



City of Westminster

# Committee Agenda

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

Meeting Date: **Friday 16th March, 2018**

Time: **10.00 am**

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

Members: **Councillors:**

Tim Mitchell (Chairman)  
Julia Alexander  
Karen Scarborough

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

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

## AGENDA

### PART 1 (IN PUBLIC)

#### 1. MEMBERSHIP

To report any changes to the membership.

#### 2. DECLARATIONS OF INTEREST

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

#### Licensing Applications for Determination

#### 1. 19A CRAVEN ROAD, W2

(Pages 1 - 18)

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
1.	Hyde Park Ward / not in cumulative impact area	19A Craven Road, W2	New Premises Licence	18/00975/LIPN

#### 2. PREMIER INN, BASEMENT TO ELEVENTH FLOOR, 1 NEATHOUSE PLACE, SW1

(Pages 19 - 34)

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
2.	Warwick Ward / not in cumulative impact area	Premier Inn, Basement To Eleventh Floor, 1 Neathouse Place, SW1	New Premises Licence	18/00957/LIPN

**3. 147 EBURY STREET, SW1**

**(Pages 35 - 52)**

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
3.	Churchill Ward / not in cumulative impact area	147 Ebury Street, SW1	New Premises Licence	18/01050/LIPN

**4. BELLA NORMA, BASEMENT AND GROUND FLOOR, 144 GREAT PORTLAND STREET, W1W**

**(Pages 53 - 68)**

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
4.	Marylebone High Street Ward / not in cumulative impact area	Bella Norma, Basement and Ground Floor, 144 Great Portland Street	New Premises Licence	17/14839/LIPN

**Stuart Love  
Chief Executive  
12 March 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:	16 March 2018
Licensing Ref No:	18/00975/LIPN - New Premises Licence
Title of Report:	19A Craven Road London W2 3BP
Report of:	Director of Public Protection and Licensing
Wards involved:	Hyde Park
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Mrs Shannon Pring Senior Licensing Officer
Contact details	Telephone: 020 7641 3217 Email: <a href="mailto:spring3@westminster.gov.uk">spring3@westminster.gov.uk</a>

# 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	30 January 2018		
<b>Applicant:</b>	Mrs Praveena Velalakan		
<b>Premises:</b>			
<b>Premises address:</b>	19A Craven Road London W2 3BP	<b>Ward:</b>	Hyde Park
		<b>Cumulative Impact Area:</b>	No
<b>Premises description:</b>	According to the application the premises is comprised of basement and ground floor retail unit that will operate as an off licence that also sells tourist paraphernalia.		
<b>Premises licence history:</b>	This is a new premises licence and therefore no history exists.		
<b>Applicant submissions:</b>	The application seeks to licence the ground floor for retail sale of alcohol as the basement will be used as an office, store room and toilet area.		
<b>Plans</b>	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				On or off sales or both:			Off sales
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
<b>Start:</b>	08:00	08:00	08:00	08:00	08:00	08:00	10:00
<b>End:</b>	23:00	23:00	23:00	23:00	23:00	23:00	23:00

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
<b>Start:</b>	08:00	08:00	08:00	08:00	08:00	08:00	10:00
<b>End:</b>	23:00	23:00	23:00	23:00	23:00	23:00	23:00

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Metropolitan Police Service ( <i>Withdrawn</i> )
<b>Representative:</b>	PC Toby Janes
<b>Received:</b>	21 <sup>st</sup> February 2018
<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>We have concerns that this application will cause further policing problems in an already demanding area.</p> <p>I have listed a number of conditions that I would like attached to your operating schedule as I believe they address the concerns of Police in relation to crime and disorder. I have included some of the conditions offered by you.</p> <p><b><u>Further correspondence from the Applicant to the Police:</u></b></p> <p>Our client Mrs Velalakan is agreeable to most of the conditions requested by the Police but has asked if you will agree to a maximum of 20% of the retail display area being used for alcohol display rather than the 15% currently proposed in your conditions?</p> <p>Could you please consider this and let us know your views?</p> <p><b><u>Further correspondence from the Police to the Applicant:</u></b></p> <p>As the majority of conditions proposed by Police have been agreed, I can see no issue with increasing the alcohol display space from 15% to 20 %.</p> <p>Can you confirm you are now happy with all the conditions?</p> <p><b><u>Further correspondence from the Applicant to the Police:</u></b></p> <p>Thank you for the amendment. I can formally confirm on behalf of Mrs Parveena Velalakan (the applicant) that we accept the Police conditions with the amendment that only a maximum of 20% of the retail display area may be used for the display of alcohol at any one time.</p> <p><b><u>Further correspondence from the Police to the Applicant:</u></b></p>	

Thank you very much for your quick response.

On your agreement to Police conditions including the amendment as detailed in your email below, I can confirm we withdraw our representation.

***Following the correspondence (and the agreement of proposed conditions) between the Applicant and the Police, the Police have withdrawn their representation.***

<b>Responsible Authority:</b>	Environmental Health Consultation Team <b>(Withdrawn)</b>
<b>Representative:</b>	Mr Maxwell Koduah
<b>Received:</b>	22 <sup>nd</sup> February 2018

I make a representation to above application on grounds of Public Nuisance & Public Safety as there is insufficient undertakings/conditions within the operating schedule to uphold the Licensing objectives.

Attached is proposed conditions, in addition to those agreed with the police, that address the concerns of Environmental Health. I am minded to withdraw my representation if my proposed conditions are accepted.

Please feel free to contact me if you wish to discuss the proposed conditions further.

**Further correspondence from the Applicant to Environmental Health:**

Our client Mrs Praveena Velan has accepted your conditions in full relating to 19A Craven Road. We hope you will be able to withdraw your representation.

**Further correspondence from Environmental Health to the Applicant:**

Please be advised that Environmental Health representation is withdrawn.

***Following the correspondence (and the agreement of proposed conditions) between the Applicant and Environmental Health, Environmental Health have withdrawn their representation.***



**2-B Other Persons****Received:** 17 February 2018

We note yet another licence to sell alcohol in Craven Road - this time for 'Off- Sales' at 19A Craven Road which is presently closed up but was selling tourist souvenirs etc

We note number of conditions have been offered but we feel that these do not go far enough as we have a problem in area with street drinking and rough sleepers - especially in adjacent Praed Street and by Paddington station.

We therefore lodge objection to licence application and wish to see additional conditions e.g.

Challenge 25 condition required.

No sale of alcohol' in 'miniature' bottles

We note condition offered (No 5) that no sales of beer or cider over 6.5% but we want standard 5.5% condition (with no exception for 'premium' brands).

We note condition offered (No 10) that no more than 20% of retail display for alcohol and maybe this should be reduced to more standard 15%

There is a private forecourt in front of shop unit and we want it absolutely clear that no consumption of alcohol takes place on the forecourt (we are not clear as to proposed use but notice in covered up shop window saying 'cafe').

As always we are willing to discuss matter with applicant as believe we should be able to reach agreement on additional conditions/ amendments as stated above so as to avoid necessity of a hearing.

**Received:** 08 February 2018

I am objecting to this application due to the proximity of this shop to residential areas. The proximity of this shop to garden areas in front of neighbouring properties may lead to drinkers purchasing alcohol and then sitting within the garden areas getting drunk. This is particularly worrying late at night when people are returning to their properties. I would therefore like this licence to either be rejected or the hours associated with the licence to be reduced. Although a reduction in hours of the licence may well be difficult to enforce and could still lead to issues whereby alcohol is sold late at night so a rejection would be my preferred option.

### 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 OS1 applies	Applications will generally be granted and reviews determined subject to the relevant criteria in Policies CD1, PS1, PN1 CH1 and HRS1 and other policies in this Statement.

### 4. 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

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

<b>Report author:</b>	Mrs Shannon Pring Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 3217 Email: spring3@westminster.gov.uk

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

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

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
<b>4</b>	Application form	
<b>5</b>	Environmental Health Consultation Team <b>(Withdrawn)</b>	22 <sup>nd</sup> February 2018
<b>6</b>	Metropolitan Police Service <b>(Withdrawn)</b>	21 <sup>st</sup> February 2018
<b>7</b>	Representation	08 <sup>th</sup> February 2018
<b>8</b>	Representation	17 <sup>th</sup> February 2018

There are no supporting documents from the Applicant

There is no licence or appeal history for the premises.

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

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

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

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

### Mandatory Conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
  - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
  - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
  - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
    - (a) a holographic mark, or
    - (b) an ultraviolet feature.
- 5(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 5(ii) For the purposes of the condition set out in paragraph 5(i) above -
  - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

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

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

Where -

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

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

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

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

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

5(iii). Where the permitted price given by Paragraph 5(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

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

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

## **Conditions consistent with the operating schedule as agreed by the Applicant, Environmental Health Service and the Police**

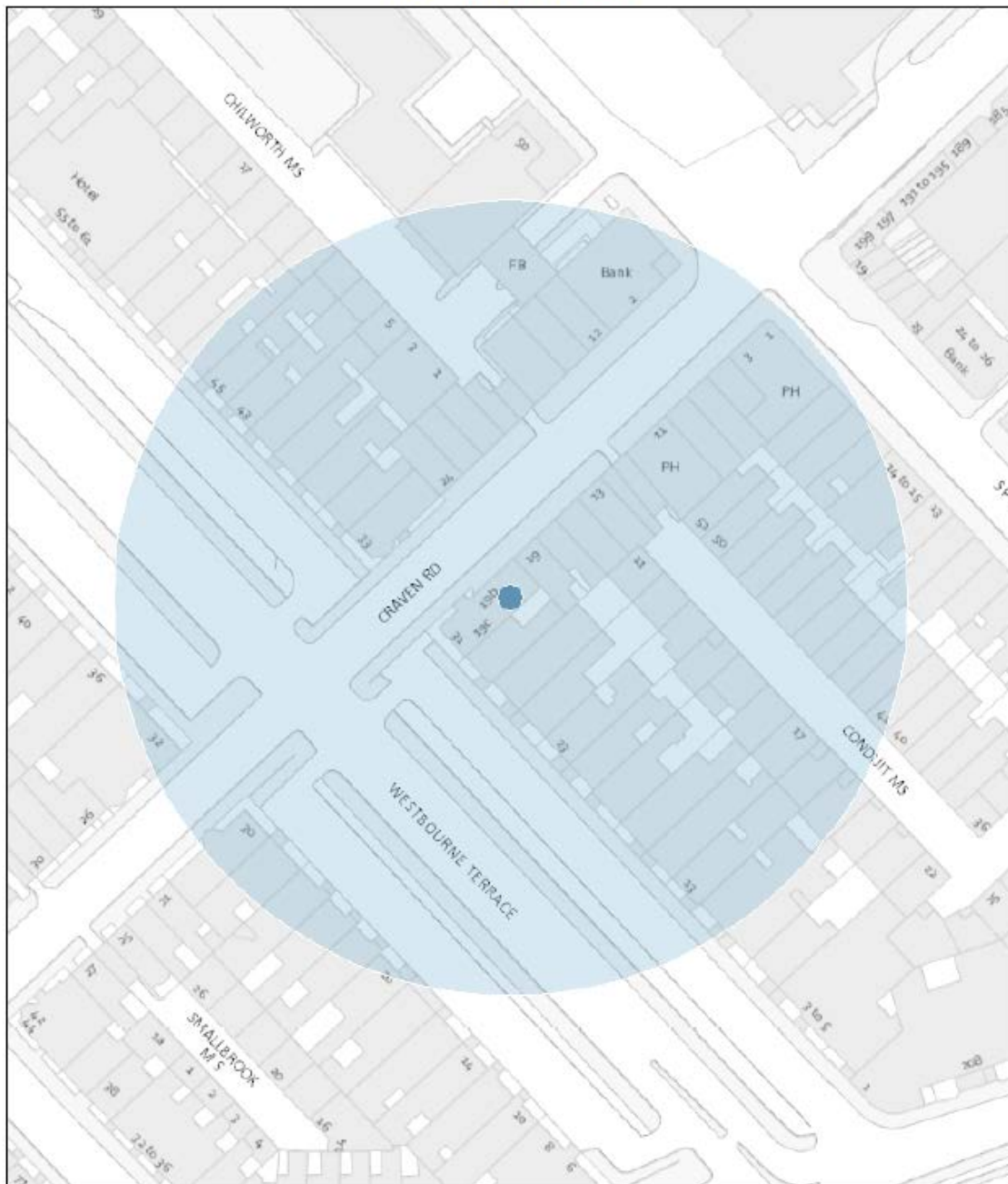
6. If at any time the CCTV is not fully operational the licensing authority must be informed and a competent CCTV engineer called as soon as possible. Full details of any faults with the CCTV, inspections and repairs carried out shall be recorded in the appropriate part of the incident book.
7. All staff will be trained for their role on induction and at regular intervals of six months thereafter. Training will include identifying persons under 25, making a challenge, acceptable proof of age & checking it, making and recording a refusal, proxy sales, avoiding sales to intoxicated persons, avoiding conflict, responsible alcohol retailing and safeguarding children. Staff will also be trained in the operation of the CCTV system, checking it and downloading images for police or authorised officers.  
  
A written training record will be kept for each member of staff and be made available to police or authorised officers on request.
8. No cans or bottles of beers, lagers or ciders above 6.5% abv shall be sold in the premises.
9. A minimum of 2 trained staff shall be on duty in the shop at all times the shop is open to the public.
10. All spirits shall be kept behind the counter and all other alcohol displays shall be in line of sight of the counter or covered by CCTV. Any alcohol not on display must be kept in a lockable store room.
11. A maximum of 20% of the retail display area shall be used for alcohol display at any time.
12. A copy of the invoices for all alcohol or tobacco goods shall be kept on the premises for at least six months from the date of receipt.
13. Notices will be prominently displayed by the entry/ exit door and point of sale (as appropriate) advising customers that:
  - a) CCTV is in operation;
  - b) Challenge 25 is in operation as the proof of age policy;
  - c) Advising customers of the relevant provisions of the licensing act including re underage & proxy sales;
  - d) That no unaccompanied children are permitted in the premises after 21.00;
  - e) The permitted (licensed) hours & opening times of the premises;
  - f) That no alcohol may be opened inside or consumed in the shop,
  - g) To respect residents, leave quietly, not to loiter outside & to dispose of litter legally,
  - h) Not to drink in the street.
14. A fire risk assessment & emergency plan will be prepared and regularly reviewed. Staff will receive appropriate fire safety training.
15. Notices will be prominently displayed at the entry/ exit door and point of sale
16. Management & staff will proactively discourage customers from loitering or drinking outside the premises politely asking people that do to leave the shop frontage & area.



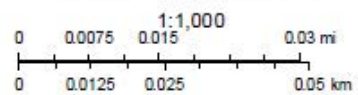
17. The shop front will be kept tidy at all times and swept at close of business.
18. Management & staff will proactively discourage customers from loitering or drinking outside the premises politely asking people that do to leave the shop frontage & area.
19. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
20. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
21. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
22. 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) any faults in the CCTV system
  - (f) any refusal of the sale of alcohol
  - (g) any visit by a relevant authority or emergency service.
23. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
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. No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles.
26. No more than 15% of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol.
27. There shall be no self-service of spirits on the premises, save for spirit mixtures less than 5.5% ABV.
28. Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, the licence holder shall ensure that all alcohol within the premises (including alcohol behind the counter) is secured in a locked store room or behind locked grilles, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff.
29. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.

30. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale
31. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly
32. 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.
33. Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, the licence holder shall ensure that all alcohol within the premises (including alcohol behind the counter) is secured in a locked store room or behind locked grilles, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff
34. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
35. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 hours and 08.00 hours on the following day.
36. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 08.00 hours on the following day.
37. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 hours and 08.00 hours on the following day.
38. No deliveries to the premises shall take place between 23.00 hours and 08.00 hours on the following day.
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 refuse storage arrangements by close of business.
40. A diary log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises are open
41. No licensable activities shall take place at the premises until the premises have been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the Licensing Authority

19a Craven Road



March 6, 2018



© Crown copyright and database rights 2018 OS 10002 1668

Resident count: 239

DISTANCE	OBJECTID	Licence Number	Trading Name	Address	Premises Type	Time Period
8.498386777	34079	15/04803/LICN	TGR's Bridge Club	19 Craven Road London W2 3BP	Not Recorded	Monday to Friday; 14:00 - 22:00   Saturday; 14:00 - 20:00   Sunday; 14:00 - 20:00
20.17683801	47122	16/11678/LIPDPS	Cheers Limited	Basement And Ground Floor 15 Craven Road London W2 3BP	Shop	Monday to Saturday; 08:00 - 23:00   Sunday; 10:00 - 22:30
25.53001372	33054	15/07976/LIPDPS	Raffles Restaurant	Ground Floor 13 Craven Road London W2 3BP	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
32.64372973	34109	17/10969/LIPV	Continental Food & Wine	24 Craven Road London W2 3PX	Shop	Friday to Saturday; 08:00 - 01:00   Sunday to Thursday; 08:00 - 00:00
32.64372973	34106	10/02376/LIPD	Continental Food & Wine	24 Craven Road London W2 3PX	Shop	Monday to Saturday; 08:00 - 23:00   Sunday; 10:00 - 22:30

36.01055412	34974	09/08893/LIPDPS	Bizzarro Restaurant	18 - 22 Craven Road London W2 3PX	Restaurant	Monday to Saturday; 10:00 - 00:30   Monday to Saturday; 09:00 - 02:00   Sunday; 12:00 - 00:00
42.93481458	62444	11/01038/LIPDPS	Ascot Hotel	11 Craven Road London W2 3BP	Hotel, 3 star or under	Monday to Saturday; 10:00 - 00:00   Sunday; 12:00 - 23:30
47.72148	24251	09/02758/LIPDPS	Villa Rosa	9 Craven Road London W2 3BP	Restaurant	Monday to Thursday; 11:00 - 00:00   Friday to Saturday; 11:00 - 00:30   Sunday; 11:00 - 23:00
52.72139397	24426	17/03167/LIPN	Cafe Dylan Dog	7 Craven Road London W2 3BP	Cafe	Monday to Sunday; 08:00 - 23:00
56.75563028	24282	09/02650/LIPCH	Spar	12 Craven Road London W2 3PX	Shop	Monday to Saturday; 08:00 - 23:00   Sunday; 10:00 - 22:30

61.53442877	6085	11/06506/LIPV	Pride Of Paddington Public House	1-3 Craven Road London W2 3BP	Pub or pub restaurant with lodge	Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00   Sunday; 12:00 - 22:30
-------------	------	---------------	---	---	--	---

Item No:	
Date:	16 March 2018
Licensing Ref No:	18/00957/LIPN - New Premises Licence
Title of Report:	Premier Inn Basement To Eleventh Floor 1 Neathouse Place London
Report of:	Director of Public Protection and Licensing
Wards involved:	Warwick
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Mr Nick Nelson Senior Licensing Officer
Contact details	Telephone: 020 7641 3431 Email: nnelson@westminster.gov.uk

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	29 January 2018		
<b>Applicant:</b>	Whitbread Group PLC		
<b>Premises:</b>	Premier Inn		
<b>Premises address:</b>	Basement To Eleventh Floor 1 Neathouse Place London SW1V 4LU	<b>Ward:</b>	Warwick
		<b>Cumulative Impact Area:</b>	None
<b>Premises description:</b>	<p>According to the application form, this proposal is for a combined hub by Premier Inn and Premier Inn with food and beverage facilities. At the time of application, construction work has not yet commenced.</p> <p>It is intended to create a c. 183 bed hub by Premier Inn combined with a 533 bed Premier Inn at this location. It is intended that the proposed premises will operate as a combined Hotel (by Premier Inn) with related licensed accommodation operating under the hub by Premier Inn / Premier Inn brand.</p> <p>There will be a joint licensed / breakfast area at basement level for both aspects hub by Premier Inn / Premier Inn. There will be separate reception areas for the hub by Premier Inn / Premier Inn at ground floor level. In addition, there will be licensed areas at ground floor as part of the development, a food and beverage operation usual in developments of this type. The bedrooms at both aspects (hub by Premier Inn / Premier Inn) will be unlicensed and will comprise 183 at the hub by Premier Inn and 533 at the Premier Inn.</p>		
<b>Premises licence history:</b>	This is a new development and as such no licence history exists.		
<b>Applicant submissions:</b>	<p>The applicant has stated that it is not anticipated that the proposed development will adversely affect crime and disorder or public nuisance.</p> <p>It is proposed that the redevelopment of the site will improve the area by providing jobs for the local community and a new hotel facility at this location.</p> <p>Premier Inn is a well known and the leading budget hotel brand within the United Kingdom, operated by Whitbread Group PLC of which there are a number successfully</p>		



	<p>operating within the Westminster City Council area including both the Premier Inn and hub by Premier Inn. These are not known to undermine the licensing objectives and particularly those of crime and disorder and public nuisance.</p> <p>The applicant has proposed 30 conditions in the operating schedule of the application form (please refer to <b>Appendix 4</b>).</p>
--	---

1-B Proposed licensable activities and hours							
<b>Late Night Refreshment:</b>				<b>Indoors, outdoors or both</b>			Both
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	23:00	23:00	23:00	23:00	23:00	23:00	N/A
<b>End:</b>	23:30	23:30	23:30	23:30	00:00	00:00	N/A
<b>Seasonal variations/ Non-standard timings:</b>		When hours for sale of alcohol are extended hereunder these hours are also extended.					

<b>Sale by retail of alcohol</b>				<b>On or off sales or both:</b>			Both
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	10:00	10:00	10:00	10:00	10:00	10:00	12:00
<b>End:</b>	23:30	23:30	23:30	23:30	00:00	00:00	22:30
<b>Seasonal variations/ Non-standard timings:</b>		<p>To extend the proposed hours as identified on New Year's Eve until New Year's Day - terminal hour as proposed being 00.30 on 2nd January.</p> <p>The premises shall remain open to permit the sale of alcohol to hotel residents 24 hours a day.</p>					

Hours premises are open to the public							
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	07:00	07:00	07:00	07:00	07:00	07:00	07:00
<b>End:</b>	00:30	00:30	00:30	00:30	00:30	00:30	00:30
<b>Seasonal variations/ Non-standard timings:</b>		<p>The premises shall remain open 24 hours a day for hotel residents.</p> <p>For non-residents, the premises will close 30 minutes after the end of the non-standard timings identified for the sale of alcohol.</p>					
<b>Adult Entertainment:</b>		None, save for the presence of AWP machines the use of which is not permitted by persons under the age of 18.					

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Environmental Health
<b>Representative:</b>	Mr Anil Drayan
<b>Received:</b>	26 February 2018
<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"> <li>1. The hours requested for and the Supply of Alcohol 'On' and 'Off' the premises may lead to an increase in Public Nuisance in the area;</li> <li>2. The provision of Late Night Refreshment 'Indoors' and 'Outdoors' may lead to an increase in Public Nuisance in the area.</li> </ol> <p>Environmental Health also makes the following comments:</p> <ul style="list-style-type: none"> <li>• Some conditions and undertakings have been offered in the operating schedule and these are under consideration. Some will need to be converted to reflect Westminster's model wording for conditions.</li> <li>• I understand the premises have not yet undergone refurbishment for the proposed use. The premises will in any case need to be inspected for Public Safety prior to commencement of licensable activities.</li> <li>• The provision of sanitary accommodation for any proposed capacity should be in line with British Standard 6465.</li> <li>• 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.</li> </ul> <p>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.</p>	
<b>Responsible Authority:</b>	Metropolitan Police ( <b>withdrawn</b> )
<b>Representative:</b>	PC Bryan Lewis
<b>Received:</b>	26 February 2018
<p>Please regard this as a Police objection due to insufficient conditions to promote the prevention of crime and disorder.</p> <p>You have offered a comprehensive list of conditions. I request that you agree to the two additional standard conditions shown below following which I will withdraw my objection.</p>	

1. 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) any faults in the CCTV
  - (f) any visit by a relevant authority or emergency service.
  
2. 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.

On 26 February 2018, the applicant confirmed their agreement to these 2 conditions being added to the premises licence and subsequently the Police withdrew their representation on that basis.

<b>2-B Other Persons</b>	
<b>Name:</b>	
<b>Address and/or Residents Association:</b>	
<b>Received:</b>	4 February 2018

The application proposes alcohol will be sold for consumption between 07:00am & 12:30am, 7 days a week. A licence would provide a further source of alcohol in an area already heavily populated with licensed premises; noise, crime, disorder & public nuisance has already reached problem levels for residents. A licence will not promote the licensing objectives, particularly the prevention of crime, disorder & antisocial behaviour. The granting of the licence would be against HMG's Alcohol Sales & Misuse Policy Statement: "The cost of alcohol misuse in society is estimated to be around £21bn per year. We will continue to work on the alcohol strategy launched in 2012 to address crime caused by alcohol & support people to stay healthy without unfairly affecting responsible drinkers & businesses". Granting this licence would increase, rather than reduce, the misuse & abuse of alcohol. Residents already suffer noise nuisance & antisocial behaviour at all hours of the day & night from the Victoria Plaza, restaurants & the pubs. Residents have endured this since 2009; it is unacceptable to expect them to continue to do so. Any proposal to grant a live music licence would also adversely affect the residents. Will operational conditions be put in place? The re-development includes a heavy plant unit on the roof, this will further add to the noise pollution for the residents. Other considerations include: Sensitive local amenities: Proximity of schools, churches and medical centres, locations prone to loitering, residential nature of neighbourhood. Evidence of alcohol misuse & abuse: Research data & other police reports, vandalism & foul litter, other antisocial behaviour & underage drinking. Granting a licence will lead to a significant negative impact on the residential area. I ask the Authority to consider the impact on the neighbourhood & I urge the Licensing Authority to refuse the application.

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<b>Policy HRS1 applies</b>	<p>(i) Applications for hours within the core hours 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 will be considered on their merits, subject to other relevant policies and with particular regard to the criteria specified.</p>
<b>Policy HOT1 applies</b>	<p>Subject to the effect on the promotion of the licensing objectives and other relevant policies in this Statement, premises licences for hotels will generally be granted so that:</p> <p>(a) Alcohol is permitted to be sold at any time to people staying in hotel rooms for consumption on the premises.</p> <p>(b) The hours of serving alcohol to the general public will be subject to conditions limiting the sale of alcohol after a specified time to those attending pre-booked events held at the hotel.</p> <p>(c) The exhibition of film, in the form of recordings or non-broadcast television programmes to be viewed in hotel bedrooms, will generally be permitted.</p>
<b>Policy PB1 applies</b>	Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.

### 4. Appendices

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

<b>Report author:</b>	Mr Nick Nelson Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 3431 Email: nnelson@westminster.gov.uk

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

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

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2017
<b>4</b>	Application form	29 January 2018
<b>5</b>	Representation – Environmental Health	26 February 2018
<b>6</b>	Representation – Police	26 February 2018
<b>7</b>	Representation – local resident	4 February 2018

**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 use of door staff will be risk assessed on an ongoing basis by the licence holder of premises supervisor. Where engaged, door staff shall be licensed by the Security Industry Authority.



10. Alcoholic and other drinks may not be removed from the premises save for consumption in the hotel bedrooms.
11. Staff will receive training on matters concerning underage sales, drugs policies and operating procedures.
12. There shall be a zero tolerance policy in relation to drugs at the premises and there shall be regular checks by management to prevent the use of drugs by patrons. Drugs seized shall be stored securely and handed to the police.
13. The premises shall operate a proof of age scheme and will require photographic identification from any person who appears to be under the age of 21 years.
14. The management of the premises will liaise with police on issues of local concern or disorder.
15. The premises shall install and maintain a CCTV system as per the minimum requirements of 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 at 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 proper request of Police or authorised Officers during the preceding 31 day period.
16. A staff member who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to non-residents of the hotel. The staff member must be able to provide a Police or authority Council Officer copies of recent CCTV images or data with the absolute minimum of delay when properly requested .
17. The food and beverage area shall be substantially laid out with tables and chairs as indicated on the licensing drawings.
18. 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.
19. There shall be no striptease or nudity in the public licensed area 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.
20. No advertisements of any kind that advertise or promotes the establishment, its premises or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, upon any building, structure, works, street furniture, tree or any other property or be distributed to the public.
21. There shall be no drinks promotions at the premises which are inconsistent with the need to promote responsible drinking.
22. There shall be no self-service of alcohol on the premises.
23. A record shall be kept detailing all refused sales of alcohol. The record shall include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the Police or an authorised officer of the City Council at all times when the premises are open to non-residents.

24. To comply with the reasonable requirements of the fire officer from time to time.
25. The premises will have adequate safety and fire fighting equipment, and such equipment will be maintained in good operational order.
26. Staff will be trained on matters of safety, evacuation and use of emergency equipment as required.
27. Spillages and breakages will be removed as soon as possible to reduce the risk to patrons and staff.
28. Toughened glasses will be used in the premises where appropriate.
29. Fire Exits and means of escape shall be kept clear and in good operational condition.
30. Where appropriate, prominent, clear and legible notices shall be displayed at all exits requesting the public respect the needs of local residents and to leave the premises and area quietly.
31. Patrons will be encouraged by staff to leave quietly and respect the interests of the occupiers of any nearby noise sensitive premises, Where appropriate the licensee or a suitable staff member will monitor patrons leaving at the closing time.
32. Noise or vibration shall not emanate from the premises so as to cause a nuisance to nearby properties.
33. Contact numbers for local taxi firm(s) shall be kept at the premises and made available to patrons requiring a taxi.
34. No films or videos of any description will be shown so that they can be viewed by persons under the age of any applicable BBFC/Local Authority certification.
35. Children under the age of 16 shall not be permitted to enter the premises after 21:00 unless dining with an adult or attending a pre booked function or resident in the hotel.
36. There shall be adequate controls in place including staff training to safeguard against the sale of alcohol to persons under 18 years.
37. The premises supervisor or appointed staff member shall ensure that when children are admitted to the premises their presence is not inconsistent with the style of operation of the premises at that time and the licensable activities that are being carried out.
38. Policies in relation to children shall be adequately communicated to patrons by staff or through appropriate signage.

### **Conditions proposed by the Environmental Health**

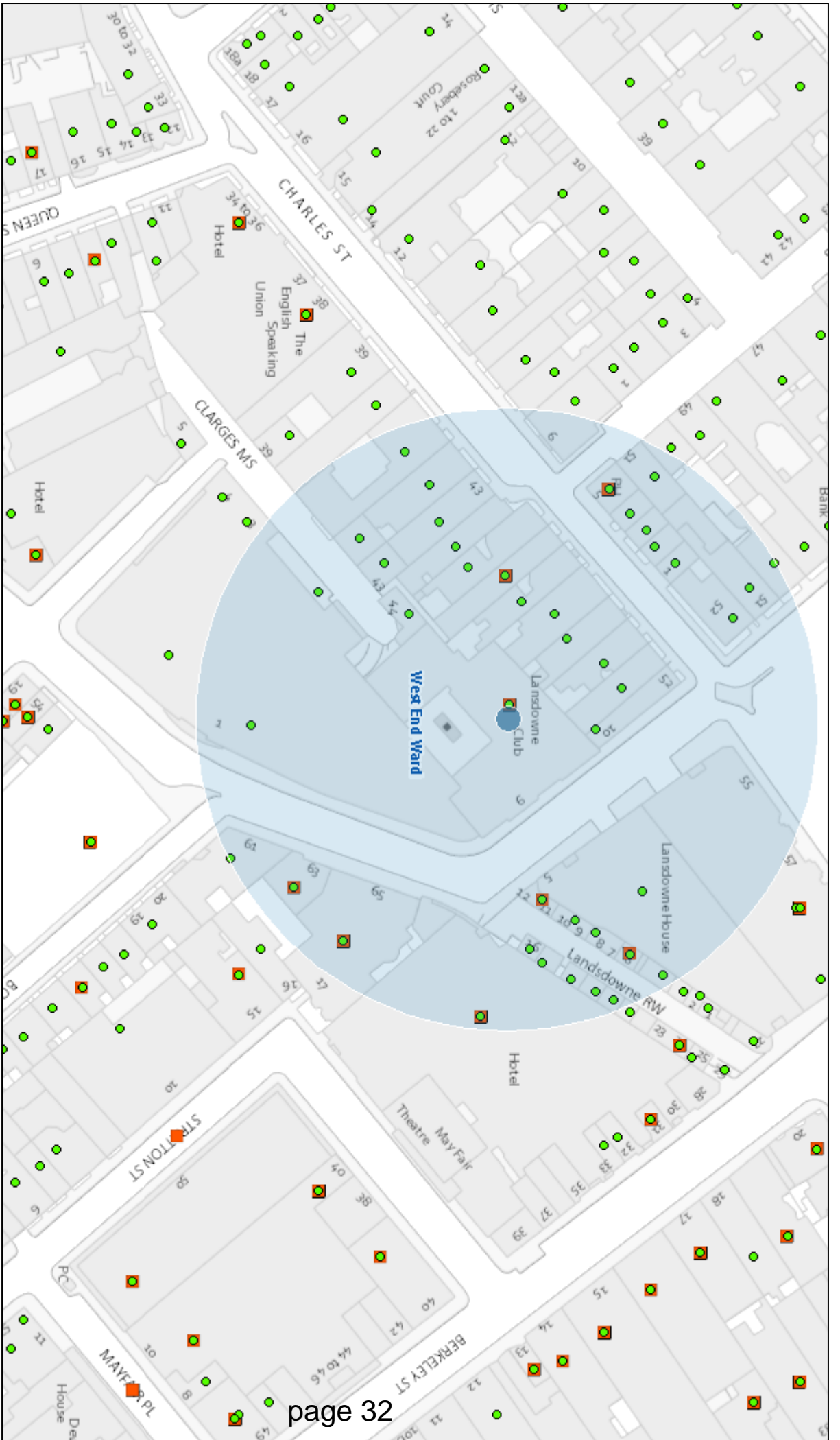
None.

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




39. 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

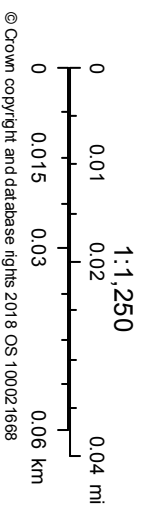
- (b) all ejections of patrons
- (c) any complaints received concerning crime and disorder
- (d) any incidents of disorder
- (e) any faults in the CCTV
- (f) any visit by a relevant authority or emergency service.

40. 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.



March 7, 2018

-  Detailed Boundary
-  Property Mailing List
-  Ward Boundaries
-  Ward Labels



© Crown copyright and database rights 2018 OS 100021668

© Crown copyright and database rights 2017. OS 100019597

DISTANCE	Licence Number	Trading Name	Address
45.65117164	16/10465/LIPDPS	Victoria Park Plaza Hotel	239 Vauxhall Bridge Road London SW1V 1EJ
53.70396069	17/10388/LIPDPS	Le Pain Quotidien	128 Wilton Road London SW1V 1JZ
71.10529377	17/03971/LIPCH	Giraffe World Kitchen	120 Wilton Road London SW1V 1HX

This page is intentionally left blank

Item No:	
Date:	16 March 2018
Licensing Ref No:	18/01050/LIPN - New Premises Licence
Title of Report:	147 Ebury Street London SW1W 9QN
Report of:	Director of Public Protection and Licensing
Wards involved:	Churchill
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Mrs Shannon Pring Senior Licensing Officer
Contact details	Telephone: 020 7641 3217 Email: <a href="mailto:spring3@westminster.gov.uk">spring3@westminster.gov.uk</a>

# 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	31 January 2018		
<b>Applicant:</b>	London Grace Ltd		
<b>Premises:</b>	147 Ebury Street		
<b>Premises address:</b>	147 Ebury Street London SW1W 9QN	<b>Ward:</b>	Churchill
		<b>Cumulative Impact Area:</b>	No
<b>Premises description:</b>	According to the application the premises consists of a basement and ground floor. The premises will operate as a nail bar/salon.		
<b>Premises licence history:</b>	This is a new premises licence and therefore no history exists.		
<b>Applicant submissions:</b>	<p>The applicant already operates 5 other similar premises in Putney, Clapham, Canary Wharf, Camden Passage and Leicester Square and has a licence for premises at 7 Seymour Place W1H 5BA for premises that are not yet open. The applicant proposes to operate both the ground floor and the basement of the premises as an up-market Nail Bar/Salon but seeks a Premises Licence to permit the sale of alcohol (wines, sparkling wines, cocktails and spirits with mixers) to customers. (Light meals such as afternoon teas along with tea, coffee and juices will also be available).</p> <p>The application does not include any form of regulated entertainment nor does it include late night refreshment.</p> <p>Customers are almost exclusively ladies and the premises will cater for both individuals and group bookings.</p>		
<b>Plans</b>	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				On or off sales or both:			On sales
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
<b>Start:</b>	09:00	09:00	09:00	09:00	09:00	09:00	09:00
<b>End:</b>	21:30	21:30	21:30	22:30	22:30	20:30	16:30
<b>Seasonal variations/ Non-standard timings:</b>			Christmas Eve and New Year's Eve 09:00 until 23:00 hours. Christmas Day and New Year's Day – closed.				

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
<b>Start:</b>	09:00	09:00	09:00	09:00	09:00	09:00	09:00
<b>End:</b>	22:00	22:00	22:00	23:00	23:00	23:00	17:00
<b>Seasonal variations/ Non-standard timings:</b>			Christmas Eve and New Year's Eve 09:00 until 23:00 hours. Christmas Day and New Year's Day – closed.				

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Environmental Health Consultation Team ( <b>Withdrawn</b> )
<b>Representative:</b>	Mr Maxwell Koduah
<b>Received:</b>	22 February 2018

I make a representation to above application on grounds of Public Nuisance & Public Safety as there is insufficient undertakings/conditions within the operating schedule to uphold the Licencing objectives.

Attached is proposed conditions, in addition to those contained within the operating schedule, that address the concerns of Environmental Health. I am minded to withdraw my representation if my proposed conditions are accepted.

Please feel free to contact me if you wish to discuss the proposed conditions further.

### **Further correspondence from Environmental Health to the Applicant:**

Thank you for the detailed response. Attached is an amended EH conditions. These are in response to your comments and as far as possible, eliminates duplications.

In the main:

Conditions 1, 2, 3, 4, 6, 7, 8 & 13 have been dropped as similar or stricter versions have already been offered within the operating schedule. **The proposed conditions can be found in Annex 3 of the report.**

Since you have already agreed to the remainder of my conditions, please be advised that Environmental Health representation is withdrawn.

***Following the correspondence (and the agreement of proposed conditions) between the Applicant and Environmental Health, EH have withdrawn their representation.***

<b>Responsible Authority:</b>	Metropolitan Police Service ( <b>Withdrawn</b> )
<b>Representative:</b>	PC Caroline Cockshull
<b>Received:</b>	27 February 2018

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

It is our belief that if granted the application would undermine the licensing objectives in relation to the prevention of crime and disorder, as there are insufficient conditions within the operating schedule.

I will be in touch shortly to discuss this application in more detail.

**Further correspondence from the Police to the Applicant:**

Dear Mr Day

Following on from my earlier email, I have listed below the conditions the Metropolitan Police would want to see on the Licence. In some cases you have already proposed similar conditions and where this is the case I have re-worded them in line with the Model Conditions. **The agreed conditions can be found in Annex 3 of the report.**

If these conditions are accepted, then the Metropolitan Police will withdraw their objection. If you have any queries, please do not hesitate to contact me.

**Further correspondence from the Police to the Applicant:**

Thank you for your email & agreement to the requested conditions.

I can confirm that we are happy for the changes in wording to both the Challenge 21 & CCTV conditions as detailed below and therefore the Metropolitan Police withdraw their objection.

***Following the correspondence (and the agreement of proposed conditions) between the Applicant and the Police, the Police have withdrawn their representation.***

<b>2-B Other Persons</b>	
<b>Received:</b>	07 February 2018
<p>We write to formally object to this application, as we are already disturbed and have to face with non social behaviour outside our property on a daily basis because of the pub and the bar a few doors away from us. Granting the permission to serve alcohol in these premises will only make things worse. At the moment, drunk people are throwing garbage at our door, urinating at our doorstep, parking their vehicles in front of our property (blocking access to my off street parking), and most of all screaming out loud in the street.</p> <p>We would be grateful if you could take this objection into consideration.</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>

### **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

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

<b>Report author:</b>	Miss Shannon Pring Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 3217 Email: spring3@westminster.gov.uk

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

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

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
<b>4</b>	Application Form	09 <sup>th</sup> February 2018
<b>5</b>	Environmental Health Consultation Team <b>(Withdrawn)</b>	22 <sup>nd</sup> February 2018
<b>6</b>	Metropolitan Police Service <b>(Withdrawn)</b>	22 <sup>nd</sup> February 2018
<b>7</b>	Representation	07 February 2018

There are no additional documents provided by the Applicant.

There is no licence or appeal history for the premises.

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

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

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

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

### **Mandatory Conditions**

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



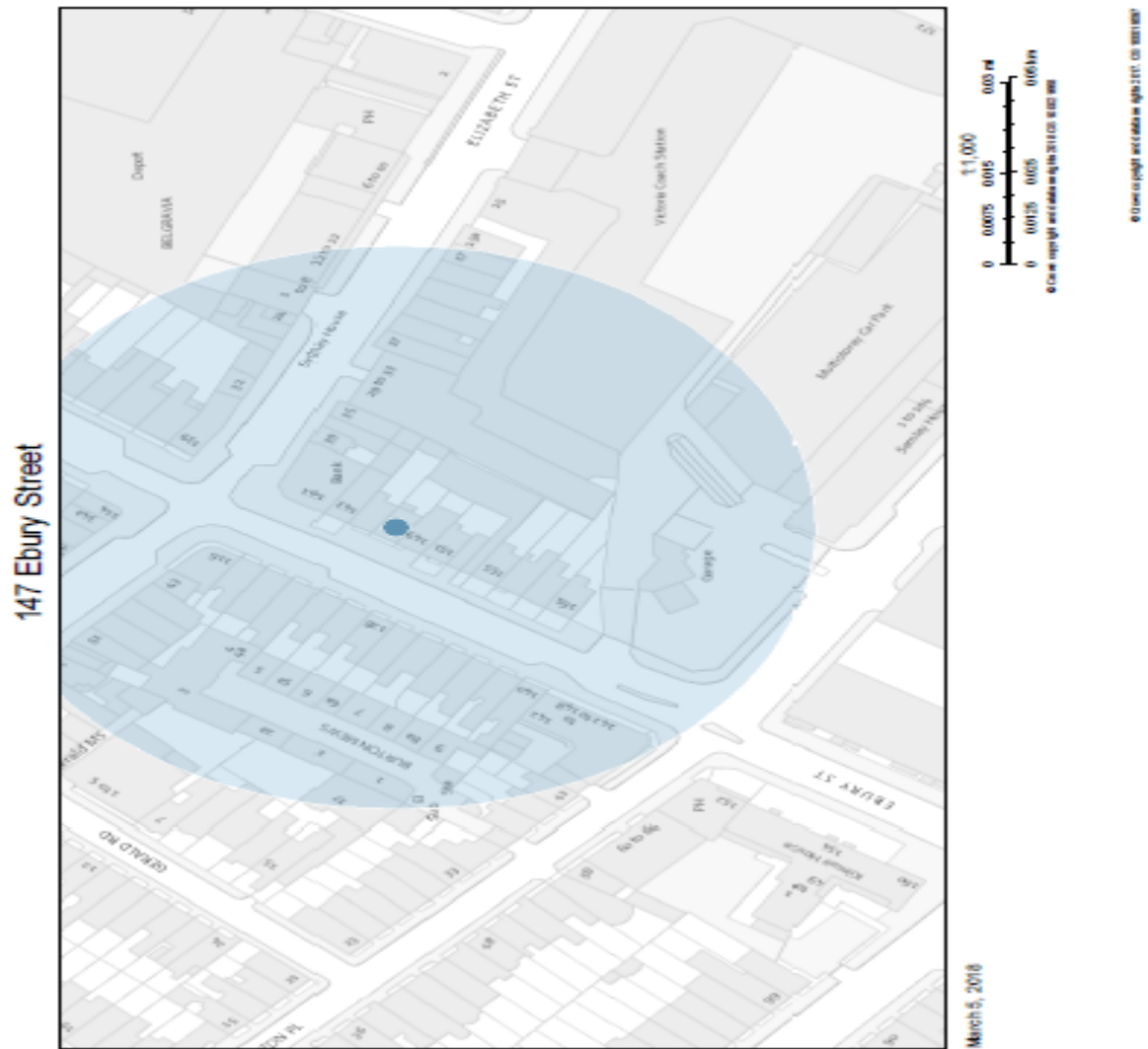
- 8(ii) For the purposes of the condition set out in paragraph 8(i) above -
- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
  - (b) "permitted price" is the price found by applying the formula -  
$$P = D + (D \times V)$$
  
Where -
    - (i) P is the permitted 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 and agreed by the Applicant, the Police and Environmental Health**

9. No beers or ciders shall be stocked, sold or supplied.
10. Alcohol shall only be sold or supplied to customers who are receiving nail or other cosmetic beauty treatments and to no more than one other person accompanying each such customer.
11. The capacity of the premises shall be restricted to a maximum of 40 customers.
12. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
13. The premises will operate a Challenge 25 policy whereby any person who appears to be under the age of 25 will be required to produce a photographic proof of age in one or other of the forms specified by the mandatory conditions, before being sold or supplied with alcohol. Notices advertising the policy shall be displayed at the entrance to the premises and at the servery.
14. All staff involved in the sale or supply of alcohol shall receive training regarding the law relating to the sale of alcohol to children and persons who are drunk, before they commence their duties. Refresher training shall take place at least once every 12 months. A written record of staff training shall be kept on the premises and made available for inspection by police and other authorised officers on request.
15. A digital CCTV system shall be installed, operated and maintained at all times that the premises is open for licensable activities and during all times when customers remain on the premises, so as to comply with the minimum requirements of the Westminster Police Licensing Team and in any event the following criteria:
  - a) The recording equipment will be stored in a secure area with access restricted to authorised staff;
  - b) Recordings will be kept for a minimum of 31 days and downloaded footage will be provided free of charge to Police or authorised Council officers on request (subject to the Data Protection Act 1998) with the absolute minimum of delay and in any event, within 24 hours of any request;
  - c) One camera will show a close-up of the entrance to and fire escape from the premises, to capture a clear, full length image of anyone entering, sufficient to enable frontal identification of every person entering in any light condition;
  - d) The licensee will ensure that the system is checked every two weeks to ensure that the system is working properly and that the date and time are correct. A record of these checks, showing the date and name of the person checking, shall be kept and made available to Police or authorised Council officers on request;
  - e) The system will provide full coverage of the interior of the premises (other than lavatories) accessible to the public and the immediate outside area;
  - f) The system shall continually record in real time and recordings will be date and time stamped;
  - g) At all times, there will be a person on the premises who can operate the system sufficiently to allow Police or authorised Council officers to view footage immediately on request and to supply a copy of footage to Police to assist with the immediate investigation of an offence (subject to the Data Protection Act 1998).
16. Any instance of crime and disorder shall be reported to the police.
17. Customers shall not be permitted to bring their own alcoholic drinks into the premises.

18. 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.
19. A direct telephone number for the manager or supervisor at the premises shall be publicly available at all times the premises is open.
20. No waste and recyclable materials (including bottles) shall be moved, removed from or placed in outside areas between 23:00 and 08:00 on the following day.
21. No deliveries to the premises shall take place between 23:00 hours and 08:00 hours the following day.
22. Patrons leaving the premises temporarily (e.g. to smoke) shall not be permitted to take drinks or glasses with them.
23. 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.
24. Alcohol may only be sold to patrons attending the premises for, and ancillary to, Nail and other Cosmetic Beauty Treatments, and to no more than one other person accompanying each such patron.
25. There shall be no self-service of alcohol.
26. 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.
27. 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
28. 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. Viewings of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
29. 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 Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

30. 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.
31. No collections of waste or recycling materials (including bottles) from the premises shall take place between 20:00 and 08:00 on the following day.
32. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
33. The supply of alcohol in the basement shall be to no more than fifteen persons at one any one time.
34. The supply of alcohol at the premises shall be to seated persons.
35. No licensable activities shall take place at the premises until the premises have been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the Licensing Authority.



Resident count: 111

DISTANCE	OBJECTID	Licence Number	Trading Name	Address	Premises Type	Time Period
13.5654078	65450	14/06821/LIPT	Il Convivio	143 Ebury Street London SW1W 9QN	Restaurant	Monday to Thursday; 10:00 - 00:00   Friday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 23:00
36.55285905	32050	15/07341/LIPDPS	Peggy Porschen Cakes	Basement And Ground Floor 116 Ebury Street London SW1W 9QH	Cafe	Monday to Sunday; 08:00 - 21:00
44.4129658	64905	07/00598/WCCMAP	Ebury Wine Bar	139 Ebury Street London SW1W 9QU	Wine bar	Monday to Saturday; 10:00 - 23:30   Sunday; 12:00 - 22:30
49.54452728	45772	12/02070/LIPDPS	Shell Victoria	Shell Service Station 163 Ebury Street London SW1W 9QN	Petrol filling station	Monday to Saturday; 07:00 - 23:00   Sunday; 08:00 - 22:00
54.72767322	65348	17/02407/LIPN	Mister Lasagna	23 Elizabeth Street London SW1W 9RP	Cafe within another property	Monday to Saturday; 07:00 - 23:00   Sunday; 07:00 - 22:30

55.80076806	64844	14/06024/LIPDPS	Oliveto Restaurant	49 Elizabeth Street London SW1W 9PP	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
56.97173139	6024	09/04704/LIPRW	Tom Tom Coffee House	114 Ebury Street London SW1W 9QD	Shop	Monday to Sunday; 08:00 - 21:00
59.82599202	32777	06/12030/WCCMAP	Friar Inn Fish Restaurant	Ground Floor 21 Elizabeth Street London SW1W 9RP	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
72.899842	65344	09/03109/LIPRW	Victoria Grocers	17 Elizabeth Street London SW1W 9RP	Shop	Monday to Sunday; 07:00 - 23:00
72.899842	65347	17/02089/LIPVM	Dominque Ansel Bakery (17-21)	17 Elizabeth Street London SW1W 9RP	Restaurant	Monday to Saturday; 10:00 - 23:00   Sunday; 12:00 - 22:30
74.05445264	48110	15/03484/LIPVM	Belgravia Traders Association	Elizabeth Street London	Miscellaneous	Tuesday to Thursday; 18:00 - 23:00   Saturday to Sunday; 11:00 - 18:00

This page is intentionally left blank



Item No:	
Date:	16 March 2018
Licensing Ref No:	17/14839/LIPN - New Premises Licence
Title of Report:	Bella Norma Basement and Ground Floor 144 Great Portland Street 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:	Mrs Shannon Pring Senior Licensing Officer
Contact details	Telephone: 020 7641 3217 Email: <a href="mailto:spring3@westminster.gov.uk">spring3@westminster.gov.uk</a>

# 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	18 December 2017		
<b>Applicant:</b>	Bella Norma Ltd		
<b>Premises:</b>	Bella Norma		
<b>Premises address:</b>	Basement and Ground Floor 144 Great Portland Street London W1W 6PB	<b>Ward:</b>	Marylebone High Street
		<b>Cumulative Impact Area:</b>	No
<b>Premises description:</b>	According to the application the premises consists of the basement and ground floor. However, the Applicant has only applied to licence the ground floor as a restaurant with the sale of alcohol on the premises.		
<b>Premises licence history:</b>	This is a new premises licence and therefore no history exists.		
<b>Applicant submissions:</b>	Premises licence will be required for ground floor only, however both the ground floor and basement will be hired for the purpose of restaurant operation. Above the ground floor, there are some flats.		
<b>Plans</b>	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							
<b>Sale by retail of alcohol</b>				<b>On or off sales or both:</b>			On
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	11:00	11:00	11:00	11:00	11:00	11:00	11:00
<b>End:</b>	19:00	19:00	19:00	19:00	19:00	19:00	19:00

Hours premises are open to the public							
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	07:00	07:00	07:00	07:00	07:00	07:00	07:00
<b>End:</b>	19:00	19:00	19:00	19:00	19:00	19:00	19:00

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Metropolitan Police Service
<b>Representative:</b>	PC Reaz Guerra
<b>Received:</b>	12 February 2018
<p>With reference to the above application I am writing to inform you that the Police, as a Responsible Authority, object to your application for a New Premises Licence as it is our belief that if granted the application would undermine the Crime Prevention Objective.</p> <p>There is insufficient detail in the operating schedule to address the Crime Prevention Objective.</p> <p>It is for this reason that we are objecting to the application.</p> <p><b><u>Further correspondence between the Police and the Applicant</u></b></p> <p>As per phone call please find additional conditions sought by Police, once agreed the Police objection will be withdrawn.</p>	
<b>Responsible Authority:</b>	Environmental Health Consultation Team ( <b>Withdrawn</b> )
<b>Representative:</b>	Mr Maxwell Koduah
<b>Received:</b>	22 February 2018
<p>I make a representation to above application on grounds of Public Nuisance &amp; Public Safety as there is insufficient undertakings/conditions within the operating schedule to uphold the Licensing objectives.</p> <p>Attached are proposed conditions, to replace those contained within the operating schedule, that address the concerns of Environmental Health. I am minded to withdraw my representation if my proposed conditions are accepted.</p> <p><b><i>Following the Applicant's acceptance of the Environmental Health's proposed conditions to replace those within the operating schedule the Environmental Health objection has been withdrawn.</i></b></p>	

### 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.

### 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

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

<b>Report author:</b>	Mrs Shannon Pring Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 3217 Email: spring3@westminster.gov.uk

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

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

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
<b>4</b>	Metropolitan Police Service	12 <sup>th</sup> February 2018
<b>5</b>	Environmental Health Consultation Team <b>(Withdrawn)</b>	22 <sup>nd</sup> February 2018

There are no supporting documents from the Applicant

There is no licence or appeal history for the premises.

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

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

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

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

### **Mandatory Conditions**

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

9. The supply of alcohol shall be by waiter or waitress service only
10. There shall be no sale of draught beer at the premises
11. There shall be no sales of alcohol for consumption off the premises at anytime
12. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram
13. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open
14. 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.
15. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 25 persons
16. 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
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. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly
19. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times
20. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between **23.00** hours and **07.00** hours on the following day
21. No collections of waste or recycling materials (including bottles) from the premises shall take place between **23.00** hours and **07.00** hours on the following day
22. No deliveries to the premises shall take place between **23.00** hours and **07.00** hours on the following day
23. 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.
24. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated

25. 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.
26. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous

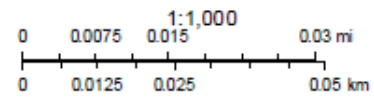
### **Conditions proposed by the Police**

27. 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.
28. 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.
29. 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
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service.

### Bella Norma - 144 Great Portland Street



March 6, 2018



© Crown copyright and database rights 2018 OS 100021668

Resident Count: 143

DISTANCE	OBJECTID	Licence Number	Trading Name	Address	Premises Type	Time Period
26.23773	59996	17/07068/LIPT	Caravan	Yalding House 152 - 156 Great Portland Street London W1W 6QA	Restaurant	Monday to Thursday; 08:00 - 00:00   Friday to Saturday; 08:00 - 00:30   Sunday; 08:00 - 23:00
32.90403	3076	15/02920/LIPDPS	Bolsover Street Youth Hostel	104-108 Bolsover Street London W1W 5LP	Clubhouse	Monday to Sunday; 00:00 - 00:00
47.98399	54399	14/02148/LIPVM	Cavendish Candy	Ground Floor 112 New Cavendish Street London W1W 6XS	Shop	Monday to Saturday; 08:00 - 23:00   Sunday; 10:00 - 22:30
53.44182	60599	16/04952/LIPDPS	Not Recorded	Basement Rear And Ground Floor West Bolsover House 5-6 Clipstone Street London W1W 6BB	Restaurant	Friday to Saturday; 07:00 - 00:00   Sunday to Thursday; 07:00 - 23:00

53.44182	60609	17/07671/LIPDP S	The Lucky Pig	Basement Bolsover House 5-6 Clipstone Street London W1W 6BB	Wine bar	Monday to Wednesday ; 10:00 - 00:00   Thursday; 10:00 - 01:30   Friday to Saturday; 10:00 - 03:30   Sunday; 12:00 - 23:00
66.86805	59911	17/06800/LIPDP S	Horse & Groom Public House	128 Great Portland Street London W1W 6PS	Public house or pub restaurant	Monday to Saturday; 10:00 - 23:30   Sunday; 12:00 - 23:00
67.94663	9042	09/06366/LIPT	Stag's Head Public House	102 New Cavendis h Street London W1W 6XW	Public house or pub restaurant	Monday to Thursday; 09:00 - 23:30   Friday to Saturday; 09:00 - 00:00   Sunday; 09:00 - 23:00
68.98444	59988	17/03011/LIPDP S	Villandry	170 Great Portland Street London W1W 5QB	Restauran t	Monday to Saturday; 10:00 - 23:30   Sunday; 12:00 - 23:00

68.98444	59994	07/02422/LIPDU	Villandry	170 Great Portland Street London W1W 5QB	Not Recorded	
72.74791	56857	09/05858/LIPDPS	Conchiglia	125 Great Titchfield Street London W1W 6RZ	Restaurant	Monday to Saturday; 10:00 - 01:30   Sunday; 12:00 - 00:00