



City of Westminster

# Committee Agenda

Title: **Licensing Sub-Committee (1)**

Meeting Date: **Wednesday 17 January 2024**

Time: **10.00 am**

Venue: **Rooms 18.01 - 18.03 - 18th Floor, 64 Victoria Street, London, SW1E 6QP**

Members: **Councillors:**

Aziz Toki (Chair)  
Iman Less  
Jim Glen

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 64 Victoria Street 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 Sarah Craddock, Committee and Councillor Co-ordinator.

**Email:** [scraddock@westminster.gov.uk](mailto:scraddock@westminster.gov.uk)  
**Corporate Website:** [www.westminster.gov.uk](http://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. Regarding Item 2, guidance on Declarations of Interests is included in the Code of Governance. If Members and Officers have any questions, they should contact the Director of Law before 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 the existence and nature of any pecuniary interests or any other significant interest in matters on this agenda.

#### Licensing Applications for Determination

#### 1. THE BARBARY, BASEMENT AND GROUND FLOOR, 112 WESTBOURNE GROVE, W2 5RU

(Pages 1 -  
84)

Ward CIA* SCZ**	Site Name & Address	Application Type	Licensing Reference No.
Bayswater  * None  ** Queensway and Bayswater	The Barbary Basement and Ground Floor 112 Westbourne Grove W2 5RU	New Premises Licence	23/05789/LIPN
*Cumulative Impact Area ** Special Consideration Zone			

**2. THE CHERRY TREE YARD CAFE, BASEMENT AND GROUND FLOOR, 50 SHEPHERD MARKET, W1J 7QT**

**(Pages 85 - 110)**

Ward CIA* SCZ**	Site Name & Address	Application Type	Licensing Reference No.
West End  * None  ** None	The Cherry Tree Yard Café Basement and Ground Floor 50 Shepherd Market W1J 7QT	New Premises Licence	23/06673/LIPN
*Cumulative Impact Area ** Special Consideration Zone			

**3. AURA, 48-49 ST JAMES'S STREET, SW1A 1JT**

**(Pages 111 - 160)**

Ward CIA* SCZ**	Site Name & Address	Application Type	Licensing Reference No.
St James's  * None  ** None	Aura 48-49 St James's Street SW1A 1JT	Premises Licence Variation	23/05693/LIPV
*Cumulative Impact Area ** Special Consideration Zone			

**Stuart Love  
Chief Executive  
9 January 2024**

In considering applications for Premises Licences under the Licensing Act 2003, the Sub Committee is advised of the following:

### **Policy Considerations**

The Licensing Sub-Committee is required to have regard to the City of Westminster statement of Licensing Policy, effective from January 2021.

### **Guidance Considerations**

The Licensing Sub-Committee is required to have regard to any guidance issued by the Secretary of State under Section 182 the Licensing Act 2003. The most recent version was published in April 2018.

### **Core hours When Customers Are Permitted to Be on The Premises**

Core hours, as set out in the Council's Statement of Licensing Policy 2021, are when customers are permitted to be on the Premises. The maximum opening hours permitted will not exceed the start time and terminal hour for each of the days where licensable activity is permitted.

**Note:** The core hours are for all licensable activities but if an application includes Late Night Refreshment, then the starting time for that licensable activity will be 11.00 pm.

#### **1. Casinos**

Up to 24 hours a day whilst Casino Gaming is permitted by a Premises Licence under the Gambling Act 2005.

#### **2. Cinemas, Cultural Venues and Live Sporting Premises**

Monday to Sunday: 09:00 hours to 24:00 hours

#### **3. Hotels**

Monday to Thursday: 09:00 hours to 23:30 hours

Friday and Saturday: 09:00 hours to 24:00 hours

Sunday: 09:00 hours to 22:30 hours

Sundays Immediately Prior To A Bank Holiday: 09:00 hours to 24:00 hours

Sale of alcohol to guests for consumption in hotel/guest rooms only: Anytime up to 24 hours

#### **4. Off licences**

Monday to Saturday: 08:00 hours to 23:00 hours

Sunday: 09:00 hours to 22:30 hours

#### **5. Outdoor Spaces**

Monday to Thursday: 09:00 hours to 23:30 hours

Friday and Saturday: 09:00 hours to 24:00 hours

Sunday: 09:00 hours to 22:30 hours

Sundays Immediately Prior To A Bank Holiday: 09:00 hours to 24:00 hours

#### **6. Pubs and bars, Fast Food and Music and Dance venues**

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

Friday and Saturday: 10:00 hours to 24:00 hours

Sunday: 12:00 hours to 22:30 hours

Sundays Immediately Prior To A Bank Holiday: 12:00 hours to 24:00 hours

## **7. Qualifying Clubs**

Monday to Thursday: 09:00 hours to 24:00 hours

Friday and Saturday: 09:00 hours to 24:00 hours

Sunday: 09:00 hours to 22:30 hours

Sundays Immediately Prior To A Bank Holiday: 09:00 hours to 24:00 hours

## **8. Restaurants**

Monday to Thursday: 09:00 hours to 23:30 hours

Friday and Saturday: 09:00 hours to 24:00 hours

Sunday: 09:00 hours to 22:30 hours

Sundays Immediately Prior To A Bank Holiday: 09:00 hours to 24:00 hours

## **9. Sexual Entertainment Venues and Sex Cinemas**

Monday to Thursday: 09:00 hours to 23:30 hours

Friday and Saturday: 09:00 hours to 24:00 hours

Sunday: 09:00 hours to 22:30 hours

Sundays Immediately Prior To A Bank Holiday: 09:00 hours to 24:00 hours

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City of Westminster

Item No:	
Date:	17 January 2024
Licensing Ref No:	23/05789/LIPN - New Premises Licence
Title of Report:	The Barbary Basement Floor And Ground Floor 112 Westbourne Grove London W2 5RU
Report of:	Director of Public Protection and Licensing
Wards involved:	Bayswater
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Karyn Abbott Senior Licensing Officer
Contact details	Telephone: 0207 641 6500 Email: kabbott@westminster.gov.uk

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	4 September 2023		
<b>Applicant:</b>	Zlly Limited		
<b>Premises:</b>	The Barbary		
<b>Premises address:</b>	Basement Floor And Ground Floor 112 Westbourne Grove London W2 5RU	<b>Ward:</b>	Bayswater
		<b>Cumulative Impact Area:</b>	None
		<b>Special Consideration Zone:</b>	Queensway and Bayswater
<b>Premises description:</b>	According to the application form the premises intends to operate as a restaurant.		
<b>Premises licence history:</b>	<p>The premises previously benefitted from a premises licence (14/07833/LIPN), but the licence lapsed due to the Licence Holder going into liquidation in January 2017.</p> <p>The premises history can be found at <b>Appendix 3</b> of the report.</p>		
<b>Applicant submissions:</b>	<p>The applicant has proposed twenty-two conditions and these can be found at <b>Appendix 4</b> of the report.</p> <p>The applicant has also submitted a summary of proposals, presentation, pest control management plan, support representation, email correspondence with SEBRA and a number of letters that were sent to interested parties which haven't been answered. These can be found at <b>Appendix 2</b> of the report.</p>		
<b>Applicant amendments:</b>	None		

1-B Proposed licensable activities and hours							
<b>Sale by retail of alcohol</b>				<b>On or off sales or both:</b>			On
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	11:00	11:00	11:00	11:00	11:00	11:00	12:00
<b>End:</b>	23:00	23:00	23:00	23:00	23:00	23:00	22:30
<b>Seasonal variations/ Non-standard timings:</b>		<p>From the end of permitted hours on New Years' Eve to the start of permitted hours on New Years' Day.</p> <p>23:00 on Sundays immediately before bank holiday Mondays</p>					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
<b>Start:</b>	11:00	11:00	11:00	11:00	11:00	11:00	12:00
<b>End:</b>	23:30	23:30	23:30	23:30	23:30	23:30	23:00
<b>Seasonal variations/ Non-standard timings:</b>	From the end of permitted hours on New Years' Eve to the start of permitted hours on New Years' Day.  23:00 on Sundays immediately before bank holiday Mondays						
<b>Adult Entertainment:</b>	None						

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Environmental Health Service
<b>Representative:</b>	Maxwell Koduah
<b>Received:</b>	15 September 2023
<p>I refer to the application for a new premises Licence number for the above-mentioned premises. I have considered the information that you have provided within and accompanying this application. I have also considered the application in line with the relevant policies within the Councils Statement of Licensing Policy dated October 2021.</p> <p>The applicant is seeking the following licensable activities:</p> <ol style="list-style-type: none"> <li>Supply of alcohol for consumption on &amp; off the premises at the following times  Monday – Saturday: 11:00 to 23:00 hours  Sunday 12:00 – 22:00 hours  Sundays immediately before bank holiday Monday: 12:00 – 23:00 hours  From end of permitted hours on NYE to start of permitted hours on NYD</li> </ol> <p><b>Following consideration of the application and how it may affect the Licensing Objectives and meeting the requirements of the Council's Statement of Licensing Policy I wish to make the following representations:</b></p> <ol style="list-style-type: none"> <li>The supply of alcohol and the hours requested may have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the area.</li> </ol> <p>As presented, the application would have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the area.</p> <p>The granting of the application as presented would have the likely effect of causing an increase in Public Nuisance and may impact on Public Safety within the area.</p> <p>Please contact me if you have any questions regarding the above.</p>	

2-B Other Persons			
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED]	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	13 September 2023		
<p>I would like to object for the following reasons.</p> <p>[REDACTED] of the proposed restaurant and the same landlord owns both premises.</p> <p>We already have one restaurant [REDACTED] (Sunday in Brooklyn), which creates a number of problems for the owners and residents, such as food and oil spillage on common floors. The communal bin area on the restaurants side of the building is always filthy and there are vermin issues which also affect the sewage pump in the underground car park. I fear if another restaurant is added to our block the problem will become even worse.</p> <p>The bin area on Botts Mews (the side of the building the new restaurant will be in) will become disproportionately used by this restaurant. The amount of waste will increase vermin levels (we saw this when there were two restaurants previously in the building). The bin door on Botts Mews will frequently be left open and unmonitored, sometimes over night, which could cause a fire security and general safety concern.</p> <p>The queues to the entrance of the proposed restaurant could be an issue for residents and for pedestrians, as it is situated on the corner of Chepstow Rd, right by traffic lights on a narrow pedestrian path. The selling of more alcohol in our building complex (on top of the existing restaurant) could cause more noise and rowdy behaviour in and just outside the building entrance on Chepstow Road.</p> <p>[REDACTED] with one restaurant on the premises, another will intensify the problems.</p>			
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED]	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	12 September 2023		
<p>This premises [REDACTED] and already we hear a great amount of noise from them. Currently on the block there is another restaurant that produces a huge amount of waste, litter, smell and vermin issues with another restaurant on the block I am sure this will increase. I strongly object to a restaurant being put in</p>			
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED]	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	13 September 2023		
<p>[REDACTED] this project of a bar/restaurant opening on the corner of Wesbourne Grove and Chepstow Road, I strongly oppose it. The reasons behind this is apart from having abundance of bars and restaurants in Westbourne Grove, do we need another one? We already have a restaurant on the other Corner of the block - Westbourne Grove and Hereford Road which has caused residents so much strife. Invariably restaurant owners do not have the cleanliness standards that they ought to by all the refuse bins, they always leave the doors to our basement open which lessens the block's security. There is an issue of vermin, (rats and mice) that with the added amounts of rubbish coming from another restaurant it will exasperate and make our situation worse than it already is. Not mentioning the noise and crowds around the block.</p>			

I strongly ask for you to come and see the points I am talking about. Please consider the residents [REDACTED] who suffer tremendously from Brooklyn Restaurant, to add another restaurant would be extremely punishing.

<b>Name:</b>	[REDACTED]		
<b>Address and/or Residents Association</b>	[REDACTED] [REDACTED] [REDACTED]		
<b>Status:</b>	Valid	<b>In support of opposed:</b>	Opposed
<b>Received:</b>	19 September 2023		

My family and I [REDACTED], and we are not in favor of this proposal. We already have one restaurant in the building, which has brought many problems. The communal bin area has become painfully dirty, and often creates not only spillages on the floor of this area but also a lack of space in the bins for resident usage. We cannot imagine adding to the already high levels of waste and all the vermin and unwanted smells that will be added to our home environment. We have often found that staff leave the fire exit door open, which could allow people off the street to enter the building, making it unsafe [REDACTED] [REDACTED], I dread to think about how many people could have access to the building should a night club open.

Having a venue open that sells alcohol in this proposed environment would also add to noise levels and unwanted behaviour to all the residents that live adjoined to the building. There are already so many restaurants and bars in the local area that we do not need one more and I do not feel that it will benefit the community that lives around this area.

My family and I [REDACTED], we love our home and neighbours, and truly believe that this proposal should not be approved as it will not benefit those of us that [REDACTED] around the venue in any way, if anything it will put us all and a disadvantage.

<b>Name:</b>	[REDACTED]		
<b>Address and/or Residents Association</b>	SEBRA		
<b>Status:</b>	Valid	<b>In support of opposed:</b>	Opposed
<b>Received:</b>	20 September 2023		

I am writing on behalf of the South East Bayswater Residents' Association (SEBRA) to make a relevant representation objecting to this application on the basis of the likely impact on the licensing objective of 'prevention of public nuisance', on the basis of the information in the application.

Introduction

SEBRA was formed in 1970 and works to protect the special character of the W2 area.

A non-profit, non party-political, voluntary organisation, we represent more than 1,000 people. SEBRA is consulted by Westminster Council on both major developments and all Council activities which affect the daily lives of residents.

Background

The premises is located within the Council Licensing Policy Queensway/ Bayswater Special Consideration Zone, where there is increased requirements on the applicant to address, in a mixed busy shopping street, on the corner of Chepstow Road, with many residents above and opposite on both sides.

SEBRA's comments

Our representation is based on potential nuisance within the area and that the premises is in a surrounding residential area.

We note the hours applied for and the substantial number of conditions offered.

We are pleased to see that the applicant has only ticked the 'in the premises' box only, under Section M of the form for sale of alcohol and no Late Night Refreshment have been applied for.

There are a few additional conditions however that we wish to have to protect residential amenity:

1. Similar to noise condition proposed No 5, we wish to have one covering 'odours', especially as there are flats immediately above proposed restaurant.

We would like further information on how ventilation for the premises is proposed, particularly from the kitchen area.

2. Standard condition asking for all doors and windows to be kept in closed position after 21.00.

3. On proposed Condition 17, we would like WCC standard condition that prohibits drinks being taken outside.

As usual, we are content for our contact details to be given to the applicant/their solicitors and welcome contact with them to explain our reasons for the additional conditions and, hopefully, come to an agreement without the need for a Licencing hearing.

We reserve the right to request further conditions having seen all the representations and considered any amendments to the application.

We noticed that as at today, the Blue Notice advising public of the application is still affixed to the street furniture in Westbourne Grove outside the premises, not on the doors or windows of the premises.

<b>Name:</b>	[REDACTED]		
<b>Address and/or Residents Association</b>	[REDACTED]		
<b>Status:</b>	Valid	<b>In support of opposed:</b>	Opposed
<b>Received:</b>	12 September 2023		

I am a [REDACTED] and sadly the infrastructure of the building is not such to allow another restaurant. The existing one (Sunday in Brooklyn) is already creating a significant amount of issues, from hygiene (waste disposal is a huge issue and we fear a rat infestation is matter of time) to safety (all common areas are communicating and we constantly have to deal with strangers / non residents wondering around and leaving entry doors open and access to ill intended people). I absolutely object the opening of a new restaurant and I believe all residents will have the same

<b>Name:</b>	[REDACTED]		
<b>Address and/or Residents Association</b>	[REDACTED]		
<b>Status:</b>	Valid	<b>In support of opposed:</b>	Support
<b>Received:</b>	2 October 2023		

Dear Westminster council,  
I've hear that Barbary is coming to our area!! I'm writing to support their application to open up in space currently occupied by Maddox Gallery  
Maddox Gallery is always dead and a lively restaurant to accommodate neighbourhood and

visiting friends would be amazing. The hospitality of Barbary is also a huge bonus for the community.

My contact below. I fully support this endeavour.

<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association</b>		[REDACTED]	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Support
<b>Received:</b>	2 October 2023		
<p>Dear Westminster council,</p> <p>My neighbour mentioned recently that Barbary is planning to open in our area. I'm writing to support their application to open up in the space currently occupied by Maddox Gallery. Maddox is a bit of a dead zone and doesn't add anything to the neighbourhood. A good new local restaurant is exactly what we need!</p> <p>The original Barbary restaurant in Covent Garden is fantastic, and I would fully endorse it opening on the corner of Westbourne Grove and Chepstow.</p> <p>Should you need anything further, my contact details are below.</p>			

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<b>Policy SCZ1 applies</b>	<p>A. In addition to meeting the other policies within this statement, applications within a designated Special Consideration Zone should demonstrate that they have taken account of the issues particular to the Zone, in question as identified within the 2020 Cumulative Impact Assessment, and should set out any proposed mitigation measures in relation to those issues within their operating schedule.</p> <p>B. For the purpose of Clause A, the designated Special Consideration Zones are:</p> <ul style="list-style-type: none"> <li>• West End Buffer.</li> <li>• Queensway/Bayswater.</li> <li>• Edgware Road.</li> <li>• East Covent Garden.</li> <li>• Mayfair.</li> <li>• Victoria.</li> </ul>
<b>Policy HRS1 applies</b>	<p>A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:</p> <ol style="list-style-type: none"> <li>1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm.</li> <li>2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation.</li> <li>3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed.</li> <li>4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.</li> <li>5. The proposed hours when any music, including incidental music,</li> </ol>

	<p>will be played.</p> <p>6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises.</p> <p>7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.</p> <p>8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.</p> <p>9. The capacity of the premises.</p> <p>10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation.</p> <p>11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.</p> <p>12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.</p> <p>13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.</p> <p>14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.</p> <p>C. For the purpose of Clauses A and B above, the Core Hours for applications for each premises use type as defined within this policy are:</p> <p><b>8. Restaurants</b>  Monday to Thursday: 9am to 11.30pm.  Friday and Saturday: 9am to 12am.  Sunday: 9am to 10.30pm.  Sundays immediately prior to a bank holiday: 9am to 12am.</p> <p>D. Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.</p> <p>E. For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement.</p>
<p><b>Policy RNT1 applies</b></p>	<p>A. Applications outside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</li> <li>2. The hours for licensable activities being within the council's Core Hours Policy HRS1.</li> <li>3. The operation of any delivery services for alcohol and/or latenight</li> </ol>

	<p>refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.</p> <p>4. The applicant has taken account of the Special Consideration Zones Policy SCZ1 if the premises are located within a designated zone.</p> <p>5. The application and operation of the venue meeting the definition of a restaurant as per Clause C.</p> <p>B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to:</p> <p>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</p> <p>2. The hours for licensable activities are within the council's Core Hours Policy HRS1.</p> <p>3. The operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.</p> <p>4. The applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone.</p> <p>5. The application and operation of the venue meeting the definition of a restaurant as per Clause C.</p> <p>C. For the purposes of this policy a restaurant is defined as:</p> <p>1. A premises in which customers are shown to their table or the customer will select a table themselves to which food is either served to them or they have collected themselves.</p> <p>2. Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at a table.</p> <p>3. Which do not provide any takeaway service of food and/or drink for immediate consumption, except if provided via an ancillary delivery service to customers at their residential or workplace address.</p> <p>4. Where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.</p> <p>5. The sale and consumption of alcohol prior to such meals may be in a bar area but must also be ancillary to the taking of such meal.</p>
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#### 4. Equality Implications

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

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

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

## 5. Appendices

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

<b>Report author:</b>	Karyn Abbott Senior Licensing Officer
<b>Contact:</b>	Telephone: 0207 641 6500 Email: kabbott@westminster.gov.uk

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

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

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	01 October 2021
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	December 2022
<b>4</b>	Environmental Health Service	15 September 2023
<b>5</b>	Representation 1	13 September 2023
<b>6</b>	Representation 2	12 September 2023
<b>7</b>	Representation 3	13 September 2023
<b>8</b>	Representation 4	19 September 2023
<b>9</b>	Representation 5	20 September 2023
<b>10</b>	Representation 6	12 September 2023
<b>11</b>	Representation 7	2 October 2023
<b>12</b>	Representation 8	2 October 2023





**Thomas & Thomas**  
Partners LLP

**The Barbary, Notting Hill  
112 Westbourne Grove, W2 5RU**

**APPLICATION FOR A NEW  
PREMISES LICENCE REF:  
23/05789/LIPN**

**SUMMARY OF PROPOSALS**

**THOMAS & THOMAS PARTNERS LLP  
38A MONMOUTH STREET  
LONDON  
WC2H 9EP**

**Reference: JS/ZLN.1.2**

**Solicitors for the Applicant**

## Introduction

1. The applicant proposes to open the second of its award winning and highly acclaimed 'The Barbary' restaurant at 112 Westbourne Grove Notting Hill W2 5RU.
2. The application proposes the supply of alcohol for consumption on the premises only. The proposed hours are less than the Core Hours set out in City Council's Statement of Licensing Policy ("the Policy") in Policy HRS1:

	Alcohol (on sales)	Opening Times
<b>Sunday</b>	12:00 – 22:30	12:00 – 23:00
<b>Monday – Saturday</b>	11:00 – 23:00	11:00 – 23:30

3. The application does not propose external seating, off-sales of alcohol, late-night refreshment or any regulated entertainment.
4. The operating schedule includes 22 comprehensive and robust model licence conditions. In addition, the applicant has readily agreed 2 further conditions and an amendment to condition 17 with the South East Bayswater Residents' Association ("SEBRA").

## The Applicant

5. The applicant is an independent family-owned business founded by siblings Zoë and Layo Paskin. The applicant refers to the Paskin presentation document for more information on the company's background, experience and awards.
6. The applicant's existing licensed premises have achieved a Michelin Star, Two Michelin Bib Gourmands and GQ Magazine's Innovator's of the Year. The original The Barbary restaurant in Covent Garden<sup>1</sup> won Time Out's Best London Restaurant 2 years in a row. In Westminster, the applicant operates the highly acclaimed The Palomar, The Blue Posts, Evelyn's Table and The Mulwray.
7. The applicant has a proven track record in opening exceptional restaurants in London and contributing to Westminster's status as a world class city<sup>2</sup>. Each of the applicant's premises is operated responsibly and to the highest professional standards alongside local residents without any complaint whatsoever. The applicant is committed to implementing its tried and tested operational management procedures at 112 Westbourne

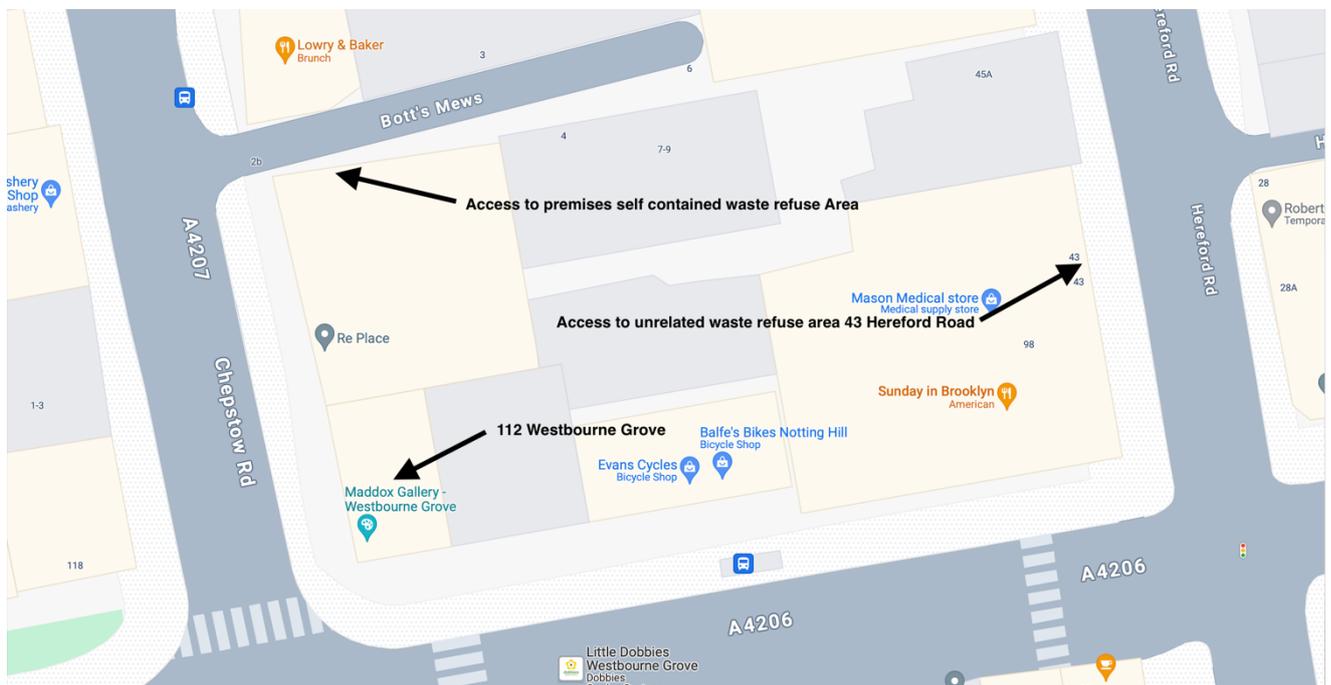
<sup>1</sup> Licensed by the London Borough of Camden

<sup>2</sup> Policy paragraph F125

Grove to ensure a harmonious and respectful relationship with the Notting Hill community.

## Representations

8. The primary concern cited by the objectors relates to hygiene, waste disposal and vermin. The applicant has implemented robust food hygiene and vermin control systems across its existing restaurants, working in partnership with specialist food hygiene consultants. In addition, the premises benefits from a self-contained waste refuse store and servicing area.
9. The applicant's robust pest control procedures are appended to these submissions. The procedures outline comprehensive measures to integrate proactive pest control measures into the construction process of the premises fit out, ensuring a pest-resistant environment through strategic design considerations and meticulous post-construction pest-proofing activities. Thereafter pest control will be systematically integrated into the premises' operating procedures to ensure a clean, safe and hygienic environment for the applicant's restaurant and neighbours.
10. All five individual resident objectors refer to shared waste refuse areas. There are two shared waste refuse areas situated in the large building block:



11. Three of the five objectors appear to focus their concerns on an unrelated waste refuse store situated on the other side of the building block at 43 Hereford Road:



12. The applicant will not be using this waste refuse area. This waste refuse area is used by local residents living at 43 Hereford Road and other local businesses on the other side of the building block, including 'Sunday in

Brooklyn' restaurant. It is a smaller waste refuse area resulting in large refuse containers being left on the street outside the entrance of 43 Hereford Road. This means that the concerns expressed by three of the local resident objectors about this specific waste refuse store are not relevant to the Licensing Sub Committee's decision making.

13. The remaining two resident objectors refer to a larger and currently underutilized waste refuse area accessible via Botts Mews. The applicant will use this waste refuse area:





14. This waste refuse area is currently used by local residents and a garden supplies store. There is ample available space for the applicant's waste refuse containers. The applicant will implement stringent hygiene controls to this area, which will benefit all users and help address historical concerns.
15. Some of the objections also cite the number of existing licensed premises on Westbourne Grove as a concern. The area is not within a cumulative impact zone policy area and there is no evidence of cumulative impact on Westbourne Grove or the immediate surrounds. Finally, there is also reference to concerns about a "*night club*" opening in the premises. The applicant can provide complete assurances that there is no intention whatsoever to open a night club or similar, which would be restricted under the stringent terms of the proposed premises licence.
16. The applicant wrote to all objectors on 19 October 2023 to introduce themselves, explain more about the proposals and address the concerns raised. To date, the applicant has not received a response from any of the individual resident objectors. Notwithstanding, the applicant remains committed to engaging with local residents and maintaining friendly neighbourly relationships with the local community.
17. The applicant is grateful to [REDACTED] of SEBRA for engaging in early October 2023. The SEBRA representation comments positively on the proposed hours and "*substantial number of conditions offered*". The representation also proposes new conditions and an amendment to existing condition 17, which the applicant has agreed.

18. There is no objection from the Police or the Licensing Authority. The applicant has attempted to engage with the Environmental Health Officer but understands current Environmental Health Consultation Team workloads are high.
19. There are 2 representations in support from local residents. A third letter of support from a local resident was lodged just outside the consultation period<sup>3</sup>. The representations and letter of support endorse the application and the supporters welcome The Barbary to their local area. They state that The Barbary would be “a huge bonus for the community” and “[t]heir existing restaurants are really impeccably managed and I have the confidence this will be the same in our local community area”.

## Policy

20. The premises is located within the Queenswater/Bayswater Special Consideration Zone. The applicant engaged with the Licensing Authority during the consultation period in September 2023 to address the Special Consideration Zone Policy.
21. Upon explaining the calibre of the applicant; the limited extent of licensable activities on site; the hours (less than Core Hours); and comprehensive operating schedule of model licence conditions, the Licensing Authority accepted that the applicant had adequately addressed the Special Consideration Zone Policy and that there was no realistic prospect of the applicant contributing to the types of local issues identified in paragraph D49 of the Policy.
22. As stated above, the application proposes hours less than set out in Policy HRS1. The applicant has proposed:
  - a. start times later than deemed acceptable in Policy HRS1; and
  - b. terminal hours earlier than deemed acceptable in Policy HRS1.
23. Core Hours policy HRS1 states:

*“Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses subject to not being contrary to other policies in the statement of licensing policy” [emphasis added].*

24. The premises will operate as a restaurant in accordance with model condition 66 and Policy RNT1. A small ancillary bar area accommodating no more than 10 restaurant customers at any one time. Policy RNT1 states that:

*“Applications outside the West End cumulative impact zone will generally be granted” [emphasis added]*

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<sup>3</sup> The supporter referred to a family emergency resulting in the late representation

25. No objections or concerns have been made in respect of the small proposed bar area, which can only be used by restaurant customers before, during or after their meal. The premises is located outside the Cumulative Impact Zone and the primary restaurant use is controlled by model condition 66.
26. The comprehensive schedule of robust model licence conditions address the requirements of Policies CD1, PS1, PN1 and CH1.

### Summary

27. The applicant submits:
  - a. The Policy states that applications for premises licences on these terms in this area will generally be granted.
  - b. The objector's concerns are acknowledged and provided for in these proposals.
  - c. The local resident supporters commend the proposals and welcome the applicant to their community.
  - d. The comprehensive operating schedule of model conditions, as amended in agreement with SEBRA, promote all four Licensing Objectives.
  - e. The applicant has a proven track record of operating exceptional quality restaurants in close proximity to local residents without complaint.

The applicant invites the Licensing Sub-Committee to please grant the application accordingly.

**Thomas & Thomas Partners LLP**

**January 2024**

PARKIN

## Our Vision

Studio Paskin - founded by siblings, Zoe and Layo Paskin, has built a portfolio of venues and concepts that have spanned modern culture; achieving a Michelin star, two Michelin Bib Gourmands, and GQ's Innovators of the Year, to name a few. Since the opening of their first restaurant in 2014, The Palomar, the siblings have gone on to create one of the most eclectic and celebrated hospitality groups in London.

Rooted in principles that are reflective of the siblings' passions, culture and life experiences, Studio Paskin established a portfolio that is representative of genuine hospitality, and rich culinary traditions; both of which are celebrated, by the independently operated family business..

With their extensive operations experience, Studio Paskin successfully holds & operates various drinks licences in their award-winning venues throughout London including:

*9.5 years at The Palomar (2014 - Present)*

*7 years at The Barbary (2016 - Present)*

*6 years at The Blue Posts (2018 - Present)*

# The Journey - 2014 - 2023

THE BLUE POSTS.

EST. 1739

*The*  
**MULWRAY**

*Evelyn's*  
**TABLE**

THE **BARBARY**

2016

2018

2014

THE  
*Palomar*

2017

(16 ½)  
**J A C O B**  
the  
**ANGEL**  
\* \* \*

2021

THE BARBARY NEXT DOOR  
EVEN  
ADVENTURERS  
MUST EAT.

## Our Venues - The Palomar



The Palomar is a Soho restaurant in the heart of Theatreland, serving the food of modern day Jerusalem - restaurant dishes influenced by the rich cultures of Southern Spain and Italy, North Africa and the Levant.

The passion in the cooking has been nurtured in this cultural mix with a contemporary approach in execution. The restaurant has a unique and famous electricity, a place of theatre and fun.

The Palomar became an instant classic on its launch in May 2014 and will be celebrating a monumental 10-year anniversary next year.



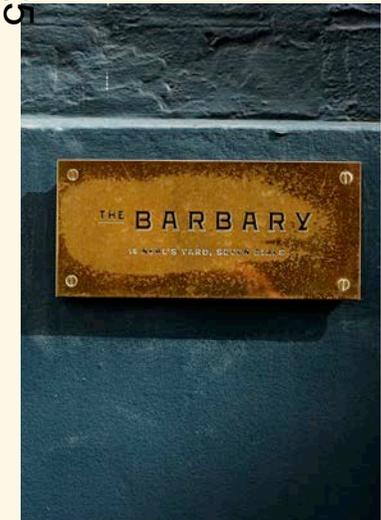
## Our Venues - The Barbary



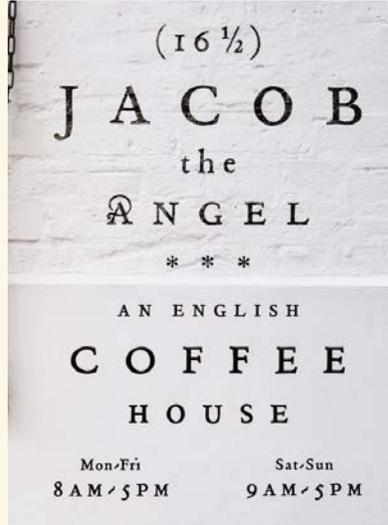
The Barbary is an intimate counter dining experience, built around the concept of cooking with fire, in London's iconic Neal's Yard. Inspired by the romance of the fabled Barbary Coast of 16th Century Europe, a meal at The Barbary evokes the story of trade, heritage and a sharing of flavours and recipes that took place along the coast from the Mediterranean to the Middle East – encapsulating the flavours of Moorish Spain, Iran, Iraq, Lebanon, Syria, Israel, Morocco, Algeria and Tunisia.

The culinary heritage is about seasonality and availability; food cooked in the purest way, with fire, whether it was grilling on coals or baking in ancient clay ovens in the middle of the village.

This is the basis of The Barbary: some history, a little bit of romance and a kitchen bar.



## Our Venues - Jacob the Angel



Jacob the Angel - an English coffee house and bakery, located in the heart of Neal's Yard.

Named after Jacob, the man who opened the first coffee house in England at The Angel Inn, Oxford, England, in 1651.

Taking inspiration from the rich history of the evolution of coffee houses from Constantinople to Venice to England as well as independent coffee shops around the world.

A specialist coffee house, and in equal parts eatery, bakery and take out too.



## Our Venues - The Blue Posts



Hidden away between Soho and Chinatown, The Blue Posts has stood since 1739.

The iconic Grade II Listed public freehouse was re-imagined with a dedicated concept on each floor. The ground floor was brought back to life with the installation of antique Georgian windows, wooden flooring, a beautiful pewter bar and an outdoor terrace, where you can sit and watch the hustle and bustle go by.

The floor of the beer cellar was lowered and transformed into Michelin-starred Evelyn's Table and the restored old store room on the first floor became a beautiful wine and spirits lounge bar, The Mulwray.

## Our Venues - The Mulwray



Tucked away above The Blue Posts on the edge of Soho, The Mulwray is a wine bar specialising in fine and natural wines from the old world and the new.

The cabinet is focused on interesting niche varieties from new and exciting regions and lesser known growers. The list is split into different styles that change to reflect the seasons, including cool-climate whites, silky reds and a few wild card options, for the more adventurous as well as a weekly changing wine list by the glass and have a selection of bottles which can be sampled via the Coravin system.



## Our Venues - Evelyn's Table



Located in the converted beer cellar of The Blue Posts, Evelyn's Table was opened by restaurateurs Zoe and Layo Paskin in February 2018.

An intimate 12-seater counter dining experience, led by Head Chef James Goodyear. Evelyn's Table serves an evolving menu built on James's formative experiences, a love of British produce, and Scandinavian and Japanese techniques all underpinned by his classic French training.

James' cuisine has been naturally influenced by his passion and kitchen experience, from working at Le Manoir aux Quat'Saisons, Mugaritz, Maaemo and Hide Above.

Evelyn's Table has proudly held a Michelin star since 2022.



## Our Venues - The Barbary Next Door



The space formerly occupied by Jacob The Angel was re-concepted as The Barbary Next Door in 2021. Taking inspiration from airy Moroccan courtyards to backstreet Andalusian bars, The Barbary Next Door, the ‘Little Sister’ to The Barbary serves fresh pastries and borekas in the morning and transitions to a relaxed neighbourhood restaurant and wine bar in the evening, with a focus on slow-cooked and raw dishes.

The zinc counter is backed by a distressed antique mirror and lime-washed walls. Large windows at the front pull ajar in the warmer months, which look out onto our terrace where stools are placed for alfresco drinks and snacks.

Serving a menu that takes its cues from the fragrant spices and smoky flavours of Moorish Spain and North African cooking. The Barbary’s Head Chef Aika Levins is at the helm of the kitchen, while a considered wine list focusing on Spanish, French and Moroccan bottles.

# Studio PASKIN



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In 2021, Zoë & Layo launched their own creative hospitality studio, PASKIN - leveraging their experience and expertise to support other hospitality operators in creating new ventures across the hospitality sector.

Ennismore approached the studio to design the restaurant, rooftop bar and private members lounge for the iconic Gleneagles Townhouse in Edinburgh, Scotland.

Taking the 100-year old heritage brand and designing a modern-day brasserie with room service, in addition to the other food and beverage outlets afforded Studio Paskin the opportunity to delve into new elements of hospitality. This led to a successful opening in May 2022, with the former Sous Chef of The Palomar at the helm of the 130-seat restaurant, The Spence.

Gleneagles Townhouse was awarded GQ 2023 Hotel of the Year.

Following the success of Gleneagles, the clients, [Ennismore], have commissioned Studio Paskin on new ventures including:

SLS Barcelona [2024] - the development of the brand and interior design for a 340-cover restaurant

25H Hotel Sydney [2024] - facilitate the food and beverage offering, which will include The Palomar, Jacob the Angel and The Mulwray

Studio Paskin is in discussion with Starwood's, 1Hotel, to open The Palomar in Copenhagen in 2025.

## 2024 - The Barbary Notting Hill



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## 2024 - The Barbary Notting Hill



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## 2024 - The Barbary Notting Hill



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## 2024 - The Barbary Notting Hill



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# 2024 - The Barbary Notting Hill - Menu

Tzafatit Cheese with Wood-Fired Pita  
Oysters  
Chinchulines, Lemon Salt  
Merguez, Tahini, Shifkeh  
Panise, Zhug, Amba  
Grilled Vine Leaf Cake  
Prawn Kataifi  
Chicken Liver

page 36  
Wood-Fired Flatbreads With  
Burnt Onion, Olive Oil  
Whipped Feta, Mushroom, Za'atar  
Spiced Lamb, Chilli, Sumac Yoghurt

White Fish Sashimi, Brown Butter, Chives  
Red Mullet Crudo  
Grilled Scallop  
Wood-Fired Mussels  
Harissa Prawns  
Seafood Zarzuela

Baked White Fish Steak, Saffron Pumpkin, Black Couscous  
Pici, Calamari, Burnt Tomato, Aubergine, Feta  
Lobster, Almond Herb Butter, Citrus Caramel  
Whole Turbot (For Two)  
Beef Shortrib Kalbi  
Wagyu Sirloin Skewers, Chilli Chatta  
Coffee Rub Chicken  
Slow-Cooked Persian Oxtail  
7-Spice Rack of Lamb (For Two)

Essaourian Tomato Salad  
Wood-Grilled Artichokes  
Twice Cooked Crisp Potatoes  
Slow Cooked Peas with Anchovies, Chilli and Garlic  
Bitter Leaves  
Baked Tahdig

Blood Orange Sorbet  
Cheese Plate  
Basbousa (For Two)

# We create places people want to go to

## ***Gleneagles Townhouse***

- GQ: Best Hotel: 2023

## ***Evelyn's Table***

- \*1 Michelin Star: 2022, 2023
- Number 2 Harden's Top 100 UK Best Restaurants 2023
- Best Young Chef(s) Michelin 2022
- Craft Guild of Chef Awards: Restaurant of the Year: 2022
- Best Breakthrough Restaurant GQ Food and Drink Awards: Runner up: 2019
- Restaurant Bar of the Year London Restaurant Festival: 2018

## ***The Blue Posts & The Mulwray***

- Best Bar OFM Awards: Runner up: 2018

## ***The Barbary***

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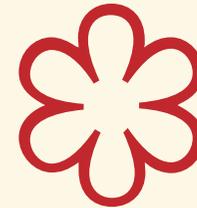
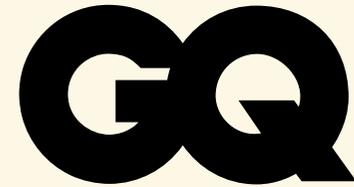
- Best Restaurant OFM Awards: Runner up: 2018, 2019
- Best Restaurant GQ Food and Drink Awards: Runner-up: 2018
- Best Breakthrough Restaurant GQ Food and Drink Awards: Runner up: 2017
- Time Out London Best Restaurant: 2017, 2018
- Michelin Bib Gourmand: Since 2016

## ***The Palomar***

- Best Restaurant OFM Awards: Runner up: 2016
- GQ: Restaurant of The Year: 2015
- Tatler: Restaurant of The Year: 2015
- OFM: Restaurant of The Year: 2015
- Michelin Bib Gourmand: Since 2015

## ***Profile***

- GQ: Best Restaurateurs: Runner-up: Layo & Zoe Paskin: 2019
- GQ: Innovators of The Year: Layo & Zoe Paskin: 2017



TATLER



Thank you

# PARKIN

## Pest Prevention Strategy for The Barbary, Notting Hill

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### **Purpose:**

For The Barbary, Notting Hill 112 Westbourne Grove:

The purpose of this Pest Prevention Strategy is to systematically integrate proactive pest control measures into the construction process and ongoing operations at The Barbary, Notting Hill. This ensures a pest-resistant environment through comprehensive inspections, strategic design considerations, and meticulous post-construction pest-proofing activities.

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**Scope:** The scope of this strategy focuses on the lifecycle of pest control management for The Barbary, Notting Hill site. It spans the initial assessment and construction phases, extending to ongoing preventive measures and inspections, providing a tailored framework for maintaining a pest-resistant environment at the specific location.

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### **Procedure for The Barbary, Notting Hill Site:**

#### **1. Pre-Construction Assessment:**

- 1.1. Request and review pest control reports from the landlord or previous tenant to understand the history of pest issues at The Barbary, Notting Hill.
- 1.2. Conduct an initial site inspection on first access to identify any existing pest activity unique to The Barbary, Notting Hill location.

#### **2. Design Phase:**

- 2.1. Ensure all kickplates, cupboard bases, and built-in seating are designed to be removable and have a reversible installation procedure, considering the specific needs of The Barbary, Notting Hill.
- 2.2. Plan for adequate space for the removal and movement of equipment, including refrigeration and cooking appliances, in alignment with The Barbary, Notting Hill site layout.

#### **3. Post Demolition Works:**

- 3.1. After demolition of existing fit out, attend The Barbary, Notting Hill site for initial pest-proofing activities, focusing on the specific structures and layout.
- 3.2. Fill all holes with wire wool and fit with metal wall plates on the surrounding walls, adhering to the unique characteristics of The Barbary, Notting Hill.
- 3.3. Fill all conduit trunking with wire wool, ensuring comprehensive coverage for pest-proofing.
- 3.4. Install L-shaped cladding in all corner locations, from floor to wall and wall to wall up to 1m, tailored to The Barbary, Notting Hill site requirements.

#### **4. Post Construction Phases:**

- 4.1. Conduct follow-up site visits after the first and second fix, customizing pest-proofing activities based on The Barbary, Notting Hill site's structures and features.
- 4.2. Review all newly constructed structures and conduct pest-proofing with the site's specific characteristics in mind.
- 4.3. Ensure all doors are fitted with "Xcluder Door Sweep," customized to The Barbary, Notting Hill site's door dimensions.

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## 5. Ongoing Monitoring and Documentation:

- 5.1. Implement a monitoring system tailored to The Barbary, Notting Hill, regularly inspecting and documenting pest control measures.
- 5.2. Maintain detailed records of all pest-proofing activities and inspections, reflecting the specific needs of The Barbary, Notting Hill location.

## Procedure for Existing Sites and Ongoing Prevention Activities:

### 1. Daily Inspections:

- 1.1. Follow daily opening checklists on Shield Safety Riskproof to identify signs of pest activity.
- 1.2. Inspect both internal and external areas of the facility.

### 2. Sanitation Practices:

- 2.1. Enforce strict sanitation practices, including proper waste disposal and cleaning schedules.
- 2.2. Address any spills or food residues promptly.
- 2.3. Report back to any suppliers if pests have been seen on any deliveries.
- 2.4. If pest activity has been identified then clean and sanitise the area immediately.

### 3. Exclusion Measures:

- 3.1. Continuously implement measures to exclude pests, such as sealing gaps and repairing any structural issues.
- 3.2. Use weather-stripping and door sweeps to prevent pest entry.
- 3.3. Be mindful of any changes to plant or equipment that may result in new vulnerabilities and points of entry.

### 4. Pest Control Partnerships:

- 4.1. Maintain communication and a strong relationship with Albany Pest Control.
- 4.2. Ensure team do not interfere with placement of monitoring devices.
- 4.3. Ensure access for regular monthly visits for preventive treatments and that all pest monitoring devices are accessible.
- 4.4. Review monthly reports and action any points raised with support from Albany Pest Control as required.
- 4.5. Maintain detailed records of pest control activities, inspections and actions taken.

### 5. Staff Training and Awareness:

- 5.1. Ensure that as part of new starter induction, food safety practices and HACCP training is completed.
- 5.2. Ensure that staff have obtained required food safety qualifications depending on their role and department
- 5.3. Conduct regular training sessions for staff on pest prevention.
- 5.4. Encourage staff to report any signs of pest activity immediately.

### 6. Review:

- 6.1. This SOP should be reviewed annually or after any significant incident to ensure its effectiveness and relevance.

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## Responsibilities:

**Restaurant Staff:** Follow checklists, identify and report issues.

# PARKIN

**Duty/General Manager:** Assess severity, initiate required sanitation procedure, and ensure its completion.

**Maintenance Team:** Coordinate and complete preventative activities, liaise with Albany Pest Control, and provide updates to the team.

**Albany Pest Control:** Execute routine inspection and recommend actions to be taken as required. Assist in proofing where needed.

**Relevant Documents:**

- Local pest control regulations and guidelines for The Barbary, Notting Hill.  
<https://www.westminster.gov.uk/media/document/pest-prevention-advice>

# PASKIN

## **Initial Site Review - Friday 5th January 2024:**

### **The Barbary, Notting Hill Site Conditions:**

The current state of The Barbary, Notting Hill site as of Friday, 5th January 2024, indicates that the premises are in good condition and actively in use, as opposed to being vacant. It's noteworthy that there is an adjacent commercial unit, sharing access to the same refuse area.

### **Refuse Area Details:**

The refuse area is shared among the site and neighbouring commercial properties, along with residents from Botts Mews. This enclosed area is bounded on three sides by the building's structure, with one side facing the exterior featuring a double door. Access to the internal properties is facilitated by three internal doors. The area also includes upper-level ducting for various services and lacks open-air access.

### **Pest Activity and Management:**

As per discussions with building management, there are currently minimal signs of pest activity across the estate. The reported pest activity is anecdotal and historical involving occasional mice, which is considered commonplace in the London environment. An alternative bin area is available elsewhere on the estate for other tenants, both commercial and residential.

Given the absence of open-air access to the site, the primary risk factor for pests, particularly rodents and invertebrates, appears to be at ground level. These pests are within the routine management scope outlined in the existing 'Paskin SOP for Pest Control'.

### **Internal Building Structures:**

The internal structures of the building are reported to be in good order, with evidence of skirting in many areas and well-maintained, high-quality flooring.

### **Pest Management Opportunities:**

Pest management in this environment is expected to be highly favourable due to the limited access to the refuse area and the current high standard at which the space is maintained. The space designated for refuse management is both ample and presently underutilized, providing an advantageous situation for effective pest control measures.

----- Forwarded message -----

From: [REDACTED]  
Date: Wed, 4 Oct 2023 at 18:24  
Subject: 23/05789/LIPN Premises Licence Application 112 Westbourne Grove London W2 5RU  
– Support Letter  
To: <[licensing@westminster.gov.uk](mailto:licensing@westminster.gov.uk)>

To the attention of Westminster Council.

Dear Sir / Madam:

My name is [REDACTED] and [REDACTED]  
[REDACTED] Westbourne Grove and in  
particular above the restaurant Sundays in Brooklyn.

I enjoy living in a more lively and commercial street as I don't suffer noise disturbance from these restaurants and it makes me feel safer when walking back home alone in the evenings. I have been living in the same apartment since 2016 and really appreciate the new offerings coming to the area, making it more lively and bubbly.

Understand the Barbary restaurant owners were looking to open a sister restaurant in my building block. I really believe this would be amazing addition to the area in terms of providing additional food offering and bringing new employment and activity to the area.

I have been to the sister restaurants in Soho and the staff is really friendly and nice and the ambiance has always been great. So would really enjoy the opportunity to have access to the same experience locally in the area. Their existing restaurants are really impeccably managed and I have the confidence this will be the same in our local community area.

Apologies for having missed the deadline to show my support as had a family emergency that prevented me from sharing this letter.

[REDACTED]  
[REDACTED]

**From:** [REDACTED]  
**To:** [REDACTED]  
**Bcc:** [REDACTED]  
**Subject:** 23/05789/LIPN 112 Westbourne Grove, W2 5RU [ZLN.1.2]  
**Date:** 05 October 2023 09:33:59  
**Attachments:** [ZLN.1.2 - schedule of conditions.pdf](#)

---

Dear [REDACTED]

I hope that you are well.

Thank you for your helpful comments in your representation in respect of this application.

### **Extract System**

There is an existing duct which runs through the centre of the building leading to an existing plant room on the roof. Our client intends to install an extract canopy with new fan speed controllers, acoustic padding, an odour control system and balance systems inside the premises. This will all connect to the existing ducting.

I hope that this helps to clarify your query. Please let us know if you need any further information.

### **Conditions**

Please see attached application operating schedule for ease of reference.

In respect of your comments on the conditions, these can all be agreed, as follows:

1. New condition: *"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."*
2. New condition: *"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."*
3. Amend our condition 17 as follows: *"Patrons permitted to temporarily leave and then re-enter the premises, e.g., to smoke or make a phone call, shall not be permitted to take ~~glass containers~~ drinks with them".*

Please let me know if you would like to discuss further.

Thank you and kind regards

Jack

**Jack Spiegler**  
**Partner**

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38a Monmouth Street  
London WC2H 9EP

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E: [jspiegler@tandtp.com](mailto:jspiegler@tandtp.com)

W: <https://www.tandtp.com/home.html>

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**Application for a Premises Licence  
112 Westbourne Grove London W2 5RU**

**Proposed Licensable Activities**

	<b>Alcohol (on sales)</b>	<b>Opening Times</b>
<b>Sunday</b>	12:00 – 22:30	12:00 – 23:00
<b>Monday – Saturday</b>	11:00 – 23:00	11:00 – 23:30
<b>Non-standard timings</b>	<ul style="list-style-type: none"> <li>• From the end of permitted hours on New Years’ Eve to the start of permitted hours on New Years’ Day.</li> <li>• 23:00 on Sundays immediately before bank holiday Mondays</li> </ul>	

NB. No Regulated Entertainment.

**Proposed Conditions**

1. The premises shall only operate as a restaurant
  - (a) in which customers are shown to their table or the customer will select a table themselves,
  - (b) where the supply of alcohol is by waiter or waitress service only,
  - (c) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table,
  - (d) which do not provide any takeaway service of food or drink for immediate consumption off the premises,
  - (e) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

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19 October 2023

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19 October 2023

[REDACTED]

## **Application for a Premises Licence – 112 Westbourne Grove**

We hope that this letter finds you well.

We have been provided with a copy of your representation in respect of our licence application. Thank you for taking the time to comment on our proposals. We would be grateful for your consideration of this letter, which we hope will help to address the concerns that you have raised.

We have existing award-winning restaurants in Westminster and Camden, including The Palomar (Michelin Bib Gourmand), Evelyn's Table (Michelin Star), The Barbary (Michelin Bib Gourmand and Time Out's best London restaurant two years in a row) and The Barbary Next Door.

Our ongoing ambition to provide some of London's best restaurants is matched by our commitment to operating professionally and sympathetically in our communities. We operate alongside local residents at our existing restaurants and intend to implement our tried and tested management procedures at 112 Westbourne Grove to ensure that our new restaurant exists harmoniously alongside you and your neighbours.

Our application proposed hours within (and less than) Westminster's policy hours and a comprehensive schedule of strict licence conditions to demonstrate our commitment to a professional and responsible operation of the new restaurant. In addition, we have engaged with the South East Bayswater Residents' Association and agreed further amendments to conditions, as well as a reduction in operating hours following their request. Please find enclosed full list of amended conditions for ease of reference.

The application does not include a proposal for any regulated entertainment. If we are fortunate enough to be granted a licence, it will be conditioned so that we can only operate as a restaurant within modest hours and play music at ambient background levels only.

We have also carefully considered the concerns set out in your representation and intend to take these into account when developing our operational management procedures. In particular, I confirm that we have an internal waste refuse store meaning we can help tackle some of the concerns raised about waste and vermin. We will maintain the waste refuse store immaculately and ensure that waste refuse is only taken outside immediately before scheduled collection times. We will engage with specialist hygiene and safety consultants to ensure that robust measures are in place to prevent vermin.

Thank you very much indeed for your consideration of this letter. Please do not hesitate to contact us if you have any queries arising or would like to meet to discuss our proposals further.

Yours sincerely

Zoe Paskin and Layo Paskin  
[REDACTED]

## Licence Conditions

1. The premises shall only operate as a restaurant
  - (a) in which customers are shown to their table or the customer will select a table themselves,
  - (b) where the supply of alcohol is by waiter or waitress service only,
  - (c) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table,
  - (d) which do not provide any takeaway service of food or drink for immediate consumption off the premises,
  - (e) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

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

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

2. Notwithstanding condition [1] alcohol can be sold for consumption by up to 10 persons in the designated bar area before, during or after their meal.
3. CCTV:
  - (a) The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team.
  - (b) All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.
  - (c) The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance.
  - (d) All recordings shall be stored for a minimum period of 31 days with date and time stamping.
  - (e) Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.

4. 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.
5. 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.
6. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
7. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
8. 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 save for where the Westminster City Council collection times are different.
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. 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.
11. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 07.00 hours on the following day save for where the Westminster City Council collection times are different.
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13. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the

sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.

14. 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:
  - (f) all crimes reported to the venue
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[Amendment agreed with SEBRA]
  
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21. No licensable activities shall take place at the premises until the licensing authority are satisfied that the premises is constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association Technical Standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition shall be removed from the licence by the

licensing authority. Where there have been minor changes to layout updated plans shall be provided to the Licensing Authority.

22. No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined.

**New conditions agreed with SEBRA**

23. 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.
24. 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.

# THE BARBARY

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

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[REDACTED]

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**Premises History**

**Appendix 3**

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
14/07833/LIPN	<b>Sale by Retail of Alcohol (Off Sales)</b> Monday to Sunday: 10:00 to 22:00 (Ground Floor only)  <b>Sale by Retail of Alcohol (On Sales)</b> <b>Only to persons attending a bona fide or pre – booked cookery or wine course)</b> Monday to Sunday: 10:00 to 22:00 (Ground Floor only)	11 December 2014	Granted in Part by Licensing Sub-Committee

**\*\*\*Licence Holder dissolved in January 2017\*\*\***

There is no 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

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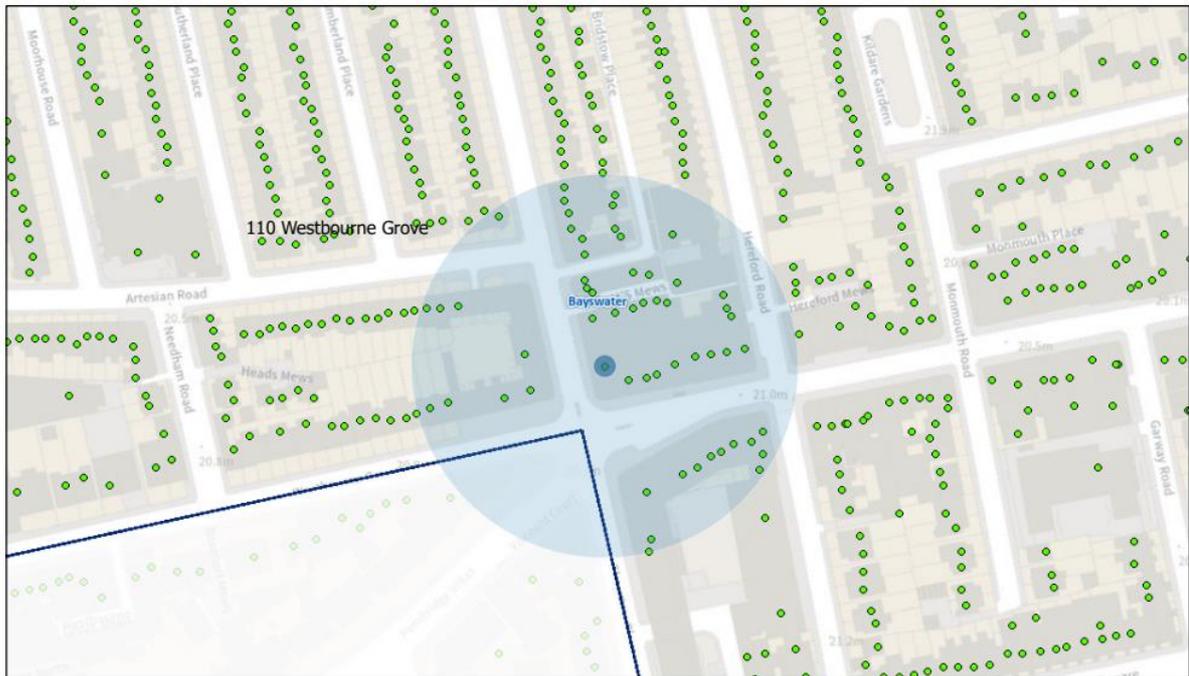
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**Conditions proposed by the Environmental Health**

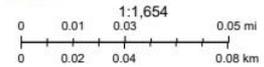
None

112 Westbourne Grove, London



14/12/2023, 16:02:31

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



**Resident Count: 184**

Licensed premises within 75 metres of 112 Westbourne Grove, London				
Licence Number	Trading Name	Address	Premises Type	Time Period
23/01657/LIPN	Not Recorded	110 Westbourne Grove London W2 5RU	Shop	Sunday; 11:00 - 17:00   Monday to Saturday; 09:00 - 18:00
22/05380/LIPDPS	Seasons	6 Chepstow Road London W2 5BH	Restaurant	Sunday; 07:00 - 22:30   Monday to Thursday; 07:00 - 23:30   Friday to Saturday; 07:00 - 00:00
23/02041/LIPDPS	The Princess Royal	47 Hereford Road London W2 5AH	Restaurant	Sunday; 10:00 - 22:30   Monday to Thursday; 08:00 - 23:30   Friday to Saturday; 08:00 - 00:00   Sundays before Bank Holidays; 08:00 - 00:00

21/07596/LIPV	Sunday In Brooklyn	Unit 7 98 Westbourne Grove London W2 5RU	Restaurant	Monday; 09:00 - 23:30   Tuesday; 09:00 - 23:30   Wednesday; 09:00 - 23:30   Thursday; 09:00 - 23:30   Friday; 09:00 - 00:00   Saturday; 09:00 - 00:00   Sunday; 09:00 - 23:00   Sundays before Bank Holidays; 12:00 - 23:30
21/00430/LIPN	Cote (Shadow Licence)	Unit 7 98 Westbourne Grove London W2 5RU	Premises Licence - Shadow Licence	Sunday; 12:00 - 23:00   Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00
14/07096/LIPDPS	Oriental Deli	16 Chepstow Road London W2 5BD	Shop	Sunday; 10:00 - 22:30   Monday to Saturday; 08:00 - 23:00
22/10125/LIPDPS	Ghost Kitchen	Basement And Ground Floor 115 Westbourne Grove London W2 4UP	Restaurant	Monday to Sunday; 10:00 - 23:30
22/04781/LIPN	Frame Restaurant	Basement And Ground Floor 39 Hereford Road London W2 4AB	Restaurant	Sunday; 12:00 - 22:30   Monday to Saturday; 10:00 - 23:00
23/01657/LIPN	Not Recorded	110 Westbourne Grove London W2 5RU	Shop	Sunday; 11:00 - 17:00   Monday to Saturday; 09:00 - 18:00

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City of Westminster

## Licensing Sub-Committee Report

Item No:

Date:

Licensing Ref No:

Title of Report:

Report of:

Wards involved:

Policy context:

Financial summary:

Report Author:

Contact details

17 January 2024

23/06673/LIPN - New Premises Licence

The Cherry Tree Yard Cafe  
Basement And Ground Floor  
50 Shepherd Market  
London

Director of Public Protection and Licensing

West End

City of Westminster Statement of Licensing Policy

None

Roxsana Haq  
Senior Licensing Officer

Telephone: 020 7641 6500  
Email: rhaq@westminster.gov.uk

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	3 October 2023		
<b>Applicant:</b>	1WSBH Ltd		
<b>Premises:</b>	The Cherry Tree Yard Cafe		
<b>Premises address:</b>	Basement And Ground Floor 50 Shepherd Market London W1J 7QT	<b>Ward:</b>	West End
		<b>Cumulative Impact Area:</b>	None.
		<b>Special Consideration Zone:</b>	None.
<b>Premises description:</b>	According to the applicant the premises will operate as a continental style café/restaurant with bar. There will be a back of house area at the basement level, front of house area at ground floor area and external seating.		
<b>Premises licence history:</b>	This is a new application therefore no licence history exists.		
<b>Applicant submissions:</b>	Letters of mediation from the applicant to the objectors can be seen at <b>Appendix 2</b> .		
<b>Applicant amendments:</b>	The applicant agreed with the Metropolitan Police Service that the commencement hours for on sales of alcohol would be 10:00am. This can be seen at section 2B. of the report.		

1-B Proposed licensable activities and hours							
<b>Late Night Refreshment:</b>				<b>Indoors, outdoors or both</b>			Indoors
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	N/A	N/A	N/A	23:00	23:00	23:00	N/A
<b>End:</b>	N/A	N/A	N/A	23:30	23:30	23:30	N/A
<b>Seasonal variations/ Non-standard timings:</b>							

<b>Sale by retail of alcohol</b>				<b>On or off sales or both:</b>			Both
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	10:00	10:00	10:00	10:00	10:00	10:00	10:00
<b>End:</b>	22:30	22:30	22:30	23:30	23:30	23:30	21:30
<b>Seasonal variations/ Non-standard timings:</b>							

Hours premises are open to the public							
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	09:00	09:00	09:00	09:00	09:00	09:00	09:00
<b>End:</b>	23:30	23:30	23:30	23:30	00:00	00:00	22:30
<b>Seasonal variations/ Non-standard timings:</b>				None.			
<b>Adult Entertainment:</b>				None.			

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Metropolitan Police Service ( <b>withdrawn 13 December 2023</b> )
<b>Representative:</b>	PC Reaz Guerra
<b>Received:</b>	17 <sup>th</sup> October 2023
<p>With reference to the above applications, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, are objecting to this application as it is our belief that if granted the application would undermine the Licensing Objectives.</p> <p>There is insufficient detail contained within the operating schedule to promote the licensing objectives. It is for these reasons that we object to this application.</p> <p>Should you wish to discuss the matter further please contact PC Reaz Guerra on 0207 641 1709 or via email: <a href="mailto:rguerra@westminster.gov.uk">rguerra@westminster.gov.uk</a></p> <p>Yours sincerely.</p> <p>Reaz Guerra Police Constable Westminster Police Licensing Team</p> <p><b><i>Following the agreement of conditions and amendment of hours for the sale of alcohol to commence at 10:00am the Metropolitan Police Service withdrew their objection on 13<sup>th</sup> December 2023.</i></b></p>	
<b>Responsible Authority:</b>	Environmental Health Service
<b>Representative:</b>	Anil Drayan
<b>Received:</b>	31 <sup>st</sup> October 2023
<p>Environmental Health make representations as the application may have an adverse impact on the Public Nuisance and Public Safety licensing objectives.</p> <p>Further information is also required on nuisance from cooking shall be prevented and also status of the external seating i.e. is it on private forecourt or public highway.</p> <p>The applicant has offered extensive list of conditions and these are under consideration.</p> <p>However the applicant is requested to contact the undersigned to arrange a site visit after which Environmental Health may propose additional conditions.</p> <p>Anil Drayan EHO – Westminster City Council</p>	

2-B Other Persons			
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	27/10/2023		
<p>Complete and utter objection to the opening hours proposed, and would ask for these to be reviewed and limited to 11pm. Shepherd Market residents are experiencing an enormous amount of noise from existing customers in establishments supposedly closing at 11pm, this will make it much worse and should be no exception to the others who also close at 11pm.</p>			
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	27/10/2023		
<p>I'm afraid I completely object to the opening hours of this establishment and believe they should be limited to 11pm as per every other establishment in this area. There is already significant noise disruption from staff and customers that take in excess of 45mins -1hour or longer to clear customers after last orders, especially those sat outside, and then begin cleaning and clearing the premises. It is impossible to sleep until midnight because of this noise (with current restrictions at 11pm for almost all establishments), and with this planning to be 11:30pm/12:00am - it is going to get a lot worse. I completely object to these hours, it is completely unacceptable.</p>			
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	27/10/2023		
<p>I'm afraid I completely object to the opening hours of this establishment and believe they should be limited to 11pm as per every other establishment in this area. There is already significant noise disruption from staff and customers that take in excess of 45mins-1hour or longer to clear customers after last orders, especially those sat outside, and then begin cleaning and clearing the premises. It is impossible to sleep until midnight because of this noise (with current restrictions at 11pm for almost all establishments), and with this planning to be 11:30pm/12:00am - it is going to get a lot worse. I completely object to these hours, it is completely unacceptable.</p>			

<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association</b>		[REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	27/10/2023		
<p>I was extremely disappointed to find that the opening hours requested here are from 9am-12am on Fri/Sat, and 11:30pm Mon-Thurs. Given that all premises in this area must close at 11pm (Ye Grapes/ Misto/ The Shepherd Market Wine House/ Ferdi/ The Kings Arms/ Clemence Bar) to name the majority. I am in total objection to these hours and it should be limited to 11pm. As a resident there is already a significant noise issue from the current establishments which spills over typically by 1hour after closing. Last orders are typically just before 11pm, customers are cleared within 30/40 mins, and then the cleaning/ table clearing begins. Without fail it is always after midnight that the places are actually closed and make no noise, so I am in total objection to this being a late night drinking establishment until 11:30/midnight as it will be horrendous for residents. Exactly how is this going to be any different, given that every single establishment has the same issue? This areas has has a number of professionals living in the area, like myself, who have regular office hours to wake up for as well as several young families, and this is not acceptable. Our windows are only single glazed due to being in listed buildings and the noise penetration from this late at night will be horrendous (regardless of the windows!). I welcome a new establishment, but if this is permitted to be open until late please be assured we will be there every night asking people to be quiet and telephoning your council offices for assistance.</p>			

### 3. Policy & Guidance

The following policies within the City of Westminster Statement of Licensing Policy apply:	
<p><b>Hours Policy HRS1 applies</b></p>	<p><b>A.</b> Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p><b>C.</b> For the purpose of Clauses A and B above, the Core Hours for applications for each premises use type as defined within this policy are:</p> <p style="padding-left: 40px;"><b>8. Restaurants</b>  Monday to Thursday: 9am to 11.30pm.  Friday and Saturday: 9am to Midnight.  Sunday: 9am to 10.30pm.  Sundays immediately prior to a bank holiday: 9am to Midnight.</p> <p><b>D.</b> Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.</p> <p><b>E.</b> For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement.</p> <p><b>Note:</b> The core hours are for all licensable activities but if an application includes late night refreshment, then the starting time for that licensable activity will be 11pm.</p>
<p><b>Restaurant Policy RNT1 applies</b></p>	<p><b>A.</b> Applications outside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</li> <li>2. The hours for licensable activities being within the council's Core Hours Policy HRS1.</li> <li>3. The operation of any delivery services for alcohol and/or late-night refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.</li> <li>4. The applicant has taken account of the Special Consideration Zones Policy SCZ1 if the premises are located within a designated zone.</li> <li>5. The application and operation of the venue meeting the definition of a restaurant as per Clause C.</li> </ol> <p><b>C. For the purposes of this policy a restaurant is defined as:</b></p> <ol style="list-style-type: none"> <li>1. A premises in which customers are shown to their table or the customer will select a table themselves to which food is either served to them or they have collected themselves.</li> <li>2. Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at a table.</li> <li>3. Which do not provide any takeaway service of food and/or drink for immediate consumption, except if provided via an ancillary</li> </ol>

	<p>delivery service to customers at their residential or workplace address.</p> <p>4. Where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.</p> <p>5. The sale and consumption of alcohol prior to such meals may be in a bar area but must also be ancillary to the taking of such meal.</p>
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#### **4. Equality Implications**

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

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

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

## 5. Appendices

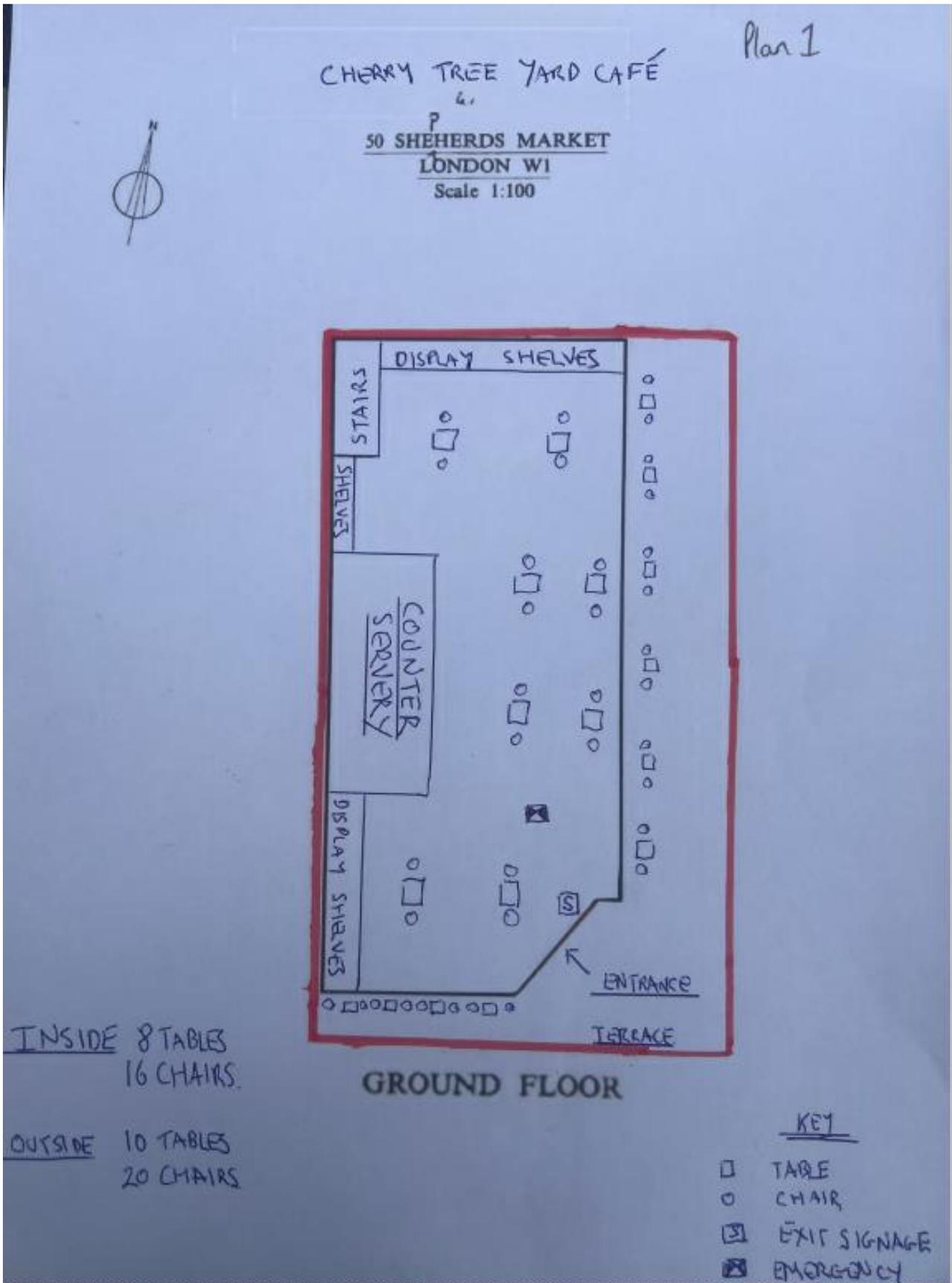
<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents
<b>Appendix 3</b>	Premises history
<b>Appendix 4</b>	Proposed conditions
<b>Appendix 5</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Ms Roxsana Haq Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 6500 Email: rhaq@westminster.gov.uk

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

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

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	01 October 2021
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	December 2022
<b>4</b>	Metropolitan Police Service <b>(withdrawn 13<sup>th</sup> December 2023)</b>	17 October 2023
<b>5</b>	Environmental Health Service	31 October 2023
<b>6</b>	Interested Party 1	27 October 2023
<b>7</b>	Interested Party 2	27 October 2023
<b>8</b>	Interested Party 3	27 October 2023
<b>9</b>	Interested Party 4	27 October 2023



Plan 2

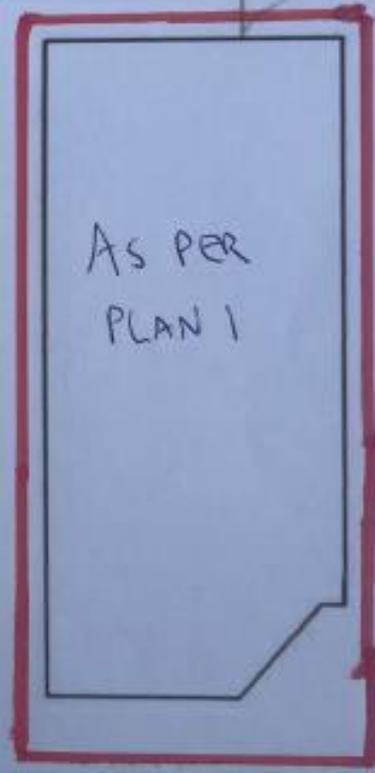
CHERRY TREE YARD CAFÉ  
50 SHEPHERDS MARKET  
LONDON W1  
Scale 1:100



*St. Augustin  
Thomas King*



LOWER GROUND FLOOR



GROUND FLOOR

**Nathan Lowry**  
[REDACTED]  
[REDACTED]  
[REDACTED]

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[REDACTED]  
[REDACTED]  
[REDACTED]

17 November 2023

Dear [REDACTED]

**Premises Licence Application – Cherry Tree Yard Café - 50 Shepherd Market**

I hope that this letter finds you well. Westminster Council have provided me with a copy of your representation in respect of my premises licence application. Thank you for taking the time to comment on my proposals.

As you may know, I currently operate Clemence and the Shepherd Market Winehouse. I am proud to be part of the local community and take my responsibilities in your neighbourhood very seriously.

I hope to transform the old William Hill betting shop into an all-day friendly Mediterranean café with a small bar serving Italian coffees, toasted ciabattas and freshly baked pastries. Later in the day and in the evening I hope to sell alcohol with a food offering, again based on a Mediterranean concept. I am hoping to name the premises “Cherry Tree Yard Café”, as a nod to the area’s heritage, since the square has historically been named “Cherry Tree Yard”

I proposed a premises licence with the same hours and conditions Westminster approved in respect of my licence at Clemence, where I am confident that our tried and tested management procedures have demonstrated that we can also operate Cherry Tree Yard Café professionally and responsibly alongside you and your neighbours at all times.

Thank you for taking the time to consider this letter. Please do not hesitate to contact me if you would like to discuss the application further or arrange a meeting.

Yours sincerely

Nathan Lowry  
[REDACTED]

**Nathan Lowry**

[REDACTED]  
[REDACTED]  
[REDACTED]

---

[REDACTED]  
[REDACTED]  
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[REDACTED]

**Nathan Lowry**

[REDACTED]  
[REDACTED]  
[REDACTED]

---

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

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Yours sincerely

Nathan Lowry

[REDACTED]

**Nathan Lowry**

[REDACTED]  
[REDACTED]  
[REDACTED]

---

[REDACTED]  
[REDACTED]  
[REDACTED]

17 November 2023

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Yours sincerely

Nathan Lowry

[REDACTED]

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.

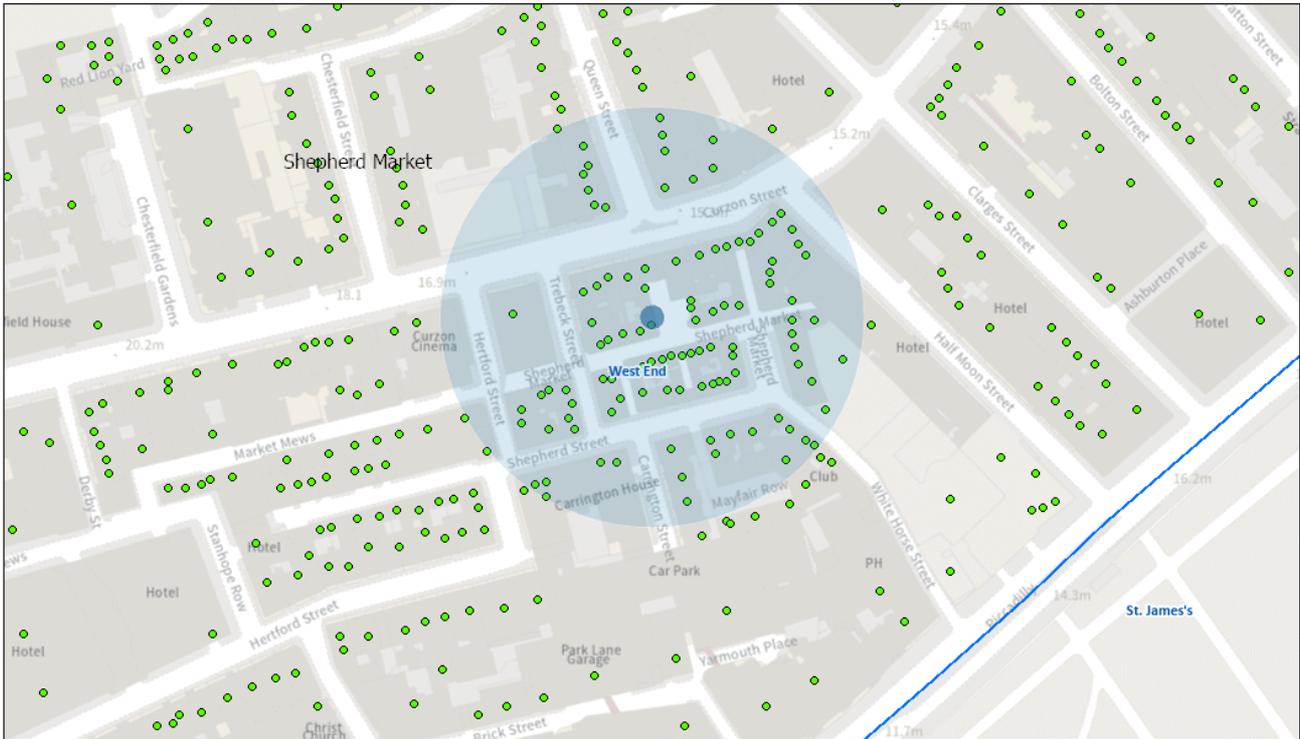
- 8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 8(ii) For the purposes of the condition set out in paragraph 8(i) above -
- (a) "duty" is to be construed in accordance with the Alcoholic 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. The supply of alcohol for consumption on the Premises shall be by waiter or waitress service only.
11. There shall be no self-service of spirits on the premises, save for spirit mixtures less than 5.5% ABV.
12. Except for alcohol consumed in designated external seating areas, the supply of alcohol for consumption off the premises shall be in sealed containers only and not consumed on the premises.
13. There shall be no sale of alcohol for consumption off the premises after 23:00.
14. CCTV:
  - a. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team.
  - b. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.
  - c. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance.
  - d. All recordings shall be stored for a minimum period of 31 days with date and time stamping.
  - e. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
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, (g) any refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service.
17. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them unless seated in an authorised external area.
18. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
19. 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.

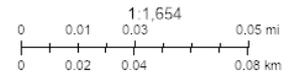
20. The premises licence holder shall ensure that any patrons smoking outside the premises do so on an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
21. During the hours of operation of the premises, the licence holder 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.
22. All waste is to 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 hours 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 hours on the following day.
26. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
27. 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 or passport. Signage of the proof of age scheme shall be displayed in prominent positions on the shop floor where alcohol is on public display, at the point of sale and upon entering the premises.
28. Signage of the proof of age scheme shall be displayed in prominent positions on the shop floor where alcohol is on public display, at the point of sale and upon entering the premises.
29. Staff training will be given to ensure that in the case of any doubt whether a purchaser is over the age of 18 to refuse the sale unless valid ID is produced.
30. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
31. Before the premises open to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where there are minor changes to the premises layout during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.
32. 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.

50 Shepherd Market London W1J 7QT



18/12/2023, 11:53:50

- Property Mailing List
- Ward Boundaries
- Ward Labels



**Resident Count: 220**

Licensed premises with 75 metres of 50 Shepherd Market, London W1J 7QT				
Licence Number	Trading Name	Address	Premises Type	Time Period
15/08015/LIPDPS	Brasserie Al Hamra	52 Shepherd Market London W1J 7QU	Cafe	Sunday; 12:00 - 00:30   Monday to Saturday; 09:00 - 00:30
12/08761/LIPN	L'Eto Caffe	Basement And Ground Floor 46 - 48 Shepherd Market London W1J 7QS	Cafe	Monday to Sunday; 08:00 - 20:30
22/00815/LIPN	Clemence	46 Shepherd Market London W1J 7QS	Shop (large)	Sunday; 09:00 - 22:30   Monday to Saturday; 09:00 - 23:30

16/03441/LIPVM	Shepherds Market Fine Wine	21 Shepherd Market London W1J 7PN	Wine bar	Sunday; 12:00 - 22:30   Monday to Saturday; 08:00 - 23:00
19/07458/LIPN	Not Recorded	Basement And Ground Floor 19 Shepherd Market London W1J 7PJ	Not Recorded	Monday to Sunday; 08:00 - 22:30
19/01505/LIPT	Iran Restaurant	27 Shepherd Market London W1J 7PR	Restaurant	Sunday; 08:00 - 23:00   Monday to Saturday; 07:00 - 00:00
23/03489/LIPRW	Le Boudin Blanc	5 Trebeck Street London W1J 7LT	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
22/09518/LIPT	Le Boudin Blanc	5 Trebeck Street London W1J 7LT	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
18/07751/LIPDPS	Ferdi	Basement And Ground Floor 30 Shepherd Market London W1J 7QN	Shop	Sunday; 08:00 - 23:30   Monday to Saturday; 08:00 - 00:00
15/08808/LIPDPS	Al Hamra Restaurant	31-33 Shepherd Market London W1J 7PT	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
11/05119/LIPN	Misto	7 Shepherd Market London W1J 7PE	Restaurant	Sunday; 12:00 - 22:30   Monday to Thursday; 11:00 - 23:30   Friday to Saturday; 11:00 - 00:00
17/00239/LIPN	Mayfair News	28 Shepherd Market London W1J 7QL	Shop	Sunday; 07:00 - 22:30   Monday to Saturday; 07:00 - 23:00
22/04052/LIPDPS	The Little Square	3 Shepherd Market London W1J 7PB	Shop	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30

17/14552/LIPDPS	Cafe Ambassadeur	Ground Floor 2 Shepherd Street London W1J 7JE	Cafe	Monday to Sunday; 06:00 - 23:30
06/06509/WCCMAP	L'artiste Muscle	1 Shepherd Market London W1J 7PA	Wine bar	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
12/01313/LIPN	Yazu Sushi	Basement Part And Ground Floor 46 Curzon Street London W1J 7UH	Restaurant	Monday to Saturday; 12:00 - 22:00
23/00676/LIPDPS	Sofra	19 Trebeck Street London W1J 7LX	Office	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
22/10844/LIPDPS	Ye Grapes	16 Shepherd Market London W1J 7QQ	Public house or pub restaurant	Sunday; 12:00 - 23:00   Monday to Saturday; 10:00 - 23:30
18/14075/LIPT	Curzon Mayfair Cinema	38 Curzon Street London W1J 7TY	Cinema	Sunday; 10:00 - 02:30   Monday to Saturday; 09:00 - 02:30
22/09887/LIPCH	Maru	18 Shepherd Market London W1J 7QH	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
06/06358/WCCMAP	Da Corradi Restaurant	Basement And Ground Floor 20-22 Shepherd Market London W1J 7QJ	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
22/02089/LIPVM	The Market Tavern	7 Shepherd Street London W1J 7HR	Public house or pub restaurant	Monday; 07:00 - 23:30   Tuesday; 07:00 - 23:30   Wednesday; 07:00 - 23:30   Thursday; 07:00 - 23:30   Friday; 07:00 - 23:30   Saturday; 07:00 - 23:30   Sunday; 07:00 - 23:00

21/06706/LIPT	5 Hertford Street	55 Shepherd Market London W1J 7PU	Restaurant	Wednesday; 07:30 - 02:30   Sunday; 12:00 - 00:30   Monday to Tuesday; 07:30 - 01:30   Thursday to Saturday; 07:30 - 03:00
19/04356/LIPDPS	L'autre Wine Bar	5B Shepherd Street London W1J 7HP	Wine bar	Sunday; 12:00 - 00:00   Sunday; 12:00 - 23:00   Monday to Saturday; 10:00 - 23:30   Monday to Saturday; 10:00 - 00:30
22/05556/LIPV	Kitty Fishers Restaurant	Basement And Ground Floor Front 10 Shepherd Market London W1J 7QF	Restaurant	Monday; 10:00 - 00:00   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
20/06850/LIPN	Caffe Inn	3 Shepherd Street London W1J 7HL	Cafe	Sunday; 07:00 - 22:30   Monday to Thursday; 07:00 - 23:30   Friday to Saturday; 07:00 - 00:00
18/08102/LIPDPS	Le Menar	1A Shepherd Street London W1J 7HJ	Restaurant	Sunday; 09:00 - 00:00   Monday to Saturday; 09:00 - 01:00   Sundays before Bank Holidays; 09:00 - 01:00
21/12682/LIPV	Tamarind Restaurant	21 Queen Street London W1J 5PR	Restaurant	Monday; 10:00 - 00:30   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

20/01581/LIPCH	Little House	2 Queen Street London W1J 5PA	Restaurant	Sunday; 08:00 - 22:30   Monday to Thursday; 08:00 - 01:30   Friday to Saturday; 08:00 - 02:30
23/04445/LIPDPS	Kings Arms	Whole Building 2 Shepherd Market London W1J 7QA	Public house or pub restaurant	Sunday; 10:00 - 00:00   Monday to Wednesday; 10:00 - 00:30   Thursday to Saturday; 10:00 - 01:00
18/06444/LIPV	Turmeaus Tobacconist	1 White Horse Street London W1J 7LB	Shop	Saturday; 10:00 - 18:00   Sunday; 12:00 - 16:00   Monday to Tuesday; 10:00 - 18:00   Wednesday to Friday; 10:00 - 19:00
20/11521/LIPDPS	Murano	Ground Floor North Meadows House 20 - 22 Queen Street London W1J 5PR	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 01:30
06/06411/WCCMAP	New Taj Mahal Restaurant	2 White Horse Street London W1J 7LD	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30

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City of Westminster

# Licensing Sub-Committee Report

Item No:	
Date:	17 January 2024
Licensing Ref No:	23/05693/LIPV - Premises Licence Variation
Title of Report:	Aura 48 - 49 St James's Street London SW1A 1JT
Report of:	Director of Public Protection and Licensing
Wards involved:	St James's
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Kevin Jackaman Senior Licensing Officer
Contact details	Telephone: 0207 641 6500 Email: <a href="mailto:kjackaman@westminster.gov.uk">kjackaman@westminster.gov.uk</a>

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	Variation of a Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	29 August 2023		
<b>Applicant:</b>	St James Projects Ltd		
<b>Premises:</b>	Aura		
<b>Premises address:</b>	48 - 49 St James's Street London SW1A 1JT	<b>Ward:</b>	St James's
		<b>Cumulative Impact Area:</b>	None
		<b>Special Consideration Zone:</b>	None
<b>Premises description:</b>	According to the application form the premises trade as a late night vibe dining premises and bar.		
<b>Variation description:</b>	<p>The proposed variation is as follows:</p> <ul style="list-style-type: none"> <li>• To vary the layout of the premises to include a reconfiguration of the kitchen, toilets and seating and bar area.</li> <li>• To vary existing conditions 12, 22, 27, 32, 35 40, 42, 45, 51 and 53.</li> <li>• To remove existing conditions 11. 13, 14, 29, 30, 31 and 48</li> <li>• To add 11 new conditions.</li> </ul> <p>No change of hours is proposed. Full details of the proposed variation appear at sections 1-C to 1-F below.</p>		
<b>Premises licence history:</b>	<p>The premises has had the benefit of a premises licence since August 2005.</p> <p>The current premises licence (23/0566/LIPDPS) can be viewed at <b>Appendix 2</b> of this report.</p>		
<b>Applicant submissions:</b>	The applicant has attempted to mediate with the objectors. A copy of the email that was sent to all of the resident objects appears at <b>Appendix 3</b>		
<b>Applicant amendments:</b>	None		

1-B Current and proposed licensable activities, areas and hours						
Regulated Entertainment						
Exhibition of films						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	09:00	03:00	No change of hours is proposed		Lower ground floor	No change
Tuesday	09:00	03:00				
Wednesday	09:00	03:00				
Thursday	09:00	03:00				
Friday	09:00	03:00				
Saturday	09:00	03:00				
Sunday	09:00	03:00				
<b>Seasonal Variations/Non-standard timings:</b>	<b>Current:</b>				<b>Proposed:</b>	
	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).				The premises may remain open for the sale of alcohol, regulated entertainment and the provision of late-night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day	

Performance of dance						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	09:00	03:00	No change of hours is proposed		Lower ground floor	No change
Tuesday	09:00	03:00				
Wednesday	09:00	03:00				
Thursday	09:00	03:00				
Friday	09:00	03:00				
Saturday	09:00	03:00				
Sunday	09:00	03:00				
<b>Seasonal Variations/Non-standard timings:</b>	<b>Current:</b>				<b>Proposed:</b>	
	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).				The premises may remain open for the sale of alcohol, regulated entertainment and the provision of late-night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day	

Performance of live music						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	09:00	03:00	No change of hours is proposed		Lower ground floor	No change
Tuesday	09:00	03:00				
Wednesday	09:00	03:00				
Thursday	09:00	03:00				
Friday	09:00	03:00				
Saturday	09:00	03:00				
Sunday	09:00	03:00				
<b>Seasonal Variations/Non-standard timings:</b>	<b>Current:</b> 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).				<b>Proposed:</b> The premises may remain open for the sale of alcohol, regulated entertainment and the provision of late-night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day	

Recorded music						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	09:00	03:00	No change of hours is proposed		Lower ground floor	No change
Tuesday	09:00	03:00				
Wednesday	09:00	03:00				
Thursday	09:00	03:00				
Friday	09:00	03:00				
Saturday	09:00	03:00				
Sunday	09:00	03:00				
<b>Seasonal Variations/Non-standard timings:</b>	<b>Current:</b> 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).				<b>Proposed:</b> The premises may remain open for the sale of alcohol, regulated entertainment and the provision of late-night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day	

Anything of a similar description to live music, or recorded music						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	09:00	03:00	No change of hours is proposed		Lower ground floor	No change
Tuesday	09:00	03:00				
Wednesday	09:00	03:00				
Thursday	09:00	03:00				
Friday	09:00	03:00				
Saturday	09:00	03:00				
Sunday	09:00	03:00				
<b>Seasonal Variations/Non-standard timings:</b>	<b>Current:</b> 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).				<b>Proposed:</b> The premises may remain open for the sale of alcohol, regulated entertainment and the provision of late-night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day	

Late night refreshment						
Indoors, outdoors or both			Current :		Proposed:	
			Both		No change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	03:30	No change		Lower ground floor	No change
Tuesday	23:00	03:30				
Wednesday	23:00	03:30				
Thursday	23:00	03:30				
Friday	23:00	03:30				
Saturday	23:00	03:30				
Sunday	23:00	03:00				
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b> Sundays before Bank Holidays until 03:30.				<b>Proposed:</b> No change	

Sale by Retail of Alcohol						
On or off sales			Current :		Proposed:	
			On and off		No change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	09:00	00:00	No change		Lower ground floor	No change
Tuesday	09:00	03:00				
Wednesday	09:00	03:00				
Thursday	09:00	03:00				
Friday	09:00	03:00				
Saturday	09:00	03:00				
Sunday	12:00	02:30				
Seasonal variations/ Non-standard timings:		Current:			Proposed:	
		Sundays before Bank Holidays until 03:30.			No change	

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	09:00	03:30	No change		Lower ground floor	No change
Tuesday	09:00	03:30				
Wednesday	09:00	03:30				
Thursday	09:00	03:30				
Friday	09:00	03:30				
Saturday	09:00	03:30				
Sunday	09:00	03:00				
Seasonal variations/ Non-standard timings:		Current:			Proposed:	
		Sundays before Bank Holidays until 03:30.			No change	

1-C Layout alteration
<ul style="list-style-type: none"> <li>- Reconfiguration of kitchen space and new kitchen installed (though in the same area)</li> <li>- Reconfiguration of toilets (though in the same area)</li> <li>- Reconfiguration of seating and bar area</li> <li>- General redecoration throughout</li> <li>- New CCTV</li> <li>- Trading area remains the same</li> <li>- No change to fire escapes or entrance stairs</li> </ul> <p>Also attached is basement space which is back of house only and no licensable activities occur within it but it shows staff toilets and staff areas and storage areas</p>

<b>1-D Conditions being varied</b>	
<b>Condition</b>	<b>Proposed variation</b>
<p>12. 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).</p>	<p>12. The premises may remain open for the sale of alcohol, regulated entertainment and the provision of late-night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day</p>
<p>22. The CCTV system shall be maintained and operated correctly to the satisfaction of the Metropolitan Police Crime Prevention Officer. The tapes from the system shall be retained for a period of 28 days.</p>	<p>22. 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 are 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.</p> <p>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 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</p>
<p>27. On any evening where the premises or part of the premises are open for the purpose of music, dance and entertainment, alcohol may not be sold or supplied to persons admitted to the premises after 11pm other than to:</p> <p>(a) Persons who have paid a minimum admission fee of at least £5 Monday to Thursday and £7 Friday and Saturday for music, dance and entertainment. (Not to be credited against consumables);</p> <p>(b) Any person attending a private function at the premises, details of the type of function, host and list of persons attending having been provided to police at least 24 hours previously;</p> <p>(c) Artistes or persons employed on the</p>	<p>27. On any evening where the premises or part of the premises are open for the purpose of music, dance and entertainment, alcohol may not be sold or supplied to persons admitted to the premises after 11pm other than to:</p> <p>(a) Persons taking a full table meal;</p> <p>(b) Any person attending a private function at the premises, where a full guest list must be produced by the premises at least 24 hours prior to the function together with a booking sheet for each function regarding the following information as a minimum - name of the individual who has hired the premises together with contact details; date of hiring and purpose of event. The guest list and booking sheet will be made available to the police or an</p>

<p>premises;</p> <p>(d) Bona fide guests of the proprietor, a list of whom shall be kept at reception for inspection by appropriate authorities;</p> <p>(e) Persons taking a full table meal;</p> <p>(f) Members of the proprietary club operating at these premises.</p>	<p>authorised officer of the Council upon request at the premises on the night of the function and for a period of 14 days thereafter</p> <p>(c) Artistes or persons employed on the premises;</p> <p>(d) Bona fide guests of the proprietor, a list of whom shall be kept at reception for inspection by appropriate authorities;</p> <p>(f) Members of the proprietary club operating at these premises.</p>
<p>32. The hours permitted for the sale of alcohol are:</p> <p>(a) Monday 09:00 to 00:00;</p> <p>(b) Tuesday to Saturday 09:00 to 03:00;</p> <p>(c) Sunday 12:00 to 02:30;</p> <p>(d) Sunday before Bank Holiday 12:00 to 03:00;</p> <p>(e) In relation to the morning on which summer time begins, paragraph (b) of this condition shall have effect with the substitution of references to 04.00 for references to 03.00</p> <p>(f) The permitted hours for the sale of alcohol on New Year's Eve are 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</p>	<p>32. On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01.00</p>
<p>35. Where the sale of alcohol takes place after 00:30 on the day following Sundays (other than the Sundays before Bank Holidays) this will be only to persons attending private pre-booked functions at the premises or to members of the private club operating at the premises and their guests.</p>	<p>35. Where the sale of alcohol takes place after 00:30 on the day following Sundays (other than the Sundays before Bank Holidays) this will be only to persons attending for seated dining /or private pre-booked functions at the premises or to members of the private club operating at the premises and their guests.</p>
<p>40. There shall be no admittance to the premises after 00:00</p>	<p>40. There shall be no new admittance or readmittance to the premises save for smokers after 01:00</p>
<p>42. Every member of staff will undergo documented responsible server training within a month of the decision and (for new staff) within 3 months of starting employment.</p>	<p>42. Every member of staff involved in the sale and supply of alcohol will undergo documented responsible server training within 2 months of starting employment</p>
<p>45. All staff engaged outside the entrance to the premises, or supervising or controlling queues shall wear high visibility yellow jackets</p>	<p>45. All staff engaged outside the entrance to the premises, or supervising or controlling queues shall wear distinctive clothing to</p>

or vests	identify them as a member of staff or security.
51. The premises licence holder shall install and use a clubscan or similar device at the entrance to the premises.	<p>51. After midnight</p> <p>(a) All customers entering the premises shall have their ID and/or membership card scanned on entry, save for when a biometric scanning system is in place. The details recorded shall include a live facial image capture of the customer and capture the photographic identification produced. The details recorded by the ID scanner system shall be made available to the Police and the local authority upon request.</p> <p>(b) The requirement in (a) will not apply to customers who have prebooked more than 24 hours in advance to attend the premises for a seated meal with substantial food. Details of the restaurant booking will be retained for 31 days after the attendance for inspection by the police and responsible authorities upon request. For the purpose of this condition 'Substantial Table Meal' means – a meal such as might be expected to be served as the main midday or main evening meal, or as a main course at either such meal and is eaten by a person seated at a table, or at a counter or other structure which serves the purposes of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure servicing the purposes of a table.</p> <p>(c) The requirement in (a) above is subject to the following exceptions, namely that a maximum number of (15) guests per night may be admitted at the Managers discretion without necessarily photo ID being scanned and recorded. The admission of such guests however shall be in accordance with the following procedure:</p> <p>(i) The DPS shall approve in writing the names of a maximum of three managers other than him/herself who are authorised to sign in such guests.</p> <p>(ii) A legible record (the signing in sheet) of those guest's name shall be retained on the premises for inspection by the licensing authority and Police for a minimum period of 31 days. The name of the DPS approved manager authorising the admission will also be recorded by that manager</p> <p>(iii) Guests shall be required to produce some form of ID such as a bank card (or emailed electronic photo ID) and ID scan entry with a live photo shall be created.</p> <p>(iv) Where there are appropriate reasons for a guest not to be able to produce ID and be subject to ID scan, the Approved Manager</p>

	<p>may still permit entry. In such circumstance he shall also record the reasons for this in the signing in sheet</p> <p>(d) Notwithstanding (a) above, patrons who are attending a pre-booked private event at the premises do not need to have their ID Scanned on entry and instead a written guest list for all attending shall be held at reception for the event, and will be retained for 31 days after the event for inspection by the police and responsible authorities upon request</p>
<p>53. There shall be one door supervisor for every thirty customers, with a number of four door supervisors at all times.</p>	<p>53. (a) At least 2 SIA licensed door supervisors shall be on duty at the entrance of the premises from 20:00 whilst it is open for business</p> <p>(b) There shall be one door supervisor on duty for every 100 customers</p>

<b>1-E Conditions being removed</b>	
<p>11. This licence is subject to all the former Rules of Management for Places of Public Entertainment licensed by Westminster City Council, in force from 4 September 1998 and incorporating amendments agreed by the Council on 25 October 1999, 30 June 2000, 16 January 2001 and 1 October 2001.</p> <p>13. Notwithstanding the provisions of Rule of Management No 6 the premises may remain open for the purposes of this licence from 11pm on each of the days Monday to Saturday to 3.30am on the day following and from 11pm on Sunday to 3am on the day following (3.30 am on a Monday bank holiday).</p> <p>14. The provision of public entertainment under this licence shall remain as an ancillary part of the lawful Class A3 use of the premises.</p> <p>29. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.</p> <p>30. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.</p> <p>31. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.</p> <p>48. No drinks shall be served in glass containers at any time.</p>	

1-F Conditions being added		
Condition	Proposed variation	
<ul style="list-style-type: none"> <li>Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given. <ul style="list-style-type: none"> <li>a. dry ice and cryogenic fog</li> <li>b. smoke machines and fog generators</li> <li>c. pyrotechnics including fireworks</li> <li>d. firearms</li> <li>e. lasers</li> <li>f. explosives and highly flammable substances</li> <li>g. real flame</li> <li>h. strobe lighting.</li> </ul> </li> <li>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.</li> <li>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.</li> <li>All emergency doors shall be available at all material times without the use of a key, code, card or similar means.</li> <li>All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.</li> <li>The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.</li> <li>Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.</li> <li>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.</li> <li>Flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby properties, save insofar as they are necessary for the prevention of crime.</li> <li>Before the premises open to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.</li> <li>The licence will have no effect until the Licensing Authority are satisfied that the premises is constructed or altered in accordance with the appropriate provisions of the District Surveyors Association – technical Standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition will be removed from the licence.</li> </ul>		
<b>Adult entertainment:</b>	<b>Current position:</b>	<b>Proposed position:</b>
	None	No change

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Metropolitan Police Service
<b>Representative:</b>	Reaz Guerra
<b>Received:</b>	27 September 2023
<p>With reference to the above applications, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, are objecting to this application as it is our belief that if granted the application would undermine the Licensing Objectives.</p> <p>There is insufficient detail contained within the operating schedule to promote the licensing objectives.</p> <p>It is for these reasons that we object to this application.</p>	
<b>Responsible Authority:</b>	Environmental Health
<b>Representative:</b>	Anil Drayan
<b>Received:</b>	09 October 2023
<p>I refer to the variation application which seeks to alter the layout of the premises in accordance with the submitted plans and also to change/update conditions on the Licence.</p> <p>Environmental Health make representations to the application as the proposals may undermine the Licensing Objectives of Public Safety and Prevention of Public Nuisance.</p> <p>The applicant is requested to contact the undersigned to arrange a site visit and discuss the proposals after which Environmental Health may propose additional conditions to allay its concerns.</p>	

2-B Other Persons	
<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	06 October 2023
<p>As a resident I object to this application, having experienced the previous nightclub at this address (Aura) which was shut down.</p> <p>My objections correspond to the previous history. The situation is unsuitable due to the narrow pavement (queuing guests), proximity to an extremely busy junction onto Piccadilly, therefore drop offs and pickups will cause disruption. Smokers and arrivals will cause congestion on the walkway with those attempting to cross at the lights. Security has not in the past helped with disorderly behaviour and intimidating situations as experienced by my children returning home at night. I presume measures will be in place should there be a fire but the entrance/exit onto St James's Street is narrow and steep for a rapid evacuation.</p>	

Finally, the hours requested for a licence are unacceptable. I would also like to point out that the name is inappropriate as this venue is in St James's and no Mayfair.

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	07 September 2023

As a resident of St James's I strongly object to the issue of this licence. The memories of Aura remain with so many of the residents and visitors to St James's. It was eventually closed down because of unruly activity.

I am a long-standing Trustee of St James's Conservation Trust and have been asked to represent the Trust in this matter. The Trustees also object strongly to this application, a club of this nature will only bring trouble to St James's and we do not want a repetition of previous unacceptable behaviour with poor regulation.

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	02 October 2023

As [REDACTED] The St. James's Conservation Trust, I have been instructed to make an Objection to the Licensing Application for proposals based on the site and capacity, the layout, hours of operation and conditions proposed for the "ex-Aura/Mistress of Mayfair" premises (Licence Ref. No. 23/05693/LIPV : Proposed Change : To vary the layout of the premises and to add, vary & remove the conditions on the premises licence) 48 - 49 St James's Street London SW1A 1JT) based on :

- the proposals breach the aims of the Licensing Objectives for this location and with negative impacts on : this historic Special Policy Area (SPA), Conservation Area, adjacent Listed Building settings and local residential and business amenity on and around St. James's Street.

The site premises at this junction of St. James's Street and Piccadilly has apparently space in the proposed layout for a maximum of 210 internally, excluding staff. The St. James's Conservation Trust, residents and businesses have, a publicly known history of the site and management, with disorderly conduct and other issues, related to long and late hours of operation (03.00 and proposed increase to 03.30) – which has been easily signposted as a place that attracts:

- late custom, and also those moving on, into historic and dignified St. James's from other similar entertainment, food and beverage premises in the wider district (such as adjacent areas of high intensity activity around Leicester Square, Soho and Mayfair).

The St. James's Conservation Trust has reviewed the License Application Conditions on the proposals and the diagrammatic plan submitted (which do not show **any tables** on the key to the plans, for the seating, although these are mentioned in parts of the Licence conditions, which does not give confidence in the proposed management of the site internally).

Evidence of concerns are below, related to the Licensing Purposes with examples that at this site, these Purposes cannot be safely met :

- 1) Prevention of crime and disorderly conduct
- 2) Public Safety
- 3) Prevention of public nuisance
- 4) The protection of children from harm (unlikely to be an issue, regarding the other Licensing purposes (1), (2) and (3) above, unless a risk of harm within the proposed daytime and evenings, weekday, weekend and holiday hours, **externally but adjacent to the premises** may occur).

The width of the access from frontage to railings is approx. 1m wide x 4.5m in length, presumably 4.5 sq. only, for any queuing and smokers gathering on the footway, with likely external risk of disorderly conduct (1) and public nuisance (2), leaving a residual footway width at this point of only approx. 2.6m. As the section of St. James's Street carriageway passing northbound, is only approx. 4m in width and has traffic markings of double yellow lines – which are often busy in queueing for the traffic signal controlled crossing at the junction of Piccadilly, any overspill therefore of pedestrians passing and re-passing into the carriageway, from the adjacent residual, narrowed footway space outside the railings, may be a public safety risk (2). Taxi or chauffer or other vehicles arriving or departing, from set down or pick up of customers on entry or leaving, the entrance down the lightwell of the Club frontage is therefore also constrained and with even an orderly, likely queue width of customers/smokers and security at the railing steps to door way, of at least 500mm already reduces effective footway width further to 2 - 2.1 metres for busy passers-by in each direction with reduced safety (2) and the increased likely overspill into the northbound carriageway.

Evidence of significant concerns about Licensing Conditions are below and also related to the Licensing Purposes with examples, such as where are smokers to gather, in conjunction with queue entrance and staff management vested in yellow, at the limited frontage and the recognition that at this site Conditions of : Licensing Purposes (1) – (4) cannot met, not least if No. 55 below, is proposed by the business : “A member of the door staff shall patrol on both sides of St. James's Street between Piccadilly and Jermyn Street.”

45. All staff engaged outside the entrance to the premises, or supervising or controlling queues shall wear high visibility yellow jackets or vests.

46. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.

47. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.

55. A member of the door staff shall patrol on both sides of St. James's Street between Piccadilly and Jermyn Street.

For all the above reasons the St. James's Conservation Trust objects to the proposed application, which should not be consented for this site.

### 3. Policy & Guidance

The following policies within the City of Westminster Statement of Licensing Policy apply:	
<b>Hours Policy HRS1 applies</b>	<p>A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:</p> <ol style="list-style-type: none"> <li>1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm.</li> <li>2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation.</li> <li>3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed.</li> <li>4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.</li> <li>5. The proposed hours when any music, including incidental music, will be played.</li> <li>6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises.</li> <li>7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.</li> <li>8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.</li> <li>9. The capacity of the premises.</li> <li>10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation.</li> <li>11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.</li> <li>12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.</li> <li>13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.</li> <li>14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.</li> </ol> <p>C. For the purpose of Clauses A and B above, the Core Hours for</p>

	<p>applications for each premises use type as defined within this policy are:</p> <p><b>6. Pubs and bars, Fast Food and Music and Dance venues</b>  Monday to Thursday: 10am to 11.30pm.  Friday and Saturday: 10am to Midnight.  Sunday: Midday to 10.30pm.  Sundays immediately prior to a bank holiday: Midday to Midnight.</p>
<p><b>Policy PB1(A) applies</b></p>	<p>A. Applications outside the West End Cumulative Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</li> <li>2. The hours for licensable activities being within the council's Core Hours Policy HRS1.</li> <li>3. The operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.</li> <li>4. The applicant has taken account of the Special Consideration Zones policy SCZ1 if the premises are located within a designated zone.</li> <li>5. The application and operation of the venue meet the definition of a Public House or Bar in Clause D.</li> </ol> <p>B. It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone other than:</p> <ol style="list-style-type: none"> <li>1. Applications to vary the existing licence hours within the council's Core Hours Policy HRS1.</li> <li>2. Applications that seek to vary the existing licence so as to reduce the overall capacity of the premises.</li> </ol> <p>C. The applications referred to in Clause B1 and B2 will generally be granted subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1, and/or,</li> <li>2. The operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.</li> <li>3. The application and operation of the venue continuing to meet the definition of a Public House or Bar in Clause D.</li> </ol> <p>D. For the purposes of this policy a Public House or Bar is defined as a premises, or part of a premises that's primary use is the sale or supply of alcohol for consumption on those premises and/or for consumption off the premises for consumption outside the venue.</p>

#### 4. Equality Implications

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

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

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

#### 5. Appendices

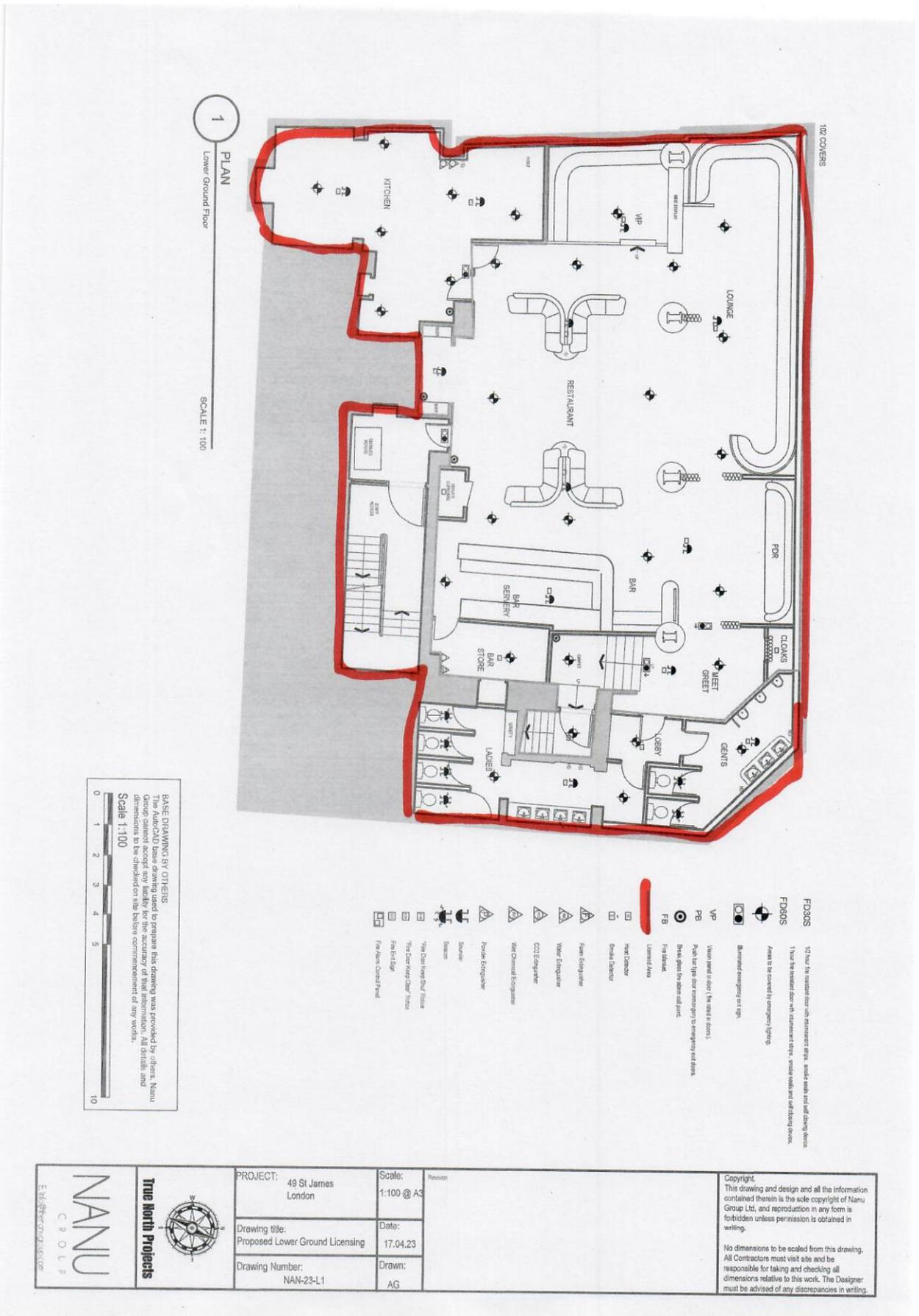
<b>Appendix 1</b>	Updated Premises plans
<b>Appendix 2</b>	Premise Licence 23/05666/LIPDPS
<b>Appendix 3</b>	Applicant supporting documents
<b>Appendix 4</b>	Premises history
<b>Appendix 5</b>	Proposed conditions
<b>Appendix 6</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Kevon Jackaman Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 6500 Email: kjackaman@westminster.gov.uk

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

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

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2021
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
<b>4</b>	Metropolitan Police representation	27 September 2023
<b>5</b>	Environmental Health representation	09 October 2023
<b>6</b>	Interested Party representation (1)	06 October 2023
<b>7</b>	Interested Party representation (2)	07 September 2023
<b>8</b>	Interested Party representation (3)	02 October 2023







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

Schedule 12  
Part A

WARD: St James's  
UPRN: 100023336943

Premises licence

Regulation 33, 34

Premises licence number:

23/05666/LIPDPS

Original Reference:

15/03326/LIPN

**Part 1 – Premises details**

**Postal address of premises:**

Aura  
48 - 49 St James's Street  
London  
SW1A 1JT

**Telephone Number:** Not Supplied

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

Not applicable

**Licensable activities authorised by the licence:**

Performance of Dance  
Exhibition of a Film  
Performance of Live Music  
Playing of Recorded Music  
Anything of a similar description to Live Music or Recorded Music  
Late Night Refreshment  
Sale by Retail of Alcohol

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

<b>Performance of Dance</b>	
Monday to Sunday:	09:00 to 03:00
<b>Exhibition of a Film</b>	
Monday to Sunday:	09:00 to 03:00
<b>Performance of Live Music</b>	
Monday to Sunday:	09:00 to 03:00
<b>Playing of Recorded Music</b>	
Monday to Sunday:	09:00 to 03:00
<b>Anything of a similar description to Live Music or Recorded Music</b>	
Monday to Sunday:	09:00 to 03:00
<b>Late Night Refreshment</b>	
Monday to Saturday:	23:00 to 03:30
Sunday:	23:00 to 03:00
Sundays before Bank Holidays:	23:00 to 03:30

**Sale by Retail of Alcohol**

Tuesday to Saturday:	09:00 to 03:00
Monday:	09:00 to 00:00
Sunday:	12:00 to 02:30
Sundays before Bank Holidays:	12:00 to 03:00

*For times authorised for New Year see conditions at Annex 3*

**The opening hours of the premises:**

Monday to Saturday:	09:00 to 03:30
Sunday:	09:00 to 03:00
Sundays before Bank Holidays:	09:00 to 03:30

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

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

**Part 2****Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:**

St James Projects Ltd  
130 Shaftesbury Avenue  
2ND Floor  
London  
W1D 5EU

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

13879353

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

**Name:** Terry Barnes

**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:** 5870/0600660  
**Licensing Authority:** London Borough Of Sutton

**Date:** 9<sup>th</sup> September 2023

**This licence has been authorised by Angela Rowe 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.
- 9. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.
- 10. Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.

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

None

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

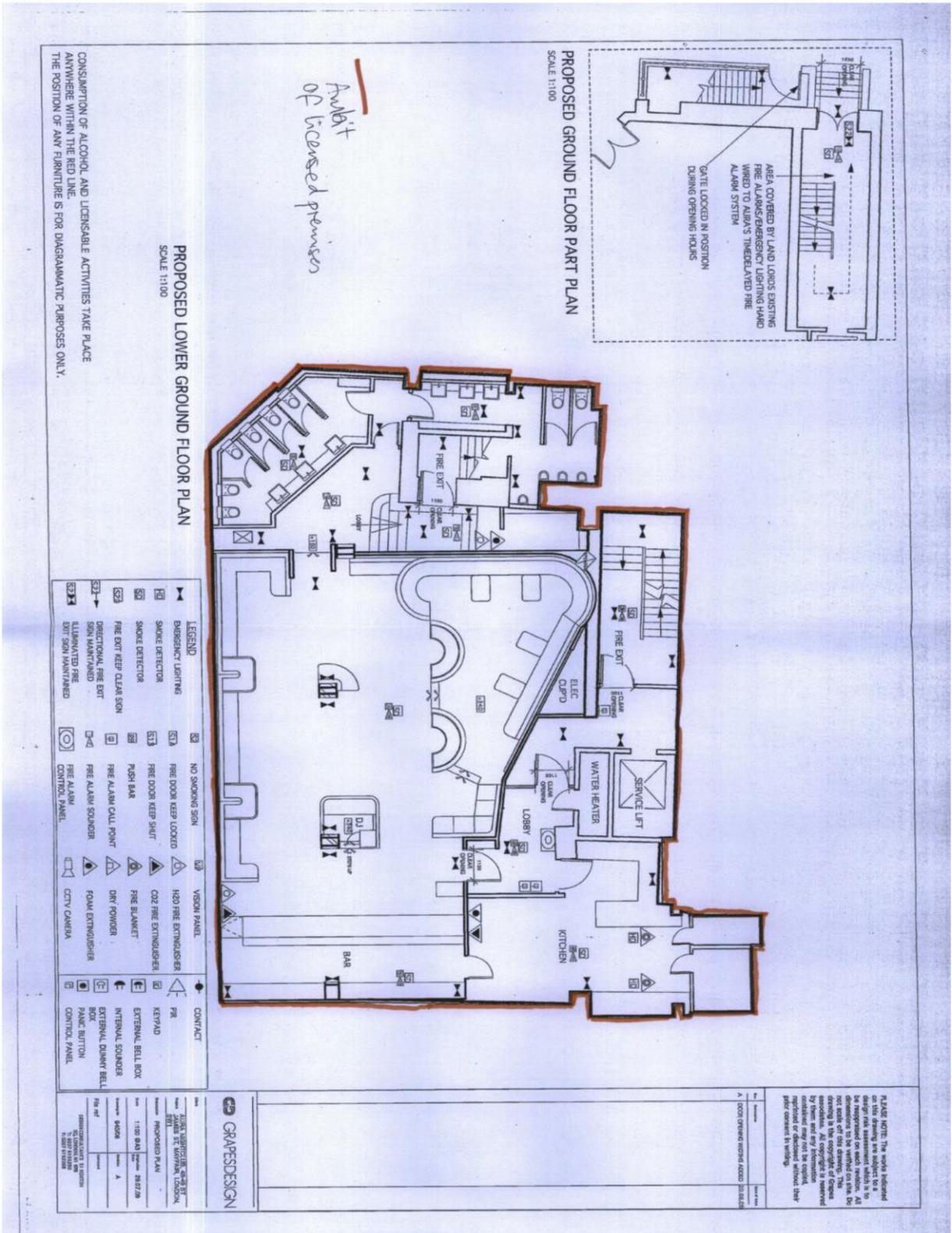
11. This licence is subject to all the former Rules of Management for Places of Public Entertainment licensed by Westminster City Council, in force from 4 September 1998 and incorporating amendments agreed by the Council on 25 October 1999, 30 June 2000, 16 January 2001 and 1 October 2001.
12. On New 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).
13. Notwithstanding the provisions of Rule of Management No 6 the premises may remain open for the purposes of this licence from 11pm on each of the days Monday to Saturday to 3.30am on the day following and from 11pm on Sunday to 3am on the day following (3.30 am on a Monday bank holiday).
14. The provision of public entertainment under this licence shall remain as an ancillary part of the lawful Class A3 use of the premises.
15. Licensable entertainment shall not be provided in the entrance lobby.
16. At least two registered door supervisors shall be stationed at the entrance to the premises from 11pm on each night when the premises remain open beyond 11pm, so as to ensure that customers enter and exit the premises in a quiet and orderly manner.
17. No external doors or windows shall be fixed open after 11pm on any day of the week.
18. A sound limiter device shall be fitted to the sound system and shall be set and maintained at levels agreed by the Environmental Health Officer. The operational panel shall then be secured and the system will not be altered without the approval of the Environmental Health Officer.
19. The sound system shall not be altered or modified without the approval of the Environmental Health Officer.
20. No additional sound generation equipment shall be used on the premises without being routed through the sound limiter device.
21. Notices shall be provided at the premises requesting patrons to leave quietly. Similar reminders shall be made over the loud speakers and by door supervisors at the door.
22. The CCTV system shall be maintained and operated correctly to the satisfaction of the Metropolitan Police Crime Prevention Officer. The tapes from the system shall be retained for a period of 28 days.
23. The iron gate at the foot of the external entrance staircase shall be locked back in an open position while the premises are in use under this licence.
24. The final double leaf wooden doors on the alternative escape route shall be locked back in an open position while the premises are in use under this licence.
25. No unauthorised advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) is inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or is distributed on street to the public, that advertises or promotes the establishment, its premises, or any of its events, facilities, good or services.

26. Substantial food and non-intoxicating beverages (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicants are provided.
27. On any evening where the premises or part of the premises are open for the purpose of music, dance and entertainment, alcohol may not be sold or supplied to persons admitted to the premises after 11pm other than to:
- (a) Persons who have paid a minimum admission fee of at least £5 Monday to Thursday and £7 Friday and Saturday for music, dance and entertainment. (Not to be credited against consumables);
  - (b) Any person attending a private function at the premises, details of the type of function, host and list of persons attending having been provided to police at least 24 hours previously;
  - (c) Artistes or persons employed on the premises;
  - (d) Bona fide guests of the proprietor, a list of whom shall be kept at reception for inspection by appropriate authorities;
  - (e) Persons taking a full table meal;
  - (f) Members of the proprietary club operating at these premises.
28. No striptease, no nudity and all persons to be decently attired at all times.
29. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.
30. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
31. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
32. The hours permitted for the sale of alcohol are:
- (a) Monday 09:00 to 00:00;
  - (b) Tuesday to Saturday 09:00 to 03:00;
  - (c) Sunday 12:00 to 02:30;
  - (d) Sunday before Bank Holiday 12:00 to 03:00;
  - (e) In relation to the morning on which summer time begins, paragraph (b) of this condition shall have effect with the substitution of references to 04.00 for references to 03.00
  - (f) The permitted hours for the sale of alcohol on New Year's Eve are 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

33. No payment shall be made by or on behalf of the licensee to any person for bringing customers onto the premises directly from the street.
34. When a customer chooses to pay by credit card, he/she will be presented with an itemised bill on final payment, showing details of all drinks and food purchased.
35. Where the sale of alcohol takes place after 00:30 on the day following Sundays (other than the Sundays before Bank Holidays) this will be only to persons attending private pre-booked functions at the premises or to members of the private club operating at the premises and their guests.
36. No external promoters will be used to organise the private functions on Sundays referred to in condition 37 above, such private functions to be organised by the premises licence holder/designated premises supervisor.
37. Where a private function takes place at the premises on Sundays (other than Sundays before Bank Holidays) where alcohol is to be sold after 00:30 the following day, a full guest list must be produced by the premises at least 24 hours prior to the function together with a booking sheet for each function regarding the following information as a minimum - name of the individual who has hired the premises together with contact details; date of hiring and purpose of event. The guest list and booking sheet will be made available to the police or an authorised officer of the Council upon request at the premises on the night of the function and for a period of 14 days thereafter.
38. Where alcohol is being sold on Sundays (other than Sundays before Bank Holidays) after 00:30 the day following to members of the private club operating at the premises, members shall be permitted to have no more than 4 guests accompanying them, and all members must have been accepted as members of the private club no later than 24 hours beforehand.
39. The number of persons accommodated at the premises shall not exceed 210 persons (exclusive of staff).
40. There shall be no admittance to the premises after 00:00.
41. 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.
42. Every member of staff will undergo documented responsible server training within a month of the decision and (for new staff) within 3 months of starting employment.
43. All staff will receive refresher responsible server training once per year.
44. The licensee shall maintain further CCTV cameras outside the premises so as to both south and north in St James's Street.
45. All staff engaged outside the entrance to the premises, or supervising or controlling queues shall wear high visibility yellow jackets or vests.
46. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
47. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.
48. No drinks shall be served in glass containers at any time.
49. Exterior door staff shall be equipped with "body cams".
50. Should the CCTV system develop a significant fault, the premises licence holder will inform the Police of the fault and of the proposed time for rectification.

51. The premises licence holder shall install and use a clubscan or similar device at the entrance to the premises.
52. All door staff shall work for a contractor who is a member of the Security Industry Authority's Approved Contractor Scheme.
53. There shall be one door supervisor for every thirty customers, with a number of four door supervisors at all times.
54. All door staff shall wear distinctive clothing so that they can be readily identified at the premises.
55. A member of the door staff shall patrol on both sides of St James' Street between Piccadilly and Jermyn Street.
56. The Licensee will give local residents who want it a dedicated hotline telephone number which will always be manned during trading hours and for 30 minutes thereafter.
57. A Management Plan requiring the Licensee to use their best endeavours to manage customers, external to the premises, including arrival, departure and dispersal of customers quickly, quietly and towards Piccadilly shall be submitted to Environmental Health for approval and the Licensee shall thereafter implement and maintain the said Plan.

Annex 4 – Plans





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

Schedule 12  
Part B

WARD: St James's  
UPRN: 100023336943

Premises licence  
summary

Regulation 33, 34

Premises licence number:

23/05666/LIPDPS

**Part 1 – Premises details**

**Postal address of premises:**

Aura  
48 - 49 St James's Street  
London  
SW1A 1JT

**Telephone Number:** Not Supplied

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

Not applicable

**Licensable activities authorised by the licence:**

Performance of Dance  
Exhibition of a Film  
Performance of Live Music  
Playing of Recorded Music  
Anything of a similar description to Live Music or Recorded Music  
Late Night Refreshment  
Sale by Retail of Alcohol

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

**Performance of Dance**

Monday to Sunday: 09:00 to 03:00

**Exhibition of a Film**

Monday to Sunday: 09:00 to 03:00

**Performance of Live Music**

Monday to Sunday: 09:00 to 03:00

**Playing of Recorded Music**

Monday to Sunday: 09:00 to 03:00

**Anything of a similar description to Live Music or Recorded Music**

Monday to Sunday: 09:00 to 03:00

**Late Night Refreshment**

Monday to Saturday: 23:00 to 03:30

Sunday:	23:00 to 03:00
Sundays before Bank Holidays:	23:00 to 03:30
<b>Sale by Retail of Alcohol</b>	
Tuesday to Saturday:	09:00 to 03:00
Monday:	09:00 to 00:00
Sunday:	12:00 to 02:30
Sundays before Bank Holidays:	12:00 to 03:00
<i>For times authorised for New Year see conditions at Annex 3</i>	

<b>The opening hours of the premises:</b>	
Monday to Saturday:	09:00 to 03:30
Sunday:	09:00 to 03:00
Sundays before Bank Holidays:	09:00 to 03:30

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

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

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

St James Projects Ltd  
130 Shaftesbury Avenue  
2ND Floor  
London  
W1D 5EU

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

13879353

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

Name: Terry Barnes

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

Restricted

**Date:** 9<sup>th</sup> September 2023

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

**From:** [Donovan, Jessica: WCC](#)  
**Bcc:** [Virginia Chichester](#); [Nit@ropslev.net](#); [Peter.Heath@atkinsrealis.com](#)  
**Subject:** 23/05693/LIPV-Aura, 48 - 49 St James's Street, London, SW1A 1JT  
**Date:** 24 November 2023 14:10:00  
**Attachments:** [image001.png](#)  
[image002.png](#)

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Good afternoon,

Further to your representation on the above application, the applicant's representative has asked the Licensing Service to pass on the below information for your consideration.

Dear resident

I have been forwarded a copy of your representation against my clients application for variation at 48 - 49 St James's Street, London, SW1A 1JT. Firstly my client wants to acknowledge their understanding of the history of the site and the issues you have experienced in the past with the previous operator. My client has nothing to do with the previous operator and in no way wants to disturb you in the way you were previously. Secondly, my client wants you to know that the premises is not going to operate as a club. Unlike Aura, the premises will be food led. As such the outside of the premises/pavements will not be impacted in the way you experienced with Aura. To emphasise this change in operation, and so you can see it first hand my client wanted to invite you to the premises to have a look around and taste some of the food the chef will be creating. The brand new kitchen is being installed shortly and then the chef will be on site so we were hoping you could attend the premises at 4pm on 13 December? Obviously if that is inconvenient pls let me know and we will do our best to reschedule to suit you (we are not open to the public then- so the walk around would be with me, my client and yourselves). The premises should be nearly complete by then with the furniture in etc so it will be safe from a health and safety perspective to receive you as guests, and you will be able to see the layout and we can discuss the concept in further detail- and more importantly you can see the venue. I am happy for you to email me directly at [ana@lflaw.co.uk](mailto:ana@lflaw.co.uk) if you are interested in attending the premises, or need alternate arrangements- we all hope you will be able to attend.

Kind Regards

**Jessica Donovan**  
Senior Licensing Officer

Environment, Climate & Public Protection (ECP)  
Westminster City Council  
15th Floor  
Westminster City Hall  
64 Victoria Street  
London SW1E 6QP

Direct line: 07815665265

Contact Centre: 020 7641 6500

Email: [Jdonovan@westminster.gov.uk](mailto:Jdonovan@westminster.gov.uk)

Team E-mail: [licensing@westminster.gov.uk](mailto:licensing@westminster.gov.uk)

Web: [www.westminster.gov.uk](http://www.westminster.gov.uk)

**Licence & Appeal History**

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
05/06830/LIPCV	Conversion	20.09.2005	Granted under delegated authority
09/04429/LIPT	Transfer – David Serlui to Merlot 73 Limited	07.07.2009	Granted under delegated authority
09/04430/LIPDPS	Change of DPS	07.07.2009	Granted under delegated authority
09/06353/LIPVM	Minor variation – change of layout	07.09.2009	Granted under delegated authority
11/08673/LIPVM	Minor variation – update CCTV condition	16.09.2011	Granted under delegated authority
12/05180/LIREVP	Review of the premises licence	16.08.2012	Modification/addition of conditions
14/06628/LIPT	Transfer – Merlot 73 Limited to St James's Prospects Limited	01.09.2014	Granted under delegated authority
14/07530/LIPT	Transfer – St James's Prospects Limited to Chesnut Management Limited	03.11.2014	Licence currently suspended for non payment of annual fees

**The Premises licence holder sought to appeal the decision of the Licensing Sub Committee dated 16 August 2012. The Appeal was heard at by District Judge Fanning at Westminster Magistrates Court and was dismissed on 9<sup>th</sup> April 2013.**

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
15/03326/LIPN	Shadow licence in the same terms as premises licence 14/07530/LIPT	25.06.2015	Granted by Licensing Sub Committee
18/14066/LIPT	Transfer – Vevil International Limited to Vevil Properties Ltd	24.07.2019	Granted under delegated authority

22/04142/LIPT	Transfer – Vevil Properties Ltd to St James Projects Ltd	05.05.2022	Granted under delegated authority
23/05666/LIPDPS	Change of DPS	09.09.2023	Granted under delegated authority

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

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

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

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

**Conditions: On Current Licence -**

**Mandatory:**

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

- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
  - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml;
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor.

For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

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

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

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

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

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

Where -

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

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

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

None

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

#### **The applicant is proposing to remove the following condition (condition 11)**

11. This licence is subject to all the former Rules of Management for Places of Public Entertainment licensed by Westminster City Council, in force from 4 September 1998 and incorporating amendments agreed by the Council on 25 October 1999, 30 June 2000, 16 January 2001 and 1 October 2001.
12. 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).

#### **The applicant is proposing to vary condition 12 as follows:**

12. The premises may remain open for the sale of alcohol, regulated entertainment and the provision of late-night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day

#### **The applicant is proposing to remove the following condition (condition 13)**

13. Notwithstanding the provisions of Rule of Management No 6 the premises may remain open for the purposes of this licence from 11pm on each of the days Monday to Saturday to 3.30am on the day following and from 11pm on Sunday to 3am on the day following (3.30 am on a Monday bank holiday).

#### **The applicant is proposing to remove the following condition (condition 14)**

14. The provision of public entertainment under this licence shall remain as an ancillary part of the lawful Class A3 use of the premises.
15. Licensable entertainment shall not be provided in the entrance lobby.
16. At least two registered door supervisors shall be stationed at the entrance to the premises from 11pm on each night when the premises remain open beyond 11pm, so as to ensure that customers enter and exit the premises in a quiet and orderly manner.
17. No external doors or windows shall be fixed open after 11pm on any day of the week.
18. A sound limiter device shall be fitted to the sound system and shall be set and maintained at levels agreed by the Environmental Health Officer. The operational panel shall then be secured and the system will not be altered without the approval of the Environmental Health Officer.
19. The sound system shall not be altered or modified without the approval of the Environmental Health Officer.
20. No additional sound generation equipment shall be used on the premises without being routed through the sound limiter device.
21. Notices shall be provided at the premises requesting patrons to leave quietly. Similar reminders shall be made over the loud speakers and by door supervisors at the door.

22. The CCTV system shall be maintained and operated correctly to the satisfaction of the Metropolitan Police Crime Prevention Officer. The tapes from the system shall be retained for a period of 28 days.

**The applicant is proposing to vary condition 22 as follows:**

22. 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 are 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.

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 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. The iron gate at the foot of the external entrance staircase shall be locked back in an open position while the premises are in use under this licence.
24. The final double leaf wooden doors on the alternative escape route shall be locked back in an open position while the premises are in use under this licence.
25. No unauthorised advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) is inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or is distributed on street to the public, that advertises or promotes the establishment, its premises, or any of its events, facilities, good or services.
26. Substantial food and non-intoxicating beverages (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicants are provided.
27. On any evening where the premises or part of the premises are open for the purpose of music, dance and entertainment, alcohol may not be sold or supplied to persons admitted to the premises after 11pm other than to:
- (a) Persons who have paid a minimum admission fee of at least £5 Monday to Thursday and £7 Friday and Saturday for music, dance and entertainment. (Not to be credited against consumables);
  - (b) Any person attending a private function at the premises, details of the type of function, host and list of persons attending having been provided to police at least 24 hours previously;
  - (c) Artistes or persons employed on the premises;
  - (d) Bona fide guests of the proprietor, a list of whom shall be kept at reception for inspection by appropriate authorities;
  - (e) Persons taking a full table meal;
  - (f) Members of the proprietary club operating at these premises.

**The applicant is proposing to vary condition 27 as follows:**

27. On any evening where the premises or part of the premises are open for the purpose of music, dance and entertainment, alcohol may not be sold or supplied to persons admitted to the premises after 11pm other than to:
- (a) Persons taking a full table meal;
  - (b) Any person attending a private function at the premises, where a full guest list must be produced by the premises at least 24 hours prior to the function together with a booking sheet for each function regarding the following information as a minimum - name of the individual who has hired the premises together with contact details; date of hiring and purpose of event. The guest list and booking sheet will be made available to the police or an authorised officer of the Council upon request at the premises on the night of the function and for a period of 14 days thereafter.
  - (c) Artistes or persons employed on the premises;
  - (d) Bona fide guests of the proprietor, a list of whom shall be kept at reception for inspection by appropriate authorities;
  - (e) Members of the proprietary club operating at these premises.
28. No striptease, no nudity and all persons to be decently attired at all times.

**The applicant is proposing to remove the following condition (condition 29)**

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

**The applicant is proposing to remove the following condition (condition 30) as it is a duplication of condition 22 above**

30. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.

**The applicant is proposing to remove the following condition (condition 31) as it is a duplication of condition 22 above**

31. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
32. The hours permitted for the sale of alcohol are:
- (a) Monday 09:00 to 00:00;
  - (b) Tuesday to Saturday 09:00 to 03:00;
  - (c) Sunday 12:00 to 02:30;

- (d) Sunday before Bank Holiday 12:00 to 03:00;
- (e) In relation to the morning on which summer time begins, paragraph (b) of this condition shall have effect with the substitution of references to 04.00 for references to 03.00
- (f) The permitted hours for the sale of alcohol on New Year's Eve are 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

**The applicant is proposing to vary condition 32 as follows:**

- 32. On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01.00
- 33. No payment shall be made by or on behalf of the licensee to any person for bringing customers onto the premises directly from the street.
- 34. When a customer chooses to pay by credit card, he/she will be presented with an itemised bill on final payment, showing details of all drinks and food purchased.
- 35. Where the sale of alcohol takes place after 00:30 on the day following Sundays (other than the Sundays before Bank Holidays) this will be only to persons attending private pre-booked functions at the premises or to members of the private club operating at the premises and their guests.

**The applicant proposes to vary condition 35 as follows:**

Where the sale of alcohol takes place after 00:30 on the day following Sundays (other than the Sundays before Bank Holidays) this will be only to persons attending for seated dining /or private pre-booked functions at the premises or to members of the private club operating at the premises and their guests.

- 36. No external promoters will be used to organise the private functions on Sundays referred to in condition 37 above, such private functions to be organised by the premises licence holder/designated premises supervisor.
- 37. Where a private function takes place at the premises on Sundays (other than Sundays before Bank Holidays) where alcohol is to be sold after 00:30 the following day, a full guest list must be produced by the premises at least 24 hours prior to the function together with a booking sheet for each function regarding the following information as a minimum - name of the individual who has hired the premises together with contact details; date of hiring and purpose of event. The guest list and booking sheet will be made available to the police or an authorised officer of the Council upon request at the premises on the night of the function and for a period of 14 days thereafter.
- 38. Where alcohol is being sold on Sundays (other than Sundays before Bank Holidays) after 00:30 the day following to members of the private club operating at the premises, members shall be permitted to have no more than 4 guests accompanying them, and all members must have been accepted as members of the private club no later than 24 hours beforehand.

39. The number of persons accommodated at the premises shall not exceed 210 persons (exclusive of staff).
40. There shall be no admittance to the premises after 00:00.

**The applicant proposes to vary condition 40 as follows:**

40. There shall be no new admittance or readmittance to the premises save for smokers after 01:00
41. 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.
42. Every member of staff will undergo documented responsible server training within a month of the decision and (for new staff) within 3 months of starting employment.

**The applicant proposes to vary condition 42 as follows:**

42. Every member of staff involved in the sale and supply of alcohol will undergo documented responsible server training within 2 months of starting employment
43. All staff will receive refresher responsible server training once per year.
44. The licensee shall maintain further CCTV cameras outside the premises so as to both south and north in St James's Street.
45. All staff engaged outside the entrance to the premises, or supervising or controlling queues shall wear high visibility yellow jackets or vests.

**The applicant proposes to vary condition 45 as follows:**

45. All staff engaged outside the entrance to the premises, or supervising or controlling queues shall wear distinctive clothing to identify them as a member of staff or security.
46. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
47. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.

**The applicant is proposing to remove the following condition (condition 48)**

48. No drinks shall be served in glass containers at any time.
49. Exterior door staff shall be equipped with "body cams".
50. Should the CCTV system develop a significant fault, the premises licence holder will inform the Police of the fault and of the proposed time for rectification.

51. The premises licence holder shall install and use a clubscan or similar device at the entrance to the premises.

**The applicant proposes to vary condition 51 as follows:**

51. After midnight
- (a) All customers entering the premises shall have their ID and/or membership card scanned on entry, save for when a biometric scanning system is in place. The details recorded shall include a live facial image capture of the customer and capture the photographic identification produced. The details recorded by the ID scanner system shall be made available to the Police and the local authority upon request.
- (b) The requirement in (a) will not apply to customers who have prebooked more than 24 hours in advance to attend the premises for a seated meal with substantial food. Details of the restaurant booking will be retained for 31 days after the attendance for inspection by the police and responsible authorities upon request. For the purpose of this condition 'Substantial Table Meal' means – a meal such as might be expected to be served as the main midday or main evening meal, or as a main course at either such meal and is eaten by a person seated at a table, or at a counter or other structure which serves the purposes of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure servicing the purposes of a table.
- (c) The requirement in (a) above is subject to the following exceptions, namely that a maximum number of (15) guests per night may be admitted at the Managers discretion without necessarily photo ID being scanned and recorded. The admission of such guests however shall be in accordance with the following procedure:
- (i) The DPS shall approve in writing the names of a maximum of three managers other than him/herself who are authorised to sign in such guests.
- (ii) A legible record (the signing in sheet) of those guest's name shall be retained on the premises for inspection by the licensing authority and Police for a minimum period of 31 days. The name of the DPS approved manager authorising the admission will also be recorded by that manager.
- (iii) Guests shall be required to produce some form of ID such as a bank card (or emailed electronic photo ID) and ID scan entry with a live photo shall be created.
- (iv) Where there are appropriate reasons for a guest not to be able to produce ID and be subject to ID scan, the Approved Manager may still permit entry. In such circumstance he shall also record the reasons for this in the signing in sheet
- (d) Notwithstanding (a) above, patrons who are attending a pre-booked private event at the premises do not need to have their ID Scanned on entry and instead a written guest list for all attending shall be held at reception for the event, and will be retained for 31 days after the event
52. All door staff shall work for a contractor who is a member of the Security Industry Authority's Approved Contractor Scheme.
53. There shall be one door supervisor for every thirty customers, with a number of four door supervisors at all times.

**The applicant proposes to vary condition 53 as follows:**

53. (a) At least 2 SIA licensed door supervisors shall be on duty at the entrance of the premises from 20:00 whilst it is open for business
- (b) There shall be one door supervisor on duty for every 100 customers
54. All door staff shall wear distinctive clothing so that they can be readily identified at the premises.

55. A member of the door staff shall patrol on both sides of St James' Street between Piccadilly and Jermyn Street.
56. The Licensee will give local residents who want it a dedicated hotline telephone number which will always be manned during trading hours and for 30 minutes thereafter.
57. A Management Plan requiring the Licensee to use their best endeavours to manage customers, external to the premises, including arrival, departure and dispersal of customers quickly, quietly and towards Piccadilly shall be submitted to Environmental Health for approval and the Licensee shall thereafter implement and maintain the said Plan.

**Conditions proposed to be to be added by the applicant**

58. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given.
  - a. dry ice and cryogenic fog
  - b. smoke machines and fog generators
  - c. pyrotechnics including fireworks
  - d. firearms
  - e. lasers
  - f. explosives and highly flammable substances
  - g. real flame g. strobe lighting.
59. 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.
60. 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.
61. All emergency doors shall be available at all material times without the use of a key, code, card or similar means.
62. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
63. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
64. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
65. 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.
66. Flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby properties, save insofar as they are necessary for the prevention of crime.
67. Before the premises open to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the

premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.

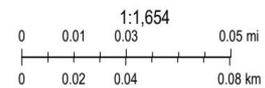
68. The licence will have no effect until the Licensing Authority are satisfied that the premises is constructed or altered in accordance with the appropriate provisions of the District Surveyors Association – technical Standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition will be removed from the licence.

48 - 49 St James's Street



04/01/2024, 15:10:41

- Property Mailing List
- Ward Boundaries
- Ward Labels



**Resident count: 33**

Licensed premises within 75m of 48 -49 St James's Street, London, SW1A 1JT				
Licence Number	Trading Name	Address	Premises Type	Time Period
15/07336/LIPV	Caviar House Restaurant	Ground Floor 161 Piccadilly London W1J 9EA	Restaurant	Sunday; 10:00 - 23:00   Monday to Saturday; 10:00 - 23:30
18/08858/LIPDPS	Caviar House Restaurant	Ground Floor 161 Piccadilly London W1J 9EA	Restaurant	Sunday; 10:00 - 23:00   Monday to Saturday; 10:00 - 23:30

23/01862/LIPDPS	The Wolseley	Basement And Ground Floor 157 - 160 Piccadilly London W1J 9EA	Restaurant	Monday to Sunday; 09:00 - 01:30
23/00864/LIPVM	Sheesh Piccadilly	67 - 68A Piccadilly London W1J 0HJ	Restaurant	Monday; 10:00 - 00:30   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; 10:00 - 00:30
23/07763/LIPCH	Caffe Concerto	61 Piccadilly London W1J 0DY	Cafe	Monday to Sunday; 07:00 - 23:30
07/00273/WCCMAC	White's Club	37 St James's Street London SW1A 1JD	Club or institution	Sunday; 12:00 - 23:00   Monday to Saturday; 10:00 - 23:30
18/01431/LIPDPS	The Clarence Public House	4 Dover Street London W1S 4LB	Public house or pub restaurant	Sunday; 07:00 - 23:30   Monday to Saturday; 07:00 - 00:30
23/00858/LIPVM	Tabu	1 Dover Street London W1S 4LA	Restaurant	Sunday; 09:00 - 00:30   Monday to Saturday; 09:00 - 03:30
19/06880/LIPCH	Franco's	61-63 Jermyn Street London SW1Y 6LX	Restaurant	Monday to Saturday; 07:30 - 00:30
23/03008/LIPT	Itsu	167 Piccadilly London W1J 9EG	Cafe	Monday to Sunday; 07:00 - 22:30
22/10328/LIPV	The Ritz Hotel	The Ritz Hotel 150 - 156 Piccadilly London W1J 9BR	Hotel, 4+ star or major chain	Monday; 00:00 - XXXX   Tuesday; 00:00 - XXXX   Wednesday; 00:00 - XXXX   Thursday; 00:00 - XXXX

				Friday; 00:00 - XXXX   Saturday; 00:00 - XXXX   Sunday; 00:00 - XXXX
07/00183/WCCMAP	Davidoff Of London	35 St James's Street London SW1A 1HD	Shop	Sunday; 10:00 - 22:30   Monday to Saturday; 08:00 - 23:00
22/06656/PREAPS	Not Recorded	168 Piccadilly London W1J 9EQ	Not Recorded	
19/00705/LIPN	Not Recorded	48 Albemarle Street London W1S 4JP	Public house or pub restaurant	Sunday; 12:00 - 23:00   Monday to Wednesday; 08:00 - 00:00   Thursday to Saturday; 08:00 - 00:30
19/03262/LIPT	Not Recorded	48 Albemarle Street London W1S 4JP	Restaurant	Sunday; 08:00 - 23:00   Monday to Wednesday; 08:00 - 00:00   Thursday to Saturday; 08:00 - 00:30   Sundays before Bank Holidays; 12:00 - 00:00
23/06938/LIPDPS	Mayfair Club	Basement 49 - 50 Dover Street London W1J 8DJ	Night clubs and discos	Sunday; 09:00 - 05:00   Monday to Saturday; 09:00 - 06:00
23/08420/LIPDPS	Blue Posts Public House	Blue Post Public House 6 Bennet Street London SW1A 1RP	Public house or pub restaurant	Sunday; 12:00 - 22:30   Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00   Sundays before Bank Holidays; 12:00 - 00:00

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