

Hi Jess,
Will do.



City of Westminster

Committee Agenda

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

Meeting Date: **Thursday, 25th March 2021**

Time: **10.00 am**

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

Members: **Councillors:**
Karen Scarborough (Chairman)
Louise Hyams
Maggie Carman

If you require further information, please contact the Committee Officer, Toby Howes, Senior Committee and Governance Officer.

Email: thowes@westminster.gov.uk

Tel: **07815 663854**

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.

Licensing Applications for Determination

1. 10.00 AM: 40 EASTBOURNE TERRACE, LONDON W2 6LG

Pages

5 - 38

Ward SCZ*	Site Name & Address	Application Type	Licensing Reference No.
Hyde Park N/A	40 Eastbourne Terrace London W2 6LG	New Premises Licence	20/11835/LIPN
* Special Consideration Zone			

2. 2.00 PM: NIKITA, 22 DAVIES, LONDON W1K 3DT

39 - 58

Ward SCZ *	Site Name & Address	Application Type	Licensing Reference No.
West End N/A	Nikita 22 Davies Street London W1K 3DT	New Premises Licence	20/11879/LIPN
* Special Consideration Zone			

Stuart Love
Chief Executive
18 March 2021

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.

This page is intentionally left blank

1. 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.

2. 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.

3. 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 **5.00 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 **12 noon, 3 working days** before the hearing is due to take place. The Licensing email address is: licensing@westminster.gov.uk

4. Rules During Licensing Hearings

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

- 4.1. 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.
- 4.2. 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.
- 4.3. All parties must only address the hearing when invited to do so by the Chairman.
- 4.4. All parties must keep their microphones on mute unless they are speaking. The Chairman has the ability to mute all parties’ microphones.

- 4.5. 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.
- 4.6. All parties are asked to keep their comments as succinct as possible.
- 4.7. 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.
- 4.8. 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.
- 4.9. 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.
- 4.10. When referring to the hearing papers, participants should give the page and paragraph number when appropriate.
- 4.11. The Chairman has the discretion to amend these rules in any given case where they consider it is appropriate to do so.

5. Procedure

- 5.1. 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.
- 5.2. The Chairman will confirm the procedure that the hearing will follow.
- 5.3. The Sub-Committee members and officers will be asked to declare any interests they may have and any other procedural business will be transacted.
- 5.4. 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
- 5.5. 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.
- 5.6. 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
- 5.7. 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.

- 5.8. 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.
- 5.9. 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
- 5.10. 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.
- 5.11. 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: 14 January 2021

This page is intentionally left blank



City of Westminster

Licensing Sub-Committee Report

Item No:

Date:

25 March 2021

Licensing Ref No:

20/11835/LIPN - New Premises Licence

Title of Report:

40 Eastbourne Terrace
London
W2 6LG

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:

Karyn Abbott
Licensing Officer

Contact details

Telephone: 07866 019698
Email: kabbott@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	18 December 2020		
Applicant:	Whitbread Group Plc		
Premises address:	40 Eastbourne Terrace London W2 6LG	Ward:	Hyde Park
		Cumulative Impact Area:	None
		Special Consideration Zone:	None
Premises description:	According to the application form, the premises proposes to operate as hotel accommodation with associated food and beverage facilities.		
Premises licence history:	This is a new premises licence application and therefore no premises licence history exists.		
Applicant submissions:	The applicant has provided updated plans which can be found in appendix 1.		
Applicant amendments:	On original submission of the application, the hours applied for opening hours to the public were Monday to Thursday 06:00 to 00:00, Friday to Saturday 06:00 to 00:30 and Sunday 06:00 to 23:00. These hours have since been amended and are reflected in 1-B of the report.		

1-B Proposed licensable activities and hours							
Films:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	12:00
End:	23:30	23:30	23:30	23:30	00:00	00:00	22:30
Seasonal variations/ Non-standard timings:		To extend the licensing hours on New Year's Eve: 10:00 to 24:00 New Years Day / 2nd January.					
		The premises shall remain open to permit the sale of alcohol to hotel residents 24 hours a day.					

Late Night Refreshment:				Indoors, outdoors or both			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	N/A
End:	23:30	23:30	23:30	23:30	00:00	00:00	N/A
Seasonal variations/ Non-standard timings:		23:00 New Years Eve to 05:00 1st January.					

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

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	07:00	07:00	07:00	07:00	07:00	07:00	07:00
End:	00:00	00:00	00:00	00:00	00:30	00:30	23:00
Seasonal variations/ Non-standard timings:			The premises shall remain open 24 hours a day for hotel residents.				
			From 06:00 New Year's Eve to 00:30 2nd January.				
Adult Entertainment:			None besides category C gaming machines the use of which is not permitted by persons under the age of 18.				

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Metropolitan Police
Representative:	PC Bryan Lewis
Received:	12 January 2021 (Withdrawn 22 February 2021)
<p>This is a Police objection to 40 Eastbourne Terrace. I don't have any serious concerns about this application. Just a couple of points to resolve.</p> <ul style="list-style-type: none"> • Can I please request the no drinks / glass outside model condition • Can you explain the request for the bar to remain open until midnight 2nd of January? as this is not standard • Will the bar close at the terminal hour for use by non-residents or will it continue to serve residents? Or is the 24 hours purely for room service / mini bar • Is there an entrance to the bar for the public from the street i.e. not via reception? <p>Many Thanks</p> <p>Conditions were agreed between the applicant and the Police. As a result, the Metropolitan Police Service as a responsible authority withdrew their representation on 22 February 2021. The agreed conditions can be found at Appendix 4.</p>	

Responsible Authority:	Environmental Health Service
Representative:	Anil Drayan
Received:	15 January 2021

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

The applicant has submitted the following plans of the premises:

- Lower and Upper Basement drawing no. 4457-L1-099, dated 9.12.20
- Ground floor - drawing no. 4457-L1-100, dated 9.12.20
- Floors 1-3 – drawing no. 40ET-SRA-XX-XX-DR-A-98-806, dated 31/10/18
- Floors 4 and 5 – drawing no. 40ET-SRA-XX-XX-DR-A-98-807, dated 31/10/18

The following licensable activities are being sought:

1. To provide for the Supply of Alcohol 'On' and 'Off' the premises between 10:00 and 23.30 Monday to Thursday, 10:00 to 00:00 hours Friday and Saturday and 12:00 to 22.30 Sunday. For Hotel residents 24 hours a day. Non-Standard timings: To extend the licensing hours on New Year's Eve: 10:00 to 24:00 New Year's Day / 2nd January.

2. Provision of Late-Night Refreshment 'Indoors' and 'Outdoors' between 23:00 and 23.30 Monday to Thursday and 23:00 to 00:00 hours Friday and Saturday. Non-Standard timings: 23:00 New Year's Eve to 05:00 1st January.

3. Provision of films, 'Indoors' between 10:00 and 23.30 Monday to Thursday, 10:00 to 00:00 hours Friday and Saturday and 12:00 to 22.30 Sunday. Non-Standard timings: To extend the licensing hours on New Year's Eve: 10:00 to 24:00 New Year's Day / 2nd January.

I wish to make the following representations based on the plans submitted and the supporting operating schedule:

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
2. The hours requested for and the provision of Late-Night Refreshment 'Indoors' and 'Outdoors' may lead to an increase in Public Nuisance in the area
3. The hours requested for and the provision of Films 'Indoors' may lead to an increase in Public Nuisance in the area

Environmental Health also makes the following comments:

- Some conditions and undertakings have been offered in the operating schedule and these are under consideration as to whether they are sufficient to allay Environmental Health concerns. Some of the undertakings will need to be converted to reflect Westminster's model wording for conditions so that they are enforceable.
- Further information is requested on how 'Off' sales of alcohol and the 'Outdoor' provision of Late-Night Refreshment will be managed
- It's unclear if the premises have already undergone refurbishment for the proposed use. The premises will in any case need to be inspected by Environmental Health for Public Safety prior to commencement of licensable activities.
- It is also not clear on the level of food provision 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 from the operation of any plant and machinery.

- The provision of sanitary accommodation for any proposed capacity is recommended to be in line with British Standard 6465.
- Since the application was submitted the Council has revised its Statement of Licensing Policy which is available on the Council's website at;
- https://www.westminster.gov.uk/sites/default/files/411_20_wcc_licensing_policy_document_007.pdf

One of the new requirements under the Policy is that licensed premises must demonstrate compliance with policy CH1 (see page 36). Free advice on this can be found at:

- https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/419604/What_to_do_if_you_re_worried_a_child_is_being_abused.pdf

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

2-B Other Persons			
Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	13 January 2021		
<p>[REDACTED] is the recognised Amenity Association for this part of Bayswater by Westminster City Council and the west side of Eastbourne Terrace where the hotel is proposed, falls within our remit.</p> <p>[REDACTED] wishes to lodge an objection to the above application on the grounds of potential noise nuisance etc and public nuisance in the surrounding residential area, especially in Chilworth Mews, which backs onto the rear of the proposed hotel.</p> <p>There is also potential for crime and disorder matters in the area.</p> <p>We are at present objecting to a similar hotel Premises Licence application in North Wharf Road W2, which has been submitted by the same applicant and has yet to be determined.</p> <p>We have been led to understand that Whitbread were going to operate two distinct separate hotels using the two hotel entrances in Eastbourne Terrace, the new entrance is just in from junction Chilworth Street.</p> <p>This is not fully clear in application so clarification would be appreciated.</p> <p>We assume all coaches and taxis etc will be using entrances in Eastbourne Terrace and no dropping off and no waiting in the adjoining streets (Chilworth Street and Chilworth Mews).</p> <p>We also trust coaches and taxis etc will not 'wait up' in the busy Eastbourne Terrace.</p> <p>Our main concern on this application is the potential detrimental effect on the residents in the general vicinity.</p> <p>We also have serious concerns on the effect on the residents who live in the houses in</p>			

Chilworth Mews, as the mews backs onto the proposed hotel at 40 Eastbourne Terrace.

Of particular concern are the hours and potential noise caused by the deliveries and collections and refuse & recycling collections, to and from the hotel.

We understand that all servicing will take place at rear of the hotel in Chilworth Mews, in a dedicated covered by loading bay approximately in the middle of the mews.

The Planning Consent for the hotel dated 1 November 2019, under Condition 18 states:

'All servicing must take place between 07.00 - 20.00 on Monday to Saturday and 10.00 to 16.00 Sundays and Bank Holidays. Servicing includes loading and unloading goods from vehicles.'

We also have concerns of staff (and hotel guests) arriving or leaving hotel at the rear, particularly in the evening and night causing noise etc nuisance to the residents in Chilworth Mews, whether by foot, cyclists, motor cycles/scooters or being collected by taxi or likes of Uber etc.

Also we do not want hotel staff, hotel guests and visitors using the hotel to be smoking / using mobile phones etc or congregating at the rear of hotel or in the dedicated hotel parking area in the mews.

Under Condition 27 of the planning consent dated 1 July 2019, it states only staff with cycles or guests using the DDA parking spaces at the rear should use the Chilworth Mews access. We would like a condition to that effect on the licence.

The planning consent also has a condition (No 32) which restricts the use of reversing 'bleepers' in the mews, which would be extremely disturbing for residents. The applicant should make the same commitment on the Premises licence.

We also require details of where the 'no smoking area' is to be situated for hotel guests, other guests and staff - which we assume will have to be at the front of the hotel, so as not to effect local residents in the adjacent Chilworth Street, Chilworth Mews and Eastbourne Mews.

We assume there will be a condition not to allow drinks to be taken or consumed outside the hotel.

We object to the request for thirty minute extension, passed the hours applied for, as this could cause nuisance in the area after midnight.

We note on application it states hours of opening to non-hotel guest as starting at 6am. We wish this to be amended to 7am to be same as the planning consent which states under condition No 28B of planning consent dated 1 November 2019 which states:

'The restaurant shall not be open to members of the public (Non - Hotel guests) between Midnight and 7am daily.'

We require a condition that sale of alcohol to non-guests to hotel, that alcohol will be ancillary to the taking of substantial food with persons to be seated with table service.

On the 'Off Sales, part of application, we trust normal conditions will apply, including no sale of beer or cider with an APV of more than 5.5% alcohol.

At the rear we require that the doors and windows on the ground floor are kept closed at all times (as conditioned in the planning permission granted for the building to be a hotel, from its

previous use as an office block, where Conditions N27 & No 28A of planning approval for the hotel dated 1 November 2019, states.

'The doors and windows to the ground floor rear elevation of the restaurant facing Chilworth Mews shall not be opened or used, except in the case of an emergency.'

As always, [REDACTED] is willing to meet up or have a virtual telephone call, with the applicant in order to discuss our genuine concerns.

[REDACTED] are content for this objection, and our contact details, to be forwarded to the applicant.

We look forward to hearing from you and applicant in due course.

Name:	[REDACTED]		
Address and/or Residents Association:	[REDACTED] [REDACTED]		
Status:	Valid	In support or opposed:	Opposed
Received:	14 January 2021		

I object to this application. Requests in this Licensing Application must be consistent with the permissions provided for the 40 Eastbourne Terrace development as follows:

- o type of hotel, (a mid market hotel was the description given to the Committee. This is inconsistent with Whitbread's own description of it's Premier Inns and residents feel that the market point is significant in our area);;
- o the location of the dining room and kitchen areas, (these appear to have migrated to the Chilworth Mews side of of the building. The details of venting are contrary to what was approved);
- o the number of exit doors into Chilworth Mews and conditions on their use, (this licensing Application shows 2 additional exit doors in Chilworth Mews, which contradicts the original permission);
- o public and staff entry and exits, smoking areas, drop-off,waiting and collection points, (these are not allowed in Chilworth Mews in the permissions for 40 Eastbourne Terrace. This must be explicitly cited on any agreed Licensing for this location).

Name:	[REDACTED]		
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]		
Status:	Valid	In support or opposed:	Opposed
Received:	14 January 2021		

I am writing to object to this application.

The current permission for 40 Eastbourne Terrace does not include selling alcohol to the general public. Having a public licensed premises at 40 Eastbourne Terrace would create additional noise and disruption to those living in the area, in particular residents of Chilworth Mews, as the mews backs onto the proposed hotel at 40 Eastbourne Terrace. It would have a similarly seriously detrimental effect on all residents in the general vicinity.

The potential for large crowds congregating in the Mews and for general antisocial behaviour is obvious, especially as the proposed licensing hours fall outside regular pub hours, therefore becoming an instant magnet for additional (drunken) last orders. The extra footfall will inevitably cause noise and disruption at antisocial hours, a rise in potential crime and disorder in the area, and will no doubt generate additional rubbish and fouling of the Mews.

I am extremely concerned about the hours and potential noise caused by the bar's deliveries and refuse /recycling collection arrangements to and from the hotel. I am also extremely concerned about the flow of taxis/uber traffic delivering customers to and from the bar, and the waiting for customers at pick ups and drop offs.

Finally, it is entirely unjust and contrary to the requirements in Regulation 25 of the Licensing Act (2003) that notification of this Application has not been provided to residents and houseowners.

Any requests in this Licensing Application must be consistent with the permissions provided for the 40 Eastbourne Terrace development; in particular that public and staff entry and exits, smoking areas, drop-off, waiting and collection points are not allowed in Chilworth Mews. This must be explicitly cited on any agreed Licensing for this location were it to go ahead.

I strongly object to this proposal.

Name:	[REDACTED]		
Address and/or Residents Association:	[REDACTED] [REDACTED]		
Status:	Valid	In support or opposed:	Opposed
Received:	14 January 2021		

I understand the tennant of 40 Eastbourne Terrace, is seeking an extnension on its liscence to include selling alcohol to the general public.

I would like to raise my objection, particularly the noise generated from deliveries, refuse, taxi's and inhebriated customers spilling onto the residential streets of Chilworth Street and Eastbourne Mews.

Name:	[REDACTED]		
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]		
Status:	Valid	In support or opposed:	Opposed
Received:	14 January 2021		

Dear Committee,

I am a resident of [REDACTED]. I wish to object in the strongest terms to the licencing of the sale of alcohol to the general public from the hotel planned for this site. The planning decision already recognised that the deleveries to the hotel was under considered and was passed without acknowledging the full impact of the trucks on our lives and safety..they will have to make a two to three point turn into the delievery space.. which blocks our cars and deleveries and our safety if we walk out of our homes, or the safety of our visitors. The noise and traffic increase will disrupt my practice with venerable people, and effect my ability to open my windows for fresh air. It will turn a quite Mews into an even more untenable environment and potentially attract even more drug deals..which already occur in the night, young people smoking dope in the Mews, and create the potential for even more anti-social behaviour. The hours requested mean that at no time in the week can we, as residents, enjoy the absence of continuous traffic, both commercial and now private taxis and private cars parking on the yellow lines in the Mews from Sat mid day to all day and all night on Sunday Thank you, [REDACTED]. This is totally unacceptable interference with the expectations of normal life and ones right to safety, fresh air and community. I would request you look at the original and the further investigations held by the council and take particular note of the regrets expressed that even the first planning for deleveries was not properly thought through.. The suggestion for a turntable to be installed to facilitate just the traffic from the office building and the hotel alone was disregarded, as the developers lied about the volume expected to occur. NOW there can be no

illusion that this Mews will be over run all week and at all hours if this licence is granted. Thank you

Name:

[REDACTED]

Address and/or Residents Association:

[REDACTED]
[REDACTED]
[REDACTED]

Status:

Valid

In support or opposed:

Opposed

Received:

14 January 2021

I strongly object to this application.

I am a resident in Chilworth Mews which backs on to 40 Eastbourne Terrace. Our Mews is entirely residential and a licenced premises at 40 Eastbourne Terrace will create unacceptable noise and disruption from the additional deliveries and refuse collection. Also, it will create nuisance and loss of amenity through taxis/Uber customer drop off/pick up and waiting, the potential for large crowds congregating and will encourage antisocial behaviour in our residential road.

Please protect our local neighbourhood and do not approve this application.

Dear Westminster Licensing,

Reference Number: 20/11835/LIPN, 40 Eastbourne Terrace.

I **object** to this application.

I live within 25 meters of this development and was not sent notification of this Application, nor are there any Application signs displayed within 50 meters of my property, [REDACTED] that can be read without trespassing significantly into private land.

I find it entirely unjust and contrary to the requirements in in Regulation 25 of the Licensing Act (2003) that notification of this Application has not been provided to me in reasonable time for me to consider and respond with detailed information and cross references to the related permissions for 40/50 Eastbourne Terrace.

The recent planning permissions for 40/50 Eastbourne Terrace transforms the residential road of Chilworth Mews into a service road for 40/50 Eastbourne Terrace; but this has only been agreed by Westminster Council with significant restrictions as part and parcel of that permission.

It would seem reasonable and just that this Application is reviewed in light of the 40/50 Eastbourne Terrace's granted planning permission and that any permitted Applications attached to this site should detail and adhere to all conditions attached to the commercial development at 40/50 Eastbourne Terrace.

Specifically, requests in this Licensing Application must be consistent with the permissions provided for the 40 Eastbourne Terrace development as follows:

- type of hotel, (a mid market hotel was the description given to the Committee. This is inconsistent with Whitbread's own description of it's Premier Inns and residents feel that the market point is significant in our area);
- the number of bedrooms, (these have increased beyond what was approved in the planning permission for this site without consultation);
- the location of bedrooms, (a substantial number of additional bedrooms now appear to be overlooking resident's houses in Chilworth Mews, this will have a substantial impact on our amenity and this change is not reasonable without consultation);
- the location of the dining room and kitchen areas, (these appear to have migrated to the

Chilworth Mews side of of the building. The details of venting are contrary to what was approved);

- the number of exit doors into Chilworth Mews and conditions on their use, (this licensing Application shows 2 additional exit doors in Chilworth Mews, which contradicts the original permission);
- the ventilation for the building; (it was previously agreed that no windows or vents should be permitted in the residential road of Chilworth Mews;
- public and staff entry and exits, smoking areas, drop-off, waiting and collection points, (these are not allowed in Chilworth Mews in the permissions for 40 Eastbourne Terrace. This must be explicitly cited on any agreed Licensing for this location).

Residents are extremely grateful to the Council for the conditions imposed on 40/50 planning permission and servicing arrangements. These must be explicitly ensured in any license for this development/.

Residents agree with and are grateful also to the objection and suggestions from SEBRA, our only notification of this license.

Notwithstanding, we are keen to engage with the Council and the Applicant to establish a mutually beneficial development.

Can residents please meet with the proposers prior to the approval of this Application to discuss the ramifications before any approvals are agreed?

Name:	[REDACTED]		
Address and/or Residents Association:	[REDACTED] [REDACTED]		
Status:	Valid	In support or opposed:	Opposed
Received:	14 January 2021		

I understand that the current permission does NOT include selling alcohol to the general public.

I am concerned that should permission be granted, for alcohol to be sold to the general public at a bar, and not with a substantial meal . It would cause additional disruption and noise for the residents of Chilworth Mews.

This would arise not only from people parking in the Mews in order to access the hotel bar, but also from additional deliveries and refuse collection.

So I really object to this permission being granted. And refer you to :-

a letter from [REDACTED]. In which he sets out very clearly all the objections and Additional letters from other Residents.

Name:	[REDACTED]		
Address and/or Residents Association	[REDACTED] [REDACTED]		
Status:	Valid	In support of opposed:	Opposed
Received:	15 January 2021		

Dear Westminster Licensing,

Reference Number: 20/11835/LIPN, 40 Eastbourne Terrace.

I object to this application, along with others who live in [REDACTED] I live opposite this

development and was not sent notification of this Application, nor are there any Application signs displayed within 50 meters of my property, (Chilworth Mews), that can be read without trespassing significantly into private land.

I find it entirely unjust and contrary to the requirements in in Regulation 25 of the Licensing Act (2003) that notification of this Application has not been provided to me in reasonable time for me to consider and respond with detailed information and cross references to the related permissions for 40/50 Eastbourne Terrace.

The recent planning permissions for 40/50 Eastbourne Terrace transforms the residential road of Chilworth Mews into a service road for 40/50 Eastbourne Terrace; but this has only been agreed by Westminster Council with significant restrictions as part and parcel of that permission. It would seem reasonable and just that this Application is reviewed in light of the 40/50 Eastbourne Terrace's granted planning permission and that any permitted Applications attached to this site should detail and adhere to all conditions attached to the commercial development at 40/50 Eastbourne Terrace.

Specifically, requests in this Licensing Application must be consistent with the permissions provided for the 40 Eastbourne Terrace development as follows:

- type of hotel, (a mid market hotel was the description given to the Committee. This is inconsistent with Whitbread's own description of it's Premier Inns and residents feel that the market point is significant in our area);
- the number of bedrooms, (these have increased beyond what was approved in the planning permission for this site without consultation);
- the location of bedrooms, (a substantial number of additional bedrooms now appear to be overlooking resident's houses in Chilworth Mews, this will have a substantial impact on our amenity and this change is not reasonable without consultation);
- the location of the dining room and kitchen areas, (these appear to have migrated to the Chilworth Mews side of of the building. The details of venting are contrary to what was approved);
- the number of exit doors into Chilworth Mews and conditions on their use, (this licensing Application shows 2 additional exit doors in Chilworth Mews, which contradicts the original permission);
- the ventilation for the building; (it was previously agreed that no windows or vents should be permitted in the residential road of Chilworth Mews;
- public and staff entry and exits, smoking areas, drop-off, waiting and collection points, (these are not allowed in Chilworth Mews in the permissions for 40 Eastbourne Terrace. This must be explicitly cited on any agreed Licensing for this location).

Residents are extremely grateful to the Council for the conditions imposed on 40/50 planning permission and servicing arrangements. These must be explicitly ensured in any license for this development. Residents agree with and are grateful also to the objection and suggestions from SEBRA, our only notification of this license. Notwithstanding, we are keen to engage with the Council and the Applicant to establish a mutually beneficial development.

Can residents please meet with the proposers prior to the approval of this Application to discuss the ramifications before any approvals are agreed?

Name:		[REDACTED]	
Address and/or Residents Association		[REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	15 January 2021		

To whom it may concern,

I am a resident of [REDACTED] I strongly object to the application regarding the sale of alcohol on and off premises for non hotel residents. We are a small, residential mews and this premises will cause a high level of traffic and noise within our mews area. There will also be possible loitering in the area opposite our family houses.

Please protect our residential mews and do not approve this application. Regards

Name:		[REDACTED]	
Address and/or Residents Association		[REDACTED] [REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	15 January 2021		

Dear Westminster Licensing,

Reference Number: [20/11835](#)/LIPN, 40 Eastbourne Terrace.

I **object** to this application.

My property is sited within 50 meters of this development and was not sent notification of this Application, nor are there any Application signs displayed within 50 meters of my property, [REDACTED] that can be read without trespassing significantly into private land.

I find it entirely unjust and contrary to the requirements in in Regulation 25 of the Licensing Act (2003) that notification of this Application has not been provided to me in reasonable time for me to consider and respond with detailed information and cross references to the related permissions for 40/50 Eastbourne Terrace.

The recent planning permissions for 40/50 Eastbourne Terrace transforms the residential road of Chilworth Mews into a service road for 40/50 Eastbourne Terrace; but this has only been agreed by Westminster Council with significant restrictions as part and parcel of that permission.

It would seem reasonable and just that this Application is reviewed in light of the 40/50 Eastbourne Terrace's granted planning permission and that any permitted Applications attached to this site should detail and adhere to all conditions attached to the commercial development at 40/50 Eastbourne Terrace.

Specifically, requests in this Licensing Application must be consistent with the permissions provided for the 40 Eastbourne Terrace development as follows:

- type of hotel, (a mid market hotel was the description given to the Committee. This is inconsistent with Whitbread's own description of it's Premier Inns and residents feel that the market point is significant in our area);

- the number of bedrooms, (these have increased beyond what was approved in the planning permission for this site without consultation);
- the location of bedrooms, (a substantial number of additional bedrooms now appear to be overlooking resident's houses in Chilworth Mews, this will have a substantial impact on our amenity and this change is not reasonable without consultation);
- the location of the dining room and kitchen areas, (these appear to have migrated to the Chilworth Mews side of of the building. The details of venting are contrary to what was approved);
- the number of exit doors into Chilworth Mews and conditions on their use, (this licensing Application shows 2 additional exit doors in Chilworth Mews, which contradicts the original permission);
- the ventilation for the building; (it was previously agreed that no windows or vents should be permitted in the residential road of Chilworth Mews;
- public and staff entry and exits, smoking areas, drop-off,waiting and collection points, (these are not allowed in Chilworth Mews in the permissions for 40 Eastbourne Terrace. This must be explicitly cited on any agreed Licensing for this location).

Residents are extremely grateful to the Council for the conditions imposed on 40/50 planning permission nd servicing arrangements. These must be explicitly ensured in any license for this development/.

Residents agree with and are grateful also to the objection and suggestions from SEBRA, our only notification of this license.

Notwithstanding, we are keen to engage with the Council and the Applicant to establish a mutually beneficial development.

Can residents please meet with the proposers prior to the approval of this Application to discuss the ramifications before any approvals are agreed?

Name:		[REDACTED]	
Address and/or Residents Association		[REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	15 January 2021		

I am writing to object to this application.

The current permission for 40 Eastbourne Terrace does not include selling alcohol to the general public. Having a public licensed premises at 40 Eastbourne Terrace would create additional noise and disruption to those living in the area, in particular residents of Chilworth Mews, as the mews backs onto the proposed hotel at 40 Eastbourne Terrace. It would have a similarly seriously detrimental effect on all residents in the general vicinity. We live in [REDACTED] and these revellers would definitely also drink at night in our mews.

The potential for large crowds congregating in the Mews and for general antisocial behaviour is obvious, especially as the proposed licensing hours fall outside regular pub hours, therefore becoming an instant magnet for additional (drunken) last orders. The extra footfall will inevitably cause noise and disruption at antisocial hours, a rise in potential crime and disorder in the area, and will no doubt generate additional rubbish and fouling of the area.

Finally, it is entirely unjust and contrary to the requirements in Regulation 25 of the Licensing Act (2003) that notification of this Application has not been provided to residents and houseowners.

Any requests in this Licensing Application must be consistent with the permissions provided for

the 40 Eastbourne Terrace development; in particular that public and staff entry and exits, smoking areas, drop-off, waiting and collection points are not allowed in Chilworth Mews. This must be explicitly cited on any agreed Licensing for this location were it to go ahead.

I strongly object to this proposal.

Name:		[REDACTED]	
Address and/or Residents Association		[REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	15 January 2021		

Good afternoon,
I am writing to object to Whitbread's application for an alcohol license to non hotel residents. The hotel in itself represents a significant departure from what the area has been. It is the first commercial business open to the public on Eastbourne Terrace in decades.

Already, the situation of the entrances of the proposed hotel make it inevitable that the hotel will have a deleterious impact on Chilworth Street with increased traffic of all kinds at all times of the day.

The change away from the residential nature of Chilworth Street and Westbourne Terrace should in my view not be exacerbated further by now also allowing the area to become a bar open to anyone coming in and out of Paddington station.

Name:		[REDACTED]	
Address and/or Residents Association		[REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	15 January 2021		

I totally endorse the statements submitted by [REDACTED] regarding this application. I particularly object to Whitbread's license application to sell alcohol to non-hotel residents. Along with my neighbours in Chilworth Mews, Eastbourne Mews and Chilworth St., I am distressed by the prospect of increased pedestrian and vehicular traffic, noise, litter and general disruption to what is a remarkably peaceful residential community.

Please respect the fact that the location which looks likely to be your drop-off, delivery and refuse area opens onto our Front Doors!

Yours sincerely,

Name:		[REDACTED]	
Address and/or Residents Association		[REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	15 January 2021		

I object to the above application for the same reasons and basis set out in the email below from my immediate neighbour, [REDACTED]

I would stress that I too have not received notice from WCC of the application and only became aware of it upon receipt of a copy of said email.

Name:		[REDACTED]	
Address and/or Residents Association		[REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	15 January 2021		
<p>Westminster Licensing, Reference Number: 20/11835/LIPN, 40 Eastbourne Terrace. I also object to this application.</p> <p>Like [REDACTED], i didnt receive any letter and i can concur that there is no Applications signs close to my property which is odd as there are significant poles, lights and other fixing the application could have been applied too.</p> <p>My objection relates specifically to the inconsistencies between the original permissions granted for 40 Eastbourne Terrace and the licence application. As noted in other submissions that are a number of other quite major conditions that WCC insisted on when granting the permission to develop 40 Eastbourne Terrace and it seems only logical that these conditions should be mirrored in the licence application. Approving the licence application with these inconsistencies in place just does not make sense.</p>			

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy HRS1 applies	<p>A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:</p> <ol style="list-style-type: none"> 1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm. 2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation. 3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed. 4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises. 5. The proposed hours when any music, including incidental music, will be played. 6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises. 7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity. 8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at

	<p>night.</p> <p>9. The capacity of the premises. 10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation.</p> <p>11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.</p> <p>12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.</p> <p>13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.</p> <p>14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.</p> <p>C. For the purpose of Clauses A and B above, the Core Hours for this application for each premises use type as defined within this policy are:</p> <p>3. Hotels</p> <p>Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am. For the sale of alcohol to guests for consumption in hotel/guest rooms only: Anytime up to 24 hours.</p>
<p>Policy HOT1 applies</p>	<p>A. Applications outside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities being within the council's Core Hours Policy HRS1. 3. The sale by retail of alcohol, regulated entertainment and late-night refreshment must be an ancillary function to the primary purpose of the venue as a hotel. 4. The applicant has taken account of the Special Consideration Zone Policy SCZ1 if the premises are located within a designated zone. 5. The application and operation of the venue meeting the definition of a Hotel as per Clause C. <p>B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities are within the council's Core Hours Policy HRS1. 3. The sale by retail of alcohol, regulated entertainment and late-night refreshment must be an ancillary function

	<p>to the primary purpose of the venue as a hotel.</p> <p>4. The applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone.</p> <p>5. The application and operation of the venue meeting the definition of a Hotel as per Clause C.</p> <p>C. For the purposes of this policy a Hotel is defined as a premises that is primarily used as an establishment providing overnight accommodation for customers.</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, 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:	Karyn Abbott Licensing Officer
Contact:	Telephone: 07866 019698 Email: kabbott@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 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Metropolitan Police	12 January 2021
5	Environmental Health Service	15 January 2021
6	Representation 1	13 January 2021
7	Representation 2	14 January 2021
8	Representation 3	14 January 2021
9	Representation 4	14 January 2021
10	Representation 5	14 January 2021
11	Representation 6	14 January 2021
12	Representation 7	14 January 2021
13	Representation 8	15 January 2021
14	Representation 9	15 January 2021
15	Representation 10	15 January 2021
16	Representation 11	15 January 2021
17	Representation 12	15 January 2021
18	Representation 13	15 January 2021
19	Representation 14	15 January 2021
20	Representation 15	15 January 2021
21	Representation 16	15 January 2021



THIS DRAWING IS THE PROPERTY OF AXIOM ARCHITECTS AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF AXIOM ARCHITECTS.




AXIOM ARCHITECTS
 100 Abchurch Lane
 London EC4N 3DF
 Tel: +44 (0)20 7429 9000
 Fax: +44 (0)20 7429 9001
 Email: info@axiomarchitects.com
 Website: www.axiomarchitects.com

Project Name: [Redacted]
 Project No: [Redacted]
 Date: [Redacted]

4457-1-098

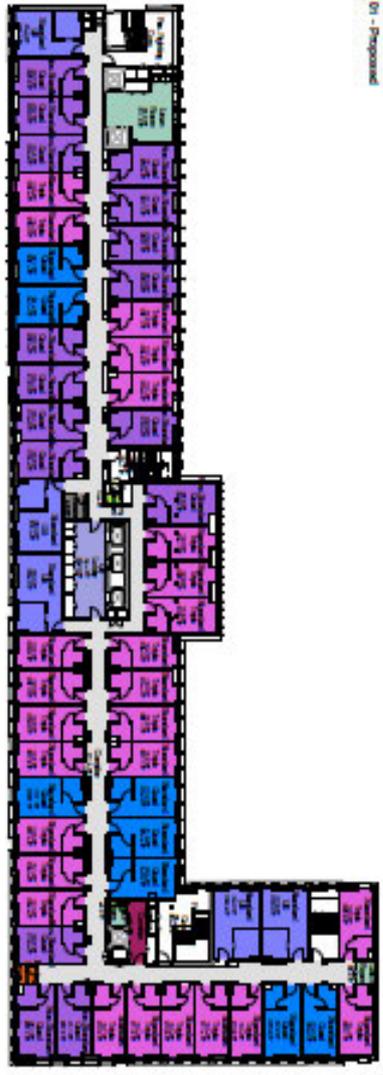


Level 01 - Proposed

Room No.	Area (sq ft)	Volume (cu ft)
101	1,200	36,000
102	1,200	36,000
103	1,200	36,000
104	1,200	36,000
105	1,200	36,000
106	1,200	36,000
107	1,200	36,000
108	1,200	36,000
109	1,200	36,000
110	1,200	36,000
111	1,200	36,000
112	1,200	36,000
113	1,200	36,000
114	1,200	36,000
115	1,200	36,000
116	1,200	36,000
117	1,200	36,000
118	1,200	36,000
119	1,200	36,000
120	1,200	36,000
121	1,200	36,000
122	1,200	36,000
123	1,200	36,000
124	1,200	36,000
125	1,200	36,000
126	1,200	36,000
127	1,200	36,000
128	1,200	36,000
129	1,200	36,000
130	1,200	36,000
131	1,200	36,000
132	1,200	36,000
133	1,200	36,000
134	1,200	36,000
135	1,200	36,000
136	1,200	36,000
137	1,200	36,000
138	1,200	36,000
139	1,200	36,000
140	1,200	36,000
141	1,200	36,000
142	1,200	36,000
143	1,200	36,000
144	1,200	36,000
145	1,200	36,000
146	1,200	36,000
147	1,200	36,000
148	1,200	36,000
149	1,200	36,000
150	1,200	36,000
151	1,200	36,000
152	1,200	36,000
153	1,200	36,000
154	1,200	36,000
155	1,200	36,000
156	1,200	36,000
157	1,200	36,000
158	1,200	36,000
159	1,200	36,000
160	1,200	36,000
161	1,200	36,000
162	1,200	36,000
163	1,200	36,000
164	1,200	36,000
165	1,200	36,000
166	1,200	36,000
167	1,200	36,000
168	1,200	36,000
169	1,200	36,000
170	1,200	36,000
171	1,200	36,000
172	1,200	36,000
173	1,200	36,000
174	1,200	36,000
175	1,200	36,000
176	1,200	36,000
177	1,200	36,000
178	1,200	36,000
179	1,200	36,000
180	1,200	36,000
181	1,200	36,000
182	1,200	36,000
183	1,200	36,000
184	1,200	36,000
185	1,200	36,000
186	1,200	36,000
187	1,200	36,000
188	1,200	36,000
189	1,200	36,000
190	1,200	36,000
191	1,200	36,000
192	1,200	36,000
193	1,200	36,000
194	1,200	36,000
195	1,200	36,000
196	1,200	36,000
197	1,200	36,000
198	1,200	36,000
199	1,200	36,000
200	1,200	36,000

Room No.	Area (sq ft)	Volume (cu ft)
201	1,200	36,000
202	1,200	36,000
203	1,200	36,000
204	1,200	36,000
205	1,200	36,000
206	1,200	36,000
207	1,200	36,000
208	1,200	36,000
209	1,200	36,000
210	1,200	36,000
211	1,200	36,000
212	1,200	36,000
213	1,200	36,000
214	1,200	36,000
215	1,200	36,000
216	1,200	36,000
217	1,200	36,000
218	1,200	36,000
219	1,200	36,000
220	1,200	36,000
221	1,200	36,000
222	1,200	36,000
223	1,200	36,000
224	1,200	36,000
225	1,200	36,000
226	1,200	36,000
227	1,200	36,000
228	1,200	36,000
229	1,200	36,000
230	1,200	36,000
231	1,200	36,000
232	1,200	36,000
233	1,200	36,000
234	1,200	36,000
235	1,200	36,000
236	1,200	36,000
237	1,200	36,000
238	1,200	36,000
239	1,200	36,000
240	1,200	36,000
241	1,200	36,000
242	1,200	36,000
243	1,200	36,000
244	1,200	36,000
245	1,200	36,000
246	1,200	36,000
247	1,200	36,000
248	1,200	36,000
249	1,200	36,000
250	1,200	36,000

Level 01 - Proposed
1:200



Level 02 - Proposed

Room No.	Area (sq ft)	Volume (cu ft)
301	1,200	36,000
302	1,200	36,000
303	1,200	36,000
304	1,200	36,000
305	1,200	36,000
306	1,200	36,000
307	1,200	36,000
308	1,200	36,000
309	1,200	36,000
310	1,200	36,000
311	1,200	36,000
312	1,200	36,000
313	1,200	36,000
314	1,200	36,000
315	1,200	36,000
316	1,200	36,000
317	1,200	36,000
318	1,200	36,000
319	1,200	36,000
320	1,200	36,000
321	1,200	36,000
322	1,200	36,000
323	1,200	36,000
324	1,200	36,000
325	1,200	36,000
326	1,200	36,000
327	1,200	36,000
328	1,200	36,000
329	1,200	36,000
330	1,200	36,000
331	1,200	36,000
332	1,200	36,000
333	1,200	36,000
334	1,200	36,000
335	1,200	36,000
336	1,200	36,000
337	1,200	36,000
338	1,200	36,000
339	1,200	36,000
340	1,200	36,000
341	1,200	36,000
342	1,200	36,000
343	1,200	36,000
344	1,200	36,000
345	1,200	36,000
346	1,200	36,000
347	1,200	36,000
348	1,200	36,000
349	1,200	36,000
350	1,200	36,000

Room No.	Area (sq ft)	Volume (cu ft)
351	1,200	36,000
352	1,200	36,000
353	1,200	36,000
354	1,200	36,000
355	1,200	36,000
356	1,200	36,000
357	1,200	36,000
358	1,200	36,000
359	1,200	36,000
360	1,200	36,000
361	1,200	36,000
362	1,200	36,000
363	1,200	36,000
364	1,200	36,000
365	1,200	36,000
366	1,200	36,000
367	1,200	36,000
368	1,200	36,000
369	1,200	36,000
370	1,200	36,000
371	1,200	36,000
372	1,200	36,000
373	1,200	36,000
374	1,200	36,000
375	1,200	36,000
376	1,200	36,000
377	1,200	36,000
378	1,200	36,000
379	1,200	36,000
380	1,200	36,000
381	1,200	36,000
382	1,200	36,000
383	1,200	36,000
384	1,200	36,000
385	1,200	36,000
386	1,200	36,000
387	1,200	36,000
388	1,200	36,000
389	1,200	36,000
390	1,200	36,000
391	1,200	36,000
392	1,200	36,000
393	1,200	36,000
394	1,200	36,000
395	1,200	36,000
396	1,200	36,000
397	1,200	36,000
398	1,200	36,000
399	1,200	36,000
400	1,200	36,000

Level 02 - Proposed
1:200

NOTES:
1. ALL ROOMS SHALL BE FINISHED TO THE STANDARD OF A CLASS A OFFICE BUILDING.
2. ALL ROOMS SHALL BE FINISHED TO THE STANDARD OF A CLASS A OFFICE BUILDING.
3. ALL ROOMS SHALL BE FINISHED TO THE STANDARD OF A CLASS A OFFICE BUILDING.
4. ALL ROOMS SHALL BE FINISHED TO THE STANDARD OF A CLASS A OFFICE BUILDING.
5. ALL ROOMS SHALL BE FINISHED TO THE STANDARD OF A CLASS A OFFICE BUILDING.
6. ALL ROOMS SHALL BE FINISHED TO THE STANDARD OF A CLASS A OFFICE BUILDING.
7. ALL ROOMS SHALL BE FINISHED TO THE STANDARD OF A CLASS A OFFICE BUILDING.
8. ALL ROOMS SHALL BE FINISHED TO THE STANDARD OF A CLASS A OFFICE BUILDING.
9. ALL ROOMS SHALL BE FINISHED TO THE STANDARD OF A CLASS A OFFICE BUILDING.
10. ALL ROOMS SHALL BE FINISHED TO THE STANDARD OF A CLASS A OFFICE BUILDING.

Room Type Legend:

- Office
- Conference Room
- Reception
- Storage
- Restroom
- Break Room
- Corridor
- Stairwell
- Elevator Lobby
- Service Area
- Storage Room
- Janitor Room
- Equipment Room
- Generator Room
- Control Room
- Server Room
- Telecom Room
- IT Room
- Security Office
- Security Control Room
- Security Storage
- Security Office
- Security Control Room
- Security Storage

Room No.	Area (sq ft)	Volume (cu ft)
401	1,200	36,000
402	1,200	36,000
403	1,200	36,000
404	1,200	36,000
405	1,200	36,000
406	1,200	36,000
407	1,200	36,000
408	1,200	36,000
409	1,200	36,000
410	1,200	36,000
411	1,200	36,000
412	1,200	36,000
413	1,200	36,000
414	1,200	36,000
415	1,200	36,000
416	1,200	36,000
417	1,200	36,000
418	1,200	36,000
419	1,200	36,000
420	1,200	36,000
421	1,200	36,000
422	1,200	36,000
423	1,200	36,000
424	1,200	36,000
425	1,200	36,000
426	1,200	36,000
427	1,200	36,000
428	1,200	36,000
429	1,200	36,000
430	1,200	36,000
431	1,200	36,000
432	1,200	36,000
433	1,200	36,000
434	1,200	36,000
435	1,200	36,000
436	1,200	36,000
437	1,200	36,000
438	1,200	36,000
439	1,200	36,000
440	1,200	36,000
441	1,200	36,000
442	1,200	36,000
443	1,200	36,000
444	1,200	36,000
445	1,200	36,000
446	1,200	36,000
447	1,200	36,000
448	1,200	36,000
449	1,200	36,000
450	1,200	36,000

SHEPPARD MORISON
 ARCHITECTS
 1000 WEST 10TH AVENUE, SUITE 1000
 DENVER, CO 80202
 TEL: 303.733.1000
 FAX: 303.733.1001
 WWW.SHEPPARDMORISON.COM

Applicant Supporting Documents

Appendix 2

None provided

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

Conditions consistent with the operating schedule

10. 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.
11. Staff will receive training on matters concerning underage sales, drugs policies and operating procedures to include safety, evacuation and use of emergency equipment as required.
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. 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.
18. 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.
19. There shall be no drinks promotions at the premises which are inconsistent with the need to promote responsible drinking.
20. 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.
21. Policies in relation to children shall be adequately communicated to patrons by staff or through appropriate signage.
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
 - (f) any visit by a relevant authority or emergency service.
23. To comply with the reasonable requirements of the fire officer from time to time.
 24. The premises will have adequate safety and fire fighting equipment, and such equipment will be maintained in good operational order.
 25. Spillages and breakages will be removed as soon as possible to reduce the risk to patrons and staff.
 26. Toughened glasses will be used in the premises where appropriate.
 27. Fire Exits and means of escape shall be kept clear and in good operational condition.
 28. 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.
 29. 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.
 30. Noise or vibration shall not emanate from the premises so as to cause a nuisance to nearby properties.
 31. Contact numbers for local taxi firm(s) shall be kept at the premises and made available to patrons requiring a taxi.
 32. 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.
 33. 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.
 34. There shall be adequate controls in place including staff training to safeguard against the sale of alcohol to persons under 18 years.
 35. 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.
 36. Policies in relation to children shall be adequately communicated to patrons by staff or through appropriate signage.
 37. The doors to the ground floor rear elevation of the building facing Chilworth Mews shall only be used by the following:
 - a. Guests staying overnight at the hotel with a valid blue or white badge only using one of the four DDA car parking spaces.
 - b. Staff Cyclists using one of the 28 long stay cycle spaces.
 - c. In the case of emergency.

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

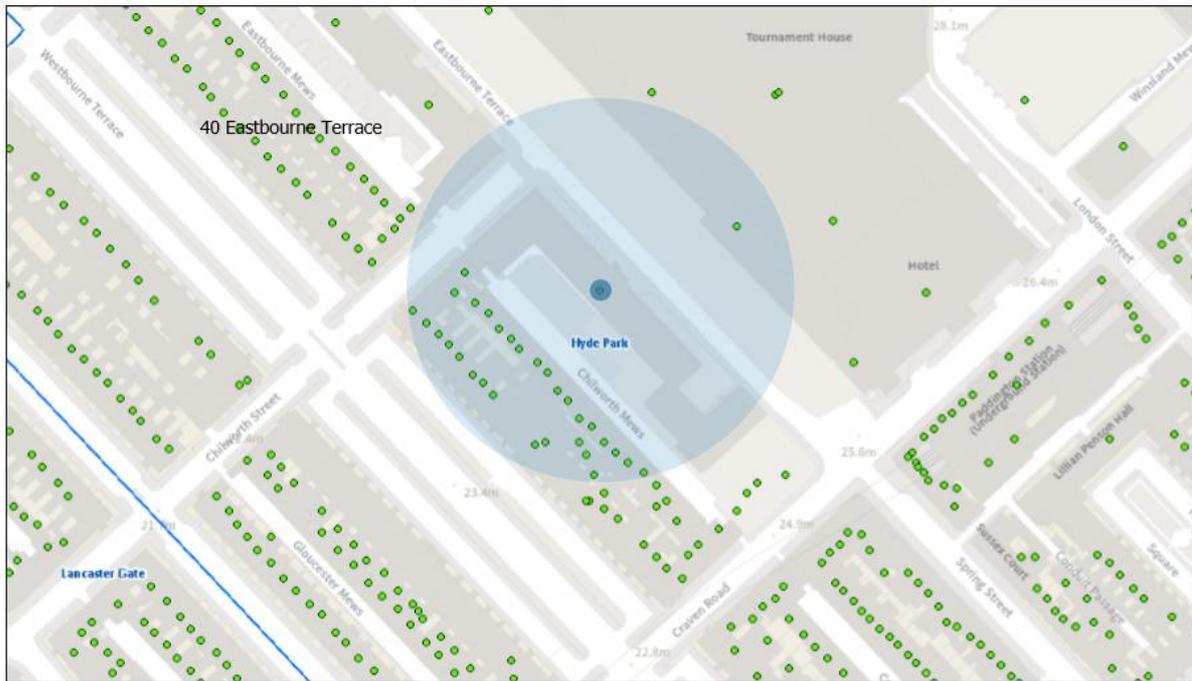
38. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as a hotel.
39. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
40. All outside tables and chairs shall be removed or rendered unusable by 23.00 each day.
41. 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.
42. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
43. All servicing must take place between 07:00-20:00 on Monday to Saturday and 10:00-16:00 in Sundays and Bank Holidays. Servicing included loading and unloading goods from vehicles.
44. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 21.00 hours and 07.00 hours on the following day unless it is carried out during the Council's own waste collection service times for the street as shown on the Council's website
45. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
46. No collections of waste or recycling materials (including bottles) from the premises shall take place between 21.00 and 07.00 on the following day unless it is carried out during the Council's own waste collection service times for the street as shown on the Council's website
47. The certificates listed below shall be made available to an authorised officer upon request;
 - a. Any permanent or temporary emergency lighting battery or system
 - b. Any permanent or temporary electrical installation
 - c. Any permanent or temporary emergency warning system
 - d. Any ceiling inspection
48. The layout of the ground floor licensed area shall be substantially laid out with tables and chairs as indicated on the Premises Licence plan.
49. The number of persons permitted in the premises on the ground floor at any one time (excluding staff) shall not exceed (X) persons (to be determined on clearance of 'works' condition but it shall not be more than 280 persons)
50. No licensable activities shall take place at the premises until the licensing authority are satisfied that the premises is constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association – Technical Standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health

Consultation Team, at which time this condition shall be removed from the licence by the licensing authority. If there are minor changes during the course of construction new plans shall be submitted to the licensing authority when requesting removal of this condition.

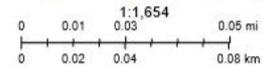
Conditions proposed by the Police and agreed by the applicant so as to form part of the operating schedule.

51. Sales of alcohol for consumption 'Off' the premises which are to be taken away from the hotel (i.e. not to be consumed by residents within the hotel) shall only be in sealed containers.
52. Sales of alcohol to non-residents for consumption 'Off' the premises shall cease at 23.00 hours on Monday to Saturday and 22.30 hours on Sunday.
53. 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. This condition shall not apply to customers remaining within the demise of an external seating area, provided by the premises.

40 Eastbourne Terrace



10/03/2021, 08:45:28



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

Resident Count = 107

Licensed premises within 75 metres of 40 Eastbourne Terrace

Licence Number	Trading Name	Address	Premises Type	Time Period
16/06141/LIPT	McDonald's Restaurants Ltd.	Macmillan House Paddington Station Praed Street London W2 1BA	Takeaway food outlet	Monday to Sunday; 05:00 - 01:00
18/08767/LIPVM	Chilworth Hotel	55 Westbourne Terrace London W2 3UZ	Hotel, 4+ star or major chain	Monday to Sunday; 00:00 - 00:00

This page is intentionally left blank

Item No:	
Date:	25 March 2021
Licensing Ref No:	20/11879/LIPN - New Premises Licence
Title of Report:	Nikita 22 Davies Street London W1K 3DT
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Michelle Steward Senior Licensing Officer
Contact details	Telephone: Email: msteward1@westminster.gov.uk

1.	Application		
1-A	Applicant and premises		
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	18 December 2020		
Applicant:	Goodkat Limited		
Premises:	Nikita		
Premises address:	22 Davies Street London W1K 3DT	Ward:	West End Ward
		Cumulative Impact Area:	None
		Special Consideration Zone:	None
Premises description:	According to the applicant, this is a new premises licence application for a workspace and catered lounge.		
Premises licence history:	This is a new premises licence application and no licence history exists for this address.		
Applicant submissions:	There are no submissions from the applicant		
Applicant amendments:	None		

1-B	Proposed licensable activities and hours						
Late Night Refreshment:				Indoors, outdoors or both			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	23:00
End:	02:00	02:00	02:00	02:00	02:00	02:00	02:00
Seasonal variations/ Non-standard timings:		All licensable activities shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. An additional hour to the standard and non-standard times on the day when British Summertime commences.					

Live and Recorded Music				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	10:00
End:	02:00	02:00	02:00	02:00	02:00	02:00	02:00
Seasonal variations/ Non-standard timings:		All licensable activities shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. An additional hour to the standard and non-standard times on the day when British Summertime commences.					

Sale by retail of alcohol				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	10:00
End:	01:30	01:30	01:30	01:30	01:30	01:30	01:30
Seasonal variations/ Non-standard timings:		All licensable activities shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. An additional hour to the standard and non-standard times on the day when British Summertime commences.					

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:	02:00	02:00	02:00	02:00	02:00	02:00	02:00
Seasonal variations/ Non-standard timings:		All licensable activities shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. An additional hour to the standard and non-standard times on the day when British Summertime commences.					

2.	Representations
2-A	Responsible Authorities
Responsible Authority:	Metropolitan Police Service (<i>Withdrawn 28 January 2021</i>)
Representative:	PC Dave Morgan
Received:	14 January 2021
<p>With reference to the above, I am writing to inform you that the Metropolitan Police service as a responsible Authority are objecting to this application as it is our belief that if granted, it would undermine the Licensing Objectives in relation to The Prevention of Crime and Disorder. Your client is seeking the following:</p> <ol style="list-style-type: none"> 1. To provide for the Supply of Alcohol 'On' and 'Off' the premises Monday to Sunday between 10.00 to 01.30 hours. 2. To provide Late Night Refreshment 'Indoors' and Outdoors Monday to Sunday between 23.00 to 02.00 hours. 3. To provide regulated entertainment 'indoors' comprising of <ul style="list-style-type: none"> •Live Music •Recorded Music Monday to Sunday between 10.00 to 02.00 hours. <p>The proposed hours are beyond Westminster Council's core hours and as such, there is a concern that this application may have an impact on the levels of crime and disorder in the area. To move forward, if possible, can you please send me a copy of the business plan with further information how the venue will operate and what dispersal plans are in place if any.</p> <p>Following the agreement of amending 2 proposed conditions by the applicant and an additional condition being added to the Operating Schedule the Metropolitan Police withdrew their representation on the 28 January 2021.</p>	

Responsible Authority:	Environmental Health
Representative:	Ian Watson
Received:	12 January 2021

I refer to the application for a New Premises Licence.

The applicant has submitted floor plans of the premises.

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

The applicant is seeking the following

1. To provide for the Supply of Alcohol 'On' and 'Off' the premises Monday to Sunday between 10.00 to 01.30 hours. New Year's Eve to New Year's Day. One extra hour for British Summer Time.

2. To provide Late Night Refreshment 'Indoors' and Outdoors Monday to Sunday between 23.00 to 02.00 hours. New Year's Eve to New Year's Day. One extra hour for British Summer Time.

3. To provide regulated entertainment 'indoors' comprising

- Live Music
- Recorded Music

Monday to Sunday between 10.00 to 02.00 hours. New Year's Eve to New Year's Day. One extra hour for British Summer Time.

I wish to make the following representation

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

The applicant has provided additional information with the application which is being addressed. Should you wish to discuss the matter further please do not hesitate to contact me.

2-B Other Persons	
Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]
Received:	8 January 2021
<p>The proposed Conditions have not been provided on the application web pages. The use of the premises is described as workspace and catered lounge, as if the proposal is for a cafe/bar for freelancers and people who are working or studying from home, with wifi and workspace provided. The very late end of alcohol sales and closing time, along with provision of live as well as recorded music, belie this, however.</p> <p>The closing time should be 11pm, and earlier on Sundays. Conditions should include no movement of goods outside the premises between 8pm and 8am. Waste & recycling should either be the WCC service, or also not allowed between 8pm and 8am. (the WCC services runs through the area twice daily already, so would not cause yet more waste-behemoths roaring around the local residential streets). No noise or vibration should be heard or felt outside the premises. Where is the provision for parking workers' bikes?</p>	
Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]
Received:	6 January 2021
<p>This application fails to address the level of congestion that already exists on Davies St. Limited parking is available at anytime during the day on the applicants section of Davies St. Inevitably, customers for a Licensed Premises will be dropped off by private car or taxi which will result in double parking and unacceptable congestion. Directly opposite 22 Davies St is another Licensed premises called C-London which has equal demands on parking with clients regularly failing to comply with parking restrictions. 22 Davies St is also surrounded by residential properties and the inevitable disruption generated through the operation of this new business will fail to comply with Policy MRU1 of the Mayfair Neighbourhood Plan.</p>	
Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]
Received:	6 January 2021
<p>I write as [REDACTED]. We wish to object to this application.</p> <p>We believe that guests, staff and deliveries, arriving and leaving from [REDACTED] are likely to cause night-time noise and nuisance to the many residents who live [REDACTED] and possibly those at the nearby residential building, [REDACTED].</p> <p>The operators may offer and introduce, an operating plan that will promise to mitigate these issues. Our experience is that these plans are of little value as operators will not risk upsetting</p>	

paying customers by asking them to modify any noisy behaviour. Noise from guests departing after 23:00 will be a nuisance to nearby residents who wish to sleep, and this would be in conflict with Policy MRU1 of the Mayfair Neighbourhood Plan which seeks to protect Resident Amenity between 23:00 and 07:00.

Also, we expect that the majority of guests / customers using these premises will arrive by car / taxi; there is no drop-off point available outside the premises and insufficient parking to accommodate these vehicles; adding this additional load to that of the C-London restaurant opposite, will exacerbate an already difficult situation where more demand exists for parking than available spaces. In Covid-free times, this has routinely resulted in illegal parking in the taxi rank, on double yellow lines and in resident parking bays; the situation will only become worse with the arrival of additional demand.

We ask that you refuse this application or limit its operating hours to Westminster core hours.

3.	Policy & Guidance
The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy HRS1 applies	<p>A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:</p> <ol style="list-style-type: none"> 1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm. 2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation. 3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed. 4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises. 5. The proposed hours when any music, including incidental music, will be played. 6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises. 7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity. 8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night. 9. The capacity of the premises. 10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation. 11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely. 12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises. 13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives. 14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days

	are expected to be covered by Temporary Event Notices or variation applications.
Policy COMB1 applies	<p>A. Applications outside the West End Cumulative Impact Zone for premises that propose to operate as a 'combined use premises' will be considered on their merits and subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities for the relevant use being within the council's Core Hours Policy HRS1. 3. The applicant has taken account of the Special Consideration Zone policy SCZ1 if the premises are located within a designated zone. <p>B. Applications inside the West End Cumulative Impact Zones for premises that propose to operate as a 'combined use premises' will be considered on their merits and subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities for the relevant premises use being within the council's Core Hours Policy HRS1. 3. The applicant demonstrating that they will not add to cumulative impact within the Cumulative Impact Zone. <p>C. When considering what weight is to be given to the relevant uses and policies the Licensing Authority will take into account:</p> <ol style="list-style-type: none"> 1. Whether it will undermine the licensing objectives. 2. The current and proposed use of the premises. 3. When those uses will take place. 4. What the primary use of the premises is or the uses that will take place in different parts of that premises. 5. Whether there would normally be a presumption to refuse an application for that use if it was operating as that premises type and not a combined use premises. 6. Whether the hours sought for the all or parts of the premises are within or outside the Core Hours. <p>D. The Licensing Authority will take into account, when considering the application, the relevant considerations from each of the appropriate premises uses policies within this statement</p> <p>E. For the purpose of this policy a Combined Use Premises means premises which require a premises licence and where there is more than one premises use, and where the uses are not dependent on/or part of the other uses i.e. are not ancillary to the other uses.</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, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

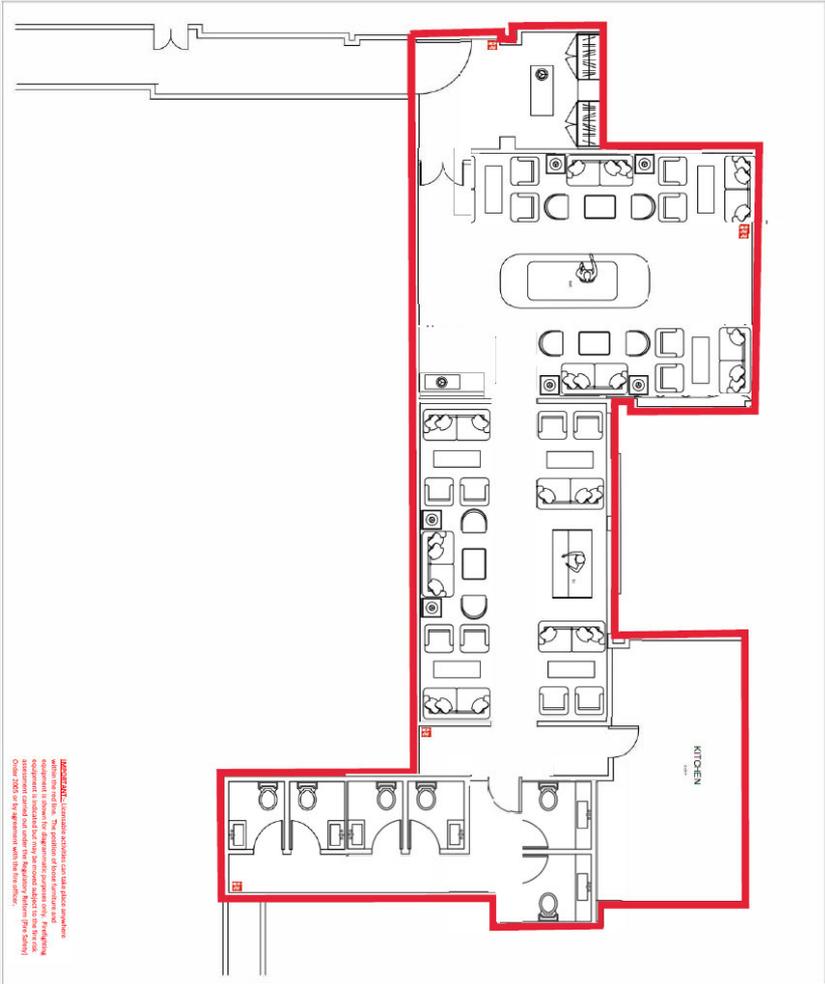
4.	Appendices
Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

Report author:	Michelle Steward Senior Licensing Officer
Contact:	Telephone: 0207 641 6500 Email: msteward1@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	January 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Metropolitan Police Representation (<i>Withdrawn</i>)	14 January 2021
5	Environmental Health Service	12 January 2021
6	Public Representation 1	8 January 2021
7	Public Representation 2	6 January 2021
8	Public Representation 3	6 January 2021



IMPORTANT: Complete protection for the above equipment is required. The quality of the equipment and the condition of the premises must be maintained and checked under the Regulatory Reform (Fire Safety) Order 2005 by the responsible person.

DRAWING STATUS	INFORMATION ONLY
CLIENT	
PROJECT	NIKIITA DAVIES STREET LONDON
TITLE	PLAN OPTION 1
DATE	19.10.20
SCALE	1:100
SHEET NO	R

Applicant Supporting Documents

Appendix 2

None

There is no licence or appeal history for the premises.

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

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

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

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

Mandatory Conditions

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

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

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

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

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

Conditions consistent with the operating schedule

9. No unauthorised advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) is inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other

property, or is distributed to the public, that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services.

10. The number of persons accommodated at any one time in the Premises (excluding staff) shall not exceed 120.
11. Alcohol shall not be sold or supplied on the premises otherwise than to either:
 - a. persons admitted to the premises by prior invitation to a bona fide private function held at the premises;
 - b. specifically invited guests of the proprietor listed by name at the reception prior to admission;
 - c. persons employed at the premises;
 - d. staff;
 - e. performers;
 - f. members and their bona fide guests (to a maximum of 4), such members having paid an annual admission fee of at least £500 (with the exception of Founder Members); a list of all members to be held at reception for inspection by the relevant authorities; no person shall be admitted to the membership of the premises without an interval of at least 24 hours between application and acceptance to membership.
12. 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.
13. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
14. A minimum of 2 SIA licensed door supervisors shall be on duty at the premises from 8pm until close of business daily, whilst the premises is open for business.
15. At least 1 SIA licensed door supervisors shall be on duty at the entrance of the premises at all times whilst it is open for business.
16. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
17. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
18. All windows and external doors shall be kept closed after (21:00) hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
19. There shall be no admittance or re-admittance to the premises after 00:00 save for smokers, performers and staff.
20. 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.

21. The highway and public spaces in the vicinity of the premises shall be kept free of litter from the premises at all material times to the satisfaction of the Council. All litter and sweepings shall be collected and stored in accordance with the approved refuse storage arrangements.
22. 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.
23. 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.
24. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given.
 - i. dry ice and cryogenic fog
 - ii. smoke machines and fog generators
 - iii. pyrotechnics including fire works
 - iv. firearms
 - v. lasers
 - vi. explosives and highly flammable substances.
 - vii. real flame.
 - viii. strobe lighting.
25. 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.
26. The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.
27. The permitted hours for licensable activities and opening times are extended on New Year's Eve until the start of permitted hours on New Year's Day.
28. The permitted hours for licensable activities and opening times are extended by one hour on the morning on which British Summer Time begins.
29. Before the premises open to the public, the plans as deposited will be checked by the Environmental health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where there are minor changes to the premises layout during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.
30. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.

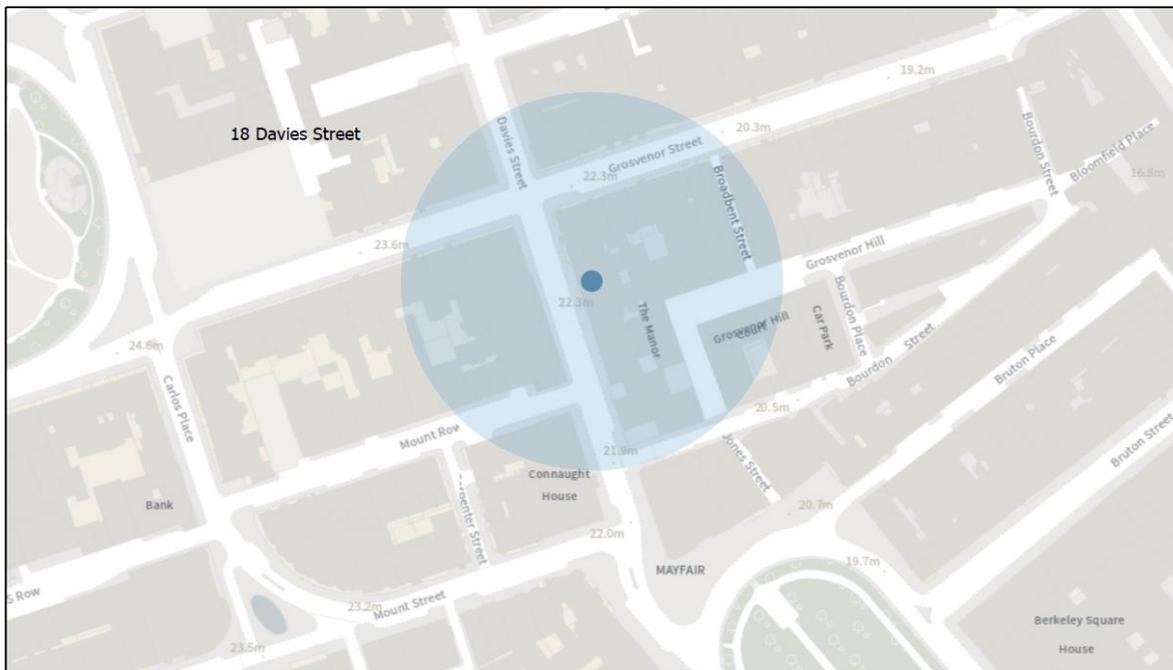
Conditions proposed by the Environmental Health

None

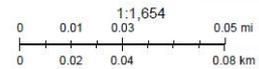
Conditions proposed by the Police

31. There shall be no sales of alcohol for consumption off the premises after 23.00.

Nikita 22 Davies Street



09/03/2021 12:06:00



Premises within 75 metres of Nikita, 22 Davies Street, London, W1K 3DT				
Licence Number	Trading Name	Address	Premises Type	Time Period
16/06485/LIPDPS	C London	Ground Floor 25 Davies Street London W1K 3DQ	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
16/09012/LIPV	Alfreds, Bourdon House	2-2A Davies Street London W1K 3DJ	Club or institution	Monday to Sunday; 00:00 - 00:00
14/02557/LIPDPS	Hedonism Drinks	3 Davies Street London W1K 3DJ	Shop	Sunday; 12:00 - 21:00 Monday to Saturday; 10:00 - 21:00
17/02364/LIPVM	Mayfair Post Office	32 Grosvenor Street London W1K 4QS	Shop	Sunday; 09:00 - 21:00 Monday to Saturday; 07:30 - 22:00

This page is intentionally left blank