



# Licensing Sub-Committee Report

Item No:

9 February 2023

Date:

Licensing Ref No:

22/11290/LIPN - New Premises Licence

Title of Report:

Doner Shack  
Basement And Ground Floor  
102 Baker Street  
London  
W1U 6TL

Report of:

Director of Public Protection and Licensing

Wards involved:

Marylebone

Policy context:

City of Westminster Statement of Licensing Policy

Financial summary:

None

Report Author:

Karyn Abbott

Contact details

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## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	21 November 2022		
<b>Applicant:</b>	Treats Leisure Limited		
<b>Premises:</b>	Doner Shack		
<b>Premises address:</b>	Basement And Ground Floor 102 Baker Street London W1U 6TL	<b>Ward:</b>	Marylebone
		<b>Cumulative Impact Area:</b>	None
		<b>Special Consideration Zone:</b>	None
<b>Premises description:</b>	According to the application form, the applicant proposes to operate the premises as a restaurant.		
<b>Premises licence history:</b>	The premises previously benefitted from a premises licence (19/05744/LIPDPS) but the licence lapsed due to the Licence Holder going into liquidation in October 2021.  The premises history can be found at <b>Appendix 3</b> of the report.		
<b>Applicant submissions:</b>	The applicant has proposed a number of conditions to form part of their operating schedule.  These can be found at <b>Appendix 4</b> of the Report.		
<b>Applicant amendments:</b>	None		

1-B Proposed licensable activities and hours							
<b>Sale by retail of alcohol</b>				<b>On or off sales or both:</b>			On Sales
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	11:00	11:00	11:00	11:00	11:00	11:00	11:00
<b>End:</b>	23:00	23:00	23:00	23:00	23:00	23:00	23:00
<b>Seasonal variations/ Non-standard timings:</b>		None					

Hours premises are open to the public							
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	11:00	11:00	11:00	11:00	11:00	11:00	11:00
<b>End:</b>	23:00	23:00	23:00	23:00	23:00	23:00	23:00
<b>Seasonal variations/ Non-standard timings:</b>		None					
<b>Adult Entertainment:</b>		None					

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Environmental Health Service
<b>Representative:</b>	Anil Drayan
<b>Received:</b>	23 December 2022
<p>I refer to the application for a new Premises Licence for the above premises.</p> <p>The applicant has submitted plans of the Ground Floor, drawing no 032A, dated November.2022 and Basement, drawing no 032B, dated November.2022, showing the proposed licensing areas.</p> <p><b>The following licensable activity is being sought:</b></p> <ol style="list-style-type: none"><li>1. Supply of Alcohol 'On' the premises between 11:00 to 23:00 hours Monday to Sunday.</li></ol> <p><b>I wish to make the following representations based on the plans and operating schedule submitted:</b></p> <ol style="list-style-type: none"><li>1. The Supply of Alcohol and for the hours requested may impact on Public Safety and lead to an increase in Public Nuisance in the area.</li></ol> <p><b>Environmental Health also makes the following further comments:</b></p> <p>Westminster's Statement of Licensing Policy – see on the Council's website – requires licensed premises demonstrating compliance with policy CH1, Protection of Children from Harm, (see page 36 of policy).</p> <ul style="list-style-type: none"><li>• Some conditions have been offered and these are considered to be insufficient for the proposed use. Clarification is requested, in particular, on the proposed capacity, external area (eg is it private forecourt), delivery and takeaway timings, etc</li><li>• The provision of sanitary accommodation is recommended to be at least in line with BS6465 for any proposed capacity.</li><li>• An assessment will need to be made as to how the plant and machinery employed for the cooking of food will not result in odour or noise nuisance</li><li>• It is unclear if the premises have already been refurbished for the proposed use. Clarification is therefore sought as to the previous use of the premises to determine if this proposed use will result in nuisance from the internal transfer of noise to other users within the building block. Standards to be achieved are outlined in Appendix 11 of the Statement of Licensing Policy</li></ul> <p>The applicant is therefore requested to contact the undersigned to discuss the above and arrange a site visit after which Environmental Health may propose additional conditions for the proposed use.</p> <p><b>Further Submissions received 1<sup>st</sup> February 2023</b></p> <p><b>Further to my memo of 23 December 2022 and following a site visit to the premises I have the following further comments:</b></p>	

- The Premises was previously licensed under the Gourmet Burger Kitchen brand – a premises history check of Environmental Health records showed this similar operation did not raise any relevant issues with regards to the licensing objectives.
- The external area in Baker Street (as marked on the submitted plan) is a private forecourt so can be deemed to be an ‘On’ sale of alcohol area for purposes of licensing requirements. It is being proposed this area shall have a capacity of 8 patrons
- The Premises has a rear exit (into Sherlock Mews) which can be used as an escape route in an emergency. This can also be used for deliveries and should therefore be subject to the model hours for deliveries(ie none permitted between 23:00 to 08:00 hours). However I am satisfied that deliveries from the Baker Street frontage can be permitted from 07:00 hours without this causing undue nuisance)

**Taking into account what was originally proposed by the applicant and conditions already agreed with other interested parties Environmental Health proposes the conditions as follows:**

1. The supply of alcohol at the premises (including on the external private forecourt) 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.*

2. The Supply of Alcohol shall be by waiter or waitress only.
3. 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.
4. 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
5. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises are open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
6. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of

recent CCTV images or data with the absolute minimum of delay when requested.

7. An incident log shall be kept at the premises and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder
  - (d) any incidents of disorder
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service.
8. Takeaways of food by use of a courier service shall only be with a courier service who have agreed that their delivery drivers have been give clear, written instructions to use their vehicles in a responsible manner so as not to cause a nuisance to any residents or generally outside the licenced premises; not to leave engines running when the vehicles are parked; not to obstruct the highway.
9. All outside tables and chairs shall be removed or rendered unusable by 23.00 each day.
10. 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.
11. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
12. A direct telephone number for the manager at the premises shall be publicly available at all times the premises are open. This telephone number and/or is to be made available to residents and businesses in the vicinity.
13. 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.
14. 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.
15. All waste is to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
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 unless collections are arranged during the times for the Council's own commercial waste collection service for the street.
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. No deliveries to the premises shall take place between 23:00 and 08:00 hours on the following day except for in the Baker Street frontage which may be permitted to have deliveries from 07:00 to 23:00 hours
19. 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.
20. The number of persons permitted in the premises at any one-time (excluding staff) shall not exceed (X) persons. *(to be determined by Environmental Health on clearance of 'works' condition but it shall not be more than 60 including not more than 8 in the external area)*
21. 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.

**Conditions have been proposed by Environmental Health by yet to be agreed by the applicant. These conditions can be found at Appendix 4.**

2-B Other Persons	
<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	15 December 2022
<p>I write as a [REDACTED] of a [REDACTED]. The continued licensing of fast food shops in this zone is having a severely detrimental affect. Furthermore, the conditions are not sufficiently worded to prevent further deterioration of this area.</p> <p>The Council has a document of 'Model Conditions' which constitutes your preferred wording for conditions which are not being adhered to here.</p> <ul style="list-style-type: none"> <li>-The CCTV conditions do not comply with MC1 and MC2.</li> <li>- There is no mention of an incident log as per MC49</li> <li>- No mention of courier services and how they will be mitigated or managed - we are blighted here by congregating delivery drivers and today I walked past and saw no less than 5 police officers trying to deal with this as well as their tendency to drive the wrong way on one-way streets. Allowing another venue to use these delivery services will only increase the problems here. Can the Council include a condition not permitting the use of these delivery app services here?</li> <li>- There is no request for notices asking patrons to leave quietly as per MC21</li> <li>- There is no mention of how fumes, steam, odour will be mitigated and manged as per MC87</li> <li>- There is no mention of times that waste and recycling can be put out, or where it can be put, or when it can be collected</li> </ul> <p><b>Conditions have been proposed by the interested parties. These conditions can be found at Appendix 4.</b></p>	

<b>Name:</b>	████████████████████
<b>Address and/or Residents Association:</b>	████████████████████ ████████████████████ ████████████████████
<b>Received:</b>	29 November 2022

On behalf of the ████████████████████ I object to this application on the grounds it does not promote the Licensing Authorities objectives, subject to the following:  
 There is no condition in relation to times of refuse collections and deliveries which should be in line with Westminster's policy.  
 The proposed conditions, 1, 8 and 11 by the applicant are contradictory as they have only applied for "On Sales."  
 We will not object if our standard condition that, sales of alcohol shall be ancillary to persons seated and taking a substantial table meal with waiter or waitress service is accepted throughout.

**Further Submissions received 24<sup>th</sup> January 2023**

████████████████████ would prefer no alcohol to be sold, but they have not applied for Off Sales, so that is noted.

As already mentioned in the objection, there are a number of fast food restaurants at this end of Baker Street and the ████████████████████ are constantly liaising with the Police and City Inspectors about the congregation of delivery riders literally opposite this premises, causing a public nuisance, following complaints from residents.

Another fast food restaurant in this location is the last thing the residents and area needs, but it is appreciated this is not a licensing consideration.  
 We would like to see the following conditions added to the Licence should this application be granted: our standard condition that, sales of alcohol shall be ancillary to persons seated and taking a substantial table meal with waiter or waitress service is accepted throughout ( MC38),MC41 and MC43,MC37 (to be determined by EH)MC 34,MC35, No deliveries before 08:00.

**Conditions have been proposed by the interested parties. These conditions can be found at Appendix 4.**

<b>Name:</b>	██████████
<b>Address and/or Residents Association:</b>	████████████████████ ██████████ ██████████
<b>Received:</b>	13 December 2022

This area is already suffering from quite serious anti-social behaviour. We as residents are also suffering from a huge amount of delivery drivers who seem to loiter on the streets and don't seem to deliver food but rather engage in antisocial and illegal behaviour. I would like to object to unnecessary additions to restaurant operation. This is a fast food take away serving alcohol can and will increase antisocial behaviour by people in the area. I would also suggest applying restrictions to third party deliver so as not to exasperate the delivery driver problem. Further I would suggest a close eye is kept on any food outlet and their operating hours. There seems to be a problem with sticking to authorisers operating hours in some outlets. As residents with families we are asking the council to be mindful of our concerns and daily problems. The antisocial behaviour/ delivery driver gang situation on Baker Street and the vicinity is getting worse by the day. Anything including limiting the sale of alcohol can only help.

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]

<b>Received:</b>	9 December 2022
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I write as a [REDACTED]. The continued licensing of fast food shops in this zone is having a severely detrimental affect. Furthermore, the conditions are not sufficiently worded to prevent further deterioration of this area.

The Council has a document of 'Model Conditions' which constitutes your preferred wording for conditions which are not being adhered to here.

- The CCTV conditions do not comply with MC1 and MC2.
- There is no mention of an incident log as per MC49
- No mention of courier services and how they will be mitigated or managed - we are blighted here by congregating delivery drivers and today I walked past and saw no less than 5 police officers trying to deal with this as well as their tendency to drive the wrong way on one-way streets. Allowing another venue to use these delivery services will only increase the problems here. Can the Council include a condition not permitting the use of these delivery app services here?
- There is no request for notices asking patrons to leave quietly as per MC21
- There is no mention of how fumes, steam, odour will be mitigated and manged as per MC87
- There is no mention of times that waste and recycling can be put out, or where it can be put, or when it can be collected

**Conditions have been proposed by the interested parties. These conditions can be found at Appendix 4.**

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]

<b>Received:</b>	10 December 2022
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If delivery apps are to be used, can WCC put in place a condition which prevents bikes/bikers from delivery after a certain time in the day in order to ensure that there is less congregation and ASB caused in the area.

Also, what will the premises do to combat bad behaviour from bikes/bikers. The premises has a responsibility to local residents, patrons and pedestrians to ban any bikes/bikers from delivering from their premises if they are involved in ASB, drugs or any other form of bad behaviour.

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]

<b>Received:</b>	9 December 2022
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I write as a [REDACTED]. The continued licensing of fast food shops in this zone is having a severely detrimental affect. Furthermore, the conditions are not sufficiently worded to prevent further deterioration of this area.

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**Conditions have been proposed by the interested parties. These conditions can be found at Appendix 4.**

<b>Name:</b>	██████████
<b>Address and/or Residents Association:</b>	████████████████████ ████████████████████ ██████████ ██████████

<b>Received:</b>	11 December 2022
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Another fast food shop, not exactly what we need here on Baker Street. Who will be managing the congregating delivery drivers? How can they demonstrate that they will not be adding to existing problems here? We now regularly see police officers trying to deal with the problems of using delivery apps. The only way that they can demonstrate that they will not be damaging the neighbourhood further is if they are not permitted to use delivery apps. Can WCC write this into the conditions or as a minimum have a very strict condition that can be enforced.

### 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

	<p>are expected to be covered by Temporary Event Notices or variation applications.</p> <p>C. For the purpose of Clauses A and B above, the Core Hours for applications for each premises use type as defined within this policy are:</p> <p><b>8. Restaurants</b>  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><b>Policy RNT1 applies</b></p>	<p>A. Applications outside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</li> <li>2. The hours for licensable activities being within the council's Core Hours Policy HRS1.</li> <li>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.</li> <li>4. The applicant has taken account of the Special Consideration Zones Policy SCZ1 if the premises are located within a designated zone.</li> <li>5. The application and operation of the venue meeting the definition of a restaurant as per Clause C.</li> </ol> <p>B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</li> <li>2. The hours for licensable activities are within the council's Core Hours Policy HRS1.</li> <li>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.</li> <li>4. The applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone.</li> <li>5. The application and operation of the venue meeting the definition of a restaurant as per Clause C.</li> </ol> <p>C. For the purposes of this policy a restaurant is defined as:</p> <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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.</li> <li>4. Where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking</li> </ol>

	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

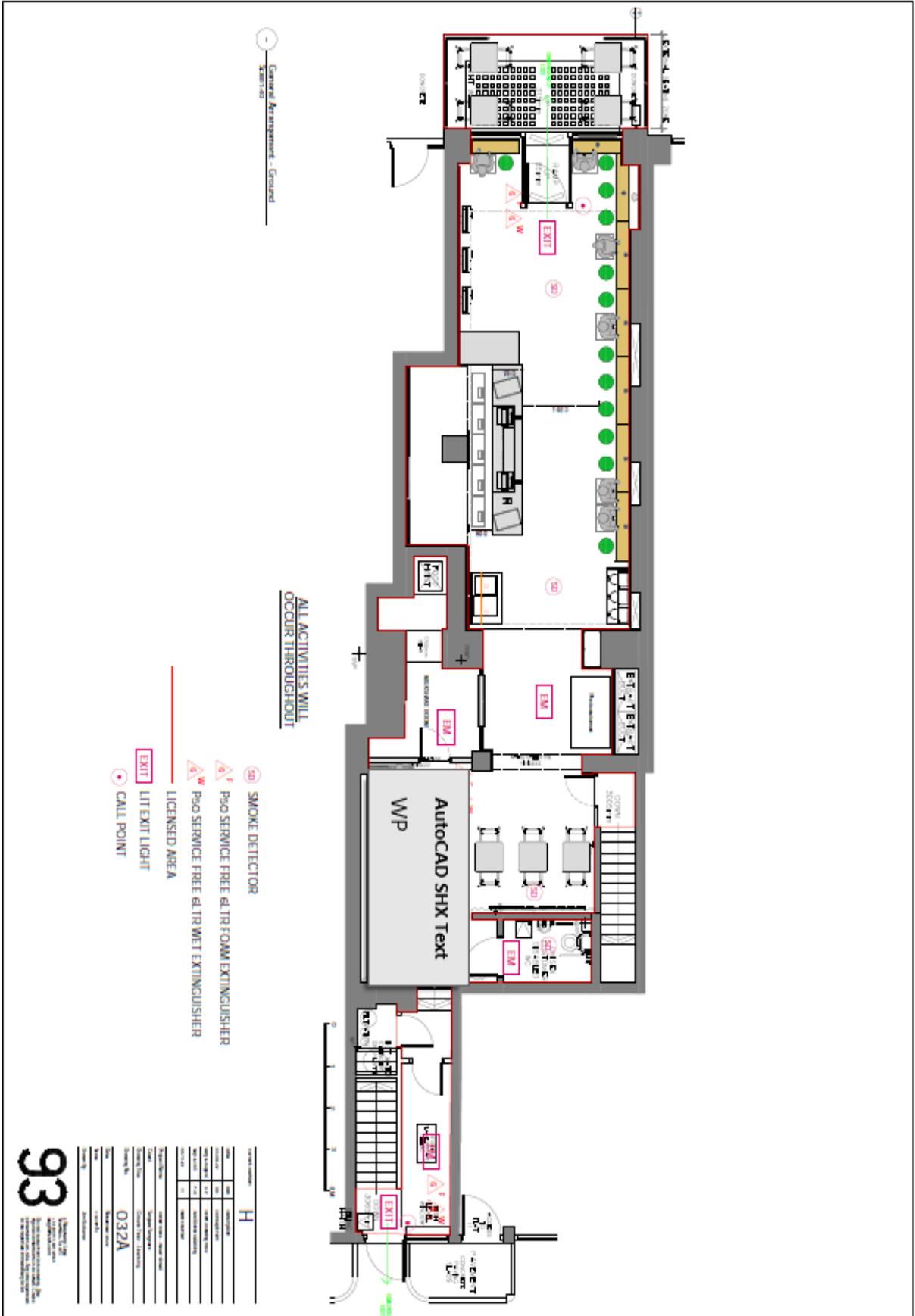
<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents
<b>Appendix 3</b>	Premises history
<b>Appendix 4</b>	Proposed conditions
<b>Appendix 5</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Karyn Abbott
<b>Contact:</b>	Telephone: 020 7641 6500 Email: <a href="mailto:kabbott@westminster.gov.uk">kabbott@westminster.gov.uk</a>

**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**

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	October 2021
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
<b>4</b>	Environmental Health Service	23 December 2022
<b>5</b>	Representation 1	15 December 2022
<b>6</b>	Representation 2	29 November 2022
<b>7</b>	Representation 3	13 December 2022
<b>8</b>	Representation 4	9 December 2022
<b>9</b>	Representation 5	10 December 2022
<b>10</b>	Representation 6	9 December 2022
<b>11</b>	Representation 7	11 December 2022





**Applicant Supporting Documents**

**Appendix 2**

None

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

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
07/11873/WCCMAP	<p>Master Licence</p> <p><b>Recorded Music</b> Monday to Thursday 10:00 to 23:00 Friday to Saturday 10:00 to 23:30 Sunday 12:00 to 22:30</p> <p><b>Late Night Refreshment</b> Friday to Saturday 23:00 to 23:30</p> <p><b>Sale by Retail of Alcohol</b> Monday to Thursday 10:00 to 23:00 Friday to Saturday 10:00 to 23:30 Sunday 12:00 to 22:30</p>	10 December 2017	Granted under Delegated Authority
08/04805/LIPRW	Premises Licence – Removal of Works	22 May 2008	Granted under Delegated Authority
08/04872/LIPV	Premises Licence – Variation – Vary the Plans	1 July 2008	Granted under Delegated Authority
11/02354/LIPRW	Premises Licence – Removal of Works	20 May 2011	Granted under Delegated Authority
14/04902/LIPDPS	Premises Licence – Vary the DPS	16 July 2014	Granted under Delegated Authority
15/10869/LIPDPS	Premises Licence – Vary the DPS	8 December 2014	Granted under Delegated Authority
16/04002/LIPDPS	Premises Licence – Vary the DPS	11 May 2016	Granted under Delegated Authority
17/14050/LIPDPS	Premises Licence – Vary the DPS	27 May 2018	Granted under Delegated Authority
18/12981/LIPT	Transfer Licence Holder from Gourmet Burger Kitchen Limited to Gbk Restaurants Limited	5 February 2019	Granted under Delegated Authority
19/00590/LIPVM	Minor Variation to Premises Licence – to extend opening hours on a Sunday	5 February 2019	Granted under Delegated Authority
19/03057/LIPDPS	Premises Licence – Vary the DPS	7 May 2019	Granted under Delegated Authority
19/05744/LIPDPS	Premises Licence – Vary the DPS	6 June 2019	Granted under Delegated Authority

**\*\*Licence Lapsed October 2021 due to Licence Holder going into Liquidation\*\***

**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. The Sale of Alcohol 'On' the premises shall only be to persons taking a table meal there and consumption by such a person as ancillary to their meal.
10. The Supply of Alcohol shall be by waiter or waitress only.
11. Substantial food and non-intoxicating beverages, including drinking water, shall be available throughout the permitted hours in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
12. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

### **Environmental Health have proposed an alternative wording to Condition 12 below but has not yet agreed by applicant:**

12. 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.
13. All waste is to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
14. No striptease, no nudity and all persons to be decently attired at all times.
15. A comprehensive CCTV system to be installed, operated and maintained as per the recommendation of the Metropolitan Police Crime Prevention Officer with Images to be stored for 31 days. Recordings shall be made available to a Police Officer or an authorised officer immediately on request together with facilities for viewing. (Subject to the Data Protection Act 1998).
16. There shall be no sale, supply or consumption of intoxicating liquor to or by any customers not seated at tables or bar stools within the premises and any such service shall be by waiter, waitress or bartender only.
17. Crime Prevention Literature or Posters will be displayed advising customers to not leave their property unattended.
18. Children shall be accompanied by a responsible adult at all times.
19. The Supply of Alcohol in the external part of the premises shall only be to persons taking a table meal there and consumption by such a person as ancillary to their meal.
20. The external tables and chairs must not be used after 23:00 on any day and must be made unusable after this time.

### **Environmental Health have proposed an alternative wording to Condition 20 below but has not yet agreed by applicant:**

20. All outside tables and chairs shall be removed or rendered unusable by 23.00 each day.
21. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, is swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.

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

22. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
23. 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.
24. The number of persons permitted in the premises at any one-time (excluding staff) shall not exceed (X) persons. (to be determined by Environmental Health)

**Environmental Health have proposed an alternative wording to Condition 24 below but has not yet agreed by applicant:**

24. The number of persons permitted in the premises at any one-time (excluding staff) shall not exceed (X) persons. *(to be determined by Environmental Health on clearance of 'works' condition but it shall not be more than 60 including not more than 8 in the external area)*
25. 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.

**Environmental Health have proposed an alternative wording to Condition 25 below but has not yet agreed by applicant:**

25. The supply of alcohol at the premises (including on the external private forecourt) 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.*

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. 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.
30. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
31. 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.
32. 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
33. 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.

**Condition 34 was proposed by the interested parties but not agreed by the applicant**

34. No deliveries to the premises shall take place between 20.00 and 08.00 hours on the following day.

**Environmental Health have proposed an alternative wording to Condition 34 below but has not yet agreed by applicant:**

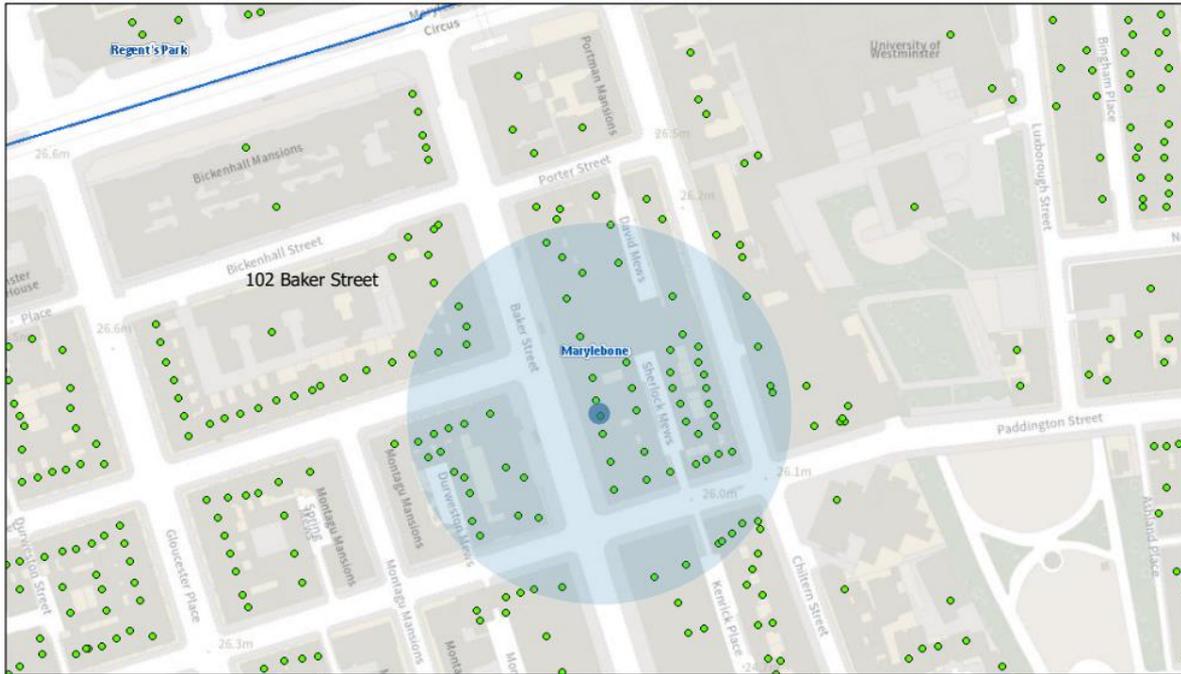
34. No deliveries to the premises shall take place between 23:00 and 08:00 hours on the following day except for in the Baker Street frontage which may be permitted to have deliveries from 07:00 to 23:00 hours

**Conditions proposed by the Environmental Health but not yet agreed by the applicant.**

35. Takeaways of food by use of a courier service shall only be with a courier service who have agreed that their delivery drivers have been give clear, written instructions to use their vehicles in a responsible manner so as not to cause a nuisance to any residents or generally outside the licenced premises; not to leave engines running when the vehicles are parked; not to obstruct the highway.
36. A direct telephone number for the manager at the premises shall be publicly available at all times the premises are open. This telephone number and/or is to be made available to residents and businesses in the vicinity.

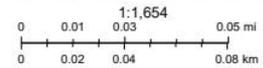
37. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 08.00 hours on the following day unless collections are arranged during the times for the Council's own commercial waste collection service for the street.
38. During the hours 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.
39. 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.

102 Baker Street, London



27/01/2023, 09:35:17

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



Resident Count = 130

<b>Licensed premises within 75 metres of 58 – 58A Old Compton Street, London</b>				
<b>Licence Number</b>	<b>Trading Name</b>	<b>Address</b>	<b>Premises Type</b>	<b>Time Period</b>
21/06446/LIPDPS	Rosa's Thai Cafe	Basement And Ground Floor 100 Baker Street London W1U 6TW	Restaurant	Sunday; 10:00 - 00:00   Monday to Saturday; 10:00 - 00:30
22/11017/LIPN	Not Recorded	Ground Floor 106 Baker Street London W1U 6TW	Cafe	Friday; 07:00 - 00:00   Saturday; 07:00 - 00:00   Sunday; 07:00 - 22:30   Monday to Thursday; 07:00 - 23:30
19/11707/LIPDPS	Everyman Baker Street	Ground Left 96-98 Baker Street London W1U 6TJ	Cinema	Thursday; 09:00 - 01:00   Friday to Saturday; 09:00 - 02:00   Sunday to Wednesday; 09:00 - 00:00
22/10058/LIPDPS	Holmes Hotel London	108 Baker Street London W1U 6LJ	Hotel, 4+ star or major chain	Monday to Sunday; 10:00 - 00:30
22/00623/LIPDPS	Tesco Express	110-112 Baker	Shop (large)	Sunday; 10:00 -

		Street London W1U 6TP		22:30   Monday to Saturday; 08:00 - 23:00
23/00073/LIPDPS	Chipotle Mexican Grill	Basement And Ground Floor Caparo House 101-103 Baker Street London W1U 6HQ	Restaurant	Sunday; 11:00 - 22:30   Monday to Saturday; 11:00 - 23:30   Bank Holiday; 11:00 - 23:00
09/09022/LIPD	Casa Becci	Ground Floor 32 Paddington Street London W1U 4HE	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
22/10577/LIPCH	Honest Burgers	31 Paddington Street London W1U 4HD	Restaurant	Sunday; 10:00 - 23:00   Monday to Saturday; 10:00 - 23:30   Sundays before Bank Holidays; 10:00 - 23:30
21/06352/LIPN	Franco Manca	91 - 93 Baker Street London W1U 6QQ	Restaurant	Sunday; 08:00 - 23:30   Monday to Thursday; 08:00 - 23:30   Friday to Saturday; 08:00 - 00:00
17/02929/LIPDPS	AD Food Wine	Basement And Ground Floor 29 Paddington Street London W1U 4HA	Shop	Sunday; 10:00 - 22:30   Monday to Saturday; 08:00 - 23:00
22/06993/LIPDPS	Sainsburys	116A Baker Street London W1U 6TS	Shop (large)	Monday to Sunday; 00:00 - 00:00
22/09882/LIPDPS	Mielo Restaurant	35-38 Paddington Street London W1U 4HQ	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
14/10659/LIPDPS	Ohisama	Basement And Ground Floor 39 Paddington Street London W1U 4HH	Restaurant	Sunday; 10:00 - 23:00   Monday to Thursday; 10:00 - 00:00   Friday to Saturday; 10:00 - 00:30   Sundays before Bank Holidays; 10:00 - 00:30
20/03181/LIPCH	Arro Coffee	Basement And Ground Floor 67 Chiltern Street London W1U 6NQ	Cafe	Sunday; 08:00 - 22:00   Monday to Saturday; 07:00 - 22:00
09/06785/LIPV	Fabels	67 Chiltern Street London W1U 6NJ	Shop	Sunday; 10:00 - 22:30   Monday to Saturday; 08:00 - 00:00