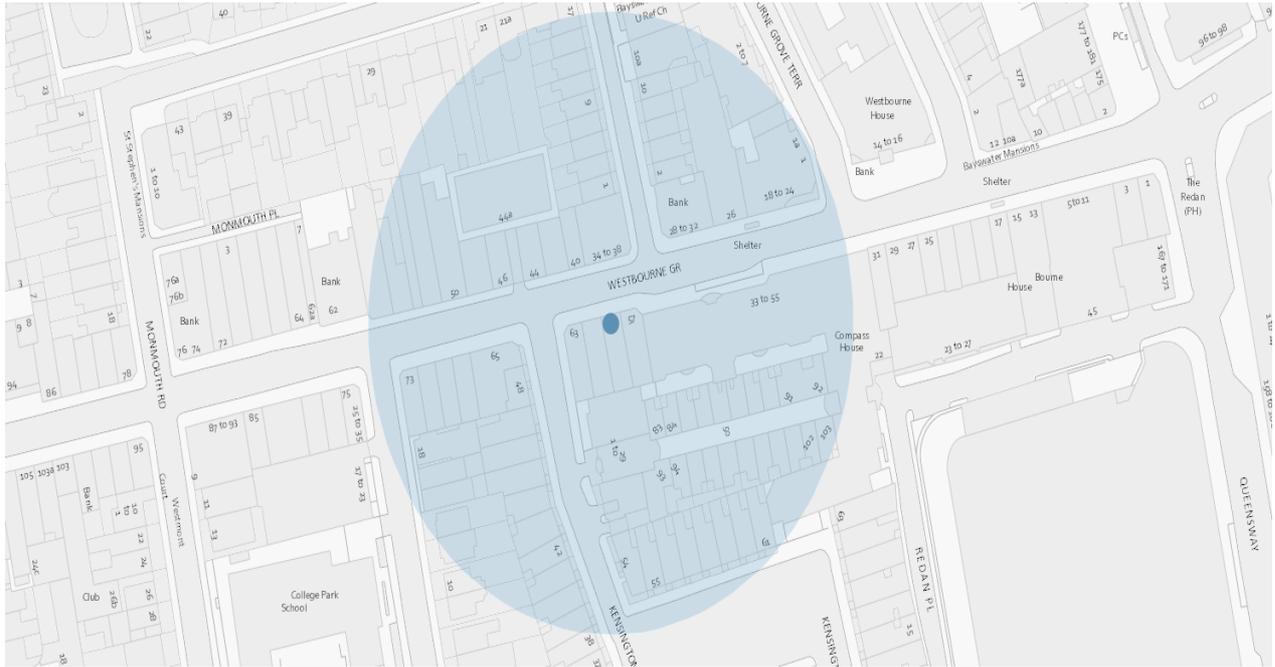
- (i) in which customers are shown to their table,
- (ii) where the supply of alcohol is by waiter or waitress service only,
- (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
- (iv) which do not provide any take away service of food or drink for immediate consumption,
- (v) which do not provide any take away service of food or drink after 23.00, and
- (vi) where alcohol shall not be sold 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.

Conditions proposed by the Environmental Health so to form part of the operating schedule:

- 27. 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
- 28. All tables and chairs shall be removed from the outside area by 23.00 hours each day
- 29. All windows and external doors shall be kept closed after 21:00 hours except for the immediate access and egress of persons
- 30. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
- 31. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 5 persons at any one time
- 32. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly
- 33. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity

34. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times
35. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 08.00 hours on the following day
36. No deliveries to the premises shall take place between 23.00 hours and 08.00 hours on the following day
37. The number of persons permitted in the premises at any one time (including staff) shall not exceed (X) persons
38. 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
39. No collections of waste or recycling materials (including bottles) from the premises shall take place between **23.00** hours and **08.00** hours on the following day.
40. 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
41. 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
42. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
43. Before the premises open to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority
44. No licensable activities shall take place at the premises until the premises has 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



Resident Count: 397

| Premises within 75 metres of 59 Westbourne Grove, London, W2 4UA | | | | |
|--|--------------------------|--|--------------------------------|---|
| Licence Number | Trading Name | Address | Premises Type | Time Period |
| 10/07844/LIPV | The American Diner | 57 Westbourne Grove London W2 4UA | Restaurant | Monday to Saturday; 10:00 - 01:30 Sunday; 12:00 - 00:00 |
| 19/02261/LIPDPS | Nandos | 63 Westbourne Grove London W2 4UA | Restaurant | Monday to Saturday; 10:00 - 23:30 Sunday; 12:00 - 23:00 |
| 19/07781/LIPT | Planet Organic | Ground Floor 42 Westbourne Grove London W2 5SH | Shop | Monday to Saturday; 08:00 - 23:00 Sunday; 10:00 - 22:30 |
| 08/07525/LIPN | Alounak | 44 Westbourne Grove London W2 5SH | Restaurant | Monday to Saturday; 12:00 - 00:00 Sunday; 12:00 - 23:30 |
| 07/02430/LIPDU | Shakespeare Public House | 65 Westbourne Grove London W2 4UJ | Not Recorded | |
| 18/13806/LIPDPS | 65 | 65 Westbourne Grove London W2 4UJ | Public house or pub restaurant | Monday to Saturday; 09:00 - 00:30 Sunday; 11:30 - 00:00 |

| | | | | |
|-----------------|------------------------|--|------------|---|
| 16/06297/LIPDPS | Caspian | 67 Westbourne Grove London W2 4UJ | Shop | Monday to Saturday; 10:00 - 23:00 Sunday; 10:00 - 22:30 |
| 19/11431/LIPDPS | Gourmet Burger Kitchen | 50 Westbourne Grove London W2 5SH | Restaurant | Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00 |
| 18/05640/LIPDPS | Chojo | Basement And Ground Floor 16 Garway Road London W2 4NH | Shop | Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00 |
| 16/09366/LIPVM | C & R Izakaya | 52 Westbourne Grove London W2 5SH | Restaurant | Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00 |