



City of Westminster

# Committee Agenda

Title: **Licensing Sub-Committee (5)**

Meeting Date: **Thursday, 24<sup>th</sup> June 2021**

Time: **10.00 am**

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

Members: **Councillors:**  
Murad Gassanly (Chairman)  
Louise Hyams

If you require further information, please contact Sarah Craddock, Committee and Councillor Support Co-ordinator.

**Email:** [scraddock@westminster.gov.uk](mailto:scraddock@westminster.gov.uk)

**Tel:** **0779098018**

**Corporate Website:** [www.westminster.gov.uk](http://www.westminster.gov.uk)

**Note for Members:** Members are reminded that officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. 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 AM: BATHURST DELI - NEW PREMISES LICENCE APPLICATION

Pages

5 - 36

Ward CIA* SCZ* *	Site Name & Address	Application Type	Licensing Reference No.
Hyde Park N/A N/A	Bathurst Delhi Basement & Ground Floor 3 Bathurst St London W2 2SD	New Premises Licence	21/01017/LIPN
*Cumulative Impact Area ** Special Consideration Zone			

**This will be a virtual meeting. Members of the Public can view the live broadcast using the media links on the Council's website.**

#### 2. 1 PM: CHUCS - PREMISES LICENCE VARIATION

37 - 70

Ward CIA* SCZ**	Site Name & Address	Application Type	Licensing Reference No.
Knightsbridge & Belgravia N/A	Chucs 25 Eccleston St London SW1W 9NP	Premises Licence Variation	21/01924/LIPV

N/A			
*Cumulative Impact Area ** Special Consideration Zone			

**This will be a virtual meeting. Members of the Public can view the live broadcast using the media links on the Council's website.**

**Stuart Love  
Chief Executive  
17 June 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 January 2021.

### **Guidance Considerations**

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

### **Core hours When Customers Are Permitted to Be on The Premises**

Core hours, as set out in the Council's Statement of Licensing Policy 2021, are when customers are permitted to be on the Premises. The maximum opening hours permitted will not exceed the start time and terminal hour for each of the days where licensable activity is permitted.

**Note:** The core hours are for all licensable activities but if an application includes Late Night Refreshment, then the starting time for that licensable activity will be 11.00 pm.

#### **1. Casinos**

Up to 24 hours a day whilst Casino Gaming is permitted by a Premises Licence under the Gambling Act 2005.

#### **2. Cinemas, Cultural Venues and Live Sporting Premises**

Monday to Sunday: 09:00 hours to 24:00 hours

#### **3. Hotels**

Monday to Thursday: 09:00 hours to 23:30 hours

Friday and Saturday: 09:00 hours to 24:00 hours

Sunday: 09:00 hours to 22:30 hours

Sundays Immediately Prior To A Bank Holiday: 09:00 hours to 24:00 hours

Sale of alcohol to guests for consumption in hotel/guest rooms only: Anytime up to 24 hours

#### **4. Off licences**

Monday to Saturday: 08:00 hours to 23:00 hours

Sunday: 09:00 hours to 22:30 hours

#### **5. Outdoor Spaces**

Monday to Thursday: 09:00 hours to 23:30 hours

Friday and Saturday: 09:00 hours to 24:00 hours

Sunday: 09:00 hours to 22:30 hours

Sundays Immediately Prior To A Bank Holiday: 09:00 hours to 24:00 hours

#### **6. Pubs and bars, Fast Food and Music and Dance venues**

Monday to Thursday: 10:00 hours to 23:30 hours

Friday and Saturday: 10:00 hours to 24:00 hours

Sunday: 09:00 hours to 22:30 hours

Sundays Immediately Prior To A Bank Holiday: 12:00 hours to 24:00 hours

## **7. Qualifying Clubs**

Monday to Thursday: 09:00 hours to 24:00 hours  
Friday and Saturday: 09:00 hours to 24:00 hours  
Sunday: 09:00 hours to 22:30 hours  
Sundays Immediately Prior To A Bank Holiday: 09:00 hours to 24:00 hours

## **8. Restaurants**

Monday to Thursday: 09:00 hours to 23:30 hours  
Friday and Saturday: 09:00 hours to 24:00 hours  
Sunday: 09:00 hours to 22:30 hours  
Sundays Immediately Prior To A Bank Holiday: 09:00 hours to 24:00 hours

## **9. Sexual Entertainment Venues and Sex Cinemas**

Monday to Thursday: 09:00 hours to 23:30 hours  
Friday and Saturday: 09:00 hours to 24:00 hours  
Sunday: 09:00 hours to 22:30 hours  
Sundays Immediately Prior To A Bank Holiday: 09:00 hours to 24:00 hours

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## 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](mailto: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](mailto: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**

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City of Westminster

# Licensing Sub-Committee Report

Item No:	
Date:	24 June 2021
Licensing Ref No:	21/01017/LIPN - New Premises Licence
Title of Report:	Bathurst Deli Basement And Ground Floor 3 Bathurst Street London W2 2SD
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 Senior Licensing Officer
Contact details	Telephone: 07866 019698 Email: <a href="mailto:kabbott@westminster.gov.uk">kabbott@westminster.gov.uk</a>

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	11 February 2021		
<b>Applicant:</b>	Bathurst Delicatessen Ltd.		
<b>Premises:</b>	Bathurst Deli		
<b>Premises address:</b>	Basement And Ground Floor 3 Bathurst Street London W2 2SD	<b>Ward:</b>	Hyde Park
		<b>Cumulative Impact Area:</b>	None
		<b>Special Consideration Zone:</b>	None
<b>Premises description:</b>	According to the application form, the premises proposes to operate as a coffee shop, café and delicatessen.		
<b>Premises licence history:</b>	The premises previously had the benefit of a premises licence (18/00461/LIPDPS) which lapsed due to the Licence Holder going into liquidation on the 2 <sup>nd</sup> February 2021. A copy of the licence has been attached at <b>Appendix 3</b> .		
<b>Applicant submissions:</b>	None		
<b>Applicant amendments:</b>	<p>On original submission of the application, the applicant applied for regulated entertainment (including Live and Recorded Music) for the following hours:</p> <p>Live Music Monday to Saturday 21:00 to 23:00</p> <p>Recorded Music Monday to Thursday 10:00 to 23:30 Friday to Saturday 10:00 to 21:00 Sunday 12:00 to 22:30</p> <p>Regulated entertainment has since been withdrawn from the application and does not form part of this application.</p> <p>The hours applied for opening hours to the public on Sundays were 08:00 to 00:00.</p> <p>These hours have since been reduced by the applicant and reflected in section 1-B of the report.</p>		

1-B Proposed licensable activities and hours							
<b>Sale by retail of alcohol</b>				<b>On or off sales or both:</b>			Both
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	10:00	10:00	10:00	10:00	10:00	10:00	12:00
<b>End:</b>	23:00	23:00	23:00	23:00	23:00	23:00	22:30
<b>Seasonal variations/ Non-standard timings:</b>				None			

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
<b>Start:</b>	07:00	07:00	07:00	07:00	07:00	07:00	08:00
<b>End:</b>	00:00	00:00	00:00	00:00	00:00	00:00	23:00
<b>Seasonal variations/ Non-standard timings:</b>		None					
<b>Adult Entertainment:</b>		None					

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Metropolitan Police Service
<b>Representative:</b>	PC Nicole Sondh
<b>Received:</b>	5 <sup>th</sup> March 2021 ( <b>Withdrawn 1<sup>st</sup> April 2021</b> )
<p>RE: New Premises Licence Application – Bathurst Deli, 3 Bathurst Deli</p> <p>I am writing with reference to the above application for which I am now in receipt of. This application is now subject to Westminster City Council new Statement of Licensing Policy effective January 2021</p> <p><a href="https://www.westminster.gov.uk/statement-licensing-policy">https://www.westminster.gov.uk/statement-licensing-policy</a></p> <p>You are applying for the following licensable activity between the following times;</p> <p>Live Music - Monday to Saturday 21:00 – 23:00  Recorded Music – Monday to Thursday 10:00-23:00  Friday and Saturday 10:00 – 21:00  Sunday – 12:00 – 22:30  Supply of Alcohol – Monday to Saturday 10:00 – 23:00  Sunday 12:00 – 22:30</p> <p>In relation to the application and how you are currently operating please could you clarify the following?</p> <ol style="list-style-type: none"> <li>1. You have applied for live music for on and off the premises, how will you be hosting live music off the premises?</li> <li>2. What is the maximum capacity for the premises?</li> <li>3. Does the basement accommodate seating for customers?</li> <li>4. Are you intending on hosting a live music every evening of the week? I note on your previous licence these were just held on a Friday and Saturday Night.</li> <li>5. Will the live music performances be amplified?</li> <li>6. What is the purpose for the licensable activity of recorded music till 23:30? Would you consider moving this time to 23:00?</li> <li>7. How are you currently operating as a business and how do you plan to operate going forward?</li> </ol>	

8. What is the purpose for off sales of alcohol? Are you planning on selling sealed bottles of alcohol or is this to allow for customers to take home their unfinished bottles of wine?

Once the above has been clarified and with a better understanding of how you plan to operate I should then be in a position to propose conditions for the licence that would intend to uphold the licensing objectives in the prevention of crime and disorder and in the protection of children from harm.

Please feel free to contact me should you wish to discuss anything further

**Conditions were amended and agreed between the applicant and the Police. As a result, the Metropolitan Police Service as a responsible authority withdrew their representation on 1<sup>st</sup> April 2021. The agreed conditions can be found at Appendix 4.**

<b>Responsible Authority:</b>	Environmental Health Service
<b>Representative:</b>	Ian Watson
<b>Received:</b>	1 <sup>st</sup> April 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 Saturday between 10.00 and 23.00 hours and Sunday between 12.00 to 22.30 hours.
2. To provide regulated entertainment 'Indoors' and 'Outdoors' comprising
  - Live Music Monday to Saturday between 21.00 and 23.00 hours
  - Recorded Music Monday to Thursday 10.00 to 23.30 hours, Friday and Saturday between 10.00 and 21.00 hours and Sunday between 12.00 to 22.30 hours.

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 regulated entertainment will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety 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.

**Conditions were amended and agreed between the applicant and Environmental Health Service and can be found at Appendix 4.**

<b>2-B Other Persons</b>	
<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	21 <sup>st</sup> March 2021
<p>The South East Bayswater Residents' Association (SEBRA) wishes to lodge an objection to the above application on the grounds of the strong possibility of public nuisance and noise and potential crime and disorder, particularly in relation to local residents. Bathurst Street is a relatively short, dead-end street, with two-way traffic. It has a few shops and restaurants, with residential units above at the western end by the closed-off section by Westbourne Street.</p> <p>Adjacent to the commercial end are two mews - Bathurst Mews and Sussex Mews West. The premises sit in the Hyde Park Estate Association (HPEA) designated area but SEBRA has members in both of the adjacent mews to the premises.</p> <p>We note on the license application, there is a request for Recorded Music (up to 23.30 Monday to Thursday, 2100 Friday &amp; Saturday with 22.30 Sunday) but we understand that this may no longer be required. It is not clear if the deadline of 23.30 for Monday to Thursday needs a Licence.</p> <p>Also, on new plan submitted, it does not show where alcohol is to be consumed by customers. On the plan this area should be shown by a 'hatched', not coloured, area.</p> <p>We note on the Planning permission, dated 2 June 2011 (attached), customers (26 covers, 8 in front forecourt) are only permitted on the ground floor and in the forecourt area in the front of deli, with no customers permitted in the basement. We would want to see this condition in the new Premises License.</p> <p>We are concerned that the applicant has not repeated a number of conditions in the new application that were placed on the former license, primarily to protect residents living near the Deli.</p> <p>We request that all of these conditions are imposed again, particularly in respect of noise effecting adjacent properties, especially in Bathurst Mews which abut the licensed premises, and where we understand there have been noise problems from the Deli.</p> <p>The requirement that food should only be served to persons who are seated should also be reinstated.</p> <p>We also want the reinstatement of the conditions on the hours of deliveries and collections. We request a refuse and recycling collection hours condition and the hours should be the same as those for deliveries.</p> <p>The condition relating to hours of use of tables and chairs outside till 21.00 should also be reinstated, in view of residents living above and opposite. (These hours are confirmed in the Planning consent attached, except the start time is 9am.)</p> <p>We strongly urge a condition that customers who leave and then re-enter the premises, e.g. to smoke or use mobile phone etc, shall not be permitted to take drinks or glass containers with them and not to use the two mews.</p> <p>A</p> <p>We are not happy with the hours of live music extending to those of the sale of alcohol and ask that there should be a prior 30 minute 'cooling' off period.</p> <p>Unusually, in this instance, there is 60 minute 'drinking up' time to midnight every day, which is very excessive in this residential area, with flats above and opposite the premises and residential properties nearby in two mews.</p> <p>The Planning consent only allowed opening hours of 07.00 to 23.00 Monday to Saturday with Sunday and Bank Holidays 08.00 to 22.30.</p> <p>As usual with recent Premises Licenses, we consider there should be a designated 'smoking</p>	

area' condition to be agreed with the applicant and Environmental Health and this 'approved' area should exclude smoking in the two Mews. (The ideal place could be by the large tree at the junction with Bathurst Street and Westbourne Street).

As is our common practice with previous SEBRA submissions, we are happy for our contact details and the content of this communication to be forwarded immediately to the applicant.

As always, we more than happy to have a telephone call with the applicant, in order to discuss our concerns, and those of the adjacent residents.

### 3. Policy & Guidance

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

<p><b>Policy HRS1 applies</b></p>	<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"> <li>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.</li> <li>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.</li> <li>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.</li> <li>4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.</li> <li>5. The proposed hours when any music, including incidental music, will be played.</li> <li>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.</li> <li>7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.</li> <li>8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.</li> <li>9. The capacity of the premises.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>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.</li> </ol>
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	<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><b>8. Restaurants</b></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.</p> <p>D. Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.</p> <p>E. For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement.</p>
<p><b>Policy RTN1 applies</b></p>	<p>A. Applications outside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</li> <li>2. The hours for licensable activities being within the council's Core Hours Policy HRS1.</li> <li>3. The applicant has taken account of the Special Consideration Zones Policy SCZ1 if the premises are located within a designated zone.</li> <li>4. The application and operation of the venue meeting the definition of a restaurant as per Clause C.</li> </ol> <p>B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</li> <li>2. The hours for licensable activities are within the council's Core Hours Policy HRS1.</li> <li>3. The applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone.</li> <li>4. The application and operation of the venue meeting the definition of a restaurant as per Clause C.</li> </ol> <p>C. For the purposes of this policy a restaurant is defined as:</p> <ol style="list-style-type: none"> <li>1. A premises in which customers are shown to their table or the customer will select a table themselves to which food is either served to them or they have collected themselves.</li> <li>2. Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at a table.</li> <li>3. Which do not provide any takeaway service of food and/or drink for immediate consumption.</li> <li>4. Where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.</li> <li>5. The sale and consumption of alcohol prior to such meals may be</li> </ol>

	in a bar area but must also be ancillary to the taking of such meal.
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#### 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

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

<b>Report author:</b>	Karyn Abbott Senior Licensing Officer
<b>Contact:</b>	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**

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2021
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
<b>4</b>	Metropolitan Police Service ( <b>Withdrawn 1<sup>st</sup> April 2021</b> )	5 <sup>th</sup> March 2021
<b>5</b>	Environmental Health Service	1 <sup>st</sup> April 2021
<b>6</b>	Representation 1	21 <sup>st</sup> March 2021



Sitting Area 1 (shaded yellow) - 21m<sup>2</sup>  
 Sitting Area 2 (shaded yellow) - 8.38m<sup>2</sup>  
 Sitting Area 3 (shaded green) - 7.82m<sup>2</sup>  
 Bar (shaded blue) - 4.24m<sup>2</sup>

- Fire Symbols Key**
- ▲ Fire alarm bell
  - ☒ Emergency U/L/F/No
  - ☒ Smoke detector (to be used: Hand and eye operated should be supervised signal device)
  - ☒ Fire exit with emergency exit/escape symbol
  - ☒ Fire exit door
  - ☒ Fire door keep clear
  - ☒ Fire door
  - ▲ Carbon Monoxide detector



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 Alexander Elliott Ltd  
 Not for construction

Revision	Description	Date
1	Issue for planning	14/01/24
2	Issue for planning	14/01/24
3	Issue for planning	14/01/24

Sheet No.	Scale	Revision
357 S.01	1:100	1

Alexander Elliott Ltd  
 Chartered Building Consultancy  
 224 Bathurst Lane, London N3 7JX  
 Email: alex@alexelliott.co.uk

Do not scale off this drawing all dimensions to be checked on site, any discrepancies to be referred to the Surveyors

**Applicant Supporting Documents**

**Appendix 2**

None Provided

**Temporary Event Notices**

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
21/03144/LITENP	Temporary Event Notice	14 April 2021	Notice Granted
21/03420/LITENP	Temporary Event Notice	19 April 2021	Notice Granted
21/03682/LITENP	Temporary Event Notice	23 April 2021	Notice Granted

**Licensing Act 2003 History**

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
05/11483/LIPN	New Premises Licence Application	19 December 2005	Granted at Licensing Sub-Committee
06/10824/WCCMAP	Master Licence	23 October 2006	Granted at Licensing Sub-Committee
09/05960/LIPT	Transfer of Premises Licence Holder from YN Limited to Aconcagua Limited	1 October 2009	Granted under Delegated Authority
09/05961/LIPDPS	Premises Licence change of DPS	1 October 2009	Granted under Delegated Authority
10/01492/LIPV	<p>Premises Licence Variation – To permit Live music: Friday to Saturday 21:00 to 00:00</p> <p>Recorded Music: Monday to Thursday 10:00 to 23:30 Friday to Saturday 10:00 to 21:00 Sunday 12:00 to 22:30</p> <p>To extend the terminal hours for sale of alcohol on Monday to Thursday from 23:00 to 23:30, Friday to Saturday from 23:00 to 00:00.</p> <p>To reduce the commencement hour on Sunday from 10:00 to 12:00.</p> <p>To vary the opening hours to: Monday to Saturday 07:00 to 00:00 Sunday 08:00 to 00:00</p>	23 October 2016	Granted at Licensing Sub-Committee

16/11568/LIPT	Transfer of Premises Licence Holder from Aconcagua Limited to Bravard Limited	17 March 2017	Granted under Delegated Authority
18/00437/LIPT	Transfer of Premises Licence Holder from Bravard Limited to Bathurst Deli Ltd	6 February 2018	Granted under Delegated Authority
18/00461/LIPDPS	Premises Licence change of DPS	6 February 2018	Granted under Delegated Authority

**This licence lapsed on the 2<sup>nd</sup> February 2021.**

**There is no appeal history**

## Previous Premises Licence



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

Schedule 12  
Part A

WARD: Hyde Park  
UPRN: 010033589522

Premises licence

Regulation 33, 34

Premises licence number:	18/00461/LIPDPS
Original Reference:	05/11483/LIPN

### Part 1 – Premises details

<b>Postal address of premises:</b>  The Bathurst Deli Basement And Ground Floor 3 Bathurst Street London W2 2SD
<b>Telephone Number:</b>

<b>Where the licence is time limited, the dates:</b>  Not applicable
--

<b>Licensable activities authorised by the licence:</b>  Performance of Live Music Playing of Recorded Music Sale by Retail of Alcohol
--

<b>The times the licence authorises the carrying out of licensable activities:</b>	
Performance of Live Music	
Friday to Saturday:	21:00 to 23:00
Playing of Recorded Music	
Monday to Thursday:	10:00 to 23:30
Friday to Saturday:	10:00 to 21:00
Sunday:	12:00 to 22:30
Sale by Retail of Alcohol	
Monday to Saturday:	10:00 to 23:00
Sunday:	12:00 to 22:30

<b>The opening hours of the premises:</b>	
Monday to Saturday:	07:00 to 00:00
Sunday:	08:00 to 00:00

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

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

**Part 2**

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

Bathurst Deli Ltd  
3 Bathurst Street  
London  
W2 2SD

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

10957903

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

**Name:** Vedad Masoumi-shamlou

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

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

**Licence Number:** LAPERS/17/57325  
**Licensing Authority:** London Borough Of Barnet

**Date:** 6 February 2018

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

#### Annex 1 – Mandatory conditions

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

- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -
- (a) a holographic mark, or
  - (b) an ultraviolet feature.

7. The responsible person must ensure that –

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

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

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

#### **Club Supply of Alcohol**

1. The supply of alcohol for consumption off the premises must be made at a time when the premises are open for the purposes of supplying alcohol to members of the club for consumption on the premises.
2. Any alcohol supplied for consumption off the premises must be in a sealed container.
3. Any alcohol supplied for consumption off the premises must be made to a member of the club in person.
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.
  - (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.
  - (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.
  - (iv).
    - (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
    - (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

**Annex 2 – Conditions consistent with the operating Schedule**

None

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

9. A comprehensive CCTV system be installed that ensures all areas of the licensed premises are monitored including all entry points, and which enable frontal identification of every person entering in any light condition. All cameras shall continually record whilst the premises are open to the public and the video recordings shall be kept available for a minimum of 31 days with time and date stamping. Tape recordings shall be made available to an authorised officer or a police officer together with facilities for viewing. The recordings for the preceding two days shall be made available immediately on request. Recordings outside this period shall be made available on 24 hours notice.
10. Non-intoxicating beverages (including drinking water) shall be equally available for the duration of the hours permitted under the Premises Licence.
11. No Unaccompanied children shall be permitted on the premises.
12. All deliveries and collections will only be scheduled between the hours of 08:00 and 19:00. Deliveries by the premises may continue until 22:00 hours.
13. No rubbish and refuse, including bottles will be moved, removed or placed in outside areas between 23:00 hours and 08:00 hours.
14. All waste is to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
15. No beer or cider to be sold above 5.5% Alcohol by Volume.
16. In the judgement of the Designated Premises Supervisor, to maintain at all times level of staff, so as not to undermine the Crime and Disorder objectives, to be disclosed on request to the Licensing Authority and the Police.
17. A delivery registers to include the full details of any order to be maintained and available for inspection by a Police Officer or authorised officer for a period of 31 days.
18. 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 are 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.
19. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.
20. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave quietly.
21. A proof of age scheme, such as challenge 21 will be operated at the premises where the only acceptable forms of identification, recognised photographic identification cards, such as a driving licence or passport.
22. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
23. Live music shall be limited to no more than two acoustic performers.

24. 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.
25. All sales of alcohol for consumption off the premises shall be in sealed containers or to be consumed seated at tables in the area immediately outside the premises.
26. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.
27. Outside tables and chairs shall be rendered unusable by 21:00 each day.
28. There shall be no self service of spirits on the premises.
29. The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
30. The supply of alcohol shall be by waiter or waitress service only.
31. Substantial food and non-intoxicating beverages, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.





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

Schedule 12  
Part B

WARD: Hyde Park  
UPRN: 010033589522

Premises licence  
summary

Regulation 33, 34

Premises licence number:

18/00461/LIPDPS

**Part 1 – Premises details**

**Postal address of premises:**

The Bathurst Deli  
Basement And Ground Floor  
3 Bathurst Street  
London  
W2 2SD

**Telephone Number:**

**Where the licence is time limited, the dates:**

Not applicable

**Licensable activities authorised by the licence:**

Performance of Live Music  
Playing of Recorded Music  
Sale by Retail of Alcohol

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

<b>Performance of Live Music</b>	
Friday to Saturday:	21:00 to 23:00
<b>Playing of Recorded Music</b>	
Monday to Thursday:	10:00 to 23:30
Friday to Saturday:	10:00 to 21:00
Sunday:	12:00 to 22:30
<b>Sale by Retail of Alcohol</b>	
Monday to Saturday:	10:00 to 23:00
Sunday:	12:00 to 22:30

**The opening hours of the premises:**

Monday to Saturday:	07:00 to 00:00
Sunday:	08:00 to 00:00

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

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

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

Bathurst Deli Ltd  
3 Bathurst Street  
London  
W2 2SD

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

10957903

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

**Name:** Vedad Masoumi-shamlou

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

Restricted

**Date:** 6 February 2018

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

**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**

None

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

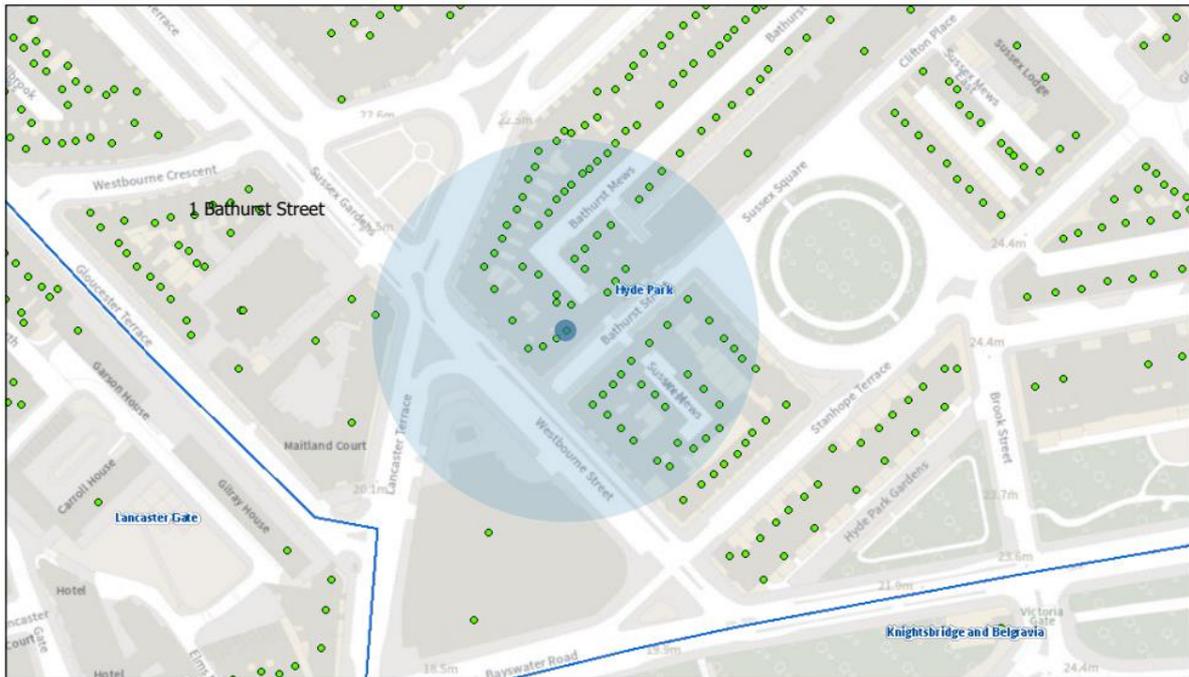
9. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them. Such patrons shall be restricted to 4 persons only and are restricted to the immediate frontage of the premises.
10. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
11. 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.
12. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
13. The premises licence holder shall ensure that any patrons drinking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
14. All deliveries and collections will only be scheduled between 08:00 and 19:00 hours. Deliveries by the premises may continue until 22:00 hours each day.
15. No rubbish and refuse, including bottles will be moved, removed or placed in outside areas between 23:00 hours and 08:00 hours.
16. All waste is to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
17. A delivery register to include the full details of any order shall be maintained and available for inspection by a Police Officer or other authorised officer for a period of 31 days.

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

18. Licensable activities shall be ancillary to the premises being operated as a coffee shop/café.
19. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises and for all hours where alcohol is sold or supplied for consumption 'On' the premises.
20. Alcohol sold for consumption 'On' the premises shall only be supplied to those persons seated at tables and by waiter/waitress service only.
21. Alcohol consumed outside the premises building shall only be consumed by persons seated at tables.
22. All sales of alcohol for consumption 'Off' the premises shall be in sealed containers only, including resealed part consumed bottles of wine.
23. All outside tables and chairs shall be removed or rendered unusable by 23:00 hours each day.

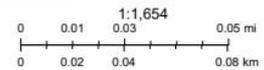
24. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
25. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
26. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
27. An incident log shall be kept at the premises and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder
  - (d) any incidents of disorder
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service.
28. No more than 10 persons shall be seated at the outside tables and chairs at any one time.
29. After 21.00 hours all children shall be accompanied by an adult.

3 Bathurst Street, London



08/06/2021, 10:55:03

- Property Mailing List
- Ward Labels
- Stress Areas
- Borough Boundary - Mask
- Borough Boundary - Detailed
- Ward Boundaries
- Special Consideration Zones



Resident Count = 210

<b>Licensed premises within 75 metres of 3 Bathurst Street, London, W2 2SD</b>				
<b>Licence Number</b>	<b>Trading Name</b>	<b>Address</b>	<b>Premises Type</b>	<b>Time Period</b>
17/09301/LIPDPS	Angelus	4 Bathurst Street London W2 2SD	Cafe	Sunday; 12:00 - 22:30   Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00   Sundays before Bank Holidays; 12:00 - 00:00
06/10712/WCCMAP	Pere Michel	First And Second Floor 11 Bathurst Street London W2 2SD	Restaurant	Sunday; 12:00 - 01:00   Monday to Saturday; 10:00 - 01:30
12/01672/LIPT	Spice Of India	12A Bathurst Street London W2 2SD	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30

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City of Westminster

# Licensing Sub-Committee Report

## Agenda Item 2.

Item No:	
Date:	24 June 2021
Licensing Ref No:	21/01924/LIPV - Premises Licence Variation
Title of Report:	Chucs 25 Eccleston Street London SW1W 9NP
Report of:	Director of Public Protection and Licensing
Wards involved:	Knightsbridge And Belgravia
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Kevin Jackaman Senior Licensing Officer
Contact details	Telephone: 0207 641 6500 Email: kjackaman@westminster.gov.uk

<b>1.</b>	<b>Application</b>		
<b>1-A</b>	<b>Applicant and premises</b>		
<b>Application Type:</b>	Variation of a Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	13 March 2021		
<b>Applicant:</b>	Chucs Restaurant Ltd		
<b>Premises:</b>	Chucs		
<b>Premises address:</b>	25 Eccleston Street London SW1W 9NP	<b>Ward:</b>	Knightsbridge And Belgravia
		<b>Cumulative Impact Area:</b>	None
		<b>Special Consideration Zone:</b>	None
<b>Premises description:</b>	The premises trade as an Italian inspired restaurant		
<b>Variation description:</b>	<ol style="list-style-type: none"> <li>1. Remove Condition 10 on the licence so that tables and chairs can be left on the forecourt until the premises closing time.</li> <li>2. Amend opening hours to benefit from breakfast trade Monday to Saturday- 8am Sunday - 10am</li> </ol>		
<b>Premises licence history:</b>	<p>The premises have had the benefit of a licence since 2009. The premises also have the benefit of a tables and chairs licence valid until 30<sup>th</sup> September 2021. A copy of the current premises licence and the tables and chairs licence can be found at Appendix 1.</p> <p>A full licence history for the premises appears at appendix 3.</p>		
<b>Applicant submissions:</b>	None		
<b>Applicant amendments:</b>	Following consultation, the applicant has amended the application so that the variation will be for a time limited period until 30th September 2021		

<b>1-B</b>	<b>Current and proposed licensable activities, areas and hours</b>					
<b>Late night refreshment</b>						
<b>Indoors, outdoors or both</b>			<b>Current :</b>		<b>Proposed:</b>	
			Both		No change	
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Licensable Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	23:00	23:30	No change		Basement and ground floor	No change
<b>Tuesday</b>	23:00	23:30				
<b>Wednesday</b>	23:00	23:30				
<b>Thursday</b>	23:00	23:30				
<b>Friday</b>	23:00	00:00				
<b>Saturday</b>	23:00	00:00				
<b>Sunday</b>	N/A					
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b> None				<b>Proposed:</b> No change	

Sale by Retail of Alcohol						
On or off sales			Current :		Proposed:	
			Both		No change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	23:30	No change		Basement and ground floor	No change
Tuesday	10:00	23:30				
Wednesday	10:00	23:30				
Thursday	10:00	23:30				
Friday	10:00	00:00				
Saturday	10:00	00:00				
Sunday	12:00	22:30				
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	The hours for sale of alcohol may be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day				No change	

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	23:30	08:00	23:30	Basement and ground floor	No change
Tuesday	10:00	23:30	08:00	23:30		
Wednesday	10:00	23:30	08:00	23:30		
Thursday	10:00	23:30	08:00	23:30		
Friday	10:00	00:00	08:00	00:00		
Saturday	10:00	00:00	08:00	00:00		
Sunday	12:00	22:30	10:00	22:30		
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	None				No change	

1-C	Layout alteration
No change of layout is sought	

1-D	Conditions being removed
Condition	Proposed variation
The tables and chairs shall be removed from the forecourt by 20:30 each evening	Up to and including 30th September 2021, the tables and chairs on the forecourt shall be rendered unusable by 23:00 each evening. From 1st October 2021, the tables and chairs on the forecourt shall be rendered unusable by 20:30 each evening
Adult entertainment:	Current position:
	None
Proposed position:	No change

<b>2.</b>	<b>Representations</b>
<b>2-A</b>	<b>Responsible Authorities</b>
<b>Responsible Authority:</b>	Environmental Health
<b>Representative:</b>	Ian Watson
<b>Received:</b>	13 April 2021
<p>I refer to the application for a variation of the Premises Licence.  This representation is based on the operating schedule submitted.  The applicant is seeking the following</p> <ol style="list-style-type: none"> <li>1. To remove condition 10 so that tables and chairs can be left on the forecourt until the premises close.</li> <li>2. To extend the commencement opening hours to Monday to Saturday 08.00 hours and Sunday 10.00 hours.</li> </ol> <p>I wish to make the following representation</p> <ol style="list-style-type: none"> <li>1. The additional hours and use of the tables and chairs will have the likely effect of causing an increase in Public Nuisance within the area.</li> <li>2. No objection.</li> </ol> <p>The applicant has not proposed any conditions to minimise the potential for nuisance into the later trading hours.  Should you wish to discuss the matter further please do not hesitate to contact me.</p>	

<b>2-B</b>	<b>Other Persons</b>
<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	19 March 2021 (withdrawn 11 May 2021)
<p>I reside in [REDACTED]  [REDACTED]  [REDACTED].</p> <p>I originally did not object to the establishment of the new restaurant, as there was Condition 10 on the license that stated that "all tables and chairs are to be removed from the forecourt at 20:30 each night". This is earlier than the closing time for inside dining, which is 23:30 weekdays and 00:00 on weekends. With some exceptions of loud music, we have not been disturbed by the indoor dining. We are disturbed on many occasions by drunken patrons leaving the restaurant and lingering on the street next to our premises.</p> <p>The removal of Condition 10 of the license would mean that outside tables would be used until 23:30 to 00:00. This would definitely disturb us as alcohol is allowed to be served until these hours inside, and now would be outside. In particular my son who is in Grade 8 in school goes to bed every night by 20:30 latest. He goes to an academic school Westminster Under School and needs quiet for doing his homework, and then for getting a good night's sleep. This would</p>	

disturb his, as well as my wife and my sleep and right to quiet.

I strongly object to this license amendment, which is not consistent with the original agreement with the restaurant to to restrict late night dining and drinking adjacent to our home.

**Following consultation and the amendment of the application to a time limited application, the representation was withdrawn on 11<sup>th</sup> May 2021**

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED]
<b>Received:</b>	18 March 2021

I am writing further to your letter of 16th March 2021. As residents of [REDACTED], we object to the application to vary Chucs' premises license.

This is a residential area and it is not appropriate to have outdoor eating and drinking beyond 8.30pm. Originally, this site was La Bottega and closed at a more reasonable time. We did not object to the change in time to 8.30pm, when Chucs originally took over the site, as it seemed a sensible compromise to help them establish their restaurant. However, this "slow creep" is not acceptable. The noise would carry directly into our homes, as would smoke etc. It would also change the character of this residential area and having people sat outside after dark, within a very short distance from our home, would potentially represent a threat to my own personal safety and that of my daughters.

Please let me know if I need to do anything further to progress this objection.

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	21 March 2021

My wife and I reside [REDACTED]  
[REDACTED]  
[REDACTED].  
  
[REDACTED]  
[REDACTED].

With regard to the Application:

Firstly, I note that Chucs has applied to remove Condition 10 of the current license ("Condition 10"), so that table and chairs can be left on the forecourt until 22.30 on Sundays, 23.30 on Mondays through Thursdays and until midnight on Fridays and Saturdays. As such, the forecourt tables will be occupied by customers, who will be able to consume food and alcoholic beverages and enjoy the same services as customers inside the restaurant, until these new late hours, whereas currently, Condition 10 requires that all tables and chairs must be removed from the forecourt by 20.30 each evening.

I must stress that it was the existence of Condition 10 that persuaded my wife and I to agree to, or rather not to oppose, the original license application.

Since opening the restaurant our experience with Chucs has been problematic, as we have had reason to complain of strong cooking smells permeating our home, which we believe have been the result of their kitchen staff leaving the basement door, on Ebury Street, open. As a result, the air in the kitchen is not subject to the appropriate filtering process that we have been advised it should be. Whilst I accept that this has not been as much of a problem in the past year, because of reduced activity due to Covid, I have absolutely no doubt that it will become a major problem after lockdown conditions are eased and even more so as activity is increased on the forecourts by the proposed removal of Condition 10.

Added to this, it is my understanding that this kitchen cooks and supplies meals for other Chucs premises, which will only add to the existing problem.

I would further point out that when the restaurant was fully operational, pre Covid, there was a considerable amount of what appeared to be alcohol induced disturbance and noise from customers leaving the premises at closing time. Thus, one can only reasonably assume that this 'nuisance' and 'disturbance' will be multiplied to an unacceptable level if Condition 10 is removed.

Furthermore, I would suggest that Chucs and/or the Council need to ensure that more will be done to prevent such 'public nuisance' than merely displaying a notice to ensure that 'patrons leave the premises quietly at night to prevent disturbance to our neighbours' - as per item Md) on page 11 of the Application.

Secondly, with regard to the Application I note that it also includes the request to amend the current license so as to enable the restaurant to open early to serve breakfast, from 8.00am on Monday through Saturday and from 10.00am on Sundays. Whilst we have no objection to permitting this service inside the premises, we would object to service on the forecourt before 9.00am on Monday through Saturday.

Finally, and in passing I would mention that we suffered, pre Covid, from noise and disturbance as a result of customers coming out of the restaurant to smoke in front of our home, whilst carrying out animated conversation and often leaving cigarette butts outside our front door and occasionally throwing them into our basement area. We expect this behavior would increase if Condition 10 was removed as habitual smokers would prefer the forecourt where we presume smoking would be permitted.

In conclusion, we wish to register our objection to the Application to amend the existing license, as this Application does not honour the undertaking made by the proprietors of Chucs to limit their operations as per Condition 10 and would enable Chucs to provide a full service to customers on the forecourt from early in the morning to late at night with no proven ability to prevent the 'public nuisance', envisaged under item Md) of the Application

3.	<b>Policy &amp; Guidance</b>
The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<b>Policy HRS1 applies</b>	<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> <p>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</p>

	<p>from harm.</p> <p>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.</p> <p>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.</p> <p>4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.</p> <p>5. The proposed hours when any music, including incidental music, will be played.</p> <p>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.</p> <p>7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.</p> <p>8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.</p> <p>9. The capacity of the premises.</p> <p>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><b>Policy RTN1 applies</b></p>	<p>A. Applications outside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</li> <li>2. The hours for licensable activities being within the council's Core Hours Policy HRS1.</li> <li>3. The applicant has taken account of the Special Consideration Zones Policy SCZ1 if the premises are located within a designated zone.</li> <li>4. The application and operation of the venue meeting the definition of a restaurant as per Clause C.</li> </ol> <p>B. Applications inside the West End Cumulative Impact Zone will</p>

	<p>generally be granted subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</li> <li>2. The hours for licensable activities are within the council's Core Hours Policy HRS1.</li> <li>3. The applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone.</li> <li>4. The application and operation of the venue meeting the definition of a restaurant as per Clause C.</li> </ol> <p>C. For the purposes of this policy a restaurant is defined as:</p> <ol style="list-style-type: none"> <li>1. A premises in which customers are shown to their table or the customer will select a table themselves to which food is either served to them or they have collected themselves.</li> <li>2. Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at a table.</li> <li>3. Which do not provide any takeaway service of food and/or drink for immediate consumption.</li> <li>4. Where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.</li> <li>5. The sale and consumption of alcohol prior to such meals may be in a bar area but must also be ancillary to the taking of such meal</li> </ol>
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#### 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.

<b>5.</b>	<b>Appendices</b>	
<b>Appendix 1</b>	Premises Licence 20/05519/LIPT and Tables and Chairs Licence 21/01474/STTCPL	
<b>Appendix 2</b>	Applicant supporting documents	
<b>Appendix 3</b>	Premises history	
<b>Appendix 4</b>	Proposed conditions	
<b>Appendix 5</b>	Residential map and list of premises in the vicinity	

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

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

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

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2021
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
<b>4</b>	Environmental Health Representation	13 April 2021
<b>5</b>	Interested Party Representation (1)	19 March 2021 <b>(withdrawn 11 May 2021)</b>
<b>6</b>	Interested Party Representation (2)	18 March 2021
<b>7</b>	Interested Party Representation (3)	21 March 2021



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

Schedule 12  
Part A

WARD: Knightsbridge  
And Belgravia  
UPRN: 100023346993

Premises licence  
**AMENDED**

Regulation 33, 34

Premises licence number:

20/05519/LIPT

Original Reference:

09/04838/LIPN

**Part 1 – Premises details**

**Postal address of premises:**

Chucs  
25 Eccleston Street  
London  
SW1W 9NP

**Telephone Number:**

**Where the licence is time limited, the dates:**

Not applicable

**Licensable activities authorised by the licence:**

Late Night Refreshment  
Sale by Retail of Alcohol

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

**Late Night Refreshment**

Monday to Thursday: 23:00 to 23:30  
Friday to Saturday: 23:00 to 00:00

**Sale by Retail of Alcohol**

Monday to Thursday: 10:00 to 23:30  
Friday to Saturday: 10:00 to 00:00  
Sunday: 12:00 to 22:30  
Non-standard Timings: See condition 37

**The opening hours of the premises:**

Monday to Thursday: 10:00 to 23:30  
Friday to Saturday: 10:00 to 00:00  
Sunday: 12:00 to 22:30

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

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

**Part 2**

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

Chucs Restaurant Ltd  
3 Cadogan Gate  
London  
SW1X 0AS

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

12570840

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

**Name:** Avi Jethwa

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

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

**Licence Number:** 18/PSL 02149  
**Licensing Authority:** Cherwell District Council

**Date:** 23 July 2020

**This licence has been authorised by Ola Ajose-Adeogun on behalf of the Director - Public Protection and Licensing.**

## Annex 1 – Mandatory conditions

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

- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -
  - (a) a holographic mark, or
  - (b) an ultraviolet feature.

7. The responsible person must ensure that –

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

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

- 8 (i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- (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.
- (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.
- (iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

## **Annex 2 – Conditions consistent with the operating Schedule**

9. 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.
10. The tables and chairs shall be removed from the forecourt by 20:30 each evening.
11. All staff shall be trained in relation to the above of drugs and alcohol on the premises.
12. Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, the licence holder shall ensure that all alcohol within the premises (including alcohol behind the counter) is secured in a locked store room or behind locked grilles, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff.
13. Staff shall be trained in relation to Health & Safety and the Fire Safety requirements.
14. The premises shall be equipped with all necessary fire safety fittings and equipment.
15. All sales of alcohol for consumption 'off' the premises shall be in sealed containers only.
16. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
17. The supply of alcohol on the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
18. The supply of alcohol on the premises shall be by waiter or waitress service only.
19. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
20. There shall be no sale of draught beer.
21. No licensable activities or the consumption of alcohol shall take place in the basement.
22. The number of persons accommodated inside the premises at any one time (excluding staff) shall not exceed 100 persons.
23. All refuse must be properly presented and cannot be left on the highway for more than 2.5 hours.
24. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 08.00 hours on the following day.
25. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.

26. There shall be no self service of spirits on the premises, save for spirit mixtures less than 5.5% ABV.
27. No more than 15% of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol.
28. No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles.
29. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
30. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.
31. There shall be no sales of alcohol for consumption off the premises after 23.00.
32. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance
33. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
34. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
35. No deliveries to the premises shall take place between 23.00 and 08.00 on the following day.
36. 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.
37. The hours for sale of alcohol may be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

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

None



01 BASEMENT - LICENSING PLAN  
 1:500 (B1)

REF	DESCRIPTION		
01	WALL CONSTRUCTION	01	CONCRETE
02	FLOOR CONSTRUCTION	02	CONCRETE
03	CEILING CONSTRUCTION	03	CONCRETE
04	MECHANICAL SERVICES		
05	ELECTRICAL SERVICES		
06	PLUMBING SERVICES		
07	GLASS & GLAZING		
08	PAINTING & DECORATION		
09	LANDSCAPE ARCHITECTURE		
10	SCULPTURE		
11	CONCRETE		
12	GLASS & GLAZING		
13	PAINTING & DECORATION		
14	LANDSCAPE ARCHITECTURE		
15	SCULPTURE		

**LICENSING**

THE ABOVE PLAN IS A REPRESENTATION OF THE PROPOSED LAYOUT OF THE PREMISES FOR LICENSING PURPOSES. IT IS NOT A CONTRACT AND DOES NOT GUARANTEE THE ACCURACY OF THE INFORMATION PROVIDED. THE LICENSING OFFICER SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF THE INFORMATION PROVIDED AND FOR ISSUING A LICENSING ORDER IF APPROPRIATE.

**CLIENT**  
 GAVLET CAPITAL  
 PROJECT 2/8 SOULSON STREET  
 CHELSEA, LONDON SW3 6LN

**DATE**  
 07/09/2019

**SCALE**  
 1:500

**SHEET NO**  
 01

**PROJECT NO**  
 GA-1401

**REV**  
 0





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

Schedule 12  
Part B

WARD: Knightsbridge  
And Belgravia  
UPRN: 100023346993

Premises licence  
summary

Regulation 33, 34

Premises licence number:

20/05519/LIPT

**Part 1 – Premises details**

**Postal address of premises:**

Chucs  
25 Eccleston Street  
London  
SW1W 9NP

**Telephone Number:**

**Where the licence is time limited, the dates:**

Not applicable

**Licensable activities authorised by the licence:**

Late Night Refreshment  
Sale by Retail of Alcohol

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

**Late Night Refreshment**

Monday to Thursday:	23:00 to 23:30
Friday to Saturday:	23:00 to 00:00

**Sale by Retail of Alcohol**

Monday to Thursday:	10:00 to 23:30
Friday to Saturday:	10:00 to 00:00
Sunday:	12:00 to 22:30
Non-standard Timings:	See condition 37

**The opening hours of the premises:**

Monday to Thursday:	10:00 to 23:30
Friday to Saturday:	10:00 to 00:00
Sunday:	12:00 to 22:30

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

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

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

Chucs Restaurant Ltd  
3 Cadogan Gate  
London  
SW1X 0AS

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

12570840

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

**Name:** Avi Jethwa

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

Restricted

**Date:** 23 July 2020

**This licence has been authorised by Ola Ajose-Adeogun on behalf of the Director - Public Protection and Licensing.**

# Tables and Chairs Licence

## NOTES

The Council may revoke this licence on certain specified grounds e.g. for misconduct, failure to comply with licence conditions.

The holder may employ any other person to ASSIST him/her in the conduct of the business without any further licence being required, but the licence may not be transferred to any other person nor may it be altered or tampered with in any way. Any failure by an Assistant to comply with licence conditions will be deemed to be a failure by the licence holder.

Any breach of this licence is punishable by a penalty not exceeding Level 3.



City of Westminster

BUSINESS AND PLANNING ACT 2020

PAVEMENT LICENCE  
FOR THE USE OF  
TABLES & CHAIRS AND OTHER FURNITURE  
ON THE HIGHWAY

Chucs Restaurant  
25 Eccleston Street  
London  
SW1W 9NP

LICENCE NO:  
21/01474/STTCPL



City of Westminster

21/01474/STTCPL

1. THE WESTMINSTER CITY COUNCIL hereby grants to Chucs Restaurants Ltd

A pavement licence to engage in the use of tables & chairs and other furniture in the City of Westminster from the street outside Chucs Restaurant, 25 Eccleston Street, London, SW1W 9NP

2. This licence authorises the holder to trade solely in the articles, and in the manner, and at the places and times specified in the Schedule to the licence and is granted subject (1) to the conditions made under Section 5(2), 5(5) and 5(6) of the Business and Planning Act 2020; (2) to any Act amending the same and to any Orders made thereunder; and (3) to any other statutory enactment which is in force for the time being.
3. This licence is valid from 11 March 2021 and shall remain in force until 30 September 2021 unless it is cancelled or revoked by the Council.

Mary Pring  
Senior Licensing Officer

Dated this: 11 March 2021

On Behalf of the Director of Public Protection & Licensing

### SCHEDULE

Number of Places	8						
Type and number of other approved furniture	TABLES: 4 CHAIRS: 8 UMBRELLAS: 2						
Location / Premises	Chucs Restaurant, 25 Eccleston Street, London, SW1W 9NP,						
Purpose of the pavement licence	Use of furniture to sell or serve food or drink						
Dimensions of area licensed	WIDTH: 5.2m DEPTH: 1.8m						
Day	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
From Time	11:00	11:00	11:00	11:00	11:00	11:00	11:00
To Time	23:00	23:00	23:00	23:00	23:00	23:00	23:00

### PAVEMENT LICENCE FURTHER CONDITIONS

#### National conditions:

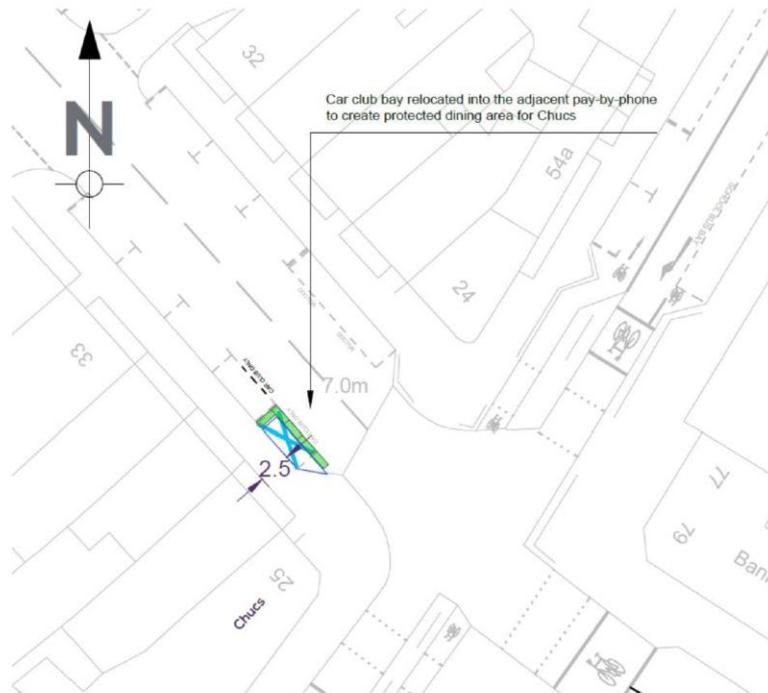
1. The Licensee must ensure that clear routes of access along the highway are maintained, taking into account the needs of disabled people, and the recommended minimum footway widths and distances required for access by mobility impaired and visually impaired persons are provided at all times the licence is in operation.
2. Where the furniture on the relevant highways consists of seating for use by persons, for the purpose of consuming food or drink, the licence holder must make reasonable provision for seating where smoking is not permitted.

#### Local conditions:

3. All food and beverages (alcoholic and non-alcoholic) for consumption in the licensed area must be supplied by waiter/waitress service to seated customers only.
4. This licence only permits the use of table and chairs or other authorised furniture on the highway in the area designated on the plan attached to the licence.
5. Any tables and chairs or other authorised furniture for use pursuant to this licence is only authorised in connection with an adjacent premise which is to be used for the sale of food or drink for consumption on or off the premises.
6. No alcohol is to be sold or consumed from the designated area identified unless that sale and/or consumption is approved under the Licensing Act 2003 which includes any temporary authorisations for the sale of alcohol permitted pursuant to the Business and Planning Act 2020.
7. No furniture may be placed within the designated area identified on the plan other than that expressly permitted by the licence.
8. This Licence does not allow the use of loudspeakers, amplification or other similar equipment.
9. All furniture approved for use, including tables, chairs, barriers and heaters must be safe for public use and must be kept in good repair and condition.
10. Operators are required to manage their premises and outdoor seating areas in accordance with current social distancing measures and government guidance.
11. The Licensee must ensure that good order and behaviour is maintained at all times by people using any tables and chairs or other authorised furniture pursuant to this licence and that no nuisance is caused to residential or business neighbours.
12. The number of persons seated in the licensed area shall not exceed either the maximum capacity stated in the application form or on the pavement licence or the total number identified in the Covid-19 risk assessment, whichever is the lowest.

13. All customers consuming refreshments within the licensed area shall be seated.
14. The number of tables and chairs or other authorised furniture detailed on the pavement licence shall not be exceeded.
15. If a pavement licence is deemed to be granted, the number of tables and chairs or other authorised furniture shall not exceed the number specified in the application form and the licence must not exceed any other limitations on use that have been specified in the application form.
16. The trading area shall not exceed the dimensions specified on the pavement licence or any limits marked on the ground during trading hours.
17. The layout of tables, chairs and other authorised furniture must be in accordance with the plan appended to the licence at all times that the licence is in use.
18. All tables and chairs and other authorised furniture shall be removed immediately from the highway when reasonably required by the City Council, Metropolitan Police, emergency services, or any statutory undertaker or utility.
19. The tables and chairs and other authorised furniture shall not be placed on the highway before the time specified and is to be removed no later than 23:00 hours. Service at the tables should cease at 22:30 hours in order for this to be achieved. Trading may only take place on the days and during the times specified on the licence.
20. All tables and chairs and other authorised furniture that is used in connection with a pavement licence must be removable which means that it is not a permanent fixed structure and is able to be moved easily, and stored away at the end of use for the day.
21. A copy of the licence shall be displayed during the hours of trading in a prominent position agreed by the Council, either in the front window of the premises or nearby so as to be clearly visible from the outside to anyone wishing to inspect it.
22. No fixtures or excavation of any kind shall be made in the surface of the highway, which shall be left entirely undisturbed.
23. The Licensee shall not use this licence unless it has public liability insurance cover in the sum of not less than £2 million and has provided a copy of that policy to the Licensing Authority.
24. All tables and chairs and other authorised furniture permitted by this licence must be completely removed from the licensed external area by the terminal hour permitted for the licence and stored inside the premises or stored in a designated area away from noise sensitive properties. Tables and chairs and other authorised furniture must be stored in such a way that they cannot be moved or used overnight.
25. Staff must regularly monitor the licensed area to ensure it is kept clean and tidy. Any litter or waste arising from use of the licensed area must be cleared away as soon as is practicable.
26. If a pavement licence is deemed to be granted, it will be subject to these standard local conditions.

27. The Council reserves the right to add additional conditions to individual licence applications where it is appropriate to do so.



None

**Licence & Appeal History**

Application	Details of Application	Date Determined	Decision
09/04838/LIPN	New premises licence	21.08.2009	Granted under delegated authority
13/06422/LIPDPS	Variation of DPS	18.09.2013	Granted under delegated authority
13/07893/LIPV	Full variation – Extension of hours/addition of late night refreshment	22.11.2013	Granted under delegated authority
13/08172/LIPT	Transfer of the premises licence - The Belgravia Bottega Limited to LBID (UK) Trading Ltd	22.11.2013	Granted under delegated authority
14/02356/LIPVM	Minor variation – Change of layout	28.04.2014	Granted under delegated authority
14/05161/LIPDPS	Variation of DPS	09.07.2014	Granted under delegated authority
14/07855/LIPDPS	Variation of DPS	06.10.2014	Granted under delegated authority
15/10288/LIPDPS	Variation of DPS	26.11.2015	Granted under delegated authority
16/02083/LIPDPS	Variation of DPS	31.03.2016	Granted under delegated authority
16/08693/LIPDPS	Variation of DPS	13.09.2016	Granted under delegated authority
17/03790/LIPDPS	Variation of DPS	03.05.2017	Granted under delegated authority
19/02929/LIPT	Transfer of the premises licence - LBID (UK) Trading Ltd to Chucs Bar & Grill Limited	09.05.2019	Granted under delegated authority

19/07044/LIPV	Full variation – Change of layout and addition and amendment of conditions	22.07.2019	Granted under delegated authority
19/08753/LIPDPS	Variation of DPS	31.07.2019	Granted under delegated authority
20/05519/LIPT	Transfer of the premises licence - Chucs Bar & Grill Limited to Chucs Restaurant Limited	23.07.2020	Granted under delegated authority

There is no appeal history

#### Tables and Chairs History

<b>Application</b>	<b>Details of Application</b>	<b>Duration</b>	<b>Decision</b>
21/01474/STTCPL	4 Tables, 8 chairs and 2 umbrellas	11.03.2021 to 30.09.2021	Granted under delegated authority

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

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

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

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

**Conditions: On Current Licence -**

**Mandatory:**

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

- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
  - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml;
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor.

For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

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

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

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

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

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

Where -

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

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

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

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

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

8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

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

## **Annex 2 – Conditions consistent with the operating Schedule**

9. 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.
10. The tables and chairs shall be removed from the forecourt by 20:30 each evening.

### **The applicant is proposing the following variation:**

**Up to and including 30th September 2021, the tables and chairs on the forecourt shall be rendered unusable by 23:00 each evening. From 1st October 2021, the tables and chairs on the forecourt shall be rendered unusable by 20:30 each evening**

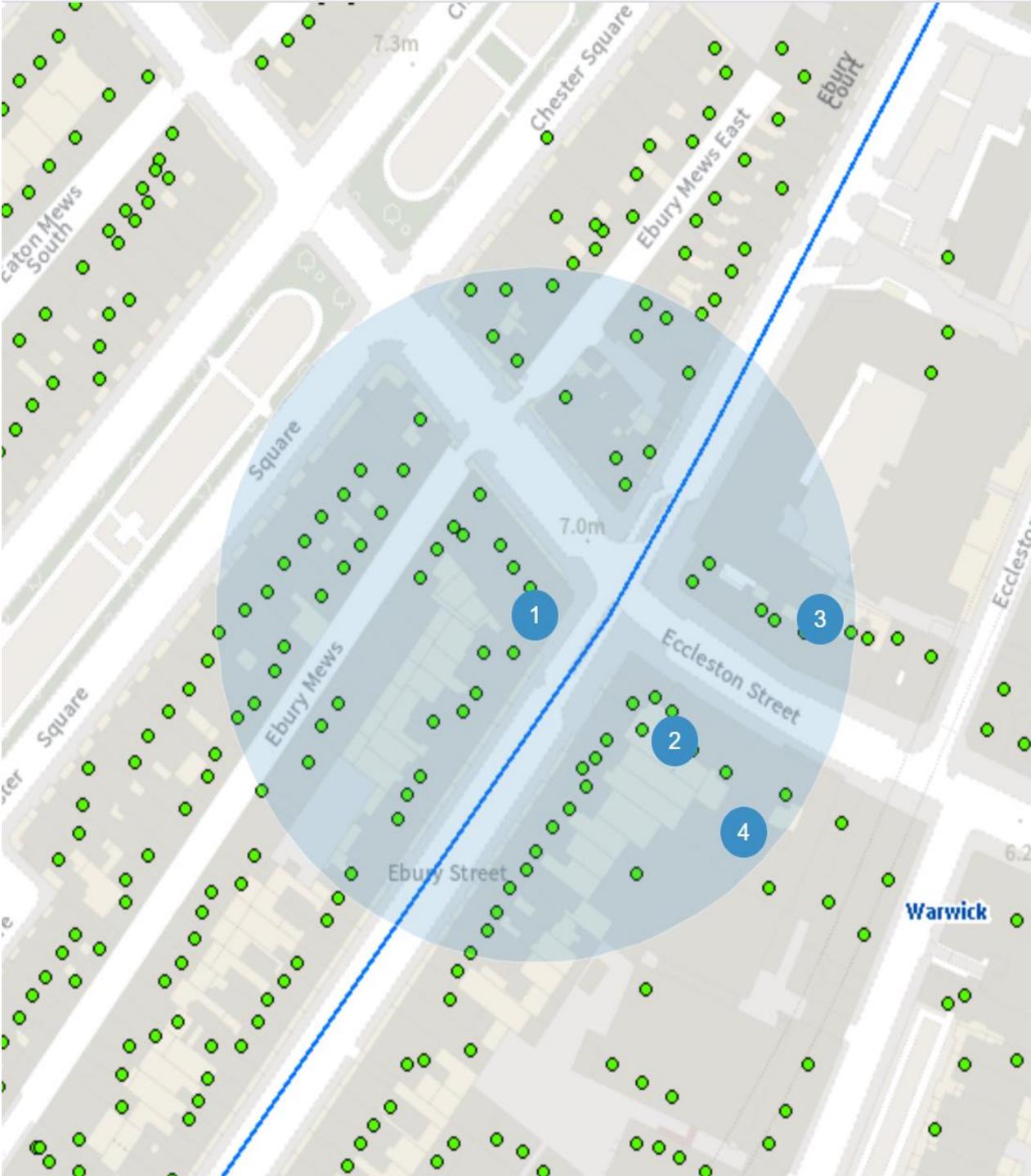
11. All staff shall be trained in relation to the above of drugs and alcohol on the premises.
12. Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, the licence holder shall ensure that all alcohol within the premises (including alcohol behind the counter) is secured in a locked store room or behind locked grilles, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff.
13. Staff shall be trained in relation to Health & Safety and the Fire Safety requirements.
14. The premises shall be equipped with all necessary fire safety fittings and equipment.
15. All sales of alcohol for consumption 'off' the premises shall be in sealed containers only.
16. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
17. The supply of alcohol on the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
18. The supply of alcohol on the premises shall be by waiter or waitress service only.
19. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
20. There shall be no sale of draught beer.
21. No licensable activities or the consumption of alcohol shall take place in the basement.
22. The number of persons accommodated inside the premises at any one time (excluding staff) shall not exceed 100 persons.
23. All refuse must be properly presented and cannot be left on the highway for more than 2.5 hours.
24. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 08.00 hours on the following day.
25. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit

points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.

26. There shall be no self service of spirits on the premises, save for spirit mixtures less than 5.5% ABV.
27. No more than 15% of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol.
28. No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles.
29. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
30. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.
31. There shall be no sales of alcohol for consumption off the premises after 23.00.
32. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance
33. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
34. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
35. No deliveries to the premises shall take place between 23.00 and 08.00 on the following day.
36. 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.
37. The hours for sale of alcohol may be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

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

None



Resident count: 132

**Licensed premises with 75m of 25 Eccleston Street, London, SW1**

Licence Number	Trading Name	Address	Premises Type	Time Period
14/05018/LIPDPS	Olivo Restaurants	21 Eccleston Street London	Restaurant	Sunday; 12:00 - 23:30   Monday to Saturday; 10:00 - 00:30
14/01917/LIPDPS	Tomtom Mess Hall	14 Eccleston Street London SW1W 9LT	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
20/05481/LIPDPS	Boisdale Of Belgravia	Basement to Ground Floor And Part First Floor 13 Eccleston Street London SW1W 9LX	Restaurant	Sunday; 12:00 - 00:00   Sunday; 09:00 - 00:00   Monday to Saturday; 09:00 - 01:30   Monday to Saturday; 10:00 - 00:30