



City of Westminster

Committee Agenda

Title: **Licensing Sub-Committee (1)**

Meeting Date: **Thursday 18th January, 2018**

Time: **10.00 am**

Venue: **Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR**

Members: **Councillors:**

Angela Harvey (Chairman)
Julia Alexander
Murad Gassanly

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

Admission to the public gallery is via a visitor's pass which is available from the main ground floor reception at 5 Strand from 9.30am. 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. BASEMENT AND GROUND FLOOR, 125-127 WESTBOURNE PARK ROAD, W2

(Pages 1 - 36)

App No	Ward/ Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
1.	Bayswater Ward / not in cumulative impact area	Basement and Ground Floor, 125- 127 Westbourn e Park Road, W2	New Premises Licence	17/12417/LIPN

2. Z HOTELS, FIRST FLOOR, 52-53 POLAND STREET, W1

(Pages 37 - 54)

App No	Ward/ Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
2.	West End Ward /	Z Hotels, First Floor,	New Premises	17/13722/LIPN

	West End Cumulative Impact Area	52-53 Poland Street, W1	Licence	
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3. TO CONSIDER GRANTING AUTHORITY TO SETTLE AN APPEAL ARISING FROM THE LICENSING SUB-COMMITTEE DECISION OF 21 SEPTEMBER 2017

(Pages 55 - 98)

In respect of this item there is a recommendation to the Sub-Committee that under Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005 the public be excluded from the meeting for this item of business on the grounds that the public interest in the hearing taking place in private outweighs the public interest in that part of the meeting taking place in public.

App No	Ward/ Cumulative Impact Area	Site Name and Address	Application
3.	West End Ward / not in cumulative impact area	Swingers, 15 John Prince's Street, W1	To consider granting authority to settle an appeal arising from the Licensing Sub- Committee decision of 21 September 2017

**Stuart Love
Interim Chief Executive
12 January 2018**

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.

CORE HOURS WHEN CUSTOMERS ARE PERMITTED TO BE ON THE PREMISES (As set out in the Council's Statement of Licensing Policy 2011)

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

Friday and Saturday: 10:00 to midnight
Sundays immediately prior to Bank Holidays: Midday to midnight
Other Sundays: Midday to 22:30
Monday to Thursday: 10:00 to 23:30.

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

Monday to Saturday: 08:00 to 23:00
Sundays: 10:00 to 22:30.

- For premises for the provision of other licensable activities:

Friday and Saturday: 09.00 to midnight
Sundays immediately prior to Bank Holidays: 09.00 to midnight
Other Sundays: 09.00 to 22.30
Monday to Thursday: 09.00 to 23.30.

Item No:	
Date:	18 January 2018
Licensing Ref No:	17/12417/LIPN - New Premises Licence
Title of Report:	Basement and Ground Floor 125-127 Westbourne Park Road London W2 5QL
Report of:	Director of Public Protection and Licensing
Wards involved:	Bayswater
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Yolanda Wade Senior Licensing Officer
Contact details	Telephone: 020 7641 1884 Email: ywade@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	1 November 2017		
Applicant:	Forest Inns (Uk) Limited		
Premises:			
Premises address:	Basement and Ground Floor 125-127 Westbourne Park Road Road London W2 5QL	Ward:	Bayswater
		Cumulative Impact Area:	No
Premises description:	According to the applicant, the premises was historically split into two units numbered 125 and 127. Number 125 operated as a bar on the Ground Floor and a back of house operation on the basement Floor. Number 127 operate as a restaurant on the Ground Floor with a private dining area on the Basement Floor. Number 125 is not in usage and is incorporated into number 127.		
Premises licence history:	<p>The premises did benefit from a premises licence (09/10275/LIPD) which lapsed in June 2017. The licence lapsed because of the previous licence holder's voluntary liquidation and the licence was not transferred with the 28 days required.</p> <p>There were no special conditions on the previous licence. This application is a new application for similar activities and the proposed hours are the same hours or less than that of the previous licence.</p>		
Applicant submissions:	None		
Plans	Plans are available to view upon request to the Licensing Authority and they will be made available at Licensing Committee.		

1-B Current and proposed licensable activities, areas and hours						
Regulated Entertainment						
Playing of recorded Music: Indoors						
	Previous licence		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	Unrestricted		10:00	00:30	Basement, Ground Floor	No Change
Tuesday			10:00	00:30		
Wednesday			10:00	00:30		
Thursday			10:00	00:30		
Friday			10:00	00:30		
Saturday			10:00	00:30		
Sunday			12:00	00:00		

Late night refreshment: Basement						
Indoors, outdoors or both			Current :		Proposed:	
			Indoors		Indoors	
	Previous licence		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	23:30	No Change		Basement	No Change
Tuesday	23:00	23:30				
Wednesday	23:00	23:30				
Thursday	23:00	23:30				
Friday	23:00	23:30				
Saturday	23:00	23:30				
Seasonal variations/ Non-standard timings:	Current: The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.				Proposed: No Change	

Late night refreshment: Ground Floor						
Indoors, outdoors or both		Current :			Proposed:	
		Indoors			Indoors	
	Previous licence		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	00:30	23:00	23:30	Ground Floor	No Change
Tuesday	23:00	00:30	23:00	23:30		
Wednesday	23:00	00:30	23:00	23:30		
Thursday	23:00	00:30	23:00	23:30		
Friday	23:00	00:30	23:00	00:00		
Saturday	23:00	00:30	23:00	00:00		
Sunday	23:00	00:00	n/a	n/a		
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.				No change	

Sale by Retail of Alcohol: Basement						
On or off sales		Current :			Proposed:	
		Both			Both	
	Previous licence		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	23:00	No Change		Basement	No Change
Tuesday	10:00	23:00			Basement	
Wednesday	10:00	23:00			Basement	
Thursday	10:00	23:00			Basement	
Friday	10:00	23:00			Basement	
Saturday	10:00	23:00			Basement	
Sunday	12:00	22:30			Basement	
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	(a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10.00 to 23.00. (b) On Sundays, other than Christmas Day or New Year's Eve, 12.00 noon to 22.30. (c) On Good Friday, 12.00 to 22.30. (d) On Christmas Day, 12.00 to 15.00 and 19.00 to 22.30.				From the end of regulated hours on New Year's Eve to the commencement of regulated hours the following day	

	<p>(e) On New Year's Eve, except on a Sunday, 10.00 to 23.00.</p> <p>(f) On New Year's Eve on a Sunday, 12.00 to 22.30.</p> <p>(g) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.</p>	
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Sale by Retail of Alcohol: Ground Floor						
On or off sales			Current :		Proposed:	
			Both		Both	
	Previous licence		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	00:00	10:00	23:30	Ground Floor	No change
Tuesday	10:00	00:00	10:00	23:30	Ground Floor	
Wednesday	10:00	00:00	10:00	23:30	Ground Floor	
Thursday	10:00	00:00	10:00	23:30	Ground Floor	
Friday	10:00	00:00	10:00	00:00	Ground Floor	
Saturday	10:00	00:00	10:00	00:00	Ground Floor	
Sunday	12:00	23:30	12:00	22:30	Ground Floor	
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	<p>(h) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10.00 to 23.00.</p> <p>(i) On Sundays, other than Christmas Day or New Year's Eve, 12.00 noon to 22.30.</p> <p>(j) On Good Friday, 12.00 to 22.30.</p> <p>(k) On Christmas Day, 12.00 to 15.00 and 19.00 to 22.30.</p> <p>(l) On New Year's Eve, except on a Sunday, 10.00 to 23.00.</p> <p>(m) On New Year's Eve on a Sunday, 12.00 to 22.30.</p> <p>(n) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.</p>				From the end of regulated hours on New Year's Eve to the commencement of regulated hours the following day	

Hours premises are open to the public: Basement						
	Previous licence		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	23:30	No change		Basement	No change
Tuesday	10:00	23:30			Basement	
Wednesday	10:00	23:30			Basement	
Thursday	10:00	23:30			Basement	
Friday	10:00	23:30			Basement	
Saturday	10:00	23:30			Basement	
Sunday	12:00	23:00			Basement	
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	N/A				From the end of regulated hours on New Year's Eve to the commencement of regulated hours the following day	

Hours premises are open to the public: Ground Floor						
	Previous licence		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	00:30	No change		Ground Floor	No Change
Tuesday	10:00	00:30			Ground Floor	
Wednesday	10:00	00:30			Ground Floor	
Thursday	10:00	00:30			Ground Floor	
Friday	10:00	00:30			Ground Floor	
Saturday	10:00	00:30			Ground Floor	
Sunday	12:00	00:00			Ground Floor	
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	N/A				From the end of regulated hours on New Year's Eve to the commencement of regulated hours the following day	

2. Representations

2-A Responsible Authorities	
Responsible Authority:	The Metropolitan Police (<i>withdrawn</i>) subject to conditions 9-18 in Appendix 3
Representative:	PC Sandy Russell
Received:	8 th November 2017
<p>With reference to the above application, I am writing to inform you that the Metropolitan Police, as a responsible authority, will be objecting to this application. It is our belief that if granted the application would undermine the Licensing Objectives</p> <p>The conditions shown on Premises Licence: 09/10275/LIPD need updating. Please let me know whether your client would be willing to have the following conditions added to the operating schedule:</p> <ul style="list-style-type: none"> • The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period. • A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested. • There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol • All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises. • Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables. • All outside tables and chairs shall be rendered unusable by (timings TBC) each day. • A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised 	

photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

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

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

- 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
- The premises shall only operate as a restaurant

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

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

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

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

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

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

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

The Police representation has been withdrawn due to discussions and agreement of proposed conditions with the applicant as set out at Conditions 9-18 in Appendix 3 of the report. The agreement between both parties does not include the proposed restaurant condition

Responsible Authority:	The Environmental Health Service
Representative:	Mr Ian Watson
Received:	28th November 2017

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

The applicant has submitted floor plans of the Ground and Lower Ground floors.

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

The applicant is seeking the following

1. To provide for the Supply of Alcohol 'On' and 'Off' the premises Monday to Saturday between 10.00 and 00.00 hours and Sunday between 12.00 to 23.30 hours. Monday to Saturday between 10.00 and 23.00 hours and Sunday between 12.00 to 22.30 hours for Lower Ground. New Year's Eve to New Year's Day.
2. To provide Late Night Refreshment 'Indoors' Monday to Saturday between 23.00 and 00.30 hours and Sunday between 23.00 to 00.00 hours. Monday to Saturday between 23.00 and 23.30 hours for lower ground. New Year's Eve to New Year's Day.
3. To provide regulated entertainment 'indoors' comprising
 - Recorded MusicMonday to Saturday between 10.00 to 00.30 hours. Sunday 12.00 to 00.00 hours.
4. Unrestricted private entertainment of dancing, music and other entertainment.

I wish to make the following representation

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

The applicant has only offered the conditions on a lapsed licence which are insufficient for this application and do not address the licensing objectives.

2-B Other Persons	
Received:	10 th November 2017
<p>I object on the basis the closing time of 00:30 in most instances will cause significant disturbance to I and other nearby residents. The area is already well provisioned with existing late night refreshment venues, 3 on this road, and more further up towards Portobello and the public library road towards Bayswater. An earlier closing time of 22.30 will be more satisfying for me.</p> <p>The building is not suited to cater for this type of business. Noise will be an inevitable trouble, as it emits out onto the street and into neighbouring homes. The likelihood of anti social behaviour from patrons entering and exiting the premises will cause significant disruption and distress to myself in my home when it occurs. I also have concerns for its fire safety provisions.</p>	
Received:	26 th November 2017
<p>SEBRA has members in the vicinity of the premises and in block of flats opposite as well as in the general surrounding area</p> <p>We note circumstances of applying for hours etc on old expired licence but believe application should be treated as a new application, especially as hours of opening and Late Night Refreshment past midnight in a very residential location.</p> <p>We do not know who is to operate premises and what type of operation proposed but believe new licence should be for WCC Core Hours, with food ancillary to taking substantial food with table service, and customers off the premises at the end of Core Hours.</p> <p>We could not access plans so not clear on layout, any 'bar area' etc and not sure on position of another vacant premise next door which was previously licensed No 125.</p> <p>We are against any application for live music or other entertainment or dancing.</p> <p>We also would want more control on hours etc for private area at front of 127 Westbourne Park Road especially as residential flats immediately above and too either side of premises as well as opposite.</p> <p>The pavement outside the premises is relatively narrow and would not want any customers standing/ queuing / drinking / smoking or using mobile phones on this pavement as sometimes busy pedestrian flow on this side of road and also any noise etc will affect adjoining residents above and opposite.</p> <p>We believe WCC model restaurant conditions are required e.g. In respect of CCTV, hours of servicing & deliveries, hours of refuse & recycling collections (have been problems in past on refuse/ recycling bags being collected in early hours of morning on several licensed premises in Westbourne Park Road), notices asking customers to leave quietly, Challenge 25, keep front area clean & tidy at all times with any tables & chairs taken inside when</p>	

outside use ceases, no noise to come from premises that would affect adjacent residential neighbours etc

We believe application does include off-sales of alcohol and have some concern as to this element of application. If 'off sales' allowed would want hours restricted to 'WCC Off - Sales Core Hours' and for no sale of beer / cider over 5.%5 ABV.

Also not clear on 'takeaway' sales as these days have great concern over nuisance caused by services such as Deliveroo in terms of noise etc and delivery of alcohol to minors. Also would want no 'Late Night Refreshment' sales' passed 23- 00 (22.30 Sundays & Bank Holidays)

Received:	10 th November 2017
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I object to this application on the grounds of excessive noise and potential for further rodent infestation.

The applicant's existing premises at 137 Westbourne Park Road already creates a noise disturbance late at night, and I feel that having additional premises on the other side of my property will add to the noise levels, creating more of a nuisance.

Further to this, with flytipping already an issue in the area, the generation of more waste (in particular, food), will attract further vermin to the area.

Received:	23 rd November 2017
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This comment is neither in support of or objection to the application, rather it is one concerning the proposed decibel and vibration level of the music at the premises. I am aware that Westminster does have maximum levels of noise permitted in licensed premises but my concern is not merely about enforcing current permitted noise levels but also to ensure that the level of vibration from loudspeakers is also controlled as well.

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. Equality Implications

The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- a) Eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act,
- b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it, and
- c) Foster good relations between persons who share relevant protected characteristics and persons who do not share it.

Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

5. Appendices

Appendix 1	Applicant supporting documents
Appendix 2	Premises history
Appendix 3	Proposed conditions
Appendix 4	Copy of the Existing Licence 09/10275/LIPD
Appendix 5	Residential map and list of premises in the vicinity

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

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	April 2017
4	The Application Form	1 st November 2017
5	The Metropolitan Police- Rep (<i>withdrawn</i>)	8 th November 2017
6	The Environmental Health Service- Rep	28 th November 2017
7	Representation	10 th November 2017
8	Representation	26 th November 2017
9	Representation	10 th November 2017
10	Representation	23 rd November 2017

Applicant Supporting Documents

Appendix 1

(None)

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
05/08653/LIPC	Application for an existing licence to be converted to a premises licence under the Licensing Act 2003 and application to vary the premises licence simultaneously	22.09.2005	Granted under delegated authority
06/04581/WCCMAP	This is the master copy of the licence	18.05.2006	Granted under delegated authority
09/10275/LIPD <i>The licence lapsed because of the previous licence holder's voluntary liquidation and the licence was not transferred with the 28 days required.</i>	This is a request for a copy of the premises licence	18.12.2009	Granted under delegated authority

There is no appeal history

Temporary Event Notices:

Application	Details of Application	Date Determined	Decision
10/05582/LITENP	This was an application for a Temporary Event Notice	26.07.2010	Notice allowed
10/10672/LITENP	This was an application for a Temporary Event Notice	23.12.2010	Notice allowed
11/07784/LITENP	This was an application for a Temporary Event Notice	12.08.2011	Notice allowed
11/10435/LITENP	This was an application for a Temporary Event Notice	24.10.2011	Notice allowed
11/11490/LITENP	This was an application for a Temporary Event Notice	22.11.2011	Notice allowed
11/11821/LITENP	This was an application for a Temporary Event Notice	30.11.2011	Notice allowed
11/12053/LITENP	This was an application for a Temporary Event Notice	07.12.2011	Notice allowed
11/12509/LITENP	This was an application for a Temporary Event Notice	20.12.2011	Notice allowed
12/07077/LITENP	This was an application for a Temporary Event Notice	14.08.2012	Notice allowed
12/09318/LITENP	This was an application for a Temporary Event Notice	26.10.2012	Notice allowed
12/09674/LITENP	This was an application for a Temporary Event Notice	09.11.2012	Notice allowed
12/09676/LITENP	This was an application for a Temporary Event Notice	09.11.2012	Notice allowed

12/11175/LITENP	This was an application for a Temporary Event Notice	27.12.2012	Notice allowed
15/03076/LITENP	This was an application for a Temporary Event Notice	30.04.2015	Notice allowed
15/08762/LITENP	This was an application for a Temporary Event Notice	16.10.2015	Notice allowed
15/09944/LITENP	This was an application for a Temporary Event Notice	17.12.2015	Notice allowed
16/00151/LITENP	This was an application for a Temporary Event Notice	02.02.2016	Notice allowed
16/02666/LITENP	This was an application for a Temporary Event Notice	05.05.2016	Notice allowed
16/08906/LITENP	This was an application for a Temporary Event Notice	26.08.2016	Notice allowed
16/10512/LITENP	This was an application for a Temporary Event Notice	31.10.2016	Notice allowed
16/13551/LITENP	This was an application for a Temporary Event Notice	19.12.2016	Notice allowed
17/02017/LITENP	This was an application for a Temporary Event Notice	02.03.2017	Notice allowed

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

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

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

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

Mandatory Conditions

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

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

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

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

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

Conditions proposed by the Police and agreed by the Applicant so as to be incorporated into the Operating Schedule

9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
11. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
12. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol
13. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
14. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.
15. All outside tables and chairs shall be rendered unusable by 23.00hrs each day.
16. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system, searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
17. 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

18. During the Notting Hill Carnival Event: On the Sunday and Monday of the August Bank Holiday there shall be :- No entry or re-entry between 19.00hrs-21.00hrs, No off sales of alcohol after 19.00hrs, no off sales in glass containers at any time.

Conditions proposed by the Environmental Health Service and not agreed by the Applicant

19. The supply of alcohol within the hatched area shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.

Propose amendment by Applicant:

The supply of alcohol in all public licensed areas other than the blue shaded area shown on the plans shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.

20. The supply of alcohol within the hatched area shall be by waiter or waitress service only.

Propose amendment by Applicant:

The supply of alcohol in all public licensed areas other than the blue shaded area shown on the plans shall be by waiter or waitress service only.

21. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises. Except for alcohol consumed by persons seated at the outside tables and chairs.
22. 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.
23. The number of persons permitted in the basement at any one time (excluding staff) shall not exceed 40 persons.
24. There shall be no sales of alcohol for consumption off the premises after 23.00 hours.
25. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00 hours.
26. 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.
27. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.

28. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
29. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
30. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
31. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
32. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
33. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
34. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 22.00 hours and 07.00 hours on the following day.
35. No deliveries to the premises shall take place between 23.00 and 07.00 hours on the following day.
36. The premises may remain open for the sale of alcohol and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.
37. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.

Proposed conditions by Interested Parties

38. The premises shall only operate as a restaurant
 - (i) in which customers are shown to their table,
 - (ii) where the supply of alcohol is by waiter or waitress service only,
 - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
 - (iv) which do not provide any take away service of food or drink for immediate consumption,
 - (v) which do not provide any take away service of food or drink after 23.00, and
 - (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.
39. Notices asking customers to leave quietly, Challenge 25, keep front area clean & tidy at all times with any tables & chairs taken inside when outside use ceases, no noise to come from premises that would affect adjacent residential neighbours etc

40. In respect of CCTV, hours of servicing & deliveries, hours of refuse & recycling collections (have been problems in past on refuse/ recycling bags being collected in early hours of morning on several licensed premises in Westbourne Park Road), notices asking customers to leave quietly, Challenge 25, keep front area clean & tidy at all times with any tables & chairs taken inside when outside use ceases, no noise to come from premises that would affect adjacent residential neighbours etc
41. No sale of beer / cider over 5.%5 ABV.
42. No 'Late Night Refreshment' sales' passed 23- 00 (22.30 Sundays & Bank Holidays)



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

Schedule 12
Part A

WARD: Bayswater
UPRN: 010033571586

Premises licence

Regulation 33, 34

Premises licence number:	09/10275/LIPD
Original Reference:	05/08653/LIPC

Part 1 – Premises details

Postal address of premises:

Lucky 7
Basement And Ground Floor
127 Westbourne Park Road
London
W2 5QL

Telephone Number: C/O 020 7339 7010

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

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

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

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

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

The opening hours of the premises:

Monday to Saturday:	10:00 to 00:30 (Ground Floor)
Sunday:	12:00 to 00:00 (Ground Floor)
Monday to Saturday:	10:00 to 23:30 (Basement)
Sunday:	12:00 to 23:00 (Basement)

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

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

Part 2

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

Reliable Times Limited
Finsgate
5-7 Cranwood Street
London
EC1V 9EE
Electronic Mail : ajc@jgrlaw.co.uk
Telephone Number : C/O 020 7339 7010

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

03834172

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

Name: Mr Thomas Gerard Conran

Please note: It is the policy of the Licensing Authority not to display the address details of a designated premises supervisor.

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:

Licence Number: 05/09614/LIPERS
Licensing Authority: City Of Westminster Council

Date: 2 February 2010

Signed: pp
Operational Director - Premises Management

Annex 1 – Mandatory conditions

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

Conditions reproducing the effect of conditions subject to which the relevant existing licenses have effect.

Conditions for Sale of Alcohol

4. Substantial food and non-intoxicating beverages including drinking water shall be available throughout the permitted hours in all parts of the premises where intoxicants are provided.
5. The maximum number of persons including staff to be present shall not exceed the number specified in writing from time to time by the Proper Officer of the LFEPA.

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

6. (i) Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours.

In this condition, permitted hours means:

- (a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10.00 to 23.00.
- (b) On Sundays, other than Christmas Day or New Year's Eve, 12.00 noon to 22.30.
- (c) On Good Friday, 12.00 to 22.30.
- (d) On Christmas Day, 12.00 to 15.00 and 19.00 to 22.30.
- (e) On New Year's Eve, except on a Sunday, 10.00 to 23.00.
- (f) On New Year's Eve on a Sunday, 12.00 to 22.30.
- (g) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.

For the Ground Floor Only:

- (ii) Alcohol may be sold or supplied for one hour following the hours set out above (other than Christmas Day and New Year's Eve), and on Christmas Day, between 15:00 and 19:00, to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes or in other parts of the premises the hours set out above shall continue to apply.

NOTE - The above restrictions do not prohibit:

- (a) during the first thirty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking table meals there if the alcohol was supplied for consumption as ancillary to the meals;

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

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

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

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

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

Annex 2 – Conditions consistent with the operating Schedule

None

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

None

Annex 4 – Plans

Attached



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

Schedule 12
Part B

WARD: Bayswater
UPRN: 010033571586

Premises licence
summary

Regulation 33, 34

Premises licence number:

09/10275/LIPD

Part 1 – Premises details

Postal address of premises:

Lucky 7
Basement And Ground Floor
127 Westbourne Park Road
London
W2 5QL

Telephone Number: 020 7339 7010

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

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

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

Playing of Recorded Music	Unrestricted
Late Night Refreshment	
Monday to Saturday:	23:00 to 00:30 (Ground Floor)
Sunday:	23:00 to 00:00 (Ground Floor)
Monday to Saturday:	23:00 to 23:30 (Basement)

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

Sale by Retail of Alcohol

Monday to Saturday:	10:00 to 00:00 (Ground Floor)
Sunday:	12:00 to 23:30 (Ground Floor)
Monday to Saturday:	10:00 to 23:00 (Basement)
Sunday:	12:00 to 22:30 (Basement)

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

The opening hours of the premises:

Monday to Saturday:	10:00 to 00:30 (Ground Floor)
Sunday:	12:00 to 00:00 (Ground Floor)
Monday to Saturday:	10:00 to 23:30 (Basement)
Sunday:	12:00 to 23:00 (Basement)

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

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

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

Reliable Times Limited
Finsgate
5-7 Cranwood Street
London
EC1V 9EE

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

03834172

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

Name: Mr Thomas Gerard Conran

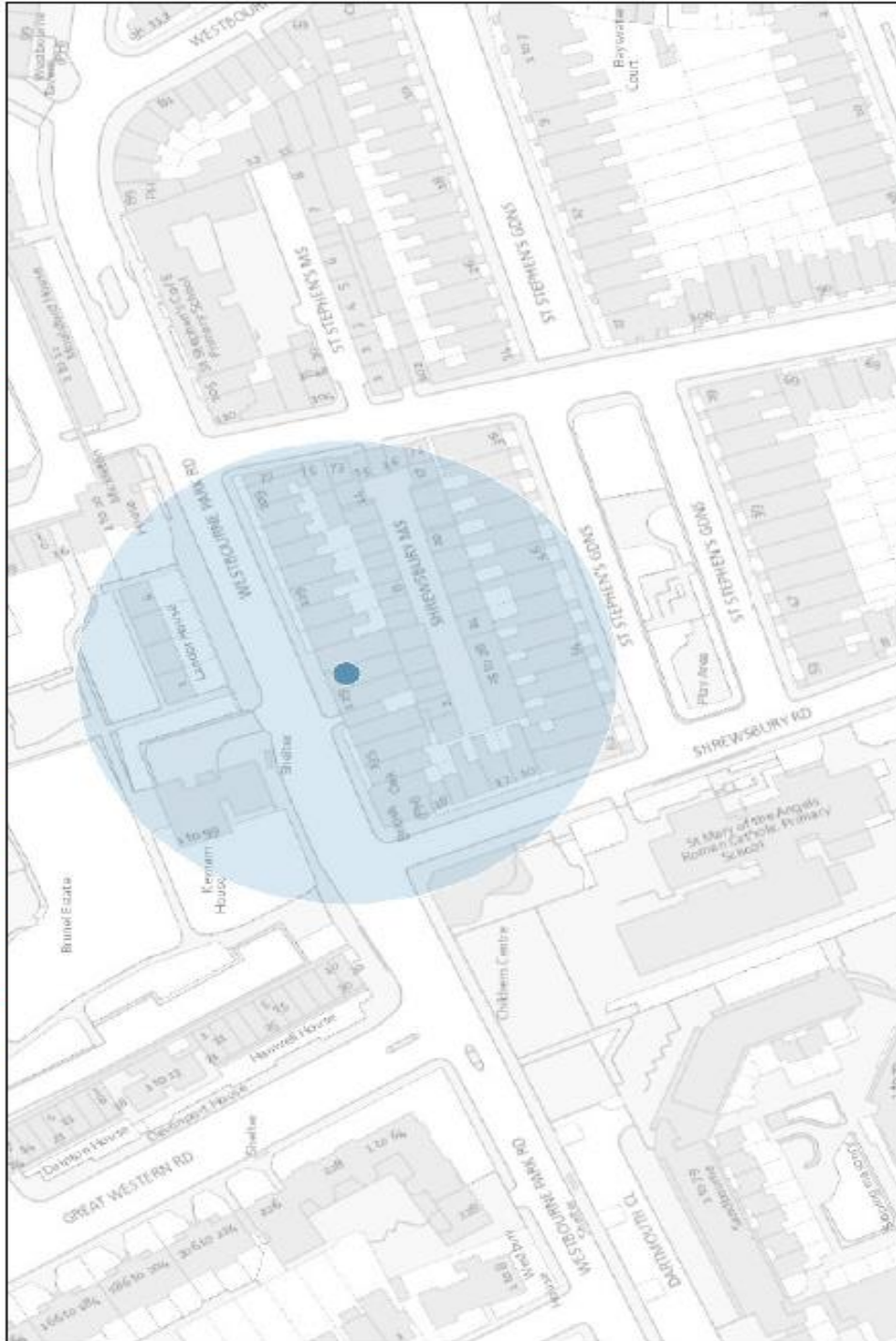
State whether access to the premises by children is restricted or prohibited:

Restricted

Date: 2 February 2010

Signed: pp
Operational Director - Premises Management

Basement And Ground Floor 127 Westbourne Park Road



January 3, 2018

Resident Count: 247

**Premises within 75 metres of: Basement And Ground Floor 127
Westbourne Park Road**

p / n	Name of Premises	Premises Address	Licensed Hours
1.183219	Lucky 7	Basement And Ground Floor 127 Westbourne Park Road London W2 5QL	Monday to Saturday; 10:00 - 00:30 (Ground Floor) Monday to Saturday; 10:00 - 23:30 (Basement) Sunday; 12:00 - 23:00 (Basement) Sunday; 12:00 - 00:00 (Ground Floor)
20.20569	Londis	133 Westbourne Park Road London W2 5QL	Monday to Sunday; 06:00 - 22:00
32.73817	The Oak	137 Westbourne Park Road London W2 5QL	Monday to Saturday 10:00 - 00:30 Sunday; 12:00 - 00:00
46.29596	Nisa Local	1 Keyham House Westbourne Park Road London W2 5UH	Monday to Saturday 08:00 - 23:00 Sunday; 10:00 - 22:30

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Item No:	
Date:	18 January 2018
Licensing Ref No:	17/13722/LIPN - New Premises Licence
Title of Report:	Z Hotels First Floor 52 - 53 Poland Street London W1F 7NH
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Ms Daisy Gadd Senior Licensing Officer
Contact details	Telephone: 0207 641 2737 Email: dgadd@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	22 November 2017		
Applicant:	Z Hotels Zht Ltd		
Premises address:	First Floor	Ward:	West End
	52 - 53 Poland Street London W1F 7NH	Cumulative Impact Area:	West End
Premises description:	The premises intends to operate as a boutique style hotel. The application has been made for the provision of a bar area for non-residents, residents and bona fide guests on the first floor.		
Premises licence history:	This is a new premises licence for the first floor and therefore no history exists. Please note that the basement and ground floor are licensed as a separate entity and are not part of this application. However, these licences are appended to the report as Appendix 5 and 6.		
Applicant submissions:	The applicant has amended their application and withdrawn the sale by retail of alcohol to non-residents.		
Plans:	Plans are available to view upon request to the Licensing Authority and they will be made available at Licensing Committee.		

1-B Proposed licensable activities and hours							
Sale by retail of alcohol (residents and bona fide guests)				On or off sales or both:			On
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	00:00	00:00	00:00	00:00	00:00	00:00	00:00
End:	24:00	24:00	24:00	24:00	24:00	24:00	24:00
Seasonal variations/ Non-standard timings:		None					

Hours premises are open to the public (residents and bona fide guests)							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	00:00	00:00	00:00	00:00	00:00	00:00	00:00
End:	24:00	24:00	24:00	24:00	24:00	24:00	24:00
Seasonal variations/ Non-standard timings:		None					

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Metropolitan Police Service
Representative:	PC Toby Janes
Received:	5 December 2017
<p>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.</p> <p>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.</p> <p>The venue is situated in the West End cumulative impact area, a locality where there is traditionally high crime and disorder. We have concerns that this application will cause further policing problems in an already demanding area.</p> <p>The conditions offered by you do address some of our concerns in relation to crime and disorder, but I would like to arrange a site visit before I consider additional conditions.</p> <p>Following the agreement of conditions and the removal of access to the public, the Police have withdrawn their representation.</p>	
Responsible Authority:	Environmental Health Consultation Team (withdrawn)
Representative:	Mr Anil Drayan
Received:	20 December 2017
<p>I refer to the application for a new premises licence for the above premises which is located in the West End Cumulative Impact Area.</p> <p>The applicant has submitted a plan of the premises showing the First Floor Plan Café, ref 005-L101-I1, dated 6.11.2017, showing the proposed licensable area.</p> <p>The following licensable activities are being sought:</p> <ol style="list-style-type: none"> To provide for the Supply of Alcohol 'On' the premises between 08:00 and 21:30 hours Monday to Saturday and 10:00 and 18:00 hours Sunday. For residents and their bona fide guests the hours are for 24:00 Monday to Sunday. <p>I wish to make the following representations based on the plans submitted and the supporting operating schedule:</p> <ol style="list-style-type: none"> The hours requested for and the Supply of Alcohol 'On' the premises may lead to an increase in Public Nuisance in the West End Cumulative Impact Area <p>Environmental Health also makes the following comments:</p> <ul style="list-style-type: none"> Some conditions and undertakings have been offered in the operating schedule and these are under consideration. Some will need to be converted to reflect our model wording for conditions. 	

- It is noted that the terms offered for the provision of alcohol may not be consistent with Westminster's Statement of Licensing policy in the West End Cumulative Impact Area eg start time of 08:00, is entrance to the bar for the public directly from the pavement, how many 'bona fide' guests permitted per resident etc.
- It is not clear from the application if the premises have already undergone refurbishment for the proposed use. The premises will in any case need to be inspected for Public Safety prior to public use.
- The provision of sanitary accommodation for any proposed capacity must be in line with British Standard 6465 in order to help with preventing an increase in Public Nuisance in the West End Cumulative Impact Area
- It is also not clear on the level of food provision in the 'café' and the premises will therefore also need to be assessed for its food preparation/cooking facilities in order to evaluate whether Public Nuisance may arise from odour and/or the operation of any plant and machinery.

The applicant is therefore requested to contact the undersigned to arrange a site visit to discuss all of the above issues. Environmental Health may then propose further conditions to allay its concerns.

Following the agreement of conditions, which can be found at appendix 3, Environmental Health have withdrawn their representation.

Responsible Authority:	Licensing Authority
Representative:	Ms Shannon Pring
Received:	19 December 2017

I write in relation to the application submitted for a New Premises Licence for the following premises –

As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011 the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the Licensing Objectives:

- Public Nuisance
- Prevention of Crime & Disorder
- Public Safety

The premises is located within the West End Cumulative Impact Area and as such a number of policy points must be considered.

The premises currently falls within policy HOT1 and as members of the public will have access to the bar policy PB2 also applies. PB2 specifically applies to 'premises being used exclusively or primarily for the supply of alcohol for consumption on those premises' and 'it is the Licensing Authority's policy to refuse applications in the

Cumulative Impact Areas'. Additionally policy point 2.5.23 states that the 'grant of new licences for pubs or bars in the Cumulative Impact Area should be limited to exceptional circumstances'. The list of examples of what may be considered an exceptional circumstance can be found at paragraphs 2.4.2 – 2.4.13 of the Council's Statement of Licensing Policy.

Based on all of the above the applicant must demonstrate how the additional members of the public (not hotel residents and their bona fide guests) will not add to cumulative impact in the cumulative impact area. No additional information has been received which addresses these policy concerns and we ask that further information is provided highlighting how the operator intends to manage this if the licence were granted?

Furthermore, the hours for sale of alcohol, as applied for, fall outside of the council's core hours and as such we would also ask that you consider amending the proposed hours in line with core hours; i.e. starting from 10:00 Monday to Saturday and 12:00 on Sundays.

Please accept this as a formal objection and we look forward to receiving further information as soon as possible.

3. Policy & Guidance

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

Policy CIA1 applies:	<p>(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.</p> <p>(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.</p>
Policy HRS1 applies:	<p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p>
Policy HOT1 applies:	<p>Subject to the effect on the promotion of the licensing objectives and other relevant policies in this Statement, premises licences for hotels will generally be granted so that:</p> <p>(a) Alcohol is permitted to be sold at any time to people staying in hotel rooms for consumption on the premises.</p> <p>(b) The hours of serving of alcohol to the general public will be subject to conditions limiting the sale of alcohol after a specified time to those attending pre-booked events held at the</p>

	<p>hotel,</p> <p>(c) The exhibition of film, in the form of recordings or non-broadcast television programmes to be viewed in hotel bedrooms, will generally be permitted.</p>
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. Equality implications

The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary, section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

5. Appendices

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

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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	April 2017
4	Metropolitan Police representation	5 December 2017
5	Environmental Health representation	20 December 2017
6	Licensing Authority representation	19 December 2017

Applicant Supporting Documents

Appendix 1

None

There is no licence or appeal history for the premises.

Please note that the basement and ground floor are licensed as a separate entity and are not part of this application. However, these licences are appended to the report as Appendix 5 and 6.

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. A dedicated licensed taxi/minicab service shall be made available to customers.
10. After 23:00 entrance to the hotel will be by way of key cards for hotel residents and bona fide guests only.
11. CCTV shall be installed, operated and maintained in agreement with the Police. The system will enable frontal identification of every person entering the premises. The system shall record in real time and operate whilst the premises are open for licensable activities.

Condition 11 has been replaced by condition 30.

12. The recordings shall be kept available for a minimum of 31 days. Recordings shall be made available immediately on request to an Authorised Officer or a Police Officer (subject to the Data Protection Act 1998) throughout the preceding 31 day period following any incident.

Condition 12 has been replaced by condition 30.

13. A member of staff with knowledge of the CCTV will be present on site whilst the premises are open to the public to aid any enquiry from a Police Officer or Authorised officer requiring recent CCTV recordings with the minimum of delay when requested.

Condition 13 has been replaced by condition 31.

14. All exit routes shall be kept unobstructed, with non-slippery and even surfaces, free of trip hazards and clearly signed.
15. All exit doors shall be maintained easily operable without use of a key card, code or similar means.
16. When Disabled people are present sufficient numbers of staff will be present to aid their safe evacuation as needs be.

17. Disabled people on the premises will be made aware of the arrangements for safe evacuation by staff and appropriate signage.
18. Adequate and appropriate first aid equipment and materials will be kept on site, regularly checked and kept in an easily accessible place by staff.
19. Public areas will be maintained free from obstruction and trip hazards.
20. All waste will be properly packaged and presented for collection no earlier than 30 minutes before scheduled collection times.
21. Refuse such as bottles will be placed into receptacles outside the premises at times that will minimise the disturbance to nearby properties.
22. No deliveries to or collections from the premises (including recyclable food waste) will take place between 20:00 and 07:00 hours.
23. Signage will be displayed to remind customers temporarily leaving the premises to smoke that alcohol purchased on the premises must not be taken outside.

Condition 23 has been replaced by condition 34.

24. Notices shall be displayed at all exits requesting patrons to leave the premises quietly.
25. A Challenge 21 policy will be adopted with proportionate and appropriate signage displayed.

Condition 25 has been replaced by condition 32.

26. A refusal to serve log shall be maintained and made available for inspection by a Police Officer or Authorised officer, this log shall include the Date, Time and name and signature of the staff member who refused the sale. This log shall also be signed by the DPS of the premises on a monthly basis.

Condition 26 has been replaced by condition 33.

27. Staff shall be trained in Licensing Law with regards to age verification, children and alcohol, and the procedures that shall be adopted if it is considered that an individual may be under the age of 18.

Conditions proposed by the Police and agreed with the applicant so as to be incorporated within the operating schedule

28. There shall be no sale of alcohol by self-service.
29. Non-intoxicating beverages, including drinking water, shall be made available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.

30. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
31. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
32. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport, proof of age card with the PASS Hologram or Military ID card.
33. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system.
 - (g) any refusal of the sale of alcohol
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. After 23:00 all entrance doors and windows are to be kept closed except for immediate access and egress.
36. There shall be no external advertising of any kind of the bar facilities within the premises nor the availability of alcohol for sale to members of the public.
37. The 24 hour sale of alcohol will be restricted to hotel residents and their bona fide guests only (up to a maximum of 4 people per room including the resident).

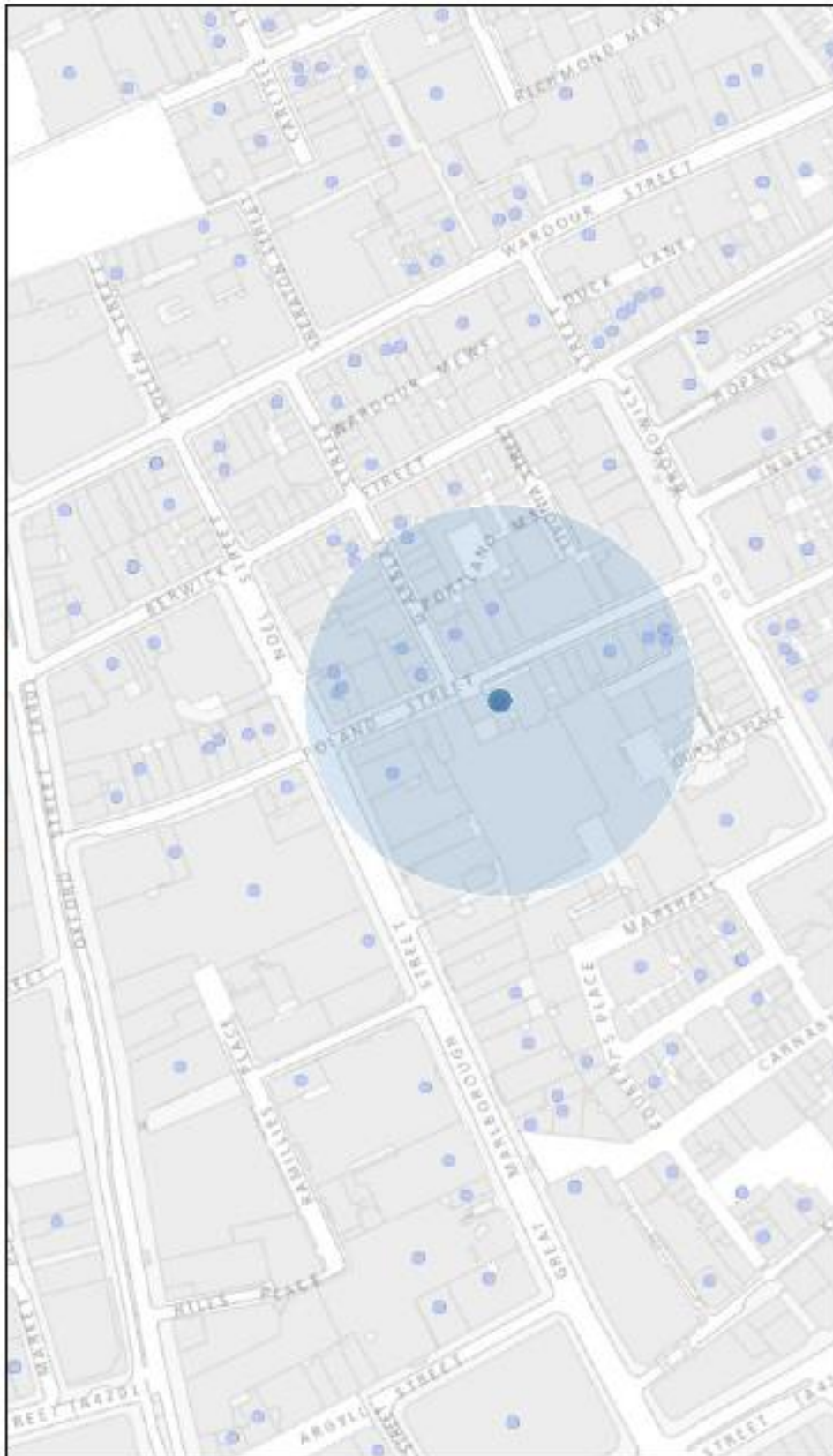
Environmental Health have proposed and agreed with the applicant that condition 37 be amended to the following:

The sale of alcohol is restricted to hotel residents and their bona fide guests only (up to a maximum of 4 people per room including the resident).

Conditions proposed by the Environmental Health and agreed with the applicant so as to be incorporated within the operating schedule

38. 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.
39. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved with refuse storage arrangements by close of business.
40. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
41. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23:00 and 08:00 on the following day unless it is within the hours of the Council's own commercial waste collection service for the street.
42. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the Licensing Authority. Where there are minor layout changes new plans shall be provided at this time.

52 - 53 Poland Street



January 4, 2018
● Live Licensing Act

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Resident count = 61

Licence Number	Trading Name	Address	Premises Type	Time Period
12/08061/LIPV	Lucky Voice	Basement 52 - 53 Poland Street London W1F 7NH	Restaurant	Monday to Saturday; 10:00 - 03:00 Sunday; 12:00 - 23:00
16/07992/LIPV	Comptoir Libanais	Ground Floor 52 - 53 Poland Street London W1F 7NH	Restaurant	Monday to Saturday; 08:00 - 00:30 Sunday; 08:00 - 00:00
17/14875/LIPRW	(Delicatessen)	Basement And Ground Floor Munro House 9 Poland Street	Cafe	Monday to Saturday; 07:00 - 00:00 Sunday; 07:00 - 23:00
17/08108/LIPDPS	Bodeans BBQ	10 Poland Street London W1F 8PZ	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
16/06382/LIPV	Barrio Central Restaurant & Bar	6 Poland Street London W1F 8PS	Wine bar	Monday to Saturday; 09:00 - 01:15 Sunday; 10:00 - 23:00
15/11669/LIPDPS	Dalla Terra Vetro	16 D'Arblay Street London W1F 8EA	Not Recorded	Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 23:00 Sundays before Bank Holidays; 10:00 - 00:30
14/00083/LIPDPS	Social Eating House	Ground Floor 58-59 Poland Street London W1F 7NR	Restaurant	Monday to Thursday; 09:00 - 23:30 Friday to Saturday; 09:00 - 00:00 Sunday; 09:00 - 23:00 Sundays before Bank Holidays; 09:00 - 00:00
12/06475/LIPDPS	Bibigo	First Floor 58-59 Great Marlborough Street London W1F	Restaurant	Monday to Saturday; 09:00 - 02:30 Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
10/03480/LIPDPS	Soho Food & Wine	14 Poland Street London W1F 8QD	Shop (large)	Monday to Sunday; 00:00 - 00:00
14/01787/LIPN	Milk And Honey	61 Poland Street London W1F 7NU	Night clubs and discos	Monday to Saturday; 09:00 - 03:30 Sunday; 09:00 - 02:00 Sundays before Bank Holidays; 09:00 - 03:30
16/00074/LIPT	Vasco & Piero's	15 Poland Street London W1F 8QE	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 23:30
14/08066/LIPDPS	Oxford Street Youth Hostel	14 Noel Street London W1F 8GJ	Club or institution	Monday to Sunday; 00:00 - 00:00
17/05709/LIPVM	Tapas Brindisa Soho	46 Broadwick Street London W1F 7AF	Restaurant	Monday to Sunday; 10:00 - 00:30
06/05127/WCCMAP	Star & Garter	62 Poland Street London W1F 7NX	Pub or pub restaurant with	Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sunday; 12:00 - 22:50 Sundays before Bank Holidays; 12:00 - 00:00
11/09937/LIPVM	Copita	27 D'Arblay Street London W1F 8EN	Restaurant	Monday to Saturday; 10:00 - 23:30 Sunday; 12:00 - 23:00

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