



City of Westminster

Committee Agenda

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

Meeting Date: **Thursday 3rd March, 2016**

Time: **10.00 am**

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

Members: **Councillors:**

Nickie Aiken (Chairman)
Susie Burbridge
Shamim Talukder

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

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

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

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. RESTAURANT, 1 GROSVENOR GARDENS, SW1

(Pages 1 - 52)

App No	Ward/ Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
1.	St James's Ward / not in cumulative impact area	1 Grosvenor Gardens, SW1	New	15/07477/LIPN

2. SHAFTESBURY FOOD AND WINE, AVENUE HOUSE, 25-27 SHAFTESBURY AVENUE, W1

(Pages 53 - 70)

App No	Ward/ Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
2.	West End Ward / West End Cumulative	Shaftesbur y Food And Wine, Avenue	Variation	15/11886/LIPV

	Impact Area	House, 25-27 Shaftesbury Avenue, W1		
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3. CUMBERLAND FOOD & WINE, 11 GREAT CUMBERLAND PLACE, W1

(Pages 71 - 94)

App No	Ward/ Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
3.	Bryanston And Dorset Square Ward / not in cumulative impact area	Cumberland Food & Wine, 11 Great Cumberland Place, W1	Variation	15/11866/LIPV

4. SNOWFLAKE, UNIT 1, MARBLE ARCH HOUSE, 44 EDGWARE ROAD, W2

(Pages 95 - 114)

App No	Ward/ Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
4.	Bryanston And Dorset Square Ward / Edgware Road Cumulative impact area	Snowflake, Unit 1, Marble Arch House, 44 Edgware Road, W2	New	16/00299/LIPN

Charlie Parker
Chief Executive
26 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.

Item No:	
Date:	3 March 2016
Licensing Ref No:	15/07477/LIPN - New Premises Licence
Title of Report:	Restaurant 1 Grosvenor Gardens London SW1W 0BG
Report of:	Director of Public Protection and Licensing
Wards involved:	St James's
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Mr Ola Owojori Senior Licensing Officer
Contact details	Telephone: 020 7641 7830 Email: owojori@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	4 September 2015		
Applicant:	Grosvenor Gardens Leisure Ltd		
Premises:	Restaurant		
Premises address:	1 Grosvenor Gardens London SW1W 0BG	Ward:	St James's
		Cumulative Impact Area:	No
Premises description:	The premises are to be operated as a restaurant/bar on the ground and basement floors		
Premises licence history:	The premises have not been previously licensed.		
Applicant submissions:	The applicant has submitted the City Council's permission discharging the servicing conditions on the planning permission. See Appendix 2		

1-B Proposed licensable activities and hours							
Late Night Refreshment:				Indoors			
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	N/A
End:	23:30	23:30	23:30	23:30	00:00	00:00	N/A
Seasonal variations:	From the end of permitted hours on New Year's Eve to 05:00 on New Year's Day						
Non-standard timings:	Sunday before Bank Holiday 23:00 – 00:00						

Sale by retail of alcohol				On or off sales or both:			
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	12:00
End:	23:30	23:30	23:30	23:30	00:00	00:00	22:30
Seasonal variations:	From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day						
Non-standard timings:	Sunday before Bank Holiday 10:00 – 00:00						

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	07:00	07:00	07:00	07:00	07:00	07:00	07:00
End:	23:30	23:30	23:30	23:30	00:00	00:00	22:30

Seasonal variations:	From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day
Non-standard timings:	Sunday before Bank Holiday 07:00 – 00:00
Adult Entertainment:	N/A

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health
Representative:	Ian Watson
Received:	2 October 2015
<p>This representation is based on the plans and operating schedule submitted.</p> <p>The applicant is seeking the following</p> <ol style="list-style-type: none"> 1. To provide for the Supply of Alcohol 'On' and 'Off' the premises Monday to Thursday between 10.00 and 23.30 hours, Friday and Saturday 10.00 and 00.00 hours and Sunday between 12.00 to 22.30 hours. Sunday prior to Bank Holiday 10.00 to 00.00 hours. 2. To provide Late Night Refreshment 'Indoors' Monday to Thursday 23.00 to 23.30 hours, Friday and Saturday 23.00 to 00.00 hours. Sunday prior to Bank Holiday 23.00 to 00.00 hours. 3. On New Year's Eve to provide Supply of Alcohol and Late Night Refreshment from the end of authorised hours to commencement of authorised hours on New Year's Day. <p>I wish to make the following representation</p> <ol style="list-style-type: none"> 1. The provision and hours requested for the Supply of Alcohol will have the likely effect of causing an increase in Public Nuisance within the area. 2. The provision and hours requested to permit the provision of Late Night Refreshment will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the area. 3. The hours requested to permit the provision of Supply of Alcohol and Late Night Refreshment from the end of authorised hours on New Year's Eve to commencement of authorised hours on New Years Day will have the likely effect of causing an increase in Public Nuisance within the area. <p>The granting of the application as presented would have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the area.</p> <p>The applicant has provided conditions in support of the application but these do not fully address the concerns of Environmental Health.</p> <p>The following conditions are proposed by Environmental Health.</p> <ul style="list-style-type: none"> • The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 	

Ground Floor xxx persons.
Basement xxx persons.

- 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.
- All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
- No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 08.00 hours on the following day.
- No deliveries to the premises shall take place between 21.00 and 08.00 hours on the following day.
- The emergency exit door leading onto Grosvenor Gardens Mews East shall be self-closing and remain closed when the premises are operating under the authority of the licence.
- The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
- The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
- All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
- All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
- The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
- Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.

Responsible Authority:	Metropolitan Police
Representative:	Toby Janes
Received:	1 October 2015

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.

The following conditions listed below are those that police would like you to attach to your operating schedule as I believe they will address police concerns in relation to crime and disorder.

1. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.
2. The supply of alcohol for consumption 'On' the premises shall be by waiter/waitress or bar service only.
3. There shall be no supply of alcohol for consumption 'Off' the premises after 22.00 hours.

Based on your agreement to police conditions, I can confirm police now withdraw our representation.

2-B Other Persons			
Name:		Miss Imogen Badley	
Address and/or Residents Association:		Grosvenor Gardens Mews East Beeston Place London SW1W 0JW	
Received:	1 October 2015		
Status:	Resident	In support or opposed:	Opposed
I am writing to object to this application on the grounds of 'prevention of public nuisance'.			
I live in Grosvenor Mews East which is at the back of the proposed restaurant site. I believe that the proposal is for all deliveries and waste collection will take place at the rear of the property via the mews. The mews is very small and any noise from these activities will cause a serious nuisance to all of the residents especially if they take place after the premises close at midnight or very early in the morning.			
Name:		Mr Sean Stowell	
Address and/or Residents Association:		Grosvenor Gardens Mews Beeston Place London SW1W 0JN	
Received:	1 October 2015		
Status:	Resident	In support or opposed:	Opposed
I am writing to object to this application on the grounds of 'prevention of public nuisance'.			
I live in Grosvenor Mews East which is at the back of the proposed restaurant site. I believe that the proposal is for all deliveries and waste collection will take place at the			

rear of the property via the mews. The mews is very small and any noise from these activities will cause a serious nuisance to all of the residents especially if they take place after the premises close at midnight or very early in the morning.

In addition, it looks like this will be the staff entrance to the property which will again cause a disturbance as they leave in the early hours of the morning when their shifts end.

Name:	Goring Hotel		
Address and/or Residents Association:	Beeston Place London SW1W 0JW		
Received:	29 September 2015		
Status:	Business	In support or opposed:	Opposed

We have grave concerns regarding the impact of the new proposed restaurant at 1 Grosvenor Gardens. For this reason we feel we have no alternative but to lodge an objection to the application for a liquor license.

May I start by saying that we are very excited that the whole Victoria area is being developed at the moment. There is no doubt this will be one of the great areas within Westminster. As a board member of VBID I am particularly excited by all the recent improvements being made to Victoria.

My concern with this particular application is the impact that it will have on those people living in Grosvenor Gardens Mews East. We have a number of our staff living in the mews accommodation above the garages which we lease from The Grosvenor Estate. We also own flat number 11, which we rent out to a very nice young lady. It is our belief that these people are going to be adversely affected, when the restaurant starts to trade, by the access door to the mews.

It would appear that all the rubbish will come out of here, all the goods will go into here and it will be the staff entrance / exit.

It is my belief that when the restaurant closes at night there will be all sorts of activity within in the confines of the mews such as throwing away empty bottles, disposing of food waste and also general waste. Added to this the staff when leaving early in the morning are bound to cause noise and disruption to those people living in the mews.

The confined nature of the mews which is surrounded on all sides by house and walls leads to an increase in perceived noise levels. All of the above I believe will appear even noisier than they already are and will therefore appear event more disruptive. I am very concerned that our staff and tenants will be unable to open their windows during the summer nights because of the increased late night noise.

We are also deeply concerned about damage to cars in our car park. Whilst most of the delivery vans will no doubt park in Beeston Place, some of them will drive into the mews in order to shorten the distance they need to travel on foot with their goods. We have a number of exceedingly high end cars belonging to guests which are parked in the mews. We fear that these are much more likely to be damaged with such an enormous possible increase in deliveries. At present very few vans and no small lorries go into the mews.

It is on all of the grounds outlined above that I would like to place on record an object to the application.

Finally, Beeston Place is a fairly small yet reasonably busy street. Over the past few years, two new licenses have been granted on the corners of Beeston Place and Grosvenor Gardens. The impact of these new licensed restaurants has been considerable on the area. One of them has tables and chairs all along the pavements. These encroach far beyond the boundaries of the property. During the summer months and any warm spring and autumn days there are so many people sitting and standing drinking on the pavement that you have to walk into the road to go around them.

There has also been an enormous increase in the number of delivery lorries parking on Beeston Place. Some of these are delivering good to businesses in Grosvenor Gardens (a red route), however, delivery to restaurants are much more intrusive. By their very nature, restaurants require a number of deliveries from many different suppliers. There is no doubt that the deliveries to this new restaurant will be made via an already unbelievably congested side street to the detriment to those that live and work here.

Name:	Mr Nicholas Pestana		
Address and/or Residents Association:	Grosvenor Gardens Mews East London SW1W 0JW		
Received:	1 October 2015		
Status:	Resident	In support or opposed:	Opposed
<p>I am writing to object to this application on the grounds of 'prevention of public nuisance'.</p> <p>I live in Grosvenor Mews East which is at the back of the proposed restaurant site. I believe that the proposal is for all deliveries and waste collection will take place at the rear of the property via the mews. The mews is very small and any noise from these activities will cause a serious nuisance to all of the residents especially if they take place after the premises close at midnight or very early in the morning.</p> <p>In addition, it looks like this will be the staff entrance to the property which will again cause a disturbance as they leave in the early hours of the morning when their shifts end.</p>			
Name:	U Claxton		
Address and/or Residents Association:	7 Grosvenor Gardens Mews East London SW1W 0JN		
Received:	29 September 2015		
Status:	Resident	In support or opposed:	Opposed
<p>I am writing to register my representations regarding the above proposed New Premises Licence Application.</p>			

The application is for a restaurant with ancillary bar which will be open seven days a week from 07.00 to 23.30/00.00. The plans show a restaurant over two floors with 160+ covers.

The premises are located on an extremely busy road junction and it is therefore proposed that all “Goods In and Refuse out” will be via a Fire Escape door situated at the back of the property in Grosvenor Gardens Mews East.

This creates extremely significant safety, environmental and nuisance issues.

- a) The Mews is a very small and irregularly shaped area. It is already used by a number of business vehicles and also for the parking of Guests’ cars by the Goring Hotel. Its size, usage and physical irregularity make it totally unsuitable to accommodate lorries easily and safely.
- b) The Fire Exit door, which it is proposed to use for “Goods In and Refuse out”, is at the end of a long narrow section of alley.



The map included in the application shows that this narrow cobbled alley is 26.8m (88ft) in length and 6.09m (20ft) wide at its entry point. Half way down it narrows to 4.87m (16ft) and three quarters of the way down it narrows to only 3.04m (10ft).

Along the length, on both sides, of this narrow alley are doors leading directly into residential flats and offices,

Vehicles of any size, such as delivery lorries, would be physically unable to reach the end of the alley and would either have to stop part-way and then unload and transport goods along its length or would have to back in, both options noisy and potentially dangerous to residents and office staff.

- c) A restaurant/bar of the size proposed would require significant numbers of

deliveries seven days a week and the amount of refuse generated would also be considerable. The Mews is a residential area and these frequent and numerous movements would create unacceptable and unreasonable levels of noise and disruption.

- d) The Licence includes conditions regarding movement and storage of waste and recyclable materials between 23.00 and 08.00. However, there is no provision to ensure that waste is not placed outside during the day. Any food waste left in the Fire Exit area will inevitably attract vermin, something which is not a problem in the Mews at present.
- e) The proposed "Goods In and Refuse out" point is a Fire Escape, not just for the restaurant/bar but also for all the residents and office staff in the building above; this is its primary purpose and function and it should not be compromised for commercial purposes.

The location of 1 Grosvenor Gardens on a busy road junction makes it unsuitable for a development of this size and scope. It is totally unreasonable, environmentally unsound and simply unsafe and dangerous for the "Goods in and Refuse out" of such a huge restaurant/bar complex to be solely through a Fire Escape at the end of a long and narrow alley in a tiny residential Mews.

Name:		Ms Sian Davies	
Address and/or Residents Association:		Grosvenor Gardens Mews East London SW1W 0JW	
Received:	1 October 2015		
Status:	Resident	In support or opposed:	Opposed

I am writing to object to this application on the grounds of 'prevention of public nuisance'.

I live in Grosvenor Mews East which is at the back of the proposed restaurant site. I believe that the proposal is for all deliveries and waste collection will take place at the rear of the property via the mews. The mews is very small and any noise from these activities will cause a serious nuisance to all of the residents especially if they take place after the premises close at midnight or very early in the morning.

In addition, it looks like this will be the staff entrance to the property which will again cause a disturbance as they leave in the early hours of the morning when their shifts end.

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy HRS1 applies:	(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy. (ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.
Policy PB1 applies:	Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.
Policy RNT1 applies:	Applications will generally be granted and reviews determined, subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1.

4. Appendices

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

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

PSP

**PSP Consulting
16 Ledborough Lane
Beaconsfield
HP9 2PZ**

**1 GROSVENOR GARDENS, LONDON SW1W 0BG
(PER29)**

SERVICING MANAGEMENT PLAN

February 2016

**Prepared for
Grosvenor Gardens Leisure Ltd
Faiz Rasool
And
Buchanan Hartley Architects**

CONTENTS

	Page
1.0 Introduction	1
2.0 Background Information	1
3.0 Delivery and Servicing	2
4.0 Waste Management	4
5.0 Summary	7

DRAWINGS

Buchanan Hartley Drawing 0675 L(-)001 - Site Location Plan

Buchanan Hartley Drawing 0675 L(-)201 - Proposed Basement Plan

Buchanan Hartley Drawing 0675 L(-)202B - Proposed Ground Floor Plan

Drawing 706-001 - Preferred Delivery Location (On-Street)

Drawing 706-002 - Service Vehicle Swept Path (Transit or similar)

APPENDICES

Appendix 1 - Planning permission (13/11566/FULL)

Appendix 2 - Supplier Instructions Sheet

1. INTRODUCTION

1. Planning Permission has been granted for the use of the basement and ground floors at 1 Grosvenor Gardens, London, SW1W 0BG as a Restaurant (Class A3). This Servicing Management Plan has been prepared to address Planning Condition 11 of the planning permission 13/1156/FUL (**Appendix 1**), which states:

11. You must submit a detailed Servicing Management Plan for the approval of the City Council in consultation with Transport for London before occupation of the restaurant. The plan must include details of the management of waste, delivery vehicles, number of deliveries, time of deliveries and how deliveries will be managed. The restaurant use must then operate in accordance with the approved Servicing Management Plan.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29, and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 8 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

2. This Servicing Management Plan has been prepared by PSP Consulting (PSP) in accordance with advice from the City of Westminster and current TfL guidance contained in their document entitled: 'Delivery and Servicing Plans - Making Freight Work for You'.

3. As explained by TfL, delivery and servicing plans can provide a framework to make sure that freight vehicle activity is working effectively and to help to:

- Manage deliveries to reduce the number of trips, particularly during peak hours.
- Identify where safe and legal loading can take place.
- Use delivery companies who can demonstrate their commitment to best practice - for example, members of Freight Operator Recognition Scheme (FORS).

4. Delivery and servicing plans can also have advantages for suppliers and the local community, helping to:

- Save time and money.
- Reduce the environmental impact of the operation.
- Improve the safety of the delivery and servicing activity.
- Cut congestion in the local area.
- Ensure the operation is reliably supplied during planned events (such as the 2012 Games).

5. TfL suggest that delivery and servicing plans are updated each time the business or operations change, taking into account such matters as:

- Looking at where legal loading can take place.
- Using suppliers and freight operators who can demonstrate their commitment to best practice - for example, those accredited to FORS.
- Consolidating deliveries so fewer journeys are needed.
- Using more sustainable delivery methods.
- Working with other businesses or buildings in the area.
- Work with your suppliers to discuss the mutually beneficial options for receiving your goods or services.

2. BACKGROUND INFORMATION

6. The Planning Statement prepared by Buchanan Hartley Architects which accompanied planning application 13/11566/FULL explains that the existing building is a Grade II Listed Building, situated at the south east corner of the road junction between Grosvenor Gardens and Lower Grosvenor Place (see **Site Location Plan**). Pedestrian access is gained via a short flight of steps up to the Lobby and main entrance doors on Grosvenor Gardens. Other than via Grosvenor Gardens Mews East there is no vehicular access to the building. The upper four floor levels comprise residential accommodation, known as 1A Grosvenor Gardens, accessed via a flight of steps to a separate entrance on Lower Grosvenor Place. Both the above entrances and the door/fire exit to the rear yard and the Mews are shown on the **Proposed Ground Floor Plan**.

7. The Buchanan Hartley Design and Access Statement, also prepared to support the planning application, sets out at Section 7, the deliveries and waste disposal provision for the Restaurant, as follows:

- A goods reception and waste storage area is located at the rear of the premises at basement level, accessed directly off the main basement circulation route;
- A goods hoist is located within this area for the conveyance of goods and waste between basement floor level and ground level in the rear yard giving access to Grosvenor Gardens Mews East;
- Deliveries will be carried out via the Mews with incoming supplies / goods being transported manually from the delivery vehicle to the head of the service hoist; and
- The restaurant management will have a contract with an independent waste removal / recycling contractor for the daily removal of all kitchen and other waste, via the same procedure as above, in reverse.

8. The Buchanan Hartley **Proposed Ground Floor Plan** shows the main entrance to the restaurant from the corner of Grosvenor Gardens and Lower Grosvenor Place. This drawing also shows the staff entrance off Lower Grosvenor Place and the service / delivery access via the rear yard and the Mews.

3. DELIVERY AND SERVICING PROPOSALS

9. The aim of this Servicing Management Plan is to ensure that the right goods are delivered to the right place at the right time, as efficiently and as effectively as possible.

10. It is expected that there will be up to 5 deliveries per day to service the requirements of the fully operational Restaurant. These deliveries will take place between 0730hrs and 1600hrs on each weekday and between 0800hrs and 1300hrs on a Saturday. There will be no deliveries or collections on Sundays and Bank Holidays.

11. As shown on the **Site Location Plan** and as explained on the Supplier Instructions Sheet (**Appendix 2**), all deliveries will arrive and depart via Beeston Place. Vehicles can arrive at Beeston Place by two routes: southbound on Grosvenor Place and then turning left into Lower Grosvenor Place; or northbound on the A302 Grosvenor Gardens one-way system turning right into Lower Grosvenor Place. From Lower Grosvenor Place, Beeston Place is a right turn and is one-way southbound. Grosvenor Place, Lower Grosvenor Place and Grosvenor Gardens are TfL Red Routes where stopping, loading and unloading is not permitted.

12. A number of local establishments currently have their deliveries and servicing on-street from Beeston Place, particularly the Goring Hotel. The most likely point for loading and unloading associated with the Restaurant is on-street, just to the north of the Mews and on the west side of Beeston Place, as shown on **Drawing 706-001**. This is on the opposite side of the road and to the north of the usual delivery locations for the Goring Hotel and, given the small number of deliveries associated with the Restaurant, should not cause any conflict with the Goring Hotel servicing activities.

13. Larger delivery lorries will wait at the kerb side and incoming supplies will be transported manually from the delivery vehicle to the Restaurant rear yard adjacent to the service hoist, a distance of approximately 45 metres. Smaller delivery vehicles (Transit van or similar) will be able to reverse into the Mews and back up to the rear yard to unload (see **Drawing 706-002**).

14. Mews by their very nature are shared surfaces and residents and users will be aware of the likelihood of vehicular activity; reversing cannot be avoided in situations such as this type of Mews in London. As explained on the Supplier Instructions Sheet (**Appendix 2**) the Restaurant designated Banksman will guide drivers when reversing to enter or leave the Mews and when moving along the Mews.

15. The Restaurant Banksman will receive appropriate training, in accordance with the Health and the May 2013 Safety Executive leaflet INDG199(rev2). It is particularly important that a clear and recognised system for reversing is adopted; that the Restaurant Banksman is clearly visible to the delivery drivers at all times; and that the Banksman stands in a safe position throughout the reversing operation.

16. A copy of the Supplier Instructions Sheet, bearing the Restaurant Manager's contact details, will be provided to Mews residents and occupiers.

17. The Restaurant Manager will be responsible for confirming all orders of food, drink and consumables and for arranging laundry collections and deliveries. Orders will initially be placed on a daily basis and an on-line booking system will be established so that the suppliers can log their delivery time. This will make sure that deliveries do not arrive at conflicting times and thus that the time to undertake the delivery is optimised.

18. As the booking and delivery system settles down, suppliers will be asked to complete a supplier feedback form to consider how the delivery and servicing process can be made more efficient and more effective.

19. Planned events will be organised within the above delivery and servicing framework. Any abnormal activities will be discussed in advance with the Council, neighbouring residents and neighbouring businesses.

4. WASTE MANAGEMENT

20. The waste storage area is located at the rear of the premises at basement level, adjacent to the goods hoist (see **Proposed Basement Plan**) giving access to the rear yard and Grosvenor Gardens Mews East.

21. The restaurant will have a contract with an independent waste removal / recycling contractor for the daily removal of all kitchen and other waste, via the Mews. It is unlikely that refuse vehicles can reverse into the Mews and black bags and recycling containers will be transported manually to the refuse vehicle for loading on Beeston Place (see **Drawing 706-001**) .

22. It is expected that there will be 1 refuse and recycling collection per day to service the requirements of the fully operational Restaurant. These collections will take place between 0730hrs and 1600hrs on each weekday and between 0800hrs and 1300hrs on a Saturday. There will be no collections on Sundays and Bank Holidays.

23. As shown on the **Site Location Plan** and as explained on the Supplier Instructions Sheet (**Appendix 2**), all refuse/recycling vehicles will arrive and depart via Beeston Place. Vehicles can arrive at Beeston Place by two routes: southbound on Grosvenor Place or northbound on the A302 Grosvenor Gardens one-way system turning right into Lower Grosvenor Place. Waste/recycling contractors must bear in mind that Grosvenor Place, Lower Grosvenor Place and Grosvenor Gardens are TfL Red Routes where stopping is not permitted.

24. As discussed above, a number of local establishments are currently serviced on-street from Beeston Place, particularly the Goring Hotel. The one refuse/recycling collection per day for the Restaurant, should not cause any conflict with the Goring Hotel servicing activities.

25. Contractor's vehicles will wait at the kerb side (see **Drawing 706-001**) and waste and recycling bags/containers will be transported manually from the Restaurant rear yard, along Grosvenor Gardens Mews East, to the vehicle waiting in Beeston Place, a distance of approximately 45 metres.

26. The Restaurant Manager will be responsible for confirming refuse and recycling collection arrangements, in accordance with the Suppliers Instructions Sheet at **Appendix 2**. Collections will be confirmed via the Restaurant's on-line booking system which will enable all suppliers to log their arrival time. This will make sure that collections and deliveries do not arrive at conflicting times and thus that the time to undertake the collection or delivery is optimised.

27. A copy of the Supplier Instructions Sheet, bearing the Restaurant Manager's contact details, will be provided to Mews residents and occupiers.

28. Contractors will be asked to complete a supplier feedback form to consider how the delivery and servicing process can be made more efficient and more effective.

5. SUMMARY

29. This Servicing Management Plan has been prepared to address Planning Condition 11 of the planning permission for the use of the basement and ground floors at 1 Grosvenor Gardens, London, SW1W 0BG as a Restaurant. This Planning Condition requires the submission of a detailed Servicing Management Plan for the approval of the City Council in consultation with Transport for London before occupation of the restaurant. The plan must include details of the management of waste, delivery vehicles, number of deliveries, time of deliveries and how deliveries will be managed. The restaurant use must then operate in accordance with the approved Servicing Management Plan.

30. This Servicing Management Plan has been prepared in accordance with advice from the City of Westminster and current TfL guidance contained in their document entitled: 'Delivery and Servicing Plans - Making Freight Work for You'.

31. The Delivery and Servicing proposals and Waste Management strategy set out in this Servicing Management Plan (SMP) have been prepared as a non-technical everyday document for use by the future operators of the Restaurant. It considers what needs be delivered, in what form, when, by whom and clearly identify the delivery and collection process, storage locations, and the scheduling of deliveries linked to staffing arrangements.

32. The web-based delivery and collection arrangements, and Suppliers Instructions Sheet, explain how day to day deliveries and collections will occur and how the delivery vehicle size will be managed such that the time spent on the public highway will be minimised. The Servicing Management Plan will be kept under constant review and is intended to be effectively a good practice guide for the Restaurant operators.

PSP/February 2016.

DRAWINGS

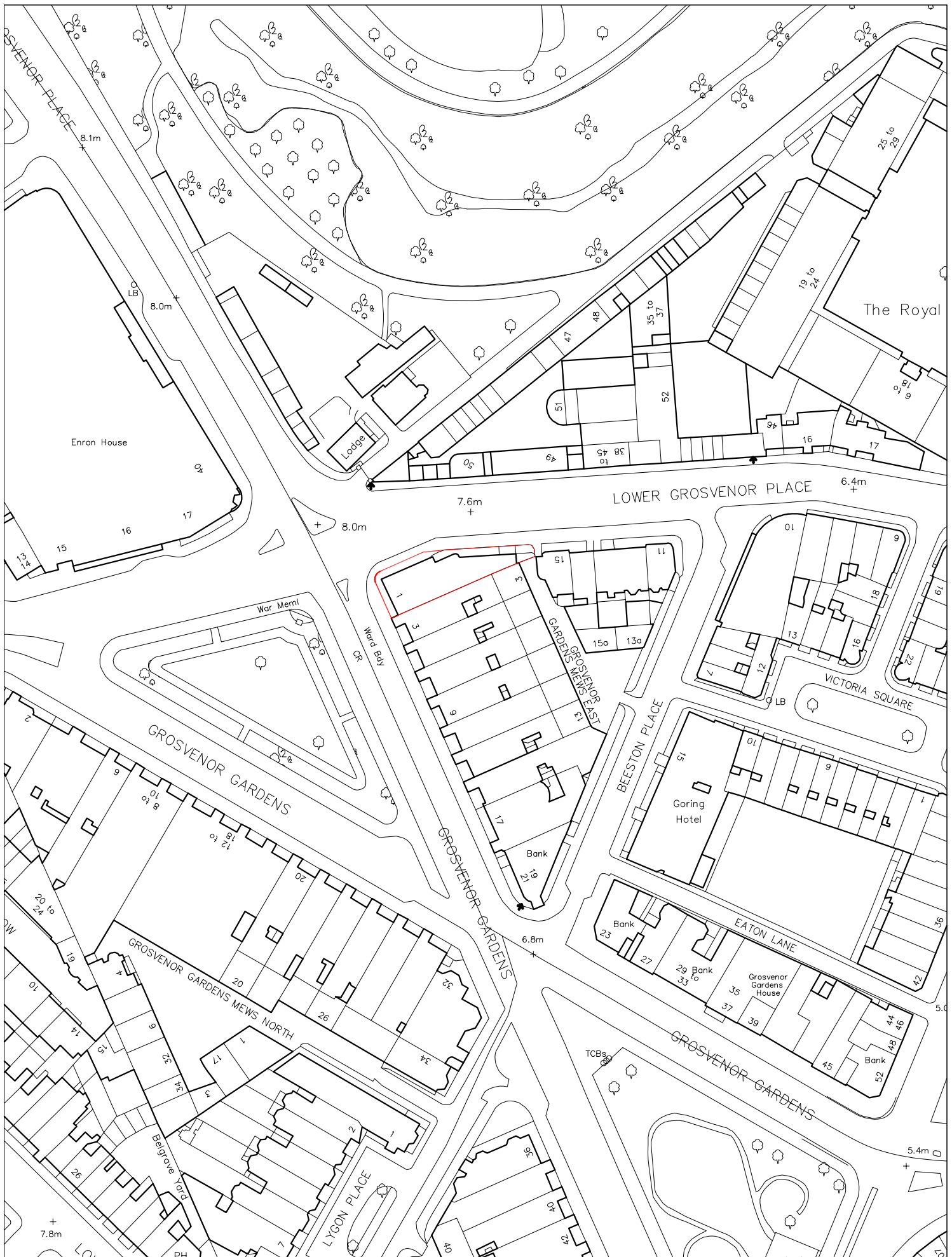
Buchanan Hartley Drawing 0675 L(-)001 - Site Location Plan

Buchanan Hartley Drawing 0675 L(-)201 - Proposed Basement Plan

Buchanan Hartley Drawing 0675 L(-)202B - Proposed Ground Floor Plan

Drawing 706-001 - Preferred Delivery Location (On-Street)

Drawing 706-002 - Service Vehicle Swept Path (Transit or similar)

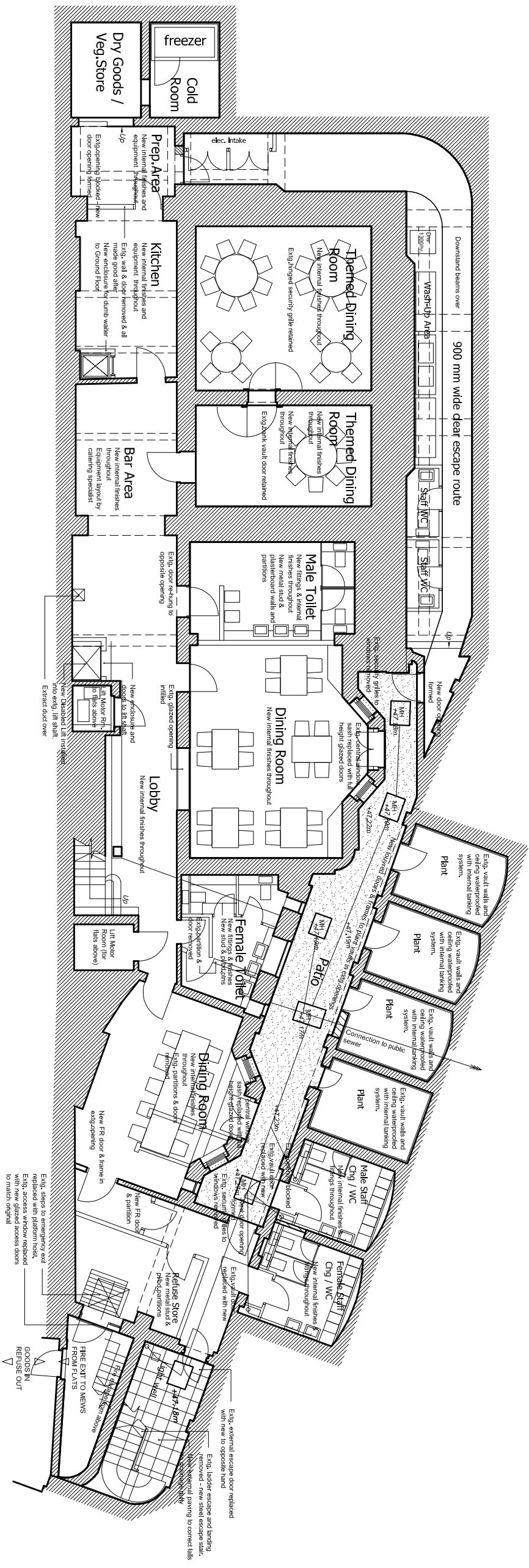
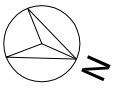


BUCHANAN ASSOCIATES
architects • interior designers

13 Grosvenor Gardens
London SW1W 0BD
t: 020 7592 7247
f: 020 7828 5663
email: mail@buchananarchitects.co.uk

TITLE
Mr F Rasool
1 Grosvenor Gardens SW1W 0BD
Site Location Plan **page 25**

DATE	13.08.2012	SCALE	1:1250
DRAWN	GEJ	CHECKED	-
PROJECT NO	0675	DRAWING NO	L(-) 001
		REV	--



Rev	Description	Drawn By	Checked By

Planning

Scale	1:100@A2
Date	18.11.2013
Drawn	Checked
Project No	6675
Sheet No	L(-) 201

Client
Mr. Faiz Rasool

Project
1 Grosvenor Gdns London SW1W 0BD
Proposed Restaurant

Architect
Buchanan Hatley Architects Ltd
21 Grosvenor Gardens London SW1W 0BD
T: 020 7902 7227
F: 020 7902 7227
E: info@bh-a.com

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DO NOT SCALE FROM THIS DRAWING



VEHICLE DETAILS:

Green line shows body
Orange line shows axle/wheels

7.5T BOX VAN

Overall Length	8.010m
Overall Width	2.100m
Overall Body Height	3.556m
Min Body Ground Clearance	0.351m
Track Width	2.064m
Lock to Lock Time	4.00s
Kerb to Kerb Turning Radius	7.400m

Design speed 5kph for all Forward movements
Design speed 2.5kph for all Reverse movements

Rev	Date	Description	Drn	Chk	App
-	07/12/15	ORIGINAL ISSUE	AS	PG	PG

This drawing has been specifically prepared to meet the requirements of the named client and may contain design and innovative features which differ from conventional design standards.

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Drawing produced on behalf of:

PSP consulting

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E: Patrick.Gurner@pspconsulting.co.uk

Client WORKING ON BEHALF OF

MR FAIZ RASOOL AND CALABRESE HOUSE

Project

1 GROSVENOR GARDENS LONDON

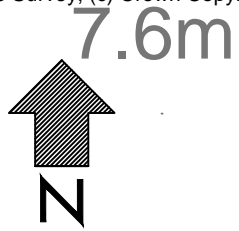
Drawing Title

KERBSIDE DELIVERIES
USING A 7.5T BOX VAN

Drawing Status

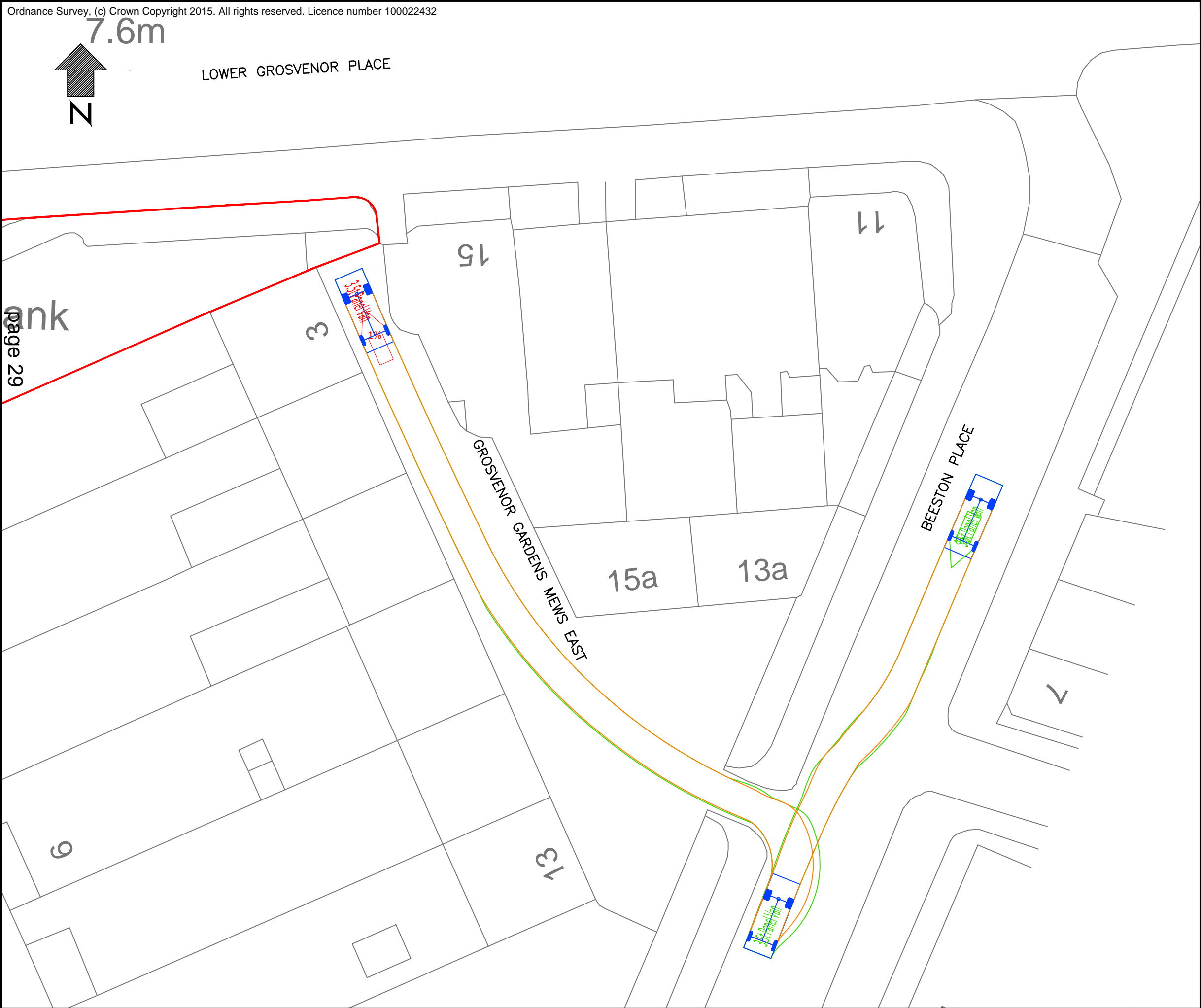
FOR INFORMATION

Drawn AS	Designed PG	Date DEC 2015	Scale 1:500	Size A3
Drawing No. 706-001				Rev -

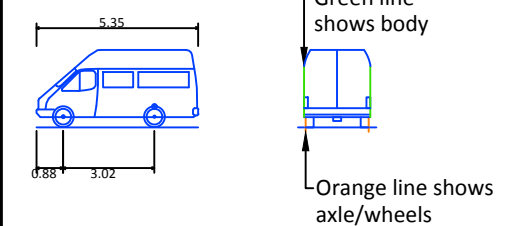


LOWER GROSVENOR PLACE

ank
page 29



VEHICLE DETAILS:



3.5T PANEL VAN

Overall Length	5.350m
Overall Width	1.970m
Overall Body Height	2.562m
Min Body Ground Clearance	0.335m
Max Track Width	1.970m
Lock to Lock Time	4.00s
Kerb to Kerb Turning Radius	5.850m

Design speed 5kph for all Forward movements
Design speed 2.5kph for all Reverse movements

Rev	Date	Description	Drn	Chk	App
-	07/12/15	ORIGINAL ISSUE	AS	PG	PG

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Client WORKING ON BEHALF OF

MR FAIZ RASOOL AND CALABRESE HOUSE

Project

1 GROSVENOR GARDENS LONDON

Drawing Title

SWEPT PATH ANALYSIS USING A 3.5T PANEL VAN

Drawing Status

FOR INFORMATION

Drawn AS	Designed PG	Date DEC 2015	Scale 1:250	Size A3
Drawing No. 706-002				Rev -

APPENDIX 1

Appendix 1 - Planning permission (13/11566/FULL)



Your ref: MR FAIZ RASOOL
My ref: 13/11566/FULL

Please reply to: Vincent Nally
Tel No: 020 7641 5947
Email: southplanningteam@westminster.gov.uk

Derek Wickenden
Buchanan Associates Architects Ltd
13 Grosvenor Gardens
London
SW1W 0BD

Development Planning
Westminster City Hall
64 Victoria Street
London SW1E 6QP

1 May 2014

Dear Sir/Madam

**TOWN AND COUNTRY PLANNING ACT 1990
PERMISSION FOR DEVELOPMENT (CONDITIONAL)**

The City Council has considered your application and permits the development referred to below subject to the conditions set out and in accordance with the plans submitted.

Unless any other period is stated in the Schedule below or by conditions attached; this consent, by virtue of Section 91(1) of the Town and Country Planning Act 1990 (as amended), is granted subject to the condition that the development shall be commenced within 3 years of the date of this decision.

Your attention is drawn to the enclosed Statement of Applicant's Rights and General Information.

SCHEDULE

Application No:	13/11566/FULL	Application Date:	19.11.2013
Date Received:	20.11.2013	Date Amended:	16.12.2013
Plan Nos:	L(--)-001; L(--)-101; L(--)-102; L(--)-103; L(--)-104; L(--)-201; L(--)-202B; L(--)-203B; L(--)-204B; 17276a_01_P RevB; Environmental Noise Survey and NPPF Assessment; Ventilation and Extract Statement; Planning Statement; Impact Assessment; Design and Access Statement.		
Address:	1 Grosvenor Gardens, London, SW1W 0BG,		
Proposal:	Use of basement and ground floors as restaurant (Class A3). Installation of glazed doors and new escape stair within basement lighwell and plant within basement vaults.		

See next page for conditions/reasons.

Yours faithfully

Rosemarie MacQueen
Strategic Director Built Environment

Note - As the requirements of the Building Regulations may impact on the design of the proposed development, our Building Control team can offer advice and guidance at an early stage. If you would like to take advantage of this free service please contact **020 7641 7230** to arrange a preliminary discussion.

**Condition(s):**

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 You must carry out any building work which can be heard at the boundary of the site only:

- * between 08.00 and 18.00 Monday to Friday;
- * between 08.00 and 13.00 on Saturday; and
- * not at all on Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours. (C11AA)

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Grosvenor Gardens Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan: Strategic Policies adopted November 2013 and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 4 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its

Note:

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- The terms 'us' and 'we' refer to the Council as local planning authority.





noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;
- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan: Strategic Policies adopted November 2013, by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 5 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration.

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- 6 The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise.

- 7 Customers shall not be permitted within the restaurant premises before 0700 or after 2400 each day. (C12AD)

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7 and TACE 8 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 8 You must not allow more than 150 customers into the restaurant at any one time. (C05HA)

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE 8 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 9 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number L(--)-201. You must clearly mark them and make them permanently available and used for no other purpose.

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 10 You must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

- 11 You must submit a detailed Servicing Management Plan for the approval of the City Council in consultation with Transport for London before occupation of the restaurant. The plan must include details of the management of waste, delivery vehicles, number of deliveries, time of deliveries and how deliveries will be managed. The restaurant use must then operate in accordance with the approved Servicing Management Plan.

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Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S24, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 8 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 12 You must apply to us for approval of details of secure cycle storage for the restaurant use. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation and make it available at all times to everyone using the restaurant. You must not use the cycle storage for any other purpose.

Reason:

To provide cycle parking spaces for people using the development as set out in TRANS 10 of our Unitary Development Plan that we adopted in January 2007.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You may need to get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 if you want to put up an advertisement at the property. (I03AA)
- 3 Please contact our Environmental Health Service (020 7641 2971) to register your food business and to make sure that all ventilation and other equipment will meet our standards. Under environmental health law we may ask you to carry out other work if your business causes noise, smells or other types of nuisance. (I06AA)
- 4 Please contact our Environmental Health Service (020 7641 2000) to make sure you meet their requirements under the Control of Pollution Act 1974 and the Environmental Protection Act 1990. (I07AA)
- 5 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 6 Please contact our District Surveyors' Services to discuss how you can design for the inclusion of disabled people. Email: districtsurveyors@westminster.gov.uk. Phone 020 7641 7240 or 020 7641 7230. If you make a further planning application or a building regulations application which relates solely to providing access or facilities for people with disabilities, our normal planning and building control fees do not apply.

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The Equality and Human Rights Commission has a range of publications to assist you, see www.equalityhumanrights.com. The Centre for Accessible Environment's 'Designing for Accessibility', 2004, price £22.50 is a useful guide, visit www.cae.org.uk.

If you are building new homes you must provide features which make them suitable for people with disabilities. For advice see www.habinteg.org.uk

It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.

- 7 You must make sure that any other activities taking place in the class A3 (restaurant or café) premises, such as small amounts of takeaway sales or small bar areas, are so minor that they do not alter the main use as a restaurant or café. If the scale of one or more of these extra activities is more substantial than this, it is likely that a material (significant) change of use (from class A3 to a mix of uses) will have taken place, which will need a new planning permission. (I61BA)
- 8 Conditions 4 and 5 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 9 You should contact Transport for London (TfL) due to Grosvenor Gardens and Lower Grosvenor Place being part of the TfL Road Network. TfL is the highway authority and may have their own requirements. Please contact Tom Wilson on 020 3054 7044.

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City of Westminster

TOWN AND COUNTRY PLANNING ACT 1990 PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990

Applicant's Rights and General Information

1. Applicant's Rights (refusals and conditional approvals)

a) *Appeals to the Planning Inspectorate*

If your application has been **refused** by the City Council or **granted subject to conditions** that you are not happy with, you have the right to appeal to the Planning Inspectorate (under Section 78 of the Town and Country Planning Act 1990 or Section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990). The Planning Inspectorate is an Executive Agency reporting to the Secretary of State for Communities and Local Government.

The time limits for submitting an appeal may vary. The period after the date of the City Council's decision within which an appeal must be received by the Secretary of State is:

- **8 weeks** in the case of an appeal against refusal of advertisement consent.
- **12 weeks** in the case of appeals made under s78(1) against refusal of any 'householder application' – that is,
 - refusal of an application for planning permission to alter or extend a house, or for works within the curtilage of a house.
 - refusal to approve details submitted as required by a condition imposed on a permission granted for a householder application.
- **12 weeks** in the case of 'minor commercial applications that is,
 - refusal of an application for development of an existing building or part of a building currently in use for any purposes in Classes A1, A2, A3, A4 and A5 where the proposal does not include a change of use, a change to the number of units, development that is not wholly at ground floor level and/or does not increase the gross internal area of the building.
- **6 months** in the case of all other appeals made under s78(1) or s20 of the above Acts relating to a decision on a planning application or listed building/conservation area consent application. The 6 month time limit also applies to any appeal made under s78(2) of the Act in respect of a failure to give a decision within the statutory period.

If you want to appeal, you must use the correct appeal form from the following list: Planning, Householder, Minor Commercial, Listed Building Consent or Certificate of Lawful Use or Development.

The Planning Inspectorate has an online appeals service: www.planningportal.gov.uk/pcs. The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the application form and associated documents and the completed appeal documents. Please ensure that you only provide information, including personal information, that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure that you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal. Alternatively, you can obtain a form from the **Planning Inspectorate, 3/08a, Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN Tel: 0117 372 8000 Fax: 0117 372 8443**. An extension of time for lodging an appeal is unlikely to be granted except in special circumstances. There is a guide and other useful advice about appeals on line at www.planningportal.gov.uk/pcs.

APPENDIX 2

Appendix 2 - Supplier Instructions Sheet

RESTAURANT AT 1 GROSVENOR GARDENS LONDON

SUPPLIER INSTRUCTIONS SHEET SERVICING MANAGEMENT PLAN APPENDIX 2

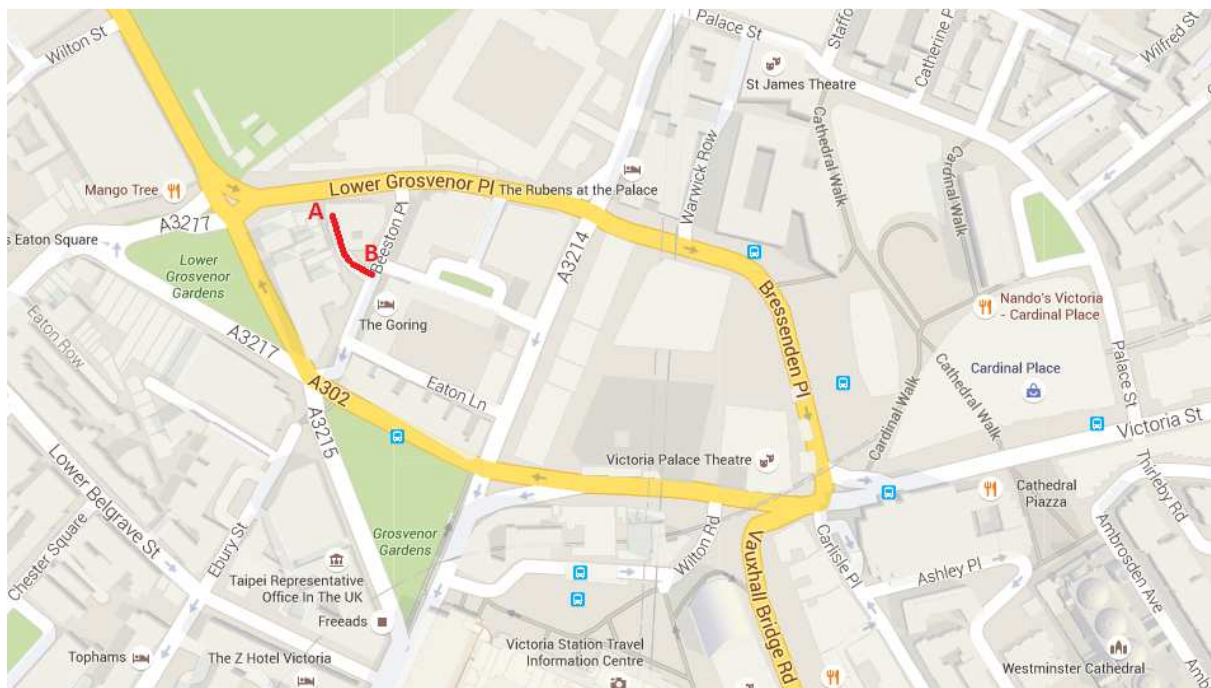
1. The Restaurant Manager will be responsible for placing and confirming all orders for food, drink and consumables and for arranging laundry collections and deliveries. The Restaurant Manager will also arrange all waste and recycling collections.

- Restaurant Manager mobile telephone no. - 07xxxxxxxx
- Restaurant Manager land line telephone no. - 020 xxxx xxxx

2. Orders will be placed on a daily basis and, once their orders are confirmed, suppliers must log their delivery/collection time via the Restaurant on-line booking system (see below), for every delivery. This will make sure that deliveries do not arrive at conflicting times and thus that the time to undertake the delivery is optimised.

- Restaurant on-line booking system - www.1GrosvenorGardens.co.uk

3. All deliveries and collections will arrive at Point B on the plan below (post code **SW1W xxx**) and load/unload at the kerbside as shown on **Drawing 760-001** (attached)



4. All deliveries will arrive and depart via Beeston Place. Vehicles can arrive at Beeston Place by two routes: southbound on Grosvenor Place and then turning left into Lower Grosvenor Place; or northbound on the A302 Grosvenor Gardens one-way system turning right into Lower Grosvenor Place. From Lower Grosvenor Place, Beeston Place is a right turn and is one-way southbound. Grosvenor Place, Lower Grosvenor Place and Grosvenor Gardens are TfL Red Routes where stopping, loading and unloading is not permitted.

5. Deliveries and collections will take place between 0700hrs and 1600hrs on each weekday and between 0800hrs and 1300hrs on a Saturday. There will be no deliveries or collections on Sundays and Bank Holidays.

6. Larger delivery lorries will wait at the kerb side and incoming supplies will be transported manually from the delivery vehicle to the Restaurant rear yard adjacent to the service hoist, a distance of approximately 45m (Point B to Point A on the above plan). Smaller delivery vehicles (Transit or similar) will be able to reverse into the Mews and back up to the rear yard at Point A to unload (see also attached **Drawing 706-002**).

7. Before leaving Point B, suppliers must ensure that they are accompanied and supervised by the Restaurant Banksman who will guide drivers when reversing to enter or leave the Mews and when moving along the Mews. The Restaurant Manager (on the above phone numbers) will despatch the Banksman when requested by the delivery driver. The Restaurant Banksman will make sure that he is clearly visible to the delivery drivers at all times and he will stand in a safe position throughout the reversing operation.

8. On a monthly basis, suppliers will be asked to complete a feedback form, via the above Restaurant website, to consider:

- is the on-line booking system operating successfully;
- rescheduling deliveries outside of peak hours;
- whether it would be practical to have larger deliveries, less often;
- can we consolidate/reduce suppliers, waste and recycling collections;
- are there improvements that could be considered;
- should targets be introduced;
- is it possible for cooperative working with tenants and neighbours;
- can the supplier use low or no emission vehicles;

- is the location map appropriate and are the contacts accessible;
- do you operate under the FORS Freight Operator Recognition System;

PSP/December 2015

There is no licence or appeal history for the premises

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

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

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

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

Mandatory Conditions

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

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

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

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

- 8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 8(ii) For the purposes of the condition set out in paragraph 8(i) above -
- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -
- $$P = D + (D \times V)$$
- Where -
- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Conditions consistent with the operating schedule

9. Save for the area hatched black on the plan, the supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
10. Substantial food and non-intoxicating beverages, including drinking water shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
11. The venue will install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the venue is open for licensable activities for a period of 31 days with date and time stamping. Recordings shall be made available, immediately upon the request of Police or authorised officer throughout the preceding 31 days.
12. A staff member from the Premises who is conversant with the operation of the CCTV system shall be on the Premises at all times when the Premises is open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
13. Challenge 21, a 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.
14. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - i) all crimes reported to the venue
 - ii) all ejections of patrons
 - iii) any complaints received
 - iv) any incidents of disorder
 - v) all seizures of drugs or offensive weapons
 - vi) any faults in the CCTV system
 - vii) any refusal of the sale of alcohol
 - viii) any visit by a relevant authority or emergency service.
15. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance. **Alternative at condition 28**
16. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
17. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
18. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23:00 and 08:00 hours on the following day. **Alternative to condition 29**

19. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises and that this area shall be swept and or washed and litter and sweeping collected and stored in accordance with the approved refuse storage arrangements by close of business.
20. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a sexual entertainment Venue Licence.
21. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke shall not be permitted to take drinks or glass containers with them.
22. The number of persons accommodated at the premises (excluding staff) shall not exceed []. **Alternative at condition 27**
23. The licence will have no effect until the Licensing authority are satisfied that the premises is constructed or altered in accordance with the appropriate provisions of the district Surveyor's Association – technical Standards for Paces of Entertainment and the reasonable requirements of Westminster environmental Health Consultation team, at which time this condition will be removed from the licence.

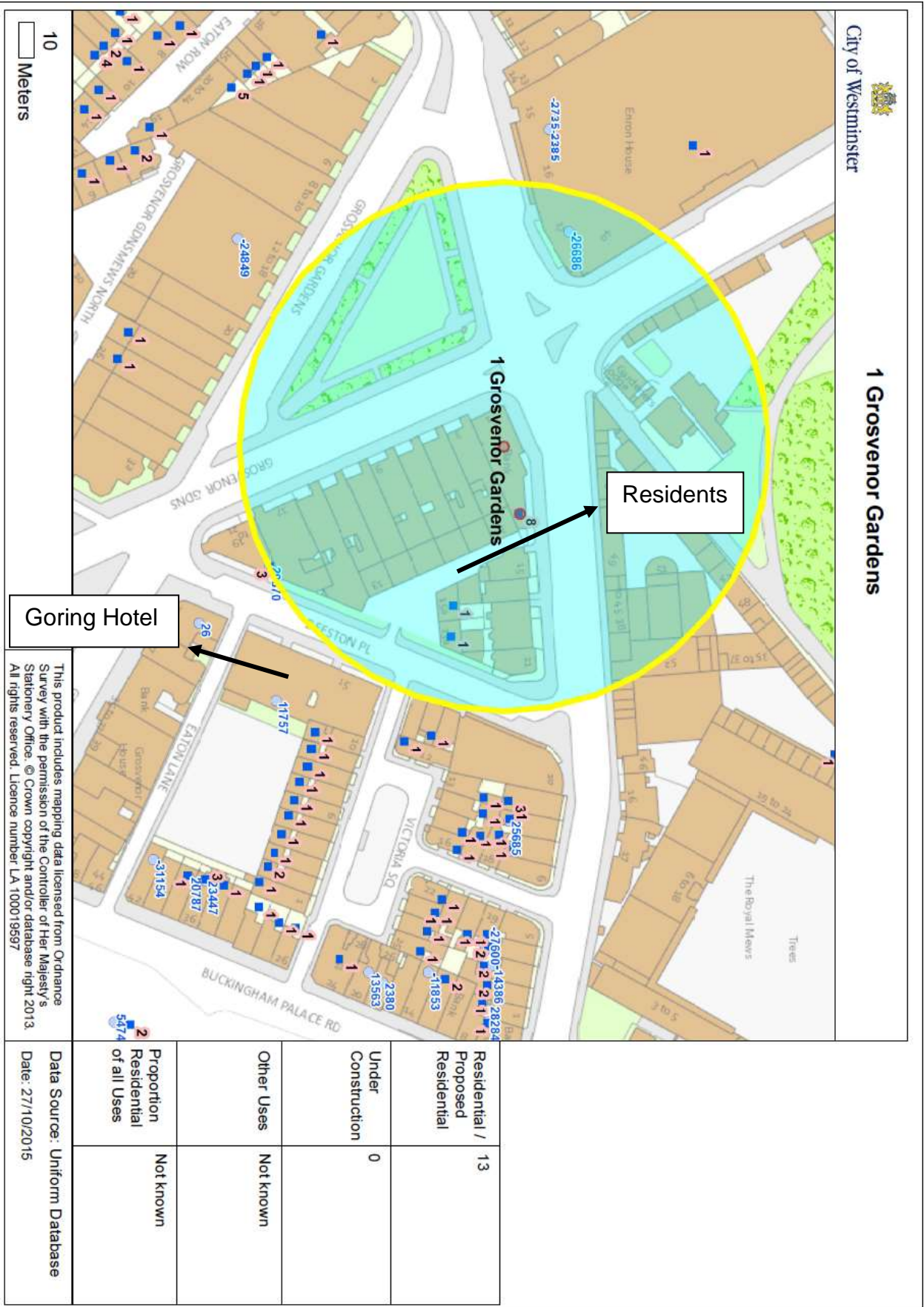
Conditions agreed with the Police

24. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.
25. The supply of alcohol for consumption 'On' the premises shall be by waiter/waitress or bar service only.
26. There shall be no supply of alcohol for consumption 'Off' the premises after 22.00 hours.

Conditions proposed by the Environmental Health

27. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed
 - i. Ground Floor xxx persons.
 - ii. Basement xxx persons.
28. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
29. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 08.00 hours on the following day.
30. No deliveries to the premises shall take place between 21.00 and 08.00 hours on the following day.

31. The emergency exit door leading onto Grosvenor Gardens Mews East shall be self-closing and remain closed when the premises are operating under the authority of the licence.
32. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
33. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
34. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
35. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
36. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
37. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.



Premises within 75 metres of 1 Grosvenor Gardens			
p / n	Name of Premises	Premises Address	Opening Hours
29370	Kouzu Japanese Restaurant	19 - 21 Grosvenor Gardens London SW1W 0DH	Monday to Sunday 12:00 - 23:00
-26688	The Mango Tree	46 Grosvenor Place London SW1X 7EQ	Monday to Friday 10:00 - 00:30 Saturday 10:00 - 01:30 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 th January 2011
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Acknowledgement and service	7 September 2015
5	Application form	7 September 2015
6	Application notice	7 September 2015
7	Copy of blue notice	7 September 2015
8	Mailing list	7 September 2015
9	Resident notification to print room	7 September 2015
10	Plan	7 September 2015
11	Goring Hotel representation	29 September 2015
12	U Claxton representation	30 September 2015
13	Nicholas Pestana representation	1 October 2015
14	Sean Stowell representation	1 October 2015
15	Imogen Badley representation	1 October 2015
16	Sian Davies representation	1 October 2015
17	U Claxton supporting representation	2 October 2015
18	Environmental Health representation	2 October 2015
19	Police representation, conditions and withdrawal	7 October 2015
20	Notification of hearing to applicant	27 October 2015
21	Notification of hearing to objectors	27 October 2015
22	Proposed Environmental Health conditions	4 November 2015
23	Revised hearing notification	16 February 2016
24	Applicant submission	16 February 2016

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City of Westminster

Licensing Sub-Committee Report

Agenda Item 2

Item No:	
Date:	3 March 2016
Licensing Ref No:	15/11886/LIPV - Premises Licence Variation
Title of Report:	Shaftesbury Food And Wine Avenue House 25-27 Shaftesbury Avenue London W1D 7EQ
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Mr Darren O'Leary Senior Licensing Officer
Contact details	Telephone: 02076417824 Email: doleary@westminstergov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	17 December 2015		
Applicant:	The Chelsea Food And Wine Company Limited		
Premises:	Shaftesbury Food And Wine		
Premises address:	Avenue House 25-27 Shaftesbury Avenue London W1D 7EQ	Ward:	West End
		Cumulative Impact Area:	West End
Premises description:	The premises operates as a shop / convenience store and has held a premises licence since 2013.		
Variation description:	To vary the existing premises licence so as to extend Late Night Refreshment to 01:00 Monday to Sunday. No other changes are sought.		
Premises licence history:	The premises has been licensed for off-sales of alcohol since October 2013.		
Applicant submissions:	None		

1-B Current and proposed licensable activities, areas and hours

Late night refreshment						
Indoors, outdoors or both	Current :				Proposed:	
	Both				No change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	23:30	23:00	01:00	Ground floor	No change
Tuesday	23:00	23:30	23:00	01:00	Ground floor	No change
Wednesday	23:00	23:30	23:00	01:00	Ground floor	No change
Thursday	23:00	23:30	23:00	01:00	Ground floor	No change
Friday	23:00	00:00	23:00	01:00	Ground floor	No change
Saturday	23:00	00:00	23:00	01:00	Ground floor	No change
Sunday	N/A	N/A	23:00	01:00	Ground floor	No change
Seasonal variations:	Current:				Proposed:	
	None				No change	
Non-standard timings:	Current:				Proposed:	
	None				No change	

Sale by Retail of Alcohol						
On or off sales			Current :			Proposed:
			Off sales			No change
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	08:00	23:00	No change		Ground floor	No change
Tuesday	08:00	23:00	No change		Ground floor	No change
Wednesday	08:00	23:00	No change		Ground floor	No change
Thursday	08:00	23:00	No change		Ground floor	No change
Friday	08:00	23:00	No change		Ground floor	No change
Saturday	08:00	23:00	No change		Ground floor	No change
Sunday	12:00	22:30	No change		Ground floor	No change
Seasonal variations:	Current:			Proposed:		
	None			None		
Non-standard timings:	Current:			Proposed:		
	None			None		

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	07:00	01:00	No change		Ground floor	No change
Tuesday	07:00	01:00	No change		Ground floor	No change
Wednesday	07:00	01:00	No change		Ground floor	No change
Thursday	07:00	01:00	No change		Ground floor	No change
Friday	07:00	01:00	No change		Ground floor	No change
Saturday	07:00	01:00	No change		Ground floor	No change
Sunday	07:00	01:00	No change		Ground floor	No change
Seasonal variations:	Current:			Proposed:		
	None			None		
Non-standard timings:	Current:			Proposed:		
	None			None		

1-C Layout alteration
None applied for.

1-D Conditions being varied, added or removed	
Condition	Proposed variation
The existing conditions are deemed to promote the licensing objectives.	No changes sought.

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health
Representative:	Mr Anil Drayan
Received:	12 th January 2016
<p>The increase in hours requested may have the likely effect of increasing Public Nuisance in the West End Cumulative Impact Area.</p> <p>The hours requested are also against policy FFP2 as stated in Westminster's Statement of Licensing policy as they are beyond the 'core' hours.</p> <p>It is also unclear if the premises have undergone refurbishment for the proposed use as the existing licence still has the 'works' condition attached on it (Condition 20). The premises will therefore need to be inspected for Public Safety.</p> <p>The applicant is requested to contact the undersigned to arrange a site visit after which Environmental Health may propose additional conditions to allay its concerns.</p>	
Responsible Authority:	Metropolitan Police Service
Representative:	PC Reaz Guerra
Received:	14 January 2016
<p>With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be objecting to this application as it is our belief that if granted the application would undermine the Licensing Objectives.</p> <p>The venue is situated in the West End 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.</p> <p>An officer from this unit will be in contact with you shortly to discuss the application. However it is for the applicant to prove that this application will not add to the cumulative impact problems already experienced in this area.</p> <p>It is for these reasons that we are objecting to the application.</p>	

2-B Other Persons			
Name:		Mr David Gleeson	
Address and/or Residents Association:		The Soho Society St Anne's Tower 55 Dean Street London W1D 6AF	
Status:	Valid	In support or opposed:	Opposed
Received:	13 January 2016		
<p>I write to make a relevant representation to the above application on behalf of The Soho Society.</p> <p>The Soho Society objects to this application as it is currently presented, on the grounds of prevention of public nuisance, prevention of crime and disorder and cumulative impact in the West End Stress Area.</p> <p><u>Hours of operation</u> The proposal includes the late night refreshment licensable activity outside of Westminster core hours. The premises are in the West End Stress Area. There are private homes nearby and residents in the immediate area are subject to noise and general nuisance every night of the week. We therefore feel it is necessary to keep the operating hours within defined core hours, namely Monday to Thursday 10am – 11.30pm, Friday and Saturday 10 am – 12 midnight and Sunday 12 noon – 10.30 pm.</p> <p><u>Licensing policy</u> This area has been identified by the Westminster City Council (2.4.1 of the Statement of Licensing Policy, as amended) as under stress because the cumulative effect of the concentration of late night and drink led premises and night cafes has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses.</p> <p>The policies in relation to the stress areas are directed at the global and cumulative effects of licences on the area as a whole (2.4.5 of the policy). The policies are intended to be strict and will only be overridden in genuinely exceptional circumstances (2.4.2 of the policy). The growth in the entertainment industry in Soho has led to a marked deterioration in the quality of life and well-being of local residents and it has jeopardised the sustainability of the community. Soho has a substantial residential community and many of these residents suffer from problems such as, but not limited to, high levels of noise nuisance, problems with waste, urinating and defecating in the streets, threats to public safety, anti-social behaviour, crime and disorder and the change in character of historic areas. For the reasons I have set out, we believe that the application, if granted in its present form, would fail to promote the licensing objectives of prevention of public nuisance and prevention of crime and disorder. I respectfully urge the Licensing Sub-Committee to reject this application.</p>			

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy OS2 applies	Applications will be granted subject to the relevant criteria in Policies CD1, PS1, PN1 CH1 and HRS1 and other policies in this Statement, provided it is demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas.
Policy CIP1 applies	<p>(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.</p> <p>(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.</p>
Policy HRS1 applies	<p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p>

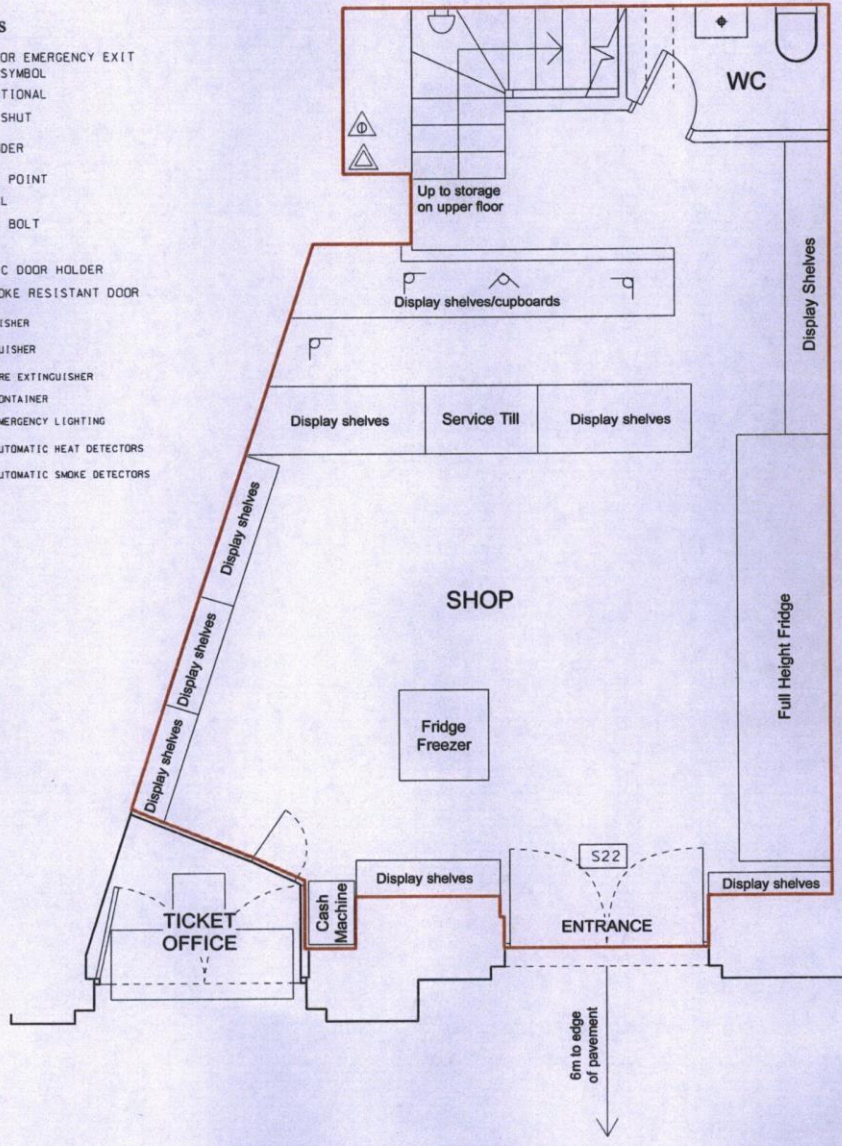
4. Appendices

Appendix 1	Premises plans
Appendix 2	Applicant supporting documents - None
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

Report author:	Mr Darren O'Leary Senior Licensing Officer
Contact:	Telephone: 02076417824 Email: doleary@westminstergov.uk

Key to plan symbols

- S22 FIRE EXIT-EXIT OR EMERGENCY EXIT NOTICE GRAPHIC SYMBOL
- S22 → FIRE EXIT DIRECTIONAL
- S13 FIRE DOOR KEEP SHUT
- FIRE ALARM SOUNDER
- FIRE ALARM CALL POINT
- FAP FIRE ALARM PANEL
- PB DOOR WITH PANIC BOLT
- VP VISION PANEL
- SCA ELECTRO MAGNETIC DOOR HOLDER
- FD 30 S 1/2 HOUR FIRE/SMOKE RESISTANT DOOR
- FOAM FIRE EXTINGUISHER
- WATER FIRE EXTINGUISHER
- CARBON DIOXIDE FIRE EXTINGUISHER
- FIRE BLANKET IN CONTAINER
- AREA COVERED BY EMERGENCY LIGHTING
- K AREA COVERED BY AUTOMATIC HEAT DETECTORS
- S AREA COVERED BY AUTOMATIC SMOKE DETECTORS
- CCTV



Scale 1:50 @ A4



Existing Ground Floor Plan

25 - 27 Shaftesbury Avenue

Sept 2014

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
New Application 13/06426/LIPN	Application for a new premises licence to allow off sales of alcohol	17 October 2013	Granted by Licensing Sub-Committee
Minor Variation 14/08911/LIPVM	Layout alteration	5 November 2014	Granted under delegated authority
Variation application 14/10982/LIPV	So as to permit the provision of late night refreshment in the form of pre-cooked food that is heated up on the premises until 23:00 Monday to Thursday and until 00:00 Friday and Saturday and to add condition to the licence in order to promote the licensing objectives.	12 February 2015	Granted by Licensing Sub-Committee
Variation application 15/11886/LIPV	Current application		

There is no appeal history

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

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

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

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

Conditions: On Current Licence -

Mandatory:

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4. (1) The 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.

5(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.

5(ii) For the purposes of the condition set out in paragraph 5(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.

5(iii). Where the permitted price given by Paragraph 5(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.

5(iv). (1) Sub-paragraph 5(iv)(2) below applies where the permitted price given by Paragraph 5(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

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

Annex 2 – Conditions consistent with the operating Schedule

None

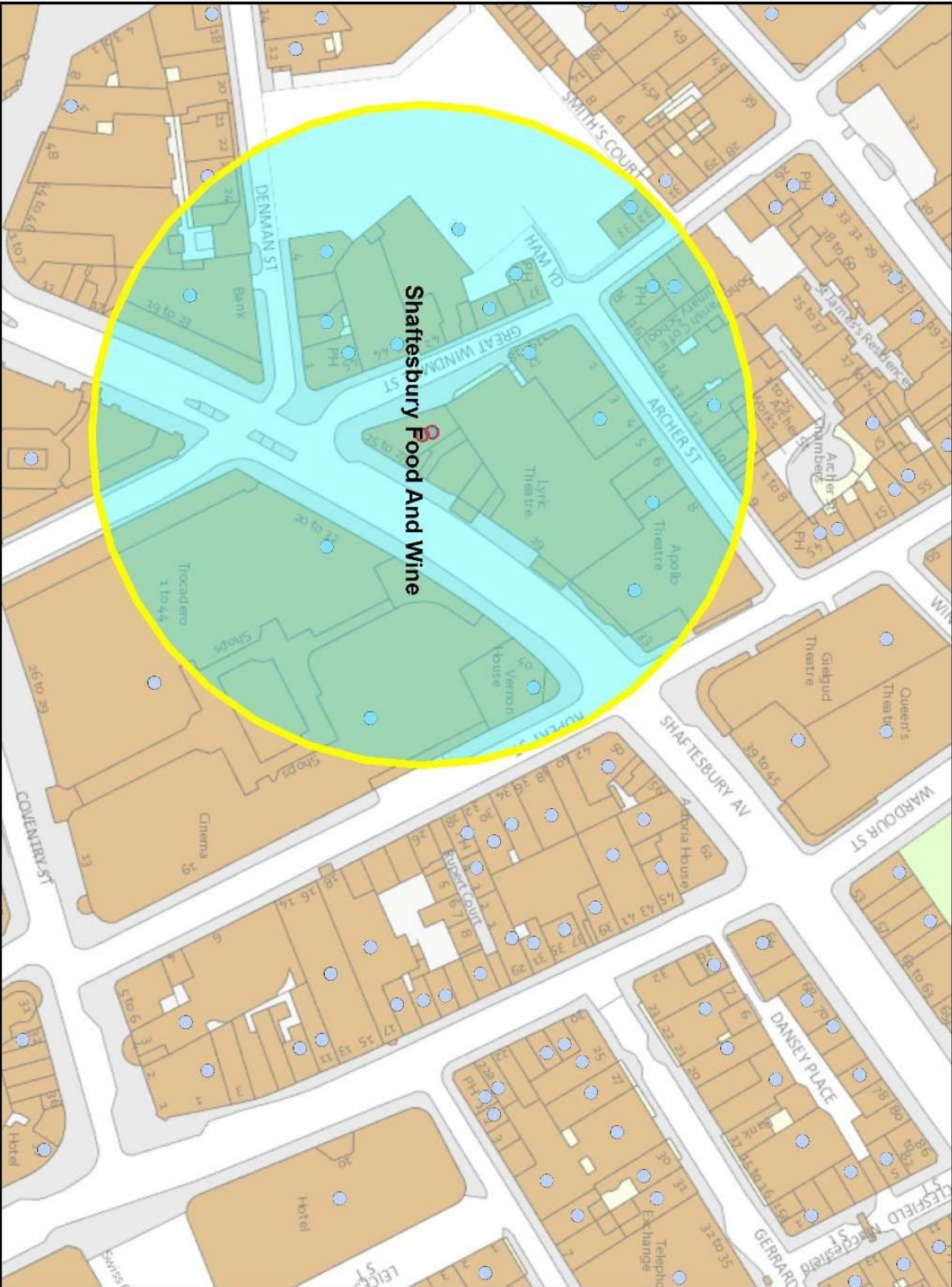
Annex 3 – Conditions attached after a hearing by the licensing authority

6. The licence 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 a date and time stamping. Viewings of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 days.
7. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
8. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
9. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents in the vicinity.
10. No more than 15% of the sales area to be used at any one time for the sale, exposure for sale, or display of alcohol.
11. There shall be no self-service of spirits on the premises except for spirit mixes below 5.5% Alcohol by Volume.
12. No super-strength beer, lagers, ciders or spirit mixes 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.
13. All cashiers will receive refresher training on the relevant alcohol laws and the licence holder's policy on Challenging for such ID. Such training to take place at least twice a year. Records will be maintained at the premises containing information about the training of any person who may make a sale of alcohol including the date of their training and the nature of the training undertaken. The relevant documentation shall be produced on request to a police officer or relevant officer of a responsible authority.
14. The licence holder shall ensure that all cashiers are trained to ask any customers attempting to purchase alcohol, who appears 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.

15. There shall be an electronic till prompt when alcohol is scanned through the tills, to remind staff at point of sale of alcohol to ensure purchaser is over the age of 18.
16. A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
17. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
18. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale.
19. 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.
20. The Licence will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.
21. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
22. No deliveries to the premises shall be arranged between 23.00 and 08.00 next day.
23. No single cans or bottles of beer or cider shall be sold at the premises.
24. The licence holder shall ensure that outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, all alcohol within the trading area is to be secured behind locked grilles, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff.
25. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as a convenience store.
26. Late night refreshment shall be limited to hot food that is reheated in a microwave oven operated by staff behind the counter where customers will not have access. There shall be no primary cooking on the premises.
27. A personal licence holder shall be on the premises during the hours when licensable activities are permitted.

28. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
29. There shall be no more than one microwave on the premises.
30. No waste or recyclable materials, including bottles, shall be moved, removed or placed in outside areas between 23:00 and 08:00 on the following day.
31. No collections of waste or recycling materials (including bottles) from the premises shall be take place between 23:00 and 08:00 on the following day.
32. No fumes, steam or odours shall be emitted from the licenced premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
33. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system or searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service

Shaftesbury Food And Wine



10
Meters

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Residential / Proposed Residential	71
Under Construction	
Other Uses	
Proportion of all Uses	

Data Source: Uniform Database
Date: 19/02/2016

**Premises within 75 metres of: Shaftesbury Food And Wine, 25-27
Shaftesbury Avenue, London, W1D 7EQ**

p / n	Name of Premises	Premises Address	Licensed Hours
-28117	Engawa	2 Ham Yard London W1D 7DT	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 22:30
-23025	Ham Yard Hotel	Ham Yard Hotel 1 Ham Yard London W1D 7DT	Monday to Sunday 00:00 - 00:00
-15385	Yo! Sushi	Unit 34a Trocadero 13 Coventry Street London W1D 7AB	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
-5813	Fratelli La Bufala	40 Shaftesbury Avenue London W1D 7ER	Monday to Sunday 09:00 - 01:00
6376	Shoryu Soho	2-3 Denman Street London W1D 7HA	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-1265	Melati Restaurant	21 Great Windmill Street London W1D 7LB	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
13064	Bubba Gump Shrimp Co.	Basement To First Floor Unit 75 Trocadero 13 Coventry Street London W1D 7AB	Friday to Saturday 09:00 - 00:00 Sundays before Bank Holidays 09:00 - 00:00 Sunday 09:00 - 22:30 Monday to Thursday 09:00 - 23:30
14731	Lyric Theatre	Avenue House 25-27 Shaftesbury Avenue London W1D 7EG	Monday to Sunday 09:00 - 00:00
16211	Grace	42 - 44 Great Windmill Street London W1D 7LU	Monday to Saturday 09:00 - 01:30 Sunday 09:00 - 23:00
23228	Bar Rumba	Ground Floor Unit 17d Trocadero 13 Coventry Street London W1D 7ER	Sunday 09:00 - 03:30 Monday to Saturday 09:00 - 06:00
27919	Soju Restaurant	32 Great Windmill Street London W1D 7LR	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 22:30
28231	(Restaurant)	Basement And Ground Floor 39 Great Windmill Street London W1D 7LX	Sunday 11:00 - 00:00 Monday to Saturday 11:00 - 01:00
25997	Be At One	20 Great Windmill Street London W1D 7LA	Friday to Saturday 10:00 - 00:00 Sunday 10:00 - 22:50 Monday to Thursday 10:00 - 23:30
29910	St James' Tavern Public House	45 Great Windmill Street London W1D 7NE	Friday to Saturday 07:00 - 00:00 Sundays before Bank Holidays 07:00 - 00:00 Sunday 07:00 - 22:30 Monday to Thursday 07:00 - 23:30
32011	Archer Street	Basement And Ground Floors 3 - 4 Archer Street London W1D 7AP	Sundays before Bank Holidays 09:00 - 00:00 Monday to Saturday 09:00 - 01:30 Sunday 09:00 - 23:00

29862	The Diner	19 Shaftesbury Avenue London W1D 7ED	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sundays before Bank Holidays 12:00 - 00:00 Sunday 12:00 - 23:00
32762	The Dog House	23B Shaftesbury Avenue London W1D 7EF	Monday to Saturday 10:00 - 05:00 Sunday 12:00 - 05:00
-32650	The Windmill	17-19 Great Windmill Street London W1D 7LQ	Sunday 09:00 - 03:00 Monday to Saturday 09:00 - 05:30
-27929	Rainforest Cafe	20-24 Shaftesbury Avenue London W1D 7EU	Sunday 09:00 - 03:00 Monday to Saturday 09:00 - 03:30
-26551	The Lyric Public House	37 Great Windmill Street London W1D 7LT	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 22:30
-25989	The Lyric Public House	37 Great Windmill Street London W1D 7LT	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sundays before Bank Holidays 12:00 - 00:00 Sunday 12:00 - 22:30
-25590	Chilli Shaker Indian Cuisine	4 Denman Street London W1D 7HD	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-17303	Japan Centre	19 Shaftesbury Avenue London W1D 7ED	Monday to Saturday 08:00 - 23:30 Sunday 12:00 - 23:00
-16826	McDonald's	Ground Floor Right And Basement Avenue House 25 - 27 Shaftesbury Avenue London W1D 7EQ	Monday to Thursday 05:00 - 00:00 Friday to Saturday 05:00 - 01:00 Sunday 05:00 - 23:00
-7672	District	Basement 21 Rupert Street London W1D 7PJ	Monday to Sunday 09:00 - 03:00
-7098	Shaftesbury Food And Wine	Ground Floor Middle Avenue House 25 - 27 Shaftesbury Avenue London W1D 7EQ	Monday to Sunday 07:00 - 01:00
3560	Platinum Lace Gentleman's Club	Unit 33 Trocadero 13 Coventry Street London W1D 7AB	Sunday 15:00 - 03:30 Monday to Saturday 15:00 - 06:30
5625	Ed's Easy Diner	Unit 34B Trocadero 19 Rupert Street London W1D 7PN	Sunday 10:00 - 00:00 Monday to Saturday 10:00 - 00:30
5646	Apollo Theatre	Apollo Theatre 31-33 Shaftesbury Avenue London W1D 7EA	Monday to Sunday 09:00 - 00:00
9310	Gelupo	7 Archer Street London W1D 7AP	Tuesday to Saturday 11:00 - 01:00 Sunday to Wednesday 11:00 - 23:00
12805	Golden Nugget Casino	22-32 Shaftesbury Avenue London W1D 7EU	Monday to Saturday 10:00 - 06:30 Sunday 12:00 - 06:30
20601	Bocca Di Lupo	Ground Floor 12 Archer Street London W1D 7BB	Monday to Saturday 07:30 - 00:00 Sunday 11:00 - 23:30

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

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Application Form	17 December 2016
5	Current Licence	6 January 2015
6	Representation from Environmental Health	12 January 2016
7	Representation from Police	14 January 2016
8	Representation from The Soho Society	13 January 2016



City of Westminster

Agenda Item 3 Licensing Sub-Committee Report

Item No:	
Date:	3 March 2016
Licensing Ref No:	15/11866/LIPV - Premises Licence Variation
Title of Report:	Cumberland Food & Wine 11 Great Cumberland Place London W1H 7AL
Report of:	Director of Public Protection and Licensing
Wards involved:	Bryanston And Dorset Square
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Heidi Lawrance Senior Licensing Officer
Contact details	Telephone: 020 7641 2751 Email: hlawrance@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	17 December 2015		
Applicant:	Chelsea Food And Wine Company Limited		
Premises:	Cumberland Food & Wine		
Premises address:	11 Great Cumberland Place London W1H 7AL	Ward:	Bryanston and Dorest Square
		Cumulative Impact Area:	No
Premises description:	This Premises currently operates as a convenient store and with on and off sales.		
Variation description:	Application to add Late Night Refreshment from: 23:00 to 01:00 Monday to Sunday and to increase opening hours: 23:00 to 01:00 Monday to Sunday. No other changes are sought.		
Premises licence history:	This premises licence was converted when the new Licensing Act 2003 came into force in 2005. Since this time the Premises Licence has had 6 DPS changes, 2 Transfer, 1 Minor Variation and 2 Variations. For a full history please see Appendix 3.		
Applicant submissions:	The applicant originally applied for Late Night Refreshment both on and off the premises but has since amended this to OFF the premises only.		

1-B Current and proposed licensable activities, areas and hours						
Late night refreshment						
Indoors, outdoors or both	Current :				Proposed:	
					Off	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	N/A	N/A	23:00	01:00		As per current plans
Tuesday	N/A	N/A	23:00	01:00		As per current plans
Wednesday	N/A	N/A	23:00	01:00		As per current plans
Thursday	N/A	N/A	23:00	01:00		As per current plans
Friday	N/A	N/A	23:00	01:00		As per current plans
Saturday	N/A	N/A	23:00	01:00		As per current plans
Sunday	N/A	N/A	23:00	01:00		As per current plans

Seasonal variations:	Current:	Proposed:
		N/A
Non-standard timings:	Current:	Proposed:
		N/A

Sale by Retail of Alcohol						
On sales			Current :		Proposed:	
					Unchanged	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	08:00	23:00				
Tuesday	08:00	23:00				
Wednesday	08:00	23:00				
Thursday	08:00	23:00				
Friday	08:00	23:00				
Saturday	08:00	23:00				
Sunday	10:00	22:30				
Seasonal variations:	Current:				Proposed:	
Non-standard timings:	Current:				Proposed:	

Sale by Retail of Alcohol						
Off sales			Current :		Proposed:	
					Unchanged	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	23:00				
Tuesday	10:00	23:00				
Wednesday	10:00	23:00				
Thursday	10:00	23:00				
Friday	10:00	23:00				
Saturday	10:00	23:00				
Sunday	12:00	22:30				
Seasonal variations:	Current:				Proposed:	
Non-standard timings:	Current:				Proposed:	

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	08:00	23:00	08:00	01:00		
Tuesday	08:00	23:00	08:00	01:00		

Wednesday	08:00	23:00	08:00	01:00		
Thursday	08:00	23:00	08:00	01:00		
Friday	08:00	23:00	08:00	01:00		
Saturday	08:00	23:00	08:00	01:00		
Sunday	10:00	22:30	10:00	01:00		
Seasonal variations:	Current:				Proposed:	
Non-standard timings:	Current:				Proposed:	

1-C Layout alteration

No layout alteration applied for.

1-D Conditions being varied, added or removed

The applicant has not applied for conditions to be varied, added or removed.

Adult entertainment:	Current position:	Proposed position:
	None	None

2. Representations

2-A Responsible Authorities

Responsible Authority:	Environmental Health Consultation Team
Representative:	Maxwell Koduah
Received:	23 rd December 2015

11 Great Cumberland Place, London, W1H 7AL

I refer to the application for variation of existing Premises Licence number for the above premises.

The applicant is seeking the following licensable activities:

1. Provision of late night refreshment indoors and outdoors Monday to Sunday from 23:00 to 01:00 hours

I wish to make the following representations:

1. The provision of late night refreshment indoors and outdoors at the premises and for the hours requested may have the likely effect of increasing Public Nuisance in the area and impact on Public Safety.

Applicant has made reference to existing conditions in the operating schedule and these are under consideration.

The applicant is asked to contact the undersigned to arrange a site visit to assess the premises to ensure the premises is satisfactory and following this, additional conditions may be recommended by Environmental Health to support the licensing objectives Prevention of Public Nuisance and Public Safety.

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

Responsible Authority:	Metropolitan Police Service
Representative:	Reaz Guerra
Received:	14 th January 2015

Application for a Premises Licence Variation – Ref 15/11866LIPV

11 Great Cumberland Place, London W1H 7AL

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

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

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

3. Policy & Guidance

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

Policy HRS1 applies:	(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy. (ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.
Policy RNT2 applies:	Applications will be granted subject to other policies in this Statement and subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas.

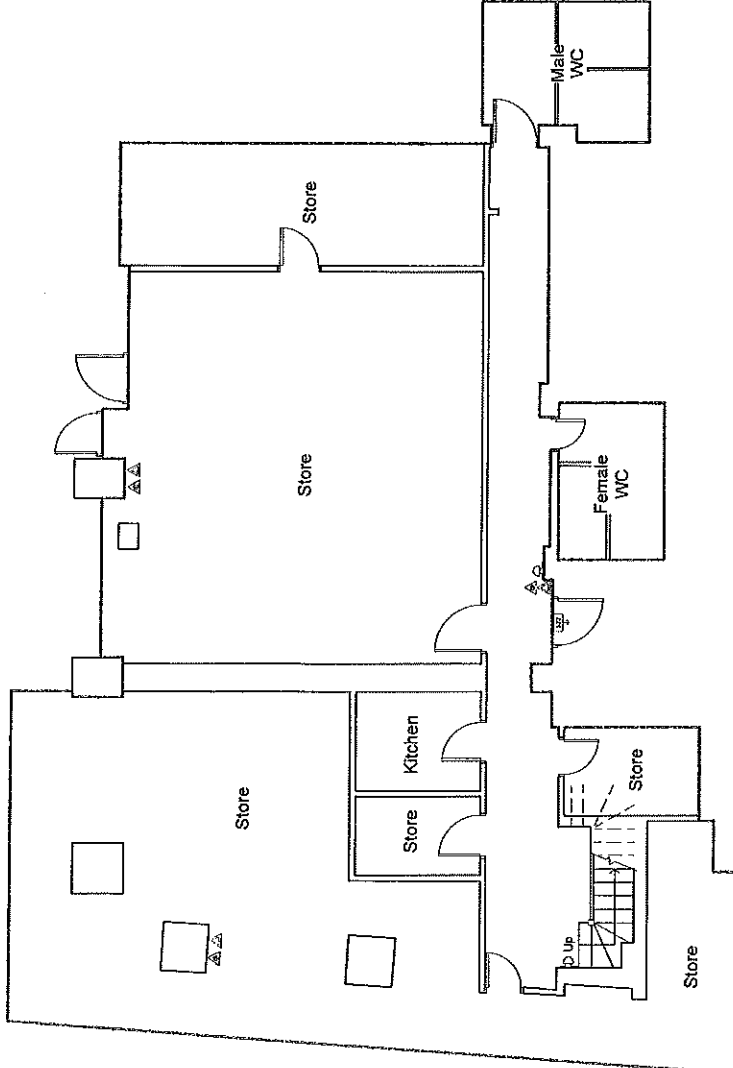
4. Appendices

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

Report author:	Miss Heidi Lawrance Senior Licensing Officer
Contact:	Telephone: 020 7641 2751 Email: hlawrance@westminster.gov.uk

Key to plan symbols

- 1. FIRE EXTINGUISHER
- 2. FIRE EXTINGUISHER (PORTABLE)
- 3. FIRE EXTINGUISHER (PORTABLE)
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Scale 1:100 @ A4
 0m 1m 2m 3m
 Sept 2014

Lower Ground Floor Plan
 11 Great Cumberland Place

Appendix 2

None provide.

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
05/10250/LIPC conversation	Conversation with introduction of new legislation	03/10/2005	Granted under Delegated Authority
06/01671/LIPDPS	Vary the Designated Premises Supervisor	09/03/2006	Granted under Delegated Authority
06/12873/LIPDPS	Vary the Designated Premises Supervisor	09/01/2007	Granted under Delegated Authority
07/04910/LIPDPS	Vary the Designated Premises Supervisor	10/07/2007	Granted under Delegated Authority
07/08047/LIPDPS	Vary the Designated Premises Supervisor	12/09/2007	Granted under Delegated Authority
10/01573/LIPT	Transfer the Premises Licence	30/03/2010	Granted under Delegated Authority
10/01570/LIPDPS	Vary the Designated Premises Supervisor	30/03/2010	Granted under Delegated Authority
10/08210/LIPCH	Change of details	02/12/2010	Granted under Delegated Authority
10/08979/LIPDPS	Vary the Designated Premises Supervisor	02/12/2010	Granted under Delegated Authority
13/03692/LIPVM	Minor Variation To add conditions to the premises licence to promote the prevention of crime and disorder and the protection of children from harm licensing objectives.	11/06/2013	Granted under Delegated Authority

14/08680/LIPT	Transfer the Premises Licence	24/10/2014	Granted under Delegated Authority
15/06561/LIPV	<p>Variation</p> <p>To vary the existing premises licence so as to tidy up the licence by:-</p> <ul style="list-style-type: none"> - Deleting Condition 5 (historic restrictions) and Condition 15 (duplicated by conditions 14 & 18) - Update the following existing conditions with that of the current model condition wording, as follows:- <ul style="list-style-type: none"> Condition 7 - MC01 Condition 12 - MC32 Condition 13 - MC29 Condition 16 - MC27 Condition 17 - MC48 Condition 18 - MC47 (Challenge 25) <p>These changes are sought to tidy up the existing licence and better promote the licensing objectives.</p>	07/09/2015	Granted under Delegated Authority
14/09194/LIPV	<p>Variation</p> <p>Part A To permit the sale of alcohol for consumption on the premises in the area hatched black on the attached plan.</p> <p>Part B To add the following conditions in order to promote the licensing objectives:</p> <p>1)The supply of alcohol at the</p>	24/09/2015	Granted by Licensing Sub-Committee

	<p>premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.</p> <p>2)The supply of alcohol shall be by waiter or waitress service only</p> <p>3)The number of persons permitted in the area hatched black (excluding staff) shall not exceed 31.</p> <p>4)The sale of alcohol for consumption on the premises shall not commence until 10:00 Monday to Saturday and 12:00 on Sunday</p> <p>Part C</p> <p>To remove condition 6 (alcohol shall not be sold in an open container or be consumed in the licensed premises) from the premises licence.</p>		
--	--	--	--

There is no appeal history

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

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

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

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

Conditions: On Current Licence -

Mandatory:

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

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

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

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

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

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

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

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

Where -

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

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

Annex 2 – Conditions consistent with the operating Schedule

None

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

- 9. Alcohol shall not be sold in an open container within the retail convenience store operated within the building itself.
- 10. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
- 11. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
- 12. 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.
- 13. All cashiers shall receive refresher training on the relevant alcohol laws and the licence holder's policy on challenging for ID. Such training shall take place at least twice a year. Records shall be maintained at the premises containing information about the training of any person who may make a sale of alcohol including the date of their training and the nature of the training undertaken. The relevant documentation shall be produced on request to a police officer or relevant officer of a responsible authority.
- 14. The licence holder shall ensure that all cashiers are trained to ask any customers attempting to purchase alcohol, who appears under the age of 25 years (or older if the licence 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 shall be instructed, through training, that a sale shall not be made unless this evidence is produced.

15. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale
16. The sale and / or consumption of alcohol in the external area hatched black on the plan shall not be permitted until the capacity of that area has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition with a condition detailing the capacity so determined.
17. The sale of alcohol for consumption on the premises shall not commence until 10:00 Monday to Saturday and 12:00 on Sunday.
18. Sales of alcohol for consumption on the premises shall be limited to the area hatched black on the plan.
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 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.
21. The supply of alcohol for consumption on the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
22. The supply of alcohol for consumption on the premises shall be by waiter or waitress service only.
23. Substantial food and non-intoxicating beverages shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
24. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
25. The entrance door shall be kept closed after 21:00 hours, except for the immediate access and egress of persons.
26. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.

27. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
28. All tables and chairs shall be removed from outside the premises by 23.00 hours.
29. 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.
30. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
31. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0800 hours.
32. The variation of this premises licence will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from this licence by the licensing authority.
33. There shall be no self service of spirits on the premises, save for spirit mixtures less than 5.5% ABV.
34. 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.
35. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
36. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
37. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

Conditions proposed by Environmental Health Consultation Team – agreed by applicant

38. Hot food and/or hot drink sold between 23:00 and 01:00 shall be for consumption off the premises (take away) only.
39. The licence holder shall ensure that the number of persons permitted at the premises between 23:00 and 01:00 at any one time (excluding staff) shall not exceed 20 persons.

Condition 15 to be amended to:

15. ***Prominent signage indicating the permitted hours for the sale of alcohol and provision of late night refreshment shall be displayed so as to be visible before entering the premises, where alcohol, hot food & hot drinks are on public display, and at the point of sale***

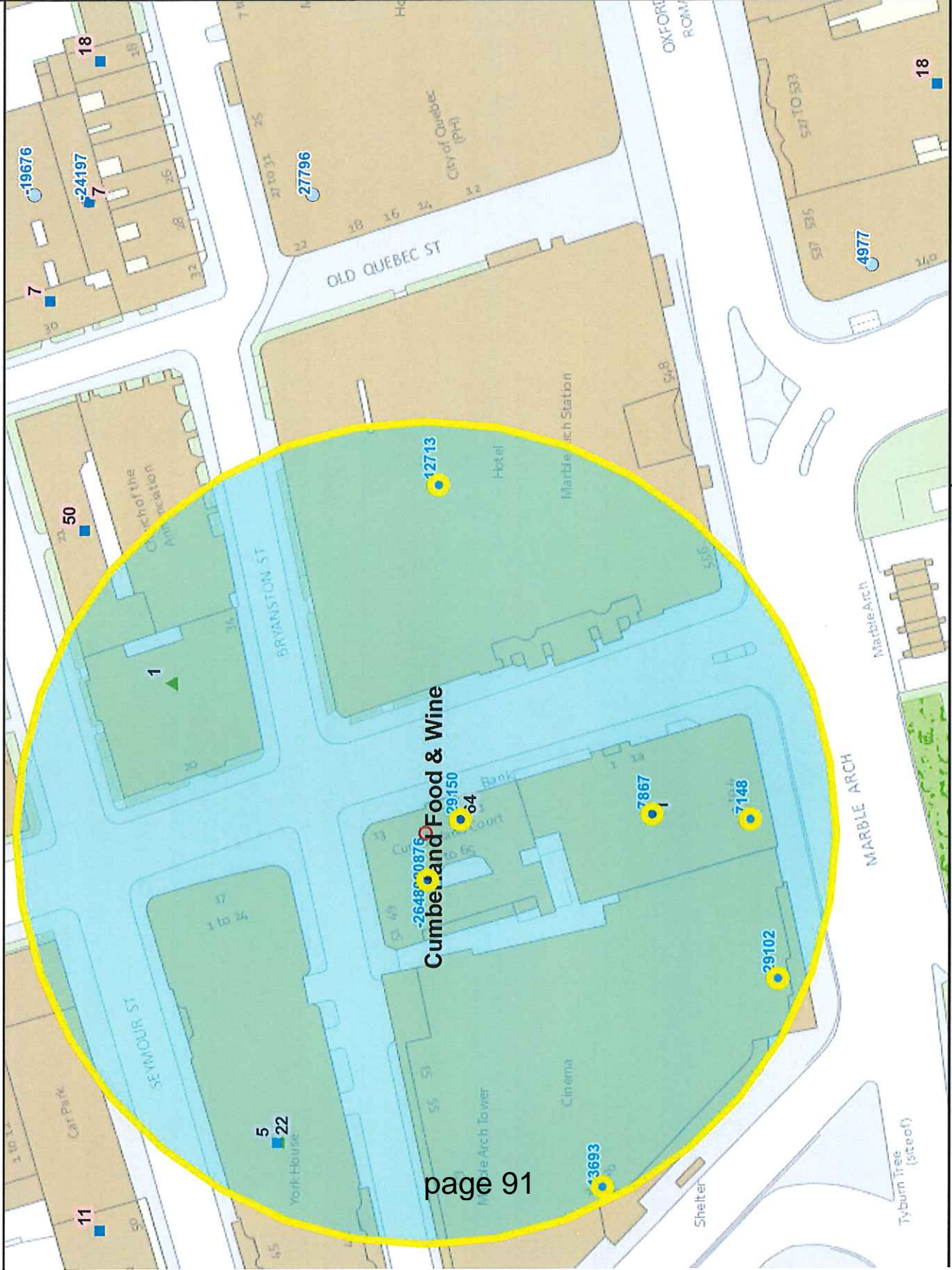
If you have any queries about this report or wish to inspect one of the background papers please contact the report author.

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2011
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Application form	17 th December 2015



Cumberland Food & Wine



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Data Source: Uniform Database
Date: 19/01/2016

Residential / Proposed Residential	93
Under Construction	
Other Uses	
Proportion Residential of all Uses	

APPENDIX 5

Premises within 75 metres of:			
p / n	Name of Premises	Premises Address	Licensed Hours
-26480	Spaghetti House	47-51 Bryanston Street London W1H 7DN	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
-29150	Cumberland Food & Wine	11 Great Cumberland Place London W1H 7AL	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30
-29102	Sainsbury's	7 Marble Arch London W1H 7EL	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30
-12713	Cumberland Hotel	Cumberland Hotel Great Cumberland Place London W1H 7DL	Monday to Sunday 00:00 - 00:00
-7867	Arch Food & Wine	1A Great Cumberland Place London W1H 7AL	Monday to Sunday 07:00 - 01:00
-7148	McDonald's Restaurants	2 - 4 Marble Arch London W1H 7EU	Sunday to Wednesday 05:00 - 01:00 Thursday to Saturday 05:00 - 02:00
13663	Odson Cinema	10 Edgware Road London W2 2EN	Monday to Sunday 00:00 - 00:00
20876	Prezzo	7-9 Great Cumberland Place London W1H 7BE	Monday to Sunday 12:00 - 00:00



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Item No:	
Date:	3 March 2016
Licensing Ref No:	16/00299/LIPN - New Premises Licence
Title of Report:	Snowflake, Unit 1, Marble Arch House 44 Edgware Road London W2 2EH
Report of:	Director of Public Protection and Licensing
Wards involved:	Bryanston And Dorset Square
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Yolanda Wade Senior Licensing Officer
Contact details	Telephone: 020 7641 1884 Email: ywade@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	12 January 2016		
Applicant:	Snowflake Gelato Group Limited		
Premises:	Snowflake, Unit 1, Marble Arch House		
Premises address:	44 Edgware Road London W2 2EH	Ward:	Bryanston And Dorset Square
		Cumulative Impact Area	Yes
Premises description:	The premises is to operate as an ice cream parlour		
Premises licence history:	The premises does not have a premises licence history		
Applicant submissions:	N/A		

1-B Proposed licensable activities and hours							
Late Night Refreshment:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	23:00
End:	0:00	0:00	0:00	0:00	02:00	02:00	0:00
Seasonal variations:			n/a				
Non-standard timings:			n/a				

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
Start:	08:00	08:00	08:00	08:00	08:00	08:00	8:00
End:	0:00	0:00	0:00	0:00	02:00	02:00	0:00
Seasonal variations:			n/a				
Non-standard timings:			n/a				
Adult Entertainment:			n/a				

2. Representations

2-A Responsible Authorities	
Responsible Authority:	The Environmental Health Service
Representative:	Sally Thomas
Received:	19 th January 2016
Licensing Act 2003	
Snowflake, 44 Edgware Road, London, W2 2EH	

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

The premises are situated in the Edgware Road Cumulative Impact Area as stated in City of Westminster's Statement of Licensing Policy.

The applicant has submitted a ground floor and basement plan, titled with the address, drawing number A14 022 and dated January 2016.

This representation is based on the plans and Operating Schedule submitted.

The applicant is seeking the following licensable activities on the **ground floor**:

1. The Provision of Late Night Refreshment 'indoors' on Sunday to Thursday from 2300 to 0000 hours and Friday and Saturday 23:00 to 02:00 hours.

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

1. The Provision of Late Night Refreshment and the hours requested for this activity will have the likely effect of causing an increase in Public Nuisance in the Cumulative Impact Area, and may impact upon Public Safety.

The applicant has proposed conditions within the operating schedule which are being considered. Further conditions may be proposed Environmental Health in order to help prevent Public Nuisance and protect Public Safety.

The granting of the new Premises Licence as presented would have the likely effect of causing an increase in Public Nuisance in the Cumulative Impact Area and may impact on Public Safety.

The Environmental Health Service has proposed conditions, which have not been agreed by the applicant (**Appendix 4**)

Responsible Authority:	The Metropolitan Police
Representative:	Mike Day
Received:	8 th February 2016

With reference to the above application, I am writing to inform you that after our site visit today the Metropolitan Police, as a responsible authority, will be making a representation. It is our belief that if granted the application would undermine the Licensing Objectives.

The venue is situated within the Edgware Road Cumulative Impact Area, a locality where this is traditionally high crime and disorder. There are concerns that this application will cause further policing problems in an already demanding area and add to the cumulative impact.

The police has withdrawn their representation, as the applicant has agreed proposed conditions that will be added as part of the operating schedule (**Appendix 4**)

3. Policy & Guidance

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

4. Appendices

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

Report author:	Miss Yolanda Wade Senior Licensing Officer
Contact:	Telephone: 020 7641 1884 Email: ywade@westminster.gov.uk

Background Documents – Local Government (Access to Information) Act 1972		
1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015

FIRE EQUIPMENT SCHEDULE

- ☉ Fire alarm break glass call point
- F.EX(H2O) Fire extinguisher water
- F.EX(CO2) Fire extinguisher carbon dioxide
- FB fire blanket
- Ⓢ Automatic smoke detector.

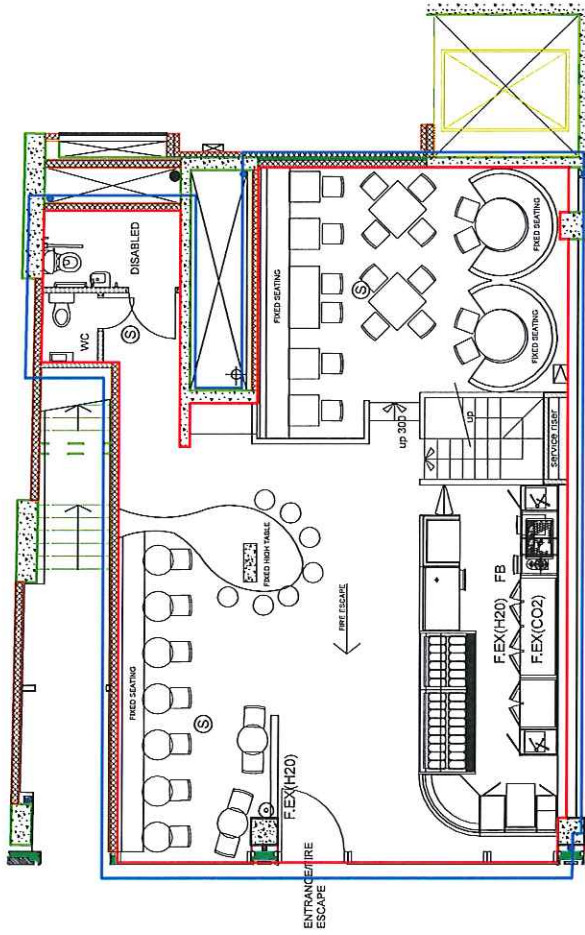
The position of fire and safety equipment as shown on the plan or such other position as agreed from time to time in consultation with the fire authority

LICENSABLE ACTIVITIES

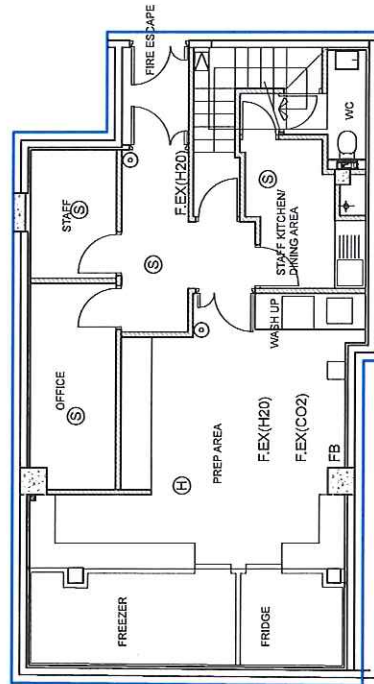
— Denotes area to be used for licensable activities

FURNITURE

— Location of movable furniture for indicative purposes only



GROUND FLOOR



BASEMENT

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DO NOT SCALE FROM THIS DRAWING
All Dimensions to be checked on site and discrepancies advised immediately to Lifeforms Ltd prior to the commencement of any works.
Any variations or supplementary drawings are to be approved by Lifeforms Ltd.

REVISION	DATE	DESCRIPTION

LIFEFORMS
interiors · architecture · landscape

The Front Room / 06 Regent Street / Whitehall / Kent / CT5 1LL / (+44)0 1227 771 105 / www.lifeforms-design.com

Client:	SNOWFLAKE		
Contract No.:	A/14.022	Contract Value:	1500
Date:	JAN 16	Project No.:	1-100
Project Name:		Project Location:	Project Status:
SNOWFLAKE MARBLE ARCH HOUSE LONDON		LICENSING LAYOUT	

No supporting documentation

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 proposed by the Police and agreed by the applicant

- 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 authorised officer throughout the preceding 31 day period.

- 10) A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premise 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.

Conditions proposed by the Environmental Health Service

- 11) Only 10% of the menu will consist of hot food and hot drink.
- 12) No tables and chairs shall be provided outside the premises after 23.00 hours.
- 13) Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
- 14) Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
- 15) No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public.
- 16) No licensable activities shall take place at the premises until the premises have 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.

Conditions proposed by the applicant as part of the operating schedule

- 17) After 23:00 hours all external doors and windows to be kept closed saved for immediate access and egress of persons.
- 18) No rubbish, including bottles, shall be moved, removed or place in outside areas between 23:00 hours and 08:00 hours.
- 19) Clearly legible notices shall be displayed at all exists from the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.
- 20) No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance
- 21) All waste is to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

- 22) During the hours of operation ensure 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 the aforementioned 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.
- 23) After 23:00 there will be a maximum of 60 persons seated at the premises.
- 24) There shall be no take away of hot food (save for hot desserts such as waffles and crepes) and hot drink (save for tea, coffee and hot chocolate) after 23:00.
- 25) Throughout the currency of this licence the premises will operate as an ice-cream parlour.



Snowflake Unit 1, Marble Arch House, 44 Edgware Road

City of Westminster



Appendix 5

194

Residential /
Proposed
Residential

Under
Construction

Other Uses

Proportion
Residential
of all Uses

Data Source: Uniform Database

Date: 19/02/2016

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**Premises within 75 metres of: Snowflake Unit 1, Marble Arch House
44 Edgware Road**

p / n	Name of Premises	Premises Address	Licensed Hours
18348	Maroush Restaurant	Basement 21 Edgware Road London W2 2JE	Sunday 09:00 - 00:00 Monday to Saturday 09:00 - 02:30 Monday to Saturday 09:00 - 02:30 Sunday 12:00 - 01:00
-2405	Donostia	Basement And Ground Floor 10 Seymour Place London W1H 7ND	Sunday 11:30 - 21:00 Monday to Saturday 11:30 - 23:00
-16614	Sandy's	14 Seymour Place London W1H 7NF	Sunday 11:00 - 23:00 Monday to Saturday 11:00 - 23:30
13867	Salt Dining Room	13 Edgware Road London W2 2JE	Monday to Saturday 10:00 - 01:30 Sunday 12:00 - 01:00
16170	Al Balad	11 Edgware Road London W2 2ER	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
15708	Carpenters Arms	12 Seymour Place London W1H 7NE	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sundays before Bank Holidays 12:00 - 00:00 Sunday 12:00 - 22:30
13994	Bernardi's	62 Seymour Street London W1H 5BN	Friday to Saturday 08:00 - 00:00 Sundays before Bank Holidays 08:00 - 00:00 Sunday 08:00 - 22:30 Monday to Thursday 08:00 - 23:30
-26243	Sidi Maarouf	56 Edgware Road London W2 2EH	Monday to Saturday 10:00 - 01:00 Sunday 12:00 - 00:30
19486	Pakhtoon	7 Edgware Road London W2 2ER	Monday to Saturday 10:00 - 02:00 Sunday 10:00 - 23:00
2545	As Nature Intended	36 Edgware Road London W2 2EH	Monday to Friday 08:00 - 21:00 Saturday 09:00 - 20:00 Sunday 12:00 - 18:00
-9033	Donostia	9 Seymour Place London W1H 5BA	Sunday 10:00 - 21:00 Saturday 10:00 - 23:00 Monday to Friday 11:30 - 23:00
-22738	Vinoteca	15 Seymour Place London W1H 5BE	Monday to Sunday 08:00 - 23:00
7977	The Victory Services Club	63-79 Seymour Street London W2 2HF	Monday to Sunday 07:00 - 01:00
5314	Sitt A Sham Restaurant	60 Edgware Road London W2 2EH	Monday to Sunday 11:00 - 00:00

GPS: 51.5146,-0.1620

SNOWFLAKE

Luxury Gelato

OPENING SOON



@snowflakegelato

snowflakegelato.co.uk

OUR BOUTIQUES

SELFRIDGES
400 Oxford Street W1A 1AB

SOHO
102 Wardour Street W1F 0TN

SOUTH KENS
42-44 Thurloe Str

BAYS
43 Westbour

THE SAFETY NOTICE
Unauthorized use of any of the signs in this notice is strictly prohibited

Safety helmets must be worn

Protective footwear must be worn

WE ARE R
People who are past
excellent custom
a store manager,
To apply email jobs



19/01/2016 11:23:40

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GPS: 51.5146,-0.1620





GPS: 51.5146,-0.1620

19/01/2016 11:24:25

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Amended Agenda

- 09:30 Coffee, tea and registration
- 10:00 Case Law Update – Josef Cannon, Cornerstone Barristers
- 10:45 AGM
- 11:00 Break
- 11:30 Legal Highs and Spotting Signs of Drug Use in Licensed Premises including price and purities of drugs, economics of drug dealing and drug types (Jamie Goldrick, Three Eyes Consultancy Limited)
- 13:00 Close and buffet lunch

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