



City of Westminster

Committee Agenda

Title: **Licensing Sub-Committee (1)**

Meeting Date: **Thursday 22 September 2022**

Time: **10.00 am**

Venue: **Rooms 18.01 - 18.03 - 18th Floor, 64 Victoria Street, London, SW1E 6QP**

Members: **Councillors:**

Aziz Toki (Chair)
Angela Piddock
Tim Mitchell

Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda.

Admission to the public gallery is via a visitor's pass which is available from the main ground floor reception at 64 Victoria Street from 9.00am.

If you have a disability and require any special assistance, please contact the Committee Officer (details listed below) in advance of the meeting.

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

Email: scraddock@westminster.gov.uk Tel: 07790980186
Corporate Website: www.westminster.gov.uk

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

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To report any changes to the membership.

2. DECLARATIONS OF INTEREST

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

Licensing Applications for Determination

1. UNIT B1108 SAFE STORE SELF STORAGE, 2 BURWOOD PLACE, W2 2HN

(Pages 1 - 26)

| Ward CIA* SCZ** | Site Name & Address | Application Type | Licensing Reference No. |
|--|--|----------------------|-------------------------|
| Hyde Park * None ** Edgware Road | Unit B1108 Safe Store Self Storage 2 Burwood Place W2 2HN | New Premises Licence | 22/06496/LIPN |
| *Cumulative Impact Area ** Special Consideration Zone | | | |

2. THE OFFICE GROUP, 91 WIMPOLE STREET, W1G 0EF

(Pages 27 - 58)

| Ward CIA* SCZ** | Site Name & Address | Application Type | Licensing Reference No. |
|--|--|----------------------------|-------------------------|
| West End * None ** None | The Office Group 91 Wimpole Street W1G 0EF | Premises Licence Variation | 22/06708/LIPV |
| *Cumulative Impact Area ** Special Consideration Zone | | | |

3. BASEMENT AND GROUND FLOOR, 173 WARDOUR STREET, W1F 8WT

(Pages 59 - 86)

| Ward CIA* SCZ** | Site Name & Address | Application Type | Licensing Reference No. |
|--|--|----------------------|-------------------------|
| West End * West End ** None | Basement and Ground Floor 173 Wardour Street W1F 8WT | New Premises Licence | 22/07037/LIPN |
| *Cumulative Impact Area ** Special Consideration Zone | | | |

4. VISCONTI OF WESTMINSTER, 1 MARSHAM COURT, MARSHAM STREET, SW1P 4JY

(Pages 87 - 126)

| Ward CIA* SCZ** | Site Name & Address | Application Type | Licensing Reference No. |
|--|--|----------------------|-------------------------|
| Vincent Square * None ** None | Visconti of Westminster 1 Marsham Court Marsham Street SW1P 4JY | New Premises Licence | 22/06977/LIPN |
| *Cumulative Impact Area ** Special Consideration Zone | | | |

**Stuart Love
Chief Executive
15 September 2022**

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: 12:00 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

This page is intentionally left blank



City of Westminster

Licensing Sub-Committee Report

| | |
|--------------------|---|
| Item No: | |
| Date: | 22 September 2022 |
| Licensing Ref No: | 22/06496/LIPN - New Premises Licence |
| Title of Report: | Unit B1108, Safe Store Self Storage 2 Burwood Place London W2 2HN |
| Report of: | Director of Public Protection and Licensing |
| Wards involved: | Hyde Park |
| Policy context: | City of Westminster Statement of Licensing Policy |
| Financial summary: | None |
| Report Author: | Miss Jessica Donovan Senior Licensing Officer |
| Contact details | Telephone: 020 7641 6500 Email: jdonovan@westminster.gov.uk |

1. Application

| 1-A Applicant and premises | | | |
|-----------------------------------|---|------------------------------------|--------------|
| Application Type: | New Premises Licence, Licensing Act 2003 | | |
| Application received date: | 30 June 2022 | | |
| Applicant: | Booze, Drink, Runners Ltd | | |
| Premises: | Unit B1108, Safe Store Self Storage | | |
| Premises address: | 2 Burwood Place London W2 2HN | Ward: | Hyde Park |
| | | Cumulative Impact Area: | None |
| | | Special Consideration Zone: | Edgware Road |
| Premises description: | The premises is a storage unit and will be used for storing the alcohol which will be prepared for online sales through Deliveroo and Ubereats. | | |
| Premises licence history: | This is a new premises licence therefore there is no premises licence history. | | |
| Applicant submissions: | The applicant has provided a response to the questions raised by the Metropolitan Police Service which can be found at Appendix 2. | | |
| Applicant amendments: | None | | |

| 1-B Proposed licensable activities and hours | | | | | | | |
|---|-------|-------|-------|--------------------------|-------|-------|------------------|
| Sale by retail of alcohol | | | | On or off sales or both: | | | Off the premises |
| Day: | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
| Start: | 00:00 | 00:00 | 00:00 | 00:00 | 00:00 | 00:00 | 00:00 |
| End: | 23:59 | 23:59 | 23:59 | 23:59 | 23:59 | 23:59 | 23:59 |
| Seasonal variations/ Non-standard timings: | | None | | | | | |

| Hours premises are open to the public | | | | | | | |
|---|-------|-------|-------|-------|-------|-------|-------|
| Day: | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
| Start: | 00:00 | 00:00 | 00:00 | 00:00 | 00:00 | 00:00 | 00:00 |
| End: | 23:59 | 23:59 | 23:59 | 23:59 | 23:59 | 23:59 | 23:59 |
| Seasonal variations/ Non-standard timings: | | None | | | | | |

2. Representations

| 2-A Responsible Authorities | |
|---|------------------------------|
| Responsible Authority: | Environmental Health Service |
| Representative: | Maxwell Koduah |
| Received: | 20 July 2022 |
| <p>I refer to the application for a new Premises Licence number for the above-mentioned premises. The premises is located within the Edgware Cumulative Impact Area. I have considered the information that you have provided within and accompanying this application. I have also considered the application in line with the relevant policies within the Councils Statement of Licensing Policy dated October 2021.</p> <p>The applicant is seeking to supply alcohol for consumption off the premises Monday to Sunday 24 hours</p> <p>Following consideration of the application and how it may affect the Licensing Objectives and meeting the requirements of the Council's Statement of Licensing Policy I wish to make the following representations:</p> <ol style="list-style-type: none">1. The supply of alcohol and the hours requested to supply alcohol may have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the Edgware Cumulative Impact area <p>As presented, the application would have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the Edgware Cumulative Impact area</p> <p>Conditions, to form part of the operating schedule, have been proposed to support the licensing objectives of Prevention of Public Nuisance and Public Safety. These conditions shall be discussed during a site visit to the premises.</p> <p>Proposed Environmental Health conditions to form part of the operating schedule</p> <ol style="list-style-type: none">1. 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.2. 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.3. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number and/or is to be made available to residents and businesses in the vicinity4. Save for delivery drivers/riders, no persons shall be permitted on the premises at anytime5. All sales of alcohol for consumption off the premises shall be in sealed containers only6. 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

7. The premises Licence Holder shall ensure that riders/drivers will be instructed not to loiter in the vicinity of residential premises
8. The premises Licence Holder shall ensure that riders/drivers will not be permitted to congregate in the immediate vicinity of the premises
9. The premises Licence Holder shall ensure that riders/drivers will not be permitted to smoke in the immediate vicinity of the premises
10. No deliveries to the premises shall take place between 23.00 and 08.00 hours on the following day
11. Deliveries shall only be made to a bonafide residential or business addresses
12. Delivery drivers/riders shall wait inside the premises between deliveries/ for deliveries
13. Delivery drivers/riders shall be given clear written instructions to use their vehicles in a responsible manner so as not to cause a nuisance to any residents or generally outside of the licenced premises
14. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times
15. 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
16. 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.
17. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 08.00 hours on the following day

Please contact me if you are minded discussing any of the matters above.

The applicant has agreed to Environmental Health's proposed conditions above which can also be found at Appendix 4.

| | |
|-------------------------------|-----------------------------|
| Responsible Authority: | Metropolitan Police Service |
| Representative: | PC Tom Stewart |
| Received: | 20 July 2022 |

I refer to the above-mentioned application for a new application.

Following consideration of the application and how it may affect the Licensing Objectives, I wish to make the following representations:

The proposed extension of licensable activities is likely to undermine the following licensing objectives:

- The Prevention of Crime and Disorder

The hours requested are beyond the core hours for a premises of this type and the conditions offered within the operating schedule are insufficient to promote the licensing objectives.

Please can the application provide more information as to the intended operation of this premises. For example, the premise is a lockable storage unit. Would there be a member of staff at the premises at all times it is open to allow access to the delivery riders? Can the operator ensure that delivery riders use electric powered vehicles for deliveries? Does the applicant operate any other similar premises?

Once the applicant has provided this information, I will be in a better position to discuss my representation further. I can be contacted on the details provide above.

| 2-B Other Persons | | | |
|---|----------------|--|---------|
| Name: | | [REDACTED] | |
| Address and/or Residents Association: | | [REDACTED] [REDACTED] [REDACTED] | |
| Status: | Valid | In support or opposed: | Opposed |
| Received: | 31 July 2022 | | |
| Please note, that [REDACTED] strongly objects to this venture. | | | |
| [REDACTED] consists of families with young children and elderly residents. An establishment of this sort will only attract further loitering, littering, noise and dubious characters to an area that continues to deteriorate and where concerns about personal safety keep growing. | | | |
| The Safe Storage entrance/exit is [REDACTED] and the constant movement of vehicles carrying out deliveries will only add to the intolerable noise issue we already have to endure. | | | |
| This is a densely populated residential neighbourhood and establishing a 24/7 alcohol delivery establishment does not compliment or concur with the ethos of the, neighbourhood, [REDACTED] | | | |
| The fact that a business considers it acceptable to have deliveries carried out at all hours whilst it's located under a residential block is ridiculous! We strongly object as an association and request the application is declined. | | | |
| Name: | | [REDACTED] | |
| Address and/or Residents Association: | | [REDACTED] [REDACTED] [REDACTED] | |
| Status: | Valid | In support or opposed: | Opposed |
| Received: | 01 August 2022 | | |
| The Safe Store facility sits below a residential complex. I am concerned that flammable liquids will be stored in significant quantities, which is a fire risk. Have Safe Store confirmed that alcohol can be stored safely in the facility? | | | |

| | | | |
|---|--|-------------------------------|---------|
| Name: | [REDACTED] | | |
| Address and/or Residents Association | [REDACTED] [REDACTED] [REDACTED] | | |
| Status: | Valid | In support of opposed: | Opposed |
| Received: | 01 August 2022 | | |

There is already a problem with delivery vehicles of the local shops and restaurants parking badly and blocking parking bays around Safestore and the entrance gates starting from the early hours of the morning.

When Safestore was given permission to start storage business Safestore took over the NCP car park and the area lost valuable parking spaces ; Today there is an acute shortage of parking spaces; All around the Safestore area, [REDACTED] almost every evening you will see cars wrongly parked on the yellow lines and causing disruption and difficulty to drive through.

Many of [REDACTED] and by default have to bear with a lot of noise of Police vehicles, ambulances and the Fire Brigade day and night as it is a very busy road. Police are called out several times to sort out rowdy youngsters.

All this is going to only get worse if Booze Drink runners are granted permission to conduct a 24 hour business.

| | | | |
|---|--|-------------------------------|---------|
| Name: | [REDACTED] | | |
| Address and/or Residents Association | [REDACTED] [REDACTED] [REDACTED] | | |
| Status: | Valid | In support or opposed: | Opposed |
| Received: | 01 August 2022 | | |

I strongly object to the new premises licence.

This is a residential estate occupied by families, single residents and the elderly. Such a retail outlet will attract noise, litter, potential crime and the possible gathering of undesirables throughout the night.

Generally, any activity involving increased numbers of people, vehicles, and alcohol is not appropriate for a residential area and it increases the possibility of becoming a public nuisance. Where alcohol is involved, the possibility for inappropriate behavior is increased.

Allowing such an outlet constitutes a breach of the council's policy F32 and is in direct conflict with Licencing Authority guidelines.

I am shocked these plans have even been considered. As well as increasing night time taxis and road traffic, adding to the already difficult parking problems, this is likely to increase the need for more street cleansing in the area.

I hope that you consider the safety and security of the residents (especially the protection of children from harm) and refuse this application.

| | | | |
|---|----------------|--|---------|
| Name: | | [REDACTED] | |
| Address and/or Residents Association: | | [REDACTED] [REDACTED] [REDACTED] | |
| Status: | Valid | In support or opposed: | Opposed |
| Received: | 31 July 2022 | | |
| <p>The Secure Storage facility is ALREADY the source of considerable nuisance to residents [REDACTED] [REDACTED] by way of noise (often after hours), litter and congestion. The proposed provision of storage and despatch of alcohol is likely to contribute to a substantial worsening of the existing nuisance to the detriment of council tax paying residents. The arrival and departure of delivery agents (as well as those supplying stocks of alcohol), quite possibly at all hours of the night, will constitute a major threat to peace and quiet, ramp up existing congestion and pollution levels and pose a danger of collision for pedestrians. Loitering by delivery agents will cause further noise and disturbance (loud conversations, mobile phones etc.) and will represent a further threat to security to the [REDACTED]. Alcohol is already available through several outlets in the area over extended hours (Waitrose, Tesco, Sainsbury etc.) as well as numerous pubs. The presence of further quantities of alcohol is likely to see a rise in attendant crime and anti-social behaviour. This application should be rejected.</p> | | | |
| Name: | | [REDACTED] | |
| Address and/or Residents Association: | | [REDACTED] [REDACTED] [REDACTED] | |
| Status: | Valid | In support or opposed: | Opposed |
| Received: | 01 August 2022 | | |
| I would feel that it would create safety issues. | | | |
| Name: | | [REDACTED] | |
| Address and/or Residents Association: | | [REDACTED] [REDACTED] [REDACTED] | |
| Status: | Valid | In support of opposed: | Opposed |
| Received: | 01 August 2022 | | |
| <p>[REDACTED] As it stands the area is already noisy and constant disturbances occur from deliveries. This is from pallets to being chucked around to vehicles entering and leaving the premises, mainly the reverse beeping which can be heard throughout the building. I strongly object to this here, application for a 24/7 "booze" storage/delivery business. I do not believe that this business will benefit our area in any capacity nor will it bring the residents any peace of mind.</p> | | | |

| | | | |
|--|----------------|--|---------|
| Name: | | [REDACTED] | |
| Address and/or Residents Association | | [REDACTED] [REDACTED] | |
| Status: | Valid | In support or opposed: | Opposed |
| Received: | 31 July 2022 | | |
| <p>[REDACTED] I object to the issue of this licence. This is [REDACTED] and issuance of such a licence would lead to noise, disruption and security concerns. The management fees paid by [REDACTED] are substantial and we expect a certain standard to be maintained in the types of businesses that are operating in the area.</p> | | | |
| Name: | | [REDACTED] | |
| Address and/or Residents Association: | | [REDACTED] [REDACTED] [REDACTED] | |
| Status: | Valid | In support or opposed: | Opposed |
| Received: | 31 July 2022 | | |
| <p>[REDACTED] objects to this application on the grounds of noise, litter and potential disorder, both at the location of premises and at the final destination.</p> <p>The self-storage premises, which are under a large residential block, does not have planning consent to operate for the purpose stated in the Premises Licence application.</p> <p>The hours proposed for the alcohol take-away sales are against policy, and premises are adjacent to a special dedicated area to protect the well-being of residents in the area.</p> <p>We object to hours applied for, especially after 23.00.</p> <p>We have no information of vehicles to be used for deliveries and delivery vehicles cause nuisance not only waiting or leaving depot but when deliveries are taking place causing disturbances to residents from noise, use of mobile phones etc and on occasions ringing wrong door bell waking residents.</p> <p>There is a lack of detail in the application as to measures to reduce potential public nuisance.</p> <p>Where will drivers wait at 'depot' and what arrangements are proposed to stop noise and litter etc in Burwood Place?</p> | | | |
| Name: | | [REDACTED] | |
| Address and/or Residents Association: | | [REDACTED] [REDACTED] [REDACTED] | |
| Status: | Valid | In support or opposed: | Opposed |
| Received: | 01 August 2022 | | |
| <p>Outright objection. They will not be able to govern this given they will be using 3rd party drivers such as Deliveroo.</p> | | | |

| | | | |
|---|--|-------------------------------|---------|
| Name: | [REDACTED] | | |
| Address and/or Residents Association | [REDACTED] [REDACTED] [REDACTED] | | |
| Status: | Valid | In support of opposed: | Opposed |
| Received: | 01 August 2022 | | |

I strongly objects to the above application on grounds of noise, nuisance and security at the location of the premises

The self - storage premises are [REDACTED]. It is my understanding that it does not have planning consent to operate for the purpose stated in the Premises Licence application.

Not only that, the hours proposed for the alcohol take-away sales are against Council policy and the premises are adjacent to a special dedicated area to protect the well being of residents in the area.

[REDACTED] already has too many problems associated 'delivery services' in respect of noise, antisocial behaviour etc, especially late at night.

I particularly object to hours applied for, especially after 23.00.

The proposal ignores nuisance caused from vehicles waiting or leaving the depot, upset from deliveries taking place, disturbances to residents from noise, use of mobile phones etc and on occasions ringing the wrong door bell, waking residents.

The delivery drivers are from third party companies such as Deliveroo - how will the applicant ensure compliance for procedures such as quiet pick up and deliveries /age verification etc?

The proposal offers no limit to reasonable hours.

There is a lack of detail in the application about measures to reduce potential public nuisance.

Where will drivers wait at 'depot' and what arrangements are proposed to stop noise and litter etc in Burwood Place.

Please refuse this application. It is not compatible with Westminster's Business Improvement Plan for the regeneration of the area.

| | | | |
|---|--|-------------------------------|---------|
| Name: | [REDACTED] | | |
| Address and/or Residents Association | [REDACTED] [REDACTED] [REDACTED] | | |
| Status: | Valid | In support or opposed: | Opposed |
| Received: | 01 August 2022 | | |

The alcohol licence would be detrimental to the [REDACTED]. It would give rise to unruly behaviour and disturb the peace of the residents.

I object to the alcohol licence being granted for [REDACTED]

| | | | |
|--|--|-------------------------------|---------|
| Name: | [REDACTED] | | |
| Address and/or Residents Association: | [REDACTED] [REDACTED] [REDACTED] | | |
| Status: | Valid | In support or opposed: | Opposed |
| Received: | 31 July 2022 | | |

I strongly object to this application. The state of Edgware Road and the surrounding neighbourhood is perhaps at its worst. We are constantly bombarded with noise, anti social conduct, littering, loitering and unsavoury characters targeting vulnerable residents. Throwing in a 24/7 delivery company and one that delivers alcohol no less doesn't help matters.

This business is planning to be located [REDACTED]
[REDACTED] The entrance of safe storage is beneath [REDACTED]
[REDACTED] The potential for noise of vehicles carrying out deliveries and that too 24 hours a day 7 days a week is preposterous!

Such a venue will surely attract suspicious characters to it considering its operating hours and even if it doesn't serve individuals hoping to procure alcohol, it won't stop them from trying, especially if already inebriated! When they do or don't receive it, their behaviour would be unpredictable and a risk to residents in addition to the noise, littering and loitering that will come with it.

This is the epitome of an awful idea and proposal and I strongly urge the council to reject it.

| | | | |
|--|--|-------------------------------|---------|
| Name: | [REDACTED] | | |
| Address and/or Residents Association: | [REDACTED] [REDACTED] [REDACTED] | | |
| Status: | Valid | In support or opposed: | Opposed |
| Received: | 31 July 2022 | | |

I strongly object to the above application due to safety and on grounds of noise, litter and potential crime and disorder for the area and residents.

Firstly this self - storage premises, which are under a large residential block, does not have planning consent to operate for the purpose stated in the Premises Licence application.

Secondly the hours proposed for the alcohol take-away sales are against policy and premises are adjacent to a special dedicated area to protect the well being of residents in the area.

We already have numerous problems associated 'delivery services' in respect of noise, antisocial behaviour etc, especially late at night.

I object to hours applied for, especially after 23.00.

I am very concerned about disturbances to residents from noise, use of mobile phones etc and on occasions ringing wrong door bell waking residents. And there is Lack of detail in application as to measures to reduce potential public nuisance.

I therefore urge that this application is refused.

| | | | |
|--|----------------|--|---------|
| Name: | | [REDACTED] | |
| Address and/or Residents Association | | [REDACTED] [REDACTED] [REDACTED] | |
| Status: | Valid | In support of opposed: | Opposed |
| Received: | 01 August 2022 | | |
| <p>This is already a busy area without the impact of Uber and delivero drivers queuing up to pick up booze at all hours of the day and night. The company will have no influence on how these drivers behave in terms of noise litter etc. There is already disregard of this being a residential area with noise levels at night keeping residents awake. I strongly object to yet more disturbance as I suspect the majority of activity will be at night.</p> | | | |
| Name: | | [REDACTED] | |
| Address and/or Residents Association | | [REDACTED] [REDACTED] [REDACTED] | |
| Status: | Valid | In support or opposed: | Opposed |
| Received: | 01 August 2022 | | |
| <p>With reference to the above Application for a New Premises Licence, I would like to lodge my objection to the granting of such a licence.</p> <ul style="list-style-type: none"> • [REDACTED] basement was being converted from an NCP Car Park to a Safe Store I was assured by Knight Frank, the managing agents for our landlord, the Church Commissioners that this conversion was for the long term storage of goods. • On the submitted application, there is no indication of the anticipated increased volume of traffic that would be generated by their activity? Using services such as Uber Eats and Deliveroo leads me to believe that there could be a substantial increase in the number of vehicles entering and leaving the premises. This in turn will lead to increased noise levels, pollution, litter etc, especially as a 24 hr licence is being requested. • The Church Commissioners have approval to build a new gym facility in Burwood Place. Should this be built the increased traffic from both facilities would make Burwood Place a very unattractive proposition for residents and their visitors. Our quality of life would be seriously degraded. • Burwood Place is a cul-de-sac for traffic and does not have the facility to handle more vehicular traffic. Similar traffic flow restrictions applies to the surrounding areas of the Hyde Park Estate, which would need to be used for access to Burwood Place. • Burwood Place is well known as an area for anti-social activities. Assaults, robberies, prostitution, vagrancy and other anti-social activities are regularly witnessed by the residents [REDACTED]. We have to pay for 24 hour security patrols for the [REDACTED] and don't need to see increased violence delivery drivers being robbed and assaulted. • The storage of flammable alcohol products under our building presents an increased fire risk. We do not believe that these products should be permitted in such an enclosed space. | | | |

| | | | |
|---|--------------|--|---------|
| Based on the above I would ask that you please reject this licence application | | | |
| Name: | | [REDACTED] | |
| Address and/or Residents Association: | | [REDACTED] [REDACTED] [REDACTED] | |
| Status: | Valid | In support or opposed: | Opposed |
| Received: | 31 July 2022 | | |
| <p>[REDACTED] strongly objects to the above application on grounds of noise, litter etc nuisance and potential crime and disorder both at location of premises and at final destination.</p> <p>The self - storage premises, which are under a large residential block, does not have planning consent to operate for the purpose stated in the Premises Licence application.</p> <p>The hours proposed for the alcohol take-away sales are against policy and premises are adjacent to a special dedicated area to protect the well being of residents in the area.</p> <p>We already have numerous problems associated 'delivery services' in respect of noise, antisocial behaviour etc, especially late at night.</p> <p>We object to hours applied for, especially after 23.00.</p> <p>We have no information of vehicles to be used for deliveries and delivery vehicles cause nuisance not only waiting or leaving depot but when deliveries are taking place causing disturbances to residents from noise, use of mobile phones etc and on occasions ringing wrong door bell waking residents.</p> <p>The delivery drivers are from third party companies such as Deliveroo - how will the applicant ensure compliance for procedures such as quiet pick up and deliveries /age verification etc?</p> <p>What are hours of deliveries of alcohol ecto 'depot' ? as no proposals offered to limit to reasonable hours.</p> <p>Lack of detail in application as to measures to reduce potential public nuisance.</p> <p>Where will drivers wait at 'depot' and what arrangements are proposed to stop noise and litter etc in Burwood Place?</p> <p>The council's policy F32 sets out our concerns:</p> <p>" The Licensing Authority is concerned with the potential impact of the operation of distribution or delivery centres within residential areas. The council has seen growing levels of complaints and issues associated with the impact of delivery services within the city... Applicants must consider the potential impact of noise nuisance from delivery personnel and their vehicles at the licensed premises or at the end destination. Appropriate waiting areas must be provided to prevent delivery personnel congregating outside the venue.</p> <p>We wish the Premises Licence application to be refused.</p> | | | |

| | | | |
|---|----------------|--|---------|
| Name: | | [REDACTED] | |
| Address and/or Residents Association: | | [REDACTED] [REDACTED] [REDACTED] [REDACTED] | |
| Status: | Valid | In support or opposed: | Opposed |
| Received: | 01 August 2022 | | |
| <p>[REDACTED] I am writing to object to the above application as it will not promote the Licensing objectives and there is insufficient detail. Whilst not in the Marylebone ward it is on the opposite side of Edgware Rd and what happens on one side of the road clearly affects the other in this case, the Marylebone Ward.</p> <p>This is a highly residential area and I am grateful to [REDACTED] for their objections below and issues they raise as a matter of concern to which I completely concur..</p> <p>As these completely reflect my objection for the sake of brevity I will not repeat them but this is the wrong place for an operation such as this surrounded by so many residents.</p> <p>Thank you for your consideration.</p> | | | |

3. Policy & Guidance

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

| | |
|----------------------------------|---|
| | <p>are expected to be covered by Temporary Event Notices or variation applications.</p> <p>C. For the purpose of Clauses A and B above, the Core Hours for applications for each premises use type as defined within this policy are:</p> <ol style="list-style-type: none"> 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: 9am to 12am 3. Hotels: Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am. For the sale of alcohol to guests for consumption in hotel/guest rooms only: Anytime up to 24 hours. 4. Off licences: Monday to Saturday: 8am to 11pm. Sunday: 9am to 10.30pm. 5. Outdoor Spaces: Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am. 6. Pubs and bars, Fast Food and Music and Dance venues: 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. 7. Qualifying Clubs: Monday to Thursday: 9am to 12am.. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am. 8. Restaurants: Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am. 9. Sexual Entertainment Venues and Sex Cinemas: Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am. <p>D. Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.</p> <p>E. For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement.</p> |
| <p>Policy DC1 applies</p> | <p>A. Applications for a delivery centre outside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1, 2. The hours for licensable activities are within the council's Core Hours Policy HRS1, 3. The applicant having taken account of the Special Consideration Zone Policy SCZ1 if the premises are located within a designated zone, 4. The premises are not located in a predominantly residential area, and 5. The application and operation of the venue meeting the definition of a delivery centre in Clause D. <p>B. Applications for a delivery centre within the West End Cumulative</p> |

| | |
|--|---|
| | <p>Impact Zone will be considered on their own merits and subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1, 2. The hours for licensable activities are within the council's Core Hours Policy HRS1, 3. The applicant having demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone, 4. The premises are not located within a predominantly residential area, and 5. The application and operation of the venue meeting the definition of a delivery centre in Clause D. <p>C. Applications that do not meet Clause A or B will be considered on their own merits, subject to other relevant policies within this statement and the following considerations:</p> <ol style="list-style-type: none"> 1. The likelihood of the effect of the grant of the licence for a delivery centre on the licensing objectives and whether the applicant has demonstrated that they will meet the criteria and considerations within policies CD1, PS1, PN1 and CH1. 2. The proposed hours for the operation of the delivery centre, whether they are beyond the Core Hours as set out in Policy HRS1 and if so, what are the reasons for the additional hours and what has the applicant proposed as measures that will mitigate or eliminate any potential impact on the licensing objectives and residents in the vicinity of the premises. 3. If the application is located within: <ol style="list-style-type: none"> a. the West End Cumulative Impact Zone, have they demonstrated that they will not add to cumulative impact, or, b. a designated Special Consideration Zone, have they demonstrated that they have taken account of the issues identified in that area and put forward proposed mitigation measures in relation to those issues in accordance with Policy SCZ1, 4. Whether the premises are located within a predominantly residential area and if so: <ol style="list-style-type: none"> a. whether the applicant has engaged with local residents and/or local resident/amenity societies on the proposed application and the operation of the premises prior to submitting the application to the council, and b. whether the applicant has put forward sufficient control measures within the operating schedule to mitigate or eliminate the potential impact on residents in the area and the licensing objectives that have been identified as part of the pre-application engagement with residents or following receipt of relevant representations following the statutory consultation period. 5. Whether the delivery personnel working from the delivery centre are directly employed by the applicant or whether the delivery service element of the operation will be provided by a third party, 6. How will the applicant ensure that the operation of the premises and the delivery service, operated directly by them with their own staff does not adversely impact the licensing objectives, breach the terms and conditions of the licence or commit offences under the Act. 7. If a third party will provide the delivery service element of the operation on behalf of the applicant what are the contractual arrangements with that third party to ensure that the operation of the |
|--|---|

| | |
|--|--|
| | <p>delivery service from the delivery centre does not adversely impact the licensing objectives, breach the terms and conditions of the licence or commit offences under the Act,</p> <p>8. The operation and management of the proposed delivery centre from the premises,</p> <p>9. The types of vehicles that will be used for the delivery of alcohol and/or late-night refreshment and whether they will likely create public nuisance,</p> <p>10. When will deliveries to the delivery centre or waste collection take place.</p> <p>11. The history of the applicant's operation of licensed premises and the premise's operation in relation to any impact on the licensing objectives, breaches of any terms and conditions of a licence, any reviews of a licence or offences committed under the Act,</p> <p>12. In addition to Sub-clause 6 and 7 above what measures the applicant or the third party providing the delivery service has put forward to mitigate the specific risk of public nuisance by the operation of the delivery service at the premises or at the end point of delivery,</p> <p>13. In addition to sub-clause 6 and 7 above what specific measures and processes the applicant or the third party providing the delivery service has put forward to mitigate the risk from the delivery of alcohol to children to ensure that they are protected from harm.</p> <p>D. For the purposes of this policy a delivery centre is a premises that's primary function is to temporarily store alcohol and/or to prepare hot food and hot drink, so that it is available when ordered for transportation to a customer's residential or workplace location.</p> <p>E. For the purposes of Clause A.4 B.4 and C reference to 'a predominately residential area' means an area of the city in which housing is the predominant use.</p> |
|--|--|

4. Equality Implications

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

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

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

5. Appendices

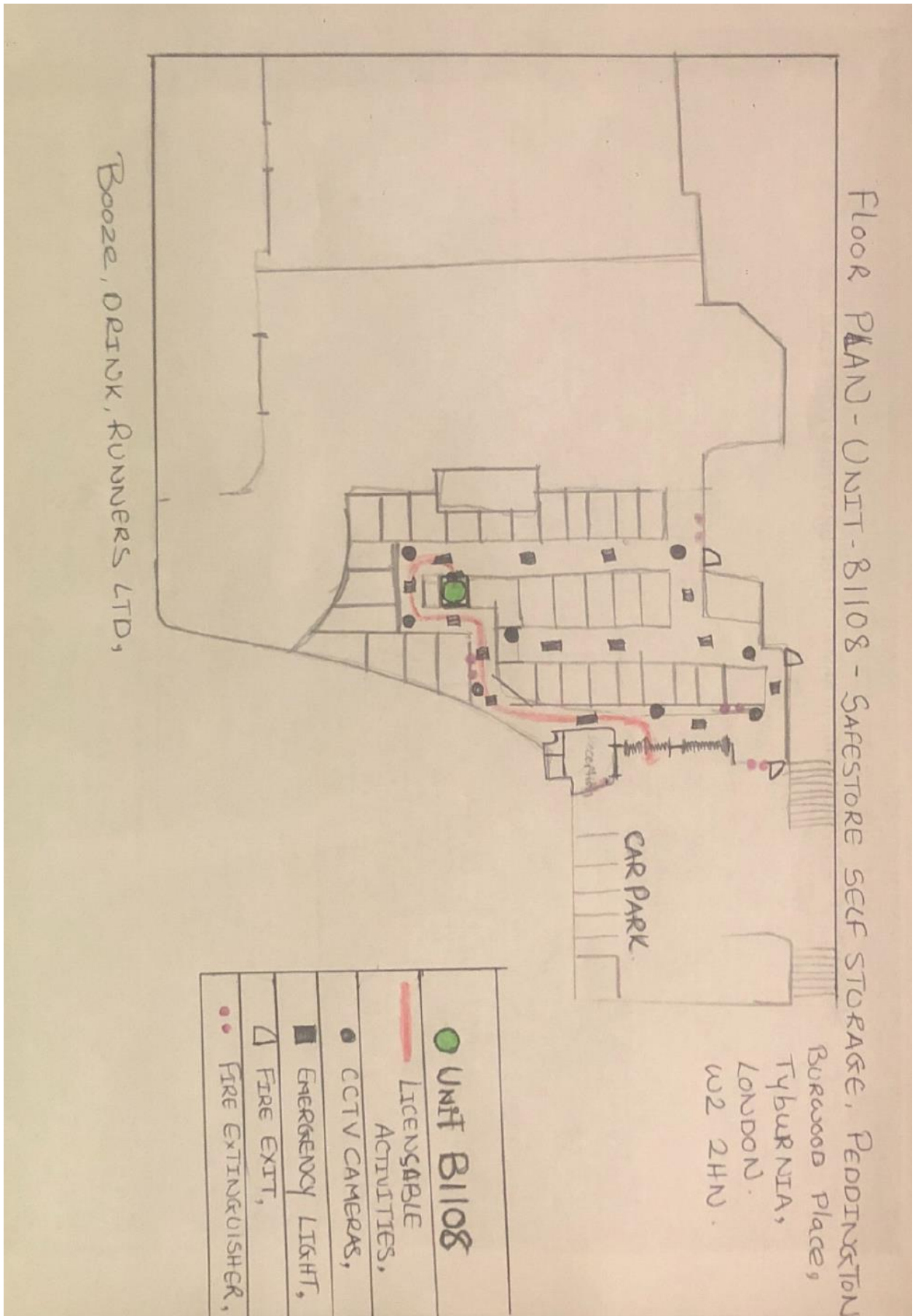
| | |
|-------------------|--|
| Appendix 1 | Premises plans |
| Appendix 2 | Applicant supporting documents |
| Appendix 3 | Premises history |
| Appendix 4 | Proposed conditions |
| Appendix 5 | Residential map and list of premises in the vicinity |

| | |
|-----------------------|---|
| Report author: | Miss Jessica Donovan Senior Licensing Officer |
| Contact: | Telephone: 020 7641 6500 Email: jdonovan@westminster.gov.uk |

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

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

| | | |
|-----------|---|-----------------|
| 1 | Licensing Act 2003 | N/A |
| 2 | City of Westminster Statement of Licensing Policy | 01 October 2021 |
| 3 | Amended Guidance issued under section 182 of the Licensing Act 2003 | April 2018 |
| 4 | Environmental Health Service representation | 20 July 2022 |
| 5 | Metropolitan Police Service representation | 20 July 2022 |
| 6 | Interested party 1 representation | 31 July 2022 |
| 7 | Interested party 2 representation | 01 August 2022 |
| 8 | Interested party 3 representation | 01 August 2022 |
| 9 | Interested party 4 representation | 01 August 2022 |
| 10 | Interested party 5 representation | 31 July 2022 |
| 11 | Interested party 6 representation | 01 August 2022 |
| 12 | Interested party 7 representation | 01 August 2022 |
| 13 | Interested party 8 representation | 31 July 2022 |
| 14 | Interested party 9 representation | 31 July 2022 |
| 15 | Interested party 10 representation | 01 August 2022 |
| 16 | Interested party 11 representation | 01 August 2022 |
| 17 | Interested party 12 representation | 01 August 2022 |
| 18 | Interested party 13 representation | 31 July 2022 |
| 19 | Interested party 14 representation | 31 July 2022 |
| 20 | Interested party 15 representation | 01 August 2022 |
| 21 | Interested party 16 representation | 31 July 2022 |
| 22 | Interested party 17 representation | 31 July 2022 |
| 23 | Interested party 18 representation | 01 August 2022 |



Response from Applicant to the Metropolitan Police Service

From: amrish jadav
To: Stewart, Tom: WCC
Cc: Licensing: WCC; Donovan, Jessica: WCC
Subject: Re: 22/06496/LIPN-Safe Store Self Storage, Paddington, Burwood Place, London, W2 2HN
Date: 20 July 2022 12:35:59
Attachments: image001.png
Police Objection - 22-06496-LIPN.docx

Good afternoon Tom sir,

Hope you well , premises unit will be locked all time , and it's secure metal unit with lock, There won't be member of staff on premises, when loading and unloading will be done under supervision of designed premises supervise, my self right now. We will used petrol cars to do delivery. We do provide training to delivery drivers regarding think 25 . We do have 24 hours cctv recording from premises .

Yes I have other business in Hounslow , which in process on selling because I have dream to run business in central london .

Business name is : SIP By Sip alcohol LTD.
Business registration number: 13566535

If you have any other questions please let me know .

Thanks
Amrish Jadav

Sent from my iPhone
On 20 Jul 2022, at 11:34, Stewart, Tom: WCC
<tstewart1@westminster.gov.uk> wrote:

Dear Licensing and Booze,Drink,Runners Ltd

Please find attached Police representation to this application.

Please note, my representation contains questions to the applicant.

Kind Regards

Pc Tom Stewart | Licensing Officer | Westminster Licensing Team
Westminster City Council
15th Flr 64 Victoria Street
SW1E 6QP

Mobile - 07917395768
Email – tstewart1@westminster.gov.uk
MPS Email – tom.stewart@met.police.uk

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 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.
- 5(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.
- 5(ii) For the purposes of the condition set out in paragraph 5(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.

5(iii). Where the permitted price given by Paragraph 5(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.

5(iv). (1) Sub-paragraph 5(iv)(2) below applies where the permitted price given by Paragraph 5(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

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

Conditions consistent with the operating schedule

None

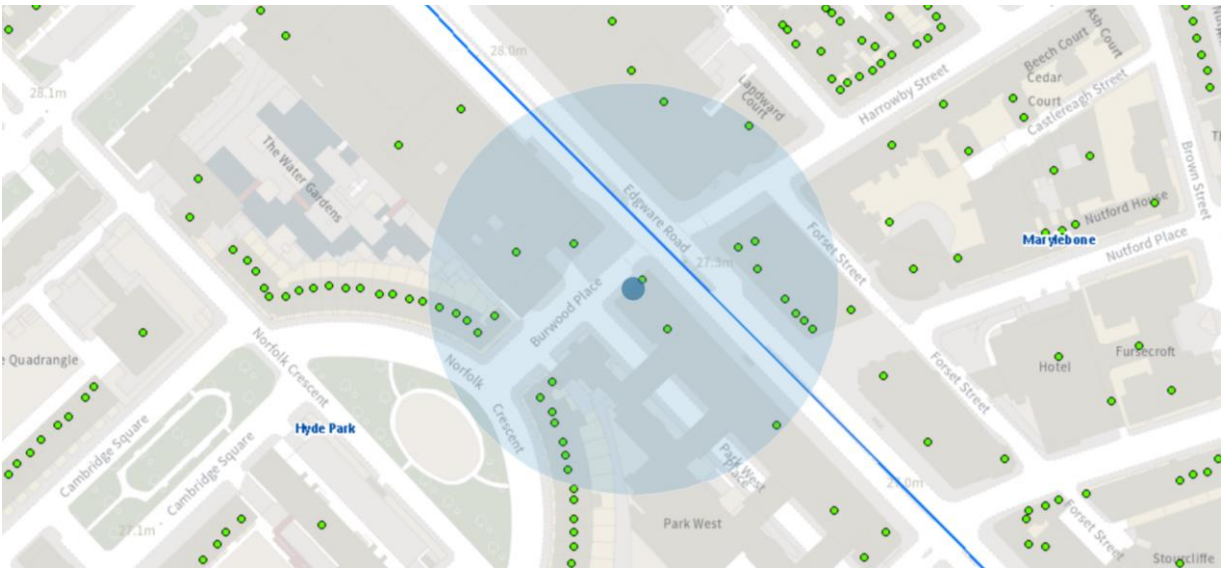
Conditions proposed by the Environmental Health Service and agreed with the applicant so as to form part of the operating schedule.

6. 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.

7. 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.
8. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number and/or is to be made available to residents and businesses in the vicinity.
9. Save for delivery drivers/riders, no persons shall be permitted on the premises at anytime.
10. All sales of alcohol for consumption off the premises shall be in sealed containers only.
11. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
12. The premises Licence Holder shall ensure that riders/drivers will be instructed not to loiter in the vicinity of residential premises.
13. The premises Licence Holder shall ensure that riders/drivers will not be permitted to congregate in the immediate vicinity of the premises.
14. The premises Licence Holder shall ensure that riders/drivers will not be permitted to smoke in the immediate vicinity of the premises.
15. No deliveries to the premises shall take place between 23.00 and 08.00 hours on the following day.
16. Deliveries shall only be made to a bonafide residential or business addresses.
17. Delivery drivers/riders shall wait inside the premises between deliveries/ for deliveries.
18. Delivery drivers/riders shall be given clear written instructions to use their vehicles in a responsible manner so as not to cause a nuisance to any residents or generally outside of the licenced premises.
19. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
20. 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.
21. 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.
22. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 08.00 hours on the following day.

Conditions proposed by the Metropolitan Police Service

None



Resident count: 295

| Licensed premises within 75 metres of Unit B1108, Safe Store Self Storage, 2 Burwood Place, London, W2 2HN | | | | |
|---|---|---|--------------------------------|---|
| Licence Number | Trading Name | Address | Premises Type | Time Period |
| 15/04997/LIPN | Safa Restaurant | Forset Court 22-23 Nutford Place London W1H 5YQ | Restaurant | Sunday; 12:00 - 01:30 Monday to Saturday; 10:00 - 01:30 |
| 06/12888/WCCMAP | Mahal Restaurant | 138 Edgware Road London W2 2DZ | Restaurant | Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30 |
| 21/05255/LIDPSR | Old English Gentleman Pub/Al Arez Express Grill & Bar | 132 Edgware Road London W2 2DZ | Public house or pub restaurant | Sunday; 12:00 - 23:00 Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 |
| 20/02574/LIPV | The Coffee Shop | 150 - 162 Edgware Road London W2 2DT | Large Casino | Monday to Sunday; 00:00 - 00:00 |
| 20/02611/LIPV | Grosvenor Victoria Casino | 150 - 162 Edgware Road London W2 2DT | Casino or gambling club | Monday to Sunday; 00:00 - 00:00 |
| 20/02616/LIPV | The Poker Room | Second Floor 150 Edgware Road London W2 2DT | Casino or gambling club | Monday to Sunday; 00:00 - 00:00 |



City of Westminster

Licensing Sub-Committee Report

| | |
|--------------------|---|
| Item No: | |
| Date: | 22 September 2022 |
| Licensing Ref No: | 22/06708/LIPV - Premises Licence Variation |
| Title of Report: | The Office Group 91 Wimpole Street London W1G 0EF |
| 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: 0207 641 6500 Email: kabbott@westminster.gov.uk |

1. Application

| 1-A Applicant and premises | | | |
|-----------------------------------|--|------------------------------------|----------|
| Application Type: | Variation of a Premises Licence, Licensing Act 2003 | | |
| Application received date: | 7 July 2022 | | |
| Applicant: | The Office Group Properties Limited | | |
| Premises: | The Office Group | | |
| Premises address: | 91 Wimpole Street London W1G 0EF | Ward: | West End |
| | | Cumulative Impact Area: | None |
| | | Special Consideration Zone: | None |
| Premises description: | The premises operates as an Office Space. | | |
| Variation description: | <p>This variation application seeks to permit the following:</p> <p>To permit off sales of alcohol to enable consumption of alcohol on the rooftop terrace area. No other off sales will be permitted.</p> | | |
| Premises licence history: | <p>The premises has had the benefit of a premises licence since June 2022.</p> <p>The current premises licence (22/02131/LIPN) can be viewed at Appendix 2 of this report.</p> <p>A full licence history for the premises appears at Appendix 3.</p> | | |
| Applicant submissions: | The applicant has provided submissions in the form of resident letters in respect of their representations. This can be found at Appendix 2 . | | |
| Applicant amendments: | None | | |

| 1-B Current and proposed licensable activities, areas and hours | | | | | | |
|---|----------------------|------------------|-----------------------|-------------|---------------------------------------|------------------|
| Sale by Retail of Alcohol (First, Second, Third and Fourth Floors) | | | | | | |
| On or off sales | | Current : | | | Proposed: | |
| | | On | | | Both | |
| | Current Hours | | Proposed Hours | | Licensable Area | |
| | Start: | End: | Start: | End: | Current: | Proposed: |
| Monday | 10:00 | 23:00 | No Change | | First, Second, Third and Fourth Floor | No Change |
| Tuesday | 10:00 | 23:00 | | | | |
| Wednesday | 10:00 | 23:00 | | | | |
| Thursday | 10:00 | 23:00 | | | | |
| Friday | 10:00 | 23:00 | | | | |
| Saturday | 10:00 | 23:00 | | | | |
| Sunday | 12:00 | 23:00 | | | | |
| Seasonal variations/ Non-standard timings: | | Current: | | | Proposed: | |
| | | None | | | None | |

Hours premises are open to the public (**Premises are not open to the General Public**)

2. Representations

2-A Responsible Authorities

| | |
|-------------------------------|------------------------------|
| Responsible Authority: | Environmental Health Service |
|-------------------------------|------------------------------|

| | |
|------------------------|--------------------|
| Representative: | Sally Fabbricatore |
|------------------------|--------------------|

| | |
|------------------|-----------------------------|
| Received: | 1 st August 2022 |
|------------------|-----------------------------|

I refer to the application for a variation Premises Licence for the above premises. The premises already benefits from a premises licence 22/02131/LIPN.

This representation is based on the Operating Schedule, no layout plan has been provided and the roof terrace is not obvious on the existing plans.

The applicant is seeking to permit the supply of alcohol off the premises to enable consumption of alcohol on the rooftop terrace area. No other off sales are permitted. The hours proposed are from the existing commencement hours to 22:00 hours.

I wish to make the following representation in relation to the above application:

The addition of off sales may cause an increase in Public Nuisance in the area, it may also impact on Public Safety.

Further conditions may be proposed by Environmental Health in order to help prevent Public Nuisance and protect Public Safety.

The granting of the variation Premises Licence as presented would have the likely effect of causing an increase in Public Nuisance in the area and may impact on Public Safety.

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

Conditions have been agreed between the applicant and Environmental Health. These conditions can be found at Appendix 4.

| | |
|-------------------------------|-----------------------------|
| Responsible Authority: | Metropolitan Police Service |
|-------------------------------|-----------------------------|

| | |
|------------------------|-----------------|
| Representative: | PC Andy Elliott |
|------------------------|-----------------|

| | |
|------------------|--|
| Received: | 4 th August 2022 (Withdrawn 19th August 2022) |
|------------------|--|

Good Afternoon,

As a responsible body the Metropolitan Police Service is objecting to this variation permitting Off Sales to be consumed on the roof terrace as this will not support the Licensable Objective of Prevention of Public Nuisance. Given this is a quieter neighbourhood than HENRY WOOD HOUSE another serviced office building within the Office Group portfolio I believe this Licence should reflect that Licence namely with a 21:00 termination over the 22:00 variation applied for.

After a visit to the premises and an explanation from the Applicant the Metropolitan Police withdrew their representation on 19th August 2022.

| 2-B Other Persons | |
|--|--|
| Name: | [REDACTED] |
| Address and/or Residents Association: | [REDACTED] [REDACTED] [REDACTED] |
| Received: | 4 th August 2022 |
| <p>We are vehemently against the licence application. We reside opposite the roof terrace.</p> <p>1. A licence for the roof terrace would cause great disturbance to us. Some evenings, in particular on Fridays, office workers from 91 Wimpole Street have drinks in the office itself or on the roof terrace of it. When drinks take place in either location, workers who are inebriated, loud and disruptive, smoke on the roof and street making lots of noise. On these occasions they also make noise coming and going from the building. All of this causes great disturbance to us and inevitably this roudiness leads to anti social behaviour.</p> <p>2. There is a fundamental invasion of privacy as the roof terrace looks across and into our flat. This causes great distress to us in many ways. Affecting our work and relaxation. Most worryingly of all, my flatmate has experienced multiple occasions where male patrons on the roof terrace have stalked her whilst she is in her bedroom, which is overlooked by the roof terrace, causing her stress, alarm and safety concerns.</p> <p>3. In the past parties have also been held on the roof terrace with music playing. These events have been so intrusive and disruptive it is close to having a nightclub in our flat. Even without music voices on the roof terrace reverberate off the surrounding buildings and pour into our flat flooding it with noise polution.</p> <p>4. Be At One bar, which is in a retail unit a few doors down from 91 Wimpole Street, causes us significant disturbance and stress with anti social behaviour and noise among just two of many issues. Allowing alcohol to be consumed on the roof terrace of the same building would cause a dramatic increase in disturbance.</p> <p>My flatmate and I were unable to attend the previous hearing for a premises license for this building due to having COVID. Thus we would welcome the opportunity to object to this new license</p> | |
| Name: | [REDACTED] |
| Address and/or Residents Association: | [REDACTED] [REDACTED] [REDACTED] [REDACTED] |
| Received: | 4 th August 2022 |
| <p>I hear all noise when people are on the roof at 91 Wimpole Street and when they previously had drinks/parties outside I could never sleep due to the noise. Indeed, even if the drinks are consumed indoors, when people leave the building or go outside to smoke the noise could be awful because it certainly is from BeAtOne Bar where there is often antisocial behaviour on the street with people screaming, shouting, getting sick, leaving and/or smashing glasses. I fear a similar situation could arise from 91 wimpole st.</p> <p>I am a lawyer and work long hours, I do not need any further disturbance on the street - Be At One bar has been a disaster with horrific antisocial behaviour and huge disruption. Any noise on the roof of 91 WS reverberates around the street, even conversation.</p> <p>The times of past events held in the building , whether inside the building or on the roof (with music played loudly), have resulted in extremely high noise levels, huge disturbance to me and the other local residents, resulting in me feeling great distress when I should be</p> | |

relaxing/working. This is even more important now that I work from home most of the time. Being able to switch off and sleep is crucial with such a demanding job. The noise that could potentially come from the roof terrace is deeply concerning as is the possibility of further anti social behaviour on the street after they leave.

The roof overlooks my bedroom and, already, photos of staff are being taken, people eat and smoke there and they have full sight of me in bed. I am deeply concerned for my privacy and personal safety. I already feel overlooked and it is generally men that are on the roof. I hate the feeling of not feeling comfortable in my own home and in my bedroom where I am supposed to relax and feel safe. I fear the worst case of stalkers, particularly as I know someone that was stalked. I will feel threatened in my house

I want to add one further comment to the objection I just made and this is to make it very clear that the revised application that it is contained to the second floor is still very troublesome. It refers to the sale of alcohol for the rooftop - this is disastrous. Noise comes from the outside areas of this building and any reasonable person would know that it would only get worse with the consumption of alcohol and events taking place. I know this because I actually live opposite and can hear the noise (unlike the people applying and arguing for the license). The noise alone is a nuisance for residents, not even considering the anti social behaviour that will likely take place as a result of such consumption of alcohol.

3. Policy & Guidance

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

| | |
|----------------------------|--|
| Policy HRS1 applies | <p>A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:</p> <ol style="list-style-type: none"> 1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm. 2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation. 3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed. 4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises. 5. The proposed hours when any music, including incidental music, will be played. 6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises. 7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity. 8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night. 9. The capacity of the premises. 10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and |
|----------------------------|--|

| | |
|----------------------------------|--|
| | <p>bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation.</p> <p>11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.</p> <p>12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.</p> <p>13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.</p> <p>14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.</p> <p>6. Pubs and bars, Fast Food and Music and Dance venues Monday to Thursday: 10am to 11.30pm. Friday and Saturday: 10am to Midnight. Sunday: Midday to 10.30pm. Sundays immediately prior to a bank holiday: Midday to Midnight.</p> <p>D. Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.</p> <p>E. For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement.</p> <p>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 11pm.</p> |
| <p>Policy PB1 applies</p> | <p>A. Applications outside the West End Cumulative Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities being within the council's Core Hours Policy HRS1. 3. The operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1. 4. The applicant has taken account of the Special Consideration Zones policy SCZ1 if the premises are located within a designated zone. 5. The application and operation of the venue meet the definition of a Public House or Bar in Clause D. <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"> 1. Applications to vary the existing licence hours within the council's Core Hours Policy HRS1. 2. Applications that seek to vary the existing licence so as to reduce the overall capacity of the premises. |

| | |
|--|--|
| | <p>C. The applications referred to in Clause B1 and B2 will generally be granted subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1, and/or, 2. The operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1. 3. The application and operation of the venue continuing to meet the definition of a Public House or Bar in Clause D. <p>D. For the purposes of this policy a Public House or Bar is defined as a premises, or part of a premises that's primary use is the sale or supply of alcohol for consumption on those premises and/or for consumption off the premises for consumption outside the venue.</p> |
|--|--|

4. Equality Implications

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

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

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

5. Appendices

| | |
|-------------------|--|
| Appendix 1 | Applicant supporting documents |
| Appendix 2 | Current Premises Licence 22/02131/LIPN |
| Appendix 3 | Premises history |
| Appendix 4 | Proposed conditions |
| Appendix 5 | Residential map and list of premises in the vicinity |

| | |
|-----------------------|---|
| Report author: | Karyn Abbott Senior Licensing Officer |
| Contact: | Telephone: 0207 641 6500 Email: kabbott@westminster.gov.uk |

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

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

| | | |
|---|--|-----------------------------|
| 1 | Licensing Act 2003 | N/A |
| 2 | City of Westminster Statement of Licensing Policy | October 2021 |
| 3 | Amended Guidance issued under section 182 of the Licensing Act 2003 | April 2018 |
| 4 | Environmental Health Service | 1 st August 2022 |
| 5 | Metropolitan Police Service (Withdrawn 19th August 2022) | 4 th August 2022 |
| 6 | Representation 1 | 4 th August 2022 |
| 7 | Representation 2 | 4 th August 2022 |

From: [Craig Baylis](#)
To: [Abbott, Karyn: WCC](#)
Subject: RE: 22/06708/LIPV - 91 Wimpole Street
Date: 12 August 2022 14:39:29
Attachments: [image001.png](#)

Karyn can you please pass on the following to the 2 residents – please give my email address and phone number.

I am the licensing solicitor acting for the company that owns 91 Wimpole Street and who have made the latest licensing application.

I would like to clarify a number of issues

1. This is NOT an application for a new licence. The licence to permit alcohol sales for the building has already been granted. This entitles occupants of the building who rent work space there to hold small scale events internally where they may serve alcohol to their clients. It does NOT permit large scale parties in the building and a condition has been attached to the licence that the primary purpose of the building remains the use as office space.
2. This application simply seeks to permit occupants of the building to consume alcohol internally on the rooftop terrace until 22.00, after having purchased it within the building. It is an additional facility to the existing licence and not a new licence.
3. The occupants of the building do not need a licence to consume alcohol which they have purchased externally to consume it on the rooftop. For example, an occupant of the building can go to the local supermarket, purchase a case of wine and hold their own event on the rooftop without needing this extra permission, so your concerns regarding use of the rooftop cannot be addressed by the objection to this application.
4. This permission purely relates to alcohol which the occupants have purchased from the owners of the building in order to hold an event.

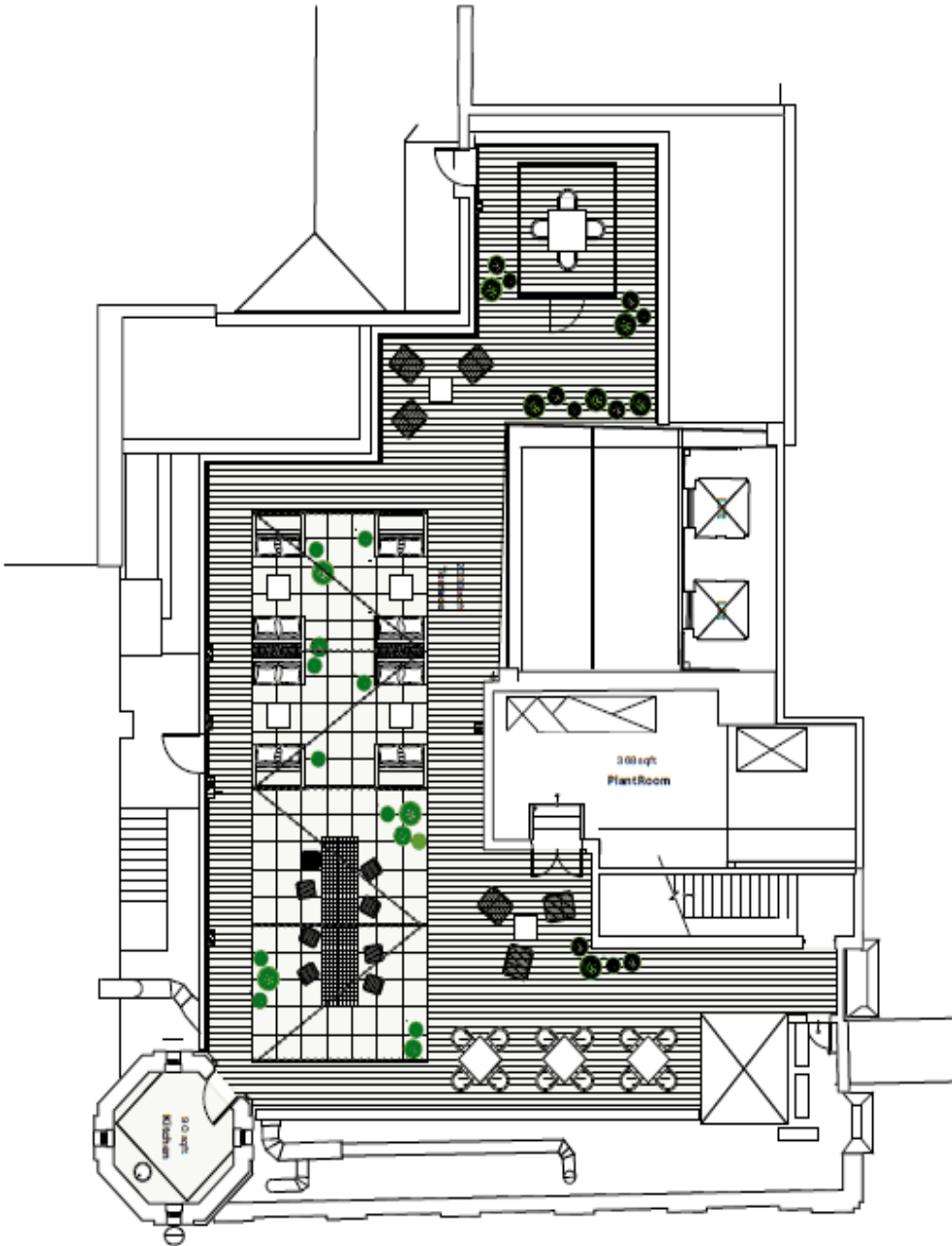
I would welcome the opportunity to explain the application in greater detail so that you can understand how the building works and how the limited nature of this application will have no effect on the concerns expressed in your emails.

Craig Baylis
Legal Counsel
Kingsley Napley LLP

Kingsley Napley LLP | 20 Bonhill Street | London EC2A 4DN
Direct dial: +44 (0)207 369 3775 | Mobile: 07738037319
Switchboard: +44 (0)20 7814 1200 | Main fax: +44 (0)20 7490 2288
Email: cbaylis@kingsleynapley.co.uk | Website: www.kingsleynapley.co.uk

From: Abbott, Karyn: WCC <kabbott@westminster.gov.uk>
Sent: 10 August 2022 09:25
To: Craig Baylis <cbaylis@kingsleynapley.co.uk>
Cc: Fabbriatore, Sally: WCC <sfabbriatore@westminster.gov.uk>; ELLIOTT, ANDY: WCC <AELLIOTT1@westminster.gov.uk>
Subject: 22/06708/LIPV - 91 Wimpole Street

External – this email originated outside your organisation.



ORIENTAL NORTH

THIS PLAN IS FOR INFORMATION ONLY AND IS NOT TO BE USED FOR CONSTRUCTION. ALL DIMENSIONS AND SPECIFICATIONS ARE SUBJECT TO CHANGE WITHOUT NOTICE. THE CLIENT ACCEPTS FULL RESPONSIBILITY FOR THE ACCURACY OF THIS PLAN.

Scale: As indicated on the drawing.


A. Structural grid lines shown. 2023/01/01
 DATE: 2023/01/01
 REVISION: 01

Roof

| | | | |
|------------|----------------------|------------|----|
| NO. & SIZE | 1/100 @ A3 | REVISION | A |
| DATE | August 2020 | CREATED BY | MS |
| FOR USE OF | For info or revision | | |

WIMPOLE STREET
 OFFICE




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

Schedule 12
Part A

WARD: Marylebone High
Street
UPRN: 100023465302

Premises licence

Regulation 33, 34

| | |
|--------------------------|---------------|
| Premises licence number: | 22/02131/LIPN |
| Original Reference: | 22/06708/LIPV |

Part 1 – Premises details

Postal address of premises:

The Office Group
91 Wimpole Street
London
W1G 0EF

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Sale by Retail of Alcohol

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

| | |
|----------------------------------|----------------|
| Sale by Retail of Alcohol | |
| Monday to Saturday: | 10:00 to 23:00 |
| Sunday: | 12:00 to 23:00 |

The opening hours of the premises:

| | |
|-------------------|----------------|
| Monday to Sunday: | 00:00 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:

The Office Group Properties Limited
The Smiths Building
179 Great Portland Street
London
W1w 5PL

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

07355616

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

Name: Mr Anthony Dylan Murray

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: PA/28720/280905
Licensing Authority: London Borough Of Waltham Forest

Date: 4 August 2022

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.

Annex 2 – Conditions consistent with the operating Schedule

None

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

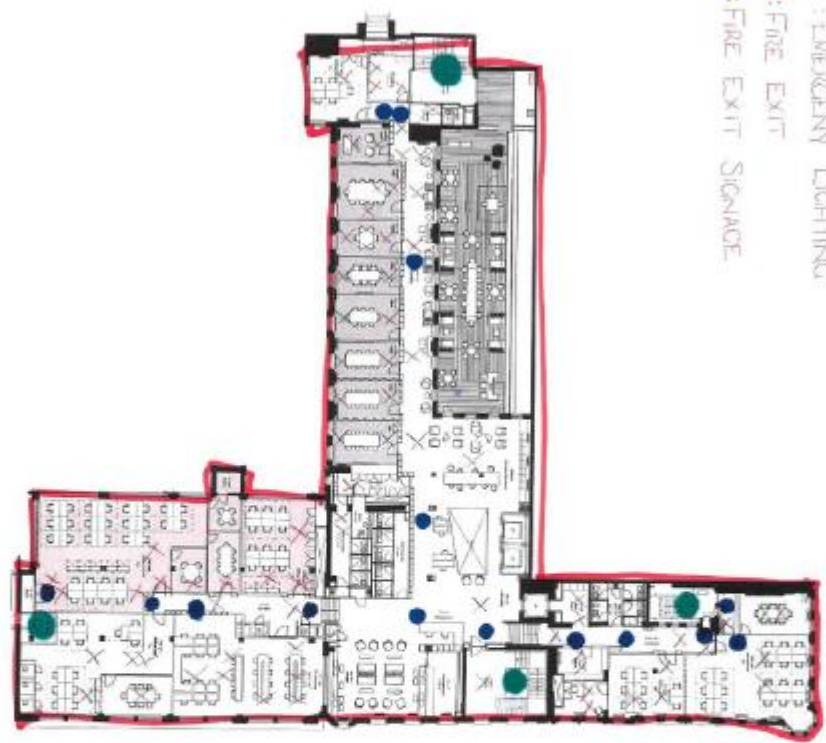
9. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
10. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
11. All exit doors shall be available at all material times without the use of a key, code, card or similar means.
12. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.
13. No deliveries to the premises shall take place between 23.00 and 07.00 hours on the following day.
14. 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.
15. 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.
16. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
17. Occupiers permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
18. The supply of alcohol shall only be to employees at the premises, their bona fide guests, or persons attending a private pre booked function.
19. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as offices.
20. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) any complaints received concerning crime and disorder
 - (c) any incidents of disorder
 - (d) any faults in the CCTV system or searching equipment or scanning equipment
 - (e) any refusal of the sale of alcohol
 - (f) any visit by a relevant authority or emergency service.
21. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the
 - a. premises where the only acceptable forms of identification are recognised
 - b. photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

22. There shall be no advertisement of the licensed facilities outside of the premises
23. Non-intoxicating beverages shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises
24. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.
25. There shall be no more than 40 events where licensable activity takes place per calendar year.
26. There shall be no consumption of alcohol after 23:00 hours.

Annex 4 – Plans



- X : EMERGENCY LIGHTING
- : FIRE EXIT
- : FIRE EXIT SIGNAGE



GENERAL NOTES

1. All fire exits must be kept clear at all times.

2. Fire exits must be clearly marked with signage.

3. Fire exits must be clearly marked with signage.

4. Fire exits must be clearly marked with signage.

5. Fire exits must be clearly marked with signage.

6. Fire exits must be clearly marked with signage.

7. Fire exits must be clearly marked with signage.

8. Fire exits must be clearly marked with signage.

9. Fire exits must be clearly marked with signage.

10. Fire exits must be clearly marked with signage.

LEGEND

| SYMBOL | DESCRIPTION |
|--------|--------------------|
| X | EMERGENCY LIGHTING |
| ● | FIRE EXIT |
| ● | FIRE EXIT SIGNAGE |

Second Floor

| ROOM NO. | ROOM NAME | AREA (sqm) |
|----------|-----------|------------|
| 001 | RECEPTION | 15 |
| 002 | OFFICE | 10 |
| 003 | OFFICE | 10 |
| 004 | OFFICE | 10 |
| 005 | OFFICE | 10 |
| 006 | OFFICE | 10 |
| 007 | OFFICE | 10 |
| 008 | OFFICE | 10 |
| 009 | OFFICE | 10 |
| 010 | OFFICE | 10 |
| 011 | OFFICE | 10 |
| 012 | OFFICE | 10 |
| 013 | OFFICE | 10 |
| 014 | OFFICE | 10 |
| 015 | OFFICE | 10 |
| 016 | OFFICE | 10 |
| 017 | OFFICE | 10 |
| 018 | OFFICE | 10 |
| 019 | OFFICE | 10 |
| 020 | OFFICE | 10 |
| 021 | OFFICE | 10 |
| 022 | OFFICE | 10 |
| 023 | OFFICE | 10 |
| 024 | OFFICE | 10 |
| 025 | OFFICE | 10 |
| 026 | OFFICE | 10 |
| 027 | OFFICE | 10 |
| 028 | OFFICE | 10 |
| 029 | OFFICE | 10 |
| 030 | OFFICE | 10 |
| 031 | OFFICE | 10 |
| 032 | OFFICE | 10 |
| 033 | OFFICE | 10 |
| 034 | OFFICE | 10 |
| 035 | OFFICE | 10 |
| 036 | OFFICE | 10 |
| 037 | OFFICE | 10 |
| 038 | OFFICE | 10 |
| 039 | OFFICE | 10 |
| 040 | OFFICE | 10 |
| 041 | OFFICE | 10 |
| 042 | OFFICE | 10 |
| 043 | OFFICE | 10 |
| 044 | OFFICE | 10 |
| 045 | OFFICE | 10 |
| 046 | OFFICE | 10 |
| 047 | OFFICE | 10 |
| 048 | OFFICE | 10 |
| 049 | OFFICE | 10 |
| 050 | OFFICE | 10 |
| 051 | OFFICE | 10 |
| 052 | OFFICE | 10 |
| 053 | OFFICE | 10 |
| 054 | OFFICE | 10 |
| 055 | OFFICE | 10 |
| 056 | OFFICE | 10 |
| 057 | OFFICE | 10 |
| 058 | OFFICE | 10 |
| 059 | OFFICE | 10 |
| 060 | OFFICE | 10 |
| 061 | OFFICE | 10 |
| 062 | OFFICE | 10 |
| 063 | OFFICE | 10 |
| 064 | OFFICE | 10 |
| 065 | OFFICE | 10 |
| 066 | OFFICE | 10 |
| 067 | OFFICE | 10 |
| 068 | OFFICE | 10 |
| 069 | OFFICE | 10 |
| 070 | OFFICE | 10 |
| 071 | OFFICE | 10 |
| 072 | OFFICE | 10 |
| 073 | OFFICE | 10 |
| 074 | OFFICE | 10 |
| 075 | OFFICE | 10 |
| 076 | OFFICE | 10 |
| 077 | OFFICE | 10 |
| 078 | OFFICE | 10 |
| 079 | OFFICE | 10 |
| 080 | OFFICE | 10 |
| 081 | OFFICE | 10 |
| 082 | OFFICE | 10 |
| 083 | OFFICE | 10 |
| 084 | OFFICE | 10 |
| 085 | OFFICE | 10 |
| 086 | OFFICE | 10 |
| 087 | OFFICE | 10 |
| 088 | OFFICE | 10 |
| 089 | OFFICE | 10 |
| 090 | OFFICE | 10 |
| 091 | OFFICE | 10 |
| 092 | OFFICE | 10 |
| 093 | OFFICE | 10 |
| 094 | OFFICE | 10 |
| 095 | OFFICE | 10 |
| 096 | OFFICE | 10 |
| 097 | OFFICE | 10 |
| 098 | OFFICE | 10 |
| 099 | OFFICE | 10 |
| 100 | OFFICE | 10 |

WIMPOL STREET

TOG

THE OFFICE GROUP

- X : EMERGENCY LIGHTING
- : FIRE EXIT
- : FIRE EXIT SIGNAGE



GENERAL NOTES

1. All fire exits must be kept clear at all times.
2. Fire exit signage must be clearly visible and unobstructed.
3. Emergency lighting must be tested regularly and maintained.
4. Fire exits must be clearly marked with the word 'EXIT'.
5. Fire exit signage must be illuminated at all times.
6. Fire exit signage must be clearly visible from the exit.
7. Fire exit signage must be clearly visible from the exit.
8. Fire exit signage must be clearly visible from the exit.
9. Fire exit signage must be clearly visible from the exit.
10. Fire exit signage must be clearly visible from the exit.

NOTES

1. All fire exits must be kept clear at all times.

2. Fire exit signage must be clearly visible and unobstructed.

3. Emergency lighting must be tested regularly and maintained.

4. Fire exits must be clearly marked with the word 'EXIT'.

5. Fire exit signage must be illuminated at all times.

6. Fire exit signage must be clearly visible from the exit.

7. Fire exit signage must be clearly visible from the exit.

8. Fire exit signage must be clearly visible from the exit.

9. Fire exit signage must be clearly visible from the exit.

10. Fire exit signage must be clearly visible from the exit.

Third Floor

Area: 1000 sqm

Rooms: 10

Corridors: 5

Staircases: 2

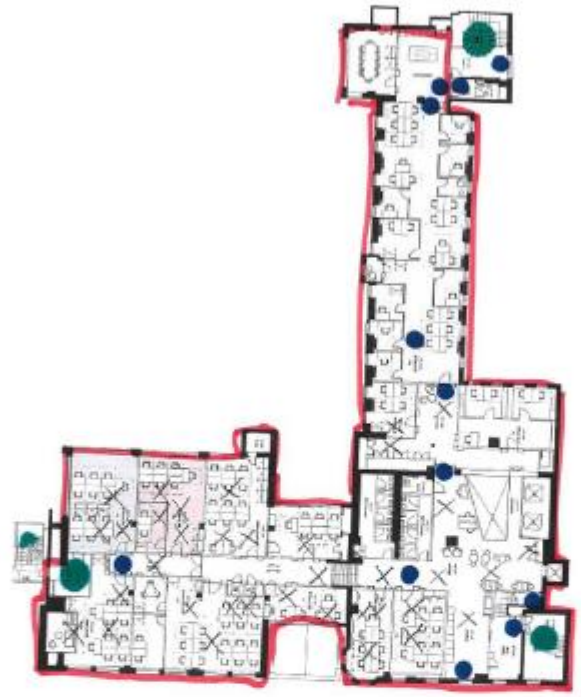
Other: 1

WIMPOLE STREET

TOG

THE OFFICE GROUP

X: EMERGENCY LIGHTS
 ●: FIRE EXIT
 ●: FIRE EXIT STORAGE



TOG
 THE OFFICE GROUP

WIMPOLE STREET
 WIMPOLE STREET

FOURTH FLOOR

DATE: 01/01/2017
 BY: [Name]
 FOR: [Name]

REVISIONS

| NO. | DATE | DESCRIPTION |
|-----|------------|-------------------------|
| 1 | 01/01/2017 | ISSUED FOR CONSTRUCTION |

NOTES

1. All work to be carried out in accordance with the Building Regulations 2010.
2. All work to be carried out in accordance with the relevant British Standards.
3. All work to be carried out in accordance with the relevant Health and Safety legislation.
4. All work to be carried out in accordance with the relevant Environmental legislation.
5. All work to be carried out in accordance with the relevant Planning legislation.
6. All work to be carried out in accordance with the relevant Fire Safety legislation.
7. All work to be carried out in accordance with the relevant Access to Neighbourhood Act legislation.
8. All work to be carried out in accordance with the relevant Equality legislation.
9. All work to be carried out in accordance with the relevant Data Protection legislation.
10. All work to be carried out in accordance with the relevant Freedom of Information legislation.
11. All work to be carried out in accordance with the relevant Anti-Bribery legislation.
12. All work to be carried out in accordance with the relevant Anti-Money Laundering legislation.
13. All work to be carried out in accordance with the relevant Anti-Terrorism legislation.
14. All work to be carried out in accordance with the relevant Anti-Corruption legislation.
15. All work to be carried out in accordance with the relevant Anti-Fraud legislation.
16. All work to be carried out in accordance with the relevant Anti-Trust legislation.
17. All work to be carried out in accordance with the relevant Anti-Competition legislation.
18. All work to be carried out in accordance with the relevant Anti-Cybercrime legislation.
19. All work to be carried out in accordance with the relevant Anti-Identity Theft legislation.
20. All work to be carried out in accordance with the relevant Anti-Social Behaviour legislation.
21. All work to be carried out in accordance with the relevant Anti-Child Abuse legislation.
22. All work to be carried out in accordance with the relevant Anti-Child Protection legislation.
23. All work to be carried out in accordance with the relevant Anti-Child Labour legislation.
24. All work to be carried out in accordance with the relevant Anti-Child Marriage legislation.
25. All work to be carried out in accordance with the relevant Anti-Child Trafficking legislation.
26. All work to be carried out in accordance with the relevant Anti-Child Exploitation legislation.
27. All work to be carried out in accordance with the relevant Anti-Child Abuse Prevention legislation.
28. All work to be carried out in accordance with the relevant Anti-Child Protection Legislation.
29. All work to be carried out in accordance with the relevant Anti-Child Labour Legislation.
30. All work to be carried out in accordance with the relevant Anti-Child Marriage Legislation.
31. All work to be carried out in accordance with the relevant Anti-Child Trafficking Legislation.
32. All work to be carried out in accordance with the relevant Anti-Child Exploitation Legislation.
33. All work to be carried out in accordance with the relevant Anti-Child Abuse Prevention Legislation.
34. All work to be carried out in accordance with the relevant Anti-Child Protection Legislation.
35. All work to be carried out in accordance with the relevant Anti-Child Labour Legislation.
36. All work to be carried out in accordance with the relevant Anti-Child Marriage Legislation.
37. All work to be carried out in accordance with the relevant Anti-Child Trafficking Legislation.
38. All work to be carried out in accordance with the relevant Anti-Child Exploitation Legislation.
39. All work to be carried out in accordance with the relevant Anti-Child Abuse Prevention Legislation.
40. All work to be carried out in accordance with the relevant Anti-Child Protection Legislation.
41. All work to be carried out in accordance with the relevant Anti-Child Labour Legislation.
42. All work to be carried out in accordance with the relevant Anti-Child Marriage Legislation.
43. All work to be carried out in accordance with the relevant Anti-Child Trafficking Legislation.
44. All work to be carried out in accordance with the relevant Anti-Child Exploitation Legislation.
45. All work to be carried out in accordance with the relevant Anti-Child Abuse Prevention Legislation.
46. All work to be carried out in accordance with the relevant Anti-Child Protection Legislation.
47. All work to be carried out in accordance with the relevant Anti-Child Labour Legislation.
48. All work to be carried out in accordance with the relevant Anti-Child Marriage Legislation.
49. All work to be carried out in accordance with the relevant Anti-Child Trafficking Legislation.
50. All work to be carried out in accordance with the relevant Anti-Child Exploitation Legislation.



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

Schedule 12
Part B

Premises licence
summary

WARD: Marylebone High
Street
UPRN: 100023465302

Regulation 33, 34

Premises licence number:

22/02131/LIPN

Part 1 – Premises details

Postal address of premises:

The Office Group
91 Wimpole Street
London
W1G 0EF

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Sale by Retail of Alcohol

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

Sale by Retail of Alcohol

Monday to Saturday:

10:00 to 23:00

Sunday:

12:00 to 23:00

The opening hours of the premises:

Monday to Sunday:

00:00 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:

The Office Group Properties Limited
The Smiths Building
179 Great Portland Street
London
W1w 5PL

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

07355616

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

Name: Mr Anthony Dylan Murray

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

Restricted

Date: 4 August 2022

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

Licence & Appeal History

| Application | Details of Application | Date Determined | Decision |
|--------------------|--|----------------------------|------------------------------------|
| 22/02131/LIPN | Copy of Premises Licence in Appendix 3 | 16 th June 2022 | Granted at Licensing Sub-Committee |

There is no appeal history

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

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

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

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

Conditions: On Current Licence -

Mandatory:

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

or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

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

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

premises in a capacity that which enables him to prevent the supply of alcohol.

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

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

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

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

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

Where -

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

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

Annex 2 – Conditions consistent with the operating Schedule

None

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

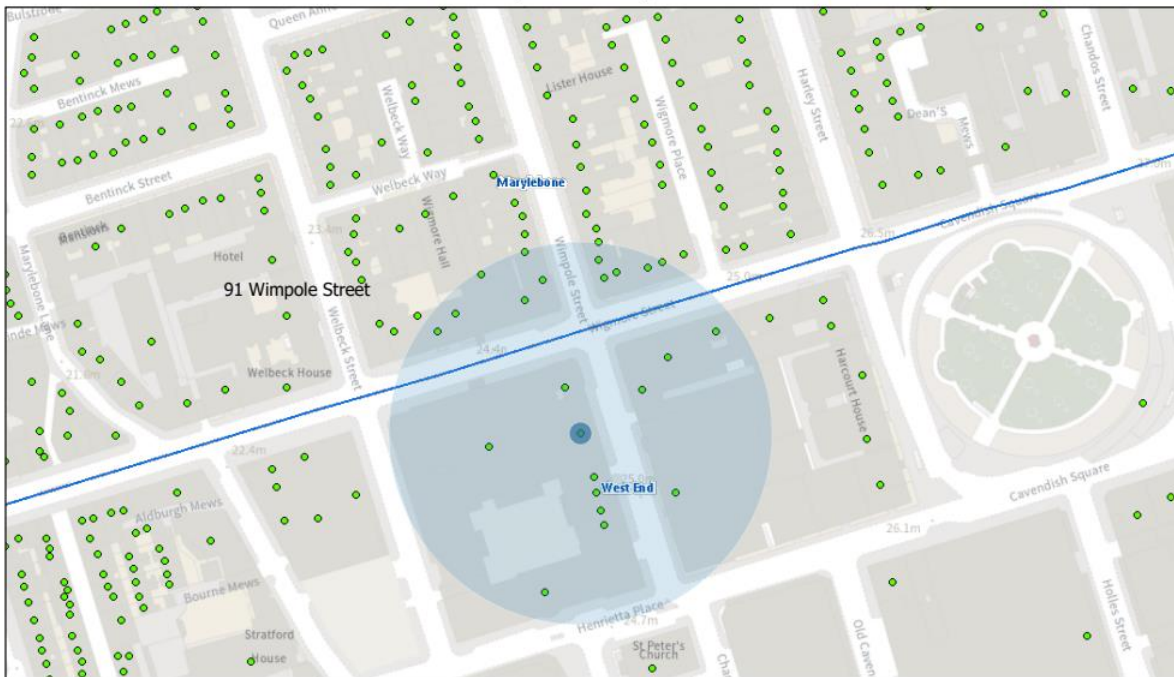
9. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
10. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
11. All exit doors shall be available at all material times without the use of a key, code, card or similar means.
12. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.
13. No deliveries to the premises shall take place between 23.00 and 07.00 hours on the following day.
14. 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.
15. 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.
16. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
17. Occupiers permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
18. The supply of alcohol shall only be to employees at the premises, their bona fide guests, or persons attending a private pre booked function.
19. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as offices.
20. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) any complaints received concerning crime and disorder
 - (c) any incidents of disorder
 - (d) any faults in the CCTV system or searching equipment or scanning equipment
 - (e) any refusal of the sale of alcohol
 - (f) any visit by a relevant authority or emergency service.

21. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the
 - a. premises where the only acceptable forms of identification are recognised
 - b. photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
22. There shall be no advertisement of the licensed facilities outside of the premises
23. Non-intoxicating beverages shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises
24. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.
25. There shall be no more than 40 events where licensable activity takes place per calendar year.
26. There shall be no consumption of alcohol after 23:00 hours.

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

27. The sale and supply of alcohol for consumption off the premises shall be restricted to alcohol consumed on the 4th floor roof terrace only as shown on the licence plan.
28. There shall be no sales of alcohol for consumption off the premises after 22.00 hours.
29. The speakers on the roof terrace shall only be permitted to provide background music only.
30. The number of persons permitted on the roof terrace at any one-time (excluding staff) shall not exceed (X) persons.

91 Wimpole Street, London



08/09/2022, 09:48:58

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

1:1,654
0 0.01 0.03 0.05 mi
Abbott, Karyn: WCC (kabbott@westminster.gov)

Resident Count = 45

| Licensed premises within 75 metres of 91 Wimpole Street, London | | | | |
|--|------------------------------|--|--|---|
| Licence Number | Trading Name | Address | Premises Type | Time Period |
| 22/02131/LIPN | The Office Group | 91 Wimpole Street London W1G 0EF | Office | Monday to Sunday; 00:00 - 00:00 |
| 21/07173/LIPDPS | Be At One | 94 Wimpole Street London W1G 0EH | Pub or pub restaurant with lodge | Sunday; 12:00 - 00:00 Monday to Wednesday; 10:00 - 00:30 Thursday to Saturday; 10:00 - 01:30 |
| 06/10842/WCCMAP | Royal Society Of Medicine | Royal Society Of Medicine 1 Wimpole Street London W1G 0AE | Office | Sunday; 12:00 - 23:00 Monday to Saturday; 10:00 - 23:30 |
| 11/05080/LIPN | CB Richard Ellis | 8 Henrietta Place London W1G 0NB | Office | Monday to Sunday; 00:00 - 00:00 |
| 06/11118/WCCMAP | The Wigmore Hall Trust | 36 Wigmore Street London W1U 2BP | Miscellaneous | Sunday; 10:00 - 23:00 Monday to Saturday; 10:00 - 23:30 |

This page is intentionally left blank



City of Westminster

Licensing Sub-Committee Report

| | |
|--------------------|--|
| Item No: | |
| Date: | 22 September 2022 |
| Licensing Ref No: | 22/07037/LIPN - New Premises Licence |
| Title of Report: | Basement And Ground Floor 173 Wardour Street London W1F 8WT |
| 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: | Kevin Jackaman Senior Licensing Officer |

| | | | |
|-----------------------------------|--|------------------------------------|----------|
| 1. | Application | | |
| 1-A | Applicant and premises | | |
| Application Type: | New Premises Licence, Licensing Act 2003 | | |
| Application received date: | 20 July 2022 | | |
| Applicant: | Herocompany Limited | | |
| Premises: | Live True London | | |
| Premises address: | Basement And Ground Floor 173 Wardour Street London W1F 8WT | Ward: | West End |
| | | Cumulative Impact Area: | West End |
| | | Special Consideration Zone: | None |
| Premises description: | According to the application form the premises intend to trade as a high end hair and beauty saloon. | | |
| Premises licence history: | There is no premises licence history in respect of the premises however the premises does have the benefit of a special treatment licence. | | |
| Applicant submissions: | Submissions from applicant providing further details of the premises intend to operate appear at appendix 2. | | |
| Applicant amendments: | The applicant has agreed further conditions as set out in appendix 4. | | |

| | | | | | | | |
|---|---|-------------|------------|---------------------------------|------------|------------|------------|
| 1-B | Proposed licensable activities and hours | | | | | | |
| Sale by retail of alcohol | | | | On or off sales or both: | | | On only |
| Day: | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
| Start: | 09:00 | 09:00 | 09:00 | 09:00 | 09:00 | 09:00 | 09:00 |
| End: | 21:00 | 21:00 | 21:00 | 21:00 | 21:00 | 21:00 | 21:00 |
| Seasonal variations/ Non-standard timings: | | None | | | | | |

| | | | | | | | |
|---|------------|-------------|------------|-------------|------------|------------|------------|
| Hours premises are open to the public | | | | | | | |
| Day: | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
| Start: | 09:0 | 09:00 | 09:00 | 09:00 | 09:00 | 09:00 | 09:00 |
| End: | 21:00 | 21:00 | 21:00 | 21:00 | 21:00 | 21:00 | 21:00 |
| Seasonal variations/ Non-standard timings: | | None | | | | | |
| Adult Entertainment: | | None | | | | | |

| | |
|--|--|
| 2. | Representations |
| 2-A | Responsible Authorities |
| Responsible Authority: | Environmental Health |
| Representative: | Maxwell Koduah |
| Received: | 09 August 2022 (Withdrawn 13 September 2022)- |
| <p>I refer to the application for a new Premises Licence number for the above-mentioned premises. The premises is located within the West End Cumulative Impact Area. I have considered the information that you have provided within and accompanying this application. I have also considered the application in line with the relevant policies within the Council's Statement of Licensing Policy dated October 2021.</p> <p>The applicant is seeking to supply alcohol for consumption on the premises Monday to Sunday 09:00 – 21:00 hours</p> <p>Following consideration of the application and how it may affect the Licensing Objectives and meeting the requirements of the Council's Statement of Licensing Policy I wish to make the following representations:</p> <p>The supply of alcohol and the hours requested to supply alcohol may have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the area</p> <p>As presented, the application would have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the area</p> <p>Following the agreement of two further conditions, Environmental Health withdrew their representation on 13 September 2022. The agreed conditions appear at appendix 4.</p> | |
| Responsible Authority: | Licensing Authority |
| Representative: | Jessica Donovan |
| Received: | 17 August 2022 (withdrawn 09 September 2022) |
| <p>Dear Sirs</p> <p>I write in relation to the application submitted for a new premises licence for Basement And Ground Floor, 173 Wardour Street, London, W1F 8WT.</p> <p>As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011, the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the four Licensing Objectives:</p> <ul style="list-style-type: none"> • Public Nuisance • Prevention of Crime & Disorder • Public Safety • Protection of children from harm <p>The application seeks the following:</p> | |

Sale by Retail of alcohol (On sales)

Monday to Sunday 09:00 to 21:00

Hours premises are open to the public

Monday to Sunday 09:00 to 21:00

The premises are located within the West End Cumulative Impact Zone and as such various policy points must be considered, namely CIP1, HRS1 & SHP1.

Policy SHP1 states:

B. Applications for a shop inside the West End Cumulative Impact Zone will be considered on their own merits and subject to:

1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.
2. The hours for licensable activities are within the council's Core Hours Policy HRS1.
3. The operation of any delivery services for alcohol meeting the council's Ancillary Alcohol and/or Latenight Refreshment Delivery Service Policy DEL1.
4. The applicant having demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone.
5. The application and operation of the venue meeting the definition of a shop in Clause C.

C. For the purposes of this policy:

1. A shop is defined as a stall, vehicle, vessel, temporary structure, building or part of a stall, vehicle, vessel, temporary structure or building where the primary activity is the sale of goods or services to customers upon payment.
2. The licensable activities for the sale of alcohol for consumption on the premises, regulated entertainment and/or late night refreshment must be ancillary to the primary use of the premises as a shop.
3. The licensable activity of the sale of alcohol for consumption off the premises must be an ancillary function to the primary use of the premises unless that primary use is to sell alcohol for consumption off the premises, e.g. a traditional off licence.

The Licensing Authority note that the application falls within Westminster's core hours for shops:

The core hours for shops are:

Monday to Thursday: 9am to 11.30pm.

Friday and Saturday: 9am to Midnight.

Sunday: 9am to 10.30pm.

Sundays immediately prior to a bank holiday: 9am to Midnight.

The Licensing Authority would like the applicant to provide further submissions as to how the premises is to be operated and controlled, specifically how the alcohol will be served i.e. by waiter/waitress service or will the premises operate by way of a bar.

The Licensing Authority would encourage the applicant to consider an amended version of Westminster's model condition 39 as below:

MC39: The supply of alcohol shall be by waiter or waitress service to persons seated only.

The Licensing Authority note that the Environmental Health Service have proposed a number of conditions including the following ancillary condition below:

'The licensable activities authorised by this licence and provided at the premises shall be ancillary to the primary function of the premises as beauty and hair salon.'

Please can the applicant confirm their stance on these conditions to allow the Licensing Authority to assess any further relevant policy considerations.

The Licensing Authority require the applicant to provide submissions as to how the operation of the premises will not add to cumulative impact in the West End cumulative impact zone, in accordance with policy CIP1.

The Licensing Authority looks forward to receiving further submissions from the applicant in due course.

Please accept this as a formal representation.

Following the agreement of two further conditions, the Licensing Authority withdrew their representation on 09 September 2022. The agreed conditions appear at appendix 4.

| 2-B Other Persons | |
|--|---|
| Name: | Soho Society |
| Address and/or Residents Association: | Saint Anne's Tower 55 Dean Street London W1D 6AF |
| Received: | 12 August 2022 (withdrawn 02 September 2022) |
| <p>We write to make a relevant representation to the above application on behalf of The Soho Society.</p> <p>The Soho Society objects to this application as currently presented on the grounds of the prevention of crime and disorder, prevention of public nuisance, and cumulative impact in the West End Cumulative Impact Area.</p> <p>About The Soho Society</p> <p>The Soho Society is a charitable company limited by guarantee established in 1972. The Society is a recognised amenity group and was formed to make Soho a better place to live, work or visit by preserving and enhancing the area's existing diversity of character and uses, and by improving its facilities, amenities and environment.</p> <p>Application summary</p> <p>New Premises Licence Hair salon and beauty services.</p> <p>Supply of alcohol: Monday - Sunday: 09:00 - 21:00</p> <p>Opening hours: Monday - Sunday 09:00 - 21:00</p> <p>The Soho Society's Concerns</p> <p>We are writing in support of the representation made by Ms. Monkouse who is concerned with the addition of another licensed premises in this area, and the potential noise nuisance these premises will generate in addition to the noise nuisance she currently experiences from the existing licensed premises which surround her home. This is an application for a new alcohol licence in the West End Cumulative Impact Zone, we are concerned that it will fail to promote the licensing objectives of the prevention of crime and disorder and public nuisance</p> <p>We will however withdraw our objection if the applicant agrees to the following conditions,</p> <ol style="list-style-type: none">1. <i>'Alcohol may only be sold to and consumed on the premises by patrons using the facilities in relation to and ancillary to hairdressing and other cosmetic services purchased at the salon.'</i>2. <i>'Licence intended for use by Live True and to be surrendered when they leave the premises.'</i> <p>The Licensing Objectives</p> <p>The Statement of Licensing Policy 2021 or Section 182 Guidance does not provide for any cir-</p> | |

cumstance, including exceptional or otherwise, which would permit an application to be granted if the licensing objectives were harmed. We now consider the impact of this application on these objectives.

Prevention of Crime and Disorder - CD1

Under this Policy the criteria applied is, *'whether the premises make or will make a significant contribution to levels of crime and disorder, and whether the operating schedule is based on an adequate risk assessment, undertaken by the applicant, which takes account of all the relevant considerations below to reduce the likelihood of crime and disorder occurring as a result of the grant of the application.'*

The recently published Cumulative Impact Assessment 2020 presents overwhelming evidence of the year on year increase in cumulative impact in the West End Zone 1, **it highlights the rate of crime as 10 - 13 times higher between 6pm - 6am compared to the borough average.** It goes on to detail the number and types of crimes in the West End,

• **Public realm crimes:** (serious violence, robberies, theft and drug offences), alcohol-related callouts incidents, anti-social behaviour and demands on services were prevalent in Westminster between 2017 and 2019, among the highest in London and the country. All incidents observed concentrated in the West End many occurring in the evening and at night as well as weekends.

Total incident type 2017-2019:

- Drug Offences Night: **1529** (proportion of Borough's incidents **40%**)
- Robberies Night: **2237 (33%)**
- Theft and Handling Night: **24,407 (33%)**
- Serious violent crimes Night: **795 (31%)**
- Ambulance call outs to locations of licensed premises: **5353 (22%)**
- Noise Complaints Night: **1389 (16%)**
- Anti-Social behaviour MPS: **9662 (16%)**
- Anti-Social behaviour on transport Night: **592 (13%)**
- Reactive Waste Management: **6630 (10%)**

Total = 52,594

• **Data description of incidents in 2017-2019** found all incident categories observed varied both in space and time. Many occurred in the evening and at night and on weekends when alcohol related activities typically peak. Incidents were primarily concentrated in the West End where licensed premises are disproportionately concentrated.

• **Robberies:** clustered within the West End, Charing Cross, Oxford Street in the evening and night.

• **Serious violent crimes:** recorded between **6pm and 6am** concentrated overwhelmingly in the West End.

• **Drug related crimes:** Westminster recorded the highest volume of drug offences of any borough between 2017-2019. Half of crimes were reported (48%) in the evening and night time. Drug related crimes between **6pm - 6am** were significantly clustered in and around the West End to varying degrees.

• **Theft and Handling:** the most common crime type in the borough and in the evening and night this is particularly concentrated in the West End and along Oxford Street.

These premises are situated in the heart of the food and beverage / entertainment area, the area is a known hotspot for crime and disorder, the current statistics for the *top crime streets in Soho shows a total of 1,827 crimes; Wardour Street being the third highest.

Top Streets all crime –1st Nov 21 – 28th Feb 22

| | | | |
|---------------------------|-----|-----------------------|----|
| GREEK STREET | 239 | GOLDEN SQUARE | 14 |
| OLD COMPTON STREET | 231 | ARCHER STREET | 14 |
| WARDOUR STREET | 138 | GREAT PULTENEY STREET | 14 |
| SHAFTESBURY AVENUE | 117 | GLASSHOUSE STREET | 13 |
| DEAN STREET | 105 | SOHO STREET | 13 |
| CARNABY STREET | 99 | LEXINGTON STREET | 13 |
| GREAT MARLBOROUGH STREET | 75 | GOSLETT YARD | 12 |
| FRITH STREET | 70 | SOHO PLACE | 12 |
| SOHO SQUARE | 60 | NEWBURGH STREET | 11 |
| BREWER STREET | 58 | PETER STREET | 11 |
| BATEMAN STREET | 44 | CARLISLE STREET | 10 |
| GREAT WINDMILL STREET | 45 | ROMILLY STREET | 9 |
| KINGLY STREET | 41 | KINGLY COURT | 9 |
| BROADWICK STREET | 37 | CAMBRIDGE CIRCUS | 9 |
| CHARING CROSS ROAD | 36 | D'ARBLAY STREET | 8 |
| BERWICK STREET | 35 | MARSHALL STREET | 8 |
| GANTON STREET | 32 | HAM YARD | 7 |
| BEAK STREET | 29 | RAMILLIES STREET | 7 |
| POLAND STREET | 24 | DUPOURS PLACE | 6 |
| MANETTE STREET | 24 | WALKER'S COURT | 6 |
| MOOR STREET | 23 | WEARD STREET | 6 |
| RUPERT STREET | 18 | WARWICK STREET | 5 |
| LITTLE MARLBOROUGH STREET | 17 | FOURBERT'S PLACE | 5 |
| INGESTRE PLACE | 15 | NOEL STREET | 5 |

Comparing the top reported crimes from *November 2021 - February 2022 to pre- COVID times highlights the number of serious and violent crimes are on the increase;

Violence against the person serious wounding: 32 up 78% (18 pre - COVID)

Violence against the person assault with injury: 59 up 31% (45 pre-COVID)

Violence against the person common assault: 70 up 18% (59 pre-COVID)

Drugs possession: 115 up 79% (64 pre-COVID)

Sexual offences: 34 up 70% (20 pre-COVID)

* Data provided by the Metropolitan Police; Soho Neighbourhood Ward Panel, March 2022

For residents living in Soho the findings of the Cumulative Impact Assessment and the recent crime figures are unsurprising. Soho transforms in the evening and night time into an area which feels very unsafe and where levels of crime and disorder are high. As evidenced above, criminal activity associated with the large number of venues and the numbers of people on the streets results in high levels of serious crime.

This area has a high level of reported crime, the probability of people leaving these premises and becoming victims of crime are high.

Prevention of Public Nuisance Policy PN1

Under this Policy the criteria applied states, '*the potential for nuisance associated with the style, character-istics and activities of the business to be carried on at the premises and the potential steps which could be taken to reduce the risk of a nuisance occurring. This will particularly apply in areas of residential accom-modation and where there is residential accommodation in the proximity of the premises.*'

Residents living in this area already suffer from high levels of noise and disturbance during the evening, this presents in the form of noise nuisance from the large number of people drinking on the streets and those queuing to enter premises. If this application is successful it has the potential to increase the levels of noise nuisance and disturbance to residents.

In summary

The application proposes a new alcohol licence within the West End Cumulative Impact Zone, we are concerned that if granted this application will fail to promote the licensing objectives and increase cumulative impact.

Following the agreement of two further conditions, the interested party withdrew their representation on 02 September 2022. The agreed conditions appear at appendix 4.

| | |
|--|--|
| Name: | [REDACTED] |
| Address and/or Residents Association: | [REDACTED] [REDACTED] [REDACTED] |
| Received: | 11 August 2022 |

D'Arblay St suffers from a proliferation of street drinking, linked partly to new alcohol licenses created in the past few years and partly due to lack of control of existing licensed premises. The noise and ASB have had a considerable detrimental effect on residents and non F&B businesses on the street. If this new licence were to be granted, could it please have conditions - firstly so that it is tied to the present operator, and secondly so that it is explicitly for customers inside the premises and not outside on the bench or the street. Could this be worded: 'Licence intended for use by Live True and to be surrendered when they leave the premises.

| | |
|--|--|
| 3. | Policy & Guidance |
| The following policies within the City Of Westminster Statement of Licensing Policy apply: | |
| Policy HSR1 applies | <p>A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:</p> <ol style="list-style-type: none"> 1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm. 2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation. 3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed. 4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises. 5. The proposed hours when any music, including incidental music, will be played. 6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises. 7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity. 8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at |

| | |
|--------------------------------------|--|
| | <p>night.</p> <p>9. The capacity of the premises.</p> <p>10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation.</p> <p>11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.</p> <p>12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.</p> <p>13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.</p> <p>14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.</p> <p>C. For the purpose of Clauses A and B above, the Core Hours for applications for each premises use type as defined within this policy are:</p> <p>10a. Shops (all licensable activities that are provided as ancillary to the primary use of the premises as a shop except the off sale of alcohol) Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to Midnight. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to Midnight. 10b. Shops (off-sales of alcohol where it forms either the ancillary or primary use of the premises) Monday to Saturday: 8am to 11pm. Sunday: 9am to 10.30pm.</p> <p>D. Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.</p> <p>E. For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement.</p> |
| <p>Policy SHP1(B) applies</p> | <p>B. Applications for a shop inside the West End Cumulative Impact Zone will be considered on their own merits and subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities are within the council's Core Hours Policy HRS1. 3. The operation of any delivery services for alcohol meeting the council's Ancillary Alcohol and/or Latenight Refreshment Delivery Service Policy DEL1. 4. The applicant having demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone. 5. The application and operation of the venue meeting the definition of a shop in Clause C. <p>C. For the purposes of this policy:</p> |

| | |
|--|--|
| | <p>1. A shop is defined as a stall, vehicle, vessel, temporary structure, building or part of a stall, vehicle, vessel, temporary structure or building where the primary activity is the sale of goods or services to customers upon payment.</p> <p>2. The licensable activities for the sale of alcohol for consumption on the premises, regulated entertainment and/or late night refreshment must be ancillary to the primary use of the premises as a shop.</p> <p>3. The licensable activity of the sale of alcohol for consumption off the premises must be an ancillary function to the primary use of the premises unless that primary use is to sell alcohol for consumption off the premises, e.g. a traditional off licence</p> |
|--|--|

4. Equality Implications

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

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

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

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

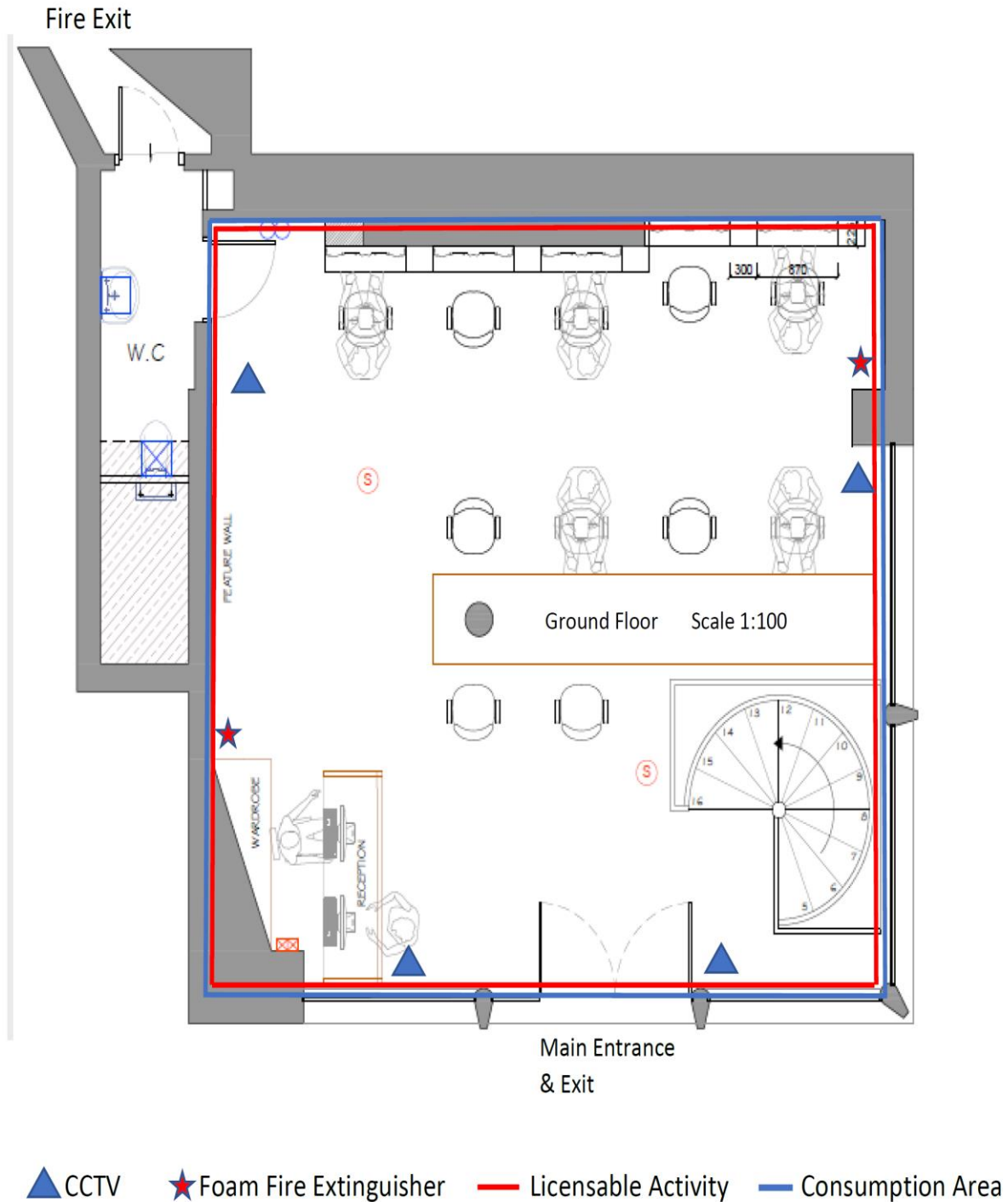
| | |
|-----------------------|---|
| Report author: | Kevin Jackaman Senior Licensing Officer |
| Contact: | Telephone: 0207 641 6500 Email: kjackaman@westminster.gov.uk |

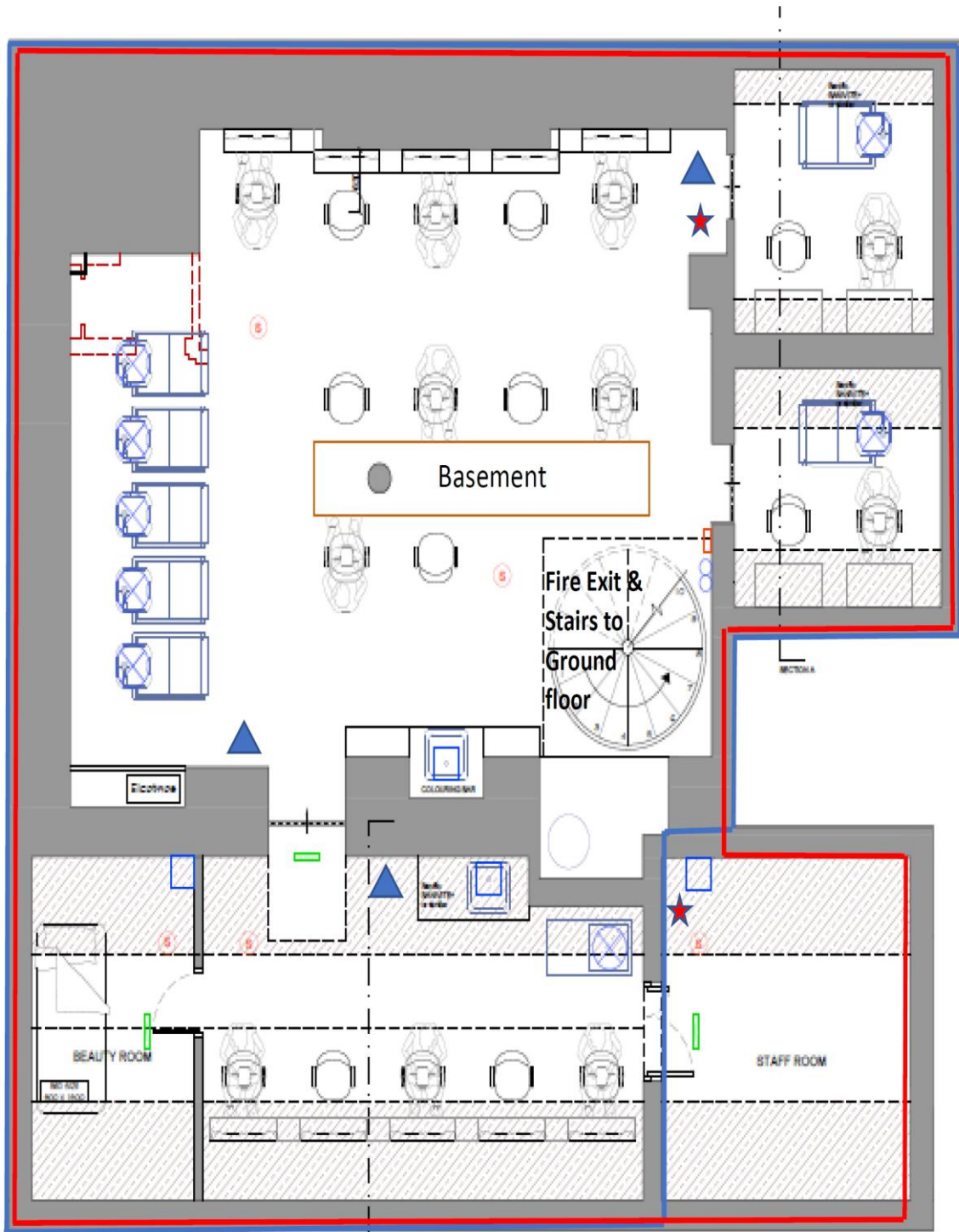
If you have any queries about this report or wish to inspect one of the background papers please contact the report author.

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

| | | |
|----------|---|--|
| 1 | Licensing Act 2003 | N/A |
| 2 | City of Westminster Statement of Licensing Policy | 01 October 2021 |
| 3 | Amended Guidance issued under section 182 of the Licensing Act 2003 | April 2018 |
| 4 | Environmental Health Representation | 09 August 2022 (withdrawn 13 September 2022) |
| 5 | Licensing Authority representation | 17 August 2022 (withdrawn 09 September 2022) |
| 6 | Interested Party representation (1) | 12 August 2022 (withdrawn 02 September 2022) |
| 7 | Interested Party representation (2) | 11 August 2022 |

Live True London. 173 Wardour Street, Soho, London. W1F 8WT





General Description of Live True London

The Live True London Soho hair salon is at 173 Wardour Street a short walk from Oxford Street. They offer a full and high-end range of hair and beauty services. They are one important part of an independent, award-winning salon group. They have featured in household name publications such as Vanity Fair, Elle, OK and Hello magazines and were Finalists for the British Hairdressing Business Awards 2022.

This application seeks to enhance the existing business offer by providing alcoholic beverages to the discerning customers who use the salon. The current primary use of these premises will not change if this application is granted. This service will be discrete, and the applicant will not advertise outside of the premises that alcohol is available. Customers who come into the salon, once seated, will be offered a menu from which they can choose their drink, should they want one. This service is additional to the light refreshments already on offer in this established venue.

The drinks menu will consist of champagnes and fine wines, being offered primarily by the glass and occasionally by the bottle, together with cocktails by the glass, all of which will ideally complement this high-end salon service experience. A small selection of craft beers and lagers by the bottle will be stocked for male clientele.

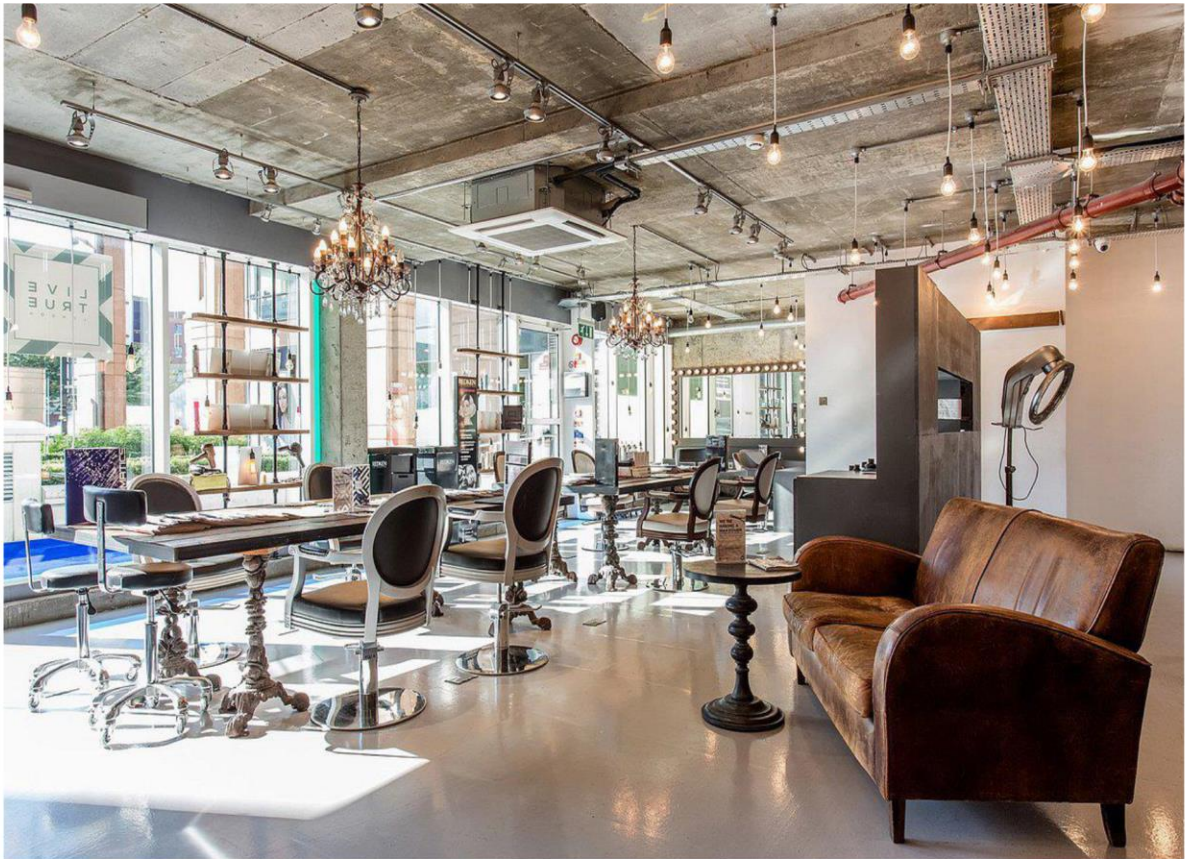
Authority for On Sales only is sought between the hours of 09.00 and 21.00 daily which broadly reflects the opening hours of the salon and is well within the Core Hours Policy of the Licensing Authority [HRS1 in SoLP p63 para 10(a)].

The current primary use of the publicly accessible areas of these premises will not change either, as the alcohol will be stored in a locked cabinet in the staff room/kitchen area out of public view, and will be served from there to the seated customer following any order.

This application, if granted, will not add to Cumulative Impact, as neither opened nor unopened bottles will ever leave the premises, and therefore alcoholic products from these premises will not enter the public space. These premises will not attract alcohol dependent people, as they do not seek the salon's services per se, and will not stock the products that attract them. Additionally street-drinkers will not be welcome at these premises as they do not fit with the current business model or target clientele avatar. There is no provision for outside consumption either. The sale and service of alcohol will be undertaken and actively policed by receptionist staff and the salon manager, who will be trained to serve alcohol to clients, so maintaining full control the operation.

The other important policies contained within the Westminster City Council Statement of Licensing Policy [i.e. CD1, PS1, PN1 and CH1] are all addressed in the attendant raft of proposed Licensing Conditions, and consequently this application will not undermine any of the Licensing Objectives. We stress that no facility for off sales, home delivery service, late night refreshment or regulated entertainment are applied for, and therefore the proposed sale of alcohol facility is de minimis.

The Premises Licence Holder will be HEROCOMPANY LIMITED Company Number 12838253 – incorporated on 26th August 2020 - Registered Office, 2e Accountants, Unit 11, Flamingo Court, 81 Crampton Street, London, United Kingdom, SE17 3BF. The Designated Premises Supervisor will be Valeriy MAINE, herself a member of the senior management team and a Director of the company.



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. (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.
10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
11. A record shall be kept detailing all refused provisions of alcohol. The record should include the date and time of the refusal and the name of the member of staff who refused the provision. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
12. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system, searching equipment or scanning equipment
 - (g) any refusal of the provision of alcohol
 - (h) any visit by a relevant authority or emergency service.
13. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
14. Patrons permitted to temporarily leave and then re-enter the premises, e.g., to smoke or make a phone call, shall not be permitted to take alcohol with them.
15. 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.

Conditions proposed by Interested Party 1 and agreed by the applicant so as to form part of the operation schedule

16. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the primary function of the premises as beauty and hair salon

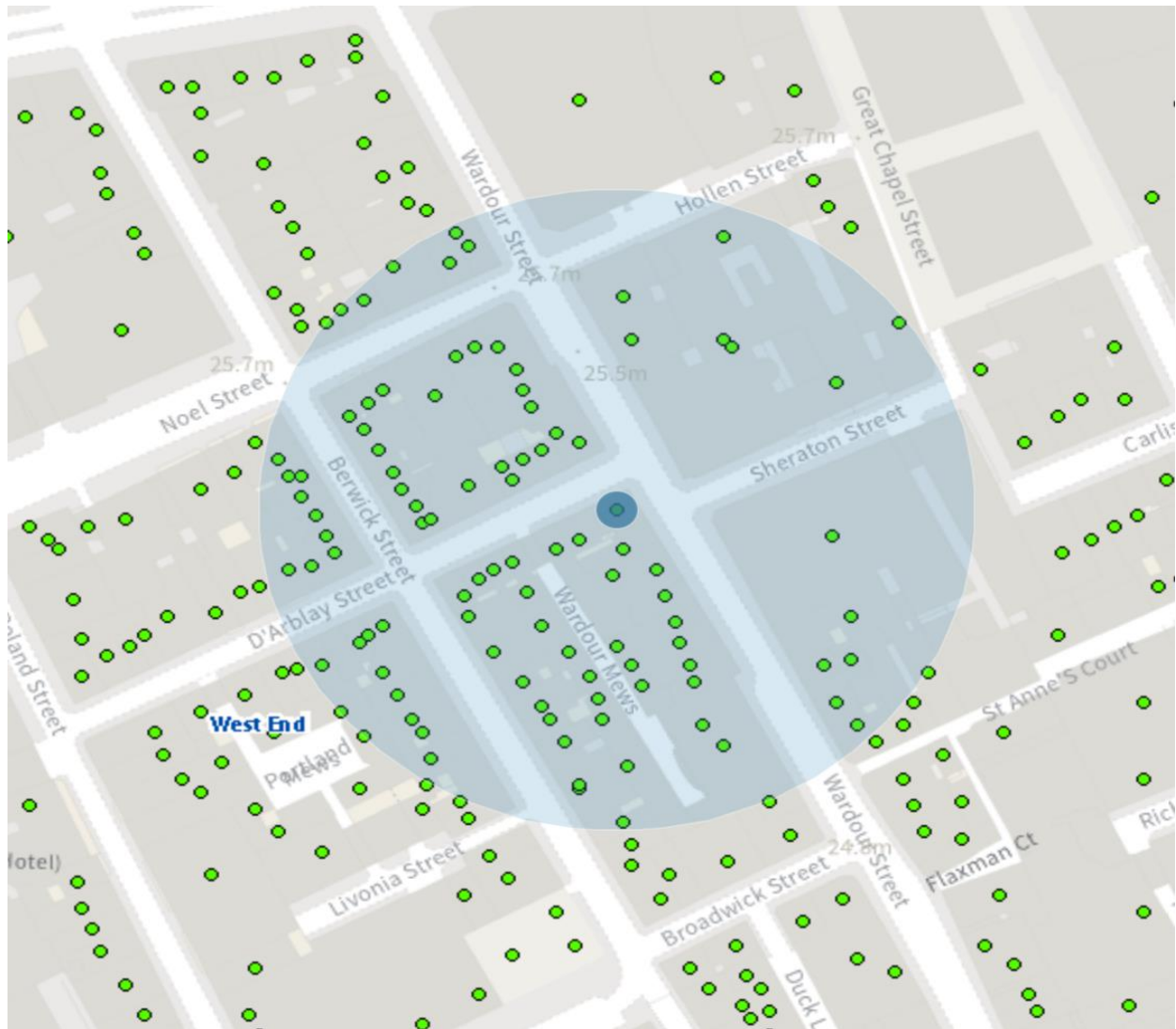
17. The Licence is for the use of Hero Company Ltd at Live True London and will be surrendered when these companies cease to trade at these premises

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

18. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke or make a phone call, shall not be permitted to take glass containers with them.

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

19. Alcohol may only be sold to and consumed by patrons and their bona fide guests attending the premises for, and ancillary to, hairdressing and beauty treatment
20. There shall be no self-service of alcohol
21. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance
22. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times
23. No deliveries of alcohol to the premises shall take place between 21.00 and 08.00 hours on the following day
24. The number of persons permitted in the basement of the premises (excluding staff) shall not exceed 20 persons
25. 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



Resident count: 52

| Licensed premises within 75m of 173 Wardour Street, London, W1 | | | | |
|---|---|--|---------------|---|
| Licence Number | Trading Name | Address | Premises Type | Time Period |
| 18/01923/LIPVM | Korkers (Basement) And Mustafas Thai Cottage (Ground Floor) | Ground Floor 34 D'Arblay Street London W1F 8EX | Not Recorded | Not Recorded; XXXX - XXXX |
| 22/02671/LIPDPS | The Breakfast Club | 33 D'Arblay Street London W1F 8EU | Cafe | Sunday; 09:00 - 22:30 Monday to Saturday; 09:00 - 23:00 |
| 19/13733/LIPDPS | Imli Ltd | 167 - 169 Wardour Street London W1F | Restaurant | Sunday; 08:00 - 00:00 Monday to Saturday; 08:00 - 01:00 |

| | | | | |
|-----------------|-------------------------|--|--------------------------------|---|
| | | 8WR | | |
| 18/03839/LIPDPS | The George Public House | 1 D'Arblay Street London W1F 8DG | Public house or pub restaurant | Sunday; 12:00 - 23:00 Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30 |
| 21/05012/LIPDPS | Pho | 163 - 165 Wardour Street London W1F 8WN | Restaurant | Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30 |
| 10/01916/LIPT | St Moritz | 161 Wardour Street London W1F 8WJ | Restaurant | Monday to Sunday; 09:00 - 03:30 |
| 19/11988/LIPCH | Tommi's Burger Joint | 37 Berwick Street London W1F 8RS | Not Recorded | Sunday; 10:00 - 23:00 Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30 |
| 18/11501/LIPN | Not Recorded | 36 Berwick Street London W1F 8RR | Not Recorded | Sunday; 07:30 - 22:30 Monday to Saturday; 07:30 - 22:30 |
| 21/05452/LIPN | Toi Moi | 38 Berwick Street London W1F 8RT | Cafe | Monday to Sunday; 07:30 - 22:00 |
| 19/02746/LIPDPS | Chipotle Mexican Grill | 183 - 185 Wardour Street London W1F 8ZA | Restaurant | Sunday; 11:30 - 23:00 Monday to Saturday; 10:00 - 23:30 |
| 20/00364/LIPDPS | Chipotle Mexican Grill | 183 - 185 Wardour Street London W1F 8ZA | Restaurant | Sunday; 11:30 - 23:00 Monday to Saturday; 10:00 - 23:30 |
| 19/10000/LIPN | Not Recorded | Basement And Ground Floor 27 Noel Street London W1F 8GZ | Cafe | Friday; 11:00 - 21:00 Monday to Thursday; 11:00 - 20:30 Saturday to Sunday; 11:00 - 20:30 |
| 16/02387/LIPDPS | The Melt Room | 26 Noel Street London W1F 8GY | Restaurant | Saturday; 11:00 - 21:00 Sunday; 11:00 - 21:00 Monday to Friday; 08:30 - 21:00 |

| | | | | |
|----------------|---------------|---|--------------|---|
| 21/14549/LIPCH | WeWork Soho | Medius House 2 Sheraton Street London W1F 8BH | Office | Monday to Sunday; 14:00 - 23:00 |
| 08/03322/LIPV | Inamo | 136 Wardour Street London W1F 8ZS | Restaurant | Sunday; 12:00 - 22:30 Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sundays before Bank Holidays; 12:00 - 00:00 |
| 19/07324/LIPT | Not Recorded | 147 - 149 Wardour Street London W1F 8WD | Not Recorded | Sunday; 07:30 - 23:00 Monday to Saturday; 07:00 - 00:00 |
| 18/06968/LIPT | Conko | 72 Berwick Street London W1F 8TD | Restaurant | Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30 |
| 20/04508/LIPN | Not Recorded | 28 D'Arblay Street London W1F 8EW | Not Recorded | Sunday; 10:00 - 23:30 Monday to Saturday; 08:00 - 23:00 |
| 21/05520/LIPN | Fadiga | Basement And Ground Floor 71 Berwick Street London W1F 8TB | Restaurant | Sunday; 11:00 - 22:30 Monday to Thursday; 11:00 - 23:30 Friday to Saturday; 11:00 - 00:00 |
| 14/06333/LIPN | Enrique Tomas | 132 Wardour Street London W1F 8ZW | Restaurant | Sunday; 12:00 - 22:30 Monday to Saturday; 10:00 - 22:30 |
| 14/00062/LIPVM | Blanchette | Basement And Ground Floor 9 D'Arblay Street London W1F 8DR | Cafe | Sunday; 12:00 - 23:00 Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30 Monday to Saturday; 10:00 - 23:30 |
| 19/04604/LIPN | Not Recorded | 77 Berwick Street London W1F 8TH | Restaurant | Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30 |

| | | | | |
|-----------------|-----------------------------------|--|------------|---|
| 19/01200/LIPDPS | Maharani Restaurant | 77 Berwick Street London W1F 8TH | Restaurant | Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30 |
| 11/09937/LIPVM | Copita | 27 D'Arblay Street London W1F 8EN | Restaurant | Sunday; 12:00 - 23:00 Monday to Saturday; 10:00 - 23:30 |
| 22/03766/LIPVM | BRGR | Ground Floor 187 Wardour Street London W1F 8ZB | 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 Sunday; 12:00 - 00:00 |
| 21/14479/LIPDPS | AMICI | Basement 187 Wardour Street London W1F 8ZB | Restaurant | Sunday; 12:00 - 23:00 Monday to Thursday; 11:00 - 00:00 Friday to Saturday; 11:00 - 00:30 |
| 21/07812/LIPDPS | Ceru | Ground Floor 10-11 D'Arblay Street London W1F 8DT | Restaurant | Monday to Sunday; 12:00 - 23:30 |
| 21/07838/LIPVM | Vasco Piero's Pavilion Restaurant | Ground Floor 10-11 D'Arblay Street London W1F 8DT | Restaurant | Monday; 12:00 - 23:30 Tuesday; 12:00 - 23:30 Wednesday; 12:00 - 23:30 Thursday; 12:00 - 23:30 Friday; 12:00 - 23:30 Saturday; 12:00 - 23:30 Sunday; 12:00 - 23:30 |
| 18/05695/LIPN | Not Recorded | Basement And Ground Floor 189 Wardour Street London W1F 8ZD | Restaurant | Saturday; 12:00 - 22:00 Sunday; 12:00 - 20:00 Monday to Wednesday; 12:00 - 22:00 Thursday to Friday; 12:00 - 23:00 |

| | | | | |
|----------------|---------------------|---|------------|---|
| 21/14545/LIPCH | WeWork Great Chapel | Sheraton House 14 - 19 Great Chapel Street London W1F 8FW | Restaurant | Monday to Sunday; 00:00 - 00:00 |
| 21/12112/LIPV | Scarlett Green | Ground Floor 2 - 4 Noel Street London W1F 8GB | Cafe | Monday; 08:00 - 00:00 Tuesday; 08:00 - 00:00 Wednesday; 08:00 - 00:00 Thursday; 08:00 - 00:00 Friday; 08:00 - 00:30 Saturday; 08:00 - 00:30 Sunday; 08:00 - 23:00 Sundays before Bank Holidays; 08:00 - 00:30 |

This page is intentionally left blank



City of Westminster

Licensing Sub-Committee Report

| | |
|--------------------|--|
| Item No: | |
| Date: | 22 September 2022 |
| Licensing Ref No: | 22/06977/LIPN - New Premises Licence |
| Title of Report: | Visconti Of Westminster 1 Marsham Court Marsham Street London SW1P 4JY |
| Report of: | Director of Public Protection and Licensing |
| Wards involved: | Vincent Square |
| Policy context: | City of Westminster Statement of Licensing Policy |
| Financial summary: | None |
| Report Author: | Kevin Jackaman Senior Licensing Officer |

| | | | |
|-----------------------------------|---|------------------------------------|----------------|
| 1. | Application | | |
| 1-A | Applicant and premises | | |
| Application Type: | New Premises Licence, Licensing Act 2003 | | |
| Application received date: | 19 July 2022 | | |
| Applicant: | Visconti Of Westminster Restaurant Ltd | | |
| Premises: | Visconti Of Westminster | | |
| Premises address: | 1 Marsham Court Marsham Street London SW1P 4JY | Ward: | Vincent Square |
| | | Cumulative Impact Area: | None |
| | | Special Consideration Zone: | None |
| Premises description: | According to the application form, the premises intend to trade as an Italian restaurant and bar formally trading as Shepherds of Westminster restaurant | | |
| Premises licence history: | The premises held a premises licence from October 2005 until the licence lapsed in March 2021 when the licence lapsed due to the insolvency of the premises licence holder | | |
| Applicant submissions: | None | | |
| Applicant amendments: | <p>During consultation the applicant has reduced the hours applied for from: Late night refreshment: 23:00 to 00:30 Monday to Saturday and 23:00 to 00:00 Sunday Sale by retail of alcohol: 10:00 to 00:00 Monday to Thursday. To Westminster's core hours as set out at section 1-B below</p> <p>The applicant has also agreed conditions with The Metropolitan Police as set out in appendix 4</p> | | |

| | | | | | | | |
|---|---|-------------|------------|----------------------------------|------------|------------|------------|
| 1-B | Proposed licensable activities and hours | | | | | | |
| Late Night Refreshment: | | | | Indoors, outdoors or both | | | Indoors |
| Day: | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
| Start: | 10:00 | 10:00 | 10:00 | 10:00 | 10:00 | 10:00 | 12:00 |
| End: | 23:30 | 23:30 | 23:30 | 23:30 | 00:00 | 00:00 | 22:30 |
| Seasonal variations/ Non-standard timings: | | | None | | | | |

| | | | | | | | |
|---|------------|-------------|----------------------------|---------------------------------|------------|------------|------------|
| Sale by retail of alcohol | | | | On or off sales or both: | | | Both |
| Day: | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
| Start: | 10:00 | 10:00 | 10:00 | 10:00 | 10:00 | 10:00 | 12:00 |
| End: | 23:30 | 23:30 | 23:30 | 23:30 | 00:00 | 00:00 | 22:30 |
| Seasonal variations/ Non-standard timings: | | | New Year's Eve until 02:00 | | | | |

| Hours premises are open to the public | | | | | | | |
|---|-------|----------------------------|-------|-------|-------|-------|-------|
| Day: | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
| Start: | 10:00 | 10:00 | 10:00 | 10:00 | 10:00 | 10:00 | 12:00 |
| End: | 00:30 | 00:30 | 00:30 | 00:30 | 00:30 | 00:30 | 00:00 |
| Seasonal variations/ Non-standard timings: | | New Year's Eve until 02:00 | | | | | |
| Adult Entertainment: | | None | | | | | |

| | |
|---|--------------------------------|
| 2. | Representations |
| 2-A | Responsible Authorities |
| Responsible Authority: | Metropolitan Police Service |
| Representative: | Dave Morgan |
| Received: | 09 August 2022 |
| <p>With reference to the above, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, are objecting to this application as it is our belief that if granted, the application would undermine the Licensing Objectives, namely the Prevention of Crime and Disorder and the Protection of Children from Harm.</p> <p>The hours that you have applied for are beyond Westminster's Core Hours Policy and I feel that there is insufficient information contained within the application form to promote the Licensing Objectives.</p> <p>The hours sought are: Late Night Refreshment (LNR) Monday to Saturday: 2300 – 0030 Sunday: 2300 – 0000</p> <p>Sale of Alcohol (on & off) Monday to Saturday: 1000 – 0000 Sunday: 1200 - 2230</p> <p>These hours, are beyond those of Westminster's Core Hours Policy, which for Restaurants are: Monday to Thursday: 0900 – 1130 Friday to Saturday: 0900 – 0000 Sunday: 0900 – 2230</p> <p>I would therefore encourage that the applicant reduces the hours applied for on Monday to Thursdays and Sundays back to core hours, or to provide me with further details outlining what measures will be in place to show how the venue will not add to any cumulative impact in the area.</p> <p>Also, to move forward, I have attached to this email, a list of conditions that the Police would like to see added to the licence should it be granted. These will be in addition to any other conditions that may be sent by the other Responsible Authorities such as the Environmental Health.</p> <p>Please have a read through and let me know if you are happy to agree to the conditions or feel free to contact me should you wish to discuss them further.</p> | |

| | |
|-------------------------------|----------------------|
| Responsible Authority: | Environmental Health |
| Representative: | Dave Nevitt |
| Received: | 16 August 2022 |

I wish to make Representations on the following grounds:
Representation is made in relation to the application, as the proposals are likely to increase the risk of Public Nuisance and may impact upon Public Safety

| | |
|------------|----------------------|
| 2-B | Other Persons |
|------------|----------------------|

| | |
|--|--|
| Name: | [REDACTED] |
| Address and/or Residents Association: | [REDACTED] [REDACTED] [REDACTED] [REDACTED] |
| Received: | 05 August 2022 |

Further to reading the notification of a new premises licence application under the Licensing Act 2003 by Visconti of Westminster Restaurant Ltd I should like to make the following representations.

My [REDACTED] such that I am likely to be able to hear late night activity in my residential accommodation should the licenses be extended in respect of late-night refreshment or alcohol. I am bound by the terms of my residential lease which state that I must make no noise between the hours of 11pm and 8am. The restaurant is surrounded by residential flats which function on the same basis.

If the restaurant are able to serve customers until 00.30 or 00.00 on Sunday it would mean the staff would still be on the premises for some time afterwards clearing up and potentially making noise. The same applies to the hours proposed in respect of alcohol headed Seasonal Details: Christmas and New Year's Eve Mon to Sat and these seem unnecessarily long. I doubt there will be much demand to consume alcohol as early as 10am -12 noon. These hours are contrary to the terms of the Counterpart Lease between Marsham Court Management Company Limited relating to the part ground floor, Marsham Court, Marsham Street, London SW1P 4LA dated 11 January 2019 which stipulate that the restaurant may occupy the premises from Monday to Saturday between 7.00 am and midnight and 8.00 am to midnight on Sundays and no later.

A comment was made in passing by someone who had been on the Management Company of Marsham Court in about 2018 to the effect that he thought the noise insulating layer had been stripped out of the ceiling in the rear of house (namely the kitchen) but not reinstated when the restaurant underwent refurbishment at the end of 2014 after the lease changed hands.

I don't know whether the relevant licences have been applied for in the past but in practice since 2015 I noticed the restaurant premises suddenly started to generate a lot of noise and at anti-social times which were contrary to the terms of the residential leases. There was a noisy fan which used to be on until at least 00.30 at night. When I went out at about 8.30 pm yesterday evening I heard a similar loud fan noise coming from the vent just below the flat of my next door neighbour and the outbuilding which has a grill on it which does not close properly and needs to be held in place by a couple of bins propped up against it.

Generally the boundaries have been pushed and the noise has been happening for longer and longer regardless of the terms of leases. I can cite further examples and dates if required.

An example of a recent breach of term 19.1 of the Counterpart Lease to keep the Property including the canopies in good and substantial repair and condition occurred on Friday 18 February 2022 there were gales and I was told to work from home. When I was having lunch I saw the wind lift one of the corrugated plastic panels from the canopy "fixed" to the rear of the building just below my flat, propel it through the air and hit one of the windows of the block opposite before disappearing out of sight into the thoroughfare of the gated area of that block. There is still a gap where it was. The canopy which is left is caked in a brownish film with cigarette butts littering it in places.

One weekend when the present restaurateur was doing some building work on the premises (from memory Saturday 28 May 2022) which was causing quite a lot of noise with no advance warning in breach of term 23.1(c) of the Counterpart Lease, I happened to go outside and noticed a couple of men standing beside a van in the main road outside my side of the block who looked as though they may have been loading and unloading items from the van into the restaurant premises. If they had they would also have been in breach of term 23.2 of the Counterpart Lease which says deliveries have to be made to the rear accessway. As I understand it as of 20 June 2014 no weekend building work can be carried out in the building.





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

| | |
|-------------------------------|---|
| | expected to be covered by Temporary Event Notices or variation applications. |
| Policy RNT1(A) applies | <p>A. Applications outside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities being within the council's Core Hours Policy HRS1. 3. The operation of any delivery services for alcohol and/or late-night refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1. 4. The applicant has taken account of the Special Consideration Zones Policy SCZ1 if the premises are located within a designated zone. 5. The application and operation of the venue meeting the definition of a restaurant as per Clause C. <p>C. For the purposes of this policy a restaurant is defined as:</p> <ol style="list-style-type: none"> 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. 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. 3. Which do not provide any takeaway service of food and/or drink for immediate consumption, except if provided via an ancillary delivery service to customers at their residential or workplace address. 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. 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. |

4. Equality Implications

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

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

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

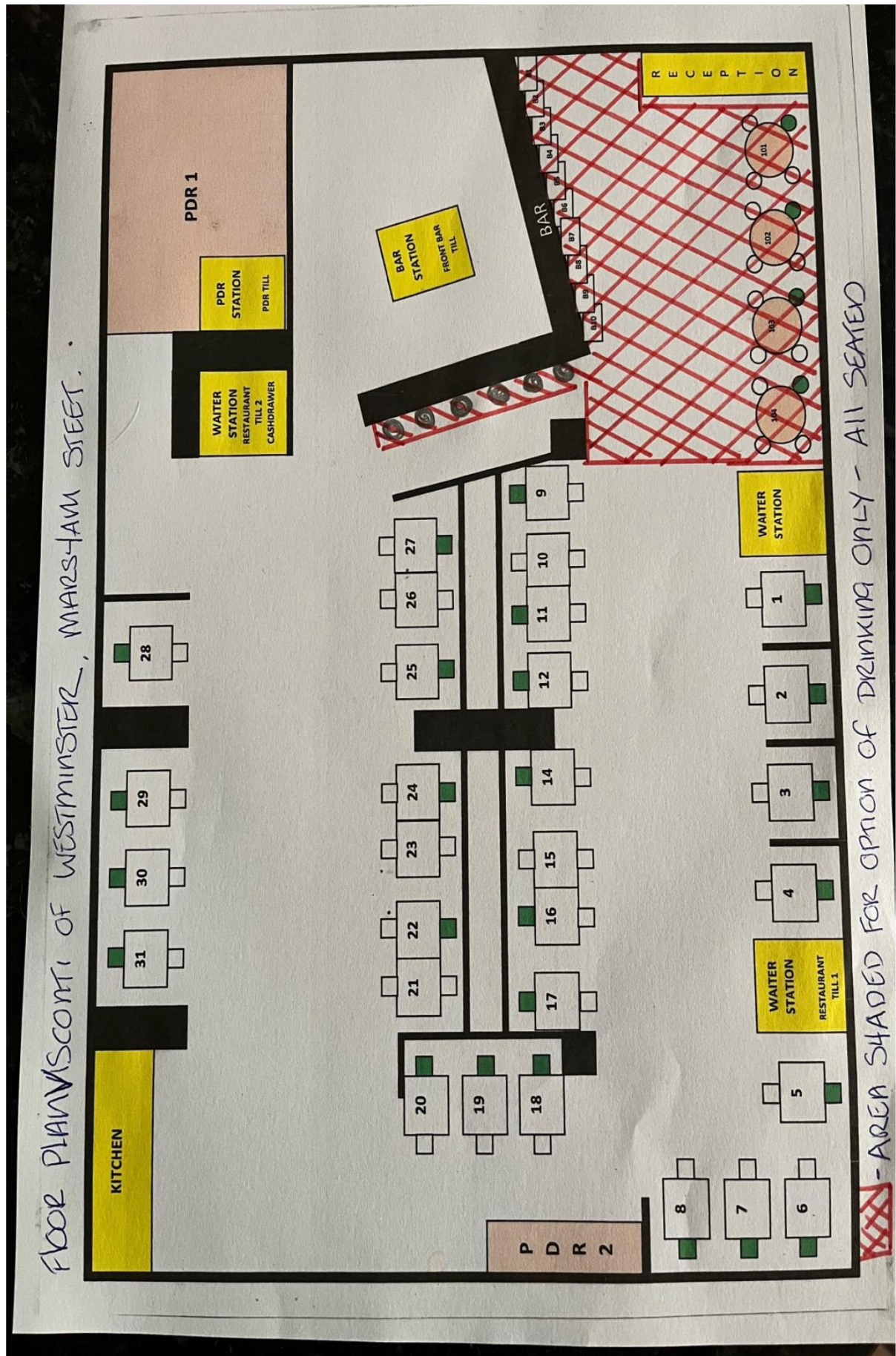
| | |
|-------------------|--|
| 5. | Appendices |
| Appendix 1 | Premises plans |
| Appendix 2 | Applicant supporting documents |
| Appendix 3 | Interested Party supporting documents |
| Appendix 4 | Premises history |
| Appendix 5 | Proposed conditions |
| Appendix 6 | Residential map and list of premises in the vicinity |

| | |
|-----------------------|---|
| Report author: | Kevin Jackaman Senior Licensing Officer |
| Contact: | Telephone: 0207 641 6500 Email: kjackaman@westminster.gov.uk |

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

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

| | | |
|----------|---|-----------------|
| 1 | Licensing Act 2003 | N/A |
| 2 | City of Westminster Statement of Licensing Policy | 01 October 2021 |
| 3 | Amended Guidance issued under section 182 of the Licensing Act 2003 | April 2018 |
| 4 | Metropolitan Police Service | 09 August 2022 |
| 5 | Environmental Health | 16 August 2022 |
| 6 | Interested party representation | 05 August 2022 |



Mediation letter

Visconti Restaurant
Marsham Court
Marsham Street
Westminster
London
SW1P 4LA
21st Aug 2022

Dear [REDACTED]

Licence application ref 22/06977/LIPN for restaurant premises Marsham Court, Marsham Street, SW1P 4LA

Thankyou for your comments regarding our premises licence application for the restaurant below your flat at Marsham court. I would like to assure you that we would like to work with you as our neighbour with any concerns you have with the opening of the restaurant.

I will go through the points you raised and answer the best I can.

We are new to the area and unsure of the usual flow of business to the restaurant will look like, so took the decision to mirror the previous licence of the former Shepherd's restaurant that previously occupied the building. After initial correspondence with the police this will more than likely be cut to standard hours in keeping with the local area. We were not really looking to open late as such but just have some leeway if there was a particular event on or special occasion.

When we first made enquiries about the property, we were told it had sound insulation installed. As the refurbishment was before our time, in fact several years ago I can only go on what information was received at the time from the estate agent.

I believe the fan has been fitted with a silence system which should reduce noise levels and as the kitchen wouldn't be cooking that late, the fan will more than likely be switched off earlier than before. As you only heard the fan when you went outside this is good but will get someone to look at the grill you mentioned.

The canopy that went missing in the gale in February we can get replaced, as I am sure you can appreciate, we had no knowledge of it, as it occurred several months before we took over and unaware part of it had flew off. We will get this replaced in the near future.

The only building work we needed to do was to sand the floor which has now been done so you should not be troubled by this kind of disturbance in future and apologies for any inconvenience you felt at the time.

All people who deliver to us have now been informed that they should only do this by the rear door of the premises.

If you have any further questions, please do not hesitate to contact me at any time

Yours sincerely

Vittorio Di Gregorio

Documents on which I rely in respect of Licensing Sub-Committee Hearing 22/06977/LIPN on 22 Sept 2022

From: [REDACTED]. A resident (owner/leaseholder of flat [REDACTED] [REDACTED]).

1. My representations in relation to Visconti of Westminster Restaurant Ltd's application for New Premises Licence 22/06977/LIPN including 2 photos. Representations included examples of breaches of the terms of the Counterpart Lease between Marsham Court Management Company Ltd and Shepherd's Restaurants Limited I had disclosed to me dated 11.1.19.
2. Chains of email correspondence arising as a result of the representations between me and Mary Pring Licensing Officer and Kevin Jackaman Licensing Officer. These include photos supplied by the restaurateur of the repaired perspex canopy and air vent, both outside my flat together with his written response to my representations and his proposed solutions including Police Conditions.
3. Emails from [REDACTED] (a leaseholder in the block) concerning the suspended ceiling installed in the restaurant premises when renovated in late 2014 which was conducting noise into his flat and had to be adapted. I have been told by the restaurateur there is a currently a suspended ceiling in the restaurant kitchen beneath my flat. There has been a dramatic increase in noise levels in my flat since the renovations in 2014.
4. The Law: City of Westminster Statement of Licensing Policy, Licensing Act 2003, Oct 2021 Prevention of Public Nuisance Policy PN1, pp 32-35, the Core Hours policy, pp 62-63, HRS51, pp 64-68, Ancillary Policies DEL1, pp 114-118, Licence Conditions and Enforcement, p 122 and Appendix 11: Guidance on Noise, pp 151-156.

The latest Licensing Handbook 2003-Councillor's handbook (England and Wales) particularly the Environmental Health and the Representations and Licence Conditions sections near the end (link: <https://www.local.gov.uk/publications/licensing-act-2003-councillors-handbook-england-and-wales-0>).

Email 22 August 2022

Dear [REDACTED],

On 5 August 2022 you submitted an objection to the above mentioned application for a new premises licence. The consultation period ended on 16 August 2022 and the licensing authority now has a duty to mediate between applicants and objectors to hopefully come to an agreement so the matter does not have to proceed to a Licensing Sub-Committee hearing for determination.

A redacted copy of your objection (removing your home and email address) was forwarded to the applicant and they have requested that we attach their response to you, laying out actions already taken, to allay your concerns. You may wish to contact the applicant directly and are at liberty to do so. Please can you respond to me as to whether or not you will be upholding or withdrawing your objection to the application.

Kind regards,
Mary

Mary Pring
Senior Licensing Officer

Email 24 August 2022

Dear Ms Pring

22/06977/LIPN

This is to acknowledge receipt of your email dated 22 August and for kindly mediating between the applicant namely Visconti of Westminster and myself, for which I am grateful. Whilst I appreciate Visconti say they wish to work with me as a neighbour with my concerns, the points of contention remain that (i) my recollection is that the extended opening times applied for are not referred to in the previous licence document I read a couple of weeks ago; (ii) the restaurant are non-committal as to whether they would stick to the opening times in the lease; (iii) their assertion that the restaurant premises has sound insulation is non-specific and does not address whether it is installed in the area of the premises beneath my flat namely the kitchen and they base their understanding on what they were told initially by the estate agent not what may have come to light subsequently. If it is the estate agent who was marketing the premises at the end of 2019 I had never heard of them before so they may not have had an intimate knowledge of the premises and the renovations which were undertaken in 2014.

In light of the above, therefore, I do not wish to withdraw my objection but uphold it. I need to make further enquiries about the insulation position and when I receive them I will contact you and the restaurant again. With regard to the loose panel on the canopy and the ill-fitting cover on the outhouse which accommodates the noisy air intake or outtake apparatus I consider an appropriate approach would be to set a deadline of the end of September 2022 by which time I would expect the former to have been secured and cleaned up and the latter to acquire a secure cover which fits, doesn't rattle and contains the noise of the fan inside it as well as steps taken to tone down the noise the fan itself makes so that it cannot be heard from inside Marsham Court.

Yours sincerely

[REDACTED]

Email 25 August 2022

Dear [REDACTED],

Thank you for your prompt reply. I have forwarded the content to the applicant to give him the opportunity to repair the canopy, fan and cover and get back to me in regards to the insulation. I will keep you informed of any responses from him.

Kind regards,
Mary

Mary Pring
Senior Licensing Officer

Email 25 August 2022

Dear Ms Pring

Thank-you. I have put the former owner of the restaurant known as Shepherd's ([REDACTED]) which occupied the premises to proof about the ceiling insulation and am about to contact the then Chairman of the Management Company and the former Management Company member who told me nine months before the restaurant went out of business that the noise insulation had been taken out of the rear of restaurant at the time of the refurbishments in December 2014 without being reinstated. Were the necessary permissions sought/obtained for the work? From memory, I believe the Project Manager was called [REDACTED]. May I copy you into the communications or refer the persons to you?

Yours sincerely

[REDACTED]

Email 25 August 2022

[REDACTED],

Thank you for your email. The licensing service does not have access to planning history or any correspondence in regards to planning matters. The applicant is keen to discuss your issues with you and you may find speaking to them more helpful. The applicant is: Vittorio Di Gregorio vittoriodigregorio@hotmail.com and you may wish to contact him directly.

Regards,

Mary Pring
Senior Licensing Officer

Email 30 August 2022

Dear [REDACTED]

As part of the mediation process I forwarded your email, expressing your new concerns regarding the above matter to the applicant. The applicant has responded and it appears that every effort is, or is, being made to allay your concerns. In view of this please can you now advise if you wish to have further communication with the applicant, preferably face-to-face or by other verbal means, or if you wish to maintain your objection to the application. Your urgent response will be appreciated because a hearing date should be scheduled as soon as possible if you are not withdrawing your objection.

Kind regards,
Mary

Mary Pring
Senior Licensing Officer

From: Vittorio Di Gregorio <vittoriodigregorio@hotmail.com>
Sent: 29 August 2022 13:12
To: Pring, Mary: WCC <mpring@westminster.gov.uk>
Subject: Re: 22/06977/LIPN - Visconti Of Westminster, 1 Marsham Court, SW1

Dear Mary

Thank you for the letter forwarded from [REDACTED] in reply to our correspondence.

I am not sure what happens now, do we reply back to her or does this automatically go for a hearing/mediation ? This is obviously time sensitive as we need to open the restaurant as soon as possible. So, if this can be arranged at your earliest convenience that would be much appreciated.

We have now spoken with PC Dave Morgan and agreed on shorter hours in line with the local guidelines and are perfectly happy with this. [REDACTED] seems to be pre judging us with the tenants conduct from many years ago. I am not sure why she automatically assumes we won't work within the terms of the licence after agreeing it with the police.

I have attached the licence which I got the information from and other than new year's eve I believe it is similar to the one I originally submitted.

In regards to the estate agent and the sound proofing, they would surely have got their information from the landlord and not automatically misled us to get a sale as [REDACTED] implied.

I have looked at the kitchen which seems to have fitted a secondary ceiling which would give some degree of sound proofing. Within the cavity above this houses numerous electrical wires and pipework. Anything put inside there would hinder any necessary maintenance or repair work needed and possibly a fire hazard.

[REDACTED] flat is [REDACTED] but the soundproofing issues may be more to do with the fact that she doesn't have double glazing which would certainly cut down on noise.

The extraction fan is fitted with a silencer and we have tested for noise throughout Marsham court with the help of the head porter. We can confidently use the extractor on levels 1-3 without any noise problems.

We received a complaint from [REDACTED] several weeks ago stating that every time she switched the bedroom light on, she heard a washing machine come on. She believed this was coming from the restaurant. As we are not yet open no glass or pot washers are being used and we currently don't have a washing machine. We concluded it was the lift to Marsham Court.

I understand that [REDACTED] has enjoyed 3 and a half years without the restaurant below being open with Covid etc. But to buy a flat in a busy city like London above a restaurant and live in complete silence is not really realistic. She is certainly disappointed that we have moved in.

The work to the air vent has now been completed as is the canopy which was missing a panel. Please see attached photographs showing this.

If you could please advise on the next step and what we need to do to move this forward as quickly as possible. In the meantime, we will try to speak to [REDACTED] and see if she will engage in conversation . Many thanks for your help in this matter.

Yours Sincerely

Vittorio





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 both on and off the Premises.

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

Shepherds Restaurants Limited
Administration Department Langan's Brasserie
Stratton Street
Piccadilly
London
W1J 8LB

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

02806539

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

Name: Mr Brian Clivaz

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

Restricted

Date: 18th March 2013

Signed: pp
Operational Director - Premises Management



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

Schedule 12
Part B

WARD: Vincent Square
UPRN: 100023340094

Premises licence
summary

Regulation 33, 34

Premises licence number:

13/01030/LIPDPS

Part 1 – Premises details

Postal address of premises:

Shepherd's Restaurant
Marsham Street
London
SW1P 4LA

Telephone Number: 020 7468 2600

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

Pring, Mary: WCC <mpring@westminster.gov.uk>

Sent: 25 August 2022 08:47

To: vittoriogregorio@hotmail.com <vittoriogregorio@hotmail.com>

Subject: 22/06977/LIPN - Visconti Of Westminster, 1 Marsham Court, SW1

Dear Mr Di Gregorio,

I have received a response from the resident objector, [REDACTED], see below:

Dear Ms Pring

22/06977/LIPN

This is to acknowledge receipt of your email dated 22 August and for kindly mediating between the applicant namely Visconti of Westminster and myself, for which I am grateful. Whilst I appreciate Visconti say they wish to work with me as a neighbour with my concerns, the points of contention remain that (i) my recollection is that the extended opening times applied for are not referred to in the previous licence document I read a couple of weeks ago; (ii) the restaurant are non-committal as to whether they would stick to the opening times in the lease; (iii) their assertion that the restaurant premises has sound insulation is non-specific and does not address whether it is installed in the area of the premises beneath my flat namely the kitchen and they base their understanding on what they were told initially by the estate agent not what may have come to light subsequently. If it is the estate agent who was marketing the premises at the end of 2019 I had never heard of them before so they may not have had an intimate knowledge of the premises and the renovations which were undertaken in 2014.

In light of the above, therefore, I do not wish to withdraw my objection but uphold it. I need to make further enquiries about the insulation position and when I receive them I will contact you and the restaurant again. With regard to the loose panel on the canopy and the ill-fitting cover on the outhouse which accommodates the noisy air intake or outtake apparatus I consider an appropriate approach would be to set a deadline of the end of September 2022 by which time I would expect the former to have been secured and cleaned up and the latter to acquire a secure cover which fits, doesn't rattle and contains the noise of the fan inside it as well as steps taken to tone down the noise the fan itself makes so that it cannot be heard from inside Marsham Court.

Yours sincerely

[REDACTED]

Email 30 August 2022

Dear Ms Pring

Thanks for forwarding the latest correspondence. The matters I need to put Mr Di Gregorio to proof on are (i) evidence of the agreement with police to shorter opening hours in line with local guidelines; (ii) which is the extraction fan and was it fitted with a silencer on 4 Aug 2022? (iii) which is "the work on the air vent " which has "now been completed" and when was it completed? (iv) Please can he disclose the terms of Annex 1? The other observations I would make at this stage are that the licence dated 18 March 2013 does not appear to have been signed and I was not alleging bad faith on the part of the estate agent they took on the lease through but rather stating it was possible it may have been an agent who was new to the building and knew less about its history than some. I have attempted to contact the person who informed me about the insulation in the rear of house but have as yet heard no more from him.

Yours sincerely

[REDACTED]

Email 31 August 2022

Dear Ms Pring

Please can you clarify whether the terms not discussed from the copy of the previous licence emailed to me via you from Vittorio Di Gregorio are to be replicated in the New Premises Licence he has applied for? I had not realised the terms were so far-reaching with regard to the licensable activities the licence appears to authorise such as the extent of the private entertainment and the playing of recorded music? I will be in a position to arrange to attend the premises on say Friday to listen to the sounds of the equipment Vittorio Di Gregorio refers to.

Yours sincerely

██████████

Email 31 August 2022

Dear ██████████,

I refer to your email below and now advise that this application is being considered on its own merits and that Mr Di Gregorio has not applied for Private Entertainment or Playing of Recorded Music. I have spoken to Mrs Di Gregorio as her husband is hearing impaired and she assures me that only soft background music would be played, if at all.

The licensable hours for LNR and Sale of Alcohol have been agreed with the Police and have been amended to Restaurant Core Hours:

Late Night Refreshment:

Friday to Saturday: 23:00 to 00:00

Sale of Alcohol:

Monday to Thursday: 10:00 to 23:00

Friday to Saturday: 10:00 to 00:00

Sunday: 12:00 to 22:30

I have received confirmation from the applicant that remedial works to the extractor fan and chimney were carried out satisfactorily in 2020 and therefore should no longer be an issue. The applicant has gone to some considerable expense to upgrade the restaurant to a high standard (see attached photograph) and is eager to start trading. Please can you consider the steps taken to alleviate any inconvenience to you and advise if you will now withdraw your objection to the application.

Kind regards,
Mary

Mary Pring
Senior Licensing Officer



Email 31 August 2022

Dear Ms Pring

I am grateful that the unrestricted private entertainment is not being proceeded with and if the music is kept to a low level I hope I will not be able to hear it but my experience is that if someone is hard of hearing and they wish to listen to something they usually have to turn the volume up high to hear it. If the music is for the benefit of the restaurant's customers rather than the owner it does not necessarily mean it will always be on low. One of my concerns is that the previous purported licence referred to the playing of recorded music at unrestricted times as I used to be able to hear the sound of music playing at any time between about 4.30 am and 6.30 from about 2016 onwards.

If the serving or sale of alcohol is permitted up to midnight it means the premises won't be locked up and the staff won't leave until after that and I will be able to hear the noise. I find I can usually hear noise overnight on Fridays. A night porter reported that Mr Di Gregorio remained on the premises all night one night in the early days of taking on the lease. The pattern of Friday night tube strikes may mean staff linger on the premises for longer than they otherwise would. I was told that under the previous holders of the lease the last member of staff to go in on all nights of the week when the restaurant was open was the kitchen porter who used to enter at closing time and not leave until later, all of which activity I could hear.

Please can you clarify the position with regard to the times authorised for Christmas, New Year and Good Friday as stated in Annex 1 of the alleged previous licence?

Despite the work which was done in September 2020 when a part called a baffle plate was installed or replaced in one of the fan systems under the supervision of the surveyor to the block Gawen Cox it could be heard loudly on about 4 August 2022 when I became aware it was on and could hear it in my sitting room then even more loudly on the landing outside my flat and outside. Part of the problem as a night porter said is that the cover to the outhouse where the apparatus is kept did not fit so rattled and added to the noise, if you can confirm that is one of the adjustments that have been made? On that date the side cover was held in place by the bins which were propping it up. Noise at the level heard on about 4 August would also trouble the people in the council block opposite. It was them who were on the receiving end of the flying corrugated perspex panel which was lifted and propelled over the security fence by the wind and could have caused serious injury had anyone been in the line of fire. If the noise

levels have not improved since about 4 August there is no point in my coming to witness them again on Friday.

Yours sincerely

██████████

Email 1 September 2022

Dear Ms Pring

There was one more matter I would like you to clarify if possible, please. The Chairman of Marsham Court Management Company Limited said that in respect of its opening hours the restaurant need two items, a licence according to the Premises Act 2003 and a lease for premises. The opening hours that the restaurant can then operate is bounded by the latest opening time and earliest closing time in these two documents. Please can you confirm whether that is the correct position?

Many thanks

Yours sincerely

██████████

Email 2 September 2022

Dear Ms Pring

Further to my last email, having put the former board member of the Marsham Court Management Company Limited to proof on the comment he made in about 2018 about the soundproofing having been removed from the rear of house and left in the front I have elicited a response from him. He said the builder who undertook the refurbishment works to the restaurant premises when the lease changed hands in the second half of 2014, ██████████, told him that the method of constructing the suspended ceiling in the function room was the cause of sound transmission. I imagine this former Board member must have raised a complaint about an increase in noise in his own flat above it or nearby. The builder then arranged a different method of construction in respect of that ceiling and the noise disturbance came to an end.

His experience is similar to my own in that there was a sudden increase in the amount of noise the restaurant were generating after that refurbishment compared to before when the original restaurant had occupied the premises which, in my case, represented a material change of position. Mr Di Gregorio has stated that the restaurant kitchen below my flat had a suspended ceiling.

The previous Board member also thought the terms of the two leases (with MCMCL and with "planning consent)" should be in alignment to avoid penalties from either body and stressed the need to address the overriding needs of the residents' quiet enjoyment in a block in which they are bound by leases which preclude their making noise between the hours of 11pm and 8 am. He said the permitted hours in the lease (by which I assume he means that between the Board and the restaurant namely the Counterpart Lease) used to be in alignment with the residential leases and state that all activities associated with the running of the restaurant had to have stopped by the latest time stated namely 11 pm, a position which had been expressly stated by the MCMCL lawyers at the time.

Yours sincerely

██████████

Email 8 September 2022

Dear ██████████

I am preparing the Committee papers for this application.

I am not sure if you have been advised but the applicant has now reduced the closing hours applied for to Westminster core hours for restaurants (as set out below) and has agreed a number of additional conditions with the Metropolitan Police, a copy of which are attached together with a plan showing the area referred to in condition

Westminster core restaurant hours

Monday to Thursday: 23:30

Friday to Saturday: 00:00

Sunday: 0900 – 2230

The following conditions have also been proposed by the Council's Environmental Health Team

- 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.
- Loudspeakers shall not be located in the entrance lobby or outside the premises building.

If these additional measures have addressed your concerns and you wish to withdraw your representation at this stage, please could you confirm by email as soon as possible.

As you will be aware the application has been set for hearing by the licensing sub committee on 22nd September 2022 however if you are minded to withdraw your representation, I believe that the hearing could be dispensed with and the application granted under the Council's delegated authority.

I look forward to hearing from you.

Regards

Kevin Jackaman

Email 8 September 2022

Dear Mr Jackaman

Thanks for kindly forwarding these latest additional conditions. I am looking at them now and will let you know if I consider the hearing is no longer going to be necessary.

Yours sincerely

██████████

Email 9 September 2022

Dear Mr Jackaman

Yesterday afternoon (16.04 and 16.11) and this morning (about 11.30 and before that) I have been troubled by the loud sound of doors slamming below my flat also causing vibrations in my main room which is one of the noise nuisances which developed during the occupation of the previous tenants in the restaurant premises which fall under the remit of the Council's Environmental Health team so my concerns have not been allayed, unfortunately.

I consider that the issues need to progress to a hearing. The contentious issues include whether the suspended ceiling conducts noise rather than suppresses it because of the sudden escalation in the amount of noise being generated following the refurbishment in 2014-2015, whether the Chairman of the Marsham Court Management Co is correct to say the restaurant is bound by the latest opening time and earliest closing time in the combination of the New Premises Licence and the Counterpart Lease, whether the leases need to accord with the residential leases which prohibit noise after 11 pm as the former Management Co member stated, which was endorsed and enforced by the Management Co's lawyers in the past when the restaurant operated silently which was the position when I first bought my flat.

Am I at liberty to contact the restaurateur and the Management Company members/Managing Agent now the matter is progressing to a hearing? Can I request a test run of the air systems comprising the extractor and air vent on all three settings to assess the noise levels supervised by the surveyor to the block as occurred in 2020 after which time the restaurant did not take on the lease so the noise levels were never put to the test in practice. According to the headporter, the Air Vent was repaired following storm damage two weeks ago but it looks new and I have never seen it before. It sits literally immediately outside my flat. I last heard loud noise coming from an outhouse with a louvred side on it outside the block on about 4 August which was even louder on the landing outside my flat and outside. From memory, that was the area the tradesman was working on on a trial and error basis to try to quieten the air system down in 2020 when he installed a "baffle plate" to reduce the vibration.

Yours sincerely

██████████

Email 12 September 2022

Dear ██████████

Yes, it is acceptable for you to contact the applicant to discuss the issues you are experiencing.

Regards

Kevin Jackaman

Email 13 September 2022

Dear Mr Jackaman

Application Reference:22/06977/LIPN

I have been advised to check which environmental health officer is going to be inspecting the premises of Visconti of Westminster, 1 Marsham Court, Marsham Street, London SW1P 4JY if you have this information, or can supply the contact details of the relevant department please?

I am currently assembling the documents on which I intend to rely to forward to you by email by 12 noon.

Yours sincerely

██████████

Email 13 September 2022

Dear Kevin

Please find attached further documents in respect of the hearing on 22 Sept 2022. The first of these are emails from ██████████ the former Marsham Court Management Company board member who stood down in about 2017 whom I put to proof as to the effectiveness of the suspended ceiling at keeping out noise. He would be prepared to be called as a witness but could only make himself available after 4pm remotely by phone not Teams.

I have accessed the previous premises licences (not attached).

I have now had disclosed the new Licence to Underlet which supercedes the Counterpart Lease I founded part of my representations on. I will elaborate on this when I draft my skeleton argument having had sight of the report.

On the law, I draw on the following pages of the City of Westminster Statement of Licencing Policy-Prevention of Public Nuisance Policy PN1 at pp 32-35, the Core Hours policy at pp 62-63, HRS51 at pp 64-68, Ancillary Policies DEL1 at pp 114-118, Licence Conditions and Enforcement at p 122 and Appendix 11: Guidance on Noise at pp 151-156 (documents not attached).

I also rely on the latest Licencing Handbook 2003-Councillor's handbook (England and Wales) particularly the Representations and Licence Conditions sections (documents not attached).

Yours sincerely

██████████

Attachment

Dear ██████████

Thanks very much for your response. I have not been notified that connecting by phone will be an option but I can put it to the Licencing Officer and see what they say although the start time of the list will be 10 am. I doubt the hearings will still be ongoing by 4 pm. From my brief skim reading of the information you have just disclosed it appears to contradict your earlier statement that the suspended ceiling had the effect of conducting noise rather than deadening it but perhaps that was the unintended outcome. Can you remember what the replacement method of construction of the ceiling was or what adjustment was made which had the desired effect of cutting out the noise?

Kind regards

██████████

On Tue, 13 Sept 2022 at 05:05, ██████████ wrote:
██████████ - I am happy to be whatever help I can, but it will be limited.

I am well away from London so cannot attend any meetings. I can speak to people by phone but the internet is not reliable for video meetings. I am 3hrs ahead of UK time so am not available after, say, 4pm your time. My number [REDACTED] Let me know, with significant notice in advance, by text, please if anyone is going to be calling me.

By all means refer to my email, or the note I have just sent to you. I hope MCMCL have shared details of the restrictive conditions in the lease as that it seems to me will be foundational. You might also want to see if the HP has a log of noise disturbances that you could use.

Good luck.

[REDACTED] (from my iPad)

On 12 Sep 2022, at 21:35, [REDACTED] wrote:

Dear [REDACTED]

I hope you are still well. This is just to say the representations I made to the council in respect of the restaurant's Application for a New Premises Licence have triggered a Licensing Sub-Committee hearing and I wondered whether I could name you as the person who raised concerns about the suspended ceiling's inadequacy with regard to noise? I have just learned that I am allowed to call witnesses and wondered whether you might be prepared to attend in that capacity on 22 Sept at 10 am (remotely using Microsoft Teams or in person at Westminster City Hall, Victoria Street, but the case may not be called on until later) or permit me to disclose your email about the suspended ceiling in my bundle of documentation which has to be submitted by tomorrow?

I look forward to hearing from you as soon as possible.

Kind regards

[REDACTED]

On Thu, 1 Sept 2022 at 22:32, [REDACTED] wrote:

Dear [REDACTED]

Thank you very much for your prompt and helpful reply. I shall forward the points you make to the current Chairman of MCMCL and the council licensing department.

Kind regards

[REDACTED]

On Thu, 1 Sept 2022 at 05:04, [REDACTED] wrote:

[REDACTED] - we hope you are well. I am currently away so have not seen any post, nor details of any planning applications, nor had any experience of any restaurant activity since March 2020!

My recollection of the refurbishment is that [REDACTED] told me the method of constructing the suspended ceiling in the function room (i.e. NOT the main restaurant nor the kitchen or general offices) was the cause of sound transmission. He arranged a different method of construction and the sound disturbance certainly came to an end.

But I do not know if [REDACTED] arranged for any specialist sound insulation to be installed as well. Neither do I know whether anything different was done in the main restaurant or in the kitchen (though that seems unlikely given the hygiene and ventilation needs of a commercial kitchen).

But I am interested in the relationship between the restaurant lease with MCMCL and the restaurant planning consent. I would have thought they would need to run in tandem as for either to be out of step would lead to penalties - either from MCMCL if the terms of the lease were breached, or by the planning authority if the conditions of any consent were breached.

As I said I am away at present but my own view is that the restaurant owners are fully aware they are surrounded by residential properties and so need to address the overriding needs of residents for the quiet enjoyment of their property (in MC as well as other neighboring properties). For the residents of MC our leases have various conditions preventing us from causing disturbance to neighbors at any time, and an absolute prohibition on all noise between 11pm and 8 am. I hope similar constraints apply to the restaurant - anything less restrictive would be intolerable. So I agree any relaxation of either planning conditions, or lease conditions, need to be resisted (although most will accept there is a special case to be made for New Year and MCMCL did provide such a waiver for a number of years when requested by Shepherds).

One point to be aware of is that the restaurant lease used to define a time when all business should stop. It might have been 11pm (to align with the condition in all residential leases). The MCMCL lawyers, at the time, clarified that this lease condition was not the closing time for the restaurant but the time when all operations must be ended. So, whatever time the restaurant closed, all the customers and staff had to be gone by 11pm, any clearing up, furniture shifting, rubbish disposal, kitchen hygiene routines etc - everything had to be finished by the 11pm deadline. Anything outstanding would have to be done the next morning.

I think you should ask [REDACTED] for details of the lease conditions that currently apply, as the planning officers need to understand they cannot usefully consent to anything which is not permitted by the lease. Perhaps the MCMCL lawyers should be brought into play.

Hope this helps.

[REDACTED]
On 1 Sep 2022, at 02:59, [REDACTED] wrote:

Dear [REDACTED]

I hope you and your wife are well. This is to reiterate what I said in the letter I posted to your Marsham Court address in light of the recent Application for a New Premises Licence Application Reference: 22/06977/LIPN by Visconti of Westminster, Shepherd's Restaurant, Marsham Street, London. I made a representation opposing the request for extended hours in respect of Late Night Refreshment to half an hour longer than the hours set out in the only Counterpart Lease I have had sight of between MCMCL and Shepherd's Restaurants Limited dated 11 Jan 2019 and two hours longer on New Year's Eve.

>>

>> The reason I am involving you (as you are no longer on the Board) is that, if you remember, you said in about Dec 2018 that you thought the noise insulation had been removed from the rear of house of the restaurant during the refurbishments the restaurant undertook when it changed hands at the end of 2014 (overseen by [REDACTED] the builder on behalf of [REDACTED] the proprietor) but not reinstated whilst the soundproofing had been put back in the front of house and I just wanted you to confirm this? My flat [REDACTED].

>>

>> I am currently negotiating with the new restaurateur and the Council's licensing department about it and look forward to hearing from you as soon as possible.

Yours sincerely

that the suspended ceiling had the effect of conducting noise rather than deadening it but perhaps that was the unintended outcome. Can you remember what the replacement method of construction of the ceiling was or what adjustment was made which had the desired effect of cutting out the noise?

Kind regards

██████████

Licence & Appeal History

| Application | Details of Application | Date Determined | Decision |
|--------------------|---|------------------------|---|
| 05/10948/LIPC | Conversion | 05.10.2005 | Granted under delegated authority |
| 05/12264/LIPDPS | Variation of Designated Premises Supervisor | 14.12.2005 | Granted under delegated authority |
| 06/09937/WCCMAP | Master licence | 05.10.2005 | Granted by Licensing Sub Committee |
| 12/05989/LIPT | Transfer of premises licence - Coq D'Or Restaurant Company Ltd to Shepherds Restaurants Limited | 29.07.2012 | Granted under delegated authority |
| 13/01030/LIPDPS | Variation of Designated Premises Supervisor | 12.03.2013 | Granted under delegated authority |
| 14/10058/LIPT | Transfer of premises licence - Shepherds Restaurants Limited to Marsham Street Restaurant Limited | 13.01.2015 | Granted under delegated authority |
| 14/10102/LIPDPS | Variation of Designated Premises Supervisor | 13.01.2015 | Granted under delegated authority |
| 16/00979/LIPDPS | Variation of Designated Premises Supervisor | 26.02.2016 | Granted under delegated authority (Licence lapsed March 2022) |

There is no appeal history

| Temporary Event Notices | Date of Event | Activities/Hours | Decision |
|--------------------------------|-------------------------|------------------------------------|-----------------|
| 22/08327/LITENP | 12.09.2022 – 17.09.2022 | Supply of Alcohol – 12:00 to 23:59 | Event permitted |
| 22/08353/LITENP | 19.09.2022 – 24.09.2022 | Supply of Alcohol – 12:00 to 23:59 | Event permitted |

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 proposed by the Police and agreed by the applicant so as to replace those contained in 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 and will include the external area immediately outside the premises entrance. 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. Save for in the area hatched on the approved plan, the premises shall only operate as a restaurant,
 - (i) in which customers are shown to their table or the customer will select a table themselves,
 - (ii) where the supply of alcohol is by waiter or waitress service only,
 - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table,
 - (iv) which do not provide any takeaway service of food or drink for immediate consumption off the premises,
 - (v) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

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

Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.
12. In the area hatched on the approved plan, the supply of alcohol is by waiter or waitress service only to persons who are seated.
13. There shall be no sales of alcohol for consumption off the premises after 2300 hours.
14. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
15. Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to a takeaway meal or meal consumed in a designated external seating area.

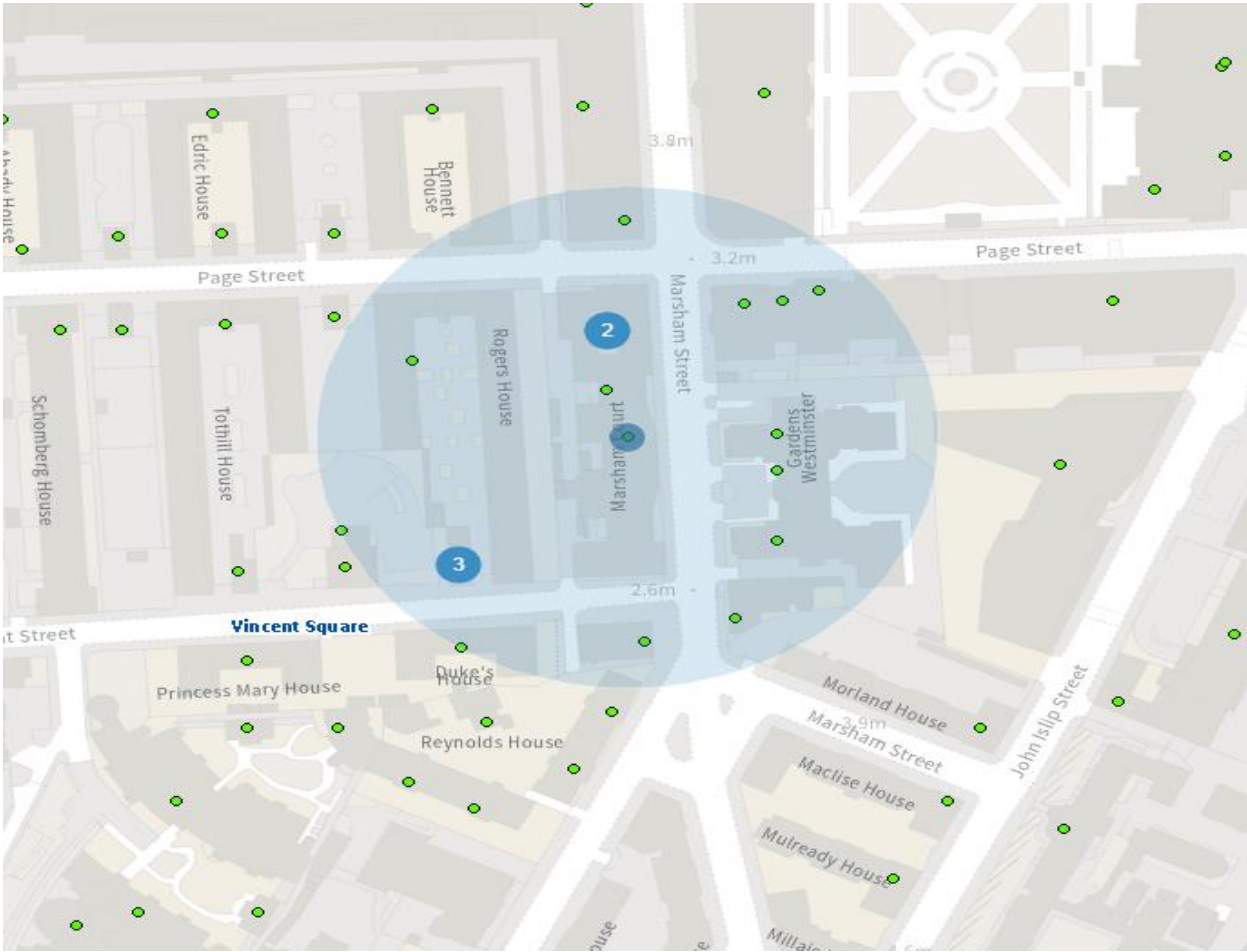
16. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
17. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
18. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
19. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue
 - (b) 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.
20. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke or make a phone call, shall not be permitted to take glass containers with them.
21. Deliveries will only be made to bona fide residential or business addresses.
22. 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 delivery personnel will carry out age verification on delivery. The customer will be asked to provide ID to prove their age in accordance with Challenge 21 or 25 scheme. If the rider is not satisfied, then the alcohol in the order will be withheld.
23. The premises licence holder will ensure that an age verification policy will apply whereby all delivery personnel 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.
24. All delivery personnel 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.

25. All delivery personnel 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 delivery personnel 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.

Conditions proposed by the Environmental Health

26. 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.
27. Loudspeakers shall not be located in the entrance lobby or outside the premises building.



Resident count: 623

Licensing premises within 75m of 1 Marsham Court, Marsham Street, London, SW1

| Licence Number | Trading Name | Address | Premises Type | Time Period |
|-----------------|---|--|---------------|---|
| 21/10240/LIPT | Not Recorded | 75 Page Street London SW1P 4EJ | Not Recorded | Monday; 06:00 - 23:30 Tuesday; 06:00 - 23:30 Wednesday; 06:00 - 23:30 Thursday; 06:00 - 23:30 Friday; 06:00 - 00:00 Saturday; 08:00 - 00:00 Sunday; 08:00 - 22:30 |
| 18/04975/LIPN | Lokkanta Meyhane Restaurant | 75 Page Street London SW1P 4EJ | Not Recorded | Sunday; 07:30 - 23:00 Monday to Saturday; 07:30 - 23:30 |
| 07/00685/WCCMAP | Westminster Grocery & General Store | 12 Vincent Street London SW1P 4HB | Shop | Sunday; 10:00 - 22:30 Monday to Saturday; 08:00 - 23:00 |

This page is intentionally left blank