



City of Westminster

# Licensing Sub-Committee Report

Item No:

Date:

18 May 2023

Licensing Ref No:

23/01053/LIPN - New Premises Licence

Title of Report:

Ground Floor  
47 Moscow Road  
London  
W2 4AH

Report of:

Director of Public Protection and Licensing

Wards involved:

Lancaster Gate

Policy context:

City of Westminster Statement of Licensing Policy

Financial summary:

None

Report Author:

Kevin Jackaman  
Senior Licensing Officer

Contact details

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<b>1.</b>	<b>Application</b>		
<b>1-A</b>	<b>Applicant and premises</b>		
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	18 February 2023		
<b>Applicant:</b>	Pastada Ltd.		
<b>Premises:</b>	Pastada		
<b>Premises address:</b>	Ground Floor 47 Moscow Road London W2 4AH	<b>Ward:</b>	Lancaster Gate
		<b>Cumulative Impact Area:</b>	None
		<b>Special Consideration Zone:</b>	None
<b>Premises description:</b>	According to the application form the premises intend to trade as a small cafe serving all day brunch as a sit down venue. The applicant would like to provide a selection of cocktails and a small wine list to serve with brunch.		
<b>Premises licence history:</b>	The premises previously held a premises licence which was granted by Licensing Sub Committee in January 2013 however this licence subsequently lapsed when the licence holder became insolvent in February 2018.  A full licence history for the premises appears at appendix 3		
<b>Applicant submissions:</b>	The applicant has provided photographs of the premises, which appear at appendix 2  The hours for licensable activities exceed the proposed opening hours however the applicant is proposing to extend the opening hours to match the hours for licensable activities should this application be granted.		
<b>Applicant amendments:</b>	Following two failed notice checks, the representations response date was extended to 02 April 2023.  Following consultation, the applicant has reduced the hours for the sale of alcohol on Sundays to 22:30. The hours now applied for are set out at section 1-B below.		

<b>1-B</b>	<b>Proposed licensable activities and hours</b>						
<b>Sale by retail of alcohol</b>				<b>On or off sales or both:</b>			<b>On only</b>
<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>	10:00	10:00	10:00	10:00	10:00	10:00	10:00
<b>End:</b>	23:00	23:00	23:00	23:00	23:00	23:00	22:30
<b>Seasonal variations/ Non-standard timings:</b>			None				

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
<b>Start:</b>	08:00	08:00	08:00	08:00	08:00	08:00	08:00
<b>End:</b>	20:00	20:00	21:00	21:00	22:00	22:00	21:00
<b>Seasonal variations/ Non-standard timings:</b>	None						
<b>Adult Entertainment:</b>	None						

<b>2.</b>	<b>Representations</b>
<b>2-A</b>	<b>Responsible Authorities</b>

<b>Responsible Authority:</b>	Metropolitan Police Service
<b>Representative:</b>	Adam Deweltz
<b>Received:</b>	24 February 2023

I refer to the above-mentioned application for a new premises licence.

Following consideration of the application and how it may affect the Licensing Objectives, I wish to make the following representation:

Licensable activities, namely the supply of alcohol, are likely to undermine the following licensing objective:

- The Prevention of Crime and Disorder.

There are insufficient conditions contained within the operating schedule to show how you will promote the Licensing objectives.

The hours on Sunday do not reflect those of Westminster's Core hours policy.

I am happy to discuss my representation in further detail with you.

**Following a reduction in hours on a Sunday, and agreement of additional conditions, the Metropolitan Police withdrew their representation on 26 April 2023.**

The additional conditions agreed are set out in appendix 4

<b>Responsible Authority:</b>	Environmental Health
<b>Representative:</b>	Anil Drayan
<b>Received:</b>	01 April 2023

**I refer to the application for a new Premises Licence for the above premises.**

The applicant has submitted plans of the premises Ref. 1050-AGA-AZ-ZZ-DR-A-26100, rev P08

**The following licensable activity is being sought:**

1. Supply of Alcohol 'On' the premises between 10:00 to 23:00 hours Monday to Sunday.

**I wish to make the following representation based on the plans and operating schedule:**

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.

**Environmental Health also makes the following further comments:**

- 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. Free advice on complying with this can be found in the Policy (see page 36 of policy).
- Some undertakings have been offered and these are being considered as to if they are sufficient for the proposed use. In any case these will need to be turned into enforceable conditions.
- Clarification is also requested on the proposed external area ie it is a private forecourt or part of the public highway.
- The provision of sanitary accommodation is recommended to be at least in line with BS6465 for any proposed capacity.
- 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
- It is unclear if the premises have already been refurbished for the proposed use. Clarification is therefore also sought as to the previous use of the premises to determine if this 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

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.

<b>2-B</b>	<b>Other Persons</b>		
<b>Name:</b>	[REDACTED]		
<b>Address and/or Residents Association:</b>	[REDACTED]		
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	22 March 2023		
Dear Sirs,			
I am writing on behalf of the [REDACTED] to make a relevant representation objecting to this licence application on the basis of the likely impact on the licensing objective of ‘prevention of public nuisance’.			
<u>Introduction</u>			
[REDACTED] was formed in 1970 and works to protect the special character of our area. A non-profit, non party-political, voluntary organisation, we represent more than 1,000 people. [REDACTED] is			

consulted by Westminster Council on both major developments and all Council activities which affect the daily lives of residents.

As a recognised amenity society we often engage in consultations with licence applicants both before and during the application process and note with some disappointment that we have not been contacted by the applicant in this case.

### Background

The premises is located on the corner of Moscow Road and Bark Place, opposite the Phoenix public house which is on the opposite corner of Moscow Road and Bark Place.

The premises have a highways licence for six months covering tables & chairs outside.

There are residential units above the premises and along Moscow Road and to the side are residential houses along Bark Place and the surrounding streets.

Given the proximity of residents, we are concerned at the potential for noise and nuisance from the operation of the premises, unless adequately mitigated by conditions to address these issues.

The premises has been licensed in the past – I attach a copy of the licence for information.

### The application

The application is for a 'Small cafe serving all day brunch as a sit down environment, we'd like to have a small selection of cocktails and a small wine list available to serve with our brunch.'

The application seeks sale of alcohol to 11pm Monday until Sunday. This is outside 'core hours' on a Sunday and we would like it reduced to be in line with 'core hours'.

### ██████████ position

We welcome the applicant to the area and do not object to a licence being granted, but we do have concerns that issues in the area are at present not adequately mitigated by conditions. We note there are no 'off sales' applied for.

We have noticed that the terminal opening hour is earlier than the terminal hour stated for sale of alcohol. Can the applicant confirm what hours they seek for alcohol, as the application form as submitted would not permit sale of alcohol after the last time for the premises being open to the public.

The current/previous licence has a number of sensible conditions, although these are not included in the application. We would want the same conditions to apply to this licence, as would be the case if the current/previous licence was transferred.

In particular, there is currently no condition proposed that alcohol is ancillary to a table meal, nor conditions regarding noise emanation, waste collections, deliveries, doors and windows being kept closed etc.

### Conclusion

We are aware of course that applications can be amended, and as ever, ██████████ is very happy for our contact details to be passed to the applicant/their solicitors, and to discuss the operation

and application with them.

We reserve the right to make further comments/proposals/conditions in due course when we have more information about the application/operation.

**██████████** have indicated that they would be minded to withdraw their representation subject to all other representations also being withdrawn. However, at the time of publication **██████████** have not formally withdrawn their representation.

<b>Name:</b>	████████████████████		
<b>Address and/or Residents Association:</b>	████████████████████ ████████████████████ ████████████████████		
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	28 March 2023		

I would like to lodge my objections to this application please on the same premise as **██████████**.  
Thanks

<b>Name:</b>	████████████████████		
<b>Address and/or Residents Association</b>	████████████████████ ████████████████████ ████████████████████		
<b>Status:</b>	Valid	<b>In support of opposed</b>	Opposed
<b>Received:</b>	13 March 2023		

I am a little confused the written text states opening for brunch but the hours requested are open till 21.00 seven days a week and serving alcohol until 23.00 this doesn't seem correct.

The Moscow Arms often has a spill out of customers onto the pavement, and this premise will be only 2 doors down - where there is a narrowed entrance road to bark place anyway I do believe this could cause a pedestrian hazard with poor visibility at night.

There are many young families in the road and any disturbance or difficulty traversing this area with pedestrian traffic with alcohol would be detrimental the evenings.

<b>Name:</b>	████████████████████		
<b>Address and/or Residents Association</b>	████████████████████ ████████████████████		
<b>Status:</b>	Valid	<b>In support of opposed</b>	Opposed
<b>Received:</b>	27 March 2023		

I am writing on behalf of the **████████████████████** to object to licence application 23/01053/LIPN at 47 Moscow Road, W2 on the basis of the likely impact on the licensing objective of 'prevention of public nuisance'.

We fully support the representation made by the **████████████████████** and request that the conditions they have specified be enacted if the licence is to be granted.

**██████████** have indicated that they would be minded to withdraw their representation subject to all other representations also being withdrawn. However, at the time of publication **██████████** have not formally withdrawn their representation.



3.	<b>Policy &amp; Guidance</b>
The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<b>Policy HRS1 applies</b>	<p>A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:</p> <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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.</li> <li>4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.</li> <li>5. The proposed hours when any music, including incidental music, will be played.</li> <li>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.</li> <li>7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.</li> <li>8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.</li> <li>9. The capacity of the premises.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>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</li> </ol>

	<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>10a. Shops (all licensable activities that are provided as ancillary to the primary use of the premises as a shop except the off sale of alcohol)</p> <p>Monday to Thursday: 9am to 11.30pm.  Friday and Saturday: 9am to Midnight.  Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to Midnight.</p> <p>10b. Shops (off-sales of alcohol where it forms either the ancillary or primary use of the premises) Monday to Saturday: 8am to 11pm.  Sunday: 9am to 10.30pm.</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><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> <li>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.</li> </ol>



#### 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 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>	Kevin Jackaman Licensing Officer
<b>Contact:</b>	Telephone: 0207 641 6500 Email: kjackaman@westminster.gov.uk

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

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

<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>	Metropolitan Police Service representation	24 February 2023 <b>(withdrawn 26 April 2023)</b>
<b>5</b>	Environmental Health representation	01 April 2023
<b>6</b>	Interested Party representation (1)	22 March 2023
<b>7</b>	Interested Party representation (2)	28 March 2023
<b>8</b>	Interested Party representation (3)	13 March 2023
<b>9</b>	Interested Party representation (4)	27 March 2023











27 Feb 2023 12:12:59



## City of Westminster

64 Victoria Street, London, SW1E 6QP

Schedule 12  
Part A

WARD: Lancaster Gate  
UPRN: 010033584225

Premises licence

Regulation 33, 34

Premises licence number:

12/10331/LIPN

Original Reference:

12/10331/LIPN

### Part 1 – Premises details

#### Postal address of premises:

Mulberry Street  
Ground Floor  
47 Moscow Road  
London  
W2 4AH

Telephone Number: Not Supplied

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

Not applicable

#### Licensable activities authorised by the licence:

Sale by Retail of Alcohol

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

##### Sale by Retail of Alcohol

Monday to Saturday: 12:00 to 23:00

Sunday: 12:00 to 22:30

#### The opening hours of the premises:

Monday to Saturday: 12:00 to 23:00

Sunday: 12:00 to 22:30

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

Alcohol is supplied for consumption both on and off the Premises.

**Part 2**

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

Red Rooster Restaurants Limited  
124 Finchley Road  
London  
NW3 5JS

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

05314358

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

**Name:** Maria O'Connor

*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:** 05/12154/LIPDPS  
**Licensing Authority:** City of Westminster Council

**Date:** 22<sup>nd</sup> February 2013

**Signed:** pp  
Operational Director - Premises Management



## Annex 1 – Mandatory conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
- 4.— (1) The responsible person shall take all reasonable steps to 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—
  - (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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
  - (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;
  - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—
    - (i) the outcome of a race, competition or other event or process, or
    - (ii) the likelihood of anything occurring or not occurring;
  - (e) 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.
5. The responsible person shall ensure that no alcohol is dispensed 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).

6. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
7.
  - (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
  - (2) 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 a holographic mark.
8. The responsible person shall 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; and
  - (b) customers are made aware of the availability of these measures.

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.

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

None



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

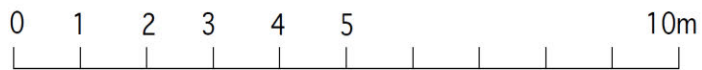
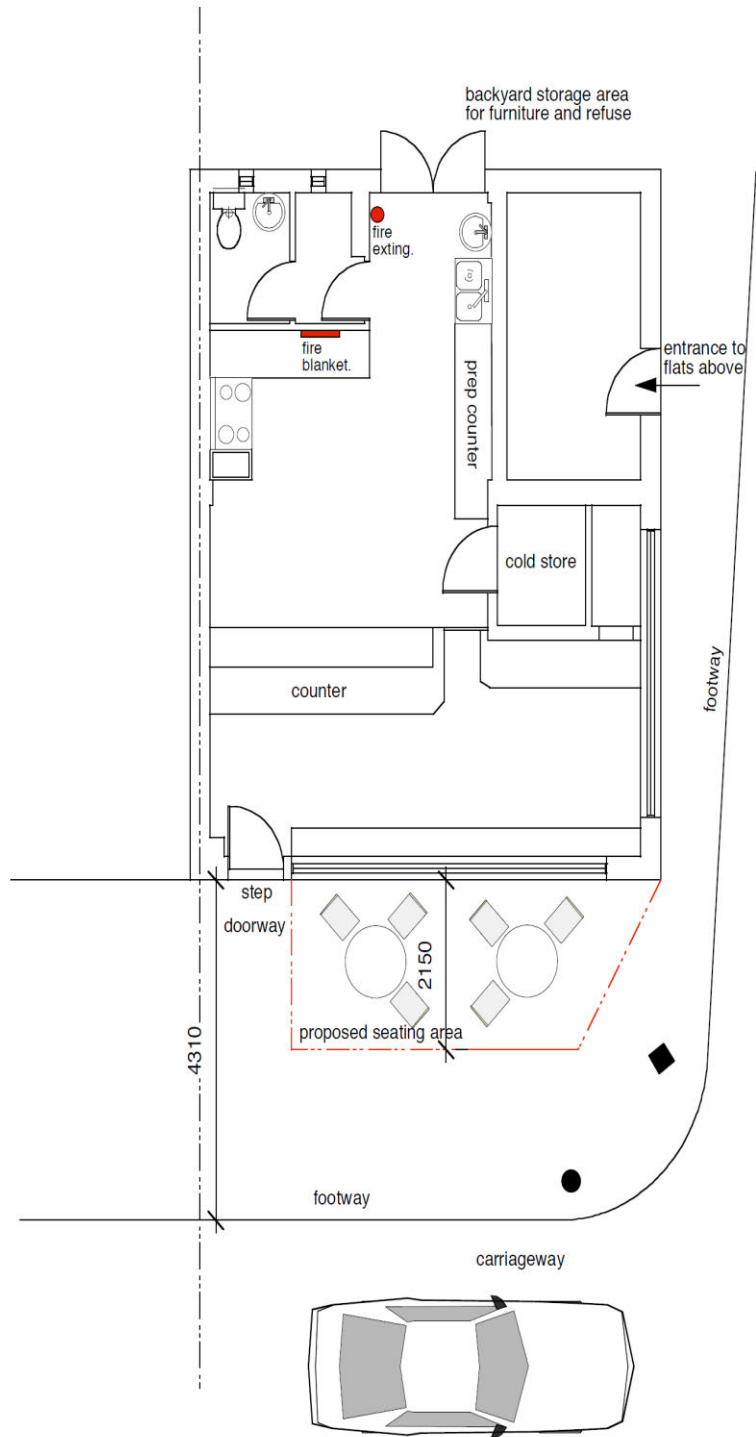
9. 'Off' sales of alcohol shall only be provided to person seated at the external table and chair.
10. The maximum number of persons accommodated at any one time (excluding staff) shall not exceed 15.
11. All tables and chairs shall be removed from the outside area by 23.00 each day.
12. All waste shall be properly presented and placed for collection no earlier than 30 minutes before the scheduled collection time.
13. No rubbish, including bottles, shall be moved, removed or placed in the outside areas between 2300 hours and 0800 hours.
14. The pavement from the building line to the kerb edge immediately outside the premises, including gutter / channel at its junction with the kerb edge, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
15. Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to a table meal to persons seated.
16. There shall be no self service of alcohol on the premises.
17. Patrons permitted to temporarily leave and then re-enter the premises, eg to smoke, shall not be permitted to take drinks or glass containers with them.
18. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
19. The licence holder shall ensure that all cashiers and relevant staff are trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 21 years (or older if the licence holder so elects) for evidence of age. This evidence shall be photographic, such as passport or photographic driving licence until other effective identification technology (for example, thumb print or pupil recognition) is introduced. All cashiers will be instructed, through training, that a sale shall not be made unless this evidence is produced.
20. 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 and businesses in the vicinity.
21. There shall be no striptease or nudity, and all persons shall be decently attired at all times.
22. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received
  - (d) any incidents of disorder
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system or searching equipment or scanning equipment
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service.

23. There shall be no off sales of super-strength beer, lagers or ciders of 5.5% ABV (alcohol by volume) or above.
24. No deliveries shall be made to the premises between 20:00 and 08:00 hours Monday to Saturday and Sunday between 22:00 to 10:00.
25. There shall be no draught beer available at the premises.
26. Toilet facilities shall be provided for customers, if requested.
27. No alcohol sales shall be permitted as part of the delivery service of food.
28. The outside area shall be kept clean at all times the premises is open.
29. All windows and external doors shall be kept closed at all times, except for the immediate access and egress of persons.
30. The premises 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 premises 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.
31. 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 must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.
32. The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
33. 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.
34. The supply of alcohol shall be by waiter/waitress service only.
35. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to nuisance.
36. Notices shall be prominently displayed at all exists requesting patrons to respect the needs of local residents and leave the area quietly.
37. Only alcohol purchased at the premises shall be consumed at the tables outside.

**Annex 4 – Plans**

Attached





ADDRESS	47 Moscow Road. London W2
DATE	November 2012
SCALE	1 : 100
DRAWING NO:	MSC/01/B



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

Schedule 12  
Part B

WARD: Lancaster Gate  
UPRN: 010033584225

Premises licence  
summary

Regulation 33, 34

Premises licence number:

12/10331/LIPN

### Part 1 – Premises details

**Postal address of premises:**

Mulberry Street  
Ground Floor  
47 Moscow Road  
London  
W2 4AH

**Telephone Number:** Not Supplied

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

Not applicable

**Licensable activities authorised by the licence:**

Sale by Retail of Alcohol

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

**Sale by Retail of Alcohol**

Monday to Saturday:	12:00 to 23:00
Sunday:	12:00 to 22:30

**The opening hours of the premises:**

Monday to Saturday:	12:00 to 23:00
Sunday:	12:00 to 22:30

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

Alcohol is supplied for consumption both on and off the Premises.

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

Red Rooster Restaurants Limited  
124 Finchley Road

London  
NW3 5JS

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

05314358

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

**Name:** Maria O'Connor

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

Restricted

**Date:** 22<sup>nd</sup> February 2013

**Signed:** pp  
Operational Director - Premises Management

**Licence & Appeal History**

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
12/10331/LIPN	Application for a new premises licence seeking supply of alcohol from 12:00 to 23:00 Monday to Saturday and 12:00 to 22:30 Sunday.	24.01.2013	Granted by Licensing Sub Committee.  Licence lapsed in May 2018 due to the PLH going into liquidation.

**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 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 and which replicate those on the previous premises licence**

9. 'Off' sales of alcohol shall only be provided to person seated at the external table and chair.
10. The maximum number of persons accommodated at any one time (excluding staff) shall not exceed 15.
11. All tables and chairs shall be removed from the outside area by 23.00 each day.
12. All waste shall be properly presented and placed for collection no earlier than 30 minutes before the scheduled collection time.
13. No rubbish, including bottles, shall be moved, removed or placed in the outside areas between 2300 hours and 0800 hours.
14. The pavement from the building line to the kerb edge immediately outside the premises, including gutter / channel at its junction with the kerb edge, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
15. Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to a table meal to persons seated.
16. There shall be no self service of alcohol on the premises.
17. Patrons permitted to temporarily leave and then re-enter the premises, eg to smoke, shall not be permitted to take drinks or glass containers with them.
18. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
19. The licence holder shall ensure that all cashiers and relevant staff are trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 21 years (or older if the licence holder so elects) for evidence of age. This evidence shall be photographic, such as passport or photographic driving licence until other effective identification technology (for example, thumb print or pupil recognition) is introduced. All cashiers will be instructed, through training, that a sale shall not be made unless this evidence is produced.
20. 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 and businesses in the vicinity.
21. There shall be no striptease or nudity, and all persons shall be decently attired at all times.
22. There shall be no off sales of super-strength beer, lagers or ciders of 5.5% ABV (alcohol by volume) or above.
23. No deliveries shall be made to the premises between 20:00 and 08:00 hours Monday to Saturday and Sunday between 22:00 to 10:00.
24. There shall be no draught beer available at the premises.

25. Toilet facilities shall be provided for customers, if requested.
26. No alcohol sales shall be permitted as part of the delivery service of food.
27. The outside area shall be kept clean at all times the premises is open.
28. All windows and external doors shall be kept closed at all times, except for the immediate access and egress of persons.
29. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to nuisance.
30. Notices shall be prominently displayed at all exists requesting patrons to respect the needs of local residents and leave the area quietly.
31. Only alcohol purchased at the premises shall be consumed at the tables outside.

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

32.
  - (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.
33. 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.
34. 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.
35. 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.

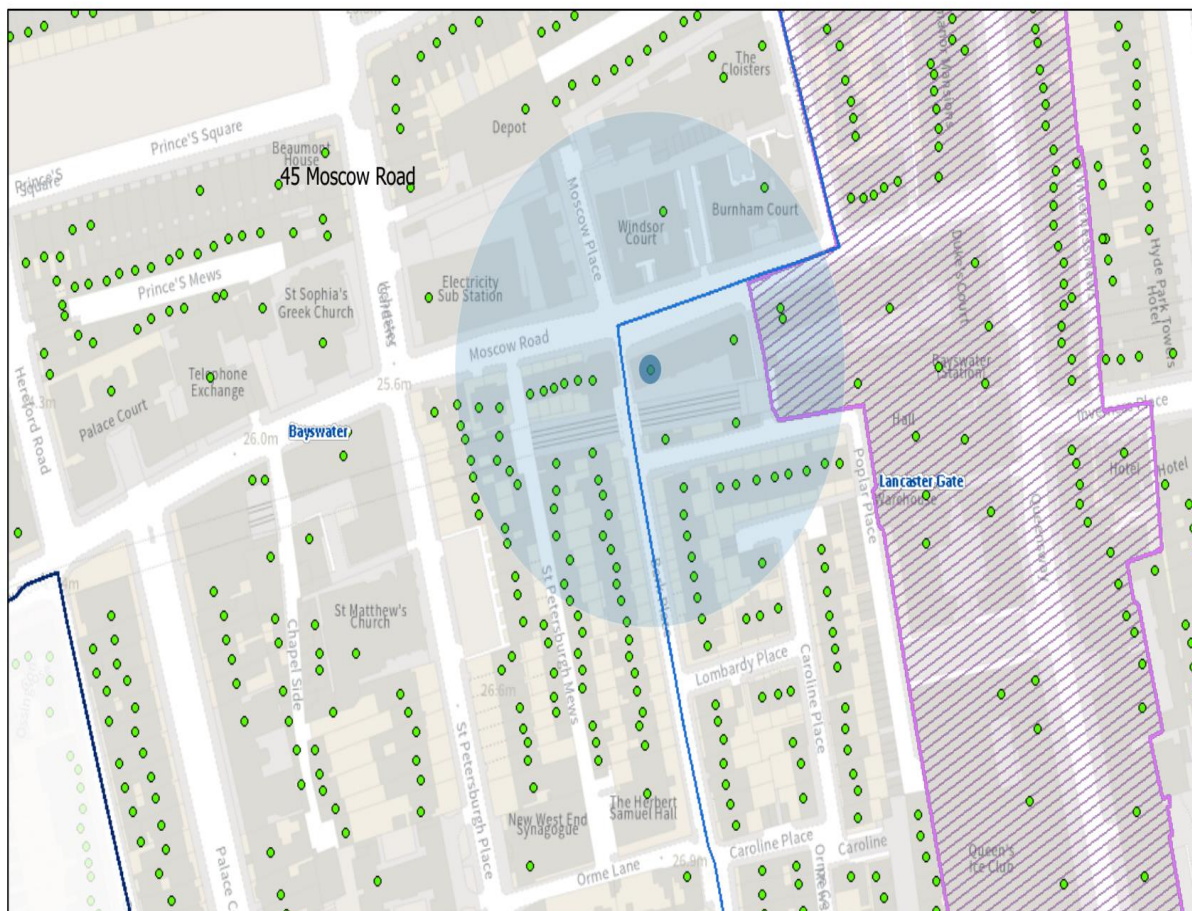
36. Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, the licence holder shall ensure that all alcohol within the premises (including alcohol behind the counter) is secured in a locked store room or behind locked grilles, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff.
37. The premises shall only operate as a restaurant,
- (i) in which customers are shown to their table or the customer will select a table themselves,
  - (ii) where the supply of alcohol is by waiter or waitress service only,
  - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table,
  - (iv) which do not provide any takeaway service of food or drink for immediate consumption off the premises,
  - (v) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

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

#### **Conditions proposed by the Environmental Health**

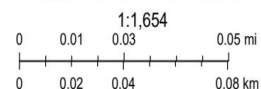
None

47 Moscow Road



05/05/2023, 11:16:12

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



Resident count: 302

Licensed premises within 75m of 47 Moscow Road, London, W2				
Licence Number	Trading Name	Address	Premises Type	Time Period
15/09578/LIPV	Kaiseki Cocoro	45 Moscow Road London W2 4AH	Restaurant	Sunday; 12:00 - 22:30   Monday to Saturday; 12:00 - 23:00
19/15298/LIPDPS	The Phoenix	51 Moscow Road London W2 4AL	Pub or pub restaurant with lodge	Sunday; 07:00 - 23:00   Monday to Saturday; 07:00 - 23:30

20/09002/LIPDPS	Kings Head Public House	Kings Head 33 Moscow Road London W2 4AH	Public house or pub restaurant	Sunday; 07:00 - 23:00   Monday to Saturday; 07:00 - 23:30
22/09791/LIPDPS	Byzantium Cafe	Ground Floor 31 Moscow Road London W2 4AH	Cafe	Monday to Sunday; 08:00 - 23:00
21/11439/LIPN	Dacha Russian Shop	21 Moscow Road London W2 4AH	Shop	Monday to Sunday; 10:00 - 21:00