



City of Westminster

Committee Agenda

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

Meeting Date: **Thursday, 26th November 2020**

Time: **10.00 am**

Venue: **This will be a virtual meeting.**

Members: **Councillors:**
Tim Mitchell (Chairman)
Jim Glen
Aziz Toki

If you require further information, please contact the Committee Officer, Georgina Wills, Committee and Governance Officer.

Email: gwillis@westminster.gov.uk
Tel: 07870 548 348
Corporate Website: www.westminster.gov.uk

Note for Members: Members are reminded that officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. Regarding Item 2, guidance on Declarations of Interests is included in the Code of Governance. If Members and Officers have any questions, they should contact the Director of Law before 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 the existence and nature of any pecuniary interests or any other significant interest in matters on this agenda.

3. LICENSING APPLICATIONS FOR DETERMINATION

a) No. 3 Chippenham Road

(Pages 1 - 4)

(Pages 5 - 30)

Ward/ CIA*	Site Name & Address	Application Type	Licensing Reference No.
Harrow Road N/A	3 Chippenham Rd, London W9 2AH	New Premises Licence	20/09100/LIPN
*Cumulative Impact Area			

b) No's. 30-31 Kendal Street

(Pages 31 - 56)

Ward/ CIA*	Site Name & Address	Applicati on Type	Licensing Reference No.
Hyde Park N/A	No's. 30-31 Kendall St, London W2 2AW	New Premises Licence	20/07769/LIPV
*Cumulative Impact Area			

Stuart Love
Chief Executive
20 November 2020

In considering applications for premises licences under the Licensing Act 2003, the Sub Committee is advised of the following:

POLICY CONSIDERATIONS

The Licensing Sub-Committee is required to have regard to the City of Westminster statement of Licensing Policy, effective from 7th January 2016.

GUIDANCE CONSIDERATIONS

The Licensing Sub-Committee is required to have regard to any guidance issued by the Secretary of State under Section 182 the Licensing Act 2003. The most recent version was published in April 2018.

CORE HOURS WHEN CUSTOMERS ARE PERMITTED TO BE ON THE PREMISES

(As set out in the Council's Statement of Licensing Policy 2016)

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

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

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

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

- For premises for the provision of other licensable activities:

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

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Procedure for virtual hearings held under the Licensing Act 2003

The purpose of this procedure is to clarify how the Licensing Sub-Committee (“the Sub-Committee”) will conduct virtual licensing hearings made under the Licensing Act 2003 (as amended) and for licensing applications under other regimes. All hearings are conducted with due regard to the Council’s Constitution, relevant legislation and case law, regulations and guidance.

Accessing virtual hearings

Virtual Licensing Sub-Committee hearings will be held on Microsoft Teams as a live Teams event. Each application will be dealt with by a separate Teams meeting. All applicants, responsible authorities and other persons (who have submitted a valid representation) (collectively called “Parties”) will be provided with a link to the meeting beforehand. **Only these parties will be able to participate in the hearing** (together with their adviser) provided they have registered, in advance, with the Licensing Authority, as specified below. A link for the general public to watch the meeting will be available on the Council’s website.

Final Submissions before the Hearing

The parties (or their representatives) should use their best endeavours to ensure that all of their final submissions have been made so as to be included in the Sub-Committee report (typically **no later, than 5.pm, 5 working days** before the Sub-Committee hearing). This means by 5pm on the Thursday, the week before the Sub-Committee hearing is due to take place. Final submissions should set out the key points, policies and conditions that a party wishes the Sub-Committee to take account of in determining the application.

Any final submissions that a party wishes to make, (that have not been submitted so as to have been included in the report), **must** be submitted to the Licensing Service by **no later than 12 noon 3 working days** before the hearing is due to take place. The Licensing email address is: Licensing@westminster.gov.uk.

Rules during Licensing Hearings

The following rules must be followed by all parties to ensure the virtual hearing can progress as successfully as possible:

- All parties wishing to participate in the hearing **must** register their wish to participate in the hearing and provide their email addresses to the **Licensing Service at Licensing@westminster.gov.uk** no later than **12 noon on the Monday before** the Thursday hearing is scheduled to take place.
- All parties **should join the virtual hearing at least 15 minutes before the advertised start time** to ensure they are ready to start at the advertised start time. After the advertised start time has passed no registered parties will be allowed to join, except in exceptional circumstances, when permitted by the Chairman, as this could disrupt the meeting.
- All parties must only address the hearing when invited to do so by the Chairman.
- All parties must keep their microphones on mute unless they are speaking. The Chairman has the ability to mute all parties’ microphones.

- If a party wishes to interject, they should put their name in the messaging field. The chairman has the discretion to invite the party to make their comment at an appropriate stage in the hearing.
- All parties are asked to keep their comments as succinct as possible.
- If a party has a question for another party, this must be addressed to the Chairman who will have the discretion to ask the relevant party to respond.
- Parties wishing to make suggestions as to the conditions that may be imposed in the event of the application being granted should do so by reference to the schedule of proposed conditions set out in the Conditions Schedule annexed to the committee papers. In so doing, they should use the same numbering in that schedule. This is to ensure that there is ease of referencing the conditions by all the parties.
- To ensure the smooth running of hearings, a time limit will be placed on each party's submissions. This time limit must be adhered to but the Chairman has the flexibility to amend the time limit when it is considered appropriate to do so.
- When referring to the hearing papers, participants should give the page and paragraph number when appropriate.
- The Chairman has the discretion to amend these rules in any given case where they consider it is appropriate to do so.

Procedure

1. The Chairman will open the meeting and introduce the members of the Sub-Committee and the other officers attending with the members, including the legal adviser, policy adviser and committee officer.
2. The Chairman will confirm the procedure that the hearing will follow.
3. The Sub-Committee members and officers will be asked to declare any interests they may have and any other procedural business will be transacted.
4. The presenting officer from the licensing service will introduce the application, giving a brief description of the application and introducing all the Parties in attendance for each application
5. Each party who has registered to speak, will be invited to make their representations and will be allowed **a maximum of 10 minutes each**. In order to ensure that the hearing is fair to all parties and is conducted in an orderly manner, the Chairman has the discretion to extend this time limit where it is appropriate for the determination of the application.
6. Parties will normally speak in the following order, (the order may change for other types of licensing applications):
 - a. The applicant
 - b. Responsible authorities
 - c. Other persons
7. The Chairman has the right to grant each party the opportunity to ask questions of each other for the purposes of clarification only where it is appropriate to do so. The Sub-Committee members will then be able to ask questions of the parties.

8. The legal adviser and/or policy officer may ask questions of the parties as they consider appropriate, including in relation to the conditions which should be attached to the application if the Sub-Committee is minded to grant the application.
9. Each party will have an opportunity to make a short closing submission each (not introducing any new evidence or case law) of no more than **5 minutes each**, in the following order:
 - a. Responsible authorities
 - b. Other persons
 - c. The applicant
10. The Chairman shall then **close the meeting** and all parties will leave the meeting. A Decision will not be announced at the end of the hearing unless there is a legal requirement to do so.
11. The Sub-Committee will deliberate in closed session and all parties will be advised of the outcome in a written Summary Decision. Unless otherwise required or permitted by Regulations, summary decisions will be made within a period of five working days of the last day of the hearing. The written summary of the decision (“Summary Decision”) will be sent to all the parties as soon as possible after the Decision has been made. The full Decision, setting out the reasons for the Decision, (Formal Notification) will be sent to the parties as soon as possible thereafter. The time limit for appealing will not commence until the Formal Notification has been sent to the parties.

Dated 15 April 2020

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Licensing Sub-Committee Report

Agenda Item 3a

Item No:	
Date:	26 November 2020
Licensing Ref No:	20/09100/LIPN - New Premises Licence
Title of Report:	3 Chippenham Road London W9 2AH
Report of:	Director of Public Protection and Licensing
Wards involved:	Harrow Road
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Angela Seaward Senior Licensing Officer
Contact details	Telephone: 0207 641 6500 Email: aseaward@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	6 October 2020		
Applicant:	Vm Leasing Limited		
Premises address:	3 Chippenham Road London W9 2AH	Ward:	Harrow Road
		Cumulative Impact Area:	None
Premises description:	According to the application form, the premises intends to operate as a hot food takeaway		
Premises licence history:	There is no licence history for this premises		
Applicant submissions:	None		

1-B Proposed licensable activities and hours							
Late Night Refreshment:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	23:00
End:	01:00	01:00	01:00	01:00	01:00	01:00	01:00
Seasonal variations/ Non-standard timings:		No seasonal variations or non-standard timings applied for					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	08:00	08:00	08:00	08:00	08:00	08:00	08:00
End:	01:00	01:00	01:00	01:00	01:00	01:00	01:00
Seasonal variations/ Non-standard timings:		No seasonal variations or non-standard timings applied for					
Adult Entertainment:		None					

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Metropolitan Police (Withdrawn)
Representative:	PC Adam Dweltz
Received:	14 th October 2020
With reference to the above, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, are 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.

I have been through the operating schedule and note the conditions you have included. I have amended some of these, which will allay some of the concerns Police have.

Please let me know if you are willing to agree to the proposed conditions.

Following mediation with the applicant amended conditions have been proposed and agreed to form part of the operating schedule which can be seen in Appendix 4

Responsible Authority:	Environmental Health
Representative:	Maxwell Owusu Koduah
Received:	20 October 2020

I refer to the application for a new Premises Licence number for the above-mentioned premises. I have considered the information that you have provided within and accompanying this application. I have also considered the application in line with the relevant policies within the Councils Statement of Licensing Policy dated January 2016.

The applicant is seeking to provide Late Night Refreshment “indoors” Monday to Sunday from 23:00 to 01:00 hours

Following consideration of the application and how it may affect the Licensing Objectives and meeting the requirements of the Council’s Statement of Licensing Policy I wish to make the following representations:

The hours requested to provide late night refreshment may have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the area

As presented, the application would have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the area

Applicant is asked to contact the undersigned for further discussion and following this, additional conditions may be recommended by Environmental Health to support the licensing objectives Prevention of Public Nuisance and Public Safety

Following mediation with the applicant conditions have been proposed and agreed to form part of the operating schedule which can be seen in Appendix 4

2-B Other Persons			
Name:	[REDACTED]		
Address and/or Residents Association:	[REDACTED]		
Status:	Valid	In support or opposed:	Opposed
Received:	3 rd November 2020		

As a local resident, I wish to **object** to the premises licence application under review, for the following reasons:

1. The kitchen for this establishment does not have adequate mitigation measures for the

filtration of smells emanating from within. A large number of local residents are currently unable to open their windows due to an overpowering smell of frying food, which often lingers until late into the night. Numerous residents have complained about this, yet nothing is done. Extending the business' trading hours will result in residents being exposed to these smells until the early hours, which is unacceptable.

2. The current extractor system for this business (although ineffective, as noted above) is incredibly loud and causes a significant noise nuisance to residents such as myself, and can be heard by residents living on Harrow Road, Chippenham Road and Chippenham News. I cannot leave my windows open at night, as the noise is so loud that it stops me from being able to sleep.
3. The business attracts a large number of delivery riders well into the early hours. There have been **numerous** incidents of couriers creating noise nuisances on the surrounding streets, as well as urinating (or worse) on the doorsteps of residents of both Chippenham Road and Chippenham Mews.

No local residents wishes to stifle business during these difficult precedent, if this business was allowed to operate under extended trading hours, and would have **significant, detrimental** impact on the life of the local residents, such as myself. Unfortunately, I do not believe there to be any acceptable mitigations other than limiting operating hours in this instance, as the business management do not appear to wish to engage with local residents to improve the situation.

I would ask the licensing committee **please** to take into account the voice of residents such as myself. I would also note that most residents have a very good relationship with the other food preparation businesses nearby, who have made significant effort to mitigate the impact of their businesses and ensure they do not disturb residents.

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J Dunn		[REDACTED]	
Address and/or Residents Association		[REDACTED] [REDACTED] [REDACTED]	
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3. The business attracts a large number of delivery riders well into the early hours. There have been **numerous** incidents of couriers creating noise nuisances on the surrounding streets, as well as urinating (or worse) on the doorsteps of residents of both Chippenham Road and Chippenham Mews.

No local residents wishes to stifle business during these difficult precedent, if this business was allowed to operate under extended trading hours, and would have **significant, detrimental** impact on the life of the local residents, such as myself. Unfortunately, I do not believe there to be any acceptable mitigations other than limiting operating hours in this instance, as the business management do not appear to wish to engage with local residents to improve the situation.

I would ask the licensing committee **please** to take into account the voice of residents such as myself. I would also note that most residents have a very good relationship with the other food preparation businesses nearby, who have made significant effort to mitigate the impact of their businesses and ensure they do not disturb residents.

Name:		[REDACTED]	
Address and/or Residents Association		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	3 rd November 2020		

As a local resident, I wish to **object** to the premises licence application under review, for the following reasons:

1. The kitchen for this establishment does not have adequate mitigation measures for the filtration of smells emanating from within. A large number of local residents are currently unable to open their windows due to an overpowering smell of frying food, which often lingers until late into the night. Numerous residents have complained about this, yet nothing is done. Extending the business' trading hours will result in residents being exposed to these smells until the early hours, which is unacceptable.
2. The current extractor system for this business (although ineffective, as noted above) is incredibly loud and causes a significant noise nuisance to residents such as myself, and can be heard by residents living on Harrow Road, Chippenham Road and Chippenham News. I cannot leave my windows open at night, as the noise is so loud that it stops me from being able to sleep.
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Name:		[REDACTED]	
Address and/or Residents Association		[REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or opposed:	Opposed
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I would ask the licensing committee **please** to take into account the voice of residents such as myself. I would also note that most residents have a very good relationship with the other food preparation businesses nearby, who have made significant effort to mitigate the impact of their businesses and ensure they do not disturb residents.

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. For premises for the supply of alcohol for consumption on the premises: Monday to Thursday: 10:00 to 23:30 Friday and Saturday: 10:00 to midnight Sundays immediately prior to Bank Holidays: Midday to midnight Other Sundays: Midday to 22:30 For premises for the provision of other licensable activities: Monday to Thursday: 09:00 to 23.30 Friday and Saturday: 09:00 to midnight Sundays immediately prior to Bank Holidays: 09:00 to midnight Other Sundays: 09:00 to 22:30
Policy FFP1 applies	Applications will only be granted if it can be demonstrated that the proposal meets relevant criteria in Policies CD1, PS1, PN1 and CH1.

4. Equality Implications

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

- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share 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, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

5. Appendices

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

Report author:	Angela Seaward Senior Licensing Officer
Contact:	Telephone: 0207 641 6500 Email: aseaward@westminster.gov.uk

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

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Environmental Health	20 th October 2020
5	Public Representation 1	3 rd November 2020
6	Public Representation 2	3 rd November 2020
7	Public Representation 3	3 rd November 2020
8	Public Representation 4	3 rd November 2020
9	Public Representation 5	3 rd November 2020
10	Public Representation 6	3 rd November 2020
11	Public Representation 7	3 rd November 2020
12	Public Representation 8	3 rd November 2020
13	Public Representation 9	3 rd November 2020
14	Public Representation 10	3 rd November 2020
15	Public Representation 11	3 rd November 2020
16	Public Representation 12	3 rd November 2020

None

Licensing Act 2003 history – premises licence

None

Licensing Act 2003 history – review applications

None

Licensing Act 2003 history – Temporary event notices

20/08090/LITENN	This application was to licence the provision of Late Night Refreshment from 26.09.2020 to 28.9.2020	Granted under Delegated Authority	15 ^h September 2020
20/08363/LITENN	This application was to licence the provision of Late Night Refreshment from 29.09.2020 to 05.10.2020	Granted under Delegated Authority	23 rd September 2020
20/08908/LITENN	This application was to licence the provision of Late Night Refreshment from 26.10.2020 to 01.11.2020	Granted under Delegated Authority	28 ^h August 2020
20/07257/LITENP	This application was to licence Sale by Retail of Alcohol from 14.9.2020 to 19.9.2020	Granted under Delegated Authority	28 ^h August 2020

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. CCTV shall be installed, operated and maintained at all times that the premises is open for licensable activities, so as to comply with the following criteria;
- 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 time of the person checking, shall be kept and made available to police or authorised council officers on request

- The police must be informed if the system will not be operating for longer than one day of business for any reason
- One camera will show a close-up of the entrance to the premises, to capture a clear, full length image of anyone entering
- The system will provide coverage of any exterior part of the premises accessible to the public
- The system shall record in real time and recordings will be date and time stamped
- 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) within 24 hours of any request, and
- At all times the premises are open for licensable activity, there will be a person on the premises who can operate the system sufficiently to allow police or authorised council officers to view footage on request

The Metropolitan Police have proposed the following alternative conditions which have been agreed with the applicant so as to form part of the operating schedule

- 9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.**
- 10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.**
11. Signage stating that CCTV is in operation at the premises will be clearly displayed at the premises
12. The use of CCTV at the premises will be registered with the Information Commissioners officer (ICO)
13. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which will record the following:
 - a. all crimes reported to the venue
 - b. all ejections of patrons
 - c. any complaints received concerning crime and disorder
 - d. any incidents of disorder
 - e. any faults in the CCTV system
 - f. any visit by a relevant authority or emergency service.
14. Adequate and appropriate supply of first aid equipment and materials must be available on the premises at all times

15. A health and safety risk assessment will be completed and reviewed regularly, and will be made available to authorised officers of the council and the Metropolitan Police upon request
16. A fire safety risk assessment will be completed as per government guidelines on an annual basis (**Regulatory Reform (Fire Safety) Order 2005**) And produced to authorised officers of the council, the Metropolitan Police and the London Fire Service upon request.
17. The licensee shall ensure that a gas safety certificate is in existence at the premises and reviewed at the appropriate time
18. Staff will attend to any spillages within the venue as soon as practicable to minimise risk of injury to customers.
19. Customers will be actively discouraged from gathering outside of the premises
20. Staff shall carryout regular checks to ensure the area is clear of litter, to monitor customer behaviour and to ensure there is no outbreak of noise from the premises.
21. Notices shall be prominently displayed at the exit requesting patrons to respect the needs of local residents and businesses and leave the area quietly
22. The main doors of the premises shall be kept closed throughout the duration of licensable activity except for access and egress
23. The licensee will provide adequate bins for use by customers and encourage their use
24. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between the hours of 22:00 and 08:00
25. During licensable hours there will always be a minimum of two members of staff present
26. Staff will be trained to identify signs of intoxication, suspicious or aggressive behaviour and how to appropriately deal with such customers so as to provide adequate care and minimise risk
27. The licensee undertakes to use only experienced and reputable delivery companies whereby deliveries will only be delivered to the registered address as per the booking.

The Metropolitan Police have proposed the following alternative condition which has been agreed with the applicant so as to form part of the operating schedule

27. **The licensee undertakes to use only experienced and reputable delivery companies whereby deliveries will only be delivered to a bona fide address as per the booking.**
28. There will be no takeaway service of food for immediate consumption – all food taken away is to be closed/wrapped up

Conditions proposed by the Environmental Health and agreed with the applicant so as to form part of the operating schedule

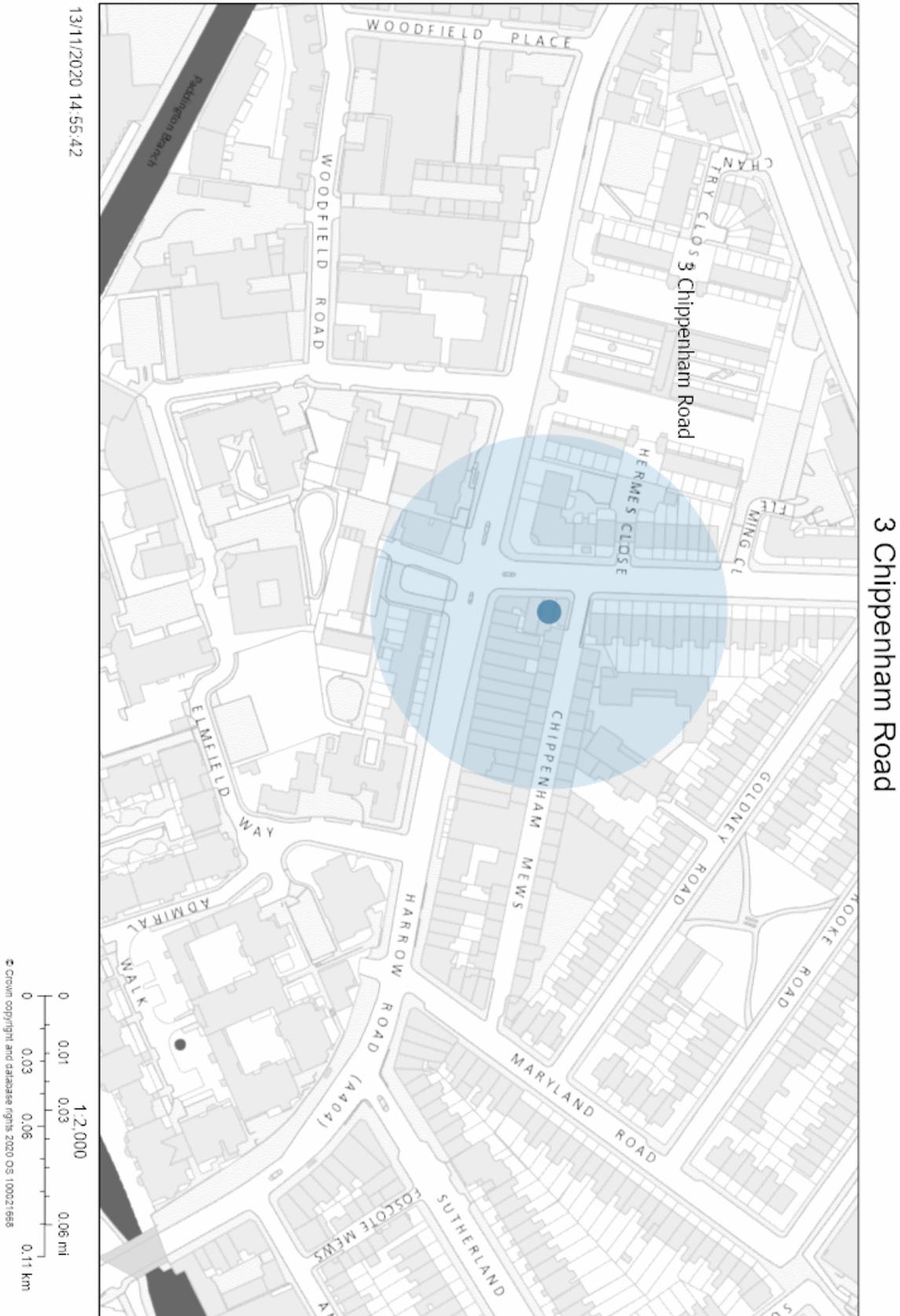
29. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from

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

30. Vehicles used for delivery must switch of their engines when waiting outside of the Premises for the collection of food for delivery.
31. Drivers shall wait inside the premises between deliveries/for deliveries.

Conditions proposed by the Metropolitan Police and agreed with the applicant so as to form part of the operating schedule

32. Delivery riders/drivers will be given clear, written instructions to use their vehicles in a responsible manner so as not to cause a nuisance to any residents or generally outside the licenced premises; not to leave engines running when the vehicles are parked; and not to obstruct the highway. The licence holder will positively encourage delivery riders/drivers to use quieter vehicles that are less likely to cause a nuisance, such as bicycles.



Resident Count =231

Licensed premises within 75 metres of 3 Chippenham Road

Licence Number	Trading Name	Address	Premises Type	Time Period
11/07847/LIPN	Supermercado Portugal	Basement And Ground Floor 396 Harrow Road London W9 2HU	Cafe	Monday to Saturday; 08:00 - 22:00 Sunday; 10:00 - 22:00

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Item No:	
Date:	26 November 2020
Licensing Ref No:	20/07769/LIPN - New Premises Licence
Title of Report:	30-31 Kendal Street London W2 2AW
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:	Kevin Jackaman Senior Licensing Officer
Contact details	Telephone: 0207 641 6500 Email: kjackaman@westminster.gov.uk

1. Application

1-A	Applicant and premises		
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	3 September 2020		
Applicant:	Brunchco Uk Limited		
Premises:	Le Pain Quotidien		
Premises address:	30-31 Kendal Street London W2 2AW	Ward:	Hyde Park
		Cumulative Impact Area:	None
Premises description:	The premises intend to trade as a bakery/restaurant.		
Premises licence history:	<p>The premises had the benefit of a premises licence from January 2011 until June 2020 when the licence lapsed due to the insolvency of the licence holder.</p> <p>A copy of the previous premises licence, reference 19/13709/LIPCH is attached at Appendix 2 of this report. A full licence history of the premises appears at Appendix 5 of the report.</p>		
Applicant submissions:	<p>An application for a new premises licence is being made as the old licence lapsed due to the insolvency of the holder and was not reinstated during the required 28 day period.</p> <p>The new operator of Le Pain Quotidien is headed by Steven Whibley who was the managing director of the business until 2011. The hours and activities sought are the same as those previously granted.</p> <p>Following consultation with the interested party, the applicant has amended the opening hour on a Sunday to 12:00 in line with Westminster's core hours</p>		

1-B	Proposed licensable activities and hours						
Sale by retail of alcohol				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	11:00	11:00	11:00	11:00	11:00	11:00	12:00
End:	20:30	20:30	20:30	20:20	20:30	20:30	18:30
Seasonal variations/ Non-standard timings:				Seasonal timings for the sale of alcohol shall be from end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day.			

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> <p><u>For premises for the supply of alcohol for consumption on the premises:</u> Monday to Thursday: 10:00 to 23:30 Friday and Saturday: 10:00 to midnight Sundays immediately prior to Bank Holidays: Midday to midnight Other Sundays: Midday to 22:30</p> <p><u>For premises for the provision of other licensable activities:</u> Monday to Thursday: 09:00 to 23.30 Friday and Saturday: 09:00 to midnight Sundays immediately prior to Bank Holidays: 09:00 to midnight Other Sundays: 09:00 to 22:30</p>
Policy PB1 applies	Applications will only be granted if it can be demonstrated that the proposal meets relevant criteria in Policies CD1, PS1, PN1 and CH1.

4. Equality Implications

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

- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share 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, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

5. Appendices

Appendix 1	Premises plans
Appendix 2	Premises Licence 19/13709/LIPCH
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

Report author:	Kevin Jackaman Senior Licensing Officer
Contact:	Telephone: 0207 641 6500 Email: kjackaman@westminster.gov.uk

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

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Interested Party Representation	18 September 2020



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

Schedule 12
Part A

WARD: Hyde Park
UPRN: 100023478627

Premises licence

Regulation 33, 34

Premises licence number:

19/13709/LIPCH

Original Reference:

11/11737/LIPN

Part 1 – Premises details

Postal address of premises:

Le Pain Quotidien
30-31 Kendal Street
London
W2 2AW

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Sale by Retail of Alcohol

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

Sale by Retail of Alcohol

Monday to Saturday: 11:00 to 20:30

Sunday: 11:00 to 18:30

Non-standard Timings: See condition 32

The opening hours of the premises:

Monday to Saturday: 08:00 to 21:00

Sunday: 08:00 to 19:00

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

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

Part 2

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

Le Pain Quotidien Ltd

28-33 Little Russell Street
London
WC1 2HN
Electronic Mail : Blyth.Chan@lepainquotidien.co.uk
Business Phone Number : 0207 486 6154

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

5140197

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

Name: Lucia Basile

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

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

Licence Number: 18LIC63321PERS
Licensing Authority: London Borough Of Ealing

Date: 23 October 2019

This licence has been authorised by Jessica Donovan on behalf of the Director - Public Protection and Licensing.

Annex 1 – Mandatory conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.

7. The responsible person must ensure that—

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

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

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

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

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

Where -

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

- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv).
- (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
 - (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the operating Schedule

9. No noise shall emanate from the premises not vibration be transmitted through the structure of the premises which gives rise to a nuisance.
10. Customers temporarily leaving the premises to smoke will not be allowed to take drinks outside with them.
11. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
12. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.
13. 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.
14. The premises shall only operate as a restaurant which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery, and where intoxicating liquor shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of intoxicating liquor by such persons is ancillary to taking such meals.
15. The supply of alcohol shall be by waiter or waitress service and to seated persons only.
16. All sales of alcohol for consumption off the premises shall be restricted to wine, shall be in sealed containers only and shall not be consumed on the premises.
17. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.
18. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system or searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
19. A proof of age scheme, such as Challenge (21/25), shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.

20. There shall be no self service of spirits on the premises.
21. No supply of draught beer.
22. The highway and public spaces in the vicinity of the premises are kept free of litter from the premises at all material times to the satisfaction of the council.
23. All waste is to be properly presented and placed out for collect no earlier than 30 minutes before the scheduled collection times.
24. There shall be no deliveries to the premises or rubbish collection from the premises between 20:00 and 07:00.
25. The maximum number of persons permitted in the premises at any one time (excluding staff) shall not exceed:
 - ' Ground Floor 44 persons (excluding retail area)
 - ' Ground Floor external area 20 persons.
26. Outside tables and chairs shall be removed by 21.00 hours on Monday to Saturday and 19:00 on Sunday.
27. There shall be no striptease or nudity, and all persons shall be decently attired at all times.
28. No entertainment, performance, service, or exhibition involving nudity or sexual stimulation which would come within the definition of a sex establishment in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Greater London Council (General Powers) Act 1986 (whether or not locally adopted), shall be provided.
29. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
30. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
31. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, is swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
32. Seasonal timings for the sale of alcohol and opening hours shall be from end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day.

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

None



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

Schedule 12
Part B

WARD: Hyde Park
UPRN: 100023478627

Premises licence
summary

Regulation 33, 34

Premises licence number:

19/13709/LIPCH

Part 1 – Premises details

Postal address of premises:

Le Pain Quotidien
30-31 Kendal Street
London
W2 2AW

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Sale by Retail of Alcohol

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

Sale by Retail of Alcohol

Monday to Saturday: 11:00 to 20:30
Sunday: 11:00 to 18:30

Non-standard Timings: See condition 32

The opening hours of the premises:

Monday to Saturday: 08:00 to 21:00
Sunday: 08:00 to 19:00

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

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

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

Le Pain Quotidien Ltd
28-33 Little Russell Street
London

WC1 2HN

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

5140197

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

Name: Lucia Basile

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

Date: 23 October 2019

This licence has been authorised by Jessica Donovan on behalf of the Director - Public Protection and Licensing.

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
11/11737/LIPN	New premises licence	25.01.2012	Granted under delegated authority
12/02296/LIPDPS	Variation of designated premises supervisor	05.04.2012	Granted under delegated authority
14/02427/LIPDPS	Variation of designated premises supervisor	29.04.2014	Granted under delegated authority
14/10525/LIPDPS	Variation of designated premises supervisor	15.01.2015	Granted under delegated authority
16/10856/LIPDPS	Variation of designated premises supervisor	31.01.2017	Granted under delegated authority
17/08974/LIPDPS	Variation of designated premises supervisor	14.09.2017	Granted under delegated authority
17/11412/LIPDPS	Variation of designated premises supervisor	26.10.2017	Granted under delegated authority
18/11264/LIPDPS	Variation of designated premises supervisor	09.10.2018	Granted under delegated authority
19/00472/LIPCH	Change of details	14.01.2019	Granted under delegated authority
19/01525/LIPDPS	Variation of designated premises supervisor	21.10.2019	Granted under delegated authority
19/13709/LIPCH	Change of details	23.10.2019	Granted under delegated authority

The premises licence lapsed in June 2020

There is no appeal history

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

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

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

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

Mandatory Conditions

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

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

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

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

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

Conditions consistent with the operating schedule

9. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
10. Customers temporarily leaving the premises to smoke will not be allowed to take drinks outside with them.
11. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
12. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.
13. 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.
14. The supply of alcohol shall be by waiter or waitress service and to seated persons only.
15. All sales of alcohol for consumption off the premises shall be restricted to wine, shall be in sealed containers only and shall not be consumed on the premises.
16. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.
17. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system or searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
18. A proof of age scheme, such as Challenge (21/25), shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.
19. There shall be no self service of spirits on the premises.
20. No supply of draught beer.
21. The highway and public spaces in the vicinity of the premises are kept free of litter from the premises at all material times to the satisfaction of the council.

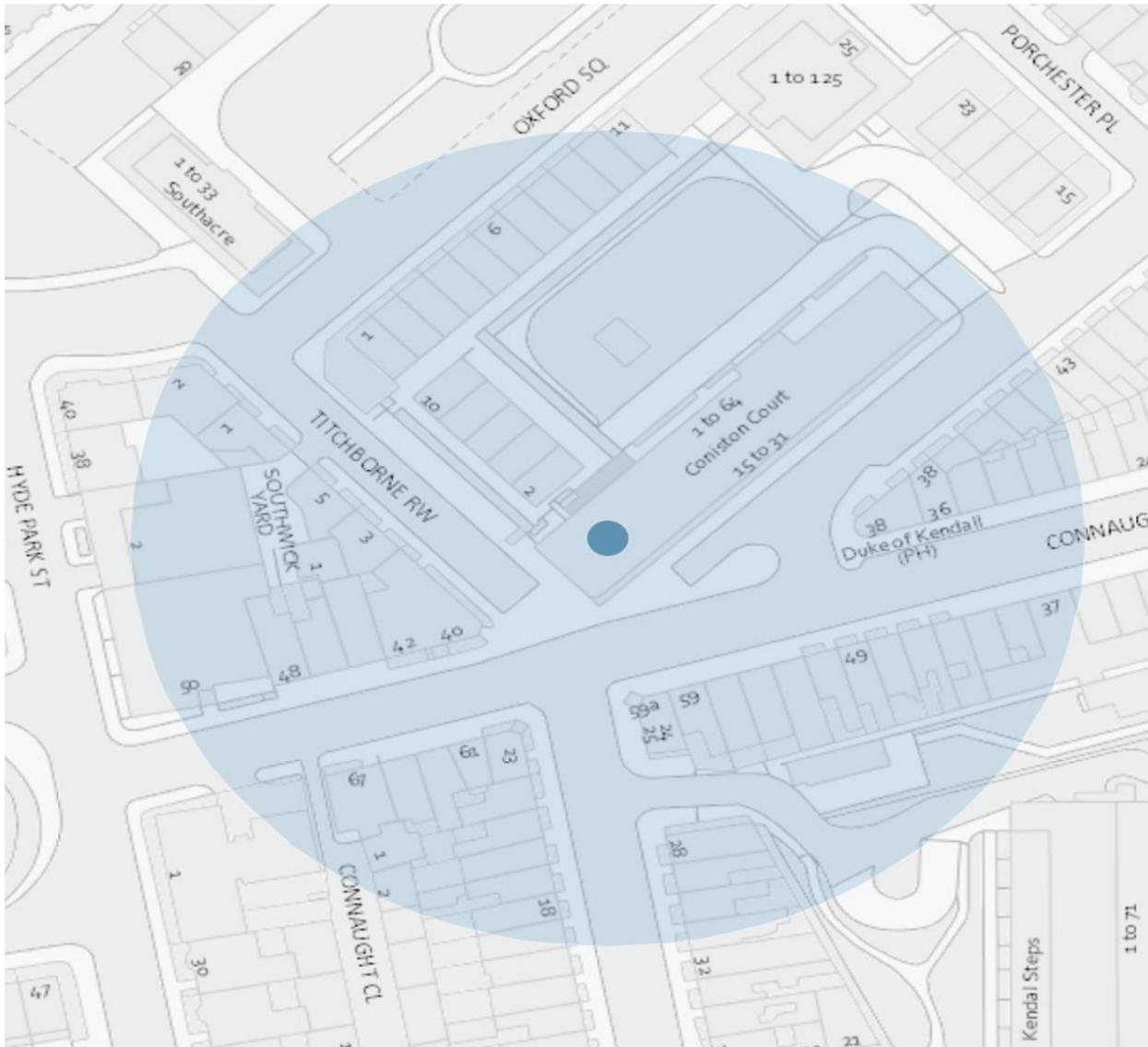
22. All waste is to be properly presented and placed out for collect no earlier than 30 minutes before the scheduled collection times.
23. There shall be no deliveries to the premises or rubbish collection from the premises between 20:00 and 07:00.
24. The maximum number of persons permitted in the premises at any one time (excluding staff) shall not exceed:
Ground Floor 44 persons (excluding retail area)
25. Outside tables and chairs shall be removed by 21.00 hours on Monday to Saturday and 19:00 on Sunday.
26. There shall be no striptease or nudity, and all persons shall be decently attired at all times.
27. No entertainment, performance, service, or exhibition involving nudity or sexual stimulation which would come within the definition of a sex establishment in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Greater London Council (General Powers) Act 1986 (whether or not locally adopted), shall be provided.
28. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
29. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
30. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, is swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
31. Seasonal timings for the sale of alcohol and opening hours shall be from end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day

Conditions proposed by the Interested Party and agreed by the applicant so as to form part of the operating schedule

32. No collections of waste or recycling materials (including bottles) from the premises shall take place between 07:00 and 20:00 on.

Conditions proposed by the Interested Party

33. The premises shall only operate as a restaurant which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery, and where intoxicating liquor shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of intoxicating liquor by such persons is ancillary to taking such meals.



Resident Count:223

Licensed premises within 75m of 30-31 Kendal Street, W2				
Licence Number	Trading Name	Address	Premises Type	Time Period
20/01174/LIPN	Not Recorded	59 Connaught Street London W2 2BB	Cafe	Monday; 07:00 - 22:00 Tuesday; 07:00 - 22:00 Wednesday; 07:00 - 22:00 Thursday; 07:00 - 22:00 Friday; 07:00 - 22:00 Saturday; 07:00 - 22:00 Sunday; 07:00

				- 21:00
17/11027/LIPV	Abasto	55-57 Connaught Street London W2 2BB	Shop	Not Recorded; XXXX - XXXX
10/05240/LIPT	Prewett Miller	Ground Floor East 53 Connaught Street London W2 2BB	Restaurant	Monday to Saturday; 08:00 - 23:00 Sunday; 10:00 - 22:30
19/16526/LIPV	Duke Of Kendal	38 Connaught Street London W2 2AF	Pub or pub restaurant with lodge	Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sunday; 12:00 - 23:00 Sundays before Bank Holidays; 12:00 - 00:00
17/14854/LIPDPS	Kurobuta	17-20 Kendal Street London W2 2AW	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
15/07380/LIPV	Stuzzico	24 Kendal Street London W2 2AW	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
06/11660/WCCMAP	Crispins	26-28 Kendal Street London W2 2AW	Shop	Monday to Saturday; 08:00 - 23:00 Sunday; 10:00 - 22:30
06/11561/WCCMAP	Le Chef	41 Connaught Street London W2 2BB	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
06/05640/WCCMAP	Bombay Palace	50 Connaught Street London W2 2AA	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00

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