



City of Westminster

# Committee Agenda

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

Meeting Date: **Thursday, 9 September 2021**

Time: **10.00 am**

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

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

If you require further information, please contact the Committee Officer, Georgina Wills, Committee and Councillor Support Co-ordinator.

**Email:** [gwills@westminster.gov.uk](mailto:gwills@westminster.gov.uk)  
**Tel:** 07870 548348  
**Corporate Website:** [www.westminster.gov.uk](http://www.westminster.gov.uk)

**Note for Members:** Members are reminded that officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. Regarding Item 2, guidance on Declarations of Interests is included in the Code of Governance. If Members and Officers have any questions, they should contact the Director of Law before the meeting please.

## AGENDA

### PART 1 (IN PUBLIC)

#### 1. MEMBERSHIP

To report any changes to the Membership.

#### 2. DECLARATIONS OF INTEREST

To receive declarations by Members and Officers of the existence and nature of any pecuniary interests or any other significant interest in matters on this agenda.

#### Licensing Applications for Determination

#### 1. 10 AM: 55 WARWICK WAY, LONDON SW1V 1QR

Pages

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Ward CIA* SCZ**	Site Name & Address	Application Type	Licensing Reference No.
Warwick N/A Victoria	55 Warwick Way London SW1V1QR	New Premises Licence	21/04072/LIPN
*Cumulative Impact Area ** Special Consideration Zone			

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

#### 2. 2 PM: 8 LAUDERDALE PARADE, LAUDERDALE ROAD, LONDON W9 1LU

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Ward CIA* SCZ**	Site Name & Address	Application Type	Licensing Reference No.
Maida Vale N/A N/A	8 Lauderdale Parade Lauderdale Road London W9 1LU	New Premises Licence	21/04285/LIPN
*Cumulative Impact Area ** Special Consideration Zone			

**This will be a virtual meeting. Members of the Public can view the**

**live broadcast using the media links on the Council's website.**

**Stuart Love  
Chief Executive  
01 September 2021**

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

### **Policy Considerations**

The Licensing Sub-Committee is required to have regard to the City of Westminster statement of Licensing Policy, effective from January 2021.

### **Guidance Considerations**

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

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

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

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

#### **1. Casinos**

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

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

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

#### **3. Hotels**

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

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

Sunday: 09:00 hours to 22:30 hours

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

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

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

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

Sunday: 09:00 hours to 22:30 hours

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

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

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

Sunday: 09:00 hours to 22:30 hours

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

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

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

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

Sunday: 09:00 hours to 22:30 hours

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

## **7. Qualifying Clubs**

Monday to Thursday: 09:00 hours to 24:00 hours

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

Sunday: 09:00 hours to 22:30 hours

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

## **8. Restaurants**

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

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

Sunday: 09:00 hours to 22:30 hours

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

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

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

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

Sunday: 09:00 hours to 22:30 hours

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

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## 1. Procedure for Virtual Hearings Held Under the Licensing Act 2003

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

## 2. Accessing Virtual Hearings

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

## 3. Final Submissions Before the Hearing

The parties (or their representatives) should use their best endeavours to ensure that all of their final submissions have been made so as to be included in the Sub-Committee report (typically no later than **5.00 pm, 5 working days** before the Sub-Committee hearing). This means by 5pm on the Thursday, the week before the Sub-Committee hearing is due to take place. Final submissions should set out the key points, policies and conditions that a party wishes the Sub-Committee to take account of in determining the application.

Any final submissions that a party wishes to make, (that have not been submitted so as to have been included in the report), must be submitted to the Licensing Service by **12 noon, 3 working days** before the hearing is due to take place. The Licensing email address is: [licensing@westminster.gov.uk](mailto:licensing@westminster.gov.uk)

## 4. Rules During Licensing Hearings

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

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

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

## **5. Procedure**

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

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

**Dated: 14 January 2021**

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City of Westminster

# Licensing Sub-Committee Report

Item No:	
Date:	9 September 2021
Licensing Ref No:	21/04072/LIPN - New Premises Licence
Title of Report:	55 Warwick Way London SW1V 1QR
Report of:	Director of Public Protection and Licensing
Wards involved:	Warwick
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Karyn Abbott Senior Licensing Officer
Contact details	Telephone: 07866 019698 Email: <a href="mailto:kabbott@westminster.gov.uk">kabbott@westminster.gov.uk</a>

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	27 April 2021		
<b>Applicant:</b>	Mr Jagmeet Singh Dang		
<b>Premises address:</b>	55 Warwick Way London SW1V 1QR	<b>Ward:</b>	Warwick
		<b>Cumulative Impact Area:</b>	None
		<b>Special Consideration Zone:</b>	Victoria
<b>Premises description:</b>	According to the application form, the premises proposes to operate as a retail shop		
<b>Premises licence history:</b>	The premises previously had the benefit of a premises licence (18/10578/LIPN) which was granted in October 2018 and surrendered in October 2020 and can be found at <b>Appendix 3</b> .		
<b>Applicant submissions:</b>	The applicant has provided further submissions in relation to the Special Consideration Zone which can be found at <b>Appendix 2</b> .		
<b>Applicant amendments:</b>	<p>On original submission of the application, the applicant applied for Retail Sale of Alcohol Off Premises for the following hours:</p> <p>Monday to Sunday 09:00 to 01:00</p> <p>These hours have since been reduced by the applicant and reflected in section 1-B of the report.</p>		

1-B Proposed licensable activities and hours							
<b>Sale by retail of alcohol</b>				<b>On or off sales or both:</b>			Off
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	09:00	09:00	09:00	09:00	09:00	09:00	09:00
<b>End:</b>	23:00	23:00	23:00	23:00	23:00	23:00	22:30
<b>Seasonal variations/ Non-standard timings:</b>		None					

Hours premises are open to the public							
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	09:00	09:00	09:00	09:00	09:00	09:00	09:00
<b>End:</b>	01:00	01:00	01:00	01:00	01:00	01:00	01:00
<b>Seasonal variations/ Non-standard timings:</b>		None					
<b>Adult Entertainment:</b>		None					

## 2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Service
Representative:	Ian Watson
Received:	26 May 2021

I refer to the application for a New Premises Licence.

**The premises are located within the Victoria Area of Special Consideration as stated in the City of Westminster's Statement of Licensing Policy.**

The applicant has submitted floor plans of the premises.

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

The applicant is seeking the following

1. To provide for the Supply of Alcohol 'Off' the premises Monday to Sunday between 09.00 to 01.00 hours.

I wish to make the following representation

1. The hours requested for the Supply of Alcohol will have the likely effect of causing an increase in Public Nuisance within the area.

The application is requesting hours outside of the core hour policy and insufficient conditions have been proposed to address the licensing objectives.

The applicant is requested to modify the hours requested to the core hours for 'Off' sales as per the City of Westminster Statement of Licensing Policy which are,

Monday to Saturday 08.00 to 23.00 hours  
Sunday 09.00 to 22.30 hours.

Should you wish to discuss the matter further please do not hesitate to contact me.

**Conditions proposed by the Environmental Health Service can be found at Appendix 4.**

2-B Other Persons	
Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Received:	20 May 2021

I am objecting on behalf of myself and my fellow Warwick Ward [REDACTED].

We are horrified at this application for the following reasons.

- We believe that approving this application would undermine the licensing objectives.
- The premises are located at the junction of Warwick Way and Belgrave Road. This is a residential area and fairly quiet. However, we have been experiencing considerable anti-social behaviour in this area, largely from occupants of nearby hostels and hotels and from rough

sleepers. Regrettably, it is not uncommon to see inebriated people in Warwick Way.

- There are licensed premises further along Warwick Way towards Vauxhall Bridge Road, which allows an element of containment in relation to ASB activities. However, this application, if granted, would extend the licensed premises into a next section of road.

- The start time and terminal hour are completely inappropriate for this section of Warwick Way.

- Along Belgrave Road, opposite the premises, there are school buildings belonging to Eaton Square school, educating children up to 11 years old. The possibility of this new premises becoming a hub for ASB as the result of the availability alcohol is worrying. Plus there is the sub-liminal impact of 'normalising' the consumption of alcohol from early in the morning to late at night.

I would welcome the opportunity to speak at the hearing.

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

Warwick Way has been a magnet for very unsocial behaviour, particularly centered around the many existing retailers selling alcohol for consumption off-premises. Individuals with drug and alcohol problems gravitate to these premises (Tesco and other off-licence establishments) and cause both a health and safety issue to local residents and passers by. Despite the strict licensing rules imposed on these establishments to enforce rules, this is simply not practical and not even employed security guards can seem to mitigate against the nuisance that ensues on a daily basis. The location of this shop is even more significant as it falls right at a busy crossroads. There are plenty of sellers of alcohol on Warwick Way and surrounding roads and there is no need to increase this number further, which will further increase alcohol-related nuisance and crime.

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED]
<b>Received:</b>	22 May 2021

I agree. In SA alcohol was banned during lockdown. Bit extreme maybe but we certainly don't need anymore alcohol outlets in this country at all. Enough I think. Pub at one end of the road and Off licence at the other. The addiction issue in England is a serious issue at the best of times.

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	22 May 2021

This is a very small premises and one must wonder how it can be financially viable with a supermarket and off licence within a couple of hundred yards and a pub within 50 yards. This suggests to me that it will do something like sell alcohol at hours when the supermarket or off license are closed or sell very cheap alcohol. This is a residential area and either of the above suggestions would attract people wanting to buy alcohol at very late hours in a residential area. On this basis I object to this planning application.

<b>Name:</b>	██████████
<b>Address and/or Residents Association:</b>	████████████████████ ██████████

<b>Received:</b>	24 May 2021
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Dear Sirs  
 With reference to the above application I see no benefits in licensing this premise with these extended hours.  
 There is already an overload of alcoholically dependent individuals in the nearby area and any further extension of licensing hours across Pimlico is not welcome.  
 Additionally the shopfront itself is already a bad fit for the local area and any additional late night lighting will not be welcome nor any additional noise of people and vehicle traffic associated with extended hours.  
 I write in both a private capacity and as ██████████ and ask you to reject the application.

<b>Name:</b>	██████████
<b>Address and/or Residents Association:</b>	██████████ ██████████ ██████████ ██████████

<b>Received:</b>	25 May 2021
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We wish to strongly object to the proposed application for a drinks licence by Mr Jagmeet Singh Dang.  
 We make these objections on the following grounds.  
 The first being that there are already 3 supermarkets all selling alcohol within a 5 minute walk of 55 Warwick way. There is also a well stocked off licence within the same distance and many pubs, bars and restaurants.  
 Secondly the Pimlico area has a very big problem with drug abusers and street drinkers causing anti social behaviour which is well documented and acknowledged by the local police, the residents association's and local residents alike.  
 Thirdly 55 Warwick way is on the junction with Belgrave Road/Warwick Way. Apart from a scattering of hotels Warwick Way is predominantly a residential street with steps leading off to each house. This would be a potential problem with late night/street drinkers buying alcohol and then sitting on residents steps and doorways drinking, being noisy and leaving bottles and cans behind them. Residents do not need this late night aggravation on our quiet street.  
 Lastly several years ago a drinks licence was applied for by the same premises and was sensibly refused due to all the reasons cited above.

<b>Name:</b>	████████████████████
<b>Address and/or Residents Association:</b>	██████████ ██████████ ██████████ ██████████

<b>Received:</b>	26 May 2021
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I seriously object to this application. We do not need another off-licence. There are plenty of other off-licences in the area (further down Warwick Way and also off Warwick Way). The premises used to be a hairdressers, and next door there is a well-established corner shop (48 Belgrave Rd, which I visit frequently) and there is no need for another similar shop to undermine this business. Also, the hours applied for are unacceptable and could be a source of social disruption to an area of Warwick Way that is mainly residential (flats, houses and small hotels). So I beg you not to grant this licence.

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	26 May 2021
<p>I am concerned about the hours on the licence application for sale of alcohol extending to 1am leading to a nuisance for residents. Pimlico has a serious problem with anti-social behaviour with significant street drinking by the homeless. This has led to aggressive begging, and abusive late night shouting and impacts on the commercial businesses and is a nuisance for residents. There is already more than adequate provision for alcohol sales with 3 major supermarkets (Tesco, Sainsbury, Waitrose) - all who employ full time security guards who can ensure alcohol is only appropriately vended - all of these close by 11pm.</p>	
<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	26 May 2021
<p>My objection to this application is based on the following:</p> <ul style="list-style-type: none"> <li>- this is in the residential part of Warwick Way where we already have a convenience store 2 shops away on the corner;</li> <li>- we have a Waitrose, Tesco and Sainsbury's supermarket all one block away from the proposed shop requesting a licence, 2 of which are already on Warwick Way and all of which are open till 23.00 hrs daily except Sat and Sun and all of which sell alcohol. We do not need anymore licenced premises in Warwick Way.</li> <li>- to open yet another will only encourage alcohol fuelled behaviour and possibly drug taking in the locality which is residential; and, as above, already well supplied with licenced premises.</li> </ul>	
<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	27 May 2021
<p>There is already an out side drinking and drug dealing problem in the area and there is every reason to believe that a late night off-licence would increase crime in this overwhelmingly residential area further. It would likely cause disruptive noise and increased litter. It would not benefit local residents in any way. They are already served by three supermarkets and several off-licences in the immediate area.</p>	
<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	27 May 2021
<p>This application for selling alcohol will only bring more antisocial behaviour to the area . There is an empty premises on the corner of Warwick Way and Wilton Road that was an Odd Bins off</p>	

license which seems a more appropriate place as it is on a street with commercial premises .	
<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	27 May 2021
<p>We wish to appeal against the above Application because as residents of this neighbourhood there are already sufficient outlets for purchasing alcohol around here. Also because there are many small private hotels and airb&amp;b accommodations, in the past when they were fully operational before the pandemic there were frequent disturbances at night due to rowdy drunkenness from these premises and with the future opening up of them - likely trouble in the future.</p> <p>This location near Victoria Station has many homeless rough sleepers who may find an additional source of alcohol attractive particularly as this proposed establishment plans to open until 1a.m.</p>	
<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	27 May 2021
There's already a store selling alcohol right next door, so there is not local demand for another.	
<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	27 May 2021
<p>I am objecting to the granting of a license to sell alcohol at 55 Warwick Way, on the grounds that it will encourage street drinking, drunkenness and other crimes on this residential street. The sale of alcohol would also encourage the trading in drugs on Warwick Way, which is already prone to drug selling and use. Police have been called out several times to deal with this growing drugs problem.</p> <p>Warwick Way is used by me and my family, and many local families walking their young children to nearby schools, to shops and playgrounds in the area. Selling alcohol willy nilly, and often in small quantities, will draw into the area an increase in the alcoholics who beg on the pavements around Victoria Station. Sale of alcohol at 55 Warwick Way would be completely unsupervised, leading to street gatherings and potential brawls.</p> <p>There is ample opportunity to buy alcohol locally at Tesco and Waitrose, both on Warwick Way, and Sainsbury's on Wilton Rd, all three of which have security guards to monitor the behaviour of customers and consumers.</p> <p>At a time, post-pandemic, when the council is trying to regenerate and up-grade Warwick Way, it would be perverse to grant this license.</p> <p>It would also be perverse and deeply unfair of the council to grant this license, since a similar application for the next door premises, which is now a newsagent, was rightly rejected by you in 2014, on the grounds that it would increase crime.</p> <p>Please reject this application.</p>	

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	28 May 2021
<p>I apologise to Mr Singh Dang, but I object to the application for a new premises licence at 55 Warwick Way.</p> <p>We have increasing issues of anti-social behaviour in the neighbourhood, specifically with drugs, alcohol and intimidating behaviour, in part due to the number of bed &amp; breakfast hotels and hostels along this end of Warwick Way and the residents partaking on the doorsteps of Warwick Place North, Clarendon Street and Warwick Square Mews.</p> <p>The concern is that an establishment selling alcohol Monday to Sunday 09:00-01:00 would further increase anti-social outdoor behaviour in a quiet(er) family neighbourhood away from the better policed designated retail and restaurant area at the other end of Warwick Way.</p> <p>There is already a convenience store next door to the proposed shop, Retail 24 (48 Belgrave Road), which was unable to secure an alcohol licence when it opened.</p> <p>I really worry for the safety and well-being of the residents if this licence is issued.</p>	
<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	28 May 2021
<p>Not at all in favour of an off license in a family friendly residential area. Not favourable to be in the midst of school going children and families.</p>	
<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	28 May 2021
<p>We object to the granting of a licence for these reasons:</p> <p>The proposed premises are adjacent to a residential area, and there will inevitably be some late night noise and disturbance. Even if drinking on the premises is not allowed, customers arriving after 22.00 may already have been drinking and be noisy. There are often street drinkers in Warwick Way throughout the day and this shop is likely to give encouragement for street drinking. Home deliveries are also a growing trend and mopeds used until 01.00 will cause significant noise.</p> <p>This area is well served with shops selling late night alcohol. Apart from Sainsbury's, Tesco and Waitrose there is Warwick Way Food and Wine about 50 yards away and Denbigh Food and Wine less than 100 yards away. I note that Oddbins closed recently we suggests there is sufficient provision of off-sales in this immediate area.</p> <p>Although the application mentions prevention of the use and sale of illegal drugs at the retail area this is easier to write than to achieve. Even unintentionally the shop could provide cover for drug dealing.</p> <p>Whilst this is the wrong location for another off-sales premises, it is unacceptable to licence these premises later than 22.00.</p>	

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED]
<b>Received:</b>	28 May 2021
<p>I believe an application has been lodged to allow the sale of alcohol on these premises between 9am and 1am every day.</p> <p>These premises are on the verge of the Warwick Way shopping centre where amenities are available, and surrounded by domestic property. All night facilities are available at Victoria Station only a few minutes walk away, This seems a totally unnecessary addition to our tranquil area.</p>	

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<b>Policy SCZ1 applies</b>	<p>A. In addition to meeting the other policies within this statement, applications within a designated Special Consideration Zone should demonstrate that they have taken account of the issues particular to the Zone, in question as identified within the 2020 Cumulative Impact Assessment, and should set out any proposed mitigation measures in relation to those issues within their operating schedule.</p> <p>B. For the purpose of Clause A, the designated Special Consideration Zones are:</p> <ul style="list-style-type: none"> <li>• West End Buffer.</li> <li>• Queensway/Bayswater.</li> <li>• Edgware Road.</li> <li>• East Covent Garden.</li> <li>• Mayfair.</li> <li>• Victoria.</li> </ul>
<b>Policy HRS1 applies</b>	<p>A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:</p> <ol style="list-style-type: none"> <li>1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm.</li> <li>2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation.</li> <li>3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed.</li> <li>4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.</li> <li>5. The proposed hours when any music, including incidental music, will be played.</li> <li>6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises.</li> <li>7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.</li> <li>8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.</li> <li>9. The capacity of the premises.</li> <li>10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation.</li> <li>11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.</li> </ol>

	<p>12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.</p> <p>13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.</p> <p>14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.</p> <p>C. For the purpose of Clauses A and B above, the Core Hours for this application for each premises use type as defined within this policy are:</p> <p><b>4. Off licences</b>  Monday to Saturday: 8am to 11pm.  Sunday: 9am to 10.30pm.</p>
<p><b>Policy OS1 applies</b></p>	<p>A. Applications outside the West End Cumulative Zones will generally be granted subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</li> <li>2. The hours for licensable activities are within the council's Core Hours Policy HRS1.</li> <li>3. The applicant has taken account of the Special Consideration Zone Policy SCZ1 if the premises are located within a designated zone.</li> <li>4. The application and operation of the venue meeting the definition for a premises that provides off sales of alcohol as per Clause C.</li> </ol> <p>B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</li> <li>2. The hours for licensable activities are within the council's Core Hours Policy HRS1.</li> <li>3. The applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone.</li> <li>4. The application and operation of the venue meeting the definition for a premises that provides off sales of alcohol as per Clause C.</li> </ol> <p>C. For the purposes of this policy, a premises that provides off sales of alcohol is defined as a premises where the sale of alcohol is primarily for consumption off the premises (i.e. shops, stores and supermarkets, etc.).</p>

#### 4. Equality Implications

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

- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

#### 5. Appendices

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

<b>Report author:</b>	Karyn Abbott Senior Licensing Officer
<b>Contact:</b>	Telephone: 07866 019698 Email: <a href="mailto:kabbott@westminster.gov.uk">kabbott@westminster.gov.uk</a>

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

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Environmental Health Service	26 <sup>th</sup> May 2021
5	Representation 1	20 <sup>h</sup> May 2021
6	Representation 2	21 <sup>st</sup> May 2021
7	Representation 3	22 <sup>nd</sup> May 2021
8	Representation 4	22 <sup>nd</sup> May 2021
9	Representation 5	24 <sup>th</sup> May 2021
10	Representation 6	25 <sup>th</sup> May 2021
11	Representation 7	26 <sup>th</sup> May 2021
12	Representation 8	26 <sup>th</sup> May 2021
13	Representation 9	26 <sup>th</sup> May 2021
14	Representation 10	27 <sup>th</sup> May 2021
15	Representation 11	27 <sup>th</sup> May 2021
16	Representation 12	27 <sup>th</sup> May 2021
17	Representation 13	27 <sup>th</sup> May 2021
18	Representation 14	27 <sup>th</sup> May 2021
19	Representation 15	28 <sup>th</sup> May 2021
20	Representation 16	28 <sup>th</sup> May 2021
21	Representation 17	28 <sup>th</sup> May 2021
22	Representation 18	28 <sup>th</sup> May 2021



Special Consideration Submissions

Prevention of Public Nuisance Policy:

- Care will be taken to ensure there is no loud music played in the premises.
- Area inside and outside the shop will be cleaned twice a day to avoid littering.
- Notices will be displayed inside and outside the shop to inform and advice customers to avoid smoking or drinking outside the shop.
- Customers will be advised to leave the premises quietly to ensure no disturbance to the neighbours.
- Deliveries of good will be arranged during the day and not early mornings or late in the evenings. Deliveries will also be taken during the week and not over the weekends to avoid disruptions to the residents.
- We will ensure that there are no obstructions on the pavement and deliveries are taken directly into the shop.
- CCTV and lighting inside and outside the shop will be adequate to ensure it does not have an impact on the residents around the shop.

Dispersal Policy:

- Clear signage will be displayed with opening and closing times.
- A trained member of staff will be assigned to the door at 10minutes before the closing hours to ensure customers do not enter after the closing times and ensure swift exit of the customers inside.
- The door supervisor will also play a role in ensuring customers do not gather outside the shop and highlight the clearly displayed signage if needed.
- Shops light will be dimmed slightly 10minutes before closure to inform customers of the closing time and announcing customers in the shop to please may their way to the tills.
- Staff members will be trained to keep the noise to the minimum when finishing the shift and exiting the premises.

Previous Premises Licence 18/10578/LIPN – Surrendered 2020



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

Schedule 12  
Part A

WARD: Warwick  
UPRN: 100023340786

Premises licence

Regulation 33, 34

Premises licence number:	18/10578/LIPN
Original Reference:	18/10578/LIPN

**Part 1 – Premises details**

**Postal address of premises:**  
55 Warwick Way  
London  
SW1V 1QR

**Telephone Number:** Not Supplied

**Where the licence is time limited, the dates:**  
Not applicable

**Licensable activities authorised by the licence:**  
Sale by Retail of Alcohol

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

<b>Sale by Retail of Alcohol</b>	
Monday to Friday:	11:00 to 21:00
Saturday:	10:00 to 21:00
Sunday:	11:00 to 18:00

**The opening hours of the premises:**

Monday to Friday:	11:00 to 20:00
Saturday:	11:00 to 18:00
Sunday:	11:00 to 17:00

**Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:**  
Alcohol is supplied for consumption on the Premises.

**Part 2**

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

Barbagiove Ltd  
55 Warwick Way  
London  
SW 1V 1QR

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

9755330

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

**Name:** Mrs Gloria Portella

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

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

**Licence Number:** 17/12542LIPERS  
**Licensing Authority:** City Of Westminster Council

**Date:** 4 October 2019

**This licence has been authorised by Ms Daisy Gadd on behalf of the Director - Public Protection and Licensing.**

#### Annex 1 – Mandatory conditions

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

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

7. The responsible person must ensure that –

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

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

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

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

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

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

Where -

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

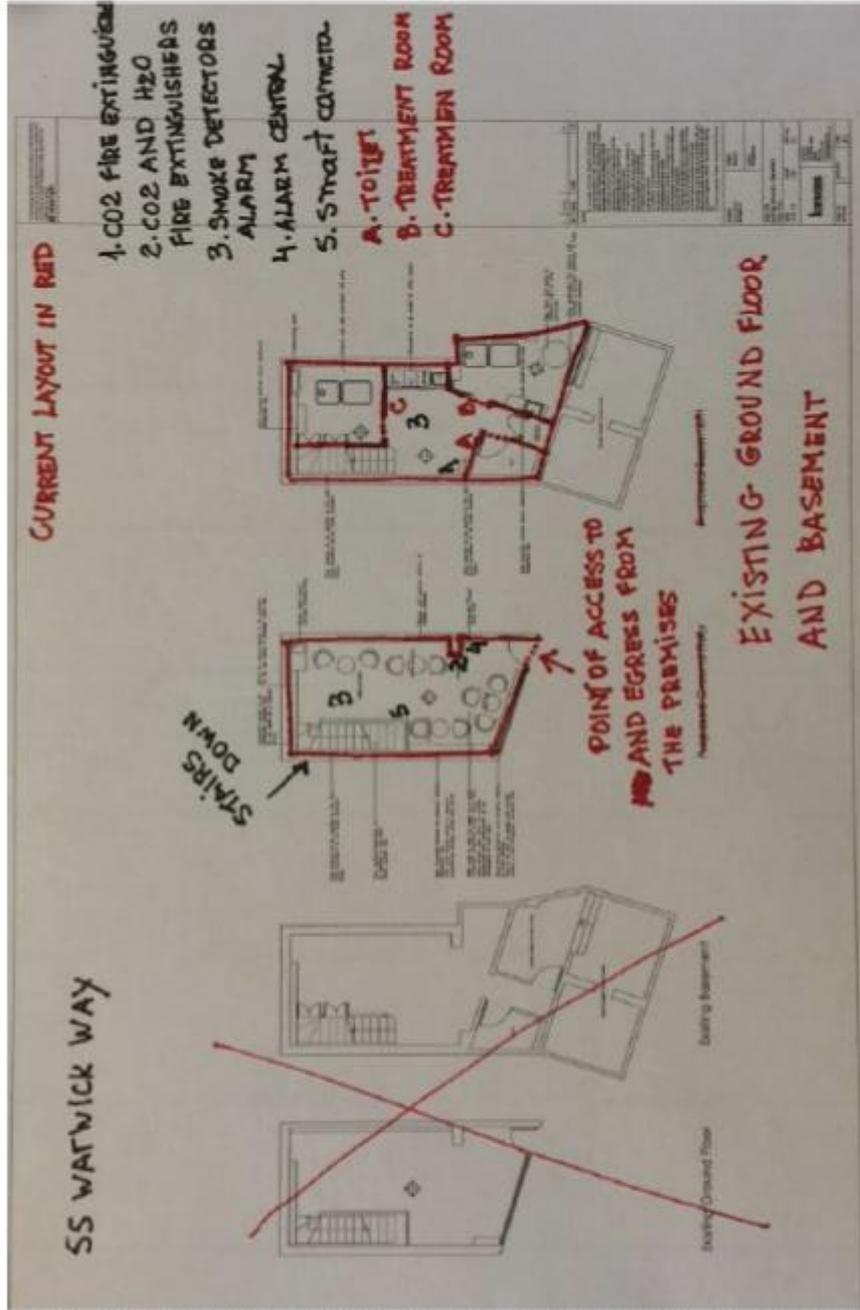
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
    - (i) the holder of the premises licence,
    - (ii) the designated premises supervisor (if any) in respect of such a licence, or
    - (iii) the personal licence holder who makes or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

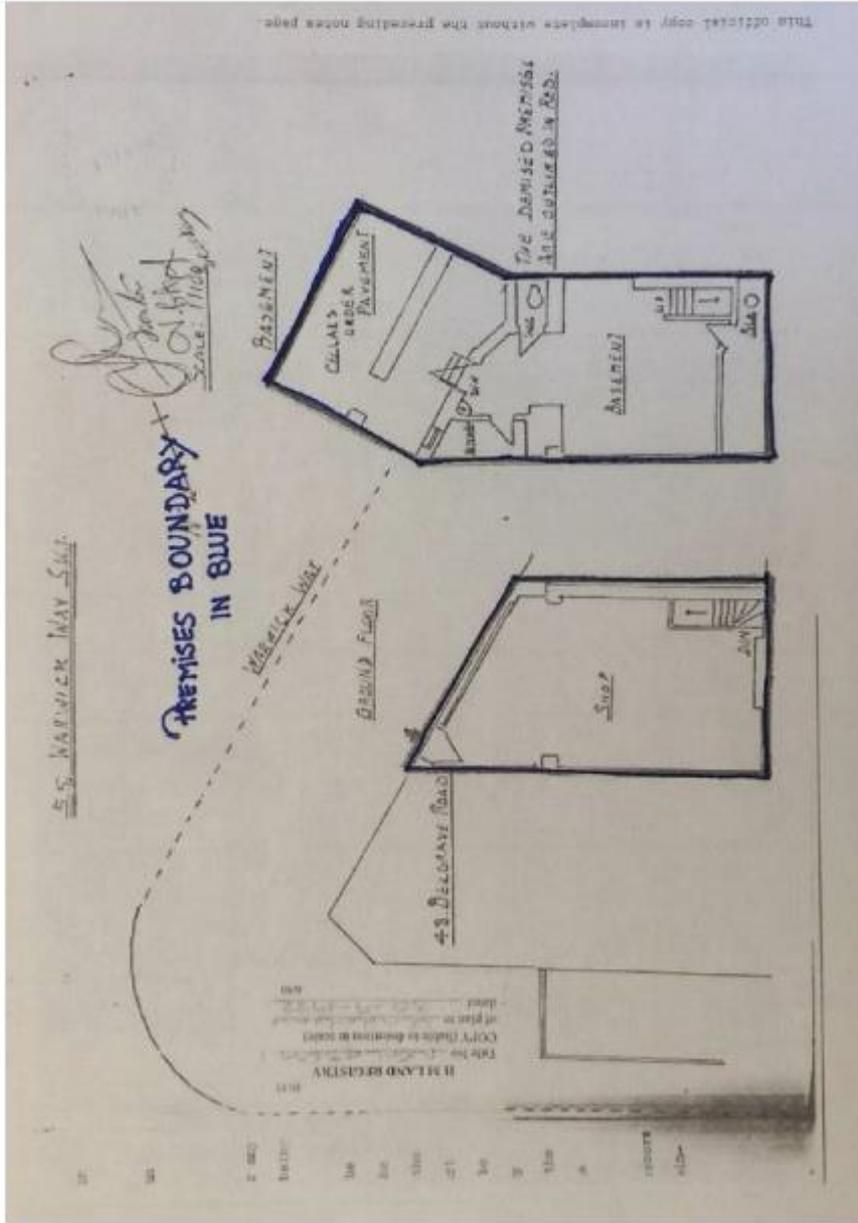
## Annex 2 – Conditions consistent with the operating Schedule

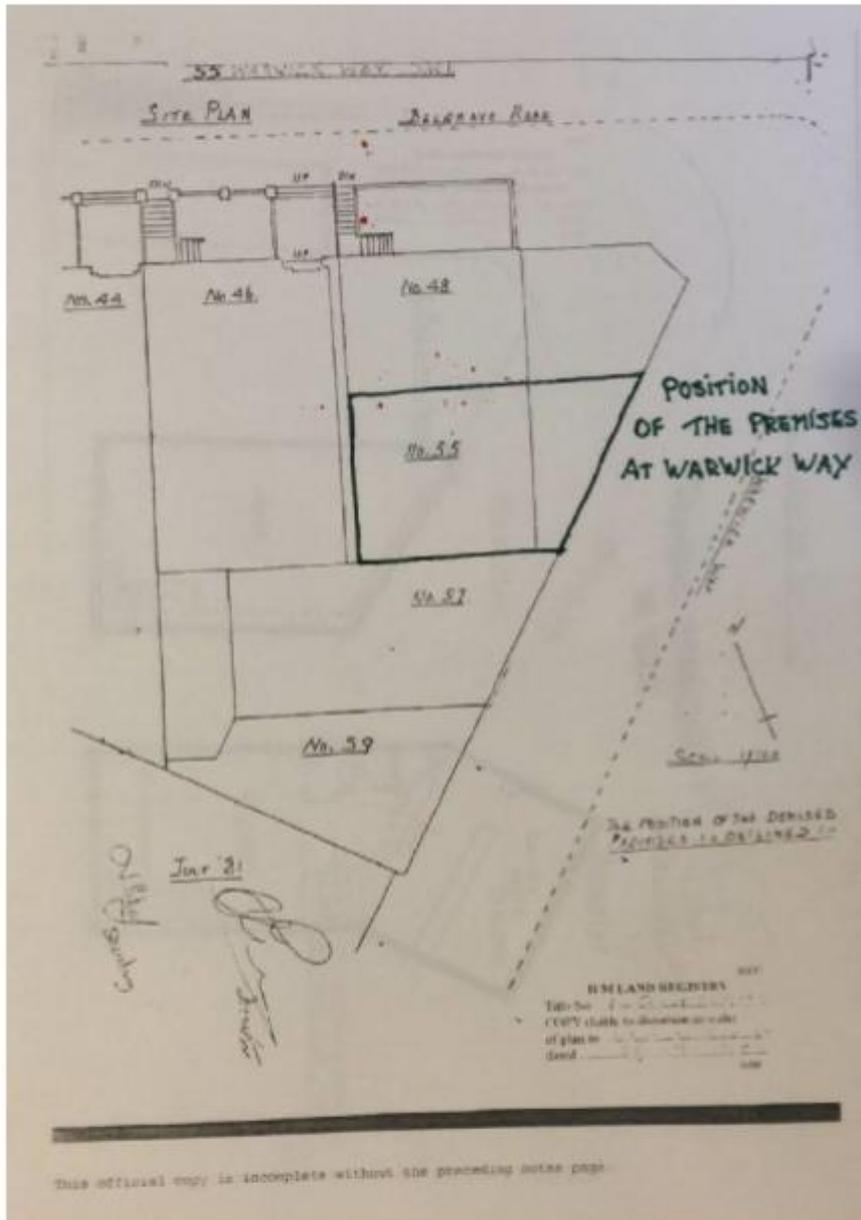
9. Alcohol may only be supplied to patrons attending the premises for, and ancillary to, a spa or beauty treatment.
10. The supply of alcohol shall be limited to champagne and sparkling wine only
11. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
12. 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 30 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 30 day period.
13. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. 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.
14. Non-intoxicating beverages, including drinking water, shall be available throughout the permitted hours in all parts of the premises where intoxicating liquor is supplied for consumption on the premises.
15. No permanent bar will be constructed for exposure or display of alcohol in the premises.
16. The supply of alcohol shall be by a member of staff over the age of 18 years only.
17. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
18. Staff training will be given to ensure that in the case of any doubt whether a purchaser is over the age of 18 to refuse the sale of alcohol unless valid ID is produced.
19. 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) any complaints received concerning crime and disorder
  - (c) any incidents of disorder
  - (d) any faults in the CCTV system.
  - (e) any refusal of the sale of alcohol
  - (f) any visit by a relevant authority or emergency service.
20. 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.

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

None









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

Schedule 12  
Part B

WARD: Warwick  
UPRN: 100023340786

Premises licence  
summary

Regulation 33, 34

Premises licence number:

18/10578/LIPN

**Part 1 – Premises details**

**Postal address of premises:**

55 Warwick Way  
London  
SW1V 1QR

**Telephone Number:** Not Supplied

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

Not applicable

**Licensable activities authorised by the licence:**

Sale by Retail of Alcohol

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

**Sale by Retail of Alcohol**

Monday to Friday:	11:00 to 21:00
Saturday:	10:00 to 21:00
Sunday:	11:00 to 18:00

**The opening hours of the premises:**

Monday to Friday:	11:00 to 20:00
Saturday:	11:00 to 18:00
Sunday:	11:00 to 17:00

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

Alcohol is supplied for consumption on the Premises.

**Name and (registered) address of holder of premises licence:**  
Barbagiove Ltd  
55 Warwick Way  
London  
SW1V 1QR

**Registered number of holder, for example company number, charity number (where applicable)**  
9755330

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

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

**Date:** 4 October 2019

**This licence has been authorised by Ms Daisy Gadd on behalf of the Director - Public Protection and Licensing.**

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

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

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

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

**Mandatory Conditions**

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

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

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

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

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

### **Conditions consistent with the operating schedule**

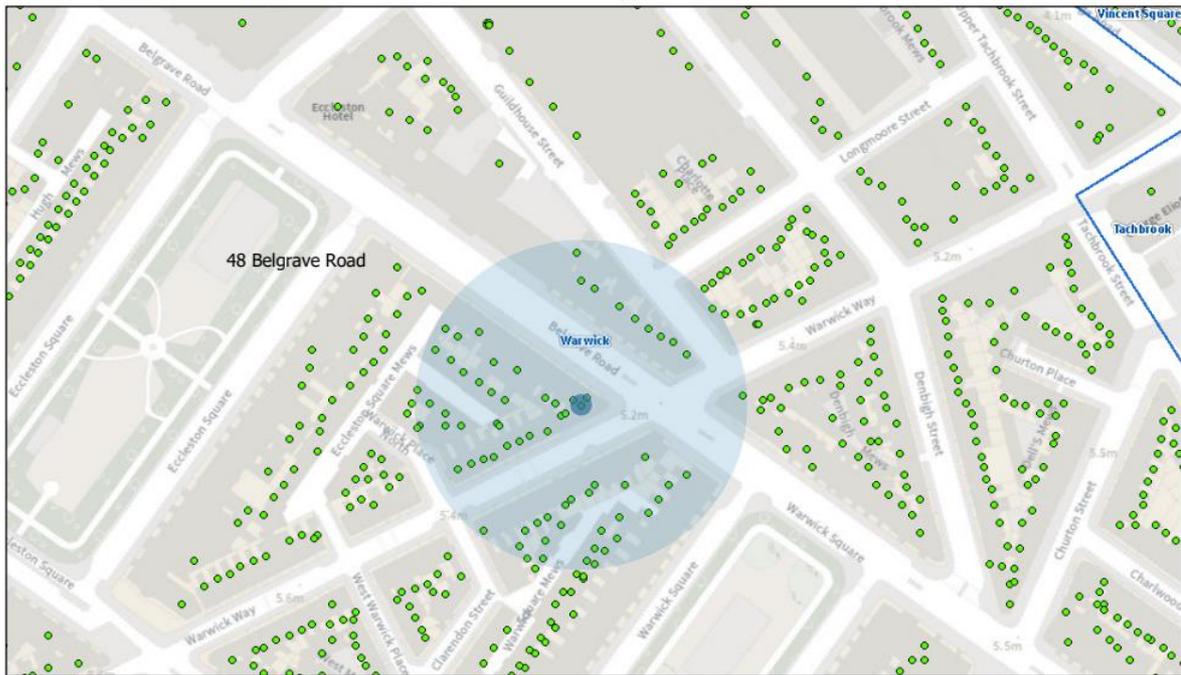
9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
11. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
12. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
  - a. all crimes reported to the venue
  - b. all ejections of patrons
  - c. any complaints received concerning crime and disorder
  - d. any incidents of disorder
  - e. all seizures of drugs or offensive weapons
  - f. any faults in the CCTV system
  - g. any refusal of the sale of alcohol
  - h. any visit by a relevant authority or emergency service.
13. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
14. No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles.
15. No single cans or bottles of beer or cider or spirit mixtures shall be sold at the premises.
16. No more than **(15)**% of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol.
17. There shall be no self-service of spirits on the premises.
18. No miniature bottles of spirits of 20 cl or below shall be sold from the premises.

### **Conditions proposed by the Environmental Health and not yet agreed by the applicant.**

19. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
20. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale.

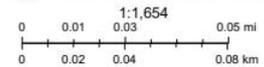
21. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
22. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
23. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
24. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
25. 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.
26. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
27. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 hours and 08.00 hours on the following day.
28. No deliveries to the premises shall take place between 23.00 hours and 08.00 hours on the following day.
29. The Licence will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.

55 Warwick Way, London



26/08/2021, 09:19:44

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



Resident Count = 154

Licensed premises within 75 metres of 55 Warwick Way, London				
Licence Number	Trading Name	Address	Premises Type	Time Period
07/01079/WCCMAP	Victoria Stanley House Hotel	19-21 Belgrave Road London SW1V 1RB	Hotel, 3 star or under	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
07/03028/WCCMAP	Belgrave House Hotel	28 - 32 Belgrave Road London SW1V 1RG	Hotel, 3 star or under	Monday to Sunday; 00:00 - 00:00
21/01285/LIPT	Marquis Of Westminster	50 Warwick Way London SW1V 1RY	Public house or pub restaurant	Sunday; 12:00 - 22:30   Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00
20/11051/LIPV	Eureka	Basement To Ground Floor 46 Warwick Way London SW1V 1RY	Shop	Monday to Sunday; 10:00 - 23:00

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City of Westminster

# Licensing Sub-Committee Report

Item No:

Date:

Licensing Ref No:

Title of Report:

Report of:

Wards involved:

Policy context:

Financial summary:

Report Author:

Contact details

09 September 2021

21/04285/LIPN - New Premises Licence

8 Lauderdale Parade  
Lauderdale Road  
London

Director of Public Protection and Licensing

Maida Vale

City of Westminster Statement of Licensing Policy

None

Kevin Jackaman  
Senior Licensing Officer

Telephone: 020 7641 6500  
Email: [kjackaman@westminster.gov.uk](mailto:kjackaman@westminster.gov.uk)

<b>1.</b>	<b>Application</b>		
<b>1-A</b>	<b>Applicant and premises</b>		
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	4 May 2021		
<b>Applicant:</b>	Keto Group Ltd		
<b>Premises address:</b>	8 Lauderdale Parade Lauderdale Road London W9 1LU	<b>Ward:</b>	Maida Vale
		<b>Cumulative Impact Area:</b>	None
		<b>Special Consideration Zone:</b>	None
<b>Premises description:</b>	According to the application form the premises intend to trade as a restaurant		
<b>Premises licence history:</b>	This is an application for a new premises licence and therefore has no licence history		
<b>Applicant submissions:</b>	None		
<b>Applicant amendments:</b>	During consultation the applicant reduced the terminal hour for the sale of alcohol from 23:30 Monday to Thursday and 23:59 Friday and Saturday to 23:00 Monday to Saturday. The hours now applied for are set out below.		

<b>1-B</b>	<b>Proposed licensable activities and hours</b>						
<b>Sale by retail of alcohol</b>					<b>On or off sales or both:</b>		Both
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	09:00	09:00	09:00	09:00	09:00	09:00	09:00
<b>End:</b>	23:00	23:00	23:00	23:00	23:00	23:00	22:30
<b>Seasonal variations/ Non-standard timings:</b>			Sundays immediately prior to a bank holiday: 09:00 to 00:00.				

<b>Hours premises are open to the public</b>							
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	09:00	09:00	09:00	09:0	09:00	09:00	09:00
<b>End:</b>	23:30	23:30	23:30	23:30	23:59	23:39	22:30
<b>Seasonal variations/ Non-standard timings:</b>			Sundays immediately prior to a bank holiday: 09:00 to 00:00.				
<b>Adult Entertainment:</b>			None				

<b>2.</b>	<b>Representations</b>
<b>2-A</b>	<b>Responsible Authorities</b>
<b>Responsible Authority:</b>	Metropolitan Police Service
<b>Representative:</b>	Dave Morgan
<b>Received:</b>	19 May 2021 <b>(Withdrawn 20 May 2021)</b>
<p>With reference to the above, I am writing to inform you that the Metropolitan Police Service, as a Responsible Authority, are making a <b>representation</b> against this application.</p> <p>It is our belief that if granted the application would undermine the Licensing Objectives in relation to The Prevention of Crime and Disorder.</p> <p>I have read the operating schedule that you have supplied and although I am happy with the conditions offered, I would also like to see the following to be included:</p> <ul style="list-style-type: none"> <li>• <b>Except for any authorised external seating areas, all sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.</b></li> </ul> <p>Please let me know if you are happy with to include this condition or if you wish to discuss it further, please feel free to contact me.</p> <p><b>Following agreement of further conditions, the Metropolitan Police withdrew their representation on 20 May 2021</b></p>	
<b>Responsible Authority:</b>	Environmental Health
<b>Representative:</b>	Dave Nevitt
<b>Received:</b>	1 June 2021
<p>I wish to make Representations on the following grounds:</p> <p>Representation is made in relation to the application, as the proposals are likely to increase the risk of Public Nuisance and may impact upon Public Safety</p>	

<b>2-B</b>	<b>Other Persons</b>
<b>Name:</b>	██████████ - Paddington Waterways and Maida Vale Society
<b>Address and/or Residents Association:</b>	██████████ ██████████ ██████████ ██████████
<b>Received:</b>	01 June 2021
<p>Our comments are made as an Amenity Society recognised by Westminster City Council. We are officially charged with working towards the preservation and enhancement of the architectural and environmental quality of Little Venice, Maida Vale and the Paddington Waterway area (including planning and licensing issues).</p>	

We recognise that these premises are run as a business and we are aware that it has to be a viable operation, providing services for locals. We are very keen to ensure that an appropriate balance is maintained between the legitimate rights of business and the equally legitimate and important rights of residents.

#### Introduction

Our representation is made on the basis that the likely impact of the application, if granted as applied for, would be to harm the licensing objectives, particularly that of prevention of public nuisance.

We do not oppose a licence being granted at all, but we would like amendments to the Operating Schedule to ensure that the licensing objectives are promoted in this location. The premises is part of a parade of shops and commercial premises (including licensed premises) at ground floor level, with residents above. The wider locality is residential. As such, we would ask that the Licensing Authority to pay great attention to any comments submitted by local residents, and we would wish to support them in respect of valid concerns they may have.

#### The application and reasons for representation

The application seeks sale of alcohol for consumption on and off the premises in line with Policy HRS1. We note that HRS1 affords an earlier commencement hour under the 2021 iteration of the Statement of Licensing Policy than did the 2016 iteration.

The application seeks late night refreshment and opening also in line with Policy HRS1. It appears that an unlicensed restaurant currently operates or recently operated from the premises. According to the City Council's Planning Register, there has been enforcement action taken by the Planning Authority over plant/extract equipment.

The following points arise from the application documentation:

1. Although the hours are within core hours, we would ask that the applicant considers reducing the terminal hour, particularly should any residents have concerns about these hours.
2. The previous/current operation is unlicensed and therefore cannot sell alcohol at all, or provide late night refreshment after 11pm. This would self-limit the terminal hour to earlier than the 11.30pm/midnight hour sought now.
3. The application is for off sales to the same terminal hour as on sales.
4. The proposed licence plan includes an outside area within the 'red line' i.e. an on sale. Clearly, the use of seating external to the premises building should terminate earlier than the hours applied for.
5. We believe that the restaurant use in planning terms would be permitted by the new Use Class E. This means that the use would not necessarily attract scrutiny from the Planning Authority in respect of matters such as extract duct/odours etc.
6. As stated above, it seems that there has been planning enforcement in respect of extract equipment. Given the proximity of residents above, we suggest that this issue is addressed as part of the licence application. We have proposed a condition below.
7. We note that there are a number of helpful conditions, including MC66.
8. There are however a number of matters not covered – for instance the terminal hour for off sales.
9. We would prefer that the times for servicing (waste collections and deliveries) were amended to 22:00
10. We propose the following additional conditions:  
MC87 No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.  
MC57 Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke or make a phone call, shall not be permitted to take glass containers with them.  
We do not believe that the applicant has covered the relevant points in the City Council's Statement of Licensing Policy 2021, particularly PN1 and CD1.  
MC16 There shall be no sales of alcohol for consumption off the premises after 22:00  
MC17 All sales of alcohol for consumption off the premises shall be in sealed containers only,

and shall not be consumed on the premises.

MC20 All tables and chairs shall be removed from the outside area by 22:00 hours each day

We may raise further points in due course when we have more information about the application.

#### Conclusion

We are also aware that applications are often amended to take into account concerns raised by responsible authorities or other persons. Please let us know if any amendments are made to this application so that we can consider if they resolve our concerns and, if appropriate, liaise with local residents.

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	31 May 2021

I am very concerned that granting this application will lead to a serious increase in noise on Lauderdale Parade in the evenings.

It means that people will be sitting out on the pavement eating and drinking until 23:30 weekdays and midnight Fridays and Saturdays. The hours are for the sale of alcohol, so presumably customers will be able to sit at table in the street after a meal drinking what they have legally purchased. It is then unlikely that they will always disperse quickly and quietly, so it could be 1 or 2 o'clock in the morning before the street is quiet again. That will have a very bad impact on the residences above the Lauderdale Parade shops. I am already kept up late by noise from the Sushi restaurant.

I also understand that the restaurant at 8 Lauderdale Parade has illegally installed an external flu duct at the rear of the property. So I have little confidence that they will comply with the requirements of the Operating Schedule.

I urge Westminster to preserve the quiet character of this conservation area

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	23 May 2021

The premises are below residential housing and the applicants have previously caused severe nuisance with a Shisha restaurant (heavy smoke, open charcoal fires on the pavement). This was shut down by the council after neighbourhood complaint.

They have erected, without planning permission, a large kitchen duct venting at the domestic roof line that has yet to be removed.

The Shisha restaurant attracted large groups of men and a next door neighbour (Lady Sarah Oliver) told me she suspected drugs and prostitutes were present. I do not believe the owners have a sincere interest in running a decent commercial operation and that if this license is granted there will be further neighbourhood wide trouble.

<b>Name:</b>	[REDACTED]
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<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	17 May 2021
<p>In pandemic people suffering from alcohol addiction problem is that not enough for council.plus across the road there are college where adult students study also in neighbourhood almost big pub in middle of both street and plus 5-6 businesses own liquer licence is not enough ?</p> <p>After this licence they have neighbour who developing winebar and restaurent. last there are n number of people after pub closing standing out and make noise so by giving them licence you are motiveting those people.</p>	
<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	16 May 2021
<p>The owners are not fit and proper people to hold an alcohol license, with a long history of flouting regulations in Maida Vale.</p> <p>Under a former guise, Ghalyoun, the owners caused long running public nuisance. The council proceeded with enforcement action and shut them down.</p> <p>Keto are currently subject to enforcement action from Westminster planning, requiring they remove a kitchen extract duct erected without permission. This legally was required to be removed in February, but this hasn't happened. This clearly demonstrates wilful ignoring of laws, rules, and regulations.</p> <p>The kitchen duct exits below the level of living accommodation, and causes odour and smoke nuisance inside residents properties. Keto are aware, and are wilfully ignoring Westminster's enforcement action and appeals of local residents. These are not responsible people.</p> <p>The London Fire Brigade has serious concerns about the safety of residents living above Keto. An alcohol license will clearly increase the risk of fires, with potentially intoxicated patrons and open charcoal cooking.</p> <p>Keto regularly cause public nuisance, operating an outdoor terrace late into the evening - I have evidence of noisy parties outdoors post 11pm. I'm not aware of permission for the outdoor area, let alone to late night usage - unlike other premises. An alcohol license would exacerbate the problem.</p> <p>I request you &amp; partners across council/fire brigade fully address the serious concerns with Keto's operations</p> <ol style="list-style-type: none"> <li>1.Rapidly enforce the kitchen duct removal</li> <li>2.Investigating the risk to neighbours from open charcoal cooking in a dense residential/mixed use block, with unsafe venting of noxious gasses in close proximity to windows, seemingly without fire safety approval</li> <li>3.Create a clear plan of enforcement post kitchen duct removal to ensure the current nuisance/danger is not simply shifted to ground level</li> </ol>	

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED] [REDACTED]

<b>Received:</b>	31 May 2021
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I hereby strongly object to this application.

[REDACTED] and I would be further disturbed by drinkers especially later at night.

Le Cochonnet is already a licensed premises on the corner of Lauderdale Parade just a few doors along from this restaurant. The noise and rubbish created there from is considerable with empty bottles and glasses left along the road that end up broken, drunks reeling out along the street at closing time (vomit is often found on the pavements) and the sound of stacking empties can be heard by local residents.

With a drinking establishment already existing in this small parade, another licensed venue is entirely unnecessary.

I respectfully request that this application is turned down.

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]

<b>Received:</b>	07 May 2021
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As a local resident, I am concerned about the mix of outdoor dining provided by the restaurant and serving alcohol at the times outlined in the application, with particular regard to noise. With residents living above and adjacent/above the restaurant, the combination is a potential for nuisance. I would welcome more information from the applicant on point P, d (the prevention of public nuisance), which currently only reads 'as per attached operating schedule.' No additional information, or the mentioned operating schedule is appended to the document. As it stands, I oppose the application, but could be swayed pending additional information.

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]

<b>Received:</b>	24 May 2021
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I understand that this restaurant is under Westminster Enforcement rules to take down an unauthorised, industrial scale flue duct at the back- that makes the residential properties above smell strongly of cooking fat, and there is a lot of black smoke/soot from their burning charcoal. The owner has not to date complied with these enforcement rules. This is the property that had an illegal shisha bar for many years, operating through much of the night, until a major fire (according to the fire brigade) came within 20 minutes of setting the full property alight i.e. including residences above. The owner of this property and the restaurant operators do not have a track record of keeping to Westminster planning and regulation rules. We expect that the rules of a liquor licence e.g. maintaining authorised hours and respecting residents regarding noise levels would also not be followed. We therefore object to the application.

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	25 May 2021

I object to this application for licencing as:

1. I do not believe it is appropriate for Westminster to provide a licence whilst Westminster Council is taking legal action against the owner for failing to comply with an enforcement notice, which was unsuccessfully appealed by the owners (APP/X5990/C/20/3249054). The owners have continually failed to comply with the notice or to respond to the council on the issue.

2. I do not believe that the owners are considerate neighbours. There have been numerous noise and smell complaints regarding their premises for several years (see: <https://www.hamhigh.co.uk/news/environment/battle-lines-drawn-over-maida-vale-shisha-cafe-1-1196231>).

3. I do not believe that the owners are responsible neighbours. In 2018, a fire was started at the premises by the inadequate disposal of shisha coals that resulted in all properties in the Parade being evacuated by the fire department at 4.30am (<https://www.london-fire.gov.uk/incidents/2018/november/fire-at-a-caf%C3%A9-maida-vale/>).

4. I do not believe that the premises are appropriate to be licensed. There is very little inside seating which means that majority of customers will be served outside. This is not an appropriate venue to serve alcohol outside as this is a quiet residential street with housing above and opposite the premises. Le Cochonnet and Murusaki, which are both licensed, have large indoor seating areas and do not serve customers outside in the evening.

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

<b>Policy HRS1 applies</b>	<p>A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:</p> <ol style="list-style-type: none"> <li>1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm.</li> <li>2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation.</li> <li>3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed.</li> <li>4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.</li> <li>5. The proposed hours when any music, including incidental music, will be played.</li> <li>6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the</li> </ol>
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	<p>premises.</p> <p>7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.</p> <p>8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.</p> <p>9. The capacity of the premises.</p> <p>10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation.</p> <p>11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.</p> <p>12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.</p> <p>13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.</p> <p>14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.</p>
<p><b>Policy RTN1 applies</b></p>	<p>A. Applications outside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</li> <li>2. The hours for licensable activities being within the council's Core Hours Policy HRS1.</li> <li>3. The applicant has taken account of the Special Consideration Zones Policy SCZ1 if the premises are located within a designated zone.</li> <li>4. The application and operation of the venue meeting the definition of a restaurant as per Clause C.</li> </ol> <p>B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</li> <li>2. The hours for licensable activities are within the council's Core Hours Policy HRS1.</li> <li>3. The applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone.</li> <li>4. The application and operation of the venue meeting the definition of a restaurant as per Clause C.</li> </ol> <p>C. For the purposes of this policy a restaurant is defined as:</p> <ol style="list-style-type: none"> <li>1. A premises in which customers are shown to their table or the customer will select a table themselves to which food is either served to them or they have collected themselves.</li> </ol>

	<p>2. Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at a table.</p> <p>3. Which do not provide any takeaway service of food and/or drink for immediate consumption.</p> <p>4. Where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.</p> <p>5. The sale and consumption of alcohol prior to such meals may be in a bar area but must also be ancillary to the taking of such meal</p>
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#### 4. Equality Implications

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

- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

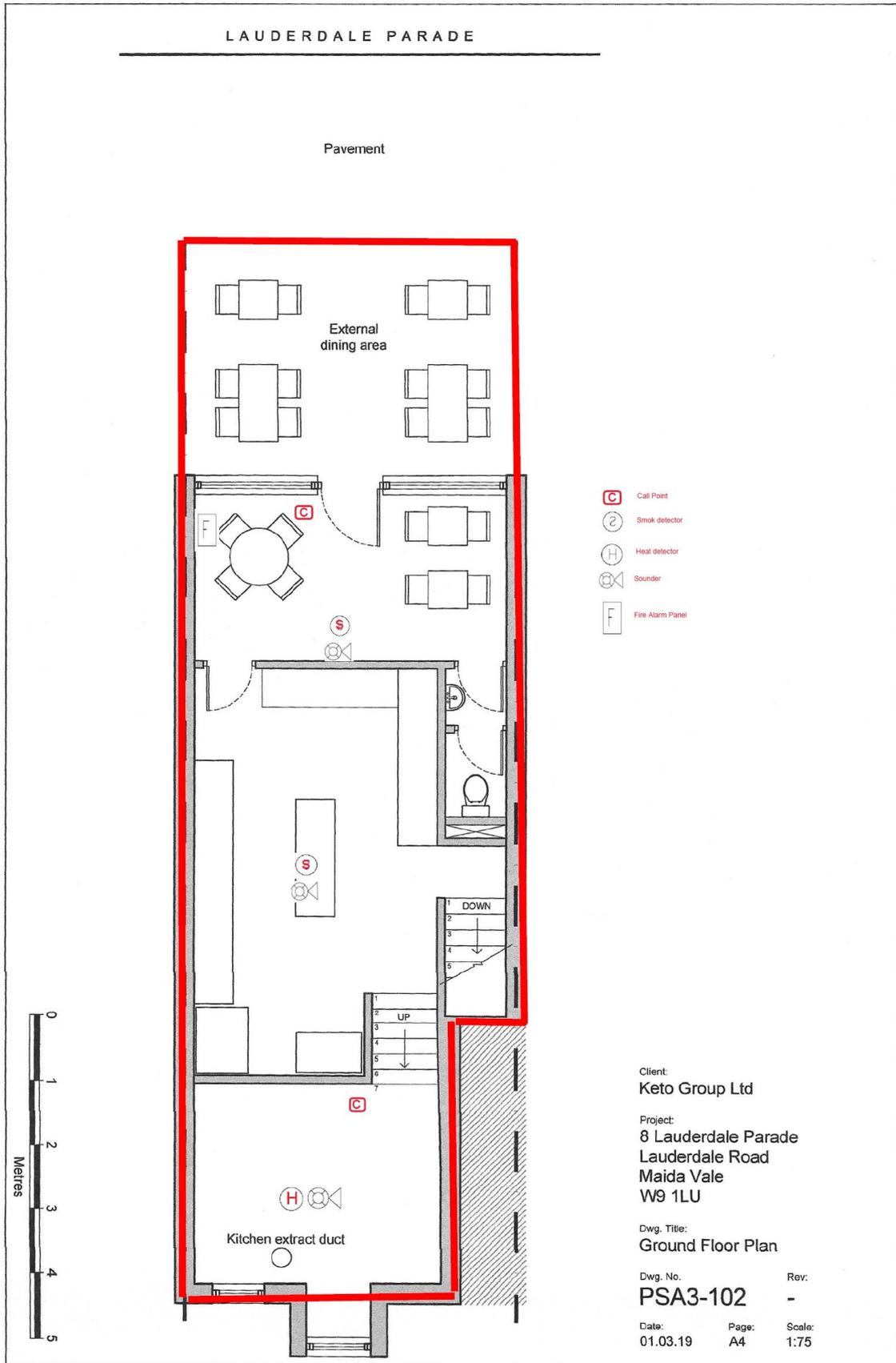
<b>5.</b>	<b>Appendices</b>
<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents
<b>Appendix 3</b>	Premises history
<b>Appendix 4</b>	Proposed conditions
<b>Appendix 5</b>	Residential map and list of premises in the vicinity

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

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

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

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2021
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
<b>4</b>	Metropolitan Police Representation	19 May 2021 (withdrawn 20 May 2021)
<b>5</b>	Environmental Heath Representation	01 June 2021
<b>6</b>	Interested Party Representation (1)	01 June 2021
<b>7</b>	Interested Party Representation (2)	23 May 2021
<b>8</b>	Interested Party Representation (3)	17 May 2021
<b>9</b>	Interested Party Representation (4)	16 May 2021
<b>10</b>	Interested Party Representation (5)	31 May 2021
<b>11</b>	Interested Party Representation (6)	07 May 2021
<b>12</b>	Interested Party Representation (7)	24 May 2021
<b>13</b>	Interested Party Representation	25 May 2021



None

There is no licence or appeal history for the premises.

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

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

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

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

### Mandatory Conditions

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

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

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

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

## Conditions consistent with the operating schedule

9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team.
10. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.
11. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance.
12. All recordings shall be stored for a minimum period of 31 days with date and time stamping.
13. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
14. 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.
15. The premises shall only operate as a restaurant (i) in which customers are shown to their table or the customer will select a table themselves, (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, (iv) which do not provide any takeaway service of food or drink for immediate consumption off the premises, (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.

For the purpose of this condition 'Substantial Table Meal' means – a meal such as might be expected to be served as the main midday or main evening meal, or as a main course at either such meal and is eaten by a person seated at a table, or at a counter or other structure which serves the purposes of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure servicing the purposes of a table.

Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

16. A Challenge 21 or Challenge 25 scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as driving licence, passport or proof of age card with the PASS Hologram.
17. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following: (a) all crimes reported to the venue (b) all ejections of patrons (c) any complaints received regarding crime disorder (d) any incidents of disorder (e) any faults in the CCTV system (f) any refusal of the sale of alcohol (g) any visit by a relevant authority or emergency service.
18. 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.
19. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of the local residents and businesses and leave the area quietly.

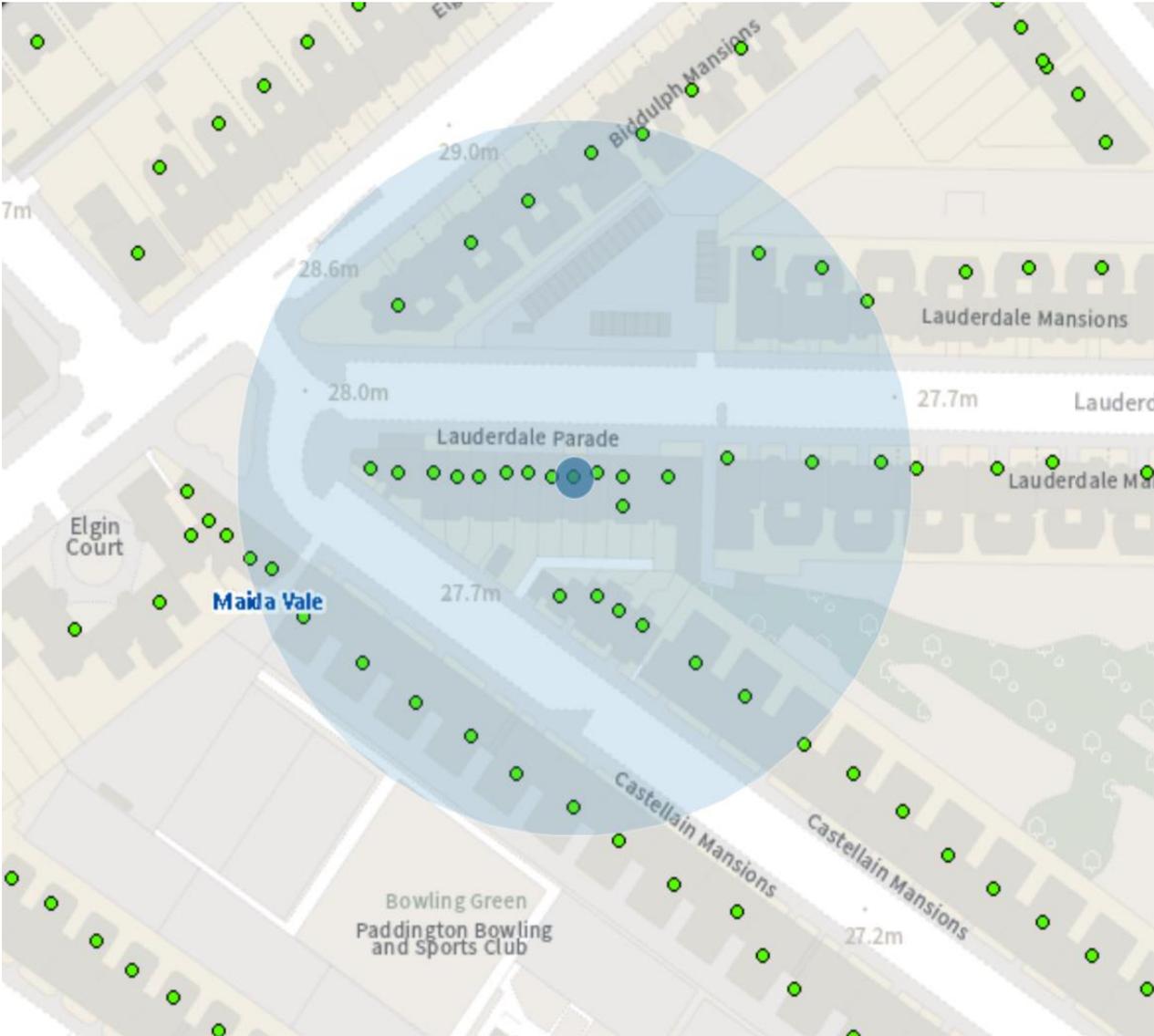
20. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel; at its junction with the kerb edge, is swept and or washed and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
21. No collection of waste or recycling materials (including bottle) from the premises shall take place between 23:00 and 07:00 on the following day.
22. No deliveries to the premises shall take place between 23:00 and 07:00 on the following day.
23. All waste if to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
24. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.

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

25. Except for any authorised external seating areas, all sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.

**Conditions proposed by the Environmental Health**

None



Resident Count: 298

**Licensed premises within 75 m of 8 Lauderdale Parade Lauderdale Road London W9**

Licence Number	Trading Name	Address	Premises Type	Time Period
16/09147/LIPN	La Piccola Dely	6 Lauderdale Parade Lauderdale Road London W9 1LU	Shop	Sunday; 07:00 - 19:00   Monday to Saturday; 07:00 - 20:00
18/02152/LIPN	Sushi Murasaki	12 Lauderdale Parade Lauderdale Road London W9 1LU	Restaurant	Monday to Sunday; 12:00 - 23:00
21/05106/LIPDPS	Oddbins	4 Lauderdale Parade Lauderdale Road London W9 1LU	Shop	Sunday; 10:00 - 22:30   Monday to Saturday; 08:00 - 23:00
06/03719/WCCMAP	Le Cochonnet	Basement And Ground Floor 1 Lauderdale Parade Lauderdale Road London W9 1LU	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
14/02585/LIPN	Bon Appetite	73 Castellain Road London W9 1EU	Cafe	Monday to Sunday; 08:00 - 22:00

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