



City of Westminster

# Committee Agenda

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

Meeting Date: **Wednesday, 8 September 2021**

Time: **10.00 am**

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

Members: **Councillors:**  
Tim Mitchell (Chairman)  
Jacqui Wilkinson  
Aicha Less

If you require further information, please contact the Committee Officer, Sarah Craddock, Committee & Councillor Co-ordinator.

**Email:** [scraddock@westminster.gov.uk](mailto:scraddock@westminster.gov.uk)  
**Tel:** 07790 980 186  
**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. 10.00 AM: 31 RIDING HOUSE ST, LONDON W1W 7DY

Pages

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Ward CIA* SCZ**	Site Name & Address	Application Type	Licensing Reference No.
West End N/A N/A	31 Riding House Street London W1W 7DY	New Premises Licence	21/0416/LIPN
*Cumulative Impact Area ** Special Consideration Zone			

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

#### 2. 1 PM: MAYHA, 43 CHILTERN ST, LONDON W1U 6LS

23 - 64

Ward CIA* SCZ**	Site Name & Address	Application Type	Licensing Reference No.
Marylebone High Street N/A N/A	Mayha, 43 Chiltern Street London W1U 6LS	New Premises Licence	20/11119/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  
31 August 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:	8 September 2021
Licensing Ref No:	21/04164/LIPN - New Premises Licence
Title of Report:	31 Riding House Street London W1W 7DY
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	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>	29 April 2021		
<b>Applicant:</b>	L'apéro Ltd		
<b>Premises address:</b>	31 Riding House Street London W1W 7DY	<b>Ward:</b>	West End
		<b>Cumulative Impact Area:</b>	None
		<b>Special Consideration Zone:</b>	None
<b>Premises description:</b>	According to the application form, the premises proposes to operate as a takeaway and food delivery shop.		
<b>Premises licence history:</b>	This is a new premises licence application and therefore no premises licence history exists.		
<b>Applicant submissions:</b>	None		

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>	11:00	11:00	11:00	11:00	11:00	11:00	11:00
<b>End:</b>	23:00	23:00	23:00	23:00	23:00	23:00	22:00
<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>	11:00	11:00	11:00	11:00	11:00	11:00	11:00
<b>End:</b>	23:00	23:00	23:00	23:00	23:00	23:00	22:00
<b>Seasonal variations/ Non-standard timings:</b>		None					
<b>Adult Entertainment:</b>		None					

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Metropolitan Police Service
<b>Representative:</b>	PC Dave Morgan
<b>Received:</b>	24 May 2021 (Withdrawn 7 June 2021)
<p><b>Application for a New Premises Licence - 31 Riding House Street, London, W1W 7DY - 21/04164/LIPN</b></p> <p>With reference to the above, I am writing to inform you that the Metropolitan Police, 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 and Protecting Children from Harm.</p> <p>There is insufficient detail within the operating schedule, so to move forward, I have attached a list of conditions that the Police would like to see included on the Premises Licence.</p> <p>If these are agreed, I may be in a position to withdraw my representation.</p> <p>If you wish to discuss any of the conditions further, please feel free to contact me.</p> <p><b>Conditions were agreed between the applicant and the Police. As a result, the Metropolitan Police Service as a responsible authority withdrew their representation on 7<sup>th</sup> June 2021. The agreed conditions can be found at Appendix 4.</b></p>	
<b>Responsible Authority:</b>	Environmental Health Service
<b>Representative:</b>	Anil Drayan
<b>Received:</b>	28 May 2021
<p>Representation is made by Environmental Health as the proposal may lead to an increase in Public Nuisance in the area.</p> <p>The applicant is requested to contact the undersigned to discuss the proposal after which Environmental Health may propose additional conditions to allay its concerns.</p>	

2-B Other Persons	
<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	7 May 2021
<p>We strongly object to this application. We are already having issues with people loitering in front of our house and deliveroo drivers leaning their bikes up against our wall, this will not be made any better with alcohol being sold and people drinking outside the premises. It states that it is a takeaway business but the number of people that are congregating outside the front of our house suggest that their are long waits for people to collect their orders or they are eating them there. I found a beer bottle on my window sill on the weekend and various items of rubbish are</p>	

being left there. This is interfering with our peaceful enjoyment of our property. I have spoken to the owner asking them to keep people off our wall but this does not seem to have made any difference

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	17 May 2021

Currently L'Apero operates as a food-only takeaway-only establishment. The business appears moderately successful and many orders are fulfilled rapidly.

Even in this modest situation there is an issue with noise. For example, most motorbike couriers switch off their engines when they arrive which leads to the piercing beeping noise of the ignition alarm. When the courier departs, the same piercing noise rings out again as the motorbike is restarted. This noise is more than loud enough to disturb anyone trying to sleep. On the occasions when the motorcycle does not switch off their engine, the noise is intolerable.

The sale of alcohol would lead to increased popularity of the establishment which is, of course, why they have applied for this licence. With this increased popularity, the amount of courier traffic would increase. Late night traffic in particular would grow as this is when customers would be most likely to order alcohol with their take-away.

Neighbours have also experienced other problems connected with the business: litter, unintentional minor damage to property, cigarette smoke and gatherings of people who appear to be eating their take-away outside the premises. A licence to sell alcohol would more than likely lead to an increase of these problems, particularly later in the evening and at night when the problem is most impactful on residents. There are residents above, below and next door to L'Apero. And there are several families with young children very nearby.

A licence to sell alcohol for take-away would be out-of-keeping with this part of the street (for example the nearby Great Thai restaurant is not permitted to sell alcohol for take-away), would damage local resident's enjoyment of their homes, and would lead to noise nuisance in a predominantly residential stretch of Riding House Street. We wish L'Apero every success but we object.

### 3. Policy & Guidance

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

#### Policy HRS1 applies

- 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.
- 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:
1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm.
  2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation.
  3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed.
  4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.
  5. The proposed hours when any music, including incidental music, will be played.
  6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises.
  7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.
  8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.
  9. The capacity of the premises.
  10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation.
  11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.
  12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.
  13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.
  14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation

	<p>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>6. Pubs and bars, Fast Food and Music and Dance venues</b>  Monday to Thursday: 10am to 11.30pm.  Friday and Saturday: 10am to 12am.  Sunday: 9am to 10.30pm.  Sundays immediately prior to a bank holiday: 12pm to 12am</p>
<p><b>Policy FFP1 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 Zones</li> </ol> <p>Policy SCZ1 if the premises are located within a designated zone.</p> <p>4. The application and operation of the venue meet the definition of a fast food premises in Clause D.</p> <p>B. It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone other than:</p> <ol style="list-style-type: none"> <li>1. Applications to vary the existing licence hours within the council's Core Hours Policy HRS1, and/or,</li> <li>2. Applications that seek to vary the existing licence so as to reduce the overall capacity of the premises.</li> </ol> <p>C. The applications referred to in Clause B1 and B2 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 application and operation of the venue continuing to meet the definition of a Fast Food Premises in Clause D.</li> </ol> <p>D. For the purposes of this policy a Fast Food Premises is defined as:</p> <ol style="list-style-type: none"> <li>1. A premises that provides late night refreshment, either by way of fast food over a counter, via a self-seating basis or take away for immediate consumption.</li> <li>2. Food and drink are: <ol style="list-style-type: none"> <li>a. Available on the premises for self-selection.</li> <li>b. Prepared on the premises.</li> <li>c. Cooked or produced off the premises but brought to that premises in advance of its sale to customers.</li> </ol> </li> <li>3. The food and drink are provided in pre-sealed or open disposable</li> </ol>

#### 4. Equality Implications

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

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

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

#### 5. Appendices

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

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

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

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

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2021
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
<b>4</b>	Metropolitan Police Service ( <b>Withdrawn 7<sup>th</sup> June 2021</b> )	24 <sup>th</sup> May 2021
<b>5</b>	Environmental Health Service	28 <sup>th</sup> May 2021
<b>6</b>	Representation 1	7 <sup>th</sup> May 2021
<b>7</b>	Representation 2	17 <sup>th</sup> May 2021



**Applicant Supporting Documents**

**Appendix 2**

None provided

There is no licence or appeal history for the premises.

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

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

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

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

**Mandatory Conditions**

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

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

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

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

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

**Conditions consistent with the operating schedule**

9. There will be no more than 10 people in the shop.
10. Noise or vibration from the premises will be maintained at a level that will not be audible at the façade of any neighbouring noise sensitive premises.

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

11.
  - (a) The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team.
  - (b) All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.
  - (c) 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.
  - (d) All recordings shall be stored for a minimum period of 31 days with date and time stamping.
  - (e) Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
12. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are 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.
13. An incident log/register shall be maintained to record all incidents of crime and disorder occurring on delivery of products. This log/register will be available for inspection by a Police Officer or other authorised officer on request.
14. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
15. There shall be no signage or advertisement, or promotional material affixed to the outside of the premises that give any reference to the sale of alcohol taking place at the premises.
16. The premises licence holder will ensure that an age verification policy will apply whereby all delivery riders will be trained to ask any customer to whom alcohol is delivered, who appears to be under the age of 25 years to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark or other form of identification that complies with any mandatory condition that may apply to this licence.
17. All delivery riders shall receive training in age restricted sales.
  - Induction training must be completed and documented prior to the delivery of alcohol by the rider.
  - Refresher/reinforcement training must be completed and documented at intervals of no more than 6 months.
  - Training records will be available for inspection by a Police Officer or other authorised officer on request. Training records will be electronically stored by the licence holder for a period of 12 months.
18. A warning shall be displayed on the digital platform on which an order is placed informing customers that they must be aged 18 or over to make a purchase of alcohol and notifying customers that the rider will carry out age verification on delivery. The customer will be required to declare that he or she is aged 18 or over. If the rider is not satisfied that the customer is aged 18 or over any alcohol in the order will be withheld.

19. All delivery riders shall be trained to record refusals of sales of alcohol in a refusal's log/register. The log/register will contain:
  - details of the time and date the refusal was made.
  - the identity of the rider refusing the sale.
  - details of the alcohol the person attempted to purchase.This log/register will be available for inspection by a Police Officer or other authorised officer on request.
20. Delivery of alcohol shall be to a residential address or place of work.
21. Riders will not be permitted to smoke in the immediate vicinity of the premises.
22. Riders will not be permitted to congregate in the immediate vicinity of the premises.
23. Riders will be instructed not to loiter in the vicinity of residential premises.
24. Prominent, clear and legible notices must be displayed at all exits requesting staff and couriers to respect the needs of local residents and to leave the premises and the area quietly.
25. The premises licence holder shall not sell super-strength beer, lager, cider or spirit mixtures with an alcohol content over 5.5% ABV (alcohol by volume) save for products agreed (email will suffice) with the police This restriction shall not apply in respect of the specialist branded, premium priced products - for example craft ales, local or microbrewery specialist products, boxed gifts or national celebratory/commemorative beer, lager or cider.
26. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.
27. The sale of alcohol shall be ancillary to the sale of a substantial meal that is taken away and/or delivered.

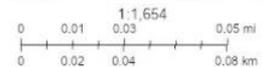
**Conditions proposed by the Environmental Health**  
None

31 Riding House Street, London



25/08/2021, 09:22:57

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



Resident Count = 174

<b>Licensed premises within 75 metres of 31 Riding House Street, London</b>				
<b>Licence Number</b>	<b>Trading Name</b>	<b>Address</b>	<b>Premises Type</b>	<b>Time Period</b>
16/09925/LIPCH	Scandinavian Kitchen	Basement And Ground Floor 61 Great Titchfield Street London W1W 7PP	Restaurant	Monday to Sunday; 08:00 - 23:00
21/02071/LIPDPS	Riding House Cafe	43 Great Titchfield Street London W1W 7PQ	Restaurant	Sunday; 12:00 - 23:30   Monday to Thursday; 09:30 - 00:00   Friday to Saturday; 09:30 - 01:00   Sundays before Bank Holidays; 12:00 - 00:00
18/07713/LIPN	University Of Westminster	4 - 12 Little Titchfield Street London W1W 7BY	University	Not Open to General Public
20/08757/LIPDPS	Mac And Wild	Ground Floor 65 Great Titchfield Street London W1W 7PS	Restaurant	Sunday; 09:00 - 23:30   Monday to Thursday; 09:00 - 00:00   Friday to Saturday; 09:00 - 00:30   Sundays before Bank Holidays;

				09:00 - 00:30
19/03209/LIPDPS	Yorkshire Grey Public House	46 Langham Street London W1W 7AX	Public house or pub restaurant	Sunday; 12:00 - 23:00   Monday to Saturday; 10:00 - 23:30
16/07226/LIPDPS	Assorti	14 Riding House Street London W1W 7HR	Restaurant	Monday to Sunday; 12:00 - 23:00
21/05235/LIPVM	The Kings Arms	68 Great Titchfield Street London W1W 7QL	Public house or pub restaurant	Sunday; 07:00 - 23:00   Monday to Saturday; 07:00 - 23:30
18/13407/LIPVM	Meraki	80 - 82 Great Titchfield Street London W1W 7QT	Restaurant	Monday; 10:00 - 01:30   Tuesday; 10:00 - 01:30   Wednesday; 10:00 - 01:30   Thursday; 10:00 - 01:30   Friday; 10:00 - 01:30   Saturday; 10:00 - 01:30   Sunday; 10:00 - 00:30
12/07336/LIPN	The Sweet Spot	60 Great Titchfield Street London	Restaurant	Monday to Sunday; 06:00 - 23:00
17/11140/LIPN	Townhouse	Basement And Ground Floor 88 Great Portland Street London W1W 7NT	Hairdresser or beauty salon	Monday to Sunday; 07:00 - 23:00
20/09152/LIPN	Not Recorded	41 Great Titchfield Street London W1W 7PG	Cafe	Monday to Sunday; 08:00 - 21:00
18/03669/LIPVM	The Whisky Exchange	90 Great Portland Street London W1W 7NT	Shop	Sunday; 10:00 - 18:00   Monday to Saturday; 10:00 - 20:00
16/06113/LIPN	Fashion And Media News	39 Great Titchfield Street London W1W 7PF	Shop (large)	Wednesday; 08:00 - 22:00   Saturday; 10:00 - 19:00   Monday to Tuesday; 08:00 - 21:00   Thursday to Friday; 08:00 - 23:00
06/06474/WCCMAP	Sergio's	84-84A Great Titchfield Street London W1W 7QY	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
21/00262/LIPT	Not Recorded	94 Great Portland Street London W1W 7NU	Not Recorded	Monday to Friday; 08:00 - 21:00   Saturday to Sunday; 09:00 - 21:00
17/05643/LIPDPS	Homeslice	Basement And Ground Floor 52 Wells Street London W1T 3PR	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30

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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

08 September 2021

20/11119/LIPN - New Premises Licence

Mayha  
43 Chiltern Street  
London  
W1U 6LS

Director of Public Protection and Licensing

Marylebone High Street

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>	30 November 2020		
<b>Applicant:</b>	Koj Lease Limited		
<b>Premises:</b>	Mayha		
<b>Premises address:</b>	43 Chiltern Street London W1U 6LS	<b>Ward:</b>	Marylebone High Street
		<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 with ancillary bar Due to a failed notice check the end of consultation period was extended from 13 <sup>th</sup> January 2021 to 24 February 2021		
<b>Premises licence history:</b>	There is a premises licence in existence for the premises (licence number 20/04862/LIPDPS) a copy of the premises licence appears at appendix 2. The licence history appears at appendix 3.		
<b>Applicant submissions:</b>	The existing premises licence will be surrendered upon the grant of this application		
<b>Applicant amendments:</b>	None		

<b>1-B</b>	<b>Proposed licensable activities and hours</b>						
<b>Recorded Music:</b>				<b>Indoors, outdoors or both</b>			Indoors
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	10:00	10:00	10:00	10:00	10:00	10:00	12:00
<b>End:</b>	00:00	00:00	00:00	00:00	00:00	00:00	23:30
<b>Seasonal variations/ Non-standard timings:</b>			New Year's Eve: From end of permitted hours to start of permitted hours the following day Sundays before bank holidays: 12:00 to 00:00				

<b>Late Night Refreshment:</b>				<b>Indoors, outdoors or both</b>			Indoors
<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>	23:00	23:00	23:00	23:00	23:00	23:00	23:00
<b>End:</b>	00:30	00:30	00:30	00:30	00:30	00:30	00:00
<b>Seasonal variations/ Non-standard timings:</b>			New Year's Eve: From 23:00 to 05:00 the following day Sundays before bank holidays: 23:00 to 00:30				

<b>Sale by retail of alcohol</b>				<b>On or off sales or both:</b>			Both
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	10:00	10:00	10:00	10:00	10:00	10:00	12:00
<b>End:</b>	00:00	00:00	00:00	00:00	00:00	00:00	00:00
<b>Seasonal variations/ Non-standard timings:</b>		New Year's Eve: From end of permitted hours to start of permitted hours the following day Sundays before bank holidays: 12:00 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>	10:00	10:00	10:00	10:00	10:00	10:00	12:00
<b>End:</b>	00:30	00:30	00:30	00:30	00:30	00:30	00:00
<b>Seasonal variations/ Non-standard timings:</b>		New Year's Eve: From end of permitted hours to start of permitted hours the following day Sundays before bank holidays: 12:00 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>	Brian Hunter
<b>Received:</b>	04 December 2020 (withdrawn 25 August 2021)
<p>We the Metropolitan Police are making a representation against it in the prevention of crime and disorder.</p> <p>We await a response in regards to the Public having access to the Basement bar as there is no Ancillary condition offered, or separate hours for public access to it.</p> <p>With Regards to Takeaway and Delivery- perhaps a proposed condition as below?</p> <p>Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to a take-away meal. Or for delivery (either by phone or online) to a bona fide address that included alcohol, the customer shall be reminded that the premises operate a challenge 25 policy. Customers will be asked to provide ID on delivery if they look younger than 25. Restaurant staff will notify the delivery drivers if an order contains alcohol.</p> <p><b>Following agreement of amended conditions, the Metropolitan Police withdrew their representation on 25 August 2021</b></p>	
<b>Responsible Authority:</b>	Environmental Health
<b>Representative:</b>	Anil Dryan
<b>Received:</b>	23 February 2021
<b>MAYHA, 43 CHILTERN STREET, LONDON, W1U 6LS</b>	
<p>I refer to the application for a new premises licence for the above premises which currently has an existing licence, 20/04862/LIPDPS</p> <p><b>The following new plans of the premises have been submitted:</b></p>	

- Ground and Lower Ground Floors, ref 1101\_GL, dated 10/11/2020

**The applicant is seeking the following:**

1. Supply of Alcohol 'On' and 'Off' the premises on Monday to Saturday 10:00 to 00:00 hours and 12:00 to 00:00 hours on Sunday. Also, on New Year's Eve from end of permitted hours to start of permitted hours for the following day and 12:00 to 00:00 hours on Sundays before Bank Holidays.
2. Provision of Recorded Music Indoors on Monday to Saturday 10:00 to 00:00 hours and 12:00 to 23:30 hours on Sunday. Also, on New Year's Eve from end of permitted hours to start of permitted for the following day and 12:00 to 00:00 hours on Sundays before Bank Holidays.
3. Provision of Late-Night Refreshment Indoors on Monday to Saturday 23:00 to 03:00 hours and 23:00 to 00:00 hours on Sunday. Also, on New Year's Eve from 23:00 to 05:00 hours and 23:00 to 00:30 hours on Sundays before Bank Holidays.

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

1. The Supply of Alcohol and for the hours requested may have the effect of increasing Public Nuisance in the area.
2. The Provision of Recorded Music and for the hours requested may have the effect of increasing Public Nuisance in the area.
3. The Provision of Late-Night Refreshment Indoors and for the hours requested may have the effect of increasing Public Nuisance in the area.

**Environmental Health also makes the following further comments:**

- An extensive list of conditions have been offered in the operating schedule and these are under consideration as to whether they there are sufficient to allay Environmental Health concerns.
- A premises history check of Environmental Health records shows no relevant complaints made against the premises for the operation of the existing licence.
- The new plans submitted show changes in layout and additional areas including an external area – clarification is requested as to whether works have been completed to carry out these changes. In any case the premises will need to be inspected for Public Safety by Environmental Health prior to commencement of licensing activities.
- Any changes to the food preparation/cooking facilities will also need to be assessed in order to evaluate whether Public Nuisance may arise from cooking odour and/or noise from the operation of any plant and machinery.
- Environmental Health shall assess capacity at the premises on Public Safety considerations as well as the provision of sanitary accommodation being in line with BS6465 for any proposed capacity.
- Since the application was submitted the Council has revised its Statement of Licensing Policy which is available on the Council's website at:

[https://www.westminster.gov.uk/sites/default/files/411\\_20\\_wcc\\_licensing\\_policy\\_document\\_007.pdf](https://www.westminster.gov.uk/sites/default/files/411_20_wcc_licensing_policy_document_007.pdf)

One of the new requirements under the Policy is that licensed premises must demonstrate compliance with policy CH1, Protection of Children from Harm, (see page

36 of policy).

The applicant is therefore requested to contact the undersigned to discuss the above after which Environmental Health may propose additional conditions for the proposed use.

## 2-B Other Persons

**Name:**

[REDACTED]

**Address and/or Residents Association:**

[REDACTED]  
[REDACTED]  
[REDACTED]

**Received:**

17 December 2020

I am writing to object to the above proposed Licence Application. My reasons for objecting are as follows:

### 1 Location

This restaurant is in a difficult location on an increasingly busy road and very close to a dangerous 4 road junction. It is opposite and close to a large number of Victorian flats and there is residents' parking on one side of the road. I believe the extensive nature of these proposals would be very unsuitable and dangerous for a number of reasons.

### 2 Opening Hours

The proposed hours of opening are inappropriate for this area.

Restaurants should conform to the normal hours for this area. It is outrageous that they should suggest a closing time of 00.30 for example.

Any outside activity should be limited, as is normal, to 9.00pm.

Opening 7 days a week with the proposed extensive hours every day is not conducive either to the safety or climate of this area.

### 3 Alcohol

The idea of carry-out sales is not acceptable. If it is to be a restaurant, alcohol should be related to the Council's own Licence conditions.

### 4 Excess noise/pollution/litter

There is a lot of activity at many times during the day and this is a rather tight road and the effect of more traffic from deliveries, take-away vehicles and together with movement in and out of the restaurant would surely be unacceptable for residents in St. Andrew's Mansions and local flats and houses.

Pollution related to an increase in activity and increased used of scooters and vans cannot be good for air quality.

Litter is also likely to be a problem in what is a very narrow street.

### 5 Downstairs bar facility

I am strongly opposed to the opening of a bar downstairs which will create a market for late night drinking, and I do not consider that it is an appropriate location for such activity in this residential area.

### 6 Music

Unless it is very carefully controlled the use of music, with doors opening constantly, will be a real nuisance in terms of noise.

I realise that there is permission for a restaurant in this location but I think this proposal is excessive and inappropriate and does not give enough attention and respect to the fact that this is a residential area in close proximity and needs very careful control of hours and activity.

For these reasons, I oppose the Application.

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	9 December 2020

I live with my husband, [REDACTED], in a flat on the corner of [REDACTED]. We strongly object to this licence being granted. The late hours are way beyond any thing that is suitable for a quiet residential area and could create a disturbing precedent. We believe that this late licence could cause considerable nuisance to those of us who live nearby. People leaving the premises that late would cause unwelcome noise, either from talking loudly in the street (as already happens in this area) from taxis arriving and departing (there are very few parking spaces) and general disturbance.

We would urge you to reject this application.

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	7 December 2020

My husband and I live in [REDACTED]. [REDACTED]

We wish to object to this application on grounds that the proposed closing times of 00.30 hours Mon to Sat (incl) and midnight on a Sunday) are FAR too late for a residential area such as this. Further, the proposed closing times are considerably later than closing times already granted to other licensed premises in the area.

If these hours are permitted there is a very real risk of disturbance to near neighbours, such as ourselves, arising out of customers coming and going through the entrance of the restaurant late at night.

Further we know, from current experience during the Covid 19 pandemic, that use of food delivery couriers and the like creates additional nuisance due to drivers/motor cyclists waiting around the environs of premises waiting for their deliveries. I have in mind the regular and continuing congregation of motor cyclists in Porter St, adjacent to various food outlets on Baker St. One would expect that off sales from the applicant's premises, for pick up by food delivery couriers, would be taking place.

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	28 December 2020

We are a family of 4 living on the corner of [REDACTED]. Our children are 17 and 14. I am writing you due to the near location of the proposed new premises. We would like to object to this application on the grounds that the proposed closing times of 00.30 hours. All restaurants, bars in the area have an earlier closing time which corresponds to the residential character of the area and the narrow streets and physical closeness of the buildings.

Please consider to harmonize the proposed opening hours for the new premises with the neighbouring restaurants , bars.

<b>Name:</b>	██████████
<b>Address and/or Residents Association:</b>	Marylebone Association
<b>Received:</b>	20 February 2021

THIS REPRESENTATION is made by the Marylebone Association, which is recognised by Westminster as the Amenity Society for the Marylebone Area south of Marylebone Road and so represents the interests of those who live and work in this area.

We are writing on behalf of the local community OBJECTING to the application by Koj Lease Limited 20/11119/LIPN: 43 Chiltern Street.

We believe that the application as submitted will likely contravene the Licencing Objectives. In particular the proposal to remain open beyond Core Hours will likely lead to an increase in noise disturbance in contravention of PN1.

The premises have been a restaurant for many years. It appeared quiet largely due to it being very small with diners on the ground floor served by a kitchen in the basement. The new application appears to increase the number of patrons by utilising the lower ground floor and the rear open space and to change the operation somewhat with a bar in the lower ground although capacity in the proposed conditions has yet to be determined.

Conditions 13 to 15 are confusing. Clearly Condition 13 implies a restaurant condition for the ground floor but not necessarily on the lower ground. Condition 14, following straight on from 13 as it does, becomes ambiguous. Is alcohol service by waiter throughout the premises?

Condition 15 stating that substantial food is available throughout does not imply that alcohol is ancillary to a substantial meal on the lower ground floor. Consequently it would seem that the lower ground floor will be operated as a bar, possibly, but not certainly, with waiter service only and with or without food.

The reason why we labour the points above is because of the location of the restaurant. This section of Chiltern Street is entirely residential with St Andrews Mansions on the east side and a series of shops with apartments above on the west side.

This bar would be part of that parade. The street is rather narrow and very susceptible to noise as it is like a brick canyon 4 storey tall within which sound echoes tremendously due to this construction. There are dozens of bedrooms overlooking the street from both sides and we believe that it is inevitable that patrons leaving a bar at night will undoubtedly create a severe noise nuisance due to this configuration and the acoustically inhospitable building materials. The next licenced premises on this stretch is Il Blandfords 60 metres away close to the junction with Paddington Street and opposite the new Chiltern Place Tower and where, if noise were generated, the sound would more easily be modulated due to the openness of the area. Il Blandfords closes at 22:30 Monday to Friday and 23:30 Saturday.

The application is being made for opening hours beyond Policy CH1. In the absence of any more details as to the operation of the establishment it would appear that this is going to be more than a restaurant and consequently alcohol may be a larger part of the proposition. Even if alcohol is limited to patrons consuming a substantial meal the probable noise nuisance of customers departure will always be in danger of being exaggerated in this particular location and this will inevitably mean that Policy PN1 will be contravened.

Consequently, we urge the Committee to reject this application as currently drafted.

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

As a Marylebone High Street Ward Councillor I object to this application on the grounds that it does not promote the Licensing Objectives, namely: the prevention of public nuisance and the prevention of crime and disorder.

Marylebone is highly residential and particularly Chiltern Street and the surrounding streets.

I entirely support the Marylebone Association's comments which I wont reiterate.

Whilst completely appreciative of the challenges facing the hospitality sector it is always a question of balancing the fact the Westminster does have almost a quarter of a million residents and supporting businesses and the economy, however as mentioned Marylebone has a number of residents in this vicinity.

I would therefore urge the committee not to grant beyond Core Hours and address the points raised by the by the Marylebone Association.

Thank you for your consideration.

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	9 December 2020

I live on [REDACTED].

Whilst we do not object to a new and, we hope, well run restaurant taking over at no 43, I have serious concerns about the impact that the proposed late license hours would have on the noise levels in the street, to the detriment of the local residents.

43 Chiltern Street is on a corner that is very predominantly residential, both on Dorset Street and Chiltern Street, and with residential flats above and opposite the applicant premises. It is a quiet residential corner, unlike Blandford Street and Paddington Street, both of which have considerably more traffic.

We submit that it would be most appropriate for the application to be dealt with in a similar way to these hours, as a maximum:

- Wulf & Lamb, which is also on Chiltern Street just a short way north of the applicant premises
- Retail alcohol finishes at 23.00 Mon - Thurs; at 23.30 Friday and Sat; and 22.30 Sunday.
- Late night refreshment hours finish at 23.30 and no licensed hours on Sunday
  
- Il Barreto on Blandford Street
- Retail alcohol finish at 23.00 Mon - Sat; and 22.30 Sunday.
- Late night refreshment hours finish at 23.30 and no licensed hours on Sunday
  
- Ana Capri and Acacus just around the corner from the applicant on Dorset Street, and Il Blandford's opposite Wulf & Lamb, (older licences I believe) all have retail alcohol hours which

finish earlier than this application.

Later hours, particularly for off sales, will detract significantly from the local amenity of the many residents.

**3.**

**Policy & Guidance**

Westminster City Council has adopted a revised Statement of Licensing Policy that became operative from 7 January 2021. This application was applied for on 30 November 2020. At the time of submission, the Council's Statement of Licensing Policy 2016 was applied to this application. However, the Licensing Service has outlined below the policy considerations necessary for this application in accordance with the revised policy which will be effective when this application is determined on 20 May 2021

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

**Policy HRS1 applies**

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. 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:

1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm.
2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation.
3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed.
4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.
5. The proposed hours when any music, including incidental music, will be played.
6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises.
7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.
8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.
9. The capacity of the premises.
10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation.
11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.
12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.

	<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>The premises trade as a theatre. The core hours specified for this premises use are as follows: Monday to Sunday: 9am to 12am</p>
<p><b>Policy RTN1 applies</b></p>	<p>A. Applications outside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</li> <li>2. The hours for licensable activities being within the council's Core Hours Policy HRS1.</li> <li>3. The applicant has taken account of the Special Consideration Zones Policy SCZ1 if the premises are located within a designated zone.</li> <li>4. The application and operation of the venue meeting the definition of a restaurant as per Clause C.</li> </ol> <p>B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</li> <li>2. The hours for licensable activities are within the council's Core Hours Policy HRS1.</li> <li>3. The applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone.</li> <li>4. The application and operation of the venue meeting the definition of a restaurant as per Clause C.</li> </ol> <p>C. For the purposes of this policy a restaurant is defined as:</p> <ol style="list-style-type: none"> <li>1. A premises in which customers are shown to their table or the customer will select a table themselves to which food is either served to them or they have collected themselves.</li> <li>2. Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at a table.</li> <li>3. Which do not provide any takeaway service of food and/or drink for immediate consumption.</li> <li>4. Where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.</li> <li>5. The sale and consumption of alcohol prior to such meals may be in a bar area but must also be ancillary to the taking of such meal</li> </ol>

#### 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>4.</b>	<b>Appendices</b>
<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents
<b>Appendix 3</b>	Existing Premises Licence
<b>Appendix 4</b>	Premises history
<b>Appendix 5</b>	Proposed conditions
<b>Appendix 6</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Kevin Jackaman Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 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	4 December 2020 (Withdrawn 25 August 2021)
<b>5</b>	Environmental Health Service Representation	23 February 2021
<b>6</b>	Interested Party Representation (1)	17 December 2020
<b>7</b>	Interested Party Representation (2)	9 December 2020
<b>8</b>	Interested Party Representation (3)	7 December 2020
<b>9</b>	Interested Party Representation (4)	28 December 2020
<b>10</b>	Interested Party Representation (5)	20 February 2021
<b>11</b>	Interested Party Representation (6)	21 December 2020
<b>12</b>	Interested Party Representation (7)	9 December 2020



M A R I A G R O U P

Mayha - Beirut

For this unique Japanese restaurant serving an exclusive "Omakasé" experience we have decided to take a closer look at Japanese food culture, materials, and aesthetics, stripping them back to their purest form.

The notion of "Omakasé" translates as "respectfully leaving the decision with the Chef", and this recalls the experience of anatomy theatres and laboratories, in which a single individual stages a performance for a group, in turn leading us to conceive of "Mayha" as a stage set for the Chef's performance.

Within the constraints of the small 50m2 space, a single custom-designed curved stone table encircles the cooking station, allowing each customer to fully observe and immerse themselves in the Chef's movements.

This inherent trust in the Chef's choice is paralleled by a complete visibility of all the elements that take part in the cooking and dining experience. Inspired by the meticulous organization, classification, and arrangement displays typical of Japanese art and culture, the backdrop of both chef and customers are full ceiling height shelves on which crockery, cutlery and ingredients are carefully curated and displayed.

In keeping with the traditional construction of kitchens, the shelves are built in stainless steel, contrasting with the delicate and unique artifacts they hold.

In this way the restaurant itself becomes the stage for the Chef, with the customers an innate part of this dining theatre.



Photo of facade showing showing entrance door. Ribbed glass panels framed in black steel.

M A R I A G R O U P



View from kitchen towards entrance door and shelving



General view of interior space showing open kitchen, bespoke stone table, and custom paper pendant light



Vintage chairs around custom stone table



Custom door handle



Ceramic table ware

## Executive chef

Chef Shinya Ikeda entered the culinary world at the age of 15 and has been a professional itamae for more than half of his entire life time. As well as his mastery of sushi, Ikeda is a long time disciple of kaiseki, Japan's most intricate and respected form of culinary art.

In 2002, Ikeda wanted to challenge himself further and decided to work in the UK; his goal was simple, to offer his customers authentic and delicious Japanese food - outside of Japan. He worked at the prestigious 'Yumi Restaurant' and despite his young age, Ikeda became promoted to Head Chef in no time at all; his exceptional talents and his charismatic personality were recognised and valued by his colleagues and his customers. It was indeed here that the concept for his own restaurant, 'Without Soy Sauce' was born.

In October 2010, together with his close friend Mineno, opened their first restaurant, 'Yashin Sushi & Bar' in High Street Kensington. Following the success of Yashin Sushi & Bar, in September 2013 the pair opened their latest venture in South Kensington, Yashin Ocean House centred around a head to tail dining concept.

He is now executive chef at Mayha Beirut, where he curates the menu on a seasonal basis and travels frequently from London to Beirut for special omakase experiences.



## **Mayha London menu:**

### **Lunch**

1. Homemade silken tofu
2. Salmon sashimi with tosazu jelly
3. Tuna sashimi with ponzu
4. Tempura:
  - portobello
  - seasonal herbs or eggplant
  - shrimp
5. Sushi:
  - salmon
  - sea bass
  - hamachi
  - sea bream
  - scallop
  - akami bluefin tuna
  - chutoro bluefin tuna
  - toro bluefin tuna
6. Handroll or doburi with unagi eel
7. Miso soup
9. Seasonal dessert

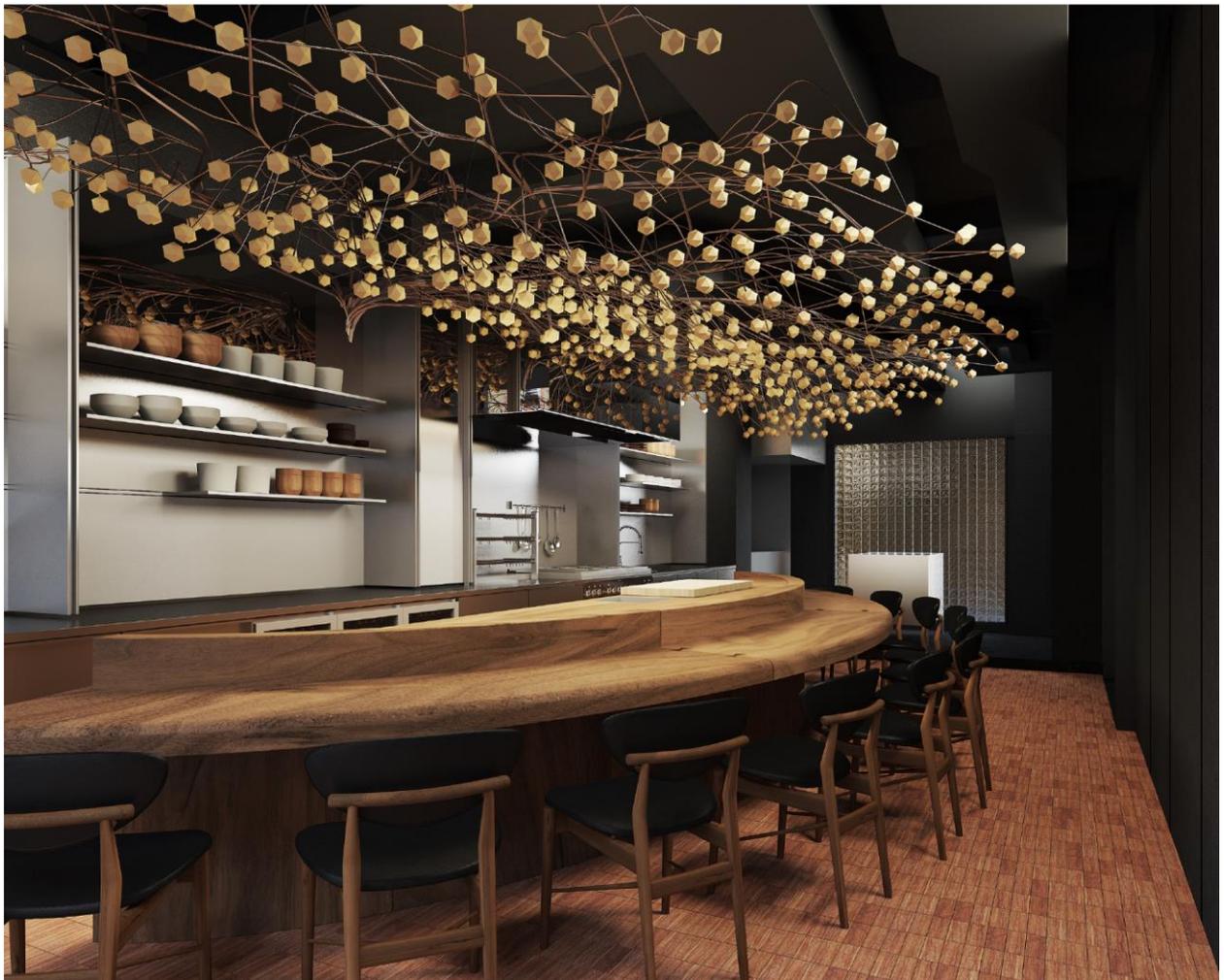
### **Dinner**

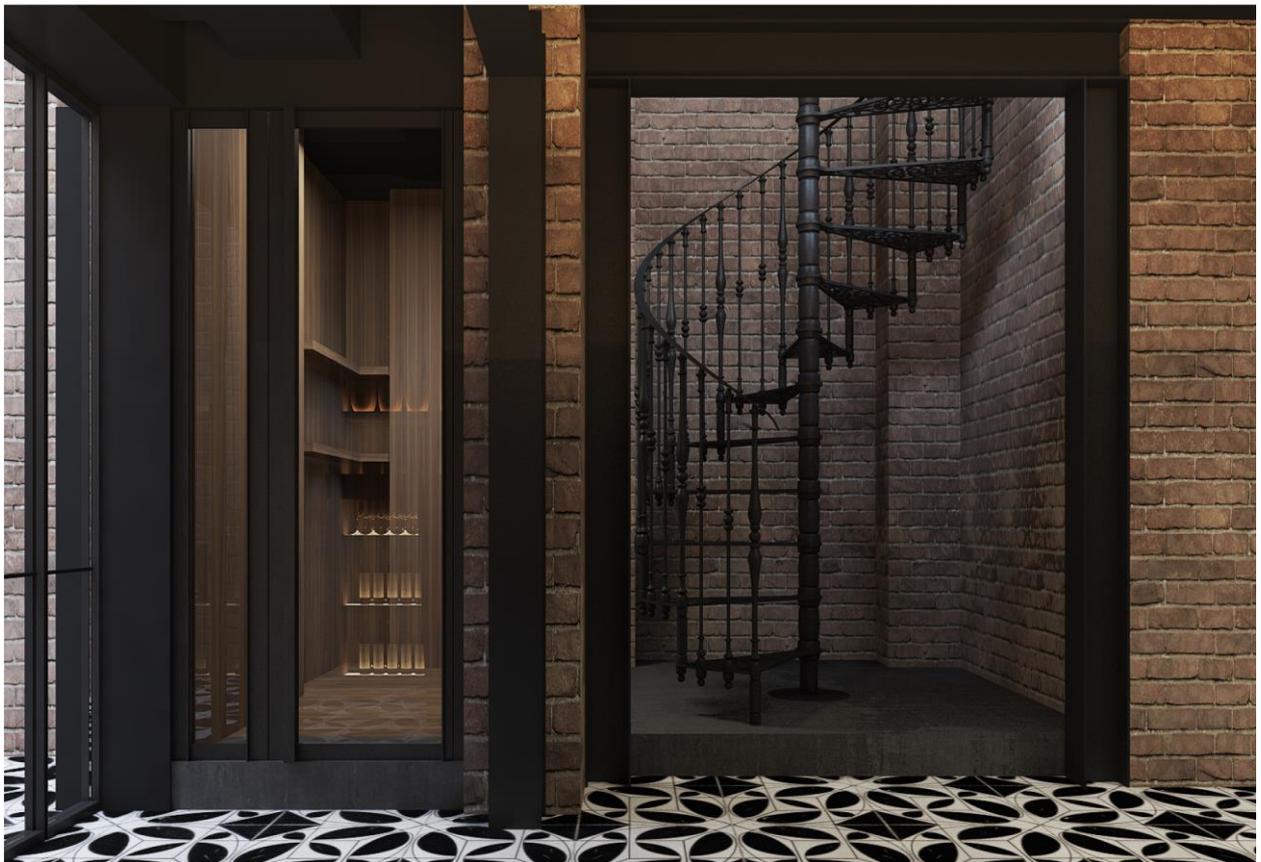
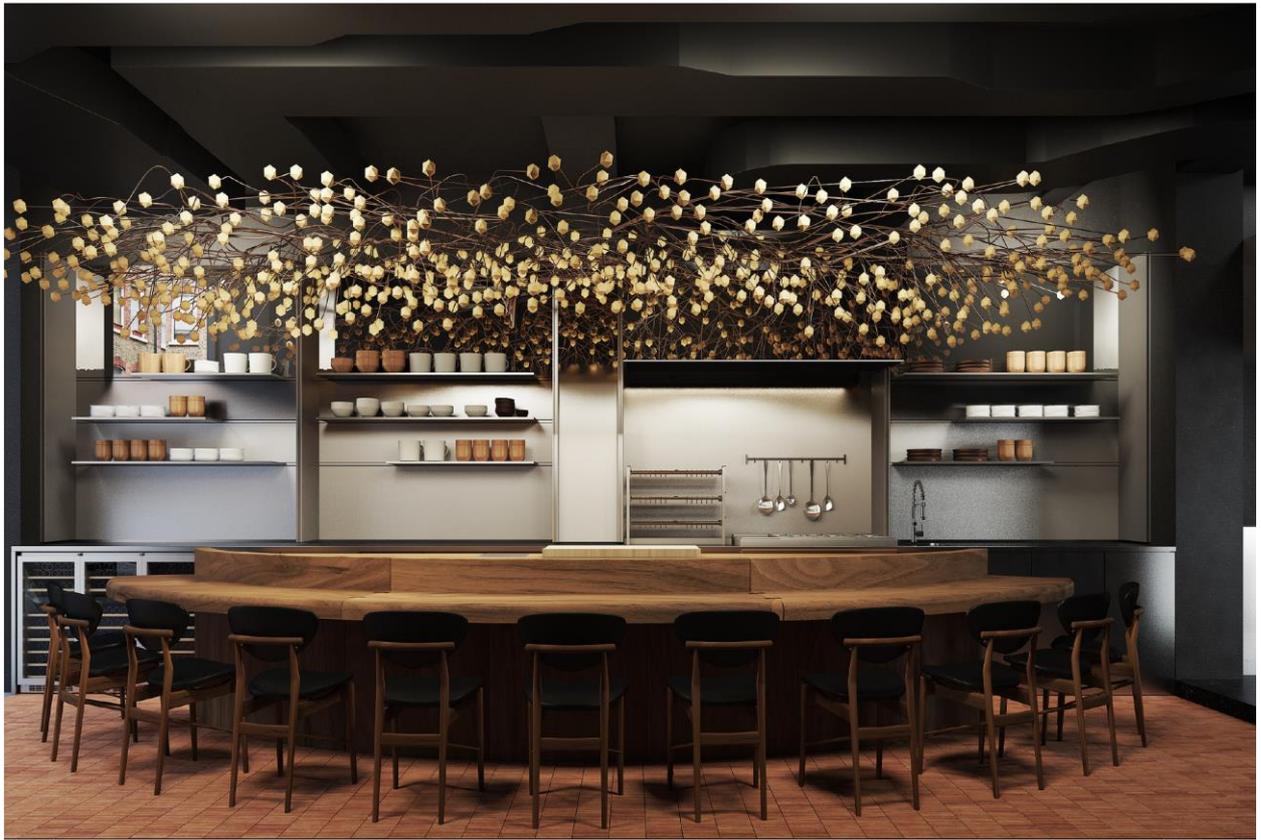
1. Home-made brioche with uni, oyster butter and caviar
2. Scallop ceviche with yuzu dressing, clementine chunks and kinome leaf
3. Fatty Bluefin tuna sashimi with truffle ponzu sauce, cured egg yolk and parmigiana
4. Dashi Kohlrabi with roasted miso sauce, yuzu zest and shiso flower
5. Pine smoked Hamachi tatami with goma soy
6. Tempura:
  - portobello
  - seasonal herbs
  - shrimp
  - scallop

7. Amberjack shabu-shabu with dashi ponzu
8. Wagyu Beef
9. Refreshment - bloody orange fillet with yuzu-gin infused green apple
10. Sushi:
  - striped jack
  - sea bream
  - amberjack
  - madai
  - salmon belly
  - sardine
  - grouper
  - mackerel
  - hamachi
  - scallop
  - squid
  - akami bluefin tuna
  - chutoro bluefin tuna
  - toro bluefin tuna
11. Uni handroll
12. Seasonal dessert

### **Drink Bar Tapas**

1. Tuna tataki with coffee olive oil
2. Secreto Iberico carpaccio, ponzu sauce, blanched with roasted sesame oil
3. Sea bass ceviche with green apple, grapefruit and shiso
4. Mini Katsu Sando in our homemade Thang Zhong butter toasted milk bread
5. Tender octopus with rosemary sake orange foam
6. Ponzu oysters
7. Grilled mackerel on tomato dashi sauce
8. Edamame with green chilli, citrus olive oil and coriander









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

Schedule 12  
Part A

**WARD: Marylebone High Street**  
**UPRN: 100023463165**

**Premises licence**

Regulation 33, 34

**Premises licence number:**

20/04862/LIPDPS

**Original Reference:**

05/04528/LIPC

**Part 1 – Premises details**

**Postal address of premises:**

Mayha  
43 Chiltern Street  
London  
W1U 6LS

**Telephone Number:** Not Supplied

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

Not applicable

**Licensable activities authorised by the licence:**

Playing of Recorded Music  
Late Night Refreshment  
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit  
Sale by Retail of Alcohol

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

<b>Playing of Recorded Music</b>	Unrestricted
<b>Late Night Refreshment</b>	
Monday to Saturday:	23:00 to 00:30
Sunday:	23:00 to 00:00
<b>Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit</b>	Unrestricted
<b>Sale by Retail of Alcohol</b>	
Monday to Saturday:	10:00 to 00:00
Sunday:	12:00 to 23:30

*For times authorised for Christmas, New Year and Good Friday see conditions at Annex 1*

**The opening hours of the premises:**

Monday to Saturday: 10:00 to 00:30  
Sunday: 12:00 to 00:00

**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:**

Koj Lease Limited  
Acre House  
11/15 William Road  
London  
NW1 3ER

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

11271419

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

**Name:** Junichi Ogura

*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: 14174  
Licensing Authority: London Borough Of Tower Hamlets

**Date:** 7 July 2020

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

## Annex 1 – Mandatory conditions

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

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

7. The responsible person must ensure that—

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

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

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

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 related to the Sale of Alcohol

9. Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal.
10. Suitable beverages other than intoxicating liquor (including drinking water) shall be equally available with or otherwise as an ancillary to meals served in the licensed premises.

Conditions which reproduce the effect of any restriction imposed on these of the premises by specified enactments

#### Conditions related to the Sale of Alcohol

11. Alcohol may be sold or supplied:
- (a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 10:00 to 00:00.
  - (b) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12:00 to 23:30.
  - (c) On Christmas Day: 12:00 to 22:30;
  - (d) On New Year's Eve, except on a Sunday, 10:00 to 23:00.
  - (e) On New Year's Eve on a Sunday, 12:00 to 22:30.
  - (f) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

NOTE - The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;

- (b) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking table meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (c) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (d) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (e) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (f) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (g) the taking of alcohol from the premises by a person residing there;
- (h) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
- (i) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.

12. Alcohol shall not be sold or supplied unless the premises have been structurally and bona fide used, or intended to be used, for the purposes of habitually providing the customary main meal at midday or in the evening, or both, for the accommodation of persons frequenting the premises.
13. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.

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

None

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

None

Annex 4 – Plans





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

Schedule 12  
Part B

**WARD: Marylebone High Street**  
**UPRN: 100023463165**

**Premises licence summary**

Regulation 33, 34

**Premises licence number:**

20/04862/LIPDPS

**Part 1 – Premises details**

**Postal address of premises:**

Mayha  
43 Chiltern Street  
London  
W1U 6LS

**Telephone Number:**

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

Not applicable

**Licensable activities authorised by the licence:**

Playing of Recorded Music  
Late Night Refreshment  
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit  
Sale by Retail of Alcohol

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

**Playing of Recorded Music** Unrestricted

**Late Night Refreshment**

Monday to Saturday: 23:00 to 00:30  
Sunday: 23:00 to 00:00

**Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit** Unrestricted

**Sale by Retail of Alcohol**

Monday to Saturday: 10:00 to 00:00  
Sunday: 12:00 to 23:30

*For times authorised for Christmas, New Year and Good Friday see conditions at Annex 1*

**The opening hours of the premises:**

Monday to Saturday: 10:00 to 00:30  
Sunday: 12:00 to 00:00

**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:**

Koj Lease Limited  
Acre House  
11/15 William Road  
London  
NW1 3ER

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

11271419

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

Name: Junichi Ogura

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

Restricted

**Date:** 7 July 2020

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

## Premises History

## Appendix 4

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
05/04528/LIPC	Conversion	27.07.2005	Granted under delegated authority
06/11004/WCCMAP	Master licence	27.07.2005	Granted under delegated authority
08/08437/LIPCHT	Change of trading name - Diwan-I-Am	30.09.2008	Granted under delegated authority
09/09548/LIPT	Transfer of premises licence - Sushanta Ranjan Adhikari to Sitesh Bhattacharjee	04.12.2009	Granted under delegated authority
09/09560/LIPDPS	Variation of DPS	04.12.2009	Granted under delegated authority
16/07919/LIPT	Transfer of premises licence - Sitesh Bhattacharjee to La Forketta Gastronomia Italiana Limited	01.09.2016	Granted under delegated authority
16/09750/LIPCHT	Change of trading name - La Forketta Gastonomia Italiana	02.02.2017	Granted under delegated authority
20/04859/LIPT	Transfer of premises licence - La Forketta Gastronomia Italiana Limited to Koj Lease Limited	07.07.2020	Granted under delegated authority
20/04862/LIPDPS	Variation of DPS	07.07.2020	Granted under delegated authority
20/11119/LIPN	New premises licence	Current application	Granted under delegated authority

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

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

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

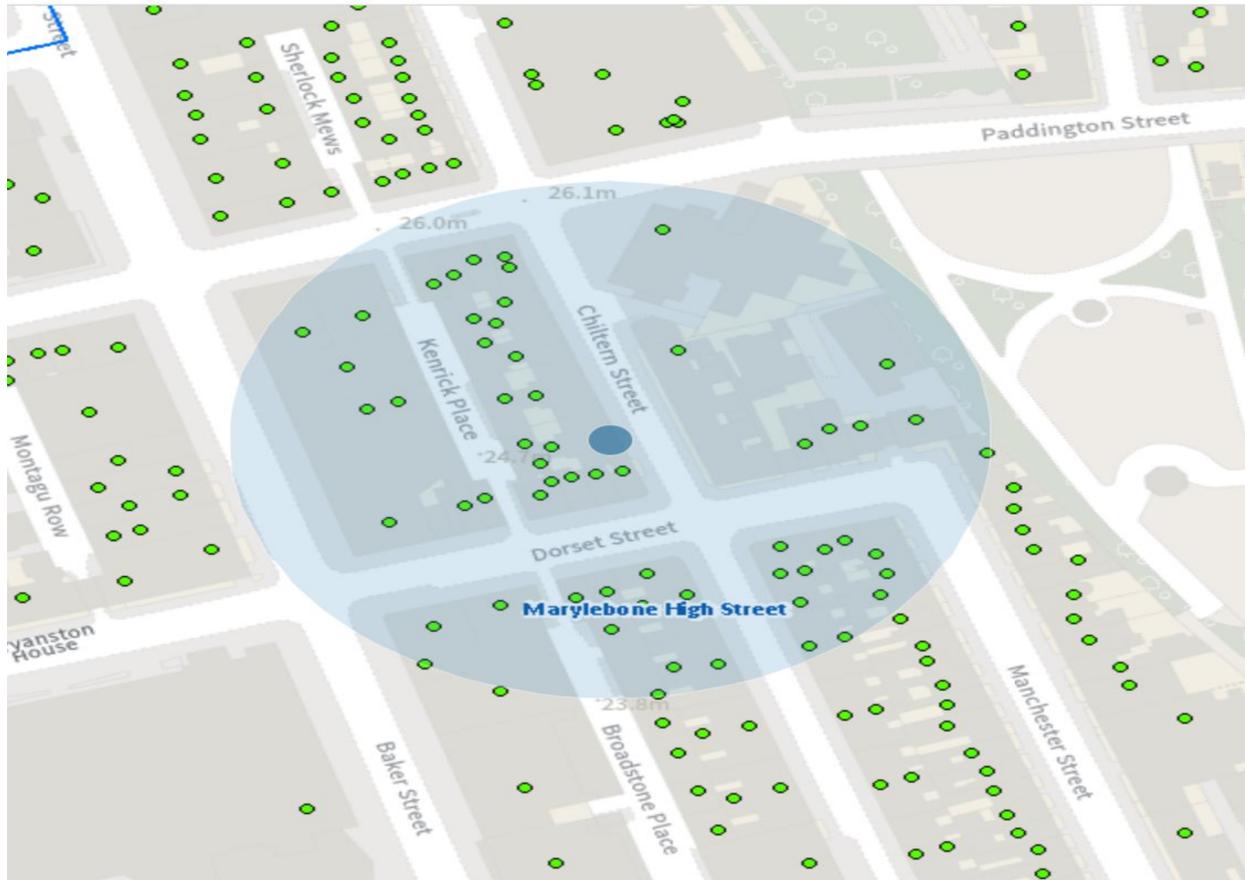
9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light

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. 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. All windows and external doors shall be kept closed after **(21:00)** hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
13. There shall be no sales of alcohol for consumption off the premises after **(23.00)**.
14. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00.
15. All sales of alcohol for consumption off the premises shall be either:
  - (a) in sealed containers and shall not be consumed on the premises and shall only be supplied with, and ancillary to a take-away meal. Or for delivery (either by phone or online) to a bona fide address and the customer shall be reminded that the premises operate a challenge 25 policy. Customers will be asked to provide ID on delivery if they look younger than 25. Restaurant staff will notify the delivery drivers if an order contains alcohol and/or
  - (b) restricted to alcohol consumed by persons who are seated in an area appropriately authorised for the use of tables and chairs on the highway”
16. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
17. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
18. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity
19. 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.
20. No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined.  
(Ground - 11)  
(Basement – 20)

21. The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal
22. The supply of alcohol shall be by waiter or waitress service only.
23. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
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 collections of waste or recycling materials (including bottles) from the premises shall take place between **(23.00)** and **(08.00)** on the following day.
26. 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.
27. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder
  - (d) any incidents of disorder
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system, searching equipment or scanning equipment
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service.
28. 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.
29. No deliveries to the premises shall take place between **(23.00)** and **(08.00)** on the following day.
30. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
31. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
32. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
33. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.

34. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
35. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.
36. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment
37. 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.
38. The premises may remain open for the regulated entertainment, sale of alcohol and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.
39. No licensable activities shall take place at the premises until premises licence 20/04862/LIPDPS (or such other number subsequently issued for the premises) has been surrendered



Resident count: 209

Licensed premises within 75 m of 43 Chiltern Street London W1U 6LS				
Licence Number	Trading Name	Address	Premises Type	Time Period
20/04862/LIPDPS	Mayha	43 Chiltern Street London W1U 6LS	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
06/10798/WCCMAP	Original Tajine Restaurant	7A Dorset Street London W1U 6QN	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
12/01262/LIPDPS	Barley Mow Public House	Barley Mow 8 Dorset Street London W1U 6QW	Pub or pub restaurant with lodge	Sunday; 12:00 - 22:30   Monday to Saturday; 09:00 - 23:30

06/10503/WCCMAP	Ristorante Anacapri	Basement And Ground Floor 10 Dorset Street London W1U 6QR	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
19/10859/LIPV	Blandfords Caf?estaurant	65 Chiltern Street London W1U 6NH	Cafe	Sunday; 07:30 - 22:30   Monday to Saturday; 07:30 - 23:30
18/15318/LIPVM	A.O.K Kitchen	52 - 55 Dorset Street London W1U 7NH	Restaurant	Sunday; 12:00 - 00:00   Sunday; 12:00 - 23:00   Monday to Saturday; 10:00 - 00:30   Monday to Saturday; 10:00 - 23:30
15/01460/LIPN	Publicis Groupe	Ground Floor 84 Baker Street London W1U 6TG	Office	Monday to Sunday; 00:00 - 00:00
14/10659/LIPDPS	Ohisama	Basement And Ground Floor 39 Paddington Street London W1U 4HH	Restaurant	Sunday; 10:00 - 23:00   Monday to Thursday; 10:00 - 00:00   Friday to Saturday; 10:00 - 00:30   Sundays before Bank Holidays; 10:00 - 00:30
20/03181/LIPCH	Arro Coffee	Basement And Ground Floor 67 Chiltern Street London W1U 6NQ	Cafe	Sunday; 08:00 - 22:00   Monday to Saturday; 07:00 - 22:00

09/06785/LIPV	Fabels	67 Chiltern Street London W1U 6NJ	Shop	Sunday; 10:00 - 22:30   Monday to Saturday; 08:00 - 00:00
20/09918/LIPCH	Zizzi	35-38 Paddington Street London W1U 4HQ	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
20/07334/LIPDPS	Wulf & Lamb	66 Chiltern Street London W1U 4EJ	Restaurant	Sunday; 08:00 - 23:00   Monday to Thursday; 07:00 - 23:30   Friday to Saturday; 07:00 - 00:00
21/00524/LIPDPS	Chiltern Street Deli	27 Chiltern Street London W1U 7PJ	Cafe within another property	Monday to Sunday; 08:00 - 20:00
19/13892/LIPV	Ooty	66 Baker Street London W1U 7DJ	Restaurant	Monday; 10:00 - 00:30   Tuesday; 10:00 - 00:30   Wednesday; 10:00 - 00:30   Thursday; 10:00 - 00:30   Friday; 10:00 - 00:30   Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00

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