



City of Westminster

# Committee Agenda

Title: **Licensing Sub-Committee (2)**

Meeting Date: **Thursday 11th February, 2016**

Time: **10.00 am**

Venue: **Rooms 5, 6 & 7 - 17th Floor, City Hall, 64 Victoria Street, London SW1E 6QP**

Members: **Councillors:**

Nickie Aiken (Chairman)  
Nick Evans  
Peter Freeman

**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 9.00am. 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](mailto:jdeacon@westminster.gov.uk) Tel: 020 7641 2783  
Corporate Website: [www.westminster.gov.uk](http://www.westminster.gov.uk)**

**Note for Members:** Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. 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**

To report any changes to the membership.

**2. DECLARATIONS OF INTEREST**

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

**Licensing Applications for Determination**

**1. ITALIAN CAFE / DELI, UNIT 5, BISHOP'S QUARTERS, BISHOP'S BRIDGE ROAD, W2**

**(Pages 1 - 24)**

App No	Ward/ Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
1.	Bayswater Ward / Queenswa y & Bayswater Cumulative Impact Area	Italian Cafe / Deli, Unit 5, Bishop's Quarters, Bishop's Bridge Road, W2	New	15/11914/LIPN

**2. THE MARYLEBONE TUP, 93 MARYLEBONE HIGH STREET, W1**

**(Pages 25 - 56)**

App No	Ward/ Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
2.	Marylebone High Street Ward / not in cumulative impact area	The Marylebone Tup, 93 Marylebone High Street, W1	New	15/11508/LIPN

**Charlie Parker  
Chief Executive  
5 February 2016**

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

## **POLICY CONSIDERATIONS**

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

## **GUIDANCE CONSIDERATIONS**

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

## **LIVE MUSIC ACT 2012**

The Live Music Act amends the Licensing Act 2003 by:

- removing the licensing requirement for amplified live music taking place between 8am and 11pm before audiences of no more than 200 persons on premises authorised by a premises licence or club premises certificate to supply alcohol for consumption on the premises (at a time when those premises are open for the purposes of being used for the supply of alcohol for consumption on the premises), subject to the right of a licensing authority to impose conditions about live music following a review of a premises licence or club premises certificate
- removing the licensing requirement for amplified live music taking place between 8am and 11pm before audiences of no more than 200 persons in workplaces not otherwise licensed under the 2003 Act (or licensed only for the provision of late night refreshment)
- removing the licensing requirement for unamplified live music taking place between 8am and 11pm in any place, subject to the right of a licensing authority to impose conditions about live music following a review of a premises licence or club premises certificate relating to premises authorised to supply alcohol for consumption on the premises
- removing the licensing requirement for the provision of entertainment facilities
- widens the licensing exemption for live music that is integral to a performance of Morris dancing or dancing of a similar type, so that the exemption applies to both live or recorded music instead of just unamplified live music in that instance.

## **CORE HOURS WHEN CUSTOMERS ARE PERMITTED TO BE ON THE PREMISES**

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

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

Friday and Saturday: 10:00 to midnight

Sundays immediately prior to Bank Holidays: Midday to midnight

Other Sundays: Midday to 22:30

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

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

Monday to Saturday: 08:00 to 23:00

Sundays: 10:00 to 22:30.

- For premises for the provision of other licensable activities:

Friday and Saturday: 09.00 to midnight

Sundays immediately prior to Bank Holidays: 09.00 to midnight

Other Sundays: 09.00 to 22.30

Monday to Thursday: 09.00 to 23.30.

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Item No:	
Date:	11 February 2016
Licensing Ref No:	15/11914/LIPN - New Premises Licence
Title of Report:	Italian Cafe/Deli Unit 5, Bishop's Quarters Bishop's Bridge Road London W2 6ES
Report of:	Director of Public Protection and Licensing
Wards involved:	
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Mr Ola Owojori Senior Licensing Officer
Contact details	Telephone: 020 7641 7830 Email: owojori@westminster.gov.uk

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	17 December 2015		
<b>Applicant:</b>	Foody Experience Limited		
<b>Premises:</b>	Italian Cafe/Deli		
<b>Premises address:</b>	Unit 5	<b>Ward:</b>	Bayswater
	Bishop's Quarters Bishop's Bridge Road London W2 6ES	<b>Cumulative Impact Area:</b>	Queensway/ Bayswater
<b>Premises description:</b>	The premises are to be operated as cafe / delicatessen with outside area		
<b>Premises licence history:</b>	The premises have not been previously licensed.		
<b>Applicant submissions:</b>	The brochure of the proposed development, the applicant's operating schedule and conditions agreed with South East Bayswater Residents' Association are attached at <b>Appendix 2</b>		

1-B Proposed licensable activities and hours							
<b>Late Night Refreshment:</b>				<b>Indoors, outdoors or both</b>			Both
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	Not Applicable				23:00	23:00	N/A
<b>End:</b>	Not Applicable				00:00	00:00	N/A
<b>Seasonal variations:</b>		Not Applicable					
<b>Non-standard timings:</b>		Not Applicable					

<b>Sale by retail of alcohol</b>				<b>On or off sales or both:</b>			Both
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	10:00	10:00	10:00	10:00	10:00	10:00	12:00
<b>End:</b>	22:00	22:00	22:00	22:00	22:00	22:00	22:00
<b>Seasonal variations:</b>		Not applicable					
<b>Non-standard timings:</b>		Not applicable					

Hours premises are open to the public							
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	07:00	07:00	07:00	07:00	07:00	07:00	07:00
<b>End:</b>	23:00	23:00	23:00	23:00	00:00	00:00	22:30
<b>Seasonal variations:</b>		Not applicable					
<b>Non-standard timings:</b>		Not applicable					
<b>Adult Entertainment:</b>		Not applicable					



## 2. Representations

2-A Responsible Authorities	
Responsible Authority:	The Environmental Health
Representative:	Dave Nevitt
Received:	14/1/16

The application which seeks a Premises Licence to include the following Licensable activities:

Late Night Refreshment until 0000hrs ON Friday and Saturday;

The Supply of Alcohol 'On' and 'Off' the premises Monday to Saturday, 1000hrs-2200hrs, and 1200hrs-220hrs on Sunday.

The applicant has proposed conditions which are under consideration.

I wish to make Representations on the following grounds:

Representation is made in relation to the application, as the proposals are likely to increase Public Nuisance and may impact upon Public Safety.

The premises is located in the Queensway/Bayswater Cumulative Impact Area as defined by the City Council's Licensing Policy.

The applicant has proposed a number of Conditions in the Operating Schedule (Annex A). I understand that some Conditions have been agreed with SEBRA but to date I have not seen details of what has been agreed.

In relation to the Conditions proposed by the applicant in Annex A I make the following comments:

**Conditions 1, 2, 3, 5, 9, 10-16 – agreed.**

The premises is located in a Cumulative Impact Area and I do not agree the remaining Conditions. Condition 6 as proposed by the applicant does not adequately define the premises as a restaurant. I am also concerned to clarify the manner in which alcohol may be consumed in the outside area.

The following are proposed:

1. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.(MC18) – *and see 4 below.*
2. No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles.(MC29)

3. 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. (MC31)
4. The premises shall only operate as a restaurant (i) in which customers are shown to their table, (ii) where the supply of alcohol is by waiter or waitress service only, (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery, (iv) which do not provide any take away service of food or drink for immediate consumption, (v) which do not provide any take away service of food or drink after 23.00, and (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals. Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.(MC66) – *this condition should be applied to the external seating area as well.*
5. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.(MC81)

<b>Responsible Authority:</b>	The Metropolitan Police
<b>Representative:</b>	Toby Janes
<b>Received:</b>	17/1/16

With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, make a representation against the above application.

It is our belief that if granted the application would undermine the Licensing objectives in relation to the prevention of crime and disorder as there are insufficient conditions within the operating schedule and no description of how the premises will trade.

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

Please can you confirm what type of premises this will be and provide a general description as this was not completed in the application.

We are concerned that the application will add to the cumulative impact.

If the hours permitting the sale of alcohol are reduced to 2000 hours then Police would be happy with conditions similar to those offered by you.

However beyond these hours then the following conditions listed below are those that we would like you to attach to your operating schedule as I believe they will address police concerns in relation to crime and disorder.

1. The premises shall only operate as a restaurant
  - (i) in which customers are shown to their table,
  - (ii) where the supply of alcohol is by waiter or waitress service only,

- (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
- (iv) which do not provide any take away service of food or drink for immediate consumption,
- (v) which do not provide any take away service of food or drink after 23.00, and
- (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

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

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

3. 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.

4. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following: (a) all crimes reported to the venue (b) all ejections of patrons (c) any complaints received concerning crime and disorder (d) any incidents of disorder (e) all seizures of drugs or offensive weapons (f) any faults in the CCTV system, searching equipment or scanning equipment (g) any refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service.

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

6. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises, save for in the outside area shown the plan where customers shall be seated.

7. No more than 25% of 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.

2-B Other Persons	
<b>Name:</b>	John Zamit
<b>Address and/or Residents Association:</b>	SEBRA (South East Bayswater Residents Association 2 Claremont Court Queensway LONDON W2 5HX
<b>Received:</b>	14/1/16
<p>We write to object to this application on the grounds of 'prevention of public nuisance and potential crime and disorder.</p> <p>We do not necessarily object to a Premises Licence being granted, but we do have a number of concerns and queries about the application as it is currently presented.</p> <p>The premises is within the Queensway/Bayswater Cumulative Impact Area.</p> <p>Above and adjacent to the premises are residential units and the area around is predominantly residential,</p> <p>The application seeks: Late night refreshment to midnight Fri-Sat only - indoors and outdoors Sale and supply of alcohol 10am-10pm Mon-Sat, midday to 10pm Sun Opening hours - 7am to 11pm Mon-Thurs, 7am to midnight Fri-Sat, 7am to 10.30pm Sun</p> <p>In addition, we note that the plans show an area outside the premises building but within the licensable area, with 5 tables and 20 chairs.</p> <p>We have the following points to make:</p> <ol style="list-style-type: none"> <li>1. Although the terminal hour is within the 'core hours' as set out in the City Council's Statement of Licensing Policy, the opening hour seems very early.</li> <li>2. We object sale of alcohol without a requirement for it to be ancillary to substantial table meals, or by waiter/waitress service, or without a requirement for customers to be seated. We wonder why this is not the intention for this premises? The premises is situated within the Queensway/Bayswater Cumulative Impact Area.</li> <li>3. We note that the applicant has proposed a number of conditions. No.6 is a much less strict version of Model Condition 66, and refers only to 'food'. We would like, at the very least, for this to be 'substantial food' and for the terminal hour for sale of alcohol to be reduced.</li> <li>4. We note that customers would be permitted on the premises for some time after the terminal hour for sale of alcohol. Therefore, we would ask that if the hours are granted, a condition restricting consumption of alcohol to a terminal hour of 10pm is added to the licence.</li> </ol>	

5. Late night refreshment has been applied for indoors and outdoors. Presumably the intention is to utilise the tables and chairs outside the premises. We would like late night refreshment outdoors to be deleted, and for the tables and chairs to be rendered unusable by, at the latest, 11pm.

6. There is no general description of the premises in the 'provide general description of premises' box on the application form. We would welcome the applicant providing us with some further details of the proposed operation.

7. We would not want any drinking outside unless by persons seated, served by waiter/waitress service ancillary to substantial table meals.

8. What is the proposed overall capacity?

9. We note that sale of alcohol for consumption off the premises has been applied for. Presumably this will not be for immediate consumption.

10. We propose a condition that there be no sales of beer, lager or cider above 5.5% abv.

11. The planning use is A1. The proposed licence seems to fit in to an A3 or A1/A3 use.

12. We assume that all customers will be off the premises by the end of the stated opening hours and would wish to see a condition to this effect on the licence.

We should add that we were contacted by the applicant's solicitors prior to the application being submitted, and appreciate this courtesy.

We would be more than happy to be contacted by the applicant's solicitors to discuss the points raised in this representation.

<b>Name:</b>	Mr William Kennedy
<b>Address and/or Residents Association:</b>	Queensway Residents' Association, 142A Queensway, London W2 6LS
<b>Received:</b>	14/1/16

This association wishes to advise that we have had the opportunity to discuss the above application and fully concur with the comments raised in SEBRA's objection correspondence to same copied below.

### 3. Policy & Guidance

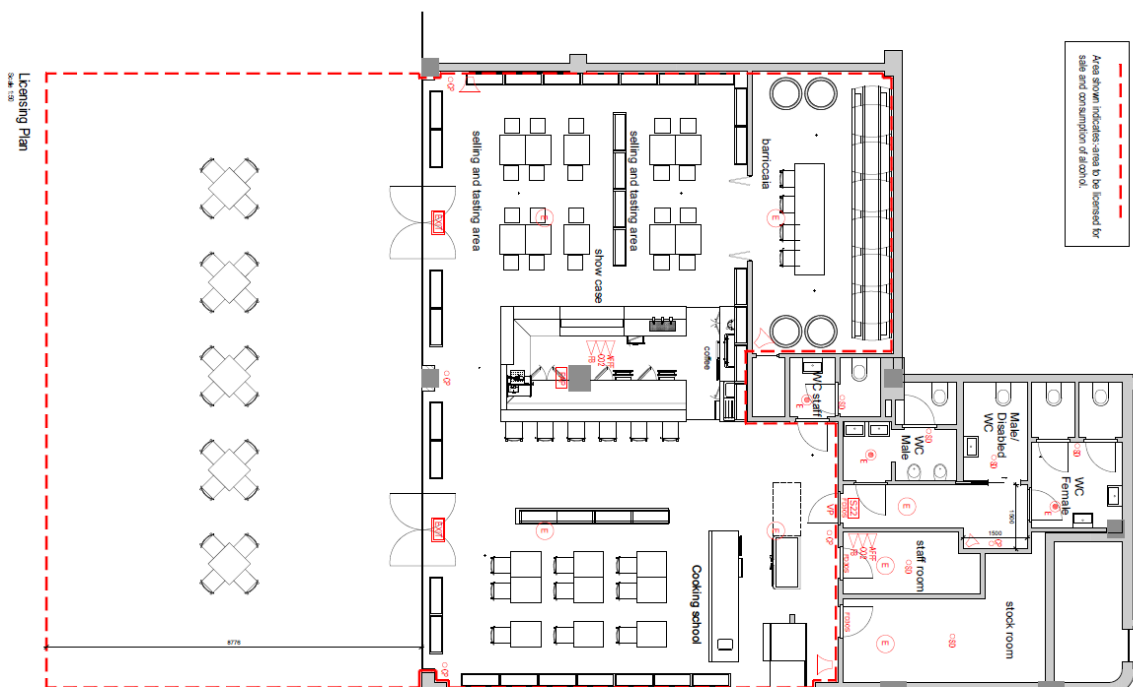
The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<b>Policy CIP1 applies:</b>	<p>(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.</p> <p>(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.</p>
<b>Policy HRS1 applies:</b>	<p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p>

### 4. Appendices

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

<b>Report author:</b>	Mr Ola Owojori Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 7830 Email: owojori@westminster.gov.uk

Fire Safety Installation Legend	
ⓔ	Emergency light fitting with neon indicator.
ⓔ	Recessed down light fitted with 3hr fully maintained emergency light pack with neon indicator.
ⓔ	Light fitting fitted with 3hr fully maintained emergency light pack with neon indicator.
ⓔ	Self contained led maintained emergency exit sign.
ⓔ	Maintained emergency exit sign with legend plate.
ⓔ	Fire alarm sounder giving 90dba output at 1m.
ⓔ	Fire alarm panel.
ⓔ	Heat detector.
ⓔ	Smoke detector.
ⓔ	Fire alarm call point.
ⓔ	AFFF (foam) extinguisher.
ⓔ	CO2 extinguisher.
ⓔ	Fire blanket.
↑	Exit widths and staircases to conform to BS 5588: Part 2 of Part 6. Arrow devices upward direction, as appropriate.
ⓔ	Area covered by smoke detector (BS 5839)
ⓔ	Area covered by heat detector (BS 5839)
ⓔ	Area covered by void smoke detector (BS 5839)
ⓔ	Sign - 'FIRE DOOR KEEP SHUT' - 75mm letters to both sides of door head
ⓔ	Sign - 'FIRE DOOR KEEP LOCKED' - 75mm letters to both sides of door head
ⓔ	Sign - 'FIRE EXT KEEP CLEAR' - 75mm letters to external face of door head
ⓔ	Sign - Internally illuminated 'FIRE EXIT' or graphic equivalent - 75mm high letters. Directional arrow to be provided in the direction indicated
VP	Vision panel
ⓔ	Thirty-minute fire door
ⓔ	Sixty-minute fire door



Licensing Plan  
Scale: 1:50

**Licensing - Fire Safety Requirements**

- 1- Doors & windows required to be fire resisting are to be in accordance with British Standard BS 5: 478 Pt. 3.
- 2- Fire resisting doors required to resist the passage of smoke at ambient temperature conditions should, unless tested in accordance with BS 476 section 31.1, be fitted with a smoke seal.
- 3- The fire alarm system is to comply with British Standard BS 5833.
- 4- The emergency lighting installation is to comply to British Standard BS 5266 Pt. 1.
- 5- Illuminated 'EXIT' signs are to conform to British Standard BS 5290.
- 6- Fire fighting equipment to conform to British Standard BS 5423.
- 7- Fire safety related signs & notices are to conform to British Standard BS 5462 Pt. 1.
- 8- Wall & ceiling linings are to be class 1 surface spread of flame (as defined in British Standard BS 476 Pt. 7) in non-public areas & class 0 (as defined in the Building Regulations) in circulation spaces.
- 9- Upholstered seating furniture should satisfy, as a minimum, the fire performance requirements of British Standard BS 5852 Pt. 1. Firm tests for furniture - Methods of test for ignitability by smokes materials of upholstered composites for seating - & British Standard BS 5852 Pt. 2. Fire tests for furniture - Methods of tests for ignitability of upholstered composites for seating by flaming source. For which other standard or to ignition source 3 is the minimum requirement.
- 10- Any fabric which have received a flame retardant treatment should be subjected to the water soak test detailed in British Standard BS 5955. Independent certification to the above standards should be provided from an accredited test organisation.
- 11- Curtains & drapes are to satisfy type B, performance requirements of British Standard BS 5867 Pt. 2.
- 12- Artificial ceiling & other decorative effects are to be fire retardant to the satisfaction of the Fire Authority.
- 13- Tensile floor coverings should be tested to British Standard BS 4720 (Elasticity) small (ignition source hot metal nail method).
- 14- Vertically hung Venetian blinds should conform to British Standard BS 5438.
- 15- All doors and walls in risk areas to conform to the definition of the resisting.
- 16- Doors (including frames) are to be tested and installed in accordance with the current British Standard BS476: Part 22 (and BS 476: Section 31.1 where 'S' specification requires smoke stopping).
- 17- The fire alarm installation is to comply with BS 5839 Pt 1.

**TIBBATTI, ABEL**  
 Fire Safety Engineers  
 1, 2 & 3rd Floor, 11, The Quadrant, London, W2 1LH  
 Tel: 020 7232 1111 Fax: 020 7232 1112  
 Email: sales@tibbattiabel.co.uk  
 Website: www.tibbattiabel.co.uk

**Alessandro Zaverise**  
 Fire Safety Engineer  
 11, The Quadrant, London, W2 1LH  
 Tel: 020 7232 1111 Fax: 020 7232 1112  
 Email: sales@tibbattiabel.co.uk  
 Website: www.tibbattiabel.co.uk

Unit 6  
 BRNO'S Bridgford  
 11, The Quadrant, W2  
 Licensing Plan

06/12/15  
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 1/21  
 1721-01

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorized officer throughout the preceding 31 day period.
2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorized council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
3. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises are open
4. No more than 30 % of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol.
5. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.
6. The premises shall only operate where (i) food is prepared on the premises and served and consumed at the table using non disposable crockery and (ii) intoxicating liquor is only sold, supplied, or consumed 'on' the premises to persons who are bona fide eating food and provided always that the consumption of intoxicating liquor by such persons is ancillary to eating food.
7. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises, save for in the outside area shown on the plan where customers shall be seated.
8. There shall be no self-service of spirits on the premises on the premises, save for spirit mixtures less than 5.5% ABV.
9. The licence holder shall ensure that all cashiers and relevant staff are trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) for evidence of age. This evidence shall be photographic, such as passport or photographic driving licence until other effective identification technology (for example, thumb print or pupil recognition) is introduced. All cashiers will be instructed, through training, that a sale shall not be made unless this evidence is produced.



10. No noise or odour shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
11. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
12. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
13. No rubbish, including bottles, will be moved, removed or placed in outside areas between 22:00 and 08:00 hours.
14. No deliveries shall take place between 22:00 and 08:00 hours.
15. No collections, including refuse and recyclable food waste, shall take place between 22:00 and 08:00 hours.
16. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and /or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.

Further to my colleague Niall McCann's discussions with Mr John Zamit, I can confirm that the following times, licensable activities and conditions have been agreed:

The opening hours of the premises:

Monday to Thursday: 07:00 to 23:00  
Friday and Saturday: 07:00 to 00:00  
Sunday: 07:00 to 22:30

Sale by Retail of Alcohol:

Monday to Saturday 10:00 to 22:00  
Sunday 12.00 to 22.00

Late Night Refreshment:

Friday and Saturday: 23:00 to 00:00

Conditions:

1. The Outside will be rendered unusable between 11.00 p.m. and 8.00 a.m.
2. The supply of alcohol shall be by waiter or waitress service only.
3. There shall be no take away service of food or alcoholic beverages for immediate consumption.
4. No super-strength beer, lagers or ciders of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles of less than 500 ml.

CLAIM YOUR OWN QUARTER OF LONDON

# An exciting 60,000 sq ft restaurant & retail development

## KEY FEATURES

A prominent building situated on the corner of Bishop's Bridge Road and Forester's Road which links Queensway and Westbourne Grove 41,000 sq ft Waitrose anchoring the site with five further A1 and A3 units

The local demographics show a retail catchment of 50% higher than the UK average and 13% higher than the London average

## LOCAL OCCURRERS

- Carlisco's
- Bumpkin
- Ohlengligh
- Jane Oliver's Recipease
- Planet Organic
- Harold Klein
- Reckless
- Zedii
- Voltaire
- Sweaty Betty
- Zone
- Artisan Du Ciceciol

Situated between Notting Hill and Paddington, just off the exclusive retail location of Westbourne Grove, these prominent retail units, 41,000 sqft Waitrose and existing luxury apartments transform Bayswater into London's newest destination.

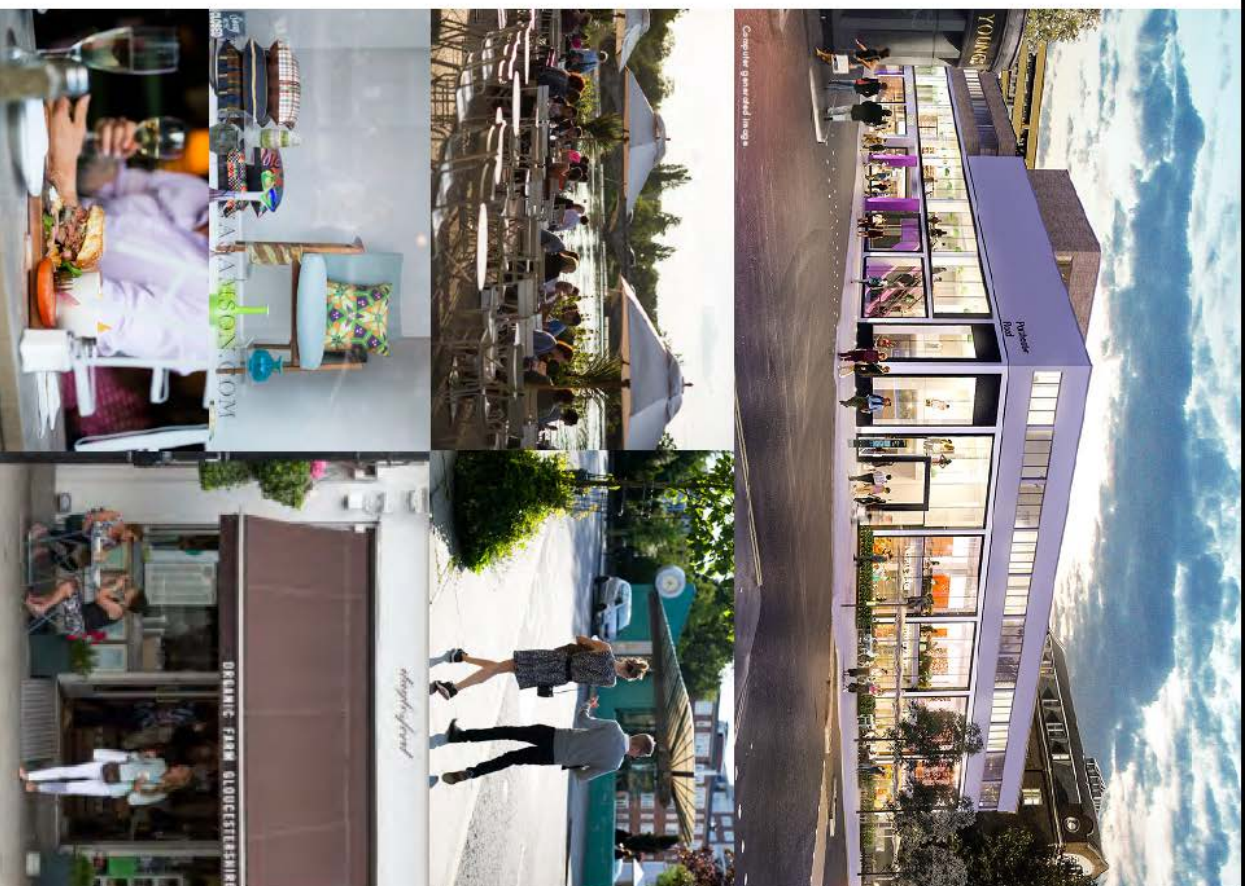
One of the most desirable areas in West London, Bayswater is an eclectic mix of luxury and affordability, a vibrantly cosmopolitan area with a distinctly global atmosphere.

With a large number of hotels, diversity of ethnic restaurants and Kensington Gardens and Hyde Park a short stroll away the area is a bustling centre for residents and tourists alike. Renowned for its charm and colour, the famous Portobello Road and its market is a mere walk away.

Bishop's Quarter offers an exciting opportunity to become part of this laid back but lively community in prime London. A completely new facade of steel and glass transforms Terry Farrell and Nicholas Grimshaw's classic work into a truly stunning contemporary destination.

Five units of generous proportions, flooded with natural light and fully serviced are a completely flexible space for retail and restaurant occupiers alike.

[www.bishops-quarter.co.uk](http://www.bishops-quarter.co.uk)



**SCHEDULE OF AREAS**

Unit	Sq ft	M2
1 A1	5,791	538
2 A3	4,886	454
3 A1	640	59
4 A3	3,810	354
5 A1	2,045	190
<b>Total area</b>	<b>17,232</b>	<b>1,601</b>

\*Waitrose with 41,000 sq ft at ground and first floor level + Car Park — 160 Spaces

EPC certificates will be provided on completion of works.



Designed by Willwood Creative | 44 (0)20 8255 2670 | willwoodcreative.co.uk

**MISREP**

GCW for themselves and for the vendors of this property whose agents are, giving notice, that these particulars do not form any part of any offer or contract: the statements contained therein are issued without responsibility of the part of the firm or their clients and therefore are not to be relied upon as statements or representation of fact; any intending purchaser must satisfy himself as to the correctness of each of these statements made herein; and the vendor does not make or give, and neither the firm nor any of their employees have the authority to make or give, any representation or warranty whatsoever in relation to this property.

**CONTACT**

Chris Hovington  
0207 647 4805  
chris.hovington@gcw.co.uk  
www.gcw.co.uk

Sarah Cohen  
020 7758 3875  
scohen@savills.com  
www.savills.co.uk



www.bishops-quarter.co.uk

There is no licence or appeal history for the premises

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

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

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

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

### **Mandatory Conditions**

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

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

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

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

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

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

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

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

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

Where -

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

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

**Conditions consistent with the operating schedule (Alternative conditions proposed by the Police are in italics)**

- 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 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorized officer throughout the **preceding** 31 day period.

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

- 10 A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorized council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
11. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises are open.

*An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:*

- (a) all crimes reported to the venue*
- (b) all ejections of patrons*
- (c) any complaints received concerning crime and disorder*
- (d) any incidents of disorder*
- (e) all seizures of drugs or offensive weapons*
- (f) any faults in the CCTV system, searching equipment or scanning equipment*
- (g) any refusal of the sale of alcohol*
- (h) any visit by a relevant authority or emergency service.*

12. No more than **30 %** of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol.

*No more than **25%** of sales area shall be used at any one time for the sale, exposure for sale or display of alcohol.*

13. A Challenge **25** proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.

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



14. The premises shall only operate where (i) food is prepared on the premises and served and consumed at the table using non disposable crockery and (ii) intoxicating liquor is only sold, supplied, or consumed 'on' the premises to persons who are bona fide eating food and provided always that the consumption of intoxicating liquor by such persons is ancillary to eating food.

*The premises shall only operate as a restaurant*

*(i) in which customers are shown to their table,*

*(ii) where the supply of alcohol is by waiter or waitress service only,*

*(iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,*

*(iv) which do not provide any take away service of food or drink for immediate consumption,*

*(v) which do not provide any take away service of food or drink after 23.00, and*

*(vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.*

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

15. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises, save for in the outside area shown on the plan where customers shall be seated.
16. There shall be no self-service of spirits on the premises, save for spirit mixtures less than 5.5% ABV.
17. The licence holder shall ensure that all cashiers and relevant staff are trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) for evidence of age. This evidence shall be photographic, such as passport or photographic driving licence until other effective identification technology (for example, thumb print or pupil recognition) is introduced. All cashiers will be instructed, through training, that a sale shall not be made unless this evidence is produced.
18. No noise or odour shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
19. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
20. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
21. No rubbish, including bottles, will be moved, removed or placed in outside areas between 22:00 and 08:00 hours.
22. No deliveries shall take place between 22:00 and 08:00 hours.
23. No collections, including refuse and recyclable food waste, shall take place between 22:00 and 08:00 hours.
24. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and /or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.

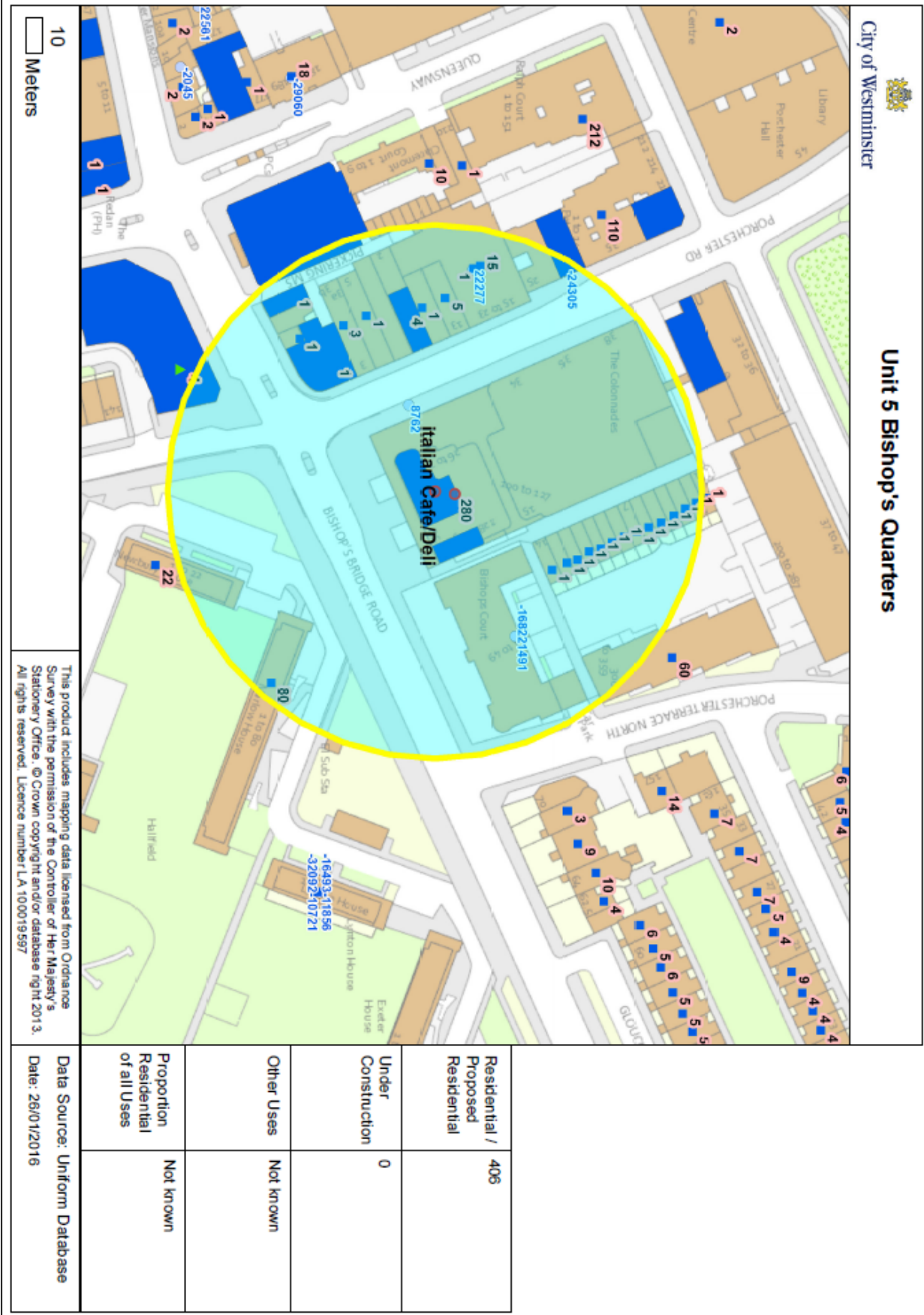
25. The Outside will be rendered unusable between 11.00 p.m. and 8.00 a.m.
26. The supply of alcohol shall be by waiter or waitress service only.
27. There shall be no take away service of food or alcoholic beverages for immediate consumption.
28. No super-strength beer, lagers or ciders of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles of less than 500 ml.

**Proposed by Environmental Health**

29. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.
30. No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles. **Alternative to condition 28**
31. 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. **Alternative to condition 12**
32. The premises shall only operate as a restaurant (i) in which customers are shown to their table, (ii) where the supply of alcohol is by waiter or waitress service only, (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery, (iv) which do not provide any take away service of food or drink for immediate consumption, (v) which do not provide any take away service of food or drink after 23.00, and (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

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

33. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.



City of Westminster

Unit 5 Bishop's Quarters

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Residential / Proposed Residential	406
Under Construction	0
Other Uses	Not known
Proportion Residential of all Uses	Not known
Data Source: Uniform Database	
Date: 26/01/2016	

**Premises within 75 metres of: Unit 5 Bishop's Quarters**

<b>p / n</b>	<b>Name of Premises</b>	<b>Premises Address</b>	<b>Opening Hours</b>
-24305	BBQ Express	29-31 Porchester Road London W2 5DP	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-1682	Bishop Cut Price	Flat 2 Bishops Court 72- 82 Bishop's Bridge Road London W2 6BE	Monday to Sunday 06:00 - 22:00
8762	Waitrose	The Colonnades 38 Porchester Road London W2 6ES London W1U 4DG	Monday to Sunday 08:00 - 23:00
21491	Nokia	First Floor The Colonnades 82 Bishop's Bridge Road London W2 6BB	Monday to Sunday 00:00 - 00:00
22277	Porchester Hall	Flat 10 23 Porchester Road London W2 5DP	Monday to Sunday 09:00 - 01:00

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

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

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
<b>4</b>	Operating Schedule	18/12/15
<b>5</b>	Public Notice	18/12/15
<b>6</b>	Plan	18/12/15
<b>7</b>	Application served and acknowledged	18/12/15
<b>8</b>	Application form	21/12/15
<b>9</b>	Mailing list	21/12/15
<b>10</b>	DPS consent	21/12/15
<b>11</b>	SEBRA's correspondence to the applicant	23/12/15
<b>12</b>	Applicant's submission	8/1/16
<b>13</b>	SEBRA representation	14/1/16
<b>14</b>	Environmental Health representation	14/1/16
<b>15</b>	QRA representation	14/1/16
<b>16</b>	Police representation and conditions	26/1/16
<b>17</b>	Applicant additional conditions	4/2/16
<b>18</b>	Environmental Health conditions	4/2/16
<b>19</b>		
<b>20</b>		
<b>21</b>		
<b>22</b>		
<b>23</b>		
<b>24</b>		

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# Agenda Item 2 Licensing Sub-Committee Report

Item No:	
Date:	11 February 2016
Licensing Ref No:	15/11508/LIPN - New Premises Licence
Title of Report:	The Marylebone Tup 93 Marylebone High Street London W1U 4RE
Report of:	Director of Public Protection and Licensing
Wards involved:	Marylebone High Street
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Mrs Sumeet Anand-Patel Senior Licensing Officer
Contact details	Telephone: 020 7641 2737 Email: sanandpatel@westminster.gov.uk

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	8 December 2015		
<b>Applicant:</b>	AS Marylebone Limited		
<b>Premises:</b>	The Marylebone Tap		
<b>Premises address:</b>	93 Marylebone High Street London W1U 4RE	<b>Ward:</b>	Marylebone High Street
		<b>Cumulative Impact Area:</b>	None
<b>Premises description:</b>	This premises operates as a public house on ground floor level. This application is for a new licence that will cover both ground and first floors. There are no changes to the licensable activities or the hours in which those activities can take place. The applicant has indicated that the current licence shall be surrendered upon grant of this licence.		
<b>Premises licence history:</b>	The premises is currently licensed under 15/01622/LIPDPS. Please refer to Appendix 2 for a copy of the licence.		
<b>Applicant submissions:</b>	None		

1-B Proposed licensable activities and hours							
<b>Regulated Entertainment: Exhibition of a film, Indoor Sporting Events, Live Music, Recorded Music</b>				<b>Indoors, outdoors or both</b>			Indoors
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	09:00	09:00	09:00	09:00	09:00	09:00	09:00
<b>End:</b>	23:30	23:30	23:30	23:30	00:00	00:00	22:30
<b>Seasonal variations:</b>		N/A					
<b>Non-standard timings:</b>		From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.					

Late Night Refreshment				Indoors, outdoors or both:			Indoors
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	23:00	23:00	23:00	23:00	23:00	23:00	N/A
<b>End:</b>	23:30	23:30	23:30	23:30	00:00	00:00	N/A
<b>Seasonal variations:</b>		N/A					
<b>Non-standard timings:</b>		From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.					

Sale by retail of alcohol				On or off sales or both:			Both
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	10:00	10:00	10:00	10:00	10:00	10:00	12:00



<b>End:</b>	23:30	23:30	23:30	23:30	00:00	00:00	22:30
<b>Seasonal variations:</b>	N/A						
<b>Non-standard timings:</b>	From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.						

<b>Hours premises are open to the public</b>							
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	09:00	09:00	09:00	09:00	09:00	09:00	09:00
<b>End:</b>	23:30	23:30	23:30	23:30	00:00	00:00	22:30
<b>Seasonal variations:</b>	N/A						
<b>Non-standard timings:</b>	From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.						
<b>Adult Entertainment:</b>	N/A						

## 2. Representations

<b>2-A Responsible Authorities</b>	
<b>Responsible Authority:</b>	Metropolitan Police Service
<b>Representative:</b>	Sgt Richard Bunch
<b>Received:</b>	31 <sup>st</sup> December 2015
<b>Status:</b>	Withdrawn following applicants agreement to the EH conditions
<p>Hello Rebecca,</p> <p>I have now had the opportunity to view this application in which your client seeks the following:</p> <p>The applicant is seeking the following licensable activities:</p> <ol style="list-style-type: none"> <li>1. Supply of Alcohol for 'On' and 'Off' the premises, Monday to Thursday, from 10:00 to 23:30 hours, Friday and Saturday, 10:00 to 00:00 hours and Sunday 12:00 to 22:30 hours.</li> <li>2. Provision of Late Night Refreshment 'Indoors' , Monday to Thursday, from 23:00 to 23:30 hours and Friday and Saturday, 23:00 to 00:00 hours</li> <li>3. To provide the following Regulated Entertainments 'Indoors' from 09.00 to 23.30 hours Monday to Thursday, 09:00 to 00:00 hours Friday and Saturday and 09:00 to 22:30 Sunday: <ul style="list-style-type: none"> <li>• Recorded Music</li> <li>• Live Music</li> </ul> </li> <li>4. To provide Films 'Indoors' from 09.00 to 23.30 hours Monday to Thursday, 09:00 to 00:00 hours Friday and Saturday and 09:00 to 22:30 Sunday</li> <li>5. To provide Indoor Sporting events from 09.00 to 23.30 hours Monday to Thursday, 09:00 to 00:00 hours Friday and Saturday and 09:00 to 22:30 Sunday</li> <li>6. Non Standard timings for all the above licensable activities extend from end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day</li> </ol>	

With reference to the above, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be making a representation against this application.

It is our belief that if granted the application would undermine the Licensing Objectives in relation to the following:

1. The Prevention of Crime and Disorder
2. There is a likelihood of a an increase in public nuisance
3. There will be an increase risk to public safety

Regards

Sergeant Richard Bunch

18<sup>th</sup> January 2016:

Hello Felicity,

I managed to visit the premises last evening and spoke with the DPS. In the light of this visit and the fact that the conditions 1-19 have been agreed with Anil Drayan I herewith withdraw my representation.

Many thanks and kind regards.

Richard.

Sergeant Richard Bunch

<b>Responsible Authority:</b>	Environmental Health
<b>Representative:</b>	Anil Drayan
<b>Received:</b>	22 December 2015

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

The applicant has submitted a plan of the premises showing the basement, Ground Floor, First Floor and Second Floor, drawing no 873/03, dated 26 Nov 15.

The applicant is seeking the following licensable activities:

1. Supply of Alcohol for 'On' and 'Off' the premises, Monday to Thursday, from 10:00 to 23:30 hours, Friday and Saturday, 10:00 to 00:00 hours and Sunday 12:00 to 22:30 hours.
2. Provision of Late Night Refreshment 'Indoors' , Monday to Thursday, from 23:00 to 23:30 hours and Friday and Saturday, 23:00 to 00:00 hours
3. To provide the following Regulated Entertainments 'Indoors' from 09.00 to 23.30 hours Monday to Thursday, 09:00 to 00:00 hours Friday and Saturday and 09:00 to 22:30 Sunday
  - Recorded Music
  - Live Music
4. To provide Films 'Indoors' from 09.00 to 23.30 hours Monday to Thursday, 09:00 to 00:00 hours Friday and Saturday and 09:00 to 22:30 Sunday

5. To provide Indoor Sporting events from 09.00 to 23.30 hours Monday to Thursday, 09:00 to 00:00 hours Friday and Saturday and 09:00 to 22:30 Sunday

6. Non Standard timings for all the above licensable activities extend from end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day

I wish to make the following representations based on the plans and operating schedule submitted

1. The Supply of Alcohol 'On' and 'Off' the premises and for the hours requested may have the effect of increasing Public Nuisance in the area.
2. Provision of Late Night Refreshment may have the effect of increasing Public Nuisance in the area.
3. The provision of the Regulated Entertainments requested and for the hours requested may have the effect of increasing Public Nuisance in the area and may adversely impact on Public Safety.
4. The provision of Films and for the hours requested may have the effect of increasing Public Nuisance in the area and may adversely impact on Public Safety.
5. The provision of Indoor Sporting events and for the hours requested may have the effect of increasing Public Nuisance in the area and may adversely impact on Public Safety.
6. Non Standard timings for the above licensable activities may have the effect of increasing Public Nuisance in the area and may adversely impact on Public Safety.

The applicant states that the purpose of the application is to extend the licensable areas to the first floor whereas the existing licence, 15/01622/LIPDPS, permits this to the ground floor only.

It's not clear if the premises have undergone refurbishment for the proposed use and will in any case need to be inspected for Public Safety prior to commencement of licensing activities.

It is also unclear from the plans and conditions what the increase in capacity will be as a result of the additional area. Environmental Health advises the provision of sanitary accommodation for any proposed capacity to be in line with British Standard 6465, as amended.

The applicant is advised that Environmental Health will also need to be satisfied that any plant and machinery employed should have appropriate mitigation measures to prevent Public Nuisance from odour and/or noise from its use.

A list of conditions/undertakings has been offered in the operating schedule but these do not appear to include all conditions on the existing licence.

The applicant is requested to contact the undersigned to discuss all these issues and to arrange a site visit after which Environmental Health may propose additional conditions to allay its concerns.

Anil Drayan

Following the representation, EH and the applicant have agreed conditions as follows:

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

during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.

2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested
3. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder or nuisance
  - (d) any incidents of disorder
  - (e) any faults in the CCTV system
  - (f) any refusal of the sale of alcohol
  - (g) any visit by a relevant authority or emergency service
4. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
5. A noise limiter must be fitted to the musical amplification system set at a level determined and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. 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. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
6. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
7. All windows and external doors shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
8. 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.
9. All outside tables and chairs shall be removed or rendered unusable by 23.00 each day.
10. After 23:00 hours patrons permitted to temporarily leave or use the external areas of the premises and then re-enter the premises eg to smoke, shall not be permitted to take any drinks or glass containers with them.
11. Notices shall be prominently displayed at the exit/entrance and in the external area requesting patrons to respect the needs of local residents and businesses and when leaving to do so quietly.

12. No collections of waste or recycling materials, including bottles, from the premises shall take place between 23.00 and 07.00 hours on the following day.
13. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 07.00 hours on the following day.
14. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
15. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
16. All staff will be trained as to their responsibilities with regard to the licensing objectives and complying with the conditions on the premises licence. The training will be regularly refreshed at least every 6 months and staff records maintained on site and made available for inspection by authorised officers of the Council or the Police. New staff shall be similarly trained within one month of starting their employment.
17. No licensable activities shall take place at the premises before the plans, as deposited, will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where minor layout changes have occurred during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority at which time this condition shall be removed from the Licence by the licensing authority.
18. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.
19. No licensable activities shall take place at the premises under this Licence until the premises licence, 15/01622/LIPDPS, has been surrendered and this condition removed from the Licence

<b>2-B Other Persons</b>	
<b>Name:</b>	Mr John Morrissey
<b>Address and/or Residents Association:</b>	14 St Andrew's Mansions London W1U 4EQ
<b>Received:</b>	5 <sup>th</sup> January 2016
I wish to oppose this application which if granted would increase the number of customers in this establishment. Marylebone is a residential area. We do not want further extension of public houses with the attendant noise and late night pavement traffic. These establishments already create a nuisance to residents and pedestrians particularly with customers blocking the pavement.	

### 3. Policy & Guidance

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

<b>Policy HRS1 applies</b>	<p>Policy HRS1 applies:</p> <p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p>
<b>Policy MD1 applies:</b>	Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.
<b>Policy PB1 applies:</b>	Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.

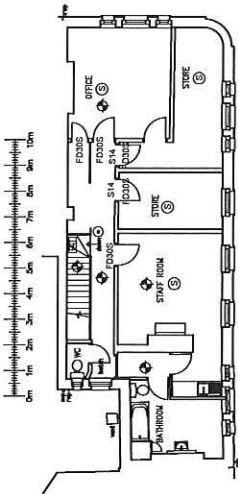
#### 4. Appendices

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

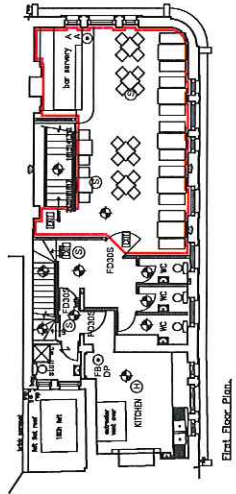
<b>Report author:</b>	Mrs Sumeet Anand-Patel Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 2737 Email: sanandpatel@westminster.gov.uk

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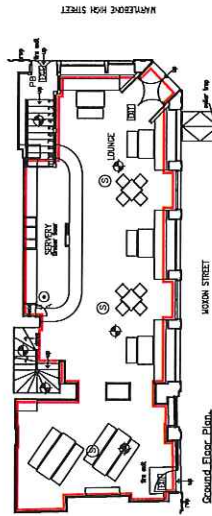
# APPENDIX 1



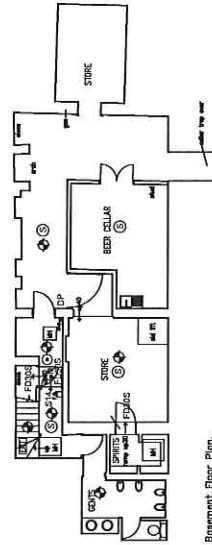
Second Floor Plan.



First Floor Plan.



Ground Floor Plan.



Basement Floor Plan.

LEGEND	
	LICENCED AREA DEMISE LINE
	NON-MAINTAINED EMERGENCY LUMINAIRE
	EMERGENCY EXIT SIGN
	SMOKE DETECTOR
	HEAT DETECTOR
VP	VISION PANEL IN DOOR (FIRE RATED IN DOORS)
PI	PUSH BAR TO EMERGENCY EXIT DOORS
⊙	BREAK GLASS FIRE ALARM CALL POINT
A	AFFY FACILITY PURPOSE FIRE EXTINGUISHER
DP	DRY POWDER EXTINGUISHER
FB	FIRE BLANKET
S14	FIRE DOOR KEEP LOCKED SHUT SIGN
S20	FIRE EXIT KEEP CLEAR SIGN
S25	PUSH BAR TO OPEN SIGN
FD305	1 HOUR FIRE RESISTANT DOOR WITH INTUMESCENT STRIPS, SMOKE SEALS AND SELF CLOSING DEVICE
FM605	1 HOUR FIRE RESISTANT MASONRY INTUMESCENT STRIPS, SMOKE SEALS AND SELF CLOSING DEVICE

### GENERAL NOTES:

- Existing existing emergency lighting installation to serve the new premises and existing premises to be replaced with new emergency lighting to extend scheme in accordance with BS 5266; Part 1 to Building Control and Fire Officers approval.
- Existing existing fire alarm system throughout, including break glass fire alarm call points, alarm bell sounders (to be replaced with new sounders) and fire alarm control panel to be installed in accordance with BS 5830; Part 1 to meet Building Control and fire Officers approval.
- AFFF type fire extinguishers to bar service and fire blanket type fire extinguisher to commercial kitchen.
- All temporary glass/roam and curtain fabrica to be fire rated and approved by the fire officer prior to completion of works.
- Walls and ceiling linings to be Class 1 generally and Class 0 to escape lobbies and stairwells.
- Means of escape to comply with Building Control / Fire Officers requirements.
- All doors must be FD305 or FD308 fire resistant construction and fitted with intumescent smoke seals and intumescent strips and self closing devices. Any glazing to be 1 hour resistant standard.
- Fire signs and notices as required by Building Control / Fire Officer.
- Check appropriate stair soffits to 1 hour fire resisting standard.
- Check / upgrade existing ceiling between a) basement carter and ground floor mezzanine areas, and b) first floor landing areas and staircase floor accommodation.
- Electrical power/lighting circuits upgraded to current EEC regulations with NICEIC conditions.

Rev. Date. Name. Amended by:

**300 International Group**  
**DISCOVER + DESIGN + DELIVER**  
 19th Mews Street, St Katherine Docks, London, E1W 1UG  
 Tel: 020 7112 7548 www.300group.com

Job title: **Marylebone, 93 Marylebone High St, London W1U 4RE**

Drawing title: **Licensing Layout**

Scale: **1:100@A1** Drawing No. **873/03**

Date: **26 Nov/15**

Drawn by: **Steve Curtis**

# APPENDIX 2



## City of Westminster

64 Victoria Street, London, SW1E 6QP

Schedule 12  
Part A

WARD: Marylebone High  
Street  
UPRN: 100023463708

Premises licence

Regulation 33, 34

Premises licence number:

15/01622/LIPDPS

Original Reference:

05/06815/LIPCV

### Part 1 – Premises details

#### Postal address of premises:

The Marylebone Tap  
93 Marylebone High Street  
London  
W1U 4RE

Telephone Number: 0207 935 4373

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

Not applicable

#### Licensable activities authorised by the licence:

Exhibition of a Film  
Provision of facilities for making Music  
Indoor Sporting Event  
Performance of Live Music  
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:

##### Exhibition of a Film

Monday to Thursday: 09:00 to 23:30 (after 23:00 subject to condition 18)  
Friday to Saturday: 09:00 to 00:00 (after 23:00 subject to condition 18)  
Sunday: 09:00 to 22:30

##### Indoor Sporting Event

Monday to Thursday: 09:00 to 23:30 (after 23:00 subject to condition 18)  
Friday to Saturday: 09:00 to 00:00 (after 23:00 subject to condition 18)  
Sunday: 09:00 to 22:30

##### Performance of Live Music

Monday to Thursday: 09:00 to 23:30 (after 23:00 subject to condition 18)  
Friday to Saturday: 09:00 to 00:00 (after 23:00 subject to condition 18)  
Sunday: 09:00 to 22:30

##### Playing of Recorded Music

Unrestricted



**Late Night Refreshment**

Monday to Thursday: 23:00 to 23:30 (after 23:00 subject to condition 18)  
Friday to Saturday: 23:00 to 00:00 (after 23:00 subject to condition 18)

**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 Thursday: 10:00 to 23:30 (after 23:00 subject to condition 18)  
Friday to Saturday: 10:00 to 00:00 (after 23:00 subject to condition 18)  
Sunday: 12:00 to 22:30

*For times authorised for New Year see conditions at Annex 1&3*

**The opening hours of the premises:**

Monday to Thursday: 09:00 to 23:30  
Friday to Saturday: 09:00 to 00:00  
Sunday: 09:00 to 23:00

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

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

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

AS Marylebone Limited  
65 New Cavendish Street  
London  
W1U 4RE

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

07779694

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

Name: Darin Francis McLean

*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:** 03143  
**Licensing Authority:** London Borough Of Lambeth

**Date:** \_\_\_\_\_ 19<sup>th</sup> May 2015 \_\_\_\_\_

**This licence has been authorised by Miss Bina Patel on behalf of the Director - Public Protection and Licensing.**

## Annex 1 – Mandatory conditions

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

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

7. The responsible person must ensure that—

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

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

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

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

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

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

Where -

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

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

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

10. 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**

11. A sound limiting device located in a separate and remote lockable cabinet from the volume control shall be fitted to any musical amplification system and set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service 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 an officer from the EHS. The keys securing the noise limiter cabinet shall be held by the licence holder or authorised manager only and shall not be assessed by any other person. The limiter shall not be altered without the prior agreement with the EHS.
12. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
13. All windows and external doors shall be kept closed after 21:00 or at any time regulated entertainment takes place, except for immediate access and egress of persons.
14. All outside tables and chairs shall be removed or rendered unusable by 23:00 hours each day.
15. After 23:00 hours each day patrons permitted to temporarily leave or use the external areas of the premises and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
16. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and to leave the area quietly.

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

17. 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 Monday to Thursday 10:00 to 23:30
  - (b) On Friday to Saturday 10:00 to 00:00
  - (c) On Sundays 12:00 to 22:30
  - (d) 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).
18. The extension of terminal hours for Sale of Alcohol, Regulated Entertainment and Late Night Refreshment, Monday to Thursday 23.00 to 23.30 and Friday and Saturdays 23.00 to 00.00, shall not take effect until the works have been carried out to the premises which include the creation of a lobby; doors being locked as shown on the plan and the installation of door shutters and air conditioning all of which must be to the satisfaction of the licensing authority. These undertaking made by the applicant shall be made in writing to the Council.
19. The sale of alcohol is to cease 20 minutes before time of closure.

**Annex 4 – Plans**  
attached







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

Schedule 12  
Part B

WARD: Marylebone High  
Street  
UPRN: 100023463708

Premises licence  
summary

Regulation 33, 34

Premises licence number:

15/01622/LIPDPS

**Part 1 – Premises details**

**Postal address of premises:**

The Marylebone Tap  
93 Marylebone High Street  
London  
W1U 4RE

**Telephone Number:** 0207 935 4373

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

Not applicable

**Licensable activities authorised by the licence:**

Exhibition of a Film  
Provision of facilities for making Music  
Indoor Sporting Event  
Performance of Live Music  
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:**

**Exhibition of a Film**

Monday to Thursday:	09:00 to 23:30 (after 23:00 subject to condition 18)
Friday to Saturday:	09:00 to 00:00 (after 23:00 subject to condition 18)
Sunday:	09:00 to 22:30

**Indoor Sporting Event**

Monday to Thursday:	09:00 to 23:30 (after 23:00 subject to condition 18)
Friday to Saturday:	09:00 to 00:00 (after 23:00 subject to condition 18)
Sunday:	09:00 to 22:30

**Performance of Live Music**

Monday to Thursday:	09:00 to 23:30 (after 23:00 subject to condition 18)
Friday to Saturday:	09:00 to 00:00 (after 23:00 subject to condition 18)
Sunday:	09:00 to 22:30

<b>Playing of Recorded Music</b>	Unrestricted
<b>Late Night Refreshment</b>	
Monday to Thursday:	23:00 to 23:30 (after 23:00 subject to condition 18)
Friday to Saturday:	23:00 to 00:00 (after 23:00 subject to condition 18)
<b>Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit</b> Unrestricted	
<b>Sale by Retail of Alcohol</b>	
Monday to Thursday:	10:00 to 23:30 (after 23:00 subject to condition 18)
Friday to Saturday:	10:00 to 00:00 (after 23:00 subject to condition 18)
Sunday:	12:00 to 22:30
<i>For times authorised for New Year see conditions at Annex 1&amp;3</i>	

<b>The opening hours of the premises:</b>	
Monday to Thursday:	09:00 to 23:30
Friday to Saturday:	09:00 to 00:00
Sunday:	09:00 to 23:00

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

<b>Name and (registered) address of holder of premises licence:</b>
AS Marylebone Limited 65 New Cavendish Street London W1U 4RE

<b>Registered number of holder, for example company number, charity number (where applicable)</b>
07779694

<b>Name of designated premises supervisor where the premises licence authorises for the supply of alcohol:</b>
<b>Name:</b> Darin Francis McLean

<b>State whether access to the premises by children is restricted or prohibited:</b>
Restricted

Date: \_\_\_\_\_ 19<sup>th</sup> May 2015 \_\_\_\_\_

This licence has been authorised by Miss Bina Patel on behalf of the Director - Public Protection and Licensing.

## Licence History

Licence No.	Detail of Application	Date Determined	Determined By
05/06815/LIPCV <b>Conversion Variation</b>	Application to convert and vary the Justices On Licence	26.09.2005	Granted by Licensing Sub-Committee
06/03595/LIPDPS <b>DPS Variation</b>	Application to vary the designated premises supervisor	13.05.2006	Granted under delegated authority
07/02115/LIPDPS <b>DPS Variation</b>	Application to vary the designated premises supervisor	09.03.2007	Granted under delegated authority
07/09211/LIPT <b>Transfer</b>	Application to transfer the licence	08.11.2007	Granted under delegated authority
08/00970/LIPT <b>Transfer</b>	Application to transfer the licence	12.03.2008	Granted under delegated authority
11/12082/LIPT <b>Transfer</b>	Application to transfer the licence	18.01.2012	Granted under delegated authority
12/05806/LIPVM <b>Minor Variation</b>	Application to amend the plans and add conditions to the licence	23.07.2012	Granted under delegated authority
14/09086/LITENP <b>Temporary Event Notice</b>	To permit the sale of alcohol and regulated entertainment on 1 <sup>st</sup> November 2014 from 00:01 to 01:00	29.10.2014	Notice granted
15/01368/LITENP <b>Temporary Event Notice</b>	To permit the sale of alcohol and regulated entertainment on 28 <sup>th</sup> February 2015 from 00:01 to 01:00	16.03.2015	Notice granted
15/01622/LIPDPS <b>DPS Variation</b>	Application to vary the designated premises supervisor	19.05.2015	Granted under delegated authority
15/01627/LITENP <b>Temporary Event Notice</b>	To permit the sale of alcohol and regulated entertainment on 27 <sup>th</sup> March 2015 from 00:01 to 01:00	09.03.2015	Notice granted

15/08217/LITENP <b>Temporary Event Notice</b>	To permit the sale of alcohol and regulated entertainment on 27 <sup>th</sup> and 28 <sup>th</sup> November 2015 from 00:30 to 02:00	02.02.2015	Notice granted
15/08630/LITENP <b>Temporary Event Notice</b>	To permit the sale of alcohol and regulated entertainment on 29 <sup>th</sup> November 2015 from 00:30 to 02:00	17.12.2015	Notice granted
15/09619/LITENP <b>Temporary Event Notice</b>	To permit the sale of alcohol, late night refreshment and regulated entertainment from 4 <sup>th</sup> December to 6 <sup>th</sup> December 2015 from 00:30 to 02:00	22.12.2015	Notice granted
15/10154/LITENP <b>Temporary Event Notice</b>	To permit the sale of alcohol and regulated entertainment 10 <sup>th</sup> to 12 <sup>th</sup> December 2015 from 00:30 to 02:00	17.12.2015	Notice granted
15/10986/LITENP <b>Temporary Event Notice</b>	To permit the sale of alcohol, late night refreshment and regulated entertainment from 17 <sup>th</sup> December to 19 <sup>th</sup> December 2015 from 00:30 to 02:00	01.12.2015	Notice granted
15/11508/LIPN <b>New Licence</b>	Current Application		Pending

There is no appeal history for the premises

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

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

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

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

### Annex 1 – Mandatory conditions

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

alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

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

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

- 8(i) A relevant person shall ensure that no alcohol is sold or supplied for

consumption on or off the premises for a price which is less than the permitted price.

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

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

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

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

Where -

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price Paragraph 8(ii)(b) above on a day ("the first day") would be different permitted price on the next day ("the second day") as a result of a the rate of duty or value added tax.  
(2) The permitted price which would apply on the first day applies to supplies of alcohol which take place before the expiry of the period days beginning on the second day.

9. Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.



### **Consistent with the operating schedule:**

10. Open containers of alcohol shall not be removed from the premises, save for consumption in any delineated external area.
11. A first aid box will be available at the premises at all times.
12. Regular safety checks shall be carried out by staff.
13. Management shall liaise with the Fire Authority as necessary to ensure compliance with all necessary fire regulations.
14. The premises shall maintain an Incident Log and public liability insurance.
15. The exterior of the building shall be cleared of litter at regular intervals.
16. Staff training will include the Challenge 21 Policy and its operation. In particular, staff shall be trained to take such action as is necessary to prevent the sale of alcohol to persons over the age of 18 where those customers are engaged in the distribution of alcohol to persons under the age of 18. The training must be given to a new member of staff before they commence employment and all staff must receive refresher training every 6 months.
17. Notices advising what forms of ID are acceptable must be displayed.
18. Notices must be displayed in prominent positions indicating that the Challenge 21 policy is in force.

### **Conditions proposed by EH and agreed with the applicant**

19. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
20. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested
21. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder or nuisance
  - (d) any incidents of disorder
  - (e) any faults in the CCTV system
  - (f) any refusal of the sale of alcohol
  - (g) any visit by a relevant authority or emergency service
22. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

23. A noise limiter 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, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. 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. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
24. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
25. All windows and external doors shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
26. 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.
27. All outside tables and chairs shall be removed or rendered unusable by 23.00 each day.
28. After 23:00 hours patrons permitted to temporarily leave or use the external areas of the premises and then re-enter the premises eg to smoke, shall not be permitted to take any drinks or glass containers with them.
29. Notices shall be prominently displayed at the exit/entrance and in the external area requesting patrons to respect the needs of local residents and businesses and when leaving to do so quietly.
30. No collections of waste or recycling materials, including bottles, from the premises shall take place between 23.00 and 07.00 hours on the following day.
31. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 07.00 hours on the following day.
32. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
33. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
34. All staff will be trained as to their responsibilities with regard to the licensing objectives and on complying with the conditions on the premises licence. The training will be regularly refreshed at least every 6 months and staff records maintained on site and made available for inspection by authorised officers of the Council or the Police. New staff shall be similarly trained within one month of starting their employment.
35. No licensable activities shall take place at the premises before the plans, as deposited, will be checked by the Environmental Health Consultation Team to

ensure they are an accurate reflection of the premises constructed. Where minor layout changes have occurred during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority at which time this condition shall be removed from the Licence by the licensing authority.

36. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.
37. No licensable activities shall take place at the premises under this Licence until the premises licence, 15/01622/LIPDPS, has been surrendered and this condition removed from the Licence



**Premises within 75 metres of: Marylebone Twp, 93 Marylebone High Street, London**

<b>p / n</b>	<b>Name of Premises</b>	<b>Premises Address</b>	<b>Opening Hours</b>
640	Waitrose Supermarket	First Floor Flat 92 Marylebone High Street London W1U 4RD	Monday to Sunday 08:00 - 23:00
2080	La Fromagerie (Marylebone Ltd)	8-10 Moxon Street London W1U 4ES	Monday to Friday 08:00 - 23:30 Saturday 09:00 - 23:30 Sunday 10:00 - 23:00
29320	Aubaine	Second Floor And Third Floor Maisonette 92 Marylebone High Street London W1U 4RD	Monday to Sunday 08:00 - 00:00
29806	Fish Work Seafood Cafe	Suite 200 84 Marylebone High Street London W1U 4QW	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-29324	Strada Restaurant	Strathray House 30 Marylebone High Street London W1U 4PN	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
3268	Inn 1888	Flat 5A 66 Weymouth Street London W1G 6NZ	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 23:00
19297	Topkapi Restaurant	Flat 7 Strathray House 30 Marylebone High Street London W1U 4PN	Sunday 10:00 - 00:00 Monday to Saturday 10:00 - 00:30
-17924	The Marylebone Twp	Basement And Ground Floor 90 Marylebone High Street London W1U 4QZ	Friday to Saturday 09:00 - 00:00 Sunday 09:00 - 23:00 Monday to Thursday 09:00 - 23:30
-484	Patisserie Valerie	95H Marylebone High Street London W1U 4RQ	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00

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

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
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