



City of Westminster

Licensing Sub-Committee Report

Item No:

Date:

15 February 2024

Licensing Ref No:

23/08777/LIPN - New Premises Licence

Title of Report:

Park Modern Apartments
123 Bayswater Road
London
W2 3JH

Report of:

Director of Public Protection and Licensing

Wards involved:

Lancaster Gate

Policy context:

City of Westminster Statement of Licensing Policy

Financial summary:

None

Report Author:

Kevin Jackaman
Senior Licensing Officer

Contact details

Telephone: 0207 641 6500
Email: kjackaman@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	30 November 2023		
Applicant:	Park Restaurant Property Limited		
Premises address:	Park Modern Apartments 123 Bayswater Road London W2 3JH	Ward:	Lancaster Gate
		Cumulative Impact Area:	None
		Special Consideration Zone:	Queensway and Bayswater
Premises description:	According to the application form the premises will operate as a high class restaurant with an external seating area where alcohol and food will be available.		
Premises licence history:	The premises previously held a premises licence from September 2005 until it was surrendered in June 2016		
Applicant submissions:	<p>The licensed areas are predominantly on the ground floor with a small private dining area within the basement. The building within which the premises are located also has its own delivery and waste collection areas within the building.</p> <p>The applicant has made submissions addressing the SCZ policy which appear at appendix 2</p>		
Applicant amendments:	None		

1-B Proposed licensable activities and hours							
Late Night Refreshment:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	N/A
End:	00:00	00:00	00:00	00:00	00:30	00:30	
Seasonal variations/ Non-standard timings:			On any Sunday immediately before a bank holiday late night refreshment may be provided between the hours of 23.00 and 00.30				

Sale by retail of alcohol				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	08:00	08:00	08:00	08:00	08:00	08:00	08:00
End:	23:30	23:30	23:30	23:30	00:00	00:00	22:30
Seasonal variations/ Non-standard timings:			On any Sunday before a bank holiday then the hours for the sale of alcohol shall extend to midnight.				

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	07:00	07:00	07:00	07:00	07:00	07:00	07:30
End:	00:00	00:00	00:00	00:00	00:30	00:30	23:00
Seasonal variations/ Non-standard timings:	On Sundays before bank holidays then the opening hours shall extend to 00.30.						
Adult Entertainment:	None						

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Metropolitan Police Service
Representative:	Adam Deweltz
Received:	07 December 2023 (withdrawn 06 February 2024)
<p>I am writing on behalf of the Commissioner of the Metropolitan Police Service (“The Police”) to make representations opposing the grant of a premises licence application for 123 Bayswater Road, W2 3JH</p> <p>The application seeks the following licensable activities:</p> <p>Sale of alcohol (Both on and off) Monday – Thursday: 08:00 – 23:30 Friday and Saturday: 08:00 – 00:00 Sunday: 08:00 - 22:30</p> <p>Late Night Refreshment Monday – Thursday: 23:00 – 00:00 Friday and Saturday: 23:00 – 00:30</p> <p>Following consideration of the application and how it may affect the Licensing Objectives, I wish to make the following representation:</p> <p>The proposed licensable activities are likely to undermine the following licensing objective:</p> <ul style="list-style-type: none"> • The Prevention of Crime and Disorder. <p>The premises is located at 123 Bayswater Road, W2 3JH, which is within the Bayswater Special Consideration Zone (“SCZ”). The Police have concerns that a new premises, which provides the sale of alcohol (on and off the premises) and Late Night Refreshment outside of core hours, will adversely impact the area. The issues within the SCZ include violent crime and late-night robberies. The area of Queensway and Bayswater, is already saturated by licensed premises, which can bring crime and disorder to the area. The police are already struggling to cope with excessive crime levels.</p> <p>Westminster’s Statement of Licensing Policy 2021 states under its Restaurant’s Policy (“RNT1”) section A:</p> <p><i>Applications outside the West End Cumulative Impact Zone will generally be granted subject to:</i></p>	

- *The hours for licensable activities being within the council's Core Hours Policy HRS1.*
- *The applicant has taken account of the Special Consideration Zones Policy SCZ1 if the premises are located within a designated zone.*
- *The application and operation of the venue meeting the definition of a restaurant as per Clause C.*

The Police request that that the licensing sub-committee take into account all the above points.

Following agreement of amended conditions, the Metropolitan Police withdrew their representation on 06 February 2024

Responsible Authority:	Environmental Health
Representative:	Sally Fabbricatore
Received:	28 December 2023

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

The premises is situated in the Queensway/Bayswater Special Consideration Zone.

This representation is based on the Operating Schedule and the submitted plans for the ground floor and basement dated November 2023.

The applicant is seeking the following on the **ground floor and basement**:

1. To allow the Supply of Alcohol 'on and off' the premises Monday to Thursday 08:00-23:30 hours, Friday to Saturday 08:00-00:00 hours and Sunday 08:00 –22:30 hours.
2. To allow the provision of Late Night Refreshment 'indoors' Monday to Thursday 23:00-00:00 hours and Friday and Saturday 23:00–00:30 hours.
3. To allow the above licensable activities on Sundays prior to bank holidays until 00:00 hours for the Supply of Alcohol and until 00:30 hours for Late Night Refreshment.

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

1. The provision of the Supply of Alcohol may cause an increase in Public Nuisance in the area, it may also impact on Public Safety.
2. The provision of Late Night Refreshment may cause an increase in Public Nuisance in the area, it may also impact on Public Safety.
3. The non-standard timings may cause an increase in Public Nuisance in the area.

Further information and proposed conditions have been provided, which are being considered. The applicant did seek pre-application advice, 23/05030/PREAPM, of which the majority of conditions have been proposed.

The granting of the new 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.

2-B Other Persons			
Name:		[REDACTED]	
Address and/or Residents Association:		The Bayswater Residents Association (BRA)	
Status:	Valid	In support or objection:	Objection
Received:	27 Dec 2023		
I write to confirm that the Bayswater Residents Association (BRA) objects to this application and supports the detailed comments contained in the SEBRA objection, below.			
Name:		[REDACTED]	
Address and/or Residents Association:		Southern East Bayswater Residents Association (SEBRA)	
Status:	Valid	In support or objection:	Objection
Received:	21 Dec 2023		
I am writing on behalf of the South East Bayswater Residents' Association (SEBRA) to make a relevant representation in respect of this application on the basis of the likely impact on the licensing objective of 'prevention of public nuisance'.			
<p>Introduction</p> <p>SEBRA was formed in 1970 and works to protect the special character of the W2 area. A non-profit, non party-political, voluntary organisation, we represent more than 1,000 people. SEBRA is consulted by Westminster Council on both major developments and all Council activities which affect the daily lives of residents.</p> <p>As a recognised amenity society we often engage in consultations with licence applicants and are pleased to confirm that we have been consulted through the planning and licensing processes, and have met on site with the operator and their solicitor.</p> <p>We welcome the development, and hope that it is a success and brings footfall to the area. We do not object to a premises licence being granted, but we do have a number of concerns /comments regarding the scope of the application, timings, and various conditions proposed (or not proposed).</p> <p>Background</p> <p>The premises is a redevelopment at the southern end of Queensway. The premises is situated within the Queensway/Bayswater Special Consideration Zone. Planning permission has been granted for demolition and redevelopment of 117 to 125 Bayswater Road, together with 2 to 6 Queensway and 7 Fosbury Mews for a new building comprising 3 basements, ground and 9 upper storeys to include 55 residential units and ancillary residential facilities (class C3), together with retail (class A1) unit, a retail (class A1) and/or restaurant (class A3) unit, a dentist (class D1) and a spa use (class D2), highway works and the use of car parking within the basement of Consort House.</p> <p>There are residents above in the new luxury Park Modern building in which the licensed premises would be located, and adjacent to the flats in Consort House and opposite Hilton London Hotel and there are large blocks of flats, Queens Court and Princess Court, going down Queensway.</p> <p>The application</p> <p>This application seeks permission for: <i>Alcohol 8am to 11.30om Mon-Thurs, midnight Fri-Sat, 10.30pm Sun (midnight Sun before a</i></p>			

bank holiday).

Late night refreshment half an hour more than times above.

Opening 7am to midnight Mon-Thurs, 7am to 12.30am Fri-Sat, 7am to 11pm Sun (12.30am Sun before bank holiday).

The plans show an external area wrapping round the premises.

No restaurant condition is proposed, only that alcohol to persons seated and by waiter/ess service, although this wouldn't apply in the private dining room, or for private functions, or in the ground floor bar area. External drinking would be seated. There is no indication of capacity.

SEBRA's position

The premises is situated in a Special Consideration Zone, as per the Statement of Licensing Policy 2021. Care must be taken that the nature of this operation and licence is appropriate to promote the licensing objectives.

We are concerned that the hours proposed and the nature of the licence if granted as presented would lead to an increase in public nuisance, including from dispersal of customers late at night and issues with servicing.

We comment below on i) the application in general; ii) the proposed conditions specifically; and iii) additional conditions we seek.

i) General comments

The hours proposed are beyond 'Core Hours'. We object to a licence being granted beyond hours in accordance with policy HRS1 for restaurants i.e. 9am to 11.30pm Mon-Thurs, 9am to midnight Fri-Sat, 9am to 10.30pm Sun.

In fact, at present even these hours are too much as the application does not offer a 'restaurant' condition, which we are very surprised about.

The proposed conditions do not require anyone to consume food. Customers would have to be seated and served by waiter/ess service, but even this requirement would not apply to the private dining room, the entire premises when in use for a 'private function' (which could be table booking?), or the ground floor bar area.

Servicing must take place via the dedicated loading bay provided for in the development, at the rear of the development.

There needs to be a comprehensive plan to manage taxis/uber etc traffic dropping off and picking up from the premises.

Is there any intention for the units to offer a takeaway/delivery service, including on apps such as Deliveroo? We do not believe there is, but would object to this if it is proposed.

'Off' sales are sought, although not for general takeaway/delivery.

ii) Comments on proposed conditions

Applicant's proposed condition:

The sale and supply of alcohol for consumption on the premises shall (other than within the private dining room, when in use for a bone fide private function, or the area immediately in front of the ground floor bar shown on the approved layout drawing) only be permitted where: alcohol is supplied by way of waiter/waitress service; and alcohol is only consumed by persons who are seated.

And

- 1. 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.*

SEBRA comment: The licence should include Model Condition 66 to require the premises to operate as a restaurant. We do not see why Private Dining Room should be different. A large table could be taken on night by walk in customers. Regarding the bar, we are happy for a condition that this is for customers before or after meal or someone eating at bar.

Applicant's proposed condition:

The sale of alcohol for consumption off the premises shall be limited to: *alcohol sold to persons for consumption in any outside tables and chairs area (shown hatched green on the approved layout drawing) where persons are seated; or partially consumed bottles of wine where the customer does not wish to finish the bottle but take it home and then only where the bottle is resealed.*

SEBRA comment: We are happy for outside tables and chairs subject to inclusion within MC66, and that tables and chairs are brought in or rendered unusable by 23.00.

Applicant's proposed condition:

9. *There shall be no sales of hot food or hot drink for consumption off the premises after 23.00.*

SEBRA comment: Is this for takeaway and/or delivery? If so, how is this managed?

Applicant's proposed condition:

1. *Unless the existing internal dedicated building refuse system is used, no collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 07.00 hours on the following day.*

And

18. *Unless the existing dedicated building delivery system is used, no deliveries to the premises shall take place between 23.00 and 07.00 hours on the following day.*

SEBRA comment: *There is a dedicated loading bay, at the rear, approached via Queensway to back of the development with hours controlled, seven days a week. There is no public loading bay outside premises, only one opposite premises in Queensway, where loading only allowed between 7am to noon, every day and bay gets ticketed outside those hours. No loading is allowed on Bayswater Road as it is a bus route and to have cycle lane soon.*

SEBRA therefore proposes:

1. *No collections of waste or recycling materials (including bottles) from the premises shall take place between 19.00 and 07.00 Mon-Sat and only between 10.00 to 16.00 Sunday & Bank Holidays*
2. *No deliveries to the premises shall take place between 19.00 and 07.00 Mon-Sat and only between 10.00 to 16.00 Sunday & Bank Holidays*

iii) Additional conditions

We ask for the following additional conditions:

1. MC66 *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. Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.*

2. MC37 The number of persons permitted in the premises at any one-time (excluding staff) shall not exceed (X) persons.

3. *All servicing, including refuse & recycling collections, should take place via the dedicated loading bay, at the rear of the development, provided for that purpose.*

4. MC20 All tables and chairs shall be removed from the outside area by (23.00 hours) each day.

5. MC71 The premises licence holder shall ensure that any patrons smoking outside the premises do so in an orderly manner and are properly supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.'

6. There shall be no use of food and alcohol delivery services, to customers outside of the premises, such as Deliveroo.

7. MC87 No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated

Conclusion

We reserve the right to submit further comments in due course.

We are very happy to continue an ongoing dialogue with the applicant solicitor and will send this representation to them so that such dialogue can continue in a timely manner.

3. Policy & Guidance

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

Policy SCZ1 applies:	<p>A. In addition to meeting the other policies within this statement, applications within a designated Special Consideration Zone should demonstrate that they have taken account of the issues particular to the Zone, in question as identified within the 2020 Cumulative Impact Assessment, and should set out any proposed mitigation measures in relation to those issues within their operating schedule.</p> <p>B. For the purpose of Clause A, the designated Special Consideration Zone for this application is:</p> <ul style="list-style-type: none">• Queensway/Bayswater.
Policy HRS1 applies	<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">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

	<p>premises.</p> <p>7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.</p> <p>8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.</p> <p>9. The capacity of the premises.</p> <p>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.</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 are:</p> <p>Pubs and bars, Fast Food and Music and Dance venues Monday to Thursday: 10am to 11.30pm. Friday and Saturday: 10am to Midnight. Sunday: Midday to 10.30pm. Sundays immediately prior to a bank holiday: Midday to Midnight</p>
<p>Policy RNT1(A) applies</p>	<p>A. Applications outside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities being within the council's Core Hours Policy HRS1. 3. The operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1. 4. The applicant has taken account of the Special Consideration Zones Policy SCZ1 if the premises are located within a designated zone. 5. The application and operation of the venue meeting the definition of a restaurant as per Clause C. <p>C. For the purposes of this policy a restaurant is defined as:</p> <ol style="list-style-type: none"> 1. A premises in which customers are shown to their table or the customer will select a table themselves to which food is either served to them or they have collected themselves. 2. Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at a table. 3. Which do not provide any takeaway service of food and/or drink for immediate consumption, except if provided via an ancillary delivery

	<p>service to customers at their residential or workplace address.</p> <p>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.</p> <p>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.</p>
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4. Equality Implications

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

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

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

5. Appendices

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

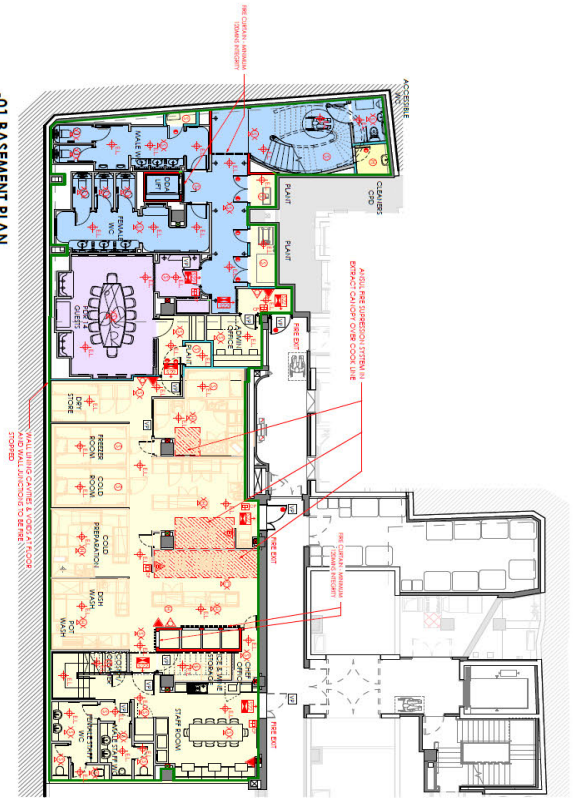
Report author:	Kevin Jackaman Senior Licensing Officer
Contact:	Telephone: 020 7641 6500 Email: kjackaman@westminster.gov.uk

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

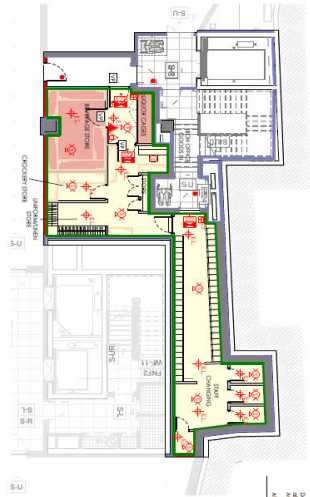
Background Documents – Local Government (Access to Information) Act 1972

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	October 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	December 2023
4	Cumulative Impact Assessment	04 December 2023
5	Metropolitan Police Service representation	07 December 2023 (withdrawn 06 February 2024)
6	Environmental Health representation	28 December 2023
7	Interested Party representation (1)	27 December 2023
8	Interested Party representation (2)	21 December 2023

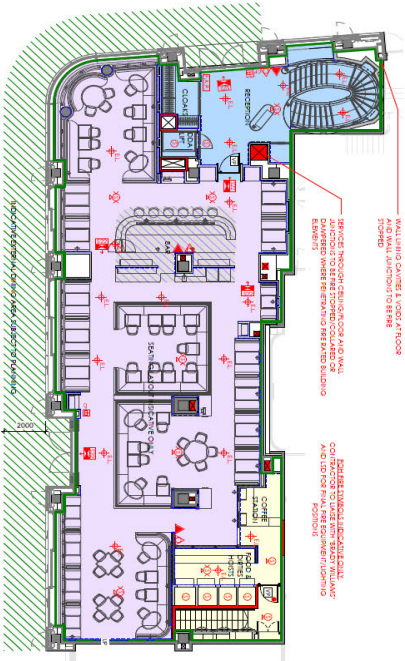
-01 BASEMENT PLAN
1:100



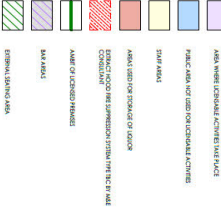
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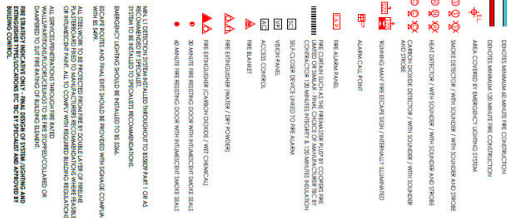
GROUND FLOOR PLAN
1:100



LICENSING LEGEND



FIRE LEGEND



8445
CLARET RESTAURANT TRADING LTD
79-81 RUMFORD ROAD
LONDON, WC1R 3JF

PROPOSED DATE
NOV 2023

PROPOSED
8445 - LIC-01

offset
licensing

Park Modern, Bayswater Road, London

Consideration of Queensway/Bayswater SCZ

1 QUEENSWAY/BAYSWATER SCZ

1.1 The current Westminster Statement of Licensing Policy contains the concept of Special Consideration Zones. One such zone covers an area within Queensway/Bayswater and the applicant premises just fall within the southern ambit of this SCZ area.

1.2 The local issues that the zone sets out which need to be considered by applicants are:

- Elevated levels of noise nuisance at night.
- Illegal waste.
- Incidents relating to ambulance call outs at night to the locations of licensed premises for intoxication, injury related to intoxication and/or assault.
- Serious violent crimes.
- Robberies at night.

2 APPLICANT'S CONSIDERATION OF SCZ ISSUES

2.1 The applicant and its advisors carefully considered the Statement of Licensing Policy as a whole and the SCZ issues set out within it.

2.2 The applicant and its advisors have carefully considered:

- (a) the location of the premises within the SCZ
- (b) the location of the premises with a new development (which is partly residential but with its own servicing arrangements) and the requirements of the landlord;
- (c) the design of the premises (including a meet and greet area inside the main entrance);
- (d) the nature of the premises (as a restaurant in general terms but with flexibility to allow casual dining);
- (e) the background and experience of the operator (who has operated for many years within Westminster); and
- (f) the local issues and the immediate neighbourhood.

2.3 The activities and the hours applied for and the conditions proposed all took these issues into account and were thought to be sensible and appropriate to mitigate the risk of those issues being contributed to by the premises.

2.4 The applicant also sought pre-application advice and had site meetings with the EH Consultation team. The pre-application advice notes the SCZ and the considerations which apply. The conclusion of the advice is broadly that the proposal does not appear to be contrary to policy. It is also noted that the hours considered in the pre-application advice were slightly longer than those actually applied for.

2.5 In addition, the applicant and its advisers met with ██████████ on behalf of SEBRA before lodging the application to try to understand their concerns.

2.6 There have also been specific discussions with the police since the application was submitted in

Park Modern, Bayswater Road, London

Consideration of Queensway/Bayswater SCZ

relation to hours and conditions. As a result, slightly amended conditions have been agreed. The police have now withdrawn their representation. Similarly, it is understood that the EH consultation team are content with the application and its form.

- 2.7 As such, the applicant believes it has fully taken into account the SCZ issues relevant this location and that these will not realistically materialise within the applicant premises should the application be granted due to the way in which the application is framed (including the proposed conditions) and the way the premises will operate. This view seems to be supported by the police and EH Consultation team views.

February 2024

Premises History

Appendix 3

The premises previously held a premises licence from September 2005 until it was surrendered in June 2016. 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

9. CCTV condition:
 - a. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team.
 - b. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.
 - c. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance.
 - d. All recordings shall be stored for a minimum period of 31 days with date and time stamping.
 - e. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
11. There shall be an age verification policy in place operating to a minimum standard of "Think/Challenge 21" and suitable training shall be provided to those employees involved in the sale or supply of alcohol.

The Metropolitan Police have proposed an alternative condition which has been agreed by the applicant

A Challenge 21 or Challenge 25 scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as driving licence, passport or proof of age card with the PASS Hologram.

12. The primary use of the premises shall be as a restaurant where the majority of customers shall be consuming a table meal.
13. The premises licence holder shall risk assess the need to employ SIA security personnel at the premises and where the risk assessment identifies such need then the premises licence holder shall employ SIA security personnel on such days, times and in such numbers as the assessment identifies..
14. The sale and supply of alcohol for consumption on the premises shall (other than within the private dining room, when in use for a bona fide private function on no more than 30 occasions per year, or the area immediately in front of the ground floor bar shown on the approved layout drawing) only be permitted where:
 - a. alcohol is supplied by way of waiter/waitress service; and
 - b. alcohol is only consumed by persons who are seated.
15. Any sales or supplies of alcohol between the hours of 8am and 10am on any day shall be ancillary to a table meal.
16. 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.
17. The sale of alcohol for consumption off the premises shall be limited to:

- a. alcohol sold to persons for consumption in any outside tables and chairs area (shown hatched green on the approved layout drawing) where persons are seated; or
 - b. partially consumed bottles of wine where the customer does not wish to finish the bottle but take it home and then only where the bottle is resealed.
18. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke or make a phone call, shall not be permitted to take alcohol with them.
19. There shall be no sales of alcohol for consumptions off the premises after 23.00.
20. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00.
21. All outside tables and chairs shall be rendered unusable by 23.00 each day.
22. Patrons permitted to temporarily leave and then re-enter the premises (e.g. to smoke) shall not be permitted to take drinks or glass containers with them unless seated in an authorised external area.
23. Loudspeakers shall not be located in the entrance and exit of the premises or outside the building.
24. All windows and external doors shall be kept closed after 21.00, or at any time when regulated entertainment takes place, except for the immediate access or egress of persons.
25. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
26. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.
27. Unless the existing internal dedicated building refuse system is used, no collections of waste or recycling materials (including bottles) from the premises shall take place or be moved, removed from or placed in outside areas between 23.00 and 07.00 hours on the following day.
28. All waste shall be properly presented and presented out for collection no earlier than 30 minutes before the scheduled collection times.
29. Unless the existing dedicated building delivery system is used, no deliveries to the premises shall take place between 23.00 and 07.00 hours on the following day.
30. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
31. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number and/or is to be made available to residents and businesses in the vicinity.
32. A copy of the premises' dispersal policy shall be readily available at the premises for inspection by a police officer and/or an authorised officer of Westminster City Council.

33. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
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, ~~searching equipment or scanning equipment~~
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
35. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.
36. No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined.

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

37. Before the premises open to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where there are minor changes to the premises layout during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.

Conditions proposed by the Police

See condition 11 above.

Conditions proposed by Interested Party.

38. 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.

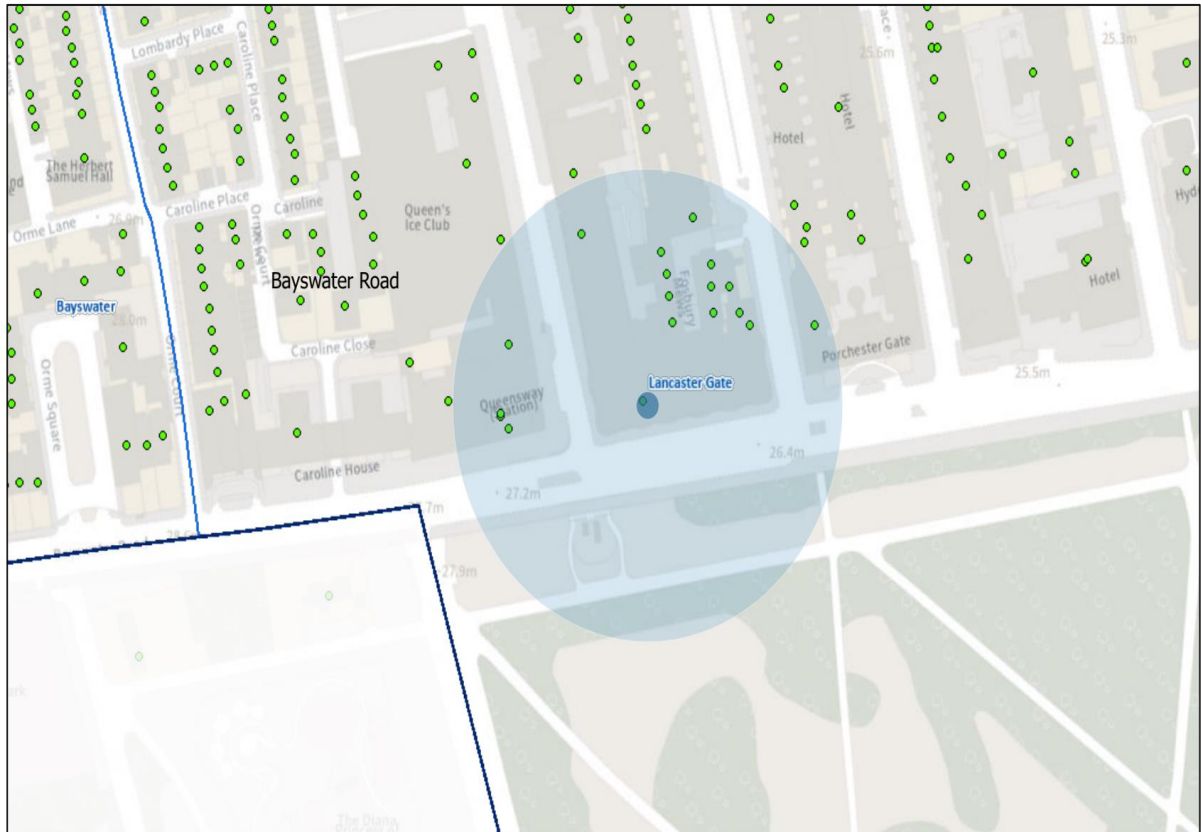
For the purpose of this condition 'Substantial Table Meal' means – a meal such as might be expected to be served as the main midday or main evening meal, or as a main course at either such meal and is eaten by a person seated at a table, or at a counter or

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.

Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

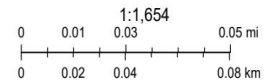
39. The number of persons permitted in the premises at any one-time (excluding staff) shall not exceed (X) persons.
40. All servicing, including refuse & recycling collections, should take place via the dedicated loading bay, at the rear of the development, provided for that purpose.
41. All tables and chairs shall be removed from the outside area by (23.00 hours) each day.
42. The premises licence holder shall ensure that any patrons smoking outside the premises do so in an orderly manner and are properly supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
43. There shall be no use of food and alcohol delivery services, to customers outside of the premises, such as Deliveroo.
44. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated

123 Bayswater Road London W2



02/02/2024, 13:23:39

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



Resident Count: 153

Licensed premises within 75m of Park Modern Apartments				
Licence Number	Trading Name	Address	Premises Type	Time Period
22/07833/LIPN	S Mart	20 Queensway London W2 3RX	Shop	Monday; 08:00 - 00:00 Tuesday; 08:00 - 00:00 Wednesday; 08:00 - 00:00 Thursday; 08:00 - 00:00 Friday; 08:00 - 00:00 Saturday; 08:00 - 00:00 Sunday; 08:00

				- 00:00
23/04586/LIPN	Mandarin Kitchen	Ground Floor And Mezzanine Floor 14-16 Queensway London W2 3RX	Restaurant	Monday; 12:00 - 00:00 Tuesday; 12:00 - 00:00 Wednesday; 12:00 - 00:00 Thursday; 12:00 - 00:00 Friday; 12:00 - 00:00 Saturday; 12:00 - 00:00 Sunday; 12:00 - 23:00
23/00866/LIPN	Not Recorded	Ground Floor And Mezzanine Floor 8 Queensway London W2 3RX	Not Recorded	Monday; 08:00 - 23:59 Tuesday; 08:00 - 23:59 Wednesday; 08:00 - 23:59 Thursday; 08:00 - 23:59 Friday; 08:00 - 23:59 Saturday; 08:00 - 23:59 Sunday; 08:00 - 23:59
21/04894/LIPDPS	Not Recorded	18 - 20 Queensway London W2 3RX	Cafe	Sunday; 07:00 - 23:00 Monday to Saturday; 07:00 - 23:30
23/07625/LIPDPS	Grand Royale	1-9 Inverness Terrace London W2 3LD	Hotel, 4+ star or major chain	Sunday; 10:00 - 00:00 Monday to Saturday; 10:00 - 00:30