



City of Westminster

Committee Agenda

Title: **Licensing Sub-Committee (4)** **31/2014**

Meeting Date: **Thursday, 3rd July, 2014**

Time: **10.00 am**

Venue: **Rooms 5, 6 & 7 - 17th Floor, City Hall**

Members: **Councillors:**

Jean Paul Floru (Chairman)
Jan Prendergast
Rita Begum

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 by ticket, issued from the ground floor reception at City Hall from 6.00pm. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.



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

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

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

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

The Head of Legal and Democratic Services to report any changes to the membership.

2. DECLARATIONS OF INTEREST

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

3. LICENSING APPLICATIONS

Applications for Decision.

App No	Ward/Stress Area	Site Name and Address	Application	Licensing Reference Number
1.	Regents Park/ Not Applicable	Co-operative Food 18-22 Park Road, NW1	New	14/03669/LIPN
2.	Marylebone High Street/Not Applicable	Opso, 10 Paddington Street, W1	Variation	14/03471/LIPV
3.	St James's/CAZ North	91 Club With Abracadabra Restaurant, 6-7 Ormond Yard, SW1	New Sexual Entertainm ent Venue	14/02824/LISE VN

4. ANY OTHER BUSINESS WHICH THE CHAIRMAN CONSIDERS URGENT

Peter Large
Head of Legal & Democratic Services
27 June 2014



City of Westminster

Licensing Sub-Committee Report

Item No:	
Licensing Ref No:	14/03669/LIPN
Date:	3 July 2014
Classification:	For General Release
Title of Report:	Co-operative Food 18-22 Park Road London NW1 4SH
Report of:	Operational Director – Premises Management
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Ryan Peermamode Environmental Health Case Officer (Licensing)
Contact Details:	Telephone: 020 7641 1879 E-mail: rpeermamode@westminster.gov.uk

1. APPLICATION DETAILS

Application Type:	New premises licence under the Licensing Act 2003.		
Applicant:	Co-operative Group Food Limited	Date Application Received:	9 May 2014 (validated 16 May)
Premises Name and Address:	Co-operative Food 18-22 Park Road, London, NW1 4SH		
Ward Name:	Regent's Park	Stress Area:	No
Premises Description:	The premises propose to operate as a licensed convenience store selling a range of items including alcohol for consumption off the premises.		

Note: Where the committee is minded to grant the application it will be granted subject to the mandatory conditions and conditions consistent with the operating schedule modified to such extent as the authority considers appropriate for the promotion of the licensing objectives detailed in Appendix D to this report.

Proposed Licensable Activities, Proposed Hours:		References / Notes
1.	Sale of Alcohol: Off Sales Monday to Saturday 08:00 to 23:00 Sunday 10:00 to 22:30 Relevant representations and policies applicable:	
1A	An adverse representation had been made by the Police Licensing Team stating that the application if granted would undermine the crime prevention objective. Conditions have been proposed to address their concerns, which have been agreed by the applicant. The Police representation was subsequently withdrawn. Please refer to Appendix B1	Police; representation, conditions & withdrawn
1B	An adverse representation has been made by the Environmental Health Service stating that the grant of the application as presented will impact upon public safety and have the likely effect of causing an increase in public nuisance within the area. Please refer to Appendix B2	Environmental Health; representation
1C	Adverse representations have been received from eight residents from flats above the premises on Park Road, as well as two residents from neighbouring Clarence Terrace. The concerns raised refer to the licensing objectives, most notably, the prevention of public nuisance. Please refer to Appendices B3-B12	10 Residential representations
1D	The following policies within the City Of Westminster Statement of Licensing Policy apply: Prevention of crime and disorder (CD1) Public Safety (PS1) Prevention of public nuisance (PN1) Protection children from harm (CH1) Hours (HRS1) Off sales of alcohol outside the Stress Areas (OS1)	Polices applicable

<p>1E</p> <p>1F</p> <p>1G</p>	<p>Policy HRS1 applies:</p> <p>(i) Applications for hours within the core hours set out in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours in this policy will be considered on their merits, subject to other relevant policies and with particular regard to criteria set out in the policy.</p> <p>Policy OS1 applies:</p> <p>Applications will generally be granted subject to the relevant criteria in Policies CD1, PS1, PN1, CH1 and HRS1 and other policies in this statement.</p> <p>The Licensing Sub-committee may refuse, grant in full or grant in part this proposal, having taken into account the representations received and Westminster's Statement of Licensing Policy. The decision taken should promote the licensing objectives of:</p> <ul style="list-style-type: none"> • prevention of public nuisance, • prevention of crime & disorder, • public safety and • protection of children from harm 	<p style="text-align: center;">Summary</p>
<p>2.</p> <p>2A</p> <p>2B</p>	<p>Opening Hours:</p> <p>Monday to Sunday 07:00 to 23:00</p> <p><i>(Note: Opening hours are not a licensable activity under the Licensing Act 2003, however they can still be taken into consideration when assessing the application's effect on the licensing objectives.)</i></p> <p>Relevant representations and policies applicable:</p> <p>Refer to 1A to 1F as above.</p> <p>The Licensing Sub-committee may refuse, grant in full or grant in part this proposal, having taken into account the representations received and Westminster's Statement of Licensing Policy. The decision taken should promote the licensing objectives of:</p> <ul style="list-style-type: none"> • prevention of public nuisance, • prevention of crime & disorder, • public safety and • protection of children from harm. 	<p style="text-align: center;">Opposed by Environmental Health and 10 Residents</p> <p style="text-align: center;">Summary</p>
<p>Current Licensing Position</p>	<p>This premises has not previously held a licence under Licensing Act 2003.</p>	
<p>Current Planning Position</p>	<p>The premises has long established use as retail (Class A1).</p> <p>Planning permission ref: 14/04618/FULL sought for installation of ATM within shopfront and alterations to door. A decision is pending.</p>	
<p>Residential Density:</p>	<p>139 of the 141 units are residential or proposed residential units within a 75m radius of the premises (99%). Please refer to Appendix E</p>	

List of Appendices:	A1 - Application Form A2 – Plan A3 – Applicants’ supporting documentation B1 – Police Licensing Team; representation, conditions & withdrawal B2 - Environmental Health; representation B3-B12 – Residential representations C – Licence History D - Proposed Conditions E – Residential Map and list of premises in the vicinity F – Photograph of the premises
Relevant Representations:	Environmental Health Service 10 Residents

2. APPLICANT SUBMISSIONS AND EVIDENCE

2.1 The evidence submitted by the applicant in support of the Licensing Objectives is provided in Appendix A.

3. LICENSING ACT 2003 APPLICATIONS AND APPEAL HISTORY

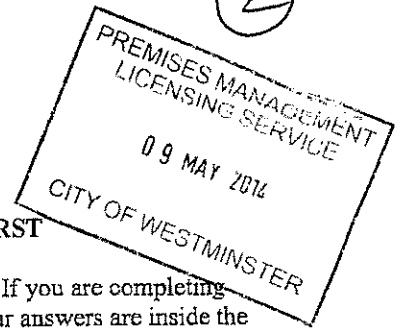
3.1 Any chronology relating to appeals is set out in Appendix C.

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

- Licensing Act 2003
- City of Westminster Statement of Licensing Policy (7th January 2011)
- Amended Guidance issued under section 182 of the Licensing Act 2003 (June 2013)

(2)

Application for a premises licence to be granted under the Licensing Act 2003



PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Co-operative Group Food Ltd

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Co-operative Food 18-22 Park Road			
Post town	Regents Park, London	Postcode	NW1 4SH

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£87,001.00-£125,000.00 (Band D)

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
 - i. as a limited company please complete section (B)
 - ii. as a partnership please complete section (B)
 - iii. as an unincorporated association or please complete section (B)
 - iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)

- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a
 statutory function or
 a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name Co-operative Group Food Ltd
Address Dept 10227 1 Angel Square Manchester M60 0AG
Registered number (where applicable) IP26715R
Description of applicant (for example, partnership, company, unincorporated association etc.) Company
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

Proposed convenience retail store, to trade 7 days a week, selling groceries, sundry items and alcohol for consumption off the premises only.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick any that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Wed					
Thur					
			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Tue			
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)			
Mon						
Tue						
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)			
Thur			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)			
Fri						
Sat						
Sun						

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors <input type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)	
Mon				
Tue				
Wed			State any seasonal variations for the performance of live music (please read guidance note 4)	
Thur				
Fri			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sat				
Sun				

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur					
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 3)		
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Fri					
Sat			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)					
Mon								
Tue								
Wed						<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Thur								
Fri								
Sat						<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun								

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4) None		
Mon	08:00	23:00			
Tue	08:00	23:00			
Wed	08:00	23:00			
Thur	08:00	23:00			
Fri	08:00	23:00			
Sat	08:00	23:00			
Sun	10:00	22:30	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:

Name Jinal Patel	
Postcode	
Personal licence number (if known)	
Issuing licensing authority (if known)	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).

None

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	07:00		<p><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 5)</p>
		23:00	
Tue	07:00		
		23:00	
Wed	07:00		
		23:00	
Thur	07:00		
		23:00	
Fri	07:00		
		23:00	
Sat	07:00		
		23:00	
Sun	07:00		
		23:00	

M Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

The applicant has given thought to the potential impact of the grant of this application on the four licensing objectives and, having regard to the locality, considers that the following conditions are appropriate.

b) The prevention of crime and disorder

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 28 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 28 day period.
2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
3. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
4. The licence holder shall ensure that outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, all alcohol within the trading area is to be secured behind locked grills, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff.
5. No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises.
6. No single cans or bottles of beer or cider or spirit mixtures shall be sold at the premises.
7. No more than (15)% of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol.
8. There shall be no self service of spirits on the premises, save for spirit mixtures less than 5.5% ABV.
9. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale.
10. Prior to any football match taking place at Wembley Stadium the premises licence holder shall ensure that;
 - (i) Alcohol sales in respect of cans of beer or cider are limited to no more than 4 cans per person for a minimum of four hours before the commencement of the relevant designated sporting event;
 - (ii) No sales of alcohol in bottles or glass containers are made in the period four hours before the commencement of the designated sporting event
 - (iii) On any day where there is a relevant designated sporting event taking place, the premises will not externally advertise as a result of a local store promotion the availability of beer or cider in such a way as to be likely to be the sole inducement to attract persons to the premises who are either attending the designated sporting

event or in the vicinity of the premises as a result of the designated sporting event;
(iv) All members of staff working at the premises are informed of this condition prior to taking up employment;
(v) On the day of the relevant designated sporting event, upon the direction of a police officer of the rank of Inspector or above, using the grounds of the prevention of crime and disorder or public safety, the premises will immediately cease to sell alcohol until further directed by the police or until the relevant designated sporting event has finished.

11. There shall be "CCTV in Operation" signs prominently displayed at the premises.
12. An incident log (whether kept in a written or electronic form) shall be retained at the premises and made available to an authorised Officer of the Police or the Local Authority.
13. The premises shall operate a proof of age scheme, such as a Challenge 25, whereby the only forms of acceptable identification shall be either a photographic driving licence, a valid passport, military identification or any other recognised form of photographic identification incorporating the PASS logo, or any other form of identification from time to time approved by the secretary of the state.
14. The premises will be fitted with a burglar alarm system
15. The premises will be fitted with a panic button system for staff to utilise in the case of an emergency.

c) Public safety

The premises licence holder shall ensure that the appropriate fire safety, and health and safety regulations are applied at the premises.

d) The prevention of public nuisance

A complaints procedure will be maintained, details of which will be made available in store and upon request.

e) The protection of children from harm

1. All staff will receive comprehensive training in relation to age restricted products and in particular the sale of alcohol. No member of staff will be permitted to sell age restricted products until such time as they have successfully completed the aforementioned training.
2. An age till prompt system will be utilised at the premises in respect of age restricted products.
3. A refusals register (whether kept and written or electronic form) will be maintained at the premises and will be made available for inspection upon request by an authorised Officer of the Police or the Local Authority

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 11).
If signing on behalf of the applicant, please state in what capacity.

Signature	<i>Ward Hadaway</i>
Date	07/05/2014
Capacity	Solicitor acting on behalf of the applicant

For joint applications, signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

Miss Suzanne Blewitt
 Ward Hadaway
 Sandgate House
 102 Quayside

Post town	Newcastle	Postcode	NE1 3DX
Telephone number (if any)	0191 204 4491		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) suzanne.blewitt@wardhadaway.com			

Peermamode, Ryan

Subject: FW: COOP - 18/22 Park Rd (14/03669)
Attachments: Counsel_s Advice - Susanna FitzGerald QC.PDF

From: Richard Arnot [<mailto:Richard.Arnot@wardhadaway.com>]

Sent: 16 June 2014 09:25

To: Agbley, Peter

Subject: COOP - 18/22 Park Rd (14/03669)

Further to the above , I attach an opinion of Suzanna Fitzgerald QC describing the non-appropriateness of delivery conditions in licensing applications to which I may refer in the hearing if necessary . A number of residents raise deliveries as a concern and our view , supported by Suzanna's opinion , is that this isn't an appropriate consideration in a licensing application and sits more readily with planning . For information , Knowsley BC removed the offending condition.

Please ignore the final paragraph of Suzanna's opinion which relates to another matter .

Regards

Richard

RE. THE CO-OP AND PREMISES
LICENCE

UNDER THE LICENSING ACT 2003

ADVICE

Ward Haddaway
Sandgate House
102 Quayside
Newcastle Upon Tyne
NE1 3DX

Telephone: 0191 204 4000
DX: 61265 Newcastle upon Tyne

Ref RXA.AS.COO229.4 Richard Arnot

RE. THE CO-OP AND PREMISES LICENCES
UNDER THE LICENSING ACT 2003

ADVICE

1. I am asked to advise the Co-Op about a condition which appears in several of its premises licences granted under the Licensing Act 2003, and as to the proper interpretation of this condition.

2. I have in front of me a typical example of such a premises licence, in this case granted by Knowsley Council, for a Co-Op situated in Fazakerley. The licence authorises the licensable activity of the sale by retail or the supply of alcohol. The licensee is the Co-Operative Group Food Limited. Attached to this licence are the mandatory conditions, and various other conditions under the headings of the licensing objectives i.e. the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm. Modifications were made to the conditions, following a hearing on 14th March 2013, which the Council considered “appropriate, proportionate and reasonable” to make “having regard to the promotion of the licensing objectives”.

3. Under the heading of “The Prevention of Public Nuisance” appears just one condition, (not modified earlier this year) which is:-

“No deliveries to take place between 10pm and 7am the following day.”

4. I understand that no deliveries of alcohol have taken place between 10pm and 7am, but it has been alleged that some deliveries of other goods which the shop sells have taken place within those hours. This condition, as I have mentioned, is typical of more than one Co-op premises licence and although the premises licence I have quoted is one granted by Knowsley Council, this Advice extends to other licences with a similar condition. Knowsley Council, I understand, have put forward the view that the condition means that no deliveries whatsoever may take place between 10pm and 7am, whereas the Co-Op and my Instructing Solicitor maintain that the condition can only refer to the deliveries of alcohol to the premises covered by the licence.

The Licensing Act 2003

5. The heading to the Act specifies that it is:-

“An Act to make provision about the regulation of the sale and supply of alcohol, the provision of entertainment and the provision of late night refreshment, about offences relating to alcohol and for connected purposes.”

6. Section 1 sets out the “licensable activities”, the first one of which is the sale by retail of alcohol.

7. By Section 2(1)(a), a licensable activity (in this case the sale by retail and supply of alcohol) may be carried on under and in accordance with a premises licence. By Section 136, a person commits an offence if he carries on a licensable activity from premises otherwise than under and in accordance with an authorisation, i.e. a licence in this case. There are various other offences relating to alcohol set out in the following

sections. Obviously, therefore, the licence is entirely concerned with making lawful, and controlling, the licensable activities.

8. By Section 4(1) a licensing authority:-

“.....must carry out its functions under this Act (“licensing functions”) with a view to promoting the licensing objectives.

(2) The licensing objectives are:

- (a) the prevention of crime and disorder;
- (b) public safety;
- (c) the prevention of public nuisance; and
- (d) the protection of children from harm.”

9. By Section 11, a premises licence means a licence which “authorises the premises to be used for one or more licensable activities”. So, as may be seen, everything is tied to the licensable activity which in this case refers to the sale by retail of alcohol.

10. A licensing authority is given power to grant a premises licence subject to conditions (see Section 18). If no relevant representations are received, the authority’s power to impose conditions is limited, but if a relevant representation is received, the authority’s power is somewhat wider. However it is still constrained as the authority may only impose conditions (other than the mandatory conditions), “appropriate for the promotion of the licensing objectives”.

11. The Co-Op requires this licence solely to enable the sale of alcohol by retail. It does not require any premises licence to carry on the main bulk of its trade, which is that of selling food and other grocery products, presumably permitted under appropriate planning permission. Therefore, it can lawfully supply food and other grocery products other than alcohol without a premises licence. If there were no premises licence in force, the Co-Op can perfectly lawfully receive deliveries of food and other grocery products at any time.

12. A licensing authority may only impose a condition so far as it considers it appropriate for the promotion of the licensing objectives in relation to a licensable activity. It does not have carte blanche to impose any condition which it considers may be appropriate to the premises. To impose such a condition unrelated to a licensable activity would be ultra vires, unlawful and irrational. This was recently illustrated in a Scottish case, Bapu Properties Limited v. City of Glasgow Licensing Board 2012 WL 488659. This was an appeal to the Sheriff's Court under the Licensing (Scotland) Act 2005 where the Licensing Board had refused an application for a variation of a premises licence in relation to a licensed Indian restaurant. The restaurant wished to extend the ambit of the licence to include an external seating area along the pavement next to the glass frontage of the restaurant. One of the reasons given by the Board to support this refusal was that the granting of the application would be inconsistent with the licensing objective of preventing public nuisance. The Board considered that granting the application would limit the space on the footpath so as to cause congestion and inconvenience to pedestrians in a busy area of the city centre.

13. The Scottish Licensing Act is not identical in its terms to the Licensing Act 2003 but it has striking similarities. It refers to “premises licences,” and licensing objectives, one of which is “preventing public nuisance.” One of the grounds for refusal of a licence is that “the Board considers that the granting of the licence would be inconsistent with one or more of the licensing objectives.” In my view, it is right that the Scottish court and the Scottish law should provide authority and guidance for the English court.

14. The Court found:-

“45. The single function of a Licensing Board under the 2005 Act is that of the licensing of the sale of alcohol. The powers to licence (sic) the sale of alcohol cannot be deployed to effect objectives not related to the sale of alcohol, but which the Licensing Board might yet find desirable. The objectives listed in Section 4 of the 2005 Act” (which are the licensing objectives), “though striking in their apparent generality, are not “free-standing” objectives. They are “licensing” objectives. The objectives, if they are to be relied upon to refuse a licence, must be “linked to the sale of alcohol” (Brightcrew Limited v. The City of Glasgow Licensing Board [2011] CSIH 46 at paragraph 26).”

The court went on to describe how the supposed public nuisance arose from the apprehended pedestrian congestion on the footpath. However the court held that congestion was not directly or materially linked to the sale of alcohol on the premises. It did not flow directly or materially from the licensing of the sale of alcohol. If it existed at all it would be attributable to the physical presence of the tables and the chairs of the restaurant’s external operation, which was already sanctioned by, inter alia, planning consent. Of course, conditions imposed on licences in England should not duplicate other

statutory provisions either, and here the Coop is entitled to sell food and other grocery products by virtue of planning permission.

15. The Court further stated:-

“48. The Board is not concerned with preventing public nuisance generally. The Board is only concerned with prevention of public nuisance so far as referable to the sale of alcohol.”

16. In the Brightcrew case (supra), at para 26, in addition to what was quoted in the Bapu case, the Inner House, Court of Session stated that, although the licensing objectives were all desirable in a general sense, that did not empower a Licensing Board to insist on matters not linked to the sale of alcohol. The same is true in England.

17. Consequently, in my view, any condition imposed has to be able to be materially and directly related to a licensable activity, which in this case is the sale by retail of alcohol. The authority do not have power under the Licensing Act to impose a condition which relates to anything other than one of the licensable activities i.e. here the sale by retail of alcohol. As was said in the Bapu Properties case (following the Brightcrew case), the authority is not concerned with preventing public nuisance generally, only with the prevention of public nuisance so far as it is referable to the sale of alcohol. A condition which purports therefore to limit all deliveries of foodstuffs or other groceries would be an unlawful condition because the authority would not have the power to impose it. However, the condition can be construed, and, in my view, must be construed, perfectly lawfully, if construed only to refer to deliveries of alcohol to be sold in the shop.

When faced with two possible interpretations, one of which would be unlawful and the other of which is lawful, the lawful interpretation is the one to be followed.

18. In contract law, “where the words of a contract are capable of two meanings, one of which is lawful and the other unlawful, the former construction should be preferred.” This principle is based on the proposition that “the parties are unlikely to have intended to agree to something unlawful.” (See Lewison “The Interpretation of Contracts,” 5th Edition at 7.1). The same can be said here: the authority is unlikely to have intended to impose a condition that was ultra vires and unlawful. Indeed, one must work on the basis that the authority intended to act lawfully and within its powers, and therefore, the condition can only refer to deliveries of alcohol.

19. I have in front of me a letter from Mrs Jane Miller in Croydon written to the local council in relation to a variation application put in by the Co-Op in respect of premises in Featherbed Lane, complaining that deliveries of bread to the Co-Op have taken place before 7am. The letter is the only representation received in respect of the application. The Licensing officer is suggesting that it is a relevant representation and therefore there needs to be a hearing. However, as I have set out above, when the authority are carrying out its duties under the Licensing Act, under section 4 (see para 8 above), the authority are concerned with matters relevant to the licensable activity in question and not public nuisance generally. Mrs Miller’s letter deals only with alleged deliveries of grocery products and has nothing to do with the retail sale of alcohol, and therefore has nothing to do with the likely effect of the grant of the application on the promotion of the licensing objectives. It therefore cannot be a relevant representation (see section 35(5)). Therefore

the application must be granted administratively without the need for a hearing (see section 35(2)).

SUSANNA FITZGERALD Q.C.

One Essex Court
Temple
London
EC4Y 9AR.

29 April 2013

Peermamode, Ryan

From: Guerra, Reaz
Sent: 04 June 2014 13:47
To: Suzanne.Blewitt@wardhadaway.com
Cc: idoxlicensing; Peermamode, Ryan
Subject: Ref - 14/03669/LIPN - Co-op 18-22 Park Road, London NW1
Attachments: Co op Park Road - Objection.pdf

Dear Suzanne,

With reference to the above application. I have tried calling but keep missing you.

Please find attached letter of objection.

Police seek the following condition:-

- All cashiers will receive training and refresher training on relevant alcohol laws and the licence holder's policy on challenging for ID. Such refresher training to take place at least twice a year. Records will be maintained at the premises containing information about the training of any person who may make a sale of alcohol including the date of their training and the nature of the training undertaken. The relevant documentation shall be produced on request to a police officer or a relevant officer of a responsible authority.

I note that you have proposed a condition regarding training and till prompts, but request that this be amended as follows:-

- All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.

Please call me if you have any questions.

Kind Regards

Reaz

PC Reaz Guerra 1614CW
Westminster Police Licensing Team
Westminster City Hall
4th Floor, 64 Victoria Street
London SW1E 6QP
Tel - 0207 641 1708

Your

Our 14/03669/LIPN

Date 4TH June 2014



**METROPOLITAN POLICE
SERVICE**

Reaz Guerra PC 1614CW
Westminster Police Licensing Unit
Westminster City Hall
64 Victoria Street
London
SW1E 6QP

Telephone: 020 7641 3179

Facsimile: 020 7641 2436

Suzanne Blewitt
wardhadaway
Sandgate House,
102 Quayside
Newcastle upon Tyne
NE1 3DX

Dear Suzanne,

Application for a New Premises Licence - 14/03669/LIPN

Co-op – 18-22 Park Road, London NW1 4SA

With reference to the above application I am writing to inform you that the Police, as a Responsible Authority, object to your application for a New Premises Licence as it is our belief that if granted the application would undermine the Crime Prevention Objective.

There is insufficient detail in the operating schedule to address the Crime Prevention Objective.

It is for this reason that we are objecting to the application

Should you wish to discuss the matter further please contact PC Reaz Guerra on 0207 641 1708 or via email, rguerra@westminster.gov.uk.

Yours Faithfully,

Reaz Guerra PC1614CW

Westminster Police Licensing Team

Peermamode, Ryan

Subject: FW: COOP - 18/22 Park Rd , NW1

From: Russell, Sandy
Sent: 17 June 2014 12:10
To: Peermamode, Ryan; Police Fullapps
Subject: RE: COOP - 18/22 Park Rd , NW1

Dear Ryan,

Police now withdraw our representation.

Thanks,

Sandy

PC Sandy Russell 4167CW
Westminster Police Licensing Team

From: Guerra, Reaz
Sent: 05 June 2014 15:05
To: Richard Arnot
Cc: idoxlicensing; Peermamode, Ryan
Subject: RE: COOP - 18/22 Park Rd , NW1

Richard,

All agreed.

Thanks
Reaz

From: Richard Arnot [<mailto:Richard.Arnot@wardhadaway.com>]
Sent: 05 June 2014 10:51
To: Guerra, Reaz
Cc: Agbley, Peter
Subject: COOP - 18/22 Park Rd , NW1

Hi Reaz,

Further to our conversation , we can agree to amend the application to incorporate the following conditions which should give you what you need .

All relevant staff will receive training in their responsibilities under the Licensing Act 2003 and Challenge 25 (or any similar scheme) . Refresher training will be given twice a year and training records made available to the Police or an authorised officer of the Licensing Authority .

Tills will be installed at the premises which prompt staff to request age verification from customers who appear to be under the age of 25 (or any other age should Challenge 25 be replaced by a similar scheme) .

Can you confirm that we are agreed ?

Regards,

Richard

CITY OF WESTMINSTER

MEMORANDUM

TO Licensing Officer

REFERENCE 14/03669/LIPN

FROM EH Consultation Team

REFERENCE

BEING DEALT WITH BY Ian Watson (iwatson@westminster.gov.uk)

TELEPHONE 020 7641 3183

DATE 3rd June 2014

The Licensing Act 2003

Co-operative Food, 18-22 Park Road, NW1

I refer to the application for a New Premises Licence.

The applicant has submitted a plan of the premises reference Regents Park F3 M0 dated 21.3.14.

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

The applicant is seeking the following

1. To provide for the Supply of Alcohol 'Off' the premises Monday to Saturday between 08.00 and 23.00 hours and Sunday 10.00 and 22.30 hours.

I wish to make the following representation

1. The provision and hours requested for the Supply of Alcohol will impact on Public Safety and have the likely effect of causing an increase in Public Nuisance within the area.

The granting of the application as presented would have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the area.

The applicant has provided some conditions in support of the application which are being considered but do not fully address the concerns of Environmental Health especially concerning deliveries/collections.

Should you wish to discuss the matter further please do not hesitate to contact me.

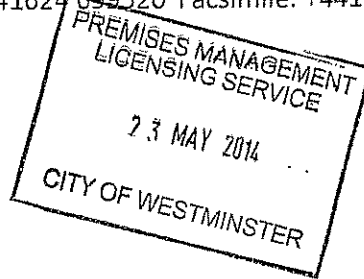
Ian Watson
Senior Practitioner Environmental Health (Licensing)

Bunbury Limited

Chesterfield Suite, Chesterfield House, 11-13 Victoria Street, Douglas, Isle of Man, IM1 2LR

Telephone: +441624 699520 Facsimile: +441624 660228

Premises Licensing
Westminster City Hall
4th Floor
64 Victoria Street
London
SW1E 6QP



19th May 2014

Dear Sirs,

Ref: 18-22 Park Road

As the owners of Flat 3, 24 Park Road, we would like to lodge an official objection to the proposed application by the Co-op for a liquor licence at 24 Park Road. The grounds of the objection are due to potential noise levels due to increased footfall.

Yours faithfully,

A handwritten signature in black ink, appearing to be "C. Stobart", written over a circular scribble.

Christopher Stobart
On Behalf of Bunbury Limited

Incorporated in the Isle of Man. Registration Number 068204C

Directors: Samantha J Parkes & Janet Shortall

Handwritten initials "SM" in black ink.

Flat 4
12 Park Road
London NW1 4SH
Gahbowden@aol.com



24th May 2014

Premises Licensing,
Westminster City Hall,
4th Floor South,
64 Victoria Street,
London SW1E 6QP

Dear Sir/Madam,

Re 18-22 Park Road London NW1 4SH

I wish to object to the proposal to grant a licence for the sale of alcohol at 18-24 Park Road NW1 4SH. This is for the following reasons:

1. There will be an increase of traffic in this residential street.
2. There will be increased noise due to deliveries and customers going in and out.
3. Because the flats above 18-22 Park Road were built in the 1960's, there is virtually no noise insulation and sounds are transmitted throughout the buildings.
4. It will lead to increased footfall in Park Road.
5. There is the danger that it will lead to people drinking in the street outside the premises.
6. There is already a choice of off-licences and convenience stores selling alcohol within five minutes walk of the premises.
7. The proposed hours are completely unacceptable. Residents will get no peace from 7.00 am to 11.00 pm Monday to Saturday and only slightly reduced hours on Sunday.

In view of the above, I very much hope that you will not approve this application.

Yours faithfully,

A handwritten signature in black ink, appearing to read "G. Bowden".

Gregory Bowden

Flat 5, 24 Park Road
London NW1 4SH
0207 402 9627

PREMISES MANAGEMENT
LICENSING SERVICE

30 MAY 2014

CITY OF WESTMINSTER

~~28th May 2014~~

Premises Licensing
Westminster City Hall,
4th Floor 3th.
64 Victoria St.
London SW1E 6QP.

Dear Sir/Madam

Re: 18-22 Park Rd. NW1 4SH

I wish to object to the proposal to grant a licence for the sale of alcohol at the above address This is for the following reasons.

- 1/ There will be an increase of traffic in this residential street.
- 2/ There will be increased noise due to deliveries and customers going in and out
- 3/ Because the flats above 18-22 Park Rd were built in the 1960's, there is virtually no noise insulation and sounds are transmitted throughout the building.
- 4/ It will lead to increased football in Park Rd.
- 5/ There is the danger that it will lead to people drinking in the street outside the premises
- 6/ There is already a choice of off-licences and convenience stores selling alcohol within five minutes walk of the premises

7/ The proposed hours are completely unacceptable. Residents will get no peace from 7.00am to 11.00pm Monday to Saturday and only slightly reduced hours on Sunday.

In view of the above I very much hope that you will not approve this application

Yours sincerely
Angeline Lavarini

Mrs J.El-Khazen
Flat 8, 24 Park Road, London NW1 4SH

25th May 2014

www.premiseslicensing@westminster.gov.uk
 Premises Licensing
 Westminster City Hall
 4th Floor South
 64 Victoria Street
 London SW1E 6QP



Dear Sirs,

Name of Applicant:Co-operative Group Food Limited
Address of Premises: Co-op, 18-24 Park Road, Regents Park, London NW1 4SA

I wish to object most strongly to the application by the Co-operative Group to sell alcohol and groceries from the premises on Park Road. The application is for a licence to sell alcohol seven days a week until late into the evening.

18-24 Park Road is primarily a residential block within a residential area. There are offices and an estate agents shop in this parade of shops on Park Road, all of which work 9am to 5pm office hours. As this building is a Crown Property within Westminster Council area, it should also be governed by the buildings permitted working hours and not allow any noise outside the hours of 9am and 5pm. Workers within the residential building are obliged to adhere to restricted working hours, and the shops should also be governed by the same restrictions.

18-24 Park Road is on a red route into London and has very restricted parking. There are three parking-meter places and two loading bays on Park Road. The parking is completely full in the evenings and weekends when visitors to Regents Park can park freely. Visitors to residents within surrounding apartment and mansion blocks, also expect to be able to park on Park Road. There are no facilities for supermarket shoppers to park cars. Additionally, delivery lorries and busses will often use the loading bays as a waiting zone.

There are noise and alcohol consumption restrictions along Park Road towards Lords Roundabout. It would seem a nonsense for another shop selling alcohol to be situated in this residential area. Additionally, this proposed shop is opposite a school and Rudolph Steiner premises. It is not uncommon to find people begging outside Tesco on both Melcolm St and Baker St. and it would be unfortunate to provide another location for people to congregate, sit on the pavement and consume alcohol. This could also be a problem on football match days.

The Park Road area does not need another supermarket. Tesco have a branch on Melcome Street which is 200 yards away, and another two branches on Baker Street. Both of these shops sell alcohol until late into the evening. Melcome Street also has a well established independent grocery store. A five minute walk to Marylebone Station provides a Marks & Spencer shop selling alcohol, whilst Baker St station Marks & Spencer sell sandwiches and other food and alcohol. Other businesses within Baker St station also sell food and drink. Within 50 yards of the proposed Co-op Shop there are four independent shops, two general grocery shops, one newsagent and one sandwich shop. The Business School also have a coffee and sandwich shop on Park Road. Sainsbury's has planning

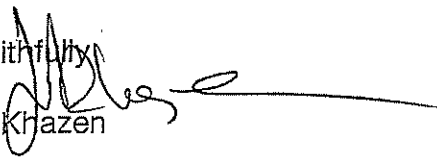
permission to open a store close to Park Road, on Baker Street. In addition to this Waitrose and Marks & Spencer have large supermarkets close by.

A Co-op store will generally sell a wide range of food, newspapers and cards, and alcohol. This store will be in direct competition with several long-standing local businesses which do not have the benefit of the backing of a large business with its corporate buying power. Another supermarket in the area will put increased pressure on the independent shops, some of which will have to close.

I object most strongly to the plan to sell alcohol from 18-24 Park Road. This is bad for the residents and for the local businesses.

Yours faithfully

Jane El-Khazen



Flat 20, 24 Park Road
London NW1 4SH

Premises Licensing,
Westminster City Hall,
4th Floor South,
64 Victoria Street,
London SW1E 6QP



24th May 2014

Dear Sir/Madam,

Re 18-22 Park Road London NW1 4SH

I wish to object to the proposal to grant a licence for the sale of alcohol at 18-24 Park Road NW1 4SH. This is for the following reasons:

1. There will be an increase of traffic in this residential street.
2. There will be increased noise due to deliveries and customers going in and out.
3. Because the flats above 18-22 Park Road were built in the 1960's, there is virtually no noise insulation and sounds are transmitted throughout the buildings.
4. It will lead to increased footfall in Park Road.
5. There is the danger that it will lead to people drinking in the street outside the premises.
6. There is already a choice of off-licences and convenience stores selling alcohol within five minutes walk of the premises.
7. The proposed hours are completely unacceptable. Residents will get no peace from 7.00 am to 11.00 pm Monday to Saturday and only slightly reduced hours on Sunday.

In view of the above, I very much hope that you will not approve this application.

Yours faithfully,

Brigid Miller

J. A. Miller

37 Clarence Terrace
Regents Park
London NW1 4RD
Tel: 020 7723 1460

May 30th 2014

Premises licensing
Westminster City Hall
4th floor South
64 Victoria Street
London SW1E 6QP



Dear Sirs

Re: 18-22 Park Road, London NW1 4SH

We wish to object to the proposal to grant planning permission for a Co-op grocery store at the above premises to operate SEVEN days a week .

This is for the following reason:

The access for deliveries to these premises may well be via Sussex Place (South) which will increase substantially traffic as their premises will be open from 7am to 11pm. Monday to Saturday with only slightly reduced hours on Sundays.

Since our flat, including our main bedroom, faces onto Sussex Place (South) there will be significantly increased noise due to delivery lorries backing (with reverse alarms) at all times of the day.

If planning permission proceeds please restrict deliveries to the front of the premises of the Co-op store in Park Road.

Yours faithfully

A handwritten signature in black ink, appearing to read "S. Davidson".

Mr & Mrs Simon Davidson

FLAT 6
24 PARK ROAD
LONDON NW1 4SH

Premises Licensing,
Westminster City Hall,
4th Floor South,
64 Victoria Street,
London SW1E 6QP



24th May 2014

14/03669/LIAN

Dear Sir/Madam,

Re 18-22 Park Road London NW1 4SH

I wish to object to the proposal to grant a licence for the sale of alcohol at 18-24 Park Road NW1 4SH. This is for the following reasons:

1. There will be an increase of traffic in this residential street.
2. There will be increased noise due to deliveries and customers going in and out.
3. Because the flats above 18-22 Park Road were built in the 1960's, there is virtually no noise insulation and sounds are transmitted throughout the buildings.
4. It will lead to increased footfall in Park Road.
5. There is the danger that it will lead to people drinking in the street outside the premises.
6. There is already a choice of off-licences and convenience stores selling alcohol within five minutes walk of the premises.
7. The proposed hours are completely unacceptable. Residents will get no peace from 7.00 am to 11.00 pm Monday to Saturday and only slightly reduced hours on Sunday.

In view of the above, I very much hope that you will not approve this application.

Yours faithfully,

O.M. CAM

Gabriella Jeffries
Flat 2, 24 Park Road
London, NW1 4SH

Tel. 020 7724 9980
Email: gabronjeffries@btinternet.com



Premises Licensing,
Westminster City Hall,
4th Floor South,
64 Victoria Street,
London SW1E 6QP

25th May 2014

Dear Sir/Madam,

Re 18-22 Park Road London NW1 4SH

I understand that the Co-op is seeking to start a grocery in the premises formerly occupied by the LBS . I object to this proposal on several grounds, the most obvious being that yet another grocery store is NOT NEEDED. We already have several good supermarkets and convenience stores within less than five minutes' walk.

My next objection is that, though the premises are licensed for retail purposes, this kind of retail outlet is not suitable for the location as it does not fit into the surroundings of Park Road, which is a residential street. In the twenty years I have lived at this address there have always been shops and offices under our two blocks, 12 and 24 Park Road, and they have been welcome as they do not detract from or change the nature of the environment. They are unobtrusive and quiet and, most importantly, they work within normal business hours! The thought of having to put up with a potentially noisy, invasive place for SIXTEEN HOURS 6 DAYS A WEEK AND FOURTEEN HOURS ON SUNDAYS is horrendous!

Viewed realistically you must admit that a supermarket will definitely bring with it an increase in traffic and noise; (just think of the deliveries, even without the constant comings and goings of staff and customers). Parking during the daytime is non-existent and after 7 pm it has to be shared by the customers of the Mumtaz restaurant and the visitors to Park Road residents.

I very much hope that, in view of these valid objections, you will reconsider this application. Should you grant it, however, please note that I AM ENTIRELY OPPOSED TO THE SALE OF ALCOHOL FROM THESE PREMISES as this will greatly increase the risk of loitering and rowdiness, thus very adversely affecting the area. I would also expect the Co-op to be obliged to install first class sound installation to minimise the noise pollution for the residents living above this supermarket.

Yours sincerely,

Gabriella Jeffries

For Naifer SA

Peermamode, Ryan

Subject: FW: Co-operative Food (18-22 Park Road) 14/03669/LIPN

From: Gabriella Jeffries [<mailto:gabronjeffries@btinternet.com>]

Sent: 16 June 2014 12:18

To: Premises Licensing

Subject: YOUR REF: 14/03669/LIPN

Gabriella Jeffries

Flat 2, 24 Park Road

London, NW1 4SH

Tel. 020 7724 9980

Email: gabronjeffries@btinternet.com

Re Application for Co-Op at 18-22 Park Road 14/6/14

Dear Sir/Madam,

I am resident at Flat 2, 24 Park Rd, NW14SH which is on the first floor, above the premises that are the subject of the planning application, and as such we will be subjected to an intolerable intrusion into every aspect of our daily lives from the increase in noise, pollution and concerns over our personal safety.

I object to this application on all the grounds you list as valid objections to the present proposal: prevention of crime and disorder, public nuisance, protection of children from harm and Public Safety. Indeed, I wonder if anyone from the Council has been down to actually look at where the Co-Op is proposing to site this facility.

1. 18 - 22 were previously a bookshop, a photographer and printing premises associated with the London Business School. Turning what was basically a showroom into a food and alcohol retail outlet is, I feel, an improper change of use in what is a residential area, consisting solely of blocks of flats, the London Business School, (a very prestigious institution with a large intake of mature foreign students), and the Francis Holland School for Girls.

2. This change of use represents an overdevelopment of the site

3. The opening hours are totally unreasonable and will cause a great deal of noise and disturbance right up to the very late closing time.

Beyond closing time we would be badly affected by delivery lorries unloading outside trading hours which, as previously mentioned, are extensive and 7 days a week. This would cause unbearable noise pollution for people trying to get a night's sleep!

4. The sale of alcohol in this area and in such close proximity, (across the road) to the school and residential flats is completely inappropriate as it will attract people who will buy alcohol and proceed to drink it in the street creating even more noise and nuisance.

5. There will also be the inevitable litter which occurs wherever food and alcohol are sold. I would imagine this will bring with it the problem of rodents
6. The installation of an ATM will mean even more people and noise, not to mention the risk of muggings.
7. We will feel insecure, as the front doors to our blocks are adjacent to the proposed new premises. As the area around the front door is recessed and under cover it is more than likely that beggars, vagrants and undesireables will hang around. This will not only be extremely uncomfortable but also threatening for the residents of the block when coming home at night. Many of them are of pensionable age!
8. The area is already well served with a Tesco, an M & S at Baker St, and, a 5 minute walk away, a second M & S at Marylebone Station, not to mention some small privately owned convenience shops that are good and popular and whose trade will be very adversely affected by this newcomer. There are also several ATMS at Baker St.

In short, we will be faced with an unpleasant environment and the prospect of the value of our property being seriously devalued. I understand that this is not a valid objection to a planning application, but I feel it is certainly valid for us, as Westminster rate payers, to look to Westminster Council to protect its residents, especially when this proposal adds no value to the area, but just introduces problems that the Council will then have to deal with.

Yours faithfully

Gabriella Jeffries

21 Clarence Terrace
London NW1 4RT

Tel: 020 7402 2982
Office: 020 7580 2448



Premises Licensing
Westminster City Hall
4th Floor South
64 Victoria Street
London SW1E 6QP

4 June 2014

Dear Sir/Madam,

RE: 18-24 PARK ROAD, LONDON NW1 4SH

I wish to object to the proposal to grant a licence for the sale of alcohol at 18-24 Park Road NW1 4SH. This is for the following reasons:-

- 1 There will be an increase of traffic in this residential street.
- 2 There will be increased noise due to deliveries and customers going in and out.
- 3 Because the flats above 18-22 Park Road were built in the 1960's, there is virtually no noise insulation and sounds are transmitted throughout the buildings.
- 4 It will lead to increased footfall in Park Road.
- 5 There is the danger that it will lead to people drinking in the street outside the premises.
- 6 The proposed hours are completely unacceptable. Residents will get no peace from 7.00am to 11.00pm Monday to Saturday and only slightly reduced hours on Sunday.

In view of the above, I very much hope that you will not approve this application.

Yours sincerely,

Daniel Auerbach

Peermamode, Ryan

From: Dorothea Josem [dorothea.jm@googlemail.com]
Sent: 12 June 2014 00:48
To: Premises Licensing
Subject: Reference 14/03669/LIPN

Follow Up Flag: Follow up
Flag Status: Completed

I am resident at Flat 1, 24 Park Rd, NW14SH which is on the first floor and immediately above the premises which is the subject of the planning application and as such, we will be subjected to an intolerably intrusion into our living arrangements from the increase in noise, pollution and concerns over our personal safety.

specifically, I strenuously object to this application on all the grounds you list as the four licensing objectives to one degree or another: prevention of crime and disorder, public nuisance, protection of children from harm and Public Safety. Indeed, I wonder if anyone from the Council has been down to actually look at where Co-Op is proposing to site this facility.

1. 18 - 22 was previously a bookshop, a photographer and printing premises associated with the London Business School. Turning what was basically a showroom into a food and alcohol retail outlet is I feel an improper change of use in what is basically a residential area - mainly blocks of flats and Francis Holland School for Girls.

2. This change of use represents a total overdevelopment of the site

3. The opening hours are totally unreasonable and would not only cause a great deal of noise and disturbance up to closing time.

Beyond closing time we would be badly affected by delivery lorries outside trading hours which, as previously mentioned, are extensive and 7 days a week. These would cause noise and pollution in what is essentially a residential area.

4. The sale of alcohol in this area and in such close proximity (across the road) to the school and residential flats is completely inappropriate and will inevitably attract people who will buy alcohol and proceed to drink it in the street creating even more noise and nuisance.

5. There will be the inevitable problem of litter which occurs wherever food and alcohol is sold. I would imagine this will increase the problem of rodents.

6. The installation of an ATM will mean even more people and noise, not to mention the risk of muggings.

7. We will be inevitably subject to a feeling of insecurity as the front door to our block is adjacent to the proposed new premises. as the area around the front door is recessed and under cover, it is inevitable that we will be faced with members of the public hanging around there which will be an extremely uncomfortable, not to say threatening, experience for the residents of the block, almost all of whom are over pensionable age, returning home at night.

8. The area is already well served with a Tesco and M & S at Baker St, a 2 minute walk away, a second M & S at Marylebone Station - 5 minutes away - and several ATMS at Baker St.

9. The average age of the occupants of 24 Park Rd is well over 65 and we will be faced with an unpleasant environment and the prospect of the value of our property being seriously devalued. I understand that this

is not a valid objection to a planning application, but I feel it is certainly valid to look to Westminster Council to protect its residents, especially when this proposal adds no value to the area, but just introduces problems that the Council will have to deal with.

Yours faithfully
Cyril Benjamin

Peermamode, Ryan

Subject: FW: Co-operative Food - 18-22 Park Road, NW1 4SH

From: Dorothea Josem [<mailto:dorothea.jm@googlemail.com>]

Sent: 23 June 2014 22:34

To: Peermamode, Ryan

Subject: Re: Co-operative Food - 18-22 Park Road, NW1 4SH

Dear Mr Peemamode

My partner Dorothea Josem will be attending the hearing on July 3rd.

Regards,
Cyril Benjamin

Licence & Appeal History

There has been no previous Licensing Act 2003 application.

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.

Conditions:

Annex 1 – Mandatory conditions

1. 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.
2. For the purposes of the condition set out in paragraph 1—
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6)
 - (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(7)

3. Where the permitted price given by Paragraph (b) of paragraph 2 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.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 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.
5. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
6. 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.
7. Every supply of alcohol under this licence must be made or authorised by a person who hold a personal licence.
8. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

Conditions proposed by the applicant within operating schedule (Appendix A1):

9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 28 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 28 day period.
10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
11. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
12. The licence holder shall ensure that outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, all alcohol within the trading area is to be secured behind locked grills, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff.
13. No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises.
14. No single cans or bottles of beer or cider or spirit mixtures shall be sold at the premises.

15. No more than (15) % of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol.
16. There shall be no self service of spirits on the premises, save for spirit mixtures less than 5.5% ABV.
17. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale.
18. Prior to any football match taking place at Wembley Stadium the premises licence holder shall ensure that;
 - (i) Alcohol sales in respect of cans of beer or cider are limited to no more than 4 cans per person for a minimum of four hours before the commencement of the relevant designated sporting event;
 - (ii) No sales of alcohol in bottles or glass containers are made in the period four hours before the commencement of the designated sporting event
 - (iii) On any day where there is a relevant designated sporting event taking place, the premises will not externally advertise as a result of a local store promotion the availability of beer or cider in such a way as to be likely to be the sole inducement to attract persons to the premises who are either attending the designated sporting event or in the vicinity of the premises as a result of the designated sporting event;
 - (iv) All members of staff working at the premises are informed of this condition prior to taking up employment;
 - (v) On the day of the relevant designated sporting event, upon the direction of a police officer of the rank of Inspector or above, using the grounds of the prevention of crime and disorder or public safety, the premises will immediately cease to sell alcohol until further directed by the police or until the relevant designated sporting event has finished.
19. There shall be "CCTV in Operation" signs prominently displayed at the premises.
20. An incident log (whether kept in a written or electronic form) shall be retained at the premises and made available to an authorised Officer of the Police or the Local Authority.
21. The premises shall operate a proof of age scheme, such as a Challenge 25, whereby the only forms of acceptable identification shall be either a photographic driving licence, a valid passport, military identification or any other recognised form of photographic identification incorporating the PASS logo, or any other form of identification from time to time approved by the secretary of the state.
22. The premises will be fitted with a burglar alarm system.
23. The premises will be fitted with a panic button system for staff to utilise in the case of an emergency.
24. The premises licence holder shall ensure that the appropriate fire safety, and health and safety regulations are applied at the premises.
25. A complaints procedure will be maintained, details of which will be made available in store and upon request.
26. A refusals register (whether kept and written or electronic form) will be maintained at the premises and will be made available for inspection upon request by an authorised Officer of the Police or the Local Authority.

Conditions proposed by the Police Licensing Team; Agreed by the applicant (Appendix B1):

27. All relevant staff will receive training in their responsibilities under the Licensing Act 2003 and Challenge 25 (or any similar scheme). Refresher training will be given twice a year and training records made available to the Police or an authorised officer of the Licensing Authority.
28. Tills will be installed at the premises which prompt staff to request age verification from customers who appear to be under the age of 25 (or any other age should Challenge 25 be replaced by a similar scheme).

Conditions proposed by the Environmental Health Service:

None



Co-operative Food - 18-22 Park Road, London, NW1 4SH

City of Westminster



10 Meters

Residential / Proposed Residential	139
Under Construction	0
Other Uses	2
Proportion Residential of all Uses	99%

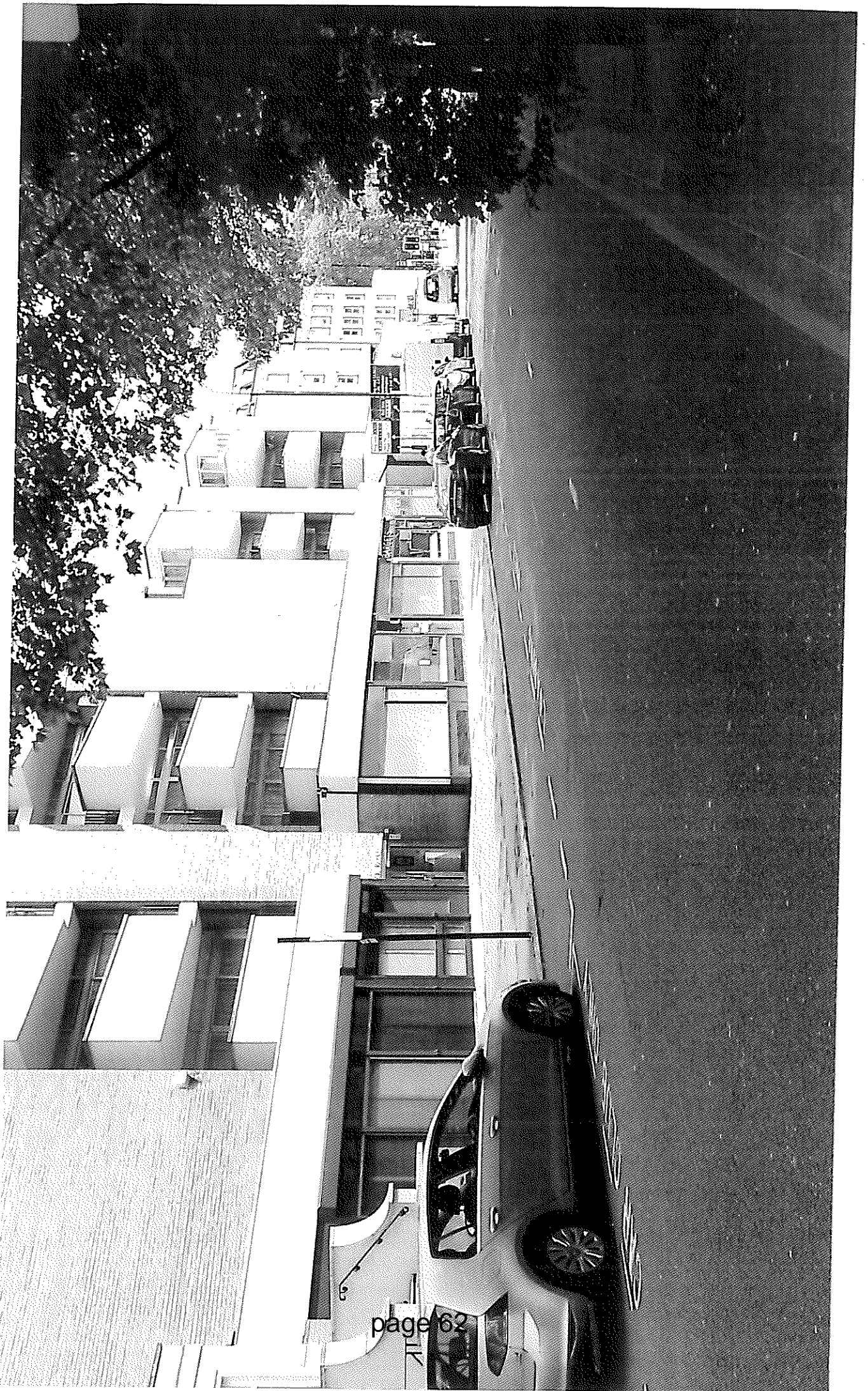
Data Source: Uniform Database
Date: 18/06/2014

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Premises within 75 metres of: Co-operative Food - 18-22 Park Road, London, NW1 4SH

p / n	Name of Premises	Premises Address	Licensed Hours
3718	Mumtaz Restaurant	26 Park Road London NW1 4SH	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-1305	The Windsor Castle Public House	12 Park Road London NW1 4SH	Monday to Saturday 11:00 - 00:30 Sunday 12:00 - 23:00
3132	Rudolf Steiner Bookshop	33A Park Road London NW1 6XT	Monday to Sunday 09:00 - 00:00







City of Westminster

Licensing Sub-Committee Report

Item No:	
Licensing Ref No:	14/03471/LIPV
Date:	3 July 2014
Classification:	For General Release
Title of Report:	Opso 10 Paddington Street London W1U 5QE
Report of:	Operational Director – Premises Management
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Bina Patel, Environmental Health Case Officer
Contact Details:	Telephone: 020 7641 2125 E-mail: bpatel@westminster.gov.uk

1. APPLICATION DETAILS

Application Type:	Variation of the premises licence under the Licensing Act 2003.		
Applicant:	Bakaliko Ltd	Date Application Received:	1 May 2014
Premises Name and Address:	Opso 10 Paddington Street London W1U 5QE		
Ward Name:	Marylebone High Street	Stress Area	No
Premises Description:	The premises operate as a restaurant with a bar.		
Variation description	<p>The application submitted is to increase the hours for alcohol, opening hours and vary the layout of the premises</p> <p>Please note: These premises are located on the corner of Paddington Street and Nottingham Place and benefit from a private forecourt on either side. This would appear (based upon existing licence plans) that it was not previously used.</p> <p>The plans submitted with this application show this outside area. However, it does not form part of the licensed premises and not part of the changes sought under this variation application</p>		
<p><i>Note: Where the committee is minded to grant the licence it will be granted subject to the mandatory conditions and conditions consistent with the operating schedule modified to such extent as the authority considers appropriate for the promotion of the licensing objectives detailed in Appendix D to this report.</i></p>			
Proposed Licensable Activities, Proposed Hours:			References / Notes
1	<p>Sale of Alcohol: On and Off the premises</p> <p>To increase the commencement hour for the sale of alcohol for consumption on and off the premises on Sunday from 12:00 to 10:00</p> <p>Please note, if this proposal is granted, condition 9 on the existing licence (Appendix A1) will need to be amended accordingly.</p> <p>Relevant representations and policies applicable:</p> <p>1A An adverse representation has been made against the application by the Environmental Health Service stating that the proposal will have the likely effect of causing an increase in public nuisance in the area and may impact on public safety. However, following discussions with the applicants and a site visit at the premises, EH have withdrawn their representation. Please refer further to Appendix B1</p> <p>1B 10 Local residents have made adverse representations to this application on the grounds of the licensing objectives. Their concerns are as follows:</p> <ul style="list-style-type: none"> Concerns over the opening hours and use of outside area and it 		<p>Environmental Health representation</p> <p>6 Local residents</p>

- is very noisy and creates disturbance for residents above and when furniture is dragged over the forecourt in the early morning.
- Seating for the outside area should not be placed out till 09:00 which would limit the disturbances to residents.
- The area is a mixed retail and residential area and the earlier opening of these premises will cause noise and disturbance to the surrounding flats and residents.
- There are so many restaurants in this area and Opso are operating on the corner of Paddington Street and Nottingham Place and will with the outside furniture, increase the risk of accidents.
- This is a quiet residential area with houses and flats around the premises and therefore not suitable for earlier hours.

Following discussions with the applicants, 4 residents have withdrawn their representations. **Please refer further to Appendices B2 to B10**

1C The following policies within the City of Westminster Statement of Licensing Policy apply:

- Prevention of crime and disorder (CD1)
- Public Safety (PS1)
- Prevention of public nuisance (PN1)
- Protection children from harm (CH1)
- Hours (HRS1)
- Restaurants outside the Stress Area (RNT1)
- Pubs and Bars outside the Stress Area (PB1)

1D **Policy HRS1:** (i) Applications for hours within the core hours set out in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.
(ii) Applications for hours outside the core hours in this policy will be considered on their merits, subject to other relevant policies and with particular regard to criteria set out in the policy.

1E **Policy RNT1:** Applications will generally be granted and reviews determined subject to the relevant criteria in policies CD1, PS1, PN1 and CH1.

1F **Policy PB1 Applies:** Applications will generally be granted, if it can be demonstrated that the proposals meets the relevant criteria in policies CD1, PS1, PN1 and CH1.

1G The Licensing Sub-committee may refuse, grant in full or grant in part this proposal, having taken into account the representations received and Westminster's Statement of Licensing Policy. The decision taken should promote the licensing objectives of:

- prevention of public nuisance,
- prevention of crime & disorder,
- public safety and
- protection of children from harm.

Policies applicable

Summary

2 No Standard Timings

Sale of Alcohol for consumption on and off the premises and opening hours

No need to consider

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day

Please note that that these hours are currently permitted under the existing licence. Therefore, there is no need to consider this activity

This part of the application is unopposed by Environmental Health and is not referred to in the local residents representations

3 Change of Layout

To vary the layout of the premises in accordance to the schedule of changes detailed at Appendix A3 and plans submitted at Appendix A4

Relevant representations and policies applicable:

3A The Licensing Sub-committee may refuse, grant in full or grant in part this proposal, having taken into account the representations received and Westminster's Statement of Licensing Policy. The decision taken should promote the licensing objectives of:

- prevention of public nuisance,
- prevention of crime & disorder,
- public safety and
- protection of children from harm.

4 Opening Hours

To increase the opening hours Monday to Saturday from 10:00 to 08:00 and on Sunday from 12:00 to 08:00

(Note: Opening hours are not a licensable activity under the Licensing Act 2003, however they can still be taken into consideration when assessing the application's effect on the licensing objectives.)

Relevant representations and policies applicable:

4A Please refer to 1B to 1F above.

4B The Environmental Health Service has not raised an objection to this proposal.

4C The Licensing Sub-committee may refuse, grant in full or grant in part this proposal, having taken into account the representations received and Westminster's Statement of Licensing Policy. The decision taken should promote the licensing objectives of:

- prevention of public nuisance,
- prevention of crime & disorder,
- public safety and
- protection of children from harm.

Opposed by 6 local residents

<u>Licensable activities permitted under the existing Premises Licence 14/02031/LIPDPS</u>		<u>Variation to Licensable Activities</u>
Regulated Entertainment: Playing of recorded music and private entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit Unrestricted		Regulated Entertainment: No Change
Late Night Refreshment: Indoors Not applicable		Late Night Refreshment: Indoors Not applicable
Sale of Alcohol: On and Off the premises Monday to Saturday 10:00 to 23:00 Sunday 12:00 to 22:30		Sale of Alcohol: On and Off the premises Monday to Saturday 10:00 to 23:00 Sunday 10:00 to 22:30
Non Standard Timings From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day		Non Standard Timings No Change
Capacity Not stated		Capacity Not proposed
Opening Hours Monday to Saturday 10:00 to 23:30 Sunday 12:00 to 23:00		Opening Hours Monday to Saturday 08:00 to 23:30 Sunday 08:00 to 23:00
Current Licensing Position	The premises currently holds a premises licence 14/02031/LIPDPS (Appendix A1)	
Current Planning Position	There are no applications open or under investigation at these premises.	
Residential Density:	236 of the 260 units within a 75m radius of the premises are residential and proposed residential (68%), refer to Appendix E	
List of Appendices:	A1 – Existing Premises Licence 14/02031/LIPDPS A2 – Application A3 – Schedule of changes to layout of premises A4 – Proposed plans A5 – Applicant submissions – conditions offered and submissions B1 – Environmental Health Service representation and withdrawal B2 – to B10 – local residential representations (4 residents have withdrawn) C – Licence History D - Proposed Conditions E – Residential Map and list of premises in the vicinity F – Photograph of the premises	
Relevant Representations:	6 Local residents	

2.1 The evidence submitted by the applicant in support of the Licensing Objectives is provided in **Appendices A2 & A5**

3. LICENSING ACT 2003 APPLICATIONS AND APPEAL HISTORY

3.1 Any chronology relating to appeals is set out in Appendix C.

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

- Licensing Act 2003
- City of Westminster Statement of Licensing Policy (7th January 2011)
- Amended Guidance issued under section 182 of the Licensing Act 2003 (June 2013)

(7)



City of Westminster

64 Victoria Street, London, SW1E 6QP

Schedule 12
Part A

WARD: Marylebone High Street
UPRN: 010033540241

Premises licence

Regulation 33, 34

Premises licence number:

14/02031/LIPDPS

Original Reference:

05/10139/LIPC

Part 1 – Premises details

Postal address of premises:

Opso
10 Paddington Street
London
W1U 5QE

Telephone Number:

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

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

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

Playing of Recorded Music Unrestricted

Late Night Refreshment
Monday to Saturday: 23:00 to 23:30

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

Sale by Retail of Alcohol
Monday to Saturday: 10:00 to 23:00
Sunday: 12:00 to 22:30

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

The opening hours of the premises:

Monday to Saturday: 10:00 to 23:30
Sunday: 12:00 to 23:00

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

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

Part 2

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

Bakaliko Ltd
247 Gray's Inn Road
London
WC1X 8QZ
Electronic Mail : labridis_andreas@hotmail.com
Mobile Phone Number : 07834916821

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

8260186

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

Name: Mr Andreas Labridis

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: 13/04103/LIPERS
Licensing Authority: City Of Westminster Council

Date: _____ 8th April 2014 _____

This licence has been authorised by Mrs Taruna Adnath on behalf of the Operational Director - Premises Management.

Annex 1 – Mandatory conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children'
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to'
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on'
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
5. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
6. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

7. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
8. The responsible person shall ensure that'
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures'
- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml; and
- (b) customers are made aware of the availability of these measures.

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

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

Conditions related to the Sale of Alcohol

9. Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours.

In this condition, permitted hours means:

- (a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10:00 to 23:00;
- (b) On Sundays, other than Christmas Day or New Year's Eve, 12:00 to 22:30;
- (c) On Good Friday, 12:00 to 22:30;
- (d) On Christmas Day, 12:00 to 15:00 and 19:00 to 22:30;
- (e) On New Year's Eve, except on a Sunday, 10:00 to 23:00;
- (f) On New Year's Eve on a Sunday, 12:00 to 22:30;
- (g) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

NOTE - The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;

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

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

10. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:
- (a) He is the child of the holder of the premises licence.
 - (b) He resides in the premises, but is not employed there.
 - (c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
 - (d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

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

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

Annex 2 – Conditions consistent with the operating Schedule

None

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

None

Annex 4 – Plans

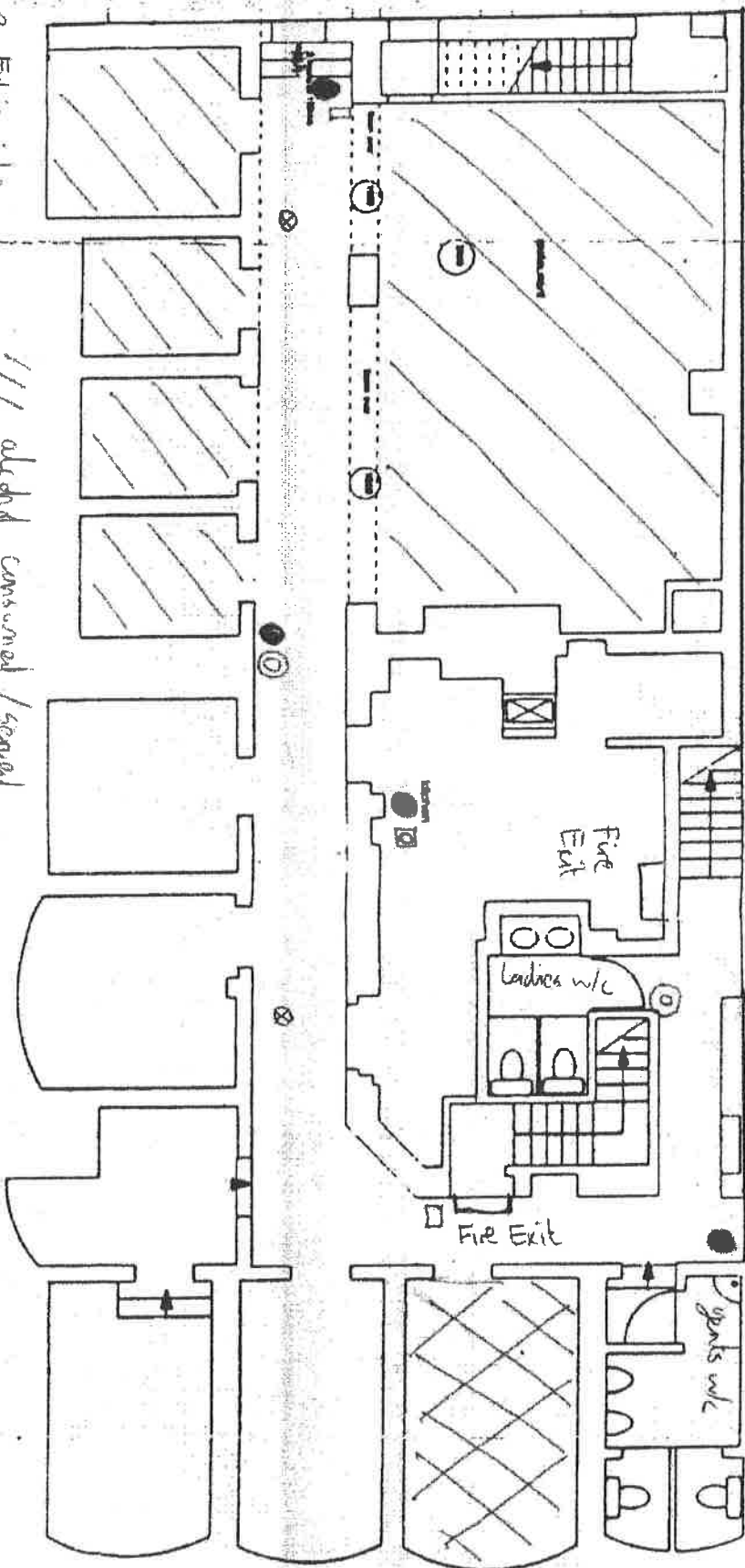
Attached

- Fire Extinguisher
- D Break Glass
- ⊗ Smoke Detector
- ⊙ Smoke Alarm
- Fire Marshal

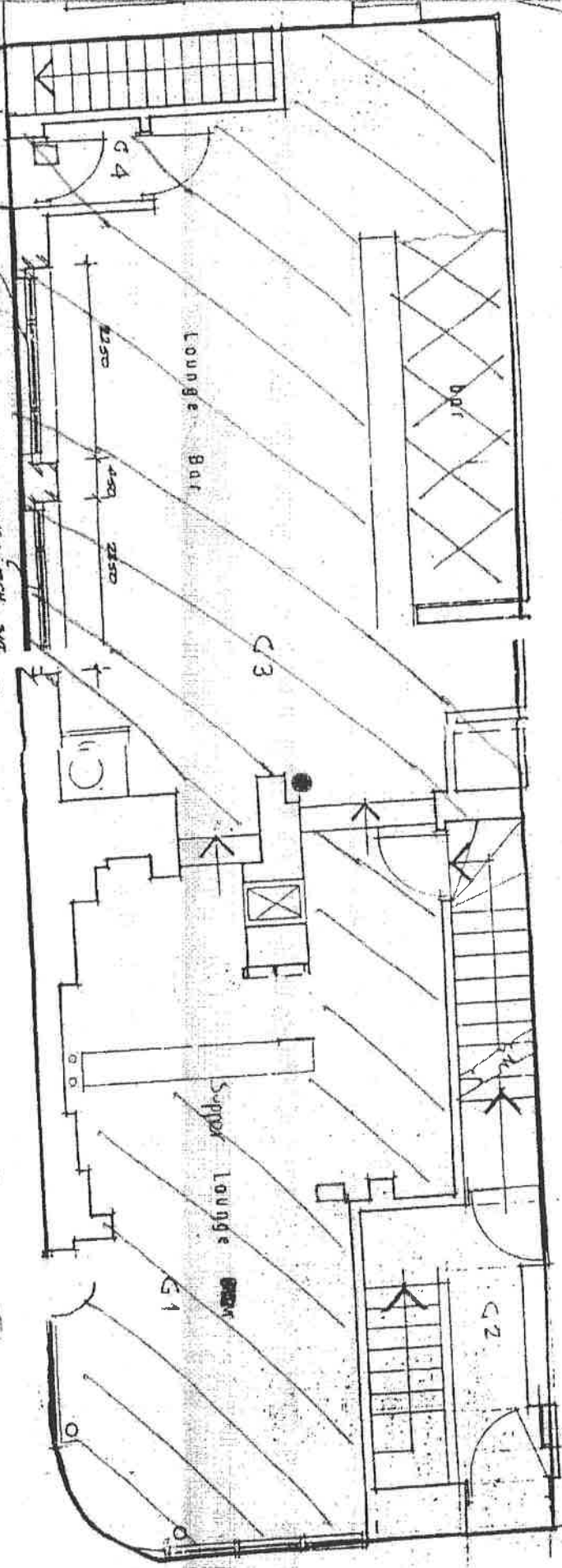
/// alcohol consumed / served
 ▨ alcohol stored.

Basement Plan

Scale 1/100



C5 C8



HOTTINGHAM PLACE

PADDINGTON STREET

CREATE 2 NO. ABANDONED ROOMS & EACH SUIT
 200 MM x 100 WIDE ROASTER & BRICKWORK BY
 CONCRETE LINOLS TO SUPPORT MAIN ROOF
 PROVIDE 1 FIX AND 2 CHANGES THROUGHOUT
 BOX SHOW SWIMMING TO BRICKWORK
 GREAT AS BEHAVIOUR TO MAKE ROOMS
 THESE ROOMS BEHIND THE MAIN
 & APPROXIMATELY TO WITHIN 150
 1500 NO. 1 1/2 / C2 NO. 2200MM

- Beach Glass
- Fire Extinguisher
- /// added served / consumed
- # added stored

Ground Floor
 Sale 1/100



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

Schedule 12
Part B

WARD: Marylebone High Street
UPRN: 010033540241

Premises licence
summary

Regulation 33, 34

Premises licence number:

14/02031/LIPDPS

Part 1 – Premises details

Postal address of premises:

Opso
10 Paddington Street
London
W1U 5QE

Telephone Number:

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

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

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

Playing of Recorded Music	Unrestricted
Late Night Refreshment Monday to Saturday:	23:00 to 23:30
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit	Unrestricted
Sale by Retail of Alcohol Monday to Saturday:	10:00 to 23:00
Sunday:	12:00 to 22:30

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

The opening hours of the premises:

Monday to Saturday:	10:00 to 23:30
Sunday:	12:00 to 23:00

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

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

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

Bakaliko Ltd
247 Gray's Inn Road
London
WC1X 8QZ

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

8260186

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

Name: Mr Andreas Labridis

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

Restricted

Date: _____ 8th April 2014 _____

This licence has been authorised by Mrs Taruna Adnath on behalf of the Operational Director - Premises Management.

APPENDIX A2

(2)



[Insert name and address of relevant licensing authority and its reference number (optional).]

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Bakaliko Limited

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number

14/02031/LIPDPS

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description
Opso, 10 Paddington Street

Post town

London

Postcode

W1U 5QE

Telephone number at premises (if any)

Non-domestic rateable value of premises

Band C

Part 2 – Applicant details

Daytime contact
telephone number

c/ 0203 755 5138

E-mail address (optional)

c/ lana@tlaw.co.uk

Current postal address if different
from premises address

LT Law
18 Soho Square

Post town

London

Postcode

W1D 3QL

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

Yes

No

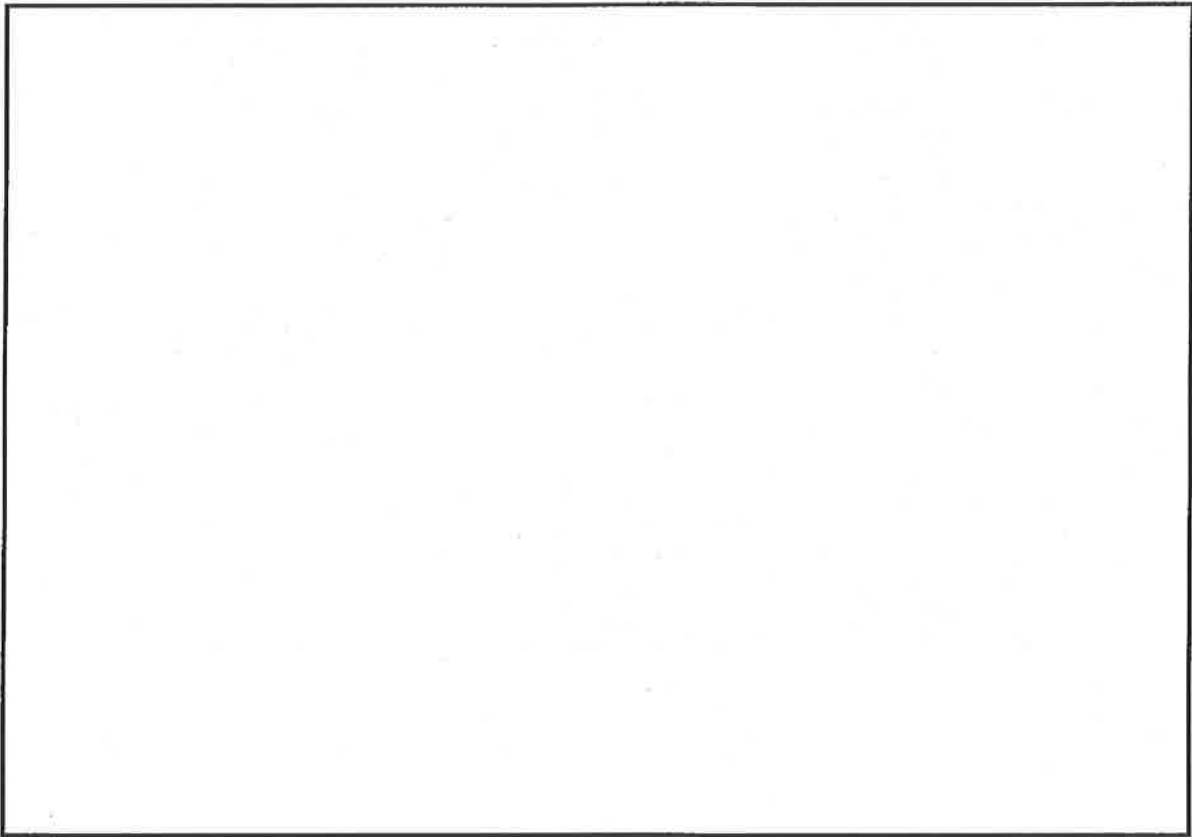
If not, from what date do you want the variation to take effect?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

This application for variation is to:

- A. Vary the licensable hours for the retail sale of alcohol on Sunday only so that it starts at 10.00am and not 12 noon
- B. Correct the opening hours for the premises Monday to Sunday to start at 08.00am, as the premises will open for breakfast for non-licensable activities
- C. Vary the layout of the premises/ plans at Schedule 4 of the licence as per the attached plans and Schedule of Changes



If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Sale by retail of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			<u>Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 3)</u>		
Mon					
Tue			<u>State any seasonal variations for performing plays (please read guidance note 4)</u>		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)</u>		
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 4)
Tue			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)
Wed			
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed					
			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Thur			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 3)</u> As existing		
Mon					
Tue					
Wed					
			<u>State any seasonal variations for the performance of live music (please read guidance note 4)</u> As existing		
Thur			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)</u> As existing		
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 3)</u> No change		
Mon					
Tue			<u>State any seasonal variations for the playing of recorded music (please read guidance note 4)</u> No change		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)</u> No change		
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3) As existing		
Mon					
Tue			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4) As existing		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5) As existing		
Fri					
Sat					
Sun					

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)</p>			<p>Please give a description of the type of entertainment you will be providing Anything similar to € (f) or (g)</p>		
Day	Start	Finish	<p>Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p>Please give further details here (please read guidance note 3) As existing</p>		
Wed					
Thur			<p>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4) As existing</p>		
Fri					
Sat			<p>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5) As existing</p>		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 6)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3) No change- existing permissions retained					
Mon								
Tue								
Wed						<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4) As existing		
Thur								
Fri						<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5) As existing		
Sat								
Sun								

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4) As existing		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
			Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
			As existing		
			NYE- from the end or permitted hours to the start of permitted hours on NYD		
Sun	10.00	22.30			

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).

none

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4) As existing Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5) As existing NYE- from end of permitted hours on NYE to strat of permitted hours on NYD
Day	Start	Finish	
Mon	08.00	23.30	
Tue	08.00	23.30	
Wed	08.00	23.30	
Thu	08.00	23.30	
Fri	08.00	23.30	
Sat	08.00	23.30	
Sun	08.00	23.00	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

See existing conditions- no change in operating style, which is a cafe

b) The prevention of crime and disorder

See above

c) Public safety

See above

d) The prevention of public nuisance

See above

e) The protection of children from harm

See above

Checklist:


Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 11). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	1 May 2014
Capacity	Solicitor for applicant

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

Lana Tricker
 LT Law
 18 Soho Square

Post town	London	Post code	W1D 3QL
Telephone number (if any)	0203 755 5138		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
lana@ltlaw.co.uk			



SCHEDULE OF CHANGES

RE: OPSO, 10 PADDINGTON STREET LONDON W1U 5QE

APPLICATION FOR VARIATION OF PREMISES LICENCE

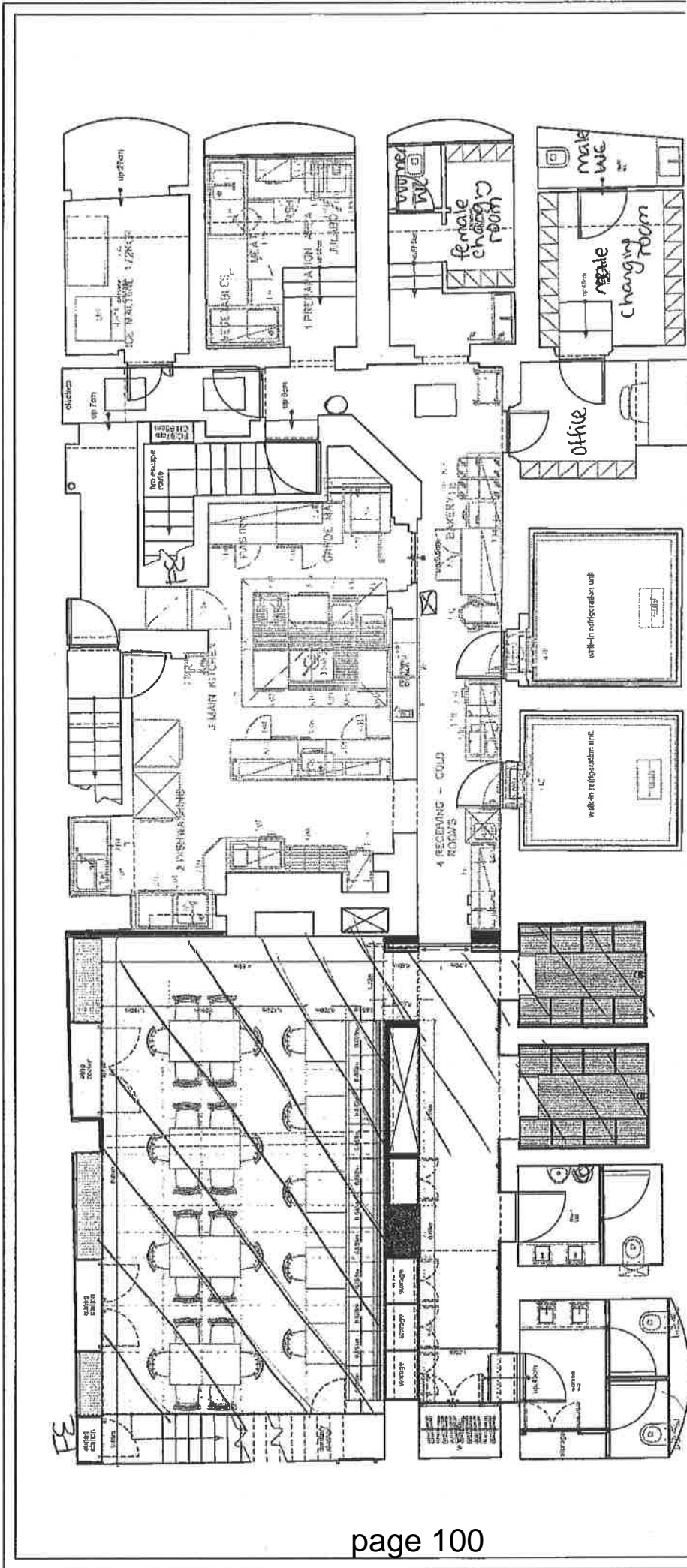
There is no change in capacity sought.

Ground Floor

- Removal of bar in main seating area and replacement with reconfiguration of seating area, including creation of some fixed seating in booth style
- Creation of disabled toilet (top left of plans)
- Creation of new disabled entrance to premises (near disabled toilet)
- Reconfiguration of stairs
- Relocation of supper lounge bar to the right of the ground floor plan and new kitchen facilities behind the server bar, including new seating at the server bar for people to eat on it
- Reconfiguration of loose seating
- Relocation of entrance door in accordance with planning permission/ building regulations granted
- General redecoration of premises and updating fire equipment

Basement Floor

- New improved fire exit doors in accordance with building regulations on main staircase to basement (to left of the plan)
- Reconfiguration and relocation of male and female toilets into old licensable area (resulting in reduction in licensable area- improved toilet facilities- this results in more kitchen space and storage area where the old toilets were located)
- New improved kitchen area/ upgrade of kitchen as shown on the plans
- New improved staff facilities to the right of the plans
- Change of area to the right of the plans to storage area
- New fire doors installed in/near kitchen corridors
- Reconfiguration of loose seating
- General redecoration of premises and updating fire equipment



0 1 2 3 4 5 6 7 8 9 10
 11 12 13 14 15 16 17 18 19 20
 21 22 23 24 25 26 27 28 29 30
 31 32 33 34 35 36 37 38 39 40
 41 42 43 44 45 46 47 48 49 50
 51 52 53 54 55 56 57 58 59 60
 61 62 63 64 65 66 67 68 69 70
 71 72 73 74 75 76 77 78 79 80
 81 82 83 84 85 86 87 88 89 90
 91 92 93 94 95 96 97 98 99 100

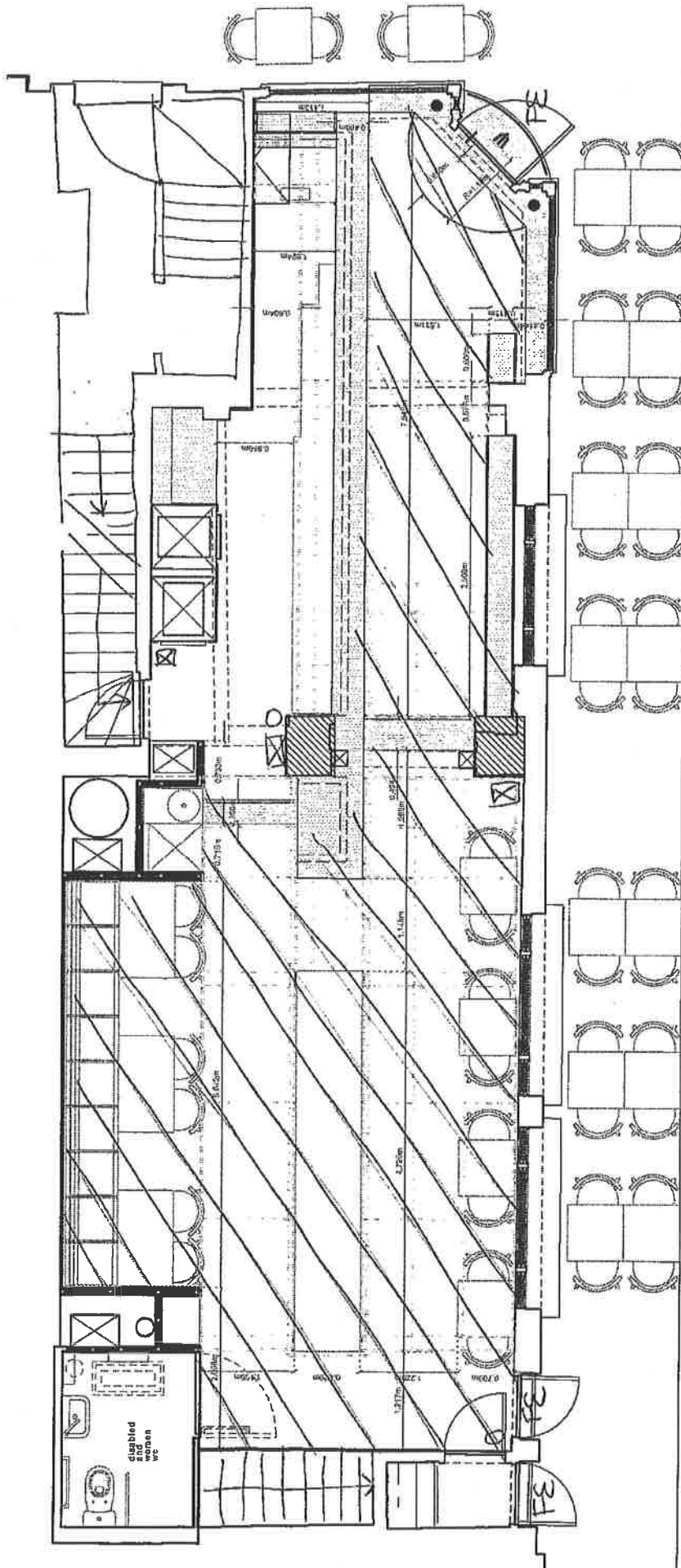
Loose furniture is indicative only
 Licensable activities occur in area hatched

FE = fire exit

O break glass
 X fire extinguisher

<p>project Opso</p>	<p>drawings title Basement layout</p>	<p>revision number 02</p>	<p>revision number 130</p>
<p>project number 100</p>	<p>location 10 Production Street WLU DCU</p>	<p>date 11-06-2014</p>	<p>author S. O'Connell</p>

All measurements must be verified on site.
 Our offices, machines and rights of the drawings
 which have been treated in this manner
 *** The reproduction and distribution and is not allowed
 without written permission from our office



☒ fire exty washer
 FE fire exit
 ○ break glass



architecture
 construction
 10 kaliymou st
 kato chalandri
 athens 15231 greece
 00302106777226
 00302106777522
 00302106778188
 info@k-studio.gr
 www.k-studio.gr

Loose furniture is indicative
 only
 Leisure activities occur
 in area hatched

0m 1m 2m 3m
 * All measurements must be verified on site.
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drawing title: proposed layout / level 00
 revision number: 00
 scale: 1:60 @ A3
 orientation:

Project: Opso
 Project number: 100
 Location: 10 Paddington street, W1U 6GL
 Date: 17-09-2014
GROUND FLOOR

Patel, Bina

From: Lana Tricker [lana@ltlaw.co.uk]
Sent: 13 June 2014 11:01
To: Patel, Bina
Cc: O'Grady, Maureen
Subject: RE: 1403471LIPV - OPSO 10 Paddington Street, London

Dear Bina

Further to this application my client has read the objections received from local residents and I am instructed to amend the application to add the following conditions onto the licence, confirming the tables and chairs won't be used before 9am or after 11pm.

1. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
2. All outside tables and chairs outside the premises shall be rendered unusable between 23.00 and 09.00 each day.
3. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.

Please can you add these to the application papers.

I have another condition on capacity, which EH wants and I will email that through shortly once the wording is agreed.

Thanks

Kind regards
Lana

Lana Tricker
Principal, LT Law

M: 075257 11530
T: 020 3755 5138

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Patel, Bina

From: Lana Tricker [lana@ltlaw.co.uk]
Sent: 19 June 2014 23:35
To: Patel, Bina; O'Grady, Maureen
Subject: Opso- variation

Dear Bina and Maureen

Following discussions with EH I confirm the following condition is agreed by my client:

The number of persons permitted in the premises at any one time (excluding staff), shall not exceed 120 persons with no more the 60 persons (excluding staff) permitted in the basement at any one time

Please can you add this condition to the LSC papers.

Thanks

Kind regards

Lana

Lana Tricker
Principal, LT Law

18 Soho Square London W1D 3QL

M: 075257 11530
T: 020 3755 5138
F: 020 7025 8132

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18 Soho Square, London W1D 3QL

25 June 2014

FAO: Bina Patel
Licensing Service
Westminster City Council
4th Floor, City Hall
64 Victoria Street
LONDON SW1E 6QP

Our ref: LT/01385

Dear Ms Patel

RE: OPSO, 10 PADDINGTON STREET, LONDON W1U 5QE -APPLICATION FOR VARIATION OF A PREMISES LICENCE

I refer to the above application that has been set down for a hearing on Thursday 3 July. I confirm a hearing is necessary and myself and Andreas Labridis will be in attendance.

The application is to vary the licensing plans following a refurbishment of the premises, and to extend the hours for the retail sale of alcohol from midday to 10.00am on Sundays. There is no application to extend the terminal hours or to add additional licensable activities. The opening hours would also be corrected to include their breakfast trade, though no licensable activities will be provided in the early morning, until the hours specified on the licence.

My client has recently taken on a long lease for the premises and has carried out a refurbishment. The works have been inspected by Environmental Health and signed off on, hence no need for works conditions to be imposed on the licence. The premises trades as a café for breakfast, lunch and dinner for the nearby residents and workforce.

It is a Greek style café/restaurant with seating dining areas inside (ground floor and basement), and a private terrace area just outside the premises. Named after the ancient Greek word for 'delicacy', OPSO celebrates the tastes, produce, and social-style dining of Greece. The premises focuses on both traditional and modern flavours, selecting the very best ingredients for a menu that is Greece-inspired and London-made. A copy of the menu is attached for information.

There is no objection to the application by Police and EH have recently withdrawn their representation following a site visit to the premises. There are several objections from local residents.

Following receipt of the residents' representations, my client has amended its application to incorporate a number of further operational conditions, as the residents' concerns principally related to use of the outside sitting area between 08.00 and 09.00.

I confirm my client has agreed to only use the outside area from 09.00 to 23.00 (and not from 08.00). The following conditions have been offered to attach to the application, and a number of residents have withdrawn their objections, based on these:

1. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

WCC

-2-

2. All outside tables and chairs outside the premises shall be rendered unusable between 23.00 and 09.00 each day.

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

The premises are not located in any stress areas and currently have less than core hours. There is no history of nuisance or complaints in relation to this premises. Sunday hours are sought from 10.00 so that they are consistent with the other days of the week, to provide some regularity for clientele. The premises are laid to tables and chairs for ordinary trade and there is waiter/waitress service at the premises.

Patrons can also purchase food from the counter for takeaway (breads, cakes, sandwiches and pies etc) for the local businesses until 4pm at the moment.

This application has also allowed a capacity condition to be placed on the licence, as agreed with Environmental Health and the District Surveyor, as follows:

"The number of persons permitted in the premises at any one time (excluding staff), shall not exceed 120 persons with no more the 60 persons (excluding staff) permitted in the basement at any one time"

The alterations have seen a complete refurbishment of the premises including a brand new kitchen and toilet facilities (additional toilet facilities have also been included), which has resulted in a slight reduction of the actual trading area. Given the area, the hours the premises trades and the operation itself, we submit this application in accordance with the City Council's Licensing Policy Statement.

Should you have any queries please contact Lana Tricker on 020 3755 5138.

Yours faithfully



LT LAW



BREAKFAST

MON-FRI 08.00 – 11.45

BREADS & PASTRIES

Bread Basket £6

Toasted sourdough bread with butter, thyme honey, seasonal jam and our own praline spread

Tsoureki £5

Mahlepi flavoured brioche, served with clotted cream and sour cherry 'spoon sweet'

Moustokoulouro £2.95

Soft molasses cookie, served with strawberry jam

Halvas £3.95

Semolina cake with hazelnut crumble

Walnut Cake £3.5

Soaked in honey syrup

PANCAKES

Pancakes £5

With cream cheese, strawberry jam and fresh berries

PORRIDGE

Rice Porridge £5.95

Infused with Earl Grey, cinnamon and hazelnut crumble and Bergamot Jelly

EGGS

Poached Egg £6.95

Served with toasted koulouri, bacon and Greek yogurt hollandaise

Scrambled Eggs £9

With cherry tomatoes confit, feta and fresh oregano, on toasted sourdough bread

Egg and Soldiers £3

Duck egg with sourdough bread

GREEK YOGURT

Home made Granola £4.95

With thyme honey, blueberries, pomegranate and mint

Sour Cherry Spoon Sweet £3.95

Traditional delicacy with lime zest

KOULOURI SANDWICHES

Smoked Salmon £4.5

With goat milk curd, cucumber and dill

Cured Beef £4.5

Tomato, red onion, slow roasted garlic mayonnaise and rocket

Slow cooked Chicken £4.25

With lettuce and tartare sauce

Vegetables £3.95

Grilled vegetables and aged graviera cheese

COFFEES

Espresso £2

Macchiato £2.2

Americano £2.3

Flat White £2.4

Cappuccino £2.7

Latte £2.7

TEAS

English Breakfast £1.95

Saphire Earl Grey £1.95

Dragonell Green Tea £1.95

Citrus Camomile £1.95

Lemon Verbena £1.95

Persian Pomegranate £1.95

SOFT DRINKS

Sodas £3

Mineral Water Small £1.9/Large £3.3

Sparkling or Still

SMOOTHIES

White £3.95

Greek yogurt with almonds, Fresh pineapple and demerara sugar

Pink £3.95

Greek yogurt with thyme honey And fresh strawberries

Apricot £3.7

Greek yogurt with dried apricots

JUICES

Fresh Squeezed Orange Juice £2.7

Citrus Bomb £2.95

Freshly squeezed orange, lemon And grapefruit juice

EXTRAS

Poached Egg £1.5

All breads and pastries
are freshly baked in house

We only use free range eggs

BRUNCH

SAT & SUN 09.00 – 16.00

BREADS & PASTRIES

Bread Basket £6

Toasted sourdough bread with butter, thyme honey, seasonal jam and our own praline spread

Tsoureki £5

Mahlepi flavoured brioche, served with clotted cream and sour cherry 'spoon sweet'

Moustokoulouro £3

Soft molasses cookie, served with strawberry marmalade

Halvas £4

Semolina cake with hazelnut crumble

Walnut Cake £3.5

Soaked in honey syrup

GREEK YOGURT

Home made Granola £5

With thyme honey, blueberries, pomegranate and mint

Sour Cherry Spoon Sweet £4

Traditional delicacy with lime zest

PORRIDGE

Rice Porridge £6

Infused with Earl Grey, cinnamon and hazelnut crumble and Bergamot Jelly

PANCAKES

Pancakes £5

With cream cheese, strawberry jam and berries

EGGS

Poached Egg £7

Served with toasted koulouri, bacon and Greek yogurt hollandaise

Scrambled Eggs £9

With cherry tomatoes confit, feta and fresh oregano, on toasted sourdough bread

Egg and Soldiers £3

Duck egg with sourdough bread

PLATTERS

Meat Platter £12

A selection of Greek charcuterie served with apricot jam

Cheese Platter £12

A selection of Greek cheeses served with sour cherry 'spoon sweet'

SOUP

Mushroom Soup £7

Sautéed wild mushrooms with crisp rye bread croutons

PLATES TO SHARE

Taramas £5.5

Salted cod roe spread with rye bread

Chicken Liver Mousse £6

Velvet cream of chicken livers slowly braised with thyme and oregano, served with strawberry jam and rye bread

Greek coleslaw £4.5

Carrot, cabbage, iceberg lettuce, scallions, quinoa and dill

Dakos £7

Olive oil rusks, capers, cherry tomatoes, creamy feta cheese, red onion and olives

Feta cheese £6

Barrel-matured creamy feta with sourdough bread and extra virgin olive oil

Metsovone £6

Fried, smoked cheese with homemade rhubarb marmalade

Spinach Pie £3.95

Hand-made pastry pie with feta cheese

Fish Burger £12

In a squid ink bun with tomato jam and chips

Swordfish tempura £15

Served with 'skordalia' spread, roast beetroots and shaved walnut

Snails n' Chips £13.5

A Greek take on a British classic

Lightly cured Wild Boar Sausage £7

With celeriac remoulade

Lamb Shank £18

Slow-cooked on the bone with orzo, tomato marmalade and lemongrass

DESSERTS TO SHARE**Vanilla Cream £6**

With fresh berries and crispy filo flakes

Walnut Cake £6

Soaked in honey syrup with clotted cream and sour cherry 'spoon sweet'

Loukoumades £7

Thyme honey infused puffed dough with shaved walnut and kaimaki ice cream

Cocoa Mosaic £8

Frozen cocoa biscuit with butter cookies

ALL DAY

Mon-Fri 12.00 – 22.45 / Sat 16.00 – 22.45 / Sun 16.00 – 22.15

BREADS**Bread and Olives £3.5**

Chargrilled sourdough bread with smoked Kalamata olives

Koulouri Bread £4

Sesame-covered koulouri with goat milk curd and sea salt

PLATTERS**Meat Platter £12**

A selection of Greek charcuterie served with raspberry jam

Cheese Platter £12

A selection of Greek cheeses served with sour cherry 'spoon sweet'

SOUP**Mushroom Soup £7**

Served with wild mushrooms and crispy rye bread croutons

PLATES TO SHARE**Taramas cream £5.5**

Salted cod roe spread with olive crackers

Chicken Liver Mousse £6

Velvet cream of chicken livers slowly braised with thyme and oregano, served with strawberry jam and rye bread

Greek coleslaw £4.5

Carrot, cabbage, iceberg, scallions, quinoa and dill

Dakos £7

Olive oil rusks, capers, cherry tomatoes, red onion and olives

Feta cheese £6

Barrel-matured creamy feta with sourdough bread and extra virgin olive oil

Metsovone £6

Fried, smoked cheese with homemade rhubarb marmalade

Spinach Pie £3.95

Hand-made pastry pie with feta cheese

Bottarga from Messologgi £15

25gr of Greek kind of caviar from cured flathead mullet roe with herbed butter and rye bread

Tuna Tartare £9

Inspired by the traditional Greek salad

Fish Burger £12

With tomato jam and chips

Smoked Eel £14.5

With yellow fava bean puree, spring onions, crispy capers and lemon zest

Swordfish tempura £15

Served with 'skordalia' spread, roasted beetroots and shaved walnut

Snails n' Chips £13.5

A Greek take on a British classic

Chicken drumstick £9.5

Slowly cooked with creamy potato puree and a lemon and oregano sauce

Lightly cured Pork sausage £7

With celeriac remoulade

Beef-Cheek Fricassee £14

With an egg-lemon sauce and fresh dill

Lamb Shank £18

Slow-cooked on the bone with orzo, tomato marmalade and lemongrass

DESSERTS TO SHARE

Vanilla Cream £6

With fresh berries and crispy filo flakes

Walnut Cake £6

Soaked in honey syrup with clotted cream and sour cherry 'spoon sweet'

Loukoumades £7

Thyme honey infused puffed dough with shaved walnut and kaimaki ice cream

Cocoa Mosaic £8

Frozen cocoa biscuit with butter cookies and aged cognac served with chocolate sorbet and chocolate sauce

CITY OF WESTMINSTER

MEMORANDUM

TO
REFERENCE

Bina Patel, Licensing Officer
14/0347/LIPV

FROM
REFERENCE
BEING DEALT WITH BY
TELEPHONE
DATE

EH Consultation Team
EHCT/MGO/ 14/01690/EHCT
Maureen O'Grady
020 7641 3062
15TH May 2014

The Licensing Act 2003

Re: OPSO 10 Paddington Street, London, W1U 5QE

I refer to the application to vary a premises licence.

The applicant has submitted the floor plan dated 13/01/14 for the ground floor and basement. This representation is based on these plans.

The applicant is seeking the following:

1. To vary the layout of the premises in accordance with the plans supplied by the applicant.

Main changes:-

Ground Floor

- Removal of bar in main seating area and replacement with reconfiguration of seating, including some fixed seating in booth style.
- Creation of disabled toilet
- Creation of new disabled entrance to premises
- Reconfiguration of the stairs
- Relocation of supper lounge bar to the right of the ground floor
- New kitchen facilities behind the server bar, including new seating at the server bar.
- Reconfiguration of loose seating
- Relocation of entrance door in accordance with planning permission/building regulations granted.
- General redecoration of premises and updating fire equipment

Basement Floor

- New fire doors in accordance with building control regulations on main staircase to basement.
- Reconfiguration and relocation of male and female toilets.
- New kitchen area
- New staff facilities
- New storage area

- New fire doors installed in/near kitchen corridors

Reconfiguration of loose seating
General redecoration of premises and updating fire equipment.

2. To vary the licensable hours for the retail of alcohol on Sundays only so that it starts at 10.00am and not 12 noon.

3. Vary the opening hours for the premises Monday to Sunday at 08.00, as the premises will open for breakfast for non licensable activities.

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

1. The proposed alterations may impact on Public Safety.

2. The supply of alcohol and the hours requested for will have the likely effect of causing an increase in Public Nuisance within the area.

3. No representation regarding the variation of opening time.

Should you wish to discuss the matter further please do not hesitate to contact me.

Maureen O'Grady
Environmental Health Officer

Patel, Bina

From: O'Grady, Maureen
Sent: 21 June 2014 22:21
To: Patel, Bina
Cc: Watson, Ian; 'iana@lrlaw.co.uk'
Subject: 14/0347/LIPV 10 Paddington Street

Hello Bina,

I visited this premises on Friday for a works clearance, the works has now been completed and there so there is no need to add any works conditions to the plans.

We have previously not had issues with the premises and it is not in a stress area so I will be withdrawing my representation. I am not in next week so if you have any quires could you ask Ian.

Thanks

Maureen

*Flat 3, 7 Paddington Street
London W1U 5QQ
Tel: 0207 935 0823
Fax: 0207 935 0843
Email: caroleoffice@a.gmail.com*

Mr Steve Harrison
City of Westminster
Licensing Service
Westminster City Hall
64 Victoria Street
London SW1E 6QP

Your Ref: 14/03471/LIPV

12 May 2014

Dear Sirs

. OPSO – 10 Paddington Street, London W1U 5QU

Thank you for your letter of 2nd May notifying me of the application to change various matters on the premises trading arrangements.

The only matter that I would like to bring to your attention refers to Item B being opening hours at 8.00am in respect of breakfast.

All these restaurants like to have outside dining and it is very noisy and creates a disturbance for the residential units above the shops when furniture is dragged over the forecourt early morning.

We reached an agreement with Carluccio's that they would not put furniture outside the restaurant until 9.00am each day and I would very much like you to follow this practice with Opso.

Yours faithfully


Geoffrey Simmonds

APPENDIX B3

Flat 4, 7 Paddington Street,
London W1U 5QQ
Tel: 0207 4874578
Iancurrie1964@mac.com



Mr. Steve Harrison
City of Westminster
Licensing service
Westminster City Hall
64 Victoria Street
London
SW1E 6QP

Ref: 14/03471/LIPV

13th May 2014.

OPSO – 10 Paddington Street, London, W1U 5QU

Dear Sirs,

I am writing in response to your letter dated 2nd May regarding the application to change varying matters, in particular item B: breakfast trading hours to start at 8am.

My partner and I (and I have no doubt many of the other residents) are keen that Opso are respectful of the arrangement the other local restaurants such as Carluccios. That is, they do not put seating for customers outside until 9am. This limits disturbance for residents from customers and restaurant staff.

Thank you for taking the time to listen to local residents' views.

Yours faithfully,


Dr. Ian Currie

Patel, Bina

From: ian currie [iancurrie1964@mac.com]
Sent: 26 June 2014 09:48
To: Patel, Bina
Subject: Re: 14/03471/LIPV - Opso - 10 Paddington Street

Dear Bina

Following correspondence from the legal team acting on behalf of OPSO , I gather they are altering their plans to allow outside seating to be in line with other premises (i.e. 9am)

I am therefore withdrawing my objection

Regards

Mr Ian Currie
Consultant Gynaecologist
Vice President UK Affairs
Royal College of Obstetricians & Gynaecologists

On 26 Jun 2014, at 09:31, Patel, Bina <bpatel@westminster.gov.uk> wrote:

Patel, Bina

From: Lana Tricker [lana@ltlaw.co.uk]
Sent: 23 June 2014 15:04
To: Patel, Bina
Subject: FW: Opso- application for variation

Follow Up Flag: Follow up
Flag Status: Flagged

Hi- fyi- pls see below- if you receive any other withdrawals pls can you let me know- thanks

Kind regards
Lana

Lana Tricker
Principal, LT Law

M: 075257 11530
T: 020 3755 5138

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From: Carole Braier [mailto:caroleoffice@clbdesk.com]
Sent: 23 June 2014 14:05
To: Lana Tricker
Cc: sueharrison38@btinternet.com; 'Shaun Cooper'; 'Naveen Suri'; robert.a.wood@ntlworld.com; matt@migould.co.uk; 'Martin Roddy'; geoffw@gotadsl.co.uk; 'Duncan Kennedy'; 'Ian Currie'; 'Paul & Judy Olney'; bpatel@westminster.gov.uk
Subject: RE: Opso- application for variation

I refer to your email of 20th June and would remind you that we have changed our email address to caroleoffice@clbdesk.com.

I appreciate the amendments that you have made to your planning application which conforms it to the protocol adopted by Carluccios and I very much appreciate your neighbourly co-operation. I am sending a copy of this email to Bina Patel at Westminster to confirm that I am withdrawing my objection. I have asked the other lessees in the block to respond similarly.

Geoffrey Simmonds

From: Lana Tricker [mailto:lana@ltlaw.co.uk]
Sent: 20 June 2014 13:42
To: caroleoffice@gmail.com
Subject: FW: Opso- application for variation

Dear Mr Simmonds

I act for Opso and have been passed a copy of your objection by the licensing team, as they are required to do. Having read your letter, and the letters of some other residents, which also mentioned the timing of the outside area, I advise I have formally amended my clients application to include the following conditions, confirming the tables and chairs won't be used before 9am or after 11pm, which is in line with Carluccio's next door:

1. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
2. All outside tables and chairs outside the premises shall be rendered unusable between 23.00 and 09.00 each day.
3. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.

If you have any other questions pls let me know. If you are happy with the above conditions addressing your concerns please could I ask that you notify the licensing officer, Bina Patel on bpatel@westminster.gov.uk that you are withdrawing your objection.

Many thanks. I look forward to hearing from you.

Kind regards

Lana

Lana Tricker
Principal, LT Law

18 Soho Square London W1D 3QL

M: 075257 11530
T: 020 3755 5138
F: 020 7025 8132

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APPENDIX B4

Patel, Bina

Subject: FW: 14/03471/LIPV - OPSO, 10 Paddington Street

From: Stephen Beeny [<mailto:stephenbeeny@gmail.com>]
Sent: 22 May 2014 16:59
To: Premises Licensing
Subject: Ref: 14/03471/LIPV - OPSO, 10 Paddington Street

Re: OPSO - 10 Paddington Street – Premises licence variation application

Your Ref: 14/03471/LIPV

Dear Sir

I am writing to object to the above proposal by Opso, in particular item B that asks for the opening hours to be changed so that they open at 8am Monday to Sunday to serve breakfast.

Opso has a large outside dining area which has been very noisy in the past. Setting up for breakfast by dragging tables and chairs across their outside area *before* the opening hours would be an unnecessary public nuisance and create a real disturbance for all the residential flats above the shops.

I live in a flat next door to Opso and my windows open out onto Paddington Street. I am therefore intimately associated with the premises and the noise it creates. Paddington Street is primarily a residential area and this extra noise would be unbearable in the early morning

We reached an understanding with Carluccio's restaurant, located next door, that they would not put furniture outside the restaurant until 9am each day and I would very much like this to also happen with Opso.

Yours faithfully

Stephen Beeny

--
Stephen Beeny
stephenbeeny@gmail.com
07930 324 652

Patel, Bina

From: Stephen Beeny [stephenbeeny@gmail.com]
Sent: 23 June 2014 17:53
To: Patel, Bina
Subject: Fwd: Opso- application for variation

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Bina Patel

Further to the email conversation below with Lana Tricker, who is acting for Opso on Paddington Street, and her instructions to formally amend her clients application to include the three conditions in the email chain below - primarily that tables and chairs won't be used before 9am or after 11pm - I am happy to withdraw my objection to the variation in the license.

Please note I am withdrawing my objection solely on the condition that the three points below are amended in the application. If they are not, my objection remains.

Best wishes

Stephen Beeny

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

From: **Stephen Beeny** <stephenbeeny@gmail.com>
Date: 23 June 2014 17:37
Subject: Re: Opso- application for variation
To: Lana Tricker <lane@lrlaw.co.uk>

Dear Lana

Thanks for the email and for letting me know that you have formally amended your clients application. I'm really pleased that Opso have decided to take into account the views of their neighbours. I will contact Bina Patel now to say I am withdrawing my objections.

Thanks again

Stephen

On 20 June 2014 13:40, Lana Tricker <lane@lrlaw.co.uk> wrote:

Dear Mr Beeny

I act for Opso and have been passed a copy of your objection by the licensing team, as they are required to do. Having read your letter, and the letters of some other residents, which also mentioned the timing of the outside area, I advise I have formally amended my clients application to include the following conditions, confirming the tables and chairs won't be used before 9am or after 11pm, which is in line with Carluccio's next door:

1. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

2. All outside tables and chairs outside the premises shall be rendered unusable between 23.00 and 09.00 each day.

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

If you have any other questions pls let me know. If you are happy with the above conditions addressing your concerns please could I ask that you notify the licensing officer, Bina Patel on bpatel@westminster.gov.uk that you are withdrawing your objection.

Many thanks. I look forward to hearing from you.

Kind regards

Lana

Lana Tricker

Principal, LT Law

18 Soho Square London W1D 3QL

M: 075257 11530

T: 020 3755 5138

F: 020 7025 8132

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--
Stephen Beeny
stephenbeeny@gmail.com
07930 324 652

--
Stephen Beeny
stephenbeeny@gmail.com
07930 324 652

APPENDIX B5

PREMISES MANAGEMENT
LICENSING SERVICE
27 MAY 2014
CITY OF WESTMINSTER

Mrs. J. BOSTON A
FLAT 14
3 NOTTINGHAM PLACE
LONDON W1U 5LB
+44 (0)20 7486 2926
24/05/14

Your reference
14/03471/LIPV

Dear Sir or Madam,
We strongly object - and I am writing to you on behalf of the residents/owners of flats at number 1 and number 3 Nottingham Place (Brendon House and Treborough House). I am a member of the board ~~and~~ of Brendon and Treborough Hds.
The restaurant due to open directly opposite our two blocks has applied to extend the licensable hours for retail sale of alcohol so that they are able to do so from 10 a.m., not ~~at~~ 12 noon. ~~from~~ as it is at present.

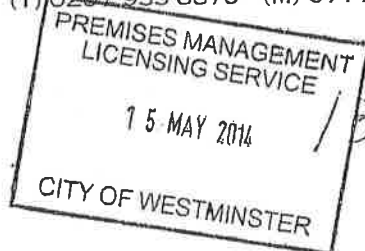
This is not acceptable to us,
nor any of the proposed variations.
It would lead to rowdiness
unacceptable levels of noise and
other nuisance. Our objections
fall within the licensing
objectives: prevention of crime
and disorder and prevention
of public nuisance.

Yours faithfully,

J Boyruffa -

APPENDIX B6

FLAT 5, 9 PADDINGTON STREET, MARYLEBONE, LONDON W1U 5QJ
(T) 0207 935 8870 (M) 07771 760 260



13th May 2014.

OPSO - 10 Paddington Street
London W1U 5QJ

Dear Sirs,

In respect of the
above restaurant, I
object to the opening
hours at 8.00 AM.

Perhaps you can
discuss this with Carluccio's,
who have agreed to the
outside area can only

be used after 9.00 AM.

Yours faithfully,
Susan Harrison (MRS)

APPENDIX B7



*Flat 2
7 Paddington Street
London
W1U 5QQ*

13 May 2014
Ref: 14/03471/LIPV

Mr Steve Harrison
City of Westminster
Licensing Service
Westminster City Hall
64 Victoria Street
London SW1E 6QP

Dear Sirs,

OPSO – 10 Paddington Street, London W1U 5QU

I refer to your letter of 2 May regarding the notification of a licence variation application under the Licensing Act 2003.

I wish to object to the application to change the opening hours for the premises (Monday to Sunday) which would allow the premises to be open from 8:00 a.m. for breakfast and non-licensable activities. The basis for my objection is that this area is a mixed retail and residential area and the earlier opening of these premises will cause noise and disturbance to the surrounding flats and residents. It is often the case that restaurants such as OPSO will also put furniture outside the shops and this would add to the disturbance in the early morning.

You may be aware that an arrangement was reached with Carluccio's which was to the effect that they would not put furniture outside the restaurant until 9:00 a.m. each day.

If you would like to contact me by email, my email address: paul.olney@slaughterandmay.com. My office telephone number is: 020 7090 3356.

Yours faithfully,


Paul Olney

APPENDIX B8

Flat 1, 9 Paddington St
London
W1U 5QJ



Mr Steve Harrison
City of Westminster
Licensing Service
Westminster City Hall
64 Victoria Street
London SW1E 6QP

Your Ref: 14/03471/LIPV

13 May 2014

Dear Sirs

OPSO – 10 Paddington Street, London W1U 5QU

Thank you for your letter of 2 May re the application to change certain matters to do with the trading from the above premises.

I would like to object to the proposal in item B – making the opening hours from 8.00 am in respect of breakfast.

While I understand the commercial pressures to open for breakfast, setting up for an 8.00 am opening time can be noisy even before that – especially if they are setting up for outside dining when furniture can be dragged into position.

The residents of the flats in 7 and 9 Paddington Street try to be reasonable – and reached an amicable agreement with Carluccio's that they would not put furniture outside the restaurant until 9.00 each day. I hope very much you can come to the same arrangement with OPSO.

Many thanks for giving this letter your attention.

Yours faithfully

Geoffrey Wainwright

Patel, Bina

From: geoffw@gotadsl.co.uk
Sent: 24 June 2014 11:17
To: Patel, Bina
Cc: office@lflaw.co.uk
Subject: Your ref: 14/03471/LIPV

Dear Miss Patel,

I have received assurances from OPSO's solicitors which largely allay our fears re noise pollution early and late in the day. They have agreed to abide by the same rules which Carluccio's agreed to in neighbourly fashion.

As a result, I am happy to withdraw our objections to their (now revised) planning application.

Thank you for your help with this matter.

Geoff Wainwright (Flat 1, 9 Paddington Street.)

--

APPENDIX B9

Apartment 2
Clarendon Lodge
9 Paddington Street,
London W1U 5 QJ
0207 224 3056



Mr. S. Harrison
City of Westminster
Licensing Service
64 Victoria Street
LONDON SW1E 6QP

13th May 2014.

Dear Sir,

RE: OPSO 10 Paddington Street, London W1U 5QU

We write with reference to your letter of May 2nd regarding the application to vary the licence for these premises.

WE are not in favour of the earlier times for the service of alcohol on a Sunday and the earlier opening hours.

Our grounds are the prevention of Public nuisance and Public Safety.

Carluccio's agreed not to put furniture outside until 09.00.

There are so many restaurants in this area. OPSO, operating on the corner of Paddington Street and Nottingham Place will, with outside furniture, increase the risk of accidents therefore public safety is likely to be undermined.

Yours faithfully,

R.A x PCR Wood.

APPENDIX B10

Miss P. Lewis
Flat 5
Brendon House
3, Nottingham Place
London

PREMISES MANAGEMENT
LICENSING SERVICE

21 MAY 2014

CITY OF WESTMINSTER

W1U5LB

17.5.14

Tel. 0207 935 2956

Dear Mr. Harrison,

I am writing with regard to a change of licence re 'Opsol', No. 10 Paddington Street, London W1U5QE. Ref. No. 14/03471/LIPV.

I wish to object to a change of opening hours on Sunday's from 10am. to sell Alcohol & also the opening hours from 8.00am Monday to Sunday.

My reasons are I live opposite on the ground floor with my bedroom & living room directly facing the premises. There is now a large outside area which will have tables & chairs therefore causing noise & disturbance.

This is a residential area with houses and flats around the premises, & therefore not suitable for earlier hours. I hope all this will be taken into consideration

Yours faithfully, Pauline R. Lewis

Licence & Appeal History

Application	Details of Application	Date determined	Decision
Conversion 05/10139/LIPC	Application to convert the existing Justice On Licence	03.10.2005	Granted under delegated authority
Transfer 05/13430/LIPT	Application to transfer the premises licence	03.01.2006	Granted under delegated authority
Transfer 06/04983/LIPT	Application to transfer the premises licence	20.06.2006	Granted under delegated authority
DPS 06/04985/LIPDPS	Application to vary the designated premises supervisor	20.06.2006	Granted under delegated authority
DPS 06/04985/LIPDPS	Application to vary the designated premises supervisor	13.02.2008	Granted under delegated authority
DPS 09/00265/LIPDPS	Application to vary the designated premises supervisor	10.02.2009	Granted under delegated authority
DPS 10/08681/LIPDPS	Application to vary the designated premises supervisor	26.11.2010	Granted under delegated authority
DPS 12/08772/LIPDPS	Application to vary the designated premises supervisor	03.12.2012	Granted under delegated authority
DPS 13/01684/LIPDPS	Application to vary the designated premises supervisor	01.05.2013	Granted under delegated authority
DPS 13/06473/LIPDPS	Application to vary the designated premises supervisor	18.09.2013	Granted under delegated authority
Transfer 14/02013/LIPT	Application to transfer the premises licence	08.04.2014	Granted under delegated authority
DPS 14/02031/LIPDPS	Application to vary the designated premises supervisor	26.03.2014	Granted under delegated authority
Minor 14/03134/LIPVM	Application for a minor variation To alter the basement in accordance to the schedule of works submitted and change opening hours	06.05.2014	Refused by Licensing Authority as the alterations were too substantial to be dealt with under a minor variation. A full variation would be required

There is no appeal history

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

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

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

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

Conditions: attached to the existing premises licence at Appendix A1 – 14/02031/LIPDPS

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 shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children'
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to'
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on'
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
5. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
6. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
7. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
8. The responsible person shall ensure that'
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures'
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) customers are made aware of the availability of these measures.

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

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

Conditions related to the Sale of Alcohol

9. *Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours.*

In this condition, permitted hours means:

- (a) *On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10:00 to 23:00;*
- (b) *On Sundays, other than Christmas Day or New Year's Eve, 12:00 to 22:30;*
- (c) *On Good Friday, 12:00 to 22:30;*
- (d) *On Christmas Day, 12:00 to 15:00 and 19:00 to 22:30;*
- (e) *On New Year's Eve, except on a Sunday, 10:00 to 23:00;*
- (f) *On New Year's Eve on a Sunday, 12:00 to 22:30;*
- (g) *On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).*

NOTE - The above restrictions do not prohibit:

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

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

Condition 9 to be amended in part as below, if proposal 1 is agreed

9. *Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours.*

In this condition, permitted hours means:

- (a) *On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10:00 to 23:00;*
- (b) ***On Sundays, other than Christmas Day or New Year's Eve, 10:00 to 22:30;***
- (c) *On Good Friday, 12:00 to 22:30;*
- (d) *On Christmas Day, 12:00 to 15:00 and 19:00 to 22:30;*
- (e) *On New Year's Eve, except on a Sunday, 10:00 to 23:00;*
- (f) ***On New Year's Eve on a Sunday, 10:00 to 22:30;***
- (g) *On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).*

NOTE -

The remainder of the condition to remain the same

10. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:
- (a) He is the child of the holder of the premises licence.
 - (b) He resides in the premises, but is not employed there.
 - (c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
 - (d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

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

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

Annex 2 - Conditions consistent with the operating schedule

None

Annex 3 - Conditions attached after a hearing by a Licensing Sub Committee

None

Condition consistent with operating schedule submitted with this variation application

12. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
13. All outside tables and chairs outside the premises shall be rendered unusable between 23.00 and 09.00 each day.
14. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
15. The number of persons permitted in the premises at any one time (excluding staff), shall not exceed 120 persons with no more than 60 persons (excluding staff) permitted in the basement at any one time

The following new mandatory condition which came into effect on 28 May 2014 will be added to the licence following the determination of this application

A. 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.

B. For the purposes of the condition set out in paragraph 1—

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6)

(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

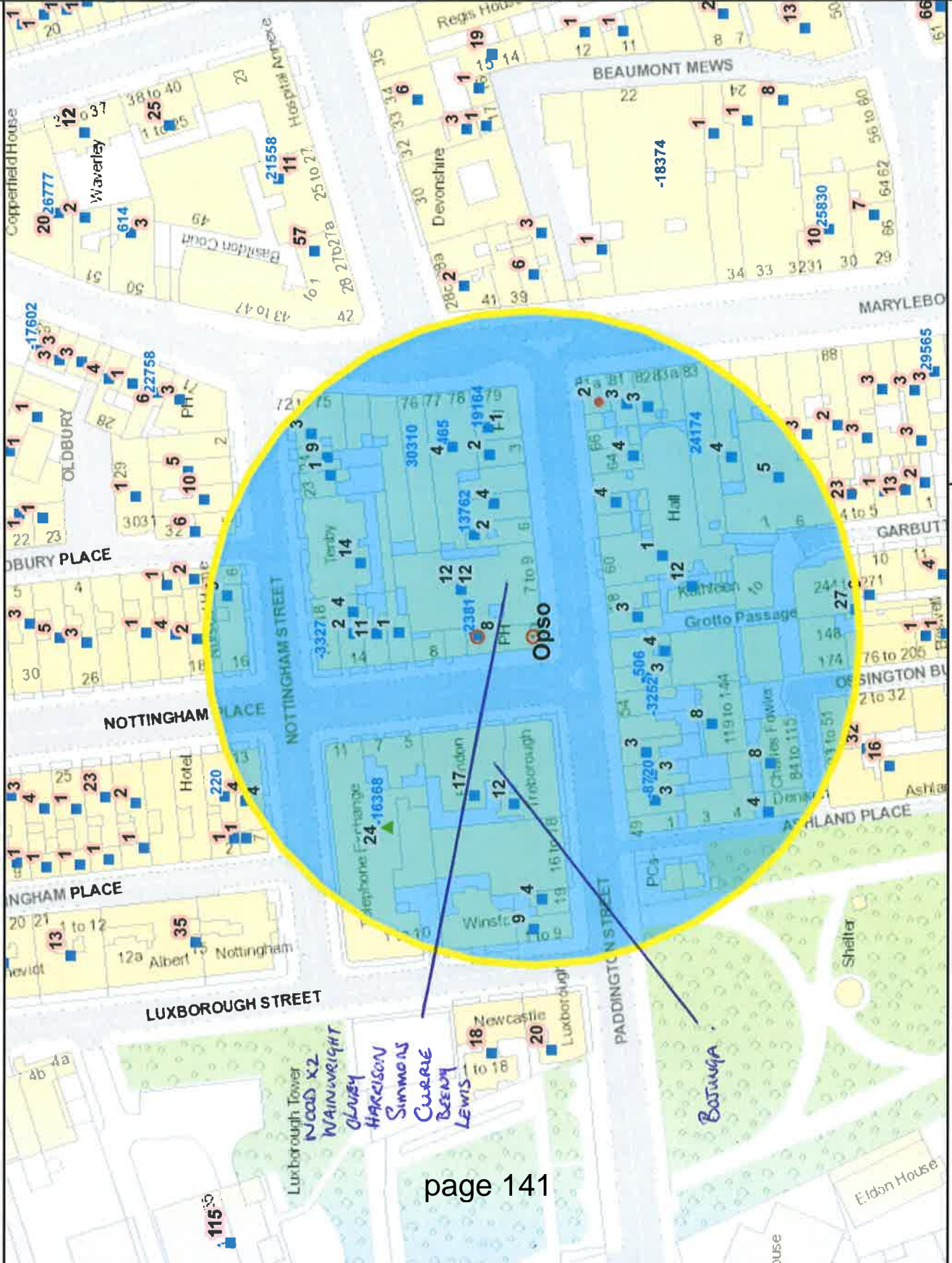
(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994(7)

C. Where the permitted price given by Paragraph (b) of paragraph 2 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.

- D. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 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.



Opso, 10 Paddington Street, London, W1U 5QE



APPENDIX E

Residential / Proposed Residential	236
Under Construction	24
Other Uses	0
Proportion Residential of all Uses	68%

Data Source: Uniform Data:

Date: 17/06/2014

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Premises within 75 metres of: Opso - 10 Paddington Street, London, W1U 5QE

p / n	Name of Premises	Premises Address	Licensed Hours
13762	Carlucio's	6 Paddington Street London W1U 5QG	Sunday 08:00 - 23:00 Monday to Saturday 08:00 - 23:30 Good Friday 08:00 - 23:30
-16368	The Hellenic Centre	Flat 8 Fifth Floor 25 Luxborough Street London W1U 5AR	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 23:00
24174	Fish Work Seafood Cafe	Third Floor 83 Marylebone High Street London W1U 4QW	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
19164	CoCo MoMo	Flat 1 79-80 Marylebone High Street London W1U 5JZ	Monday to Thursday 10:00 - 00:00 Friday to Saturday 10:00 - 00:20 Sunday 12:00 - 22:50 Sundays before Bank Holidays 12:00 - 23:50
30310	Natural Kitchen	Ground Front 76 Marylebone High Street London W1U 5JW	Monday to Friday 07:00 - 20:00 Saturday to Sunday 09:00 - 20:00
-2381	Opso	10 Paddington Street London W1U 5QE	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
465	Le Pain Quotidien	Concession 77 - 78 Marylebone High Street London W1U 5JW	Monday to Friday 07:00 - 21:00 Saturday 08:00 - 18:00 Sunday 09:00 - 18:00
-3327	Getti Restaurant	Third Floor 17 Nottingham Street London W1U 5EW	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-3252	Rejdoot Restaurant	Third Floor 54 Paddington Street London W1U 4HU	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
-8720	Zizzi	Flat 3 50 Paddington Street London W1U 4HP	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
506	The Real Greek Souvlaki And Bar	55 Paddington Street London W1U 4HX	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00







City of Westminster Licensing Sub-Committee

Meeting: *Licensing Sub-Committee*

Date: *3^d July 2014*

Classification: *General Release*

Premises: *91 Club With Abracadabra Restaurant, 6-7 Ormond Yard, London, SW1Y 6JT*

Wards Affected: *St James', Core CAZ North*

Financial Summary: *None*

Report of: *Operational Director for Premises Management*

1. Executive Summary

1.1 The council has received an application for the grant of a sexual entertainment venue premises licence from Commer Investments Limited for 91 Club With Abracadabra Restaurant, 6-7 Ormond Yard, London, SW1Y 6JT. The report sets out the application details, objections, policy and legal context along with other considerations that the Committee requires to determine this application.

2. Options

2.1 Following consideration of the information given orally at the hearing and in writing by the applicants and objectors, Members may:

2.1.1 Grant the application in full

2.1.2 Grant the application subject to the standard conditions and/or any modifications to any part of the application and imposition of any additional conditions proposed by a party to the hearing, or

2.1.3 Refuse the application

3. Application

3.1 On 1st April 2014 the applicant applied for the grant of a sexual entertainment venue premises licence to provide full nudity by way of striptease, pole dancing and table dancing between the opening hours of 12:00 noon and 03:30 on each of the days Monday to Sunday (see Application form at [Appendix A1](#)).

- 3.2 Neither the applicant nor the premises have previously held a Sexual Entertainment Venue licence in Westminster. In addition, the applicant company has indicated that neither it, nor the people named on the application (David West – Director / Shareholder, Katie Morton – Manager, David Serlui – Manager) are involved with any other sex establishments (see [Appendix A1](#)).
- 3.3 The applicant does not seek to remove any of the Standard Conditions for Sexual Entertainment Venues and has proposed twelve additional conditions on the application form (see [Appendix A1](#)) to be attached to the licence if granted.
- 3.4 In addition, the applicant has proposed a further four conditions in an email dated 21 May 2014 (see [Appendix A6](#)), two of which have been amended following agreement to the five conditions proposed by Environmental Health in an email dated 24 June 2014 (see email at [Appendix A7](#) and schedule of conditions at [Appendix D](#)).
- 3.5 The applicant has provided premises plans and the proposed façade of the premises (see [Appendix A2](#)).
- 3.6 The applicant has submitted a Code of Conduct for Performers (see [Appendix A3](#)) and a Dancer Welfare and Equality Policy (see [Appendix A4](#)).
- 3.7 The applicant has submitted a letter dated 26 June 2014 (see [Appendix A5](#)) in which they state that the address of the application is 6 – 7 Ormond Yard as this used to be the front door of the premises. Now, however, the main entrance to the premises is at 91 Jermyn Street, They confirm that the Ormond Yard entrance will not be used for entry, dispersal or smoking, and conditions have been agreed to this effect (see [Appendix D](#)). Taxis will operate from the Jermyn Street entrance and the smoking area for patrons and dancers will also be on Jermyn Street in a designated area.
- 3.8 In the same letter, the applicant notes that the venue will be entertainment led rather than alcohol led and that conditions have been agreed to reduce the capacity of the venue to 100 persons on each of the ground and basement floors (see [Appendices A5 and D](#)).

4. Objections

- 4.1 The application has received nineteen (19) objections, attached as [Appendices B1 to B19](#).
- 4.2 Environmental Health made an objection to the application on 25 April 2014 on the grounds that the grant of a licence would be inappropriate having regard to the layout, character or condition of the premises (see [Appendix B1](#)). In addition, the Environmental Health Officer has proposed a further five conditions in an email dated 17 June 2014 (see [Appendix B1a](#)) which have been agreed by the applicant (see email at [Appendix A7](#) and schedule of conditions at [Appendix D](#)).

- 4.3 The Licensing Authority made an objection to the application on 25 April 2014 on the grounds that the applicant has not provided sufficient information as to how the premises intend to operate. In addition, the Licensing Authority has concerns regarding the CCTV layout and the areas intended to be used under the licence (see [Appendix B2](#)).
- 4.4 The remaining objections are from local residents and businesses. As permitted by paragraph 10(17) of Schedule 3 to the Act, all these objections are anonymous.
- 4.5 Objection 1, received on 16 April 2014, is from a local resident which states that Ormond Yard is a precious residential area where extra late night entertainment is not acceptable (see [Appendix B3](#)).
- 4.6 Objection 2, received on 14 April 2014, is from a local business which states that the area is inappropriate for a Sexual Entertainment Venue due to the large scale redevelopment for prestige offices, art galleries and high quality purveyors of fashion goods. It adds that the late hours tend to cause disturbance to residents (see [Appendix B4](#)).
- 4.7 Objection 3, received on 16 April 2014, is from a local business which states that a Sexual Entertainment Venue in the vicinity of their business will have a detrimental effect on them and their clients. They cite two recent incidents from the premises which have led to their clients raising complaints and are concerned that adding sexual entertainment to the premises will increase these problems (see [Appendix B5](#)).
- 4.8 Objection 4, received on 14 April 2014, is from a local business which simply objects to the application but gives no further grounds (see [Appendix B6](#)).
- 4.9 Objection 5, received on 23 April 2014, is from a local resident which states that the location is inappropriate given the residential nature of the area. They are concerned the entrance at 6 – 7 Ormond Yard will cause disruption, congestion and disturbance to public order, for which police intervention has been required in the past. Problems have been experienced from loud noises and sound from the premises. The character of the locality will be affected by a Sexual Entertainment Venue in this location in addition to the SEV premises, Gaslight on Duke of York Street (see [Appendix B7](#)).
- 4.10 Objection 6, received on 22 April 2014, is from a local business which feels it will be inappropriate for their clients to be exposed to a Sexual Entertainment Venue. They state this premises will not fit with the character of the locality of Jermyn Street (see [Appendix B8](#)).
- 4.11 Objection 7, received on 25 April 2014, is from a local resident which states that the proposed premises is not compatible with the residential nature of the area.

The concern is that the venue will increase the risk of noise, congestion, availability of parking spaces and will lead to collateral problems such as rowdiness, drug use, violence and health and safety risks (see [Appendix B9](#)).

- 4.12 Objection 8, received on 25 April 2014, is made on behalf of a local business and raises concerns regarding the proposed entrance of the premises – whether this will be at 6 – 7 Ormond Yard or 91 Jermyn Street. They believe the location is inappropriate given the predominantly residential area and are concerned that the applicants have no experience in running this type of venue. In addition, they believe the Gaslight on Duke of York Street already caters for demand for this type of entertainment in the area (see [Appendix B10](#)).
- 4.13 Objection 9, received on 28 April 2014, is from a local business which feels that a Sexual Entertainment Venue in this locality will have a detrimental effect on their business (see [Appendix B11](#)).
- 4.14 Objection 10, received on 28 April 2014, is from a local business which feels that a Sexual Entertainment Venue in this locality will have a detrimental effect on their business (see [Appendix B12](#)).
- 4.15 Objection 11, received on 24 April 2014, is from a local business which feels that a Sexual Entertainment Venue in this locality will have a detrimental effect on their business (see [Appendix B13](#)).
- 4.16 Objection 12, received on 25 April 2014, is made on behalf of a residential building in the locality and states that a Sexual Entertainment Venue in this location is inappropriate and will disrupt the residential nature of Ormond Yard. They state the Mews is secluded, poorly lit and echoes sound, making it inappropriate and likely to cause incidents threatening public order and requiring police intervention. They refer to incidents outside the premises where police have already been involved and are concerned that the premises will add to congestion problems and disruption to residents in the middle of the night. They have included a decision of Westminster Magistrate's Court of 18 October 2007 dismissing an appeal to extend the hours of Abracadabra and use of the access to Ormond Yard (see [Appendix B14](#)).
- 4.17 Objection 13, received on 25 April 2014, is made on behalf of a local residents' association which has concerns regarding issues from the premises and the applicants, including disturbance affecting local residents. They state the application will lead to a loss of residential amenity, late night noise and disturbance (see [Appendix B15](#)). In a further email dated 28 April 2014, the objector cites the increasing residential population of the area, as well as the historic nature of the area and the proximity to places of religious worship (see [Appendix B15a](#)).

- 4.18 Objection 14, received on 27 April 2014, is from a local resident who states that there is no need for another Sexual Entertainment Venue in the area given that two already exist in Mason's Yard and Duke of York Street. They add that this type of establishment is not conducive to the peaceful, quiet and quality atmosphere of the area and that there is an increased risk of late night noise from drunkenness and anti-social behaviour as well as late night traffic and taxis (see [Appendix B16](#)).
- 4.19 Objection 15, received on 19 May 2014, is from a local resident who states that the noise of customers arriving at and leaving the venue will create public nuisance and noise. They also believe such a venue will cause harm to their children and raises a concern that the premises will be alcohol led (see [Appendix B17](#)). Objection 15 was received after the consultation period for this application ended.
- 4.20 Objection 16, received on 6 June 2014, is from a local resident who states that the area is overwhelmingly residential and that the proposed application will have a detrimental effect on the area given the late night or early morning custom it will generate (see [Appendix B18](#)). Objection 16 was received after the consultation period for this application ended.
- 4.21 Objection 17, received on 6 June 2014, is from a local resident who states that the premises will cause noise, unwelcome traffic and people at all hours of the night and will alter the quality of living in the area (see [Appendix B19](#)). Objection 17 was received after the consultation period for this application ended.
- 4.22 The Metropolitan Police objected to this application on 15 April 2014 (see email at [Appendix B20](#)), but withdrew this objection following the agreement of a condition (see email at [Appendix B20a](#) and schedule of conditions at [Appendix D](#)).

5. Licensing Act 2003 Premises Licence

- 5.1 The table below sets out the current activities and times permitted by the premises licence.
- 5.2 A copy of the current Premises Licence is attached to this report as [Appendix C](#).

<u>Existing Premises Licence (13/09468/LIPDPS) permitted Licensable Activities</u>
Regulated Entertainment: Performance of Dance Provision of facilities for Dancing Provision of facilities for Making Music Performance of Live Music Provision of facilities for entertainment of a similar description to making music or

<p>dancing Anything of a similar description to Live Music, Recorded music or Performance of Dance Monday to Sunday: 09:00 to 03:30</p> <p>Playing of Recorded Music Unrestricted</p> <p>Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to a profit Unrestricted</p>
<p>Late Night Refreshment: Monday to Sunday 23:00 to 03:30</p>
<p>Sale of Alcohol: On and off the premises Monday to Saturday 10:00 to 03:00 Sunday 12:00 to 00:30</p>
<p>Non Standard Timings/Seasonal Variations</p> <p>Alcohol may be sold or supplied 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, midnight on 31st December).</p> <p>The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.</p>
<p>Capacity:</p> <p>The maximum capacity at the premises when licensable activities are taking place is as follows:</p> <p>Basement: 100 Ground Floor: 135</p>
<p>Opening hours: Monday to Sunday 09:00 to 03:30</p>

6. Policy Considerations

6.1 Mandatory grounds for refusal – MG1

Under paragraph 12(1) of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982, a Sexual Entertainment Venue licence shall not be granted:

- (a) to a person under the age of 18; or
- (b) to a person who is for the time being disqualified under paragraph 17(3); or
- (c) to a person, other than a body corporate, who is not resident in an EEA state or was not so resident throughout the period of six months immediately preceding the date when the application was made; or
- (d) to a body corporate which is not incorporated in an EEA state; or
- (e) to a person who has, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.

Paragraph 17(3) states that where a licence is revoked, its holder shall be disqualified from holding or obtaining a licence in the area of the appropriate authority for a period of 12 months beginning with the date of revocation.

The applicant has confirmed in the application form at Appendix A1 that none of the above grounds apply.

6.2 Suitability of applicant – SU1

The applicant has stated that no relevant offences have been committed. In addition the Police and the Council's Licensing Inspectorate have carried out fit and proper persons checks and have not made any objections to the application on these grounds.

6.3 SEV carried on for the benefit of another person – SU2

The Police and the Council's Licensing Inspectorate have undertaken appropriate checks and have made no comments on this issue.

6.4 Appropriate number of SEV in a locality – NO1

The appropriate number of sexual entertainment venues in the relevant localities is 25 in the Westminster core CAZ north. This application, if granted, will not exceed 25.

6.5 Character of the relevant locality – LO1

Ormond Yard is a predominantly residential cul-de-sac with pedestrian access into Mason's Yard. The premises is located within the core CAZ North. There are two SEV premises in the immediate vicinity of this premises, The Gaslight Club on Duke of York Street and Scotch St James in Mason's Yard (see map at [Appendix E](#)).

6.6 Use of premises in the vicinity – LO2

The main use of the premises in the immediate vicinity is residential with a few licensed premises (Licensing Act 2003). There are 2 other SEV premises in the immediate vicinity of the premises with a further 3 SEV premises within a 500 metre radius of the premises. There is one school and 5 places of religious worship within 500m of the premises and several more in the wider vicinity (see Appendix E).

6.7 Layout, character or condition of the venue – LO3

This premises is split over the ground floor and basement. The ground floor comprises of the entrances leading to Jermyn Street and Ormond Yard, a private dining and restaurant area with booths and a revolving table. The basement floor consists of a bar, dance podiums and several booths around the perimeter (see Appendix A2).

6.8 Hours – HR1

Policy HR1 states, “Where a premises is licensed under the 2003 Act for hours beyond the ‘core hours’ the council will have regard to those hours and generally grant a SEV licence to the hours authorised for other licensable activities, subject to the provision of a winding down period if appropriate”. Details of the permitted hours for licensable activities under the LA03 premises licence can be found above at paragraph 5 of this report. These proposed hours for relevant entertainment in this application do not exceed those permitted under the LA03 licence.

7. Conditions

7.1 Waiver of Standard Conditions

The applicant has not requested to waive any of the Standard Conditions.

7.2 Variation of Standard Conditions

The applicant has not requested to vary any of the Standard Conditions.

7.3 Proposed additional conditions

The applicant has proposed 12 additional conditions to be attached to the SEV licence which duplicate those imposed on the Licensing Act 2003 Premises Licence (13/09468/LIPDPS). They have also proposed a further four conditions in an email dated 21 May (see Appendix A6 and schedule of conditions at Appendix D). Conditions have also been agreed with Environmental Health and the Police (see Appendix D).

7.4 Conditions on the LA03 licence relating to Relevant Entertainment

There are no conditions on the LA03 Premises Licence with reference to Relevant Entertainment.

8. Legal Implications

- 8.1 The Licensing Sub-Committee may determine to:
- (a) Grant the application in full
 - (b) Grant with additional special conditions which the Licensing Sub-Committee deem appropriate; or
 - (c) Refuse the application.
- 8.2 Before refusing to grant a licence to the applicant, the Licensing Authority shall give the applicant an opportunity to appear before and of being heard by the Licensing Sub-Committee (Para 10(19) Schedule 3 LG(MP)A1982).
- 8.3 In considering this application, the Licensing Sub-Committee shall have regard to any observations submitted to them by the Chief Officer of Police and any objections that have been received in writing within the 28 day consultation period (Para 10(18) Schedule 3 LG(MP)A1982).
- 8.4 The Licensing Sub-Committee may refuse to grant a licence for the following reasons:
- (a) that the applicant is unsuitable to hold a licence by reason of having been convicted of an offence or for any other reason;
 - (b) that if the licence were to be granted the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant of such a licence if he made the application himself;
 - (c) that the number of sex establishments in the relevant locality at the time the application is made [determined] is equal to or exceeds the number which the authority consider is appropriate for that locality;
 - (d) that the grant or renewal of the licence would be inappropriate, having regard—
 - (i) to the character of the relevant locality; or
 - (ii) to the use to which any premises in the vicinity are put; or
 - (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.
- 8.5 If the Licensing Sub-Committee determine to grant a Sexual Entertainment Venue licence, the licence will be subject to the Standard Conditions for Sexual Entertainment Venue licences, unless the Sub-Committee determines that certain Standard Conditions should be expressly excluded or varied (Para 13(4) Schedule 3 LG(MP)A1982).
- 8.6 Should the Licensing Sub-Committee determine to refuse the application for the grant of a licence under Paragraph 12(3)(a) or (b) of Schedule 3 LG(MP)A 1982,

the applicant may appeal to the Magistrates' Court within 21 days beginning with the date on which the applicant is notified of the refusal of his application (Para 27(1) Schedule 3 LG(MP)A1982).

9. Human Rights Act and Equalities Act

- 9.1 In making a decision consideration will need to be given to the applicants rights under the European Convention on Human Rights. The right to peaceful enjoyment of possessions (Article 1 of the First Protocol) and freedom of expression (Article 10) may be relevant. The Home Office Guidance suggests that "local authorities would be well advised to consider whether any interference with the applicants rights under Article 10 or Article 1, Protocol 1 of the European Convention on Human Rights is necessary and proportionate for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of other, or in the case of Article 1, Protocol 1, can be justified in the general interest".

Appendices

- A1 – Application Form
- A2 – Premises Plans
- A3 – Code of Conduct
- A4 – Dancer Welfare and Equality Policy
- A5 – Applicant's further submissions dated 26 June 2014
- A6 – Email proposing four additional conditions dated 21 May 2014
- A7 – Email from applicant agreeing EH conditions dated 24 June 2014
- B1 – Environmental Health Objection
- B1a – Email and memo from EH dated 17 June 2014 proposing 5 conditions
- B2 – Licensing Authority Objection
- B3 – Objection 1
- B4 – Objection 2
- B5 – Objection 3
- B6 – Objection 4
- B7 – Objection 5
- B8 – Objection 6
- B9 – Objection 7
- B10 – Objection 8
- B11 – Objection 9
- B12 – Objection 10
- B13 – Objection 11
- B14 – Objection 12
- B15 – Objection 13
- B15a – Objection 13's further submissions
- B16 – Objection 14
- B17 – Objection 15
- B18 – Objection 16

- B19 – Objection 17
- B20 – Police objection
- B20a – Police withdrawal following agreement of condition
- C – Current Licensing Act 2003 Premises Licence
- D – Schedule of Conditions
- E – Map of the locality

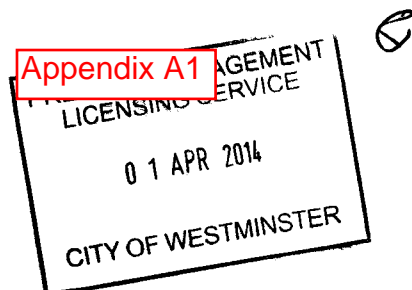
If you have any queries about this report or wish to inspect any of the background papers please contact: Nick Nelson on 020 7641 3431 or at nnelson@westminster.gov.uk

BACKGROUND PAPERS

Local Government (Miscellaneous Provisions) Act 1982
Policing and Crime Act 2009
Sexual Entertainment Venues Statement of Licensing Policy 2012
Sexual Entertainment Venues Guidance and Procedure effective 17 February 2012



City of Westminster



APPLICATION FOR A NEW SEXUAL ENTERTAINMENT VENUE LICENCE

IMPORTANT: This form is open to inspection by the public.

We: Commer Investments Limited
(Insert name(s) of applicant)

Apply for a new Sexual Entertainment Venue licence under the Local Government (Miscellaneous Provisions) Act 1982

Important Note: Before completing this application, please read the following:

- WCC's Statement of Licensing Policy for Sexual Entertainment Venues
- WCC's Standard Conditions for Sexual Entertainment Venues
- WCC's Rules of Procedure governing Sexual Entertainment Venue applications

PART 1 – Applicant Details

Please state whether you are applying for a Sexual Entertainment Venue licence as:

- a) an individual or individuals complete section (A)
- b) a person other than an individual:
- i. as a body corporate complete section (B)
- ii. as an unincorporated body complete section (B)

Section A – Individual Licensee Details

First name(s):	
Surname:	
Former names (if any):	
Title:	
Home address:	N/A
Postcode:	
Email address:	
Contact telephone number:	
Date of Birth:	
Have you been a resident of an EEA state throughout the period of 6 months immediately preceding the date the application was made?	Yes <input type="checkbox"/> No <input type="checkbox"/>

Additional Licensee Details (if necessary)

First name(s):	
Surname:	
Former names (if any):	
Title:	
Home address:	N/A
Postcode:	
Email address:	
Contact telephone number:	
Date of Birth:	
Have you been a resident of an EEA state throughout the period of 6 months immediately preceding the date the application was made?	Yes <input type="checkbox"/> No <input type="checkbox"/>

Section B – Body Corporate or Unincorporated Body Details

Business Name: (if your business is registered, use its registered name)	Commer Investments Limited
Is your business registered in the UK with Companies House?	Yes <input checked="" type="checkbox"/> Registered Number: 07736026
	No <input type="checkbox"/>
Is your business registered in another EEA state:	Yes <input type="checkbox"/> EEA State: Registered Number:
	No <input checked="" type="checkbox"/>
Legal Status: (e.g. Company Partnership, etc)	Private Limited Company
Home Country: (the country where the headquarters of your business is located)	England
Registered Address:	25 MANCHESTER SQUARE LONDON ENGLAND
	W1U 3PY
Directors, Partners, Owners and Managers	
You must provide details of all DIRECTORS (if the applicant is a company), all PARTNERS (if it is a partnership), and all MANAGERS of the business or organisation, including day-to-day MANAGERS OF THE PREMISES.	
Are there any such people for whom you need to provide details?	Yes <input checked="" type="checkbox"/> (please complete below) No <input type="checkbox"/>
Full name:	David Joseph West
Private address:	91B Jermyn Street, London SW1Y 6JB
Capacity:	Director/Shareholder
Full name:	Katie Morton

Private address:	8 Ormond Yard, St James, London SW1Y 6JT
Capacity:	Manager
Full name:	David Serlui
Private address:	12 Busby Place, London NW5 2SR
Capacity:	Manager
Full name:	
Private address:	
Capacity:	
Full name:	
Private address:	
Capacity:	
Please use a separate sheet if necessary- see attached	

Other Business Interests

Is the applicant, or any person named in this application, involved in any way with any other sex establishment (e.g. sexual entertainment venue, sex shop, sex cinema, hostess bar)?

Yes (please complete below) No

Please provide details, including the name and address of the establishment and the nature and extent of the interest. (If necessary please provide a separate sheet).

PART 2 – Premises Details

Premises name:	91 Club with Abracadabra Restaurant	
Premises address:	6-7 Ormond Yard London	
Postcode:	SW1Y 6JT	
Premises telephone number:	020 7930 3111	
Email:	david@hidelondon.com	
Website address:	Not obtained yet	
Where the licence is for a vehicle, vessel or stall, state where it is to be used as a sexual entertainment venue:	N/A	
Describe the nature of the relevant entertainment (e.g. striptease, pole dancing, table dancing etc):	Striptease, pole dancing, table dancing	
Does the relevant entertainment involve:	Full nudity	<input checked="" type="checkbox"/>
	Partial nudity	<input type="checkbox"/>
	No nudity (including implied nudity)	<input type="checkbox"/>

Opening Hours

Please provide the proposed opening hours of the premises:

Day:	Start:	Finish:
Monday	12.00	03.30
Tuesday	12.00	03.30
Wednesday	12.00	03.30
Thursday	12.00	03.30
Friday	12.00	03.30
Saturday	12.00	03.30
Sunday	12.00	03.30

PART 3 – Policy & Conditions

Please refer to the Council's Statement of Licensing Policy for Sexual Entertainment Venues.

State how your application will promote the following licensing objectives:

Prevention of crime and disorder:

See the premises code of conduct (attached)
General legal obligations under other existing relevant legislation
Standard Conditions for Sexual Entertainment Venue Premises will apply

Additional Conditions

1. The maximum number of persons accommodated within the premises at any one time (excluding staff) shall not exceed:
Basement- 100
Ground Floor- 135
2. All seating shall consist of tables and chairs arrangements and there shall be no cinema style seating
3. SIA licensed security shall be posted in the parts of the premises where striptease/table/lap dancing is taking place
4. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.
5. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
6. Curtains and hangings shall be arranged so as not to obstruct emergency signs.
7. 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.
8. 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.
9. All exit doors shall be available at all material times without the use of a key, code, card or similar means.
10. 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.
 - i. pyrotechnics including fire works
 - ii. firearms
 - iii. lasers
 - iv. explosives and highly flammable substances.
 - v. real flame.
 - vi. strobe lighting.
9. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
10. No Relevant Entertainment shall take place at the premises until the premises has been inspected to the satisfaction of the Licensing Service and Environmental Health Department.

Public safety:

See above and attached
Prevention of public nuisance:
See above and attached
Protection of children from harm:
See above and attached
Improvement in the character and function of the city, or areas of it:
<p>The proposal will not alter the character and function of this part of London, which already accommodates a high number of restaurant and leisure operators.</p> <p>The facade of the premises is not imposing and is consistent with other shop frontages in the immediate area. No signage other than the name of the premises will feature.</p> <p>The proposal is not alcohol led</p> <p>See above and attached</p>
Please use a separate sheet if necessary

If your application is in conflict with any of the policies listed in the Statement of Licensing Policy, state why you believe an exception should be made in your particular circumstances:

Policy:	Reason for exception:
	The applicant does not believe the application made is in conflict with any of the policies listed in the Statement of Licensing Policy
Please use a separate sheet if necessary	

Standard Conditions

Please refer to the Council's Standard Conditions for Sexual Entertainment Venues. Should the application be granted, your licence will be subject to all standard conditions unless specifically excluded from your licence.

State which (if any) standard conditions you wish to dis-apply from your licence and the reasons you feel they should be dis-applied, including any individual circumstances relating to your operation:

Condition:	Reason for removing the condition:
	The applicant does not wish any of the standard conditions to dis-apply from its licence
Please use a separate sheet if necessary	

State any other conditions you wish to be attached to your licence:

The maximum number of persons accommodated within the premises at any one time (excluding staff) shall not exceed:

Basement- 100

Ground Floor- 135

All seating shall consist of tables and chairs arrangements and there shall be no cinema style seating

SIA licensed security shall be posted in the parts of the premises where striptease/table/lap dancing is taking place

All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.

The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.

Curtains and hangings shall be arranged so as not to obstruct emergency signs.

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.

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.

All exit doors shall be available at all material times without the use of a key, code, card or similar means.

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.

- i. pyrotechnics including fire works
- ii. firearms
- iii. lasers
- iv. explosives and highly flammable substances.
- v. real flame.
- vi. strobe lighting.

No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

No Relevant Entertainment shall take place at the premises until the premises has been inspected to the satisfaction of the Licensing Service and Environmental Health Department.

PART 4 – Previous Convictions/Disqualifications

Have you, or any person named in or associated with this application, been convicted of any crime or offence?	
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If yes, please provide details on a separate sheet	
Have you been refused the grant or renewal of a licence for this premises, vehicle, vessel or stall within the last 12 months?	
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If yes, has the refusal been reversed on appeal?	
Yes <input type="checkbox"/>	No <input type="checkbox"/>
Have you had a sex establishment licence revoked in Westminster within the last 12 months?	
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

PART 5 - Checklist

Please tick as appropriate:

All relevant sections of the application form have been completed in full	<input checked="" type="checkbox"/>
Payment of the fee has been made in full (refer to Part 7 of this form)	<input checked="" type="checkbox"/>
A plan of the premises in accordance with the Rules of Procedure for Sexual Entertainment Venues has been included	<input checked="" type="checkbox"/>
A drawing showing the front elevation of the premises as proposed has been included	<input checked="" type="checkbox"/>
The code of conduct for performers has been included	<input checked="" type="checkbox"/>
Notice of this application has been published in a local newspaper / will be published in a local newspaper within the next 7 days, a full copy of the newspaper to be provided to the Licensing Authority as soon as possible	<input checked="" type="checkbox"/>
Notice of this application has been displayed at the premises	<input checked="" type="checkbox"/>
The application has been served on the Metropolitan Police Service	<input checked="" type="checkbox"/>

PART 6 - Declaration

APPLICANTS ARE WARNED THAT ANY PERSON WHO, IN CONNECTION WITH AN APPLICATION FOR THE GRANT OF A LICENCE MAKES A FALSE STATEMENT WHICH HE KNOWS TO BE FALSE IN ANY MATERIAL RESPECT, OR WHICH HE DOES NOT BELIEVE TO BE TRUE, IS GUILTY OF AN OFFENCE AND LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING TWENTY THOUSAND POUNDS (£20,000).

I, Lana Tricker declare that the information given above is true and complete in every respect.

Signed	<i>LT Law</i>
Date:	01.04.2014
Capacity:	Lana Tricker, Solicitor for Applicant

For joint applications:

Signed	
Date:	
Capacity:	

Agent Details

Are you an authorised agent acting on behalf of the applicant?

Yes No

If yes, please provide the following:

Agent name:	LT Law
Agent Address:	18 Soho Square London
Postcode:	W1D 3QL
Agent Telephone Number:	02070258332
Agent Email:	lana@lrlaw.co.uk

Correspondence Details

Please provide the details to which all correspondence should be sent:

Name:	Lana Tricker, LT Law
Address:	18 Soho Square London
Postcode:	W1D 3QL
Telephone Number:	02070258332
Email:	lana@ltlaw.co.uk

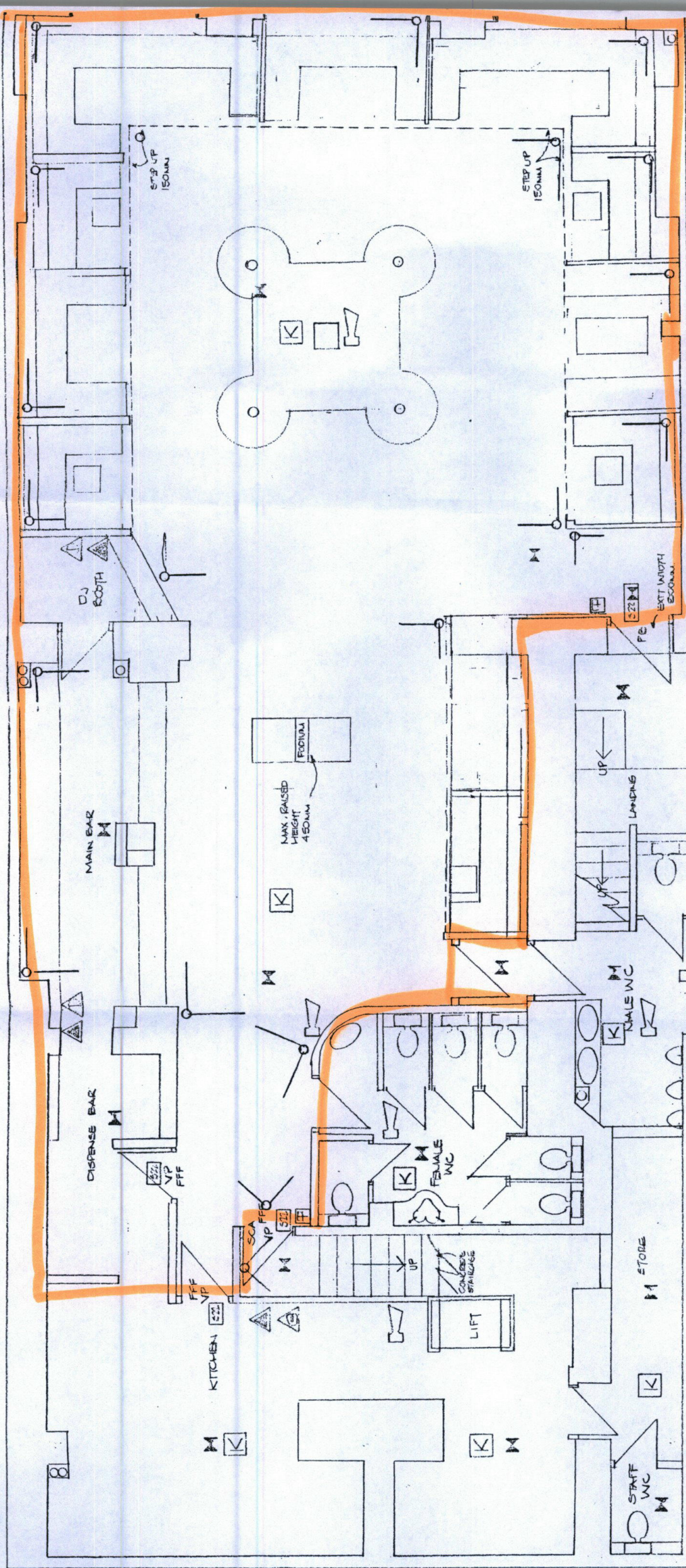
PART 7 – Payment

If applying by post you can pay by cheque, postal order or credit / debit card. Please make cheques and postal orders payable to 'City of Westminster'.

If you would like to pay by credit / debit card please complete this section:

Type of credit / debit card:	<input type="checkbox"/> Visa <input type="checkbox"/> MasterCard
	<input type="checkbox"/> Solo <input type="checkbox"/> Maestro <input type="checkbox"/> Delta
Card number:	
Issue date:	/ (mm/yy)
Expiry date:	/ (mm/yy)
Issue number:	(for Maestro / Solo)
Name on card:	
Amount (£):	

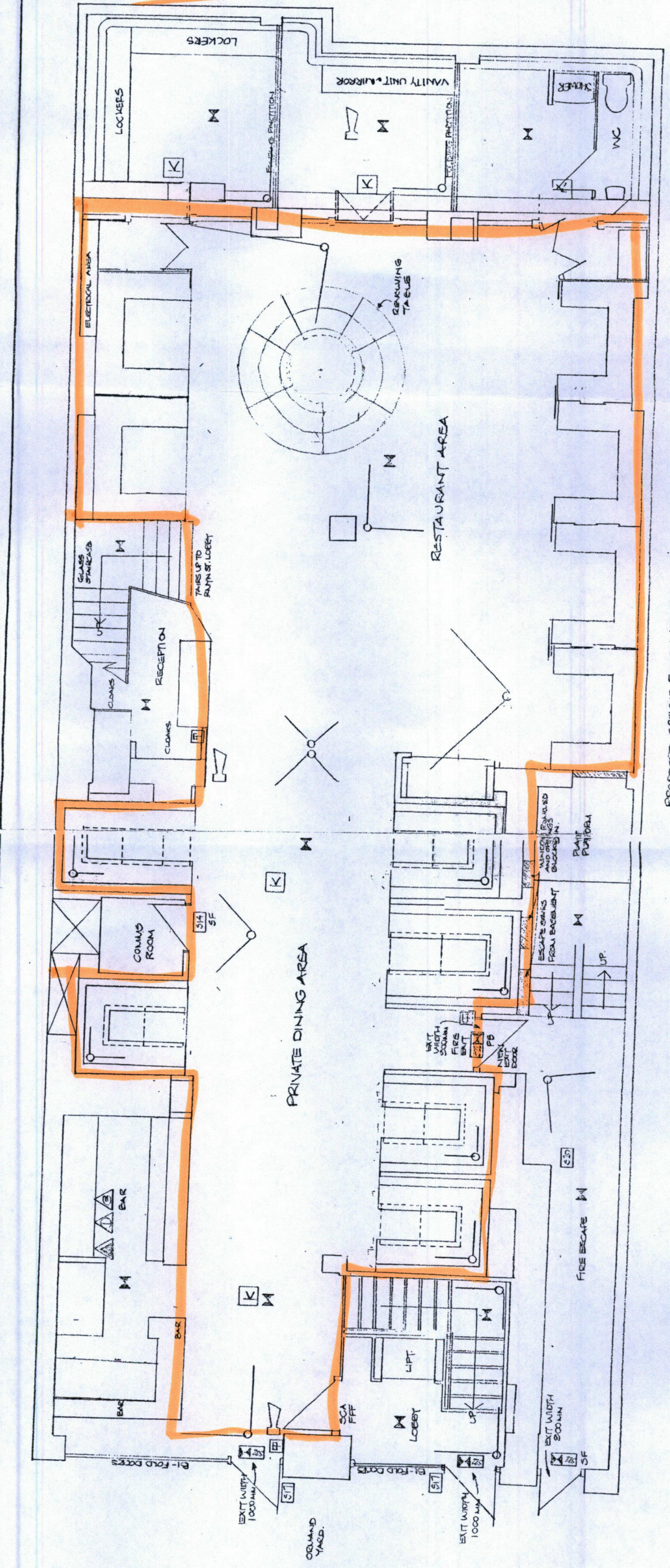
THIS APPLICATION SHOULD BE COMPLETED IN FULL AND RETURNED TO THE LICENSING SERVICE, PREMISES MANAGEMENT, WESTMINSTER CITY HALL, 64 VICTORIA STREET, LONDON, SW1E 6QP.



EXISTING BASEMENT LAYOUT

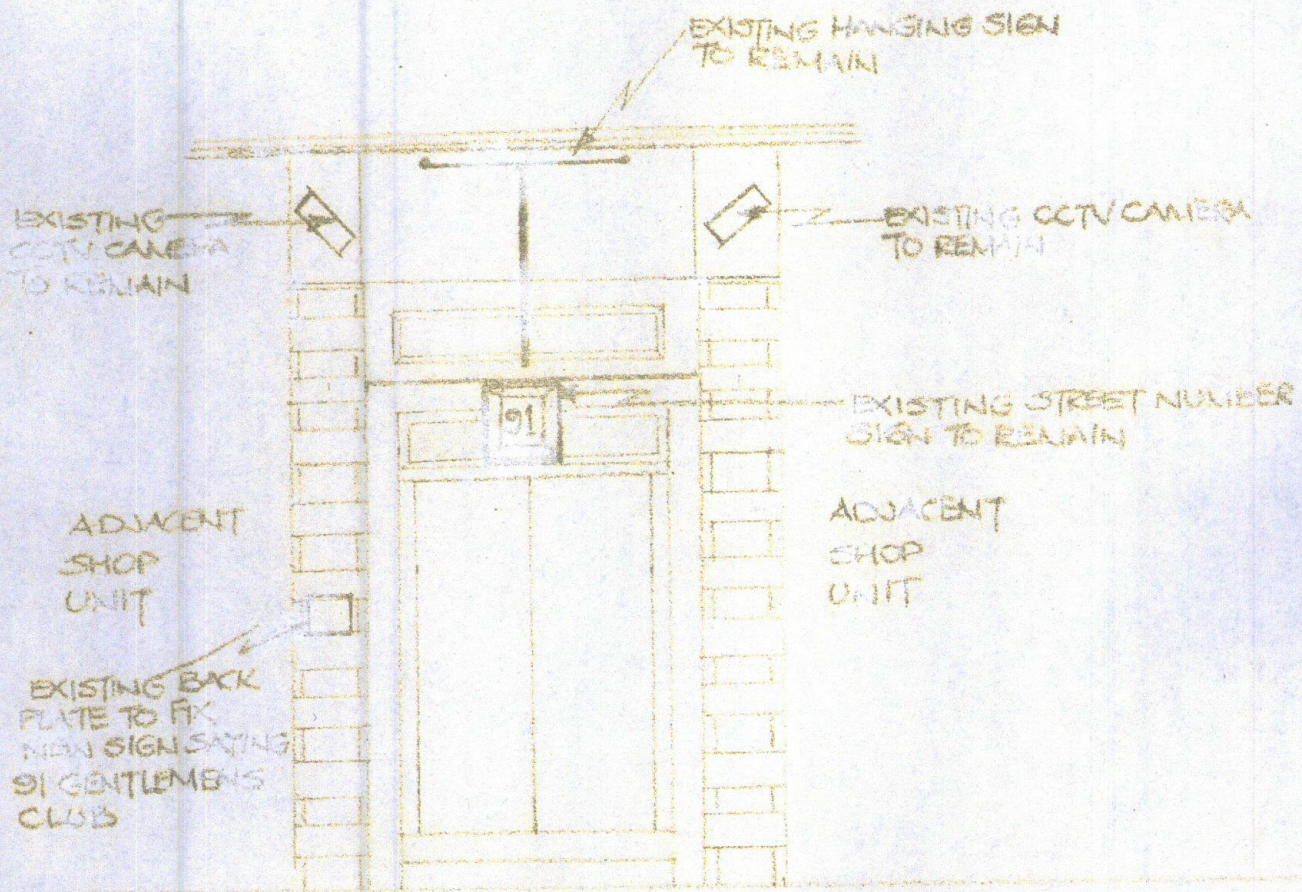
- KEY TO PLAN SYMBOLS
- M AREA COVERED BY ESCAPE LIGHTING SYSTEM
 - K HEAT DETECTORS
 - ⊕ FIRE ALARM CALL POINTS
 - 📣 VOICE SOUNDER
 - 522 FIRE EXIT SIGNS
 - 522M FIRE EXIT SIGN INTERNALLY ILLUMINATED
 - VP VISION PANEL
 - 320 FIRE ESCAPE KEEP CLEAR
 - 517 SECURE DOOR OPEN WHEN FURNITURE ARE OCCUPIED
 - FFP DOOR FREE FROM FASTENINGS
 - 514 FIRE DOOR KEEP LOCKED
 - SF DOOR WITH SINGLE FASTENINGS
 - 🔥 CARBON DIOXIDE FIRE EXTINGUISHER
 - 🔥 WATER FIRE EXTINGUISHER
 - 🔥 FIRE BLANKET IN CONTAINER
 - SCA SELF CLOSING DOOR WITH AUTOMATIC RELEASE
 - FD DOORS WITH PANIC BUY FIRE DETECTION SYSTEM LINKED TO SYSTEM FOR COMPLETE BUILDING WITH ZONE INDICATOR PANEL LOCATED IN ENTRANCE LOBBY FROM JERMAN STREET
 - 📷 CCTV CAMERA POSITIONS 20° ANGLE 15M RANGE

Relevant Entertainment



PROPOSED GROUND FLOOR LAYOUT

STANIS HUNTER



ELEVATION OF FRONT ENTRANCE DOOR
TO 91 JERMYN STREET LONDON

SCALE 1:50
DATE MARCH 2014

CODE OF CONDUCT

There shall be no physical contact between the dancer and customer during a private dance other than the exchange of money or chip tokens

Customers must remain seated during a performance and must refrain from participating in the performance.

Customers must remain fully clothed at all times. Performances must cease immediately should this not be the case.

No physical contact is allowed between dancers during the performance of a dance.

Dancers must redress after each performance has concluded.

Dancers can only perform in the areas of the club designated by management.

Dancers must not give out any personal contact information.

Dancers shall not solicit for gratuities or payment for sexual favours.

Dancers shall not engage in any act of prostitution i.e. the receiving of gratuities or payment for sexual favours

Dancers shall not perform if under the influence of alcohol or drugs

ALL DANCER SHALL COMPLY WITH THIS CODE OF CONDUCT. ANY FAILURE TO ADHERE TO THE CODE OF CONDUCT SHALL RENDER THE DANCER SUBJECT TO THE PREMISES DISCIPLINARY PROCEDURE

DANCER WELFARE & EQUALITY POLICY

Club managers will provide a safe, healthy working environment and ensure our dancers are treated in a fair, sensitive and confidential manner in addition to providing welfare support for any individual as required.

Each venue will have a nominated female member of staff who will act as a welfare officer should any dancer feel unable to approach a member of the management team. This information and the contact numbers will be displayed on a notice within the premises and will be made available by the general manager.

Codes of Conduct will be rigorously enforced by both management and security to eliminate any potential incidents of sexual harassment or aggressive behaviour. All members of staff are to remain alert and immediately report any suspected incidents of this nature.

Any Dancer concerned about the behaviour of a customer shall report the incident immediately to the Duty Manager who shall take immediate action to resolve the matter

Staff members must constantly supervise the behaviour of customers at the premises and shall intervene where any customer is breaching the Code of Conduct for Customers or is otherwise causing alarm or distress to a Dancer

Any customer behaving inappropriately will be ejected from the venue

All employees, including bar staff, waitresses, D.J.'s, receptionists and toilet attendants are considered front line staff and are encouraged to report any matter which causes them concern.

Under no circumstances will any act of discrimination or exploitation be tolerated. Any report of such incidents will be reported to the general manager.

No member of staff will enter the Dancer's changing room without good cause. Visits should be restricted to members of management or security. Prior to entering the room the manager or supervisor must knock on the door and announce themselves. Private signs should be displayed setting out the rules for entering the changing room.

Dancers are reminded that for their own safety they must comply with all legal and statutory requirements, together with the Codes of Conduct and exit procedures.

Regular dancer meetings will be held to discuss any issues and to encourage feedback.

Every member of the team will be treated with dignity and respect.

Separate shower, changing and toilet facilities will be provided together with secure storage.

Dancers shall be provided with free drinking water on request

Dancers will not be required to drink alcohol.

18 Soho Square, London W1D 3QL

26 June 2014

FAO: Nick Nelson
Licensing Service
Westminster City Council
4th Floor, City Hall
64 Victoria Street
LONDON SW1E 6QP

Our ref: LT/01383

Dear Mr Nelson

RE: 91 CLUB, 6-7 ORMOND YARD, LONDON SW1Y 6JT – APPLICATION FOR NEW SEV LICENCE

I refer to the above application which is listed for hearing on 3 July 2014. I confirm a hearing is necessary.

The premises are currently licensed under the Licensing Act 2003 to 3.30am Monday-Sunday for entertainment. No additional trading hours are sought as part of this application.

The Police have not objected to the application. The applicant has met with Environmental Health and the Licensing Authority to discuss the application, and we understand all of their operational concerns have been addressed by way of conditions. We have also spoken to the licensing inspectors and understand they have no objection to either the applicant or the application. Given the Police confirming they have no objection to this application, there are no crime and disorder concerns for the operation from that authority.

The premises trades now as a nightclub to the terminal hour, known as Hide, with a restaurant known as Abracadabra. The address of the application premises is 6-7 Ormond Yard (which is the same address shown on the premises licence) because in the past, some time ago, the front door was on Ormond Yard. When my client began operating the front door of the premises was moved to Jermyn Street and this is still the case.

There are a number of objections from local residents and local businesses in relation to the application. From the letters of representation it appears the objections stem from residents living on Ormond Yard, or residents living at the rear of the property.

For the avoidance of any doubt, we confirm that the front of the premises (i.e. entry to the premises), is on Jermyn Street and patrons will not be using Ormond Yard for entry, dispersal or smoking. My client has agreed conditions with Environmental Health to this effect. We also confirm that even whilst the club has been trading as Hide, Ormond Yard has not been used for entry or dispersal – only for some staff entry and deliveries. Current premises licence conditions 15-19, 27, 29 and 31 also confirm the current use of the Jermyn Street entrance for patrons.

Taxis for customer pick-ups/ drop offs do not enter via Ormond Yard as no entry is permitted on Ormond Yard. All taxi pick-ups/ drop offs will be via Jermyn Street. The smoking area for patrons and dancers will also be on Jermyn Street in a designated area. This is the current arrangement now for the nightclub. There will be no impact from the operation on Ormond

WCC

-2-

Yard, as all doors and windows will remain closed when relevant entertainment is being provided, and the doors and windows (which are glass), will be rendered opaque when relevant entertainment is taking place.

My client takes its neighbourly responsibilities in relation to Ormond Yard, very seriously. It has 11 external CCTV cameras on Ormond Yard alone, so that if any complaints are made the cameras can be examined and the source of the complaint identified, for the assistance of my client, the local residents and the authorities.

There will be further extensive CCTV system installed at the premises as shown on the proposed plans and should this application be granted, my client will also need to vary its premises licence to reflect the layout plans as they are installing new dancer facilities (changing rooms, toilets and showers) in three of the current private dining rooms. This application has not been submitted yet as my client is awaiting the outcome of this application.

The capacity at the premises has been assessed by Environmental Health and the District Surveyor. The capacity has been reduced from that on the premises licence to reflect the removal of the private dining rooms, and the capacity will now be a maximum of 100 patrons in the basement and 100 patrons on the ground floor. There is no objection to this capacity being imposed on the SEV.

The operation will see a high number of tables and chairs within the venue and, the authorities will be able to confirm that at adult entertainment venues, nearly all patrons are seated taking advantage of waiter/waitress service, much more than now.

As mentioned above, the premises currently trades as a club, with a restaurant. The impact on the local area should this application be granted, will be far less in any event as the clientele numbers will be less, the premises will not be drink-led- but entertainment led, and dispersal is more sporadic than a mass exodus at the end of the trading time.

In terms of the change in operation from a nightclub to a SEV premises, premises tend to have little if any queuing whilst operating as an adult entertainment venue, and minimal drunkenness and crime and disorder premises. The music levels within the premises itself, will also be lower than that in a nightclub. The frontage is anonymous and all standard conditions and procedures in relation to WCC SEV premises will be complied with.

As heard in evidence before the Culture, Media and Sports Committee, when the SEV legislation was being considered, Inspector Adrian Studd stated (copy attached at question 64), in respect of SEV premises:

"It is true to say that there is no evidence that they cause any crime and disorder. Very rarely. They tend to be fairly well run and they tend to have a fairly high staff ratio to customers. The people who tend to go there tend to be a bit older, so they do not drink so excessively and cause the crime and disorder problems outside."

Most of the issues raised by the objectors relate to issues dealt with under the Licensing Act 2003 and, in our submission, show the importance to look at the immediate neighbourhood carefully, as shown in the map in the Licensing Sub Committee Report. For example, complaints have been made in relation to traffic congestion on Ormond Yard and noise and

WCC

-2-

nuisance in that immediate area. Ormond Yard is not used by my client for patron entry or dispersal as detailed above but it is the access route for deliveries and staff etc for The Cavendish London Hotel (81 Jermyn Street), and as such it is in use 24 hours for access to the hotel. It is also a route, through the pedestrianised area at the end of Ormond Yard, to reach Scotch St James, which also holds a late hour SEV and premises licence. There is no reason for patrons of this premises, even now, to walk around the block from Jermyn Street to Ormond Yard when leaving as it is a dead end street (with double yellow lines). There are adequate transport arrangements and taxi facilities from the premises in Jermyn Street and along the nearby main thoroughfare Piccadilly.

In terms of the area of the premises the entrance (as mentioned above), will be on Jermyn Street. There are two SEVs in the nearby vicinity already (Scotch and Gaslight), where the area has been deemed suitable for SEV premises.

In relation to our bottle and rubbish collection, it takes place usually in the afternoon, but it is always between 09.00 and 18.00. There are two refuse collectors for the premises – Dirty Harry's and Westminster's own service.

The premises has dancer induction packs where the WCC standard conditions will be complied with. Identification (and immigration proof) for the dancers will be recorded and kept on file for inspection by the authorities. The dancers will also undergo induction policy training, which will include education and training on the conditions of both the premises licence and the SEV licence along with the Code of Conduct, other operational policies, including health and safety and fire training. These records will all be maintained on the premises for inspection by the authorities and signed off on by management and the dancers. There will be a house mother in charge of the dancers for their welfare, along with a designated senior member of management. Customer notices dealing with the Code of Conduct will also be displayed on the tables, at the bar, at the entrance and in the toilets. Management/security will also speak to patrons entering about the Code of Conduct so they are aware of the rules and procedures.

In terms of exit and dispersal should this application be granted, upon entering the premises reception staff will inform customers that a taxi can be called either from reception or from their tables at any time. The waitresses will further give information and provide details of the dedicated taxi service available for customers during the course of the evening. There will also be signage at the entrance, at reception and the toilets which will reinforce the availability of a contact number for taxis.

There will be a winding down period within the venue at the end of the evening, where house lights will gradually be increased and music levels lowered, giving customers a window to gradually consume their beverages. Given the hours permitted under the licence for the retail sale of alcohol there is already a natural wind down period for consumption of alcohol. There will be SIA security on each of the floors and at the front of the premises, whilst the premises are operating under this licence. Door supervisors will also be able to assist in the calling of taxis and dispersal of patrons when they are leaving. Door supervisors will patrol the front of the premises, to encourage those patrons wishing to leave on foot, to do so quickly and quietly. Customers, of course will not be allowed to leave with any glass or bottled drink.

WCC

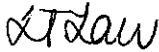
-2-

In terms of dispersal of dancers, all dancers and staff will be required to remain on the premises until notified by a member of security/management that all customers have left the building and they are able to leave. They too will be reminded to leave quietly and will not be allowed to exit unaccompanied, unauthorised or in large groups. Management and members of security will be responsible for ensuring that staff and dancers comply with the company policy in this respect.

Other objections raised by the residents, such as the sub-letting of the premises is incorrect. I have been instructed the premises have never been sub-let by my client. Further, one representation objects to the application on the basis that fire arms will be used at the premises. Fire arms are mentioned in the WCC standard condition dealing with special effects, as requested by officers in the usual way, primarily for theatres and other performance led venues. I confirm my client has no intention to seek such approval from the Council now or in the future.

Should you have any queries please contact Lana Tricker on 020 3755 5138.

Yours faithfully



LT LAW

14 October 2008 Commander Simon O'Brien, Chief Inspector Adrian Studd, Mr Simon Reed and Mr George Gallimore

probably committed some offence under the Theft Act or (b) We have the power to stop that person and confiscate that. That tends to be much more of a black and white position in which the police can involve themselves. In terms of pricing structures in a freely available and lawful commodity, it becomes much more difficult for us to have some enforcement view there.

Q62 Helen Southworth: How much do you think needs to be about enforcement and how much about better management in the first place?

Mr O'Brien: Before the Act there would be problems where people drank far too much and there would be problems with certain people that did not manage their premises particularly well. I think the Act has given us some significant powers, which I think we have used very sensibly and we will continue to do so. I think, frankly, that enforcement is only one part of what we need to be doing. I think the whole view about our consumption of alcohol in this country probably needs a broader look at. That whole culture change might not come from enforcement, but could come, as we have seen with smoking and other areas, through health and education. I think that is an area we need to be focused on in the future.

Q63 Helen Southworth: Is this something, in your experience, in which there is currently sufficient involvement from health agencies in town centres, for example? Or do you think that is something that needs to be worked on? I have an example of a meeting with the owners of licensed premises in my constituency. We began it with a presentation from the consultants at A&E, who gave graphic demonstrations of injuries that had been caused to people in our own town on a Friday and Saturday night. The impact of that was very considerable. People who had not experienced it and who did not realise what was happening to people when they were outside the doors were given it very graphically. Do you think we need to do more of that sort of thing?

Mr O'Brien: Certainly there have been some very good examples and I think we are working much more closely with colleagues in health, both in acute trusts and the primary care sector. In Cardiff, for example, the greater ability and desire to share certain anonymous data has been very useful. I think both services can then plan their particular construct that night. For example, knowing that emergency admissions have gone up in a particular location is not particularly stunning news, but at what time and over what premises allows us maybe to put further police officers into that area earlier or to put frontline ambulances further into the town centre. I think all those are bits of the problem solving that we are more used to dealing with these days. There is always going to be a problem in terms of our health colleagues and the issue of patient confidentiality, which we would respect, but in many ways just sharing our overall knowledge of a particular problem would allow us to respond in a much more professional and efficient way in the first place.

Q64 Paul Farrelly: I am the Member of Parliament for Newcastle-upon-Lyme which is a town in the Midlands, and like every town we have lots of pubs and we have the occasional problem of badly run pubs, particularly with respect to drug dealing. The latest antisocial behaviour problem concerns yobbos watching live Stoke City matches via a satellite signal that is supposed to go to Norway but comes into my town, and these pubs are co-run by a conservative councillor locally, which is quite an interesting problem and not just for the police. By far the major concern I have had about licensing in recent years was to do with the licensing of a lap dancing club in our town. There the police could not object because there were no crime and disorder problems. In fact, the police say that the people who go in there are generally far better behaved than the people drinking late at night in pubs. Of course people locally are looking for the police and licensing committees to make moral decisions. Has this issue caused you any problems? Would you like to see a separate licensing regime allowing some more local democratic involvement for what you might call adult entertainment?

Mr Studd: It is quite a difficult one. The Police Service has grappled with it over recent years, since it was introduced about 10 or 15 years ago. I think you are right when you say that often people look for a moral decision on it, which is something that it is very difficult for the police or local authorities to make. I guess there are only two distinctions. It is either entertainment, in which case it comes under the Licensing Act, or it is sexual encounter, in which case it has a separate licence. A number of local authorities have their own sex encounter licences, and that brings in a much more rigid campaign. They obviously get much more substantial fees, anything up to £30,000 a year, which allows them to visit the premises, and to monitor it and regulate it in that way. If it is just public entertainment—which is what they say it is—it is ordinary dancing and it falls within that same unit as a public house. It is very difficult to know what else can be done in relation to regulating it. It is true to say that there is no evidence that they cause any crime and disorder. Very rarely. They tend to be fairly well run and they tend to have a fairly high staff ratio to customers. The people who tend to go there tend to be a bit older, so they do not drink so excessively and cause the crime and disorder problems outside.

Q65 Mr Farrelly: Would it simplify things if anything to do with nudity were brought under the sexual encounter regime?

Mr Studd: What is nudity? Some lap dancing clubs take the G-string—well, they call it a G-string: you would be hard pushed to see it but they would say there is a G-string—and say that therefore they are not nude and therefore it is entertainment. There is the three foot rule, but where is the three foot? Is it from the dancer's hair or their body or their feet? When are they touching and when are they not touching? With the best will in the world, when you get into the fine detail of it—as we have tried to do

Nelson, Nicholas

From: Lana Tricker [lana@ltlaw.co.uk]
Sent: 21 May 2014 13:21
To: Nelson, Nicholas
Cc: Watson, Ian; Rowe, Steven
Subject: FW: Abracadabra SEV

Follow Up Flag: Follow up
Flag Status: Completed

Dear All

Please find below a list of additional special conditions my client is offering to add to the SEV licence for Abracadabra.

1. Patrons shall enter and exit the premises only via the entrance on Jermyn Street;
2. After 7.00pm, all staff and performers will enter and exit the premises using the Jermyn Street entrance;
3. The designated smoking area for patrons shall be in Jermyn Street;
4. After 7.00pm the designated smoking area for staff and performers shall be in Jermyn Street

Steve- the condition re performers redressing is on the standard SEV conditions as 'Performers must redress fully immediately after each performance' and we are not seeking to vary/waive that condition.

I would be grateful if you could amend the papers accordingly

Many thanks.

Kind regards
Lana

Lana Tricker
Principal, LT Law

M: 075257 11530
T: 020 3755 5138

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Nelson, Nicholas

From: Lana Tricker [lana@ltlaw.co.uk]
Sent: 24 June 2014 16:54
To: Watson, Ian; Nelson, Nicholas
Cc: Rowe, Steven
Subject: RE: Abracadabra SEV

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ian

Just to let you know my client has no objection to the conditions on your memo being included on the SEV licence

Thanks

Kind regards

Lana

Lana Tricker
Principal, LT Law

M: 075257 11530
T: 020 3755 5138

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From: Watson, Ian [mailto:iwatson@westminster.gov.uk]
Sent: 17 June 2014 14:50
To: Lana Tricker; Nelson, Nicholas
Cc: Rowe, Steven
Subject: RE: Abracadabra SEV

Lana

Please find attached some additional and modified conditions with regard to the application.

The capacity condition for the ground floor has been reduced from 125 persons to 100 persons due to the proposal that the three private dining areas will be converted into a changing room for the performers.

Let me know if you have any concerns.

Regards

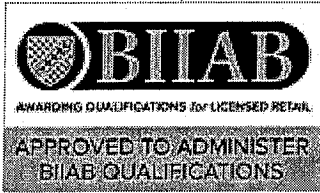
Ian Watson
Senior Practitioner Environmental Health (Licensing)
EH Consultation and Licensing
Premises Management

Westminster City Council
City Hall, 4th Floor West

64 Victoria Street
London, SW1E 6QP

Tel: 020 7641 3183
Fax: 020 7641 3436
Email: iwatson@westminster.gov.uk

Westminster Council's Team of the Year 2012



From: Lana Tricker [<mailto:lana@ltlaw.co.uk>]
Sent: 21 May 2014 13:21
To: Nelson, Nicholas
Cc: Watson, Ian; Rowe, Steven
Subject: FW: Abracadabra SEV

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Steve- the condition re performers redressing is on the standard SEV conditions as 'Performers must redress fully immediately after each performance' and we are not seeking to vary/waive that condition.

I would be grateful if you could amend the papers accordingly

Many thanks.

Kind regards
Lana

Lana Tricker
Principal, LT Law

M: 075257 11530
T: 020 3755 5138

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www.westminster.gov.uk

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CITY OF WESTMINSTER

MEMORANDUM

TO Mr S Rowe Licensing Officer

REFERENCE 14/02824/LISEVN

FROM EH Consultation Team

REFERENCE

BEING DEALT WITH BY I Watson (iwatson@westminster.gov.uk)

TELEPHONE 020 7641 3183

DATE 25th April 2014

Local Government (Miscellaneous Provisions) Act 1982
Policing and Crime Act 2009

91 Club with Abracadabra Restaurant, 6-7 Ormond Yard, SW1

I refer to the application for a Sexual Entertainment Venue Licence.

The premises are located within the Westminster Core Commercial Activity Zone.

The applicant has submitted Ground and Basement floor plans of the premises which are not referenced or dated.

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

The applicant is seeking the following

1. The application is to provide striptease, pole dancing and table dancing with full nudity during the opening hours of 12.00 – 03.30 Monday to Sunday.

I wish to make the following representation

1. The grant of the licence would be inappropriate having regard to the layout, character or condition of the premises.

Conditions have been proposed by the applicant but a visit will need to be made to the premises to ensure compliance with Westminster licensing policy and additional conditions may be proposed.

Should you wish to discuss the matter further please do not hesitate to contact me.

Ian Watson
Senior Practitioner Environmental Health (Licensing)

Nelson, Nicholas

From: Watson, Ian
Sent: 17 June 2014 14:50
To: Lana Tricker; Nelson, Nicholas
Cc: Rowe, Steven
Subject: RE: Abracadabra SEV
Attachments: 91 Club SEV conditions 7 14.doc

Follow Up Flag: Follow up
Flag Status: Completed

Lana

Please find attached some additional and modified conditions with regard to the application.

The capacity condition for the ground floor has been reduced from 125 persons to 100 persons due to the proposal that the three private dining areas will be converted into a changing room for the performers.

Let me know if you have any concerns.

Regards

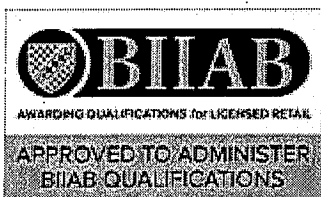
Ian Watson

Senior Practitioner Environmental Health (Licensing)
 EH Consultation and Licensing

Premises Management

Westminster City Council
 City Hall, 4th Floor West
 64 Victoria Street
 London, SW1E 6QP

Tel: 020 7641 3183
 Fax: 020 7641 3436
 Email: iwatson@westminster.gov.uk

Westminster Council's Team of the Year 2012

From: Lana Tricker [<mailto:lana@tlaw.co.uk>]
Sent: 21 May 2014 13:21
To: Nelson, Nicholas
Cc: Watson, Ian; Rowe, Steven
Subject: FW: Abracadabra SEV

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Steve- the condition re performers redressing is on the standard SEV conditions as 'Performers must redress fully immediately after each performance' and we are not seeking to vary/waive that condition.

I would be grateful if you could amend the papers accordingly

Many thanks.

Kind regards
Lana

Lana Tricker
Principal, LT Law

M: 075257 11530
T: 020 3755 5138

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TO Licensing Officer

REFERENCE 14/02824/LISEVN

FROM EH Consultation Team

REFERENCE

BEING DEALT WITH BY I Watson (iwatson@westminster.gov.uk)

TELEPHONE 020 7641 3183

DATE 17th June 2014

Local Government (Miscellaneous Provisions) Act 1982
Policing and Crime Act 2009

91 Club with Abracadabra Restaurant, 6-7 Ormond Yard, SW1

I refer to the application for a Sexual Entertainment Venue Licence.

The following conditions are requested to be attached to the SEV licence. These are in addition to those proposed by the applicant or modified to address Public Safety and Nuisance.

1. The maximum number of persons accommodated within the premises at any one time (excluding staff) shall not exceed
Basement – 100 persons
Ground Floor – 100 persons
2. The doors and windows into Ormond Yard from the ground floor restaurant will be maintained closed when relevant entertainment is being provided.
3. All doors and windows fronting onto Ormond Yard shall be rendered opaque when relevant entertainment takes place.
4. The designated smoking area for patrons shall be adjacent to the entrance in Jermyn Street.
5. After 7.00pm the designated smoking area for staff and performers shall be adjacent to the entrance in Jermyn Street.

Should you wish to discuss the matter further please do not hesitate to contact me.

Ian Watson
Senior Practitioner Environmental Health (Licensing)

Mr Nicolas Nelson
Licensing Service
Westminster City Hall
64 Victoria Street
London
SW1E 6QP

Mr Steven Rowe
Environmental Health Case Officer Licensing

Tel: 020 7641 7825

Fax: 020 7641 7815

srowe@westminster.gov.uk

Team Email : generallicensing@westminster.gov.uk

Date: 25th April 2014

Ref: 14/02824/LISEVN

Dear Nick

Application to for a new Sexual Entertainment Venue Licence in respect of 91 Club with Abracadabra Restaurant

As an authorised officer for the council under the Local Government (Miscellaneous Provisions) Act 1982 please accept this letter as a formal objection to this application on behalf of the council.

The applicants have not provided sufficient information with the application as to how the premises are intended to operate as sexual entertainment venue and the plans do satisfy my concerns in relations to CCTV and the areas intended to be used under the licence.

I will arrange a visit to the premises to discuss the application with the applicant and if the concerns raised within this objection are fully addressed to the satisfaction of the council by way of written submissions, oral evidence or additional conditions then the council will withdraw its objection to this application.

Yours sincerely



Mr Steven Rowe
Environmental Health Case Officer Licensing
Environmental Health Consultation and Licensing

Supporting



www.westminster.gov.uk/licensing

Nelson, Nicholas

From: [REDACTED]
Sent: 16 April 2014 13:27
To: General Licensing
Subject: Ref ref 14/02824/LISEVN.

Follow Up Flag: Follow up
Flag Status: Completed

Dear Sirs,

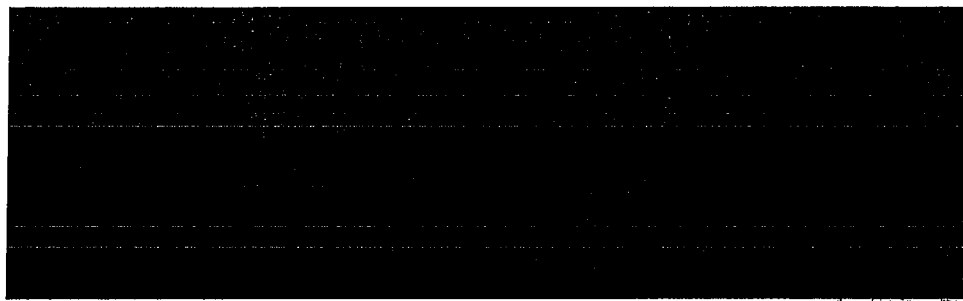
I would like to lodge my objection to the new Sexual Entertainments Venue licence for 91 Club with Abracadabra Restaurant, 6—7 Ormond Yard, London, SW1Y 6JT ref 14/02824/LISEVN.

Ormond Yard represents a precious residential area with in the heart of London and whilst some disruption from surrounding businesses is to be expected and embraced, the extra comings and goings late at night, coupled with the noise of the bottle collection, is not acceptable.

[REDACTED]

I would prefer to be kept informed by email.

Yours faithfully,



PREMISES MANAGEMENT
LICENSING SERVICE
14 APR 2014
CITY OF WESTMINSTER

Licensing Service
Westminster City Hall
64 Victoria Street
London
SW1E 6QP

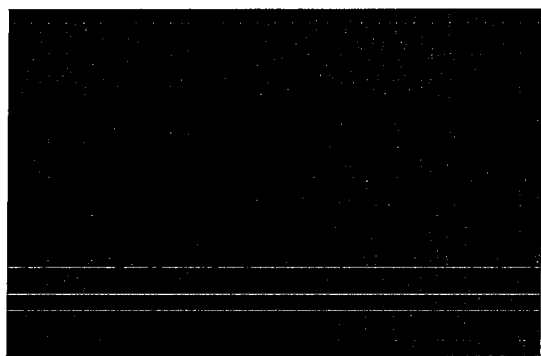
11/4/14

Ref: 14/02824/LISEVN.

Premises address: 91 Club with Abracadabra Restaurant, 6-7 Ormond Yard, London, SW1Y 6JT

Dear Sirs,

With regard to the application reference 14/02824/LISEVN we can only say that we believe that in this day and age it is inappropriate to have a sexual entertainment venue in this area of SW1. The area is the subject of large scale redevelopment for prestige offices, art galleries and high quality purveyors of fashion goods. It is inappropriate to have a sleazy sexual entertainment venue in this context and the late hours tend to cause disturbance to residents. In addition, we have heard rumours that the club in question has been, in the past, subject to police attention for various abuses.



[Faint, illegible text, likely bleed-through from the reverse side of the page]



Nelson, Nicholas

From: [REDACTED]
Sent: 16 April 2014 14:29
To: General Licensing
Subject: REF: 14/02824/LISEVN

Follow Up Flag: Follow up
Flag Status: Completed

Dear Licensing Service,

[REDACTED]

REF: 14/02824/LISEVN

Re: new Sexual Entertainment Venue License for 91 Club with Abracadabra Restaurant, 6-7 Ormond Yard, London, SW1Y 6JT

As a [REDACTED] on prestigious Jermyn Street we do not feel that there is any need to be adding a Sexual Entertainment venue 1 block from [REDACTED]. Currently we have already had issues with patrons from Abracadabra with 2 fights in the last 3 months, [REDACTED]

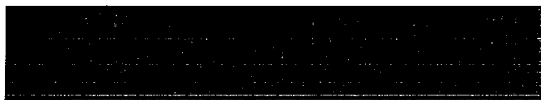
[REDACTED]. These fights have occurred as they are sub-letting out the club to other clubs to use the location which does not fit in with the surroundings of Jermyn Street. Both of these issues have caused numerous complaints from [REDACTED], and I would be concerned what type of clientele they will be attracting to a late night license venue with Sexual Entertainment and will this continue to be sub-let causing more problems for [REDACTED].

Please feel free to contact me directly should you require any further information.

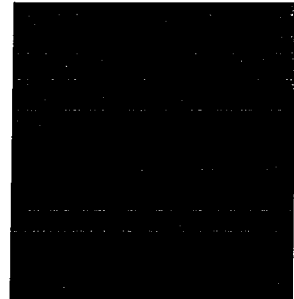
Best regards

[REDACTED]





PREMISES MANAGEMENT
LICENSING SERVICE
14 APR 2014
CITY OF WESTMINSTER



Your ref: 14/02824/LISEVN/

Our ref: [Redacted]

10 April 2014

City of Westminster
Licensing Service
Westminster City Council
64 Victoria Street
LONDON SW1E 6QP

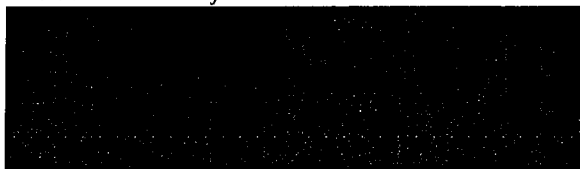
For the attention of: Steve Rowe

Dear Sirs

**NOTIFICATION OF A NEW PREMISES LICENCE APPLICATION UNDER THE
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982**

Please consider this letter as an objection to the application referred to above at
6-7 Ormond Yard and we look forward to hearing further from you after the closing date
of 28 April.

Yours faithfully





Comments for Licensing Application 14/02824/LISEVN

Application Summary

Application Number: 14/02824/LISEVN
Address: 6-7 Ormond Yard London SW1Y 6JT
Proposal: Sexual Entertainment Venue - New
Case Officer: Mr Steve Rowe

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour
Stance: Customer objects to the Licensing Application
Comment Reasons:
Comment: 3:58 PM on 23 Apr 2014 Dear Sir,

As the occupant of [REDACTED], I object very strongly to issue of a sexual entertainment license under Ref. 14/02824/LISEVN to Abracadabra at 6-7 Ormond Yard.

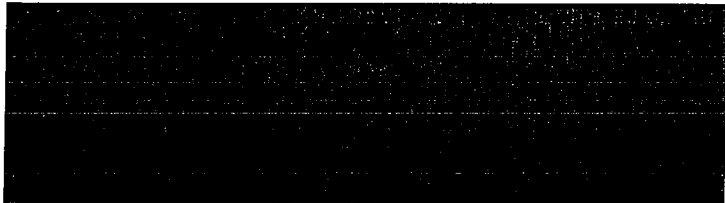
- 1) This will be totally out of place in this quiet mews behind St. James's Square, which is now residential except for the restaurant and barber's shop.
- 2) 6-7 Ormond Yard is a fire exit and should never be allowed to become a main entrance as this will cause noise, blocking the garages doors and disturbance to public order. There have already been past incidents in the early hours of the morning requiring police intervention.
- 3) Extra traffic will cause congestion in front of the lock up garages which are in use 24 hours daily, and will contravene the double yellow lines that run both sides of Ormond Yard.
- 4) There have been problems in the past with loud sound and noises in the middle of the night from the 6-7 Ormond Yard premises.
- 5) The quiet St. James's 'VILLAGE' atmosphere of the area will be destroyed by a totally out of place and extra SEX ENTERTAINMENT CLUB, particularly as there is already the long established Gas Light Club in Duke of York Street round the corner.

Please dismiss this sex license application.

Yours sincerely,

[REDACTED]

[REDACTED]



City of Westminster
Licensing Service
Westminster City Hall
64 Victoria Street
London SW1E 6QP

PREMISES MANAGEMENT
LICENSING SERVICE
22 APR 2014
CITY OF WESTMINSTER

14th April 2014

Dear Sir,

REF: Licensing application reference 14/02824/LISEVN

We would like to register our objection in the strongest possible terms against the granting of the above new premises licence application at 91 Jermyn Street.



It goes without saying that it is inappropriate to say the least for [redacted] to have to pass [redacted] by those attending 'sexual entertainment.'

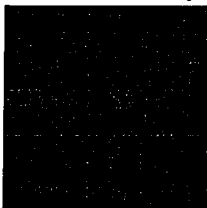
We have had to put up with a lot over recent years, [redacted]
[redacted]

A 'sexual 'entertainment' business is one step too far, as I'm sure you will agree.

It does not fit in with the respectability of Jermyn Street and therefore does not belong in St. James's

We strongly object to this licence application.

Yours sincerely,



[REDACTED]

Licensing Service,
4th Floor, Westminster City Hall,
64 Victoria Street, London, SW1E 6QP
Fax = 0207 641 7815, Tel = 020 7641 8549

Subject: Objection to Application for a new Sexual Entertainments Venue license for the 91 Club with Abracadabra Restaurant, 6-7 Ormond Yard, London SW1Y 6JT

Reference number: 14/02824/LISEVN

Date 25 April 2014

Dear Sir/Madam

I wish to lodge my objections to the above application for a new Sexual Entertainments Venue license for the 91 Club with Abracadabra Restaurant, 6-7 Ormond Yard, London SW1Y 6JT, for the following reasons:

1. [REDACTED]
2. [REDACTED]
3. The proposed application for a new Sexual Entertainments Venue license is not compatible with the residential nature of [REDACTED] and associated needs for peace and quiet for the [REDACTED] owners and residents.
4. The proposed application for a new Sexual Entertainments Venue license will increase the risk of noise throughout the day and night, increase congestion, reduce the availability of parking spaces, and will lead to collateral problems associated this type of establishment – increased rowdiness, drug use, violence, and health & safety risks to residents of the area, staff & customers.
5. Opportunities for potential customers to visit well established Sexual Entertainments venues exist within other parts of Westminster, i.e. Soho, where it can be controlled more effectively in a focussed area by the local authorities, medical, health & safety personnel and police.

Therefore, I am requesting that the application for a new Sexual Entertainments Venue at 91 Club with Abracadabra Restaurant be rejected.

Please contact me by email [REDACTED] or phone [REDACTED]

Yours faithfully,

[REDACTED]

[REDACTED]

[REDACTED]

Comments for Licensing Application 14/02824/LISEVN

Application Summary

Application Number: 14/02824/LISEVN
Address: 6-7 Ormond Yard London SW1Y 6JT
Proposal: Sexual Entertainment Venue - New
Case Officer: Mr Nick Nelson

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Licensing Application

Comment Reasons:

Comment: 11:43 AM on 30 Apr 2014 Objection to Part 3 - Policy and Conditions - Prevention of Crime & Disorder.

Additional Conditions.

Section 10. Firearms, explosives and highly flammable substances.

"The above special effects shall be arranged and stored..."

Reasons for Objection:

1. The use of firearms, explosives and highly flammable substances can be accepted in a residential neighbourhood.
2. The additional conditions in the application does not provide any information on how the above special effects will be stored, where on the site plan will these effects be stored, does to place of storage meet health & safety or dangerous good regulations?
3. The presence of firearms cannot be accepted at the place of entertainment or restaurant. Such action would be against the UK national firearms control regulations.

Nelson, Nicholas

From: [REDACTED]
Sent: 25 April 2014 13:06
To: General Licensing
Cc: [REDACTED]
Subject: 6-7 Ormond Yard, SW1 - Application reference 14/02824/LISEVN
Attachments: Abracadabra objection.doc

Follow Up Flag: Follow up
Flag Status: Completed

Dear Sirs,

Please see attached an objection from [REDACTED] to the application by Commer Investments Ltd for a Sexual Entertainment Licence for 6-7 Ormond Yard.

I would be grateful if you would kindly acknowledge receipt.

Yours sincerely,

[REDACTED]

91 CLUB WITH ABRACADABRA RESTAURANT
APPLICATION FOR SEXUAL ENTERTAINMENT VENUE LICENCE
APPLICATION REFERENCE 14/02824/LISEVN

OBJECTION BY [REDACTED]

The location of the premises

The application itself and the notice displayed outside the premises give the address of the premises as 6-7 Ormond Yard. It is however difficult to comment adequately on the location of the premises, as the application contradicts itself/is misleading because:-

- (a) The plans lodged with the application show that whereas the basement has access from Ormond Yard, the ground floor fronts onto Jermyn Street at number 91.
- (b) The reception area is shown as being just inside the main entrance from Jermyn Street, thereby clearly indicating that the Jermyn Street entrance is intended to form the main customer access into the premises.
- (c) The sketch plan of the Jermyn Street entrance indicates an intention to erect a name plate stating "91 Gentlemen's Club".

Looking at paragraph 2.4.6 of the City Council's Statement of Licensing Policy, it is clear that Policy L01 is highly relevant. If the premises are to be regarded as being in Jermyn Street, there are few streets in the CAZ North which qualify better as containing "high profile retail" premises. Paragraph 2.4.11 of the Policy states "*Areas predominately characterised by general or family retail use may be inappropriate localities for sexual entertainment because of their use by children, either unsupervised or in a family context, and by adults wishing to avoid the characteristics of, or associated with, sexual entertainment venues.*"

If the premises are to be regarded as being in Ormond Yard, Ormond Yard is most definitely "*predominately residential*" (para 2.4.6), being a quiet cul de sac, albeit with pedestrian access into Mason's Yard. If customers are to arrive at or depart from the premises via Ormond Yard, this will add significantly to the ambient noise level in what is currently a very quiet residential enclave.

Parking in Jermyn Street late at night is already congested because of the existence of other premises licensed until the early hours of the morning. The grant of a licence for premises of the size of 6-7 Ormond Yard/91 Jermyn Street would make the situation markedly worse.

The size/capacity of the premises

Condition 1 of the Additional Conditions proposed by the applicant indicates that the capacity of the premises, **excluding staff**, will be 235. Taking into account the number of

performers needed to entertain anywhere near this number of customers (between 50 and 75), plus waiters, bar staff, management and internal security, the total number of people in the premises at any one time may well approach 400. It is submitted that this is an inappropriately high figure for this location.

The proposed Code of Conduct

The first and most obvious difficulty with the Code is that it fails to comply with Condition 13 of the City Council's Standard Conditions (which the applicant has not sought to vary), in that there is no provision for performers to sign by way of acknowledgement and agreement. Whilst the applicant may argue that this is easily remedied, it indicates clearly that the applicant has either not read, or has failed to understand, the Standard Conditions.

The Code is seriously deficient, in that it fails to mention a large number of items which an experienced operator of table clubs would know immediately to be essential. One simple and obvious example is that there is no indication as to how a performer should react if a customer touches her during a performance.

An applicant with knowledge of operating table dancing clubs would also have prepared and submitted "House Rules" applicable to the behaviour of customers. Condition 22 of the Standard Conditions requires notices to be displayed warning customers that they may not touch performers during a performance, but this is only one out of a number of important matters to be dealt with in such rules.

The suitability of the applicant

Policy SU1 of the Statement of Licensing Policy states that one of the considerations by which an application will be judged is "*The history of any association, whether formal or informal, with the management of entertainment or licensed premises*".

Table dancing, by its very nature, is a specialised form of entertainment, and very few table dancing clubs have been opened and operated successfully and without running into difficulty without hands on management experience elsewhere within the table dancing industry. Although those associated with the application obviously have considerable experience in running a restaurant and nightclub, some of the matters referred to within the application and indeed many matters omitted (see above) give rise to a distinct impression that that no-one within the applicant company has the specialised experience which would be crucial should the application be granted.

The proximity of other similar premises

In connection with paragraph 2.4.22 of the Policy, the sub-committee may wish to take into account the location of [REDACTED]

[REDACTED]

PREMISES MANAGEMENT
LICENSING SERVICE
28 APR 2014
CITY OF WESTMINSTER

City of Westminster
Licensing Service
Westminster City Hall
64 Victoria Street
London SW1E 6QP

17th April 2014

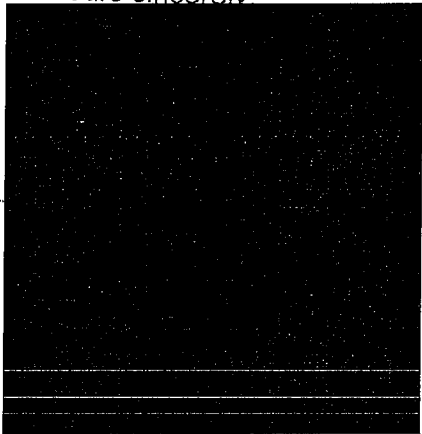
Dear Sir,

We would like to register our objection against licence application reference 14/02824/LISEVN at 91 Jermyn Street.

Our business premises are very near 91 Jermyn Street and we feel that the request for a licence for 'sex entertainment' will be detrimental to our business and the area.

We strongly object to this licence application.

Yours sincerely



PREMISES MANAGEMENT
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28 APR 2014
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Westminster City Hall
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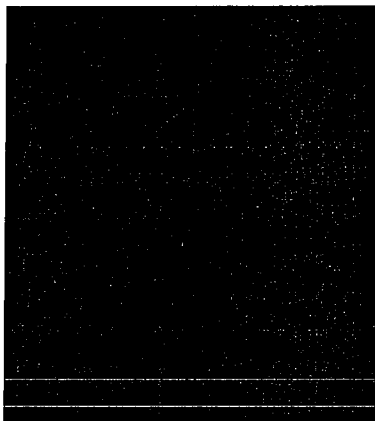
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City of Westminster
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Westminster City Hall
64 Victoria Street
London SW1E 6QP

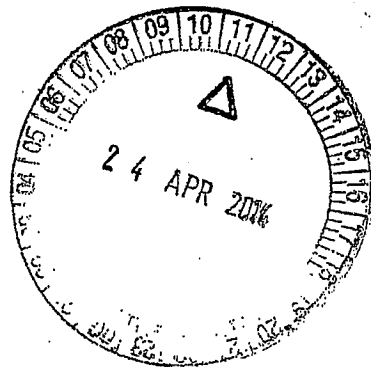
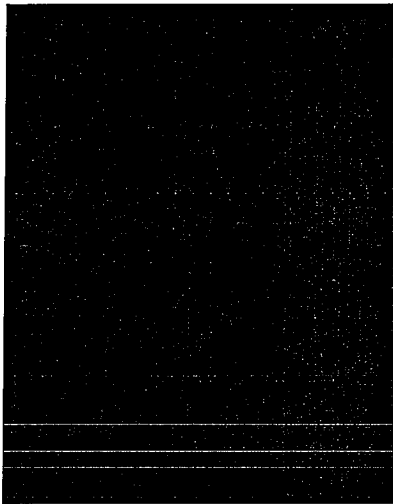
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We strongly object to this licence application.



Nelson, Nicholas

From: [REDACTED]
Sent: 25 April 2014 17:42
To: General Licensing
Subject: Your ref: 14/02824/LISEVN
Attachments: Rejection of Appeal - 18.10.07.pdf

Westminster City Council
Licensing Service
Westminster City Hall
64 Victoria Street
London
SW1E 6QP

25th April, 2014 (BY EMAIL AND POST)

Your ref: 14/02824/LISEVN

Dear Sirs,

Re: NOTIFICATION OF A NEW PREMISES LICENCE APPLICATION UNDER THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

We manage the building known as [REDACTED]
[REDACTED]
[REDACTED]

Ormond Yard is a quiet discreet narrow Mews with no access for through traffic. There are few passing pedestrians as the only through access is via a small passageway at the end of the Yard which is not well lit at night. There are double yellow lines on both sides of the Yard.

The Yard comprises residential apartments and houses and rear access for commercial premises on Jermyn Street and garage access for 12 St James's Square. Abracadabra Restaurant is the largest commercial premises in the Yard but it has strict restrictions on access via Ormond Yard. In this respect we attach hereto a copy of a decision of the 18th October 2007 by Westminster Magistrates' Court dismissing an appeal by Mr David West of Jewelite Trading to extend the hours of Abracadabra and use of the access to Ormond Yard.

On behalf of the owners and residents of [REDACTED] we are making the strongest possible objection to the application for a new Sexual Entertainments Venue licence for 91 Club with Abracadabra Restaurant, 6-7 Ormond Yard, London. SW1Y 6JT.

A sex entertainment venue at 6-7 Ormond St will be completely inappropriate and will disrupt the residential nature of Ormond Yard as it has become today.

6-7 Ormond Yard is currently the emergency access only to the Abracadabra Restaurant. To allow it to become sex venue in a secluded poorly lit Mews where sound echoes, that few people use at night is inappropriate and may threaten public order and cause incidents requiring regular police intervention. There have in the past been incidents outside the premises where the police have been involved.

Ormond Yard has double yellow lines operating 24 hours/day, and is the exit for 6 lock up garages at Butler House and garages at 11 and 12 St James's Square; a sex venue will add to traffic /congestion problems and disruption to residents in the middle of the night.

In the short time available we have been unable to contact other residents in the Yard as your letter was received just before the Easter break. But we, on behalf of the residents of [REDACTED] urge you to disallow the application.

Kind regards.

[REDACTED]

[REDACTED]

[REDACTED]

JEWELITE TRADING

Appellant

And

WESTMINSTER CITY COUNCIL

Respondent

This is an appeal against the decision of the sub-committee of Westminster City Council (WCC) on 23rd March 2006 to refuse Jewelite's application to vary the existing Premises Licence for the premises trading as Hey Jo and Abracadabra at 6 Ormond Yard SW1.

This is a complete re-hearing of that application, although the application itself has now been amended. The application is now to extend the licence permitting the sale of alcohol in the basement part only (Hey Jo) from 3 am till 6 am, and reduce the licence permitting the sale of alcohol in the ground floor restaurant (Abracadabra) to 1 am (presently permitted until 3 am)

The application also seeks to amend some of the present conditions which restrict the use of the doors leading to Ormonds Yard so that those doors may be used until 10pm each night. There is another entrance to the premises in Jermyn Street.

I have read all the papers put before me, heard, of course, all the evidence given in person and have made a site visit to see the premises and the surrounding area, particularly Ormonds Yard, Masons Yard and Jermyn Street around the entrance to these premises.

I do not intend to rehearse the evidence in this judgement.

Ormonds Yard is a narrow Yard with residential properties and some commercial. The Applicant's premises are, I believe the largest commercial premises in the Yard that use or wish to use the Yard for customer access. At the end of the Yard is a very narrow alley suitable only for pedestrian access and with a very sharp turn in it. This gives out into Masons Yard, a far wider mews with space for easy vehicular access. The alley is not one which safety conscious pedestrians would choose to walk through at night.

I am of course bound by the Licensing Act 2003, and I have considered the WCC's Statement of Licensing Policy, the s182 Guidance and the decision of the WCC.

The premises are just outside the WCC's stress area.

At present the premises operate far under capacity. The restaurant generally closes at 11pm and so does not generally use fully its licence to sell alcohol, and the number of

customers in the basement is as often in single figures as it is in excess of 20. Overall there appear to be very few customers at this club. Mr West, the proprietor, says that he wishes to operate the club as an "extension of his social life" and says that he has a very great involvement in the running of the club. Indeed he has taken the trouble to gain a SIA security qualification enabling him to work as a member of the door staff.

The Appeal falls into 2 sections, which although quite different, are in some ways inextricably linked. Firstly, there is the application to permit the use of the Ormonds Yard doors until 10 pm. This is objected to by local residents and associations who are concerned about the possibilities greater public nuisance. Secondly, the application is to extend hours for the sale of alcohol in the basement until 6am. The objections to this come from WCC, the police and local residents and associations. In brief they object because they feel that this is likely to increase crime and disorder and public nuisance.

These premises were completely refurbished by the Appellant and re-opened in 2005. Since then there have been some problems with local residents. These problems have related to the use of the Ormonds Yard doors, the escape of noise because those doors have been open and the erection of signs, including a neon palm tree in the Yard.

The Appellant refutes the suggestion that allowing him to use the doors in Ormonds Yard will cause greater public nuisance and calls witnesses who support his application. He also says that if he is allowed to use that access it will add to the security of the area because he will have a member of security staff there who would be a deterrent to anyone causing a public nuisance or wishing to commit a crime. I cannot see that security staff would be any real deterrent unless they are outside or going in and out very frequently. The premises do not have an acoustic lobby at that entrance and it seems to me that the corollary of the increased security presence must therefore be an increase in the escape of noise from the club.

Having had the advantage of hearing from Mr West in person I did not find him a particularly credible witness. His evidence in his statement about the TENs granted was disingenuous, giving the impression that the premises had in fact been open until 6am on those occasions when in fact they had not. When one bears in mind that the only advertisement of these later openings was to customers on the night, the effect of these "late night licences" is negligible. In addition his explanation that the flashing neon palm tree erected in Ormonds Yard was a Christmas decoration was hard to credit particularly having seen the substantial nature of the stanchion to which it was attached and which still appears to remain. His explanation that he did not remove it until ordered to because he was "a bit slow" in removing this "Christmas decoration" is also not convincing. The presence of such a sign might well however attract some trade from those passing the entrance to Ormonds Yard from Duke of York Street. It is hard to believe that Mr West, a successful entrepreneur, would not realise this.

Additionally it is neither convincing nor acceptable for a club owner (particularly one who stresses his "hands-on" running of the club) to state that he was not aware that he was not permitted to use the Ormonds Yard entrance at any time (save for disabled or

emergency access). When one bears in mind the evidence of Mr Williams, (a witness for the Respondent) who I found to be a credible witness, that at some stage at least Mr West was at the hearing that granted the Premises Licence, Mr West's assertion of ignorance or misunderstanding of the condition is not believable.

In all those circumstances it is impossible to say that these premises are well run at present.

While it might not seem unreasonable in some ways to allow use of the doors into Ormonds Yard until 10 pm, in the particular circumstances of this case I am not satisfied that one could rely on adherence to that condition. I am also satisfied that if that condition were amended as requested by the Appellant it would result in a considerable increase in public nuisance.

The second part of this Appeal is an application to allow the basement part of the premises to remain open until 6 am.

It is fair to say that Jermyn Street itself is perhaps less residential, and that the residents' objections to this part of the application are from those same residents who still fear greater nuisance through the Ormonds Yard access.

The objections from WCC are that although this is not a stress area there will be an unacceptable increase in people coming into the area from and after the closing of other licensed premises. They believe that this would lead to an increase in footfall through the area and the risk of crime and disorder and public nuisance. This view is endorsed by The St James's Conservation Trust, the police and local residents.

Their evidence is that at night this is generally a quiet area with many residents.

There is no suggestion that there should be a last entry cut off time and in view of the fact that existing conditions have not been adhered to I would have serious doubts about compliance with such a condition. Bearing in mind the proximity of this area to the West End Stress Area, it would also seem likely that many people would be attracted by the prospect of being able to continue to purchase alcohol after 3 am. Although these premises do not have a large capacity I am satisfied that there would be likely to be a substantial increase in activity and related noise and nuisance if this extension were granted.

In conclusion therefore, having considered the Licensing Objectives, the evidence, the Statement of Licensing Policy, and the s182 Guidance, I refuse this Appeal.

Elizabeth Roscoe

District Judge (MC)
City of Westminster Magistrates' Court
18.10.07

Nelson, Nicholas

From: [REDACTED]
Sent: 25 April 2014 10:21
To: General Licensing
Cc: [REDACTED]
Subject: [REDACTED] Objection to : New Sexual Entertainment venue : Your Ref : 14/02824/LISEVN
Follow Up Flag: Follow up
Flag Status: Completed

Dear General Licensing, [REDACTED]

New Sexual Entertainment venue : Your Ref : 14/02824/LISEVN – 91 Club With Abracadabra Restaurant, 6 Ormond Yard, London SW1Y 6JT

On behalf of eth [REDACTED], I wish to have this initial, **in principle objection**, to the above proposed "New" Sexual Entertainment Venue application received by WCC 01/04/2014 – and ask that you note that a fuller detailed objection and evidence, where it can be defined, **will be prepared and submitted on 28/4/14 – the current last date for objection.**

The existing Abracadabra Club and operators/owners, have helped in their behaviour to create a large file of issues, both with [REDACTED], and no doubt, also therefore with the City Council, local enforcement and Metropolitan Police officers, and others, including those most directly affected by disturbance, local St. James's area neighbours.

[REDACTED] is increasingly concerned about both ever-increasing later hours applications in the [REDACTED] area and the nature of the "entertainment/club" uses which are capable of following past patterns of a cycle of declining individual and group behaviours, with likely Police involvement, loss of residential amenity and late night noise and disturbance as well as management issues of operators levels of control and compliance with any conditions to mitigate these negative impacts on an historic Conservation and Special Policy Area.

For all these outline in principle concerns, the [REDACTED] does not see how a new Sexual Entertainment Venue application can be reasonably considered in this area and at these premises, under City Council and relevant strategic and national policies.

Yours Sincerely,

[REDACTED]

[REDACTED]



Nelson, Nicholas

From: [REDACTED]
 Sent: 28 April 2014 15:58
 To: General Licensing
 Cc: [REDACTED]
 Subject: [REDACTED] - Objection to : New Sexual Entertainment venue :
 Your Ref : 14/02824/LISEVN

Follow Up Flag: Follow up
 Flag Status: Completed

Dear General Licensing/ Case Officer : Mr McNelson (?) Mr Steve Rowe,

Your Ref : New Sexual Entertainment venue : Your Ref : 14/02824/LISEVN – 91 Club With Abracadabra Restaurant,
 6 Ormond Yard, London SW1Y 6JT

Further to my email of 25/4/14, on behalf of [REDACTED] as below, I am confirming the [REDACTED] objection (the original 14/4/14 Online WCC : Summary : stated expiry date for consultations : "Frid 02 May 2014 – and case officer : Mr Steve Rowe) to the above application, as follows :

1.0 Past Planning and Licensing compliance evidence

The Owners/Operators of this building and its various uses, across the premises, have apparently had a long history of Planning Enforcement Cases with the City of Westminster (a recent file search : 02/01/2014 - has 9 No. Planning Enforcement file records of various categories) listed as :

City Council Enforcement Enquiry File Ref Nos.

06/34617/F
 07/35655/F
 07/35792/F
 07/37198/F
 08/40163/F
 08/40675/F
 10/46121/D
 10/46331/F

(11/06494/FULL) – unauthorised guest house use – status (?).

13/54323/M

These multiple Planning cases are in parallel with multiple Licensing applications and in one case, over recent years, subsequent appeal action (Appeal refused, Judgement by District Judge (MC) 18.10.2007), over proposals by the applicants for later hours of existing uses.

These applications have been subject to objections by the [REDACTED] representing the interests in particular of a growing local residential population across the district (and within 75 metres of the premises), against potential increases in late night noise and disturbance, related to new and increased users and the consequences of a spiral of ever-later hours of operation, across St. James's.

2.0 St. James's increased residential population evidence

(In the City Council's 15 March 2012 Licensing Hearing papers – Licensing Ref No. 11/12582/LIPV, residential premises in the area were then identified as :

“...57 (3 of which are proposed) of the 195 units within a 75 metre radius of the premises are residential (29.2%)...”

This has increased as the 3 No. proposed have since been completed in Jermyn Street (Nos. 99/100) and applications and consented improvements, in Duke of York Street (7 and 8 St. James's Square/Apple Tree Yard) and as proposed (for example, at 6 and 7 Ames House, Duke of York Street) are part of an important trend of increased quality residential conversions across the wider St. James's area and in particular, parts of Jermyn Street (One Eagle Place, Babmaes Street and 114 Jermyn Street), which falls on the direct routes to and from the Mayfair clubs and Leicester Square and Soho areas.

3.0 New Sexual Entertainment Venue – Breach of City Council policy and criteria

The area is not only increasingly residential in character, and in premises attracting back the potential for family living, it is also an historic area, laid out on the axis of one of London's most important Squares (St. James's) and one of its most important Churches. In the latter case, the only Church outside the City of London designed by Sir Christopher Wren.

This place of faith and community support/education, clearly attracts families and therefore, in [REDACTED] opinion is in conflict with City of Westminster's policy controls and criteria for considering a new sexual entertainment premises license (which the applicant seeks for : “...Striptease, pole dancing, table dancing...” and : “...full nudity...” “...Monday to Sunday from 12.00 – 03.30am...”

4.0 [REDACTED] – Objection to application

For these above reasons, [REDACTED] objects to the application :

The evidence base from our and City Council files, against this proposed use at these premises relates to past concerns of residents and those representing residents, police as well as City Council officers/Ward Councillors and adjacent premises owners and operators, [REDACTED]

These local interests are against anti-social activity and uses, in combination with late hours and, based on experience over the last 15 years, the likelihood of increased disturbance risks for loss of residential amenity, public order and safety; of both residents and guests, as well as to visitors to historic St. James's.

Yours sincerely,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Nelson, Nicholas

From: [REDACTED]
Sent: 27 April 2014 13:42
To: General Licensing
Subject: REF; 14/02824/LISEVN

Follow Up Flag: Follow up
Flag Status: Completed

Re; SEV license application for ABRACADABRA, 6-7 ORMOND YARD, ST.JAMES'S, LONDON SW1Y 6J

Dear Sir/Madam,

I write to you with regard to the SEV application which has been submitted to you, address and reference number as above.

I own an apartment in [REDACTED] and I wish to very strongly state my OBJECTION to this license being granted to the Abracadabra.

The reasons for my objection are;

- * We already have two clubs with full SEV licenses in the immediate vicinity; one being the Directors Lodge in Masons Yard SW1, and the other, the GASLIGHT CLUB, which is in the basement of Bray House. Why do we need another?
- * This type of establishment is not conducive to the peaceful, quiet and quality atmosphere of the area in both business and non-business hours.
- * There is a high risk of increased late night noise from revellers, drunkenness, anti-social behaviour etc.
- * Considerable extra late night traffic of cars/taxis etc, dropping off and collecting patrons creating noise, doors being slammed, etc. This all happening in the restricted areas of Duke of York Street and Ormond Yard.
- * A possibly detrimental effect on property values in the immediate area, making it a less attractive area in which to live.

My address for correspondence purposes is; [REDACTED]

Please WITHHOLD this information from the applicants.

I trust you shall note my comments. Please contact me if you wish to discuss further. Thank you.

Yours faithfully,

[REDACTED]

Comments for Licensing Application 14/02824/LISEVN

Application Summary

Application Number: 14/02824/LISEVN

Address: 6-7 Ormond Yard London SW1Y 6JT

Proposal: Sexual Entertainment Venue - New

Case Officer: Mr Nick Nelson

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Licensing Application

Comment Reasons:

Comment: 4:24 PM on 19 May 2014 I object to the granting of 14/02824/LISEVN | Sexual Entertainment Venue at 6-7 Ormond Yard London SW1Y 6JT

My reasons are

1. I believe the arriving and leaving noise of 235 people (100 in basement and 135 on ground floor) will create a public nuisance in the form of noise between 12 midnight and 3.30 am. Ormond Yard is a cobbled high sided alley where the noise reverberates. We will not get any sleep if this establishment opens 7 days a week between 12 and 3.30 am.
2. I have a 16 year old daughter and 18 year old son. I believed when I bought a house on Ormond yard that Westminster wanted to support residents to live there. A full nudity sexual entertainment venue in the street will cause my children harm.
3. The application says it is not alcohol led. I do not believe this. So alcohol is not on sale while the punters watch their naked table dancers? No bottles of champagne for sale at inflated prices?
4. Where will the punters smoke if not in Ormond Yard, making noise and disturbance for the residents?
5. Where will the dancers smoke if not in Ormond Yard making noise and disturbance?

Nelson, Nicholas

From: [REDACTED]
Sent: 06 June 2014 14:13
To: General Licensing

Follow Up Flag: Follow up
Flag Status: Completed

Dear Sir,

Ref licensing application 14/02824/LISEVN

Sexual entertainment venue at 6-7 Ormond Yard, London, SW1Y 6JT

I will shortly be living at [REDACTED]. This will be my main home and I strongly object to having a lap dancing club virtually on my doorstep.

The north side of Ormond yard is overwhelmingly residential, and there are a number of flats and a house on the south. This sort of establishment, which is bound to attract late night and early morning custom, will have a very detrimental effect on the street, given that customers will come into Ormond Yard to smoke, and possibly drink, and may use the Ormond Yard doors to enter and exit the premises.

Yours faithfully,

[REDACTED]



This email is free from viruses and malware because avast! Antivirus protection is active.

Nelson, Nicholas

From: [REDACTED]
Sent: 06 June 2014 14:29
To: 'generallicensing@westminster.gov.uk'
Follow Up Flag: Follow up
Flag Status: Completed

Dear Sir,

Ref licensing application 14/02824/LISEVN

Sexual entertainment venue at 6-7 Ormond Yard, London, SW1Y 6JT

I am currently a resident at [REDACTED] and I strongly object to having a lap dancing club virtually on my doorstep.

It will cause noise, unwelcome traffic and people at all hours of the night.

It will completely alter the quality of living here. .

Yours sincerely,

[REDACTED]

[REDACTED]

Nelson, Nicholas

From: Qureshi, Sabihah
Sent: 15 April 2014 16:34
To: General Licensing
Subject: FW: Application for SEV 6-7 Ormond Yard 14/02824/LISEVN

Follow Up Flag: Follow up
Flag Status: Completed

From: Whitely, Cherie
Sent: 15 April 2014 11:01
To: Lana Tricker
Cc: idoxlicensing
Subject: Application for SEV 6-7 Ormond Yard 14/02824/LISEVN

Application for SEV 6-7 Ormond Yard SW1

Our ref: 14/02824/LISEVN

15 April 2014

Dear Lana

The Metropolitan Police, as a responsible authority, object to this application as there are insufficient conditions contained in the operating schedule to satisfy Police concerns in relation to the prevention of crime and disorder.

I would ask that you add the following condition to the application:

A minimum of 3 SIA licensed door supervisors shall be on duty at the premises at all times whilst it is open for business.

I look forward to hearing from you in due course.

Cherie

Cherie Whiteley
Police Sergeant
Westminster Police Licensing Unit
4th Floor
Westminster City Hall
64 Victoria Street
London
SW1E 6QP

0207 641 3347
cwhitely2@westminster.gov.uk

Nelson, Nicholas

From: Qureshi, Sabihah
Sent: 15 April 2014 16:35
To: General Licensing
Subject: FW: Application for SEV 6-7 Ormond Yard 14/02824/LISEVN

Follow Up Flag: Follow up
Flag Status: Completed

From: Whitely, Cherie
Sent: 15 April 2014 13:21
To: Lana Tricker
Cc: idoxlicensing
Subject: RE: Application for SEV 6-7 Ormond Yard 14/02824/LISEVN

Thank you

I can confirm that I will now withdraw my objection.

Regards

Cherie

Cherie Whiteley
Police Sergeant
Westminster Police Licensing Unit
4th Floor
Westminster City Hall
64 Victoria Street
London
SW1E 6QP

0207 641 3347
cwhitely2@westminster.gov.uk

From: Lana Tricker [<mailto:lana@tlaw.co.uk>]
Sent: 15 April 2014 13:19
To: Whitely, Cherie
Cc: idoxlicensing
Subject: RE: Application for SEV 6-7 Ormond Yard 14/02824/LISEVN

Dear licensing and Cherie

I confirm the applicant has agreed to amend its operating schedule for the SEV licence to include the following new condition:

A minimum of 3 SIA licensed door supervisors shall be on duty at the premises at all times whenever the premises is operating under the authority of a Sexual Entertainment Venue licence

I would be grateful if you can add this condition to the application

Thanks

Kind regards

Lana

Lana Tricker

Principal, LT Law

M: 075257 11530

T: 020 7025 8332

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Schedule 12
Part A

WARD: St James's
UPRN: 100023349935

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

Premises licence

Regulation 33, 34

Premises licence number:	13/09468/LIPDPS
Original Reference:	05/10267/LIPC

Part 1 – Premises details

Postal address of premises:

Hide
6 - 7 Ormond Yard
London
SW1Y 6JT

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

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

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

Performance of Dance	
Monday to Sunday:	09:00 to 03:30
Provision of facilities for Dancing	
Monday to Sunday:	09:00 to 03:30
Provision of facilities for making Music	
Monday to Sunday:	09:00 to 03:30
Performance of Live Music	
Monday to Sunday:	09:00 to 03:30
Playing of Recorded Music	Unrestricted

Provision of facilities for entertainment of a similar description to making music or dancing

Monday to Sunday: 09:00 to 03:30

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

Monday to Sunday: 09:00 to 03:30

Late Night Refreshment

Monday to Sunday: 23:00 to 03:30

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

Sale by Retail of Alcohol

Monday to Saturday: 10:00 to 03:00

Sunday: 12:00 to 00:30

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

The opening hours of the premises:

Monday to Sunday: 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:

Jewelite Trading Limited
8 Ormond Yard
St James
London
SW1Y 6JT

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

04795856

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

Name: Mr David Serlui

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: 148565
Licensing Authority: London Borough Of Brent

Date: _____ **20 January 2014** _____

Signed: pp
Operational Director - Premises Management

Annex 1 – Mandatory conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
- 4.— (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
5. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

6. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
7. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
 - (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
8. The responsible person shall ensure that–
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures–
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) customers are made aware of the availability of these measures.

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

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.

Conditions reproducing the effect of conditions subject to which the relevant existing licences have effect

Conditions relating to regulated entertainment

10. 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.
11. 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).
12. Notwithstanding the provisions of Rule of Management number 6, the premises may be kept open for the purposes of this licence from 11pm on each of the days Sunday to Saturday to 3.30am on the day following.
13. All entrance and exit doors shall be kept closed except when in use for immediate entrance and exit.

14. An attendant shall be on duty in the vicinity of the cloakroom during the whole time that it is in use.
15. That the applicant will use best endeavours to ensure that patrons leave the premises via the Jermyn Street exit.
16. When both parts of the premises are in use for the same private function, only the Jermyn Street exit will be used, except in an emergency when both exit routes will be available to the patrons.
17. When the premises are open solely to the public, only the Jermyn Street exit will be used, except in an emergency when both exit routes will be available to patrons.
18. That the applicant will use best endeavours to ensure that the taxi and minicab companies collect and deliver patrons from the club from the Jermyn Street exit of the premises.
19. That the applicants shall use reasonable endeavours to ensure that customers do not cause any nuisance in Ormond Yard.
20. That the sound limiting device installed at the premises shall be set and maintained at a level to be decided upon by the Environmental Health Officer.
21. A noise limiting device located in a separate and remote lockable cabinet from the volume control must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service's Community Protection Department so as to ensure that no noise nuisance is caused to local residents. The operational panel of the noise limiter shall then be secured to the satisfaction of officers from the Environmental Health Service. The keys securing the noise limiter cabinet shall be held by the applicant only, and shall not be accessed by any other person. The limiter shall not be altered without prior agreement with the Environmental Health Service.
22. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service.
23. Any additional sound generating equipment shall not be used on the premises without being routed through the sound limiter device.
24. No speakers shall be located in the entrance lobby or staircase area.
25. Upon a request being made by local residents, the licensee shall provide such residents with telephone numbers to enable them to contact the premises, the management and the licensee.
26. The provision of music and dancing on the ground floor must remain ancillary to A3 restaurant use.
27. The licensee will use a designated cab/taxi company to collect patrons from Jermyn Street and encourage patrons not to use illegal cabs by displaying such notices.
28. The licensee to use his best endeavours to encourage patrons and/or motor vehicles not to congregate or cause a nuisance on the public highway outside the premises or in the vicinity.
29. The licensee to use his best endeavours to ensure that no queuing or gathering of patrons or patrons' motor vehicles will be permitted in Ormond Yard.
30. Details of an adequate and dedicated refuse storage area are sent to Westminster City Council for approval within 28 days of the grant of any licence.

31. The licensee to use the Jermyn Street address on all literature that advertises the public entertainment which will take place at the premises.
32. The number of persons accommodated at any one time (excluding staff) shall not exceed the following:- Basement - 100, Ground Floor - 135

Conditions relating to the Sale of Alcohol:

33. Intoxicating liquor may only be sold or supplied to persons who have paid a minimum admission fee of £5.00 or persons who are dining at the premises at not less than £10.00 per head. Such fees not to be credited against consumables.
34. Substantial food and suitable beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.

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

35. Alcohol shall not be sold or supplied except during permitted hours.
 - (a) Subject to the following paragraphs, the permitted hours on weekdays (Monday to Saturday) shall commence at 10.00 (12.00 on Christmas Day and Good Friday) and extend until 03.00 on the morning following, except that -
 - (i) the permitted hours shall end at 00.00 midnight on any day on which music and dancing is not provided after midnight; and
 - (ii) on any day that music and dancing end between 00.00 midnight and 03.00, the permitted hours shall end when the music and dancing end.
 - (b) In relation to the morning on which summer time begins, paragraph (a) of this condition shall have effect-
 - (i) with the substitution of references to 04.00 for references to 03.00.
 - (c) Except on Sundays immediately before bank holidays (apart from Easter Sunday), the permitted hours on Sundays shall commence at 12.00 and extend until 00.30 on the morning, except that-
 - (i) the permitted hours shall end at 00.00 midnight on any Sunday on which music and dancing is not provided after midnight;
 - (ii) where music and dancing end between 00.00 midnight on any Sunday and 00.30, the permitted hours on that Sunday shall end when the music and dancing end.
 - (d) On Sundays immediately before bank holidays (other than Easter Sunday), the permitted hours shall commence at 12.00 and extend until 03.00 on the morning, except that-
 - (i) the permitted hours shall end at 00.00 midnight on any Sunday on which music and dancing is not provided after 00.00 midnight;
 - (ii) where music and dancing end between 00.00 midnight on any Sunday and 03.00, the permitted hours on that Sunday shall end when the music and dancing end.

- (e) The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.
- (f) The permitted hours on New Year's Eve will extend to the start of permitted hours on the following day, or if there are no permitted hours on 1 January, to 00.00 on New Year's Eve.

NOTE - The above restrictions do not prohibit:

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

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

36. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:
- (a) He is the child of the holder of the premises licence.
 - (b) He resides in the premises, but is not employed there.
 - (c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
 - (d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

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

37. If any entertainment is provided for children or if an entertainment is provided at which the majority of persons attending are children, then, if the number of children attending the entertainment exceeds 100, it shall be the duty of the holder of the premises licence (or the holder of the club premises certificate):

- (a) to station and keep stationed wherever necessary a sufficient number of adult attendants, properly instructed as to their duties, to prevent more children or other persons being admitted to the building, or to any part thereof, than the building or part can properly accommodate,
 - (b) to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof, and
 - (c) to take all other reasonable precautions for the safety of the children.
38. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.

Annex 2 – Conditions consistent with the operating Schedule

39. 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.
40. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.
41. There shall be a personal licence holder on duty on the premises every Friday and Saturday night from 22:00 until closed, when the sub-basement 'club area' is open.
42. All staff engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility armbands and will display the SIA badges prominently.
43. All persons entering the premises after 23:00 for the purpose of attending the sub-basement 'club area' shall be searched by an SIA trained member of staff using a 'wand' and monitored by the premises CCTV system.
44. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system or searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
45. All drinking containers used within the basement area of the venue shall be polycarbonate. All glass bottles to be decanted into polycarbonate glassware carafes, with the exception of champagne or bottles of spirits with a minimum size of 70cl by waiter/waitress service to tables. Staff will clear empty champagne and spirit bottles promptly.

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

Annex 4 – Plans

Attached



Schedule 12
Part B

WARD: St James's
UPRN: 100023349935

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

**Premises licence
summary**

Regulation 33, 34

Premises licence number:

13/09468/LIPDPS

Part 1 – Premises details

Postal address of premises:

Hide
6 - 7 Ormond Yard
London
SW1Y 6JT

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

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

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

Performance of Dance

Monday to Sunday: 09:00 to 03:30

Provision of facilities for Dancing

Monday to Sunday: 09:00 to 03:30

Provision of facilities for making Music

Monday to Sunday: 09:00 to 03:30

Performance of Live Music

Monday to Sunday: 09:00 to 03:30

Playing of Recorded Music

Unrestricted

Provision of facilities for entertainment of a similar description to making music or dancing

Monday to Sunday: 09:00 to 03:30

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

Monday to Sunday: 09:00 to 03:30

Late Night Refreshment

Monday to Sunday: 23:00 to 03:30

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

Sale by Retail of Alcohol

Monday to Saturday: 10:00 to 03:00

Sunday: 12:00 to 00:30

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

The opening hours of the premises:

Monday to Sunday: 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:

Jewelite Trading Limited
8 Ormond Yard
St James
London
SW1Y 6JT

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

04795856

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

Name: Mr David Serlui

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

Restricted

Date: _____ 20 January 2014 _____

Signed: pp
Operational Director - Premises Management

Appendix D – Schedule of Conditions

Standard Conditions:

1. Whilst Relevant Entertainment is taking place no person under the age of 18 shall be on the licensed premises and a clear notice to that effect shall be displayed at the entrance in a prominent position so that it can be easily read by persons entering the premises.
2. Whenever persons under the age of 18 are admitted to the premises there will be no promotional or other material on display within the premises which depicts nudity or partial nudity.
3. The licence or a clear copy shall be prominently displayed at all times so as to be readily and easily seen by all persons using the premises.
4. No provision of relevant entertainment, or material depicting nudity or relevant entertainment, shall be visible from outside the premises.
5. Menus and drinks price lists shall be clearly displayed at the front entrance of the club, reception area, tables and bar at such a position and size as to be easily read by customers. This price list shall show all consumable items and any minimum tariff including charges and fees applicable to Performers.
6. Except with the consent of the Licensing Authority, no advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) shall be inscribed or affixed at the premises, on the surface of the highway or on any building, structure, works, street furniture, tree or any other property or be distributed in the street to the public that advertises or promotes the relevant entertainment at the premises.
7. The licence holder or other person concerned in the conduct or management of the premises shall not seek to obtain custom by means of personal solicitation or touting, nor enter into any agreement with a third party to do so.
8. Adequate toilets, washing and changing facilities for use by the Performers shall be provided.
9. Either the licence holder or a named responsible person shall be present throughout the time the Relevant Entertainment takes place.
10. The premises will install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer that ensures all areas of the licensed premises are monitored including all entry and exit points will be covered enabling frontal identification of every person entering any

light condition. All cameras 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 together with facilities for viewing.

11. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public and this staff member should be able to show Police recent data and footage with the absolute minimum of delay of the request.
12. An incident log shall be kept at the premises, and made available on request to the Licensing Authority or the Police, which will record the following:
 - (a) all crimes reported to the venue;
 - (b) all ejections of patrons;
 - (c) any complaints received;
 - (d) any incidents of disorder;
 - (e) seizures of drugs or offensive weapons;
 - (f) any faults in the CCTV system or searching equipment or scanning equipment;
 - (g) any refusal of the sale of alcohol;
 - (h) any visit by a relevant authority or emergency service;
 - (i) any breach of licence conditions reported by a Performer
13. The licence holder shall produce a Code of Conduct setting out rules and obligations between the licence holder and performers whilst performing. All Performers shall sign the Code of Conduct in their proper name acknowledging that they have read, understood and are prepared to abide by the said Code of Conduct, and a copy so signed shall be retained by the licence holder and shall be readily available for inspection by the Police and/or authorised persons upon reasonable request.
14. Individual records shall be kept at the premises of the real names, stage names and addresses of all Performers working at the premises. The record will include either a copy of their birth certificate, current passport, EU driving licence or national identity card and shall be made immediately available for inspection by the Police and/or the Licensing Authority upon request.
15. Details of all work permits and/or immigration status relating to persons working at the premises shall be retained by the licence holder and be readily available for inspection by the Licensing Authority, a Police Officer or Immigration Officer.
16. Relevant entertainment shall be given only by performers and the audience shall not be permitted to participate in the relevant entertainment.

17. There shall be no physical contact between Performers whilst performing.
18. Performers will not request or give out any telephone number, address or any other contact information from or to any customer. Any such information given by a customer shall be surrendered to the premises manager as soon as is practicable.
19. Relevant Entertainment shall take place only in the designated areas approved by the Licensing Authority as shown on the licence plan. Arrangements for access to the dressing room shall be maintained at all times whilst Relevant Entertainment is taking place and immediately thereafter.
20. Customers must remain fully clothed at all times. The Performer must not remove any of the customer's clothing at any time.
21. Where relevant entertainment is provided in booths, or other areas of the premises where private performances are provided, the booth or area shall not have a door or other similar closure, the area shall be constantly monitored by CCTV, and access to the booth or other area shall be adequately supervised.
22. Whenever Relevant Entertainment is being provided there shall be no physical contact between Performers and customers or between customers and Performers except for the exchanging of money or tokens at the beginning or conclusion of the performance and only for the purpose of that performance. Clearly legible notices to this effect shall clearly be displayed in each private booth and in any performance area.
23. Performers must redress fully immediately after each performance.

Additional conditions proposed by the applicant:

24. The maximum number of persons accommodated within the premises at any one time (excluding staff) shall not exceed:
Basement – 100
Ground Floor - 135
25. All seating shall consist of tables and chairs arrangements and there shall be no cinema style seating.
26. SIA licensed security shall be posted in the parts of the premises where striptease / table / lap dancing is taking place.
27. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.

28. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
29. Curtains and hangings shall be arranged so as not to obstruct emergency signs.
30. 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.
31. 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.
32. All exit doors shall be available at all material times without the use of a key, code, card or similar means.
33. 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.
 - i. pyrotechnics including fire works
 - ii. firearms
 - iii. lasers
 - iv. explosives and highly flammable substances.
 - v. real flame.
 - vi. strobe lighting.
34. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
35. No Relevant Entertainment shall take place at the premises until the premises has been inspected to the satisfaction of the Licensing Service and Environmental Health Department.

Additional condition proposed by the Police and agreed with the applicant:

36. A minimum of 3 SIA licensed door supervisors shall be on duty at the premises at all times whenever the premises is operating under the authority of a Sexual Entertainment Venue licence.

Additional conditions proposed by EH and agreed with the applicant:

37. The maximum number of persons accommodated within the premises at any one time (excluding staff) shall not exceed
 - Basement – 100 persons
 - Ground Floor – 100 persons

38. The doors and windows into Ormond Yard from the ground floor restaurant will be maintained closed when relevant entertainment is being provided.
39. All doors and windows fronting onto Ormond Yard shall be rendered opaque when relevant entertainment takes place.
40. The designated smoking area for patrons shall be adjacent to the entrance in Jermyn Street.
41. After 7.00pm the designated smoking area for staff and performers shall be adjacent to the entrance in Jermyn Street.

Additional conditions offered by the applicant:


42. Patrons shall enter and exit the premises only via the entrance on Jermyn Street.
43. After 7.00pm, all staff and performers will enter and exit the premises using the Jermyn Street entrance.



City of Westminster


Corporate GIS Team


**Abracadabra,
6-7 Ormond Yard,
London, SW1Y 6JT**

 500m Buffer

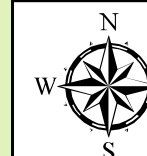
 Abracadabra

 SEVs (Licensed Issued)

 Faith Groups

 Schools

 Hostels - Special Needs Schemes



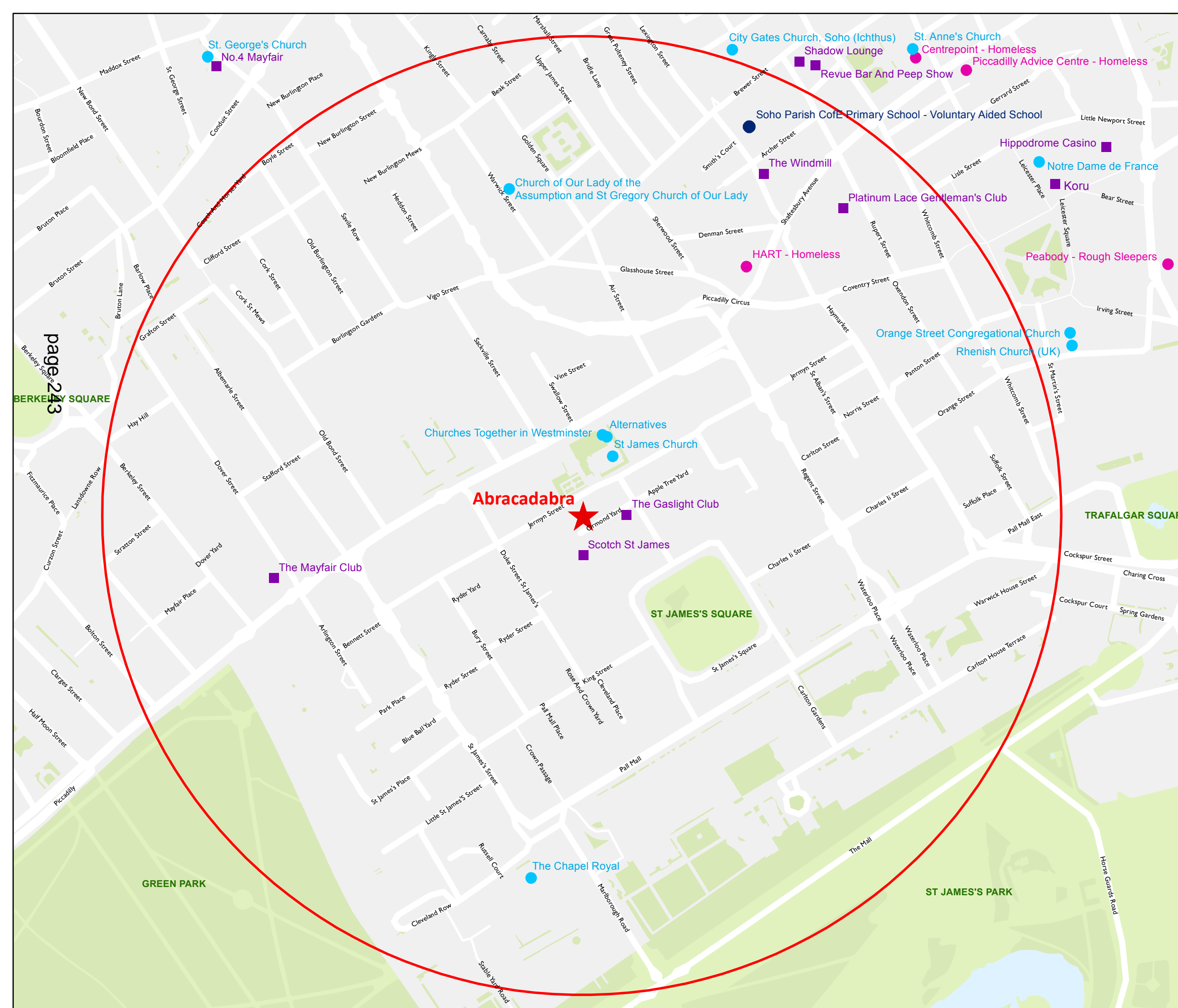
Scale: 1:3,600

0 50 100 Metres

Map produced by Corporate GIS Team

Date: June 2014 Ref: 806

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