



City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	7 July 2022
Licensing Ref No:	22/03010/LIPN - New Premises Licence
Title of Report:	Units 1 & 2 50 Eastbourne Terrace London W2 6LG
Report of:	Director of Public Protection and Licensing
Wards involved:	Lancaster Gate
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Kevin Jackaman Senior Licensing Officer
Contact details	Telephone: 0207 641 6500 Email: kjackaman@westminster.gov.uk

1.	Application		
1-A	Applicant and premises		
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	18 March 2022		
Applicant:	UK Vap Paddington Limited		
Premises:	Vapiano		
Premises address:	Units 1 & 2 50 Eastbourne Terrace London W2 6LG	Ward:	Lancaster Gate
		Cumulative Impact Area:	None
		Special Consideration Zone:	None
Premises description:	According to the application form the premises intend to trade as an Italian casual dining restaurant specialising in pasta and pizza dishes.		
Premises licence history:	This is a new premises licence application and no premises history exists.		
Applicant submissions:	None		
Applicant amendments:	None		

1-B	Proposed licensable activities and hours						
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	
Seasonal variations/ Non-standard timings:			Sundays immediately before a bank holiday 23:00 to 00:00 hours.				

Sale by retail of alcohol					On or off sales or both:		Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	09:00	09:00	09:00	09:00	09:00	09:00	09:00
End:	23:00	23:00	23:00	23:00	23:30	23:30	22:00
Seasonal variations/ Non-standard timings:			Sundays immediately before a bank holiday 09:00 to 23:30 hours.				

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	09:00	09:00	09:00	09:00	09:00	09:00	09:00
End:	23:30	23:30	23:30	23:30	00:00	00:00	22:30
Seasonal variations/ Non-standard timings:	Sundays immediately before a bank holiday 09:00 to 00:00						
Adult Entertainment:	None						

2.	Representations
2-A	Responsible Authorities
Responsible Authority:	Environmental Health
Representative:	Ani Drayan
Received:	18 April 2022
<p>Environmental Health make representations to this application as the proposal may undermine the Public Safety and Prevention of Public Nuisance Licensing Objectives.</p> <p>The applicant is requested to contact the undersigned to discuss how the premises will operate and arrange a site visit after which additional conditions may be proposed</p>	
Responsible Authority:	Metropolitan Police Service
Representative:	Dave Morgan
Received:	30 March 2022 (withdrawn 11 April 2022)
<p>Application for New Premises Licence: 50 Eastbourne Terrace, W2 6LG - 22/03010/LIPN.</p> <p>With reference to the above, I am writing to inform you that the Metropolitan Police Service as a Responsible Authority are objecting to this application on the basis that if granted, it would undermine the Licensing Objectives, namely The Prevention of Crime and Disorder.</p> <p>To move forward, I have attached the conditions that you have supplied with two extra conditions at the end (in red) for you to consider.</p> <p>Please let me know if you are happy to accept these, and free to contact me should you wish to discuss them further.</p>	

2-B Other Persons	
Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]
Received:	26 March 2022

Objection on the grounds of the likelihood potential for public nuisance, disorder and crime as well as risk to children and public safety.

This application contravenes the building's planning permission reference 21/00264/FULL, Condition 32, which states: - In the event that the corner unit on Eastbourne Terrace and Craven Road is used as a restaurant, you must not sell any take-away food or drink from the approved Class A3 unit even as an ancillary part of the primary Class A3 use.

This planning condition was set to protect the safety and amenity of the local community, as the building borders the Bayswater Conservation Area, which is primarily residential and home to a high number of school aged children.

The units referred to in this application share a party wall with Chilworth Mews and contain a floor to ceiling window overlooking Chilworth Mews, where children often play.

It is not a suitable location for the consumption of alcohol in general and there are no circumstances under which it is acceptable for alcohol to be sold and taken off the premises.

I would urge the committee to reject this application in support of the protection of local amenity and safety.

On 31 March 2022 the interested party submitted the following further comments:

This application seeks permission for take away food and drink without due consideration of the local area or the constraints of the location, making it inappropriate for take away collection and/or consumption outside.

The site is located on Craven Road, an ambulance blue route with double yellow lines on both sides of the road. There is no layby or space for pick up. Residents are concerned that that motor bikes and cycles will drive on to the pavement and park on it to collect food, as we see happening down the road in Praed Street.

Equally, there is the concern that vehicles will park up and block the adjacent residential Mews arches of Chilworth Mews and Conduit Mews.

There is no space outside for food consumption or a smoking area and residents are concerned that the cycle racks will be used as an informal rest area for take away consumption and smoking.

This building's planning permission specifically prohibits take aways from this site on the grounds of the likelihood for public nuisance reference 21_00264, condition 5. While I appreciate that Planning and licensing are separate regimes, it would not seem reasonable for the Licensing Committee not to be aware of and consider why take away from this site has already been rejected by Westminster Planning.

We would be grateful if the Licensing Committee would not approve this application.

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]
Received:	30 March 2022
<p>1. I am worried about guests parking in Chilworth Mews. 2. Concerned about excess noise late at night when guests are going back tontheir cars or walking through the Mews. 3. If there is a TAKE AWAY SERVICE, I am very concerned about the scooters that would be whizzing in and out if the Mews day and night.</p>	

Name:	South East Bayswater Residents Association
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]
Received:	08 April 2022
<p>The South East Bayswater Residents' Association (SEBRA) object to this application on the grounds of potential nuisance to nearby residents, in terms of noise, litter, antisocial behaviour etc and the potential for crime and disorder in the area</p> <p>The large area of the premises coloured green, where purchasing of food is not necessary, is more akin to a pub and does not have planning consent and potential will cause problems.</p> <p>Likewise, the substantial 'take away' proposals with a separate dedicated entrance, again without planning consent, could cause nuisance, particularly with Deliveroo drivers etc, especially as is likely, the drivers wait in the adjacent Chilworth Mews and Conduit Mews opposite.</p> <p>The hours suggested for delveries and refuse and recycling are different to those stipulated in the planning consent, where there is a dedicated area in Chilworth Mews for deliveries and refuse & recycling collections for use of retail units and the offices, so proposed hours need to be reduced to match those on the planning consent for No 50 EastbourneTerrace.</p> <p>On the 'off sales', we would want a condition that no sales of beer or cider with an APV over 5%.</p> <p>We could not see a 'dedicated smoking outside area" so please can we be advised where it will be located.</p> <p>On proposed conditions No's 14 & 15, we wish to be added, 22.30 on Sunday.</p> <p>On proposed condition No 22, we wish 'noise' to be added.</p> <p>As always we are content for our contact details to be given out to applicant and we are more than happy to discuss our concerns with them.</p>	

3. Policy & Guidance

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

Policy HRS1 applies

- A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.
- B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:
1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm.
 2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation.
 3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed.
 4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.
 5. The proposed hours when any music, including incidental music, will be played.
 6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises.
 7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.
 8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.
 9. The capacity of the premises.
 10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation.
 11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.
 12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.
 13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.
 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.
Policy RNT1(A) 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 Hours Policy HRS1. 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. 4. The applicant has taken account of the Special Consideration Zones Policy SCZ1 if the premises are located within a designated zone. 5. The application and operation of the venue meeting the definition of a restaurant as per Clause C. <p>C. For the purposes of this policy a restaurant is defined as:</p> <ol style="list-style-type: none"> 1. A premises in which customers are shown to their table or the customer will select a table themselves to which food is either served to them or they have collected themselves. 2. Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at a table. 3. Which do not provide any takeaway service of food and/or drink for immediate consumption, except if provided via an ancillary delivery service to customers at their residential or workplace address. 4. Where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals. 5. The sale and consumption of alcohol prior to such meals may be in a bar area but must also be ancillary to the taking of such meal.

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	Planning comments
Appendix 3	Applicant supporting documents
Appendix 4	Premises history
Appendix 5	Proposed conditions
Appendix 6	Residential map and list of premises in the vicinity

Report author:	Kevin Jackaman
Contact:	Telephone: 020 7641 6500 Email: kjackaman@westminster.gov.uk

If you have any queries about this report or wish to inspect one of the background papers please contact the report author.

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Environmental Health representation	18 April 2022
5	Metropolitan Police Service representation	30 March 2022 (Withdrawn 11 April 2022)
6	Interested Party representation (1)	26 March 2022
7	Interested Party representation (2)	30 March 2022
8	Interested Party representation (3)	8 April 2022

INTERNAL MEMORANDUM

From: Sarah Whitnall, North Planning Team, Placeshaping and Town Planning, Growth, Planning and Housing.

To: Licensing

Date: 22.03.2022

Re: Units 1 & 2, 50 Eastbourne Terrace, London, W2 6LG

Your reference: 22/03010/LIPN

Our references: Various, see below

Thank you for your licensing service consultation request regarding the above site. It is understood that you have received an application by Uk Vap Paddington Limited for a new Premises Licence under the Licensing Act 2003, for the provision of late night refreshment and supply of alcohol. The hours in which premises are open to the public are stated as:- 09.00-23.30 Sunday to Thursday & 09.00-Midnight Fridays & Saturdays.

Please see below the planning history to the site. You will see that permission has been granted for a restaurant use, but that a pending application seeks permission for take-away. You should also note the conditions attached to the change of use application, some of which have been discharged and others which are compliance conditions.

Original Application

Demolition of existing buildings and redevelopment of the site to provide a 6 storey (plus existing lower ground floor) 'L' shaped building, including terraces, a plant room, a green roof and solar panels at roof level to comprise 2 x A1 (retail shops) units and 1 x flexible A1 (retail shop) / A2 (financial and professional services) / A3 (cafe and restaurant) unit at ground floor level and B1 (office) floorspace at part ground and all upper stories, Erection of 7 residential townhouses, incorporating concealed roof terraces and landscaped areas to the front on Chilworth Mews. (16/07359/FULL).

Application Permitted 15 November 2016

First Variation Application

Variation of Condition 1 of planning permission dated 15 November 2016 (RN: 16/07359/FULL) for demolition of existing buildings and redevelopment of the site to provide a 6 storey (plus existing lower ground floor) 'L' shaped building, including terraces, a plant room, a green roof and solar panels at roof level to comprise 2 x A1 (retail shops) units and 1 x flexible A1 (retail shop) / A2 (financial and professional services) / A3 (cafe and restaurant) unit at ground floor level and B1 (office) floorspace at part ground and all upper stories, Erection of 7 residential townhouses, incorporating concealed roof terraces and landscaped areas to the front on Chilworth Mews. NAMELY, to provide an additional floor of Class B1 office accommodation beyond the approved; minor alterations to the proposed massing, terraces, green roof, solar panels and external facades; minor internal reconfiguration of the proposed retail (Classes A1/A2/A3) and office (Class B1) floorplates including ancillary spaces. (18/09733/FULL). Application Permitted 10 July 2019.

Non-Material Amendment Application

Amendment to planning permission dated 10 July 2019 (RN: 18/09733) for: Variation of Condition 1 of planning permission dated 15 November 2016 (RN: 16/07359/FULL) for demolition of existing buildings and redevelopment of the site to provide a 6 storey (plus existing lower ground floor) 'L' shaped building, including terraces, a plant room, a green roof and solar panels at roof level to comprise 2 x A1 (retail shops) units and 1 x flexible A1 (retail shop)/ A2 (financial and professional services) / A3 (cafe and restaurant) unit at ground floor level and B1 (office) floorspace at part ground and all upper storeys. Erection of 7 residential townhouses, incorporating concealed roof terraces and landscaped areas to the front on Chilworth Mews, to provide an additional floor of Class B1 office accommodation beyond the approved; minor alterations to the proposed massing, terraces, green roof, solar panels and external facades; minor internal reconfiguration of the proposed retail (Classes A1/A2/A3) office (Class B1) floorplates including ancillary spaces. NAMELY, to split Condition 3 (Part B) (Code of construction Practice) into two parts to reflect the two separate construction phases. (19/05689/NMA)
Application permitted 26 July 2019.

Second Variation Application

Variation of condition 1 of planning permission dated 10 July 2019 (RN: 18/09733/FULL) which itself varied condition 1 of planning permission dated 15 November 2016 (RN: 16/07359/FULL) for demolition of existing buildings and redevelopment of the site to provide a 6 storey (plus existing lower ground floor) 'L' shaped building, including terraces, a plant room, a green roof and solar panels at roof level to comprise 2 x A1 (retail shops) units and 1 x flexible A1 (retail shop)/ A2 (financial and professional services) / A3 (cafe and restaurant) unit at ground floor level and B1 (office) floorspace at part ground and all upper stories, Erection of 7 residential townhouses, incorporating concealed roof terraces and landscaped areas to the front on Chilworth Mews. NAMELY, to allow the relocation of cycle and refuse storages into defensible zone landscaping along Chilworth Mews; party wall adjustments to incorporate services; amendment to unit mix increasing the provision of family sized dwellings; amendments to facade and roof; to the mews buildings and changes to the ground floor office reception layout and the introduction of an ancillary retail cafe unit (Class A1) (19/07378/FULL) Application Permitted 5 February 2020.

Non Material Amendment Application

Amendments to planning permission dated 5 February 2020 (109/07378/FULL which allowed a : Variation of condition 1 of planning permission dated 10 July 2019 (RN: 18/09733/FULL) which itself varied condition 1 of planning permission dated 15 November 2016 (RN: 16/07359/FULL) for demolition of existing buildings and redevelopment of the site to provide a 6 storey (plus existing lower ground floor) 'L' shaped building, including terraces, a plant room, a green roof and solar panels at roof level to comprise 2 x A1 (retail shops) units and 1 x flexible A1 (retail shop)/ A2 (financial and professional services) / A3 (cafe and restaurant) unit at ground floor level and B1 (office) floorspace at part ground and all upper stories, Erection of 7 residential townhouses, incorporating concealed roof terraces and landscaped areas to the front on Chilworth Mews. For the relocation of cycle and refuse storages into defensible zone landscaping along Chilworth Mews; party wall adjustments to incorporate services; amendment to unit mix increasing the provision of family sized dwellings; amendments to facade and roof; to the mews buildings and changes to the ground floor office reception layout and the introduction of an ancillary cafe unit. NAMELY to amend the car parking layout for the seven car parking spaces associated with the residential mews houses. (20/02091/NMA) Application permitted on 08.04.2020.

S106 Modification

Deed of Modification of Schedule One Clause 4.1 and 4.4 to the Section 106 Agreement dated 5th February 2020 associated with planning permission reference 19/07378FULL, To:-

1) Change the plans showing car parking spaces so that it aligns with non-material amendment under reference 20/02091/NMA

And

2) To vary the basis on which the car parking spaces are to be managed, specifically for them to be managed on an allocated basis (one space per one residential unit). (20/02323/MOD106) Application agreed on 08.07.2020.

Change of Use application

Conditional Planning permission granted on 08.06.2021 for Change of use of Retails Units at ground and lower ground floor level along Craven Road from Classes A1/A2/A3 to Class E. (21/00264/FULL).

Relevant conditions:

Condition 3

The restaurant unit on the corner of Craven Road and Eastbourne Terrace shall not include a bar and or bar seating, which takes up more than 15% of the floor area of the unit, or more than 15% of each unit if you let the property as more than one unit. You must use the bar to serve restaurant customers only, before, during or after their meals.

Condition 4B

Prior to the use of the retail/restaurant, you must apply to us for approval of an operational management plan to show how you will prevent customers who are leaving the building from causing nuisance for people in the area, including people who live in nearby buildings. You must not start the restaurant use until we have approved in writing what you have sent us. You must then carry out the measures included in the approved management plan at all times that the restaurant is in use.

The Operational Management Plan must include details of staff and capacity, arrival and departure processes, hours of operation and length of stay.

Condition 5

You must not sell any take-away food or drink on the premises, even as an ancillary part of the primary restaurant/ café use.

Condition 6B

You must operate the Retail/ Restaurant in accordance with the detailed Servicing Management Plan approved for the site which provides details of the servicing process including using the approved off-street servicing area within the curtilage of 50 Eastbourne Terrace and the route between the loading bay and the unit, all as agreed on 05.10.2020 under reference 20/02855/ADFULL

You must then continue to operate the uses in accordance with the approved Servicing Management Plan at all times unless otherwise agreed by us in writing.

Condition 7B

Customers shall not be permitted within the Retail/Restaurant before 07.00 or after 00.00 Monday to Saturday and before 08.00 and after 22.30 Sundays and Bank Holidays.

Condition 9

All servicing must take place from the loading bay within the curtilage of 50 Eastbourne Terrace (whether enclosed in a structure or not) and this area shall only be used for this purpose and servicing must only take place between 07.00-20.00 on Monday to Saturday and 10.00-16.00 on Sunday and Bank Holidays. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building.

Condition 10A

Prior to the use of the Restaurant on the corner of Craven Road and Eastbourne Terrace for hot food, you must submit for approval a scheme for the prevention of odour nuisance from the

kitchen extract ventilation and subsequently install it maintain it.

Condition 11

If amplified music is played above background levels in the gym and/or restaurant units then an electronic sound limiter must be fitted to the musical amplification system set at a level to comply with Condition 13 and also to prevent nuisance from low frequency noise.

Condition 14B

Prior to the use of the Restaurant , you must apply to us for approval of details of how waste is to be stored on site and how materials for recycling will be stored separately. You must not use the Restaurant until we have approved in writing what you have sent us. You must then provide the waste and recycling storage prior to the use commencing and thereafter permanently retain the stores according to these details. You must clearly mark the stores and make them available at all times to everyone using the Restaurant.

Condition 16

The back of house access door along Chilworth Mews, shown on approved drawing 50ETSRA-XX-LG-DR-A-02-419 P01, shall only be used for emergency purposes only, unless otherwise approved in writing by the local planning authority.

Pending Application- 22/00672/FULL

Variation of condition 1 (approved plans) and 5 (no- take-away) of planning permission dated 08 June 2021 (RN: 21/00264/FULL) for the: Change of use of Retails Units at ground and lower ground floor level along Craven Road from Classes A1/A2/A3 to Class E. NAMELY, Reconfiguration of the approved floor plans, and to allow for an ancillary quantity of takeaway from the restaurant unit.

Pending Application- 22/00674/NMA

Amendments to planning permission dated 05 February 2020 (RN:19/07378) for the: Variation of condition 1 of planning permission dated 10 July 2019 (RN: 18/09733/FULL) which itself varied condition 1 of planning permission dated 15 November 2016 (RN: 16/07359/FULL) for demolition of existing buildings and redevelopment of the site to provide a 6 storey (plus existing lower ground floor) 'L' shaped building, including terraces, a plant room, a green roof and solar panels at roof level to comprise 2 x A1 (retail shops) units and 1 x flexible A1 (retail shop)/ A2 (financial and professional services) / A3 (cafe and restaurant) unit at ground floor level and B1 (office) floorspace at part ground and all upper stories, Erection of 7 residential townhouses, incorporating concealed roof terraces and landscaped areas to the front on Chilworth Mews. NAMELY, to allow the addition of a door on the southern elevation linked to the approved restaurant unit along Craven Road.

Please do not hesitate to contact me if I can be of further assistance.

Kind regards

Sarah Whitnall
Area Planning Officer
North Planning Team
Placeshaping and Town Planning
Growth, Planning and Housing
Westminster City Council

Applicant Supporting Documents

Appendix 3

None

Premises History

Appendix 4

There is no licence or appeal history for the premises.

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

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

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

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

Mandatory Conditions

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

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

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

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

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

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

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula -

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

Where -

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

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

8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Conditions consistent with the operating schedule

9. (a) The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. (b) All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. (c) 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. (d) All recordings shall be stored for a minimum period of 31 days with date and time stamping. (e) Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
11. 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.
12. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
13. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.
14. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number and/or is to be made available to residents and businesses in the vicinity.
15. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
16. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 08.00 hours on the following day.
17. No deliveries to the premises shall take place between 23.00 and 08.00 hours on the following day.
18. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
19. An incident log shall be kept at the premises and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following: (a) all crimes reported to the venue (b) all ejections of patrons (c) any complaints received concerning crime and disorder (d) any incidents of disorder (e) all seizures of drugs or offensive weapons (f) any faults in the CCTV system, searching equipment or scanning equipment (g) any refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service.
20. Save for in the areas hatched green on the approved plan, the premises shall only operate as a restaurant,
 - (i) in which customers are shown to their table or the customer will select a table themselves,
 - (ii) where the supply of alcohol is by waiter or waitress service only,

(iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table, (iv) which do not provide any takeaway service of food or drink for immediate consumption off the premises, (v) Save for when taken off the premises in sealed containers, alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

For the purpose of this condition 'Substantial Table Meal' means – a meal such as might be expected to be served as the main midday or main evening meal, or as a main course at either such meal and is eaten by a person seated at a table, or at a counter or other structure which serves the purposes of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure servicing the purposes of a table.

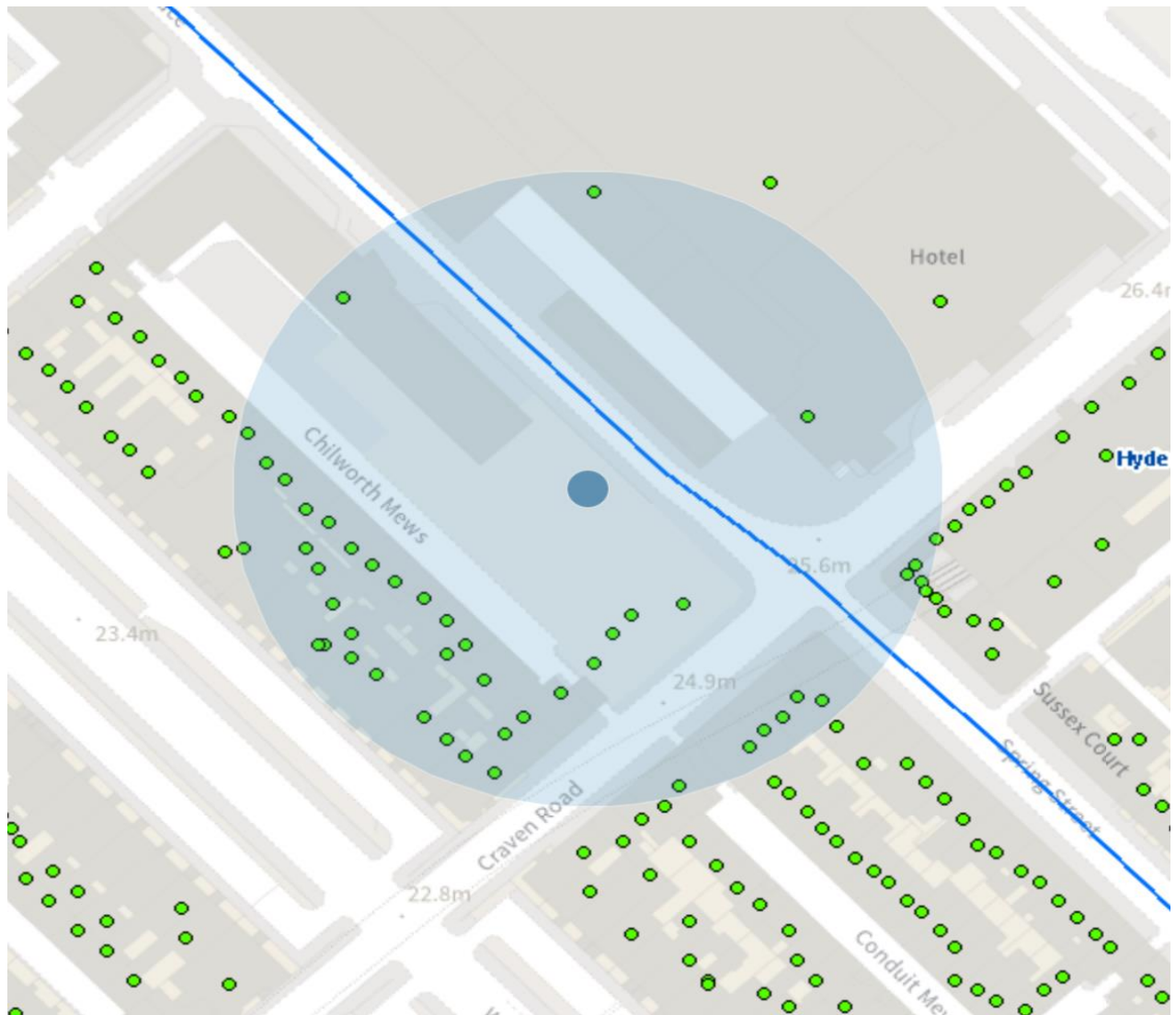
21. In the areas hatched green on the approved plan the supply of alcohol is by waiter or waitress service only to persons who are seated.
22. There shall be no sales of alcohol for consumption off the premises after 23.00 hours.
23. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00 hours.
24. Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to food that is available to take-away.
25. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
26. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke or make a phone call, shall not be permitted to take glass containers with them.
27. 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.
28. 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.
29. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
30. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
31. 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 determine.

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

32. 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.
33. All staff at the premises shall receive Welfare and Vulnerability Engagement (WAVE) training by a qualified trainer, and once every 12 months thereafter. The date the training was provided and signed confirmation from the member of staff shall be recorded, available for inspection by the Responsible Authorities upon request.

Conditions proposed by the Environmental Health

None



Resident count: 118

Licensed premises within 75m of 50 Eastbourne Terrace, London, W2				
Licence Number	Trading Name	Address	Premises Type	Time Period
09/02650/LIPCH	Spar	12 Craven Road London W2 3PX	Shop	Sunday; 10:00 - 22:30 Monday to Saturday; 08:00 - 23:00
09/08893/LIPDPS	Bizzarro Restaurant	18 - 22 Craven Road London W2 3PX	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30 Monday to Saturday; 09:00 - 02:00

19/14304/LIPCH	Continental Food & Wine	24 Craven Road London W2 3PX	Shop	Sunday; 10:00 - 22:30 Monday to Saturday; 08:00 - 23:00
17/03167/LIPN	Cafe Dylan Dog	7 Craven Road London W2 3BP	Cafe	Monday to Sunday; 08:00 - 23:00
19/14337/LIPDPS	Villa Rosa	9 Craven Road London W2 3BP	Restaurant	Sunday; 11:00 - 23:00 Monday to Thursday; 11:00 - 00:00 Friday to Saturday; 11:00 - 00:30
20/11835/LIPN	Not Recorded	40 Eastbourne Terrace London W2 6LG	Hotel, 4+ star or major chain	Sunday; 07:00 - 23:00 Monday to Thursday; 07:00 - 00:00 Friday to Saturday; 07:00 - 00:30
11/01038/LIPDPS	Ascot Hotel	11 Craven Road London W2 3BP	Hotel, 3 star or under	Sunday; 12:00 - 23:30 Monday to Saturday; 10:00 - 00:00
21/00409/LIPDPS	Pride Of Paddington Public House	1-3 Craven Road London W2 3BP	Pub or pub restaurant with lodge	Sunday; 12:00 - 22:30 Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00
22/00279/LIPDPS	Pride Of Paddington Public House	1-3 Craven Road London W2 3BP	Pub or pub restaurant with lodge	Sunday; 12:00 - 22:30 Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00
15/07976/LIPDPS	Raffles Restaurant	Ground Floor 13 Craven Road London W2 3BP	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
21/10871/LIPN	Desai News	19 Spring Street London W2 3RA	Shop	Sunday; 10:00 - 22:30 Monday to Saturday; 08:00 - 23:00

21/04582/LIPDPS	Chilworth Hotel	55 Westbourne Terrace London W2 3UZ	Hotel, 4+ star or major chain	Monday; 00:00 - 00:00 Tuesday; 00:00 - 00:00 Wednesday; 00:00 - 00:00 Thursday; 00:00 - 00:00 Friday; 00:00 - 00:00 Saturday; 00:00 - 00:00 Sunday; 00:00 - 00:00
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