

Licensing Sub-Committee Report

Item No:	
Date:	6 August 2020
Licensing Ref No:	20/04489/LIPN - New Premises Licence
Title of Report:	Olivier's Bakery and Kitchen 71 Great Portland Street London W1W 7LR
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:	Kevin Jackaman Senior Licensing Officer
Contact details	Telephone: 020 7641 6500 Email: kjackaman@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	9 June 2020		
Applicant:	Oliviers Bakery Great Portland St Limited		
Premises:	Olivier's Bakery and Kitchen		
Premises address:	71 Great Portland Street London W1W 7LR	Ward:	West End
		Cumulative Impact Area:	None
Premises description:	<p>According to the application form the premises will operate as a bakery/café. During the day the premises will be providing a cafe experience consisting of freshly baked bread, pastries as well as coffee, and juices.</p> <p>In the evening, the premises intend to offer a carefully selected variety of wines, beers, and cocktails to either be drunk at our small exclusive bar or alongside our sit down dining experience with food available at all times.</p>		
Premises licence history:	This is an application for a new premises licence and therefore has no licence history.		
Applicant submissions:	Olivier's Bakery and Kitchen is the first retail unit of award-winning Master French Baker from Borough Market, Olivier Favrel.		

1-B Proposed licensable activities and hours							
Sale by retail of alcohol				On or off sales or both:			On the premises
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	12:00
End:	23:30	23:30	23:30	23:30	00:00	00:00	22:30
Seasonal variations/ Non-standard timings:			None				

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	07:30	07:30	07:30	07:30	07:30	07:30	07:30
End:	23:30	23:30	23:30	23:30	00:00	00:00	22:30
Seasonal variations/ Non-standard timings:			None				
Adult Entertainment:			None				

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Service
Representative:	Anil Dryan
Received:	3 July 2020
<p>I refer to the application for a new Premises Licence for the above premises.</p> <p>The following plans of the premises have been submitted:</p> <ul style="list-style-type: none">• Basement, ref 1006-001-003• Ground Floor, ref 1005-001-003 <p>The applicant is seeking the following licensable activities:</p> <ol style="list-style-type: none">1. Supply of alcohol 'On' the premises on Mon to Thurs, 10:00 to 23:30 hours, Fri and Sat, 10:00 to 00:00 and Sun 12:00 to 22:30 <p>I wish to make the following representations based on the plans and operating schedule submitted:</p> <ol style="list-style-type: none">1. The Supply of Alcohol and for the hours requested may have the effect of increasing Public Nuisance in the area. <p>Environmental Health also makes the following further comments:</p> <ul style="list-style-type: none">• Some conditions have been offered in the operating schedule and these are under consideration as to whether they there are sufficient to allay Environmental Health concern• It is unclear if the premises has already been constructed for the proposed use and will in a case need to be inspected for Public Safety prior to commencement of any licensable activ• 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.• The provision of sanitary accommodation for any proposed capacity is recommended to be line with at least the minimum requirements as set out in British Standard 6465 and in compliance with guidance to Food Hygiene legislation. <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>	

2-B Other Persons	
Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]
Received:	4 July 2020
<p>There is already a great deal of noise nuisance as a result of bars and clubs along Great Portland Street and Little Portland Street. This unnecessary license will just cause more of the same. People standing outside smoking with their drink (and they will take them outside as they do everywhere else in the area) drunkenness on the streets, with concomitant noise, and illegal taxis touting for business.</p> <p>The result of these licensed premises is disturbance for the residents in the area and a great deal of noise and rubbish. Why do people need to drink alcohol at a bakery?</p>	
Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Received:	28 June 2020
<p>Our association objects to this application as it could lead to an increase in public nuisance in the area and have a negative impact on local residents. This application should be refused.</p> <p>However, it may be possible to agree conditions with the applicant to make it acceptable. We give our consent for the applicant or their legal representative to get in touch with us to discuss.</p>	

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 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 PB1 applies	Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1

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.

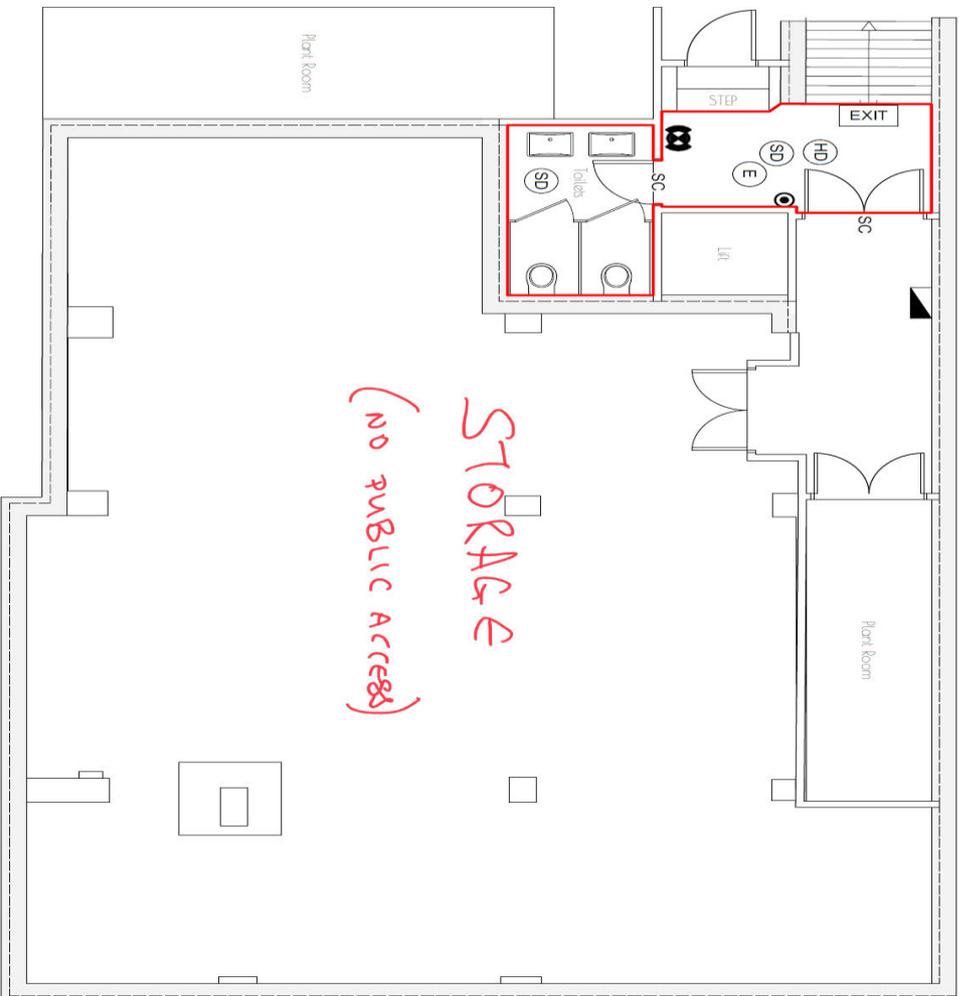
5. Appendices

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:	Kevin Jackaman Senior Licensing Officer
Contact:	Telephone: 020 7641 6500 Email: kjackaman@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	Environmental Health Service Representation	03 July 2020
5	Interested Party Representation (1)	04 July 2020
6	Interested Party Representation (2)	28 June 2020



CH
CH Basement = 2011

003 RF Studio - FIRE SAFETY Basement Plan
1:50 @A3

Key	Description	Tolerance
EXIT	Fire Alarm Panel To be fitted back to existing fire alarm panel	Maximum 10mm tolerance
EXIT	Initial & final 1500mm gap with fire alarm panel	Maximum 10mm tolerance
SD	Area covered by smoke detector (24000)	Maximum 10mm tolerance
E	Area to be covered by conventional emergency luminaires (24000)	Maximum 10mm tolerance
HD	Area covered by heat detector (24000)	Maximum 10mm tolerance
SC	Manual call point (24000)	Maximum 10mm tolerance
SC	Self-closing opening from fire to 20 minutes to comply with Building Regulations (24000)	Maximum 10mm tolerance
SC	Area covered by visible warning indicator (24000)	Maximum 10mm tolerance

Notes:
Do not scale from drawing - verify all dimensions before commencing work.
Report suspected discrepancies or omissions.
The Fire Safety plan is for indicative purposes only - this work is to be carried out by independent fire safety contractor survey and installation.

Positive Williams

LONDON

Recommending features: Studio	
Approved by:	Approved by:
Fire Safety basement floor plan	Fire Safety basement floor plan
ISO 9001 A3	ISO 9001 A3
WV	WV
NW	NW
003-004-003	003-004-003

Applicant Supporting Documents

Appendix 2

None submitted

There is no licence or appeal history for the premises.

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

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

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

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

Mandatory Conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

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

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

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

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

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -

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

Where -

- (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

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

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

Conditions consistent with the operating schedule

9. The premises shall 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.
10. A staff member from the premises who is conversant with the operation of the CCTV 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.
11. Signs will be located at the exits to the building to remind occupants that they should ensure that local residents are not disturbed by any licensable activity at the premises.
12. Signs will be provided reminding occupants that alcohol should only be supplied to persons over the age of 18.
13. The number of persons permitted in the licensed areas of the premises at any one time shall not exceed (x persons) excluding staff.
14. A Challenge 21 or 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.
15. 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.
16. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
17. 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.
18. 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.
19. All patrons to be seated at all times
20. Table service to be provided at all times.

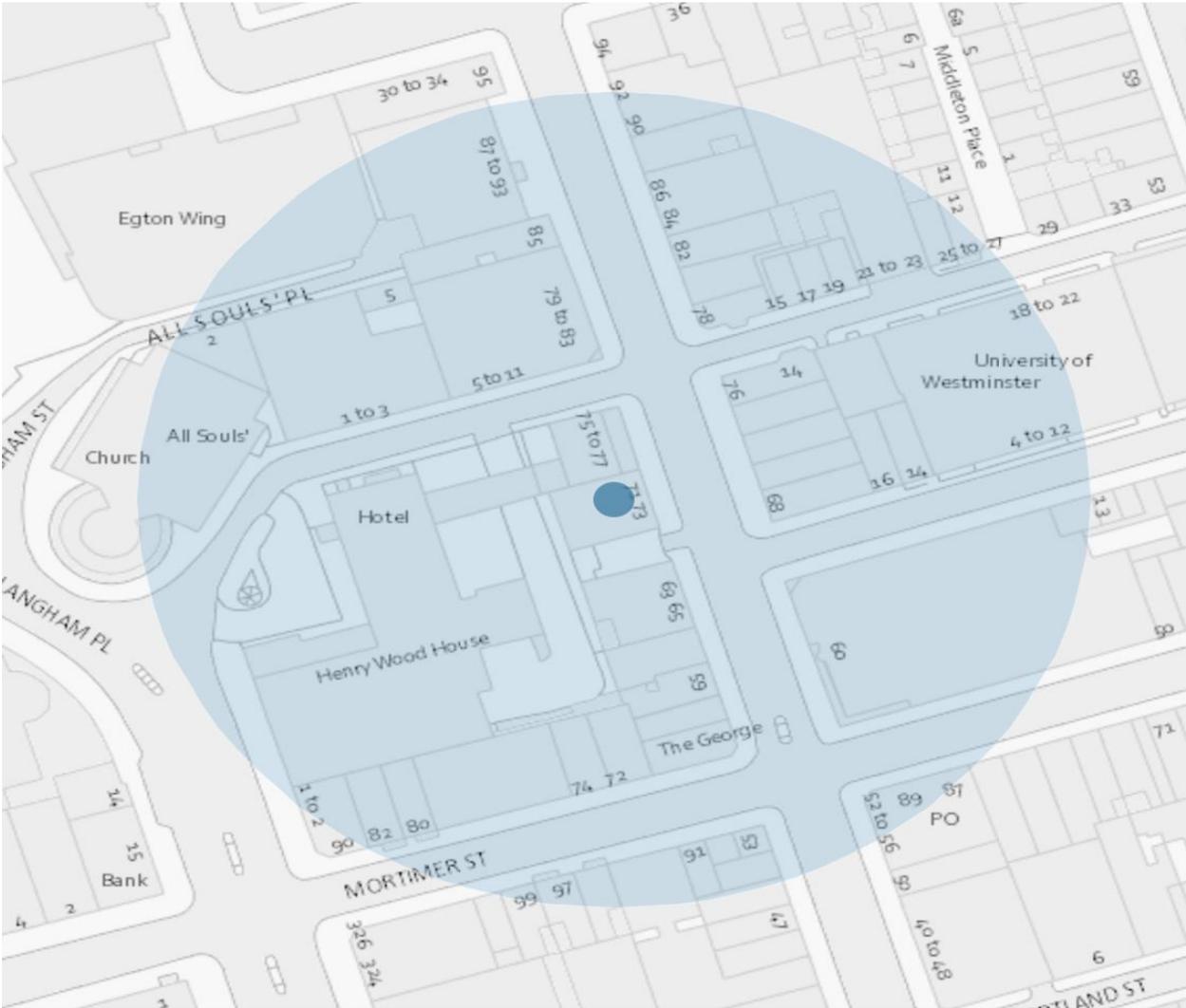
21. The supply of alcohol shall be ancillary to the primary use of the premises as a bakery/cafe

Conditions proposed by the Environmental Health

22. The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
23. All outside tables and chairs shall be removed or rendered unusable by 23.00 each day.
24. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
25. The licence holder shall ensure that patrons leaving do not congregate outside the premises and are advised to leave the area quietly.
26. 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.
27. 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.
28. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
29. 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.
30. 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
31. No collections of waste or recycling materials, including bottles, from the premises shall take place between 23.00 and 08.00 hours on the following day.
32. 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 there are minor changes to the premises layout during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.
33. The Licence will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.

Conditions proposed by the Police

None



Resident count: 85

Licensed Premises within 75 metres of 71 Great Portland Street, London				
Licence Number	Trading Name	Address	Premises Type	Time Period
16/07226/LIPDPS	Assorti	14 Riding House Street London W1W 7HR	Restaurant	Monday to Sunday; 12:00 - 23:00
19/06150/LIPVM	The George Public House	55 Great Portland Street London W1W 7LQ	Pub or pub restaurant with lodge	Monday to Wednesday; 11:00 - 23:30 Thursday to Saturday; 11:00 - 00:00 Sunday; 12:00 - 23:00
19/06153/LIPN	First Floor	55 Great Portland Street London W1W 7LQ	Restaurant	Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sunday; 12:00 - 22:30
17/02755/LIPN	The George	55 Great Portland Street London W1W 7LQ	Not Recorded	Monday to Thursday; 07:30 - 23:30 Friday to Saturday; 07:30 - 00:00 Sunday; 11:00 - 22:30
17/06354/LIPN	Engine Partners UK Ltd	60 Great Portland Street London W1W 7RT	Office	Not Recorded; XXXX - XXXX
17/09478/LIPCH	The Office Group	Henry Wood House 2 Riding House Street London W1W 7FA	Office	Monday to Sunday; 00:00 - 00:00
18/15631/LIPVM	Pizza Express	4-5 Langham Place London W1B 3DG	Restaurant	Monday; 10:00 - 00:30 Tuesday; 10:00 - 00:30 Wednesday; 10:00 - 00:30 Thursday; 10:00 - 00:30 Friday; 10:00 -

				00:30 Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
19/08453/LIPDPS	Byron	5 Langham Place London W1B 3DG	Restaurant	Monday to Saturday; 10:00 - 23:30 Sunday; 12:00 - 23:00
18/07713/LIPN	University Of Westminster	4 - 12 Little Titchfield Street London W1W 7BY	University	Not Recorded; XXXX - XXXX
17/11140/LIPN	Townhouse	Basement And Ground Floor 88 Great Portland Street London W1W 7NT	Hairdresser or beauty salon	Monday to Sunday; 07:00 - 23:00