



City of Westminster

# Licensing Sub-Committee Report

Item No:	
Licensing Ref No:	<b>14/06394/LIPN</b>
Date:	<b>25 September 2014</b>
Classification:	<b>For General Release</b>
Title of Report:	<b>Kupp Unit 53 5 Merchant Square West London W2 1AS</b>
Report of:	<b>Operational Director – Premises Management</b>
Policy context:	<b>City of Westminster Statement of Licensing Policy</b>
Financial summary:	<b>None</b>
Report Author:	<b>Miss Sharon Bamborough, Assistant Service Manager</b>
Contact Details:	<b>Telephone: 020 7641 7824 E-mail: sbamborough@westminster.gov.uk</b>

## 1. APPLICATION DETAILS

<b>Application Type:</b>	New application for a premises licence under the Licensing Act 2003.		
<b>Applicant:</b>	Faucet Inn Limited	<b>Date Application Received:</b>	29 July 2014
<b>Premises Name and Address:</b>	Kupp Unit 53 5 Merchant Square West London W2 1AS		
<b>Ward Name:</b>	Hyde Park	<b>Stress Area</b>	None
<b>Premises Description:</b>	The premises intend to operate as a restaurant/bar		
<i>Note: Where the committee is minded to grant the licence it will be granted subject to the mandatory conditions and conditions consistent with the operating schedule modified to such extent as the authority considers appropriate for the promotion of the licensing objectives detailed in Appendix D to this report.</i>			
<b>Proposed Licensable Activities, Proposed Hours:</b>			<b>References / Notes</b>
<b>1</b>	<p><b>Regulated Entertainment: Indoors</b></p> <p>Films ) Monday to Sunday 10:00 to 01:00  Indoor Sports )  Live Music )  Recorded Music )  Performance of Dance )</p> <p><b>Relevant representations and policies applicable:</b></p> <p><b>1A</b> An adverse representation has been made against the application by the Environmental Health Service stating that the proposal will have the likely effect of causing an increase in public nuisance and may affect public safety. Conditions have been proposed, the majority of which have been agreed.  <b>Please refer further to Appendix B1</b></p> <p><b>1B</b> An adverse representation was made against the application by the Metropolitan Police Service stating that the application as presented undermines the Licensing Objectives. However, following negotiation of conditions, the Police have withdrawn their representation <b>Please refer to Appendix B2</b></p> <p><b>1C</b> 2 Local residents Associations have made adverse representations to this application on the grounds of the licensing objectives. Their concerns are as follows:</p> <ul style="list-style-type: none"> <li>• They are concerned about the hours sought, and would suggest core hours only are appropriate.</li> <li>• They are concerned about the use of a large outside area and the associated noise it will create.</li> <li>• They do not feel the proposed conditions will adequately promote</li> </ul>		<p><b>Environmental Health representation</b></p> <p><b>Metropolitan Police Service - <u>withdrawn</u></b></p> <p><b>2 Local Residents Associations</b></p>

the licensing objectives (and have suggested some)  
**Please refer further to Appendices B3 & B4**

- 1D** The following policies within the City of Westminster Statement of Licensing Policy apply:
- Prevention of crime and disorder (CD1)
  - Public Safety (PS1)
  - Prevention of public nuisance (PN1)
  - Protection children from harm (CH1)
  - Hours (HRS1)
  - Restaurants outside the Stress Area (RNT1)
  - Pubs and Bars outside the Stress Area (PB1)
- 1E** **Policy HRS1:** (i) Applications for hours within the core hours set out in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.  
(ii) Applications for hours outside the core hours in this policy will be considered on their merits, subject to other relevant policies and with particular regard to criteria set out in the policy.
- 1F** **Policy RNT1:** Applications will generally be granted and reviews determined subject to the relevant criteria in policies CD1, PS1, PN1 and CH1.
- 1G** **Policy PB1 Applies:** Applications will generally be granted, if it can be demonstrated that the proposals meets the relevant criteria in policies CD1, PS1, PN1 and CH1
- 1H** The Licensing Sub-committee may refuse, grant in full or grant in part this proposal, having taken into account the representations received and Westminster's Statement of Licensing Policy. The decision taken should promote the licensing objectives of:
- prevention of public nuisance,
  - prevention of crime & disorder,
  - public safety and
  - protection of children from harm.

**Policies applicable**

**Summary**

**2 Late Night Refreshment: Indoors and Outdoors**

Monday to Sunday 23:00 to 01:00

**Relevant representations and policies applicable:**

- 2A** Please refer to 1A to 1G above
- 2B** The Licensing Sub-committee may refuse, grant in full or grant in part this proposal, having taken into account the representations received and Westminster's Statement of Licensing Policy. The decision taken should promote the licensing objectives of:
- prevention of public nuisance,
  - prevention of crime & disorder,
  - public safety and

**Opposed by  
Environmental  
Health Service and 2  
Local Resident  
Associations**

	<ul style="list-style-type: none"> <li>• protection of children from harm.</li> </ul>	
3	<p><b>Sale of Alcohol: On and Off the premises</b></p> <p>Monday to Sunday 10:00 to 01:00</p> <p><b>Relevant representations and policies applicable:</b></p> <p><b>3A</b> Please refer to 1A to 1G above</p> <p><b>3B</b> The Licensing Sub-committee may refuse, grant in full or grant in part this proposal, having taken into account the representations received and Westminster's Statement of Licensing Policy. The decision taken should promote the licensing objectives of:</p> <ul style="list-style-type: none"> <li>• prevention of public nuisance,</li> <li>• prevention of crime &amp; disorder,</li> <li>• public safety and</li> <li>• protection of children from harm.</li> </ul>	<p><b>Opposed by Environmental Health Service and 2 Local Resident Associations</b></p>
4	<p><b>Non Standard Timings &amp; seasonal Variations</b></p> <p><b>Regulated Entertainment, Late Night Refreshment and Sale of Alcohol for consumption on and off the premises</b></p> <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day</p> <p><b>Relevant representations and policies applicable:</b></p> <p><b>4A</b> Please refer to 1A to 1G above</p> <p><b>4B</b> The Licensing Sub-committee may refuse, grant in full or grant in part this proposal, having taken into account the representations received and Westminster's Statement of Licensing Policy. The decision taken should promote the licensing objectives of:</p> <ul style="list-style-type: none"> <li>• prevention of public nuisance,</li> <li>• prevention of crime &amp; disorder,</li> <li>• public safety and</li> <li>• protection of children from harm.</li> </ul>	<p><b>Opposed by Environmental Health Service and 2 Local Resident Associations</b></p>
5	<p><b>Opening Hours</b></p> <p>(i) Monday to Sunday 10:00 to 01:30</p> <p>(ii) From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day</p> <p><i>(Note: Opening hours are not a licensable activity under the Licensing Act 2003, however they can still be taken into consideration when assessing the application's effect on the licensing objectives.)</i></p>	<p><b>Opposed by Environmental Health Service and 2 Local Resident Associations</b></p>

<b>Relevant representations and policies applicable:</b>	
<b>5A</b>	Please refer to 1A to 1G above.
<b>5B</b>	<p>The Licensing Sub-committee may refuse, grant in full or grant in part this proposal, having taken into account the representations received and Westminster's Statement of Licensing Policy. The decision taken should promote the licensing objectives of:</p> <ul style="list-style-type: none"> <li>• prevention of public nuisance,</li> <li>• prevention of crime &amp; disorder,</li> <li>• public safety and</li> <li>• protection of children from harm.</li> </ul>
<b>Current Licensing Position</b>	The premises has no licensing history
<b>Current Planning Position</b>	There is no planning history for this address (query with planning outstanding)
<b>Residential Density:</b>	213 of the 218 units within a 75m radius of the premises are residential and proposed residential (98%), refer to <b>Appendix E</b>
<b>List of Appendices:</b>	<p>A1 – Application Form  A2 – Proposed Plan  B1 – Environmental Health Service representation  B2 – Metropolitan Police representation with conditions and withdrawal of rep  B3 to B4 – local residential representations  C – Licence History  D - Proposed Conditions  E – Residential Map and list of premises in the vicinity  F – Photograph of the premises</p>
<b>Relevant Representations:</b>	<p>Environmental Health Service  2 Local Residents Associations</p>

## 2. APPLICANT SUBMISSIONS AND EVIDENCE

2.1 The evidence submitted by the applicant in support of the Licensing Objectives is provided in **Appendices A1 & A2**

## 3. LICENSING ACT 2003 APPLICATIONS AND APPEAL HISTORY

3.1 Any chronology relating to appeals is set out in Appendix C.

### Background Documents – Local Government (Access to Information) Act 1972

- Licensing Act 2003
- City of Westminster Statement of Licensing Policy (7<sup>th</sup> January 2011)
- Amended Guidance issued under section 182 of the Licensing Act 2003 (June 2013)

## Application for a premises licence to be granted under the Licensing Act 2003



### PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

**We, Faucet Inn Limited, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003**

#### Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description	
Kupp Restaurant / Bar, (Unit 53)	
5 Merchant Square, Paddington Basin	
Post town London	Post code W2

Telephone number of premises (if any) NOT KNOWN

Non-domestic rateable value of premises £ NOT KNOWN

#### Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

- |                                                 | Please tick ✓                       |                             |
|-------------------------------------------------|-------------------------------------|-----------------------------|
| a) An individual or individuals*                | <input type="checkbox"/>            | please complete section (A) |
| b) a person other than an individual*           |                                     |                             |
| i. as a limited company                         | <input checked="" type="checkbox"/> | please complete section (B) |
| ii. as a partnership                            | <input type="checkbox"/>            | please complete section (B) |
| iii. as an unincorporated association or        | <input type="checkbox"/>            | please complete section (B) |
| iv. other (for example a statutory corporation) | <input type="checkbox"/>            | please complete section (B) |
| c) a recognised club                            | <input type="checkbox"/>            | please complete section (B) |
| d) a charity                                    | <input type="checkbox"/>            | please complete section (B) |

- e) the proprietor of an educational establishment  please complete section (B)
- f) a health service body  please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital  please complete section (B)
- h) the chief officer of police of a police force in England and Wales  please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm:

**Please tick / yes**

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
  - Statutory function or
  - A function discharged by virtue of Her Majesty's prerogative

**(A) INDIVIDUAL APPLICANTS (fill in as applicable)**

Mr  Mrs  Miss  Ms  Other title (For example, Rev)

Surname

First names

I am 18 years old or over

Please tick

Current postal address if different from premises address

Post Town

Postcode

Daytime contact telephone number

Email address (optional)

**Second Individual Applicant (if applicable)**

Mr  Mrs  Miss  Ms  Other title (For example, Rev)

Surname

First names

I am 18 years old or over

Please tick

Current postal address if different from premises address

Post Town

Postcode

Daytime contact telephone number

Email address (optional)

**(B) OTHER APPLICANTS**

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In case of a partnership or other joint nature (other than a body corporate), please give the name and address of each party concerned.

Name Faucet Inn Limited
Address Union, 88-90 George Street, London, W1U 8PA
Registered number (where applicable) <b>06824966</b>
Description of applicant (for example, partnership, company, unincorporated association etc.) <b>Private Limited Company</b>
Telephone number (if any) 02074865175
E-mail address (optional)

**Part 3 – Operating Schedule**

When do you want the premises licence to start?

Day    Month    Year

**As soon as possible; the licence is to be effective on completion of the works.**

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If you wish the licence to be valid only for a limited period, when do you want it to end?

Day    Month    Year

--	--	--	--	--	--	--	--	--	--

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

N/A
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**Please give a general description of the premises (please read guidance note 1)**

The applicant is proposing to develop premises to be known as Kupp Restaurant / Bar, (Unit 53) part of a development at 5 Merchant Square, Paddington Basin, London.

It is intended that the current site will be refurbished and opened in the manner of a traditional licensed premises with a significant food offering. It is intended that the premises will appeal to a wide demographic of clientele including families. A substantial quality food offering will be available and there will be a provision of limited regulated entertainment.

The layout is proposed in accordance with the plans deposited with the Licensing Authority with this application, being: -

- Site location plan
- Plan no. 07/01 dated July 2014 showing the proposed layout of the ground floor.
- Plan no. 07/02 dated July 2014 showing indicative layout for the basement area.

All licensable activities are to take place internally in the area outlined in red. The licensable activities limited to sale by retail of alcohol and late night refreshment only are proposed to be permitted to the external areas.

The applicant operates a number of licensed premises. On opening the premises will trade under the applicant's new style brand with premium food offering. There will be high levels of service and some waitress provision to the dining areas.

Other licensable activities, in particular regulated entertainment will be ancillary to the provision of food and alcohol.

Appropriate noise attenuation measures are included within the structure of the building and it is not anticipated that any issues will arise in relation to noise to local residents. The Operating Schedule has been completed on this basis.

The name of the premises will be Kupp.

Consequently, the following permitted licensing hours for these premises would apply for on and off sales on opening are: -

Monday to Sunday 10:00 to 01:00 the following morning.

This application seeks to obtain authorisation under the Licensing Act 2003 for the following activities: -

- 1) To permit regulated entertainment comprising live music and amplified voice, recorded music by juke box and music systems, performance of dance, comperes for functions and quizzes and similar forms of entertainment, indoor pub games comprising a sporting event in the presence of an audience, exhibition of a film principally video entertainment on screens and TV screens on an occasional basis and only ancillary to the principal licensable activities.
- 2) To permit sale of alcohol and such regulated entertainment on New Year's Eve to operate from 10:00 on the 31<sup>st</sup> December until 01:00 on the 2<sup>nd</sup> January, thereby providing extended hours.
- 3) To allow sale of alcohol and such regulated entertainment as follows: -  
Monday - Sunday - 10:00 - 01:00 the following morning
- 4) To permit provision of refreshment after 23:00.

**What licensable activities do you intend to carry on from the premises?**

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedule 1 and 2 to the Licensing Act 2003)

Please tick ✓ yes

**Provision of regulated entertainment**

- a) Plays (if ticking yes, fill in box A)
- b) Films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

**Provision of late night refreshment** (If ticking yes, fill in box I)

**Supply of alcohol** (If ticking yes, fill in box J)

**In all cases complete boxes K, L and M**

**A**

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick {Y} (please read guidance note 2).	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)	Both	
Tue					
Wed					
Thur			State any seasonal variations for performing plays (please read guidance note 4)		
Fri					
Sat			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

**B**

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick {Y}(please read guidance note 2).	Indoors	✓
Day	Start	Finish		Outdoors	
Mon	10:00	01:00	Please give further details here (please read guidance note 3) Exhibition of a film principally video entertainment on screens and TV screens. There shall be no films shown to a close seated audience	Both	
Tue	10:00	01:00			
Wed	10:00	01:00	State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur	10:00	01:00			
Fri	10:00	01:00	Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	10:00	01:00			
Sun	10:00	01:00	When hours for sale of alcohol are extended hereunder these hours are also extended (see box J below)		

**C**

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)  As stated in Part 3 above and restricted to traditional pub games in the presence of an audience, including (but not limited to) darts, pool, snooker, dominos and similar
Day	Start	Finish	
Mon	10:00	01:00	State any seasonal variations for indoor sporting events (please read guidance note 4)
Tue	10:00	01:00	
Wed	10:00	01:00	N/A - save as below
Thur	10:00	01:00	Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)
Fri	10:00	01:00	
Sat	10:00	01:00	When hours for sale of alcohol are extended hereunder these hours are also extended (see box J below)
Sun	10:00	01:00	

**D**

Boxing or wrestling entertainment Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both - please tick {Y}(please read guidance note 2).	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)	Both	
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

**E**

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick {Y} (please read guidance note 2).	Indoors	✓
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 3)  As stated in Part 3 above and to include live music which may be amplified or unamplified.  State any seasonal variations for the performance of live music (please read guidance note 4)  N/A – save as below  Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)  When hours for sale of alcohol are extended hereunder these hours are also extended (see box J below)		
Mon	10:00	01:00			
Tue	10:00	01:00			
Wed	10:00	01:00			
Thur	10:00	01:00			
Fri	10:00	01:00			
Sat	10:00	01:00			
Sun	10:00	01:00			

**F**

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick {Y} (please read guidance note 2).	Indoors	✓
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 3)  Recorded music, including juke box, with or without a DJ, during normal business hours or as part of functions and including audience participation as specified in part 3 above.  State any seasonal variations for playing recorded music (please read guidance note 4)  N/A – save as below  Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)  When hours for sale of alcohol are extended hereunder these hours are also extended (see box J below)		
Mon	10:00	01:00			
Tue	10:00	01:00			
Wed	10:00	01:00			
Thur	10:00	01:00			
Fri	10:00	01:00			
Sat	10:00	01:00			
Sun	10:00	01:00			

**G**

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick {Y} (please read guidance note 2).	Indoors	✓
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 3)  As stated in Part 3 above and to include performance of a dance or a similar activity.  State any seasonal variations for the performance of dance (please read guidance note 4)  N/A – save as below  Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)  When hours for sale of alcohol are extended hereunder these hours are also extended (see box J below)		
Mon	10:00	01:00			
Tue	10:00	01:00			
Wed	10:00	01:00			
Thur	10:00	01:00			
Fri	10:00	01:00			
Sat	10:00	01:00			
Sun	10:00	01:00			

**H**

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick {Y} (please read guidance note 2).	Indoors	
				Outdoors	
				Both	
Mon			Please give further details here (please read guidance note 3)  State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)  Non standard timings. Where you intend to use the premises for the entertainment of similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)		
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					

**I**

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick {Y} (please read guidance note 2).	Indoors	
				Outdoors	
				Both	✓
Day	Start	Finish			
Mon	23:00	01:00	Please give further details here (please read guidance note 3)  As stated in Part 3 above and to include the provision of hot food and drinks for consumption on and off the premises at the Manager's discretion and in the areas identified.		
Tue	23:00	01:00			
Wed	23:00	01:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)  N/A – save as below		
Thur	23:00	01:00			
Fri	23:00	01:00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
Sat	23:00	01:00			
Sun	23:00	01:00	When hours for sale of alcohol are extended hereunder these hours are also extended (see box J below)		

**J**

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box Y) (please read guidance note 7)	On the premises	
				Off the premises	
				Both	✓
Day	Start	Finish			
Mon	10:00	01:00	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Tue	10:00	01:00			
Wed	10:00	01:00			
Thur	10:00	01:00	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri	10:00	01:00			
Sat	10:00	01:00	To permit the sale of alcohol and such regulated entertainment authorised hereunder on New Years Eve commencing 10:00 until 01:00 on the 2 <sup>nd</sup> January.		
Sun	10:00	01:00			

<b>State the name and details of the individual whom you wish to specify on the licence as premises supervisor</b>	
<b>Name:</b>	.....
<b>Address:</b>	..... .....
<b>Postcode:</b>	.....
<b>Personal Licence number (if known):</b>	05/09248/LIPERS.....
<b>Issuing licensing authority (if known):</b>	City of Westminster.....

**K**

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

NONE

**L**

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variation (please read guidance note 4)  Please see box J above
Day	Start	Finish	Non standard timings. Where you intend to use the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)  The premises will close 30 minutes after the end of the non-standard timings identified in box J above.
Mon	07:00	01:30	
Tue	07:00	01:30	
Wed	07:00	01:30	
Thur	07:00	01:30	
Fri	07:00	01:30	
Sat	07:00	01:30	
Sun	07:00	01:30	

**M**

Describe the steps you intend to take to promote the four licensing objectives:

**a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)**

Faucet Inns operate a number of premises within London and on this occasion, the proposed site is intended to operate as a traditional licensed premises with a substantial food offering and approximately 200 covers.

**b) The prevention of crime and disorder**

The applicant has undertaken a risk assessment in connection with the operation of this unit taking into consideration the area in which it is located and their previous experience of units of this nature and their operation and impact on the immediate vicinity.

With regards to the prevention of crime and disorder the applicant would offer the following steps in order to address this issue: -

1. Alcoholic drinks may not be removed from the premises in open containers saved for consumption in external areas provided for that purpose.



2. No customers carrying opened bottles of alcoholic drink upon entry shall be admitted to premises at anytime the premises are open to the public.
3. It is considered that for the nature of the operation door supervisors will not be required however, the Designated Premises Supervisor will undertake a risk assessment should unusual events takes place and if they consider it appropriate will employ the same.
4. Any persons exercising security (as defined by paragraph 21a of schedule 2 of the Private Security Act 2001) shall be licensed by the Security Industry Authority.
5. Such person will be employed at the premises at the discretion of the designated premises supervisor/holder of the premises licence.
6. CCTV will be installed with recording facilities such recordings shall be retained for a period of 31 days and made available within a reasonable time upon request by the police, such as to cover the main entrance to the premises.

**c) Public safety**

The applicant has undertaken a risk assessment with regard to public safety.

As this is an effective 'new build' all equipment will be to the latest standard and will be British Standard approved.

The applicant will ensure that fixtures and fittings provided to the premises will be of an appropriate nature.

The applicant undertakes to comply with reasonable requirements of the Building Control Officer. In any event, the approval of these statutory authorities will be required before the premises can open to the public.

Proposed condition :-

- 1) The Premises Licensee will comply with the reasonable requirements of the Fire Officer from time to time.

**d) The prevention of public nuisance**

The applicant has undertaken a risk assessment with regards to public nuisance.

The applicant proposes conditions as follows: -

- 1) Where appropriate prominent and legible notices shall be displayed at all exists requesting the public to respect the needs of the local residents and to leave the premises and area quietly.
- 2) The doors and windows to the premises are to be double glazed

**e) The protection of children from harm**

The restrictions set out in the Licensing Act 2003 will apply. No unusual or additional risks of harm to children have been identified.

- 1) No films or videos of any description will be shown so that they can be viewed by persons under the age of any applicable BBFC/Local Authority certification.
- 2) Children under the age of 16 shall not be permitted to enter or remain at the premises after 22:00 unless resident, dining with an adult or attending a pre booked function.

Please tick ✓ Yes

- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 4 – Signatures** (please read guidance note 10)

**Signature of applicant or applicant’s solicitor or other duly authorised agent.** (Please read guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Signature: John Gaunt & Partners.....

Date: 25 July 2014.....

Capacity: Solicitors.....

**For joint applications signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant’s solicitor or other authorised agent.** (Please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

Signature: John Gaunt & Partners.....

Date: .....

Capacity: Solicitors.....

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13) John Gaunt & Partners Omega Court 372 Cemetery Road	
Post town Sheffield	Post code S11 8FT



**CITY OF WESTMINSTER****MEMORANDUM**

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<b>TO REFERENCE</b>	<b>Licensing Officer 14/06394/LIPN</b>
<b>FROM</b>	<b>Environmental Health Consultation Team 4<sup>th</sup> Floor West, City Hall</b>
<b>REFERENCE</b>	<b>14/032710/EHCT</b>
<b>TELEPHONE</b>	<b>0207 641 2788</b>
<b>BEING DEALT WITH BY</b>	<b>Sally Thomas sthomas4@westminster.gov.uk</b>
<b>DATE</b>	<b>22<sup>nd</sup> August 2014</b>

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**Licensing Act 2003****Kupp Restaurant/Bar, Unit 53, 5 Merchant Square, London, W2 1AS**

I refer to the application for a new Premises Licence for the above premises.

The applicant has submitted the floor plans for the ground floor, drawing number 07/01 and dated July 2014 and the basement, drawing number 07/02 and dated July 2014.

This representation is based on the plans and Operating Schedule submitted.

The applicant is seeking the following licensable activities on the **ground floor**:

1. The Supply of Alcohol for consumption both 'on' and off the premises Monday to Sunday 1000 to 0100 hours.
2. The Provision of Late Night Refreshment both 'indoors' and 'outdoors' on Monday to Sunday 2300 to 0100 hours. Also to allow an extra hour on the day of the start of British Summer Time,
3. To provide the following Regulated Entertainment indoors from 1000-0100 hours: Films, Indoor Sporting Events, Live Music, Recorded Music, Performance of Dance and anything similar.
4. To provide the above activities from 10:00 hours on 31<sup>st</sup> December to 01:00 hours on 2<sup>nd</sup> January.

I wish to make the following representations in relation to the above application:

1. The Supply of Alcohol and the hours requested will have the likely effect of causing an increase in Public Nuisance in the area, and may impact upon Public Safety.
2. The provision of Late Night Refreshment will have the likely effect of causing an increase in Public Nuisance in the area.
3. The provision of Regulated Entertainment will have the likely effect of causing an increase in Public Nuisance in the area, and may impact upon Public Safety.
4. The seasonal variations for the above activities may have the likely effect of causing an increase of Public Nuisance in the area.

The applicant has provided additional information and conditions with the operating schedule which are being considered but does not fully address the concerns of Environmental Health.

**The granting of the new Premises Licence as presented would have the likely effect of causing an increase in Public Nuisance in the area and may impact on Public Safety.**

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

Sally Thomas  
Environmental Health Officer

**Kupp, Unit 53, 5 Merchant Square – 14/06394/LIPN**  
**Proposed Environmental Health Conditions**  
**11/09/13**

1. Substantial food and suitable beverages other than intoxicating liquor shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.
2. There shall be no take away of hot food or hot drink after 23.00 hours.
3. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
4. There shall be no sales of alcohol for consumption off the premises after 23.00 hours.
5. There shall be no admittance or re-admittance to the premises after 23.00 hours save for smokers.
6. All external tables and chairs shall be rendered unusable after 23.00 hours Monday to Sunday.
7. After 23.00 hours the use of the outside area shall only be limited to people temporarily leaving to smoke in the designated area.
8. No drinks shall be permitted to be taken outside after 23.00 hours.
9. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
10. Clearly legible notices shall be displayed at all exits from the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.
11. All external doors and windows shall be kept closed whilst regulated entertainment is taking place and in any case after 23:00 hours except for immediate access and egress of persons.
12. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
13. There shall be no regulated entertainment in the outside area.

14. Loudspeakers shall not be located in the entrance or exits areas or outside the premises building.
15. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, Premises Management so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
16. There shall be no amplified live music.
17. There shall be cinema style seating at the premises
18. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0800 hours.
19. Deliveries to the premises shall only take place between 0800 and 2300 hours.
20. During the hours of operation 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 the aforementioned 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.
21. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
22. The number of persons accommodated at any one time (excluding staff) shall not exceed the following:
  - i. Ground Floor – 303
  - ii. External Area -66
23. 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.

24. 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.
25. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
26. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.
27. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.
28. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
29. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
30. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given.
  - dry ice and cryogenic fog
  - smoke machines and fog generators
  - pyrotechnics including fireworks
  - firearms
  - lasers
  - explosives and highly flammable substances
  - real flame
  - strobe lighting
31. The certificates listed below shall be submitted to the Licensing Authority upon written request.
  - Any permanent or temporary emergency lighting battery or system
  - Any permanent or temporary electrical installation
  - Any permanent or temporary emergency warning system
32. The Licence will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.



33. Before the premises open to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction a variation application may be required.

## APPENDIX B2

Your TAS/fau/MER67

Our 14/06394/LIPN

Date: 20<sup>th</sup> Aug 2014



JG&P

**METROPOLITAN POLICE  
SERVICE**

Bryan Lewis PC4161CW  
Westminster Police Licensing Team  
**Westminster City Hall**  
4<sup>th</sup> Floor  
64 Victoria Street  
London  
SW1E 6QP

Telephone: 020 7641 3347

mob

Facsimile: 020 7641 2436

Email: [blewis1@westminster.gov.uk](mailto:blewis1@westminster.gov.uk)

Dear Sir

**Re: Application for a new Premises Licence**  
**Kupp, 5 Merchant Square West, W2 1AS**

With reference to the above application I am writing to inform you that the Police, as a Responsible Authority, object to your application for a New Premises Licence as it is our belief that if granted the application would undermine the Licensing Objectives.

**Our objections relate to the following:**

- There are insufficient conditions being offered to promote the Licensing Objectives. This fails to promote the Prevention of Crime and Disorder. I will send you a list of proposed conditions in order to address our concerns.
- Hours proposed for Licensable activities are beyond core hours (WCC Statement of Licensing Policy 2011)

Yours sincerely

Bryan Lewis PC4161CW

Westminster Police Licensing Team

APPLICATION FOR A NEW PREMISES LICENCE

KUPP RESTAURANT,  
5 MERCHANT SQUARE LONDON W2

AGREED POLICE CONDITIONS

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 preceding 31 day period.
2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested
3. 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, which 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) any faults in the CCTV system
  - (f) any refusal of the sale of alcohol
  - (g) any visit by a relevant authority or emergency service
4. Door supervisors will be employed by the Premises Licence Holder on a risk assessed basis. A suitable Risk Assessment will be undertaken and documented on a daily basis, in relation to whether or not door supervisors are to be employed on specific occasions. On occasions when door supervisors are employed they shall display their SIA Licence at all times, worn with a high visibility arm band.
5. All tables and chairs shall be removed from the outside area or rendered unusable by **(23.00)** each day.
6. Food and suitable beverages other than intoxicating liquor shall be available during the whole of permitted hours in all parts of the premises where intoxicating liquor is sold and supplied.

7. The layout of the licensed area both internally and externally as shown on the approved plan at the ground floor layout shall be substantially laid out for tables and chairs as indicated on the approved licensing drawing.
8. There shall be no sales of alcohol for consumption off the premises after 23.00 hours.
9. Patrons permitted to temporarily leave and then re-enter the premises after 23:00 hours, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
10. There shall be no new customer entries to the premises after midnight on each evening until closure of the premises.

## Bamborough, Sharon

---

**From:** Lewis, Bryan  
**Sent:** 18 September 2014 12:59  
**To:** Bamborough, Sharon  
**Cc:** idoxlicensing; Tim Shield  
**Subject:** FW: 14/06394/LIPN - Kupp, 5 Merchant Sq W2 1AS  
**Attachments:** AGREED POLICE CONDITIONS.DOC

Hi Sharon

Conditions agreed re Kupp, Police objection withdrawn

Thanks

Bryan

---

**From:** Carron Mather [<mailto:CMather@john-gaunt.co.uk>] **On Behalf Of** Tim Shield  
**Sent:** 18 September 2014 11:31  
**To:** Lewis, Bryan  
**Subject:** RE: 14/06394/LIPN - Kupp, 5 Merchant Sq W2 1AS

Dear Bryan,

Please see attached a document which I believe crystallises all the proposed conditions. I have altered the numbering to reflect the agreed conditions so that condition 1 – 3 are as in your letter of 9<sup>th</sup> September but the numbering then changes to deal with the additional agreed conditions.

If you are happy perhaps you could confirm and then e-mail Licensing and myself to reflect the agreement.

**Kind Regards,**

**Tim Shield**

We would be grateful if you could provide us some feedback on the service you received, [click here for a survey form](#). Please click on the logo below to visit our award winning website and see the latest updates in our news section.

Partners: John Gaunt (569711) Katharine Redford (569712) Tim Shield (569713) Michelle Hazlewood (569714)  
Associates: Christopher Grunert Jonathan Hydon  
Executive Manager: Jonathan Pupius

John Gaunt & Partners authorised and regulated by the Solicitors Regulation Authority – SRA No. 173393

Please consider the environment before printing this email.

CAUTION  
This email is intended to be confidential to the person to whom it is addressed and may be legally privileged.

# APPENDIX B3



**Patron – The Viscount Norwich**  
**President- Michael Bond**  
**Chairman- Elizabeth Virgo**  
**Hon Treasurer- Anne von Bennigsen**  
**Hon Secretary –Hazel Hindler**

Licensing Objections  
Westminster City Council  
4<sup>th</sup> Floor (West)  
64 Victoria Street  
London SW1E 6QP

18<sup>th</sup> August 2014

Dear Sirs

**REPRESENTATION FROM  
THE PADDINGTON WATERWAYS AND MAIDA VALE SOCIETY IN RESPECT OF  
Ref 14/06394/LIPN Kupp 5 Merchant Square, London W2**

As a Recognised Amenity Society, we are officially charged with working towards the preservation and enhancement of the architectural and environmental quality of Little Venice, Maida Vale and the Paddington Waterway area (including planning and licensing issues). We are concerned with the well-being and sense of community of its residents but are aware that that this site will have to be a viable operation, providing services for locals as well as people who are not residents of this area.

**Cause a public nuisance and add to Crime and Disorder**

We are anxious that the WCC Licensing Objectives should be adhered to in this area (which does have residents living nearby, some with children), and strongly object to the hours proposed, both for opening and for serving alcohol. We consider it should operate within the appropriate Core Hours, ending at 23.00, with the usual cutback on Sundays. We do not consider it enough to provide "some waitress service" and would like to see all alcohol served seated by waiter/waitress and ancillary to food. We are also concerned at the amount of outside seating proposed and indeed the very high number of patrons indicated.

We feel that there should be no drinking outside unless seated ( meaning no one can take drinks outside and "wander") and the use of tables and chairs outside should stop at 23.00. We wonder whether outside service of alcohol should be limited to plastic glasses and are concerned about smoking outside. We understand that the design will minimise the amount of noise caused by both live and recorded music, but are apprehensive that with so many patrons seated outside, there will be significant noise escaping from the building itself. We feel the licensable hours for these activities need to be curtailed significantly from those proposed.

In the matter of off-sales, we would wish to see no beer, nor cider, over 5.5% and the standard hours for this activity.

We would ask the committee to require the standard conditions on CCTV, customers leaving the premises at night, rubbish collection etc , noting that there should be no servicing on Sundays.

Should there be a hearing, we will endeavour to attend.

Yours faithfully

Elizabeth M Virgo -Chairman  
Paddington Waterways and Maida Vale Society  
4 Browning House, 19-21 Formosa Street, London W9 2JS

From: "John Zamit, Chairman, SEBRA" <Chairman@SEBRA.org.uk>  
Sent: 18/08/2014 10:13:39  
To: Premises Licensing  
Cc: ELIZABETH VIRGO; Chairman, SEBRA John Zamit  
Subject: Fw: Kupp, Merchant Square W2

SEBRA (South East Bayswater Residents Association) fully supports objection submitted by PWMV Society

We are the adjoining residents association and have very serious concerns on this application in terms of hours sought, high numbers of customers, any 'bar' led operation and the effect on the local community in terms of noise, crime etc

John Zamit  
Chairman  
SEBRA (South East Bayswater Residents' Association)  
2 Claremont Court  
Queensway  
LONDON  
W2 5HX

Tel: 020 7727 6104  
Mobile: 07768 068277

Email: Chairman@SEBRA.org.uk  
Website: www.sebra.org.uk

From: ELIZABETH VIRGO [mailto:elizabethvirgo@btinternet.com]  
Sent: 18 August 2014 9:19 AM  
To: Licensing Objections (premiseslicensing@westminster.gov.uk)  
Cc: John Zamit, Chairman, SEBRA (johnzamit@gmail.com)  
Subject: Kupp, Merchant Square W2

Attached is our objection.

We will endeavour to attend a hearing, should there be one. If unable to, we will ask John Zamit to represent us.

Elizabeth Virgo

Chair Paddington Waterways and Maida Vale Society



## APPENDIX C

### Licence & Appeal History

Application	Details of Application	Date determined	Decision
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There is no licensing or appeal history

## APPENDIX D

### 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 appropriate for the promotion of the licensing objectives.

This schedule lists those conditions which are consistent with the operating schedule, or proposed as appropriate 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

#### **Conditions:**

##### **Mandatory:**

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 shall take all reasonable steps to 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children;
  - (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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(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;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on;

(i) the outcome of a race, competition or other event or process, or

(ii) the likelihood of anything occurring or not occurring;

(e) 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.

5. The responsible person shall ensure that no alcohol is dispensed 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).

6. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

7. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) 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 a holographic mark.

8. The responsible person shall 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; and

(b) customers are made aware of the availability of these measures.

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.

9(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.

9(ii) For the purposes of the condition set out in paragraph 9(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.

9(iii). Where the permitted price given by Paragraph 9(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.

9(iv). (1) Sub-paragraph 9(iv)(2) below applies where the permitted price given by Paragraph 9(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.

10. Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.

11. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

#### **Conditions consistent with the operating schedule**

12. Alcoholic drinks may not be removed from the premises in open containers save for consumption in external areas provided for that purpose.

13. No customers carrying opened bottles of alcoholic drink upon entry shall be admitted to premises at anytime the premises are open to the public.

14. It is considered that for the nature of the operation door supervisors will not be required however, the Designated Premises Supervisor will undertake a risk assessment should unusual events takes place and if they consider it appropriate will employ the same.

15. Where appropriate prominent and legible notices shall be displayed at all exits requesting the public to respect the needs of the local residents and to leave the premises and area quietly.
16. The doors and windows to the premises are to be double glazed
17. No films or videos of any description will be shown so that they can be viewed by persons under the age of any applicable BBFC/Local Authority certification.
18. Children under the age of 16 shall not be permitted to enter or remain at the premises after 22:00 unless resident, dining with an adult or attending a pre booked function.

#### **Conditions proposed by Police and agreed with applicant**

19. 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 preceding 31 day period.
20. 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. 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
21. 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, which 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) any faults in the CCTV system
  - (f) any refusal of the sale of alcohol
  - (g) any visit by a relevant authority or emergency service
22. A minimum of (1) SIA licensed door supervisors shall be on duty at the premises on Fridays and Saturdays from 20:00 until close of business. The door supervisor shall display their SIA licence at all times, worn within a yellow high visibility arm band.
23. All tables and chairs shall be removed from the outside area or rendered unusable by **23.00** each day.
24. Food and suitable beverages other than intoxicating liquor shall be available during the whole of permitted hours in all parts of the premises where intoxicating liquor is sold and supplied

*Note – a slightly stronger version of this has been proposed by Environmental Health and will need confirmation as to whether or not it is agreed by the applicant:*

***Substantial food and suitable beverages other than intoxicating liquor shall be available during the whole of permitted hours in all parts of the premises where intoxicating liquor is sold and supplied***

28. The layout of the licensed area both internally and externally as shown on the approved plan at the ground floor layout shall be substantially laid out for tables and chairs as indicated on the approved licensing drawing.
29. There shall be no sales of alcohol for consumption off the premises after 23.00 hours.
30. Patrons permitted to temporarily leave and then re-enter the premises after 23:00 hours, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
31. There shall be no new customer entries to the premises after midnight on each evening until closure of the premises.

**Proposed conditions from Environmental Health agreed by applicant:**

32. There shall be no take away of hot food or hot drink after 23.00 hours.
33. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
34. All external tables and chairs shall be rendered unusable after 23.00 hours Monday to Sunday.
35. After 23.00 hours the use of the outside area shall only be limited to people temporarily leaving to smoke in the designated area.
36. No drinks shall be permitted to be taken outside after 23.00 hours.
37. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
38. Clearly legible notices shall be displayed at all exits from the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.
39. All external doors and windows shall be kept closed whilst regulated entertainment is taking place and in any case after 23:00 hours except for immediate access and egress of persons.
40. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
41. There shall be no regulated entertainment in the outside area.
42. Loudspeakers shall not be located in the entrance or exits areas or outside the premises building.
43. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, Premises Management so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.

44. There shall be no amplified live music.
45. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0800 hours.
46. During the hours of operation 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 the aforementioned 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.
47. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
48. 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.
49. 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.
50. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
51. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.
52. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.
53. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
54. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
55. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given.
  - dry ice and cryogenic fog
  - smoke machines and fog generators
  - pyrotechnics including fireworks
  - firearms
  - lasers
  - explosives and highly flammable substances
  - real flame
  - strobe lighting
56. The certificates listed below shall be submitted to the Licensing Authority upon written request.
  - Any permanent or temporary emergency lighting battery or system

- Any permanent or temporary electrical installation
- Any permanent or temporary emergency warning system

57. The Licence will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.
58. Before the premises open to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction a variation application may be required.

**Conditions proposed by Environmental Health not agreed/to be discussed with applicant**

59. There shall be no admittance or re-admittance to the premises after 23.00 hours save for smokers.
60. There shall be cinema style seating at the premises
61. Deliveries to the premises shall only take place between 0800 and 2300 hours.
62. The number of persons accommodated at any one time (excluding staff) shall not exceed the following:
- i. Ground Floor – 303
  - ii. External Area -66

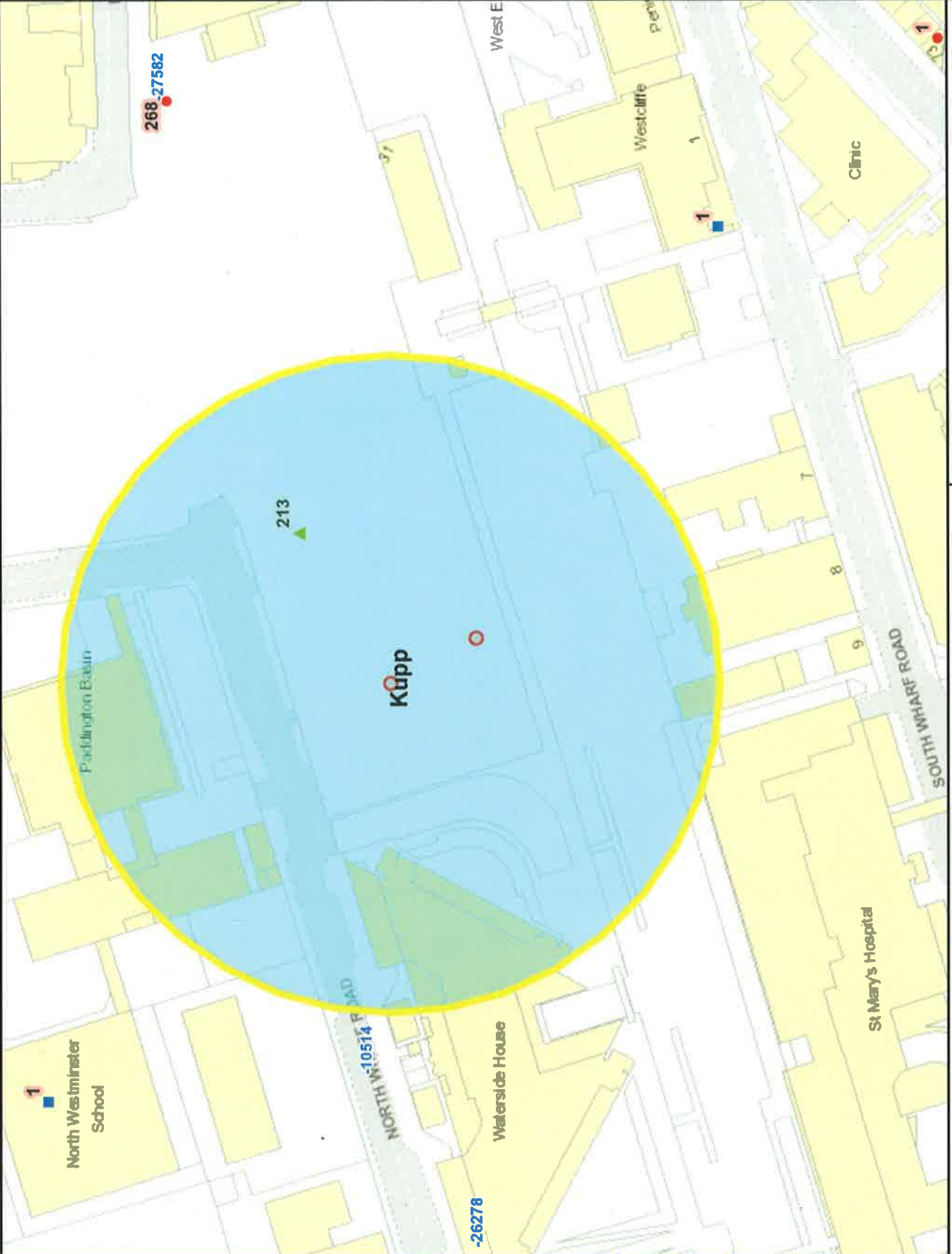
**Conditions proposed by Residents Associations**

63. All alcohol should be served to seated patrons by waiter/waitress and shall be ancillary to food
64. There shall be no drinking outside unless seated
65. There shall be no off sales of beer & cider over 5.5%ABV





# Kupp, Unit 53, 5 Merchant Square West, W2 1AS



Residential / Proposed Residential	213
Under Construction	
Other Uses	5
Proportion Residential of all Uses	98%

Data Source: Uniform Datab:  
Date: 12/09/2014

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APPENDIX F





