



City of Westminster

# Committee Agenda

Title: **Licensing Sub-Committee (5)**

Meeting Date: **Monday 13th June, 2016**

Time: **10.00 am**

Venue: **Rooms 1A, 1B & 1C - 17th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6 QP**

Members: **Councillors:**

Angela Harvey (Chairman)  
Jan Prendergast  
Murad Gassanly



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

**Admission to the public gallery is by ticket, issued from the ground floor reception at City Hall from 9.00am. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.**



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

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

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

## AGENDA

### PART 1 (IN PUBLIC)

#### 1. MEMBERSHIP

To report any changes to the membership.

#### 2. DECLARATIONS OF INTEREST

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

#### Licensing Applications for Determination

#### 1. HILTON LONDON PADDINGTON HOTEL, 146 PRAED STREET, W2

(Pages 1 - 24)

App No	Ward/ Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
1.	Hyde Park Ward / not in cumulative impact area	Hilton London Paddingto n Hotel, 146 Praed Street, W2	Variation	16/04139/LIPV

#### 2. FUCINA DELI AND OFF LICENCE, 22 PADDINGTON STREET, W1

(Pages 25 - 40)

App No	Ward/ Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
2.	Marylebon e High Street	Fucina Deli And Off Licence,	New	16/03065/LIPN

	Ward / not in cumulative impact area	22 Paddington Street, W1		
--	--------------------------------------	--------------------------	--	--

**3. IMLI LTD, 167-169 WARDOUR STREET, W1**

**(Pages 41 - 60)**

App No	Ward/ Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
3.	West End Ward / West End Cumulative Impact Area	Imli Ltd, 167-169 Wardour Street, W1	Variation	16/03910/LIPV

**Charlie Parker  
Chief Executive  
7 June 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.

This page is intentionally left blank



City of Westminster

# Licensing Sub-Committee Report

Agenda Item 1

Item No:	
Date:	13 June 2016
Licensing Ref No:	16/04139/LIPV - Premises Licence Variation
Title of Report:	Hilton London Paddington Hotel 146 Praed Street London W2 1RL
Report of:	Director of Public Protection and Licensing
Wards involved:	Hyde Park
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Mr Ola Owojori Senior Licensing Officer
Contact details	Telephone: 020 7641 7830 Email: owojori@westminster.gov.uk

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	Variation of a Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	25 April 2016		
<b>Applicant:</b>	HLT London Manage Limited		
<b>Premises:</b>	Hilton London Paddington Hotel		
<b>Premises address:</b>	Hilton London Paddington 146 Praed Street London W2 1RL	<b>Ward:</b>	Hyde Park
		<b>Cumulative Impact Area:</b>	None
<b>Premises description:</b>	The premises operates as a hotel with restaurant/bar, entertainment and conference/meeting facilities from the ground to the seventh floors		
<b>Variation description:</b>	<p>To delete condition 54 on the premises licence and replace with the following:</p> <p>Access to the Steam Bar between the hours of 09:00 and 21:00 hours be permitted either via the hotel reception or through the secondary entrance at the south west corner of the hotel and which was previously used as an access point to the former casino, and marked with an X on the plan attached on the Premises Licence.</p> <p>After 21:00 on Friday and Saturday only, access to the Steam Bar shall either be via the hotel lobby or via the secondary entrance at the south west corner of the hotel and which was previously used as an access point to the former casino, and is marked with an X on the plan attached to the premises licence.</p> <p>On all other days after 21:00 hours access to the Steam Bar shall only be via the hotel lobby.</p>		
<b>Preliminary Note</b>	The representation from the police has been withdrawn following confirmation from the applicant that public areas at the premises are covered by CCTV cameras and constantly patrolled by the hotel security team.		
<b>Premises licence history:</b>	See Appendix 3		
<b>Applicant submissions:</b>	See Appendix 2		

1-B Conditions being varied	
Condition	Proposed variation
54. Save for Friday and Saturday after 2100 access to the ground floor Steam Bar shall only be via the hotel reception.	Access to the Steam Bar between the hours of 09:00 and 21:00 hours be permitted either via the hotel reception or through the secondary entrance at the



	<p>south west corner of the hotel and which was previously used as an access point to the former casino, and marked with an X on the plan attached on the Premises Licence.</p> <p>After 21:00 on Friday and Saturday only, access to the Steam Bar shall either be via the hotel lobby or via the secondary entrance at the south west corner of the hotel and which was previously used as an access point to the former casino, and is marked with an X on the plan attached to the premises licence.</p> <p>On all other days after 21:00 hours access to the Steam Bar shall only be via the hotel lobby.</p>
--	--

<b>Adult entertainment:</b>	<b>Current position:</b>	<b>Proposed position:</b>
	N/A	N/A

**1-C Current and proposed licensable activities, areas and hours**  
(No variation have been proposed)

**Regulated Entertainment**

**Exhibition of films**  
**Playing of Recorded Music**

Indoors	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
<b>Monday</b>	00:00	00:00	No change		Ground to Seventh floors	No change
<b>Tuesday</b>	00:00	00:00	No change		Ground to Seventh floors	No change
<b>Wednesday</b>	00:00	00:00	No change		Ground to Seventh floors	No change
<b>Thursday</b>	00:00	00:00	No change		Ground to Seventh floors	No change
<b>Friday</b>	00:00	00:00	No change		Ground to Seventh floors	No change
<b>Saturday</b>	00:00	00:00	No change		Ground to Seventh floors	No change
<b>Sunday</b>	00:00	00:00	No change		Ground to Seventh floors	No change

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

Performance of live music Performance of Dance						
Indoors	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
<b>Monday</b>	10:00	03:00	No change		Ground to Seventh floors	No change
<b>Tuesday</b>	10:00	03:00	No change		Ground to Seventh floors	No change
<b>Wednesday</b>	10:00	03:00	No change		Ground to Seventh floors	No change
<b>Thursday</b>	10:00	03:00	No change		Ground to Seventh floors	No change
<b>Friday</b>	10:00	03:00	No change		Ground to Seventh floors	No change
<b>Friday (Steam Bar)</b>	10:00	04:00	No change		Ground to Seventh floors	No change
<b>Saturday</b>	10:00	03:00	No change		Ground to Seventh floors	No change
<b>Saturday (Steam Bar)</b>	10:00	04:00	No change		Ground to Seventh floors	No change
<b>Sunday</b>	10:00	03:00	No change		Ground to Seventh floors	No change
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>				<b>Proposed:</b>	
	From the end of permitted hours on New Year's Eve to 03:00 on 2 January				No change	

Late night refreshment						
	Current :				Proposed:	
	Indoors				No change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
<b>Monday</b>	23:00	05:00	No change		Ground to Seventh floors	No change
<b>Tuesday</b>	23:00	05:00	No change		Ground to Seventh floors	No change
<b>Wednesday</b>	23:00	05:00	No change		Ground to Seventh floors	No change
<b>Thursday</b>	23:00	05:00	No change		Ground to Seventh floors	No change
<b>Friday</b>	23:00	05:00	No change		Ground to Seventh floors	No change
<b>Saturday</b>	23:00	05:00	No change		Ground to Seventh floors	No change
<b>Sunday</b>	23:00	05:00	No change		Ground to Seventh floors	No change
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>				<b>Proposed:</b>	
	N/A				N/A	

<b>Sale by Retail of Alcohol</b>						
<b>On or off sales</b>			<b>Current :</b>			<b>Proposed:</b>
			On and Off			No change
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Licensable Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Mon – Sun Residents</b>	00:00	00:00	No change		Ground to Seventh floors	No change
<b>Monday</b>	10:00	03:00	No change		Ground to Seventh floors	No change
<b>Tuesday</b>	10:00	03:00	No change		Ground to Seventh floors	No change
<b>Wednesday</b>	10:00	03:00	No change		Ground to Seventh floors	No change
<b>Thursday</b>	10:00	03:00	No change		Ground to Seventh floors	No change
<b>Friday</b>	10:00	03:00	No change		Ground to Seventh floors	No change
<b>Friday (Steam Bar)</b>	10:00	03:30	No change		Ground to Seventh floors	No change
<b>Saturday</b>	10:00	03:00	No change		Ground to Seventh floors	No change
<b>Saturday (Steam Bar)</b>	10:00	03:30	No change		Ground to Seventh floors	No change
<b>Sunday</b>	10:00	03:00	No change		Ground to Seventh floors	No change
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>				<b>Proposed:</b>	
	From the end of permitted hours on New Year's Eve to 03:00 on 2 January				No change	

<b>Hours premises are open to the public</b>						
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Premises Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	00:00	00:00	No change		Ground to Seventh floors	No change
<b>Tuesday</b>	00:00	00:00	No change		Ground to Seventh floors	No change
<b>Wednesday</b>	00:00	00:00	No change		Ground to Seventh floors	No change
<b>Thursday</b>	00:00	00:00	No change		Ground to Seventh floors	No change
<b>Friday</b>	00:00	00:00	No change		Ground to Seventh floors	No change
<b>Saturday</b>	00:00	00:00	No change		Ground to Seventh floors	No change
<b>Sunday</b>	00:00	00:00	No change		Ground to Seventh floors	No change
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>				<b>Proposed:</b>	
	N/A				N/A	

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Environmental Health Consultation Team
<b>Representative:</b>	Sally Thomas
<b>Received:</b>	20 May 2016
<p>I refer to the application for variation of a Premises Licence (15/00765/LIPVM), issued under the Licensing Act 2003.</p> <p>Layout plans have not been submitted, I refer to those on the existing licence.</p> <p>This representation is based on the Operating Schedule and existing plan.</p> <p>The applicant is seeking the following in the ground floor:</p> <ol style="list-style-type: none"><li>1. To delete condition 54 'Save for Friday and Saturday after 2100 access to the ground floor Steam Bar shall only be via the hotel reception.' and replace with 'Access to the Steam Bar between the hours of 0900 and 2100 be permitted either via the hotel reception or through the secondary entrance at the south west corner of the hotel and which was previously used as an access point to the former casino, and marked with an X on the plan attached to the Premises Licence.</li></ol> <p>After 2100 on Friday and Saturday only, access to the Steam Bar shall wither be via the hotel lobby or via the secondary entrance at the south west corner of the hotel and which was previously used as an access point to the former casino, and is marked with an X on the plan attached to the Premises Licence.</p> <p>On all other days after 2100 access to the Steam Bar shall only be via the hotel lobby.'</p> <p>I wish to make the following representations in relation to the above application:</p> <ol style="list-style-type: none"><li>1. The change in access to the bar may cause an increase in Public Nuisance in the area and may impact on Public Safety.</li></ol> <p>The granting of the variation Premises Licence as presented would have the likely effect of causing an increase in Public Nuisance in the area and may impact on Public Safety.</p> <p>Should you wish to discuss the matter further please do not hesitate to contact me.</p>	

2-B Other Person			
<b>Name:</b>		John Zamit	
<b>Address and/or Residents Association:</b>		Chairman SEBRA (South East Bayswater Residents' Association) 2 Claremont Court Queensway LONDON W2 5HX	
<b>Status:</b>	Residents Association	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	22 May 2016		
<p>We object to the application as it may potentially cause amenity and crime issues.</p> <p>I am unable to access all my files at present</p> <p>I have had a very positive conversation with the manager of hotel who explained the proposal</p> <p>We need clarification of hours of secondary entrance to bar and what time it will close each day</p> <p>We also need confirmation on CCTV agreements outside the secondary entrance and what hours/ security guards/doorman will be on duty outside the secondary entrance.</p> <p>I trust taxis/ mini cabs will not drop off / pick up 'customers by secondary entrance as double blipped yellow lines in Praed street just by the junction with Eastbourne Terrace.</p> <p>I am sure agreement can be reached on this application and we will be interested to know the position of Environmental Health and Metropolitan Police and if any individual objectors.</p>			

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<b>Policy HOT1 applies</b>	<p>Subject to the effect on the promotion of the licensing objectives and other relevant policies in this Statement, premises licences for hotels will generally be granted so that:</p> <p>(a) Alcohol is permitted to be sold at any time to people staying in hotel rooms for consumption on the premises.</p> <p>(b) The hours of serving of alcohol to the general public will be subject to conditions limiting the sale of alcohol after a specified time to those attending pre-booked events held at the hotel,</p> <p>(c) The exhibition of film, in the form of recordings or non-broadcast television programmes to be viewed in hotel bedrooms, will generally be permitted.</p>

#### 4. Appendices

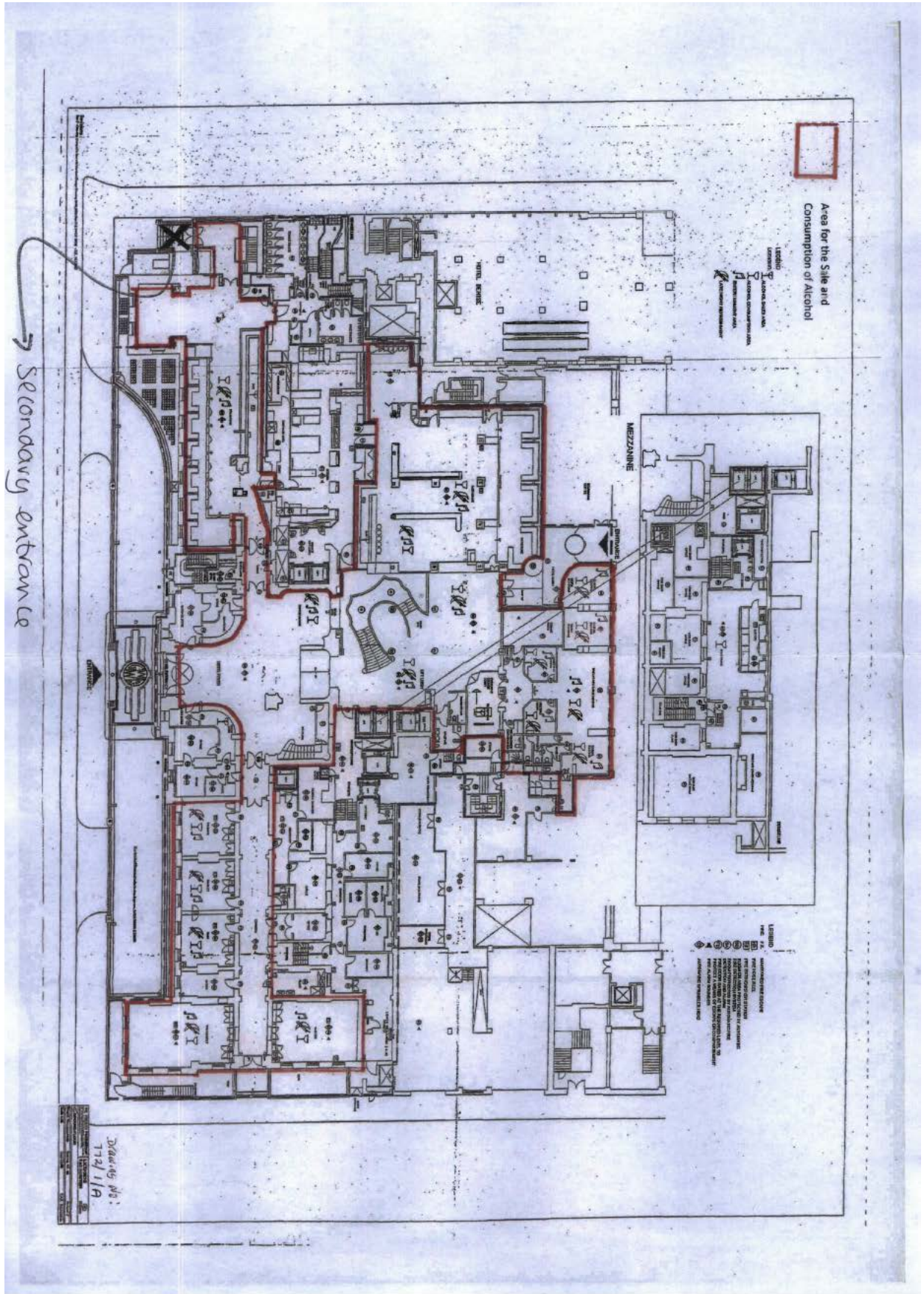
<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents
<b>Appendix 3</b>	Premises history
<b>Appendix 4</b>	Proposed conditions
<b>Appendix 5</b>	Residential map and list of premises in the vicinity

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

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

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

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
<b>4</b>	Application Acknowledged	25/4/16
<b>5</b>	Public Notice	25/4/16
<b>6</b>	Application Form	27.4.16
<b>7</b>	Plan	27.4.16
<b>8</b>	Existing Licence	27.4.16
<b>9</b>	Notification of application	27.4.16
<b>10</b>	Applicant correspondence	27.4.16
<b>11</b>	Police representation	17/5/16
<b>12</b>	EH representation	20/5/16
<b>13</b>	Hearing Notification	26/5/16
<b>14</b>	SEBRA representation	31/5/16
<b>15</b>	Withdrawal of Police representation	2/6/16
<b>16</b>		
<b>17</b>		
<b>18</b>		
<b>19</b>		
<b>20</b>		
<b>21</b>		
<b>22</b>		
<b>23</b>		
<b>24</b>		





None

### Licence & Appeal History

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
New application	Application for a new premises licence	10.8.06	Granted by Licensing Sub Committee
Variation	Variation to increase the terminal hour from 03:00 to 04:00 hours (Extension on Friday and Saturday only in Steam Bar)	10.11.11	Granted by Licensing Sub Committee
Variation	Variation to amend the capacity in the Steam Bar from 180 persons to 230 persons.	10.6.14	Granted under delegated authority
New	New application to replace existing licence  Note – one effect of this new application will introduce a separate street entrance to the Steam Bar (currently entrance must be through main hotel lobby on existing licence)	22.1.15	Granted by Licensing Sub Committee
Minor Variation	To amend the works condition which appeared at condition 53 on the schedule of proposed conditions provided to the Licensing Sub - Committee on the 22 January 2015 so that it reads as follows: "That the licence be released and that the use of the new permitted access to the Steam Bar be of no effect until it has been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the licence".	18.2.15	Granted under delegated authority

**There is no appeal history**

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

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

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

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

**Conditions: On Current Licence -**

**Mandatory:**

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

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

- (i) beer or cider: ½ pint;
  - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
  - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

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

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

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

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

Where -

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

present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

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

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

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

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

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

10. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

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

None

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

11. Subject to Condition (15) below, all door staff engaged at Steam Bar whether inside the bar or outside shall wear fluorescent arm bands displaying their SIA badges.

12. On Friday and Saturday nights a minimum of 4 SIA licensed door supervisors shall be on duty at the Steam Bar from 2100 to close of business.

13. On Friday and Saturday nights the Steam Bar must employ 1 female SIA door woman from 2100 to close of business.

14. In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:

(a) The Police (and where appropriate, the London Ambulance Service) are called without delay;

(b) All measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the Police;

(c) The crime scene is preserved so as to enable a full forensic investigation to be carried out by the Police; and

- (d) Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.
15. From the end of licensable activities up until 30 minutes after the end of licensable activities in the Steam Bar on a Friday and Saturday night, the door staff employed outside the premises shall wear high vis jackets to ensure safe and crime free dispersal of customers from the premises.
16. 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.
17. 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.
18. 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.
19. The number of persons accommodated at any one time (excluding staff) shall not exceed the following:
- a) Ground Floor:
- Steam Bar: 180 (Sunday to Thursday)
  - Steam Bar: 230 (Friday to Saturday)
  - Restaurant: 150
  - Executive Lounge: 100
  - Maclver Function Room: 40
  - Thunderbolt Function Room: 50
  - Maine Function Room: 20
  - Tangley Function Room: 20
  - Talisman Function Room: 20
- b) First Floor:
- Hobart Function Room: 20
  - Campanula Function Room: 25
  - Hurricane Function Room: 15
  - Kingfisher Function Room: 25
  - Redstar Function Room: 40
  - Comet Function Room: 20
  - Hotspur Function Room: 10
  - King George Function Room: 25
  - Great Western 1 and Great Western 2 Function Rooms: 400

- c) Second Floor:
    - Somerset Function Room: 12
  - d) Fourth Floor
    - Cornwall Function Room: 20
  - e) Fifth Floor
    - Arlington Function Room: 20
20. Substantial food will be available throughout the permitted hours.
  21. The supply of alcohol and provision of regulated entertainment in the Function and Meeting Rooms shall be restricted to pre-booked functions only.
  22. The supply of alcohol in the Restaurant after 23:00 hours until 03:00 hours shall be ancillary to table meals or to persons who are:
    - (i) Residents of the hotel;
    - (ii) Guests of residents of the hotel;
    - (iii) Persons attending a pre-booked function at the hotel;
    - (iv) Bona fide guests of the proprietor;
    - (v) Artistes or persons employed at the premises.
  23. The supply of Alcohol in the Steam Bar after 23:00 hours shall be ancillary to music and/ or dancing and substantial refreshment.
  24. For any persons admitted to the Steam Bar after 23:00 hours, the supply of alcohol shall only take place if they fall into one of the following categories, namely:
    - a) persons who have paid a minimum admission fee of £5 Sunday to Thursday and £7 Friday and Saturday, such sum not to be credited against consumables; or
    - b) persons attending a pre-booked private function at the premises; or
    - c) artistes or persons employed at the premises; or
    - d) bona fide guests of the proprietor; or
    - e) persons who are taking or have taken a table meal within the hotel; or
    - f) persons residing at the hotel and their bona fide guests.
  25. With the exception of residents and their bona fide guests, all alcohol must be consumed within 30 minutes after the end of permitted hours.
  26. Persons under 16 shall not be permitted in the bar areas unless accompanied by an adult.
  27. With the exception within hotel bedrooms there shall be no striptease, no nudity and all persons shall be decently attired at all times in all parts of the premises.
  28. 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.

29. 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.
30. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
31. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.
32. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
33. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
34. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.
35. The certificates listed below shall be submitted to the Licensing Authority upon written request.
  - a. Any permanent or temporary emergency lighting battery or system;
  - b. Any permanent or temporary electrical installation;
  - c. Any permanent or temporary emergency warning system.
36. Flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby properties, save insofar as they are necessary for the prevention of crime.
37. The provision of Regulated Entertainment shall be ancillary to the main use of the premises as a hotel.
38. Food and non-alcoholic drinks including drinking water shall be available in all parts of the premises where alcohol is available.
39. On Sunday to Thursdays if there is a pre-booked party of 100 persons or more at the Steam Bar then an SIA registered door supervisor shall be present at the hotel lobby entrance to the Steam Bar from 21:00 until all patrons have left the said Steam Bar.
40. In relation to licensable activities or the provision of facilities to enable licensable activities to take place no noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

41. Entrance to the Executive Lounge shall be restricted to those guests who are residing in an Executive room at the premises, or to those people who pay an entry fee.
42. The Executive Lounge shall be supervised at all times by a dedicated member of staff.
43. All 'off' sales are to be in sealed containers and for consumption off the premises.
44. To permit Regulated Entertainment consisting of Live Music, Performance of Dance, Anything of a similar description to Live Music, Recorded Music or Performance of Dance, on New Year's Eve from 10:00 hours until 03.00 on 2 January.
45. The premises may remain open for the sale of alcohol and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.
46. 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) any complaints received regarding crime and disorder
  - (c) any incidents of disorder
  - (d) any faults in the CCTV system
  - (e) any refusal of the sale of alcohol
  - (f) any visit by a relevant authority or emergency service.
47. There shall be no admittance after 02:30 hours to the Steam Bar.
48. There shall be no re-admittance after 02:30 hours to the Steam Bar except for those wishing to smoke.
49. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.
50. The premises licence holder shall ensure that any patrons smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
51. No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the Steam Bar, 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.
52. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following

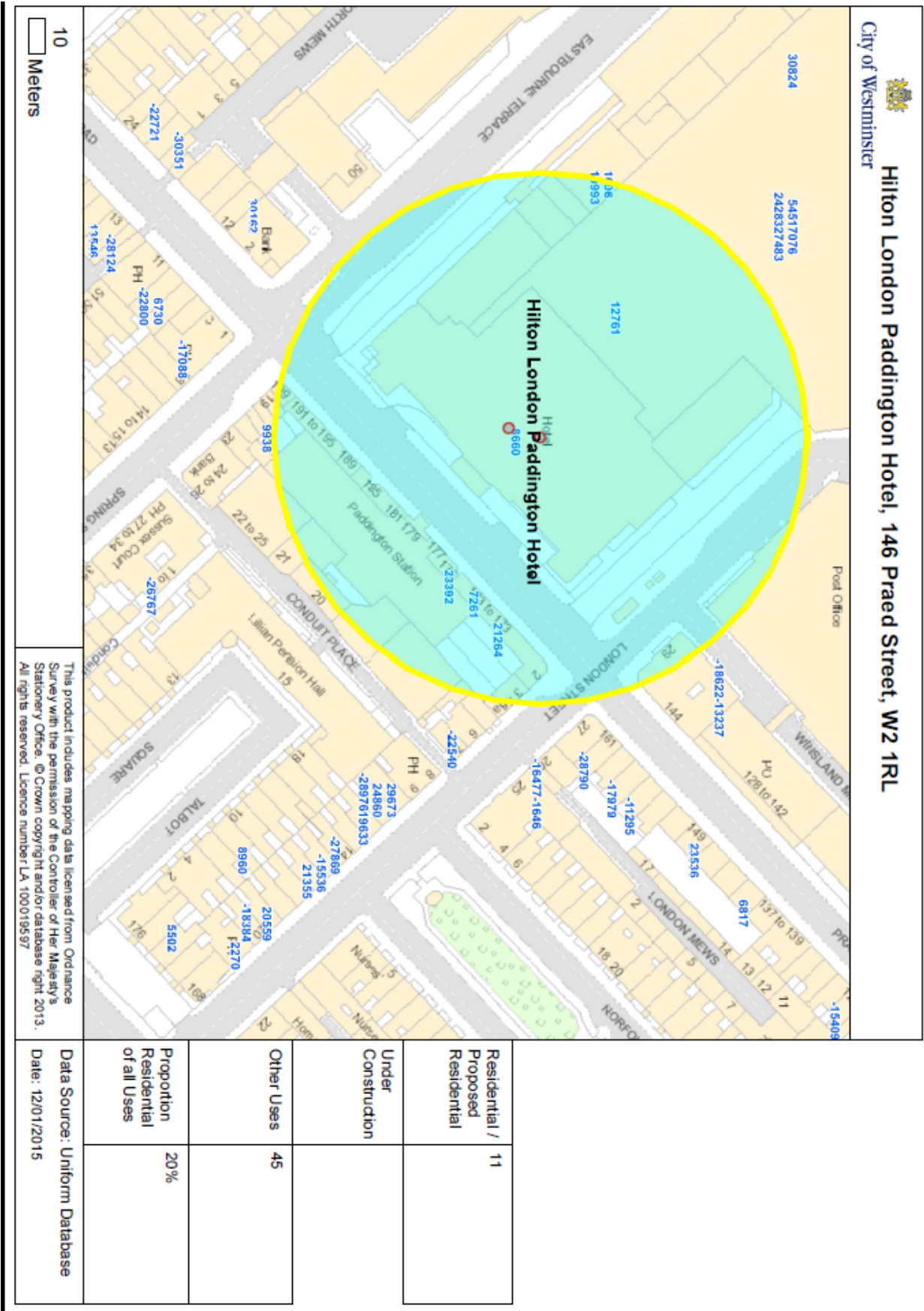
special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given.

- dry ice and cryogenic fog;
- smoke machines and fog generators;
- pyrotechnics including fireworks;
- firearms;
- lasers;
- explosives and highly flammable substances;
- real flame;
- strobe lighting.

53. There shall be no off sales of alcohol in the Steam Bar.
54. Save for Friday and Saturday after 2100 access to the ground floor Steam Bar shall only be via the hotel reception. **(Proposed to be varied)**
55. The provision of licensable activity in the Steam Bar shall be ancillary to the use of the premises as a hotel.
56. Patrons temporarily leaving and then re-entering the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
57. Patrons permitted to temporarily leave and then re-enter the premises e.g. to smoke, shall be limited to 8 persons at any one time.

#### **Conditions proposed by the applicant**

58. Access to the Steam Bar between the hours of 09:00 and 21:00 hours be permitted either via the hotel reception or through the secondary entrance at the south west corner of the hotel and which was previously used as an access point to the former casino, and marked with an X on the plan attached on the Premises Licence.
59. After 21:00 on Friday and Saturday only, access to the Steam Bar shall either be via the hotel lobby or via the secondary entrance at the south west corner of the hotel and which was previously used as an access point to the former casino, and is marked with an X on the plan attached to the premises licence.
60. On all other days after 21:00 hours access to the Steam Bar shall only be via the hotel lobby.



<b>Premises within 75 metres of: Hilton London Paddington Hotel, 146 Praed Street, W2 1RL</b>			
<b>p / n</b>	<b>Name of Premises</b>	<b>Premises Address</b>	<b>Opening Hours</b>
23392	Flames	175 Praed Street London W2 1RH	Monday to Sunday 10:00 - 00:00
7261	Aberdeen Steak House	163-167 Praed Street London W2 1RH	Monday to Saturday 10:00 - 01:00 Sunday 10:00 - 00:00 Sundays before Bank Holidays 10:00 - 01:00
8660	Hilton London Paddington Hotel	Hilton London Paddington 146 Praed Street W2 1RL	Monday to Sunday 00:00 - 00:00
21264	Budgens	171-173 Praed Street London W2 1RH	Monday to Saturday 08:00 - 05:00 Sunday 10:00 - 05:00
12761	Burger King/Caffe Ritazza	Platform 7 And 8 Unit 18 Paddington Station Praed Street W2 1RH	Monday to Sunday 00:00 - 00:00

This page is intentionally left blank

Item No:	
Date:	13 <sup>th</sup> June 2016
Licensing Ref No:	16/03065/LIPN - New Premises Licence
Title of Report:	Fucina Deli And Off Licence 22 Paddington Street London W1U 5QR
Report of:	Director of Public Protection and Licensing
Wards involved:	Marylebone High Street
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Mrs Sumeet Anand-Patel Senior Licensing Officer
Contact details	Telephone: 020 7641 2737 Email: sanandpatel@westminster.gov.uk

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	23 March 2016		
<b>Applicant:</b>	NZR Limited		
<b>Premises:</b>	Fucina Deli And Off Licence		
<b>Premises address:</b>	22 Paddington Street London W1U 5QR	<b>Ward:</b>	Marylebone High Street
		<b>Cumulative Impact Area:</b>	No
<b>Premises description:</b>	This premises shall operate as a delicatessen and off licence.		
<b>Premises licence history:</b>	This premises has not benefitted from a previous licence. The Licensee of this premises operate a restaurant known as Fucina Restaurant at 26 Paddington Street, the licence for which was recently granted by the Licensing Authority.		
<b>Applicant submissions:</b>	None		

1-B Proposed licensable activities and hours							
<b>Sale by retail of alcohol</b>				<b>On or off sales or both:</b>			Off
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	08:00	08:00	08:00	08:00	08:00	08:00	10:00
<b>End:</b>	23:00	23:00	23:00	23:00	23:00	23:00	22:30
<b>Seasonal variations:</b>		None					
<b>Non-standard timings:</b>		None					

Hours premises are open to the public							
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	07:30	07:30	07:30	07:30	07:30	07:30	07:30
<b>End:</b>	23:00	23:00	23:00	23:00	23:00	23:00	23:00
<b>Seasonal variations:</b>		None					
<b>Non-standard timings:</b>		None					
<b>Adult Entertainment:</b>		None					



## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Environmental Health
<b>Representative:</b>	Ian Watson
<b>Received:</b>	18 <sup>th</sup> April 2016
<b>Status:</b>	Withdrawn
<p>I refer to the application for a New Premises Licence. The applicant has submitted plans of the ground and basement floors ref CSD 260 SK dated 22 February 2016.</p> <p>This representation is based on the plans and operating schedule submitted. The applicant is seeking the following</p> <ol style="list-style-type: none"> <li>To provide for the Supply of Alcohol 'Off' the premises Monday to Sunday 07.30 to 23.00 hours.</li> </ol> <p>I wish to make the following representation</p> <ol style="list-style-type: none"> <li>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.</li> </ol> <p>The applicant has provided some conditions in support of the application which are being considered but do not fully address the concerns of Environmental Health.</p> <p><b>Note: following a discussion with the applicant, conditions have been agreed and subsequently the Environmental Health representation is now withdrawn.</b></p>	
<b>Responsible Authority:</b>	Metropolitan Police Service
<b>Representative:</b>	Bryan Lewis
<b>Received:</b>	16 <sup>th</sup> April 2016
<b>Status:</b>	Withdrawn
<p>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 may undermine the Licensing Objectives.</p> <p><b>Our objections relate to the following:</b></p> <ul style="list-style-type: none"> <li>There are insufficient conditions proposed by the applicant</li> <li>Hours sought for the supply of alcohol are beyond core hours</li> </ul> <p><b>Note: Following a discussion with the applicant and conditions being agreed, the Police representation has been withdrawn.</b></p>	

<b>2-B Other Persons</b>	
<b>Name:</b>	Ms Clare Bebbington
<b>Address and/or Residents Association:</b>	11 Sherlock Mews London W1U 6DDS
<b>Received:</b>	28 <sup>th</sup> March 2016
<p>Paddington Street has become a magnet for anti-social behaviour, much of it fuelled by alcohol. The secluded, badly-lit nature of Sherlock Mews has made it particularly vulnerable: late-night groups gather to drink here; it is used almost daily as a urinal, and human excrement was left in one of the doorways for days - despite several complaints to the council; there has been at least one instance of a couple having sex in one of the doorways; and on Good Friday a fight broke out in the mews among the group of travellers who have established themselves in the park - causing young visitors staying with me at the time considerable distress. The stairwell providing access to the New York Laser Clinic is regularly broken into, with the police discovering an abandoned rucksack last Friday. My objection is that neither the police nor the Council seem able to protect residents from this extreme anti-social behaviour and I cannot see how they can effectively manage the consequences of any further premises licenses. It takes 45 minutes for council officials to attend a noise complaint alone - and I understand the lives of neighbours of the Chiltern Firehouse are a misery because of the inability to control the behaviour of guests there.</p> <p>I actually believe that all licenses should be reviewed in the area, or the council should provide residents with a detailed explanation about how they are intending to deal with this anti-social behaviour - rather than asking us to comment on yet more license applications.</p>	

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<b>Policy HRS1 applies:</b>	<p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p>
<b>Policy OS1 applies:</b>	Applications will generally be granted and reviews determined subject to the relevant criteria in Policies CD1, PS1, PN1 CH1 and HRS1 and other policies in this Statement.

### 4. Appendices

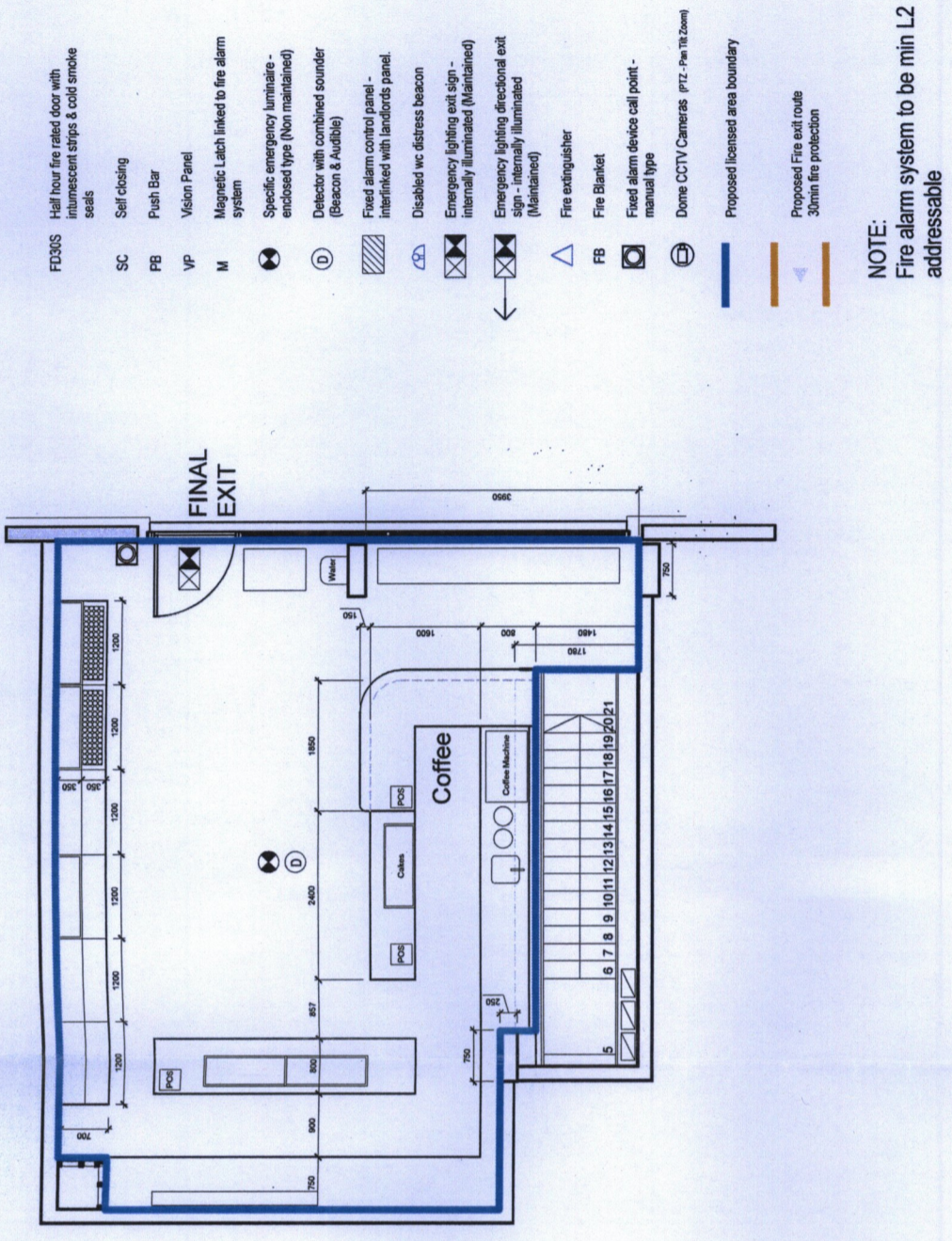
<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents - none
<b>Appendix 3</b>	Premises history
<b>Appendix 4</b>	Proposed conditions
<b>Appendix 5</b>	Residential map and list of premises in the vicinity

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

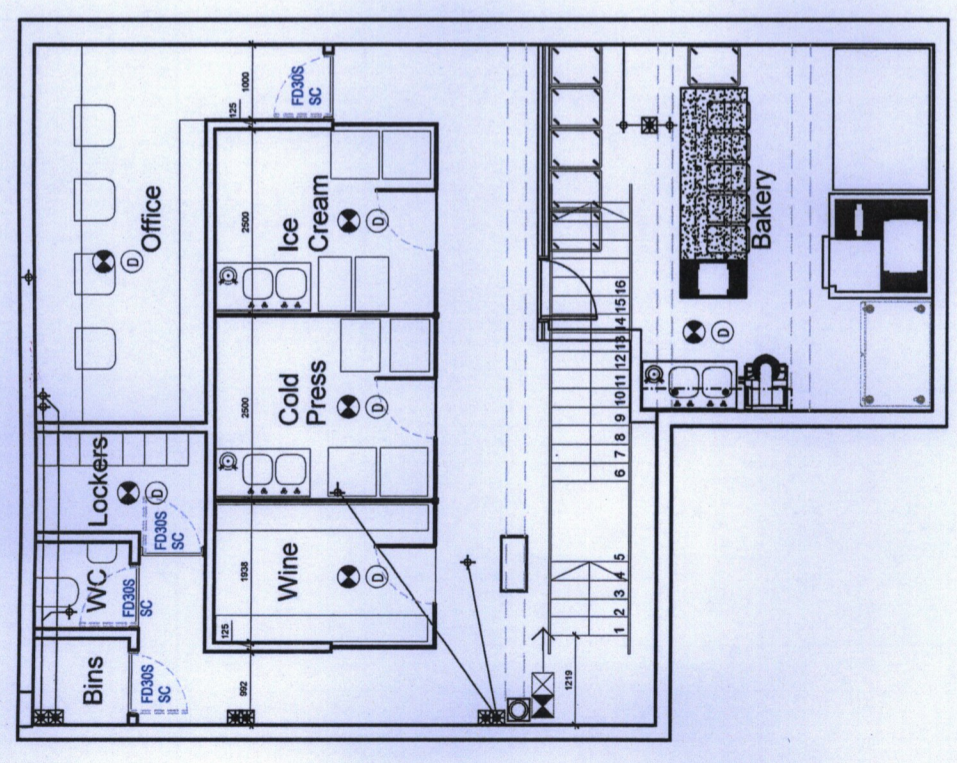
**If you have any queries about this report or wish to inspect one of the background papers please contact the report author.**

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

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
<b>4</b>	Application Form	23 <sup>rd</sup> March 2016
<b>5</b>	Plans	23 <sup>rd</sup> March 2016
<b>6</b>	Environmental Health Representation	18 <sup>th</sup> April 2016
<b>7</b>	Metropolitan Police Representation	16 <sup>th</sup> April 2016
<b>8</b>	Ms Bebbington Representation	28 <sup>th</sup> March 2016



② Proposed Ground Level



① Proposed Basement

 andy martin architecture architects and designers tel: +44 20 3397 1999 info@andymartinarchitecture.com	Revision 01.02.2016 07.03.2016	Preliminary Issue Revised to include updated layout and CCTV positions	Project Chiltern St Deli Chiltern Street, London	Scale 1:100 @ A3	Project commencement 22 February 2016	Drawing number CSD 260 SK	Rev A
	Date Issue Notes	Proposed Basement Licensing Plan					

There are no further submissions from the applicant.

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 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.

### **Conditions consistent with the operating schedule**

Conditions superseded by the EH conditions below.

### **Conditions proposed by the Environmental Health and agreed with the applicant**

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. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
3. No super-strength beer, lagers or ciders of 5.5% ABV (alcohol by volume) or above shall be sold at the premises except for premium beers and ciders sold in glass bottles.
4. 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.
5. There shall be no self-service of spirits on the premises except for spirit mixtures below 5.5% Alcohol by Volume.
6. 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.
7. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
8. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
9. 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.
10. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 23.00 and 08.00 hours.
11. 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
12. 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.
13. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
14. A diary log shall be kept detailing all refused sales of alcohol. The log should include

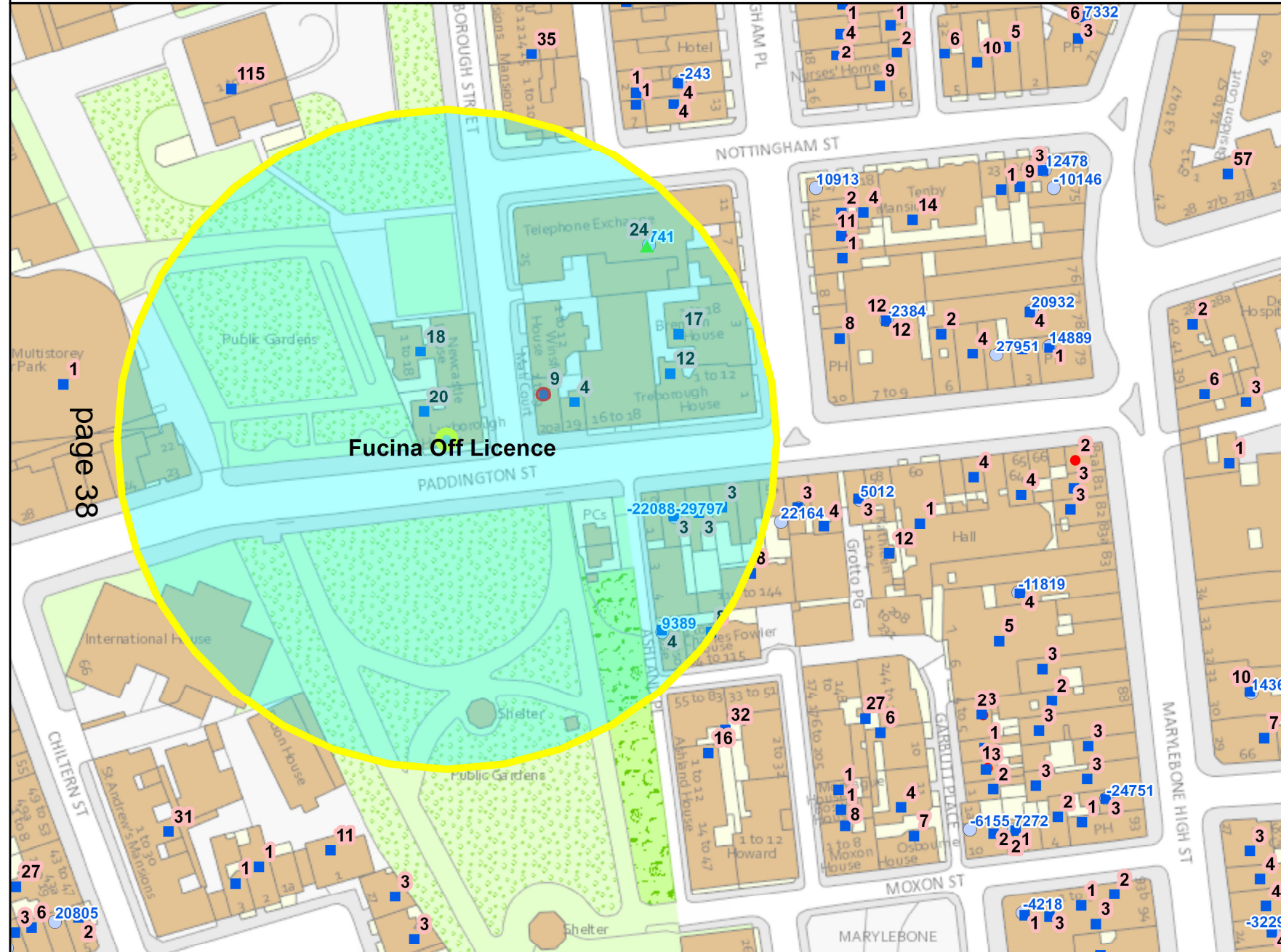
the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises are open.

15. 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.

**Condition proposed by the Police and agreed with the applicant**

16. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, 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) any faults in the CCTV system
  - (f) any visit by a relevant authority or emergency service

# Fucina Off Licence, 22 Paddington Street, London W2



page 38

Fucina Off Licence

10 Meters

Residential / Proposed Residential	120
Under Construction	Not Known
Other Uses	Not Known
Proportion Residential of all Uses	Not Known

This product includes mapping data licensed from Ordnance Survey with the permission of the Controller of Her Majesty's Stationery Office. © Crown copyright and/or database right 2013. All rights reserved. Licence number LA 100019597

Data Source: Uniform Database  
Date: 26/05/2016

**Premises within 75 metres of: Fucina Off Licence, 22 Paddington Street, London W2**

<b>p / n</b>	<b>Name of Premises</b>	<b>Premises Address</b>	<b>Opening Hours</b>
741	The Hellenic Centre	Flat 8 Fifth Floor 25 Luxborough Street London W1U 5AR	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 23:00
9389	Gunmakers	Dennison House Ashland Place London W1U 4AL	Friday to Saturday 10:00 - 00:00 Sunday 10:00 - 22:30 Monday to Thursday 10:00 - 23:30
22088	Bombay Spice	Basement And Ground Floor 50 Paddington Street London W1U 4HP	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
29797	16/03601/LIPDPS	Flat 1 50 Paddington Street London W1U 4HP	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00

This page is intentionally left blank



City of Westminster

# Licensing Sub-Committee Report

## Agenda Item 3

Item No:	
Date:	13.06.2016
Licensing Ref No:	16/03910/LIPV - Premises Licence Variation
Title of Report:	Imli Ltd 167-169 Wardour Street London W1F 8WL
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:	David Sycamore Senior Licensing Officer
Contact details	Telephone: 020 7641 8556 Email: dsycamore@westminster.gov.uk

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	Variation of a Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	18 April 2016		
<b>Applicant:</b>	Imli Limited		
<b>Premises:</b>	Imli Ltd		
<b>Premises address:</b>	167-169 Wardour Street London W1F 8WL	<b>Ward:</b>	West End
		<b>Cumulative Impact Area:</b>	Yes
<b>Premises description:</b>	The premises is a mid terraced restaurant in the heart of Soho, located within the Westminster Cumulative Impact Area.		
<b>Variation description:</b>	<p>To vary the layout of the premises including the relocation of ground floor bar (moved into the corner within the same area), raised seating area added to back of ground floor space, introduction of Bar in the basement, toilets reconfigured and changes to the kitchen area.</p> <p>The addition of the following condition: Notwithstanding condition 13, alcohol may be supplied and consumed prior/post to their meal in the bar areas (designated on the plan), by up to a maximum at any one time, of 8 persons in the basement and 10 person on the ground floor, dining at the premises.</p>		
<b>Premises licence history:</b>	Please see below appendix 3.		
<b>Applicant submissions:</b>	None.		

Late night refreshment						
Indoors, outdoors or both			Current :		Proposed:	
			Indoors		n/a	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
<b>Monday</b>	23:00	01:00	None proposed.		No change.	No change.
<b>Tuesday</b>	23:00	01:00				
<b>Wednesday</b>	23:00	01:00				
<b>Thursday</b>	23:00	01:00				
<b>Friday</b>	23:00	01:00				
<b>Saturday</b>	23:00	01:00				
<b>Sunday</b>	23:00	00:00				
<b>Seasonal variations:</b>	<b>Current:</b>				<b>Proposed:</b>	
	The premises may be opened for licensable activities from the end of permitted hours on New				No Change	



	Year's Eve until the start of permitted hours on New Year's Day only.	
<b>Non-standard timings:</b>	<b>Current:</b>	<b>Proposed:</b>
	n/a	n/a

<b>Sale by Retail of Alcohol</b>						
<b>On or off sales</b>			<b>Current :</b>		<b>Proposed:</b>	
			On		n/a	
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Licensable Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	11:00	01:00	None proposed.		Please see plans.	To allow an area to serve drinks without the need to take a table meal(marked in pink with hatched markings) Layout changes to be applied too.
<b>Tuesday</b>	11:00	01:00				
<b>Wednesday</b>	11:00	01:00				
<b>Thursday</b>	11:00	01:00				
<b>Friday</b>	11:00	01:00				
<b>Saturday</b>	11:00	01:00				
<b>Sunday</b>	11:00	01:00				
<b>Seasonal variations:</b>	<b>Current:</b>				<b>Proposed:</b>	
	The premises may be opened for licensable activities from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day only.				No Change.	
<b>Non-standard timings:</b>	<b>Current:</b>				<b>Proposed:</b>	
	n/a				n/a	

<b>Hours premises are open to the public</b>						
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Premises Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	08:00	01:00	None proposed.		No change	No change.
<b>Tuesday</b>	08:00	01:00				
<b>Wednesday</b>	08:00	01:00				
<b>Thursday</b>	08:00	01:00				
<b>Friday</b>	08:00	01:00				
<b>Saturday</b>	08:00	01:00				
<b>Sunday</b>	08:00	00:00				
<b>Seasonal variations:</b>	<b>Current:</b>				<b>Proposed:</b>	
	The premises may be opened for licensable activities from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day only.				No Change	
<b>Non-standard</b>	<b>Current:</b>				<b>Proposed:</b>	

<b>timings:</b>	n/a	n/a
-----------------	-----	-----

<b>1-C Layout alteration</b>
Relocation of internal layout only.

<b>1-D Conditions being varied, added or removed</b>		
<b>Proposed Condition</b>	<b>Proposed variation</b>	
Notwithstanding condition 13, alcohol may be supplied and consumed prior/post to their meal in the bar areas (designated on the plan), by up to a maximum at any one time, of 8 persons in the basement and 10 person on the ground floor, dining at the premises.	n/a	
<b>Adult entertainment:</b>	<b>Current position:</b>	<b>Proposed position:</b>
	n/a	n/a

## 2. Representations

<b>2 Other Persons</b>			
<b>Name:</b>	Steve Chambers		
<b>Address and/or Residents Association:</b>	The Soho Society		
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	16.05.2016		
<p>Reference: 16/03910/LIPV, Premises Licence - Variation, Imli Ltd, 167-169 Wardour Street, W1F 8WL</p> <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>About The Soho Society</p> <p>The Soho Society is a charitable company limited by guarantee established in 1972. The society is a recognised amenity group and was formed to make Soho a better place to live, work or visit by preserving and enhancing the area's existing diversity of character and uses, and by improving its facilities, amenities and environment. In particular, the society supports the Westminster City Council's policies, including the cumulative impact policy, as set out in the Statement of Licensing Policy.</p> <p>Application summary</p>			

The application is described in Westminster Licensing News (10 May 2016 edition) as follows:

*To vary the layout of the premises including the relocation of ground floor bar (moved into the corner within the same area), raised seating area added to back of ground floor space, introduction of Bar in the basement, toilets reconfigured and changes to the kitchen area. The addition of the following condition: Notwithstanding condition 13, alcohol may be supplied and consumed prior/post to their meal in the bar areas (designated on the plan), by up to a maximum at any one time, of 8 persons in the basement and 10 person on the ground floor, dining at the premises.*

Increase in drinking capacity in the West End Cumulative Impact Area

The application seeks to increase the capacity for problematic vertical drinking, that is not ancillary to food, in the West End Cumulative Impact Area. This application therefore fails to promote the licensing objectives of prevention of crime and disorder, and public nuisance. Recent Metropolitan Police crime statistics show high levels of theft, theft from person, anti-social behaviour, drugs and sexual offenses in the area. There are private homes in nearby buildings, and residents in the immediate area are subject to noise and general nuisance every night of the week. It is therefore felt necessary that should this license be permitted; conditions must be applied:

**MC38** 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.

**MC39** The supply of alcohol shall be by waiter or waitress service only.

Licensing policy

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

The policies in relation to the stress areas are directed at the global and cumulative effects of licences on the area as a whole (2.4.5 of the policy). The policies are intended to be strict and will only be overridden in genuinely exceptional circumstances (2.4.2 of the policy). The growth in the entertainment industry in Soho has led to a marked deterioration in the quality of life and well-being of local residents and it has jeopardised the sustainability of the community. Soho has a substantial residential community and many of these residents suffer from problems such as, but not limited to, high levels of noise nuisance, problems with waste, urinating and defecating in the streets, threats to public safety, anti-social behaviour, crime and disorder and the change in character of historic areas. For the reasons I have set out, we believe that the application, if granted in its present form, would fail to promote the licensing objectives of prevention of public nuisance and prevention of crime and disorder. I respectfully urge the Licensing Sub-Committee to reject this application.

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

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<b>Policy PB2 applies</b>	It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas other than applications to vary hours within the Core Hours under Policy HRS1. Applications for hours outside the core hours will be considered on their merits, subject to other relevant policies.  (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.
<b>Policy HRS1 applies</b>	
<b>Policy CIP1 applies</b>	

### 4. Appendices

<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents – none
<b>Appendix 3</b>	Premises history
<b>Appendix 4</b>	Proposed conditions
<b>Appendix 5</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	David Sycamore Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 8556 Email: dsycamore@westminster.gov.uk





**Licence & Appeal History**

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
05/09723/LIPN	New Licence	23.11.2005	Granted
13/00791/LIPVM	Minor Variation	26.02.2013	Granted
13/00802/LIPV	Variation	20.03.2013	Granted
13/02124/LIPDPS	Vary DPS	22.04.2013	Granted
14/02500/LIPV	Variation	19.06.2014	Granted
15/07376/LIPDPS	Vary DPS	17.09.2015	Granted

**There is no appeal history**

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

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

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

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

**Conditions: On Current Licence -**

**Mandatory:**

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



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

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

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

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

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

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

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

Where -

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

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

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

None

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

- 9. The premises may be opened for licensable activities from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day only.
- 10. There shall be no sale for consumption off the premises at any time.
- 11. Photographic identification such as passport or photo driving licence shall be required if there is any doubt about the age of customers wishing to purchase or consume alcohol.
- 12. Substantial food and non-intoxicating beverages (including drinking water) shall be available throughout the permitted hours in all parts of the premises where intoxicants are provided.
- 13. The premises shall only operate as a restaurant:
  - (i) in which customers are shown to their table,
  - (ii) where the supply of alcohol is by waiter or waitress service only,
  - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
  - (iv) which do not provide any take away service of food or drink for immediate consumption,
  - (v) which do not provide any take away service of food or drink after 23.00, and
  - (vi) where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are seated in the premises and bona fide taking substantial table meals there and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

14. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
15. 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.
16. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.
17. All external doors shall be kept closed after 21.00 except for immediate access and egress.
18. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
19. 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.
20. 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.
21. There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises.
22. The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.
23. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 15 persons at any one time and shall not be permitted to take their drinks with them.
24. 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

25. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
26. No deliveries to the premises shall take place between 23.00 and 08.00.
27. The kitchen extract ventilation plant shall be switched off by 23:00 hours.
28. Persons permitted to temporarily leave and then re-enter the premises e.g. to smoke, shall not take any drinks or glass containers with them.
29. The number of persons (excluding staff) accommodated at any one time shall not exceed the following:  
  
Basement - 40  
Ground Floor - 80
30. There shall be no sales of hot food or hot drink for consumption off the premises after 23:00.
31. 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.

**Proposed Condition by the applicant.**

32. Notwithstanding condition 13, alcohol may be supplied and consumed prior/post to their meal in the bar areas (designated on the plan), by up to a maximum at any one time, of 8 persons in the basement and 10 person on the ground floor, dining at the premises

**Proposed Conditions by Environmental Health and agreed with applicant**

33. The variation of the Premises Licence 16/03910/LIPV to include the new bar to the basement, toilets re-configured, changes to raised area to rear of premises 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.

**Proposed by the Soho Society – not agreed as of publication.**

34. 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.
35. The supply of alcohol shall be by waiter or waitress service only.

<b>Premises within 75 metres of: 167-169 Wardour Street</b>			
<b>Licence Number</b>	<b>Name of Premises</b>	<b>Premises Address</b>	<b>Licensed Hours</b>
14/07128/LIPT	Berwick News	38 Berwick Street London W1F 8RT	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30
10/01916/LIPT	St Moritz	161 Wardour Street London W1F 8WL	Monday to Sunday 09:00 - 03:30
15/07376/LIPDPS	Imli Ltd	171 Wardour Street London W1F 8WL	Sunday 08:00 - 00:00 Monday to Saturday 08:00 - 01:00
16/02045/LIPDPS	Cote	Ground Floor 124 - 126 Wardour Street London W1F 0TY	Sunday 09:00 - 00:00 Monday to Thursday 09:00 - 03:00 Friday to Saturday 09:00 - 03:30
13/09249/LIPDPS	The George Public House	7A D'Arblay Street London W1F 8DF	Monday to Sunday 00:00 - 00:00
14/00062/LIPVM	Blanchette	9 D'Arblay Street London W1F 8DR	Monday to Saturday 10:00 - 00:30 Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 00:00 Sunday 12:00 - 23:00
08/03322/LIPV	Inamo	Flat 5 134-136 Wardour Street London W1F 8ZR	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
06/06675/WCCMA P	Korkers (Basement) And Mustafa's Thai Cottage (Ground Floor)	28 D'Arblay Street London W1F 8EW	Monday to Saturday 09:00 - 03:30 Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00 Sunday 12:00 - 00:00
13/07360/LIPN	The George Public House	7A D'Arblay Street London W1F 8DF	Monday to Thursday 10:00 - 00:00 Friday to Saturday 10:00 - 00:30 Sunday 12:00 - 23:00
16/02596/LIPDPS	The Nadler Soho	The Nadler Soho 10 - 12 Carlisle Street London W1D 3BR	Monday to Sunday 00:00 - 00:00
14/06333/LIPN	Enrique Tomas	Ground Floor Front 132 Wardour Street London W1F 8ZW	Monday to Saturday 10:00 - 22:30 Sunday 12:00 - 22:30
15/02609/LIPV	Tostado	Ground Floor 16 St Anne's Court London W1F 0BF	Monday to Saturday 08:00 - 23:30 Sunday 10:00 - 22:00
06/07039/WCCMA P	Raj Tandoori Restaurant	71 Berwick Street London W1F 8TB	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
15/02132/LIPVM	Chipotle Mexican Grill	183-185 Wardour Street London W1F 8ZA	Monday to Saturday 10:00 - 23:30 Sunday 11:30 - 23:00
14/09218/LIPN	Hearst Magazine UK, The Good Housekeeping Institute	Third Floor 20 St Anne's Court London W1F 0BH	Monday to Sunday 00:00 - 00:00
06/06237/WCCMA P	Maharani Restaurant	Third Floor 75A Berwick Street London W1F 8TG	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
15/09999/LIPDPS	Pho	167 Wardour Street London W1F 8WL	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
16/02387/LIPDPS	The Melt Room	25 Noel Street London W1F 8GX	Monday to Friday 08:30 - 21:00 Saturday 11:00 - 21:00 Sunday 11:00 - 21:00

15/03005/LIPV	Cafe L'Eto	Second Floor 143 Wardour Street London W1F 8WA	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30
---------------	------------	--	---



City of Westminster

### 167-169 Wardour Street



10

Meters

This product includes mapping data licensed from Ordnance Survey with the permission of the Controller of Her Majesty's Stationary Office. © Crown copyright and/or database right 2013. All rights reserved. Licence number LA 100019597

Residential / Proposed Residential	394
Under Construction	n/a
Other Uses	n/a
Proportion Residential of all Uses	n/a

Data Source: Uniform Database

Date: 26/05/2016



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

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

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
<b>4</b>	Environmental Health Rep – Withdrawn but condition agreed and added.	May 2016
<b>5</b>	Police Rep and discussion emails -Withdrawn	April 2016
<b>6</b>	Soho Society Rep	April 2016
<b>7</b>	Service Email	April 2016
<b>8</b>	Notice of Hearing	May 2016

This page is intentionally left blank