



City of Westminster

Licensing Sub-Committee Report

Item No:

Date:

20 July 2022

Licensing Ref No:

22/03062/LIPN - New Premises Licence

Title of Report:

109 Westbourne Park Road
London
W2 5QL

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

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Email: kabbott@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	21 March 2022		
Applicant:	Curve And Edges Ltd		
Premises:	None		
Premises address:	109 Westbourne Park Road London W2 5QL	Ward:	Bayswater
		Cumulative Impact Area:	None
		Special Consideration Zone:	None
Premises description:	According to the application form, the applicant proposes to operate the premises as a restaurant on the ground floor and basement of the premises. There is a bar located within the basement.		
Premises licence history:	The premises previously had the benefit of a premises licence (15/02419/LIPT) which was granted in October 2011 and lapsed in June 2017, details can be found at Appendix 3 .		
Applicant submissions:	<p>On original submission of the application, the applicant applied for the following.</p> <p>Live and Recorded Music Monday to Thursday 09:00 and 23:00 Friday to Sunday 09:00 to 01:00</p> <p>Late Night Refreshment Friday to Sunday 23:00 to 01:00</p> <p>Retail Sale of Alcohol Monday to Thursday 09:00 and 23:00 Friday to Sunday 09:00 to 01:00</p> <p>Opening Hours Monday to Thursday 09:00 and 23:00 Friday to Sunday 09:00 to 01:00</p>		
Applicant amendments:	<p>During the consultation period and after discussions with the interested parties the applicant removed Live, Recorded Music and Late Night Refreshment.</p> <p>Furthermore, the hours for the Retail Sale of Alcohol and Opening times have since been amended and are reflected in section 1-B of the report.</p>		

1-B Proposed licensable activities and hours							
Sale by retail of alcohol				On or off sales or both:			On
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	23:00	23:00	23:00
Seasonal variations/ Non-standard timings:		None					

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:	23:00	23:00	23:00	23:00	23:00	23:00	23:00
Seasonal variations/ Non-standard timings:		None					
Adult Entertainment:		None					

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Metropolitan Police Service
Representative:	PC Reaz Guerra
Received:	5 April 2022 (Withdrawn 27th May 2022)
<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 Prevention of Crime and Protection of Children from Harm licensing objectives.</p> <p>There is insufficient detail contained within the operating schedule to promote the licensing objectives.</p> <p>It is for these reasons that we object to this application.</p> <p>Amended conditions have been agreed between the applicant and the Metropolitan Police. These conditions can be found at Appendix 4.</p>	
Responsible Authority:	Environmental Health Service
Representative:	Maxwell Koduah
Received:	22 April 2022 (Withdrawn 1 June 2022)
<p>109 Westbourne Park Road, London, W2 5QL</p> <p>I refer to the application for a new Premises Licence number for the above-mentioned premises. I have considered the information that you have provided within and accompanying this application. I have also considered the application in line with the relevant policies within the Councils Statement of Licensing Policy dated October 2021.</p>	

The applicant is seeking to

1. Perform live music indoors Sunday to Thursday 09:00 – 23:00 hours and Friday – Saturday 09:00 – 01:00 hours
2. Play recorded music indoors Monday to Thursday 09:00 – 23:00 hours and Friday – Sunday 09:00 – 01:00 hours
3. Supply alcohol for consumption on the premises Monday to Thursday 09:00 – 23:00 hours and Friday – Sunday 09:00 – 01:00 hours

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

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

Though represented as a restaurant, no application has been made for late night refreshment. Applicant will be required to demonstrate how hot food & hot drinks will be offered beyond 23:00 hours. If applicant intends to continue as a restaurant beyond 23:00 hours, then there is a need to make an application for late night refreshment. This will be discussed further with applicant.

It is not clear why a restaurant proposes to perform live music and play recorded music. These activities have a high risk of causing public nuisance. This would be discussed further but if applicant considers them to be essential and relevant to the proposed operations, then a noise limiter condition will be proposed to mitigate any public nuisance risks.

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

Conditions to form part of the operating schedule have been proposed below to support the licensing objectives of Prevention of Public Nuisance and Public Safety. Applicant is advised to study these conditions for further discussion during an agreed site visit.

Proposed Environmental Health conditions to form part of the operating schedule

1. A noise limiter must be fitted to the musical amplification system and maintained in accordance with the following criteria:
 - (a) the limiter must be set at a level determined by and to the satisfaction of an authorised Environmental Health Officer, so as to ensure that no noise nuisance is caused to local residents or businesses,
 - (b) The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of the authorised Environmental Health Officer and access shall only be by persons authorised by the Premises Licence holder,
 - (c) The limiter shall not be altered without prior written agreement from the Environmental Health Consultation Team,
 - (d) No alteration or modification to any existing sound system(s) should be affected without prior knowledge of the Environmental Health Consultation Team, and
 - (e) No additional sound generating equipment shall be used on the premises without

being routed through the sound limiter device.

2. 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
3. All windows and external doors shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons
4. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly
5. 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
6. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times
7. 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
8. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 08.00 hours on the following day.
9. No deliveries to the premises shall take place between 23.00 and 08.00 hours on the following day
10. 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.

For the purpose of this condition a '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.

11. 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
12. The supply of alcohol shall be by waiter or waitress service only
13. 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
14. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00 hours.
15. 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

16. No deliveries from the premises, either by the licensee or a third party shall take place between 23:00 and 08:00 hours on the following day
17. 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
18. 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.
19. 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.
20. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means
21. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device
22. No licensable activities shall take place at the premises 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
23. 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.

Please contact me if you are minded discussing any of the matters above.

Amended conditions have been agreed between the applicant and Environmental Health. These conditions can be found at Appendix 4.

2-B Other Persons	
Name:	██████████
Address and/or Residents Association:	██████████ ██ ██████████
Received:	4 May 2022
<p>Dear Licensing team,</p> <p>I refer to the letter I have received (attached), which I have just opened as I am back from holidays for the Easter break.</p> <p>As a ██████████ of 109, I would like to oppose firmly to the proposed license application 22/03062/LIPN. Changing what was a quiet family restaurant for a live music late night dining and drinking venue will have a great negative affect on the residents nearby. The noise nuisance in the area (please refer to issues with the pubs nearby The Cow and The Westbourne) is a real issue. Customers of these venues have been creating noise nuisance for westbourne park road residents and also attracting heavy drinking and drugs usage.</p>	

This section of the street comprises family households. It is important to preserve this area for families, otherwise it will become an area just for young adults partying on weekends, which is not an even mix of residents and unfriendly for families, who end up leaving.

Please refer to the noise nuisance raised a few years about from a number of families, as well as direct legal action from Westminster council taken at the time. Both are families and one has left the neighbourhood with their baby because of the noise nuisance and repeated anti social behaviours in the street.

More specifically in the area where the music would be played, the party wall is opposite sleeping areas. There is very poor soundproofing on that party wall. Any music or loud noise after 9pm would result in issues for the residents sleeping and living at the property. This raises serious concerns, especially given the late opening hours requested.

I confirm herein that I oppose to the proposed application. I have not taken legal advice to defend our family rights but will consider doing so if necessary.

I oppose to opening times beyond 11pm and the provision of the below after 9pm to protect families

- live music
- recorded music (beyond typically restaurant ambience music)
- the use of a terrace outside or any other source of noise nuisance

The wall insulation are very bad and the noise can be heard in the buildings next to 109, even with closed doors. Even music after 7pm loud music would be a nuisance for children sleeping.

Many thanks for your consideration and please do not hesitate to contact me if you have any questions

Ps: Please note also that the notice is not very easy to spot due to its location, I certainly didnt even see it, just the hiring notes, which are much more clear

Name:	██████████
Address and/or Residents Association:	████████████████████ ██████████
Received:	5 May 2022

I have been informed by our former neighbours at ██████████ that a new establishment with alcohol and late night music provision is being considered at 109. I just wanted to emphasize that I understand their objection to and serious concerns over this and wanted to highlight my own experience in the neighbourhood. Whilst living at 113 (Lower Ground) with a young child, I have had first-hand experience dealing with the very loud young occupiers next door (111) who often played music late into the night and had drunken episodes which resulted in multiple police out callings, counsel complaints, disturbed nights and stress for myself and my family. Ultimately, our ongoing battle and difficult experience informed our decision to leave the neighbourhood altogether. It is likely that an establishment of the sort planned would unfortunately result in a repeat of this for existing residents on the street, many of whom are young families. I hope my personal experience here will lend itself to your evaluation of this license request.

Name:	██████████
Address and/or Residents Association:	██████████ ██ ██████████ ██████████

Received:	19 April 2022
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The South East Bayswater Residents' Association (SEBRA) wishes to object to this application on grounds of potential nuisance, noise etc (along with potential crime & disorder) to the area and to neighbours above or adjacent along with those living in the large block of flats immediately opposite.

We note hours applied for on Friday, Saturday and Sunday are to open till 1am, which we consider to be very excessive for the residential area and the hours sought are more than Westminster's policy.

The hours sought should be cut back to no later than midnight on Friday & Saturday, Sundays to 22.30 in accordance with Westminster's Core Hours Policy.

We note the application for late hours for Live and Recorded Music and we totally object as consider premises and their location to be totally inappropriate.

We note from plans there is small outside 'terrace' area in front of ground floor of the premises and a 'patio' in front basement area and we wish these two areas to be conditioned so as not be used after 23.00 (22.30 Sunday).

We note premises are to continue trading as a restaurant and we therefore would want standard restaurant condition along with other standard conditions such as for CCTV, notices to leave quietly, doors and windows to be in closed position after 21.00, patrons temporarily shall not be permitted to take drinks outside with them, no odours or noise from the premises etc.

We would suggest deliveries to premises and refuse & recycling collections not to take place between 20.00 & 08.00.

As always, SEBRA is content for our contact details to be sent to applicant and their agents. Also, we are happy to engage with the applicant and their agent to discuss our concerns.

Name:	████████████████████
Address and/or Residents Association:	██ ██████████ ██████████

Received:	8 April 2022
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This is a residential street. 1am closure time being proposed Friday to Sunday is unacceptable. As an example the Oak at the corner of the street has the latest opening hours only on Sat and Sun (up to 12am) and is closed one day per week. Please consider a similar plan. The live music/recorded music needs to be in the basement or any other sound proofed room only.

Name:	██████████
Address and/or Residents Association:	████████████████████ ██████████ ██████████
Received:	3 May 2022

We have just received the letter for Licensing on 109 Westbourne Park Road (ref 22/03062/LIPN) only now as we currently live abroad and have just been alerted to this by our neighbours. We would like to object to the granting of this licence in the strongest terms and would like to appeal to you directly to explain why.

We recently acquired the ██████████ in anticipation of moving back to London with our two young children. We are very concerned about the prospect of the noise and disturbance a late-night drinking establishment would attract and we join our neighbours in the Upper Flat at 113 Westbourne Park Road and 111 Westbourne Park Road in vigorously opposing this proposal. This noise and disturbance is exactly what incentivised us to move away from our former home in Hackney and consider moving to a quieter family neighbourhood in Westbourne Park Road.

I hope you will take this plea into consideration given that our sole motivation is to provide our children with a safe and quiet environment in which to grow up.

Thank you for your consideration and please feel free to contact me should you have any questions.

Name:	██████████
Address and/or Residents Association:	████████████████████ ██████████
Received:	4 May 2022 (Withdrawn 21 June 2022)

I would like to echo my wife ██████████ who emailed you yesterday and strongly oppose to this late night music and refreshments licence application.

Whilst we have never had any objection in having a nice quiet local restaurant at 109 Westbourne Park Road (with ambient music), the opening of a late night music bar is drastically different and would very much ruin what is today a pleasant family neighbourhood.

We are very concerned by the crowd that it would attract (and potential increase in insecurity, public disorder and drug abuse) but also by the noise pollution that it would undoubtedly create.

The area is above all residential with families, kids and schools all around and certainly not designed or appropriate for late night bars.

None of the old buildings that we live in are famous for their noise insulation and we would certainly not be able to enjoy any quiet evening or good night sleep as long as the bar is open (which we understand is proposed to be until 1.00 am over the weekend including on Sundays!). This would definitely have a negative impact on our lives, that of our children but also health and potentially career. This is even before taking into consideration the [drunken] crowd that will likely hang out outside of the bar and in the street until the early morning hours.

As mentioned by my wife ██████████, we have unfortunately already encountered this issue in the past and would certainly not want to live this nightmare again.

We are therefore strongly opposing this application for a late night music and refreshments licence and do hope that you will take the well-being, family spirit and safety of the

neighbourhood into consideration.

After the agreement to the reductions in hours and conditions from the Police and Environmental Health, the Interested Party withdrew on the 1st June 2022.

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]
Received:	9 April 2022 (Withdrawn 1 June 2022)

I object to this licence being granted. This is a densely populated residential area, with many families and children living here. I believe not only the noise from the premises but people under the influence will be a nuisance and be a safety concern to local residents and neighbours. The localised area is already served very well with 4 pubs in a very close distance, and a restaurant. A late night bar open until 1am would be a public nuisance and not fit in in this area. This type of license/bar is better placed in a less populated area with other similar types of venues. I strongly object to a licence until 1am, where music can be played, I stress again that these premises are surrounded by residential addresses, opposite, above, next door, behind. I would be very interested to know how this licence would complement the existing residents and not cause disruption to the lives of so many.

After the agreement to the reductions in hours and conditions from the Police and Environmental Health, the Interested Party withdrew on the 1st June 2022.

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]
Received:	3 May 2022 (Withdrawn 21 June 2022)

We have just received the letter for Licensing on 109 Westbourne Park Road (ref 22/03062/LIPN) only now given the holidays however we strongly oppose this license and just wanted to write to you personally on this topic

We own [REDACTED] and have a young family that we definitely do not want to expose to late night music, disturbance and the crowd that a late night drinking establishment will no doubt attract. Our neighbors [REDACTED] I understand have already opposed this too and so will our neighbors [REDACTED]. We have recent past experience with a young, loud and drinking crowd in the neighborhood and definitely do not want to create a repeat of this which was a long and arduous journey to solve

We please urge you to take this plea into consideration. Ours is a quiet family street, the Westbourne and Cow are further down. We really hope this license will not be taken forward

After the agreement to the reductions in hours and conditions from the Police and Environmental Health, the Interested Party withdrew on the 1st June 2022.

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

	<p>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</p> <p>Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am.</p> <p>D. Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.</p> <p>E. For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement.</p>
<p>Policy RNT1 applies</p>	<p>A. Applications outside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities being within the council's Core Hours Policy HRS1. 3. The 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>B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities are within the council's Core Hours Policy HRS1. 3. The 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 demonstrated that they will not add to cumulative impact within the Cumulative Impact 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.
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4. Equality Implications

The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary, section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

5. Appendices

Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

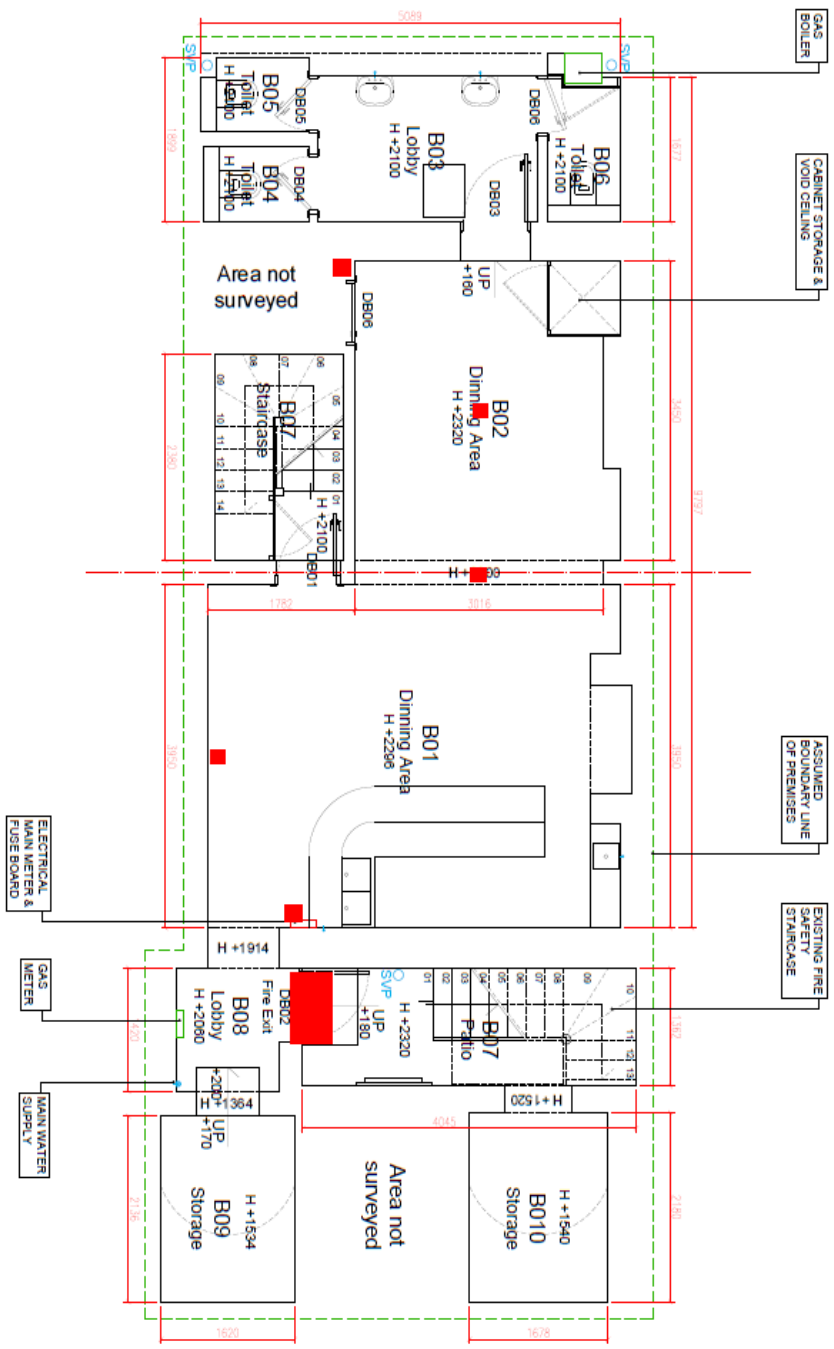
Report author:	Karyn Abbott Senior Licensing Officer
Contact:	Telephone: 0207 641 6500 Email: kabbott@westminster.gov.uk

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	7 th January 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Metropolitan Police Service (Withdrawn 27 May 2022)	5 April 2022
5	Environmental Health Service (Withdrawn 1 June 2022)	22 April 2022
6	Representation 1	4 May 2022
7	Representation 2	5 May 2022
8	Representation 3	19 April 2022
9	Representation 6	8 April 2022
10	Representation 7	3 May 2022
11	Representation 8 (Withdrawn 21 June 2022)	4 May 2022
12	Representation 4 (Withdrawn 1 June 2022)	9 April 2022
13	Representation 5 (Withdrawn 21 June 2022)	3 May 2022

EXISTING BASEMENT LAYOUT
SCALE 1:50@A3
0-1



Revision

1. All dimensions are in millimeters unless noted otherwise.
2. All dimensions shall be verified on site before proceeding with the work.
3. COORDINATION shall be verified in writing of any party involved.
4. All dimensions shall be verified on site before proceeding with the work.
5. COORDINATION shall be verified in writing of any party involved.
6. All dimensions shall be verified on site before proceeding with the work.
7. COORDINATION shall be verified in writing of any party involved.

COSIDESIGN
info@cosidesign.co.uk
www.cosidesign.co.uk

Client
Sustain partners Limited
Manor House, Flat 2
250 Marylebone Road
London, NW1 5NP

Project
CHANGE OF USE
EXISTING

Phase
SURVEY

Drawing Title
EXISTING BASEMENT LAYOUT

Scale/Floor Size
48.3 SQM
\$119.90 SQFT
TOT. GF-BASEMENT
99.2 SQM
1057.79 SQFT

Date
30-11-20

Drawn
AC

Job No.
COSI0720

Drawing No.
S102

Revision

Applicant Supporting Documents

Appendix 2

None

Premises History**Appendix 3****Licensing Act 2003**

Application	Details of Application	Date Determined	Decision
11/09019/LIPN	New Premises Licence Application Late Night Refreshment Monday to Saturday 23:00 to 00:30 Sunday 23:00 to 00:00 Sale by Retail of Alcohol Monday to Saturday 10:00 to 00:00 Sunday 12:00 to 23:30	27 October 2011	Granted by Licensing Sub-Committee
15/02419/LIPT	Transfer of Premises Licence Holder from Fuori Orario Limited to Da Vito Imports Ltd	4 September 2015	Granted under Delegated Authority

There is no appeal history for the premises.

**** Licence Lapsed due to Licence Holder dissolving in June 2017****

There is no Temporary Event Notice history for this 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. There shall be no consumption of alcohol outside the premises building.

Conditions proposed by the Environmental Health and agreed by the applicant to form part of the operating schedule.

10. 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
11. All windows and external doors shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons
12. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly
13. 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
14. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times
15. 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
16. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 08.00 hours on the following day.
17. No deliveries to the premises shall take place between 20.00 and 08.00 hours on the following day
18. 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
19. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00 hours.
20. 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
21. 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.
22. 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.
23. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means

24. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device
25. No licensable activities shall take place at the premises 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
26. 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. The capacity so determined shall not exceed 40 persons on the ground floor and 25 persons in the basement.

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

27.
 - (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.
28. 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.
29. 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
30. 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 drinks or glass containers with them
31. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
32. 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.

33. 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) where 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.

Conditions proposed by Interested Parties and agreed by the applicant to form part of the operating schedule.

33. No deliveries from the premises, either by the licensee or a third party shall take place between 20:00 and 08:00 hours on the following day.

Conditions proposed by Interested Parties and yet to be agreed by the applicant.

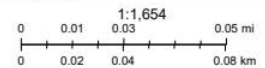
34. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke or make a phone call, shall be limited to (5) persons at any one time.
35. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.

109 Westbourne Park Road, London



06/07/2022, 12:39:40

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



Resident Count = 289

Licensed premises within 75 metres of 109 Westbourne Park Road, London				
Licence Number	Trading Name	Address	Premises Type	Time Period
13/07716/LIPT	Nogs Supermarket	110 Chepstow Road London W2 5QS	Shop	Sunday; 10:00 - 22:30 Monday to Friday; 08:00 - 23:00
13/08362/LIPDPS	Khao San Thai Restaurant	Basement And Ground Floor 108 Chepstow Road London W2 5QS	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
16/03370/LIPVM	Marianne	104 Chepstow Road London W2 5QS	Restaurant	Monday to Sunday; 10:00 - 00:00
19/03135/LIPT	Marianne	104 Chepstow Road London W2 5QS	Restaurant	Monday to Sunday; 10:00 - 00:00
09/10275/LIPD	Lucky 7	Basement And Ground Floor 127 Westbourne Park Road London W2 5QL	Restaurant	Sunday; 12:00 - 23:00 Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 23:30 Monday to Saturday; 10:00 - 00:30
09/04365/LIPRW	Londis	133 Westbourne	Shop	Monday to Sunday;

		Park Road London W2 5QL		06:00 - 22:00
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