



CITY OF WESTMINSTER

# MINUTES

## Licensing Sub-Committee (2)

### MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (2)** held on **Thursday 19th August, 2021**, This will be a virtual meeting.

**Members Present:** Councillors Tim Mitchell (Chairman), Barbara Arzymanow and Aziz Toki

#### 1. MEMBERSHIP

1.1 There were no changes to the membership.

#### 2. DECLARATIONS OF INTEREST

2.1 There were no declarations of interest.

#### 1 Development Site: 31 London Street, 9 Winsland Mews & 128-144 Praed Street, London W2 1JD

#### 2. RESTAURANT AT UNITS 34/35/41, DEVELOPMENT SITE AT 31 LONDON STREET, 9 WINSLAND MEWS AND 128-144 PRAED STREET, W2

#### WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO. 2

Thursday 19<sup>th</sup> August 2021

Membership: Councillor Tim Mitchell (Chair), Councillor Barbara Arzymanow and Councillor Aziz Toki

Officer Support: Legal Advisor: Horatio Chance  
Policy Officer: Aaron Hardy  
Committee Officer: Tristan Fieldsend  
Presenting Officer: Daisy Gadd

#### Application for a New Premises Licence 21/00817/LIPN

#### Full Decision

## **Premises**

Restaurant At Units 34/35/41 Development Site At 31 London Street, 9 Winsland Mews And 128-144 Praed Street London W2 1DJ

## **Applicant**

Great Western Developments Limited  
Represented by Craig Baylis (Solicitor - Kingsley Napley LLP)

## **Cumulative Impact Area?**

Not in a Cumulative Impact Area

## **Special Consideration Zone?**

Not in a Special Consideration Zone

## **Ward**

Hyde Park

## **Summary of Application**

The Premises intends to operate as a restaurant. There is a resident count of 28.

## **Proposed Activities and Hours**

### [Retail Sale of Alcohol \[On Sales\]](#)

Monday to Thursday 10.00 to 23.30  
Friday to Saturday 10:00 to 00:00  
Sunday 12:00 to 22:30

### [Late Night Refreshment \[Indoors\]](#)

Monday to Thursday 23.00 to 23.30  
Friday to Saturday 23:00 to 00:00

### [Hours premises are open to the public](#)

Monday to Thursday 08.00 to 23.30  
Friday to Saturday 08:00 to 00:00  
Sunday 09:00 to 23:00

## **Representations Received**

- Metropolitan Police (PC Reaz Guerra) – Now withdrawn
- Paddington Waterways and Maida Vale Society

- Mercure Hotels
- The South East Bayswater Residents' Association
- Paddington Now Business Improvement District

### **Summary of issues raised by objectors**

- The application would have the likely effect of causing harm to the prevention of public nuisance licensing objective.
- The application was one of eight applications which had been submitted for the development and taken together would likely have a negative cumulative impact on one or more of the licensing objectives.
- The opening times did not reflect the character of the area with late night Thursday and Sunday opening times being inappropriate in an area shared by hotel accommodation and permanent residences.
- Concerns were raised over how nuisance would be managed and mitigated with these areas needing addressing before the applications could be considered suitable for approval. This should include details of single on-site management.

### **Policy Position**

Under policy HRS1 applications for hours within the Council's core hours policy would generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.

Policy RTN1(A) also applied where applications outside of the Cumulative Impact Area would generally be granted subject to the hours for licensable activities being within core hours and the operation of the venue meeting the definition of a restaurant.

## **SUBMISSIONS AND REASONS**

With the agreement of all parties present the Sub-Committee decided to hear all six applications for the Development Site at 31 London Street, 9 Winsland Mews And 128-144 simultaneously but agreed that each application would have their own separate written Decision.

Ms Gadd the Presenting Officer introduced the application and confirmed that the Metropolitan Police Service had withdrawn their representation following the Applicant's agreement to restrict the hours for licensable activities to core hours.

My Baylis, representing the Applicant, introduced the application and provided an overview of the style of operation proposed. The Sub-Committee was advised that planning permission had been granted for the development which would cost approximately £600 million and included new entrances and exits for Paddington train and tube stations, significant office and retail space with restaurants located on

the ground and first floors of the building. The application was within the Council's core hours policy and following a substantial number of pre-application meetings with the Police and Environmental Health (EH) the Police had withdrawn their representation and EH had not submitted one. It was proposed for all customers to be seated with the provision of alcohol to be provided by waiter/waitress service and ancillary to a table meal. Mr Baylis explained that the Premises currently did not have a tenant as the development was still not due to open until approximately twelve month's time. This application was therefore being made in order to market the Premises to attract potential tenants and would also allow the applicant a greater level of control over what the tenant could do. It was hoped the development would attract people into the Paddington area whilst it was also recognised that the office space was likely to provide a large customer base for the Premises. The capacity limit would be set by EH and the tenant would have to come back to the Council with amended plans if they wished to change the layout of these plans, which were for indicative purposes only at the moment. The planning permission granted for the Premises required a detailed operational management plan to be prepared, the applicant was currently in the process of preparing this and once this was agreed it would be submitted to the Licensing Authority. Mr Baylis proposed that a condition could be added to the licence requiring the licensing operational management plan to mirror the one used for planning. Finally, it was confirmed that the Premises was not located within a Cumulative Impact Area (CIA) or Special Consideration Zone (SCZ) and therefore there was no presumption to refuse the application.

The Sub-Committee noted that the Applicant was aware that potential tenants would probably wish to change the indicative layout currently proposed and would therefore have to lodge a major variation application which required consultation with the responsible authorities and local neighbours. In addition, Mr Baylis agreed that if the Sub-Committee was minded to grant the application the current proposed works condition could be amended to ensure the operational management plan was the same for both planning and licensing regimes in order to ensure there was standardisation of such things as deliveries in the development therefore minimising disruption to the local area. Mr Baylis also confirmed that the development had internal servicing bays which would be managed to make sure that not too many servicing vehicles tried to access them simultaneously.

Richard Brown of the Citizens Advice Westminster Licensing Service, representing the South East Bayswater Residents Association (SEBRA) and the Paddington Waterways and Maida Vale Society, addressed the Sub-Committee. Mr Brown acknowledged that the Premises was currently still a construction site but did express surprise that the applicant had not entered into engagement with local residents and amenity societies. More information was sought on the development and how it would operate in terms of the public realm, especially with regard to security and deliveries. It was acknowledged that several of the proposed conditions provided reassurance however, the hours sought on Sundays were beyond core hours and more information on the type of tenants envisaged would be welcomed. Another concern was the cumulative impact the proposals would have on the local area. It was recognised that the Premises was not located within a CIA but the opening of a significant number of new restaurants in the area would have a negative cumulative impact on the area. With capacity limits still to be set there were concerns over how dispersal would be managed. A query over whether the submitted plans included an external seating area was also raised, off sales had not

been applied so therefore it was expected that a variation application would be required at some stage in the future. Mr Brown considered that the proposed conditions were not quite comprehensive enough, controls on smoking would also be required for example, but whilst he was not seeking a refusal of the licence the concerns raised did still need addressing.

Mr Zamit, representing the South East Bayswater Residents Association, expressed concern over the lack of information regarding the development. Further details were required on what impact it would have on the public realm and the cumulative impact it would have on the local area. Concerns included whether there would be a takeaway food provision available and where taxis would pick up customers.

Mr Baylis explained that the application had been kept as minimal as possible in order to be able to market the Premises to prospective tenants and minimise any concern for local residents. For example, off sales had not been applied for as it was unknown whether potential tenants would want this and if they did a variation would have to be applied for. If the Sub-Committee was minded to grant the application an operational management plan condition could be added to the licence which would mirror the same one granted under the planning regime. The plan would confirm that no takeaway food deliveries would take place from the development. The development would be a high-quality public space with seated dining and managed accordingly.

If the Sub-Committee was minded to grant the application the Legal Adviser to the Sub-Committee suggested conditions regarding the operational management, servicing and public realm plans, capacity limits to be determined by EH and a telephone number to be made publicly available to residents and businesses in the vicinity. Mr Baylis agreed for these conditions to be imposed on the licence if the Sub-Committee approved the application.

The Sub-Committee carefully considered the application and noted that the Premises was not located within a Cumulative Impact Area or a Special Consideration Zone and therefore there was no presumption to refuse the application and to consider it on its own individual merits. The Sub-Committee welcomed the extensive discussions undertaken with the responsible authorities and as such there were no representations from the Licensing Authority, Environmental Health and the Police had subsequently withdrawn theirs. Aside from 30 minutes on Sundays the hours requested were within the core hours policy and it was recognised that what was being applied for would only allow the Premises to operate as a restaurant. All patrons would be seated, alcohol would be ancillary to the Premises operating as a restaurant and the supply of alcohol would be through waiter/waitress service only. It was recognised that the application had been kept minimal in order to allow the applicant to market the Premises to prospective tenants. Whilst the Sub-Committee felt it would have been beneficial if the application had been submitted in six months' time when the development was nearing completion, and a public realm strategy and operational management plan were in place detailing how such issues as dispersal would be managed, but there was enough information available to consider the proposals before it. It was noted that the applicant had agreed that if any prospective tenants wanted to amend the plans or style of operation proposed in the future, a major variation application would have to be submitted and considered by all relevant stakeholders. The conditions

proposed by the Applicant and agreed with the responsible authorities were considered appropriate however it was deemed necessary to impose several additional conditions in order to provide further reassurance to local residents and mitigate the concerns raised. These included a condition requiring the Premises to adopt and comply with future policies relating to dispersal, operational management and servicing plans including an public realm strategy at all times. A direct telephone number for the manager at the Premises would also have to be publicly available at all times the Premises was open. Therefore, having taken into account all the evidence (with consideration being given to the representations received from local residents), the Sub-Committee was satisfied that the application was suitable for the local area and had addressed the concerns raised.

The Sub-Committee decided that the Applicant had provided valid reasons as to why the granting of the application would promote the licensing objectives.

Having carefully considered the committee papers and the submissions made by all the parties, both orally and in writing, **the Sub-Committee has decided**, after taking into account all the circumstances of this application and the promotion of the licensing objectives to **grant** the application with the following permissions:

1. To grant permission for **Late Night Refreshment [Indoors] Monday to Thursday 23.00 to 23.30 Friday to Saturday 23:00 to 00:00**
2. To grant permission for Plays (Indoors) Monday to Saturday: 10:00 to 23:30 hours **Retail Sale of Alcohol [On Sales] Monday to Thursday 10.00 to 23.30 Friday to Saturday 10:00 to 00:00 Sunday 12:00 to 22:30**
3. To grant permission for **Hours premises are open to the public Monday to Thursday 08.00 to 23.30 Friday to Saturday 08:00 to 00:00 Sunday 09:00 to 23:00**
4. That the Licence is subject to any relevant mandatory conditions.
5. That the Licence is subject to the following additional conditions imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.

#### **Conditions imposed by the Committee after a hearing**

6. 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.
7. 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.

8. The premises shall only operate as a restaurant
  - i. in which customers are shown to their table,
  - ii. where the supply of alcohol is by waiter or waitress service only,
  - iii. which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
  - iv. which do not provide any take away service of food or drink for immediate consumption,
  - v. where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.
9. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
10. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
11. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
12. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
13. 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.
14. No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined.
15. 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.
16. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons

- (c) any complaints received concerning crime and disorder
  - (d) any incidents of disorder
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system, searching equipment or scanning equipment
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service.
17. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
  18. No deliveries to the premises shall take place between 23.00 and 08.00 on the following day.
  19. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.
  20. The premises licence holder shall at all times comply with the policies relating to dispersal, an operational management plan, servicing plan, the public realm strategy as shall be amended from time to time. Such copies of these documents will be made readily available to the responsible authorities upon request.
  21. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number and/or is to be made available to residents and businesses in the vicinity.

**This is the Full Decision of the Licensing Sub-Committee which takes effect forthwith**

**The Licensing Sub-Committee  
19 August 2021**

**3. RESTAURANT UNITS 38 TO 44, DEVELOPMENT SITE AT 31 LONDON STREET, 9 WINSLAND MEWS AND 128-144 PRAED STREET, W2**

**WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO. 2**

Thursday 19<sup>th</sup> August 2021

Membership: Councillor Tim Mitchell (Chair), Councillor Barbara Arzymanow and Councillor Aziz Toki

Officer Support: Legal Advisor: Horatio Chance  
Policy Officer: Aaron Hardy  
Committee Officer: Tristan Fieldsend  
Presenting Officer: Daisy Gadd



## **Application for a New Premises Licence 21/00847/LIPN**

### **Full Decision**

#### **Premises**

Restaurant Units 38-44 Development Site at 31 London Street, 9 Winsland Mews and 128-144 Praed Street London W2 6ZY

#### **Applicant**

Great Western Developments Limited  
Represented by Craig Baylis (Solicitor - Kingsley Napley LLP)

#### **Cumulative Impact Area?**

Not in a Cumulative Impact Area

#### **Special Consideration Zone?**

Not in a Special Consideration Zone

#### **Ward**

Hyde Park

#### **Summary of Application**

The Premises intends to operate as a restaurant. There is a resident count of 28.

#### **Proposed Activities and Hours**

##### **[Retail Sale of Alcohol \[On Sales\]](#)**

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##### **[Hours premises are open to the public](#)**

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## **Representations Received**

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- The opening times did not reflect the character of the area with late night Thursday and Sunday opening times being inappropriate in an area shared by hotel accommodation and permanent residences.
- Concerns were raised over how nuisance would be managed and mitigated with these areas needing addressing before the applications could be considered suitable for approval. This should include details of single on-site management.

## **Policy Position**

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## **SUBMISSIONS AND REASONS**

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Ms Gadd the Presenting Officer introduced the application and confirmed that the Metropolitan Police Service had withdrawn their representation following the Applicant's agreement to restrict the hours for licensable activities to core hours.

My Baylis, representing the Applicant, introduced the application and provided an overview of the style of operation proposed. The Sub-Committee was advised that planning permission had been granted for the development which would cost approximately £600 million and included new entrances and exits for Paddington train and tube stations, significant office and retail space with restaurants located on the ground and first floors of the building. The application was within the Council's core hours policy and following a substantial number of pre-application meetings with the Police and Environmental Health (EH) the Police had withdrawn their representation and EH had not submitted one. It was proposed for all customers to be seated with the provision of alcohol to be provided by waiter/waitress service and ancillary to a table meal. Mr Baylis explained that the Premises currently did not have a tenant as the development was still not due to open until approximately twelve month's time. This application was therefore being made in order to market the Premises to attract potential tenants and would also allow the applicant a greater level of control over what the tenant could do. It was hoped the development would attract people into the Paddington area whilst it was also recognised that the office space was likely to provide a large customer base for the Premises. The capacity limit would be set by EH and the tenant would have to come back to the Council with amended plans if they wished to change the layout of these plans, which were for indicative purposes only at the moment. The planning permission granted for the Premises required a detailed operational management plan to be prepared, the applicant was currently in the process of preparing this and once this was agreed it would be submitted to the Licensing Authority. My Baylis proposed that a condition could be added to the licence requiring the licensing operational management plan to mirror the one used for planning. Finally, it was confirmed that the Premises was not located within a Cumulative Impact Area (CIA) or Special Consideration Zone (SCZ) and therefore there was no presumption to refuse the application.

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area. It was recognised that the Premises was not located within a CIA but the opening of a significant number of new restaurants in the area would have a negative cumulative impact on the area. With capacity limits still to be set there were concerns over how dispersal would be managed. A query over whether the submitted plans included an external seating area was also raised, off sales had not been applied so therefore it was expected that a variation application would be required at some stage in the future. Mr Brown considered that the proposed conditions were not quite comprehensive enough, controls on smoking would also be required for example, but whilst he was not seeking a refusal of the licence the concerns raised did still need addressing.

Mr Zamit, representing the South East Bayswater Residents Association, expressed concern over the lack of information regarding the development. Further details were required on what impact it would have on the public realm and the cumulative impact it would have on the local area. Concerns included whether there would be a takeaway food provision available and where taxis would pick up customers.

Mr Baylis explained that the application had been kept as minimal as possible in order to be able to market the Premises to prospective tenants and minimise any concern for local residents. For example, off sales had not been applied for as it was unknown whether potential tenants would want this and if they did a variation would have to be applied for. If the Sub-Committee was minded to grant the application an operational management plan condition could be added to the licence which would mirror the same one granted under the planning regime. The plan would confirm that no takeaway food deliveries would take place from the development. The development would be a high-quality public space with seated dining and managed accordingly.

If the Sub-Committee was minded to grant the application the Legal Adviser to the Sub-Committee suggested conditions regarding the operational management, servicing and public realm plans, capacity limits to be determined by EH and a telephone number to be made publicly available to residents and businesses in the vicinity. Mr Baylis agreed for these conditions to be imposed on the licence if the Sub-Committee approved the application.

The Sub-Committee carefully considered the application and noted that the Premises was not located within a Cumulative Impact Area or a Special Consideration Zone and therefore there was no presumption to refuse the application and to consider it on its own individual merits. The Sub-Committee welcomed the extensive discussions undertaken with the responsible authorities and as such there were no representations from the Licensing Authority, Environmental Health and the Police had subsequently withdrawn theirs. Aside from 30 minutes on Sundays the hours requested were within the core hours policy and it was recognised that what was being applied for would only allow the Premises to operate as a restaurant. All patrons would be seated, alcohol would be ancillary to the Premises operating as a restaurant and the supply of alcohol would be through waiter/waitress service only. It was recognised that the application had been kept minimal in order to allow the applicant to market the Premises to prospective tenants. Whilst the Sub-Committee felt it would have been beneficial if the application had been submitted in six months' time when the development was nearing completion, and a public realm strategy and operational management plan

were in place detailing how such issues as dispersal would be managed, but there was enough information available to consider the proposals before it. It was noted that the applicant had agreed that if any prospective tenants wanted to amend the plans or style of operation proposed in the future, a major variation application would have to be submitted and considered by all relevant stakeholders. The conditions proposed by the Applicant and agreed with the responsible authorities were considered appropriate however it was deemed necessary to impose several additional conditions in order to provide further reassurance to local residents and mitigate the concerns raised. These included a condition requiring the Premises to adopt and comply with future policies relating to dispersal, operational management and servicing plans including an public realm strategy at all times. A direct telephone number for the manager at the Premises would also have to be publicly available at all times the Premises was open. Therefore, having taken into account all the evidence (with consideration being given to the representations received from local residents), the Sub-Committee was satisfied that the application was suitable for the local area and had addressed the concerns raised.

The Sub-Committee decided that the Applicant had provided valid reasons as to why the granting of the application would promote the licensing objectives.

Having carefully considered the committee papers and the submissions made by all the parties, both orally and in writing, **the Sub-Committee has decided**, after taking into account all the circumstances of this application and the promotion of the licensing objectives to ***grant*** the application with the following permissions:

1. To grant permission for **Late Night Refreshment [Indoors] Monday to Thursday 23.00 to 23.30 Friday to Saturday 23:00 to 00:00**
2. To grant permission for Plays (Indoors) Monday to Saturday: 10:00 to 23:30 hours **Retail Sale of Alcohol [On Sales] Monday to Thursday 10.00 to 23.30 Friday to Saturday 10:00 to 00:00 Sunday 12:00 to 22:30**
3. To grant permission for **Hours premises are open to the public Monday to Thursday 08.00 to 23.30 Friday to Saturday 08:00 to 00:00 Sunday 09:00 to 23:00**
4. That the Licence is subject to any relevant mandatory conditions.
5. That the Licence is subject to the following additional conditions imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.

#### **Conditions imposed by the Committee after a hearing**

6. 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.

7. 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.
8. The premises shall only operate as a restaurant
  - vi. in which customers are shown to their table,
  - vii. where the supply of alcohol is by waiter or waitress service only,
  - viii. which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
  - ix. which do not provide any take away service of food or drink for immediate consumption,
  - x. where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.
9. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
10. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
11. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
12. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
13. 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.
14. No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined.
15. 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.

16. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
  - (i) all crimes reported to the venue
  - (j) all ejections of patrons
  - (k) any complaints received concerning crime and disorder
  - (l) any incidents of disorder
  - (m) all seizures of drugs or offensive weapons
  - (n) any faults in the CCTV system, searching equipment or scanning equipment
  - (o) any refusal of the sale of alcohol
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17. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
18. No deliveries to the premises shall take place between 23.00 and 08.00 on the following day.
19. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.
20. The premises licence holder shall at all times comply with the policies relating to dispersal, an operational management plan, servicing plan, the public realm strategy as shall be amended from time to time. Such copies of these documents will be made readily available to the responsible authorities upon request.
21. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number and/or is to be made available to residents and businesses in the vicinity.

**This is the Full Decision of the Licensing Sub-Committee which takes effect forthwith**

**The Licensing Sub-Committee  
19 August 2021**

**4. RESTAURANT AT UNITS 39 AND 45, DEVELOPMENT SITE AT 31 LONDON STREET, 9 WINSLAND MEWS AND 128-144 PRAED STREET, W2**

**WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO. 2**

Thursday 19<sup>th</sup> August 2021

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**Application for a New Premises Licence 21/00848/LIPN**

**Full Decision**

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**Applicant**

Great Western Developments Limited  
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**Special Consideration Zone?**

Not in a Special Consideration Zone

**Ward**

Hyde Park

**Summary of Application**

The Premises intends to operate as a restaurant. There is a resident count of 28.

**Proposed Activities and Hours**

[Retail Sale of Alcohol \[On Sales\]](#)

Monday to Thursday 10.00 to 23.30



Friday to Saturday 10:00 to 00:00  
Sunday 12:00 to 22:30

#### Late Night Refreshment [Indoors]

Monday to Thursday 23.00 to 23.30  
Friday to Saturday 23:00 to 00:00

#### Hours premises are open to the public

Monday to Thursday 08.00 to 23.30  
Friday to Saturday 08:00 to 00:00  
Sunday 09:00 to 23:00

#### **Representations Received**

- Metropolitan Police (PC Reaz Guerra) – Now withdrawn
- Paddington Waterways and Maida Vale Society
- Mercure Hotels
- The South East Bayswater Residents' Association
- Paddington Now Business Improvement District

#### **Summary of issues raised by objectors**

- The application would have the likely effect of causing harm to the prevention of public nuisance licensing objective.
- The application was one of eight applications which had been submitted for the development and taken together would likely have a negative cumulative impact on one or more of the licensing objectives.
- The opening times did not reflect the character of the area with late night Thursday and Sunday opening times being inappropriate in an area shared by hotel accommodation and permanent residences.
- Concerns were raised over how nuisance would be managed and mitigated with these areas needing addressing before the applications could be considered suitable for approval. This should include details of single on-site management.

#### **Policy Position**

Under policy HRS1 applications for hours within the Council's core hours policy would generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.

Policy RTN1(A) also applied where applications outside of the Cumulative Impact Area would generally be granted subject to the hours for licensable activities being

within core hours and the operation of the venue meeting the definition of a restaurant.

### **SUBMISSIONS AND REASONS**

With the agreement of all parties present the Sub-Committee decided to hear all six applications for the Development Site at 31 London Street, 9 Winsland Mews And 128-144 simultaneously but agreed that each application would have their own separate written Decision.

Ms Gadd the Presenting Officer introduced the application and confirmed that the Metropolitan Police Service had withdrawn their representation following the Applicant's agreement to restrict the hours for licensable activities to core hours.

My Baylis, representing the Applicant, introduced the application and provided an overview of the style of operation proposed. The Sub-Committee was advised that planning permission had been granted for the development which would cost approximately £600 million and included new entrances and exits for Paddington train and tube stations, significant office and retail space with restaurants located on the ground and first floors of the building. The application was within the Council's core hours policy and following a substantial number of pre-application meetings with the Police and Environmental Health (EH) the Police had withdrawn their representation and EH had not submitted one. It was proposed for all customers to be seated with the provision of alcohol to be provided by waiter/waitress service and ancillary to a table meal. Mr Baylis explained that the Premises currently did not have a tenant as the development was still not due to open until approximately twelve month's time. This application was therefore being made in order to market the Premises to attract potential tenants and would also allow the applicant a greater level of control over what the tenant could do. It was hoped the development would attract people into the Paddington area whilst it was also recognised that the office space was likely to provide a large customer base for the Premises. The capacity limit would be set by EH and the tenant would have to come back to the Council with amended plans if they wished to change the layout of these plans, which were for indicative purposes only at the moment. The planning permission granted for the Premises required a detailed operational management plan to be prepared, the applicant was currently in the process of preparing this and once this was agreed it would be submitted to the Licensing Authority. My Baylis proposed that a condition could be added to the licence requiring the licensing operational management plan to mirror the one used for planning. Finally, it was confirmed that the Premises was not located within a Cumulative Impact Area (CIA) or Special Consideration Zone (SCZ) and therefore there was no presumption to refuse the application.

The Sub-Committee noted that the Applicant was aware that potential tenants would probably wish to change the indicative layout currently proposed and would therefore have to lodge a major variation application which required consultation with the responsible authorities and local neighbours. In addition, Mr Baylis agreed that if the Sub-Committee was minded to grant the application the current proposed works condition could be amended to ensure the operational management plan was the same for both planning and licensing regimes in order to ensure there was standardisation of such things as deliveries in the development therefore minimising

disruption to the local area. Mr Baylis also confirmed that the development had internal servicing bays which would be managed to make sure that not too many servicing vehicles tried to access them simultaneously.

Richard Brown of the Citizens Advice Westminster Licensing Service, representing the South East Bayswater Residents Association (SEBRA) and the Paddington Waterways and Maida Vale Society, addressed the Sub-Committee. Mr Brown acknowledged that the Premises was currently still a construction site but did express surprise that the applicant had not entered into engagement with local residents and amenity societies. More information was sought on the development and how it would operate in terms of the public realm, especially with regard to security and deliveries. It was acknowledged that several of the proposed conditions provided reassurance however, the hours sought on Sundays were beyond core hours and more information on the type of tenants envisaged would be welcomed. Another concern was the cumulative impact the proposals would have on the local area. It was recognised that the Premises was not located within a CIA but the opening of a significant number of new restaurants in the area would have a negative cumulative impact on the area. With capacity limits still to be set there were concerns over how dispersal would be managed. A query over whether the submitted plans included an external seating area was also raised, off sales had not been applied so therefore it was expected that a variation application would be required at some stage in the future. Mr Brown considered that the proposed conditions were not quite comprehensive enough, controls on smoking would also be required for example, but whilst he was not seeking a refusal of the licence the concerns raised did still need addressing.

Mr Zamit, representing the South East Bayswater Residents Association, expressed concern over the lack of information regarding the development. Further details were required on what impact it would have on the public realm and the cumulative impact it would have on the local area. Concerns included whether there would be a takeaway food provision available and where taxis would pick up customers.

Mr Baylis explained that the application had been kept as minimal as possible in order to be able to market the Premises to prospective tenants and minimise any concern for local residents. For example, off sales had not been applied for as it was unknown whether potential tenants would want this and if they did a variation would have to be applied for. If the Sub-Committee was minded to grant the application an operational management plan condition could be added to the licence which would mirror the same one granted under the planning regime. The plan would confirm that no takeaway food deliveries would take place from the development. The development would be a high-quality public space with seated dining and managed accordingly.

If the Sub-Committee was minded to grant the application the Legal Adviser to the Sub-Committee suggested conditions regarding the operational management, servicing and public realm plans, capacity limits to be determined by EH and a telephone number to be made publicly available to residents and businesses in the vicinity. Mr Baylis agreed for these conditions to be imposed on the licence if the Sub-Committee approved the application.

The Sub-Committee carefully considered the application and noted that the Premises was not located within a Cumulative Impact Area or a Special Consideration Zone and therefore there was no presumption to refuse the application and to consider it on its own individual merits. The Sub-Committee welcomed the extensive discussions undertaken with the responsible authorities and as such there were no representations from the Licensing Authority, Environmental Health and the Police had subsequently withdrawn theirs. Aside from 30 minutes on Sundays the hours requested were within the core hours policy and it was recognised that what was being applied for would only allow the Premises to operate as a restaurant. All patrons would be seated, alcohol would be ancillary to the Premises operating as a restaurant and the supply of alcohol would be through waiter/waitress service only. It was recognised that the application had been kept minimal in order to allow the applicant to market the Premises to prospective tenants. Whilst the Sub-Committee felt it would have been beneficial if the application had been submitted in six months' time when the development was nearing completion, and a public realm strategy and operational management plan were in place detailing how such issues as dispersal would be managed, but there was enough information available to consider the proposals before it. It was noted that the applicant had agreed that if any prospective tenants wanted to amend the plans or style of operation proposed in the future, a major variation application would have to be submitted and considered by all relevant stakeholders. The conditions proposed by the Applicant and agreed with the responsible authorities were considered appropriate however it was deemed necessary to impose several additional conditions in order to provide further reassurance to local residents and mitigate the concerns raised. These included a condition requiring the Premises to adopt and comply with future policies relating to dispersal, operational management and servicing plans including an public realm strategy at all times. A direct telephone number for the manager at the Premises would also have to be publicly available at all times the Premises was open. Therefore, having taken into account all the evidence (with consideration being given to the representations received from local residents), the Sub-Committee was satisfied that the application was suitable for the local area and had addressed the concerns raised.

The Sub-Committee decided that the Applicant had provided valid reasons as to why the granting of the application would promote the licensing objectives.

Having carefully considered the committee papers and the submissions made by all the parties, both orally and in writing, **the Sub-Committee has decided**, after taking into account all the circumstances of this application and the promotion of the licensing objectives to **grant** the application with the following permissions:

1. To grant permission for **Late Night Refreshment [Indoors] Monday to Thursday 23.00 to 23.30 Friday to Saturday 23:00 to 00:00**
2. To grant permission for Plays (Indoors) Monday to Saturday: 10:00 to 23:30 hours **Retail Sale of Alcohol [On Sales] Monday to Thursday 10.00 to 23.30 Friday to Saturday 10:00 to 00:00 Sunday 12:00 to 22:30**
3. To grant permission for **Hours premises are open to the public Monday to Thursday 08.00 to 23.30 Friday to Saturday 08:00 to 00:00 Sunday 09:00 to 23:00**

4. That the Licence is subject to any relevant mandatory conditions.
5. That the Licence is subject to the following additional conditions imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.

#### **Conditions imposed by the Committee after a hearing**

6. 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.
7. 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.
8. The premises shall only operate as a restaurant
  - xi. in which customers are shown to their table,
  - xii. where the supply of alcohol is by waiter or waitress service only,
  - xiii. which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
  - xiv. which do not provide any take away service of food or drink for immediate consumption,
  - xv. where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.
9. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
10. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
11. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

12. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
13. 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.
14. No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined.
15. 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.
16. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
  - (q) all crimes reported to the venue
  - (r) all ejections of patrons
  - (s) any complaints received concerning crime and disorder
  - (t) any incidents of disorder
  - (u) all seizures of drugs or offensive weapons
  - (v) any faults in the CCTV system, searching equipment or scanning equipment
  - (w) any refusal of the sale of alcohol
  - (x) any visit by a relevant authority or emergency service.
17. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
18. No deliveries to the premises shall take place between 23.00 and 08.00 on the following day.
19. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.
20. The premises licence holder shall at all times comply with the policies relating to dispersal, an operational management plan, servicing plan, the public realm strategy as shall be amended from time to time. Such copies of these documents will be made readily available to the responsible authorities upon request.
21. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number and/or is to be made available to residents and businesses in the vicinity.

**This is the Full Decision of the Licensing Sub-Committee which takes effect forthwith**

**The Licensing Sub-Committee  
19 August 2021**

**5. UNIT 1, DEVELOPMENT SITE AT 31 LONDON STREET, 9 WINSLAND MEWS AND 128-144 PRAED STREET, W2**

**WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO. 2**

Thursday 19<sup>th</sup> August 2021

Membership: Councillor Tim Mitchell (Chair), Councillor Barbara Arzymanow and Councillor Aziz Toki

Officer Support: Legal Advisor: Horatio Chance  
Policy Officer: Aaron Hardy  
Committee Officer: Tristan Fieldsend  
Presenting Officer: Daisy Gadd

**Application for a New Premises Licence 21/00845/LIPN**

**Full Decision**

**Premises**

Unit 1 Development Site At 31 London Street, 9 Winsland Mews And 128-144 Praed Street London W2 6ZY

**Applicant**

Great Western Developments Limited  
Represented by Craig Baylis (Solicitor - Kingsley Napley LLP)

**Cumulative Impact Area?**

Not in a Cumulative Impact Area

**Special Consideration Zone?**

Not in a Special Consideration Zone

**Ward**

Hyde Park

**Summary of Application**

The Premises intends to operate as a restaurant. There is a resident count of 28.

## **Proposed Activities and Hours**

### **[Retail Sale of Alcohol \[On Sales\]](#)**

Monday to Thursday 10.00 to 23.30

Friday to Saturday 10:00 to 00:00

Sunday 12:00 to 22:30

### **[Late Night Refreshment \[Indoors\]](#)**

Monday to Thursday 23.00 to 23.30

Friday to Saturday 23:00 to 00:00

### **[Hours premises are open to the public](#)**

Monday to Thursday 08.00 to 23.30

Friday to Saturday 08:00 to 00:00

Sunday 09:00 to 23:00

## **Representations Received**

- Metropolitan Police (PC Reaz Guerra) – Now withdrawn
- Paddington Waterways and Maida Vale Society
- Mercure Hotels
- The South East Bayswater Residents' Association
- Paddington Now Business Improvement District

## **Summary of issues raised by objectors**

- The application would have the likely effect of causing harm to the prevention of public nuisance licensing objective.
- The application was one of eight applications which had been submitted for the development and taken together would likely have a negative cumulative impact on one or more of the licensing objectives.
- The opening times did not reflect the character of the area with late night Thursday and Sunday opening times being inappropriate in an area shared by hotel accommodation and permanent residences.
- Concerns were raised over how nuisance would be managed and mitigated with these areas needing addressing before the applications could be considered suitable for approval. This should include details of single on-site management.



## **Policy Position**

Under policy HRS1 applications for hours within the Council's core hours policy would generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.

Policy RTN1(A) also applied where applications outside of the Cumulative Impact Area would generally be granted subject to the hours for licensable activities being within core hours and the operation of the venue meeting the definition of a restaurant.

## **SUBMISSIONS AND REASONS**

With the agreement of all parties present the Sub-Committee decided to hear all six applications for the Development Site at 31 London Street, 9 Winsland Mews And 128-144 simultaneously but agreed that each application would have their own separate written Decision.

Ms Gadd the Presenting Officer introduced the application and confirmed that the Metropolitan Police Service had withdrawn their representation following the Applicant's agreement to restrict the hours for licensable activities to core hours.

My Baylis, representing the Applicant, introduced the application and provided an overview of the style of operation proposed. The Sub-Committee was advised that planning permission had been granted for the development which would cost approximately £600 million and included new entrances and exits for Paddington train and tube stations, significant office and retail space with restaurants located on the ground and first floors of the building. The application was within the Council's core hours policy and following a substantial number of pre-application meetings with the Police and Environmental Health (EH) the Police had withdrawn their representation and EH had not submitted one. It was proposed for all customers to be seated with the provision of alcohol to be provided by waiter/waitress service and ancillary to a table meal. Mr Baylis explained that the Premises currently did not have a tenant as the development was still not due to open until approximately twelve month's time. This application was therefore being made in order to market the Premises to attract potential tenants and would also allow the applicant a greater level of control over what the tenant could do. It was hoped the development would attract people into the Paddington area whilst it was also recognised that the office space was likely to provide a large customer base for the Premises. The capacity limit would be set by EH and the tenant would have to come back to the Council with amended plans if they wished to change the layout of these plans, which were for indicative purposes only at the moment. The planning permission granted for the Premises required a detailed operational management plan to be prepared, the applicant was currently in the process of preparing this and once this was agreed it would be submitted to the Licensing Authority. My Baylis proposed that a condition could be added to the licence requiring the licensing operational management plan to mirror the one used for planning. Finally, it was confirmed that the Premises was not located within a Cumulative Impact Area (CIA) or Special Consideration Zone (SCZ) and therefore there was no presumption to refuse the application.

The Sub-Committee noted that the Applicant was aware that potential tenants would probably wish to change the indicative layout currently proposed and would therefore have to lodge a major variation application which required consultation with the responsible authorities and local neighbours. In addition, Mr Baylis agreed that if the Sub-Committee was minded to grant the application the current proposed works condition could be amended to ensure the operational management plan was the same for both planning and licensing regimes in order to ensure there was standardisation of such things as deliveries in the development therefore minimising disruption to the local area. Mr Baylis also confirmed that the development had internal servicing bays which would be managed to make sure that not too many servicing vehicles tried to access them simultaneously.

Richard Brown of the Citizens Advice Westminster Licensing Service, representing the South East Bayswater Residents Association (SEBRA) and the Paddington Waterways and Maida Vale Society, addressed the Sub-Committee. Mr Brown acknowledged that the Premises was currently still a construction site but did express surprise that the applicant had not entered into engagement with local residents and amenity societies. More information was sought on the development and how it would operate in terms of the public realm, especially with regard to security and deliveries. It was acknowledged that several of the proposed conditions provided reassurance however, the hours sought on Sundays were beyond core hours and more information on the type of tenants envisaged would be welcomed. Another concern was the cumulative impact the proposals would have on the local area. It was recognised that the Premises was not located within a CIA but the opening of a significant number of new restaurants in the area would have a negative cumulative impact on the area. With capacity limits still to be set there were concerns over how dispersal would be managed. A query over whether the submitted plans included an external seating area was also raised, off sales had not been applied so therefore it was expected that a variation application would be required at some stage in the future. Mr Brown considered that the proposed conditions were not quite comprehensive enough, controls on smoking would also be required for example, but whilst he was not seeking a refusal of the licence the concerns raised did still need addressing.

Mr Zamit, representing the South East Bayswater Residents Association, expressed concern over the lack of information regarding the development. Further details were required on what impact it would have on the public realm and the cumulative impact it would have on the local area. Concerns included whether there would be a takeaway food provision available and where taxis would pick up customers.

Mr Baylis explained that the application had been kept as minimal as possible in order to be able to market the Premises to prospective tenants and minimise any concern for local residents. For example, off sales had not been applied for as it was unknown whether potential tenants would want this and if they did a variation would have to be applied for. If the Sub-Committee was minded to grant the application an operational management plan condition could be added to the licence which would mirror the same one granted under the planning regime. The plan would confirm that no takeaway food deliveries would take place from the development. The development would be a high-quality public space with seated dining and managed accordingly.

If the Sub-Committee was minded to grant the application the Legal Adviser to the Sub-Committee suggested conditions regarding the operational management, servicing and public realm plans, capacity limits to be determined by EH and a telephone number to be made publicly available to residents and businesses in the vicinity. Mr Baylis agreed for these conditions to be imposed on the licence if the Sub-Committee approved the application.

The Sub-Committee carefully considered the application and noted that the Premises was not located within a Cumulative Impact Area or a Special Consideration Zone and therefore there was no presumption to refuse the application and to consider it on its own individual merits. The Sub-Committee welcomed the extensive discussions undertaken with the responsible authorities and as such there were no representations from the Licensing Authority, Environmental Health and the Police had subsequently withdrawn theirs. Aside from 30 minutes on Sundays the hours requested were within the core hours policy and it was recognised that what was being applied for would only allow the Premises to operate as a restaurant. All patrons would be seated, alcohol would be ancillary to the Premises operating as a restaurant and the supply of alcohol would be through waiter/waitress service only. It was recognised that the application had been kept minimal in order to allow the applicant to market the Premises to prospective tenants. Whilst the Sub-Committee felt it would have been beneficial if the application had been submitted in six months' time when the development was nearing completion, and a public realm strategy and operational management plan were in place detailing how such issues as dispersal would be managed, but there was enough information available to consider the proposals before it. It was noted that the applicant had agreed that if any prospective tenants wanted to amend the plans or style of operation proposed in the future, a major variation application would have to be submitted and considered by all relevant stakeholders. The conditions proposed by the Applicant and agreed with the responsible authorities were considered appropriate however it was deemed necessary to impose several additional conditions in order to provide further reassurance to local residents and mitigate the concerns raised. These included a condition requiring the Premises to adopt and comply with future policies relating to dispersal, operational management and servicing plans including an public realm strategy at all times. A direct telephone number for the manager at the Premises would also have to be publicly available at all times the Premises was open. Therefore, having taken into account all the evidence (with consideration being given to the representations received from local residents), the Sub-Committee was satisfied that the application was suitable for the local area and had addressed the concerns raised.

The Sub-Committee decided that the Applicant had provided valid reasons as to why the granting of the application would promote the licensing objectives.

Having carefully considered the committee papers and the submissions made by all the parties, both orally and in writing, **the Sub-Committee has decided**, after taking into account all the circumstances of this application and the promotion of the licensing objectives to **grant** the application with the following permissions:

1. To grant permission for **Late Night Refreshment [Indoors] Monday to Thursday 23.00 to 23.30 Friday to Saturday 23:00 to 00:00**

2. To grant permission for Plays (Indoors) Monday to Saturday: 10:00 to 23:30 hours **Retail Sale of Alcohol [On Sales] Monday to Thursday 10.00 to 23.30 Friday to Saturday 10:00 to 00:00 Sunday 12:00 to 22:30**
3. To grant permission for **Hours premises are open to the public Monday to Thursday 08.00 to 23.30 Friday to Saturday 08:00 to 00:00 Sunday 09:00 to 23:00**
4. That the Licence is subject to any relevant mandatory conditions.
5. That the Licence is subject to the following additional conditions imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.

### **Conditions imposed by the Committee after a hearing**

6. 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.
7. 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.
8. The premises shall only operate as a restaurant
  - xvi. in which customers are shown to their table,
  - xvii. where the supply of alcohol is by waiter or waitress service only,
  - xviii. which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
  - xix. which do not provide any take away service of food or drink for immediate consumption,
  - xx. where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.
9. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

10. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
11. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
12. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
13. 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.
14. No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined.
15. 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.
16. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
  - (y) all crimes reported to the venue
  - (z) all ejections of patrons
  - (aa) any complaints received concerning crime and disorder
  - (bb) any incidents of disorder
  - (cc) all seizures of drugs or offensive weapons
  - (dd) any faults in the CCTV system, searching equipment or scanning equipment
  - (ee) any refusal of the sale of alcohol
  - (ff) any visit by a relevant authority or emergency service.
17. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
18. No deliveries to the premises shall take place between 23.00 and 08.00 on the following day.
19. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.
20. The premises licence holder shall at all times comply with the policies relating to dispersal, an operational management plan, servicing plan, the public realm

strategy as shall be amended from time to time. Such copies of these documents will be made readily available to the responsible authorities upon request.

21. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number and/or is to be made available to residents and businesses in the vicinity.

**This is the Full Decision of the Licensing Sub-Committee which takes effect forthwith**

**The Licensing Sub-Committee  
19 August 2021**

- 6. UNITS 36 AND 42, DEVELOPMENT SITE AT 31 LONDON STREET, 9 WINSLAND MEWS AND 128-144 PRAED STREET, W2**

**WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO. 2**

Thursday 19<sup>th</sup> August 2021

Membership: Councillor Tim Mitchell (Chair), Councillor Barbara Arzymanow and Councillor Aziz Toki

Officer Support: Legal Advisor: Horatio Chance  
Policy Officer: Aaron Hardy  
Committee Officer: Tristan Fieldsend  
Presenting Officer: Daisy Gadd

**Application for a New Premises Licence 21/00824/LIPN**

**Full Decision**

**Premises**

Units 36 & 42 Development Site At 31 London Street, 9 Winsland Mews And 128-144 Praed London W2 6ZY

**Applicant**

Great Western Developments Limited  
Represented by Craig Baylis (Solicitor - Kingsley Napley LLP)

**Cumulative Impact Area?**

Not in a Cumulative Impact Area

## **Special Consideration Zone?**

Not in a Special Consideration Zone

## **Ward**

Hyde Park

## **Summary of Application**

The Premises intends to operate as a restaurant. There is a resident count of 28.

## **Proposed Activities and Hours**

### [Retail Sale of Alcohol \[On Sales\]](#)

Monday to Thursday 10.00 to 23.30  
Friday to Saturday 10:00 to 00:00  
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### [Late Night Refreshment \[Indoors\]](#)

Monday to Thursday 23.00 to 23.30  
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### [Hours premises are open to the public](#)

Monday to Thursday 08.00 to 23.30  
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## **Representations Received**

- Metropolitan Police (PC Reaz Guerra) – Now withdrawn
- Paddington Waterways and Maida Vale Society
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- The South East Bayswater Residents' Association
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## **Summary of issues raised by objectors**

- The application would have the likely effect of causing harm to the prevention of public nuisance licensing objective.
- The application was one of eight applications which had been submitted for the development and taken together would likely have a negative cumulative impact on one or more of the licensing objectives.
- The opening times did not reflect the character of the area with late night

Thursday and Sunday opening times being inappropriate in an area shared by hotel accommodation and permanent residences.

- Concerns were raised over how nuisance would be managed and mitigated with these areas needing addressing before the applications could be considered suitable for approval. This should include details of single on-site management.

### **Policy Position**

Under policy HRS1 applications for hours within the Council's core hours policy would generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.

Policy RTN1(A) also applied where applications outside of the Cumulative Impact Area would generally be granted subject to the hours for licensable activities being within core hours and the operation of the venue meeting the definition of a restaurant.

### **SUBMISSIONS AND REASONS**

With the agreement of all parties present the Sub-Committee decided to hear all six applications for the Development Site at 31 London Street, 9 Winsland Mews And 128-144 simultaneously but agreed that each application would have their own separate written Decision.

Ms Gadd the Presenting Officer introduced the application and confirmed that the Metropolitan Police Service had withdrawn their representation following the Applicant's agreement to restrict the hours for licensable activities to core hours.

My Baylis, representing the Applicant, introduced the application and provided an overview of the style of operation proposed. The Sub-Committee was advised that planning permission had been granted for the development which would cost approximately £600 million and included new entrances and exits for Paddington train and tube stations, significant office and retail space with restaurants located on the ground and first floors of the building. The application was within the Council's core hours policy and following a substantial number of pre-application meetings with the Police and Environmental Health (EH) the Police had withdrawn their representation and EH had not submitted one. It was proposed for all customers to be seated with the provision of alcohol to be provided by waiter/waitress service and ancillary to a table meal. Mr Baylis explained that the Premises currently did not have a tenant as the development was still not due to open until approximately twelve month's time. This application was therefore being made in order to market the Premises to attract potential tenants and would also allow the applicant a greater level of control over what the tenant could do. It was hoped the development would attract people into the Paddington area whilst it was also recognised that the office space was likely to provide a large customer base for the Premises. The capacity limit would be set by EH and the tenant would have to come back to the Council with amended plans if they wished to change the layout of these plans, which were for indicative purposes only at the moment. The planning permission granted for the



Premises required a detailed operational management plan to be prepared, the applicant was currently in the process of preparing this and once this was agreed it would be submitted to the Licensing Authority. My Baylis proposed that a condition could be added to the licence requiring the licensing operational management plan to mirror the one used for planning. Finally, it was confirmed that the Premises was not located within a Cumulative Impact Area (CIA) or Special Consideration Zone (SCZ) and therefore there was no presumption to refuse the application.

The Sub-Committee noted that the Applicant was aware that potential tenants would probably wish to change the indicative layout currently proposed and would therefore have to lodge a major variation application which required consultation with the responsible authorities and local neighbours. In addition, Mr Baylis agreed that if the Sub-Committee was minded to grant the application the current proposed works condition could be amended to ensure the operational management plan was the same for both planning and licensing regimes in order to ensure there was standardisation of such things as deliveries in the development therefore minimising disruption to the local area. Mr Baylis also confirmed that the development had internal servicing bays which would be managed to make sure that not too many servicing vehicles tried to access them simultaneously.

Richard Brown of the Citizens Advice Westminster Licensing Service, representing the South East Bayswater Residents Association (SEBRA) and the Paddington Waterways and Maida Vale Society, addressed the Sub-Committee. Mr Brown acknowledged that the Premises was currently still a construction site but did express surprise that the applicant had not entered into engagement with local residents and amenity societies. More information was sought on the development and how it would operate in terms of the public realm, especially with regard to security and deliveries. It was acknowledged that several of the proposed conditions provided reassurance however, the hours sought on Sundays were beyond core hours and more information on the type of tenants envisaged would be welcomed. Another concern was the cumulative impact the proposals would have on the local area. It was recognised that the Premises was not located within a CIA but the opening of a significant number of new restaurants in the area would have a negative cumulative impact on the area. With capacity limits still to be set there were concerns over how dispersal would be managed. A query over whether the submitted plans included an external seating area was also raised, off sales had not been applied so therefore it was expected that a variation application would be required at some stage in the future. Mr Brown considered that the proposed conditions were not quite comprehensive enough, controls on smoking would also be required for example, but whilst he was not seeking a refusal of the licence the concerns raised did still need addressing.

Mr Zamit, representing the South East Bayswater Residents Association, expressed concern over the lack of information regarding the development. Further details were required on what impact it would have on the public realm and the cumulative impact it would have on the local area. Concerns included whether there would be a takeaway food provision available and where taxis would pick up customers.

Mr Baylis explained that the application had been kept as minimal as possible in order to be able to market the Premises to prospective tenants and minimise any concern for local residents. For example, off sales had not been applied for as it was

unknown whether potential tenants would want this and if they did a variation would have to be applied for. If the Sub-Committee was minded to grant the application an operational management plan condition could be added to the licence which would mirror the same one granted under the planning regime. The plan would confirm that no takeaway food deliveries would take place from the development. The development would be a high-quality public space with seated dining and managed accordingly.

If the Sub-Committee was minded to grant the application the Legal Adviser to the Sub-Committee suggested conditions regarding the operational management, servicing and public realm plans, capacity limits to be determined by EH and a telephone number to be made publicly available to residents and businesses in the vicinity. Mr Baylis agreed for these conditions to be imposed on the licence if the Sub-Committee approved the application.

The Sub-Committee carefully considered the application and noted that the Premises was not located within a Cumulative Impact Area or a Special Consideration Zone and therefore there was no presumption to refuse the application and to consider it on its own individual merits. The Sub-Committee welcomed the extensive discussions undertaken with the responsible authorities and as such there were no representations from the Licensing Authority, Environmental Health and the Police had subsequently withdrawn theirs. Aside from 30 minutes on Sundays the hours requested were within the core hours policy and it was recognised that what was being applied for would only allow the Premises to operate as a restaurant. All patrons would be seated, alcohol would be ancillary to the Premises operating as a restaurant and the supply of alcohol would be through waiter/waitress service only. It was recognised that the application had been kept minimal in order to allow the applicant to market the Premises to prospective tenants. Whilst the Sub-Committee felt it would have been beneficial if the application had been submitted in six months' time when the development was nearing completion, and a public realm strategy and operational management plan were in place detailing how such issues as dispersal would be managed, but there was enough information available to consider the proposals before it. It was noted that the applicant had agreed that if any prospective tenants wanted to amend the plans or style of operation proposed in the future, a major variation application would have to be submitted and considered by all relevant stakeholders. The conditions proposed by the Applicant and agreed with the responsible authorities were considered appropriate however it was deemed necessary to impose several additional conditions in order to provide further reassurance to local residents and mitigate the concerns raised. These included a condition requiring the Premises to adopt and comply with future policies relating to dispersal, operational management and servicing plans including an public realm strategy at all times. A direct telephone number for the manager at the Premises would also have to be publicly available at all times the Premises was open. Therefore, having taken into account all the evidence (with consideration being given to the representations received from local residents), the Sub-Committee was satisfied that the application was suitable for the local area and had addressed the concerns raised.

The Sub-Committee decided that the Applicant had provided valid reasons as to why the granting of the application would promote the licensing objectives.

Having carefully considered the committee papers and the submissions made by all the parties, both orally and in writing, **the Sub-Committee has decided**, after taking into account all the circumstances of this application and the promotion of the licensing objectives to ***grant*** the application with the following permissions:

1. To grant permission for **Late Night Refreshment [Indoors] Monday to Thursday 23.00 to 23.30 Friday to Saturday 23:00 to 00:00**
2. To grant permission for Plays (Indoors) Monday to Saturday: 10:00 to 23:30 hours **Retail Sale of Alcohol [On Sales] Monday to Thursday 10.00 to 23.30 Friday to Saturday 10:00 to 00:00 Sunday 12:00 to 22:30**
3. To grant permission for **Hours premises are open to the public Monday to Thursday 08.00 to 23.30 Friday to Saturday 08:00 to 00:00 Sunday 09:00 to 23:00**
4. That the Licence is subject to any relevant mandatory conditions.
5. That the Licence is subject to the following additional conditions imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.

#### **Conditions imposed by the Committee after a hearing**

6. 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.
7. 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.
8. The premises shall only operate as a restaurant
  - xxi. in which customers are shown to their table,
  - xxii. where the supply of alcohol is by waiter or waitress service only,
  - xxiii. which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
  - xxiv. which do not provide any take away service of food or drink for immediate consumption,

- xxv. where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.
9. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
  10. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
  11. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
  12. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
  13. 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.
  14. No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined.
  15. 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.
  16. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
    - (gg) all crimes reported to the venue
    - (hh) all ejections of patrons
    - (ii) any complaints received concerning crime and disorder
    - (jj) any incidents of disorder
    - (kk) all seizures of drugs or offensive weapons
    - (ll) any faults in the CCTV system, searching equipment or scanning equipment
    - (mm) any refusal of the sale of alcohol
    - (nn) any visit by a relevant authority or emergency service.
  17. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.

18. No deliveries to the premises shall take place between 23.00 and 08.00 on the following day.
19. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.
20. The premises licence holder shall at all times comply with the policies relating to dispersal, an operational management plan, servicing plan, the public realm strategy as shall be amended from time to time. Such copies of these documents will be made readily available to the responsible authorities upon request.
21. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number and/or is to be made available to residents and businesses in the vicinity.

**This is the Full Decision of the Licensing Sub-Committee which takes effect forthwith**

**The Licensing Sub-Committee  
19 August 2021**

**7. UNITS 37 AND 43 , DEVELOPMENT SITE AT 31 LONDON STREET, 9  
WINSLAND MEWS AND 128-144 PRAED STREET, W2**

**WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO. 2**

Thursday 19<sup>th</sup> August 2021

Membership: Councillor Tim Mitchell (Chair), Councillor Barbara Arzymanow  
and Councillor Aziz Toki

Officer Support: Legal Advisor: Horatio Chance  
Policy Officer: Aaron Hardy  
Committee Officer: Tristan Fieldsend  
Presenting Officer: Daisy Gadd

**Application for a New Premises Licence 21/00849/LIPN**

**Full Decision**

**Premises**

Units 37 to 43 Development Site At 31 London Street, 9 Winsland Mews And 128-144 Praed Street London W2 1DJ

**Applicant**

Great Western Developments Limited  
Represented by Craig Baylis (Solicitor - Kingsley Napley LLP)

**Cumulative Impact Area?**

Not in a Cumulative Impact Area

**Special Consideration Zone?**

Not in a Special Consideration Zone

**Ward**

Hyde Park

**Summary of Application**

The Premises intends to operate as a restaurant. There is a resident count of 28.

**Proposed Activities and Hours**

[Retail Sale of Alcohol \[On Sales\]](#)

Monday to Thursday 10.00 to 23.30  
Friday to Saturday 10:00 to 00:00  
Sunday 12:00 to 22:30

[Late Night Refreshment \[Indoors\]](#)

Monday to Thursday 23.00 to 23.30  
Friday to Saturday 23:00 to 00:00

[Hours premises are open to the public](#)

Monday to Thursday 08.00 to 23.30  
Friday to Saturday 08:00 to 00:00  
Sunday 09:00 to 23:00

**Representations Received**

- Metropolitan Police (PC Reaz Guerra) – Now withdrawn
- Paddington Waterways and Maida Vale Society
- Mercure Hotels
- The South East Bayswater Residents' Association
- Paddington Now Business Improvement District

**Summary of issues raised by objectors**

- The application would have the likely effect of causing harm to the prevention of public nuisance licensing objective.
- The application was one of eight applications which had been submitted for the development and taken together would likely have a negative cumulative impact on one or more of the licensing objectives.
- The opening times did not reflect the character of the area with late night Thursday and Sunday opening times being inappropriate in an area shared by hotel accommodation and permanent residences.
- Concerns were raised over how nuisance would be managed and mitigated with these areas needing addressing before the applications could be considered suitable for approval. This should include details of single on-site management.

### **Policy Position**

Under policy HRS1 applications for hours within the Council's core hours policy would generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.

Policy RTN1(A) also applied where applications outside of the Cumulative Impact Area would generally be granted subject to the hours for licensable activities being within core hours and the operation of the venue meeting the definition of a restaurant.

### **SUBMISSIONS AND REASONS**

With the agreement of all parties present the Sub-Committee decided to hear all six applications for the Development Site at 31 London Street, 9 Winsland Mews And 128-144 simultaneously but agreed that each application would have their own separate written Decision.

Ms Gadd the Presenting Officer introduced the application and confirmed that the Metropolitan Police Service had withdrawn their representation following the Applicant's agreement to restrict the hours for licensable activities to core hours.

My Baylis, representing the Applicant, introduced the application and provided an overview of the style of operation proposed. The Sub-Committee was advised that planning permission had been granted for the development which would cost approximately £600 million and included new entrances and exits for Paddington train and tube stations, significant office and retail space with restaurants located on the ground and first floors of the building. The application was within the Council's core hours policy and following a substantial number of pre-application meetings with the Police and Environmental Health (EH) the Police had withdrawn their representation and EH had not submitted one. It was proposed for all customers to be seated with the provision of alcohol to be provided by waiter/waitress service and ancillary to a table meal. Mr Baylis explained that the Premises currently did not

have a tenant as the development was still not due to open until approximately twelve month's time. This application was therefore being made in order to market the Premises to attract potential tenants and would also allow the applicant a greater level of control over what the tenant could do. It was hoped the development would attract people into the Paddington area whilst it was also recognised that the office space was likely to provide a large customer base for the Premises. The capacity limit would be set by EH and the tenant would have to come back to the Council with amended plans if they wished to change the layout of these plans, which were for indicative purposes only at the moment. The planning permission granted for the Premises required a detailed operational management plan to be prepared, the applicant was currently in the process of preparing this and once this was agreed it would be submitted to the Licensing Authority. My Baylis proposed that a condition could be added to the licence requiring the licensing operational management plan to mirror the one used for planning. Finally, it was confirmed that the Premises was not located within a Cumulative Impact Area (CIA) or Special Consideration Zone (SCZ) and therefore there was no presumption to refuse the application.

The Sub-Committee noted that the Applicant was aware that potential tenants would probably wish to change the indicative layout currently proposed and would therefore have to lodge a major variation application which required consultation with the responsible authorities and local neighbours. In addition, Mr Baylis agreed that if the Sub-Committee was minded to grant the application the current proposed works condition could be amended to ensure the operational management plan was the same for both planning and licensing regimes in order to ensure there was standardisation of such things as deliveries in the development therefore minimising disruption to the local area. Mr Baylis also confirmed that the development had internal servicing bays which would be managed to make sure that not too many servicing vehicles tried to access them simultaneously.

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Mr Zamit, representing the South East Bayswater Residents Association, expressed concern over the lack of information regarding the development. Further details were required on what impact it would have on the public realm and the cumulative impact it would have on the local area. Concerns included whether there would be a takeaway food provision available and where taxis would pick up customers.

Mr Baylis explained that the application had been kept as minimal as possible in order to be able to market the Premises to prospective tenants and minimise any concern for local residents. For example, off sales had not been applied for as it was unknown whether potential tenants would want this and if they did a variation would have to be applied for. If the Sub-Committee was minded to grant the application an operational management plan condition could be added to the licence which would mirror the same one granted under the planning regime. The plan would confirm that no takeaway food deliveries would take place from the development. The development would be a high-quality public space with seated dining and managed accordingly.

If the Sub-Committee was minded to grant the application the Legal Adviser to the Sub-Committee suggested conditions regarding the operational management, servicing and public realm plans, capacity limits to be determined by EH and a telephone number to be made publicly available to residents and businesses in the vicinity. Mr Baylis agreed for these conditions to be imposed on the licence if the Sub-Committee approved the application.

The Sub-Committee carefully considered the application and noted that the Premises was not located within a Cumulative Impact Area or a Special Consideration Zone and therefore there was no presumption to refuse the application and to consider it on its own individual merits. The Sub-Committee welcomed the extensive discussions undertaken with the responsible authorities and as such there were no representations from the Licensing Authority, Environmental Health and the Police had subsequently withdrawn theirs. Aside from 30 minutes on Sundays the hours requested were within the core hours policy and it was recognised that what was being applied for would only allow the Premises to operate as a restaurant. All patrons would be seated, alcohol would be ancillary to the Premises operating as a restaurant and the supply of alcohol would be through waiter/waitress service only. It was recognised that the application had been kept minimal in order to allow the applicant to market the Premises to prospective tenants. Whilst the Sub-Committee felt it would have been beneficial if the application had been submitted in six months' time when the development was nearing completion, and a public realm strategy and operational management plan were in place detailing how such issues as dispersal would be managed, but there was enough information available to consider the proposals before it. It was noted that the applicant had agreed that if any prospective tenants wanted to amend the plans or style of operation proposed in the future, a major variation application would have to be submitted and considered by all relevant stakeholders. The conditions proposed by the Applicant and agreed with the responsible authorities were considered appropriate however it was deemed necessary to impose several additional conditions in order to provide further reassurance to local residents and mitigate the concerns raised. These included a condition requiring the Premises to adopt and comply with future policies relating to dispersal, operational management and servicing plans including an public realm strategy at all times. A direct telephone

number for the manager at the Premises would also have to be publicly available at all times the Premises was open. Therefore, having taken into account all the evidence (with consideration being given to the representations received from local residents), the Sub-Committee was satisfied that the application was suitable for the local area and had addressed the concerns raised.

The Sub-Committee decided that the Applicant had provided valid reasons as to why the granting of the application would promote the licensing objectives.

Having carefully considered the committee papers and the submissions made by all the parties, both orally and in writing, **the Sub-Committee has decided**, after taking into account all the circumstances of this application and the promotion of the licensing objectives to **grant** the application with the following permissions:

1. To grant permission for **Late Night Refreshment [Indoors] Monday to Thursday 23.00 to 23.30 Friday to Saturday 23:00 to 00:00**
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3. To grant permission for **Hours premises are open to the public Monday to Thursday 08.00 to 23.30 Friday to Saturday 08:00 to 00:00 Sunday 09:00 to 23:00**
4. That the Licence is subject to any relevant mandatory conditions.
5. That the Licence is subject to the following additional conditions imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.

#### **Conditions imposed by the Committee after a hearing**

6. 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.
7. 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.
8. The premises shall only operate as a restaurant

xxvi. in which customers are shown to their table,

- xxvii. where the supply of alcohol is by waiter or waitress service only,
  - xxviii. which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
  - xxix. which do not provide any take away service of food or drink for immediate consumption,
  - xxx. where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.
- 
- 9. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
  - 10. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
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  - 12. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
  - 13. 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.
  - 14. No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined.
  - 15. 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.
  - 16. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
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    - (pp) all ejections of patrons
    - (qq) any complaints received concerning crime and disorder
    - (rr) any incidents of disorder
    - (ss) all seizures of drugs or offensive weapons
    - (tt) any faults in the CCTV system, searching equipment or scanning equipment

- (uu) any refusal of the sale of alcohol
- (vv) any visit by a relevant authority or emergency service.

17. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
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19. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.
20. The premises licence holder shall at all times comply with the policies relating to dispersal, an operational management plan, servicing plan, the public realm strategy as shall be amended from time to time. Such copies of these documents will be made readily available to the responsible authorities upon request.
21. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number and/or is to be made available to residents and businesses in the vicinity.

**This is the Full Decision of the Licensing Sub-Committee which takes effect forthwith**

**The Licensing Sub-Committee  
19 August 2021**

The Meeting ended at 2.20 pm

**CHAIRMAN:** \_\_\_\_\_

**DATE** \_\_\_\_\_