

# Licensing Sub-Committee Report

Item No:	
Date:	13 February 2020
Licensing Ref No:	19/16744/LIPN - New Premises Licence
Title of Report:	Lime Tree Hotel 135 - 137 Ebury Street London SW1W 9QU
Report of:	Director of Public Protection and Licensing
Wards involved:	Warwick
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Jessica Donovan Senior Licensing Officer
Contact details	Telephone: 020 7641 7654 Email: <a href="mailto:jdonovan@westminster.gov.uk">jdonovan@westminster.gov.uk</a>

1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	11 December 2019 Valid: 16 December 2019		
<b>Applicant:</b>	Lime Tree Hotel Limited		
<b>Premises:</b>	Lime Tree Hotel		
<b>Premises address:</b>	135 - 137 Ebury Street London SW1W 9QU	<b>Ward:</b>	Warwick
		<b>Cumulative Impact Area:</b>	None
<b>Premises description:</b>	This is an application for a new premises which intends to operate as a 25 Bedroom Bed and Breakfast hotel.		
<b>Premises licence history:</b>	This is a new premises application and therefore no premises licence history exists.		
<b>Applicant submissions:</b>	There are no submission from the applicant.		

Sale by retail of alcohol				On or off sales or both:			On
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
<b>Start:</b>	00:00	00:00	00:00	00:00	00:00	00:00	00:00
<b>End:</b>	23:59	23:59	23:59	23:59	23:59	23:59	23:59
<b>Seasonal variations/ Non-standard timings:</b>		None					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
<b>Start:</b>	00:00	00:00	00:00	00:00	00:00	00:00	00:00
<b>End:</b>	23:59	23:59	23:59	23:59	23:59	23:59	23:59
<b>Seasonal variations/ Non-standard timings:</b>		None					

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Environmental Health
<b>Representative:</b>	Anil Drayan
<b>Received:</b>	9 January 2020
<p>I refer to the application for a new Premises Licence for the above premises.</p> <p>The following plans have been submitted showing the premises and licensable areas:</p> <ul style="list-style-type: none"><li>• Basement, Rev P01, dated 27.09.2019</li><li>• Ground Floor, Rev P01, dated 27.09.2019</li><li>• First Floor, Rev P01, dated 27.09.2019</li><li>• Second Floor, Rev P01, dated 27.09.2019</li><li>• Third Floor, Rev P01, dated 27.09.2019</li></ul> <p><b>The applicant is seeking the following licensable activities:</b></p> <ol style="list-style-type: none"><li>1. Supply of Alcohol 'on' the premises from 00:00 to 23:59 hours Monday to Sunday.</li></ol> <p><b>I wish to make the following representations based on the plans and operating schedule submitted:</b></p> <ol style="list-style-type: none"><li>1. The Supply of Alcohol and for the hours requested may have the effect of causing Public Nuisance in the area.</li></ol> <p><b>Environmental health also makes the following further comments:</b></p> <ul style="list-style-type: none"><li>• An extensive list of undertakings has been offered in the operating schedule some of which will need to be converted into enforceable conditions</li><li>• Clarification is requested on the use of any outside area, e.g. terrace and garden, particularly with regards to preventing Public Nuisance</li><li>• The food preparation/cooking facilities will need to be assessed in order to evaluate whether Public Nuisance may arise from cooking odour and/or noise from the operation of any plant and machinery.</li><li>• In addition, it is unclear if the premises has already been constructed for the proposed use - it will in any case need to be inspected for Public Safety prior to commencement of licensable activities. This may involve assigning a safe capacity at the premises.</li></ul> <p>The applicant is therefore requested to contact the undersigned to discuss the above issues and arrange a site visit after which Environmental Health may propose additional conditions for the proposed use.</p>	
<b>Responsible Authority:</b>	Metropolitan Police Service ( <i>Withdrawn 17 January 2020</i> )
<b>Representative:</b>	PC Dave Morgan
<b>Received:</b>	6 January 2020

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.

This is due to there not being enough information within the Operating Schedule to promote the Licensing Objectives.

So we can move forward, can you please assist me with a couple of queries.

It states in the operating schedule, that after 2300 hours, the sale of alcohol is only for consumption by the residents or their bona-fide guests or to non-residents attending pre-booked events.

Can you please confirm to following:

1. Will non-residents be permitted to use the hotel bar/restaurant/outside terrace before 2300 hours?
2. How many bona-fide guests will be allowed per resident?
3. What will be the nature of the pre-booked events and will there be a maximum number of non-residents allowed on site?

**Following agreement of additional conditions, the Metropolitan Police Withdrew their representation on 17 January 2020.**

## 2-B Other Persons

Name:

██████████

Address and/or Residents Association:

██████████  
██████████

Status:

Valid

In support or opposed:

Opposed

Received:

11 January 2020

My ██████████ since 2016. We have really enjoyed living in such a vibrant, busy neighbourhood and accept the inevitable shortcomings that come with this.

However, we have routinely suffered with anti-social behaviour at night through noisy inebriated groups passing ██████████ on their way home from the numerous drinking establishments in the area, or sometimes even congregating outside the various hotels on the street. Considering that a large number of the houses on ██████████ have Listed status and are not permitted double glazing, this problem is made even more intolerable.

And so, it was with great concern that we learnt that the Lime Tree Hotel has applied for a 24-hour licence to sell alcohol for consumption on the premises. We were previously aware of the hotel's application to run a café open to the public which we have no objection to as the opening hours seem reasonable, however a 24-hour alcohol licence could cause serious headache for the people living in neighbouring properties. The fact that the licence also covers the property's garden and terrace could bring further issues. There is a lack of information as to what the 24-hour alcohol licence would cover, i.e. would it just be consumption limited to the hotel bedrooms; will there be a staffed bar with drinks served by waiter/waitresses; will food be provided with alcohol (the opening hours of the café do not seem to suggest this); will drinkers be permitted to use the outside spaces of the property;

how the hotel will prevent the very real possibility of public nuisance if consumption is not restricted just to the hotel rooms.

This uncertainty leads us to feel very strongly about the granting of such a licence. If a licence were permitted, we would want assurances from the hotel that neighbours would be protected from any noise that could be created. This would involve but not be limited to windows and doors being closed after.

**Name:** [REDACTED] (*Withdrawn 01 February 2020*)

**Address and/or Residents Association:** [REDACTED],  
[REDACTED],  
[REDACTED]

**Status:** Valid **In support or opposed:** Opposed

**Received:** 2 January 2020

I strongly oppose to an alcohol licence being granted to the Lime Tree Hotel for use in their garden and terrace as this is a [REDACTED] area. We do not need more licences granted as there are at least 30 establishments within the radius of a block of the hotel Which hold alcohol licences, including Eccleston Yard, with Jones Family having an outdoor dining area. Already three establishments at the junction of Elizabeth and Ebury Streets have licences and a fourth is in the pipeline with the development at 142 Ebury Street.

I particularly oppose the premise being open to non-residents as it will attract a wider clientele which will create more noise with customers eventually piling out of the hotel at unsociable hours. Hours should be stringently restricted to 10:30pm if this application does go through.

***Following agreement of additional conditions, the objector withdrew their representation on 01 February 2020.***

**Name:** [REDACTED] (*Withdrawn 29 January 2020*)

**Address and/or Residents Association:** [REDACTED],  
[REDACTED],  
[REDACTED]

**Status:** Valid **In support or opposed:** Opposed

**Received:** 2 January 2020

While a licence to serve alcohol to RESIDENTS at this Hotel may be justified, I object strongly to it being opened up to NON -RESIDENTS.

There already are too many licensed premises around the junction of Elizabeth Street/Ebury Street and a further one cannot be justified.

In addition, the consumption of alcohol on the terrace and in the garden to RESIDENTS until 23.59 is unacceptable from a noise point of view in this Residential Area. It should be restricted to 22.30.

If a licence is to be granted, the sale of alcohol must be restricted to Bona Fide RESIDENTS.

***Following agreement of additional conditions, the objector withdrew their representation on 29 January 2020.***

**Name:** [REDACTED]

**Address and/or Residents Association:** [REDACTED] WS  
[REDACTED]

<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	30 December 2020		
<p>I am writing to making a relevant representation under s18 Licensing Act 2003 in respect of the application 19/16744/LIPN . The application states that there is an interest in selling alcohol on the premises 24 hours a day. Consumption post 11 pm would be by residents and non-residents attending pre booked events.</p> <p>I would like to object on the basis that the licensing objectives will not be able to prevent instances of 'public nuisance'.</p> <p>██████████. The street parallel to (and directly behind) Ebury Street. The area is currently very noisy in the evenings because of traffic of people leaving the Cubitt, the numerous restaurants in the area, and the seemingly never ending road closures for road and building works.</p> <p>My biggest issue is the relatively vague language around the sale of alcohol at private events during the 24 hour period, and also the fact that these areas are open to non-residents. They refer to a cafe and a terrace and a garden. But it is unclear, as yet, which areas will be holding 'private events' whereby all members of the public can access these areas at any point of a 24 hour day.</p> <p>Given our experience with the Cubitt, the chain of Olivo restaurants, the previous Ebury Wine bar, we could like to ensure that the following points are safeguarded:</p> <ol style="list-style-type: none"> <li>1. Windows and Doors open to the any outdoor areas should be shut by 9 pm at night. Any outdoor functions on the terrace should also be limited to 9 pm. (Noise travels upwards in these enclosed areas as evidenced by us living directly behind the hotel on Ebury Street).</li> <li>2. The constant stream of smokers coming and in and out of the main doors need to be monitored. And the hotel should be responsible for cleaning up all butt ends daily. Also, smokers should not be allowed to bring in their drinks with them in and out of the building.</li> <li>3. Supply of alcohol should be limited to waitress service. (Obviously apart from mini bars).</li> <li>4. The licensable activities should be limited to restricted areas (those marked as cafe) on the plan.</li> <li>5. If a license is to be allowed at the Lime Tree Hotel, the Council would be wise to look at the old Ebury Wine bar (directly adjacent to the hotel) as well as the old Bank premises (directly across the street) and think about whether we actually need 3 licensable areas in that close quarters to each other . This is really an issue for residents who already suffer tremendously when it comes to 1030/11 pm time when people are extremely noise (and usually drunk/tipsy) when leaving the area and make a lot of noise whilst standing on the street.</li> </ol> <p>Is there a way to limit the outdoor consumption of alcohol in the garden to 9 pm at night instead of midnight?</p>			

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<b>Policy HRS1 applies</b>	<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><b>For premises for the supply of alcohol for consumption on the premises:</b></p> <p>Monday to Thursday: 10:00 to 23:30</p> <p>Friday and Saturday: 10:00 to midnight</p> <p>Sundays immediately prior to Bank Holidays: Midday to midnight</p> <p>Other Sundays: Midday to 22:30</p>
<b>Policy HOT1 applies</b>	<p>Subject to the effect on the promotion of the licensing objectives and other relevant policies in this Statement, premises licences for hotels will generally be granted so that:</p> <p>(a) Alcohol is permitted to be sold at any time to people staying in hotel rooms for consumption on the premises.</p> <p>(b) The hours of serving of alcohol to the general public will be subject to conditions limiting the sale of alcohol after a specified time to those attending pre-booked events held at the hotel,</p> <p>(c) The exhibition of film, in the form of recordings or non-broadcast television programmes to be viewed in hotel bedrooms, will generally be permitted.</p>
<b>Policy PB1 applies</b>	<p>Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.</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, Marriage and Civil Partnership 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>	Miss Jessica Donovan Senior Licensing Officer
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**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 Representation	9 January 2020
<b>5</b>	Metropolitan Police Service Representation <i>(Withdrawn)</i>	6 January 2020
<b>6</b>	Representation 1	11 January 2020
<b>7</b>	Representation 2 <i>(Withdrawn)</i>	2 January 2020
<b>8</b>	Representation 3 <i>(Withdrawn)</i>	2 January 2020
<b>9</b>	Representation 4	30 December 2019











**Submission provided by Richard Brown on behalf of the objectors following Appendix 2 the agreement of conditions**

The amendments do not at this stage go far enough to meet the concerns expressed in my clients' representations. [REDACTED] representation set out a comprehensive list of the concerns, and a list of her proposed conditions (endorsed by my other clients). The majority of the conditions proposed at this stage by the applicant do not address these concerns.

To recap, the representation from [REDACTED] pointed out that the application '*does not give us a full picture of the proposed operation of the premises particularly for i) members of the public pre-11pm; ii) private events.*' This remains the case.

I have prepared a table below which sets out a) the concern raised/condition proposed by [REDACTED] and b) whether and where the concern raised/condition proposed has been satisfied by the applicant.

Concern raised	Resolved by applicant?
'The application form itself does not refer to a bar as such, not (sic) does the licence plan show a bar...Presumably licensable activities for members of the public will take place in the café?'	No.
'Will there be food provided with alcohol, in keeping with the description as a 'café'?'	No. Food would only be 'available'.
'Sale of alcohol for consumption on the premises is sought 24 hours a day. After 11pm, consumption of alcohol is only by residents or their bona fide guests or to non-residents attending pre-booked events...It is also not clear whether after these times alcohol would only be sold in bedrooms i.e. at minibars, or whether a bar (albeit a bar is not marked on the plan) would be provided for hotel residents and their bona fide guests?'	No, although timing amended to 10pm Mon-Sat, excluding those attending a private function and hotel residents/bona fide guests of hotel residents.
'I am not clear from the application to why the applicant seeks a licence for the public/ what the nature of it will be for public, what events will be and where they will take place etc'	No.

<p>'The licence plans show a terrace and a garden. These areas are not covered in any proposed conditions and the terrace and garden would be included within whatever hours may be granted the licence.'</p>	<p>Consumption of alcohol to be limited to 2100 Mon-Sun in the garden.</p> <p>There is no mention of the terrace.</p>
<p>'Planning permission ref: 19/05352/FULL was granted for '...use of existing hotel dining area to be used as an ancillary independent café during the day.' Condition 4 of this permission states that 'Non-hotel guests shall not be permitted to use the ancillary café before 07.30 or after 18.00 daily.'...It is unclear why the applicant sees fit to seek to stay open for members of the public to a much later hour...'</p>	<p>No.</p>
<p>'...there is a lack of detail and information in the application to enable me to take an informed view of the extent to which this would cause a nuisance. My feeling is that the terminal hour is too late.'</p>	<p>No.</p>
<p>'I am particularly concerned about the reference to 'private events'.'</p>	<p>No.</p>
<p style="text-align: center;"><b>Condition proposed</b></p>	
<p>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.</p>	<p>No.</p>
<p>All windows and external doors shall be kept closed after (21:00) hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.</p>	<p>No.</p>
<p>Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.</p>	<p>No.</p>

<p>Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 2 persons at any one time.</p>	<p>Yes re: the front of the hotel.  Situation unclear in terrace/garden.</p>
<p>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.</p>	<p>No.</p>
<p>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.</p>	<p>No.</p>
<p>The supply of alcohol shall be by waiter or waitress service only.</p>	<p>Yes.</p>
<p>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.</p>	<p>Yes.</p>
<p>The licensable activities authorised by this licence and provided at the premises to members of the public shall be restricted to the area marked as 'café' on the licence plan, and be ancillary to the main function of the premises as a hotel.</p>	<p>No.</p>

The applicant has assured residents that 'it is important to maintain a good relationship with them...' and not 'have a negative impact on the community.'

This statement is of course welcome, but more information on the nature of the licensable activities to be provided is required. As can be seen above, there are many points which the applicant has not yet addressed. In particular, the terminal hour for sale of alcohol to the public (which, as noted above, is much later than the planning permission), and the nature, extent and frequency of 'private events' remain to be addressed.

## **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. The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.
- 10. The sale of alcohol after 23:00 is only for consumption by residents or their bona-fide guests or to non-residents attending pre-booked events

11. 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.
12. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
13. Children under the age of 16 shall not be permitted to enter the premises after 21:00 unless dining with an adult or attending a pre booked function or resident in the hotel.
14. Consumption of alcohol in the garden to be limited to 21:00 every day of the week.
15. All beverages to be served by trained waiting staff who have authority to serve and will ensure that the conditions of the licence and objectives of the Licencing Act are upheld.
16. No guests are to be permitted to smoke or take their beverages outside the front of the hotel.
17. Any private functions that take place MUST include the service of substantial food and substantial food must be available to purchase to all residents and non-residents during the times within which the supply of alcohol is permitted.
18. The sale of alcohol to non-residents will be limited to 22:00 Monday-Saturday excluding those attending a private function and the bona-fide as a guest of hotel residents

#### **Conditions proposed by the Environmental Health**

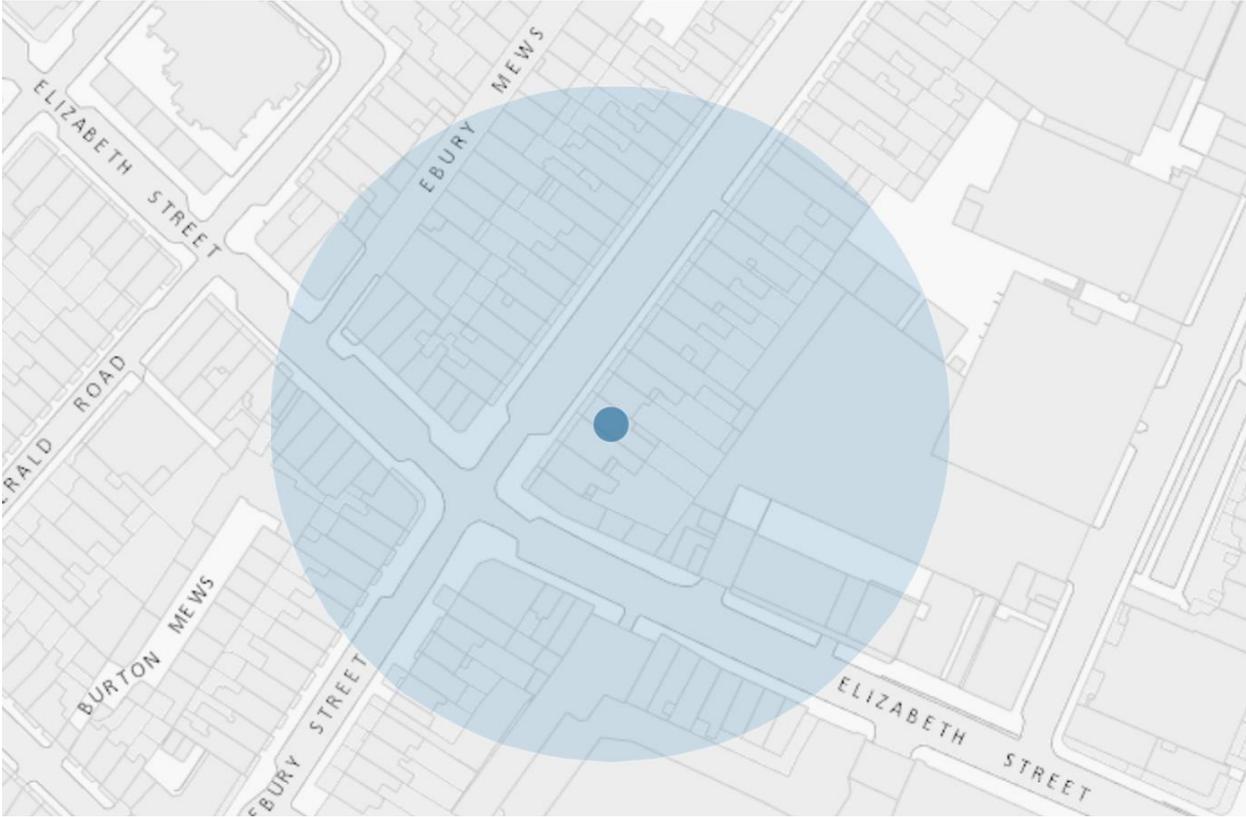
19. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
20. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
21. 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.
22. 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.

#### **Conditions proposed by the Metropolitan Police and agreed with the applicant so as to form part of the operating schedule.**

23. 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.
24. 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.

25. 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, searching equipment or scanning equipment
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service.
26. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
27. With the exception of the residents and their bona fide guests (up to a maximum of four (4) people per room) or non-residents attending pre-booked events, no alcohol shall be consumed after the permitted terminal hour for the supply of alcohol which will be restricted to 10:00 to 22:00 hours Monday to Saturday and 10:00 to 22:30 on Sundays for non-hotel guests.
28. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.



Resident Count: 122

**Licensed premises within 75 Metres of 135 - 137 Ebury Street, London, SW1W 9QU**

<b>Licence Number</b>	<b>Trading Name</b>	<b>Address</b>	<b>Premises Type</b>	<b>Time Period</b>
18/03349/LIPT	Ebury Wine Bar	139 Ebury Street London SW1W 9QU	Wine bar	Monday to Saturday; 10:00 - 23:30   Sunday; 12:00 - 22:30
09/04704/LIPRW	Tom Tom Coffee House	114 Ebury Street London SW1W 9QD	Shop	Monday to Sunday; 08:00 - 21:00
18/10004/LIPT	Il Convivio	143 Ebury Street London SW1W 9QN	Restaurant	Monday to Thursday; 10:00 - 00:00   Friday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 23:00
19/01960/LIPDPS	Sainsburys	14 - 20 Elizabeth Street London SW1W 9RB	Food store	Monday to Sunday; 00:00 - 00:00
15/07341/LIPDPS	Peggy Porschen Cakes	Basement And Ground Floor 116 Ebury Street London SW1W 9QQ	Cafe	Monday to Sunday; 08:00 - 21:00
18/06841/LIPN	50M	14 - 15 Eccleston Yard City Of Westminster London SW1W 9AZ	Shop	Monday to Wednesday; 11:00 - 19:30   Thursday to Saturday; 11:00 - 23:30   Sunday; 11:00 - 18:30   Sundays before Bank Holidays; 11:00 - 23:30
18/01050/LIPN	Not Recorded	147 Ebury Street London SW1W 9QN	Hairdresser or beauty salon	Monday; 09:00 - 22:00   Tuesday; 09:00 - 22:00   Wednesday; 09:00 - 22:00   Thursday; 09:00 - 23:00   Friday; 09:00 - 23:00   Saturday; 09:00 - 21:00   Sunday; 10:00 - 17:00
06/12030/WCCMAP	Friar Inn Fish Restaurant	Ground Floor 21 Elizabeth Street London SW1W 9RP	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00

19/11536/LIPVM	Belgravia Traders Association	Elizabeth Street London	Miscellaneous	Tuesday; 18:00 - 23:00   Tuesday to Thursday; 18:00 - 23:00   Wednesday; 18:00 - 23:00   Thursday; 18:00 - 23:00   Saturday; 11:00 - 18:00   Sunday; 11:00 - 18:00
14/06024/LIPDPS	Oliveto Restaurant	49 Elizabeth Street London SW1W 9PP	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
19/10251/LIPDPS	The Thomas Cubitt	44 Elizabeth Street London SW1W 9PA	Public house or pub restaurant	Monday to Saturday; 10:00 - 23:30   Sunday; 12:00 - 22:30