



City of Westminster

# Licensing Sub-Committee Report

Item No:

Date:

Licensing Ref No:

Title of Report:

Report of:

Wards involved:

Policy context:

Financial summary:

Report Author:

Contact details

16 February 2023

22/11544/LIPV - Premises Licence Variation

Pachamama Bar + Kitchen  
18 Thayer Street  
London  
W1U 3JY

Director of Public Protection and Licensing

Marylebone

City of Westminster Statement of Licensing Policy

None

Kevin Jackaman  
Senior Licensing Officer

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<b>1.</b>	<b>Application</b>		
<b>1-A</b>	<b>Applicant and premises</b>		
<b>Application Type:</b>	Variation of a Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	29 November 2022		
<b>Applicant:</b>	CRG London Ltd		
<b>Premises:</b>	Pachamama Bar + Kitchen		
<b>Premises address:</b>	18 Thayer Street London W1U 3JY	<b>Ward:</b>	Marylebone
		<b>Cumulative Impact Area:</b>	None
		<b>Special Consideration Zone:</b>	None
<b>Premises description:</b>	The premises trade as a peruvian restaurant		
<b>Variation description:</b>	<p>We would like to increase the number seats in the entire premise by 16. Therefore, making the entire number of seats available 116.</p> <p>We would like to extend the operating hours on Monday - Thursday from 10:00 - 23:30 to 10:00 - 00:00. We would also like to change Sundays and opening hours from 12:00 - 22:30 to 11:00 - 23:00.</p> <p>Also as Seasonal Variation on Sundays Before Bank Holidays from 12:00 - 00:00 to 11:00 - 00:00.</p> <p>We would like to extend the hours of Sale by Retail of Alcohol on Sunday from 12:00 - 22:30 to 11:00 - 22:30. Also a Seasonal Variation on Sundays Before Bank Holidays from 12:00 - 00:00 to 11:00 - 00:00.</p> <p>Regarding Annex 3, Condition 9, as we propose to move the position of the bar shown on the plan 9962LIREV2, dated 15.06.2010, we would now like Annex 3, Condition 9 to be updated to refer to the new position of the bar on Plan number P101 P1 dated 02/12/2022.</p> <p>Regarding Annex 3, Condition 10, we will eliminate the bar lounge area and convert it into restaurant seating instead.</p>		
<b>Premises licence history:</b>	<p>The premises have had the benefit of a premises licence since June 2010.</p> <p>The current premises licence reference is 16/12473/LIPDPS, a copy of which is attached as Appendix 1 of this report. A full premises history for premises appears at appendix 3</p> <p>There is also a shadow licence in respect of the premises held by the landlords, Starclass (Hinde House) Limited.</p>		

<b>Applicant submissions:</b>	None
<b>Applicant amendments:</b>	<p>Following consultation, the applicant has now withdrawn all aspects of the application save for an update of the Licensing layout plan attached to the licence and is no longer seeking to extend the licensable hours or capacity which will remain as per the current licence.</p> <p>The purpose of the application as it now stands is to regularise the plan attached to the premises licence to ensure that it correctly reflects the layout of the premises with a consequential amendment to the existing condition 9</p>

<b>1-B</b>	<b>Current and proposed licensable activities, areas and hours</b>					
<b>Regulated Entertainment</b>						
<b>Late night refreshment</b>						
<b>Indoors, outdoors or both</b>			<b>Current :</b>			<b>Proposed:</b>
			Both			No change
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Licensable Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	23:00	23:30	No change		Basement	No change
<b>Tuesday</b>	23:00	23:30				
<b>Wednesday</b>	23:00	23:30				
<b>Thursday</b>	23:00	23:30				
<b>Friday</b>	23:00	00:00				
<b>Saturday</b>	23:00	00:00				
<b>Sunday</b>	N/A					
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>			<b>Proposed:</b>		
	Sundays before a Bank Holiday 23:00 to 00:00			No change		

<b>Sale by Retail of Alcohol</b>						
<b>On or off sales</b>			<b>Current :</b>			<b>Proposed:</b>
			On only			No change
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Licensable Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	10:00	23:30	No change		Basement	No change
<b>Tuesday</b>	10:00	23:30				
<b>Wednesday</b>	10:00	23:30				
<b>Thursday</b>	10:00	23:30				
<b>Friday</b>	10:00	00:00				
<b>Saturday</b>	10:00	00:00				
<b>Sunday</b>	12:00	22:30				
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>			<b>Proposed:</b>		
	Sundays before a Bank Holiday 12:00 to 00:00			No change		

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
<b>Monday</b>	10:00	23:30	No change		Basement	No change
<b>Tuesday</b>	10:00	23:30				
<b>Wednesday</b>	10:00	23:30				
<b>Thursday</b>	10:00	23:30				
<b>Friday</b>	10:00	00:00				
<b>Saturday</b>	10:00	00:00				
<b>Sunday</b>	12:00	22:30				
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>				<b>Proposed:</b>	
	Sundays before a Bank Holiday 12:00 to 00:00				No change	

1-C	Layout alteration
	<ul style="list-style-type: none"> <li>Relocating reception desk area (loose furniture) from middle to side of internal basement entrance area.</li> <li>Relocating main bar from vertical position (top left of plan) to horizontal position (top middle of plan) and relocating storage of alcohol.</li> <li>Reconfiguration of designated Bar Lounge area with additional table and chairs set up (no change to capacity).</li> <li>Reconfiguration of loose furniture (tables and chairs layout) (not required to be recorded on the plans)</li> </ul>

1-D	Conditions being varied (this is to reflect the change of plan number and date only)	
	<b>Condition 9</b>	<b>Proposed variation</b>
	Save for the Bar area (as shown on the plan, 9962LIREV2, dated 15.06.2010) alcohol shall only be served to persons seated at tables and the service of alcohol shall be by way of waitress/waiter service only and ancillary to a table meal.	Save for the Bar area (as shown on the plan, PMC P101 P1, dated 31/01/2023) alcohol shall only be served to persons seated at tables and the service of alcohol shall be by way of waitress/waiter service only and ancillary to a table meal.
	<b>Adult entertainment:</b>	<b>Current position:</b>
		None
		<b>Proposed position:</b>
		No change

2.	Representations
<b>2-A</b>	<b>Responsible Authorities</b>
<b>Responsible Authority:</b>	Environmental Health
<b>Representative:</b>	Maxwell Koduah
<b>Received:</b>	30 December 2022 ( <b>withdrawn 01 February 2023</b> )
I refer to the variation Premises Licence for the above premises. The premises already benefits from a premises licence 16/12473/LIPDPS.	

This representation is based on the Operating Schedule and layout plans that have been submitted for the basement floor, drawing number P101 and dated 02/12/2022.

The applicant is seeking the following:

1. To amend the layout to accommodate an extra 16 people.
2. To extend the hours for the Supply of Alcohol 'on' the premises on a Sunday from 12:00 - 22:30 to 11:00 - 22:30 hours. Also to allow a Seasonal Variation on Sundays before Bank Holidays from 12:00 - 00:00 to 11:00 -00:00 hours.
3. To amend the associated conditions (9,10, 11 and 12).

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

1. The change to the layout may cause an increase in Public Nuisance in the area and may impact on Public Safety.
2. The increase of hours of the Supply of Alcohol on a Sunday may cause an increase in Public Nuisance in the area.
3. The amendment of conditions may cause an increase in Public Nuisance in the area and may impact on Public Safety.

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

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

**Based on the amendments to the application and following a site visit, Environmental Health withdrew their representation on 1 February 2023**

2-B Other Persons	
Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Received:	26 December 2022
<p>[REDACTED]. My flat is currently rented out. During the time that Pachamama has occupied this premises, I have also resided at the property. The restaurant repeatedly already violates its licence by not closing on time, late night noise, nuisance and abuse by drunken customers to the residents, many of whom, like myself are elderly. This is very intimidating.</p> <p>Extending the opening hours and capacity can only worsen this. A restaurant that is already in repeated violation of its licence cannot be rewarded with a new/extended licence and thereby rewarded for its violations - making a mockery of the licensing procedure. My tenants have also complained about the late night noise, disruption and mess from the restaurant. I object to this application being granted.</p>	

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	29 December 2022

I strongly object. This is a residential block - 34 individual flats

The entrance to the restaurant is at ground floor immediately beneath bedrooms for those who live in 14 Hinde St and 18 Thayer St and very close to 16 and 17 Thayer St.

Pachamama, the existing occupiers, have been tenants for more than 10 years. During that time we have had many issues including:

- Not closing at the appropriate time
- Drunk people mingling in the street from the restaurant late at night, with shouting and loud behaviour into the early hours.
- Customers and staff using the steps of Hinde House as places to 'hang out' and being abusive to residents when being asked to move
- Cigarette smoking outside the entrance
- Litter, including cigarette butts, being left in the street close to the entrances to our flats.

Westminster have an extensive file relating to various noise, litter, and general poor behaviour instances over the years.

In spite of much negotiation and promises, the reality is Pachmama have never taken seriously their obligations as a licence holder or neighbour.

WCC (Mary Pring) also has an official record of the incident last November when a drunk customer was left in a toilet when the restaurant was closed up which resulted in a smoke based alarm system being triggered at 4am and residents of Hinde House being forced to evacuate. It took hours before the residential area cleared of smoke.

Pachamama didn't think this this was sufficiently important to contact us to discuss the incident and offer to change their processes or alarm system.

In an ideal world, the opening hours would be reduced not extended.

Moreover extending the number of people by 16% means many more than an additional 16 people coming and going on a busy night.

This impacts the quality of life of those living close by very directly - please do not allow it to happen.

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	20 December 2022

I wish to object to extending the licensing hours of the restaurant.

[REDACTED]

There are extractor fans from the restaurant placed [REDACTED] on the flat roof above the restaurant.

These are noisy and smelly and I object strongly to this nuisance being extended for even more hours in the day, making it impossible to sleep.

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	18 December 2022

I live in the block mid week and don't want more noise or late closings hindering my sleep or quiet enjoyment of my property.

The key areas of objection are as follows:

This is a residential block - 34 individual flats

The entrance to the restaurant is at ground floor immediately beneath bedrooms for those who live in 14 Hinde St and 18 Thayer St and very close to 16 and 17 Thayer St.

Those who live in this part of Hinde House will be very directly affected, but the rest of the building will also be impacted by noise, rubbish and an intensification of people using our entrances as places to sit.

Pachamama, the existing occupiers, have been tenants for more than 10 years. During that time we have had many issues including:

- Not closing at the appropriate time
- Drunk people mingling in the street from the restaurant late at night, with shouting and loud behaviour into the early hours.

Customers and staff using the steps of Hinde House as places to 'hang out' and being abusive to residents when being asked to move

Cigarette smoking outside the entrance

Litter, including cigarette butts, being left in the street close to the entrances to our flats.

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	13 December 2022 (withdrawn 26 January 2023)

The [REDACTED] objects to this licence variation because of the implications regarding PN1, prevention of public nuisance. The restaurant is located in the basement of a stretch of buildings entirely consisting of apartments on the first floors and above. These are not modern buildings and it is unlikely that the frontages give much protection from sounds in the street. Pachamama is a successful and rather lively restaurant attracting a young crowd who enjoy themselves immensely. The exit onto Thayer street is right under the apartments. There are also residential buildings in close proximity in Hinde Street. It is inevitable that customers exiting the premises will cause noise so we see no good reason why hours should be allowed beyond Core Hours in this residential neighbourhood. We have no objections to other aspects of the application.

**Based on the amendments to the application the interested party withdrew their representation on 26 January 2023**

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	22 December 2022

I strongly object. This is a residential block - 34 individual flats

The entrance to the restaurant is at ground floor immediately beneath bedrooms for those who live in 14 Hinde St and 18 Thayer St and very close to 16 and 17 Thayer St.

Pachamama, the existing occupiers, have been tenants for more than 10 years. During that time we have had many issues including:

- Not closing at the appropriate time
- Drunk people mingling in the street from the restaurant late at night, with shouting and loud behaviour into the early hours.
- Customers and staff using the steps of Hinde House as places to 'hang out' and being abusive to residents when being asked to move
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<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	19 December 2022

This is a residential block - 34 individual flats

The entrance to the restaurant is at ground floor immediately beneath bedrooms for those who live in 14 Hinde St and 18 Thayer St and very close to 16 and 17 Thayer St.

Pachamama, the existing occupiers, have been tenants for more than 10 years. During that



time we have had many issues including:

- Not closing at the appropriate time
- Drunk people mingling in the street from the restaurant late at night, with shouting and loud behaviour into the early hours.
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<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	23 December 2022

Please find details of my objections relating to the licensing application submitted by Pachamama.

This is a residential block - 34 individual flats

The entrance to the restaurant is at ground floor level immediately beneath bedrooms for those who live in 14 Hinde St and 18 Thayer St and very close to 16 and 17 Thayer St.

[REDACTED].

As I understand it, Pachamama, the existing occupiers, have been tenants for more than 10 years.

During this time, I believe there have been several issues and it would therefore seem entirely inappropriate to increase customer footfall and opening hours that are already considered antisocial in what is largely a residential building.

The current and already unmanaged issues (I believe) are as follows:

1. current opening hours are not respected.

2. Issues with excess alcohol use and departing customers demonstrating antisocial behaviours.
3. Reports of both customers and employees using the steps of Hinde House as place to gather. Creating distress and noise for residents
4. Cigarette smoking outside the entrance - which has the potential to have very serious H&S consequences. Fire risk has to be considered given the litter issues that are also prevalent.
5. Litter, including cigarette butts, being left in the street close to the entrances to our flats.

I am told that several reports relating to noise, litter, and antisocial behaviour have been filed with WCC.

As I understand it, there is also an official record of the incident last November which resulted in a smoke based alarm system being triggered at 4am and residents of Hinde House being forced to evacuate.

I believe this will have a significant impact on the health and well-being of the residents. There is already substantial evidence that current licensing arrangements are extremely problematic without perpetuating this issue further.

I object to all of what has been outlined for approval.

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	21 December 2022

[REDACTED]  
[REDACTED]

The entrance to the restaurant is at ground floor immediately beneath bedrooms for those who live in 14 Hinde St and 18 Thayer St and very close to our building which is very close.

Pachamama, the existing occupiers, have been tenants for more than 10 years. During that time we have had many issues including:

- Not closing at the appropriate time
- Drunk people mingling in the street from the restaurant late at night, with shouting and loud behaviour into the early hours.
- Loud bottle collections at inhospitable hours
- Litter, including cigarette butts, being left in the street close to the entrances to our flats.

Westminster have an extensive file relating to various noise, litter, and general poor behaviour instances over the years.

In spite of much negotiation and promises, the reality is Pachmama have never taken seriously their obligations as a licence holder or neighbour.

In an ideal world, the opening hours would be reduced not extended.

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<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	21 December 2022

Strongly object This is a residential block - 34 individual flats

The entrance to the restaurant is at ground floor immediately beneath bedrooms for those who live in 14 Hinde St and 18 Thayer St and very close to 16 and 17 Thayer St.

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<b>Received:</b>	19 December 2022

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Moreover extending the number of people by 16% means many more than an additional 16 people coming and going on a busy night.

This impacts the quality of life of those living close by very directly - please do not allow it to happen.

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	20 December 2022

[REDACTED]

When we bought the flat there was no restaurant on the site. The existence now of a restaurant on the site has severely reduced any enjoyment of the property both from a noise and environmental point of view. The application by Pachamama to further extend their licensing hours and increase the number of covers will have an even greater detrimental affect on our flat

and any enjoyment thereof. The buildings of which Pachamama is a part are, apart from a few select shops, residential.

The situation is bad enough at the moment due to drunken people in the street from the restaurant late into night, with shouting and unacceptable behaviour and language into the early hours.

[REDACTED]. The smoking area used is [REDACTED]. As a non-smoker I find this disgusting and a definite health hazard. The prospect of this going on even later into the night horrifies me.

Cigarette butts and other detritus (including broken glass) are often left in the street close to the entrances to the flats.

Customers and staff use the steps of Hinde House as a place to 'hang out'. It is not pleasant having to step between people who are 'the worse for wear' when accessing the building. In fact it can feel threatening, especially as a female.

I sincerely hope you reject this application. One of my many concerns is that this is only the start and that Pachamama will continue to apply for 'small' extensions in opening hours/increases in covers until they are open until 2 or 3 am!

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	22 December 2022

I strongly object This is a residential block - 34 individual flats

The entrance to the restaurant is at ground floor immediately beneath bedrooms for those who live in 14 Hinde St and 18 Thayer St and very close to 16 and 17 Thayer St.

Pachamama, the existing occupiers, have been tenants for more than 10 years. During that time we have had many issues including:

- Not closing at the appropriate time
- Drunk people mingling in the street from the restaurant late at night, with shouting and loud behaviour into the early hours.
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<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	29 December 2022

Although I can't see the comments on this page, I am in agreement with other objectors over the issues of noise, nuisance and intensification based on greater capacity / extended hours.

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	22 December 2022

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

<b>Received:</b>	19 December 2022
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one of the main entrances to Thayer street flats is a constant area for staff to smoke and hang out - longer hours & more seating = more problems.

most important for me is the extra noise pollution anticipated

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

<b>Received:</b>	20 December 2022
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I wish to object to extending the licensing hours of the restaurant.

[REDACTED]  
There are extractor fans from the restaurant placed [REDACTED] on the flat roof above the restaurant.

These are noisy and smelly and I object strongly to this nuisance being extended for even more hours in the day, making it impossible to sleep.

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

<b>Received:</b>	22 December 2022
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<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	21 December 2022

[REDACTED] of this residential block of 34 individual flats

The entrance to the restaurant is at ground floor immediately beneath bedrooms for those who live in 14 Hinde St and 18 Thayer St and very close to our building across the road.

Pachamama, the existing occupiers, have been tenants for more than 10 years. During that time we have had many issues including:

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<b>Name:</b>	[REDACTED]
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<b>Received:</b>	20 December 2022

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<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	19 December 2022

Neighbours in this building and nearby have written to the Council previously about the many negative issues arising from this restaurant tenant and the many breaches of their licence. We have been seriously considering bringing a challenge to the licence, in its existing form. If the Council were to consider approving this change of licence, we would immediately make a challenge. We have shared information with the Council and can resend photos, contemporaneous diary notes, letters of complaint to the Council (noise team, licensing team). There was an application for a shadow licence most recently and we shared the problems with the Council during that process.

[REDACTED] has written a more extensive objection. I fully support his views.

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	20 December 2022

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**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

	<p>impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation.</p> <p>11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.</p> <p>12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.</p> <p>13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.</p> <p>14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.</p> <p>C. For the purpose of Clauses A and B above, the Core Hours for This application as defined within this policy is:  <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><b>Policy RNT1 (A) 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>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 substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.</li> </ol>

	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.

<b>5.</b>	<b>Appendices</b>
<b>Appendix 1</b>	Premises Licence
<b>Appendix 2</b>	Updated premises plan
<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>	Kevin Jackaman Senior Licensing Officer
<b>Contact:</b>	Telephone: 0207 641 6500 Email: <a href="mailto:kjackaman@westminster.gov.uk">kjackaman@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	December 2022
<b>4</b>	Environmental Health representation	30 December 2022 <b>(withdrawn 01 February 2023)</b>
<b>5</b>	Interested Party representation (1)	26 December 2022
<b>6</b>	Interested Party representation (2)	29 December 2022
<b>7</b>	Interested Party representation (3)	20 December 2022
<b>8</b>	Interested Party representation (4)	18 December 2022
<b>9</b>	Interested Party representation (5)	13 December 2022 <b>(withdrawn 26 January 2023)</b>
<b>10</b>	Interested Party representation (6)	22 December 2022
<b>11</b>	Interested Party representation (7)	19 December 2022
<b>12</b>	Interested Party representation (8)	23 December 2022
<b>13</b>	Interested Party representation (9)	21 December 2022
<b>14</b>	Interested Party representation (10)	21 December 2022
<b>15</b>	Interested Party representation (11)	21 December 2022
<b>16</b>	Interested Party representation (12)	21 December 2022
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<b>20</b>	Interested Party representation (16)	22 December 2022
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<b>31</b>	Interested Party representation (27)	20 December 2022



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

Schedule 12  
Part A

**WARD: Marylebone High  
Street  
UPRN: 100023464496**

**Premises licence**

Regulation 33, 34

**Premises licence number:**

16/12473/LIPDPS

**Original Reference:**

10/03054/LIPN

**Part 1 – Premises details**

**Postal address of premises:**

Pachamama Bar + Kitchen  
18 Thayer Street  
London  
W1U 3JY

**Telephone Number:** Not Supplied

**Where the licence is time limited, the dates:**

Not applicable

**Licensable activities authorised by the licence:**

Late Night Refreshment  
Sale by Retail of Alcohol

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

**Late Night Refreshment**

Monday to Thursday:	23:00 to 23:30
Friday to Saturday:	23:00 to 00:00
Sundays before Bank Holidays:	23:00 to 00:00

**Sale by Retail of Alcohol**

Monday to Thursday:	10:00 to 23:30
Friday to Saturday:	10:00 to 00:00
Sunday:	12:00 to 22:30
Sundays before Bank Holidays:	12:00 to 00:00

**The opening hours of the premises:**

Monday to Thursday:	10:00 to 23:30
Friday to Saturday:	10:00 to 00:00
Sunday:	12:00 to 22:30
Sundays before Bank Holidays:	12:00 to 00:00

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

Alcohol is supplied for consumption on the Premises.

**Part 2**

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

CRG London Ltd  
167-169  
Great Portland Street  
London  
W1W 5PF

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

9013006

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

**Name:** Iskandarbek Narzibekov

*Please note: It is the policy of the Licensing Authority not to display the address details of a designated premises supervisor.*

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:**

**Licence Number:** 14/03923/LIPERS  
**Licensing Authority:** City Of Westminster Council

**Date:** 13 December 2016

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

## Annex 1 – Mandatory conditions

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.

**Annex 2 – Conditions consistent with the operating Schedule**

None

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

9. Save for the Bar area (as shown on the plan, 9962LIREV2, dated 15.06.2010) alcohol shall only be served to persons seated at tables and the service of alcohol shall be by way of waitress/waiter service only and ancillary to a table meal.
10. In the 'Bar Lounge' alcohol shall only be served to persons seated at tables and the service of alcohol shall be by way of waitress/waiter service only.
11. The provision of Alcohol 'On' the premises in the Bar area and in the Bar Lounge shall only be to persons having a drink before and/or after a table meal.
12. The maximum number of persons to be accommodated at any one time in the premises (exclusive of staff) shall be 100 with the following local maximums for each area of the premises:-
  - Bar: 6
  - Bar Lounge: 21
  - Restaurant: 73
13. Substantial food and non-intoxicating beverages shall be available throughout the permitted hours in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
14. A proof of age scheme, such as Challenge 21, shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.
15. Any entertainment, performance, service, or exhibition involving nudity or sexual stimulation which would come within the definition of a sex establishment in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Greater London Council (General Powers) Act 1986 (whether or not locally adopted), shall not be provided.
16. There shall be no striptease or nudity and all persons shall be decently attired at all times.
17. All patrons leaving the premises, whether to smoke or not, shall not take any open bottles or glasses with them and there shall be no consumption of drink outside the premises.
18. The highway and public spaces in the vicinity of the premises are kept free of litter from the premises at all material times to the satisfaction of the Council.
19. No rubbish including bottles will be moved, removed or placed in outside areas between 23:00 hours and 08:00 hours.
20. No deliveries of stock are to be received between 23:00 hours and 08:00 hours.
21. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
22. Loudspeakers shall not be located in the entrance area or outside the premises building.
23. Notices shall be prominently displayed at exits requesting persons to respect the needs of local residents and to leave the premises and area quietly.

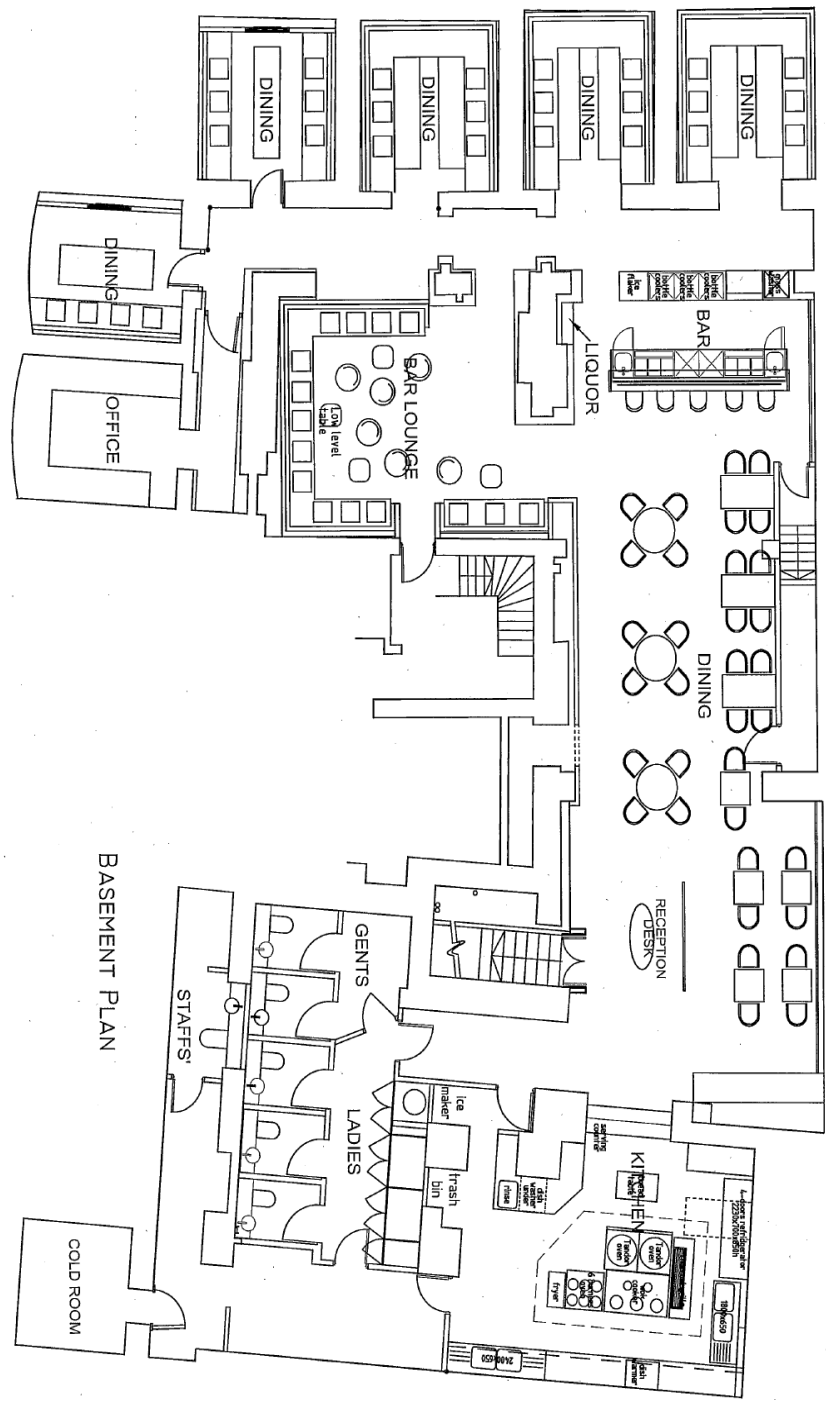


24. The venue shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the venue is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
25. 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 to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
26. There shall be no sales of alcohol for consumption off the premises.
27. There shall be no provision of late night refreshment for consumption off the premises.
28. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents in the vicinity.

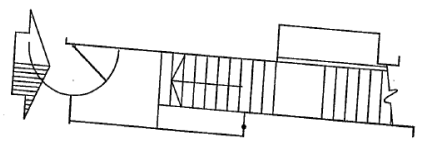
**Annex 4 – Plans**

Attached

Notes:  
 Do Not Scale. All dimensions to be checked on site and verified with architect prior to construction.



BASEMENT PLAN



GROUND FLOOR PLAN

Rev 2	15-06-10	Gents toilet separated
Rev 1	15-06-10	
Top Concept Ltd. 45/46a, Strine Avenue, Offroad Lane N, Greenway, Hilda, 086 9AL		
Job Title Samarqand Restaurant Basement, 18 Thoyr St., WU 3UY		
Drawing Title Layout		
Date	15-06-2010	1:00
Drawing No.	9962 / LI	2



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

Schedule 12  
Part B

Premises licence  
summary

WARD: Marylebone High  
Street  
UPRN: 100023464496

Regulation 33, 34

Premises licence number:

16/12473/LIPDPS

**Part 1 – Premises details**

**Postal address of premises:**

Pachamama Bar + Kitchen  
18 Thayer Street  
London  
W1U 3JY

**Telephone Number:** Not Supplied

**Where the licence is time limited, the dates:**

Not applicable

**Licensable activities authorised by the licence:**

Late Night Refreshment  
Sale by Retail of Alcohol

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

**Late Night Refreshment**

Monday to Thursday:	23:00 to 23:30
Friday to Saturday:	23:00 to 00:00
Sundays before Bank Holidays:	23:00 to 00:00

**Sale by Retail of Alcohol**

Monday to Thursday:	10:00 to 23:30
Friday to Saturday:	10:00 to 00:00
Sunday:	12:00 to 22:30
Sundays before Bank Holidays:	12:00 to 00:00

**The opening hours of the premises:**

Monday to Thursday:	10:00 to 23:30
Friday to Saturday:	10:00 to 00:00
Sunday:	12:00 to 22:30
Sundays before Bank Holidays:	12:00 to 00:00

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

Alcohol is supplied for consumption on the Premises.

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

CRG London Ltd  
167-169  
Great Portland Street  
London  
W1W 5PF

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

9013006

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

**Name:** Iskandarbek Narzibekov

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

Restricted

**Date:** 13 December 2016

**This licence has been authorised by Shannon Pring on behalf of the Director - Public Protection and Licensing.**



**Applicant Supporting Documents**

**Appendix 3**

None

**Licence & Appeal History**

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
<b>10/03054/LIPN</b>	<b>New premises licence</b>	<b>17.06.2010</b>	<b>Granted by Licensing Sub Committee</b>
14/09956/LIPT	Transfer - Samarquand Limited to CRG London Ltd	04.02.2015	Granted under delegated authority
16/12473/LIPDPS	Variation of DPS	13.12.2016	Granted under delegated authority
18/04021/LIPVM	Minor variation	Removal of conditions 9 and variation of condition 12	Refused under delegated authority
20/07866/LIPN	New premises licence (shadow licence on behalf of the landlord)	18.11.2020	Granted under delegated authority

<b>Temporary Event Notices</b>	<b>Date of Event</b>	<b>Activities/Hours</b>	<b>Decision</b>
21/14444/LITENP	01.01.2022	Late night refreshment and Supply of Alcohol – 00:00 to 02:00	Event permitted
23/00618/LITENP	07.02.2023 to 12.02.2023	To permit the premises to trade to its normal trading hours pending determination of the current application	Event permitted
23/00620/LITENP	14.02.2023 to 16.02.2023	To permit the premises to trade to its normal trading hours pending determination of the current application	Event permitted

**There is no appeal history**



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

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

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

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

**Conditions: On Current Licence -**

**Mandatory:**

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
  - (1) The responsible person 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.

## **Annex 2 – Conditions consistent with the operating Schedule**

None

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

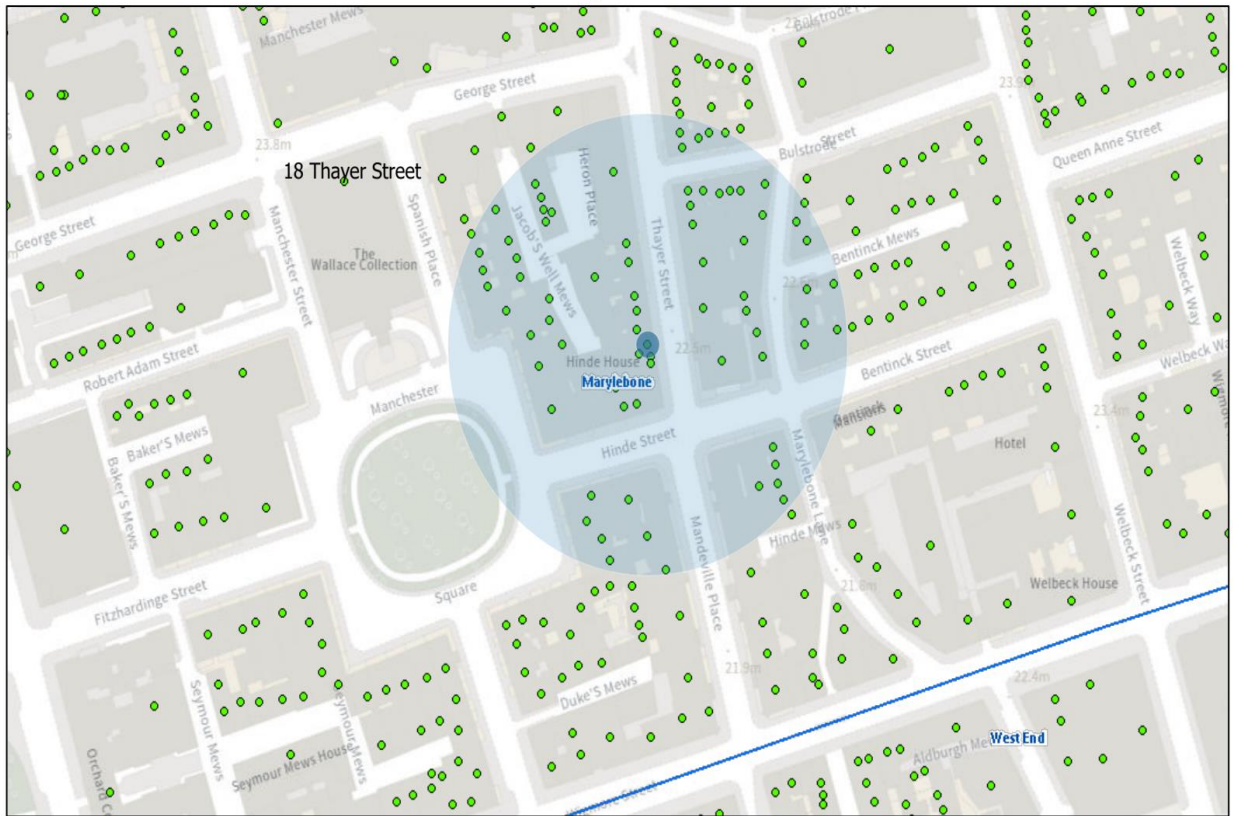
9. Save for the Bar area (as shown on the plan, 9962LIREV2, dated 15.06.2010) alcohol shall only be served to persons seated at tables and the service of alcohol shall be by way of waitress/waiter service only and ancillary to a table meal.

**As a result of the change of plan, the applicant is proposing to amend condition 9 as follows:-**

9. **Save for the Bar area (as shown on the plan, PMC P101 P1, dated 31/01/2023) alcohol shall only be served to persons seated at tables and the service of alcohol shall be by way of waitress/waiter service only and ancillary to a table meal.**
10. In the 'Bar Lounge' alcohol shall only be served to persons seated at tables and the service of alcohol shall be by way of waitress/waiter service only.
11. The provision of Alcohol 'On' the premises in the Bar area and in the Bar Lounge shall only be to persons having a drink before and/or after a table meal.
12. The maximum number of persons to be accommodated at any one time in the premises (exclusive of staff) shall be 100 with the following local maximums for each area of the premises:-
  - Bar: 6
  - Bar Lounge: 21
  - Restaurant: 73
13. Substantial food and non-intoxicating beverages shall be available throughout the permitted hours in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
14. A proof of age scheme, such as Challenge 21, shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.
15. Any entertainment, performance, service, or exhibition involving nudity or sexual stimulation which would come within the definition of a sex establishment in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Greater London Council (General Powers) Act 1986 (whether or not locally adopted), shall not be provided.
16. There shall be no striptease or nudity and all persons shall be decently attired at all times.
17. All patrons leaving the premises, whether to smoke or not, shall not take any open bottles or glasses with them and there shall be no consumption of drink outside the premises.
18. The highway and public spaces in the vicinity of the premises are kept free of litter from the premises at all material times to the satisfaction of the Council.
19. No rubbish including bottles will be moved, removed or placed in outside areas between 23:00 hours and 08:00 hours.
20. No deliveries of stock are to be received between 23:00 hours and 08:00 hours.

21. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
22. Loudspeakers shall not be located in the entrance area or outside the premises building.
23. Notices shall be prominently displayed at exits requesting persons to respect the needs of local residents and to leave the premises and area quietly.
24. The venue shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. 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 venue is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
25. 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 to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
26. There shall be no sales of alcohol for consumption off the premises.
27. There shall be no provision of late night refreshment for consumption off the premises.
28. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents in the vicinity.

18 Thayer Street



03/02/2023, 13:38:01

- Property Mailing List
- Borough Boundary - Mask
- Ward Boundaries
- Ward Labels
- Borough Boundary - Detailed
- Special Consideration Zones
- ▨ Stress Areas

Resident count: 172

Licensed premises within 75m of 18 Thayer Street, London, W1

Licence Number	Trading Name	Address	Premises Type	Time Period
20/07866/LIPN	Not Recorded	18 Thayer Street London W1U 3JY	Restaurant	Sunday; 12:00 - 22:30   Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00
16/12473/LIPDPS	Pachamama Bar + Kitchen	18 Thayer Street London W1U 3JY	Public house or pub rest	Sunday; 12:00 - 22:30   Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00   Sundays before Bank Holidays; 12:00 - 00:00
22/10653/LIPDPS	Nakanojo Marylebone	Basement To First Floor 13-14 Thayer Street London W1U 3JR	Restaurant	Sunday; 12:00 - 00:00   Sunday; 12:00 - 23:00   Monday to Saturday; 10:00 - 23:30   Monday to Saturday; 10:00 - 00:30
19/11922/LIPCH	Tommi's Burger Joint	Basement And Ground Floor 30 Thayer Street London W1U 2QP	Restaurant	Monday to Sunday; 10:00 - 23:30
17/03613/LIPN	Magnum News	10 Thayer Street London W1U 3JN	Shop	Monday to Sunday; 07:00 - 23:00
22/08349/LIPDPS	The Coach Makers Arms	88 Marylebone Lane London W1U 2PY	Pub or pub restaurant with lodge	Monday; 10:00 - 01:30   Tuesday; 10:00 - 01:30   Wednesday; 10:00 - 01:30   Thursday; 10:00 - 01:30   Friday; 10:00 - 01:30

				Saturday; 10:00 - 01:30   Sunday; 12:00 - 01:00
21/02464/LIPN	Diwan	31 Thayer Street London W1U 2QR	Restaurant	Monday to Sunday; 08:00 - 01:00
06/10427/WCCMAP	Golden Eagle Public House	59 Marylebone Lane London W1U 2NY	Pub or pub restaurant with lodge	Sunday; 12:00 - 23:00   Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00
22/09542/LIPDPS	Ivy Cafe	96 Marylebone Lane London W1U 2QA	Restaurant	Sunday; 09:00 - 00:30   Monday to Saturday; 08:00 - 01:30
17/07107/LIPD	Cocoro Restaurant	31 Marylebone Lane London W1U 2NH	Restaurant	Sunday; 12:00 - 22:30   Monday to Saturday; 12:00 - 23:00
22/11779/LIPRW	Not Recorded	98 Marylebone Lane London W1U 2QA	Shop	Friday; 09:00 - 00:30   Saturday; 09:00 - 00:30   Sunday; 09:00 - 23:00   Monday to Thursday; 09:00 - 00:00