



City of Westminster

Committee Agenda

Title: **Licensing Sub-Committee (4)**

Meeting Date: **Monday 27th 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:**

Jean Paul Floru (Chairman)
Nick Evans
Peter Freeman



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

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



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

**Email: jdeacon@westminster.gov.uk 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 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. 28/50, BASEMENT AND GROUND FLOOR, 15-17 AND 19 MARYLEBONE LANE, W1

(Pages 1 - 20)

| App No | Ward/ Cumulative Impact Area | Site Name and Address | Application | Licensing Reference Number |
|--------|---|--|-------------|----------------------------|
| 1. | Marylebone High Street Ward / not in cumulative impact area | 28/50, Basement And Ground Floor, 15-17 and 19 Marylebone Lane, W1 | Variation | 16/03005/LIPV |

2. 28A LEICESTER SQUARE, WC2

(Pages 21 - 42)

| App No | Ward/ Cumulative Impact Area | Site Name and Address | Application | Licensing Reference Number |
|--------|--|------------------------------------|-------------|----------------------------------|
| 2. | St James's Ward / West End Cumulative Impact Area | 28A Leicester Square, WC2 | New | 16/03431/LIPN |

**3. RESTAURANT, BASEMENT AND GROUND FLOOR, 1
GROSVENOR GARDENS, SW1**

**(Pages 43 -
142)**

| App No | Ward/ Cumulative Impact Area | Site Name and Address | Application | Licensing Reference Number |
|--------|--|--|-------------|----------------------------------|
| 3. | St James's Ward / not in cumulative impact area | Restaurant , Basement and Ground Floor, 1 Grosvenor Gardens, SW1 | New | 15/07477/LIPN |

**Charlie Parker
Chief Executive
17 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.

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City of Westminster

Licensing Sub-Committee Report

Agenda Item 1

| | |
|--------------------|---|
| Item No: | |
| Date: | 27 June 2016 |
| Licensing Ref No: | 16/03005/LIPV - Premises Licence Variation |
| Title of Report: | 28/50 Basement And Ground Floor 15-17 and 19 Marylebone Lane London |
| 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: | Mr Darren O'Leary Senior Licensing Officer |
| Contact details | Telephone: 02076417824 Email: doleary@westminster.gov.uk |

1. Application

| 1-A Applicant and premises | | | |
|-----------------------------------|---|--------------------------------|------------------------|
| Application Type: | Variation of a Premises Licence, Licensing Act 2003 | | |
| Application received date: | 22 March 2016 | | |
| Applicant: | Latitude Restaurant Ltd | | |
| Premises: | 28/50 | | |
| Premises address: | Basement And Ground Floor 15-17 and 19 Marylebone Lane London W1U 2NF | Ward: | Marylebone High Street |
| | | Cumulative Impact Area: | None |
| Premises description: | Wine Workshop and Kitchen – Restaurant and wine bar. | | |
| Variation description: | <p>Application to make the following changes:</p> <ul style="list-style-type: none"> to change the layout in the basement and add a bar servery; to allow the sale of alcohol without food in the basement by up to 12 persons (subject to conditions) to remove condition 10 and replace with a condition that permits off-sales to either persons seated taking a table meal in the external seating area or in sealed containers. <p>NB. The ground floor plan currently attached to the licence remains unchanged. The attached drawing no. 1064-PLN-03 A replaces the basement plan only.</p> | | |
| Premises licence history: | The premises has held a licence since 16 th March 2012. | | |
| Applicant submissions: | None. | | |

| 1-B Current and proposed licensable activities, areas and hours | | | | | | |
|---|---------------|-------|----------------|------|-----------------|-----------|
| Late night refreshment | | | | | | |
| Indoors, outdoors or both | | | Current : | | Proposed: | |
| | | | Indoors | | No Change | |
| | Current Hours | | Proposed Hours | | Licensable Area | |
| | Start: | End: | Start: | End: | Current: | Proposed: |
| Monday | 23:00 | 23:30 | | | | |
| Tuesday | 23:00 | 23:30 | | | | |
| Wednesday | 23:00 | 23:30 | | | | |

| | | | | | |
|---|---|-------|-----------|------------------|-----------|
| Thursday | 23:00 | 23:30 | No Change | No Change | No Change |
| Friday | 23:00 | 00:00 | | | |
| Saturday | 23:00 | 00:00 | | | |
| Sunday | None | None | | | |
| Seasonal variations/ Non-standard timings: | Current: | | | Proposed: | |
| | From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day | | | No Change | |

| Sale by Retail of Alcohol | | | | | | |
|---|---|-------------|-----------------------|------------------|------------------------|------------------|
| On or off sales | | | Current : | | Proposed: | |
| | | | On | | Both | |
| | Current Hours | | Proposed Hours | | Licensable Area | |
| | Start: | End: | Start: | End: | Current: | Proposed: |
| Monday | 10:00 | 23:30 | No Change | No Change | No Change | No Change |
| Tuesday | 10:00 | 23:30 | | | | |
| Wednesday | 10:00 | 23:30 | | | | |
| Thursday | 10:00 | 23:30 | | | | |
| Friday | 10:00 | 00:00 | | | | |
| Saturday | 10:00 | 00:00 | | | | |
| Sunday | 12:00 | 22:30 | | | | |
| Seasonal variations/ Non-standard timings: | Current: | | | Proposed: | | |
| | From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day | | | No Change | | |

| Hours premises are open to the public | | | | | | |
|---|---|-------------|-----------------------|------------------|----------------------|------------------|
| | Current Hours | | Proposed Hours | | Premises Area | |
| | Start: | End: | Start: | End: | Current: | Proposed: |
| Monday | 10:00 | 00:00 | No Change | No Change | No Change | No Change |
| Tuesday | 10:00 | 00:00 | | | | |
| Wednesday | 10:00 | 00:00 | | | | |
| Thursday | 10:00 | 00:00 | | | | |
| Friday | 10:00 | 00:00 | | | | |
| Saturday | 10:00 | 00:00 | | | | |
| Sunday | 12:00 | 22:30 | | | | |
| Seasonal variations/ Non-standard timings: | Current: | | | Proposed: | | |
| | From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day | | | No Change | | |

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| 1-C Layout alteration |
| To change the layout in the basement and add a bar server as per drawing no. 1064-PLN-03. |

| | | |
|---|--|---------------------------|
| 1-D Conditions being varied, added or removed | | |
| Condition | Proposed variation | |
| Conditions 10: 'There shall be no seating in the external areas of the premises, save for seating permitted by the City Council, where such consent is required.' | Amend to: 'All sales of alcohol for consumption off the premises shall be to patrons seated in any external area of the premise taking a table meal, or in sealed containers only.' | |
| Condition 18: 'The sale of alcohol in the bar area hatched in revised plans shall be by waiter or waitress service only' | Amend to: 'The sale of alcohol in the bar areas hatched on the attached plans shall be by waiter or waitress service only' | |
| Condition 24: 'Save for the bar area on the ground floor hatched on the revised plans, 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.' | Amend to: 'Save for the bar areas hatched on the plans, 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.' | |
| Condition 26: 'In the bar area on the ground floor hatched in the revised plans (to be submitted by the Applicant), alcohol shall only be supplied to persons who are seated and a maximum of 12 persons shall be permitted in the bar area at any one time.' | Amend to: 'In the bar areas hatched in the, alcohol shall only be supplied to persons who are seated and a maximum of 12 persons shall be permitted in each bar area at any one time.' | |
| Adult entertainment: | Current position: | Proposed position: |
| | None | No change |

2. Representations

| | |
|--|-----------------------------|
| 2-A Responsible Authorities | |
| Responsible Authority: | Environmental Health |
| Representative: | David Nevitt |
| Received: | 18 th April 2016 |
| <p>I refer to the above application which seeks to vary Premises Licence 15/05220/LIPDPS to include the following (as described by the applicant):</p> <p><i>'To change the layout in the basement and add a bar servery;</i></p> | |

To allow the sale of alcohol without food in the basement by up to 12 persons (subject to conditions);

To remove condition 10 and replace with a condition that permits off-sales to either persons seated taking a table meal in the external seating area or in sealed containers.

NB. The ground floor plan currently attached to the licence remains unchanged. The attached drawing no. 1064-PLN-03 A replaces the basement plan only.'

I wish to make Representations on the following grounds:

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

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

| | |
|-------------------------------|---------------------|
| Responsible Authority: | Metropolitan Police |
| Representative: | Toby Janes |
| Received: | 14th April 2016 |

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.

| | | | |
|--|----------------------------|-------------------------------|---------|
| 2-B Other Persons | | | |
| Name: | Sven Becker | | |
| Address and/or Residents Association: | 2 Mandeville Place London | | |
| Status: | Valid | In support or opposed: | Opposed |
| Received: | 4 th April 2016 | | |

I wish to object to the application asking to allow the sale of alcohol without food in the basement of the premises, on the basis that this will affect the quality of life of local residents who are already severely strained by the patrons of many licensed premises in the area.

The lack of food will cause customers to be more inebriated and more uninhibited more quickly which will result in more loud, drunken behaviour in the area when they

congregate outside the premises to smoke or when leaving the premises.

Records from the Westminster Noise team will show a number of previous complaints associated with other premises in the immediate area. Polite notices to be quiet simply do not work.

Residents understand that no one chooses to live in W1 for the peace and quiet, but that is no reason to increase their burden and further erode their quality of life.

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. |

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@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

| | | |
|-----------|---|--------------------------------|
| 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 | 22 nd March 2016 |
| 5 | Notice of hearing letter/email | 8th June 2016 |
| 6 | Premises Licence 15/05220/LIPDPS | 13 th November 2015 |
| 7 | Representation – Dave Nevitt | 18 th April 2016 |
| 8 | Representation – Toby Janes | 14 th April 2016 |
| 9 | Representation – Sven Becker | 4 th April 2016 |
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Proposed Basement Floor Plan

| | |
|------------|--|
| S20 | FIRE ESCAPE KEEP CLEAR. |
| S19 | GANGWAY KEEP CLEAR. |
| S17 | SECURE DOOR OPEN WHEN PREMISES ARE OCCUPIED. |
| S8 | HIGHLY FLAMMABLE MATERIAL - KEEP LOCKED. |
| S2 | NO SMOKING. |
| S13 | FIRE DOOR KEEP SHUT. |
| S14 | FIRE DOOR KEEP LOCKED. |

ALL WALLS AND PARTITIONS TO BE MINIMUM HALF-HOUR FIRE RESISTANT. EMERGENCY LIGHTING TO COMPLY WITH BS 5266 PART 1

FIRE SAFETY RELATED SIGNS AND NOTICES TO COMPLY WITH BS 5499 BS 5306.

FIRE FIGHTING EQUIPMENT TO COMPLY WITH BS 5499

WALL AND CEILING LININGS ARE TO BE CLASS 1 SPREAD OF FLAME RATED BY BS 476 PART 7) IN PUBLIC AREAS AND CLASS 0 IN ESCAPE ROUTES.

UPHOLSTERED SEATING/FURNITURE TO COMPLY WITH THE FOLLOWING:

- IGNITION SOURCE(CIGARETTE TEST) AS SPECIFIED IN BS 6852 PART 2
- FIRE TEST FOR FURNITURE USE METHODS OF TEST FOR THE CLASS 1
- AS 5852 PART 2
- FIRE TEST FOR FURNITURE USE METHODS OF TEST FOR THE CLASS 1
- MINIMUM TEST TO BE CONDUCTED ON SOURCE

PANESLS THAT USE GLASS AS AN ALTERNATIVE TREATMENT TO GLASS ARE TO BE SUBMITTED TO THE FIRE AUTHORITY FOR APPROVAL. TESTS TO BE SUBMITTED TO THE FIRE AUTHORITY.

REQUIREMENTS TO BE BS 5897

CRIPPLERS AND PREPERS TO SATISFY TYPE 8, PERFORMANCE CLASS 2.

ARTIFICIAL FOLIAGE AND DECORATIVE EFFECTS TO BE FIRE RETARDANT TO THE SATISFACTION OF THE AUTHORITY.



| | |
|------------|---|
| SCA | SELF-CLOSING DOOR INCORPORATING AN AUTOMATIC RELEASE (E.G. ELECTRO MAGNETIC DOOR HOLDER). |
| PB | DOORS WILL BE PROVIDED WITH A PANIC BAR. THERE SHALL BE A MINIMUM CLEARANCE OF 1.8 METRES. THE METHOD OF OPENING MINIMUM 1 LETTERING AND IMMEDIATELY OPERABLE BY A PERSON ON HISHER WAY OUT LEVER HANDLE ETC. |
| SF | AND IMMEDIATELY OPERABLE BY A PERSON ON HISHER WAY OUT LEVER HANDLE ETC. |
| TP | FIRE ALARM TELEPHONE POINT. |
| VP | A PANEL OF CLEAR GLASS IN THE DOOR OR ADJACENT PARTITION SHOWING POSITION WHICH GIVES THE OCCUPANT OF THE INNER ROOM A CLEAR VIEW OF THE DOOR OR PARTITION IS SHOWN AS SUCH. |

| | |
|-----------|--|
| S | DOOR ASSEMBLY WHICH IS ABLE TO RESIST THE PASSAGE OF SMOKE AND FIRE, TESTED IN ACCORDANCE WITH THE BRITISH STANDARD BS 476 PART 3. |
| 30 | FIRE RESISTANT MINUTES. |
| 30 | FIRE EXTINGUISHER (E.G. 13A OR 13B, NUMBER INDICATES THE MINUTES OF RESISTANCE). IN THE CASE OF FIRE THAT THE EXTINGUISHER IS SUITABLE FOR, FOR FURTHER INFORMATION SEE OUR GUIDANCE NOTE BS 5818. |
| ▲ | ADOLEUS FILM FORMING FOAM EXTINGUISHER. |
| ▲ | CLASS F FINE EXTINGUISHER. |
| ▲ | FIRE BLANKET EXTINGUISHER. |
| ▲ | CARBON DIOXIDE FINE EXTINGUISHER. |
| ▲ | DRY POWDER EXTINGUISHER. |
| ▲ | FOAM FIRE EXTINGUISHER. |
| ▲ | HYDRANTIC HOSE REEL, A NUMBER FOLLOWING THIS SYMBOL INDICATES THE LENGTH OF THE TUBING IN METRES. |
| ▲ | SAND BUCKET. |
| ▲ | AREA COVERED BY FIRED FINE EXTINGUISHER INSTALLATION (M ² < 50). |

ALL FIRE FIGHTING EQUIPMENT SHOULD BE SO PLACED AS TO BE READILY AVAILABLE FOR USE. THEY SHOULD BE MOUNTED ON BRACKETS OR SUITABLE SHELVES IN CONSPICUOUS POSITIONS SO THAT THE CARRYING HANDLES ARE EASILY ACCESSIBLE. THE EQUIPMENT SHOULD BE PROTECTED FROM THE FLOOR AND THE HANDLES OF THE SMALLER FIRE EXTINGUISHERS OR FIRE BLANKETS ARE APPROXIMATELY 1.5M FROM THE FLOOR.

| | |
|----------|---|
| ▶ | FIRE ALARM CONTROL PANEL. |
| ▶ | FIRE ALARM CALL POINT WITH FIRE ACTION SIGN ADJACENT TO IT. THE CONTENTS OF WHICH SHOULD BE BASED ON THE FIRE ESCAPE ROUTE (ROOM WHICH MAY BE PROVIDED WITH SPRINKLER) AS DESCRIBED ON PLAN. |
| ▶ | DOORS WHICH ARE TO BE FREE FROM ALL FASTENINGS (OTHER THAN A BALL OR ROLLER FASTENING ON A LEVER HANDLE) FOR ESCAPE FROM EITHER SIDE. |
| ▶ | ELECTRONIC SQUANDER. |
| ▶ | CONTROL PANEL, ILLUMINATED SIGNALS. |
| ▶ | AREA COVERED WITH A SYSTEM OF ESCAPE LIGHTING THAT ILLUMINATE THE AREA VALUE OF THE NORMAL LIGHTING SUPPLY TO A SUFFICIENT STANDARD TO ENABLE PERSONS TO SAFELY EVACUATE THE AREA. THE SYSTEM SHALL BE IN ACCORDANCE WITH THE BRITISH STANDARD CURRENT AT THE TIME OF INSTALLATION AND A CERTIFICATE TO THIS EFFECT KEPT WITH THE DRAWINGS. |
| ▶ | REFUGE AREA TEMPORARY ASSEMBLY POINT FOR THOSE PERSONS WHO ARE UNABLE TO INDEPENDENTLY REACH A FINAL EXIT AREA (ROOM OR ROOMS). |
| ▶ | AREA COVERED BY AUTOMATIC HEAT DETECTORS. |
| ▶ | AREA COVERED BY AUTOMATIC SMOKE DETECTORS. |
| ▶ | AREA COVERED BY PRESSURISATION. |
| ▶ | AREA COVERED BY MECHANICAL SMOKE EXTRACTION. |
| ▶ | AREA COVERED BY NATURAL SMOKE EXTRACTION. |
| ▶ | PRESSURISATION OVERRIDE CONTROL. |

NOTES

SYSTEM DESIGNED TO BS 5839 PART 11: 2002

CATEGORY OF SYSTEM: L2

SYSTEM DETAILS: CONVENTIONAL FIRE PANEL

INSTALLATION METHOD: FP2006 INSTALLED ON CABLE TRAY FIXED TO STRUCTURE

PR AREA COVERED BY PRESSURISATION.

MSE AREA COVERED BY MECHANICAL SMOKE EXTRACTION.

NSE AREA COVERED BY NATURAL SMOKE EXTRACTION.

POC PRESSURISATION OVERRIDE CONTROL.

REVISIONS

| NO. | DATE | DESCRIPTION |
|-----|------|-------------|
| | | |

PROPOSED GAP

CONCEPT

1064-PLN-03

DATE: 10/02/2016 **SCALE:** 1:50 (B1) / 1:100 (B2)

DRAWN: MAB **CHECKED:** MAB

DESIGNER: MAB **SCALE:** 1:50 (B1) / 1:100 (B2)

PROJECT NO.: 1064 **PROJECT NAME:** 29-50 MARYLEBONE LANE

CLIENT: MARYLEBONE LANE

STATUS: CONCEPT

REV: A

Applicant supporting documents

None.

Licence & Appeal History

| Application | Details of Application | Date Determined | Decision |
|--|--|--------------------------------|--------------------------------|
| 15/05220/LIPDPS Vary DPS Application | To change the DPS to Simon Clark | 14 th July 2015 | 14 th July 2015 |
| 13/02528/LIPT Transfer Application | To transfer the licence to Latitude Restaurant Ltd | 8 th May 2013 | 17 th May 2013 |
| 12/06012/LIPV Variation Application | 1. To include the outside area in Jason Court, as delineated on the attached plan, in the ambit of the licence; NB. There is no change to the basement plan or the internal layout on the ground floor. 2. As a consequence to remove condition 28 ("There shall be no seating in the external areas of the premises") and to amend conditions 27 to read "All doors and windows onto Jason Court shall be kept closed after 23:00, except for emergency access and egress". | 30 th August 2012 | 30 th August 2012 |
| 12/03845/LIPDPS Vary DPS Application | To change the DPS to Xavier Rousset | 24 th May 2012 | 25 th May 2012 |
| 11/12513/LIPN New Premises Licence Application | For the provision of late night refreshment and sale by retail of alcohol | 16 th February 2012 | 23 rd February 2012 |

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

- 9. All doors and windows onto Jason Court shall be kept closed after 23:00, except for emergency access and egress.
- 10. There shall be no seating in the external areas of the premises, save for seating permitted by the City Council, where such consent is required.

The applicant proposes to amend this condition to read:

- 10. All sales of alcohol for consumption off the premises shall be to patrons seated in any external area of the premise taking a table meal, or in sealed containers only.
- 11. External tables and chairs shall be rendered unusable by 23:00 hour.

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

- 12. 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.
- 13. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
- 14. 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.

15. An incident book shall be kept and be available for inspection by the statutory authorities.
16. Notices shall be displayed reminding customers to leave quietly.
17. 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.
18. The sale of alcohol in the bar area hatched in revised plans shall be by waiter or waitress service only.

The applicant proposes to amend this condition to read:

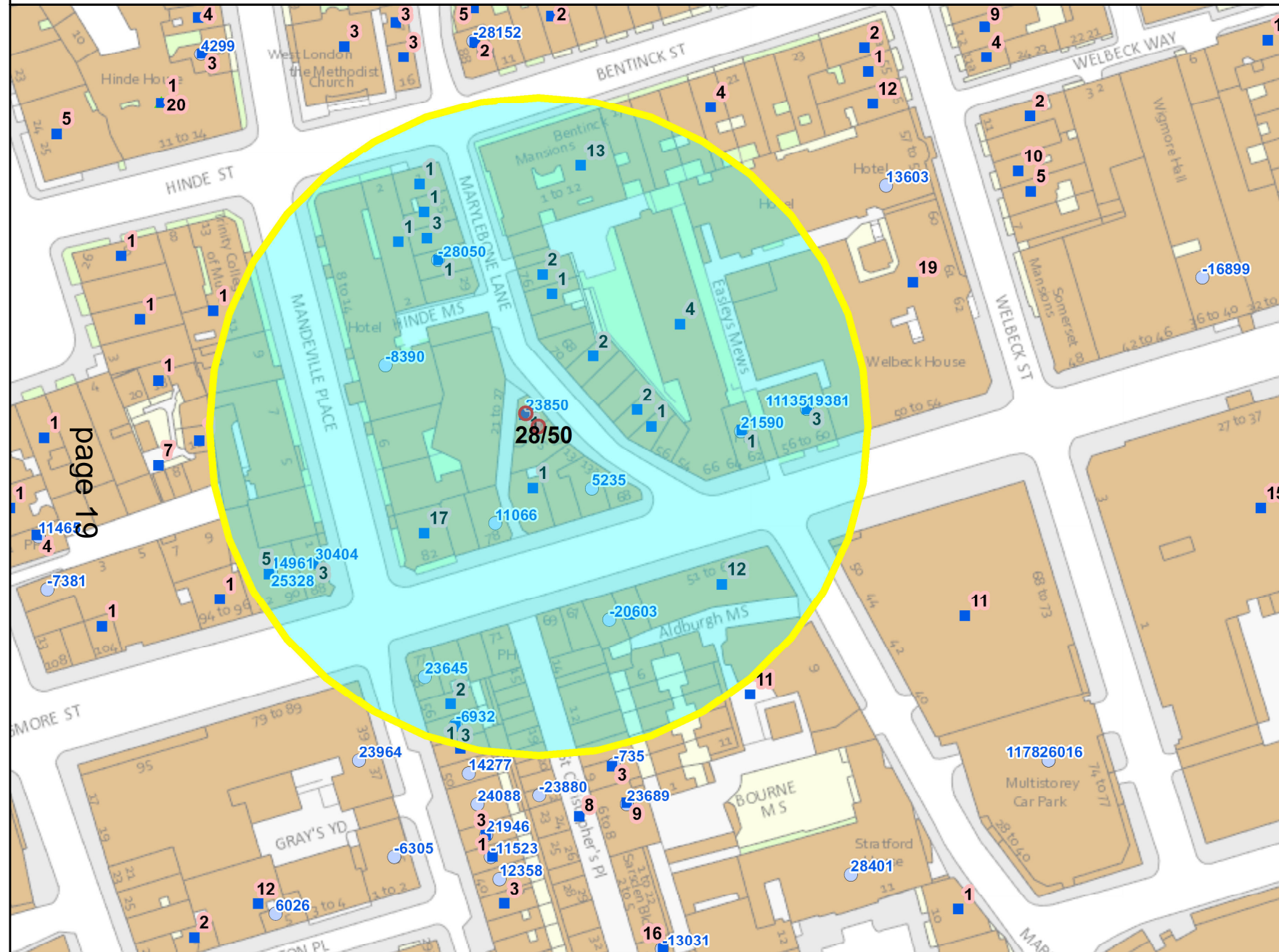
18. *The sale of alcohol in the bar areas hatched on the attached plans shall be by waiter or waitress service only'*
19. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
20. No entertainment, performance, service, or exhibition involving nudity or sexual stimulation which would come within the definition of a sex establishment in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Greater London Council (General Powers) Act 1986 (whether or not locally adopted), shall be provided.
21. There shall be no striptease or nudity, and all persons shall be decently attired at all times.
22. No deliveries to the premises shall be arranged between 23:00 and 08:00 hours.
23. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
24. Save for the bar area on the ground floor hatched on the revised plans, 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.

The applicant proposes to amend this condition to read:

24. *Save for the bar areas hatched on the plans, 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.*
25. The supply of alcohol shall be by waiter or waitress service only.
26. In the bar area on the ground floor hatched in the revised plans (to be submitted by the Applicant), alcohol shall only be supplied to persons who are seated and a maximum of 12 persons shall be permitted in the bar area at any one time.

The applicant proposes to amend this condition to read:

26. *In the bar areas hatched in the plans, alcohol shall only be supplied to persons who are seated and a maximum of 12 persons shall be permitted in each bar area at any one time.*
27. The number of persons permitted inside the premises at any one time when licensable activities take place (excluding staff) shall not exceed 80 persons.



page 19

| | |
|------------------------------------|-----------|
| Residential / Proposed Residential | 82 |
| Under Construction | Not known |
| Other Uses | Not known |
| Proportion Residential of all Uses | Not known |

10
 Meters

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Data Source: Uniform Database
 Date: 17/06/2016

Premises within 75 metres of: 28/50, 15-17 and 19 Marylebone Lane, London W1U 2NE

| p / n | Name of Premises | Premises Address | Opening Hours |
|--------------|------------------------------|---|---|
| 11135 | Ask | Ground Floor 56-60 Wigmore Street London W1U 2RZ | Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00 |
| 23645 | Ayoush | 77 Wigmore Street London W1U 1QE | Monday to Saturday 10:00 - 02:00 Sunday 12:00 - 01:00 |
| 25328 | Black & Blue | 90-92 Wigmore Street London W1U 3RF | Monday to Saturday 10:00 - 00:30 Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 00:00 Sunday 12:00 - 23:00 |
| -28050 | Cocoro Restaurant | 31 Marylebone Lane London W1U 2NH | Sunday 12:00 - 22:30 Monday to Saturday 12:00 - 23:00 |
| 30404 | Carmina Cafe | Basement Floor To Ground Floor 88 Wigmore Street London W1U 3RB | Monday to Saturday 08:00 - 23:00 Sunday 09:00 - 22:00 |
| -20603 | Comptoir Libanais | Basement And Ground Floor 65 Wigmore Street London W1U 1QT | Sunday 08:00 - 22:30 Monday to Saturday 08:00 - 23:30 |
| -6932 | Patty & Bun | 54 James Street Marylebone London W1U 1EU | Friday to Saturday 07:00 - 00:30 Sunday 07:00 - 23:00 Monday to Thursday 07:00 - 23:30 |
| 11066 | Levant Restaurant | 76 Wigmore Street London W1U 2SH | Monday to Saturday 10:00 - 02:00 Sunday 12:00 - 01:00 |
| 21590 | The Cock & Lion Public House | 62 Wigmore Street London W1U 2SA | Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00 |
| 23850 | 28/50 | Basement And Ground Floor 19 Marylebone Lane London W1U 2NF | Monday to Saturday 10:00 - 00:00 Sunday 12:00 - 22:30 |
| -8390 | Mandeville Hotel | 6 - 14 Mandeville Place London W1U 2BE | Monday to Sunday 00:00 - 00:00 |
| 5235 | Sourced Market | 70 Wigmore Street London W1U 2SF | Friday to Saturday 08:00 - 00:00 Monday to Thursday 08:00 - 23:30 Sunday 10:00 - 22:30 |
| 14961 | Basement 92 | Basement And Ground Floor 90-92 Wigmore Street London W1U 3RF | Monday to Friday 08:00 - 23:30 Saturday to Sunday 09:00 - 00:00 Sundays before Bank Holidays 09:00 - 00:00 |
| 19381 | Ask | Ground Floor 56-60 Wigmore Street London W1U 2RZ | Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00 |
| | | | |

| | |
|--------------------|---|
| Item No: | |
| Date: | 27 th June 2016 |
| Licensing Ref No: | 16/03431/LIPN - New Premises Licence |
| Title of Report: | 28A Leicester Square London WC2H 7LE |
| 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 Darren O'Leary Senior Licensing Officer |
| Contact details | Telephone: 02076417824 Email: doleary@westminster.gov.uk |

1. Application

| 1-A Applicant and premises | | | |
|-----------------------------------|---|--------------------------------|------------|
| Application Type: | New Premises Licence, Licensing Act 2003 | | |
| Application received date: | 5 April 2016 | | |
| Applicant: | DC Bars Limited | | |
| Premises: | 28A Leicester Square | | |
| Premises address: | 28A Leicester Square London WC2H 7LE | Ward: | St James's |
| | | Cumulative Impact Area: | West End |
| Premises description: | Cocktail Bar in the basement of the premises. | | |
| Premises licence history: | <p>This premise currently holds a licence 11/07005/LIPDPS. Please see appendix 3 for a full licence history.</p> <p>This application is to effectively reduce the hours of licensable activities and increase the premises capacity.</p> <p>Please see applicant submissions in appendix 2 for a version of the proposed licence.</p> | | |
| Applicant submissions: | None. | | |

| 1-B Proposed licensable activities and hours | | | | | | | |
|---|---|-------------|------------|----------------------------------|------------|------------|------------|
| Recorded Music, Live Music, Performance of dance, Anything of a similar description to that above, Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit: | | | | Indoors, outdoors or both | | | Indoors |
| Day: | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
| Start: | 09:00 | 09:00 | 09:00 | 09:00 | 09:00 | 09:00 | 09:00 |
| End: | 01:45 | 01:45 | 01:45 | 03:45 | 03:45 | 03:45 | 01:15 |
| Seasonal variations/ Non-standard timings: | <p>These hours to be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p> <p>On Sundays before Bank Holiday Mondays these hours to be extended to 03:45.</p> <p>An additional hour when British Summer Time commences.</p> | | | | | | |

| | | | | | | | |
|---|------------|-------------|---|----------------------------------|------------|------------|------------|
| Late Night Refreshment: | | | | Indoors, outdoors or both | | | Indoors |
| Day: | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
| Start: | 23:00 | 23:00 | 23:00 | 23:00 | 23:00 | 23:00 | 23:00 |
| End: | 01:45 | 01:45 | 01:45 | 03:45 | 03:45 | 03:45 | 01:15 |
| Seasonal variations/ Non-standard timings: | | | <p>These hours to be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p> <p>On Sundays before Bank Holiday Mondays these hours to be extended to 03:45.</p> <p>An additional hour when British Summer Time commences.</p> | | | | |

| | | | | | | | |
|---|------------|-------------|---|---------------------------------|------------|------------|------------|
| Sale by retail of alcohol | | | | On or off sales or both: | | | On |
| Day: | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
| Start: | 10:00 | 10:00 | 10:00 | 10:00 | 10:00 | 10:00 | 10:00 |
| End: | 01:00 | 01:00 | 01:00 | 03:00 | 03:00 | 03:00 | 00:30 |
| Seasonal variations/ Non-standard timings: | | | <p>These hours to be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p> <p>On Sundays before Bank Holiday Mondays these hours to be extended to 03:00.</p> <p>An additional hour when British Summer Time commences.</p> | | | | |

| | | | | | | | |
|---|------------|-------------|---|-------------|------------|------------|------------|
| Hours premises are open to the public | | | | | | | |
| Day: | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
| Start: | 09:00 | 09:00 | 09:00 | 09:00 | 09:00 | 09:00 | 09:00 |
| End: | 01:45 | 01:45 | 01:45 | 03:45 | 03:45 | 03:45 | 01:15 |
| Seasonal variations/ Non-standard timings: | | | <p>These hours to be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p> <p>On Sundays before Bank Holiday Mondays these hours to be extended to 03:45.</p> <p>An additional hour when British Summer Time commences.</p> | | | | |
| Adult Entertainment: | | | None. | | | | |

2. Representations

| | |
|---|--|
| 2-A Other Persons | |
| Name: | Colleen Sanders |
| Address and/or Residents Association: | Flat 2 19 Irving Street WC2H 7AE |
| Received: | 21 st April 2016 |
| <p>STORM NIGHT CLUB is a disgrace to Leicester Square. Please how can I object?</p> <p>This night club attracts a VERY rough and rowdy alcohol induced clientele. I believe it will also have a long history of police activity.</p> <p>Every week (and sometimes several) it seems the police are called to break up a fights & disturbances outside this venue (perhaps more so in the summer). They have an incredible late licence in which after closing (and weather permitting), their clientele will loiter for hours on end and cause much disturbance to the residents effecting my sleep nearly every night and definitely every weekend & bank holiday. It is unbelievable.</p> <p>Living on the square does have its difficulties but this club goes beyond just difficult. They seem to have no boundaries or care for the community.</p> | |

3. Policy & Guidance

| | |
|--|---|
| The following policies within the City Of Westminster Statement of Licensing Policy apply: | |
| Policy CIP1 applies | <p>(i) It is the Licensing Authoritys 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> |
| Policy MD2 applies | It is the Licensing Authoritys policy to refuse applications in the Cumulative Impact Areas, other than applications to vary |

| | |
|---------------------------|---|
| | hours within the Core Hours, under Policy HRS1. |
| Policy PB2 applies | 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. |

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 |

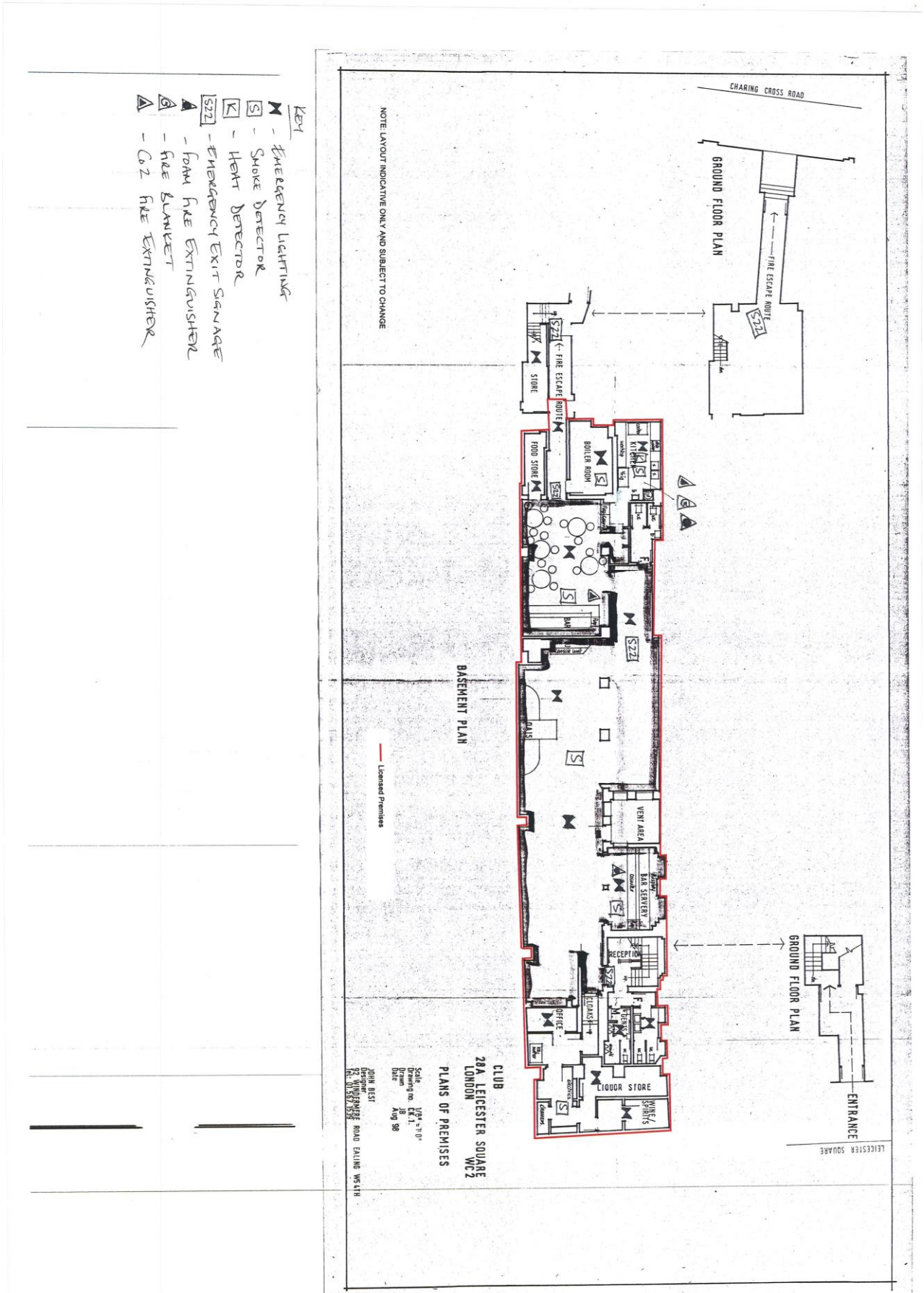
| | |
|-----------------------|---|
| Report author: | Mr Darren O'Leary Senior Licensing Officer |
| Contact: | Telephone: 02076417824 Email: doleary@westminster.gov.uk |

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

| | | |
|-----------|--|------------------------------|
| 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 | 5 th April 2016 |
| 5 | 11/07005/LIPDPS Current premises licence | 5 th May 2014 |
| 6 | Representation – Colleen Sanders | 21 st April 2016 |
| 7 | Email – Agent inviting Colleen Sanders to meet CEO of Dirty Martini to have a tour of the venue. | 9 th June 2016 |
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Proposed Basement Floor Plans



Your ref: 16/03431/LIPN
Our ref: JS/DCB.1.11

38a Monmouth Street
London WC2H 9EP
tel: 020 7042 0410
fax: 020 7379 6618

Premises Licensing
City of Westminster
64 Victoria Street
London
SW1E 6QP

By email: licensing@westminster.gov.uk

14 June 2016

Dear Sirs

Licensing Act 2003
Application for a Premises Licence reference 16/03431/LIPN
Dirty Martini, 28a Leicester Square, WC2H 7LE (the "Premises")

We refer to our client's application and the hearing scheduled 27 June 2016. We would be grateful for the inclusion of this letter and enclosures in the Licensing Sub-Committee's report.

The premises currently operates as "Club Storm" nightclub under Premises Licence 11/07005/LIPDPS. Our client has applied for a new Premises Licence. If granted on satisfactory terms, our client would be in a position to enter a lease and transform the Premises into a premium cocktail bar called "Dirty Martini".

Our client is an extremely experienced, professional and responsible operator. They successfully manage seven Dirty Martini premises across London, as well as two restaurants in Covent Garden. Two Dirty Martini bars are located in Westminster, in Hanover Square and the Covent Garden Piazza. Our client enjoys excellent working relationships with its Licensing Authorities and the Responsible Authorities. We enclose a copy of our client's comprehensive management procedures. These procedures will be implemented at the Premises to ensure the promotion of all four Licensing Objectives.

The application includes a tracked changed version of the current Premise Licence setting out the differences between the existing Licence and that proposed by our client. In summary, the headline changes include:

1. A reduction in the terminal hour for the sale of alcohol from 3.00 am to 1.00 am Monday to Wednesday.

2. An associated reduction in the terminal hour for Regulated Entertainment and Late-Night Refreshment seven days a week, notably a reduction in Regulated Entertainment from 6.00 am to 3.45 am on Thursdays to Saturdays.
3. An increase in the permitted capacity from 235 to 300 (excluding staff).
4. An update of the operating schedule. This includes subsequent changes and additional conditions following consultation with the Environmental Health Consultation Team (EHCT) and Metropolitan Police.

We enclose a schedule of final conditions agreed with the EHCT and Metropolitan Police for reference.

The application received a single objection from a local resident, Ms Colleen Sanders. Ms Sanders' concerns solely relate to the operation of the Premises as Club Storm nightclub. We have engaged with Ms Sanders to provide reassurances that the applicant is not connected with Club Storm in any way whatsoever. We enclose a copy of our correspondence with Ms Sanders accordingly.

The Premises is within the West End Cumulative Impact Area and an increase in capacity is proposed. However, in accordance with the City Council's Statement of Licensing Policy 2016, we submit the following exceptions apply:

1. The Premises has historically operated as late-night venue and currently benefits from Premises Licence 11/07005/LIPDPS. This established Premises Licence authorises licensable activities as late as 6.00 am. The current application represents the substitution of an existing nightclub operation and extremely late licence with a less intrusive licensed use operated by an exemplary and professional Premises Licence holder. This substitution is consistent with the exception identified in paragraph 2.4.7 of the Policy.
2. The application proposes significant reductions in the terminal hours for licensable activities seven days a week. This is directly compliant with another exception identified in paragraph 2.4.7 of the Policy which states "*a reduction in hours of operation might be a reason for an exception to policy*".
3. In addition to the exceptions above, updated and stringent new licence conditions. This includes new requirements for SIA supervision, search policies and restrictions on the number of smokers etc.

As a result of the above, our client can demonstrate the application will make no global addition to the Cumulative Impact. The reduction in terminal hours and change of user should, in fact, present a reduction in the Cumulative Impact currently experienced in the West End.

The completion of our client's lease of the Premises is conditional upon a satisfactory Premises Licence being granted. As confirmed by Ms Sanders, the current late-night nightclub operation of the Premises has a chequered past and is adversely impacting upon the Licensing Objectives.

Our client hopes the Licensing Sub-Committee will see the application as an opportunity to replace the current use with a high-class and responsible operator trading with an earlier terminal hour. In addition, our client submits the improved use of the Premises will help contribute to the City Council's wider objective of revitalising and improving Leicester Square and the surrounding area.

Jack Spiegler of these offices will attend the hearing with Mr Scott Matthews, CEO of the applicant company, to address the Licensing Sub-Committee further. Proposed layout plans are now ready and can be presented

to the Committee if required. These plans will be subject to a future variation application, should the current application be granted.

Thank you for your consideration of this letter.

Yours faithfully

Jack Spiegler
Thomas & Thomas Partners LLP
tel: 020 7042 0413
email: jspiegler@tandtp.com

Encl.

Licence & Appeal History

| Application | Details of Application | Date Determined | Decision |
|--|---|-----------------|-----------------------------------|
| Conversion Application 05/06235/LIPCV | Application to convert the Justices' Restaurant Licence | 18.09.2005 | Conversion deemed Granted |
| Vary DPS Application 10/04128/LIPDPS | Application to vary the Designated Premises Supervisor to Justin Wallace | 19.08.2010 | Granted Under Delegated Authority |
| Vary DPS Application 10/10495/LIPDPS | Application to vary the Designated Premises Supervisor to Obiora Anthony Megafu | 31.12.2010 | Granted Under Delegated Authority |
| Vary DPS Application 11/07005/LIPDPS | Application to vary the Designated Premises Supervisor to Obiora Anthony Megafu | 26.07.2011 | Granted Under Delegated Authority |
| Variation Application 14/02814/LIPV | Application to Vary the following : This application seeks to: - Increase the hours for the retail sale of alcohol on Sundays from 00:30 am to 02:00 am - Decrease the hours for the dancing, live music and anything similar on Thursdays and Fridays from 06:00 am to 05:am - Add conditions as set out in the operating schedule. - Delete condition 18 and update with WCC's model CCTV condition as per the operating schedule - Delete condition 25 and 26 as superfluous | 19.06.2014 | Application Refused |

| | | | |
|--|---|--|--|
| | - Reduce the opening hours on Thursdays and Fridays from 06:00 am to 5:00 am. | | |
|--|---|--|--|

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 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. The premises may remain open for the provision of licensable activities 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.
10. On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01.00.
11. Cloakroom facilities shall be available at all times the premises is open to members of the public.
12. The number of persons accommodated at any one time in the premises shall not exceed 300 (excluding staff).
13. Substantial food and suitable beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.
14. At least one personal licence holder shall be present during the whole time intoxicating liquor is supplied, sold or consumed.
15. 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.
16. There shall be no payment made by or on behalf of the licensees to any person for bringing customers to the premises.
17. If any entertainment is provided for children or if an entertainment is provided at which the majority of persons attending are children, then, if the number of children attending the entertainment exceeds 100, it shall be the duty of the holder of this premises licence / club premises certificate:
 - a) to station and keep stationed wherever necessary a sufficient number of adult attendants, properly instructed as to their duties, to prevent more children or other persons being admitted to the building, or to any part thereof, than the building or part can properly accommodate,
 - b) to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof, and
 - c) to take all other reasonable precautions for the safety of the children.
18. 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 the date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer through the preceding 31 day period.
19. 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, with copies of recent CCTV images or data with the absolute minimum of delay when requested.

20. After 8pm all staff engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility yellow jackets or vests.
21. An incident log shall be kept at the premises and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) All crimes reported to the venue
 - (b) All ejections of patrons
 - (c) Any complaints received concerning crime and disorder
 - (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
22. 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.
23. Except for persons temporarily leaving the premises to smoke, there shall be no entry to the premises after 01:30am on Thursdays to Saturdays.
24. The Licence will have no effect until the works shown on the plans (or subsequently submitted plans) 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 - if there are minor layout changes during the course of construction new plans shall be submitted.

Conditions agreed with environmental health

25. 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.
26. 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.
27. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
28. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
29. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
30. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
31. 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.

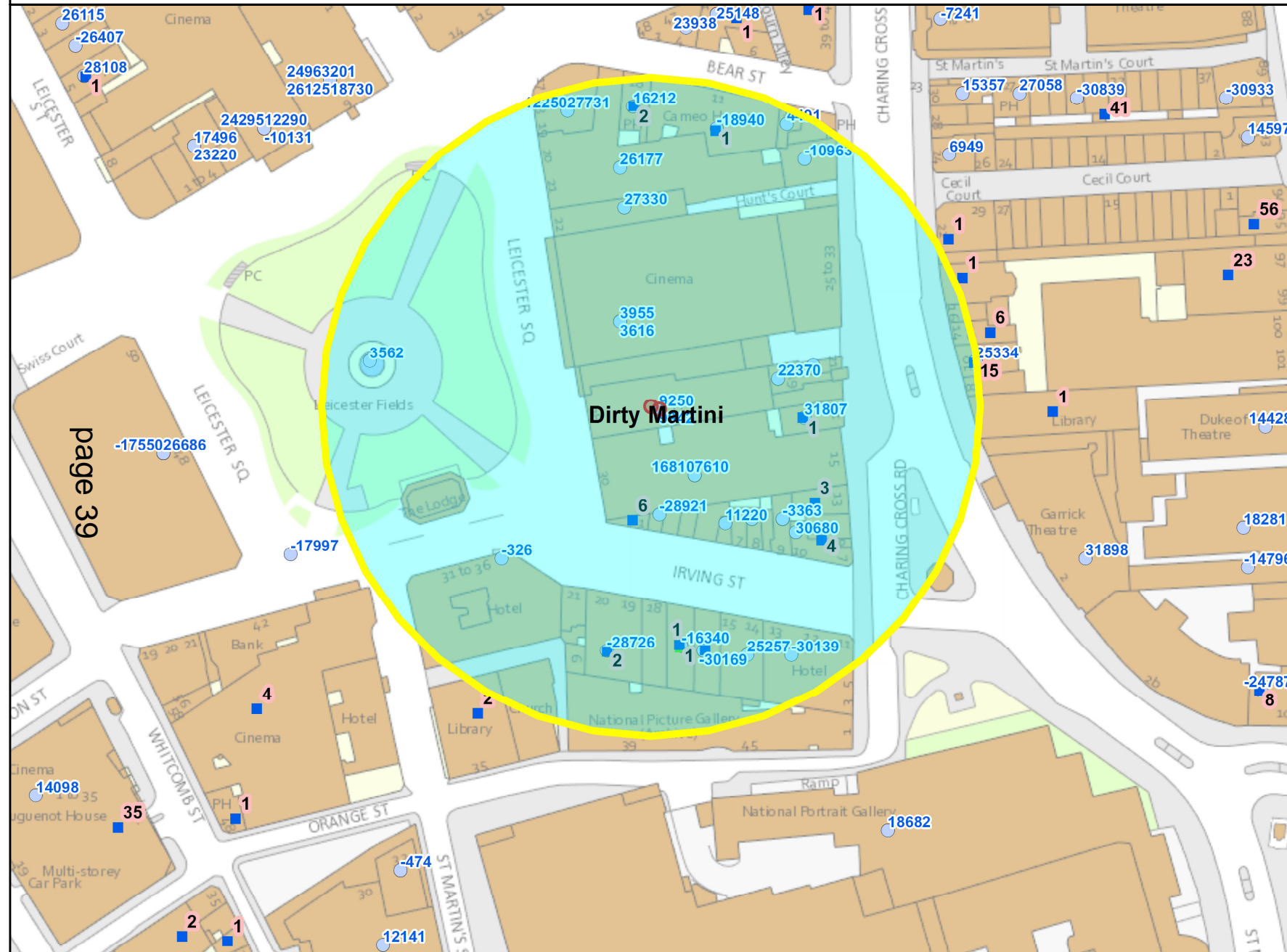
Conditions agreed with Metropolitan Police

32. A minimum of 2 SIA licensed door supervisors (increasing to a ratio of 1:100 customer capacity) shall be on duty from 2000 until close Thursday to Saturday inclusive.
33. The premises shall operate a search on entry policy subject to an operational risk assessment.
34. 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.
35. 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.



Dirty Martini, 28A Leicester Square, London WC2H 7LE

City of Westminster



page 39

| | |
|------------------------------------|-----------|
| Residential / Proposed Residential | 37 |
| Under Construction | Not known |
| Other Uses | Not known |
| Proportion Residential of all Uses | Not known |

10
 Meters

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Data Source: Uniform Database
 Date: 17/06/2016

Premises within 75 metres of: Dirty Martini, 28A Leicester Square, London WC2H 7LE

| p / n | Name of Premises | Premises Address | Opening Hours |
|--------------|------------------------------|---|--|
| 3616 | Odeon Cinema | 24-27 Leicester Square London WC2H 7LE | Monday to Sunday 00:00 - 00:00 |
| 4491 | Bear & Staff Public House | 10-12 Bear Street London WC2H 7AS | Friday to Saturday 07:00 - 00:00 Sunday 07:00 - 00:00 Sundays before Bank Holidays 07:00 - 00:00 Monday to Saturday 07:00 - 00:30 Sunday 07:00 - 22:30 Monday to Thursday 07:00 - 23:30 |
| 16810 | Global Radio | 29-30 Leicester Square London WC2H 7LA | Monday to Friday 07:00 - 00:00 |
| 26177 | Chiquitos | 20-21 Leicester Square London WC2H 7LE | Sunday 08:00 - 00:00 Monday to Wednesday 08:00 - 00:30 Thursday to Saturday 08:00 - 01:00 |
| 31807 | Lotus | 17 Charing Cross Road London WC2H 0EP | Monday to Sunday 10:00 - 00:30 |
| -30139 | Steak & Co | Ground Floor 3 - 5 Charing Cross Road London WC2H 0HA | Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00 |
| -15602 | Wox | 8 Irving Street London WC2H 7AT | Monday to Saturday 23:00 - 05:00 |
| 9942 | Club Storm | 28A Leicester Square London WC2H 7LE | Sunday 09:00 - 02:00 Sundays before Bank Holidays 09:00 - 02:30 Monday to Wednesday 09:00 - 03:30 Thursday to Saturday 09:00 - 06:00 |
| 16212 | Zoo Too | 18 Bear Street London WC2H 7AS | Monday to Wednesday 10:00 - 00:00 Thursday 10:00 - 01:00 Friday to Saturday 10:00 - 02:00 Sunday 12:00 - 23:00 |
| 22370 | Maharaja Of India | 19A Charing Cross Road London WC2H 0ES | Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00 |
| 25257 | Wagamama | 14A Irving Street London WC2H 7AU | Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00 |
| 25334 | The Garrick Arms | 8-10 Charing Cross Road London WC2H 0HG | 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 |
| 30680 | Bella Italia | 10 Irving Street London WC2H 7AT | Sunday 09:00 - 00:00 Monday to Saturday 09:00 - 01:00 Sundays before Bank Holidays 09:00 - 01:00 |
| -31802 | Fornetto | 21 Charing Cross Road London WC2H 0ES | Monday to Sunday 11:00 - 03:00 |
| -30169 | Wild Tree | Ground Floor 16 Irving Street London WC2H 7AU | Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00 |
| -28921 | Stephano's Cafe La Chandelle | 2-3 Irving Street London WC2H 7AT | Sunday 08:00 - 00:00 Monday to Saturday 08:00 - 00:30 |
| -28726 | Garfunkel's Restaurants | Ground Floor 19-20 Irving Street London WC2H 7AU | Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00 |
| -16340 | Caffe Concerto | 17 - 18 Irving Street London WC2H 7AU | Sunday 07:00 - 00:00 Monday to Saturday 07:00 - 00:30 Christmas Eve 07:00 - 02:30 New Year's Eve 07:00 - 07:00 |
| -14723 | Pompidou | 9A Irving Street London WC2H 7AT | Monday to Saturday 07:00 - 23:30 Sunday 09:00 - 23:00 |
| -12250 | Burger King | 17-18 Leicester Square London WC2H 7LE | Monday to Sunday 23:00 - 03:00 |
| -18940 | The Zoo Bar And Club | Basement And Ground Floor Cameo House 13-17 Bear Street London WC2H 7AQ | Sunday 09:00 - 01:00 Monday to Saturday 09:00 - 02:30 Sundays before Bank Holidays 09:00 - 02:30 Monday to Saturday 09:00 - 03:30 |
| -10963 | K. S. Food And Wine | Ground Floor 35 Charing Cross Road London WC2H 0AT | Monday to Sunday 08:00 - 05:00 |
| -3363 | Beefsteak Club | Basement To First Floor 9 Irving Street London WC2H 7AT | Monday to Friday 13:00 - 15:00 Monday to Friday 17:30 - 23:30 |
| -326 | Radisson Hampshire Hotel | 31-36 Leicester Square London WC2H 7LH | Monday to Sunday 00:01 - 00:00 |
| 3562 | Leicester Square Gardens | Open Space At Leicester Square London WC2H 7LE | Monday to Saturday 07:30 - 22:30 Sunday 08:00 - 22:30 |

| | | | |
|-------|------------------|--|---|
| 3955 | Odeon Cinema | 24-27 Leicester Square London WC2H 7LE | Monday to Sunday 00:00 - 00:00 |
| 9250 | Moon Under Water | 28 Leicester Square London WC2H 7LE | Friday to Saturday 07:00 - 00:00 Sundays before Bank Holidays 07:00 - 00:00 Sunday 07:00 - 22:50 Monday to Thursday 07:00 - 23:30 |
| 7610 | TGI Fridays | 29-30 Leicester Square London WC2H 7LA | Sunday 09:00 - 01:00 Monday to Saturday 09:00 - 01:30 Sundays before Bank Holidays 09:00 - 01:30 |
| 11220 | El Padrino | 6-7 Irving Street London WC2H 7AT | Monday to Saturday 10:00 - 01:30 Sunday 11:00 - 01:30 |
| 27731 | Pizza Hut | 19 Leicester Square London WC2H 7LE | Monday to Thursday 10:00 - 02:00 Friday to Saturday 10:00 - 05:00 Sunday 12:00 - 02:00 |
| 27330 | Bella Italia | 22 Leicester Square London | Sunday 09:00 - 00:00 Monday to Saturday 09:00 - 01:00 Sundays before Bank Holidays 09:00 - 01:00 |
| | | | |

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|--------------------|--|
| Item No: | |
| Date: | 27 June 2016 |
| Licensing Ref No: | 15/07477/LIPN - New Premises Licence |
| Title of Report: | Restaurant Basement and Ground Floor 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 Basement and Ground Floor London SW1W 0BG | Ward: | St James's |
| | | Cumulative Impact Area: | No |
| Premises description: | The premises are described as a restaurant with ancillary 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 and a revised servicing management plan which address the issues raised by the Licensing Sub-Committee at the initial hearing. See Appendix 2 | | |
| Preliminary Note 1: | The representation from the Police has been withdrawn following the agreement of their proposed conditions. | | |
| Preliminary Note 2: | <p>The application was adjourned at the hearing of 3 March 2016 by the Committee so as to allow the Applicant Company to provide more information on how its management service plan would meet the licensing objectives, in particular in respect of public nuisance as there was insufficient evidence in the application to demonstrate how this would be achieved.</p> <p>Members advised the Applicant Company to provide more details of the survey undertaken for the servicing management plan, including photographs and the times during which the survey took place and that the report author of the plan be present at the hearing when the Sub-Committee re-considers the application.</p> <p>The applicant has provided a revised servicing management plan which is believed to address the issues raised.</p> | | |

| 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: | | | 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. | |

I wish to make the following representation

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 Year's Day will have the likely effect of causing an increase in Public Nuisance within the area.

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

The applicant has provided conditions in support of the application but these do not fully address the concerns of Environmental Health.

The following conditions are proposed by Environmental Health.

- 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.

At the last committee hearing we were advised by your legal representative that Grosvenor Gardens Mews would not be used as a staff entrance or for staff smoking. The committee was told that the gate on Lower Grosvenor Place gave access to the basement area.

When I visited the premises this week I took some photos of this gate and access ladder to the basement area, attached, which is totally inappropriate for staff to use unless some serious modifications were made to comply with building regulations. It was also not apparent that this basement area gave access into the building.

I would welcome your comments on this.

Please find the attachment proposed floor plans there is a more details on the rear stairs can be extended bigger size with half landing can be used for staff entrance and smoking , we are happy if you like to revisit I Laurence can brief you with more detail.

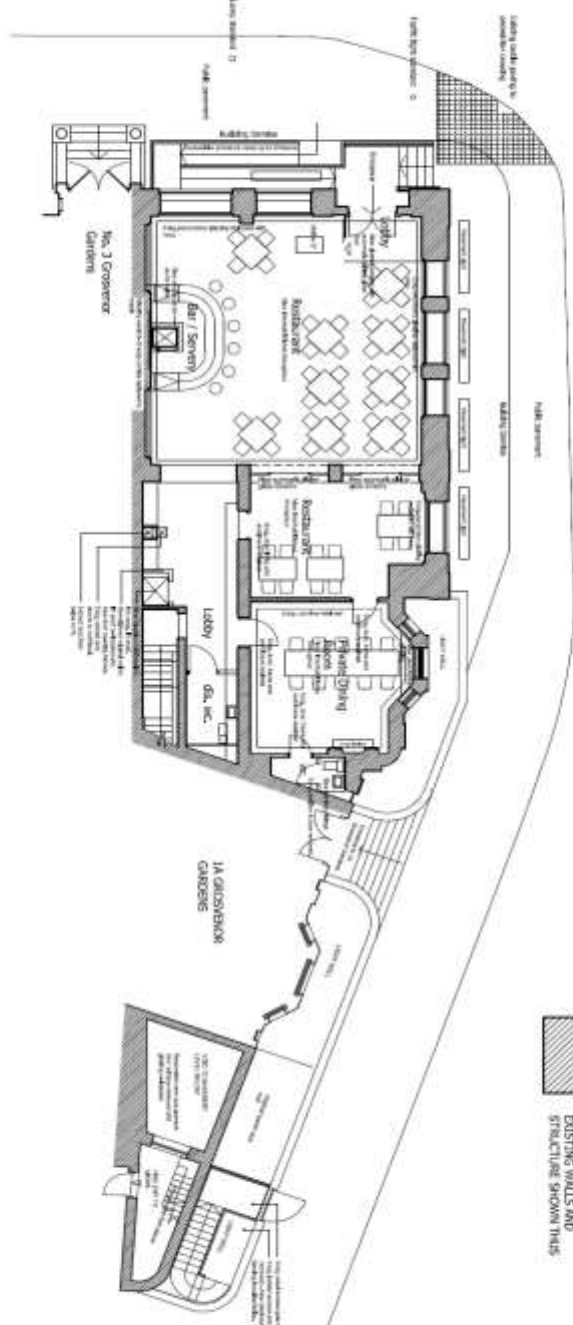
Thanks for that. All I would need is the proposed planned layout of this staircase to show it complies with building regulations.

On another point the proposed public toilet provision in the basement shows two female WC's and 2 x WC's + 2 urinals male. This would only provide for a capacity of 60 persons according to BS 6465 Part 1 table 10 for restaurants. I would advise that the toilet locations be reversed to allow the provision of more female WC's. Three female WC's would give 120 persons and four WC's 180 persons. No proposed capacity was stated at the previous committee hearing but your drawing shows around 126 persons depending on the use of the bar areas.

You have provided for a unisex WC in the private dining room but I would advise that you would need a minimum of 3 x WC's female and 1 WC plus 2/3 urinals in the basement toilet blocks dependent upon your proposed capacities, please confirm.



Grosvenor Gardens



Lower Grosvenor Place

 EXISTING WALLS AND STRUCTURE SHOWN THIS

Architect: [unreadable]
 Date: [unreadable]
 Scale: [unreadable]

| | |
|-------------------|----------------------|
| Project Name | 1A Grosvenor Gardens |
| Client | [unreadable] |
| Architect | [unreadable] |
| Date | [unreadable] |
| Scale | [unreadable] |
| Sheet No. | [unreadable] |
| Project No. | [unreadable] |
| Drawn By | [unreadable] |
| Checked By | [unreadable] |
| Approved By | [unreadable] |
| Project Manager | [unreadable] |
| Project Director | [unreadable] |
| Project Engineer | [unreadable] |
| Project Surveyor | [unreadable] |
| Project Architect | [unreadable] |
| Project Designer | [unreadable] |
| Project Drafter | [unreadable] |
| Project Checker | [unreadable] |
| Project Approver | [unreadable] |



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NO PARKING





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L9 PRU







GROSVENOR
GARDENS MEWS
EAST SW1
CITY OF WESTMINSTER

GROSVENOR
PRIVATE MEWS
MANAGED BY GROSVENOR



GARDENS SW1
CITY OF WESTMINSTER















GROSVENOR
PRIVATE MEWS

PARKING FOR RESIDENTS ONLY











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

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 even 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.



The Goring

Mr. Ola Owajori
Senior Licensing Officer
Licensing Team
Westminster City Council
64 Victoria Street
London
SW1E 6QP

May 5 2016

Dear Sir,

Ref: Application 15/07477/LIPN - Restaurant at 1 Grosvenor Gardens SW1W 0BG

The above application has grave implications for residents in Grosvenor Gardens Mews and anybody living in, or accessing Beeston Place and Victoria Square.

I am objecting to this because of the plan to service the business entirely through Grosvenor Gardens Mews, which is a quiet residential area. There are several small businesses there, but they operate 9am to 5pm, weekdays only.

At the time of the planning application, it would not have been reasonable to expect anybody to predict that a restaurant on Grosvenor Gardens would decide to route all deliveries etc via the Mews, it being so far away. This is why nobody objected. Furthermore, attempts to contact the owners of the development have met with no response.

Rubbish, recycling, bottles, deliveries and staff will all be coming through the mews daily from 5am, right past the doors and windows of flats, houses and our staff accommodation, including Saturdays and Sundays. This is not fair. Life for my staff, who work very hard and very late, will be impossible and there are also other residents in this mews to consider. I cannot understand how this access route can even be considered, when it is right outside twenty peoples doors and windows.

Our major concerns are:

1. Congestion - There would be an issue of where the delivery vans will wait. The mews is already busy during the day and Beeston Place is seriously congested during the suggested timeframe. There are already times when our guests cannot access the hotel and local residents are unable to get into their houses. Beeston Place (and occasionally Victoria Square), have become very dangerous no-go zones with so many deliveries, due to new businesses everywhere. Vans will be blocking the garages and blocking in our guest vehicles that we park in the mews, as deliveries take time to be dropped off, inspected and signed off.



The Goring Beeston Place London SW1W 0JW
+44 (0)20 7396 9000 reception@thegoring.com thegoring.com



Registered office: 11th Floor, Imperial House 15 Kingsway, London, WC2B 6UN Registered No. 2887590 VAT Reg. No. 645 6127 26

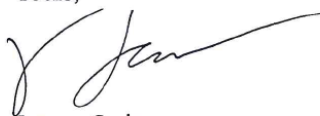


2. Delivery noise - The applicants suggest they will be able to instruct the delivery vans to reverse down to the rear of the mews after 8am. I know of no restaurant anywhere in London where this is actually possible. This will therefore affect fifteen staff members that live in the mews. Our staff all work shifts and their start times vary throughout the day - five chefs, three restaurant waiters, three bar staff, two concierge and two receptionists. The mews is an enclosed space, which magnifies the noise significantly and the cobbles greatly increase the noise of any activity. Please put yourself in the shoes of one of my barmen: you finish work at 2am, you are asleep by 3am and then at 5am, you are woken up by a bread delivery clattering across cobbles, a reversing siren for laundry, and trolleys thereof. Then the recycling empties at some point between 8am to 10am.
3. Removal of refuse - The applicants have suggested they will keep their refuse within the premises until the collection time after 8am and that they will use a private firm to collect bottles and refuse that will again require a truck to be reversed into the mews. This was questioned by the licensing panel and the applicants suggested the alternative was to carry the refuse and bottles to the Beeston Place for collection, which should not be an acceptable alternative.
4. The danger of vans reversing down the mews - There is no footpath in the mews and the likelihood of staff and other residents being reversed into is greatly increased. This is also a fire escape route for over 20 people.
5. Smoking area - The applicants assured the panel of members that their staff would not use the mews as a staff entrance or allow smoking or congregating in this space, but where else would they realistically go?
6. Staff access late at night - We have been told that staff will use an access in Grosvenor Gardens. If staff start using this back exit, we have a potentially major problem of late night noise as well.

In short, a 120 seat restaurant using the mews as a servicing point, is completely unreasonable and should never have been considered in the first place. I am deeply saddened that you have not taken up our invitation to visit this site and see this for yourselves. I feel that as a business, we contribute greatly to the area, by employing 185 staff and paying nearly half a million a year in business rates. Blocking up Beeston Place would be a huge mistake.

Many thanks indeed for your consideration.

Yours,



Jeremy Goring
Chief Executive

As we mentioned, we feel that the idea of trying to service a 120 seat restaurant and bar through this small mews where twenty people live, is madness. Having seen the other parties proposed measures to address these, I feel we need to comment further, if we may please.

- Limiting deliveries to 5 per day - this cannot be true. Having been in this business for thirty years, and knowing their menu plans, I can guarantee that they will not be able to have any less than twenty. For example, we have a smaller restaurant, also doing British cuisine (65 seats). The restaurant alone (excluding the bar and hotel) has over thirty deliveries per day. This does not include linen, recycling or rubbish. Unless their egg supplier is also going to do meat, fish, veg, herbs, wines, beers, spirits, bread, dry goods, foraged goods, shellfish, etc, then their proposal is impossible. Our wines alone are from forty-three different suppliers.
- Timing of deliveries after 8am - I know of no bread or linen supplier who will deliver after 6am, let alone 8am. The same is true of many other suppliers, for all the well-known reasons (congestion etc).
- Recycling - we have tried for over ten years to find somebody who can do our own bottle recycling after 8am (which is massively noisy due to dropping a whole eurobin of bottles into a lorry). This is not possible.
- Manual carrying of bottles / supplies - how will this be possible for a 120 seat restaurant.
- Claim that the mews is 80% business - there are several offices (9am to 5pm, weekdays), that are very low impact. More importantly, twenty people live here. One of these has a front door that actually adjoins the proposed goods entry. Fourteen of them are my staff (5 chefs, 3 waiters, 3 barmen, 2 receptionists, 1 vacant at present). All finish late, many at 1am to 3am, some overnight. These are essential workers whose lives will be pretty much ruined by anything arriving before 8am, let alone 5am and let alone thirty deliveries a day.
- Banksmen - I've never seen a restaurant actually have banksmen. I do not believe this is sustainable.
- Other matters - none of the responses deal with the remaining issues that we have raised:
 1. People are going to get run over.
 2. Noise - cobbles are noisy and even trolleys will create noise.
 3. Cobbles and pavements will be damaged.
 4. Our four guest cars will get blocked in - this is a five star hotel.
 5. Congestion - Beeston Place is already a car park, impassable at various moments of the day because of delivery trucks to various businesses including our own and it has got a lot worse recently, due to two new arrivals. We are at breaking point.

The location of the actual restaurant is great and we are for it, but the servicing

arrangements are completely unworkable and I am sad that nobody from the applicants side consulted us, given we have lived and worked here for 106 years.

I do hope that this makes sense and thank you (yet again) for your consideration!

We welcome the removal of the proposal to service this restaurant through Grosvenor Gardens Mews East. This is private land anyway and so we are puzzled as to why the applicant even considered the option.

This still leaves us, however, with the other main issue to resolve; use of Beeston Place to park and unload vehicles due to the restaurant frontage being a red zone. As you might recall, the applicant claimed to be able to reduce deliveries to 5 a day, and this has been exposed as and impossible (in our view a disingenuous claim). We are still therefore faced with upwards of 30 trucks and vans per day added to the already at times completely blocked up Beeston Place.

We still haven't seen a valid proposal as to how this will be resolved. Current levels of deliveries already create a significant danger to pedestrians as vans fight over the 4 parking spaces in the street and end up double and triple parking. At times we see this spilling over into open road rage as cars cannot enter or exit Beeston Place. Add 30 more vans to this and we will have a war on our hands.

We are still staggered that the applicant did not consider how he might service this restaurant before going ahead with plans. But Beeston place cannot safely be a part of those plans. Could they possibly consider using a part of the very generous bus stop located on lower Grosvenor Place?







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| | | | |
|--|---|-------------------------------|---------|
| 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> <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.</p> <p>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.</p> <p>This creates extremely significant safety, environmental and nuisance issues.</p> <p>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.</p> <p>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.</p> | | | |



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 |
| <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> | | | |

3. Policy & Guidance

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

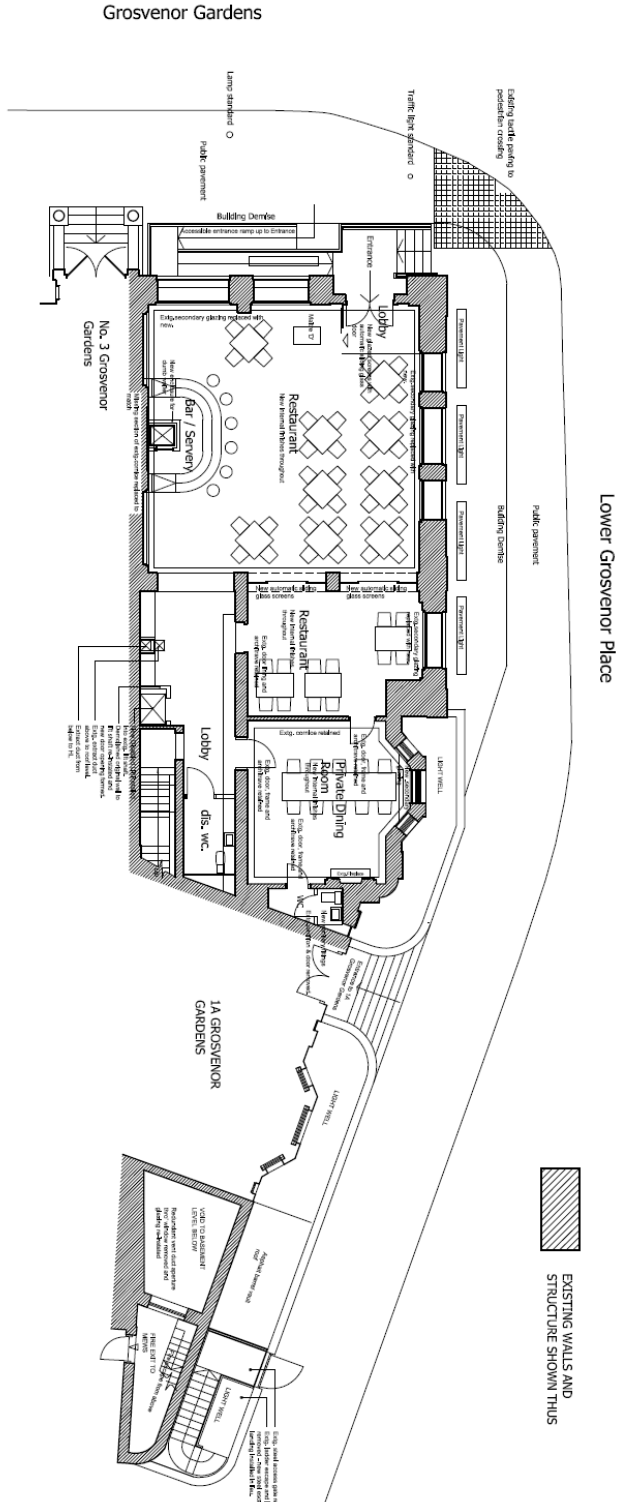
| | |
|-------------------|--|
| Appendix 1 | Premises plans |
| Appendix 2 | Applicant supporting documents |
| Appendix 3 | Premises history |
| Appendix 4 | Proposed conditions |
| Appendix 5 | Residential map and list of premises in the vicinity |
| Appendix 6 | LSC Decision of 3 rd March 2016 |

| | |
|-----------------------|---|
| Report author: | Mr Ola Owojori Senior Licensing Officer |
| Contact: | 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.

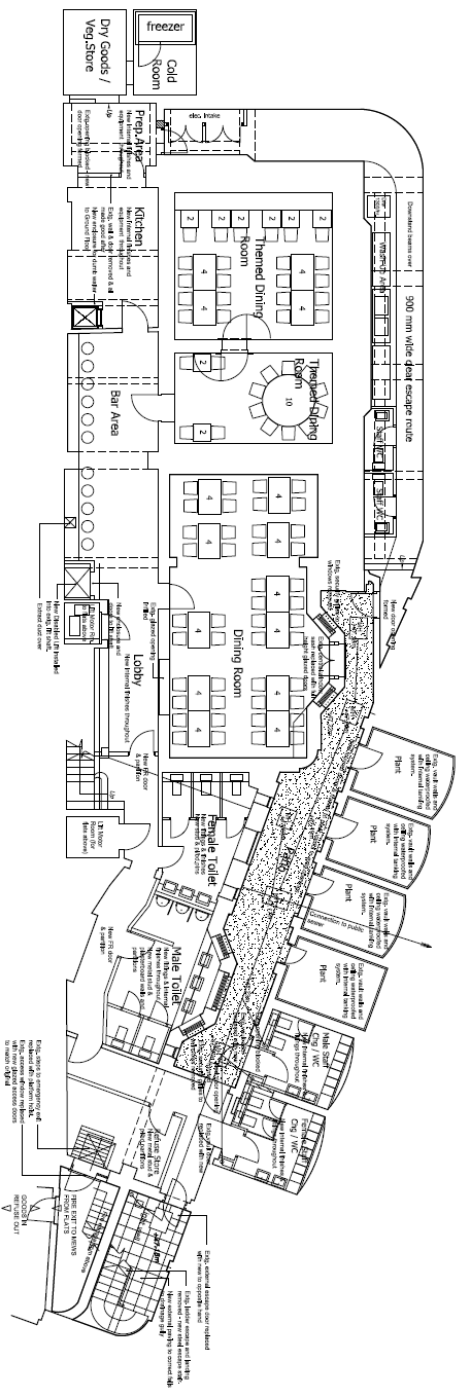
Background Documents – Local Government (Access to Information) Act 1972

| | | |
|-----------|---|------------------------------|
| 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 |
| 25 | Previous LSC report | 3 March 2016 |
| 26 | Hearing Notification | 25 April 2016 |
| 27 | Applicant Servicing Management Plan | 3 May 2016 |
| 28 | Goring Hotel Submissions | 9 May 2016 |
| 29 | LSC Decision of 3 rd March 2016 | 11 May 2016 |
| 30 | EH's concern regarding proposed staff entrance | 12 May 2016 |
| 31 | Applicant's correspondence addressing EH's concern | 13 June 2016 |
| 32 | Sean Stowell representation withdrawn | 13 June 2016 |
| 33 | Revised plan | 13 June 2016 |
| 34 | Servicing Management Plan Version 3 | 13 June 2016 |
| 35 | Hearing Notification | 13 June 2016 |
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| | | |
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|---------|---------------------------------------|
| Client | 1 Grosvenor Gardens (London SW1W 0BS) |
| Project | Proposed Restaurant |
| Site | 1 Grosvenor Gardens (London SW1W 0BS) |
| Date | 12/1/2022 |
| Scale | 1:200 |
| Author | 1 Grosvenor Gardens (London SW1W 0BS) |
| Check | 1 Grosvenor Gardens (London SW1W 0BS) |
| Drawn | 1 Grosvenor Gardens (London SW1W 0BS) |
| Scale | 1:200 |
| Date | 12/1/2022 |

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| | |
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| Project Name | ... |
| Client | ... |
| Design Stage | ... |
| Scale | ... |
| Author | ... |
| Check | ... |
| Drawn | ... |
| Date | 17/07/2011 |
| Sheet No. | 2 |

PSP

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

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

***SERVICING MANAGEMENT PLAN
(Version 3)***

May 2016

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

CONTENTS

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|-----------------------------------|-------------|
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| 2.0 Background Information | 3 |
| 3.0 Delivery and Servicing | 5 |
| 4.0 Waste Management | 8 |
| 5.0 Summary | 11 |

DRAWINGS

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

Buchanan Hartley Drawing 0675 L(-)007B - Enlarged Basement Plan (East)

Buchanan Hartley Drawing 0675 L(-)008A - Enlarged Ground Floor (East)

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

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

Drawing 706-003 - Adjacent Uses

Drawing 706-004B - Kerbside Delivery Routes

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 was originally prepared in December 2015 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.

6. The City of Westminster Council approved PSP's December 2015 Servicing Management Plan on the 10th February 2016 (15/11635/FUL). Following comments received from the City of Westminster Council's Licensing Sub-Committee on the 3rd March 2016, Grosvenor Gardens Leisure Ltd and Faiz Rasool have instructed PSP to prepare this alternative (Version 3) Servicing Management Plan for consideration by the City of Westminster Council.

2. BACKGROUND INFORMATION

7. 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. The upper four floors 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 Grosvenor Gardens Mews East are shown on the **Proposed Ground Floor Plan**.

8. The Buchanan Hartley Design and Access Statement, also prepared to support the planning application, explains deliveries and waste disposal provision for the Restaurant at Section 7.

9. 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. **Drawing 706-003** shows adjacent commercial uses at ground floor level.

10. The Buchanan Hartley **Proposed Basement Plan** (BHA Drawing 0675 L(-) 201D) has been revised to show amended and additional details including the new stairs for the staff entrance and the new external paving. These details have been enlarged on the **Basement Plan (East)** BHA Drawing 0675 L(-) 007B.

11. The new stairs and the entrance at street level have also been shown on the revised Ground Floor Plan (BHA Drawing 0675 L(-) 202D) and on the enlarged detail **Ground Floor Plan (East)** BHA Drawing 0675 L(-) 008A.

12. Buchanan Hartley have updated the Design and Access Statement to confirm that the staff entrance will be via the new stairs to Lower Grosvenor Place and that staff smoking areas will be within the new external paving shown on the **Basement Plan (East)**. Grosvenor Gardens Mews East will not be used for staff entrance or staff smoking areas.

3. DELIVERY AND SERVICING PROPOSALS

13. 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.

14. 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.

Green Route A

15. As shown on the **Site Location Plan** and as explained on the Supplier Instructions Sheet (**Appendix 2**), all Green Route A 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.

16. 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, on the west side of Beeston Place, as shown on **Drawing 706-004B**. Delivery lorries would stop just inside Beeston Place, on the opposite side of the road to the seven meter parking bays.

17. The delivery lorries will wait at the kerb side and incoming supplies will be transported manually along the Lower Grosvenor Place footway, from the delivery vehicle to the Restaurant staff entrance shown on **Drawing 706-004B**. As shown on the Buchanan Hartley **Proposed Ground Floor Plan** and on the **Enlarged Ground Floor Plan (East)** a new flight of steps is to be

provided at the staff entrance and these steps will be used to carry incoming supplies down to the Restaurant stores, which are located at basement level.

18. A copy of the Supplier Instructions Sheet, bearing the Restaurant Manager's contact details, will be provided to occupiers of the commercial premises along Lower Grosvenor Place. There are no residential uses along this route.

Blue Route B

19. As shown on the **Site Location Plan** and as explained on the Supplier Instructions Sheet (**Appendix 2**), all Blue Route B deliveries will arrive and depart via Grosvenor Gardens, using the two existing delivery bays (see **Drawing 706-004B**). Vehicles can arrive at these two existing delivery bays by two routes: southbound on Grosvenor Place and then turning left to join the Lower Grosvenor Place/Bressenden Place/Victoria Street/Grosvenor Gardens one-way system; or northbound from the A302 Grosvenor Gardens (via the one-way system) or the A3215 Grosvenor Gardens.

20. Grosvenor Place, Lower Grosvenor Place, Bressenden Place, Victoria Street and Grosvenor Gardens are TfL Red Routes where stopping, loading and unloading (other than using designated loading bays) is not permitted.

21. Delivery lorries will wait at the loading bay kerb side and incoming supplies will be transported manually along the Grosvenor Gardens footway, to the Restaurant front door for light packages or to the staff entrance (see **Drawing 706-004B**) for heavier deliveries. As shown on the Buchanan Hartley **Proposed Ground Floor Plan** and on the **Enlarged Ground Floor Plan (East)** a new flight of steps is to be provided at the staff entrance and these steps will be used to carry incoming supplies down to the Restaurant stores, which are located at basement level.

22. A copy of the Supplier Instructions Sheet, bearing the Restaurant Manager's contact details, will be provided to occupiers of the commercial premises along Grosvenor Gardens and Lower Grosvenor Place. There are no residential uses at ground floor along this route.

General

23. 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.

24. 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.

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

4. WASTE MANAGEMENT

26. The waste storage area is located at the rear of the premises at basement level (see **Proposed Basement Plan**) giving convenient access to the front yard and steps (see **Enlarged Basement Plan (East)**) to Lower Grosvenor Place.

27. 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 front yard and steps to Lower Grosvenor Place. Black bags and recycling containers will be transported manually to the refuse vehicle for loading in Beeston Place (Green Route A) or the loading bays in Grosvenor Gardens (Blue Route B) as shown on **Drawing 706-004B**.

28. 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.

Green Route A

29. As shown on the **Site Location Plan** and as explained on the Supplier Instructions Sheet (**Appendix 2**), all refuse/recycling vehicles using Green Route A 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.

30. 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, other than in designated bays.

31. Contractor's vehicles will wait at the kerb side (see **Drawing 706-004B**) and waste and recycling bags/containers will be transported manually from the

Restaurant front yard and steps, along Lower Grosvenor Place, to the vehicle waiting in Beeston Place.

32. 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.

33. A copy of the Supplier Instructions Sheet, bearing the Restaurant Manager's contact details, will be provided to occupiers of the commercial premises along Lower Grosvenor Place. There are no residential uses along this route.

Blue Route B

34. As shown on the **Site Location Plan** and as explained on the Supplier Instructions Sheet (**Appendix 2**), all refuse/recycling vehicles using the Blue Route B deliveries will arrive and depart via Grosvenor Gardens, using the two existing delivery bays (see **Drawing 706-004B**). Vehicles can arrive at these two existing delivery bays by two routes: southbound on Grosvenor Place and then turning left to join the Lower Grosvenor Place/Bressenden Place/Victoria Street/Grosvenor Gardens one-way system; or northbound from the A302 Grosvenor Gardens (via the one-way system) or the A3215 Grosvenor Gardens.

35. Waste/recycling contractors must bear in mind that Grosvenor Place, Lower Grosvenor Place, Bressenden Place, Victoria Street and Grosvenor Gardens are TfL Red Routes where stopping, loading and unloading (other than using designated loading bays) is not permitted.

36. Waste/recycling vehicles will wait at the loading bay kerb side and waste and recycling bags/containers will be transported manually along the

Grosvenor Gardens footway, from the Restaurant front yard and steps, to the waiting vehicle (see **Drawing 706-004B**).

37. A copy of the Supplier Instructions Sheet, bearing the Restaurant Manager's contact details, will be provided to occupiers of the commercial premises along Grosvenor Gardens and Lower Grosvenor Place. There are no residential uses at ground floor along this route.

General

38. 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

39. This PSP Servicing Management Plan was originally prepared in December 2015 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.

40. The City of Westminster Council approved PSP's December 2015 Servicing Management Plan on the 10th February 2016. Following comments received from the City of Westminster Council's Licensing Committee in March 2016, Grosvenor Gardens Leisure Ltd and Faiz Rasool have instructed PSP to prepare this alternative (Version 3) Servicing Management Plan, with deliveries and serving to/from the staff entrance on Lower Grosvenor Place, for consideration by the City of Westminster Council.

41. 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'.

42. The Delivery and Servicing proposals and Waste Management strategy set out in this Servicing Management Plan 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.

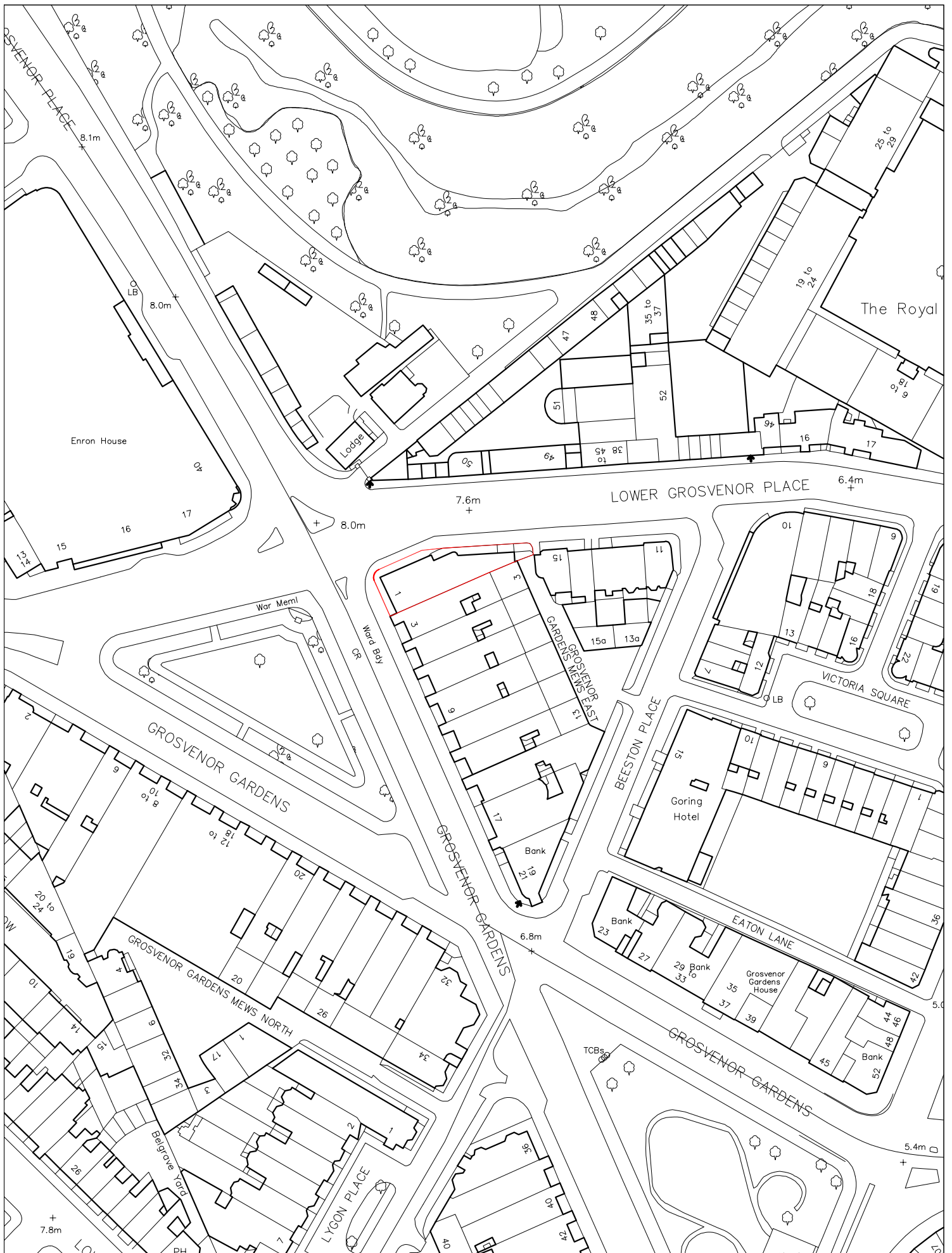
43. The web-based delivery and collection arrangements, and Suppliers Instructions Sheet, explain how day to day deliveries and collections will occur

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/May 2016.

DRAWINGS

- Buchanan Hartley Drawing 0675 L(-)001 - Site Location Plan**
- Buchanan Hartley Drawing 0675 L(-)007B - Enlarged Basement Plan (East)**
- Buchanan Hartley Drawing 0675 L(-)008A - Enlarged Ground Floor (East)**
- Buchanan Hartley Drawing 0675 L(-)201D - Proposed Basement Plan**
- Buchanan Hartley Drawing 0675 L(-)202D - Proposed Ground Floor Plan**
- Drawing 706-003 - Adjacent Uses**
- Drawing 706-004B - Kerbside Delivery Routes**



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 104

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

DO NOT SCALE FROM THIS DRAWING

| | | | |
|-----|-------------------------------------|----------|----|
| Rev | Description | Date | By |
| B | Note omitted | 20.05.16 | MH |
| A | Added text "Access to Grsvnr Grdns" | 09.05.16 | BG |

Status
Planning



Buchanan Hartley Architects Ltd
architecture interiors environment
13 Grosvenor Gardens London SW1W 0BD
T 020 7592 7247
E mail@buchananhartley.co.uk

Client
Mr. Faiz Rasool

Project
1 Grosvenor Gdns London SW1W 0BD
Proposed Restaurant

Title
Basement Plan (East)
Proposed

Scale
1:50@A3

Date
09.05.2016

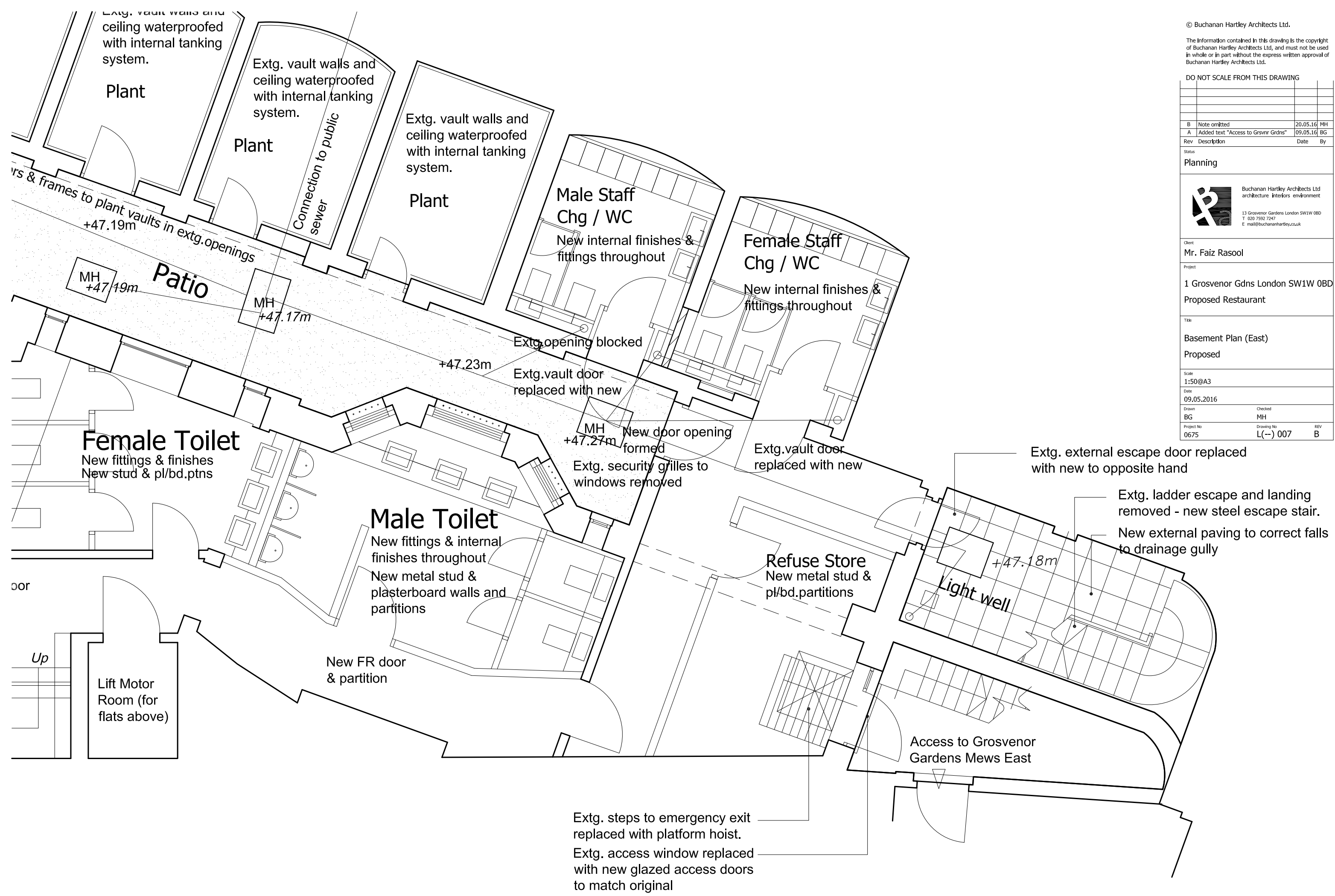
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BG

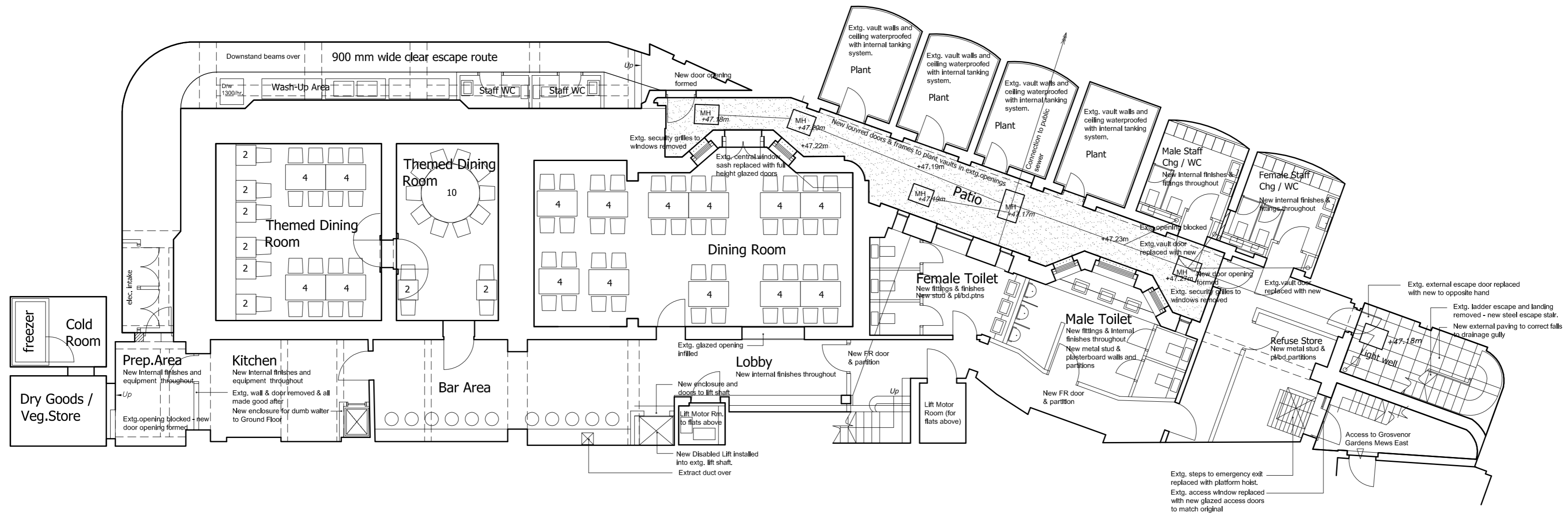
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MH

Project No
0675

Drawing No
L(-) 007

REV
B





| Rev | Description | Date | By |
|-----|--|----------|----|
| D | Note omitted | 20.05.16 | MH |
| C | Revised WC layout and location/fre ext | 09.05.16 | BG |
| A | Table layout revised (84 covers) | 07.07.15 | MH |

| Rev | Description | Date | By |
|-----|-------------|------|----|
| | | | |

Status: Planning

Client: Mr. Faiz Rasool

Project: 1 Grosvenor Gdns London SW1W 0BD Proposed Restaurant

Title: Basement Plan Proposed

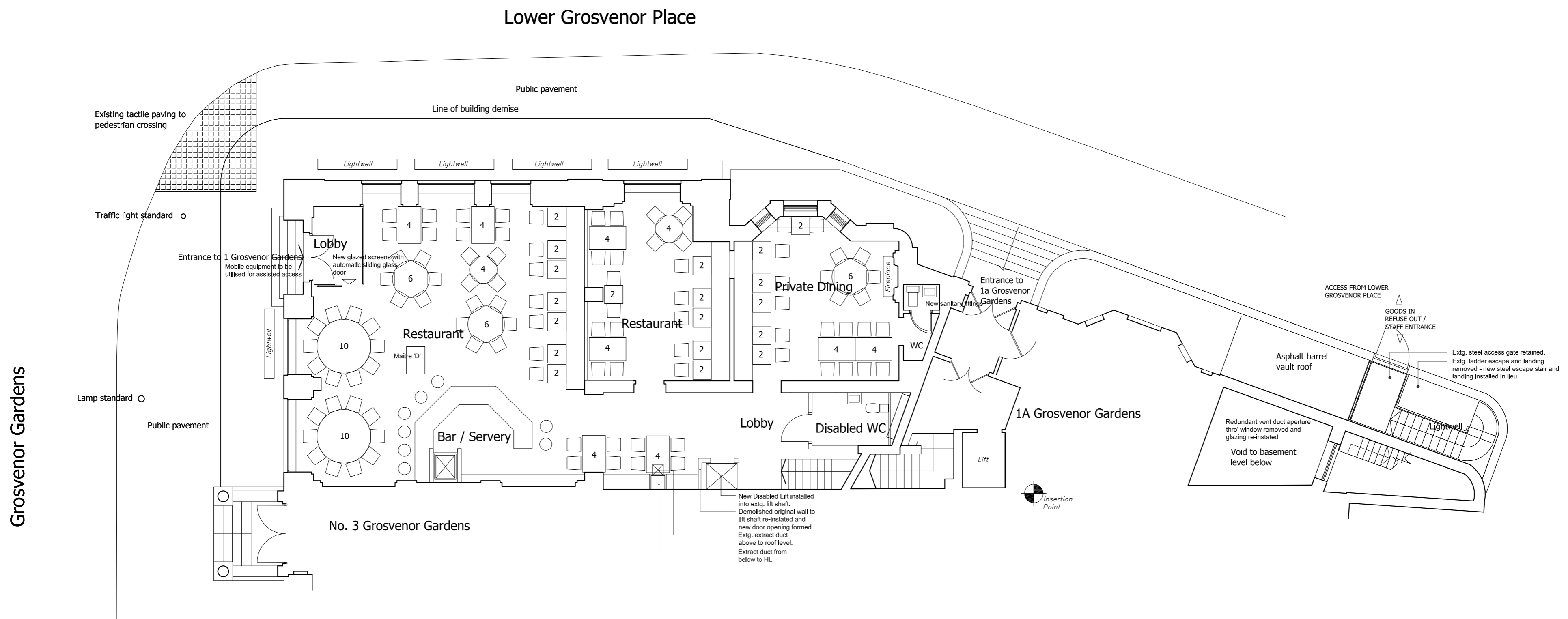
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Date: 18.11.2013

Drawn: DAW

Checked: [Signature]

Project No: 0675 Drawing No: L(-) 201 REV: D



Grosvenor Gardens

| Rev | Description | Date | By |
|-----|---|----------|-----|
| E | Added text (access to Grosvenor Pl) | 16.05.16 | BC |
| D | Plc cmt revised / added detail to east wing | 16.05.16 | BC |
| C | Table layout revised (116 covers) | 07.07.15 | PH |
| B | Entrance ramp omitted | 25.02.14 | Daw |
| A | Entrance ramp and steps revised | 02.12.13 | Daw |

Status: **Planning**

Buchanan Hartley Architects Ltd
architecture interiors environment

13 Grosvenor Gardens London SW1W 0BD
T 020 7592 7247
E mail@buchananhartley.co.uk

Client: **Mr. Faiz Rasool**

Project: **1 Grosvenor Gdns London SW1W 0BD
Proposed Restaurant**

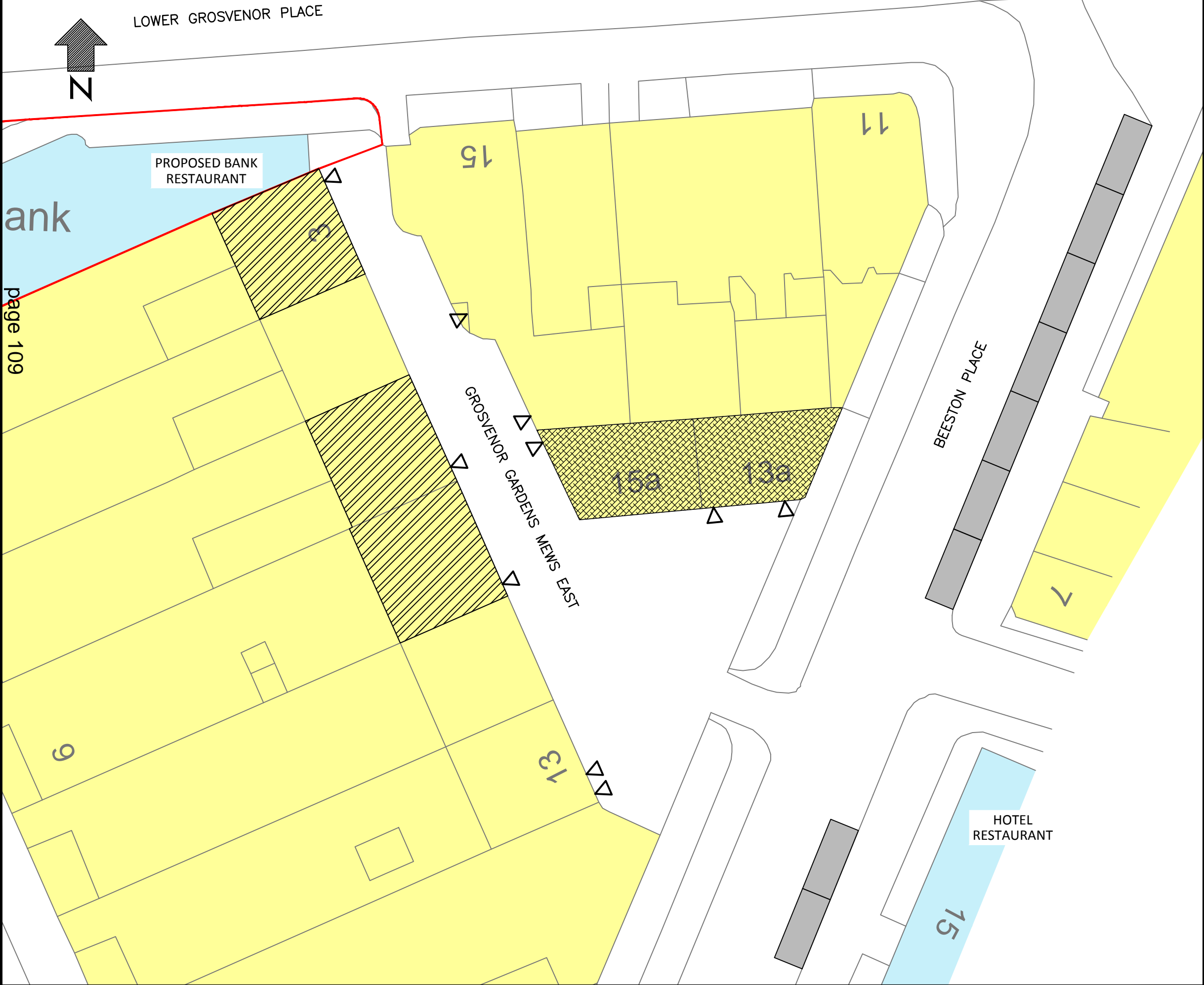
Title: **Ground Floor Plan
Proposed**

Scale: **1:100@A2**

Date: **18.11.2013**







Drawn: **Daw** Checked:

Project No: **0675** Drawing No: **L(-)- 202** Rev: **D**



page 109

LEGEND

-  METER PARKING BAYS
-  RESTAURANT
-  COMMERCIAL / AT GROUND FLOOR
-  FIRST FLOOR FLAT
-  FIRST AND SECOND FLOOR STAFF ACCOMODATION
-  DOOR

| Rev | Date | Description | Drn | Chk | App |
|-----|----------|----------------|-----|-----|-----|
| - | 16/03/16 | 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.

www.cad-precision.com

CAD precision Ltd

Drawing produced on behalf of:

PSP consulting

M: +44 7887 701715
E: Patrick.Gurner@pspconsulting.co.uk

Client WORKING ON BEHALF OF

MR FAIZ RASOOL AND CALABRESE HOUSE

Project

1 GROSVENOR GARDENS LONDON

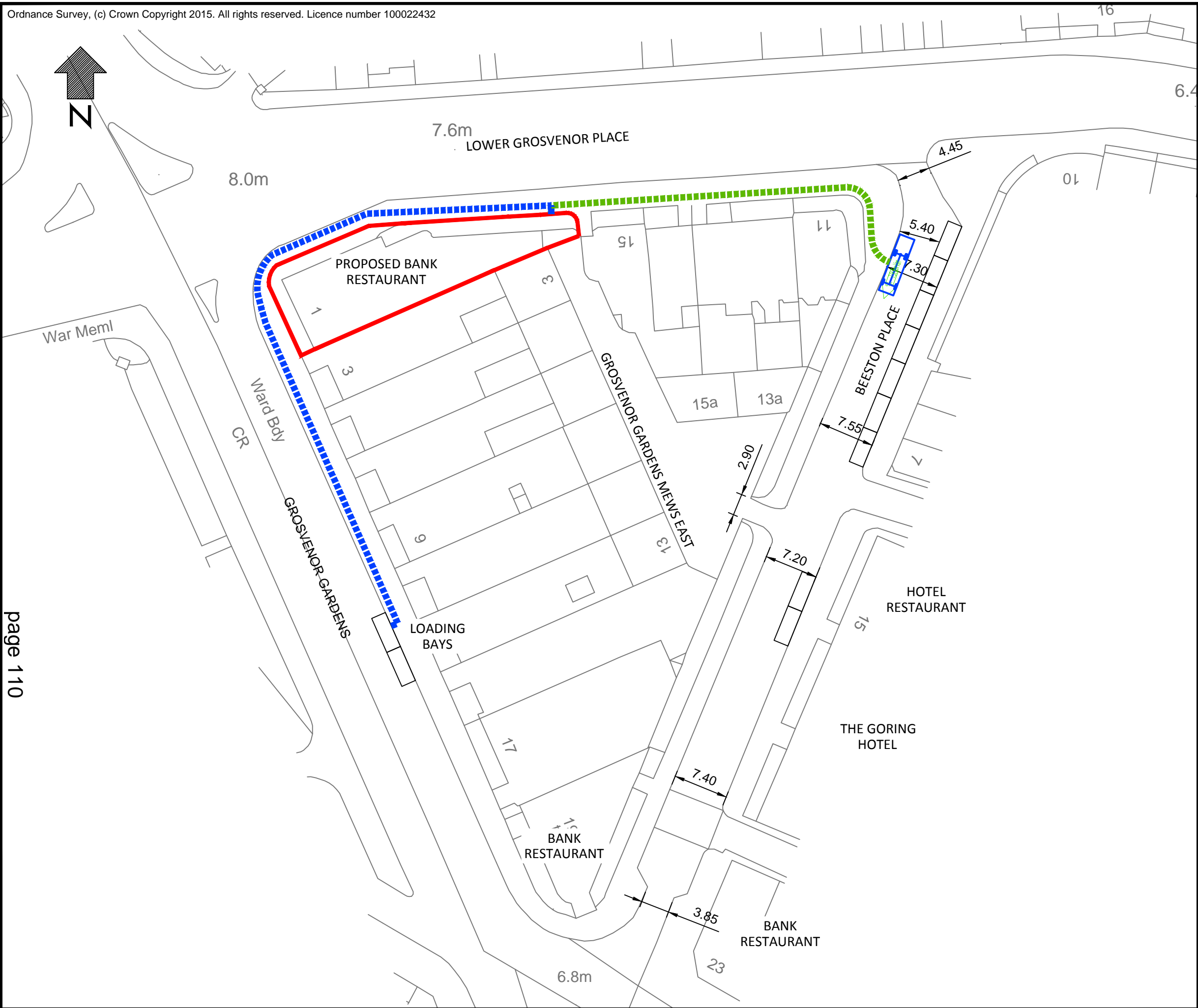
Drawing Title

ADJACENT USES

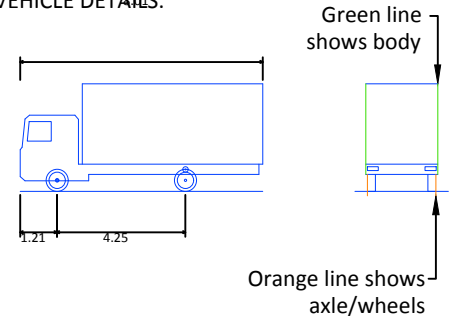
Drawing Status

FOR INFORMATION

| | | | | |
|------------------------|----------------|------------------|----------------|------------|
| Drawn AS | Designed PG | Date MAR 2016 | Scale 1:250 | Size A3 |
| Drawing No. 706-003 | | | | Rev - |



VEHICLE DETAILS:



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

ROUTE A (Green dashed line)
 ROUTE B (Blue dashed line)

| | | | | | |
|-----|----------|------------------|-----|-----|-----|
| Rev | Date | Description | Drn | Chk | App |
| B | 20/05/16 | MINOR AMENDMENTS | AS | PG | PG |
| A | 17/05/16 | MINOR AMENDMENTS | AS | PG | PG |
| - | 16/03/16 | 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
 M: +44 7887 701715
 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 DELIVERY ROUTES

Drawing Status
FOR INFORMATION

| | | | | |
|------------------------|----------------|------------------|----------------|------------|
| Drawn AS | Designed PG | Date MAR 2016 | Scale 1:500 | Size A3 |
| Drawing No. 706-004 | | | | Rev B |

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:

- The Plain English Crystal Mark applies to those conditions, reasons and informatives in this letter which have an associated reference number with the prefix C, R, X or I.
- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- 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 (Version 3)

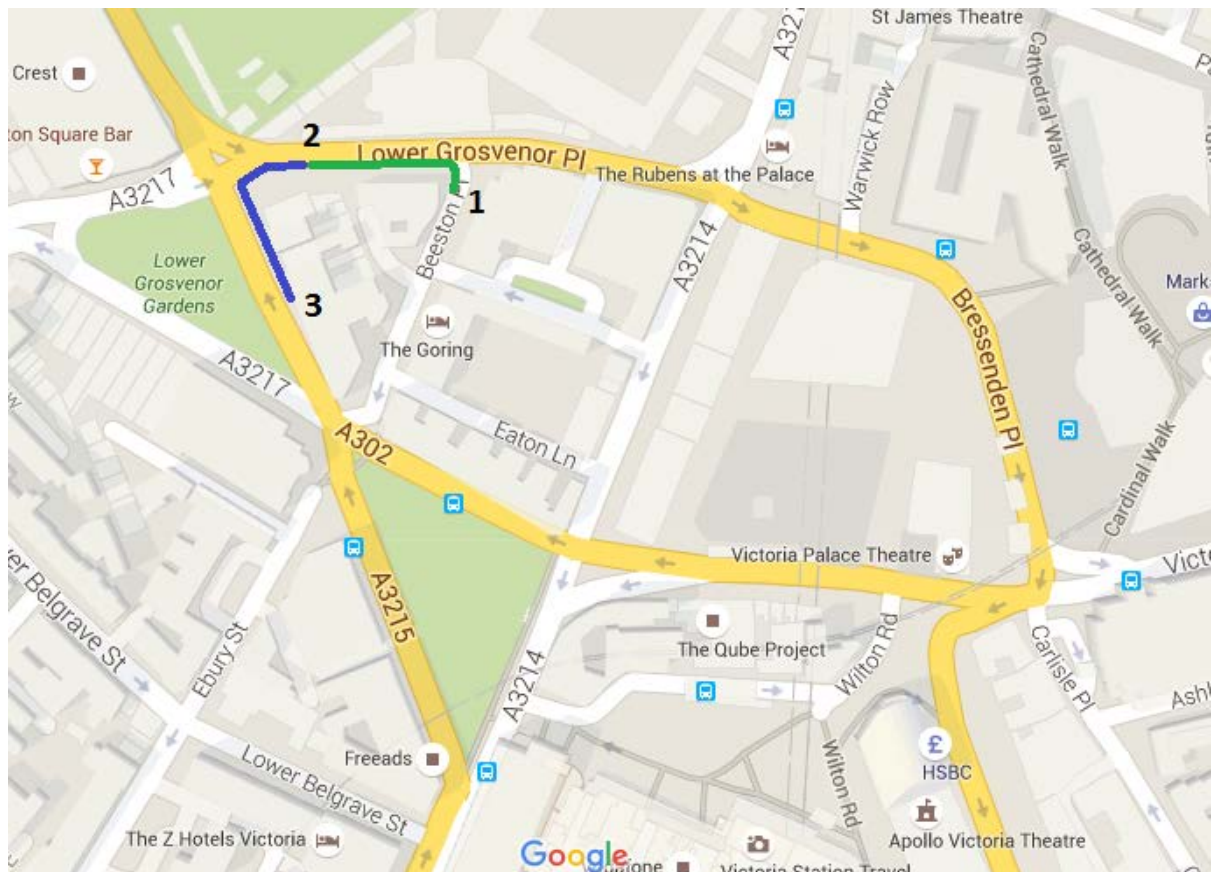
1. The Restaurant Manager will be responsible for placing and confirming all orders for food, drink and consumables and for arranging laundry collections and deliveries. The Restaurant Manager will also arrange all waste and recycling collections.

- 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 Green Route A deliveries and collections will arrive at Point 1 on the plan below (post code SW1W xxx) and load/unload at the kerbside (see **Drawing 760-004B**).



4. All Green Route A deliveries and collections (including refuse) 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 other than within designated bays.

5. Lorries will wait at the kerb side and incoming supplies will be transported manually from the delivery vehicle to the Restaurant front yard and staff entrance on Lower Grosvenor Place (Point 1 to Point 2 on the above plan and see also **Drawing 706-004B**).

6. All Blue Route B deliveries and collections (including refuse) will arrive and depart via Grosvenor Gardens, using the two existing delivery bays (see **Drawing 706-004B**). Vehicles can arrive at these two existing delivery bays by two routes: southbound on Grosvenor Place and then turning left to join the Lower Grosvenor Place/Bressenden Place/Victoria Street/Grosvenor Gardens one-way system; or northbound from the A302 Grosvenor Gardens (via the one-way system) or the A3215 Grosvenor Gardens.

7. As noted above, Grosvenor Place, Lower Grosvenor Place, Bressenden Place, Victoria Street and Grosvenor Gardens are TfL Red Routes where stopping, loading and unloading (other than using designated loading bays) is not permitted.

8. Delivery lorries will wait at the loading bay kerb side and incoming supplies will be transported manually along the Grosvenor Gardens footway, to the Restaurant front door for light packages or to the staff entrance for heavier deliveries (see **Drawing 706-004B**).

General

6. Deliveries and collections 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.

7. 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/May 2016



Your ref: MR FAIZ RAZOOL
My ref: 15/11635/ADFULL

Please reply to:
Tel No:

Vincent Nally
020 7641 5947

Mr Matt Hartley
Buchanan Hartley Architects Limited
13 Grosvenor Gardens
London
SW1W 0BD

Development Planning
Westminster City Hall
PO Box 732
Redhill, RH1 9FL

10 February 2016

Dear Sir/Madam

TOWN AND COUNTRY PLANNING ACT 1990

The City Council has considered the application referred to below and APPROVES the conditions which you have submitted pursuant to the original approval as detailed below:

SCHEDULE

| | | | |
|------------------------|--|--------------------------|------------|
| Application No: | 15/11635/ADFULL | Application Date: | 14.12.2015 |
| Date Received: | 14.12.2015 | Date Amended: | 15.12.2015 |
| Plan Nos: | Servicing Management Plan by PSP Consulting dated February 2016. | | |
| Address: | 1 Grosvenor Gardens, London, SW1W 0BG, | | |
| Proposal: | Details of servicing management plan pursuant to Condition 11 of planning permission dated 01 May 2014 (RN: 13/11566). | | |

Schedule 1: **Approved development:**

Use of basement and ground floors as restaurant (Class A3). Installation of glazed doors and new escape stair within basement lightwell and plant within basement vaults.

Yours faithfully

John Walker
Director of Planning

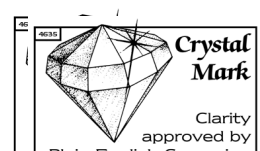
Note - As the requirements of the Building Regulations may affect the design of the proposed development our Building Control team can offer advice and guidance at an early stage. If you would like to take advantage of this service please contact them on 020 7641 6500 or email districtsurveyors@westminster.gov.uk to arrange a preliminary discussion.

Informative(s):

- 1 The Servicing Management Plan has been agreed on the basis that residents and occupiers within Grosvenor Gardens Mews East are provided with up to date contact details for the restaurant manager so that any potential issues arising through servicing can be raised and dealt with appropriately.

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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*

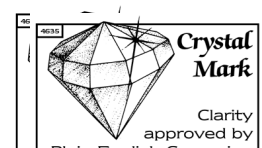
If your application has been **refused** by the City Council or **granted subject to conditions** that you are not happy with, you have the right to appeal to the Planning Inspectorate (under Section 78 of the Town and Country Planning Act 1990 or Section 20 of the Planning (Listed Buildings and Conservation 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:

- o **28 days** in the case of an appeal against refusal of a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice.
- o **8 weeks** in the case of an appeal against refusal of advertisement consent.
- o **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.
 - Refusal of prior approvals relating to dwelling houses, including the neighbours' consultation scheme for larger home extensions under Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order.
- o **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.
 - Interested parties have no right to comment on an appeal with regards to a minor commercial development (specifically a shopfront).
- o **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 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.

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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 **Customer Support Team, Planning Inspectorate, 3/08a, Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN Tel: 0303 4440000**. 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/planning/appeals/online/makeanappeal

APPROVAL OF DETAILS:

If your application has been granted and is subject to the approval of details reserved by condition please use the form 'Application For Approval Of Details Reserved By Condition' in order to discharge the relevant details. This form can be downloaded from the City Council's web site at www.westminster.gov.uk/planning

b) Purchase Notices

In certain circumstances the owner of a property has the right to serve a Purchase Notice on the City Council or the Department for Communities and Local Government. A Notice may be served if, following a refusal or a conditional approval, the owner considers the land cannot be put to a reasonably beneficial use in either its existing state or through development which has or would be permitted. A Purchase Notice would require the City Council to purchase the owner's interest in the land in accordance with the relevant provisions of the Acts (Part VI of the Town and Country Planning Act 1990 and Sections 32-37 of the Planning (Listed Buildings and Conservation Areas) Act 1990).

2. General information relating to all approvals

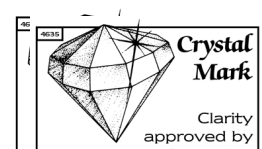
a) Other legislative requirements

This decision has been made by the City Council as the local planning authority. You are reminded of the need to comply with other relevant regulations and statutory provisions and respect the rights of other owners/occupiers provided by relevant property legislation.

Transportation: If your proposal involves works which affect the public highway you should consult the City Council as Highways Authority. This includes works to, over or below any carriageway, footway or public forecourt. You should contact the Highways Planning Team by email highwaysplanning@westminster.gov.uk or telephone 020 7641 3326. If your proposal is related to paving works and/or is associated with an agreement under Section 106 of the Town and Country Planning Act 1990 please telephone: 020 7641 2920.

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Highways Licensing: For general enquiries about temporary structures on the highway, such as hoardings, skips, the excavation and storage of materials on the highways, please telephone 020 761 2000.

Building Control: You are advised to contact Westminster District Surveyors immediately to find out whether your proposal will require consent under the Building Regulations: Tel: 020 7641 6500 Email :districtsurveyors@westminster.gov.uk.

Building Regulation forms and further information is available on the Council's web site: <http://www.westminster.gov.uk/services/environment/landandpremises/buildings/forms/>

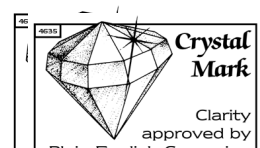
Land Drainage: Where major works are involved, Land Drainage Consent may be required under the Water Resources Act 1991 and Thames Region Land Drainage By Laws 1981. You are advised to contact the Environment Agency, Apollo Court ,2 Bishop's Square Business Park, St Albans Road West Hatfield AL10 9EX Tel: 03708 506 506 or email:enquiries@environment-agency.gov.uk.

b) Provision of access and facilities for disabled people

Designing new buildings and adapting existing buildings to meet the needs of people with disabilities results in a safer and more convenient environment for all. General advice is available from planning and building control officers who can also direct you to appropriate sources of technical/specialist advice.

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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.

*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. **Alternative proposed by the Environmental Health***

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.

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 [].

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. **Alternative proposed by Environmental Health***

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.

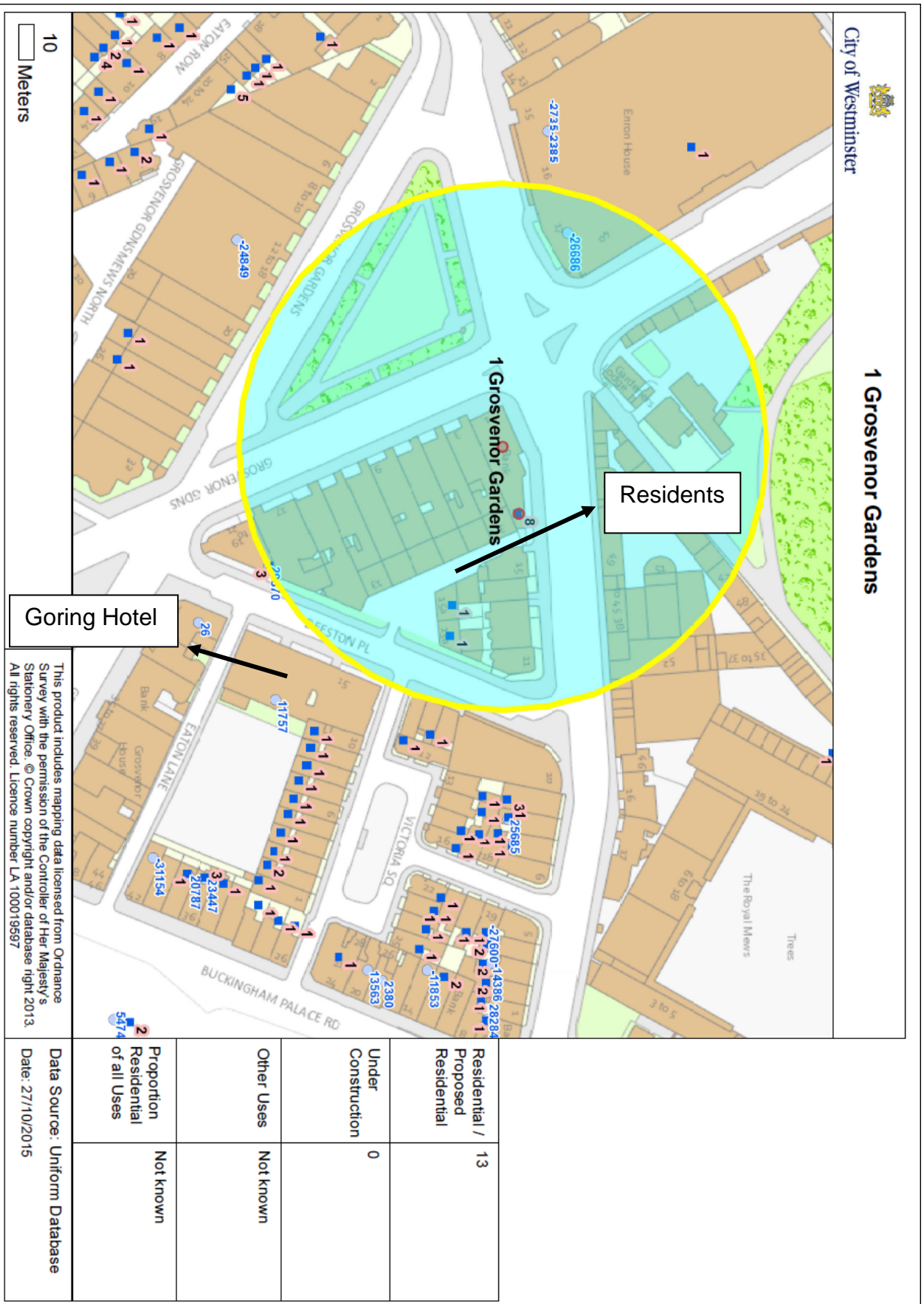
Conditions agreed with the Police

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. 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.
28. No deliveries to the premises shall take place between 21.00 and 08.00 hours on the following day.
29. 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.
30. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
31. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
32. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
33. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
34. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
35. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.



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| | |
|---|-----------|
| Residential / Proposed Residential | 13 |
| Under Construction | 0 |
| Other Uses | Not known |
| Proportion Residential of all Uses | Not known |
| Data Source: Uniform Database Date: 27/10/2015 | |

LICENSING SUB-COMMITTEE No. 2*Thursday 3rd March 2016*

Membership: Councillor Nickie Aiken (Chairman), Councillor Susie Burbridge and Councillor Shamim Talukder.

Legal Adviser: Horatio Chance

Policy Officer: Chris Wroe

Committee Officer: Toby Howes

Presenting Officer: Ola Owojori

Relevant Representations: Environmental Health, Goring Hotel and five local residents.

Present: Mr Alun Thomas (Solicitor for the Applicant Company), Mr Fiaz Rasool (Applicant Company), Mr Laurence Selman (Applicant Company), Mr Gerry Calebrese (Applicant Company), Mr Ian Watson (Environmental Health Department), Mr Stuart Geddes (Goring Hotel) and Ms Ursula Claxton (Local Resident).

| | |
|---|---|
| Restaurant, 1 Grosvenor Gardens, SW1 15/07477/LIPN | |
| 1. | Late Night Refreshment |
| | <p>Monday to Thursday: 23:00 to 23:30 Friday and Saturday: 23:00 to 00:00</p> <p>From the end of permitted hours on New Year's Eve to 05:00 on New Year's Day.</p> <p>Sunday before Bank Holiday: 23:00 to 00:00</p> |
| | <p>Amendments to application advised at hearing:</p> <p>None.</p> |
| | <p>Decision (including reasons if different from those set out in report):</p> <p>Mr Thomas, Solicitor representing the Applicant Company, began by stating that the application was for a 'British brassiere' restaurant on a site that had previously been a bank, although the building had not been in use for ten years. Mr Thomas advised that the application had been adjourned at the request of the Applicant Company from a previous hearing in order to address concerns raised in representations in respect of a servicing management plan. He informed the Sub-Committee that a servicing management plan had received</p> |

planning approval on 10 February and planning permission for a restaurant at the premises had been given in 2014. Mr Thomas referred to the proposed servicing management plan produced by an independent consultant that was included as part of the application. He stated that there would be no more than five deliveries a day and informed Members that the proposed hours for deliveries had been amended from 07:30 to 16:00 in the plan to 08:00 to 16:00 Monday to Friday, and 08:00 to 13:00 on Saturdays, with no deliveries on Sundays and Bank Holidays. In respect of refuse and recycling collection, one collection per day from 07:30 to 16:00 Monday to Friday and from 08:00 to 13:00 on Saturday was proposed, again with no collections on Sundays and Bank Holidays. Mr Thomas explained that any deliveries unloaded from Grosvenor Gardens Mews East (the Mews) would involve Transit sized vans, with deliveries controlled by instruction sheets given to suppliers and overseen by a Banksman to oversee the vans reversing down this road.

Mr Thomas stated that goods and refuse would enter and exit the premises via the fire exit, which was not uncommon and in any case there would only be up to five deliveries a day and one refuse collection a day. In respect of access and egress of staff, Members noted that this would be via Lower Grosvenor Place. Mr Thomas stated that the Applicant Company had intended to contact local residents in respect of their concerns, however no email addresses were available to undertake this. He acknowledged that staff from the Goring Hotel lived in the Mews and that the hotel also rented out a flat in this road, however he remarked that the hotel's chauffeur used a parking bay in the road and there were also parking spaces for other vehicles that used the road. Mr Thomas concluded his initial submission by advising that staff were not permitted to smoke outside the premises and that the Applicant Company would be willing to have this added as a condition on their premises licence.

Mr Watson from the Council's Environmental Health Department then addressed the Sub-Committee. Mr Watson confirmed that he had visited the site and drew Members' attention to photographs taken during the site visit, including those of the fire exit, the Mews and the entrance to it and the proposed staff entrance. In Mr Watson's opinion, the entrance to the Mews was wide enough for vehicles such as Transit vans to pass through, however larger vehicles would find it problematic. He advised that the premises frontage on Lower Grosvenor Place was on a bus 'red route' and so this would prevent deliveries being possible from that road. For this reason, the premises was totally dependent on deliveries being made via the Mews. With regard to existing waste collection times, Mr Watson advised that these were from 08:00 to 15:00 Monday to Friday for Beeston Place and 09:00 to 11:00 Monday to Thursday for the Mews and he noted that the Applicant Company's management servicing management plan had stated that a private refuse collection company would be appointed.

Mr Watson stated that the use of a 'banksman' was more commonly associated with construction sites. Whilst smaller vehicles would be able to reverse into the Mews, the beeping sound made whilst they were reversing may disturb residents. He also expressed concern that if the Applicant Company used large bins, these would cause some noise if they were moved along the cobbled Mews. Similarly, deliveries of beer kegs and collection of bottles may also cause disturbance. As the premises was a Grade II listed building, there was

little potential for internal works to help prevent any noise breakout. Mr Watson confirmed that a capacity limit was subject to finalisation of works and sign off, whilst staff smoking in the Mews would not be desirable because of the public nuisance it would cause. He concluded by stating that proposals would lead to an intensification of the use of the Mews and he felt that the servicing management plan as it stood did not totally address the concerns he had about the application and more information was required from the Applicant Company in respect of this.

Mr Geddes from Goring Hotel, then addressed the Sub-Committee. He began by expressing concern that delivery vehicles reversing in the Mews may disturb staff from the hotel who lived there. Garages in the Mews were also in constant use and the added presence of delivery vehicles would add to activity and therefore disturbance. Members heard that the hotel also had two garages and parking space in the Mews. In respect of commercial refuse collection, Mr Geddes stated that in his experience this would usually take place around 08.00 and would disturb residents and hotel staff who may have just finished a night shift and the noise would be exacerbated by the cobbles along the Mews, giving rise to public nuisance, particularly where bottles were being collected. Some bins may also be placed near residents' front doors. Mr Geddes asserted that a nearby restaurant was attracting fly-tipping and he feared that this may also occur at the Applicant Company's premises. He also added that the Applicant Company needed to be clear on whether its staff could smoke, and if so specify precisely the area that they could.

Ms Claxton, a local resident, addressed the Sub-Committee. She informed Members that she lived at number seven along the Mews and her flat was directly above the garages and in close proximity to the fire exit. Ms Claxton stated that vehicles passed within a few inches of her front door and cars were frequently parked in the triangular area to the front of the Mews nearest the entrance. She estimated that the entrance was around ten feet wide and it was virtually impossible to pass through it at an angle. As such, she felt that many deliveries would need to be made manually. The cobbled, uneven surface along the Mews would also cause additional noise when deliveries and refuse collections were made. Furthermore, Ms Claxton contended that vehicles for refuse collections would have to stop along Beeston Place or Lower Grosvenor Place as they would be too large to access the Mews, and she added that there was no current refuse collection directly from the Mews. She suggested it was illogical to service a restaurant and bar via such a small street as the Mews. Ms Claxton added that she felt it was inevitable that staff from the premises would store objects near the fire escape.

During Members' discussion, further clarification was sought in respect of waste collection and delivery arrangements, how the entrance to the Mews would be accessed and was there any alternative entrance for deliveries to take place. Members enquired when and what times of the day had the survey for the servicing management plan been undertaken by the Applicant Company's consultants. The Sub-Committee also asked how many staff from the hotel lived in the Mews and would staff on night duties be sleeping during the day in accommodation at the Mews. Further details were requested on what steps would be taken to reduce noise levels that may disturb residents when deliveries and waste collections were taking place, especially removing bottles

from the Mews and how would the Applicant Company meet the licensing objectives.

In reply to Members' queries, Mr Thomas advised that waste would be stored in the basement and he confirmed that a private waste collection company would be appointed. He re-stated that delivery and waste arrangements had received planning permission. The consultants undertaking the servicing management plan specialised in such matters and had visited the site to undertake their surveys. Mr Thomas advised that deliveries may also take place via Beeston Place, as stated in the servicing management plan, and he commented that the Applicant Company did not intend to provide draught beer, so deliveries and collections of beer kegs would not be necessary. It was also possible that staff from the premises could carry bottles so as not to cause noise and the Applicant Company had not proposed to use palates. Members noted that Beeston Place was a one-way street. Mr Thomas contended that it could not be argued that the Mews was mainly residential and he suggested that commercial use was around 80% in the street. He reiterated that there would be a maximum of five deliveries and one waste collection a day and the waste collection may not even take place directly from the Mews.

Mr Rasool, of the Applicant Company, confirmed that waste would be stored on the lower ground floor and would be brought to waste collection vehicles on arrival, and the type of vehicle could be specified. Mr Calebrese, also of the Applicant Company, added that perishable waste would be collected daily and bottles around twice a week.

Ms Claxton stated that there was a pay and display parking scheme operating in Beeston Place, including the area opposite the entrance of the Mews. She stated that the garages in the Mews were used extensively and that there were residential flats above them. She contended that the Mews was not 80% commercial use. Mr Geddes advised that around 15 staff from the Goring Hotel lived in the Mews and that some would be on night shifts and so would be sleeping during the daytime. He added that in his experience he had not seen any businesses that manually carried their bottled refuse.

Mr Thomas acknowledged that issues relating to access to the Mews needed further attention, including specifically reviewing the feasibility of vehicles accessing it. He therefore suggested Members may find it helpful to adjourn the application whilst this matter received further consideration, and more photographs in respect of the pay and display scheme operating in Beeston Place could also be supplied to the Sub-Committee. Mr Thomas added that the attendance of the report author of the servicing management plan at the subsequent hearing to answer questions may also be helpful to Members, who may also wish to undertake a site visit.

The Sub-Committee adjourned the application as it considered that further information was needed in which to be able to make an informed and reasonable decision, having regard to the overriding public interest objective in accordance with Regulation 11 of the Licensing Act 2003 (Hearing) Regulations 2005. The Sub-Committee stated that it required more information from the Applicant Company as to how its management service plan would meet the licensing objectives, in particular in respect of public nuisance as there was

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| | <p>presently insufficient evidence in the application to demonstrate how this would be achieved. Members advised the Applicant Company to provide more details of the survey undertaken for the servicing management plan, including photographs and the times during which the survey took place and that the report author of the plan be present at the hearing when this Sub-Committee re-considers the application.</p> |
| 2. | Sale by Retail of Alcohol: On and Off Sales |
| | <p>Monday to Thursday: 10:00 to 23:30 Friday and Saturday: 10:00 to 00:00 Sunday: 12:00 to 22:30</p> <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p> <p>Sunday before Bank Holiday: 10:00 to 00:00</p> |
| | <p>Amendments to application advised at hearing:</p> <p>None.</p> |
| | <p>Decision (including reasons if different from those set out in report):</p> <p>Adjourned (see reasons for decision in Section 1).</p> |
| 3. | Hours Premises are Open to the Public |
| | <p>Monday to Thursday: 07:00 to 23:30 Friday and Saturday: 07:00 to 00:00 Sunday: 07:00 to 22:30</p> <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p> <p>Sunday before Bank Holiday: 07:00 to 00:00</p> |
| | <p>Amendments to application advised at hearing:</p> <p>None.</p> |
| | <p>Decision (including reasons if different from those set out in report):</p> <p>Adjourned (see reasons for decision in Section 1).</p> |

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