



City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	2 October 2024
Licensing Ref No:	24/04745/LIPN - New Premises Licence
Title of Report:	17 Churton Street London SW1V 2LY
Report of:	Director of Public Protection and Licensing
Wards involved:	Pimlico North
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Jessica Donovan Senior Licensing Officer
Contact details	Telephone: 020 7641 6500 Email: Jdonovan@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	6 August 2024		
Applicant:	Logiuro Ltd		
Premises:	N/A		
Premises address:	17 Churton Street London SW1V 2LY	Ward:	Pimlico North
		Cumulative Impact Area:	None
		Special Consideration Zone:	None
Premises description:	The premises intends to operate as a pizzeria.		
Premises licence history:	This is a new premises application and therefore no Premises Licence history exist.		
Applicant submissions:	There are no supporting documents from the applicant.		
Applicant amendments:	None		

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

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	11:00	11:00	11:00	11:00	11:00	11:00	11:00
End:	23:30	23:30	23:30	23:30	23:30	23:30	23:30
Seasonal variations/ Non-standard timings:			None				

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Service
Representative:	Anil Drayan
Received:	03 September 2024
<p>Representation made by Environmental Health as the proposal may undermine the licensing objectives of Prevention of Public Nuisance and for Public Safety.</p> <p>The applicant has offered some conditions but these are insufficient to allay Environmental Health concerns.</p> <p>The applicant is therefore requested to contact the undersigned to arrange a site visit after which additional conditions may be proposed.</p>	
Responsible Authority:	Metropolitan Police Service (<i>Withdrawn 23 September 2024</i>)
Representative:	PC Steve Muldoon
Received:	02 September 2024
<p>I have reviewed the application for a new premises licence for 17 Churton Street. Based on the current application and conditions I can confirm that the Metropolitan Police objects to this application as it is likely that if the application were to be granted, the premises would undermine the following licensing objective/s:</p> <p>The Prevention of Crime and Disorder.</p> <p>I have reviewed the conditions you have submitted and feel the below conditions would better assist to promote the licensing objectives.</p> <ol style="list-style-type: none"> 1. (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. <ol style="list-style-type: none"> 2. 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. 3. 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: <ol style="list-style-type: none"> (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 visit by a relevant authority or emergency service.

4. 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.

5. 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.

I would be grateful if you could review the attached conditions, I can confirm once you advise these are accepted then I will be in a position to re-consider the objection.

Should you have any queries then do feel free to make contact.

Following an agreement of conditions with the applicant, the Metropolitan Police withdrew their representation on 23 September 2024. A copy of the conditions can be seen at Appendix 4.

2-B Other Persons			
Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or objection:	OBJECTION
Received:	17 August 2024		
I object to the back garden being used as bar area. It is in a 'vortex' area where any basement sounds are vastly increased. They could have controlled seating area on Churton st.			

Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or objection:	OBJECTION
Received:	21 August 2024		

My wife and I only object to one particular aspect of the licence application: namely to license the outdoor yard. Otherwise we support what we hope we be an asset to the community in Pimlico as is the Roasting café also in Churton Street.

It is misleading to show the yard (labelled Seating Areas / Garden) "floating" in the Floorplan. As a more general plan will show, the yard at the rear of no.17 shares a party wall [REDACTED] [REDACTED] is close to no. [REDACTED] and shares a party wall with [REDACTED] Tachbrook St. [REDACTED]. A view of a more general plan will show just how tight this corner of Churton St and Tachbrook Street is.

Given the proximity we object to the potential noise from licensed premises [REDACTED] [REDACTED] - until 11pm. We also fear this might be used as an outdoor smoking area, particularly as [REDACTED]

We are endorsing the much fuller and more detailed submission from the Tachbrook Street Residents Association (TSRA). But we wanted to make our personal objection clear. The area at the rear of 17 Churton St is simply not suitable to be licensed. Far better to have tables & chairs at the front of the building as, for example, outside Grumbles, Casio & Pepe, Gail's and indeed the Roasting.

Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or objection:	OBJECTION
Received:	1 September 2024		

17 Churton Street is opposite the opening into [REDACTED].

[REDACTED] is a cul-de-sac, enclosed by houses on three sides, so that noise coming from Churton Street echoes and is amplified.

The application to supply alcohol finishing at 23.00 will increase noise disturbance in the neighbourhood and particularly in [REDACTED], late into the night. [REDACTED] [REDACTED] I would request the application is refused, and if a licence is to be granted, then it should finish at 22.00, at the latest.

Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or objection:	OBJECTION
Received:	30 August 2024		

The property in application backs onto the closed garden [REDACTED] [REDACTED] Based on the entirely residential

nature of this space, we strongly object to the lower ground floor patio/garden to be licensed for restaurant use (now until 9.30pm?!). The applicant should not be permitted to use its garden for at all. The Victorian structure/ closed nature of this garden space causes sound to reverberate throughout the shared garden from any point within it: voices, music, animals, workmen, drilling, sanding, etc. Every sound can be heard across the garden. Potential customers of this property dining outside would be heard by all residents, from morning til late evening. We site:

1. Westminster's Licensing Policy October 2021, PN1 Criterion 1: "potential for nuisance associated with the style, characteristics and activities of the business to be carried out at the premises ... This will particularly apply in areas of residential accommodation and where there is residential accommodation in proximity of the premises."
2. Westminster Noise Strategy, 2010-15, Noise Policy 1: "Noise conscious city management, planning and licensing", and allows 'restricting the introduction of new noise generating uses in areas with a strong residential character'."
3. Pimlico Neighbourhood Plan, PIM 1 C: "Proposals for new restaurants and hot food takeaways within the town centre hierarchy must ensure that local environmental quality is protected clearly and satisfactorily ..."
4. Precedent: In [redacted] restaurant lower ground floor back garden patio doors are closed permanently to protect residents within that back garden from the restaurant's noise. The same should be applied to 17 Churton St's license application. Please do not allow use of the property's back garden for customers.

Name:		[redacted]	
Address and/or Residents Association:		Tachbrook Street Residents Association (TSRA)	
Status:	Valid	In support or objection:	OBJECTION
Received:	3 September 2024		

In contrast, all-day licensing for outdoor dining at the rear of 17 Charwood Street could significantly affect residents for the duration of the licensed period applied for - ie. most of the daytime, into the evenings and over the weekends. This would introduce an increased level of constant noise for the best part of every day.

Such noise would primarily consist of conversations among diners - with possible escalation into 'high spirits' on consumption of alcohol - and also the constant clink of cutlery, crockery and other service noise, as well as, potentially, machine noise associated with a restaurant (eg fans, air conditioning units etc). Cigarette smoke and food smells would also increase, with a direct impact on properties in the immediate vicinity of the site.

Such an increase in constant noise levels could change the nature of this residential area, and would cause concern for most neighbouring residents, specifically for people working or relaxing at home, and families with children (notably at bedtime).

Submission

This submission comments negatively on the granting of a licence for outdoor dining at 17 Churton Street, based on the City Council's widely-stated principle of 'safeguarding residential amenity', and specifically on the third stated objective of the Licensing Act 2003, 'Prevention of public nuisance'. The relevant criterion in Westminster's Licensing Policy of October 2021 is at PN1 Criterion 1 [italics added]:

The potential for nuisance associated with the style, characteristics and activities of the business to be carried out at the premises and the potential steps which would be taken to reduce the risk of nuisance occurring. This will particularly apply in areas of residential accommodation and where there is residential accommodation in proximity of the premises.

Relevant references are also found in the Council's draft Noise Technical Guidance, of Sept 2020, Section 2.3, which describes where noise limits apply and specifically gives as an example 'a shop adjoining a residential property being converted to a restaurant' - as is the case here. The Westminster Noise Strategy of 2010-15, Noise Policy 1, refers to 'Noise conscious city management, planning and licensing.' [italics added], and allows for 'restricting the

introduction of new noise generating uses in areas with a strong residential character'.

Precedent

As precedent, we cite an application for No. 52 Cambridge Street, The Artists' Residence, (Ref 20/05709/FULL), where the property has a similarly small outdoor area at the rear, closely surrounded by neighbouring residential properties. An application was made in September 2020, for variation of a previous planning decision from 2013, which refused permission for outdoor dining at the rear.

Comments listed in the Report include:

Amenity:

- Noise and disturbance.
- Rear garden areas represent a peaceful area for residents.
- Should not have to phone a noise helpline to be able to work in peace [Proprietor offered full-time helpline number].
- Incursion of a commercial business into area of residential amenity.
- Restaurant would generate a continually high level of noise.
- No respite for quiet enjoyment to residents.
- Proposal not allowed in 2013 cannot see what has changed

The application was refused, citing policies from the Westminster City Plan, specifically S29 (Health, Safety and Well Being) and S32 (Noise). Although it was technically a planning application, the same conditions pertain and the relevant licensing conditions are cited above.

Name:	[REDACTED]		
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]		
Status:	Valid	In support or objection:	OBJECTION
Received:	02 September 2024		

[REDACTED], who will be in contact separately and I endorse their document.

My particular objections are that this is a quiet residential area and even private residents outside in the summer echo through this area, if they are too loud. A table outside No 17 Churton Street at the exterior will make this much, much worse and as because of the configuration of the gardens, I am almost at the immediate back of this property, this will be very disturbing and unfair and will spoil this special quiet part of London.

I wish the owner well with the rest of their plans, but this is a step too far.

Name:	[REDACTED]		
Address and/or Residents Association:	[REDACTED]		
Status:	Valid	In support or objection:	OBJECTION
Received:	31 August 2024		

I support this general application. But oppose permission for the application to extend to the rear of the premises. The precedent for this denial of licensing permission, for the rear of a building in Pimlico, rests with The Artist Residence at 52 Cambridge Street, London SW1.

My representation falls into category C because of the noise (public nuisance to neighbours) likely to be caused by licensing the rear of the house into the garden. Otherwise, I remain in favour of the remainder of the application.

Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED] [REDACTED]	
Status:	Valid	In support or objection:	OBJECTION
Received:	2 September 2024		

Thank you for sending me your letter dated 8 August concerning the above referenced license application.

I welcome the addition of a new hospitality outlet in Churton Street especially as the applicant already operates the popular and successful 'The Roasting' coffee shop at 31 Churton Street and I would expect the same high quality operation in the new venture at 17 Churton Street.

However, I am unhappy with the inclusion of a garden area for customers at the rear basement level. The inner 'rear of houses/ garden' area bounded by Tachbrook St, Churton St, Charlwood Place and Charlwood St creates an echo chamber of any noise - builders, general conversation, let alone loud music and voices at parties. Builders' noise is regulated by established hours and party noise is usually only on occasional weekends.

The noise from customers in the garden area at 17 Churton St could, potentially, occur throughout licensing hours and be very annoying to residents.

I will certainly hear such noise [REDACTED]

[REDACTED] will be worse affected.

I believe a hotel in Cambridge St was instructed under its license to bar access to its garden due to proximity to residents.

Therefore I respectfully suggest that customers' access to and use of the garden area at 17 Churton St should be denied at all times as a condition of the license.

Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED]	
Status:	Valid	In support or objection:	OBJECTION
Received:	2 September 2024		

I would also like to object to the above Licensing Application for alcohol at a new restaurant at 17 Churton Street with a finishing time of 23.00.

I also feel that the finishing time should be 10pm rather than 11pm, as I am also concerned that noise will continue late into the night and echo around [REDACTED] which is directly opposite and, being a small cul-de-sac, has amphitheatre acoustics.

Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or objection:	OBJECTION
Received:	02 September 2024		

I am extremely concerned by the proposal that new local restaurant Focaccia be allowed to use its garden area, [REDACTED], to provide a dining and drinking area for its patrons. The gardens bordered on four sides by the houses in Charlwood Place, Churton Street, Tachbrook Street and Charlwood Street form a peaceful enclosed space for residents to enjoy.

One can sleep with the windows open at the back of the house and it is blissfully quiet. From time to time neighbours throw parties in their gardens and one hears everything, despite the gardens being - for some - a [REDACTED]. Sound travels a long way in the enclosed area at the back [REDACTED]. Parties thrown by neighbours are infrequent. With the best will in the world, it would be impossible for patrons enjoying a meal and drinks in Focaccia's garden area, day after day, evening after evening, not to become a nuisance to residents whose properties back onto the enclosed garden area that is currently so peaceful. I am delighted to hear that The Roasting's owner wishes to open a pizzeria at 17 Churton Street. The Roasting (at #31) is a charming coffee haunt and is popular with local residents and outsiders alike. One would hope that Focaccia, the owner's second venture in the street, will have a similarly appealing environment. However, I am writing to formally express my concern regarding the application for a licence to enable the rear garden to be used at any time by the restaurant's patrons, and ask that a licence to serve food and drinks in the garden be refused. I often enjoy food and drinks at basement level at Artist Residence, 52 Cambridge Street, SW1V. One is barred from using its patio, presumably to ensure the local residents are able to enjoy their right to quiet enjoyment. We should not be denied the same right to quiet enjoyment.

Name:	[REDACTED]		
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]		
Status:	Valid	In support or objection:	OBJECTION
Received:	23 August 2024		

To whom this may concern,

[REDACTED]

I am writing to you in reference to the application for a New Premises Licence for 17 Churton Street (SW1V 2LY), just below me.

For context, [REDACTED] [REDACTED]
[REDACTED]

[REDACTED] 17 Churton Street was a wedding dress store. Due to the intimate nature of their business, they were very quiet. Likewise, [REDACTED]
[REDACTED]
[REDACTED]

I am concerned about this new application.

The application is for what I understand to be a Focaccia Bar, selling alcohol from 11am-11pm. The reasons this concerns me are the following.

Noise.

The floors are very thin, the music from the builder's radio is very clear and comes through the floor. I haven't complained about it since I know they are only in temporarily and of course want a bit of music on while they work as do most builders.

However this would be unbearable if it was consistent and on a daily basis. Many bars have music, and a lot of them place their speakers in the corners of the room by the ceiling so the music can be heard around the bar. This would be a nightmare [REDACTED] and worse it could go from 11am-11pm. I would no longer be able to work at home, or be able to use my living room during the day / evening without being disturbed by the music [REDACTED], or possibly go to bed early.

Additionally, there is the inevitable noise of the customers. Perhaps customers talking in the bar would be fine (I would need to experience it to know what the noise level will be like), but certainly if people are standing or sitting outside the bar [REDACTED] the noise would be very loud and I would have to keep my windows shut at all times. Effectively, meaning

I can't open my windows without accepting loud levels of noise.

Smell.

I accept that a bakery could just as easily move in, and there would be smell. Albeit the smell of pastries is nice I'm sure. But I am concerned about the cigarette smoke floating [REDACTED]. If people from the bar stand outside [REDACTED] the smell of smoke will waft through [REDACTED]. I keep the windows open to allow fresh air in. Again, I am concerned that I might have to keep the windows permanently closed to avoid the smell of smoke coming in. I don't like the idea that I'm limited in my ability to open windows [REDACTED]

Litter

Again, if people are to smoke outside the property there would be cigarette butts outside. Worst case scenario, broken glass (from dropped drinks) and worse if people aren't feeling very well - vomit. I do have a dog, and am worried I might have to open [REDACTED] and do a thorough scan to make sure there isn't broken glass or worse to harm my dog every time I take her out for a walk. But overall it's the idea that there would be cigarette butts around the place and it would be quite sad.

Overall it's the drastic change in lifestyle that is what I want to address. I love Churton st and [REDACTED]

There is lovely energy on this street. I thoroughly enjoy the buzz from Gails during the day, and the peaceful evenings. I like going to bed early after having been at work. I just want to highlight my ability to live like this could well be taken away with a bar being installed [REDACTED]. I know that work has already begun, a few big appliances have been brought in but still I would please ask that you consider how this will affect me for certain and possibly my neighbours.

If you would like to talk to me about it further please do let me know. I would be keen to have you around my place for a coffee, and perhaps might be able to show you first hand the noise [REDACTED] the smell from outside etc.

Name:	[REDACTED]		
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]		
Status:	Valid	In support or objection:	OBJECTION
Received:	19 August 2024		

[REDACTED] which are the subject of this application.

The properties in Churton and Tachbrook Street are very close together at this point and [REDACTED] of these premises.

Other nearby properties have similar roof terraces. The area is quiet and residential.

We object on the basis that the proposed change of use would be detrimental to our property particularly the use of the outside lower ground area as part of the restaurant. This would generate noise, light and smell including smoking.

All this would be directed upwards since the terraces of the buildings in the two streets are so close together.

The proposed closing time is totally unacceptable for this residential area.

The same considerations are relevant to any extractor vents and air con units.

We hope this application will be rejected.

3. Policy & Guidance

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

Policy HRS1 applies

- A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.
- B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:
1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm.
 2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation.
 3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed.
 4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.
 5. The proposed hours when any music, including incidental music, will be played.
 6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises.
 7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.
 8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.
 9. The capacity of the premises.
 10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation.
 11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.
 12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.
 13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.
 14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days

	<p>are expected to be covered by Temporary Event Notices or variation applications.</p> <p>C. For the purpose of Clauses A and B above, the Core Hours for applications for each premises use type as defined within this policy are:</p> <ol style="list-style-type: none"> 1. Casinos: Up to 24 hours a day whilst casino gaming is permitted by a premises licence under the Gambling Act 2005. 2. Cinemas, Cultural Venues and Live Sporting Premises: Monday to Sunday: 9am to 12am 3. Hotels: Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am. For the sale of alcohol to guests for consumption in hotel/guest rooms only: Anytime up to 24 hours. 4. Off licences: Monday to Saturday: 8am to 11pm. Sunday: 9am to 10.30pm. 5. Outdoor Spaces: Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am. 6. Pubs and bars, Fast Food and Music and Dance venues: Monday to Thursday: 10am to 11.30pm. Friday and Saturday: 10am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 12pm to 12am. 7. Qualifying Clubs: Monday to Thursday: 9am to 12am.. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am. 8. Restaurants: Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am. 9. Sexual Entertainment Venues and Sex Cinemas: Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am. <p>D. Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.</p> <p>E. For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement.</p>
<p>Policy RNT1 applies</p>	<p>A. Applications outside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities being within the council's Core Hours Policy HRS1. 3. The operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1. 4. The applicant has taken account of the Special Consideration Zones Policy SCZ1 if the premises are located within a designated zone. 5. The application and operation of the venue meeting the definition of a restaurant as per Clause C. <p>B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to:</p>

	<ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities are within the council's Core Hours Policy HRS1. 3. The operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1. 4. The applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone. 5. The application and operation of the venue meeting the definition of a restaurant as per Clause C. <p>C. For the purposes of this policy a restaurant is defined as:</p> <ol style="list-style-type: none"> 1. A premises in which customers are shown to their table or the customer will select a table themselves to which food is either served to them or they have collected themselves. 2. Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at a table. 3. Which do not provide any takeaway service of food and/or drink for immediate consumption, except if provided via an ancillary delivery service to customers at their residential or workplace address. 4. Where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals. 5. The sale and consumption of alcohol prior to such meals may be in a bar area but must also be ancillary to the taking of such meal.
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4. Equality Implications

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

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

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

5. Appendices

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

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Contact:	Telephone: 020 7641 6500 Email: Jdonovan@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	01 October 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	December 2023
4	Cumulative Impact Assessment	04 December 2023
5	Environmental Health Service representation	03 September 2024
6	Metropolitan Police Service representation	02 September 2024
7	Interested party representation (1)	17 August 2024
8	Interested party representation (2)	21 August 2024
9	Interested party representation (3)	01 September 2024
10	Interested party representation (4)	30 August 2024
11	Interested party representation (5)	03 September 2024
12	Interested party representation (6)	02 September 2024
13	Interested party representation (7)	31 August 2024
14	Interested party representation (8)	02 September 2024
15	Interested party representation (9)	02 September 2024
16	Interested party representation (10)	02 September 2024
17	Interested party representation (11)	23 August 2024
18	Interested party representation (12)	19 August 2024



Applicant Supporting Documents

Appendix 2

There are no supporting documents from the applicant.

Premises History

Appendix 3

There is no licence or appeal history for the premises.

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

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

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

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

Mandatory Conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or

less in a manner which carries a significant risk of undermining a licensing objective;

- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

8(ii) For the purposes of the condition set out in paragraph 8(i) above -

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

Where -

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Conditions consistent with the operating schedule

9. All staff involved in the sale of alcohol shall undertake staff training. Staff training shall be recorded and updated every 6 months. Training shall cover the requirements for ID as part of age verification, and other matters regarding the Licensing Act 2003, relevant to the staff members role in the premises.
10. Signage shall be displayed in a prominent position on the premises requesting that customers leave quietly.

Conditions proposed by the Metropolitan Police Service and agreed with the applicant so as to form part of the operating schedule.

11.
 - (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.
12. 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.
13. 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 visit by a relevant authority or emergency service.
14. 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

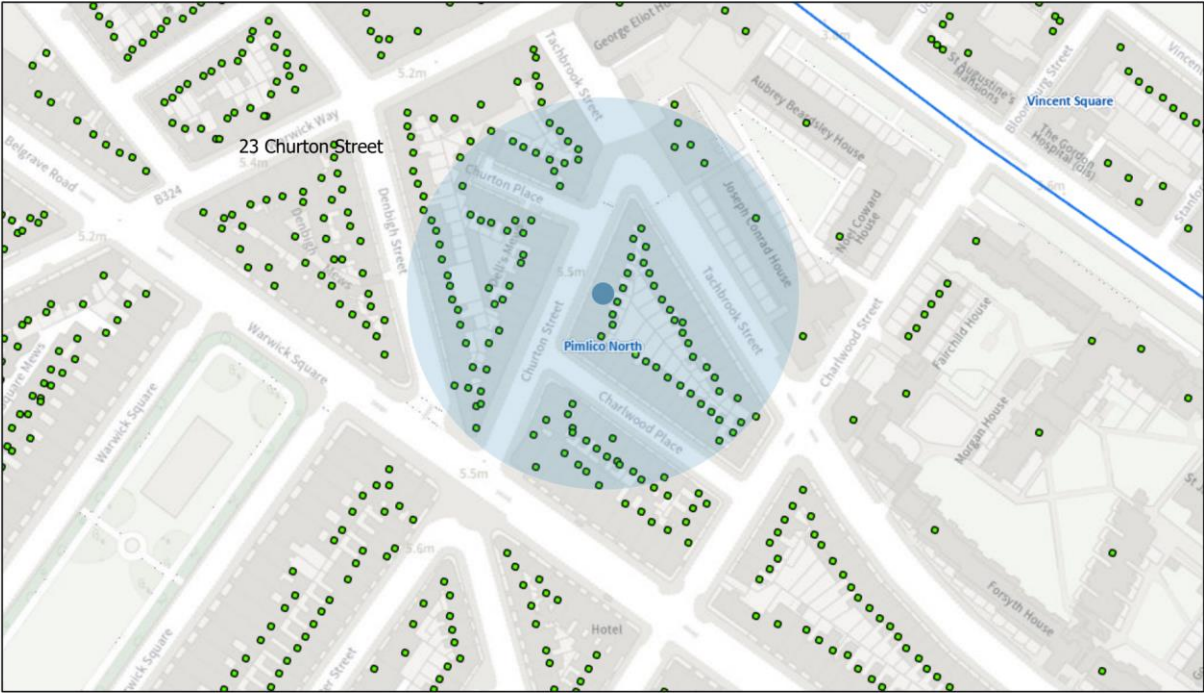
as a main course at either such meal and is eaten by a person seated at a table, or at a counter or other structure which serves the purposes of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure servicing the purposes of a table. Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

15. 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.

Conditions proposed by the Environmental Health Service

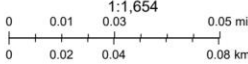
None

17 Churton Street, London, SW1V 2LY



19/09/2024, 13:31:57

- Property Mailing List
- Ward Boundaries
- Ward Labels



Resident count: 401

Licensed premises within 75 metres of 17 Churton Street, London, SW1V 2LY

Licence Number	Trading Name	Address	Premises Type	Time Period
07/00668/WCCMAC	St George's Conservative Club	32 Churton Street London SW1V 2LP	Clubhouse	Sunday; 12:00 - 15:30 Sunday; 19:00 - 23:00 Monday to Saturday; 11:00 - 23:30
06/05780/WCCMAP	Vintage Cellars	33 Churton Street London SW1V 2LT	Shop	Sunday; 10:00 - 22:30 Monday to Saturday; 08:00 - 23:00
20/09471/LIPDPS	The Constitution	42 Churton Street London SW1V 2LP	Public house or pub restaurant	Sunday; 08:00 - 23:00 Monday to Saturday; 08:00 - 23:30
11/11375/LIPDPS	Grumbles	35 Churton Street London SW1V 2LT	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
16/03448/LIPDPS	Cacio E Pepe	46 Churton Street London SW1V 2LP	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
16/09526/LIPDPS	Sole Mio	Basement And Ground Floor 35 Belgrave Road London SW1V 2BB	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
24/00905/LIPDPS	Nu-Vit Art Cafe	41 Tachbrook Street London SW1V 2LZ	Cafe	Sunday; 12:00 - 22:30 Monday to Sunday; 10:00 - 23:30
21/00776/LIPDPS	EMI Deli Restaurant	45 Tachbrook Street London SW1V 2LZ	Restaurant	Sunday; 08:00 - 23:00 Monday to Saturday; 08:00 - 00:00
20/01054/LIPDPS	Gastronomica	45 Tachbrook Street London SW1V 2LZ	Restaurant	Sunday; 08:00 - 23:00 Monday to Saturday; 08:00 - 00:00
14/03758/LIPDPS	Denbigh Food And Wine	33 Belgrave Road	Shop	Sunday; 10:00 - 22:30

		London SW1V 2BA		Monday to Saturday; 08:00 - 23:00
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