



City of Westminster

Licensing Sub-Committee Report

Item No:

Date:

24 June 2021

Licensing Ref No:

21/01017/LIPN - New Premises Licence

Title of Report:

Bathurst Deli
Basement And Ground Floor
3 Bathurst Street
London
W2 2SD

Report of:

Director of Public Protection and Licensing

Wards involved:

Hyde Park

Policy context:

City of Westminster Statement of Licensing Policy

Financial summary:

None

Report Author:

Karyn Abbott
Senior Licensing Officer

Contact details

Telephone: 07866 019698
Email: kabbott@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	11 February 2021		
Applicant:	Bathurst Delicatessen Ltd.		
Premises:	Bathurst Deli		
Premises address:	Basement And Ground Floor 3 Bathurst Street London W2 2SD	Ward:	Hyde Park
		Cumulative Impact Area:	None
		Special Consideration Zone:	None
Premises description:	According to the application form, the premises proposes to operate as a coffee shop, café and delicatessen.		
Premises licence history:	The premises previously had the benefit of a premises licence (18/00461/LIPDPS) which lapsed due to the Licence Holder going into liquidation on the 2 nd February 2021. A copy of the licence has been attached at Appendix 3 .		
Applicant submissions:	None		
Applicant amendments:	<p>On original submission of the application, the applicant applied for regulated entertainment (including Live and Recorded Music) for the following hours:</p> <p>Live Music Monday to Saturday 21:00 to 23:00</p> <p>Recorded Music Monday to Thursday 10:00 to 23:30 Friday to Saturday 10:00 to 21:00 Sunday 12:00 to 22:30</p> <p>Regulated entertainment has since been withdrawn from the application and does not form part of this application.</p> <p>The hours applied for opening hours to the public on Sundays were 08:00 to 00:00.</p> <p>These hours have since been reduced by the applicant and reflected in section 1-B of the report.</p>		

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

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

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Metropolitan Police Service
Representative:	PC Nicole Sondh
Received:	5 th March 2021 (Withdrawn 1st April 2021)
<p>RE: New Premises Licence Application – Bathurst Deli, 3 Bathurst Deli</p> <p>I am writing with reference to the above application for which I am now in receipt of. This application is now subject to Westminster City Council new Statement of Licensing Policy effective January 2021</p> <p>https://www.westminster.gov.uk/statement-licensing-policy</p> <p>You are applying for the following licensable activity between the following times; Live Music - Monday to Saturday 21:00 – 23:00 Recorded Music – Monday to Thursday 10:00-23:00 Friday and Saturday 10:00 – 21:00 Sunday – 12:00 – 22:30 Supply of Alcohol – Monday to Saturday 10:00 – 23:00 Sunday 12:00 – 22:30</p> <p>In relation to the application and how you are currently operating please could you clarify the following?</p> <ol style="list-style-type: none"> 1. You have applied for live music for on and off the premises, how will you be hosting live music off the premises? 2. What is the maximum capacity for the premises? 3. Does the basement accommodate seating for customers? 4. Are you intending on hosting a live music every evening of the week? I note on your previous licence these were just held on a Friday and Saturday Night. 5. Will the live music performances be amplified? 6. What is the purpose for the licensable activity of recorded music till 23:30? Would you consider moving this time to 23:00? 7. How are you currently operating as a business and how do you plan to operate going forward? 	

8. What is the purpose for off sales of alcohol? Are you planning on selling sealed bottles of alcohol or is this to allow for customers to take home their unfinished bottles of wine?

Once the above has been clarified and with a better understanding of how you plan to operate I should then be in a position to propose conditions for the licence that would intend to uphold the licensing objectives in the prevention of crime and disorder and in the protection of children from harm.

Please feel free to contact me should you wish to discuss anything further

Conditions were amended and agreed between the applicant and the Police. As a result, the Metropolitan Police Service as a responsible authority withdrew their representation on 1st April 2021. The agreed conditions can be found at Appendix 4.

Responsible Authority:	Environmental Health Service
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Representative:	Ian Watson
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Received:	1 st April 2021
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I refer to the application for a New Premises Licence.

The applicant has submitted floor plans of the premises.

This representation is based on the plans and operating schedule submitted.

The applicant is seeking the following

1. To provide for the Supply of Alcohol 'On' and 'Off' the premises Monday to Saturday between 10.00 and 23.00 hours and Sunday between 12.00 to 22.30 hours.
2. To provide regulated entertainment 'Indoors' and 'Outdoors' comprising
 - Live Music Monday to Saturday between 21.00 and 23.00 hours
 - Recorded Music Monday to Thursday 10.00 to 23.30 hours, Friday and Saturday between 10.00 and 21.00 hours and Sunday between 12.00 to 22.30 hours.

I wish to make the following representation

1. The hours requested for the Supply of Alcohol will have the likely effect of causing an increase in Public Nuisance within the area.
2. The hours requested to permit the provision of regulated entertainment will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the area.

The applicant has provided additional information with the application which is being addressed.

Should you wish to discuss the matter further please do not hesitate to contact me.

Conditions were amended and agreed between the applicant and Environmental Health Service and can be found at Appendix 4.

2-B Other Persons	
Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
Received:	21 st March 2021
<p>The South East Bayswater Residents' Association (SEBRA) wishes to lodge an objection to the above application on the grounds of the strong possibility of public nuisance and noise and potential crime and disorder, particularly in relation to local residents. Bathurst Street is a relatively short, dead-end street, with two-way traffic. It has a few shops and restaurants, with residential units above at the western end by the closed-off section by Westbourne Street.</p> <p>Adjacent to the commercial end are two mews - Bathurst Mews and Sussex Mews West. The premises sit in the Hyde Park Estate Association (HPEA) designated area but SEBRA has members in both of the adjacent mews to the premises.</p> <p>We note on the license application, there is a request for Recorded Music (up to 23.30 Monday to Thursday, 2100 Friday & Saturday with 22.30 Sunday) but we understand that this may no longer be required. It is not clear if the deadline of 23.30 for Monday to Thursday needs a Licence.</p> <p>Also, on new plan submitted, it does not show where alcohol is to be consumed by customers. On the plan this area should be shown by a 'hatched', not coloured, area.</p> <p>We note on the Planning permission, dated 2 June 2011 (attached), customers (26 covers, 8 in front forecourt) are only permitted on the ground floor and in the forecourt area in the front of deli, with no customers permitted in the basement. We would want to see this condition in the new Premises License.</p> <p>We are concerned that the applicant has not repeated a number of conditions in the new application that were placed on the former license, primarily to protect residents living near the Deli.</p> <p>We request that all of these conditions are imposed again, particularly in respect of noise effecting adjacent properties, especially in Bathurst Mews which abut the licensed premises, and where we understand there have been noise problems from the Deli.</p> <p>The requirement that food should only be served to persons who are seated should also be reinstated.</p> <p>We also want the reinstatement of the conditions on the hours of deliveries and collections. We request a refuse and recycling collection hours condition and the hours should be the same as those for deliveries.</p> <p>The condition relating to hours of use of tables and chairs outside till 21.00 should also be reinstated, in view of residents living above and opposite. (These hours are confirmed in the Planning consent attached, except the start time is 9am.)</p> <p>We strongly urge a condition that customers who leave and then re-enter the premises, e.g. to smoke or use mobile phone etc, shall not be permitted to take drinks or glass containers with them and not to use the two mews.</p> <p>A</p> <p>We are not happy with the hours of live music extending to those of the sale of alcohol and ask that there should be a prior 30 minute 'cooling' off period.</p> <p>Unusually, in this instance, there is 60 minute 'drinking up' time to midnight every day, which is very excessive in this residential area, with flats above and opposite the premises and residential properties nearby in two mews.</p> <p>The Planning consent only allowed opening hours of 07.00 to 23.00 Monday to Saturday with Sunday and Bank Holidays 08.00 to 22.30.</p> <p>As usual with recent Premises Licenses, we consider there should be a designated 'smoking</p>	

area' condition to be agreed with the applicant and Environmental Health and this 'approved' area should exclude smoking in the two Mews. (The ideal place could be by the large tree at the junction with Bathurst Street and Westbourne Street).

As is our common practice with previous SEBRA submissions, we are happy for our contact details and the content of this communication to be forwarded immediately to the applicant.

As always, we more than happy to have a telephone call with the applicant, in order to discuss our concerns, and those of the adjacent residents.

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:

Policy HRS1 applies

- 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.
- 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:
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.
 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.
 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.
 4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.
 5. The proposed hours when any music, including incidental music, will be played.
 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.
 7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.
 8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.
 9. The capacity of the premises.
 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.
 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.
 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.
 13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.

	<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>C. For the purpose of Clauses A and B above, the Core Hours for this application for each premises use type as defined within this policy are:</p> <p>8. Restaurants</p> <p>Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am.</p> <p>D. Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.</p> <p>E. For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement.</p>
<p>Policy RTN1 applies</p>	<p>A. Applications outside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities being within the council's Core Hours Policy HRS1. 3. The applicant has taken account of the Special Consideration Zones Policy SCZ1 if the premises are located within a designated zone. 4. The application and operation of the venue meeting the definition of a restaurant as per Clause C. <p>B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities are within the council's Core Hours Policy HRS1. 3. The applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone. 4. The application and operation of the venue meeting the definition of a restaurant as per Clause C. <p>C. For the purposes of this policy a restaurant is defined as:</p> <ol style="list-style-type: none"> 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. 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. 3. Which do not provide any takeaway service of food and/or drink for immediate consumption. 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. 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.
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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:	Karyn Abbott Senior Licensing Officer
Contact:	Telephone: 07866 019698 Email: kabbott@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 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Metropolitan Police Service (Withdrawn 1st April 2021)	5 th March 2021
5	Environmental Health Service	1 st April 2021
6	Representation 1	21 st March 2021

Applicant Supporting Documents

Appendix 2

None Provided

Temporary Event Notices

Application	Details of Application	Date Determined	Decision
21/03144/LITENP	Temporary Event Notice	14 April 2021	Notice Granted
21/03420/LITENP	Temporary Event Notice	19 April 2021	Notice Granted
21/03682/LITENP	Temporary Event Notice	23 April 2021	Notice Granted

Licensing Act 2003 History

Application	Details of Application	Date Determined	Decision
05/11483/LIPN	New Premises Licence Application	19 December 2005	Granted at Licensing Sub-Committee
06/10824/WCCMAP	Master Licence	23 October 2006	Granted at Licensing Sub-Committee
09/05960/LIPT	Transfer of Premises Licence Holder from YN Limited to Aconcagua Limited	1 October 2009	Granted under Delegated Authority
09/05961/LIPDPS	Premises Licence change of DPS	1 October 2009	Granted under Delegated Authority
10/01492/LIPV	<p>Premises Licence Variation – To permit Live music: Friday to Saturday 21:00 to 00:00</p> <p>Recorded Music: Monday to Thursday 10:00 to 23:30 Friday to Saturday 10:00 to 21:00 Sunday 12:00 to 22:30</p> <p>To extend the terminal hours for sale of alcohol on Monday to Thursday from 23:00 to 23:30, Friday to Saturday from 23:00 to 00:00.</p> <p>To reduce the commencement hour on Sunday from 10:00 to 12:00.</p> <p>To vary the opening hours to: Monday to Saturday 07:00 to 00:00 Sunday 08:00 to 00:00</p>	23 October 2016	Granted at Licensing Sub-Committee

16/11568/LIPT	Transfer of Premises Licence Holder from Aconcagua Limited to Bravard Limited	17 March 2017	Granted under Delegated Authority
18/00437/LIPT	Transfer of Premises Licence Holder from Bravard Limited to Bathurst Deli Ltd	6 February 2018	Granted under Delegated Authority
18/00461/LIPDPS	Premises Licence change of DPS	6 February 2018	Granted under Delegated Authority

This licence lapsed on the 2nd February 2021.

There is no appeal history

Previous Premises Licence



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

Schedule 12
Part A

WARD: Hyde Park
UPRN: 010033589522

Premises licence

Regulation 33, 34

Premises licence number:	18/00461/LIPDPS
Original Reference:	05/11483/LIPN

Part 1 – Premises details

Postal address of premises: The Bathurst Deli Basement And Ground Floor 3 Bathurst Street London W2 2SD
Telephone Number:

Where the licence is time limited, the dates: Not applicable
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Licensable activities authorised by the licence: Performance of Live Music Playing of Recorded Music Sale by Retail of Alcohol
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The times the licence authorises the carrying out of licensable activities:	
Performance of Live Music Friday to Saturday:	21:00 to 23:00
Playing of Recorded Music Monday to Thursday:	10:00 to 23:30
Friday to Saturday:	10:00 to 21:00
Sunday:	12:00 to 22:30
Sale by Retail of Alcohol Monday to Saturday:	10:00 to 23:00
Sunday:	12:00 to 22:30

The opening hours of the premises:	
Monday to Saturday:	07:00 to 00:00
Sunday:	08:00 to 00:00

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

Alcohol is supplied for consumption both on and off the Premises.

Part 2

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

Bathurst Deli Ltd
3 Bathurst Street
London
W2 2SD

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

10957903

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

Name: Vedad Masoumi-shamlou

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

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

Licence Number: LAPERS/17/57325
Licensing Authority: London Borough Of Barnet

Date: 6 February 2018

This licence has been authorised by Mary Pring on behalf of the Director - Public Protection and Licensing.

Annex 1 – Mandatory conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -
- (a) a holographic mark, or
 - (b) an ultraviolet feature.

7. The responsible person must ensure that –

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

- 8
- (i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
 - (ii) For the purposes of the condition set out in paragraph 8(i) above -
 - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) "permitted price" is the price found by applying the formula -
$$P = D + (D \times V)$$
Where -
 - (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

- (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- (iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- (iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Club Supply of Alcohol

1. The supply of alcohol for consumption off the premises must be made at a time when the premises are open for the purposes of supplying alcohol to members of the club for consumption on the premises.
2. Any alcohol supplied for consumption off the premises must be in a sealed container.
3. Any alcohol supplied for consumption off the premises must be made to a member of the club in person.
4. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a

particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

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

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

- 8
- (i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
 - (ii) For the purposes of the condition set out in paragraph 8(i) above -
 - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) "permitted price" is the price found by applying the formula -
$$P = D + (D \times V)$$

Where -

 - (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
 - (iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
 - (iv).
 - (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
 - (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the operating Schedule

None

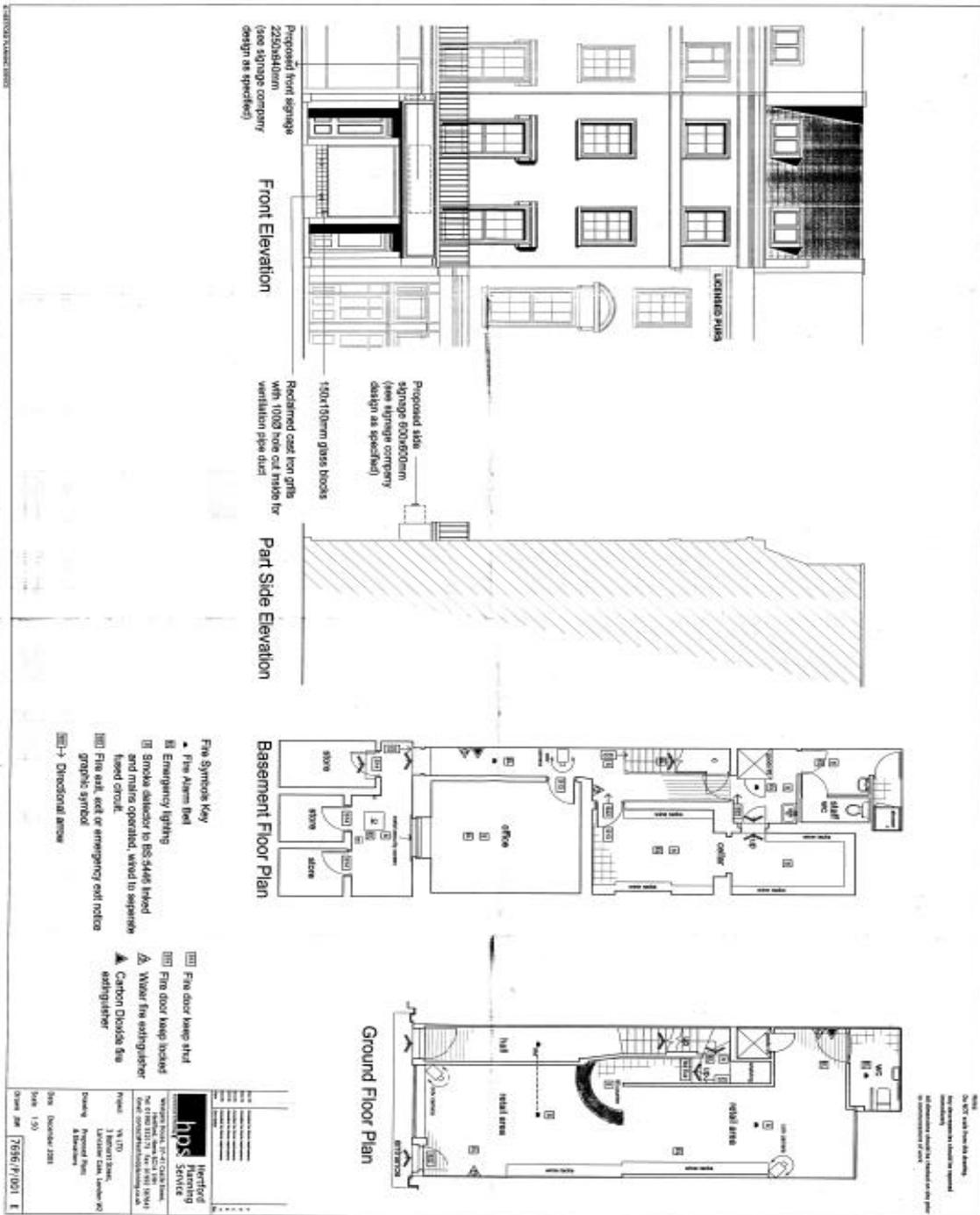
Annex 3 – Conditions attached after a hearing by the licensing authority

9. A comprehensive CCTV system be installed that ensures all areas of the licensed premises are monitored including all entry points, and which enable frontal identification of every person entering in any light condition. All cameras shall continually record whilst the premises are open to the public and the video recordings shall be kept available for a minimum of 31 days with time and date stamping. Tape recordings shall be made available to an authorised officer or a police officer together with facilities for viewing. The recordings for the preceding two days shall be made available immediately on request. Recordings outside this period shall be made available on 24 hours notice.
10. Non-intoxicating beverages (including drinking water) shall be equally available for the duration of the hours permitted under the Premises Licence.
11. No Unaccompanied children shall be permitted on the premises.
12. All deliveries and collections will only be scheduled between the hours of 08:00 and 19:00. Deliveries by the premises may continue until 22:00 hours.
13. No rubbish and refuse, including bottles will be moved, removed or placed in outside areas between 23:00 hours and 08:00 hours.
14. All waste is to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
15. No beer or cider to be sold above 5.5% Alcohol by Volume.
16. In the judgement of the Designated Premises Supervisor, to maintain at all times level of staff, so as not to undermine the Crime and Disorder objectives, to be disclosed on request to the Licensing Authority and the Police.
17. A delivery registers to include the full details of any order to be maintained and available for inspection by a Police Officer or authorised officer for a period of 31 days.
18. 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 are open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
19. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.
20. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave quietly.
21. A proof of age scheme, such as challenge 21 will be operated at the premises where the only acceptable forms of identification, recognised photographic identification cards, such as a driving licence or passport.
22. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
23. Live music shall be limited to no more than two acoustic performers.

24. 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.
25. All sales of alcohol for consumption off the premises shall be in sealed containers or to be consumed seated at tables in the area immediately outside the premises.
26. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.
27. Outside tables and chairs shall be rendered unusable by 21:00 each day.
28. There shall be no self service of spirits on the premises.
29. 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.
30. The supply of alcohol shall be by waiter or waitress service only.
31. Substantial food and non-intoxicating beverages, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.

Annex 4 – Plans

Attached





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

Schedule 12
Part B

WARD: Hyde Park
UPRN: 010033589522

Premises licence
summary

Regulation 33, 34

Premises licence number:

18/00461/LIPDPS

Part 1 – Premises details

Postal address of premises:

The Bathurst Deli
Basement And Ground Floor
3 Bathurst Street
London
W2 2SD

Telephone Number:

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Performance of Live Music
Playing of Recorded Music
Sale by Retail of Alcohol

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

Performance of Live Music	
Friday to Saturday:	21:00 to 23:00
Playing of Recorded Music	
Monday to Thursday:	10:00 to 23:30
Friday to Saturday:	10:00 to 21:00
Sunday:	12:00 to 22:30
Sale by Retail of Alcohol	
Monday to Saturday:	10:00 to 23:00
Sunday:	12:00 to 22:30

The opening hours of the premises:

Monday to Saturday:	07:00 to 00:00
Sunday:	08:00 to 00:00

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

Alcohol is supplied for consumption both on and off the Premises.

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

Bathurst Deli Ltd
3 Bathurst Street
London
W2 2SD

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

10957903

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

Name: Vedad Masoumi-shamlou

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

Restricted

Date: 6 February 2018

This licence has been authorised by Mary Pring on behalf of the Director - Public Protection and Licensing.

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 Environmental Health and agreed by the applicant so as to form part of the operating schedule.

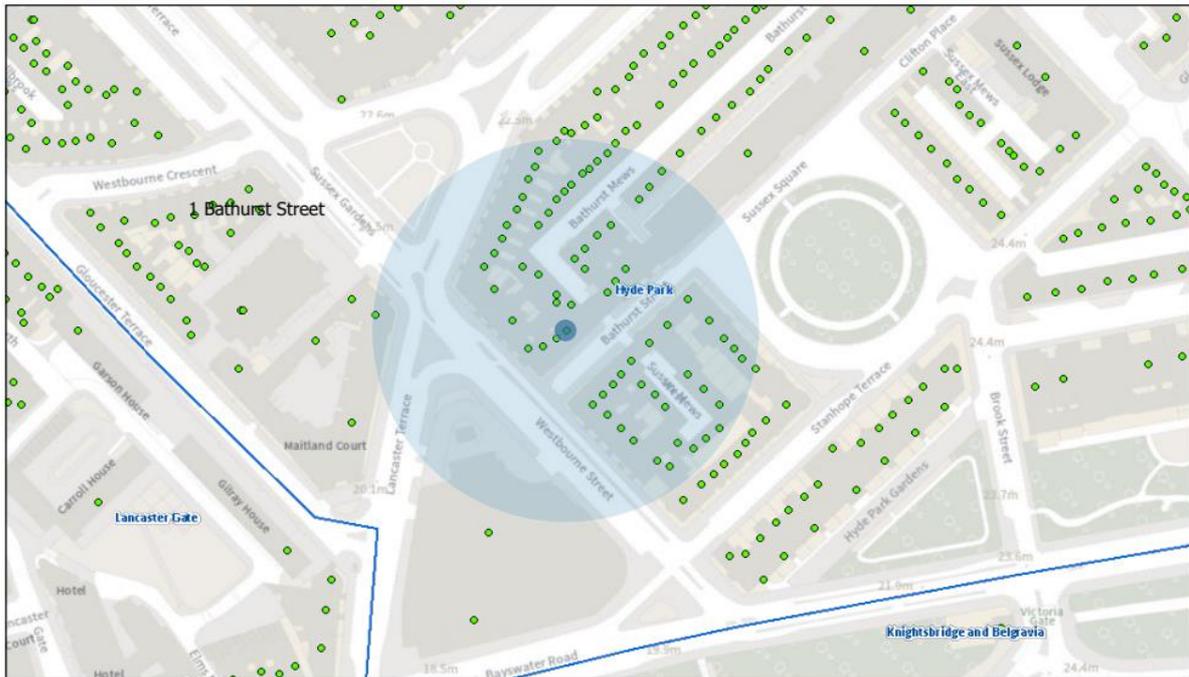
9. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them. Such patrons shall be restricted to 4 persons only and are restricted to the immediate frontage of the premises.
10. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
11. 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.
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. The premises licence holder shall ensure that any patrons drinking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
14. All deliveries and collections will only be scheduled between 08:00 and 19:00 hours. Deliveries by the premises may continue until 22:00 hours each day.
15. No rubbish and refuse, including bottles will be moved, removed or placed in outside areas between 23:00 hours and 08:00 hours.
16. All waste is to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
17. A delivery register to include the full details of any order shall be maintained and available for inspection by a Police Officer or other authorised officer for a period of 31 days.

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

18. Licensable activities shall be ancillary to the premises being operated as a coffee shop/café.
19. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises and for all hours where alcohol is sold or supplied for consumption 'On' the premises.
20. Alcohol sold for consumption 'On' the premises shall only be supplied to those persons seated at tables and by waiter/waitress service only.
21. Alcohol consumed outside the premises building shall only be consumed by persons seated at tables.
22. All sales of alcohol for consumption 'Off' the premises shall be in sealed containers only, including resealed part consumed bottles of wine.
23. All outside tables and chairs shall be removed or rendered unusable by 23:00 hours each day.

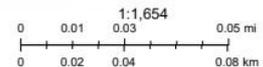
24. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually 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.
25. 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.
26. 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.
27. 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.
28. No more than 10 persons shall be seated at the outside tables and chairs at any one time.
29. After 21.00 hours all children shall be accompanied by an adult.

3 Bathurst Street, London



08/06/2021, 10:55:03

- Property Mailing List
- Ward Labels
- Stress Areas
- Borough Boundary - Mask
- Borough Boundary - Detailed
- Ward Boundaries
- Special Consideration Zones



Resident Count = 210

Licensed premises within 75 metres of 3 Bathurst Street, London, W2 2SD				
Licence Number	Trading Name	Address	Premises Type	Time Period
17/09301/LIPDPS	Angelus	4 Bathurst Street London W2 2SD	Cafe	Sunday; 12:00 - 22:30 Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sundays before Bank Holidays; 12:00 - 00:00
06/10712/WCCMAP	Pere Michel	First And Second Floor 11 Bathurst Street London W2 2SD	Restaurant	Sunday; 12:00 - 01:00 Monday to Saturday; 10:00 - 01:30
12/01672/LIPT	Spice Of India	12A Bathurst Street London W2 2SD	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30