

# Licensing Sub-Committee Report

Item No:	
Date:	29 April 2021
Licensing Ref No:	20/11994/LIPN - New Premises Licence
Title of Report:	102 Great Portland Street London W1W 6PD
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
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<b>1.</b>	<b>Application</b>		
<b>1-A</b>	<b>Applicant and premises</b>		
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	23 December 2020		
<b>Applicant:</b>	Hrm Gathani Ltd		
<b>Premises:</b>	102 Great Portland Street		
<b>Premises address:</b>	102 Great Portland Street London W1W 6PD	<b>Ward:</b>	West End
		<b>Cumulative Impact Area:</b>	None
		<b>Special Consideration Zone:</b>	None
<b>Premises description:</b>	According to the application form the premises intend to trade as a fine dining Indian restaurant		
<b>Premises licence history:</b>	This is an application for a new premises licence and therefore has no licence history.		
<b>Applicant submissions:</b>	None		
<b>Applicant amendments:</b>	Following consultation with The Metropolitan Police, the applicant has amended the start time for the sale of alcohol from 08:00 to 09:00		

<b>1-B</b>	<b>Proposed licensable activities and hours</b>						
<b>Recorded music:</b>				<b>Indoors, outdoors or both</b>			Indoors
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	07:00	07:00	07:00	07:00	07:00	08:00	08:00
<b>End:</b>	23:30	23:30	23:30	23:30	23:30	23:30	23:30
<b>Seasonal variations/ Non-standard timings:</b>			None				

<b>Sale by retail of alcohol</b>				<b>On or off sales or both:</b>			On
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	09:00	09:00	09:00	09:00	09:00	09:00	09:00
<b>End:</b>	23:00	23:00	23:00	23:00	23:00	23:00	23:00
<b>Seasonal variations/ Non-standard timings:</b>			None				

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
<b>Start:</b>	07:00	07:00	07:00	07:0	07:00	08:00	08:00
<b>End:</b>	23:30	23:30	23:30	23:30	23:30	23:30	23:30
<b>Seasonal variations/ Non-standard timings:</b>		None					
<b>Adult Entertainment:</b>		None					

<b>2.</b>	<b>Representations</b>
<b>2-A</b>	<b>Responsible Authorities</b>
<b>Responsible Authority:</b>	Metropolitan Police Service
<b>Representative:</b>	Cheryl Boon
<b>Received:</b>	19 January 2021 ( <b>withdrawn 20 January 2021</b> )
<p>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.</p> <p>The venue is situated outside the Cumulative Impact Area and Special Consideration Zone but it is our belief that if granted the application would undermine the Licensing Objectives in relation to The Prevention of Crime and Disorder and The Protection of Children from Harm.</p> <p>I would like to propose a change to the times you have applied for in relation to the supply of alcohol, this is to bring it in line with Westminster City Council's Licensing Policy, these changes are outlined below:</p> <p><u>Hours - Supply of Alcohol:</u></p> <p>Hours applied for: Monday – Sunday 08:00 – 23:00hrs</p> <p>Police proposed hours: Monday – Saturday 09:00 – 23:00hrs Sunday 09:00 – 22:30hrs</p> <p>I would also like to propose the following conditions that if you agree to would be added to any future operating schedule:</p> <p><u>Proposed Conditions</u></p> <p>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.</p>	

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 Officer or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
3. The supply of alcohol for consumption on the premises shall only be to a person seated taking a table meal there and for the consumption by such a person as ancillary to their meal.
4. The supply of alcohol for consumption on the premises shall be by Server, Waiter or Waitress service only.
5. 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.
6. 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
7. 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.
8. Notices shall be prominently displayed at all exits and the outside smoking area requesting patrons to respect the needs of local residents and leave the area quietly.
9. 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.
10. There shall be no self-service of Alcohol.

Please let me know whether you are willing to agree to these conditions and the change of hours that the Police are proposing as this may enable us to withdraw our representation. If you have any questions about any of the above then do not hesitate to contact me.

**Following agreement of additional conditions, the Metropolitan Police withdrew their representation on 20 January 2021**

<b>Responsible Authority:</b>	Environmental Health
<b>Representative:</b>	Maxwell Koduah
<b>Received:</b>	19 January 2021

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

The applicant is seeking to:

1. Play recorded music indoors Monday to Friday 07:00 to 23:30 hours; Saturday & Sunday 08:00 to 23:30 hours
2. Supply alcohol for consumption "On" the premises Monday to Sunday 08:00 to 23:00 hours

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

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

In a telephone conversation, you were advised that the playing of background music is not a licensable activity. Please confirm in writing if you are minded withdrawing recorded music from the application.

As presented, the application would have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the area

Applicant is asked to contact the undersigned for further discussion and following this, additional conditions may be recommended by Environmental Health to support the licensing objectives Prevention of Public Nuisance and Public Safety.

<b>2-B</b>	<b>Other Persons</b>		
<b>Name:</b>	[REDACTED]		
<b>Address and/or Residents Association:</b>	[REDACTED]		
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	13 January 2021		

I am objecting to this planning application as I believe that it will create a substantial nuisance to the residents of the flats above.

This building is not suitable as a site for the cooking of food, because cooking odours are able to travel from the kitchen to the common residential parts and thereby into the apartments.

This building has an unusual layout, with interconnecting doors between the commercial premises and the residential common parts, which freely permit the movement of air.

Because heat rises, the movement of air, and therefore odours, is in the direction of the residential areas, from the proposed kitchen.

We already have experience of how easily these odours travel:  
the previous commercial tenant, Abokado, which did not have planning permission to produce

cooked food, used to heat up miso soup in the kitchen.

The odours of miso soup would fill the common parts.

I made a complaint to Westminster environmental services which was investigated.

An Indian restaurant with a tandoori kitchen would produce an amount of odour vastly greater than the reheating of a pot of Miso soup, and would create a nuisance at a proportionately higher level.

As this problem is caused by the unusual physical connection between their kitchen and our common parts, it can not be solved by adding ventilation.

And as this connection functions as the fire escape for the commercial premises, it will not be possible to solve it by sealing the doors.

As we can reliably predict that this proposed restaurant would create a nuisance and that this nuisance would not be preventable, I ask that this application be refused.

**On 21 January 2021 the objector submitted the following further comments:**

I put in an earlier objection, asking for licensing to be refused because the proposed Tandoori kitchen is directly connected to the residential stairwell, making it hard to prevent odours from becoming a nuisance to the residents.

Having taken advice I would like to add a second objection requesting that if the application is in fact approved, the licensing authority include conditions that demand mitigation measures against this otherwise inevitable nuisance.

I propose that the condition is added that '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.'

I ask that Environmental Health assess the premises for suitable and sufficient extraction equipment, for prevention of odours in the residential parts, and require that the applicant put in place suitable measures.

I suggest that the Environmental health and Licensing authority include the following conditions to mitigate against odours:

1) Restaurant staff should not be permitted to open the fire escape door from their kitchen into the residential parts unless in the case of fire. This fire escape door should either be alarmed or have a 'break glass' mechanism to prevent it being opened.

(I include this because every commercial occupier in the last 15 years has opened this door to ventilate the basement)

2) The door from the kitchen to the basement services area and also the door from the services area to the ground floor should have rubber seals or similar on all four edges to reduce the movement of odours to the residential areas

3) The kitchen should have suitable extraction equipment installed.

4) The above extraction equipment should use filtration and positioning to prevent it creating odour or noise nuisance to nearby residents.

<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED]	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	27 January 2021		

I live [REDACTED] the premises and object as follows:

I) Firstly, for prevention of public nuisance and public safety. At the basement level there is a fire-exit door directly opposite the proposed tandoori oven & gas burners. This has historically been left open for ventilation for basement workers causing considerable noise and smell nuisance to the occupiers above. This is acute as there is little volume in the common parts for dissipation. The previous occupier, whose only hot offering was soup, left a pungent smell in the whole building and, during recent conversion work, conversation and the smells of cigarette smoke and solvent have caused annoyance.

There has been no planning application for external extraction and I query how this can be so given the pungent nature of the intended cuisine and use of exposed gas flames, so I ask you to send this point to Planning for consideration.

The basement will be in use by the public for dining/WCs and there will be a safety risk to residents through the interconnecting door.

Accordingly if a licence is to be granted, I would ask for it to be conditioned upon:

- the interconnecting door being alarmed and kept closed at all times bar fire;
- the interconnecting door being given maximal odour insulation;
- no music being broadcast in the basement.

II) I turn to timings. My drawing room is above the premises entrance and there are other neighbouring residents on a quiet stretch of street where the pavement is at its narrowest due to the one-way system of the BBC. The regurgitation of diners before closing time will cause public nuisance, with music still playing through open doors and noisy loitering of merry diners.

I ask, if a licence is to be granted, that it be conditioned upon:

- no music broadcast after 22:30;
- no alcohol service after 22:30.

<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association</b>		[REDACTED]	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	opposed
<b>Received:</b>	21 January 2021		

The area has long been a residential area with predominantly day time activity of local workers and as such has remained a calm and quiet place to live in the evening. The release of licenses with on-premises music up to 23.30 at night is going to create a level of noise and traffic that will be truly disruptive and substantially change the living conditions.

I note that this is the latest in many applications for properties that are very close to 102 and I have objected to them all on the same basis. Now this application is directly beneath our property and is of the greatest concern.

In addition to the issue of night-time noise and traffic I would also like to raise concern on the isolation of the smells and fumes from cooking. This property has not in my term of ownership hosted a restaurant with night-time opening and the possibility of such local environmental issue is considerable. If this license is accepted and restaurant opens, I hope that all residents of 102 Great Portland Street will be provided absolute assurance and support of all local regulations to protect our living environment and ensure there is zero effect from the activities of this restaurant.

<b>Name:</b>	[REDACTED]		
<b>Address and/or Residents Association</b>	[REDACTED]		
<b>Status:</b>	Valid	<b>In support or opposed:</b>	opposed
<b>Received:</b>	20 January 2021		

Application for a new licence changing a small supermarket / sandwich shop (A1 retail) into a “fine dining Indian restaurant”

The above application is seeking to change the use of the premises at 102 Great Portland Street from A1 retail into a restaurant, which may or may not be permissible.

The applicant states he is going to open a “Fine dining Indian restaurant” and is seeking to provide alcohol from early morning (0700 or 0800) to late at night (2330), seven days a week, together with recorded music, in a mainly residential area.

I have lived in the immediate area for over 20 years at [REDACTED] which is a residential block of 8 floors, containing 18 apartments. My principal concerns are:

1. While the area supports a number of businesses in the daytime, the nights are relatively quiet and peaceful, which is well appreciated by the people who live here. Number 102 is relatively close to my flat, in the line of sight, and people entering and leaving, together with any noise emitted, will immediately become apparent to our block. The hours proposed are well outside what is “normal” for the area. There is potential to be a public nuisance
2. I do not think the hours proposed for Sundays are appropriate – they should be reduced materially.
3. The commencement hours are outside the “core hours” in Westminster’s policy, which are already beyond what residents would wish.
4. Although ‘off sales’ are proposed, it should be made clear that no outside drinking is to be permitted.
5. If approval is given, compliance with PN1 – prevention of public nuisance – should be required, as well as conditions requiring measures to deal with the risk of nuisance.
6. The applicant should be asked to withdraw the application for recorded music from 0700 to 2330 as it is not licensable
7. In conjunction with item (6) above, if the use of recorded music is for background purposes, any agreement to the application should apply a condition to ensure that no noise can be heard outside the premises so as to cause a nuisance.
8. Any alcohol sales must be limited to being served by waiting staff to customers seated with a meal at lunchtime or in the evening. This is not an area for breakfast bingeing or late-night drinking.
9. There is nothing in the application regarding how the restaurant will be serviced e.g., deliveries, preparation for daily business, and waste collection.
10. There are no layout plans showing the arrangement of tables/chairs etc in the proposed restaurant
11. Is there a requirement for extraction and/or air conditioning equipment for the restaurant and/or basement? How will these be operated to avoid nuisance to near neighbours?

I would like Mr Richard Brown to represent me at the hearing, to whom I am copying this letter. I would be grateful for a confirmation of receipt

**Name:**

**Address and/or Residents Association**

**Status:**

Valid

**In support or opposed:**

opposed

**Received:**

26 January 2021

We strongly object to the application on the grounds of the prevention of public nuisance, the prevention of crime and disorder and the public safety protection of children from harm.

We do not see the logic of a "fine dining" establishment requiring a licence to play recorded music from 7:00 am to 11:30 pm five days a week and from 8:00 am to 11:30 pm on Saturdays and Sundays or to sell alcohol from 8:00 am to 11:30 pm seven days a week.

We live in the building next door to the site in a first floor flat with single glazed windows. Noise will be an issue including noise from recorded music inside the premises, noise from deliveries, noise from revellers and noise from people leaving the premises and loitering outside our bedroom windows. The terminal hour is too late. External noise transmits to all rooms of our flat and bounces off the surrounding buildings exacerbating the problem. This section of Great Portland Street is unique in its close proximity to the BBC and Radio 4. As residents we endure noise from early morning starts at Radio 4. The BBC headquarters attracts tourists and crowds throughout the day. The One Show and other programs are broadcast live outside. All of this noise compounded by the noise from road traffic takes place in very close proximity to our home. Great Portland Street is a very busy street during the day and residents need some respite from the noise in the evening and on weekends.

Smoking will be an issue. The chemicals and toxins from cigarette and cigar smoke linger in the air and seep into the exterior of the buildings remaining long after the smokers have left. The cigarette and cigar smoke will enter our windows and those of our neighbours. There are young children in our building. Cigarette and cigar smoke kills, even second and third hand cigarette and cigar smoke kills. Residents' health should not be put at risk.

Recorded music will attract revellers to our neighbourhood. There is no justifiable reason for revellers to be permitted to descend on our street en masse and engage in boisterous behaviour right outside our bedroom windows, keeping us awake. We have witnessed anti-social behaviour such as revellers urinating on our building. The revellers also attract rickshaw drivers who speak loudly about taking them to lap-dancing and strip clubs.

Existing restaurants on Great Portland Street in close proximity to our home such as Portland and Sushi Atelier do not have loud music and do not attract revellers. Westminster City Council should uphold these standards.

We are very concerned about an Indian restaurant attracting rats. Several Indian restaurants in London have been found to be infested with rats.

We respectfully request that Westminster City Council reject the application.

<b>3.</b>	<p><b>Policy &amp; Guidance</b></p> <p>Westminster City Council has adopted a revised Statement of Licensing Policy that became operative from 7 January 2021. This application for was applied for on 23 December 2020. At the time of submission, the Council's Statement of Licensing Policy 2016 was applied to this application. However, the Licensing Service has outlined below the policy considerations necessary for this application in accordance with the revised policy which will be effective when this application is determined on 8 April 2021</p>
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The following policies within the City Of Westminster Statement of Licensing Policy apply:

<b>Policy HRS1 applies</b>	<p>A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:</p> <ol style="list-style-type: none"> <li>1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm.</li> <li>2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation.</li> <li>3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed.</li> <li>4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.</li> <li>5. The proposed hours when any music, including incidental music, will be played.</li> <li>6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises.</li> <li>7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.</li> <li>8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.</li> <li>9. The capacity of the premises.</li> <li>10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation.</li> <li>11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.</li> <li>12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.</li> <li>13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying</li> </ol>
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	<p>shorter hours in order to promote the licensing objectives.</p> <p>14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.</p>
<p><b>Policy RTN1 applies</b></p>	<p>A. Applications outside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</li> <li>2. The hours for licensable activities being within the council's Core Hours Policy HRS1.</li> <li>3. The applicant has taken account of the Special Consideration Zones Policy SCZ1 if the premises are located within a designated zone.</li> <li>4. The application and operation of the venue meeting the definition of a restaurant as per Clause C.</li> </ol> <p>B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</li> <li>2. The hours for licensable activities are within the council's Core Hours Policy HRS1.</li> <li>3. The applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone.</li> <li>4. The application and operation of the venue meeting the definition of a restaurant as per Clause C.</li> </ol> <p>C. For the purposes of this policy a restaurant is defined as:</p> <ol style="list-style-type: none"> <li>1. A premises in which customers are shown to their table or the customer will select a table themselves to which food is either served to them or they have collected themselves.</li> <li>2. Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at a table.</li> <li>3. Which do not provide any takeaway service of food and/or drink for immediate consumption.</li> <li>4. Where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.</li> <li>5. The sale and consumption of alcohol prior to such meals may be in a bar area but must also be ancillary to the taking of such meal</li> </ol>

#### 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

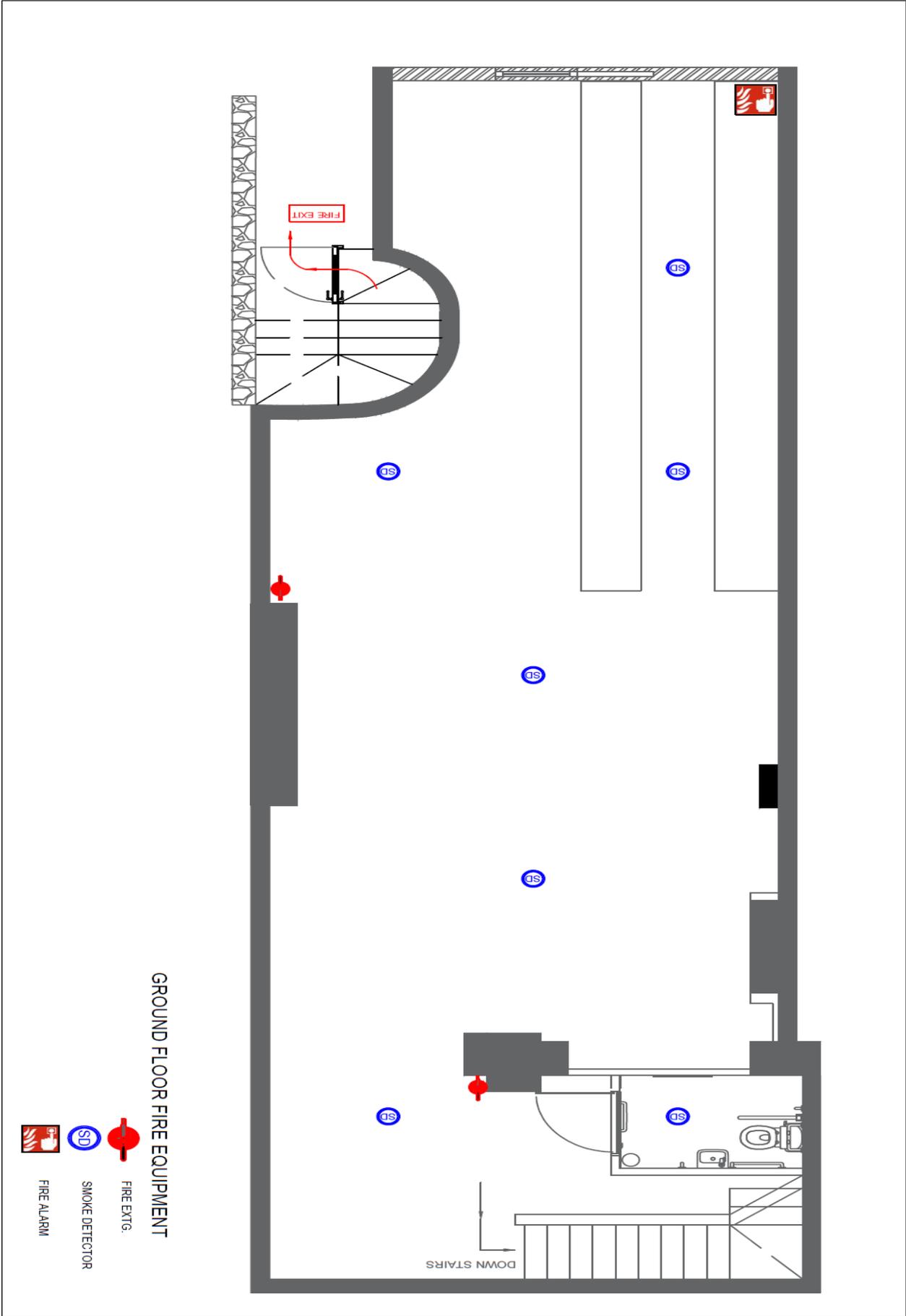
<b>4.</b>	<b>Appendices</b>
<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents
<b>Appendix 3</b>	Premises history
<b>Appendix 4</b>	Proposed conditions
<b>Appendix 5</b>	Residential map and list of premises in the vicinity

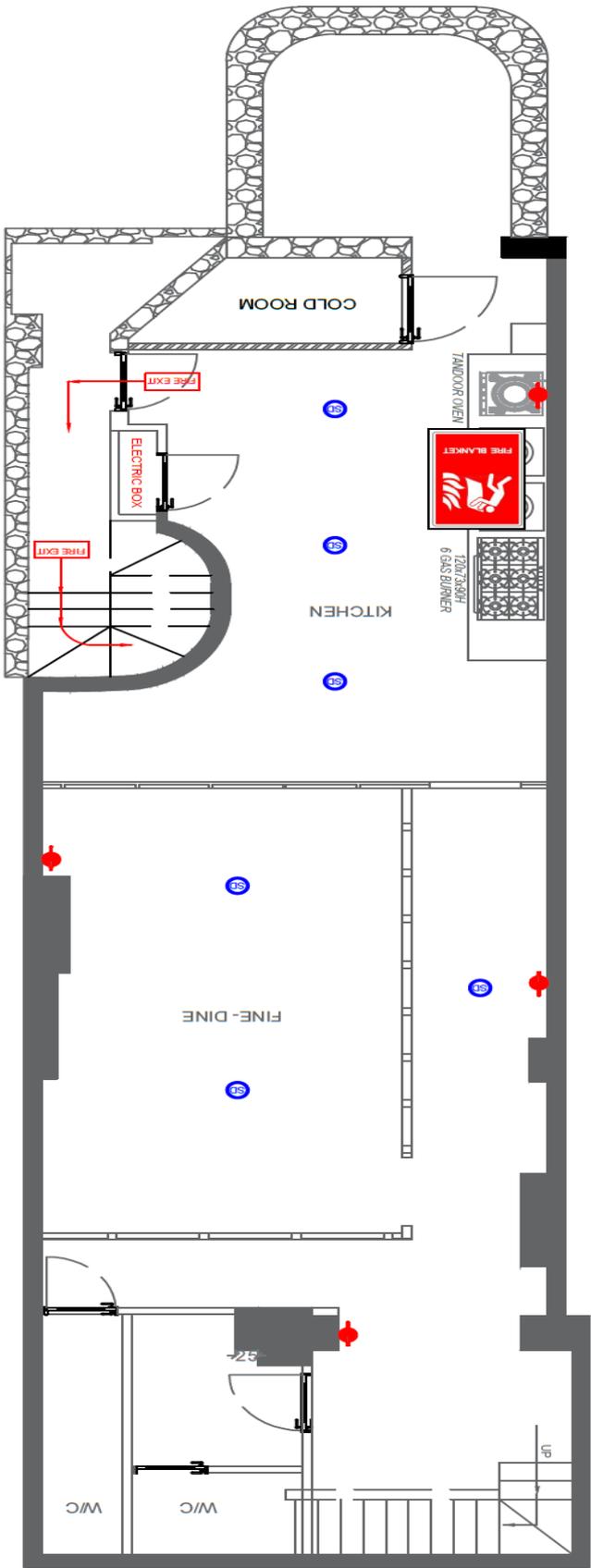
<b>Report author:</b>	Kevin Jackaman Senior Licensing Officer
<b>Contact:</b>	Telephone: 0207 641 6500 Email: kjackaman@westminster.gov.uk

**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**

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	07 January 2021
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
<b>4</b>	Metropolitan Police Service representation	19 January 2021 (withdrawn 20 January 2021)
<b>5</b>	Environmental Health Representation	19 January 2021
<b>6</b>	Interested Party Representation (1)	13 January 2021
<b>7</b>	Interested Party Representation (2)	27 January 2021
<b>8</b>	Interested Party Representation (3)	21 January 2021
<b>9</b>	Interested Party Representation (4)	20 January 2021
<b>10</b>	Interested Party Representation (5)	26 January 2021





GROUND FLOOR FIRE EQUIPMENT

-  FIRE EXTG.
-  SMOKE DETECTOR

**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**

None

## **Conditions proposed by the Police and agreed by the applicant so as to form part of 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 system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police Officer or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
11. The supply of alcohol for consumption on the premises shall only be to a person seated taking a table meal there and for the consumption by such a person as ancillary to their meal.
12. The supply of alcohol for consumption on the premises shall be by Server, Waiter or Waitress service only.
13. 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.
14. 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
15. 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.
16. Notices shall be prominently displayed at all exits and the outside smoking area requesting patrons to respect the needs of local residents and leave the area quietly.
17. 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. There shall be no self-service of Alcohol.

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

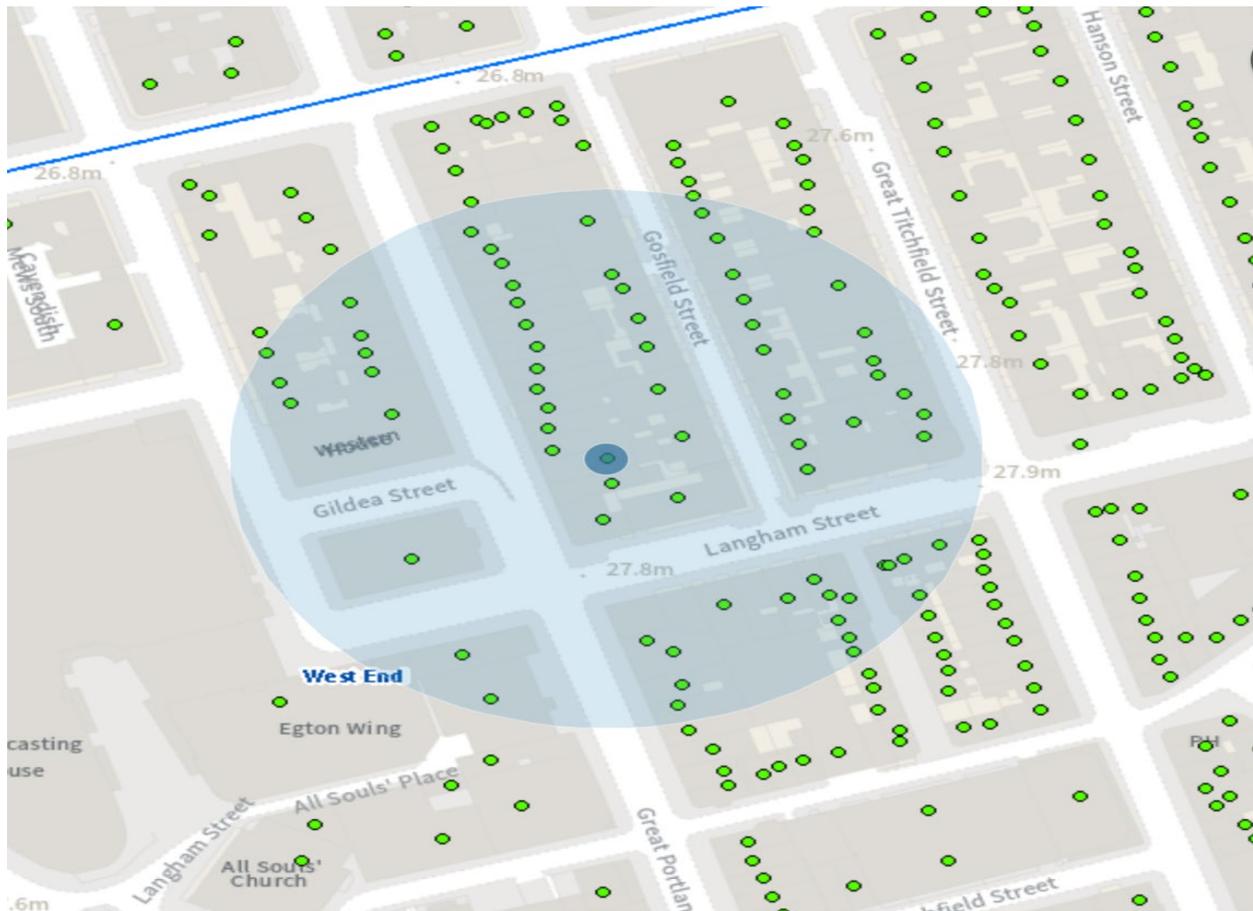
19. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed:
  - a. Ground floor 30
  - b. Basement 25

20. 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
21. All windows and external doors shall be kept closed after 21:00 hours except for the immediate access and egress of persons
22. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times
23. 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
24. 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.
25. No deliveries to the premises shall take place between 23.00 and 08.00 hours on the following day
26. 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
27. 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
28. 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
29. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided
30. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means
31. No licensable activities shall take place at the premises until the premises have been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the Licensing Authority.

### **Conditions proposed by Interested Parties**

32. Restaurant staff should not be permitted to open the fire escape door from their kitchen into the residential parts unless in the case of fire. This fire escape door should either be alarmed or have a 'break glass' mechanism to prevent it being opened.
33. The door from the kitchen to the basement services area and also the door from the services area to the ground floor should have rubber seals or similar on all four edges to reduce the movement of odours to the residential areas
34. The kitchen should have suitable extraction equipment installed.

35. The above extraction equipment should use filtration and positioning to prevent it creating odour or noise nuisance to nearby residents.



Resident Count: 288

Licensed premises within 75 m of 10 Great Portland Street. London, W1W 6PD				
Licence Number	Trading Name	Address	Premises Type	Time Period
20/00591/LIPV	Fugazzina	Basement And Ground Floor 104 Great Portland Street London W1W 6PE	Shop	Sunday; 08:00 - 22:30   Monday to Saturday; 08:00 - 00:00
20/03540/LIPT	LABORATORIO PIZZA	Basement And Ground Floor 110 Great Portland Street London W1W 6PQ	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30

17/14779/LIPCHT	Sushi Atelier	114 Great Portland Street London W1W 6PH	Cafe	Sunday; 07:00 - 22:45   Monday to Thursday; 07:00 - 23:45   Friday to Saturday; 07:00 - 00:15   Sundays before Bank Holidays; 07:00 - 00:00
21/00262/LIPT	Not Recorded	94 Great Portland Street London W1W 7NU	Not Recorded	Monday to Friday; 08:00 - 21:00   Saturday to Sunday; 09:00 - 21:00
16/13088/LIPCH	BBC	Wogan House 99 Great Portland Street London W1W 7NY	Not Recorded	Monday to Sunday; 07:00 - 00:00
17/02261/LIPDPS	Club West One	Wogan House 99 Great Portland Street London W1W 7NY	Studio	Monday to Sunday; 00:00 - 00:00
08/07458/LIPD	BBC	Wogan House 99 Great Portland Street London W1W 7NY	Office	Monday to Sunday; 07:00 - 00:00
20/02336/LIPDPS	Co-operative Food	James Boswell House 118 - 122 Great Portland Street London W1W 6PW	Food store (large)	Monday to Sunday; 06:00 - 00:00
19/14252/LIPDPS	The Grange Langham Court Hotel	31-35 Langham Street London W1W 6BU	Hotel, 3 star or under	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30   Monday to Sunday; 00:00 - 00:00
18/03669/LIPVM	The Whisky Exchange	90 Great Portland Street London W1W 7NT	Shop	Sunday; 10:00 - 18:00   Monday to Saturday; 10:00 - 20:00

19/03209/LIPDPS	Yorkshire Grey Public House	46 Langham Street London W1W 7AX	Public house or pub restaurant	Sunday; 12:00 - 23:00   Monday to Saturday; 10:00 - 23:30
19/07803/LIPVM	Bellaria Restaurant	Basement And Ground Floor 71 Great Titchfield Street London W1W 6RB	Cafe	Monday; 10:00 - 23:30   Tuesday; 10:00 - 23:30   Wednesday; 10:00 - 23:30   Thursday; 10:00 - 23:30   Friday; 10:00 - 23:30   Saturday; 10:00 - 23:30   Sunday; 12:00 - 23:00
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
08/07443/LIPD	Hallam Hotel	12 Hallam Street London W1W 6JF	Hotel, 3 star or under	Sunday; 12:00 - 23:00   Monday to Saturday; 10:00 - 23:30

