



City of Westminster

Licensing Sub-Committee Report

Item No:

Date:

13 January 2022

Licensing Ref No:

21/08577/LIPN - New Premises Licence

Title of Report:

50 Westbourne Grove
London
W2 5SH

Report of:

Director of Public Protection and Licensing

Wards involved:

Bayswater

Policy context:

City of Westminster Statement of Licensing Policy

Financial summary:

None

Report Author:

Karyn Abbott
Senior Licensing Officer

Contact details

Telephone: 0207 641 6500
Email: kabbott@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	26 August 2021		
Applicant:	Minhoco 61 Limited		
Premises:	The Residency		
Premises address:	50 Westbourne Grove London W2 5SH	Ward:	Bayswater
		Cumulative Impact Area:	None
		Special Consideration Zone:	Queensway/Bayswater
Premises description:	According to the application form, the premises proposes to operate as a restaurant.		
Premises licence history:	The premises previously had the benefit of a premises licence (19/11431/LIPDPS) which was granted in September 2005 and lapsed in November 2020, details can be found at Appendix 3 .		
Applicant submissions:	The applicant has provided submissions addressing the relevant spatial policies which can be found at Appendix 2 .		
Applicant amendments:	<p>On original submission of the application, the applicant applied for the following.</p> <p>Recorded Music Monday to Saturday 10:00 to 00:30 Sunday 12:00 to 00:00</p> <p>Late Night Refreshment Monday to Saturday 23:00 to 00:30 Sunday 23:00 to 00:00</p> <p>Retail Sale of Alcohol Monday to Saturday 10:00 to 00:00 Sunday 12:00 to 23:30</p> <p>Opening Hours Monday to Sunday 10:00 to 00:30 Sunday 12:00 to 00:00</p> <p>These hours have since been amended and are reflected in section 1-B of the report.</p>		

1-B Proposed licensable activities and hours							
Recorded Music:				Indoors, outdoors or both			Indoors
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	23:30	23:30	22:30
Seasonal variations/ Non-				Sundays immediately prior to bank holiday 23:30			

standard timings:							
Late Night Refreshment:				Indoors, outdoors or both			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	N/A
End:	23:30	23:30	23:30	23:30	00:00	00:00	N/A
Seasonal variations/ Non-standard timings:		Sundays immediately prior to bank holiday 23:00 to 23:30					

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	23:30	23:30	22:00
Seasonal variations/ Non-standard timings:		Sundays immediately prior to bank holiday 23:00					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	12:00
End:	23:30	23:30	23:30	23:30	00:00	00:00	22:30
Seasonal variations/ Non-standard timings:		Sundays immediately prior to bank holiday 12:00 to 23:30					
Adult Entertainment:		None					

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Metropolitan Police Service
Representative:	PC Reaz Guerra
Received:	20 September 2021 (Withdrawn 14 December 2021)
<p>With reference to the above applications, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, are objecting to this application as it is our belief that if granted the application would undermine the Licensing Objectives.</p> <p>There is insufficient detail contained within the operating schedule to promote the licensing objectives.</p> <p>The hours sought exceed Westminster's Core Hours Policy.</p> <p>It is for these reasons that we object to this application.</p> <p>The Metropolitan Police Service withdrew their representation due to conditions agreed by the Environmental Health Service.</p>	

Responsible Authority:	Environmental Health Service
Representative:	Ian Watson
Received:	23 September 2021

I refer to the application for a New Premises Licence.

The premises are located within the Queensway/Bayswater Special Consideration Zone as stated in the City of Westminster's Statement of Licensing Policy.

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 00.00 hours and Sunday between 12.00 to 23.30 hours.
2. To provide Late Night Refreshment 'Indoors' and 'Outdoors' Monday to Saturday between 23.00 and 00.30 hours and Sunday between 23.00 to 00.00 hours.
3. To provide regulated entertainment 'Indoors' comprising
 - Recorded Music
 Monday to Saturday between 10.00 and 00.30 hours and Sunday between 12.00 to 00.00 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 QB SCZ.
2. The hours requested to permit the provision of late-night refreshment will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the QB SCZ.
3. 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 QB SCZ.

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 have been agreed between the applicant and Environmental Health. These conditions can be found at Appendix 5.

2-B Other Persons	
Name:	██████████
Address and/or Residents Association:	████████████████████ ██████████ ██████████
Received:	28 August 2021

Opening hours for the serving of alcohol until after midnight for both on site consumption and takeaway are totally unsuitable for a residential area. This will only attract drunkards from far and wide with noise, garbage and foul behaviour to the detriment of residents.

Opening hours should be limited to 10:00 during weekdays and and Saturday and 10:00 pm on Sundays to discourage anti-social behaviour.

Name:	██████████
Address and/or Residents Association:	██████████ ████████████████████████████████████████ ████████████████████████████████████████ ████████████████████████████████████████ ██████████
Received:	20 September 2021

The ██████████ welcome this new restaurant operator to Westbourne Grove and wish them every success.

We note on Premises Licence application most of standard restaurant conditions have been offered in the application.

However we object to application as there are few additional conditions required in order to prevent any public nuisance or potential crime and disorder in Westbourne Grove / Queensway and the surrounding area.

No alcohol to be allowed to be taken off premises in open vessels, except to those seated if any taking a table meal.

On 'Off Sales', we request our usual condition due to anti social drinking issues in Queensway and Westbourne Grove area and surrounding area, that there will be no 'off sales' of beer or cider over 5.5% APV, unless premium brand in bottles or cans.

No sales of food or alcohol from the premises after 23.00 with Sunday after 22.30.

In this particular location opposite Kensington Gardens Square and along Westbourne Grove and Queensway we have numerous, well documented, continual problems with delivery drivers with scooters etc all day but particularly in the evenings and weekends.

Standard condition required that entrance doors and windows to be kept closed after 21.00, accept for customers entering or leaving.

We also request condition that all Refuse and Recycling collections not to take place between midnight 00.00 and 0800, on order to protect residential amenity of flats above and opposite.

We note that applicant has applied for Westminster Council 'Core Hours' for sale of alcohol and Late Night Refreshment but has also applied for 30 minutes 'drinking up' time and we object to these hours as we wish to protect residential amenity and potential crime and disorder in the Westbourne Grove and the surrounding area.

We object to this 30 minute extension after Westminster standard 'Core Hours' as there are a substantial number of residential units in Westbourne Grove and surrounding area.

We are content for our above representation and contact details to be forwarded to applicant and agent.

As always, ██████████ is more than happy to discuss the matters above and we have already made initial contact with the applicant.

We trust we can reach agreement with the applicant on our amendments, so as hopefully to avoid application having to go to a Licensing hearing for determination.

Conditions have been agreed between the applicant and [REDACTED]. These conditions can be found at Appendix 5.

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]
Received:	23 September 2021

I presume the opening terms are identical to the previous licence but I would be grateful if the Council would check.

I see that the premises will be altered to allow fire doors to the back yard and the garden removed and more seating added. The fire doors may be opened for ventilation and I object to them. The back door is not supposed to be kept open during opening hours but this often happens already especially during summer. The back "room" is at present a garden and the previous planning for these premises should be checked.

The licence allows for seating outside when there is none. This should be deleted as the licence premises in case the back yard is used for eating in due course. It should be a condition that the yard is not used.

The previous tenant quite often emptied bottles or stored them in the back yard, causing noise at midnight and waking us up. please pay attention to this

3. Policy & Guidance

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

Policy SCZ1 applies	<p>A. In addition to meeting the other policies within this statement, applications within a designated Special Consideration Zone should demonstrate that they have taken account of the issues particular to the Zone, in question as identified within the 2020 Cumulative Impact Assessment, and should set out any proposed mitigation measures in relation to those issues within their operating schedule.</p> <p>B. For the purpose of Clause A, the designated Special Consideration Zones are:</p> <ul style="list-style-type: none"> • West End Buffer. • Queensway/Bayswater. • Edgware Road. • East Covent Garden. • Mayfair. • Victoria.
Policy HRS1 applies	<p>A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:</p> <ol style="list-style-type: none"> 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.

	<p>4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.</p> <p>5. The proposed hours when any music, including incidental music, will be played.</p> <p>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.</p> <p>7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.</p> <p>8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.</p> <p>9. The capacity of the premises.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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> <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 applications for each premises use type as defined within this policy are:</p> <p>8. Restaurants 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>
Policy RNT1 applies	<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

	<p>Hours Policy HRS1.</p> <p>3. The operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.</p> <p>4. The applicant has taken account of the Special Consideration Zones Policy SCZ1 if the premises are located within a designated zone.</p> <p>5. The application and operation of the venue meeting the definition of a restaurant as per Clause C.</p> <p>B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to:</p> <p>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</p> <p>2. The hours for licensable activities are within the council's Core Hours Policy HRS1.</p> <p>3. The operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.</p> <p>4. The applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone.</p> <p>5. The application and operation of the venue meeting the definition of a restaurant as per Clause C.</p> <p>C. For the purposes of this policy a restaurant is defined as:</p> <p>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.</p> <p>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.</p> <p>3. Which do not provide any takeaway service of food and/or drink for immediate consumption, except if provided via an ancillary delivery service to customers at their residential or workplace address.</p> <p>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.</p> <p>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.</p>
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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	Lapsed Premises Licence (19/11431/LIPDPS)
Appendix 4	Premises history
Appendix 5	Proposed conditions
Appendix 6	Residential map and list of premises in the vicinity

Report author:	Karyn Abbott Senior Licensing Officer
Contact:	Telephone: 0207 647 6500 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	October 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Metropolitan Police Service	20 th September 2021
5	Environmental Health Service	23 rd September 2021
6	Representation 1	28 th August 2021
7	Representation 2	20 th September 2021
8	Representation 3	23 rd September 2021

PLEASE NOTE -

FIRE PANEL LOCATION WITHIN ENTRANCE LOBBY

FLASHING BEACON TO MOBILITY W/C TO BE RETAINED

RED LINE OUTLINE INDICATES AREAS WHERE LICENSED ACTIVITIES CAN OCCUR

LEGEND EMERGENCY FITTINGS

	SMOKE DETECTOR (MAY BE SUPPLEMENTED BY MANTLED LIGHT DETECTORS IN HIGH RISK AREAS)		FIRE ALARM DETECTOR
	HEAT RATE RISE DETECTOR (MAY BE SUPPLEMENTED BY MANTLED LIGHT DETECTORS IN HIGH RISK AREAS)		FIRE ALARM DETECTOR
	OPTICAL SMOKE DETECTOR		FIRE ALARM DETECTOR
	CALL POINT		FIRE ALARM DETECTOR
	SOUNDER		FIRE ALARM DETECTOR
	FIRE EXTINGUISHER		FIRE ALARM DETECTOR
	FIRE ALARM		FIRE ALARM DETECTOR
	FIRE ALARM		FIRE ALARM DETECTOR

PROPOSED LICENSING

PROPOSED CAFE/BISTRO
 BAYSWATER
 WEBBOURNE GROVE

DATE: _____
 BY: _____
 FOR: _____

TAXY 2015

DATE: _____

BY: _____

FOR: _____

COLLECTIVE DESIGN

Applicant's Response in regard Special Consideration Zone

A Special Consideration Zone exists in regards to Queensway and Bayswater and is mentioned at page 56 of the Council's Statement of Licensing Policy. Particularly, the Policy asks us to demonstrate that we have taken account of the issues particular to that zone and set out any proposed mitigation measures in relation to the issues within our Operating Schedule.

Local issues particular to the Queensway and Bayswater area are:

1. Elevated levels of noise nuisance at night.
2. Illegal waste.
3. Incidents relating to ambulance call-outs at night to the location of licensed premises for intoxication, injury related to intoxication and/or assault.
4. Serious violent crime; and
5. Robberies at night.

Generally, we have read the list of local issues and concerns in the Statement of Licensing Policy. Particularly, we have had regard to the Council's SCZ1 as it relates to the Queensway and Bayswater area at paragraph 49, page 56. We consider that the application as drafted combined with the character of the premises proposed is sympathetic to the local issues identified.

1. Elevated levels of noise and nuisance at night

The premises will close at half past midnight on Monday to Saturday and midnight on a Sunday, and trade as a restaurant called 'The Residency'. We have applied for the same hours and activities as the premises' previous operator, Gourmet Burger, whose licence lapsed. We are not aware of any issues caused as a result of the way in which they operated their premises, which was as a restaurant.

- We will be operating a predominantly seated venue with a condition guaranteeing that it will be permanently laid out to tables and chairs – see Condition 1.
- We will trade as a restaurant and will have that offered as a restaurant style condition – see Condition 2.
- We will have waiter and waitress service available at all times to encourage seating and a lounge-style environment and we have offered that as a condition – see condition 3.
- We have offered a condition that glass will not be deposited in any bins during the period between 23:00 and 08:00 – see Condition 7.
- We have also offered an audibility condition relating to noise from patrons and music so that we won't cause a nuisance to nearby residents or businesses – see Condition 8.
- We are also committed not to play music at the premises above a level where it will prevent customers from talking in comfort – see Condition 9.
- Further, we have also confirmed that where any outside area is utilised it will not be used after 10pm – see Condition 14. We also operate an outside management policy where we operate any outside area.

2. Illegal Waste

As a very experienced operator, our client is very familiar with their obligations in terms of waste. They will only use reputable suppliers for waste collection and disposal.

3. Incidents relating to ambulance call-outs at night to the location of licensed premises for intoxication, injury related to intoxication and/or assault.

As a food centric business, operating as a restaurant, our experience tells us that these types of premises rarely have issues relating to incidents of crime and disorder. This is usually the preserve of later wet-led premises who tend to get the end of that evening trade. Our premises will operate with properly trained staff, and door supervisors on a risk assessment basis. All incidents will be recorded on the premises which will be covered by an extensive CCTV system. That will not only record incidents of crime or potential crime, but serve as a proactive tool to dissuade those wishing to engage in violence or crime in and around the vicinity of the premises.

4. Serious Violent Crime

(See above at No.3)

5. Robberies at Night

Our premises will be well lit and covered by CCTV to dissuade crime, including robberies. We will engage with local initiatives to prevent crime, and encourage our customers to seek safe modes of transport home late at night.



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

Schedule 12
Part A

WARD: Bayswater
UPRN: 100022817296

Premises licence

Regulation 33, 34

Premises licence number:

19/11431/LIPDPS

Original Reference:

05/09622/LIPC

Part 1 – Premises details

Postal address of premises:

Gourmet Burger Kitchen
50 Westbourne Grove
London
W2 5SH

Telephone Number:

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Playing of Recorded Music
Late Night Refreshment
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit
Sale by Retail of Alcohol

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

Playing of Recorded Music Unrestricted

Late Night Refreshment

Monday to Saturday: 23:00 to 00:30
Sunday: 23:00 to 00:00

Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit Unrestricted

Sale by Retail of Alcohol

Monday to Saturday: 10:00 to 00:00
Sunday: 12:00 to 23:30

For times authorised for Christmas, New Year and Good Friday see conditions at Annex 1

The opening hours of the premises:

Monday to Saturday: 10:00 to 00:30
Sunday: 12:00 to 00:00

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

Alcohol is supplied for consumption on the Premises.

Part 2

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

Gbk Restaurant Ltd
Suite C 1,
Lindsey Street
London
EC1A 9HP
Electronic Mail : rhepworth@tandtp.com

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

04918500

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

Name: Helen Smith

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: PA7605
Licensing Authority: Slough Borough Council

Date: 07th October 2019

This licence has been authorised by Bushara Hamida 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.
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- (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 reproducing the effect of conditions subject to which the relevant existing licences have effect

Conditions related to the Sale of Alcohol

9. Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal.
10. Suitable beverages other than intoxicating liquor (including drinking water) shall be equally available with or otherwise as an ancillary to meals served in the licensed premises.

Conditions which reproduce the effect of any restriction imposed on these of the premises by specified enactments

Conditions related to the Sale of Alcohol

11. Alcohol may be sold or supplied:
- (a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 10:00 to 00:00.
 - (b) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12:00 to 23:30.
 - (c) On Christmas Day: 12:00 to 22:30;
 - (d) On New Year's Eve, except on a Sunday, 10:00 to 23:00.
 - (e) On New Year's Eve on a Sunday, 12:00 to 22:30.
 - (f) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).
-

NOTE - The above restrictions do not prohibit:

- (a) during the first thirty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (b) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons
- (c) taking table meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (d) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (f) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (h) the taking of alcohol from the premises by a person residing there;
- (i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
- (j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.

- 12. Alcohol shall not be sold or supplied: unless the premises have been structurally and bona fide used, or intended to be used, for the purposes of habitually providing the customary main meal at midday or in the evening, or both, for the accommodation of persons frequenting the premises;
 - 13. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.
-

Annex 2 – Conditions consistent with the operating Schedule

None



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

None





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

Schedule 12
Part B

WARD: Bayswater
UPRN: 100022817296

Premises licence
summary

Regulation 33, 34

Premises licence number:

19/11431/LIPDPS

Part 1 – Premises details

Postal address of premises:

Gourmet Burger Kitchen
50 Westbourne Grove
London
W2 5SH

Telephone Number:

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Playing of Recorded Music
Late Night Refreshment
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit
Sale by Retail of Alcohol

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

Playing of Recorded Music	Unrestricted
Late Night Refreshment	
Monday to Saturday:	23:00 to 00:30
Sunday:	23:00 to 00:00
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit	Unrestricted
Sale by Retail of Alcohol	
Monday to Saturday:	10:00 to 00:00
Sunday:	12:00 to 23:30

For times authorised for Christmas, New Year and Good Friday see conditions at Annex 1

The opening hours of the premises:

Monday to Saturday:	10:00 to 00:30
Sunday:	12:00 to 00:00

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

Alcohol is supplied for consumption on the Premises.

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

Gbk Restaurant Ltd
Suite C 1,
Lindsey Street
London
EC1A 9HP

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

04918500

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

Name: Helen Smith

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

Restricted

Date: 07th October 2019

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

Premises History**Appendix 4****Licensing Act 2003**

Application	Details of Application	Date Determined	Decision
05/09622/LIPC	Premises Licence Conversion	26 September 2005	Granted under Delegated Authority
07/00966/LIPDPS	Premises Licence Change of DPS	13 February 2007	Granted under Delegated Authority
07/11035/LIPDPS	Premises Licence Change of DPS	6 February 2008	Granted under Delegated Authority
06/11847/WCCMAP	<p>Master Licence Recorded Music – Unrestricted</p> <p>Late Night Refreshment - Monday to Saturday 23:00 to 00:30 Sunday 23:00 to 00:00</p> <p>Private Entertainment – Unrestricted</p> <p>Sale by Retail of Alcohol - Monday to Saturday 10:00 to 00:00 Sunday 12:00 to 23:30</p>	6 February 2008	Granted under Delegated Authority
08/06145/LIPDPS	Premises Licence Change of DPS	19 August 2008	Granted under Delegated Authority
10/06489/LIPDPS	Premises Licence Change of DPS	15 September 2010	Granted under Delegated Authority
11/06952/LIPDPS	Premises Licence Change of DPS	15 August 2011	Granted under Delegated Authority
13/01818/LIPDPS	Premises Licence Change of DPS	8 May 2013	Granted under Delegated Authority
16/01601/LIPDPS	Premises Licence Change of DPS	24 February 2016	Granted under Delegated Authority
17/14070/LIPDPS	Premises Licence Change of DPS	27 March 2018	Granted under Delegated Authority
18/12824/LIPT	Transfer Premises Licence Holder from Gourmet Burger Kitchen Limited to Gbk Restaurant Ltd	7 November 2018	Granted under Delegated Authority
19/06760/LIPDPS	Premises Licence Change of DPS	26 June 2019	Granted under Delegated Authority
19/10418/LIPDPS	Premises Licence Change of DPS	3 September 2019	Granted under Delegated Authority
19/11431/LIPDPS	Premises Licence Change of DPS	7 October 2019	Granted under Delegated Authority

****Licence Lapsed in November 2020***

There is no TEN's or appeal history.

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 with the applicant to form part of the operating schedule.

9. The supply of alcohol at the premises shall only be to a person seated taking a substantial table meal there and for consumption by such a person as ancillary to their meal.
10. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
11. The supply of alcohol shall be by waiter or waitress service only.
12. The premises shall be permanently laid to tables and chairs.
13. 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 and will include the external area immediately outside the premises entrance. 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.
14. 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.
15. A Challenge 21 or Challenge 25 scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as driving licence, passport or proof of age card with the PASS Hologram.
16. 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 regarding crime 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
17. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

18. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of the local residents and businesses and leave the area quietly.
19. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the need of local residents and use the area quietly.
20. 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.
21. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel; at its junction with the kerb edge, is swept and or washed and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
22. No deliveries to the premises shall take place between 23:00 and 08:00 hours on the following day.
23. All waste if to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
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. No licensable activities shall take place until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.
28. No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined.
29. 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 new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.

Conditions proposed by an Interested Party and agreed with the applicant to form part of the operating schedule.

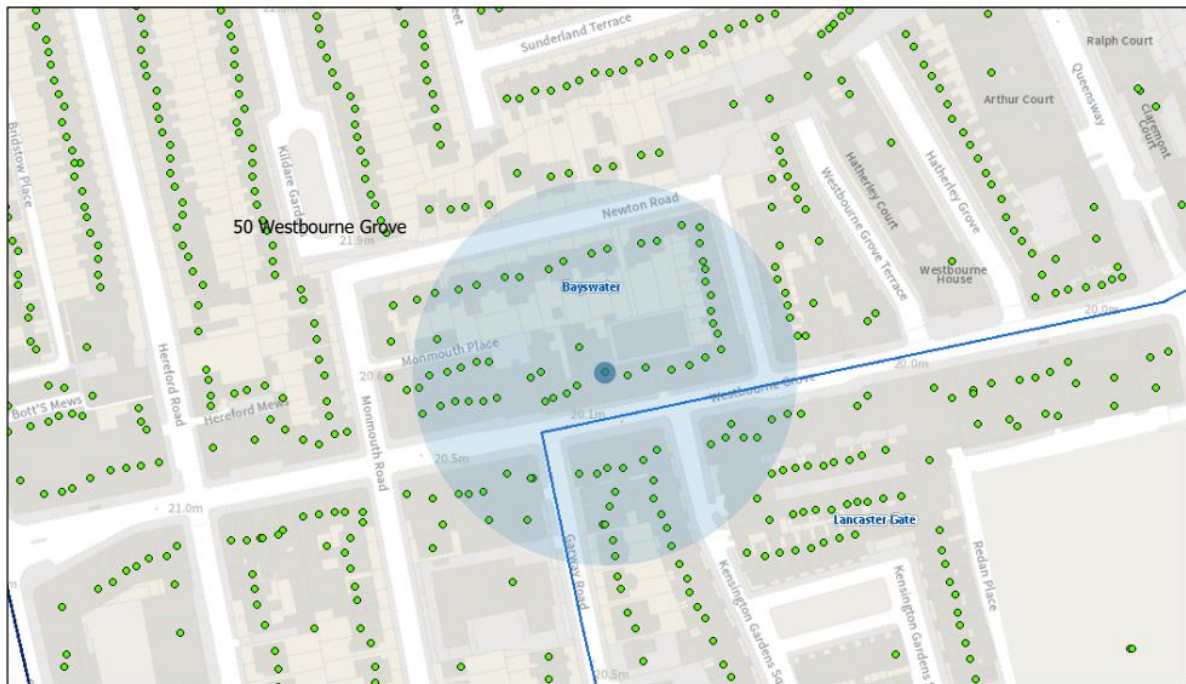
30. No alcohol to be allowed to be taken off premises in open vessels, except to those seated (if any) taking a table meal. Re-sealed vessels can be taken off the premises.

31. There will be no 'off sales' of lager, beer, cider or perry over 5.5% ABV, with the exception of premium brands in bottles or cans.
32. No sales of food or alcohol for takeaway from the premises after 23.00 Monday to Saturday and 22:30 on a Sunday, with the last order to be taken no later than 21:30.
33. All external doors and windows to be kept closed after 21.00, except for access and egress.
34. Refuse and Recycling collections will not to take place between 00.00 and 0800, in order to protect residential amenity of flats above and opposite.
35. The premises will not empty their bins at the rear after 21:00.

Conditions proposed by the Police

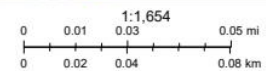
None

50 Westbourne Grove, London



10/12/2021, 12:52:00

- Property Mailing List
- Ward Labels
- Borough Boundary - Mask
- Borough Boundary - Detailed
- Ward Boundaries



Resident Count = 248

Licensed premises within 75 metres of 50 Westbourne Grove, London				
Licence Number	Trading Name	Address	Premises Type	Time Period
16/09366/LIPVM	C & R Izakaya	52 Westbourne Grove London W2 5SH	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
08/07525/LIPN	Alounak	44 Westbourne Grove London W2 5SH	Restaurant	Sunday; 12:00 - 23:30 Monday to Saturday; 12:00 - 00:00
21/00125/LIPDPS	Planet Organic	Ground Floor 42 Westbourne Grove London W2 5SH	Shop	Sunday; 10:00 - 22:30 Monday to Saturday; 08:00 - 23:00
07/02430/LIPDU	Shakespeare Public House	65 Westbourne Grove London W2 4UJ	Not Recorded	Sunday; 11:30 - 00:00 Monday to Saturday; 09:00 - 00:30
18/13806/LIPDPS	65	65 Westbourne Grove London W2 4UJ	Public house or pub restaurant	Sunday; 11:30 - 00:00 Monday to Saturday; 09:00 - 00:30
16/06297/LIPDPS	Caspian	67 Westbourne	Shop	Sunday; 10:00 -

		Grove London W2 4UJ		22:30 Monday to Saturday; 10:00 - 23:00
18/13774/LIPDPS	W2 Express	62A Westbourne Grove London W2 5SH	Shop	Sunday; 10:00 - 22:30 Monday to Saturday; 08:00 - 23:00
06/11478/WCCMAP	Alwaha	75 Westbourne Grove London W2 4UL	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
19/02261/LIPDPS	Nandos	63 Westbourne Grove London W2 4UA	Restaurant	Sunday; 12:00 - 23:00 Monday to Saturday; 10:00 - 23:30
18/05640/LIPDPS	Chojo	Basement And Ground Floor 16 Garway Road London W2 4NH	Shop	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
19/12002/LIPN	Not Recorded	59 Westbourne Grove London W2 4UA	Restaurant	Sunday; 10:00 - 22:00 Monday to Saturday; 11:00 - 22:00
20/06567/LIPT	The American Diner	57 Westbourne Grove London W2 4UA	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 01:30
17/01077/LIPN	Sushi Shop	72 Westbourne Grove London W2 5SH	Restaurant	Monday to Sunday; 11:00 - 22:30