



City of Westminster

Committee Agenda

Title: **Licensing Sub-Committee (3)**

Meeting Date: **Thursday 10th August, 2017**

Time: **10.00 am**

Venue: **Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR**

Members: **Councillors:**

Melvyn Caplan (Chairman)
Louise Hyams
Aziz Toki



Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda.

Admission to the public gallery is via a visitor's pass which is available from the main ground floor reception at 5 Strand from 9.30am. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.



An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact the Committee Officer, Jonathan Deacon.

**Email: jdeacon@westminster.gov.uk Tel: 020 7641 2783
Corporate Website: www.westminster.gov.uk**

Note for Members: Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Director of Law in advance of the meeting please.

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To report any changes to the membership.

2. DECLARATIONS OF INTEREST

To receive declarations by Members and Officers of any personal or prejudicial interests in matters on this agenda.

Licensing Applications for Determination

1. SOPHIE'S, 42-44 GREAT WINDMILL STREET, W1

(Pages 1 - 86)

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
1.	West End Ward / West End Cumulative Impact Area	Sophie's, 42-44 Great Windmill Street, W1	New Premises Licence	17/06235/LIPN

2. CAFE DYLAN DOG, 7 CRAVEN ROAD, W2

(Pages 87 - 122)

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
2.	Hyde Park Ward / not in cumulative	Cafe Dylan Dog, 7 Craven Road, W2	New Premises Licence	17/03167/LIPN

	impact area			
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3. CHICK'N, 134 BAKER STREET, W1

(Pages 123 - 182)

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
3.	Marylebone High Street Ward / not in cumulative impact area	CHICK'N, 134 Baker Street, W1	New Premises Licence	17/06233/LIPN

4. BURGER & LOBSTER, BASEMENT AND GROUND FLOOR, 6 LITTLE PORTLAND STREET, W1

(Pages 183 - 242)

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
4.	West End Ward / not in cumulative impact area	Burger & Lobster, Basement And Ground Floor, 6 Little Portland Street, W1	Variation of a Premises Licence	17/05448/LIPV

**Charlie Parker
Chief Executive
4 August 2017**

In considering applications for premises licences under the Licensing Act 2003, the sub-committee is advised of the following:

POLICY CONSIDERATIONS

The City of Westminster statement of licensing policy applies to all applications where relevant representations have been made. The Licensing Sub-Committee is required to have regard to the City of Westminster statement of Licensing Policy and the guidance issued by the Secretary of state under Section 182 of the Licensing Act 2003.

GUIDANCE CONSIDERATIONS

The Licensing Authority is required to have regard to any guidance issued by the Secretary of State under the Licensing Act 2003.

CORE HOURS WHEN CUSTOMERS ARE PERMITTED TO BE ON THE PREMISES

(As set out in the Council's Statement of Licensing Policy 2011)

- For premises for the supply of alcohol for consumption on the premises:

Friday and Saturday: 10:00 to midnight

Sundays immediately prior to Bank Holidays: Midday to midnight

Other Sundays: Midday to 22:30

Monday to Thursday: 10:00 to 23:30.

- For premises for the supply of alcohol for consumption off the premises:

Monday to Saturday: 08:00 to 23:00

Sundays: 10:00 to 22:30.

- For premises for the provision of other licensable activities:

Friday and Saturday: 09.00 to midnight

Sundays immediately prior to Bank Holidays: 09.00 to midnight

Other Sundays: 09.00 to 22.30

Monday to Thursday: 09.00 to 23.30.

Agenda Item 1

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Licensing Sub-Committee Report

Item No:	
Date:	10 August 2017
Licensing Ref No:	17/06235/LIPN - New Premises Licence
Title of Report:	Sophie's 42-44 Great Windmill Street London W1D 7LU
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Yolanda Wade Senior Licensing Officer
Contact details	Telephone: 020 7641 1884 Email: ywade@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	6 June 2017		
Applicant:	Sophie's Soho Ltd		
Premises:	Sophie's		
Premises address:	42-44 Great Windmill Street London W1D 7LU	Ward:	West End
		Cumulative Impact Area:	Yes
Premises description:	According to the application the premises will operate as a restaurant and bar over ground and basement		
Summary of Application:	The new premises licence application proposes:- 1. An additional hour for licensable activities in the basement only, until 2am Monday to Saturday and 11.30pm Sunday for alcohol; 2. A reduction in capacity by 175 persons; and 3. Replacement of historical licence conditions with up to date model conditions, as set out in the operating schedule		
Premises licence history:	The premises is currently licensed under premises licence ref. 17/00087/LIPT.		
Applicant submissions:	The applicant has included a schedule of proposed conditions which has also been copied into Appendix 4 and a table comparing the new application with the existing licence in Appendix 2 of the report.		

1-B Proposed licensable activities and hours for BASEMENT							
Regulated Entertainment:				Indoors, outdoors or both			Indoors
Live Music, Recorded Music, Performances of Dance, Anything of a similar description to live music, Recorded Music, Performances of dance							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	12:00
End:	02:00	02:00	02:00	02:00	02:00	02:00	23:30
Seasonal variations/ Non-standard timings:				From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.			

	02.00 (the following day) on Sundays immediately before bank holiday Mondays. An additional hour when British Summertime commences.
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Proposed licensable activities and hours for: THE GROUND FLOOR							
Live Music, Recorded Music, Performances of Dance, Anything of a similar description, Recorded Music, Performances of dance				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	12:00
End:	01:00	01:00	01:00	01:00	01:00	01:00	22:30
Seasonal variations/ Non-standard timings:		From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. 02.00 (the following day) on Sundays immediately before bank holiday Mondays. An additional hour when British Summertime commences.					

Late Night Refreshment: BASEMENT				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	23:00
End:	02:30	02:30	02:30	02:30	02:30	02:30	00:00
Seasonal variations/ Non-standard timings:		From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. 02.30 (the following day) on Sundays immediately before bank holiday Mondays. An additional hour when British Summertime commences.					

Late Night Refreshment: THE GROUND FLOOR				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	
End:	01:30	01:30	01:30	01:30	01:30	01:30	
Seasonal variations/ Non-standard timings:		From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. 02.30 (the following day) on Sundays immediately before bank holiday Mondays. An additional hour when British Summertime commences.					

Sale by retail of alcohol: BASEMENT				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun

Start:	10:00	10:00	10:00	10:00	10:00	10:00	12:00
End:	02:00	02:00	02:00	02:00	02:00	02:00	23:30
Seasonal variations/ Non-standard timings:		<p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p> <p>02.00 (the following day) on Sundays immediately before bank holiday Mondays.</p> <p>An additional hour when British Summertime commences.</p>					

Sale by retail of alcohol THE GROUND FLOOR				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	12:00
End:	01:00	01:00	01:00	01:00	01:00	01:00	22:30
Seasonal variations/ Non-standard timings:		<p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p> <p>02.00 (the following day) on Sundays immediately before bank holiday Mondays.</p> <p>An additional hour when British Summertime commences.</p>					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	08:00	08:00	08:00	08:00	08:00	08:00	08:00
End:	02:30	02:30	02:30	02:30	02:30	02:30	00:00
Seasonal variations/ Non-standard timings:		<p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p> <p>02.30 (the following day) on Sundays immediately before bank holiday Mondays.</p> <p>An additional hour when British Summertime commences.</p>					

2. Representations

2-A Responsible Authorities	
Responsible Authority:	The Environmental Health Service
Representative:	Mr Ian Watson
Received:	30 th June 2017
<p>I refer to the application for a New Premises Licence for the above premises.</p> <p>The premises are located within the West End Cumulative Impact Area as stated in the City of Westminster's Statement of Licensing Policy.</p>	

The applicant has submitted plans of the Ground and Basement floors dated May 2017.

This representation is based on the plans and operating schedule submitted.

The applicant is seeking the following

1. To provide for the Supply of Alcohol 'On' and 'Off' the premises Monday to Saturday between 10.00 and 02.00 hours and Sunday between 12.00 to 23.30 hours for the basement and Monday to Saturday between 10.00 and 01.00 hours and Sunday between 12.00 to 22.30 hours for the Ground Floor. Sundays before a Bank Holiday 12.00 to 02.00 hours.
2. To provide Late Night Refreshment 'Indoors' Monday to Saturday between 23.00 and 02.30 hours and Sunday between 23.00 to 00.00 hours for the basement and Monday to Saturday between 23.00 and 01.30 hours for the Ground Floor. Sundays before a Bank Holiday 23.00 to 02.30 hours.
3. To provide regulated entertainment 'indoors' comprising
 - Live Music
 - Recorded Music
 - Performance of Dance
 - Anything of a similar description to Live Music, Recorded Music and Performance of DanceMonday to Saturday between 10.00 and 02.00 hours and Sunday between 12.00 to 23.30 hours for the basement and Monday to Saturday between 10.00 and 01.00 hours and Sunday between 12.00 to 22.30 hours for the Ground Floor. Sundays before a Bank Holiday 12.00 to 02.00 hours.
4. On New Years Eve to provide regulated entertainment, late night refreshment and Supply of Alcohol from the end of authorised hours to commencement of authorised hours on New Years Day.
5. An additional hour on the morning on which summer time begins.

I wish to make the following representation

1. The hours requested for the Supply of Alcohol will have the likely effect of causing an increase in Public Nuisance within the West End Cumulative Impact Area.
2. The hours requested to permit the provision of late night refreshment will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the West End Cumulative Impact Area.
3. The hours requested to permit the provision of regulated entertainment will have the likely effect of causing an increase in Public Nuisance within the West End Cumulative Impact Area.
4. The additional hours requested for New Year's Eve to permit regulated entertainment, late night refreshment and supply of alcohol will have the likely effect of causing an increase in Public Nuisance within the West End Cumulative Impact Area.
5. The additional hour requested to permit regulated entertainment, late night refreshment and supply of alcohol on the morning on which summer time begins will have the likely effect of causing an increase in Public Nuisance within the West End Cumulative Impact Area.

The granting of the application as presented would have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the West End Cumulative Impact Area.

The applicant has provided additional information with the application which is being addressed.

Responsible Authority:	The Licensing Authority
Representative:	Mr David Sycamore
Received:	3 rd July 2017

I write in relation to the application submitted for a new Premises Licence for the following premises.

As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011 the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the Licensing Objectives:

- Public Nuisance
- Prevention of Crime & Disorder
- Public Safety

The premises is located within the West End Cumulative Impact and as such a number of policy points must be considered.

We accept that there is a reduction in the overall capacity, however some of these people, if granted, will be permitted to remain in cumulative impact area later. It is proposed that 400 people in the basement would be permitted to remain in the CIA for an additional hour if this application was to be granted.

It is the licensing policy to refuse applications for bars and pubs unless they are to vary existing licenses within the core hours (PB2). We are concerned that the granting of this licence will undermine the above licensing objectives in an already extremely busy and popular area. The existing licence that is to be surrendered if granted is already outside of core hours and this application must be considered against the existing 2016 policy.

Please accept this as an objection and we would like the applicants to submit more information with regards to the points raised above.

Responsible Authority:	The Metropolitan Police
Representative:	PC Bryan Lewis
Received:	1 st July 2017

With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be objecting to this application as it is our belief that if granted the application would undermine the Licensing Objectives.

The venue is situated in the West End Cumulative Impact Area, a locality where there is traditionally high levels of crime and disorder. We have concerns that this application will cause further policing problems in an already demanding area.

Further comment received from The Police and Proposed Conditions:

The Police maintain their objection based on policy and that no condition has been offered to restrict the sale of alcohol to be ancillary to the consumption of food in any part of the premises.

Also as discussed during our meeting, I request the removal of off sales from the application.

The following conditions are proposed to address the prevention of crime and disorder licensing objective.

1. There shall be a last entry time of 01:00 to the premises between Monday and Saturday other than those customers temporarily leaving to smoke.
2. There shall be a minimum of 4 SIA licensed Door Supervisors from 18:00 hours daily and a minimum of 6 Door Supervisors from 22:00 hours on Thursday, Friday and Saturdays. A minimum of two door staff shall be on duty from 18:00 hours on Sundays.
3. Two Door Supervisors shall remain on duty until all customers have left the premises and street area immediately outside the premises.
4. All door staff shall display their SIA licenses in yellow high visibility arm bands. All Door Staff engaged in guarding the entrances shall wear yellow high visibility jackets or tabbards after 22:00 hours or during the hours of darkness.
5. All bags of persons entering the premises shall be searched by Security after 23:00 hours daily.
6. There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises.
7. The premises shall participate in PubWatch or other local crime reduction scheme approved by the Police.

2-B Other Persons	
Name:	Ms Anna Moscato
Address and/or Residents Association:	[REDACTED]

Received:	28 th June 2017
<p>1:39 PM on 28 Jun 2017 I strongly object to Sophie's being opened as a club and having a late night licensing permit. The area is at its very limit already, with late night licensing bars and clubs and is unable to cope with the immense public disorder and constant array of drug dealers that are flocking the area. The noise pollution which we as residents are being subjected to is phenomenally high, at an abnormal level! And our very unique village community with many families with children are suffering under the pressures of this overbuild of Soho as being a solely 24hr party land! Which it is definitely not! The anxiety families are being subjected to over the chaos of pedi cabs, club promoters, cabs, drunken and disorderly people who are oblivious that Soho is a community and not a public toilet! I am incensed that more clubs are being promoted to the area. Especially as we have a very Victorian school British values and a local church community that is being ostracised from its very existence. The area does not need another club. Why not redevelop the city centre or East London as a clubland where there isn't such a community that is being treasured as our unique Soho community!</p>	
Name:	Mr Piotr Cybulak
Address and/or Residents Association:	[REDACTED]
Received:	21 st June 2017
<p>3:01 PM on 21 Jun 2017 My objection is based on previous noise issues we had with Grace Bar. I live with my wife on 2nd floor with windows facing Great Windmill Street - same as club entry. Customers leaving the club at 1am used to cause unbelievable disturbance, and those standing in the queue or smoking as well. Also, we could hear the DJ playing in our flat. Extending opening hours of this club will have a negative impact on our lives.</p>	
Name:	Miss Katarzyna Bera
Address and/or Residents Association:	[REDACTED]
Received:	21 st June 2017
<p>2:40 PM on 21 Jun 2017 I would like to object above application. Historically, there were big issues with noise when Grace club used to close at 1am. Customers smoking outside could be heard in my flat. Customers leaving the premises made lots of noise - there were always many people outside who attracted pedi cabs, flower sellers and buskers. Since Grace club closed in January this is much more peaceful neighbourhood where we can normally sleep at night. I understand that new owners have right to operate to old licensing conditions but I strongly object to extending current opening hours. This will be a nightmare for all residents if proposals are granted.</p>	
Name:	Miss Katarzyna Bogatek
Address and/or Residents Association:	[REDACTED]
Received:	29 th June 2017
<p>6:15 PM on 29 Jun 2017 My objection is based on problems my family had to face when the Grace nightclub was opened in the same venue. Even longer opening hours are now proposed which will not help to promote licensing objectives. There was always lots of noise</p>	

emanating from inside the premises, especially during weekends. There were many people gathering outside and making noise - including customers smoking outside. Crowds of people attracted pedi cabs, musicians (beat boxers in particular), flower sellers who would all contribute to the overall chaos in the corner of northern part of Great Windmill Street and Shaftesbury Avenue. From my windows i could see individuals dealing on the street as well. My daughter would very often be woken up by noise from the street and for us adults it was impossible to go to bed before 2am at weekends. However since Grace bar has closed this area is actually very quiet and finally we can have normal lives. We are already concerned about re-opening of the nightclub let alone extending its trading hours. This would be very bad for all neighbours and Soho community. I worry that anti-social behaviour would be back everyday right in front of our eyes.

Name:	Councillor Glenys Roberts
Address and/or Residents Association:	Westminster City Council
Received:	3 rd July 2017

As local councillor I would like to support residents in objecting to later hours for this club on grounds of potential public nuisance and disturbance and danger to children given its proximity to the school

Name:	Mrs Jane Doyle
Address and/or Residents Association:	[REDACTED]
Received:	4 th July 2017

12:50 PM on 04 Jul 2017 I am chair of the SNT ward panel and wish to support the objections to this licence on the grounds of antisocial behaviour and potential criminal activity. This is a drug dealing/using hotspot (Rupert/Archer Streets/Tisbury Court), with the associated antisocial behaviour. There have also been problems with the noise from within the premises in their previous existence. Pedicabs wait outside the venue for customers playing loud music. There have also been problems with urinating in doorways, the telephone boxes opposite, etc. With the best will in the world no premises can control their clientele as they leave premises and this has caused problems in the past to residents.

Name:	The Soho Society
Address and/or Residents Association:	[REDACTED]
Received:	3 rd July 2017

I write to make a relevant representation to the above application on behalf of The Soho Society.

The Soho Society objects to this application as it is currently presented, on the grounds of prevention of public nuisance, prevention of crime and disorder and cumulative impact in the West End Cumulative Impact Area.

About The Soho Society

The Soho Society is a charitable company limited by guarantee established in 1972. The society is a recognised amenity group and was formed to make Soho a better place to live, work or visit by preserving and enhancing the area's existing diversity of character and

uses, and by improving its facilities, amenities and environment. In particular, the society supports the Westminster City Council's policies, including the cumulative impact policy, as set out in the Statement of Licensing Policy 2016.

Application summary

Although not yet operating, the premises is currently licensed under premises licence ref: 17/00087/LIPT, and this application further seeks the following:

1. An additional hour for licensable activities in the basement only, until 2am Monday to Saturday and 11.30pm Sunday for alcohol; 2. A reduction in capacity by 175 persons; and

3. Replacement of historical licence conditions with up to date model conditions, as set out in the operating schedule.

Hours of operation

The application therefore seeks to set the terminal hour for alcohol sales, live and recorded music to 02.00 am Mon-Sat, 23.30 Sun, with late night refreshment until 02.30am (midnight on Sundays). There are private residences in nearby buildings, particularly above the St James Tavern a few yards along the street, and immediately behind the premises on Denman Street. Further along Great Windmill Street are residential developments of Soho Housing Association which include family flats at no. 25, which abut the large residential block of St James Dwellings, which contains over 60 flats. Residents in the surrounding area are subject to noise and general nuisance every night of the week. The premises are highly visible from Shaftesbury Avenue and will therefore effectively draw more people into Soho at these late hours when patrons of other licensed premises will be leaving or will already have left the West End Cumulative Impact Area.

Licensing policy

This area has been identified by the Westminster City Council (2.4.1 of the Statement of Licensing Policy, as amended) as under stress because the cumulative effect of the concentration of late night and drink led premises and night cafes has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses.

The policies in relation to the stress areas are directed at the global and cumulative effects of licences on the area as a whole (2.4.5 of the policy). The policies are intended to be strict and will only be overridden in genuinely exceptional circumstances (2.4.2 of the policy). The growth in the entertainment industry in Soho has led to a marked deterioration in the quality of life and well-being of local residents and it has jeopardised the sustainability of the community. Soho has a substantial residential community and many of these residents suffer from problems such as, but not limited to, high levels of noise nuisance, problems with waste, urinating and defecating in the streets, threats to public safety, anti-social behaviour, crime and disorder and the change in character of historic areas.

For the reasons I have set out, we believe that the application, if granted in its present form, would fail to promote the licensing objectives of prevention of public nuisance, prevention of crime and disorder, and cumulative impact in the West End Cumulative Impact Area. I respectfully urge the Licensing Sub-Committee to reject this application.

Please let me know if any proposals are made to amend the application; particularly in respect of the hours sought or any further conditions proposed.

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy HRS1 applies:	<p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p>
Policy CIA1 applies:	<p>(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.</p> <p>(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.</p>
Policy FFP2 applies:	It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas, other than applications to vary hours within the Core Hours under Policy HRS1.
Policy PB2 applies:	It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas other than applications to vary hours within the Core Hours under Policy HRS1.

4. Appendices

Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions

Appendix 5	Copy of Existing Licence
Appendix 6	Residential map and list of premises in the vicinity

Report author:	Miss Yolanda Wade Senior Licensing Officer
Contact:	Telephone: 020 7641 1884 Email: ywade@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	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	The Application Form	
5	The Environmental Health Service Rep	30 th June 2017
6	The Licensing Authority Rep	3 rd July 2017
7	The Metropolitan Police Rep	1 st July 2017
8	Ms Anna Moscato Rep	28 th June 2017
9	Mr Piotr Cybulak Rep	21 st June 2017
10	Miss Katarzyna Bogatek Rep	29 th June 2017
11	Councillor Glenys Roberts Rep	3 rd July 2017
12	Mrs Jane Doyle Rep	4 th July 2017
13	The Soho Society	3 rd July 2017

To view the plans of the premises, please contact the Licensing Team.

Email: licensing@westminster.gov.uk

Telephone: 0207 641 6500

Sophie's
42-44 Great Windmill Street London W1D 7LU

Licence Comparison

	Existing Licence: 17/00087/LIPT	New Premises Licence
Capacity	Ground Floor: 325 Basement: 650 Total: 975 (ex. staff)	Ground Floor: 400 Basement: 400 Total: 800 (ex. staff) <i>NB: Overall reduction of 175 persons</i>
Hours	Ground Floor & Basement: Monday – Saturday: 01.00 Sunday: 22.30 (+ 30 minutes drinking up & Late Night Refreshment)	Ground Floor: No change Basement: Monday – Saturday: 02.00 Sunday: 23.30 (1 hour extension + 30 minutes drinking up & Late Night Refreshment)
Conditions	Existing conditions include historic embedded restrictions of Justices and Music/Dance Licenses.	Replaces embedded and historic conditions with model conditions, as set out in operating schedule.

06/06/2017

Application for New Premises Licence
Sophie's 42-44 Great Windmill Street London W1D 7LU

Operating schedule of conditions

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.
2. There shall be no sales of alcohol for consumption off the premises after 23.00
3. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
4. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00.
5. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed: Ground floor 400 persons; Basement 400 persons.
6. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
7. 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.
8. 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.

06/06/2017

9. 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.
10. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
11. All windows and external doors shall be kept closed after 23:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
12. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
13. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
14. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
15. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23.00) hours and (07.00) hours on the following day.
16. No deliveries to the premises shall take place between (23.00) and (07.00) on the following day.
17. No collections of waste or recycling materials (including bottles) from the premises shall take place between (23.00) and (07.00) on the following day.
18. 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.
19. A Challenge 21 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.
20. 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.
21. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.
22. No licensable activities shall take place at the premises until premises licence 17/00087/LIPT (or such other number subsequently issued for the premises) has been surrendered.

Premises History

Appendix 3

Application	Details of Application	Date Determined	Decision
05/06215/LIPCV	Conversion Application.	12.05.2005	Granted by Licensing Sub- Committee
06/06559/WCCMAP	New Premises Application.	08.12.2007	Granted Under Delegated Authority
08/07057/LIPDPS	To Vary Designated Premises Supervisor.	05.08.2008	Granted Under Delegated Authority
09/02957/LIPDPS	To Vary Designated Premises Supervisor	28.04.2009	Granted Under Delegated Authority
09/04907/LIPV	Variation Application	19.08.2009	Granted Under Delegated Authority
09/07074/LIPVM	Minor Variation	08.10.2009	Granted Under Delegated Authority
10/05014/LIPDPS	To Vary Designated Premises Supervisor	21.07.2010	Granted Under Delegated Authority
11/03457/LIPDPS	To Vary Designated Premises Supervisor	27.04.2011	Granted Under Delegated Authority
12/02755/LIPDPS	To Vary Designated Premises Supervisor	18.04.2012	Granted Under Delegated Authority
12/04356/LIPDPS	To Vary Designated Premises Supervisor	06.06.2012	Granted Under Delegated Authority
12/06707/LIPV	Variation Application	05.09.2012	Granted Under Delegated Authority
12/07726/LIPDPS	To Vary Designated Premises Supervisor	24.09.2012	Granted Under Delegated Authority

13/00120/LIPDPS	To Vary Designated Premises Supervisor	24.01.2013	Granted Under Delegated Authority
13/05623/LIPDPS	To Vary Designated Premises Supervisor	12.08.2013	Granted Under Delegated Authority
15/03202/LIPDPS	To Vary Designated Premises Supervisor	26.07.2015	Granted Under Delegated Authority
16/07055/LIPDPS	To Vary Designated Premises Supervisor	26.09.2016	Granted Under Delegated Authority
16/11297/LIPDPS	To Vary Designated Premises Supervisor	12.12.2016	Granted Under Delegated Authority
17/00087/LIPT	Application to transfer premises licence from A3D2 Limited to Sophie's Soho Limited	08.02.2017	Granted Under Delegated Authority

Temporary Event Notices

Notices	Details of Application	Decision
14/09394/LITENP	Temporary Event Notice	Notice Allowed
15/00499/LITENP	Temporary Event Notice	Notice Allowed
15/00681/LITENP	Temporary Event Notice	Notice Allowed
15/01219/LITENP	Temporary Event Notice	Notice Allowed
15/01222/LITENP	Temporary Event Notice	Notice Allowed
15/01956/LITENP	Temporary Event Notice	Notice Allowed

15/03444/LITENP	Temporary Event Notice	Notice Allowed
15/06725/LITENP	Temporary Event Notice	Notice Allowed
15/07463/LITENP	Temporary Event Notice	Notice Allowed
15/10315/LITENP	Temporary Event Notice	Notice Allowed
15/10571/LITENP	Temporary Event Notice	Notice Allowed
15/10607/LITENP	Temporary Event Notice	Notice Allowed
15/10615/LITENP	Temporary Event Notice	Notice Allowed
15/10941/LITENP	Temporary Event Notice	Notice Allowed
15/10944/LITENP	Temporary Event Notice	Notice Allowed
15/10947/LITENP	Temporary Event Notice	Notice Allowed
15/10952/LITENP	Temporary Event Notice	Notice Allowed
15/12151/LITENP	Temporary Event Notice	Notice Allowed
16/00022/LITENP	Temporary Event Notice	Notice Allowed
16/02258/LITENP	Temporary Event Notice	Notice Allowed
16/03762/LITENP	Temporary Event Notice	Notice Allowed

16/08552/LITENP	Temporary Event Notice	Allowed
16/09646/LITENP	Temporary Event Notice	Allowed
16/09734/LITENP	Temporary Event Notice	Allowed
16/11025/LITENP	Temporary Event Notice	Allowed
16/11026/LITENP	Temporary Event Notice	Allowed
16/11028/LITENP	Temporary Event Notice	Allowed
16/11049/LITENP	Temporary Event Notice	Allowed
16/11051/LITENP	Temporary Event Notice	Allowed
16/11054/LITENP	Temporary Event Notice	Allowed

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. 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.
10. There shall be no sales of alcohol for consumption off the premises after 23.00
11. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
12. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00.
13. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed: Ground floor 400 persons; Basement 400 persons.
14. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
15. 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.
16. 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.
17. 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.
18. Loudspeakers shall not be located in the entrance lobby or outside the premises building.

19. All windows and external doors shall be kept closed after 23:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
20. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
21. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
22. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
23. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23.00) hours and (07.00) hours on the following day.
24. No deliveries to the premises shall take place between (23.00) and (07.00) on the following day.
25. No collections of waste or recycling materials (including bottles) from the premises shall take place between (23.00) and (07.00) on the following day.
26. 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.
27. A Challenge 21 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.
28. 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.
29. 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.
30. No licensable activities shall take place at the premises until premises licence 17/00087/LIPT (or such other number subsequently issued for the premises) has been surrendered.

Proposed Conditions by EH

31. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed: Ground floor xxx persons
Basement xxx persons
With no more than 800 persons at any one time.

32. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
33. The premises licence holder shall ensure that any patrons queuing or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
34. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
35. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
36. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
37. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
38. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
39. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
40. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.
41. Flashing or particularly bright lights on or outside the premises will not be permitted to cause a nuisance to nearby properties.

Proposed Conditions by the Police

42. There shall be a last entry time of 01:00 to the premises between Monday and Saturday other than those customers temporarily leaving to smoke.
43. There shall be a minimum of 4 SIA licensed Door Supervisors from 18:00 hours daily and a minimum of 6 Door Supervisors from 22:00 hours on Thursday, Friday and Saturdays. A minimum of two door staff shall be on duty from 18:00 hours on Sundays.
44. Two Door Supervisors shall remain on duty until all customers have left the premises and street area immediately outside the premises.

45. All door staff shall display their SIA licenses in yellow high visibility arm bands. All Door Staff engaged in guarding the entrances shall wear yellow high visibility jackets or tabbards after 22:00 hours or during the hours of darkness.
46. All bags of persons entering the premises shall be searched by Security after 23:00 hours daily.
47. There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises.
48. The premises shall participate in PubWatch or other local crime reduction scheme approved by the Police.

Copy of Existing Licence


City of Westminster

64 Victoria Street, London, SW1E 6QP

Schedule 12
Part AWARD: West End
UPRN: 010033535306

Premises licence

Regulation 33, 34

Premises licence number:

17/00087/LIPT

Original Reference:

05/02244/LIPCV

Part 1 – Premises details

Postal address of premises:

Sophie's Steakhouse
42-44 Great Windmill Street
London
W1D 7LU

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Performance of Dance
Performance of Live Music
Playing of Recorded Music
Anything of a similar description to Live Music, Recorded Music or Performance of Dance
Late Night Refreshment
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit
Sale by Retail of Alcohol

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

Performance of Dance

Monday to Saturday: 09:00 to 01:00
Sunday: 09:00 to 23:00

Performance of Live Music

Monday to Saturday: 09:00 to 01:00
Sunday: 09:00 to 23:00

Playing of Recorded Music

Unrestricted

Anything of a similar description to Live Music, Recorded Music or Performance of Dance

Monday to Saturday: 09:00 to 01:00
Sunday: 09:00 to 23:00

Late Night Refreshment Monday to Saturday:	23:00 to 01:30
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit Unrestricted	
Sale by Retail of Alcohol Monday to Saturday:	10:00 to 01:00
Sunday:	12:00 to 22:30
<i>For times authorised for Christmas, New Year and Good Friday see conditions at Annex 1</i>	

The opening hours of the premises:	
Monday to Saturday:	09:00 to 01:30
Sunday:	09:00 to 23:00

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:
Alcohol is supplied for consumption both on and off the Premises.

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:
Sophie's Soho Ltd 311-313 Fulham Road London SW10 9QH

Registered number of holder, for example company number, charity number (where applicable)
10327719

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:
Name: Not appointed
<i>Please note: It is the policy of the Licensing Authority not to display the address details of a designated premises supervisor.</i>

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:
Not Supplied

Date: 08 February 2017

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

Annex 1 – Mandatory conditions

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

Conditions relating to regulated entertainment (ground floor and basement):

- 9. Notwithstanding the provisions of Rule of Management No. 6 the premises may remain open for the purposes of this licence from 23:00 on each of the days Monday to Saturday to 01:00 on the day following and to 23:00 on Sunday.
- 10. On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).
- 11. The entertainment provided under this licence shall be limited to DJ, background music and / or jazz/blues bands and associated dancing.
- 12. The provision of public entertainment under this licence shall remain as an ancillary part of the lawful class A3 use of the premises.
- 13. The number of persons accommodated (excluding staff) at the premises shall not exceed: Ground Floor: 325, Basement: 650

Conditions related to the sale of alcohol

- 14. Substantial food and suitable beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.

15. On any evening where the premises or part of the premises are open for the purpose of music and dancing, intoxicating liquor shall not be sold or supplied after 23:00 to persons entering the premises or that part of the premises except to:
 - (a) persons who have paid or have paid on their behalf a minimum admission fee of £3 Monday to Thursday and £5 on Friday and Saturday, which may be credited against a substantial table meal but not intoxicating liquor; or
 - (b) artistes or persons employed at the premises;
 - (c) persons attending a private function at the premises of which 24 hours notice has been given to the police and a list of guests shall be kept for inspection by appropriate authorities;
 - (d) guests of the proprietor, a list of whom shall be kept for inspection by the appropriate authorities.
16. No striptease, no nudity and all persons on the premises to be decently attired.
17. There shall be no payment made by or on behalf of the licensees to any person for bringing customers to the premises.
18. No gaming otherwise than by machines authorised under part III, Gaming Act, 1968.
19. A closed circuit television shall be installed, maintained and operated correctly as specified by the Metropolitan Police Crime prevention officer.

Conditions which reproduce the effect of any restriction imposed on the use of the premises by specified enactments

Permitted hours for the sale of alcohol

20. Mondays to Saturday:
 - (a) Subject to the following paragraphs, the permitted hours on weekdays shall commence at 10:00 (12.00 on Christmas Day and Good Friday) and extend until 01:00 on the following morning except -
 - (i) the permitted hours shall end at midnight on any day on which music and dancing is not provided after midnight; and
 - (ii) on any day that music and dancing end between 00:00 midnight and 01:00 the following morning, the permitted hours shall end when the music and dancing end.
 - (b) The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.
 - (c) The permitted hours on New Year's Eve will extend to the start of permitted hours on the following day, or if there are no permitted hours on 1 January, to 00:00 on New Year's Eve.

NOTE - The above restrictions do not prohibit:

- (a) during the first thirty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (d) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (e) the sale of alcohol to a trader or registered club for the purposes of the trade or club;

- (f) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (g) the taking of alcohol from the premises by a person residing there;
- (h) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
- (i) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.

Sunday

- (a) On Sundays, other than Christmas Day or New Year's Eve, 12:00 noon to 22:30;
- (b) On New Year's Eve on a Sunday, 12:00 to 22:30;
- (c) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, 00:00 midnight on 31st December).

NOTE - The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) during the first thirty minutes on Sunday after the above hours the consumption of the alcohol on the premises by persons taking table meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (d) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (f) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (h) the taking of alcohol from the premises by a person residing there;
- (i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
- (j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.

21. No person under fourteen shall be in the bar of the canteen during the permitted hours unless one of the following applies:
- (a) He is the child of the holder of the premises licence.
 - (b) He resides in the premises, but is not employed there.
 - (c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
 - (d) The bar is in premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.
 - (e) (i) He is in an area shown on the plan attached to the licence.
(ii) Meals and non-alcoholic beverages are available for sale for consumption in that area.
(iii) He is in the company of a person aged 18 or over.
(iv) He is there prior to 9 p.m.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

22. The condition above (21) shall only apply when the premises are booked for a private function, details of which to be sent to the Police at least 7 days prior to the event, at all other times the following condition shall apply:
23. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:
- (a) He is the child of the holder of the premises licence.
 - (b) He resides in the premises, but is not employed there.
 - (c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
 - (d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

24. If any entertainment is provided for children or if an entertainment is provided at which the majority of persons attending are children, then, if the number of children attending the entertainment exceeds 100, it shall be the duty of the holder of this premises licence:
- (a) to station and keep stationed wherever necessary a sufficient number of adult attendants, properly instructed as to their duties, to prevent more children or other persons being admitted to the building, or to any part thereof, than the building or part can properly accommodate,
 - (b) to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof, and
 - (c) to take all other reasonable precautions for the safety of the children.

25. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.

Annex 2 – Conditions consistent with the operating Schedule

26. All external doors shall be kept closed whilst regulated entertainment is taking place and in any event after 22:00 hours, except for immediate access and egress of persons.
27. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
28. Clearly legible notices shall be displayed at all exits from the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.
29. Loudspeakers shall not be located near the entrance area, as indicated by the hatched area on the attached plans, titled Speaker Exclusion Zone, dated 18/08/09.
30. An attendant shall be on duty in the cloakroom during the whole time that it is in use.
31. The premises will install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for Licensable Activities and during all times when customers remain on the premises. All recordings shall be kept available for a minimum period of 31 days with time and date stamping. Recordings shall be made available, immediately upon the request of an authorised officer or a police officer together with facilities for viewing throughout the preceding 31 day period.

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

32. When a customer chooses to pay by credit card, he/she will be presented with an itemised bill upon final payment, showing details of all drinks and food purchased.

Annex 4 – Plans

Attached



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

Schedule 12
Part B

WARD: West End
UPRN: 010033535306

Premises licence
summary

Regulation 33, 34

Premises licence number:

17/00087/LIPT

Part 1 – Premises details

Postal address of premises:

Sophie's Steakhouse
42-44 Great Windmill Street
London
W1D 7LU

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Performance of Dance
Performance of Live Music
Playing of Recorded Music
Anything of a similar description to Live Music, Recorded Music or Performance of Dance
Late Night Refreshment
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit
Sale by Retail of Alcohol

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

Performance of Dance

Monday to Saturday: 09:00 to 01:00
Sunday: 09:00 to 23:00

Performance of Live Music

Monday to Saturday: 09:00 to 01:00
Sunday: 09:00 to 23:00

Playing of Recorded Music

Unrestricted

Anything of a similar description to Live Music, Recorded Music or Performance of Dance

Monday to Saturday: 09:00 to 01:00
Sunday: 09:00 to 23:00

Late Night Refreshment

Monday to Saturday: 23:00 to 01:30

Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit Unrestricted

Sale by Retail of Alcohol

Monday to Saturday: 10:00 to 01:00
Sunday: 12:00 to 22:30

For times authorised for Christmas, New Year and Good Friday see conditions at Annex 1

The opening hours of the premises:

Monday to Saturday: 09:00 to 01:30
Sunday: 09:00 to 23:00

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

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

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

Sophie's Soho Ltd
311-313 Fulham Road
London
SW10 9QH

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

10327719

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

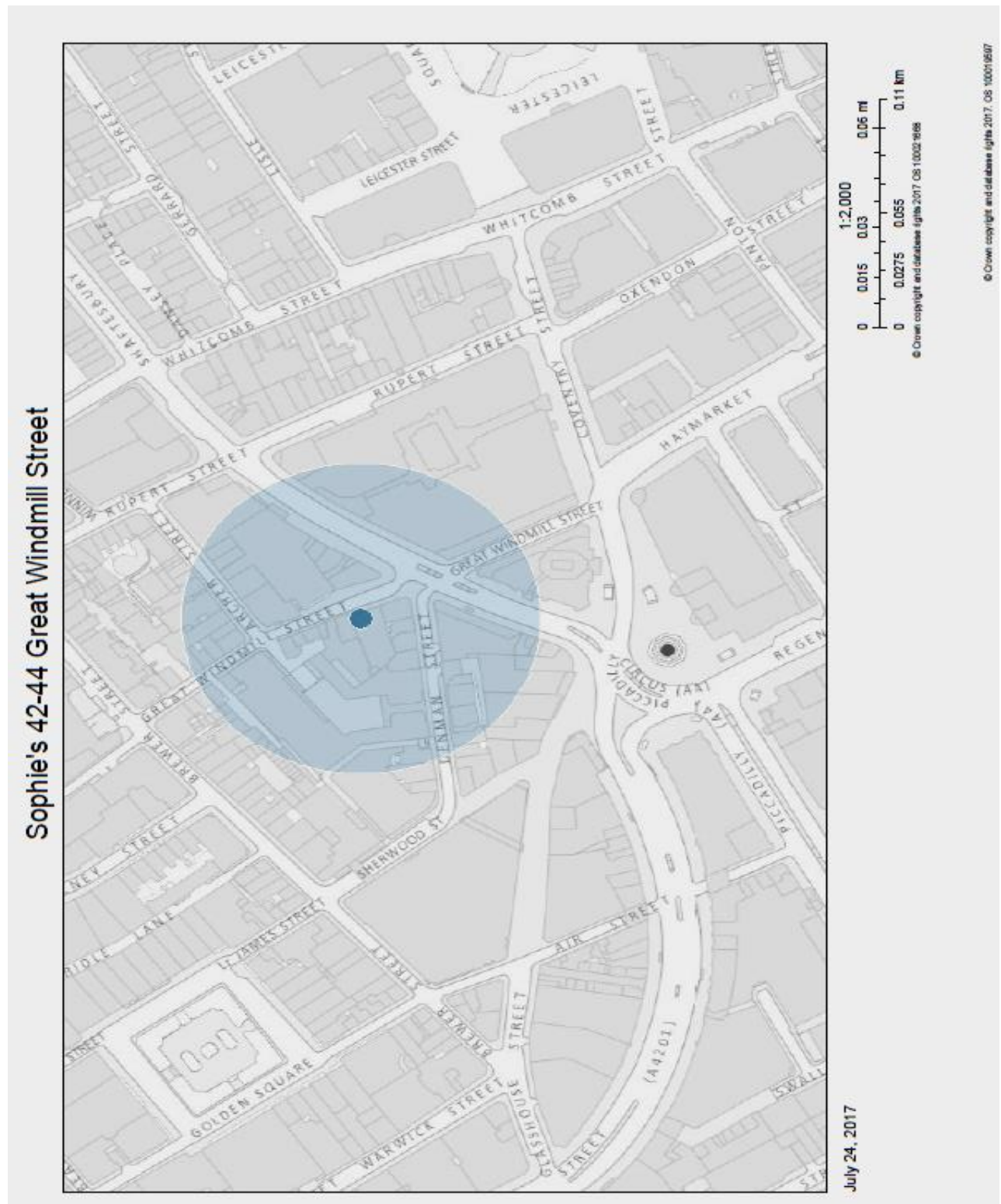
Name: Not Appointed

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

Restricted

Date: 08 February 2017

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



Resident Count: 227

Document is Restricted

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Licensing Sub-Committee Report

Item No:	
Date:	10 th August 2017
Licensing Ref No:	17/03167/LIPN - New Premises Licence
Title of Report:	Cafe Dylan Dog 7 Craven Road London W2 3BP
Report of:	Director of Public Protection and Licensing
Wards involved:	Hyde Park
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Yolanda Wade Senior Licensing Officer
Contact details	Telephone: 020 7641 1884 Email: ywade@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	27 March 2017		
Applicant:	Fatih Gaygusuz		
Premises:	Cafe Dylan Dog		
Premises address:	7 Craven Road London W2 3BP	Ward:	Hyde Park
		Cumulative Impact Area:	No
Premises description:	According to the application the premises will operate as a café and restaurant		
Premises licence history:	The premises does not benefit from a premises licence and there is no licence history		
Applicant submissions:	None		

1-B Proposed licensable activities and hours							
Sale by retail of alcohol				On or off sales or both:			On
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	10:00
End:	23:00	23:00	23:00	23:00	23:00	23:00	23:00
Seasonal variations/ Non-standard timings:	N/A						

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	08:00	08:00	08:00	08:00	08:00	08:00	08:00
End:	23:00	23:00	23:00	23:00	23:00	23:00	23:00
Seasonal variations/ Non-standard timings:	N/A						
Adult Entertainment:	N/A						

2. Representations

2-A Responsible Authorities	
Responsible Authority:	The Environmental Health Service
Representative:	Dave Nevitt

Received:	21 st April 2017
<p>I wish to make Representations on the following grounds:</p> <p>Representation is made in relation to the application, as the proposals are likely to increase Public Nuisance and may impact upon Public Safety.</p>	
Responsible Authority:	The Metropolitan Police Service (Withdrawn)
Representative:	PC Toby Janes
Received:	26 th April 2017
<p>Police, as a Responsible Authority, make a representation against the above application.</p> <p>It is our belief that if granted the application would undermine the licensing objectives in relation to the prevention of crime and disorder as there are insufficient conditions within the operating schedule.</p> <p>We have concerns that this application will cause further policing problems in an already demanding area.</p> <p>Police propose that the following conditions are added to your operating schedule as we believe they will address our concerns.</p> <ol style="list-style-type: none"> 1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period. 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. A Challenge 21 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. 4. 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) any faults in the CCTV system (f) any refusal of the sale of alcohol (g) any visit by a relevant authority or emergency service. 	

5. The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
6. The supply of alcohol shall be by waiter or waitress service only.
7. 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

2-B Other Persons	
Name:	Mrs Diane Choyce
Address and/or Residents Association:	[REDACTED]
Received:	1 st May 2017
<p>7:22 PM on 01 May 2017 We object strongly to this application. We are surrounded by pubs and hotels all offering alcohol. We don't need any more. We are a small well kept Mews of family homes, which runs off Craven Road and very close to the restaurant seeking this application. Because we are quite hidden from the main road, we are constantly at the mercy of people who come into it late at night to sit around drinking, eating take-aways, smoking etc. Which time after number ends up with them urinating outside our homes, throwing-up into our planters and leaving all their debris behind for us to dispose of in the morning (since the street cleaners, active on Craven Road, pass across the top of Conduit Mews and rarely, if ever, come into it). And as if all this isn't bad enough, we have the added problem of drivers feeling at liberty to park on the yellow lines which run along all our homes. Making it difficult to get in and out of our garages and also results in the slamming of car doors, revving of engines, shouting and talking all hours of the night. We don't need any more problems than we already have. Please do not make things worse by granting this application. I think we, as tax paying residents, deserve much more consideration than patrons of this restaurant.</p>	
Name:	Ms Miriam Mulcahy
Address and/or Residents Association:	[REDACTED]
Received:	1 st May 2017
<p>10:37 PM on 01 May 2017 I object to an alcohol license being given at no 7. This is a residential street and this will lead to late night taxis, amounts of noise and will change the nature of the mews as a residential area. There are many restaurants around. It would be a shame to change the nature of the mews which has a lot of families living there. I would urge you to consider refusing this license.</p>	
Name:	Miss Tania Franses
Address and/or Residents Association:	[REDACTED]

Received:	28 th April 2017		
7:26 PM on 28 Apr 2017 I would definitely not like alcohol to be sold here as Craven Road is already full of many drunk people in the evening with all the nearby pubs.			
These people then smoke and gather on the corner of Conduit Mews and make a lot of noise (the sound comes to my house) and throw all their rubbish out there and their cigarette butts. All the rubbish cigarette butts then get blown down the slope in the road and finish up outside my house.			
Name:	Mrs E Brookes		
Address and/or Residents Association:	[REDACTED]		
Received:	2 nd May 2017		
1:33 PM on 02 May 2017 I am writing to object to the proposals for the issuance of an additional alcohol licence for Craven Road. Westminster City Council has done much over the past years to improve the environment around Paddington Station, Praed Street and Craven Road for the benefit of residents and visitors alike but there is still more to be done. It is unfortunate that the unpleasant aspects of living in Paddington can be directly linked to the misuse of alcohol. The Conduit mews entrance is frequently used as a urinal, a place to be sick or as an area for soliciting and worse. Often the entrance is littered with food wrappers, empty bottles, smashed glass and debris from inebriated individuals resulting in numerous health hazards and forming an unwanted attraction for wildlife.			
The applicant is seeking to sell alcohol for 13 hours a day seven days and whilst they have outlined measures they propose to take on the premises for appropriate sales they have scant if any regard to what happens when their customers leave their premises. The introduction of alcohol completely changes the nature of what is a successful local cafe and turns it into another drinking establishment with food attached. It will increase the noise and footfall (and worse) along Craven Road causing detriment to the residents enjoyment. Paddington is not short of licenced premises - we do not need another. I would ask you respectfully to refuse this application.			
Name:	John Zamit, Chairman SEBRA		
Address and/or Residents Association:	[REDACTED]		
Status:	Resident Association	In support or opposed:	Opposed
Received:	30 th April 2017		
SEBRA objects to this application of a Premises Licence at 7 Craven Road W2 on the grounds of potential nuisance / noise etc in neighbourhood and possibility of increase crime in the area and Paddington.			

We want hours reduced on Sunday to tie in with WCC 'Core Hour' policy do that alcohol not sold till midday.

We want condition that sale of alcohol should be ancillary to customers taking substantial meal. with waiter/ waitress service to persons seated in premises (including any outside area)

Also we want condition that no deliveries or refuse/ recycling collections between 21.00 & 07.00 (partly offered in condition in application on rubbish collection)

We assume CCTV will have standard conditions asked for by police along with stand noise requirements etc by EH.

Trust condition will be agreed to ask customers to leave quietly, outside area kept clean & tidy, no A- Boards placed on public highway as these block free flow of pedestrians in this busy section of Craven Road very near to Paddington station etc

We believe no 'off sales' applied for but if there was would wish standard conditions re Challenge 21, no beer/ coder sold over 5.5% etc

We are happy to meet applicant and trust conditions could be agreed so that matter does not need to go to a licensing hearing.

Further comments received from Mr Richard Brown on behalf of SEBRA:

Should a licence be granted, some of the concerns expressed by SEBRA in their representation are covered by conditions proposed by the police and agreed by the applicant. Some other concerns would be addressed by the conditions proposed by Environmental Health, although I understand that at the time of publication of the Report these had not been agreed by the applicant.

There are a couple of remaining points which John thought would be helpful to confirm prior to the hearing:

1. The application seeks a commencement hour and terminal hour for sale of alcohol which is outside of core hours on Sunday. SEBRA considers that if Members are minded to grant a licence, it should be restricted to core hours on a Sunday.

2. EH have proposed a condition limiting the hours for movement etc of waste etc (condition 37 in the Report). SEBRA would like to propose an amendment to 2000 rather than 2300, with possibly different timings on Sundays. They also ask for the relevant model conditions regarding a) collections of waste and b) deliveries, for the same hours.

3. Policy & Guidance

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

Policy HRS1 applies:	<p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p>
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4. 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:	Miss Yolanda Wade Senior Licensing Officer
Contact:	Telephone: 020 7641 1884 Email: ywade@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	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Application Form	27 th March 2017
5	The Environmental Health Service- Representation	21 st April 2017
6	The Metropolitan Police Service (Withdrawn)	26 th April 2017
7	Mrs Diane Choyce- Representation	1 st May 2017
8	Ms Miriam Mulcahy- Representation	1 st May 2017
9	Miss Tania Franses- Representation	28 th April 2017
10	Mrs E Brookes- Representation	2 nd May 2017

11	John Zamit, Chairman SEBRA- Representation	30 th April 2017
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To view the plans of the premises, please contact the Licensing Team.

Email: licensing@westminster.gov.uk

Telephone: 0207 641 6500

Applicant Supporting Documents
(none)

Appendix 2

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. We will have strong management controls and excellent training of all our staff so that they are aware of the premises licence and the requirements to meet the four licensing objectives
10. No drunk and disorderly behavior on the premises area
11. Preventing the use and sale of illegal drugs at the retail area
12. No violent and anti-social behaviour tolerated by any one
13. The front of the premises shall be kept tidy at all times and be swept at close.
14. No deliveries will be received or rubbish removed from the premises between 21.00 & 07.00.
15. Any music played will only be played at background level.
16. A phone number for the premises shall be made available if required upon request to the police, any other responsible authority or any local resident to express any concerns caused by the operation of the premises. any complaints and the outcome will be recorded in the incident book.
17. Relevant notices will be prominently displayed by the entry/ exit door and point of sale as appropriate– see section b condition 6 for full details.
18. We will train staff about requirement for persons' identification, age establishment and so on.
19. Written training records will be kept for all staff members and made available to police or authorised council officers on request.

20. Unless an epos system with an automatic proof of age check reminder incorporated in it is in use a manual prompt will be displayed by the till(s) to remind staff to check proof of age where appropriate.

Conditions propose by the Police and agree by Applicant so as to be incorporated into the operating schedule

21. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.
The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
22. 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.
23. A Challenge 21 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.
24. 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) any faults in the CCTV system (f) any refusal of the sale of alcohol (g) any visit by a relevant authority or emergency service.
25. The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
26. The supply of alcohol shall be by waiter or waitress service only.
27. 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.

Conditions proposed by the Environmental Health

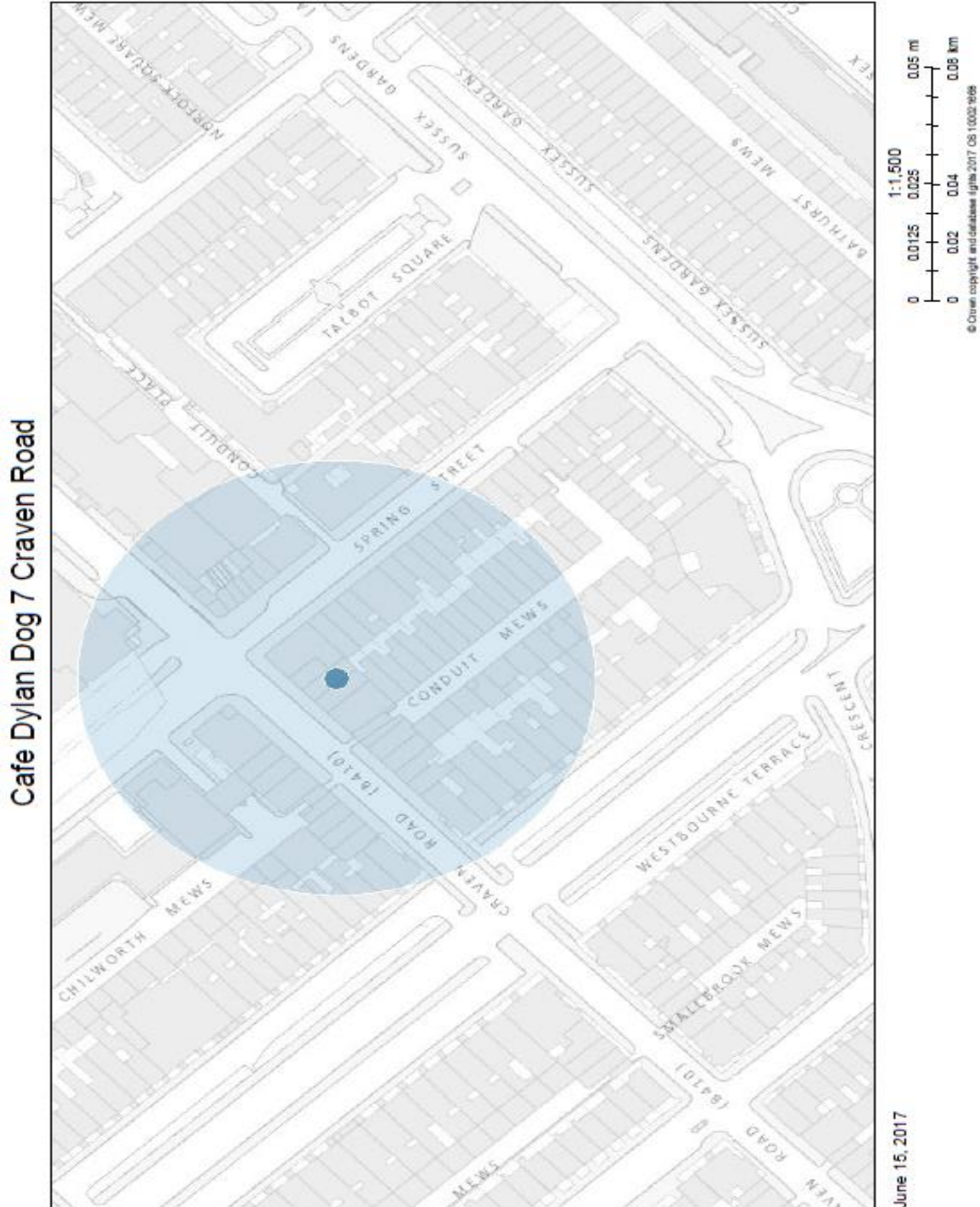
28. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

29. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
30. All outside tables and chairs shall be rendered unusable or brought inside by (23.00) each day.
31. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
32. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23.00) hours and (08.00) hours on the following day.
33. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 24 persons.
34. 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.

Additional conditions proposed by SEBRA

35. Hours reduced on Sunday to tie in with WCC 'Core Hour' policy do that alcohol not sold till midday.
36. Sale of alcohol should be ancillary to customers taking substantial meal with waiter/ waitress service to persons seated in premises (including any outside area)
37. No deliveries or refuse/ recycling collections between 21.00 & 07.00 (partly offered in condition in application on rubbish collection)
38. Customers to leave quietly, outside area kept clean & tidy, no A- Boards placed on public highway as these block free flow of pedestrians in this busy section of Craven Road very near to Paddington station etc
39. No beer/ corder sold over 5.5% etc

Residential Map and List of Premises in the Vicinity



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Licensing Sub-Committee Report

Item No:	
Date:	10 August 2017
Licensing Ref No:	17/06233/LIPN - New Premises Licence
Title of Report:	CHICK'N 134 Baker Street London W1U 6UB
Report of:	Director of Public Protection and Licensing
Wards involved:	Marylebone High Street
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Heidi Lawrance Senior Licensing Officer
Contact details	Telephone: 020 7641 2751 Email: hlawrance@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	6 June 2017		
Applicant:	CHIK'N Limited		
Premises:	CHICK'N		
Premises address:	134 Baker Street London W1U 6UB	Ward:	Marylebone High Street
		Cumulative Impact Area:	None.
Premises description:	According to the application the premises will operate as a restaurant on the ground floor.		
Premises licence history:	This is an application for a new premises licence and no premises history exists.		
Applicant submissions:	Please see appendix 2.		

1-B Proposed licensable activities and hours							
Late Night Refreshment:				Indoors, outdoors or both			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	23:00
End:	23:30	23:30	23:30	23:30	23:30	23:30	23:30
Seasonal variations/ Non-standard timings:		None applied for.					

Sale by retail of alcohol				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	10:00
End:	23:30	23:30	23:30	23:30	23:30	23:30	23:30
Seasonal variations/ Non-standard timings:		None applied for.					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	06:00	06:00	06:00	06:00	06:00	06:00	06:00
End:	00:00	00:00	00:00	00:00	00:00	00:00	00:00
Seasonal variations/ Non-standard timings:	None applied for.						
Adult Entertainment:	Not applicable.						

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Consultation Team
Representative:	Mrs Sally Fabbricatore
Received:	15 th June 2017
<p>This representation is based on the Operating Schedule and the submitted plans, ground floor and basement, titled with the address and drawing number D.117 and dated May 2017.</p> <p>The applicant is seeking the following on the ground floor:</p> <ol style="list-style-type: none"> 1. To allow the Supply of Alcohol both 'on' the premises Monday to Sunday 10:00-23:30 hours. 2. To allow Late Night Refreshment both 'indoors' and 'outdoors' Monday to Sunday 23:00-23:30 hours. <p>I wish to make the following representation in relation to the above application:</p> <ol style="list-style-type: none"> 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. <p>The applicant has proposed conditions within the operating schedule which are being considered. Further conditions may be proposed by Environmental Health in order to help prevent Public Nuisance and protect Public Safety.</p> <p>Reference should be made to the British Standard 6465-1:2009 Sanitary Installations if customers are going to dine in the premises. 1 WC will give a total of 15 customers. I note the number of covers exceeds this.</p> <p>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.</p>	

Responsible Authority:	Metropolitan Police Service
Representative:	PC Bryan Lewis
Received:	29 th June 2017

The Police, as a Responsible Authority, object to your application for a new Premises Licence as it is our belief that if granted the application may undermine the Licensing Objectives contained in the 2003 Licensing Act.

Our objections relate to the following:

- There are insufficient conditions offered to promote the licensing objectives
- Further information is required to properly assess this application

Suggested Police Condition:

There will be no further entry to customers after 23:30 and all customers will be off the premises by midnight.

2-B Other Persons	
Name:	Mr Simon Spruzen
Address and/or Residents Association:	[REDACTED]
Received:	15 th June 2017

I object to this development. The existing McDonald's and KFC restaurants at this end of the street already cause a severe litter and smell pollution problem for the residents living in the surrounding mansion blocks as well as noise from deliveries and late-night often drunk users of these facilities. The additional discharge of fat will not be environmentally friendly for the already stressed sewage system. Allowing this development to continue shows scant care for the environment, and given recent terrible events, some thought must be given to the potential fire risk that two such restaurants with a heavy oil and fat usage placed side by side must cause. Finally, given the proposed development of Baker Street, it would be nice to see more variety of premises there rather than the usual fast food places.

Please give consideration to the residents here, rather than just pure commercial interests.

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy FFP1 applies:	Applications will only be granted if it can be demonstrated that the proposal meets relevant criteria in Policies CD1, PS1, PN1 and CH1.
Policy HRS1 applies:	(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy. (ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.

4. 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:	Miss Heidi Lawrance Senior Licensing Officer
Contact:	Telephone: 020 7641 2751 Email: hlawrance@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	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Application Form	6 th June 2017
5	Representation – Environmental Health	15 th June 2017
6	Representation – MET Police	29 th June 2017
7	Representation - Simon Spruzen	15 th June 2017

Premises Plans

To view the plans of the premises, please contact the Licensing Team.

Email: licensing@westminster.gov.uk

Telephone: 0207 641 6500

Applicant Supporting Documents

Application for a Premises Licence
CHIK'N
134 Baker Street

Proposed Conditions:

1. The supply of alcohol at the premises shall only be to a person taking a table meal there and for consumption by such a person as ancillary to their meal.
2. 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.
3. With the exception of any external area licensed by Westminster City Council for the placing of tables and chairs, all sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
4. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
5. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
6. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
7. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23:00 and 08:00 hours on the following day.
8. 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 sweeping collected and stored in accordance with the approved refuse storage arrangements by close of business.
9. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
10. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
11. 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.

12. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
15. The number of persons permitted on the premises at any one time (excluding staff) shall not exceed [X] persons (to be determined).
16. Before the premises opens 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 the premises layout has changed during the course of construction new plans shall be provided to the LFEPA, Environmental Health Consultation Team, the Police and the Licensing Authority.
17. The Licence will have no effect until the works shown on the plans appended to the application (or subsequently substituted plans) have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.



Mr S. Spruzen



7 July 2017

Dear Mr Spruzen

Application for a Premises Licence
CHIK'N Sours, 134 Baker Street

We have received a copy of your representation in respect of our premises licence application. We would be most grateful for the opportunity to tell you a little more about our restaurant and application.

The premises is a new sister restaurant to our existing Chick 'N Sours restaurants, which currently operate without complaint in Covent Garden and Hackney. It will be a modestly sized breakfast, lunch and dinner restaurant, specialising in thoughtfully sourced chicken dishes, with a friendly atmosphere and great customer service. Food and drink will be available for customers to eat inside the restaurant and to take home with them.

Like many restaurants, we do have a drinks menu with alcohol available. Our alcohol offer will be extremely limited. We are seeking to differentiate ourselves with some of the restaurants you mention in your representation. This includes fresher, tastier and healthier food with our free range chickens fried in British rapeseed oil with zero trans fats.

We work hard to build fantastic working relationships with our residents. This includes a neighbour who lives immediately above our restaurant without any complaint whatsoever in Hackney. We take a proactive role in the local community. For example, we have cooked Christmas lunch for elderly residents in conjunction with Hackney Council. We hope to develop similar cooperative relationships with the community and our local residents around Baker Street.

We have no intention whatsoever of operating a late-night noisy bar or similar. From experience, we do not have any problems with littering, smells or discharge fat despite operating very close to local residents at our existing restaurants.

We take our waste refuse and environmental procedures seriously. Our restaurant is fitted with a waste oil extraction system, with all our used cooking oil collected and recycled into biodiesel, some of which goes back to our farm to help power their machinery. Our food waste is digested on-site by a liquid composting machine which minimises the amount of food waste that we send to landfill.



We have also installed a state of the art extract system and our cooking techniques and products do not cause any smells which cause a nuisance. In any event, we have offered licence conditions to protect against these risks and to ensure that alcohol is ancillary to full table meals at the premises. These conditions have since been amended following a helpful meeting with the Council's Environmental Health Consultation Team. Please see enclosed for reference.

Thank you also for your comments in relation to fire safety. We take this matter extremely seriously and have implemented systems to protect the safety of our staff, customers and occupiers of adjoining buildings. We have agreed a very low capacity limit of just 30 dining customers to prevent overcrowding in our restaurant.

Our management team have many years' experience in the restaurant industry. We understand the importance of operating responsibly for our neighbours, even in central London locations. We are all committed to ensuring the restaurant is managed professionally and sympathetically alongside our local residents.

We are grateful for your consideration of this letter. We hope that it has helped to address your concerns and that the restaurant will become a valued part of the local community. If you have any additional comments or queries, please do not hesitate to contact us. We would be delighted to meet you in person, if that assists.

Yours sincerely

Paul Lester

Encl: Amended licence application summary and conditions

Copy: Sally Thomas, Westminster Environmental Health Consultation Team
Heidi Lawrence, Westminster Licensing Authority



Application for a Premises Licence
CHIK'N
134 Baker Street

Proposed Hours:

	Sale of Alcohol (on & off)	Late Night Refreshment (on & off)
Monday to Sunday	10.00 – 23.30	23.00 – 23.30

AMENDED Proposed Conditions:

1. The supply of alcohol at the premises shall only be to a person taking a table meal there and for consumption by such a person as ancillary to their meal.
2. 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.
3. With the exception of any external area licensed by Westminster City Council for the placing of tables and chairs, all sales of alcohol for consumption off the premises shall be in sealed containers **and sold ancillary to a takeaway meal** only, and shall not be consumed on the premises.
4. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
5. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
6. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
7. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23:00 and 08:00 hours on the following day.
8. 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 sweeping collected and stored in accordance with the approved refuse storage arrangements by close of business.



9. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
10. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
11. 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.
12. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
15. The number of persons permitted **to dine in** the premises at any one time (excluding staff) shall not exceed **30** persons.
16. Before the premises opens 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 the premises layout has changed during the course of construction new plans shall be provided to the LFEPA, Environmental Health Consultation Team, the Police and the Licensing Authority.
17. The Licence will have no effect until the works shown on the plans appended to the application (or subsequently substituted plans) have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.
- 18. The consumption of alcohol in any external area shall only be by seated persons**



Mr S. Spruzen



20 July 2017

Dear Mr Spruzen

**Application for a Premises Licence
CHIK'N Sours, 134 Baker Street**

I write further to my previous letter sent earlier this month. Please do not hesitate to contact me if you have any outstanding concerns you would like to discuss.

The application is currently being scheduled for a Licensing Sub-Committee hearing at Westminster Council. This could possibly be avoided if you are now willing to kindly withdraw your objection. Please let me know if I can assist with this or any other aspect of our restaurant's operation to address your concerns.

Thanks again for your consideration.

Yours sincerely

Paul Lester

Encl:

Copy: Heidi Lawrence, Westminster Licensing Authority



BREAKFAST		CHIK'N SANDWICH		KIDS MEAL		ICE CREAM TUBS	
GRILLED CHIK'N SAUSAGE FREE RANGE EGG'N'CHEESE MUFFIN	3.95	STRAIGHT UP CHIK'N Lettuce, Buttermilk & Herb Mayo, Pickles	4.95	CHIK'N WINGS / TENDERS / CLUSTERS, SMALL FRIES & JUICE OR WATER	4.95	STRAWBERRY, VANILLA, CHOCOLATE, MANGO SORBET, DULCE DE LECHE	2.95
BACON FREE RANGE EGG'N'CHEESE MUFFIN	3.45	CHIK'N HOT Sriracha Sour Cream, Lettuce, Spicy Slaw	5.95				
FREE RANGE EGG'N'CHEESE MUFFIN ^(M)	2.45	CHIK'N BBQ BBQ Sauce, Cheese, Lettuce, Pickles	6.45	SALAD		DRINKS	
FRESHLY MADE HOT CAKES WITH: Chicken Tenders, Bacon & Maple Syrup	4.95	CHIK'N CLASSIC Cheese & Bacon, Lettuce, Mayo, Pickles	6.95	CHOPPED CHIK'N WEDGE Iceberg Lettuce, Bacon, Blue Cheese Dressing & Chik'N Tenders	6.45	FREESTYLE SODA	2.75
Blueberry & Natural Yoghurt ^(M)	2.95	NOT SO CHIK'N ^(M) Veggie Chik'N, Lettuce & Buttermilk Mayo	5.45	CHOPPED WEDGE ^(M) Iceberg Lettuce, Blue Cheese Dressing & Croutons	3.95	STILL / SPARKLING WATER	1.95
HASH BROWN ^(M)	0.95			GREEN SLAW ^(M)	2.95	ORANGE JUICE	1.95
CHEESY BEANS	1.50			SPICY SLAW	2.95	KIDS BOX OF JUICE Orange, Apple	1.45
TOKEN YOGHURT POT ^(M) With Blueberries & Granola	2.45					FAIRTRADE ORGANIC COFFEE	
		CHIK'N WINGS & BITES				AMERICANO	1.45
				FRIES		ESPRESSO	1.45
				SMALL/LARGE	1.95/2.95	CAPPUCINO	1.95
				NACHO STYLE (ALL-IN) Szechuan CHIK'N Chili, Nacho Cheese & Pink Pickled Onions* *Contains Bacon	5.95	FLAT WHITE	1.95
				CHEESY FRIES Nacho Cheese & Pink Pickled Onions	4.95	LATTE	1.95
				WE DON'T SALT OUR FRIES		SYRUP SHOT Hazelnut, Vanilla, Caramel	0.45
				DIPS	20p	FAIRTRADE ENGLISH BREAKFAST TEA	1.45
				BLUE CHEESE SAUCE, SRIRACHA SOUR CREAM, HOT SAUCE, BUTTERMILK & HERB MAYO, BBQ		HARBOUR PILSNER	4.95
						HARBOUR SESSION IPA	5.45
						HANDSPUN THICK SHAKES Strawberry Meringue, Chocolate CocoaPop, Double Shot Coffee, Salted Caramel Popcorn, Peanut Butter Toffee, Cereal Shake	3.95

NACHO STYLE FRIES

100% from the
Ice Cream
Unions.

All our coffee is Fairtrade, Organic and Rainforest Alliance certified



LET'S START A CLUCKING REVOLUTION

CHIK'N



HERE'S A LITTLE STORY...

David and Carl met back in the day in a muddy festival field. For the next five years they went on an amazing journey, bringing people together through music, art and food at a whole host of pop-ups and collaborations. Then, one fateful day, they discovered an old greasy spoon in East London where a clucking revolution was born – the launch of their first fried chicken shop Chick N Sours.

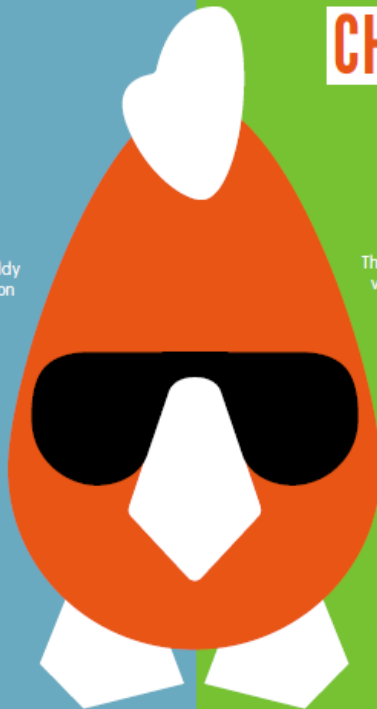
They've been there serving up the finest fried chicken and cheekiest cocktails you can get your sticky little hands on since 2015. Today, their mission to raise the standard of fried chicken continues with their latest adventure – Chik'n.

CHANGING FRIED CHICKEN FOR THE GOOD

The boys came up with the idea for their latest venture on the back of David's scooter. Chik'n would be a fast, casual counter service restaurant that serves healthy, happy chicken to hungry, happy people. Their vision was to serve fresher, healthier, tastier fried chicken direct from their farm in Somerset and into the mouths of customers that care where their chicken comes from.

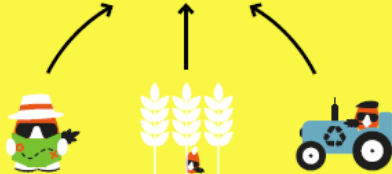
The welfare of our chickens is paramount to this vision, so ours live full lives, free to roam and forage outside as they grow plump and juicy on a diet of corn and cereals milled directly on the farm.

Our commitment to the sustainability of our planet is equally important to us, which is why our farm runs on used oil that's been recycled and turned into the Bio Diesel that powers our machinery. In the future, we even hope to be able to turn our food waste into Bio Gas that can power our fryers.



Chik'n

FROM FARM TO FOOD AND BACK AGAIN



Our chickens live the good life, free to forage and roam across our farm.

Everything we feed them is grown and milled right there where they live.

We turn our restaurant's old cooking oil into the Bio Fuel that powers our farm's machinery.

FRESHER, HEALTHIER, TASTIER FRIED CHICKEN FOR THE PEOPLE

We know fried chicken's never going to be as healthy as a salad, and that's cool with us. But we're here to show that it's possible to make lip-smackingly tasty fried chicken a hell of a lot healthier. It's why we only fry in British rapeseed oil, because it has nearly zero Trans Fats and ten times more Omega 3 than olive oil.

Serving breakfast, lunch and dinner, our menu revolves around fried chicken sandwiches cooked in our impossibly crispy secret coating and served on bespoke handmade potato bread with our very own next level sauces.

We like to make it all in full view of our customers too. So whether we're making your Hotcakes, Wings, Tenders, Salads or Nacho Fries, you'll be able to clearly see the love and care we put into our food day in and day out.

Ours is a simple approach. We just want happy people serving up kick-ass fried chicken to a banging soundtrack in an awesome environment.

ADVERTISING

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Going Out > Restaurants

New order: The classic at CHIK'N


Samuel Fishwick dishes up everything you need to know about this deep-fried dish from maverick chef Carl Clarke

SAMUEL FISHWICK | Wednesday 12 July 2017 09:36 BST | 

Click to follow
ES Going Out



The full Monty: the CHIK'N classic, fried chicken with bacon, barbecue sauce, mayo, cheese and pink pickled onions

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CHIK'N classic at maverick chef Carl Clarke's new restaurant
CHIK'N (£6.95, 134 Baker Street, W1).

The USP

If you feel like chicken tonight, keep it classic. This is the flagship plate from the flagship branch of ethical poultry pioneer CHIK'N, and is a masterclass in burger construction: simple yet succulent crispy buttermilk-brined fried chicken thrown into a potato roll, with bacon and optional homemade barbecue sauce, mayo, cheese and pink pickled onions.



[READ MORE](#)

KFC to let customers behind the scenes to cook their own chicken

The CHIK'N idea, ambitiously, is to knock **KFC** off its perch within five years, promising herb-fed free-range chicken (it has created its own label and invested in farms in Yorkshire and Somerset), Asian flavours, fun music and a competitive price. It's the next step for the wildly popular **Chick 'n' Sours** restaurants in Seven Dials and Haggerston.

“The whole thing is designed to surprise and delight the diner;”

says Clarke. He's serious about quality control. "We use British rapeseed oil so the fry contains none of the trans fats that you would normally get in a fried chicken shop.

"We also use state-of-the-art pressure fryers so we can control the deep fry."

Go soon to try the limited-edition Chik'n tiki sandwich with hot sauce, buttermilk mayo, lettuce, pineapple (because why should it be restricted to desserts and rogue pizzas), bacon and cheese. It's a whopper of a dinner.

For non-meaters there's Not So Chik'n, a vegetable burger with lettuce, lashings of that buttermilk mayo and cheese.

The accompaniment



[READ MORE](#)

What makes Chick 'n' Sours fried chicken so good?


Chips and dips aren't just a sideshow here but are part of the main event. Nacho-style fries and chopped wedge salads join melt-in-the-mouth Chick 'n' Sours classic like disco wings, smashed cucumber, addictive pickled watermelon and fried aubergine with plenty of chilli.

The drink

The coco pop milkshake. Unlike Chick 'n' Sours, where its roster of **cocktails** is placed front and centre, CHIK'N's drinks list is closer in kind to that of a wholesome American diner. There's a cereal milkshake or, if you want something stronger, refreshing Harbour pilsner and IPA. ■

More about: | [Carl Clarke](#) | [Chick 'n' Sours](#) | [Restaurant News](#)

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The Deadliest Species Ever Found On The Planet

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Premises History

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. The supply of alcohol at the premises shall only be to a person taking a table meal there and for consumption by such a person as ancillary to their meal.
10. 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.
11. With the exception of any external area licensed by Westminster City Council for the placing of tables and chairs, all sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
12. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
13. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
14. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
15. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23:00 and 08:00 hours on the following day.
16. 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 sweeping collected and stored in accordance with the approved refuse storage arrangements by close of business.
17. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
18. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
19. 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.

20. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
21. The number of persons permitted on the premises at any one time (excluding staff) shall not exceed [X] persons (to be determined).
22. Before the premises opens 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 the premises layout has changed during the course of construction new plans shall be provided to the LFEPA, Environmental Health Consultation Team, the Police and the Licensing Authority.
23. The Licence will have no effect until the works shown on the plans appended to the application (or subsequently substituted plans) have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.

Conditions proposed by the Environmental Health

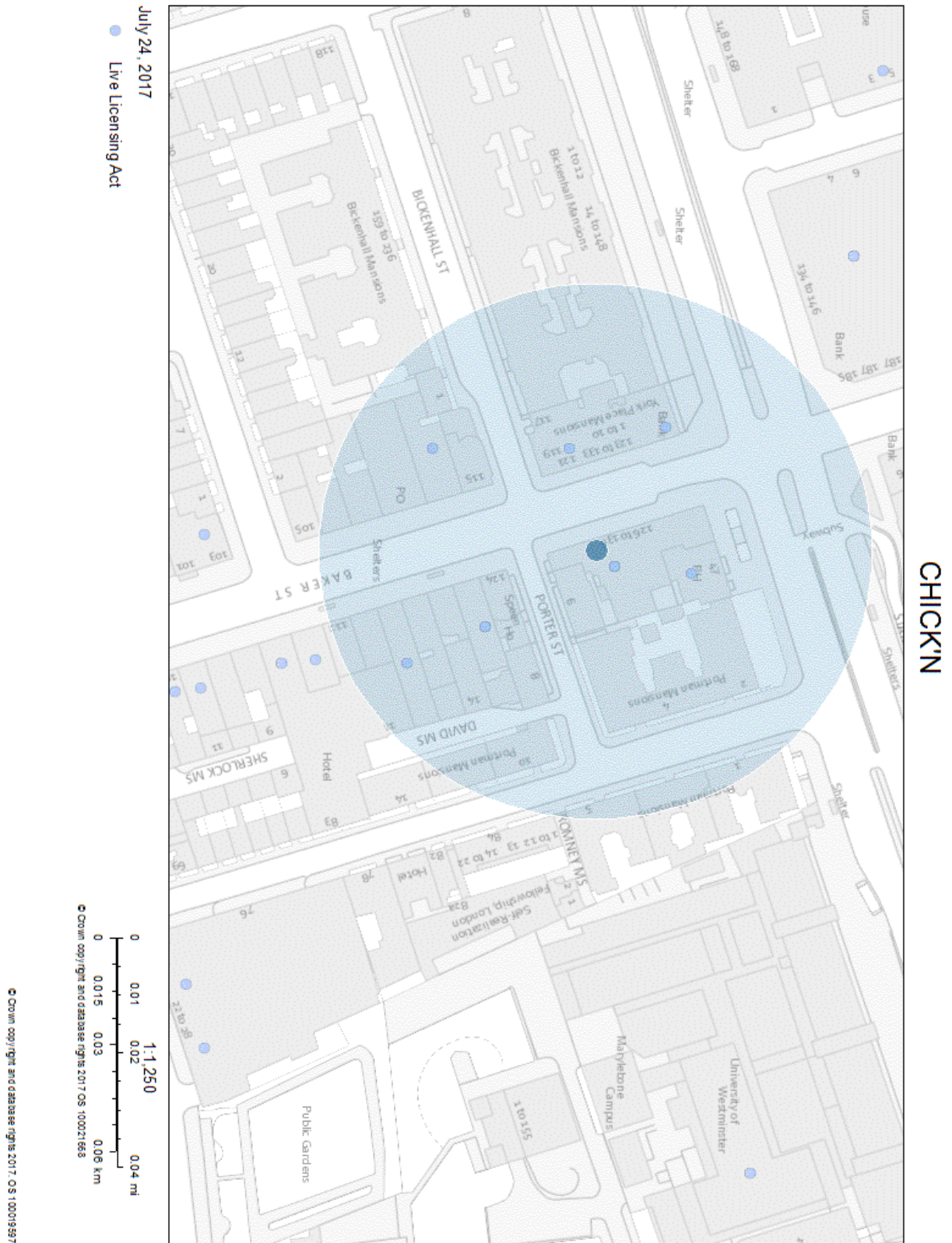
24. There shall be no self-service of alcohol.
25. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.
26. Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to a take-away meal.
27. The number of persons consuming alcohol on the ground floor and in the external area (excluding staff) shall not exceed 30 persons. *(to replace proposed condition 15).*
28. All outside tables and chairs shall be rendered unusable by (**23.00**) each day.
29. 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. *(to replace proposed condition 4).*

30. 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.
31. A 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 Police

32. There will be no further entry to customers after 23:30 and all customers will be off the premises by midnight.

Residential Map and List of Premises in the Vicinity



Resident Count: 136

Document is Restricted

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Licensing Sub-Committee Report

Item No:	
Date:	10 th August 2017
Licensing Ref No:	17/05448/LIPV - Premises Licence Variation
Title of Report:	Burger & Lobster Basement And Ground Floor 6 Little Portland Street London
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Yolanda Wade Senior Licensing Officer
Contact details	Telephone: 020 7641 1884 Email: ywade@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	19 May 2017		
Applicant:	Burger And Lobster Restaurant Group Limited		
Premises:	Burger & Lobster		
Premises address:	Basement And Ground Floor 6 Little Portland Street London W1W 7JE	Ward:	West End
		Cumulative Impact Area:	No
Premises description:	The premises operate as a restaurant with a small bar facility for pre and post dining.		
Variation description:	<p>According to the application, the applicant is seeking to amend the following conditions:</p> <ul style="list-style-type: none"> • <u>Condition 29</u> <p>Existing: Notwithstanding conditions 11 and 12 alcohol may be supplied and consumed in the area hatched black by customers who are waiting to dine or who have dined.</p> <p>Proposed Amendment To Read:</p> <p>After 19:00 alcohol may only be supplied and consumed in the area hatched black by customers who are waiting to dine or who have dined.</p> <ul style="list-style-type: none"> • <u>Condition 17</u> <p>Existing: The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 110.</p> <p>Proposed Amendment To Read:</p> <p>The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 110 persons, with no more than 25 persons within the hatched bar area.</p>		
Premises licence history:	The premises currently benefits from a premises licence Appendix 3		
Applicant submissions:	Further to pre-application advice from Ian Watson (ref. 17/02856/PREAPS) the licensee seeks some flexibility for the current bar area so as to allow alcohol to be consumed without a table meal prior to 19:00. The premises are not located within the West End Cumulative Impact area and operate as a restaurant already with a small bar facility for		

	<p>pre and post dining. Policy RNT1 applies and states applications will generally be granted subject to the relevant criteria in policies CD1, PS1, PN1 and CH1. The premises licence currently has sufficient conditions to address the licensing objectives, albeit that they may not be worded to current model conditions, and there are no public nuisance complaints or enforcement action against the premises within the last year. The premises have a stated safe capacity of 110 persons and this will not change.</p> <p>The hatched area does not have a use capacity and is of such a size that the variation of condition 29 would not change the character of the premises as food led. To satisfy responsible authorities and interested parties the shaded area would to be restricted to a maximum number of 25 drinkers at any one time There is no current restriction on the premises licence that persons consuming alcohol in the shaded bar area must be seated and we understand following the pre-application consultation that Environmental Health would not be requiring such restriction.</p>
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1-B Current and proposed licensable activities, areas and hours						
Regulated Entertainment						
Playing of Recorded Music						
Indoors, outdoors or both			Current :		Proposed:	
			Indoors		No change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	00:00	No change		Ground Floor	No change
Tuesday	10:00	00:00				
Wednesday	10:00	00:00				
Thursday	10:00	00:00				
Friday	10:00	00:00				
Saturday	10:00	00:00				
Sunday	12:00	00:00				

Late Night refreshment						
Indoors, outdoors or both			Current :		Proposed:	
			Indoors		No change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	00:00	No change		Ground Floor	No change
Tuesday	23:00	00:00				
Wednesday	23:00	00:00				
Thursday	23:00	00:00				
Friday	23:00	00:00				
Saturday	23:00	00:00				
Sunday	23:00	00:00				

Sale by Retail of Alcohol						
On or off sales			Current :		Proposed:	
			On		No change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	00:00	No change		Ground Floor	No change
Tuesday	10:00	00:00				
Wednesday	10:00	00:00				
Thursday	10:00	00:00				
Friday	10:00	00:00				
Saturday	10:00	00:00				
Sunday	12:00	00:00				

Hours premises are open to the public	Current Hours		Proposed Hours	
	Start:	End:	Start:	End:
Monday	10:00	00:30	No change	
Tuesday	10:00	00:30		
Wednesday	10:00	00:30		
Thursday	10:00	00:30		
Friday	10:00	00:30		
Saturday	10:00	00:30		
Sunday	12:00	00:00		

1-C Conditions being varied, added or removed	
Conditions	Proposed variation
Condition 29: Notwithstanding conditions 11 and 12 alcohol	After 19:00 alcohol may only be supplied and consumed in the area hatched black by customers who are waiting to dine or who

may be supplied and consumed in the area hatched black by customers who are waiting to dine or who have dined.	have dined.
Condition 17: The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 110.	The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 110 persons, with no more than 25 persons within the hatched bar area.

2. Representations

2-A Other Persons			
Name:		Mr Yoram Blumann	
Address and/or Residents Association:		[REDACTED]	
Status:	Resident	In support or opposed:	Opposed
Received:	14 th June 2017		
<p>11:15 AM on 14 Jun 2017 My comments are written on behalf of residents living near and opposite the premises. The street is narrow with tall buildings, producing significant canyon effect, amplifying noise - causing noise nuisance to residents. We wish to object to the application; I have visited the premises and spoken to the manager and seen the area proposed for drinking- it is a large area by the entrance. We fear that if this application is allowed, it will potentially give rise to vertical drinking at the bar; we note that the applicants propose to limit the facility to 25 people up to 1900 -including weekend[condition 17], and that drinking would be allowed after the meal [condition 29]. The applicant does not show how they plan to limit the amount of alcohol consumed by those drinking at the bar [especially after the meal -see condition 29 amendment] and how this application would promote the prevention of public nuisance to residents living directly opposite the premises, and near by- especially at weekends. This means that there is a potential for vertical drinking and nuisance caused by in</p>			
Name:		Mr Linus Rees	
Address and/or Residents Association:		[REDACTED]	
Status:	Resident Association	In support or opposed:	Opposed
Received:	14 th June 2017		
<p>12:32 PM on 14 Jun 2017 Our association objects to this application to vary the licence. The variation would change the nature of the premises from a restaurant to a bar, before 7pm. The existing conditions do not restrict patrons from having a drink as ancillary before, during and</p>			

after, a meal. The change in the licence would give rise to public nuisance and possibly add to crime and disorderly behaviour in the street. For these reasons the application should be refused.

3. Policy & Guidance

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

Policy PB1 applies:	Applications will generally be granted and reviews determined, subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1.
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4. Appendices

Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Copy of Existing Licence
Appendix 6	Residential map and list of premises in the vicinity

Report author:	Miss Yolanda Wade Senior Licensing Officer
Contact:	Telephone: 020 7641 1884 Email: ywade@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	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	The Application Form	19 th May 2017

5	Mr Yoram Blumann Rep	14 th June 2017
6	Mr Linus Rees c/o Fitzrovia Neighbourhood Association Rep	14 th June 2017

To view the plans of the premises, please contact the Licensing Team.

Email: licensing@westminster.gov.uk

Telephone: 0207 641 6500

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
10/06262/LIPN	New premises application	30.09.2010	Granted Under Delegated Authority
11/11355/LIPDPS	Application to vary a premises licence to specify an individual as designated premises supervisor	02.12.2011	Granted Under Delegated Authority
13/03108/LIPT	Application to transfer premises licence from Orawan Ltd to Langham Estate Management Limited	02.12.2011	Granted Under Delegated Authority
13/10034/LIPT	Application to transfer premises licence from Langham Estate Management Limited to Burger & Lobster Fitzrovia Limited	30.01.2014	Granted Under Delegated Authority
13/10040/LIPDPS	Application to vary a premises licence to specify an individual as designated premises supervisor	30.01.2014	Granted Under Delegated Authority
14/03160/LIPV	Application to vary premises licence	28.05.2014	Granted Under Delegated Authority
14/09361/LIPDPS	Application to vary a premises licence to specify an individual as designated premises supervisor	18.11.2014	Granted Under Delegated Authority
15/09759/LIPT	Application to transfer premises licence from Burger & Lobster Fitzrovia Limited to Burger And Lobster Restaurant Group Limited	03.02.2016	Granted Under Delegated Authority
16/08005/LIPDPS	Application to vary a premises licence to specify an individual as designated premises supervisor	11.08.2016	Granted Under Delegated Authority

17/04260/LIPVM	Application for a Minor Variation	10.05.2017	Application Refused
17/04681/LIPDPS	Application to vary a premises licence to specify an individual as designated premises supervisor	26.06.2017	Granted Under Delegated Authority

There is no appeal history

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

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

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

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

Conditions: On Current Licence -

Mandatory:

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;

- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

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

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

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -

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

Where -

- (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv).
 - (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
 - (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the operating Schedule

- 9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewings of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 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 are open. This staff member shall be able to provide a Police or authorised officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
- 11. Except in the area hatched black, the supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
- 12. Except in the area hatched black, the supply of alcohol shall be by waiter or waitress service only.
- 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, which 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 or searching equipment or scanning equipment

- (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
14. When open to patrons for the purpose of licensable activities, at least one personal licence holder (or a person with a letter of delegation) to be present at the premises.
 15. All staff involved in the sale of alcohol shall receive training by the premises licence holder in relation to licensing law and a record shall be kept at the premises.
 16. Substantial food and non-intoxicating beverages shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
 17. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 110.
 18. There shall be no striptease or nudity, and all persons shall be decently attired at all times.
 19. No entertainment, performance, service, or exhibition involving nudity or sexual stimulation which would come within the definition of a sex establishment in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Greater London Council (General Powers) Act 1986 (whether or not locally adopted), shall be provided.
 20. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
 21. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
 22. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
 23. All windows and external doors shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
 24. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
 25. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
 26. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0800 hours.

27. A proof of age scheme, such as Challenge 21, shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.
28. There shall be no take-away of hot food or hot drinks after 23.00 hours.
29. Notwithstanding conditions 11 and 12 alcohol may be supplied and consumed in the area hatched black by customers who are waiting to dine or who have dined.

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

None



City of Westminster

64 Victoria Street, London, SW1E 6QP

Schedule 12
Part A

WARD: West End
UPRN: 010033537530

Premises licence

Regulation 33, 34

Premises licence number:

16/08005/LIPDPS

Original Reference:

10/06262/LIPN

Part 1 – Premises details

Postal address of premises:

Burger & Lobster
Basement And Ground Floor
6 Little Portland Street
London
W1W 7JE

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Playing of Recorded Music
Late Night Refreshment
Sale by Retail of Alcohol

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

Playing of Recorded Music

Monday to Saturday: 10:00 to 00:00 (Ground Floor)
Sunday: 12:00 to 00:00 (Ground Floor)

Late Night Refreshment

Monday to Sunday: 23:00 to 00:00 (Ground Floor)

Sale by Retail of Alcohol

Monday to Saturday: 10:00 to 00:00 (Ground Floor)
Sunday: 12:00 to 00:00 (Ground Floor)

The opening hours of the premises:

Monday to Saturday: 10:00 to 00:30
Sunday: 12:00 to 00:00

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

Alcohol is supplied for consumption on the Premises.

Part 2

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

Burger And Lobster Restaurant Group Limited
37-41 Bedford Row
London
WC1R 4JH

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

08332271

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

Name: Francesca Cociancich

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

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

Licence Number: LN/000016344
Licensing Authority: London Borough Of Haringey

Date: 17 August 2016

This licence has been authorised by Mr Yiannis Chrysanthou on behalf of the Director - Public Protection and Licensing.

Annex 1 – Mandatory conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.

7. The responsible person must ensure that—

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

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

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

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

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

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

Where -

- (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,

- (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the operating Schedule

9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewings of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 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 are open. This staff member shall be able to provide a Police or authorised officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
11. Except in the area hatched black, the supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
12. Except in the area hatched black, the supply of alcohol shall be by waiter or waitress service only.
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, which 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 or searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
14. When open to patrons for the purpose of licensable activities, at least one personal licence holder (or a person with a letter of delegation) to be present at the premises.
15. All staff involved in the sale of alcohol shall receive training by the premises licence holder in relation to licensing law and a record shall be kept at the premises.
16. Substantial food and non-intoxicating beverages shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
17. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 110.
18. There shall be no striptease or nudity, and all persons shall be decently attired at all times.
19. No entertainment, performance, service, or exhibition involving nudity or sexual stimulation which would come within the definition of a sex establishment in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Greater London Council (General Powers) Act 1986 (whether or not locally adopted), shall be provided.
20. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

21. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
22. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
23. All windows and external doors shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
24. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
25. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
26. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0800 hours.
27. A proof of age scheme, such as Challenge 21, shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.
28. There shall be no take-away of hot food or hot drinks after 23.00 hours.
29. Notwithstanding conditions 11 and 12 alcohol may be supplied and consumed in the area hatched black by customers who are waiting to dine or who have dined.

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

None

Annex 4 – Plans

Attached



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

Schedule 12
Part B

WARD: West End
UPRN: 010033637530

Premises licence
summary

Regulation 33, 34

Premises licence number:

16/08005/LIPDPS

Part 1 – Premises details

Postal address of premises:

Burger & Lobster
Basement And Ground Floor
6 Little Portland Street
London
W1W 7JE

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Playing of Recorded Music
Late Night Refreshment
Sale by Retail of Alcohol

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

Playing of Recorded Music	
Monday to Saturday:	10:00 to 00:00 (Ground Floor)
Sunday:	12:00 to 00:00 (Ground Floor)
Late Night Refreshment	
Monday to Sunday:	23:00 to 00:00 (Ground Floor)
Sale by Retail of Alcohol	
Monday to Saturday:	10:00 to 00:00 (Ground Floor)
Sunday:	12:00 to 00:00 (Ground Floor)

The opening hours of the premises:

Monday to Saturday:	10:00 to 00:30
Sunday:	12:00 to 00:00

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

Alcohol is supplied for consumption on the Premises.

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

Burger And Lobster Restaurant Group Limited
37-41 Bedford Row
London
WC1R 4JH

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

08332271

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

Name: Francesca Cociancich

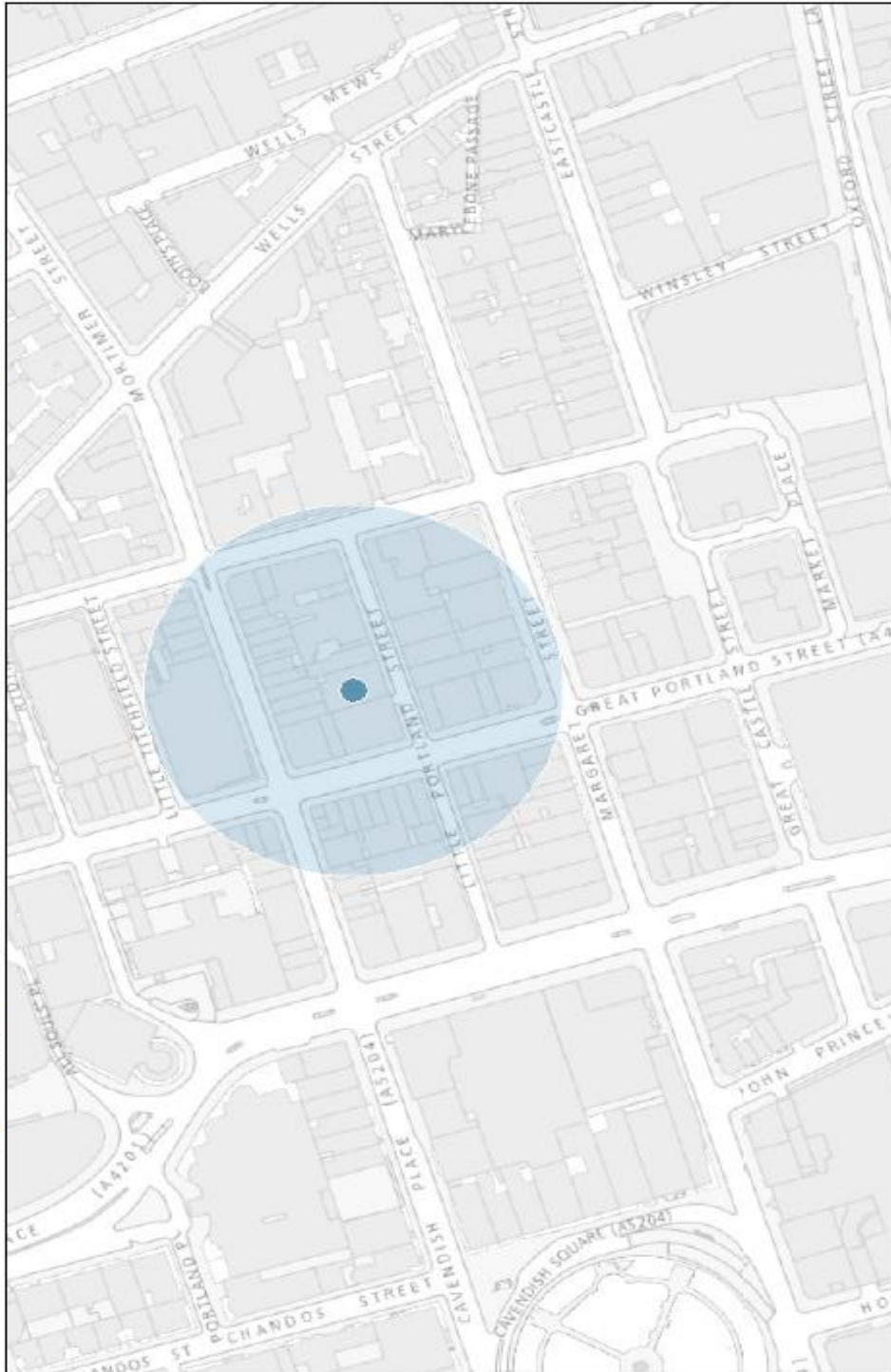
State whether access to the premises by children is restricted or prohibited:

Restricted

Date: 17 August 2016

This licence has been authorised by Mr Yiannis Chrysanthou on behalf of the Director - Public Protection and Licensing.

Burger & Lobster Basement And Ground Floor 6 Little Portland Street



July 27, 2017

Resident Count: 55

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