



City of Westminster

# Committee Agenda

Title: **Licensing Sub-Committee (4)**

Meeting Date: **Thursday 7 March 2024**

Time: **10.00 am**

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

Members: **Councillors:**

Angela Piddock (Chair)  
Judith Southern  
Louise Hyams

If you require further information, please contact the Committee Officer, Jonathan Deacon, Senior Committee Councillor Coordinator.

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

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

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

## AGENDA

### PART 1 (IN PUBLIC)

#### 1. MEMBERSHIP

To report any changes to the membership.

#### 2. DECLARATIONS OF INTEREST

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

#### Licensing Applications for Determination

#### 1. 77 BREWER STREET, W1F 9ZN

(Pages 1 - 36)

Ward CIA* SCZ**	Site Name & Address	Application Type	Licensing Reference No.
West End  West End*  None* *	77 Brewer Street W1F 9ZN	Premises Licence – Shadow Licence	24/00187/LIPSL
*Cumulative Impact Area ** Special Consideration Zone			

#### 2. NIKITA, 22 DAVIES STREET, W1K 3DT

(Pages 37 - 78)

Ward CIA* SCZ**	Site Name & Address	Application Type	Licensing Reference No.
West End  None*  None* *	Nikita 22 Davies Street W1K 3DT	Premises Licence Variation	23/06454/LIPV
*Cumulative Impact Area ** Special Consideration Zone			



**3. 428 EDGWARE ROAD, LONDON W2 1EG**

**(Pages 79 - 174)**

<b>Ward CIA* SCZ**</b>	<b>Site Name &amp; Address</b>	<b>Application Type</b>	<b>Licensing Reference No.</b>
Church Street  None*  None**	428 Edgware Road W2 1EG	New Premises Licence	23/0534/LIPN
*Cumulative Impact Area ** Special Consideration Zone			

**4. 127A QUEENSWAY, W2 4SJ**

**(Pages 175 - 192)**

<b>Ward CIA* SCZ**</b>	<b>Site Name &amp; Address</b>	<b>Application Type</b>	<b>Licensing Reference No.</b>
Lancaster Gate  None*  Queenswater and Bayswater**	127a Queensway W2 4SJ	New Premises Licence	24/00322/LIPN
*Cumulative Impact Area ** Special Consideration Zone			

**Stuart Love  
Chief Executive  
28 February 2024**

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

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City of Westminster

## Licensing Sub-Committee Report

Item No:	
Date:	7 March 2024
Licensing Ref No:	24/00187/LIPSL - New Premises Licence
Title of Report:	Shadow Licence 77 Brewer Street London W1F 9ZN
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: 020 7641 6500 Email: <a href="mailto:kabbott@westminster.gov.uk">kabbott@westminster.gov.uk</a>

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	10 January 2024		
<b>Applicant:</b>	The Crown Estate Commissioners		
<b>Premises:</b>	Shadow Licence		
<b>Premises address:</b>	77 Brewer Street London W1F 9ZN	<b>Ward:</b>	West End
		<b>Cumulative Impact Area:</b>	West End
		<b>Special Consideration Zone:</b>	None
<b>Premises description:</b>	According to the application form, this is for a shadow licence under the same terms, conditions and plans as premises licence (23/04136/LIPDPS).		
<b>Premises licence history:</b>	The premises has held a premises licence since July 2012. A copy of the current premises licence (Licence number 23/04136/LIPDPS) appears at <b>Appendix 2</b> .		
<b>Applicant submissions:</b>	None		
<b>Applicant amendments:</b>	During the consultation period the applicant agreed model condition 97 with the Soho Society. This can be found at <b>Appendix 6</b> .		

1-B Proposed licensable activities and hours							
<b>Films:</b>				<b>Indoors, outdoors or both</b>			Indoors
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	11:30	11:30	11:30	11:30	11:30	11:30	11:30
<b>End:</b>	01:00	01:00	01:00	01:00	01:00	01:00	01:00
<b>Seasonal variations/ Non-standard timings:</b>		None					

<b>Live Music:</b>				<b>Indoors, outdoors or both</b>			Indoors
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	11:30	11:30	11:30	11:30	11:30	11:30	11:30
<b>End:</b>	01:00	01:00	01:00	01:00	01:00	01:00	01:00
<b>Seasonal variations/ Non-standard timings:</b>		None					

<b>Recorded Music:</b>				<b>Indoors, outdoors or both</b>			Indoors
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	11:30	11:30	11:30	11:30	11:30	11:30	11:30
<b>End:</b>	01:00	01:00	01:00	01:00	01:00	01:00	01:00
<b>Seasonal variations/ Non-standard timings:</b>		None					

<b>Late Night Refreshment:</b>				<b>Indoors, outdoors or both</b>			Indoors
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	23:00	23:00	23:00	23:00	23:00	23:00	23:00
<b>End:</b>	01:00	01:00	01:00	01:00	01:00	01:00	01:00
<b>Seasonal variations/ Non-standard timings:</b>		None					

<b>Sale by retail of alcohol</b>				<b>On or off sales or both:</b>			On
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	11:30	11:30	11:30	11:30	11:30	11:30	11:30
<b>End:</b>	01:00	01:00	01:00	01:00	01:00	01:00	01:00
<b>Seasonal variations/ Non-standard timings:</b>		From the start of permitted hours on New Year's Eve to the end of permitted hours on New Year's Day					

<b>Hours premises are open to the public</b>							
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	11:30	11:30	11:30	11:30	11:30	11:30	11:30
<b>End:</b>	01:30	01:30	01:30	01:30	01:30	01:30	01:30
<b>Seasonal variations/ Non-standard timings:</b>		None					
<b>Adult Entertainment:</b>		None					

## 2. Representations

2-A Other Persons			
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or objection:</b>	OBJECTION
<b>Received:</b>	17 Jan 2024		
<p>I would object this the license after 12 midnight. This street already suffers from unacceptable levels of crime and out of control anti social behaviour and noise pollution. How can you warrant a 1am alcohol license when we have these issues going on in the local community. There is a school near by and lots of social and private housing in the near vicinity. We are already plagued everyday by issues from the late night license at the box nightclub.</p>			
<b>Name:</b>		[REDACTED] (Withdrawn 12 February 2024)	
<b>Address and/or Residents Association:</b>		Soho Society	
<b>Status:</b>	Valid	<b>In support or objection:</b>	OBJECTION
<b>Received:</b>	6 Feb 2024		
<p><b>Reference: 24/00187/LIPSL: 77, Brewer Street, W1F 9ZN</b> We submit this representation in response to a recent application from Wonderland Restaurants Limited, Park Row, 77, Brewer Street 24/00160/LIPVM which seeks to add a number of conditions to the existing licence: 1. There shall be no externally promoted DJ-lead events at the premises at any time 2. 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. 3. In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that: a) The police (and, where appropriate, the London Ambulance Service) are called without delay; b) All measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police; c) The crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and d) Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises. 4. Staff shall be trained on the responsible supply of alcohol, underage sales, safeguarding/ welfare and relevant provisions of the licensing regime. Records of training shall be maintained at the premises and made available to the police, licensing authority or authorised officer upon request. It is an unusual request to include these conditions and we can only assume this is in response to incidents at the premises. We do not consider the subsequent application from the Crown Estate for a shadow licence for the current licence 23/04136/LIPDPS as a coincidence. This is a late night restaurant and bar with live music, a capacity of 380 until 1.30am seven days a week. We are concerned with all licences that fall outside of the core hours policy and the impact on the licensing objectives and cumulative impact especially when you consider Soho has <b>491</b> licensed premises, 121 are late night licences with terminal hours between 1am - 6am and a capacity of over 22,827. The demand for licensed premises in Soho shows no tendency to reduce, from 2020 to November 2023 51 new alcohol licences have been granted with a capacity of over 4,245. The recently</p>			



approved Cumulative Impact Assessment 2023 confirms crime levels in Westminster have reached pre-COVID levels and since the last Cumulative Impact Assessment in 2020 crimes have concentrated even further in the West End, it states, '*West End Zone 1 is the epicentre for issues associated with cumulative impact within the borough.*' It is therefore unsurprising that residents are subjected to noise disturbance and anti-social behaviour that are beyond acceptable levels. They are disturbed by the late night activity as people walk by (often shouting, or arguing), noise from pedicabs, car doors slamming, horns hooting, people vomiting and urinating in the street and in their doorways. Residents are also often disturbed even if an establishment is not located directly on their street, as customers (often noisy and intoxicated) leave premises and either carry on their night out in Soho or make their way home. We know many residents experience sleep disturbance, the Soho Society conducted a survey which confirms that residents are disturbed by noise at night, and say that this is having a negative impact on their lives. 87 people responded of which 78 are Soho residents with ages spread fairly evenly from 22 to 80, 59% of whom have lived in Soho for more than ten years. When asked about disturbed sleep, 24% of respondents say they have their sleep disturbed seven nights a week, 16% five or six nights a week, and 19% three or four nights a week. Furthermore, 64% of respondents agreed that noise nuisance from increased commercial activity at night is the most serious problem impacting Soho residents' quality of life. 62% of respondents agreed that the council should not grant any extensions of hours for premises in Soho. 60% of respondents agreed that noise nuisance and sleep deprivation is 'adversely impacting my health' and the health of the people they live with. 46% of respondents agreed that noise nuisance is so bad that they have considered moving away from Soho. We will be willing to withdraw this representation if the applicant agrees to accept Model Condition 97 in **FULL**. '*The shadow licence will not take effect when the current licence is in operation, or lapses, is surrendered or revoked.*'

**The Soho Society withdrew their representation on the 12<sup>th</sup> February 2024 after the applicant agreed the full model condition 97. This can be found at Appendix 6.**

### 3. Policy & Guidance

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

<p><b>Policy CIP1 applies</b></p>	<p>A. It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone for: pubs and bars, fast food premises, and music and dancing and similar entertainment, other than applications to:</p> <ol style="list-style-type: none"> <li>1. Vary the hours within Core Hours under Policy HRS1, and/or</li> <li>2. Vary the licence to reduce the overall capacity of the premises.</li> </ol> <p>C. Applications for other premises types within the West End Cumulative Impact Zones will be subject to other policies within this statement and must demonstrate that they will not add to cumulative impact.</p> <p>D. For the purposes of this policy the premises types referred to in Clause A are defined within the relevant premises use policies within this statement.</p>
<p><b>Policy HRS1 applies</b></p>	<p>A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:</p> <ol style="list-style-type: none"> <li>1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm.</li> </ol>

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.

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:

**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.

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

	<p>licensable activity is permitted.</p> <p>E. For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement.</p>
<p><b>Policy RNT1 applies</b></p>	<p>A. Applications outside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</li> <li>2. The hours for licensable activities being within the council's Core Hours Policy HRS1.</li> <li>3. The 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.</li> <li>4. The applicant has taken account of the Special Consideration Zones</li> </ol> <p>Policy SCZ1 if the premises are located within a designated zone.</p> <ol style="list-style-type: none"> <li>5. The application and operation of the venue meeting the definition of a restaurant as per Clause C.</li> </ol> <p>B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</li> <li>2. The hours for licensable activities are within the council's Core Hours Policy HRS1.</li> <li>3. The 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.</li> <li>4. The applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone.</li> <li>5. The application and operation of the venue meeting the definition of a restaurant as per Clause C.</li> </ol> <p>C. For the purposes of this policy a restaurant is defined as:</p> <ol style="list-style-type: none"> <li>1. A premises in which customers are shown to their table or the customer will select a table themselves to which food is either served to them or they have collected themselves.</li> <li>2. Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at a table.</li> <li>3. Which do not provide any takeaway service of food and/or drink for immediate consumption, except if provided via an ancillary delivery service to customers at their residential or workplace address.</li> <li>4. Where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.</li> <li>5. The sale and consumption of alcohol prior to such meals may be in a bar area but must also be ancillary to the taking of such meal.</li> </ol>

#### 4. Equality Implications

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

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

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

#### 5. Appendices

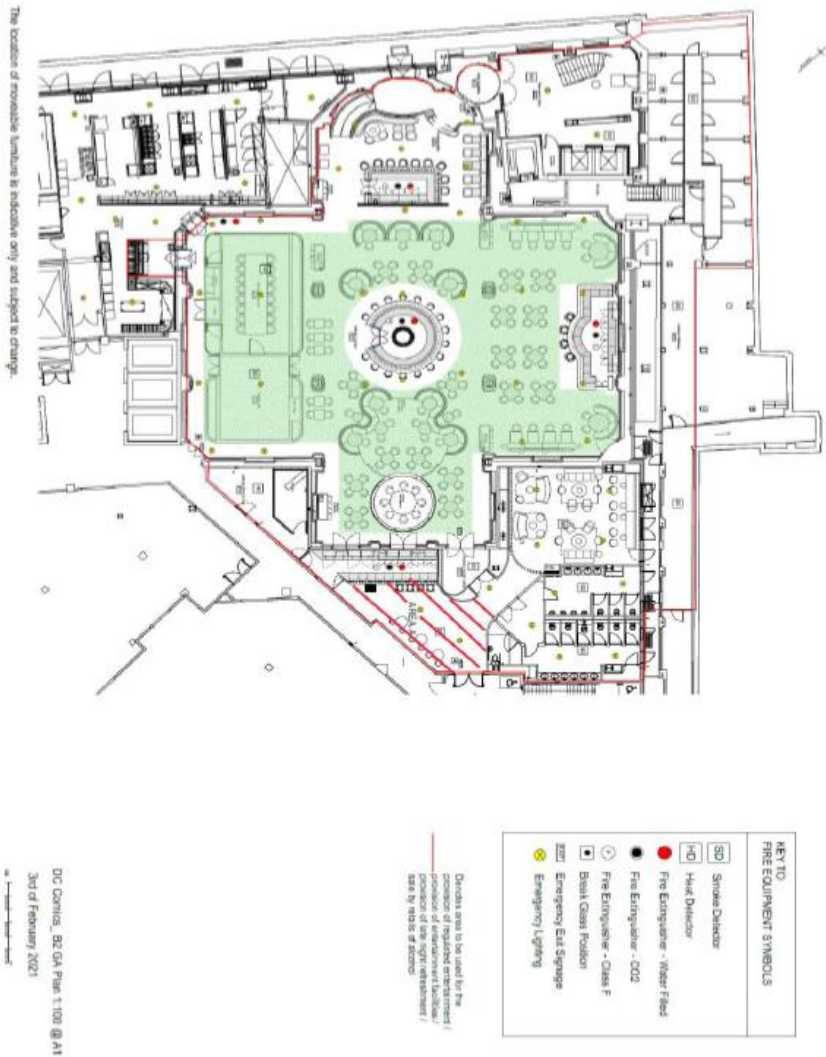
<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Premises Licence 23/04136/LIPDPS
<b>Appendix 3</b>	Applicant supporting documents
<b>Appendix 4</b>	Licensing Service Correspondence with Interested Party
<b>Appendix 5</b>	Premises history
<b>Appendix 6</b>	Proposed conditions
<b>Appendix 7</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Karyn Abbott Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 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**

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	01 October 2021
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	December 2023
<b>4</b>	Cumulative Impact Assessment	04 December 2023
<b>5</b>	Representation 1	17 January 2024
<b>6</b>	Representation 2 <b>(Withdrawn 12 February 2024)</b>	6 February 2024



# Annex 4 – Plans



KEY TO FIRE EQUIPMENT SYMBOLS	
SD	Smoke Detector
HD	Heat Detector
●	Fire Extinguisher - Water / Foam
●	Fire Extinguisher - CO2
●	Fire Extinguisher - Class F
■	Break Glass Pushon
EM	Emergency Exit Signage
●	Emergency Lighting

Details also to be sent for the provision of required extinguishers / signage to be installed in school

DC Coronal, 30 GA Plan 1:100 @ A1  
3rd of February 2021



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

Schedule 12  
Part A

**WARD: West End**  
**UPRN: 010033616654**

Premises licence

Regulation 33, 34

<b>Premises licence number:</b>	23/04136/LIPDPS
<b>Original Reference:</b>	12/04050/LIPN

**Part 1 – Premises details**

<b>Postal address of premises:</b>
Park Row 77 Brewer Street London W1F 9ZN
<b>Telephone Number:</b> Not Supplied

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

<b>Licensable activities authorised by the licence:</b>
Exhibition of a Film Live Music Recorded Music Late Night Refreshment Sale by Retail of Alcohol

<b>The times the licence authorises the carrying out of licensable activities:</b>
<b>Exhibition of a Film, Live Music and Recorded Music (Ground Floor and Basement)</b> Monday to Sunday: 11:30 to 01:00
<b>Late Night Refreshment</b> Monday to Sunday: 23:00 to 01:00
<b>Sale by Retail of Alcohol</b> Monday to Sunday: 11:30 to 01:00
Non-standard Timings: From the start of permitted hours on New Year's Eve to the end of permitted hours on New Year's Day

<b>The opening hours of the premises:</b>
Monday to Sunday: 11:30 to 01:30

**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:**

Wonderland Restaurants Ltd  
Elsley Court  
20-22 Great Titchfield Street  
London  
W1W 8BE

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

09478790

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

**Name:** Antony Papalas

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

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

Licence Number: 17/203221/4  
Licensing Authority: The Royal Borough Of Kensington And Chelsea

**Date:** 4<sup>th</sup> July 2023

**This licence has been authorised by Angela Rowe 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
9. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority
10. Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate

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

None

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

11. No entertainment, performance, service, or exhibition involving nudity or sexual stimulation which would come within the definition of a sex establishment in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Greater London Council (General Powers) Act 1988 (whether or not locally adopted), shall be provided.
12. There shall be no striptease or nudity, and all persons shall be decently attired at all times.
13. The area of the premises shown cross hatched in green on the plan shall only operate as a restaurant: -
  - (i) in which customers are shown to their table,
  - (ii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
  - (iii) which do not provide any takeaway service of food, hot drinks or alcohol for immediate consumption.
  - (iv) where intoxicating liquor 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 intoxicating liquor by such persons is ancillary to taking such meals.
14. The premises shall install and maintain a CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. 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 are 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. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 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 are open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
16. The supply of alcohol shall be by waiter or waitress service only except for a maximum of 20 customers in the Area A hatched red on the Premises Plan from 11:30 to 23:00 hours.
17. A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log 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 are open.
18. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
19. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
20. The maximum number of persons accommodated at the premises any one time shall not exceed (excluding staff) 300 persons.
21. Substantial food and non-intoxicating beverages shall be available throughout the permitted hours in all parts of the premises where alcohol is sold or supplied for consumption on the premises.

22. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
23. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge 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.
24. All waste is to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
25. No rubbish including bottles will be moved, removed or placed in outside areas between 2300 hours and 0800 hours.
26. 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.
27. 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.
28. All exit doors shall be available at all material times without the use of a key, code, card or similar means.
29. Doors at such exits will be regularly checked to ensure that they function satisfactorily, and a record of the check kept.
30. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.
31. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
32. Curtains and hangings shall be arranged so as not to obstruct Emergency safety signs, fire extinguishers or other fire fighting equipment.
33. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing should be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes, other than foyers, entertainment areas or function rooms, should be non-combustible.
34. The certificates listed below shall be submitted to the Licensing Authority upon written request.
  - (i) Any emergency lighting battery or system
  - (ii) Any electrical installation
  - (iii) Any emergency warning system
35. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given.
  - (a) dry ice and cryogenic fog
  - (b) smoke machines and fog generators
  - (c) pyrotechnics including fire works
  - (d) firearms
  - (e) lasers
  - (f) explosives and highly flammable substances.
  - (g) real flame.
  - (h) strobe lighting.

36. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
37. There shall be no more than two draught beers available at the premises.
38. A minimum of 1 SIA licensed door supervisor shall be on duty at the premises from 20:00 hours until close on Thursdays, Fridays and Saturdays. They must correctly display their SIA licence(s) when on duty so as to be visible. The requirement for SIA licensed door supervisors to be on duty at all other times will be risk assessed by the Premises Licence holder.
39. Should there be any minor changes to the premises layout during the course of construction new plans shall be provided to the Licensing Authority when requesting the removal of this condition from the licence.



**Annex 4 – Plans**



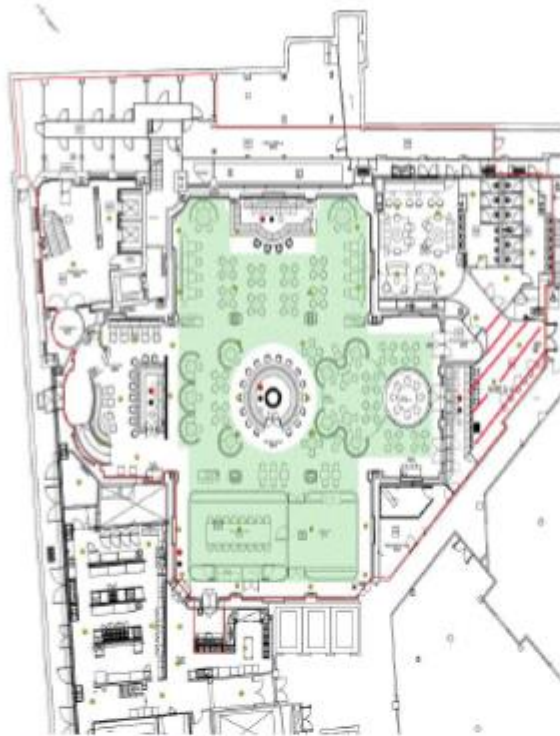
**KEY TO FIRE EQUIPMENT SYMBOLS**

	Smoke Detector
	Heat Detector
	Fire Extinguisher - Water Filled
	Fire Extinguisher - CO2
	Fire Extinguisher - Class F
	Break Glass Pushbar
	Emergency Call Point
	Emergency Lighting

Green area is for use for the purposes of fire equipment maintenance / storage of fire equipment / training / use by other staff

BC Group, BGD Plan 1160 @ 01  
 Issued February 2021





The location of moveable furniture is indicative only and subject to change

**KEY TO FIRE EQUIPMENT SYMBOLS**

	Smoke Detector
	Heat Detector
	Fire Extinguisher - Water/Foam
	Fire Extinguisher - CO2
	Fire Extinguisher - Class T
	Break Glass Pushbar
	Emergency Exit Signage
	Emergency Lighting

Shaded area is for use for the placement of signage and equipment in accordance with the fire safety regulations. The location of this sign and equipment will be made in detail.

DC Centre, 62/64 Place 1181 @ 81  
 3rd of February 2021  
 . . . . .



Schedule 12  
Part B

WARD: West End  
UPRN: 010033616654

Regulation 33, 34

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

Premises licence  
summary

Premises licence number:	23/04136/LIPDPS
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**Part 1 – Premises details**

<b>Postal address of premises:</b>
Park Row 77 Brewer Street London W1F 9ZN
<b>Telephone Number:</b> Not Supplied
<b>Where the licence is time limited, the dates:</b>
Not applicable
<b>Licensable activities authorised by the licence:</b>
Exhibition of a Film Live Music Recorded Music Late Night Refreshment Sale by Retail of Alcohol
<b>The times the licence authorises the carrying out of licensable activities:</b>
<b>Exhibition of a Film, Live Music and Recorded Music (Ground Floor and Basement)</b> Monday to Sunday: 11:30 to 01:00
<b>Late Night Refreshment</b> Monday to Sunday: 23:00 to 01:00
<b>Sale by Retail of Alcohol</b> Monday to Sunday: 11:30 to 01:00
Non-standard Timings: From the start of permitted hours on New Year's Eve to the end of permitted hours on New Year's Day
<b>The opening hours of the premises:</b>

Monday to Sunday: 11:30 to 01:30

**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:**

Wonderland Restaurants Ltd  
Elsley Court  
20-22 Great Titchfield Street  
London  
W1W 8BE

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

09478790

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

Name: Antony Papalas

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

Restricted

Date: 4<sup>th</sup> July 2023

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

**Applicant Supporting Documents**

**Appendix 3**

None

**From:** Abbott, Karyn: WCC  
**To:** [REDACTED]  
**Subject:** RE: 24/00187/LIPSL - 77 Brewer Street, London  
**Date:** 19 February 2024 10:56:00  
**Attachments:** [image001.png](#)  
[image002.png](#)

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Dear [REDACTED]

Please can you respond to the below email?

Many Thanks

Karyn Abbott  
Senior Licensing Officer  
Licensing Team  
Environment, Climate & Public Protection (ECPP)

Westminster City Council  
15<sup>th</sup> Floor  
64 Victoria Street  
London SW1E 6QP

Direct 0114 551 3832  
Call Centre (for general queries) 020 7641 6500



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**From:** Abbott, Karyn: WCC  
**Sent:** Friday, February 9, 2024 12:47 PM  
**To:** [REDACTED]  
**Subject:** 24/00187/LIPSL - 77 Brewer Street, London

Dear [REDACTED]

Thank you for your representation. To clarify, the applicant has applied for a "shadow licence" on behalf of the landlord of the premises.

The term "shadow licence" describes the situation where a premises licence is granted to one party in respect of a premises where another party already holds a separate licence. A common situation in which a shadow licence may be applied for is when a landlord's licensed premises is operated by a tenant and the licence is held in the name of the tenant. In these circumstances there are several ways in which the tenant's actions could have a negative impact on the licence, for example they might become insolvent or bankrupt or the licence might be reviewed due to poor management of the premise. A landlord may wish to protect the licence against the risk posed by potentially insolvent or irresponsible tenants.

The applicant has applied for a licence in the same terms as the existing premises licence. It is not intended that the premises will trade under the licence and it will be

retained by the landlord.

The applicant has also agreed the below model condition so the licence will remain as a shadow licence until the current licence is either surrendered, or the licence holder has gone into liquidation etc.

*MC97 The shadow licence will not take effect when the current licence is in operation, or it lapses, is surrendered or revoked.*

I hope that this is of assistance. As the application is for a shadow licence, I was wondering if you may consider withdrawing your representation?

Many Thanks

Karyn Abbott  
Senior Licensing Officer  
Licensing Team  
Environment, Climate & Public Protection (ECP)

Westminster City Council  
15<sup>th</sup> Floor  
64 Victoria Street  
London SW1E 6QP

Direct 0114 551 3832  
Call Centre (for general queries) 020 7641 6500



**Premises History****Appendix 5**

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
12/04050/LIPN	New Premises Licence: <b>Late Night Refreshment:</b> Monday to Sunday 23:00 to 01:00 <b>Retail Sale of Alcohol:</b> Monday to Sunday 11:30 to 01:00	12 July 2012	Granted by Licensing Sub-Committee
12/07173/LIPVM	Minor Variation: Change Layout	3 September 2012	Granted under Delegated Authority
12/08458/LIPDPS	DPS Variation	26 October 2012	Granted under Delegated Authority
13/07878/LIPDPS	DPS Variation	19 November 2013	Granted under Delegated Authority
14/08058/LIPDPS	DPS Variation	21 October 2014	Granted under Delegated Authority
17/05224/LIPCH	Change of Licence Holder Details	22 July 2017	Granted under Delegated Authority
17/07042/LIPDPS	DPS Variation	22 July 2017	Granted under Delegated Authority
19/01430/LIPCH	Change of Licence Holder Details	5 February 2019	Granted under Delegated Authority
19/15758/LIPT	Transfer of Premises Licence Holder from Mash Brewer Street Ltd to Wonderland Restaurants Ltd	17 December 2019	Granted under Delegated Authority
21/00924/LIPV	Variation – Add Live, Recorded Music and Films for the same hours as existing. Add conditions and change layout	9 June 2021	Granted by Licensing Sub-Committee
21/07470/LIPDPS	DPS Variation	24 January 2022	Granted under Delegated Authority
21/07470/LIPDPS	DPS Variation	4 July 2023	Granted under Delegated Authority
24/00160/LIPVM	Minor Variation – Add conditions	24 January 2024	Granted under Delegated Authority

There is no 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.
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- (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.
9. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

10. Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.

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

11. No entertainment, performance, service, or exhibition involving nudity or sexual stimulation which would come within the definition of a sex establishment in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Greater London Council (General Powers) Act 1986 (whether or not locally adopted), shall be provided.
12. There shall be no striptease or nudity, and all persons shall be decently attired at all times.
13. The area of the premises shown cross hatched in green on the plan shall only operate as a restaurant: -
  - (i) in which customers are shown to their table,
  - (ii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
  - (iii) which do not provide any takeaway service of food, hot drinks or alcohol for immediate consumption.
  - (iv) where intoxicating liquor 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 intoxicating liquor by such persons is ancillary to taking such meals.
14. The premises shall install and maintain a CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. 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 are 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. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 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 are open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
16. The supply of alcohol shall be by waiter or waitress service only except for a maximum of 20 customers in the Area A hatched red on the Premises Plan from 11:30 to 23:00 hours.
17. A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log 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 are open.
18. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
19. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.

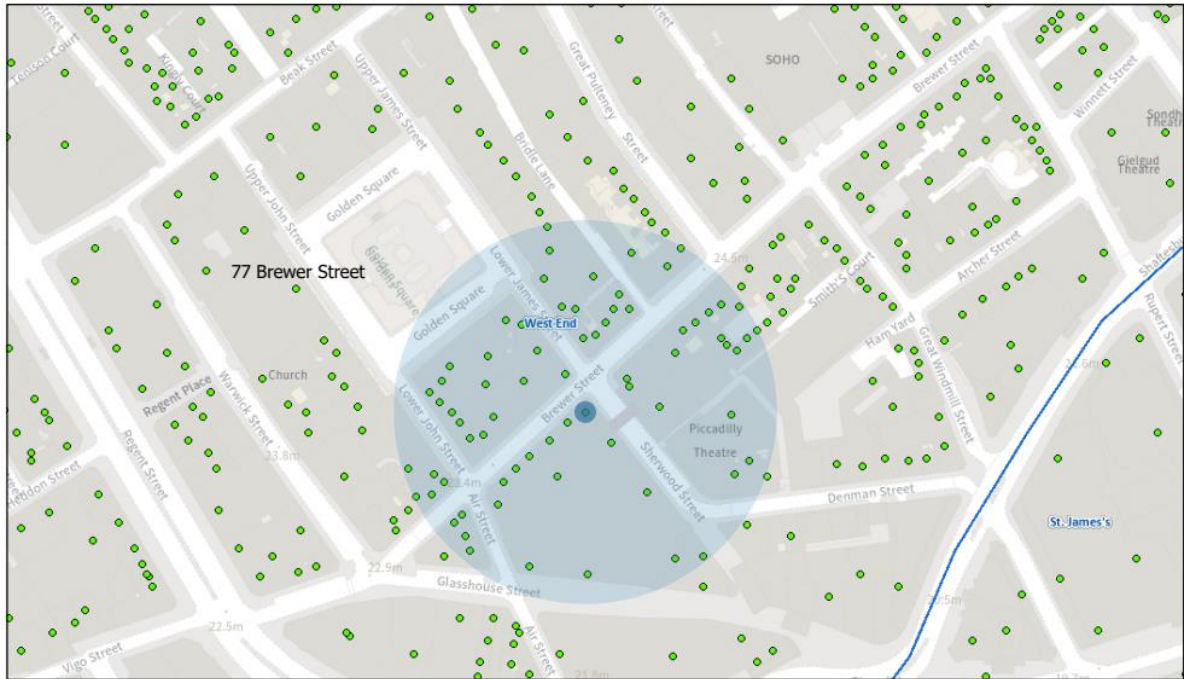
20. The maximum number of persons accommodated at the premises any one time shall not exceed (excluding staff) 360 persons.
21. Substantial food and non-intoxicating beverages shall be available throughout the permitted hours in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
22. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
23. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge 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.
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25. No rubbish including bottles will be moved, removed or placed in outside areas between 2300 hours and 0800 hours.
26. 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.
27. 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.
28. All exit doors shall be available at all material times without the use of a key, code, card or similar means.
29. Doors at such exits will be regularly checked to ensure that they function satisfactorily, and a record of the check kept.
30. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.
31. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
32. Curtains and hangings shall be arranged so as not to obstruct Emergency safety signs, fire extinguishers or other fire fighting equipment.
33. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing should be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes, other than foyers, entertainment areas or function rooms, should be non-combustible.
34. The certificates listed below shall be submitted to the Licensing Authority upon written request.
  - (i) Any emergency lighting battery or system
  - (ii) Any electrical installation
  - (iii) Any emergency warning system

35. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given.
- (a) dry ice and cryogenic fog
  - (b) smoke machines and fog generators
  - (c) pyrotechnics including fire works
  - (d) firearms
  - (e) lasers
  - (f) explosives and highly flammable substances.
  - (g) real flame.
  - (h) strobe lighting.
36. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
37. There shall be no more than two draught beers available at the premises.
38. A minimum of 1 SIA licensed door supervisor shall be on duty at the premises from 20:00 hours until close on Thursdays, Fridays and Saturdays. They must correctly display their SIA licence(s) when on duty so as to be visible. The requirement for SIA licensed door supervisors to be on duty at all other times will be risk assessed by the Premises Licence holder.
39. Should there be any minor changes to the premises layout during the course of construction new plans shall be provided to the Licensing Authority when requesting the removal of this condition from the licence.

**Soho Society proposed condition which has been agreed by the applicant to form part of the operating schedule.**

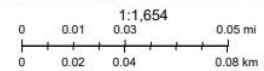
40. The shadow licence will not take effect when the current licence is in operation, or it lapses, is surrendered or revoked.

**77 Brewer Street, London**



22/02/2024, 10:16:58

- Property Mailing List
- Ward Boundaries
- Ward Labels



**Resident Count: 52**

<b>Licensed premises within 75m of 77 Brewer Street</b>				
<b>Licence Number</b>	<b>Trading Name</b>	<b>Address</b>	<b>Premises Type</b>	<b>Time Period</b>
23/04136/LIPDPS	Park Row	77 Brewer Street London W1F 9ZN	Restaurant	Monday to Sunday; 11:30 - 01:30
22/05811/LIPDPS	The Crown	The Crown 64 Brewer Street London W1F 9TP	Public house or pub restaurant	Sunday; 07:00 - 23:00   Monday to Thursday; 07:00 - 23:30   Friday to Saturday; 07:00 - 00:00   Sundays before Bank Holidays; 07:00 - 00:00
21/01359/LIPV	El Pastor	66-68 Brewer Street London W1F 9TP	Restaurant	Monday to Sunday; 07:00 - 01:00
19/16029/LIPCHT	Bancone	8-10 Lower James Street London W1F 9EL	Restaurant	Sunday; 10:00 - 22:30   Monday to Thursday; 08:00 - 23:30   Friday to Saturday; 08:00 -

				00:30
23/04251/LIPDPS	Kiln	58 Brewer Street London W1F 9TL	Restaurant	Sunday; 12:00 - 22:30   Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00
06/06182/WCCMAP	Kulu Kulu Sushi	76 Brewer Street London W1F 9TX	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
20/04992/LIPDPS	Hachi	Ground Floor 56 Brewer Street London W1F 9TJ	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
22/07496/LIPCH	Rapha Racing	85 Brewer Street London W1F 9ZN	Shop	Sunday; 10:00 - 22:00   Monday to Saturday; 08:00 - 22:00
18/09020/LIPCHT	Nala Restaurant	Basement North And Ground Floor North 1 Lower John Street London W1F 9DT	Restaurant	Monday to Sunday; 08:00 - 23:00
09/00851/LIPCHT	One Stop Food & Wine	Ground Floor 1 Lower John Street London W1F 9DT	Shop	Sunday; 10:00 - 22:30   Monday to Saturday; 08:00 - 23:00
19/03264/LIPDPS	Nordic Bakery	14A Golden Square London W1F 9JG	Not Recorded	Saturday; 10:00 - 19:00   Sunday; 12:00 - 19:00   Monday to Friday; 10:00 - 20:00
06/05475/WCCMAP	Taro Kaz Restaurant	61 Brewer Street London W1F 9UW	Restaurant	Sunday; 09:00 - 00:00   Monday to Saturday; 09:00 - 01:00
22/04554/LIPDPS	Piccadilly Theatre	Piccadilly Theatre Denman Street London W1D 7DY	Theatre	Monday to Friday; 09:00 - 03:00   Saturday to Sunday; 09:00 - 04:00
14/02198/LIPDPS	The Source Cafe	78 Brewer Street London W1F 9TY	Cafe	Friday to Saturday; 08:00 - 02:30   Sunday to Thursday; 08:00 - 02:00

22/09388/LIPDPS	The Queens Head	15 Denman Street London W1D 7HN	Public house or pub restaurant	Monday to Sunday; 10:00 - 00:00
20/10513/LIPDPS	Wholefoods	20 Glasshouse Street London W1B 5AR	Shop	Saturday; 09:00 - 22:30   Sunday; 12:00 - 18:30   Monday to Friday; 07:30 - 22:30
16/13460/LIPVM	Mele E Pere	46-52 Brewer Street London W1F 9TF	Restaurant	Sunday; 08:00 - 22:30   Monday to Saturday; 08:00 - 00:00
23/03148/LIPT	Dirty Bones	Ground Floor 14 Denman Street London W1D 7HJ	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 01:00
20/08393/LIPDPS	Il Conte Restaurant	Ground Floor 17 Air Street London W1B 5AF	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
23/02475/LIPDPS	Prezzo	Ground Floor 36 - 38 Glasshouse Street London W1B 5DL	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
22/06618/LIPCH	Brasserie Zedel	20 Sherwood Street London W1F 7ED	Restaurant	Monday to Sunday; 08:00 - 01:00
22/01014/LIPN	Shadow Licence	20 Sherwood Street London W1F 7ED	Premises Licence - Shadow Licence	Monday to Sunday; 08:00 - 01:00
23/03361/LIPDPS	Glasshouse Stores Public House	55 Brewer Street London W1F 9UJ	Public house or pub restaurant	Sunday; 12:00 - 23:00   Monday to Saturday; 10:00 - 23:30
23/00796/LIPN	Golden Square	Basement And Ground Floor 10 Golden Square London W1F 9JA	Restaurant	Sunday; 09:00 - 22:30   Monday to Saturday; 09:00 - 23:30
24/00076/LIPVM	Rice Wine Shop	82 Brewer Street London W1F 9UA	Shop	Monday; 08:00 - 23:00   Tuesday; 08:00 - 23:00   Wednesday; 08:00 - 23:00   Thursday; 08:00 - 23:00   Friday; 08:00 - 23:00   Sunday; 10:00 - 22:30





City of Westminster

# Licensing Sub-Committee Report

Item No:	
Date:	7 March 2024
Licensing Ref No:	23/06454/LIPV – Premises Licence Variation
Title of Report:	Nikita 22 Davies Street London W1K 3DT
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:	Roxsana Haq Senior Licensing Officer
Contact details	Telephone: 020 7641 6500 Email: rhaq@westminster.gov.uk

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	Variation of a Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	27 September 2023		
<b>Applicant:</b>	Goodkat Limited		
<b>Premises:</b>	Nikita		
<b>Premises address:</b>	22 Davies Street London W1K 3DT	<b>Ward:</b>	West End
		<b>Cumulative Impact Area:</b>	None.
		<b>Special Consideration Zone:</b>	None.
<b>Premises description:</b>	According to the applicant the premises operates as a workspace and catered lounge.		
<b>Variation description:</b>	The application proposes extensions to opening hours and hours for Licensable Activities as detailed in section 1B of this report. It also seeks an amendment of condition 18 to read: "There shall be no admittance or re-admittance to the premises after 00:30 save for smokers, performers and staff."		
<b>Premises licence history:</b>	The premises has been licensed since 25 March 2021. The current licence (23/07952/LIPDPS) can be seen at <b>Appendix 1</b> of the report.		
<b>Applicant submissions:</b>	Mediation letters to objectors can be seen at <b>Appendix 2.</b>		
<b>Applicant amendments:</b>	None.		

## 1-B Current and proposed licensable activities, areas and hours

### Regulated Entertainment

### Performance of live music

	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
<b>Monday</b>	22:00	02:00	12:00	01:00	As per plan appended to the premises licence	No Change
<b>Tuesday</b>				02:30		
<b>Wednesday</b>						
<b>Thursday</b>						
<b>Friday</b>						
<b>Saturday</b>						
<b>Sunday</b>						
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b> All licensable activities shall be extended from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day. An additional hour to the standard and non-standard times on the day when British Summertime Commences.				<b>Proposed:</b> No Change	

Performance of recorded music						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	00:00	00:00	12:00	01:00	As per plan appended to the premises licence	No Change
Tuesday				02:30		
Wednesday						
Thursday						
Friday						
Saturday						
Sunday				23:00		
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b> All licensable activities shall be extended from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day. An additional hour to the standard and non-standard times on the day when British Summertime Commences.					<b>Proposed:</b> No Change

Late night refreshment						
Indoors, outdoors or both			Current :		Proposed:	
			Indoors		No change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	01:00	23:00	01:00	As per plan appended to the premises licence	No Change
Tuesday				02:30		
Wednesday						
Thursday						
Friday						
Saturday						
Sunday				01:00		
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b> All licensable activities shall be extended from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day. An additional hour to the standard and non-standard times on the day when British Summertime Commences.					<b>Proposed:</b> No Change

Sale by Retail of Alcohol						
On or off sales			Current :		Proposed:	
			Both		No Change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	12:00	01:00	12:00	01:00	As per plan appended to the premises licence	No Change
Tuesday				02:00		
Wednesday						
Thursday						
Friday						
Saturday						
Sunday				23:00		
<b>Seasonal variations/</b>	<b>Current:</b>					<b>Proposed:</b>

<b>Non-standard timings:</b>	All licensable activities shall be extended from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day. An additional hour to the standard and non-standard times on the day when British Summertime Commences.	No Change
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Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
<b>Monday</b>	08:00	02:00	08:00	01:00	As per plan appended to the premises licence	No change
<b>Tuesday</b>						
<b>Wednesday</b>						
<b>Thursday</b>						
<b>Friday</b>						
<b>Saturday</b>						
<b>Sunday</b>				01:00		
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b> Opening hours shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. An additional hour to the standard and non-standard times on the day when British Summertime commences.				<b>Proposed:</b> No Change	

<b>1-C Layout alteration</b>
There is no layout change being sought.

<b>1-D Conditions being varied, added or removed.</b>		
<b>Condition</b>	<b>Proposed variation</b>	
<b>Condition 18:</b> There shall be no admittance or re-admittance to the premises after 00:00 save for smokers, performers and staff.	There shall be no admittance or re-admittance to the premises after 00:30 save for smokers, performers and staff.	
<b>Adult entertainment:</b>	<b>Current position:</b> None	<b>Proposed position:</b> None

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Environmental Health Consultation Service
<b>Representative:</b>	Maxwell Koduah
<b>Received:</b>	10 <sup>th</sup> October 2023
<b>Nikita, 22 Davies Street, London, W1K 3DT</b>	
<p>I refer to the new application for the above-mentioned premises. 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>Applicant is seeking the following variations:</p> <ol style="list-style-type: none"><li>1. To extend the terminal hours for the performance of live music by 1 hour 30 minutes Monday to Saturday from 01:00 hours to 02:30 hours</li><li>2. To extend the terminal hours for the provision of late-night refreshment by 1 hour 30 minutes Monday to Saturday from 01:00 hours to 02:30 hours</li><li>3. To extend the terminal hours for the supply of alcohol by 1 hour Monday to Saturday from 01:00 hours to 02:00 hours</li><li>4. Amend condition 18 which reads:</li></ol> <p>There shall be no admittance or re-admittance to the premises after 00:00 save for smokers, performers and staff.</p> <p>So that it reads</p> <p>There shall be no admittance or re-admittance to the premises after 00:30 save for smokers, performers and staff.</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"><li>1. The hours requested to perform live music may have the likely effect of causing an increase in Public Nuisance within the area</li><li>2. The hours requested to provide late-night refreshment may have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the area</li><li>3. The supply of alcohol and the hours requested may have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the area.</li><li>4. The proposed amendment to condition 18 may have the likely effect of causing an increase in Public Nuisance within the area</li></ol> <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>	

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

Please contact me if you have any questions.

Maxwell Owusu Koduah  
Environmental Health Officer

<b>Responsible Authority:</b>	Metropolitan Police Service ( <i>WITHDRAWN</i> )
<b>Representative:</b>	PC Adam Deweltz
<b>Received:</b>	3rd October 2023

Dear Marcus

**23/06454/LIPV - 22 Davies Street, London, W1K 3DT**

I refer to the above-mentioned application, which seeks to vary the hours on the current premises licence.

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

An increase in licensable activities, namely the supply of alcohol, Late Night Refreshment and live and recorded music, are likely to undermine the following licensing objective:

- The Prevention of Crime and Disorder.

The application seeks to extend the hours for licensable activity. This includes:

Sale by Retail of Alcohol: Tuesday to Saturday - 12:00 to 02:00 (Increase of 1 hour)  
Live and Recorded Music: Tuesday to Saturday - 12:00 to 02:30 (Increase of 1.5 hours)  
Late Night Refreshment: Tuesday to Saturday - 23:00 to 02:30 (Increase of 1.5 hours)

The applicant also seeks to amend condition 18 on the current premises licence (22/06204/LIPDPS) to:

*"There shall be no admittance or re-admittance to the premises after 00:30 save for smokers, performers and staff,"* which is an increase of 30 minutes.

This variation could have an effect on Police resources, with more customers consuming alcohol for longer, and therefore, we could see a rise in crime in this area. Consideration must also be given to local residents in relation to customers loitering outside, making noise and committing anti-social behaviour.

I am happy to discuss my representation in further detail with you.

Yours sincerely,

PC Adam Deweltz 2556AW

**Following the agreement of conditions and approval of an updated dispersal policy the Metropolitan Police Service withdrew their objection on 13<sup>th</sup> November 2023.**

2-B Other Persons			
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or objection:</b>	OBJECTION
<b>Received:</b>	01 October 2023		
<p>I am absolutely objecting extending hours of the club Nikita. It will be overly distractive and hugely inconvenient for the whole neighbourhood. Please do not allowed this application to go through.</p>			
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or objection:</b>	OBJECTION
<b>Received:</b>	03 October 2023		
<p>The area around and above Nikita is residential and to have an entertainment use properties allowing people to enter after mid-night and exit at 2.30am in the morning can be nothing other that a disturbance to those living here.</p> <p>In additional late night conversation which due to alcohol will be louder than normal plus there will also be taxis and cars arriving and leaving.</p> <p>I object on the grounds that such an extension to their licence will cause a disturbance and in addition further destroy the ambience of Mayfair.</p>			
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or objection:</b>	OBJECTION
<b>Received:</b>	25 October 2023		
<p>I vehemently oppose this application. As a devoted father, I staunchly believe that sanctioning such an application during the late hours poses an immediate threat to the safety and well-being of my children, my wife, and our cherished family. The surrounding community is teeming with families who share my concerns, and it is imperative that this proposal for extending opening hours be unequivocally denied.</p>			

<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or objection:</b>	OBJECTION
<b>Received:</b>	16 October 2023		

I would like to formally object to Nikita club's request to extend their operating licenses, as Davies street currently is a quiet residential area, where an extension of this sort will cause nuisance, and after hours noises disturbing peace for residents and families living across the street in particular.

<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or objection:</b>	OBJECTION
<b>Received:</b>	01 October 2023		

I live at [REDACTED], almost opposite Nikita, and I am [REDACTED] Residents Association, and in those capacities, I am writing to object to this application as I believe an extension of the nightclub's hours of operation will lead to increased nuisance to the many residents in the immediate area.

At 02:30 in the morning, there is little external noise at present in this section of Davies Street. Nikita's departing customers cannot do so silently, they don't now, and they won't in the future - minimally, they will chat and there will noise from cars associated with their onward journeys. This cannot be avoided and will cause nuisance to residents in this area - 21 Davies Street, The Manor, Connaught House are residential buildings close to and impacted by Nikita.

Regardless of management operating plans, no operation is capable of controlling a customer's behaviour when they have left the immediate area of their premises.

Simply put, Nikita sits close to residents homes, extending their operating hours and consequently causing an increase in public nuisance would be irresponsible, and for this reason, the application should be refused.

<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or objection:</b>	OBJECTION
<b>Received:</b>	3 Oct 2023		

[REDACTED] as the Long leaseholder over all apartments at 21 Davies London W1K 3DE on behalf of itself and the respective leaseholders of the apartments contained within the building, formally OBJECT to the granting of the above on the grounds of excessive noise and disturbance.



Within the immediate vicinity 50 (meters) of family homes within the 21 Davies Street apartment building there are already a total of some 4 restaurants and night clubs. At night the area is noisy and congested with cars and pedestrians often making difficulty to enter the apartment block. The noise goes on till late and is a major disruption on permitting a comfortable sleep. To permit this application will make an already bad situation worse.

Accordingly, we urge you to reject this application.

<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or objection:</b>	OBJECTION
<b>Received:</b>	05 October 2023		

I strongly object to the licensing application by Goodkat Limited to extend the opening hours of the Nikita night club until 02:30. An extension would allow the night club's guests to disperse until 3:00 am. My bedroom looks onto the street. My wife and I are constantly bothered by people saying goodbye and cabs picking up and dropping off people late into the night. At present, although late (from 01:30 onwards) at night there is at least some peace, and the street is quiet with few pedestrians. The extension of the opening hours which is sought will destroy the few hours of peace and from my point of view is simply unacceptable.

<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or objection:</b>	OBJECTION
<b>Received:</b>	03 October 2023		

To whom this may concern

I would like to express my categorical objections to the request to extend hours to 2.30am for Nikita. The night noise levels on this once quiet street are already unbearable, particularly on the weekends. As a family with a small child living [REDACTED] in question this could quite possibly make the night times an utter nightmare due to significant disturbances.

<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or objection:</b>	OBJECTION
<b>Received:</b>	02 October 2023		

I'm writing obo [REDACTED] Ltd who owns a property at 21 Davies Street. We are concerned with the request of extension of opening hours. In practice this would mean that large numbers of people can't leave a night club, say goodbye to their friends and be driven away without noise being created at a very inappropriate time. At night and particularly from 01:30 onwards, Davies Street is quiet with very little traffic and few pedestrians, so any noise stands out and is a nuisance. Thanks.

<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or objection:</b>	OBJECTION
<b>Received:</b>	25 October 2023		

I vehemently oppose this application. As a devoted father, I staunchly believe that approving such late hours poses an immediate threat to the safety and well-being of my children, my wife, and our cherished family. The surrounding community is teeming with families who share my concerns, and it is imperative that this proposal for extending opening hours be unequivocally denied.

<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or objection:</b>	OBJECTION
<b>Received:</b>	12 October 2023		

This I understand is primarily a drink led operation close to residential property. The additional hours sought are quite significant. Local residents are concerned about an increase in nuisance resulting from inevitable street noise later in the night than they experience now. RSMSJ wishes to support those residents in their objections. Should any additional conditions be offered to mitigate potential nuisance then we would be willing to look at the situation again.

<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED]	
<b>Status:</b>	Valid	<b>In support or objection:</b>	OBJECTION
<b>Received:</b>	25 Oct 2023		

Please note as a local resident I am opposed to the extension of these hours. This is a residential neighbourhood and it is not appropriate to allow patrons to exit as late as 2.30 with all the noise and disturbance we know from experience this entails. Children and working people will be trying to sleep nearby and are entitled to this essential downtime Please confirm receipt of this objection [REDACTED]

Living right in the middle of an area which is subject to an increasing number of licensing applications and variations, I am anxious to ensure it is respected for its mixed usage and that residents are not driven out by a surfeit of licensed premises as happened in nearby Berkeley street  
Many thanks  
[REDACTED]

<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or objection:</b>	OBJECTION
<b>Received:</b>	02 October 2023		

To whom this may concern,

My family and I strongly object to Goodkat Limited (Nikita), to extend their opening hours on any given day of the week. We would like for Davies Street to remain quiet and charming - this is the reason we bought our property here in the first place. We are concerned about the noise pollution the extended opening hours would bring, in addition to higher traffic congestion and higher safety-issues (at a time when crime is rising).

We kindly request you take into account the well-being and concerns of the residents who do call Davies Street their home. We believe that a responsible and considerate approach to business operations can coexist with the needs and desires of our community.

Sincerely,

[REDACTED]

<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or objection:</b>	OBJECTION
<b>Received:</b>	25 October 2023		

I was utterly shocked when I received news of this utterly unacceptable application. Requesting operations until 2:30 a.m. is entirely out of place for our neighbourhood. This may belong in a place like Berkeley Street, which has sadly lost its residential character due to similar applications and establishments. However, it has no place on a peaceful residential street like Davies Street, which is surrounded by numerous other residential streets. Moreover, the club already has excessively extended hours, and this latest request is nothing short of outrageous. This application is profoundly alarming as it threatens to fundamentally alter the essence of our peaceful residential neighbourhood. Granting this license will undoubtedly set a negative precedent, as it's likely to encourage other hospitality venues and restaurants to request similar extensions in the future. I wholeheartedly implore the council to reject this without delay!

The hours are way too late for a residential neighbourhood! This application must be rejected as approving such an application will set a negative precedent, where all other restaurants and hospitality venues will request the same.

<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED]	
<b>Status:</b>	Valid	<b>In support or objection:</b>	OBJECTION
<b>Received:</b>	25 October 2023		
Please reject this application immediately! The requested hours are dangerously unrealistic for a residential area. Approving it would render our neighbourhood unsafe and intolerably noisy. Our community is home to children, families, and working professionals, and this extension would bring harm to all these residents.			

### 3. Policy & Guidance

The following policies within the City of Westminster Statement of Licensing Policy apply:	
<b>Combined use premises Policy COMB1 applies:</b>	<p><b>A.</b> Applications outside the West End Cumulative Impact Zone for premises that propose to operate as a 'combined use premises' will be considered on their merits and subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</li> <li>2. The hours for licensable activities for the relevant use being within the council's Core Hours Policy HRS1.</li> <li>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.</li> <li>4. The applicant has taken account of the Special Consideration Zone policy SCZ1 if the premises are located within a designated zone.</li> </ol> <p><b>C.</b> When considering what weight is to be given to the relevant uses and policies the Licensing Authority will take into account:</p> <ol style="list-style-type: none"> <li>1. Whether it will undermine the licensing objectives.</li> <li>2. The current and proposed use of the premises.</li> <li>3. When those uses will take place.</li> <li>4. What the primary use of the premises is or the uses that will take place in different parts of that premises.</li> <li>5. Whether there would normally be a presumption to refuse an application for that use if it was operating as that premises type and not a combined use premises.</li> <li>6. Whether the hours sought for the all or parts of the premises are within or outside the Core Hours.</li> </ol> <p><b>D.</b> The Licensing Authority will take into account, when considering the application, the relevant considerations from each of the appropriate premises uses policies within this statement</p> <p><b>E.</b> For the purpose of this policy a Combined Use Premises means premises which require a premises licence and where there is more than one premises use, and where the uses are not dependent on/or part of the other uses i.e. are not ancillary to the other uses.</p>

**Hours Policy  
HRS1 applies**

- A.** Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.
- B.** Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:
1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm.
  2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation.
  3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed.
  4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.
  5. The proposed hours when any music, including incidental music, will be played.
  6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises.
  7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.
  8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.
  9. The capacity of the premises.
  10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation.
  11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.
  12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.
  13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.
  14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.
- 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><b>E.</b> For the purposes of this policy, ‘premises uses’ are defined within the relevant premises use policies within this statement.</p> <p><b>Note:</b> 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>
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#### 4. Equality Implications

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

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

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

#### 5. Appendices

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

<b>Report author:</b>	Miss Roxsana Haq
<b>Contact:</b>	Telephone: 020 7641 6500 Email: rhaq@westminster.gov.uk

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

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

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	07 January 2021
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	December 2023
<b>4</b>	Cumulative Impact Assessment	04 December 2023
<b>5</b>	Environmental Health representation	10 October 2023
<b>6</b>	Metropolitan Police representation <b>(withdrawn 13<sup>th</sup> November 2023)</b>	25 October 2023
<b>7</b>	Interested party 1	01 October 2023
<b>8</b>	Interested party 2	03 October 2023
<b>9</b>	Interested party 3	25 October 2023
<b>10</b>	Interested party 4	16 October 2023
<b>11</b>	Interested party 5	01 October 2023
<b>12</b>	Interested party 6	03 October 2023
<b>13</b>	Interested party 7	05 October 2023
<b>14</b>	Interested party 8	03 October 2023
<b>15</b>	Interested party 9	02 October 2023
<b>16</b>	Interested party 10	25 October 2023
<b>17</b>	Interested party 11	12 October 2023
<b>18</b>	Interested party 12	25 October 2023
<b>19</b>	Interested party 13	02 October 2023
<b>20</b>	Interested party 14	25 October 2023
<b>21</b>	Interested party 15	25 October 2023



Schedule 12  
Part A

WARD: West End  
UPRN: 010033636325

**City of Westminster**

64 Victoria Street, London, SW1E 6QP

Premises licence

Regulation 33, 34

Premises licence number:

23/07952/LIPDPS

Original Reference:

20/11879/LIPN

**Part 1 – Premises details**

**Postal address of premises:**

Nikita  
22 Davies Street  
London  
W1K 3DT

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

Not applicable

**Licensable activities authorised by the licence:**

Performance of Live Music  
Playing of Recorded Music  
Late Night Refreshment  
Sale by Retail of Alcohol

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

**Performance of Live Music**

Monday to Sunday: 22:00 to 02:00

Non-standard Timings: All licensable activities shall be extended from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day. An additional hour to the standard and non-standard times on the day when British Summertime Commences.

**Playing of Recorded Music**

Monday to Sunday: 00:00 to 00:00

**Late Night Refreshment**

Monday to Sunday: 23:00 to 01:00

Non-standard Timings: All licensable activities shall be extended from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day. An additional hour to the standard and non-standard times on the day when British Summertime Commences.

**Sale by Retail of Alcohol**

Monday to Saturday: 12:00 to 01:00

Sunday: 12:00 to 23:00

Non-standard Timings: All licensable activities shall be extended from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day. An additional hour to the standard and non-standard times on the day when British Summertime Commences.

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



**The opening hours of the premises:**

Monday to Sunday: 08:00 to 02:00

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

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

**Part 2**

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

Goodkat Limited  
130 Shaftesbury Avenue  
2nd Floor  
London W1D 5EU

Electronic Mail: amdhub@keystonelaw.co.uk  
Business Phone Number: 02033193700

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

12572510

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

Name: Leo Gle

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: 860427  
Licensing Authority: London Borough of Southwark

**Date:** 22 November 2023



**Signed:**

**This licence has been authorised by Miss Roxsana Haq on behalf of the Director - Environment, Climate & Public Protection (ECP)**

## 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.
- 9. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

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

None



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

10. No unauthorised advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) is inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or is distributed to the public, that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services.
11. Alcohol shall not be sold or supplied on the premises otherwise than to either:
  - a. persons admitted to the premises by prior invitation to a bona fide private function held at the premises;
  - b. specifically 20 invited guests of the proprietor listed by name at the reception prior to admission;
  - c. persons employed at the premises;
  - d. staff;
  - e. performers;
  - f. members and their bona fide guests, (to a maximum of 4) such members having paid an annual admission fee of at least £500 (with the exception of Founder Members); a list of all members to be held at reception for inspection by the relevant authorities; no person shall be admitted to the membership of the premises without an interval of at least 24 hours between application and acceptance to membership
  - g. A list of the names and addresses of members of the Club shall be kept on the premises at all times together with a book showing the names and dates of attendance of any guests introduced by members. Both the list and the book shall be produced on demand for inspection by the police or an authorised officer of the Council.
12. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. 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. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31-day period.
13. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
14. A minimum of 2 SIA licensed door supervisors shall be on duty at the premises from 20:00 hours until close of business daily, whilst the premises is open for business and 30 minutes after close of business to assist with quiet dispersal.
15. At least 1 of the above SIA licensed door supervisors shall be on duty at the entrance of the premises at all times whilst it is open for business.
16. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
17. All windows and external doors shall be kept closed after (21:00) hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
18. There shall be no admittance or re-admittance to the premises after 00:00 save for smokers, performers and staff.

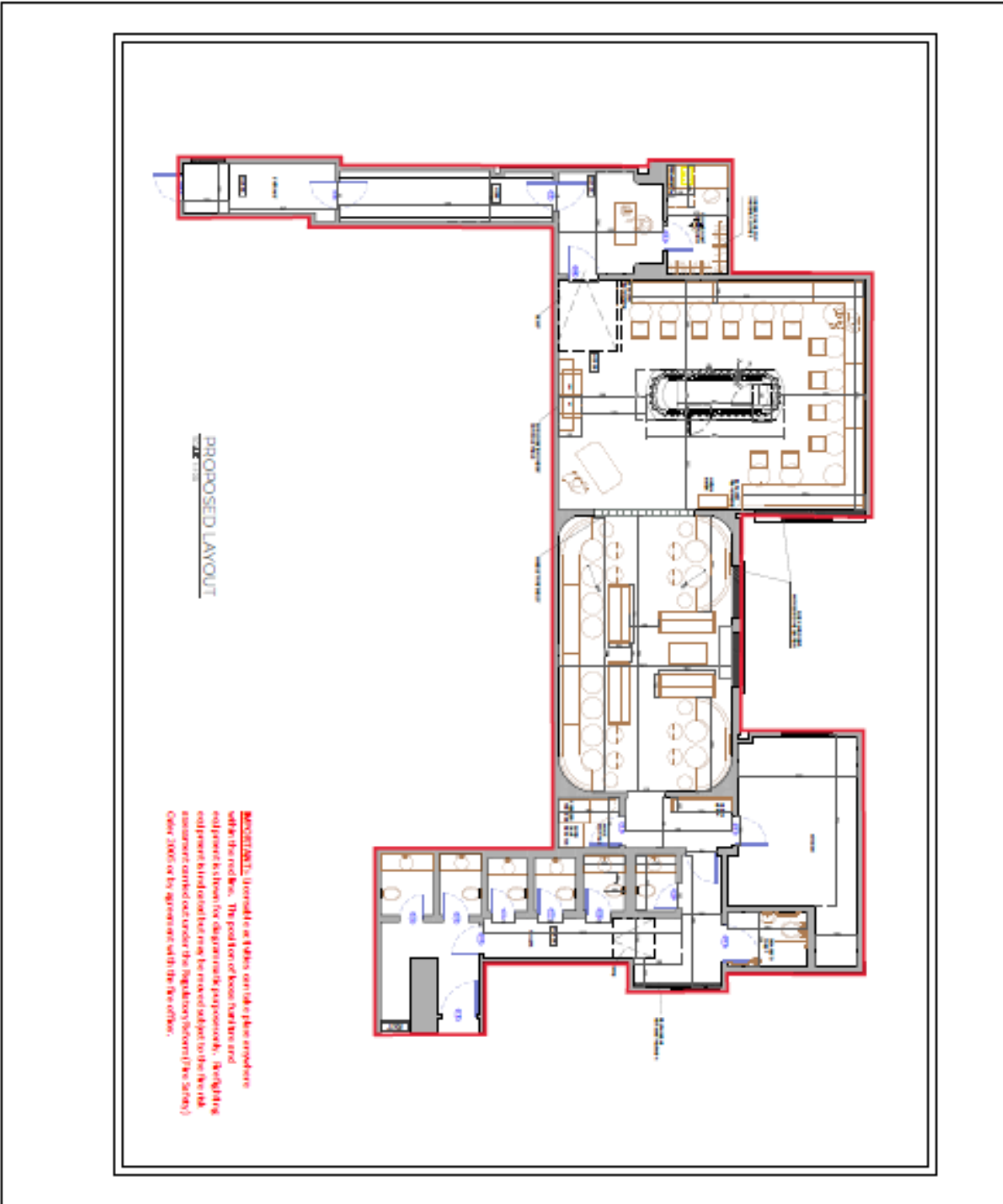
19. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
20. The highway and public spaces in the vicinity of the premises shall be kept free of litter from the premises at all material times to the satisfaction of the Council. All litter and sweepings shall be collected and stored in accordance with the approved refuse storage arrangements.
21. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
  - a. all crimes reported to the venue
  - b. all ejections of patrons
  - c. any complaints received
  - d. any incidents of disorder
  - e. all seizures of drugs or offensive weapons
  - f. any faults in the CCTV system or searching equipment or scanning equipment
  - g. any refusal of the sale of alcohol
  - h. any visit by a relevant authority or emergency service.
22. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given.
  - i. dry ice and cryogenic fog
  - ii. smoke machines and fog generators
  - iii. pyrotechnics including fire works
  - iv. firearms
  - v. lasers
  - vi. explosives and highly flammable substances.
  - vii. real flame.
  - viii. strobe lighting.
23. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
24. The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.
25. The permitted hours for licensable activities and opening times are extended on New Year's Eve until the start of permitted hours on New Year's Day.
26. There shall be no sales of alcohol for consumption off the premises.
27. All private functions must be risk assessed prior to being held at the venue and a copy of this must be made available for immediate inspection by Police or an authorised officer of Westminster Council.
28. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
29. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.



30. All staff engaged outside the entrance to the premises, or supervising or controlling queues, shall wear distinctive, on-brand uniforms, at all times.
31. On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01.00 hours.
32. 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.
33. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, Premises Management so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
34. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
35. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
36. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.
37. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence. This condition must be specifically varied and removed by way of a full variation application, to permit Sexual Entertainment even in the event that a Sexual Entertainment Venue Licence is granted in relation to this premises.
38. No deliveries to the premises shall take place between 23.00 hours and 08.00 hours on the following day.
39. 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.
40. There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises.
41. 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.
42. 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.
43. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.



44. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
45. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
46. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
47. 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.
48. The number of persons permitted in the premises at any one-time (excluding staff) shall not exceed 120 persons.
49. The number of smokers allowed in the designated smoking area shown crossed hatched on the Premises Plan is not to exceed 6 patrons at any one time. Any other customers, wishing to smoke will be asked to leave the immediate area and proceed to Grosvenor Street. For the avoidance of doubt, the requirement for the Premises Licence Holder to supervise the area outside the Premises, to ensure that patrons do not cause a nuisance to nearby residents, includes the monitoring and control of this smoking area and the monitoring and control of patrons walking to Grosvenor Street (but not on Grosvenor Street).
50. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and business in the vicinity.



<b>V</b>	
<p><b>NOTES</b></p>	
<p><b>v i c t o r i a v o g e l</b>        71 - 75 Shelton St        Covent Garden        London WC2H 8JQ        info@victoriavogel.com</p>	
<p><b>DRAWING STATUS</b></p>	
<p><b>INFORMATION ONLY</b></p>	
<p><b>CLIENT</b>  <b>JP KILEY</b></p>	
<p><b>PROJECT</b>        22 DAVIES ST        LONDON, UK</p>	
<p><b>TITLE</b>  <b>PROPOSED LAYOUT</b></p>	
<p><b>DATE</b>        18-08-2021</p>	
<p><b>SCALE</b>        1:20 @ A3</p>	
<p><b>SHEET NO</b>        A-08</p>	



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

Schedule 12  
Part B

WARD: West End  
UPRN: 010033636325

Premises licence  
summary

Regulation 33, 34

Premises licence number:

23/07952/LIPDPS

**Part 1 – Premises details**

**Postal address of premises:**

Nikita  
22 Davies Street  
London  
W1K 3DT

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

Not applicable

**Licensable activities authorised by the licence:**

Performance of Live Music  
Playing of Recorded Music  
Late Night Refreshment  
Sale by Retail of Alcohol

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

**Performance of Live Music**

Monday to Sunday: 22:00 to 02:00

Non-standard Timings: All licensable activities shall be extended from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day. An additional hour to the standard and non-standard times on the day when British Summertime Commences.

**Playing of Recorded Music**

Monday to Sunday: 00:00 to 00:00

**Late Night Refreshment**

Monday to Sunday: 23:00 to 01:00

Non-standard Timings: All licensable activities shall be extended from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day. An additional hour to the standard and non-standard times on the day when British Summertime Commences.

**Sale by Retail of Alcohol**

Monday to Saturday: 12:00 to 01:00

Sunday: 12:00 to 23:00

Non-standard Timings: All licensable activities shall be extended from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day. An additional hour to the standard and non-standard times on the day when British Summertime Commences.

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

**The opening hours of the premises:**

Monday to Sunday: 08:00 to 02:00

**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:**

Goodkat Limited  
130 Shaftesbury Avenue  
2nd Floor  
London W1D 5EU

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

12572510

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

Name: Leo Gle

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

Restricted

**Date:** 22 November 2023



**Signed:**

**This licence has been authorised by Miss Roxsana Haq on behalf of the Director - Environment, Climate & Public Protection (ECP)**

Mediation letter sent to all objectors:

*Nikita*

NIKITA  
22 DAVIES STREET  
MAYFAIR  
LONDON  
W1K3DT

27 November 2023

*Dear* [REDACTED]

NIKITA 22 DAVIES STREET-LICENCE VARIATION APPLICATION REF: 23/06454/LIPV

We appreciate your active involvement and comments on the licence variation application for Nikita. I am writing to address the issues you raised in your objection to the proposed variation of our premises license. At Nikita we take the concerns of our local residents seriously, and we value your engagement in this matter.

I want to reassure you that control measures are in place to ensure that residents in the vicinity are not adversely affected by activities at the venue. I thought it might be useful to highlight some of the measures we already have in place to minimise disturbances:

- **Soundproofing Measures:** Following a full acoustic impact assessment by an independent assessor, Nikita made a significant investment by installing professional soundproofing materials, wall linings and technologies to mitigate the impact of noise outside our premises.
- **Noise Monitoring:** We regularly monitor noise levels during operational hours to ensure compliance with regulations and to promptly address any deviations.
- **Staff Training:** Our staff undergoes comprehensive training on noise management and customer interaction to ensure a responsible and considerate approach.
- **Enhanced Security Monitoring & Training:** In addition to two door supervisors, Nikita also deploys a Street Marshall to carry out patrols in the area, with the specific task to monitor and minimise disruption. All our door staff are qualified and licensed by the Security Industry Authority (SIA) and

*Nikita, 22 Davies Street, Mayfair, London, W1K 3DT*



*Nikita*

furthermore under Nikita's instruction have completed enhanced security training, delivered by a former Detective Chief Superintendent Met Police officer and Expert on security.

Additionally, I want to assure you that we have a robust dispersal policy in place to manage the movement of patrons leaving our venue, further minimising any potential disturbances. Full consideration towards the impact on local residents is absolutely key to our operation.

We understand the importance of maintaining a peaceful coexistence with our neighbours and in that light want to work with you to address your specific concerns.

In the spirit of understanding the importance of open communication, I personally invite you to visit Nikita. This would provide an opportunity for us to discuss your concerns in more detail and for you to gain firsthand insight into the steps we have taken to address noise-related and other local issues.

Please let us know a convenient time for you, and we will be happy to arrange a meeting at our restaurant Mr Nice, or another location convenient to you. Your input is invaluable, and we are committed to working collaboratively to address any apprehensions you may have.

Thank you for your time and consideration. We look forward to the possibility of meeting with you to strengthen relations between our venue and the local community.

Yours sincerely

**JEAN PHILIPPE KLEY  
DIRECTOR, NIKITA**

[REDACTED]

*Nikita*, 22 Davies Street, Mayfair, London, W1K 3DT

**Premises Licence & Appeal History**

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
20/11879/LIPN	New premises licence application	25.03.2021	Granted by Licensing Sub-Committee
21/11634/LIPVM	Minor variation to change layout and improve toilets.	08.11.2021	Granted under delegated authority
22/00693/LIPDPS	Vary DPS	15.03.2022	Granted under delegated authority
22/06204/LIPDPS	Vary DPS	05.07.2022	Granted under delegated authority
23/07952/LIPDPS	Vary DPS	22.11.2023	Granted under delegated authority

**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.

9. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

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

None

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

10. No unauthorised advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) is inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or is distributed to the public, that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services.
11. Alcohol shall not be sold or supplied on the premises otherwise than to either:
  - a. persons admitted to the premises by prior invitation to a bona fide private function held at the premises;
  - b. specifically 20 invited guests of the proprietor listed by name at the reception prior to admission;
  - c. persons employed at the premises;
  - d. staff;
  - e. performers;
  - f. members and their bona fide guests, (to a maximum of 4) such members having paid an annual admission fee of at least £500 (with the exception of Founder Members); a list of all members to be held at reception for inspection by the relevant authorities; no person shall be admitted to the membership of the premises without an interval of at least 24 hours between application and acceptance to membership
  - g. A list of the names and addresses of members of the Club shall be kept on the premises at all times together with a book showing the names and dates of attendance of any guests introduced by members. Both the list and the book shall be produced on demand for inspection by the police or an authorised officer of the Council.
12. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. 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. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31-day period.
13. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
14. A minimum of 2 SIA licensed door supervisors shall be on duty at the premises from 20:00 hours until close of business daily, whilst the premises is open for business and 30 minutes after close of business to assist with quiet dispersal.
15. At least 1 of the above SIA licensed door supervisors shall be on duty at the entrance of the premises at all times whilst it is open for business.
16. Loudspeakers shall not be located in the entrance lobby or outside the premises building.

17. All windows and external doors shall be kept closed after (21:00) hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
18. There shall be no admittance or re-admittance to the premises after 00:00 save for smokers, performers and staff.

**Condition 18 above to be replaced with:**

- 18. There shall be no admittance or re-admittance to the premises after 00:30 save for smokers, performers and staff**
19. 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.
20. The highway and public spaces in the vicinity of the premises shall be kept free of litter from the premises at all material times to the satisfaction of the Council. All litter and sweepings shall be collected and stored in accordance with the approved refuse storage arrangements.
21. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
  - a. all crimes reported to the venue
  - b. all ejections of patrons
  - c. any complaints received
  - d. any incidents of disorder
  - e. all seizures of drugs or offensive weapons
  - f. any faults in the CCTV system or searching equipment or scanning equipment
  - g. any refusal of the sale of alcohol
  - h. any visit by a relevant authority or emergency service.
22. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given.
  - i. dry ice and cryogenic fog
  - ii. smoke machines and fog generators
  - iii. pyrotechnics including fire works
  - iv. firearms
  - v. lasers
  - vi. explosives and highly flammable substances.
  - vii. real flame.
  - viii. strobe lighting.
23. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
24. The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.

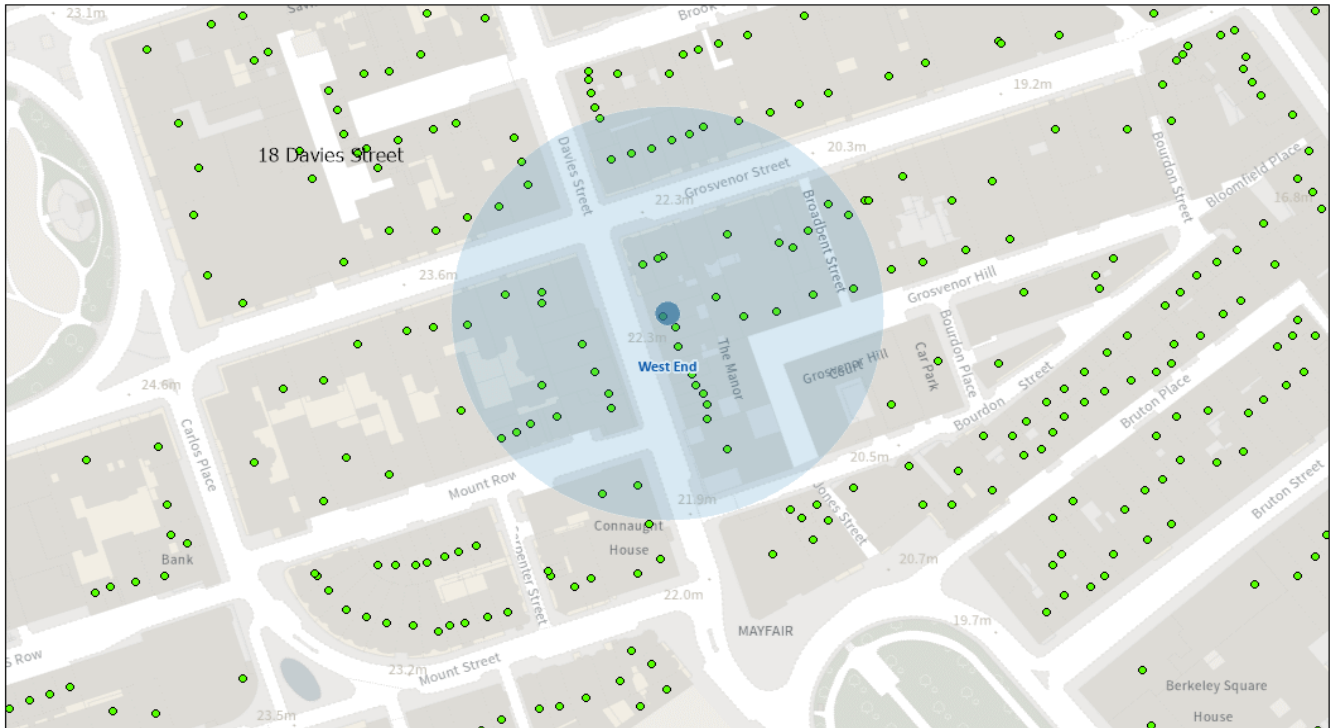
25. The permitted hours for licensable activities and opening times are extended on New Year's Eve until the start of permitted hours on New Year's Day.
26. There shall be no sales of alcohol for consumption off the premises.
27. All private functions must be risk assessed prior to being held at the venue and a copy of this must be made available for immediate inspection by Police or an authorised officer of Westminster Council.
28. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
29. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
30. All staff engaged outside the entrance to the premises, or supervising or controlling queues, shall wear distinctive, on-brand uniforms, at all times.
31. On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01.00 hours.
32. 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.
33. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, Premises Management so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
34. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
35. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
36. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.
37. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence. This condition must be specifically varied and removed by way of a full variation application, to permit Sexual Entertainment even in the event that a Sexual Entertainment Venue Licence is granted in relation to this premises.

38. No deliveries to the premises shall take place between 23.00 hours and 08.00 hours on the following day.
39. 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.
40. There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises.
41. 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.
42. 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.
43. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
44. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
45. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
46. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
47. 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.
48. The number of persons permitted in the premises at any one-time (excluding staff) shall not exceed 120 persons.
49. The number of smokers allowed in the designated smoking area shown crossed hatched on the Premises Plan is not to exceed 6 patrons at any one time. Any other customers, wishing to smoke will be asked to leave the immediate area and proceed to Grosvenor Street. For the avoidance of doubt, the requirement for the Premises Licence Holder to supervise the area outside the Premises, to ensure that patrons do not cause a nuisance to nearby residents, includes the monitoring and control of this smoking area and the monitoring and control of patrons walking to Grosvenor Street (but not on Grosvenor Street).
50. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and business in the vicinity.

**Conditions agreed with the Metropolitan Police Service to form part of the operating schedule.**

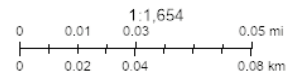
51.
  - (a) The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team.
  - (b) All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.
  - (c) The CCTV 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.
  
52. 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.
  
53. A copy of the premises' dispersal policy shall be made readily available at the premises for inspection by a Police Officer and/or an authorised officer of Westminster City Council.
  
54. In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:
  - (a) The police (and, where appropriate, the London Ambulance Service) are called without delay;
  - (b) All measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;
  - (c) The crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and
  - (d) Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.

22 DAVIES STREET, LONDON, CITY OF WESTMINSTER, W1K 3DT



26/02/2024, 09:20:12

- Property Mailing List
- Ward Boundaries
- Ward Labels



Resident Count: 92



**Licensed premises within 75 metres of 22 Davies Street London W1K 3DT**

<b>Licence Number</b>	<b>Trading Name</b>	<b>Address</b>	<b>Premises Type</b>	<b>Time Period</b>
23/07955/LIPDPS	Mister Nice	14 - 16 Davies Street London W1K 3DR	Restaurant	Sunday; 07:00 - 23:00   Monday to Thursday; 07:00 - 00:00   Friday to Saturday; 07:00 - 00:30
16/06485/LIPDPS	C London	Ground Floor 25 Davies Street London W1K 3DQ	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
24/00247/LIPV	Alfreds, Bourdon House	2-2A Davies Street London W1K 3DJ	Club or institution	Monday; 00:00 - 00:00   Tuesday; 00:00 - 00:00   Wednesday; 00:00 - 00:00   Thursday; 00:00 - 00:00   Friday; 00:00 - 00:00   Saturday; 00:00 - 00:00   Sunday; 00:00 - 00:00
22/11551/LIPV	Mayfair Post Office	Post Office 32A Grosvenor Street London W1K 4PA	Shop	Sunday; 09:00 - 22:30   Monday to Saturday; 07:30 - 23:00

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City of Westminster

# Licensing Sub-Committee Report

Item No:	
Date:	7 March 2024
Licensing Ref No:	23/05348/LIPN - New Premises Licence
Title of Report:	428 Edgware Road London W2 1EG
Report of:	Director of Public Protection and Licensing
Wards involved:	Church Street
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: <a href="mailto:jdonovan@westminster.gov.uk">jdonovan@westminster.gov.uk</a>

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	11 August 2023		
<b>Applicant:</b>	Mrs Amineh Mohavi		
<b>Premises:</b>	N/A		
<b>Premises address:</b>	428 Edgware Road London W2 1EG	<b>Ward:</b>	Church Street
		<b>Cumulative Impact Area:</b>	None
		<b>Special Consideration Zone:</b>	None
<b>Premises description:</b>	The premises intends to operate as a restaurant.		
<b>Premises licence history:</b>	<p>The premises had the benefit of a time limited licence between 9 April 2019 and 9 February 2020.</p> <p>The premises were granted a new premises licence in 2020 however, the licence lapsed in August 2023 (20/08194/LIPT).</p> <p>A copy of the premises licence can be found at <b>Appendix 4</b> along with the full history which can be seen at <b>Appendix 5</b>.</p>		
<b>Applicant submissions:</b>	There are no submissions from the applicant.		
<b>Applicant amendments:</b>	Following consultation, the applicant reduced the timings for Late Night Refreshment from Monday to Thursday 23:00 to 01:30 and Friday to Saturday 23:00 to 02:00 to the timings stated at <b>section 1-B</b>		

1-B Proposed licensable activities and hours							
<b>Late Night Refreshment:</b>				<b>Indoors, outdoors or both</b>			Indoors
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	23:00	23:00	23:00	23:00	23:00	23:00	23:00
<b>End:</b>	00:30	00:30	00:30	00:30	01:30	01:30	00:30
<b>Seasonal variations/ Non-standard timings:</b>			N/A				

Hours premises are open to the public							
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	11:00	11:00	11:00	11:00	11:00	11:00	11:00
<b>End:</b>	01:30	01:30	01:30	01:30	02:30	02:30	02:30
<b>Seasonal variations/ Non-standard timings:</b>			N/A				

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Environmental Health Service
<b>Representative:</b>	Ayesha Bolton
<b>Received:</b>	07 February 2024
<p>I refer to the application for a new Premises Licence for the above premises.</p> <p>The applicant has submitted floor plans of the premises.</p> <p>This representation is based on the plans and operating schedule submitted.</p> <p>The applicant is seeking the following:</p> <ol style="list-style-type: none"> <li>To provide Late Night Refreshments Indoors, at the premises Monday to Thursday between 23.00 to 01.30 hours and Friday to Sunday between 23.00 to 02.30 hours.</li> </ol> <p>I wish to make the following representation:</p> <ol style="list-style-type: none"> <li>The provision and the hours requested for Late Night Refreshment will have the likely effect of causing an increase in Public Nuisance within the area.</li> </ol> <p>The granting of the application as presented would have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the area.</p> <p>The applicant has provided additional information within the application which is being assessed. Conditions will be proposed by Environmental Health to address the licensing objectives.</p> <p>Should you wish to discuss the matter further please do not hesitate to contact me.</p>	
<b>Responsible Authority:</b>	Metropolitan Police Service
<b>Representative:</b>	PC Adam Deweltz
<b>Received:</b>	02 January 2024
<p>I am writing on behalf of the Commissioner of the Metropolitan Police Service (“The Police”) to make representations opposing the grant of a premises licence application for <b>428 Edgware Road, W2 1EG</b></p> <p>The application seeks the following licensable activities:</p> <p><b>Late Night Refreshment</b>  Monday – Thursday: 23:00 – 01:30  Friday and Saturday: 23:00 – 02:30</p>	

Sunday: 23:00 – 02:30

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

The proposed licensable activities are likely to undermine the following licensing objective:

- The Prevention of Crime and Disorder.

The premises is located at 428 Edgware Road, W2 1EG. The Police have concerns that a new premises, which provides Late Night Refreshment outside of core hours, will adversely impact the area. Edgware Road is already saturated by late night licensed premises, which can bring crime and disorder to the area. The police are already struggling to cope with excessive crime levels. The applicant has stated that the premises will be a restaurant. However, they have not provided any conditions to mitigate the risk of crime and disorder, and therefore have not demonstrated how the licensing objectives will be promoted.

Westminster's Statement of Licensing Policy 2021 states under its Restaurant's Policy ("RNT1") section A:

***Applications outside the West End Cumulative Impact Zone will generally be granted subject to:***

- 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 application and operation of the venue meeting the definition of a restaurant as per Clause C:*

***C. For the purposes of this policy a restaurant is defined as:***

- 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.*

The Police request that that the licensing sub-committee take into account all the above points.



<b>Responsible Authority:</b>	Planning Department
<b>Representative:</b>	Avani Raven
<b>Received:</b>	05 January 2024

I refer to the consultation request for a Premises Licence under the Licensing Act 2003, in respect of the above premises.

The authorised use of these premises is considered to be a restaurant (Use Class E(b))

The relevant planning history is listed as follows:

Planning permission was granted on 13 May 2021 under application reference 21/00191/FULL for the following:

*“Erection of single storey rear extension at ground floor level and landscaping of rear garden to provide additional floorspace for restaurant. (part retrospective).”*

The following conditions attached to this permission are of particular relevance:

Condition 4 restricts the use of the roof of the extension; namely not permitting it for sitting out or for any other purposes, except for escape in an emergency.

Condition 5 requires the submission of details of a bio-diversity management plan in relation to the green roof to the extension prior to the commencement of this part of the approval.

Condition 6 states that customers of the restaurant shall not be permitted to use the rear garden for any purpose at any time.

Condition 7 restricts the opening times of the extended restaurant premises to between 11.30 and 23.00 every day.

There is no planning record of details pursuant to condition 5 being discharged, and if the extended part of the restaurant, subject of this planning permission, is in use, then there would be a breach in this condition.

Also of relevance, prior to this, planning permission was granted on 6 June 2018 under application reference 18/02647/FULL for the following:

*“Erection of single storey rear extension at ground floor level and landscaping of rear garden to provide additional floorspace for restaurant. (Class A3).”*

Of particular relevance the following condition was attached to this permission: Condition 6 states that customers of the restaurant shall not be permitted to use the rear garden for any purpose at any time.

I should also advise you that there are several outstanding planning enforcement investigations relating to the premises, including in relation to the use of the of the premises for shisha smoking (enforcement reference 19/72182/U); and in relation to the breach of condition 6 of planning permission 18/02647/FULL (enforcement ref 20/72335/H).

It is noted in Part 3– Operating Schedule, of the licencing application form, the applicant refers to the general description of the premises as “The ground floor, basement and back yard operate as a restaurant and smoking area, in the back.”

It is advised that the use of the rear garden (or yard) for any use by any customers of the restaurant at any time is restricted by condition 6 of planning permission reference 21/00191/FULL, and therefore the use as stated in Part 3 of the back yard of the premises as a smoking area would be a breach of this condition and that this is also the subject of an outstanding planning enforcement case as set out above.

2-B Other Persons			
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or objection:</b>	Objection
<b>Received:</b>	9 January 2024		
<p>We object on the following grounds</p> <p>1. The current application, Reference 23/05348/LIPN, seeks an extension of operating hours for the premises at 428 Edgware Road. However, it's imperative to note that a similar application (20/00429/LIPN) for the same premises was previously denied a late-night license. The denial decision on March 12, 2020, based on comprehensive representations from neighbouring residential properties, clearly indicated concerns about the adverse impact on the immediate community, especially [REDACTED]. The decision also imposed strict conditions and warned against potential reviews if the licensed premises' operation jeopardised established licensing objectives.</p> <p>2. Evidence of Breaches and Disregard for Regulations: Further substantiating the objection, there have been observable breaches in the license granted to 428 Edgware Road (20/00429/LIPN). These breaches, highlighted in documented correspondence between council licensing officials and the secretary of [REDACTED] notably pertain to unauthorised late-night shesha smoking in the garden area. Such activities have resulted in significant noise disturbances, clearly violating the terms stipulated in the previous license granted for the premises.</p> <p>3. Detrimental Impact on Neighbourhood Residents: Granting an extension of operating hours under the current application would undoubtedly exacerbate the existing noise disturbances faced [REDACTED], particularly during crucial sleeping hours. The detrimental impact on the quality of life for these residents, especially the young children residing in the vicinity, cannot be understated. This disturbance directly contravenes the essence of the licensing objectives aimed at ensuring community well-being and peaceful coexistence.</p>			



<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED]	
<b>Status:</b>	Valid	<b>In support or objection:</b>	Objection
<b>Received:</b>	12 January 2024		
<p>This is just outside the boundary of Hyde Park [REDACTED] and as one of [REDACTED] [REDACTED] object to this application as we believe it will not uphold the licensing objectives and fear it may well set a precedent for other premises along Edgware Road and surrounds. We believe it is important to find that balance between residents needs and business. [REDACTED] have sought to keep that balance especially on the Edgware Road.</p> <p>Part of Edgware Road is in a Special Consideration Area and this application needs to be considered in this regard. What happens in one part of the area affects the whole are by the nature of the type of premises on Edgware Road.</p> <p>The LNR hours sought are Mon-Thurs 23.00-01.30 and Fri-Sun 23.00-02.30. States current times are 11.00-23.00 hrs but we note an existing LNR for later hours. Seek clarity of conditions and timings of outside area on new application. As existing LNR ? Need to clarify any deliveries and take-aways. Need to clarify application for indoors only - outside area not included ? Clarification needed on overlooking re back garden area and noise issues. Residential area. We understand there are issues of ASB/crime in this area.</p>			
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or objection:</b>	Objection
<b>Received:</b>	12 January 2024		
<p>Since this license application mirrors 20/00429/LIPN, we request that you review all documents presented to the Sub-Committee of March 12, 2020, who considered 20/00429/LIPN, including the diagrams and pictures that illustrated the problem of the back extension which is a shack like structure with removable walls via sliding French doors kept open for Shesha smoking along with music.</p> <p>This extension has been built in the back garden bringing it a few feet away from [REDACTED] [REDACTED].</p> <p>We further request that you impose similar restrictions to 23/05348/LIPN as in the previous license 20/00429/LIPN, particularly those in "Section 3, Mandatory Conditions, consistent with the operating schedule" as required by the decision of Licensing Sub-committee No. 2 on March 12, 2020.</p> <p>The restrictions applied to the back extension of the restaurant, restricted music, and usage times, required keeping the sliding doors shut to prevent smoke and noise going into the residential [REDACTED] and the licensing committee limited the opening</p>			

<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or objection:</b>	Objection
<b>Received:</b>	21 December 2023		
<p>Objecting over noise concerns. 1.30am closure on weekdays is when residents have to work is far too late. Likewise 2.30am on weekends is far too late also. There are residents a few meters away from these suggested plans.</p> <p><b>Further submissions received from the interested party on 21 January 2024:</b></p> <p>I am objecting this planning application due to significant concerns regarding potential noise disturbances stemming from the proposed restaurant/bar operation.</p> <p>[REDACTED], I anticipate being significantly affected by the late operating hours, particularly until 1:30 am on weekdays and even later until 2:30 am on weekends. These extended hours have the potential to cause considerable disruption to the local residential area, and as such, I cannot support the approval of this application.</p>			
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or objection:</b>	Objection
<b>Received:</b>	11 January 2024		
<p>I write to express my strong opposition to Application Reference 23/05348/LIPN for 428 Edgware Road. My objections stem from:</p> <p><b>1. Previous Restrictions on Identical Application:</b></p> <p>A previous application (20/00429/LIPN) for this location received strict limitations due to written objections from [REDACTED] - and written objections from [REDACTED] of the area also wrote and expressed concern.</p> <p>These concerns, documented with pictures and diagrams, highlighted the close proximity of their homes and potential noise disruption. <u>Relevant evidence and the decision file are attached (licensing objections bundle.pdf &amp; decision.pdf) scroll down to the bottom of this e mail.</u></p> <p>Specifically, restrictions were placed on the rear of the premises under Section 3, Mandatory Conditions, consistent with the operating schedule (refer to the March 12, 2020 decision by Licensing Sub-committee No. 2) regarding 428 Edgware Road.</p> <p><b>2. Persistent Violations of the Granted License:</b></p> <p>Despite these restrictions, documented violations of the previous license (20/00429/LIPN) have occurred:</p> <ol style="list-style-type: none"> <li>1. Unauthorised sheesha smoking and loud music in the back garden, disturbing neighbouring residents during prohibited hours.</li> <li>2. Operation outside permitted hours or outside the restrictions placed on usage of the back of</li> </ol>			

the restaurant as per ,  
(20/00429/LIPN) further violating established conditions.

3. Evidence is provided for the licensing committee in the forwarded emails from Westminster officials with this email.

Here I urge the licensing committee not to legitimise these licensing breaches by diluting restrictions imposed by (20/00429/LIPN) and to impose similar restrictions on 23/05348/LIPN.

We urge Westminster Council to look to their previous records on 428 Edgware Rd and neighbouring commercial properties (who have created smoking areas in their back gardens as extensions to their Restaurants) as evidence of the environmental impact on residential dwellings located a few feet away.

### **3. Exacerbated Impact on Neighbourhood Residents:**

Granting a new license without addressing past concerns, violations, and their detrimental impact would significantly worsen existing disturbances for [REDACTED], especially during critical sleep hours. This disproportionately affects young children and shift workers.

1. Therefore, I urge you to: Deny Application 23/05348/LIPN as the intention is to use the back of the Restaurant extension in the garden, in breach of previous license conditions for shisha smoking with large open French doors, the Restaurant has this arrangement to the detriment of [REDACTED] because the law requires smoking in commercial premises to be partially in the open.

2. Consider that the open air back of the restaurant used for smoking, [REDACTED], please see diagrams in the pdf file attached. The new application states the extra opening hours are required for the restaurant smoking areas in the restricted as per back extension refer to the decision of (20/00429/LIPN)

3. Conduct a thorough review of the existing license (20/00429/LIPN) due to persistent breaches and their impact.

4. Impose, at minimum, the same strict conditions on the new application as the previous decision (20/00429/LIPN), particularly regarding the back garden restrictions under Section 3 and the operating schedule.

My objection prioritises community well-being.

Past decisions, documented violations, and their consequences cannot be ignored. I implore you to consider the evidence and protect Westmacott House residents.

The interested party has provided additional submissions which can be seen at **Appendix 3**.



### 3. Policy & Guidance

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

	<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"> <li>1. <b>Casinos:</b> Up to 24 hours a day whilst casino gaming is permitted by a premises licence under the Gambling Act 2005.</li> <li>2. <b>Cinemas, Cultural Venues and Live Sporting Premises:</b> Monday to Sunday: 9am to 12am</li> <li>3. <b>Hotels:</b> 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.</li> <li>4. <b>Off licences:</b> Monday to Saturday: 8am to 11pm. Sunday: 9am to 10.30pm.</li> <li>5. <b>Outdoor Spaces:</b> 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.</li> <li>6. <b>Pubs and bars, Fast Food and Music and Dance venues:</b> Monday to Thursday: 10am to 11.30pm. Friday and Saturday: 10am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 12pm to 12am.</li> <li>7. <b>Qualifying Clubs:</b> 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.</li> <li>8. <b>Restaurants:</b> 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.</li> <li>9. <b>Sexual Entertainment Venues and Sex Cinemas:</b> 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.</li> </ol> <p>D. Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.</p> <p>E. For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement.</p>
<p><b>Policy RNT1 applies</b></p>	<p>A. Applications outside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</li> <li>2. The hours for licensable activities being within the council's Core Hours Policy HRS1.</li> <li>3. The 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.</li> <li>4. The applicant has taken account of the Special Consideration Zones Policy SCZ1 if the premises are located within a designated zone.</li> <li>5. The application and operation of the venue meeting the definition of a restaurant as per Clause C.</li> </ol> <p>B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to:</p>

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

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

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

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



## 5. Appendices

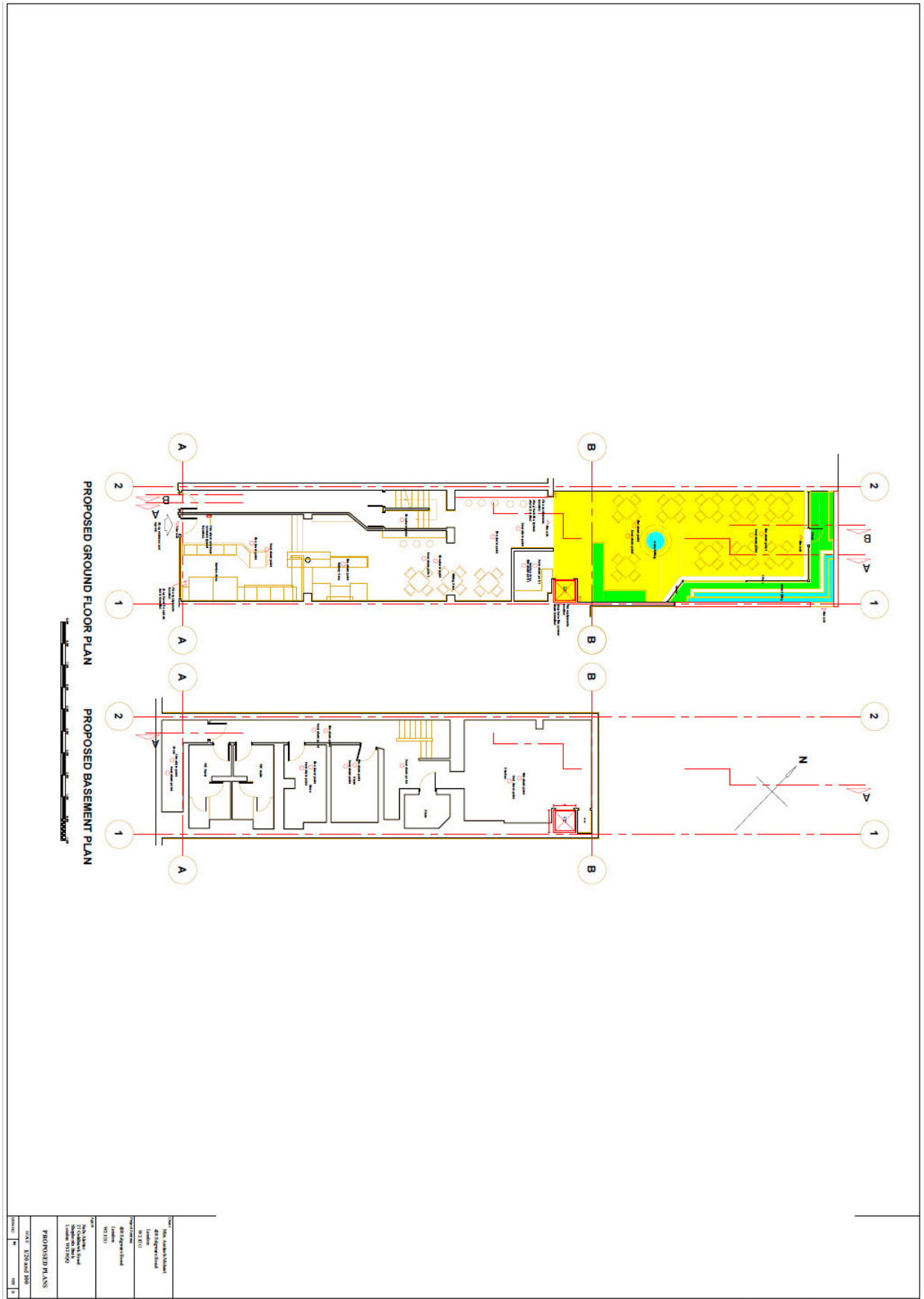
<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents
<b>Appendix 3</b>	Submission from Interested party 5
<b>Appendix 4</b>	Lapsed premises licence 20/08194/LIPT
<b>Appendix 5</b>	Premises history
<b>Appendix 6</b>	Proposed conditions
<b>Appendix 7</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Miss Jessica Donovan Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 6500 Email: <a href="mailto:jdonovan@westminster.gov.uk">jdonovan@westminster.gov.uk</a>

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

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

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	01 October 2021
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	December 2023
<b>4</b>	Cumulative Impact Assessment	04 December 2023
<b>5</b>	Environmental Health Service representation	07 February 2024
<b>6</b>	Metropolitan Police Service representation	02 January 2024
<b>7</b>	Planning Department representation	05 January 2024
<b>8</b>	Interested party representation (1)	09 January 2024
<b>9</b>	Interested party representation (2)	12 January 2024
<b>10</b>	Interested party representation (3)	12 January 2024
<b>11</b>	Interested party representation (4)	21 December 2023
<b>12</b>	Interested party representation (5)	11 January 2024



Client	Mr. & Mrs. Subash Subash
Address	177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000
Project Name	177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000
Scale	1:200 (Ground Floor) / 1:50 (Basement)
Author	Architect
Checked	Engineer
Date	10/10/2024



**Applicant Supporting Documents**

**Appendix 2**

There are no supporting documents from the applicant.

**LICENSING SUB-COMMITTEE No. 2**

*Thursday 12th March 2020*

Membership: Councillor Tim Mitchell (Chairman),  
Councillor Louise Hyams and Councillor Maggie Carman

Legal Adviser: Barry Panto  
Committee Officer: Kisi Smith-Charlemagne  
Policy Officer: Kerry Simpkin  
Presenting Officers: Kevin Jackaman

Objections: Environmental Health Service, [REDACTED], 32 local residents, mainly from [REDACTED]

Present: Mr Ismail Balin (on behalf of the Applicant), Maxwell Koduah (Environmental Health Officer).

<b>428 Edgware Road, London, W2 1EG (“The Premises”) 20/00429/LIPN</b>	
<b>1.</b>	<b>New Premises Licence</b>
	<p><b>Late Night Refreshment: Indoors, outdoors or both:</b> Indoors</p> <p>Monday to Thursday 23:00 to 00:30  Friday to Saturday 23:00 to 01:30  Sunday: 23:00 to 00:30</p> <p><b>Seasonal variations/ Non-standard timings:</b> None</p>
	<b>Amendments to application advised at hearing:</b> None
<b>2.</b>	<p><b>Decision (including reasons if different from those set out in report):</b></p> <p>Mr Jackaman introduced the item advising that the Sub-Committee had before it an application for a new premises licence from Zayouna Ltd (the Applicant). He advised that the application had received representations from the Environmental Health Service, 33 local residents, [REDACTED] and the Met police. It was noted that the Met Police representation was withdrawn on 26 February 2020 after the agreement to additional conditions. Mr Jackaman indicated that further submissions had been made by Environmental Health on 6 March 2020 and that the submissions were reviewed and circulated to all relevant parties.</p> <p><b>The Sub-Committee heard the Applicant’s Case</b></p> <p>Mr Ismail addressed the Sub-Committee advising that his premises was a</p>

restaurant and it intended to operate as a restaurant which also provided the option of Shisha. He informed the Sub-Committee that in June 2019 he applied for a licence and was granted a time limited licence between 9 April 2019 and 9 February 2020. Mr Ismail informed the Sub-Committee that he had made a mistake on the application and was now applying for a full premises licence. He advised that he was now applying for indoor Late-Night Refreshments, between the hours of 23:00 to 00:30 on Sunday to Thursday and 23:00 to 01:30 on Friday to Saturday. He explained that he would be selling alcohol free drinks and hot food.

**Comments from the Licensing Sub-Committee:**

The Sub-Committee asked Mr Ismail to describe the garden building and basement plans for the premises, and also queried the licensable area for the application. Mr Ismail confirmed that the application and licensable area was for the entire building and the external area to the rear. The Sub-Committee confirmed with Mr Ismail that conditions 14-28 had been agreed with the police and conditions 11-13 agreed with Environmental Health services. The Sub-Committee also sought further clarity regarding how smoking will be managed at the premises and how conditions 12 and 13 will work and whether smoking would be allowed at the front of the premises. Whilst viewing photographs of the premises, the Sub-Committee noted the large screens in the ceiling, confirming with Mr Ismail that no noise should be emanating from the premises.

The Sub-Committee were concerned that noise coming from the premises may travel from opened windows and doors and queried what time Mr Ismail considered reasonable to close doors and windows. The Sub-Committee also sought further information regarding the style and nature of the premises and queried the late opening hours for food and not for Shisha. In response to the Sub-Committee's queries, Mr Ismail advised that he had agreed to all conditions proposed by EH and the Police. He confirmed that the garden area will be closed at 23:00 (in accordance with planning requirements), and that there would be no smoking at the front of the premises (apart from smoking by those temporarily leaving the premises to smoke which would be restricted to an area directly in front of the premises) and all smoking including shisha would cease at 23:00.

**The Sub-Committee heard from Environmental Health Services:**

Mr Koduah addressed the Sub-Committee and confirmed that the Environmental Health Service had maintained their objections on the grounds that the provision of late-night refreshment and the hours requested may have the likely effect of increasing Public Nuisance and impact on Public Safety within the Edgware Road Cumulative Impact area. Mr Koduah felt that there was insufficient information to address the concerns of Environmental Health and the granting of this application as currently presented would have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the Edgware Road Cumulative Impact area.

	<p>The members noted, however, that the premises were not situated within the Cumulative Impact Area.</p> <p>Mr Koduah advised the Sub-Committee that three complaints had been made regarding the premises, the last one was on 1 January 2020 at 01:35 when the premises was supposed to be closed and was in breach of the terms of the premises licence. Mr Koduah advised that he had concerns regarding the Applicant's ability in being able to operate the premises in accordance with the licensing objectives. Mr Koduah advised the Sub-Committee that condition 13 ensures that all window and doors are closed at 23:00.</p> <p>In response to Mr Koduah statements, Mr Ismail advised the Sub-Committee that there had been no complaints between June and December 2019. The other incidents were mistakes and he had worked very hard with residents to ensure that they were not disturbed by any noise. He noted that not one of the 32 local residents had attended the hearing.</p> <p><b>Chair Summing Up</b></p> <p>The Sub-Committee thanked everyone for their submissions. The Sub-Committee noted the written submissions and concerns of the local residents at [REDACTED] and also the photographic evidence presented by [REDACTED]. There had clearly been some errors on the part of the applicant regarding compliance with the Health Act 2006 and also complaints from local residents regarding noise escape from the external area. The applicant had confirmed that the external area would cease to operate from 11 pm but, in granting the application, the Licensing Sub-Committee decided to add a further condition requiring all smoking (including Shisha) to cease at 11 pm.</p> <p>The Licensing Sub-Committee decided that the granting of the application, subject to the additional conditions agreed or imposed on the licence, would promote the licensing objectives. It was clear that there had been problems in the past and the applicant was warned that, if there were any breaches of the licence or if the operation of the licensed premises did undermine the licensing objectives, there would be the potential for local residents to review the licence. The applicant was also warned about the need to fully comply with the terms of any planning permission issued for the premises, including any permission relating to the rear external area.</p>
<p><b>3.</b></p>	<p><b>Hours Premises Open to the Public:</b></p> <p>Monday to Thursday 12:00 to 01:00  Friday to Saturday 12:00 to 02:00  Sunday: 12:00 to 01:00</p> <p><b>Seasonal variations/ Non-standard timings:</b> None</p>
	<p><b>MANDATORY CONDITIONS</b></p>

	<ol style="list-style-type: none"> <li>1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.</li> <li>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.</li> <li>3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.</li> <li>4. <ol style="list-style-type: none"> <li>(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.</li> <li>(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— <ol style="list-style-type: none"> <li>(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to; <ol style="list-style-type: none"> <li>(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</li> <li>(ii) drink as much alcohol as possible (whether within a time limit or otherwise);</li> </ol> </li> <li>(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;</li> <li>(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;</li> <li>(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;</li> <li>(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).</li> </ol> </li> </ol> </li> <li>5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.</li> <li>6. <ol style="list-style-type: none"> <li>(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.</li> </ol> </li> </ol>
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- (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.

9. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

#### **CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE**

10. A minimum of one SIA licensed door supervisors shall be on duty at the premises at all times when the Premises Licence is in operation.

11. Amplified music shall **NOT** be played at the premises at any time.

12. There shall be no smoking (including shisha) in the rear extension and within the garden area shown hatched on the plan attached to the licence from 23:00 on Sunday to Thursday to 01:00 on the following day and from 23:00 on Friday and Saturday to 02:00 on the following day.

13. After 23:00 hours, patrons permitted to temporarily leave and then re-enter the premises to smoke, including SHISHA, shall be restricted to the area directly in front of the premises along Edgware Road.
14. All windows, external doors and shutters shall be kept closed after 23:00 hours except for the immediate access and egress of persons.
15. 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.
16. 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.
17. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
18. 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 visit by a relevant authority or emergency service.
19. 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.
20. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
21. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
22. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.



	<p>23. No deliveries to the premises shall take place between 23:00 hours and 08:00 hours on the following day.</p> <p>24. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 60 persons.</p> <p>25. 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.</p> <p>26. After 23:00 Sunday to Thursday and 00:00 hours Friday and Saturday, the premises shall only operate as a restaurant:</p> <ul style="list-style-type: none"> <li>(i) in which customers are shown to their table,</li> <li>(ii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non-disposable crockery,</li> <li>(iii) which do not provide any take away service of food or drink for immediate consumption.</li> </ul> <p>27. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.</p> <p>28. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.</p> <p>29. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.</p>
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To  
Kevin Jackaman  
Senior Licensing Officer  
Licensing Team  
Public Protection & Licensing Department  
Westminster City Council  
15th Floor - 64 Victoria Street  
London SW1E 6QP

**RE: Renewal of a licence to Zayouna Ltd 428 Edgware Road. Application  
Ref 20/00429/LIPN**

Dear Mr Jackaman

We are [REDACTED] with Zayouna  
Ltd 428 Edgware Road.

We are all responding to the letter sent to us by the Westminster licensing team manager, on  
the 13 January 2020 regarding the above.

Please find enclosed our thirty two individual objection letters, to the application for licensing for  
Zayouna Ltd 428 Edgware Road. Application Ref 20/00429/LIPN

There is one additional objection with a photograph, from a resident of [REDACTED].

All these objections are all separate and are all individually addressed to Yourself &  
Westminster Council. Please pass these on to the licensing team.

In addition, As a resident of [REDACTED], I enclose my own detailed objection to  
application Ref 20/00429/LIPN.

This is supported by photographs and other documents.

Yours Sincerely.

[REDACTED]

5 February 2020

*Sent by RM Special Delivery*

To

Kevin Jackaman  
Senior Licensing Officer  
Licensing Team  
Public Protection & Licensing Department  
Westminster City Council  
15th Floor - 64 Victoria Street  
London SW1E 6QP

**RE: Renewal of a licence to Zayouna Ltd 428 Edgware Road. Application Ref 20/00429/LIPN**

Dear Mr Jackaman

1. As you can see from the photograph (*Exhibit 1*) the facade of [REDACTED], [REDACTED] of 428 Edgware Road.
2. The distance to the [REDACTED], are less than 15 meters to the [REDACTED] of Zayouna Ltd Restaurant. Loud music from Zayouna echoes and reverberates on the facade of the building causing a nuisance.(Exhibit 2)
3. [REDACTED], on most nights I hear the loud constant boom boom boom of music, singing and partying from the structure built in the garden of 428 Edgware Road.
4. The other residents of [REDACTED] are also disturbed by the noise, with thirty one residents writing to you individually to object to licence application Ref 20/00429/LIPN.
5. Please refer to a letter from the Director of Westminster Development planning Reference 18/02647/Full addressed to [REDACTED] of 428 Edgware Road, Dated 6 June, regarding permission for development (conditional) for the site. This letter is enclosed ( *see Appendix A in the attached bundle* ) and will be referred to hereafter as the '**Planning Permission letter**'
6. In the Westminster Planning Permission Letter, conditions were imposed, some of the reasons given were to protect the environment of neighbouring occupiers. This is set out in S9 and S32 of the Westminster City Plan (November 2016) and ENV 6 of the Unitary

Development Plan that was adopted in January 2007. (R11AC). And will be referred to hereafter as ‘**protecting the neighbouring occupiers**’.

7. On 6 June 2018 the owners of 428 Edgware Road were granted conditional permission, by the ‘planning permission letter’ (paragraph 6) to extend their restaurant into their garden by erecting a single storey rear extension.

7.1. The conditions were “*not to use the rear garden for any purpose at any time*” The reasons were ‘protecting the neighbouring occupiers’.

7.2. Zayouna Ltd the occupants of 428 Edgware Road have disregarded the above restriction by building a structure that not only extends their restaurant but occupies the whole of the garden space. (See *Photograph Exhibit 5*) The owners use the extension space and the whole garden, as a Shisha smoking area, and have built an open structure missing two walls (See *Photograph Exhibit 2*). This usage of the garden for any purpose any time is in violation of the ‘Planning permission letter’ (paragraph 6)

7.3. ‘The Planning permission letter (Paragraph 3) has a requirement that “all new work outside the building must match the original work in terms of choice of material, method of construction and finished appearance” In our opinion Zayouna has not conformed to this planning requirement. *Please refer to photograph exhibit 5* . You will agree the structure has an appearance of a third world shanty as viewed from Westmacott House. **We object to a licence by Westminster council for activities in a building which has not complied with Westminster planning regulations.**

7.4. It should be noted that an application was previously made for 428 Edgware Road REFERENCE 15/05876/FULL | For use as a smoking shelter. This application was withdrawn.

8. As per the planning letter (paragraph 6) customers were “not permitted within the extended restaurant premises before 11:00 AM or after 23:00 PM each day” the reasons for this were protecting the neighbouring occupiers.

8.1. If it is accepted the Shisha smoking structure in the garden is indeed an extension, the restrictions on ‘not allowing customers into the extension after 23:00’ has not been complied with. The extension has customers occupying it after 11PM each day, with the playing of loud music up to 3AM. (See *Photograph Exhibit 6*)

8.2. Evidence of the above is with the Westminster noise team, obtained on a visit (due to a complaint from residents) of [REDACTED]. The

Westminster noise team found customers in the restaurant extension, and loud music emanating from it at 3AM.

- 8.3. It is important to note that at the Zayouna restaurant, the Westminster licencing notice is placed at the entrance of the Shisha extension in the garden. The licence notice gives a misleading impression that the extension is also licenced as for the hours specified. Whereas the licence notice pertains only to the restaurant. (See *Photograph Exhibit 8*)
  - 8.4. Complainants from [REDACTED] have had it pointed out to them by management, at Zayouna, that the licence on the wall applied to the whole of the restaurant including the structure in the garden. This is misleading information. Zayouna, on the basis of their licence for the main restaurant, has misled complainants by informing them it applies to the Shisha smoking extension without walls, which stays open late and from which loud music emanates.
9. In the permission letter for application for Class 3 usage, had a prior requirement to install self closing doors to the rear extension to quote "*You must not leave these doors open except in an emergency or to carry out maintenance*" reason given was to 'protect residents from noise nuisance'.
    - 9.1. The owners of 428 Edgware Road have not installed self closing doors, but instead for the purpose of smoking regulations which require an open space, built a structure with two missing walls. Activities taking place without walls are in effect in the open air. This defeats the planning requirement of having self closing doors permanently shut.
    - 9.2. The doors to the outside do not exist while smoking and music activities take place - there is no insulation from noise that walls would give, in this situation there is nothing to protect the [REDACTED] (See *Photograph Exhibit 2, Exhibit 3, Exhibit 7*)
  10. In Part 3 - Operating Schedule Application for a Premises Licence under the Licensing Act 2003
    - 10.1. The licence application for Zayouna Ltd 428 Edgware Road. has not mentioned in this section that Zayouna operates a purpose built Shisha smoking area in the rear extension with music and that this extension is without walls. That this extension faces [REDACTED] from where there have been several complaints regarding noise nuisance.
    - 10.2. This piece of important information, useful for a decision regarding 'protecting the neighbouring occupiers, has been omitted from the licencing application.

11. Please see section P of the Zayouna licence application  
*Describe the steps you intend to take to promote the four licensing objectives: a) General - all four licensing objectives (b,c,d,e) (please read guidance note 10)*
  - 11.1. The applicant Mr Balin Ishmail says to quote *“As we already have experience in having a late night refreshment, and not having any objections for 7 months, we will be taking the same steps as we’ve done”*
  - 11.2. We wish to state that contrary to what Mr Balin Ishmail says on the application, a representative of [REDACTED] has complained directly to him on two occasions regarding the noise disturbing the residents [REDACTED]. On another occasion a complaint was made to [REDACTED] who said he was the owner of Zayouna Ltd.
  
12. The Westminster noise team has also interviewed the management of the restaurant following noise complaints from residents [REDACTED]. This is a list of some of the complaints to the Westminster noise team. There are residents [REDACTED] who have complained about the noise that are not listed.
 

12.1.	Sun 8 September	Time unknown	—	Case CAS 87108 R9C3H0
12.2.	Sat 30 November	22:52 Hours	—	Case CAS 002087 B7S5B4
12.3.	Sun 1 December	00:55 Hours	—	Case CAS 002099 G3S7P9
12.4.	Sat 21 December	00:55 Hours	—	Case CAS 008364 Q4R6F3
12.5.	Wed 1 January	01:38 Hours	—	Case CAS 010655 W6T3C1
12.6.	Thur 16 January	23:08 Hours.	—	Case CAS. 0160171 Q1V8V5
12.7.	Sat January	23:08 Hours	—	Case CAS 016532 C5H9N9
12.8.	Sun 8 September	22:30 Hours	—	Case 87105 P5C5R8
  
13. Zayouna 428 Edgware Road is a popular restaurant for Shisha smoking, with reviews on the internet, and social media like facebook, Tripadvisor reviews have praised the Shisha smoking garden.
  - 13.1. We have evidence that the restaurant is advertised on the Internet as a Shisha smoking Lounge. (See attached photographs from the internet)
  - 13.2. The business model of this Shisha smoking Lounge is playing loud music and parties as evidenced by the constant noise. This is the main reason in our opinion, why noise complaints [REDACTED] have been ignored by the Zayouna restaurant.
  - 13.3. This noise will likely increase as the popularity and customers of the Zayouna grow.

13.4. Refer to Westminster Council's own advice to the public at <https://www.westminster.gov.uk/shisha> : Residents have expressed concerns for their children's health and well being. Please refer refer to Exhibit 1, where the [REDACTED] are less than ten meters from the Shisha smoking structure. Where more than a dozen Shisha pipes emits smoke. On still summer nights [REDACTED] the Shisha smoke drifts [REDACTED].

I hereby object to the granting of a licence to applicant Zayouna Ltd, granting permission to play music and entertainment, I in addition object to the restaurant's opening later than 11:30 PM or before 8AM to customers because of all the reasons in this letter.

I object to any licence for any permission being given to the Shisha extension without walls in the open air, which is de facto an activity in the garden and for reasons set out in this letter and paragraph 7.

Because of the noise nuisance see paragraph I object to the Shisha extension to be used by customers, unless the whole area is enclosed, **with solid noise insulating walls, doors and windows** and these are kept permanently shut, to be opened only in case of emergency. Measures should be taken that Shisha smoke does not escape to pollute [REDACTED], refer to paragraph 13.4 ,

I object to any music or entertainment in the extension and the whole restaurant for reasons given in this letter.

Because of the close proximity [REDACTED], The playing of loud music and the previous complaints to Westminster noise team, *I rely on, in support of my objections. on S9 and S32 of the Westminster City Plan (November 2016) and ENV 6 of the Unitary Development Plan that was adopted in January 2007. (R11AC).*

Yours sincerely

[REDACTED]

Dated 4 February 2020

[REDACTED]



# EXHIBIT

1

ZAYOUNA SHISHA  
SMOKING AND  
ENTERTAINMENT  
EXTENSION/STRUCTURE  
BUILT WITHOUT WALLS  
IN THE GARDEN

ZAYOUNA SHISHA  
SMOKING  
STRUCTURE



# EXHIBIT 2



AT LEAST FOUR WALL TELEVISIONS SPEAKERS, AS PART OF THE SOUND AND ENTERTAINMENT SYSTEM

NO WALL AND AN OPEN AIR GAP BETWEEN THE SMOKING STRUCTURE AND THIS BROWN PLYWOOD PARTITION

NO WALL AND [REDACTED] 15M AWAY. NO SOUND INSULATION AND NO PROTECTION FROM SHISHA SMOKE



# EXHIBIT

## 3



██████████  
██████████  
THE FULL  
BLAST OF FOUR  
TELEVISION  
SPEAKERS.  
ENTERTAINMENT,  
CHEERS AND  
CLAPPING,

2ND MISSING WALL,  
PLYWOOD PARTITION  
SEVERAL FEET AWAY,  
ZAYOUNA CLASSIFIES  
THIS AS A OPEN AIR  
GARDEN LOUNGE, TO  
MEET INDOOR  
SMOKING BAN.

NON SOLID  
TEMPORARY  
ROOF



# EXHIBIT

4

ADVERTISED  
ON INTERNET  
AS SHISHA  
SMOKING  
LOUNGE

ROOF IS  
TEMPORARY  
OF  
CORRUGATED  
SHEETS  
SEE EXHIBIT 5

TEMPORARY  
PLYWOOD  
STRUCTURE  
OPEN WALLS

OUTDOOR  
HEATERS  
BECAUSE  
THERE  
ARE NO  
WALLS





# EXHIBIT

5

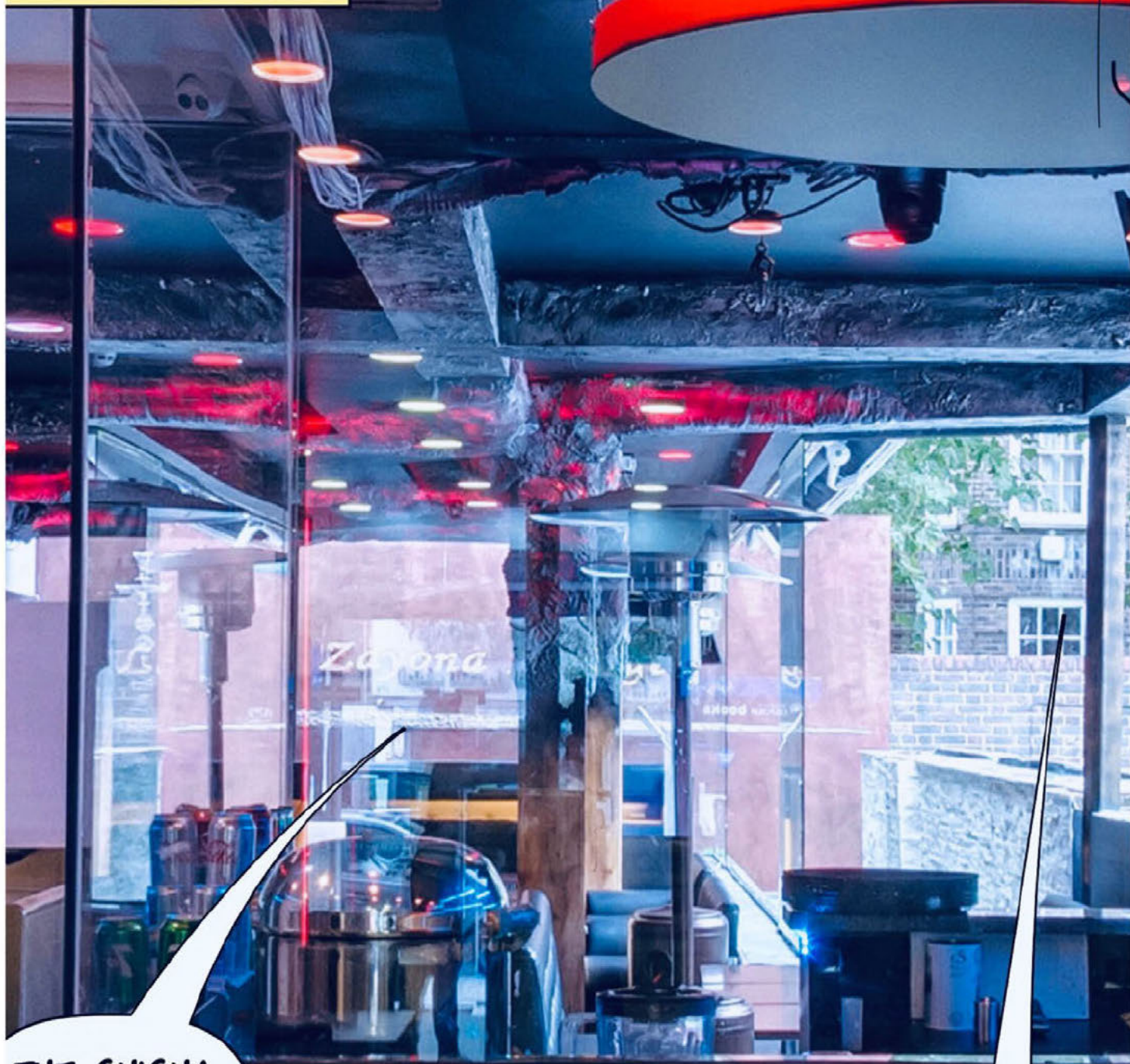
ZYOUNA SHISHA  
LOUNGE FROM  
THE OUTSIDE, IS  
A  
MONSTROSITY.  
A TEMPORARY  
STRUCTURE IN  
THE GARDEN

TEMPORARY  
ROOF



# EXHIBIT

6



THE SHISHA  
SMOKING  
STRUCTURE  
HAS TWO  
MISSING  
WALLS, KEPT  
OPEN AIR DUE  
TO INDOOR  
SMOKING  
REGULATION

FULL MUSIC NIGHTCLUB  
DISCO MUSIC SYSTEM  
WITH SPEAKERS, DUE TO  
THIS BEING OPEN AIR, NO  
SOUND INSULATION.



EXHIBIT

7

ZYOUNA OPEN  
AIR STRUCTURE





EXHIBIT  
8

THIS IS THE  
OPEN AIR  
EXTENSION.  
THE MAIN  
ACTIVITY  
TAKE PLACE  
HERE AND  
NOT IN THE  
RESTURANT.  
FOUR  
TELEVISION  
SPEAKERS  
AND MUSIC  
DISCO  
SYSTEM IS  
HERE.  
ZYOUNA HAD  
CLAIMED ITS  
LATE NIGHT  
LICENCE ALO  
APPLIES TO  
THE  
EXTENSION

THE EXTENSION  
DID NOT HAVE A  
LICENCE FOR  
LATE OPENING,  
ENTERTAINMENT  
AND MUSIC

THIS IN THE  
FOREGROUND  
IS THE ZYOUNA  
RESTURANT  
page 145  
HAD A  
LICENCE





page 116

With [redacted] at Zayona.

[redacted] and  
137 others like this.

View 6 more comments

[redacted] منورين الغوالي تنهنى شيخ ابو نهاد

4w

[redacted] اسعد الله صباحكم بكل خير يا حلوين

4w

[redacted] الله يحميكو

4w

[redacted] رحله موفقه للجميع

4w

[redacted] منورين حبايبنا الله يهنيهم

4w

[redacted] منورين

4w





Posted on 12-Jun-2019

## **Zayona Shisha Lounge & Restaurant**

Zayona Lounge has now opened, a special and luxury lounge with a real VIP experience.



# Massis

This Lebanese Bar and Grill is a central Paddington hotspot for lunch meetings and after work dining. With its mouthwatering menu and corporate catering and private event rooms, this is central London based Middle Eastern hospitality at its best.

## Zayona Shisha Lounge and Restaurant

Zayona Shisha Lounge and Restaurant is based on Edgware Road and is one of the best spots in the city for an authentic Turkish kebab. With its friendly atmosphere and shisha amenities, this is the perfect stop off for a quick bite to eat and relaxing shisha experience, all in a no-nonsense atmosphere.

## Momtaz Shisha Cafe

With a branch in Paddington and Kinston Upon Thames, the Momtaz Shisha Cafe sells an abundance of teas and drinks all with classic Lebanese decor. The beautiful outdoor seating

## Best Shisha Bars Near Paddington

<https://www.parkgrandlancastergate.co.uk/blog/best-shisha-bars-near-paddington/>

### Massis

This Lebanese Bar and Grill is a central Paddington hotspot for lunch meetings and after work dining. With its mouthwatering menu and corporate catering and private event rooms, this is central London based Middle Eastern hospitality at its best.

### Zayona Shisha Lounge and Restaurant

Zayona Shisha Lounge and Restaurant is base don Edgware Road and is one of the best spots in the city for an authentic Turkish kebab. With it's the friendly atmosphere and shisha amenities, this is the perfect stop off for a quick bite to eat and relaxing shisha experience, all in a no-nonsense atmosphere.

### Momtaz Shisha Cafe

With a branch in Paddington and Kinston Upon Thames, the Momtaz Shisha Cafe sells an abundance of teas and drinks all with classic Lebanese decor. The beautiful outdoor seating

[https://www.tripadvisor.co.uk/Restaurant\\_Review-g186338-d16434062-Reviews-Zayona-London\\_England.html](https://www.tripadvisor.co.uk/Restaurant_Review-g186338-d16434062-Reviews-Zayona-London_England.html)

From Trip advisor website



Reviewed 2 weeks ago via mobile

#### at Zayona 2

I went to this really nice place , it has a newly fresh looking decorative interior. The Arabic music is good , the chef made an amazing grill chicken meal for me . I will be going back to try his gourmet burgers , try Zayona 2 .. really good . It has an shisha garden at back very cool

[Show less](#)

**Date of visit:** January 2020



# APPENDIX - A



Your ref: MRS AMINEH MOHAVI

My ref: 18/02647/FULL

**Please  
reply to:**

Victoria Coelho

**Tel No:**

020 7641 6204

**Development Planning**  
Westminster City Council  
PO Box 732  
Redhill, RH1 9FL

6 June 2018

Dear Sir/Madam

**TOWN AND COUNTRY PLANNING ACT 1990  
PERMISSION FOR DEVELOPMENT (CONDITIONAL)**

The City Council has considered your application and permits the development referred to below subject to the conditions set out and in accordance with the plans submitted.

Unless any other period is stated in the Schedule below or by conditions attached; this consent, by virtue of Section 91(1) of the Town and Country Planning Act 1990 (as amended), is granted subject to the condition that the development shall be commenced within 3 years of the date of this decision.

Your attention is drawn to the enclosed Statement of Applicant's Rights and General Information.

**SCHEDULE**

**Application No:** 18/02647/FULL

**Date Received:** 31.03.2018

**Date Amended:** 16.04.2018

**Plan Nos:** 01 rev B; 02 rev B; 03 rev B; 04 rev B; 05 rev B.

**Address:** 428 Edgware Road, London, W2 1EG,

**Proposal:** Erection of single storey rear extension at ground floor level and landscaping of rear garden to provide additional floorspace for restaurant. (Class A3)

See next page for conditions/reasons.

Yours faithfully



**John Walker**  
**Director of Planning**

Note: As the requirements of the Building Regulations may affect the design of the proposed development our Building Control team can offer advice and guidance at an early stage. If you would like to take advantage of this service please contact them on 020 7641 6500 or email [districtsurveyors@westminster.gov.uk](mailto:districtsurveyors@westminster.gov.uk) to arrange a preliminary discussion.

**Note:**

- The Plain English Crystal Mark applies to those conditions, reasons and informatives in this letter which have an associated reference number with the prefix C, R, X or I.
- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority.



**Condition(s):**

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

**Reason:**

For the avoidance of doubt and in the interests of proper planning.

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
- o between 08.00 and 18.00 Monday to Friday;
  - o between 08.00 and 13.00 on Saturday; and
  - o not at all on Sundays, bank holidays and public holidays.

You must carry out piling, excavation and demolition work only:

- o between 08.00 and 18.00 Monday to Friday; and
- o not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

**Reason:**

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

**Reason:**

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 4 You must not use the roof of the extension for sitting out or for any other purpose. You can however use the roof to escape in an emergency. (C21BA)

**Reason:**

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

**Note:**

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- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority.



- 5 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the green roof to include construction method, layout, species and maintenance regime.

You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan.

Reason:

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

- 6 Customers of the restaurant use hereby approved shall not be permitted to use the rear garden for any purpose at anytime.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and TACE 9 of our Unitary Development Plan that we adopted in January 2007

- 7 Customers shall not be permitted within the extended restaurant premises before 11:30 or after 23:00 each day.

Reason:

To protect the environment of people in neighbouring properties as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R12AC)

- 8 The Class A3 use allowed by this permission must not begin until you have fitted self-closing doors to the rear extension. You must not leave these doors open except in an emergency or to carry out maintenance.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13FB)

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

Note:

- The Plain English Crystal Mark applies to those conditions, reasons and informatives in this letter which have an associated reference number with the prefix C, R, X or I.
- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority.





- 2 You are reminded of the requirements of conditions 3 and 4 of permission dated 9th May 2017 (RN:16/08218/FULL) which restrict the opening hours of the restaurant and prevent customers from using the garden.

**Note:**

- The Plain English Crystal Mark applies to those conditions, reasons and informatives in this letter which have an associated reference number with the prefix C, R, X or I.
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# APPENDIX B

Kevin Jackaman  
Senior Licensing Officer  
Licensing Team  
Public Protection & Licensing Department  
Westminster City Council  
15th Floor - 64 Victoria Street  
London SW1E 6QP

**RE: Renewal of a licence to Zayouna Ltd 428 Edgware Road. Application  
Ref 20/00429/LIPN**

**Please find in pdf format, Thirty two objection letters addressed individually to you by [REDACTED]. In addition one objection letter from a resident of [REDACTED] with a photograph.**

**hard copies of these have been sent to you by post.**

Kevin Jackaman  
Senior Licensing Officer, Licensing Team  
Public Protection & Licensing Department  
Westminster City Council 15th Floor  
64 Victoria Street - London SW1E 6QP

Dear Sir

I write Regarding the licence application for Zayouna Ltd, 428 Edgware Road  
Reference 20/00429LIPN with my objections.

[REDACTED]  
[REDACTED] from the Restaurant. The garden of Zayouna [REDACTED]  
with [REDACTED]

I wish to object to the granting of a licence to play music or have sound emitting entertainment at any time at Zayouna and the restaurant being open no later than 23:00 hours.

I object to the granting of any licence for music or entertainment and customer use to the extension of the restaurant. This extension is a structure built in the garden without walls, [REDACTED] and currently being used as a shisha lounge. As this is an open air structure without solid walls and doors, there is no sound insulation and is in effect in the open air, where shisha smoking activity accompanied by music and entertainment takes place.

I object On grounds of Prevention of noise nuisance to the above.

[REDACTED] have in the past made several complaints over several months, regarding the noise from Zayouna 428 Edgware road, to the Westminster noise team, and directly to the management of Zayouna restaurant. I believe if a new licence is given the noise will continue to disturb me.

Signed ... [REDACTED] .....

PRINT NAME ... [REDACTED] ..... Date: 02.02.20

[REDACTED]

Kevin Jackaman  
Senior Licensing Officer, Licensing Team  
Public Protection & Licensing Department  
Westminster City Council 15th Floor  
64 Victoria Street - London SW1E 6QP

Dear Sir

I write Regarding the licence application for Zayouna Ltd, 428 Edgware Road  
Reference 20/00429LIPN with my objections.

[REDACTED]  
[REDACTED] from the Restaurant. The garden of Zayouna [REDACTED]  
[REDACTED]

I wish to object to the granting of a licence to play music or have sound emitting entertainment at any time at Zayouna and the restaurant being open no later than 23:00 hours.

I object to the granting of any licence for music or entertainment and customer use to the extension of the restaurant. This extension is a structure built in the garden without walls, [REDACTED] and currently being used as a shisha lounge. As this is an open air structure without solid walls and doors, there is no sound insulation and is in effect in the open air, where shisha smoking activity accompanied by music and entertainment takes place.

I object On grounds of Prevention of noise nuisance to the above.

[REDACTED] have in the past made several complaints over several months, regarding the noise from Zayouna 428 Edgware road, to the Westminster noise team, and directly to the management of Zayouna restaurant. I believe if a new licence is given the noise will continue to disturb me.

Signed [REDACTED] .....

PRINT NAME [REDACTED] .....

Date: 04/02/2020

[REDACTED]

Kevin Jackaman  
Senior Licensing Officer, Licensing Team  
Public Protection & Licensing Department  
Westminster City Council 15th Floor  
64 Victoria Street - London SW1E 6QP

Dear Sir

I write Regarding the licence application for Zayouna Ltd, 428 Edgware Road  
Reference 20/00429LIPN with my objections.

[REDACTED]  
[REDACTED] from the Restaurant. The garden of Zayouna [REDACTED]  
[REDACTED]

I wish to object to the granting of a licence to play music or have sound emitting entertainment at any time at Zayouna and the restaurant being open no later than 23:00 hours.

I object to the granting of any licence for music or entertainment and customer use to the extension of the restaurant. This extension is a structure built in the garden without walls, [REDACTED] and currently being used as a shisha lounge. As this is an open air structure without solid walls and doors, there is no sound insulation and is in effect in the open air, where shisha smoking activity accompanied by music and entertainment takes place.

I object On grounds of Prevention of noise nuisance to the above.

[REDACTED] have in the past made several complaints over several months, regarding the noise from Zayouna 428 Edgware road, to the Westminster noise team, and directly to the management of Zayouna restaurant. I believe if a new licence is given the noise will continue to disturb me.

Signer [REDACTED]

PRINT NAME [REDACTED]

Date: 4/2/2020

[REDACTED]

Kevin Jackaman  
Senior Licensing Officer, Licensing Team  
Public Protection & Licensing Department  
Westminster City Council 15th Floor  
64 Victoria Street - London SW1E 6QP

Dear Sir

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Reference 20/00429LIPN with my objections.

[REDACTED]  
[REDACTED] from the Restaurant. The garden of Zayouna [REDACTED]  
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Name [REDACTED] .....

[REDACTED]

[REDACTED]

Date: ..... 1-2-2020 .....



Kevin Jackaman  
Senior Licensing Officer, Licensing Team  
Public Protection & Licensing Department  
Westminster City Council 15th Floor  
64 Victoria Street - London SW1E 6QP

Dear Sir

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Signed [REDACTED]

PRINT NAME [REDACTED]

Date: 04/02/2020

Kevin Jackaman  
Senior Licensing Officer, Licensing Team  
Public Protection & Licensing Department  
Westminster City Council 15th Floor  
64 Victoria Street - London SW1E 6QP

Dear Sir

I write Regarding the licence application for Zayouna Ltd, 428 Edgware Road  
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[REDACTED]  
[REDACTED] from the Restaurant. The garden of Zayouna [REDACTED]  
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Signed ..... [REDACTED]

PRINT NAME [REDACTED]

Date: 4/2/2016

Kevin Jackaman  
Senior Licensing Officer, Licensing Team  
Public Protection & Licensing Department  
Westminster City Council 15th Floor  
64 Victoria Street - London SW1E 6QP

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Signed [REDACTED] .....

PRINT NAME [REDACTED] .....

Date: 04-02-20

Kevin Jackaman  
Senior Licensing Officer, Licensing Team  
Public Protection & Licensing Department  
Westminster City Council 15th Floor  
64 Victoria Street - London SW1E 6QP

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Signed ..... [REDACTED] .....

PRINT NAME ..... [REDACTED] ..... Date ..... [REDACTED] .....

[REDACTED]

4<sup>th</sup> FEB 20

Kevin Jackaman  
Senior Licensing Officer, Licensing Team  
Public Protection & Licensing Department  
Westminster City Council 15th Floor  
64 Victoria Street - London SW1E 6QP

Dear Sir

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Signed [REDACTED] .....

PRINT NAME .. [REDACTED] Date: 4 Feb 20

[REDACTED]

Kevin Jackaman  
Senior Licensing Officer, Licensing Team  
Public Protection & Licensing Department  
Westminster City Council 15th Floor  
64 Victoria Street - London SW1E 6QP

Dear Sir

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Reference 20/00429LIPN with my objections.

[REDACTED]  
[REDACTED] from the Restaurant. The garden of Zayouna [REDACTED]  
[REDACTED]

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Name ... [REDACTED]

[REDACTED]

Date: 4/12/20



Kevin Jackaman  
Senior Licensing Officer, Licensing Team  
Public Protection & Licensing Department  
Westminster City Council 15th Floor  
64 Victoria Street - London SW1E 6QP

V

Dear Sir

I write Regarding the licence application for Zayouna Ltd, 428 Edgware Road  
Reference 20/00429LIPN with my objections.

[REDACTED]  
[REDACTED] from the Restaurant. The garden of Zayouna shares [REDACTED]  
with [REDACTED]

I wish to object to the granting of a licence to play music or have sound emitting entertainment at any time at Zayouna and the restaurant being open no later than 23:00 hours.

I object to the granting of any licence for music or entertainment and customer use to the extension of the restaurant. This extension is a structure built in the garden without walls, [REDACTED] and currently being used as a shisha lounge. As this is an open air structure without solid walls and doors, there is no sound insulation and is in effect in the open air, where shisha smoking activity accompanied by music and entertainment takes place.

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Name .. [REDACTED]

[REDACTED]

Date: 4/12/20

Kevin Jackaman  
Senior Licensing Officer, Licensing Team  
Public Protection & Licensing Department  
Westminster City Council 15th Floor  
64 Victoria Street - London SW1E 6QP

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Reference 20/00429LIPN with my objections.

[REDACTED]  
[REDACTED] from the Restaurant. The garden of Zayouna shares [REDACTED]  
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Name [REDACTED]

[REDACTED]

Date: 31-01-20

AB

Kevin Jackaman  
Senior Licensing Officer, Licensing Team  
Public Protection & Licensing Department  
Westminster City Council 15th Floor  
64 Victoria Street - London SW1E 6QP

Dear Sir

I write Regarding the licence application for Zayouna Ltd, 428 Edgware Road  
Reference 20/00429LIPN with my objections.

[REDACTED]  
meters away from the Restaurant. The garden of Zayouna [REDACTED]  
[REDACTED]

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Name . [REDACTED]

[REDACTED]

Date: 31-01-2020

Kevin Jackaman  
Senior Licensing Officer, Licensing Team  
Public Protection & Licensing Department  
Westminster City Council 15th Floor  
64 Victoria Street - London SW1E 6QP

Dear Sir

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[REDACTED]  
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Name [REDACTED]

[REDACTED]

Date: 31/1/2020

Kevin Jackaman  
Senior Licensing Officer, Licensing Team  
Public Protection & Licensing Department  
Westminster City Council 15th Floor  
64 Victoria Street - London SW1E 6QP

Dear Sir

I write Regarding the licence application for Zayouna Ltd, 428 Edgware Road  
Reference 20/00429LIPN with my objections.

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Name [REDACTED]  
[REDACTED]

Date: 31/1/2022

Kevin Jackaman  
Senior Licensing Officer, Licensing Team  
Public Protection & Licensing Department  
Westminster City Council 15th Floor  
64 Victoria Street - London SW1E 6QP

Dear Sir

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Name [REDACTED]

[REDACTED]

Date: 3rd Feb 2020



Kevin Jackaman  
Senior Licensing Officer, Licensing Team  
Public Protection & Licensing Department  
Westminster City Council 15th Floor  
64 Victoria Street - London SW1E 6QP

Dear Sir

I write Regarding the licence application for Zayouna Ltd, 428 Edgware Road  
Reference 20/00429LIPN with my objections.

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Name . [REDACTED]

[REDACTED]

Date: 31/01/2020

Kevin Jackaman  
Senior Licensing Officer, Licensing Team  
Public Protection & Licensing Department  
Westminster City Council 15th Floor  
64 Victoria Street - London SW1E 6QP

Dear Sir

I write Regarding the licence application for Zayouna Ltd, 428 Edgware Road  
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[REDACTED]  
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Signed [REDACTED]

PRINT NAME [REDACTED]

Date: 04/02/2020

Flat Number [REDACTED]  
[REDACTED]

Kevin Jackaman  
Senior Licensing Officer, Licensing Team  
Public Protection & Licensing Department  
Westminster City Council 15th Floor  
64 Victoria Street - London SW1E 6QP

Dear Sir

I write Regarding the licence application for Zayouna Ltd, 428 Edgware Road  
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[REDACTED]  
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Name [REDACTED] .....

[REDACTED]

Date: 02/02/2020 .....

Kevin Jackaman  
Senior Licensing Officer, Licensing Team  
Public Protection & Licensing Department  
Westminster City Council 15th Floor  
64 Victoria Street - London SW1E 6QP

Dear Sir

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Reference 20/00429LIPN with my objections.

[REDACTED]  
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Name [REDACTED]  
[REDACTED]

Date: 31-01-20

Kevin Jackaman  
Senior Licensing Officer, Licensing Team  
Public Protection & Licensing Department  
Westminster City Council 15th Floor  
64 Victoria Street - London SW1E 6QP

Dear Sir

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Name [REDACTED]

[REDACTED]

Date: 2-02-20-20

Kevin Jackaman  
Senior Licensing Officer, Licensing Team  
Public Protection & Licensing Department  
Westminster City Council 15th Floor  
64 Victoria Street - London SW1E 6QP

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Name [REDACTED]

[REDACTED]

Date: 31/01/20



Kevin Jackaman  
Senior Licensing Officer, Licensing Team  
Public Protection & Licensing Department  
Westminster City Council 15th Floor  
64 Victoria Street - London SW1E 6QP

Dear Sir

I write Regarding the licence application for Zayouna Ltd, 428 Edgware Road  
Reference 20/00429LIPN with my objections.

[REDACTED]  
[REDACTED] from the Restaurant. The garden of Zayouna shares [REDACTED]  
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Name [REDACTED]

[REDACTED]  
Date: 31/01/20.....

Kevin Jackaman  
Senior Licensing Officer, Licensing Team  
Public Protection & Licensing Department  
Westminster City Council 15th Floor  
64 Victoria Street - London SW1E 6QP

Dear Sir

I write Regarding the licence application for Zayouna Ltd, 428 Edgware Road  
Reference 20/00429LIPN with my objections.

[REDACTED]  
[REDACTED]  
meters away from the Restaurant. The garden of [REDACTED]  
[REDACTED]

I wish to object to the granting of a licence to play music or have sound emitting entertainment at any time to Zayouna and the restaurant being open no later than 23:30 hours.

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Name [REDACTED]

[REDACTED]

Date: 1/2/2020

Kevin Jackaman  
Senior Licensing Officer, Licensing Team  
Public Protection & Licensing Department  
Westminster City Council 15th Floor  
64 Victoria Street - London SW1E 6QP

Dear Sir

I write Regarding the licence application for Zayouna Ltd, 428 Edgware Road  
Reference 20/00429LIPN with my objections.

[REDACTED]  
[REDACTED] from the Restaurant. The garden of Zayouna [REDACTED]  
[REDACTED]

I wish to object to the granting of a licence to play music or have sound emitting entertainment at any time at Zayouna and the restaurant being open no later than 23:00 hours.

I object to the granting of any licence for music or entertainment and customer use to the extension of the restaurant. This extension is a structure built in the garden without walls, [REDACTED] and currently being used as a shisha lounge. As this is an open air structure without solid walls and doors, there is no sound insulation and is in effect in the open air, where shisha smoking activity accompanied by music and entertainment takes place.

I object On grounds of Prevention of noise nuisance to the above.

[REDACTED] have in the past made several complaints over several months, regarding the noise from Zayouna 428 Edgware road, to the Westminster noise team, and directly to the management of Zayouna restaurant. I believe if a new licence is given the noise will continue to disturb me.

Name .. [REDACTED]  
[REDACTED]  
[REDACTED]

Date: 03/09/2020

Kevin Jackaman  
Senior Licensing Officer, Licensing Team  
Public Protection & Licensing Department  
Westminster City Council 15th Floor  
64 Victoria Street - London SW1E 6QP

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Name .. [REDACTED]  
[REDACTED]

Date: 03/09/2020

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Name [REDACTED]  
[REDACTED]

Date: 31.2.2020.....

Kevin Jackaman  
Senior Licensing Officer, Licensing Team  
Public Protection & Licensing Department  
Westminster City Council 15th Floor  
64 Victoria Street - London SW1E 6QP

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Name [REDACTED]  
[REDACTED]

Date: 3<sup>rd</sup> February 2020



Kevin Jackaman  
Senior Licensing Officer, Licensing Team  
Public Protection & Licensing Department  
Westminster City Council 15th Floor  
64 Victoria Street - London SW1E 6QP

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Name [REDACTED]  
[REDACTED]

Date: 3<sup>rd</sup> February 2020

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Senior Licensing Officer, Licensing Team  
Public Protection & Licensing Department  
Westminster City Council 15th Floor  
64 Victoria Street - London SW1E 6QP

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[REDACTED]

Date: 31.12.2020.....

Kevin Jackaman  
Senior Licensing Officer, Licensing Team  
Public Protection & Licensing Department  
Westminster City Council 15th Floor  
64 Victoria Street - London SW1E 6QP

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[REDACTED] from the Restaurant. [REDACTED]  
[REDACTED]

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Signed [REDACTED]

PRINT NAME [REDACTED]

Date: .....

4.2.2020.





ZYOUNA OPEN AIR  
SHISHA AND  
ENTERTAINMENT  
STRUCTURE





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

Schedule 12  
Part A

WARD: Church Street  
UPRN: 100023477650

Premises licence

Regulation 33, 34

Premises licence  
number:

20/08194/LIPT

Original Reference:

20/00429/LIPN

**Part 1 – Premises details**

**Postal address of premises:**

Love Lounge  
428 Edgware Road  
London  
W2 1EG

**Telephone Number:** Not Supplied

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

Not applicable

**Licensable activities authorised by the licence:**

Late Night Refreshment

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

**Late Night Refreshment**

Sunday to Thursday: 23:00 to 00:30

Friday to Saturday: 23:00 to 01:30

**The opening hours of the premises:**

Sunday to Thursday: 12:00 to 01:00

Friday to Saturday: 12:00 to 02:00

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

N/A

Part 2

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

Love Lounge Limited  
428 Edgware Road,  
London  
W2 1EG

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

12801927

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

Not Applicable

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

Not Applicable

**Date:** 12 November 2020

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



## **Annex 1 – Mandatory conditions**

1. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

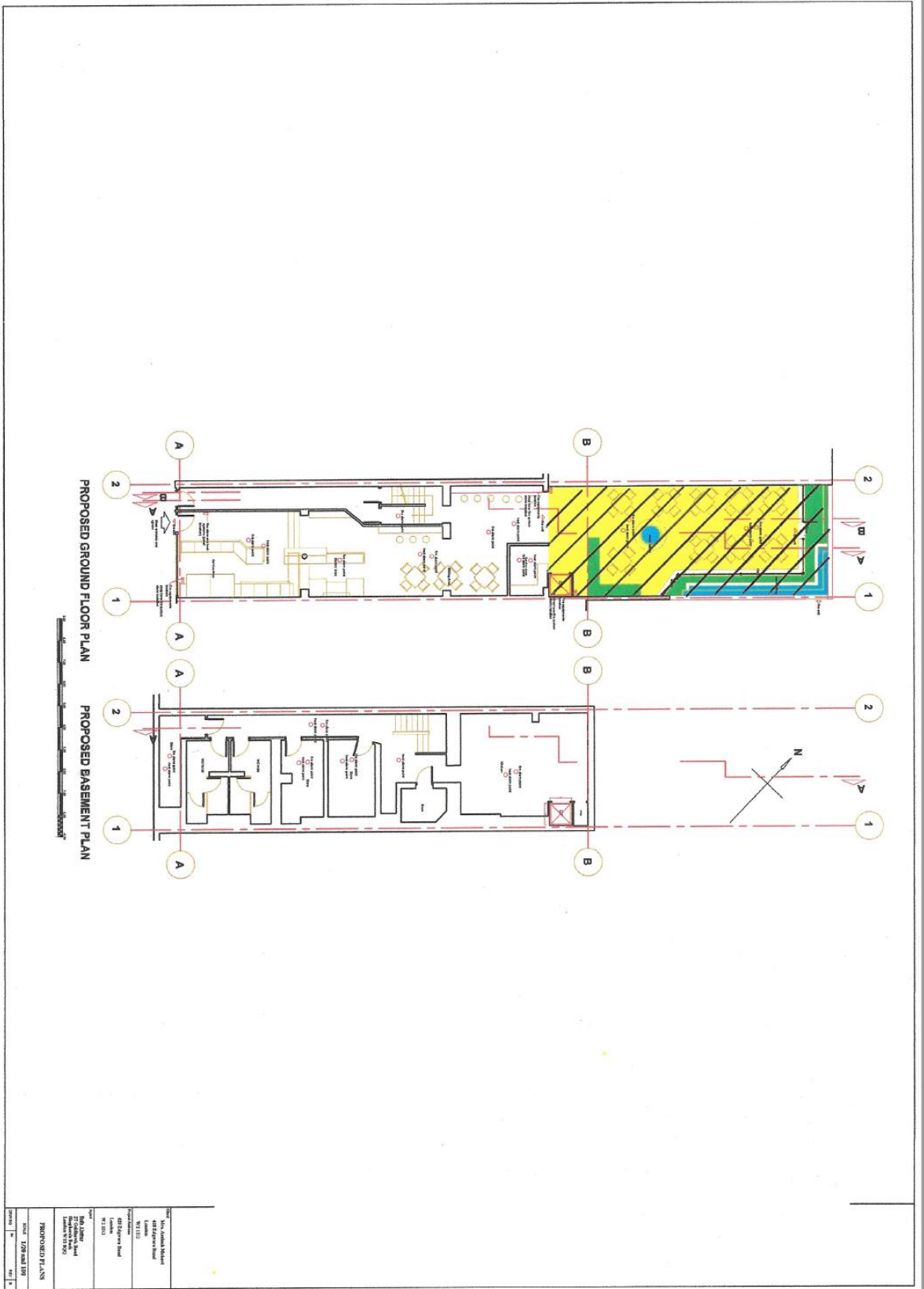
**Annex 2 – Conditions consistent with the operating Schedule**

None

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

2. A minimum of one SIA licensed door supervisors shall be on duty at the premises at all times when the Premises Licence is in operation.
3. Amplified music shall NOT be played at the premises at any time.
4. There shall be no smoking (including shisha) in the rear extension and within the garden area shown hatched on the plan attached to the licence from 23:00 on Sunday to Thursday to 01:00 on the following day and from 23:00 on Friday and Saturday to 02:00 on the following day.
5. After 23:00 hours, patrons permitted to temporarily leave and then re-enter the premises to smoke, including SHISHA, shall be restricted to the area directly in front of the premises along Edgware Road.
6. All windows, external doors and shutters shall be kept closed after 23:00 hours except for the immediate access and egress of persons.
7. 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.
8. 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.
9. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
10. 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 visit by a relevant authority or emergency service.
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. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

13. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
14. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
15. No deliveries to the premises shall take place between 23:00 hours and 08:00 hours on the following day.
16. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 60 persons.
17. 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.
18. After 23:00 Sunday to Thursday and 00:00 hours Friday and Saturday, the premises shall only operate as a restaurant:
  - (i) in which customers are shown to their table,
  - (ii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non-disposable crockery,
  - (iii) which do not provide any take away service of food or drink for immediate consumption.
19. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
20. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
21. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.





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

Schedule 12  
Part B

Premises licence  
summary

WARD: Church Street  
UPRN: 100023477650

Regulation 33, 34

Premises licence  
number:

20/08194/LIPT

Part 1 – Premises details

Postal address of premises:

Love Lounge  
428 Edgware Road  
London  
W2 1EG

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Late Night Refreshment

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

Late Night Refreshment

Sunday to Thursday: 23:00 to 00:30

Friday to Saturday: 23:00 to 01:30

The opening hours of the premises:

Sunday to Thursday: 12:00 to 01:00

Friday to Saturday: 12:00 to 02:00

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

N/A



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

Love Lounge Limited  
428 Edgware Road,  
London  
W2 1EG

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

12801927

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

N/A

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

Restricted

**Date:** 12 November 2020

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

<b>Application</b>	<b>Details of Application</b>	<b>Decision</b>	<b>Date Determined</b>
19/02262/LIPN	New Premises Licence  <b>Late Night Refreshment:</b> Sunday to Thursday: 23:00 to 00:30 Friday to Saturday: 23:00 to 01:30	Granted Under Delegated Authority	03.06.2019 <b>(Time Limited)</b>
20/00429/LIPN	New Premises Licence  <b>Late Night Refreshment:</b> Sunday to Thursday: 23:00 to 00:30 Friday to Saturday: 23:00 to 01:30	Granted by Licensing Sub-Committee	12.03.2020
20/08194/LIPT	Transfer application from Zayouna Ltd to Love Lounge Limited	Granted Under Delegated Authority	23.10.2020 <b>(Lapsed August 2023)</b>

There is no appeal or Temporary Event Notice 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 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.
9. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

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

None

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

10. A minimum of one SIA licensed door supervisors shall be on duty at the premises at all times when the Premises Licence is in operation.
11.
  - (a) The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team.
  - (b) All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.
  - (c) The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance.
  - (d) All recordings shall be stored for a minimum period of 31 days with date and time stamping.
  - (e) Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
12. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises 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.
13. 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 visit by a relevant authority or emergency service.
14. The premises shall only operate as a restaurant: (i) in which customers are shown to their table, (ii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non-disposable crockery, (iii) which do not provide any take away service of food or drink for immediate consumption.

### **Conditions proposed by the Environmental Health Service**

None



428 Edgware Road, London, W2 1EG



23/02/2024, 10:15:20

- Property Mailing List
- Ward Boundaries
- Ward Labels

**Resident count: 229**

<b>Licensed premises within 75 metres of 428 Edgware Road, London, W2 1EG</b>				
<b>Licence Number</b>	<b>Trading Name</b>	<b>Address</b>	<b>Premises Type</b>	<b>Time Period</b>
18/02277/LIPCH	Asal Supermarket	Basement And Ground Floor 434 Edgware Road London W2 1EG	Shop	Monday to Sunday; 00:00 - 00:00
16/05804/LIPVM	Dar Marrakesh	422 Edgware Road London W2 1EG	Restaurant	Friday to Saturday; 09:00 - 02:00   Sunday to Thursday; 09:00 - 00:00
23/02927/LIPT	Dar Marrakesh	422 Edgware Road London W2 1EG	Restaurant	Friday to Saturday; 09:00 - 02:00   Sunday to Thursday; 09:00 - 00:00
15/02662/LIPT	Minqala Azmir	Basement And Ground Floor 442 Edgware Road London W2 1EG	Restaurant	Monday to Sunday; 12:00 - 01:00
18/03313/LIPDPS	Mandalay Burmese Restaurant	444 Edgware Road London W2 1EG	Cafe	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
23/03506/LIPCH	The Vale Service Station	383 Edgware Road London W2 1BT	Petrol filling station	Monday to Sunday; 00:00 - 00:00
11/02187/LIPDPS	Don Pepe	99 Frampton Street London NW8 8NA	Restaurant	Sunday; 12:00 - 01:00   Monday to Saturday; 10:00 - 01:30
23/01997/LIPT	Baraka Piri Piri	Basement And Ground Floor 357 Edgware Road London W2 1BS	Restaurant	Sunday; 23:00 - 02:00   Friday to Saturday; 23:00 - 02:00
19/04127/LIPT	Al-Kanater Restaurant	355 Edgware Road London W2 1BS	Restaurant	Monday to Sunday; 10:00 - 01:00



City of Westminster

# Licensing Sub-Committee Report

Item No:	
Date:	7 March 2024
Licensing Ref No:	24/00322/LIPN - New Premises Licence
Title of Report:	Marks & Spencer 127A Queensway London W2 4SJ
Report of:	Director of Public Protection and Licensing
Wards involved:	Lancaster Gate
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Kevin Jackaman Senior Licensing Officer
Contact details	Telephone: 0207 641 6500 Email: <a href="mailto:kjackaman@westminster.gov.uk">kjackaman@westminster.gov.uk</a>

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	17 January 2024		
<b>Applicant:</b>	London Retail Partners Limited		
<b>Premises:</b>	Marks & Spencer		
<b>Premises address:</b>	127A Queensway London W2 4SJ	<b>Ward:</b>	Lancaster Gate
		<b>Cumulative Impact Area:</b>	None
		<b>Special Consideration Zone:</b>	Queensway and Bayswater
<b>Premises description:</b>	According to the application form the premises intend to trade as a Marks & Spencer Simply Food retail store.		
<b>Premises licence history:</b>	This is a new premises licence application and therefore no premises licence history exists.		
<b>Applicant submissions:</b>	None		
<b>Applicant amendments:</b>	None		

1-B Proposed licensable activities and hours							
<b>Sale by retail of alcohol</b>				<b>On or off sales or both:</b>			Off
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	08:00	08:00	08:00	08:00	08:00	08:00	09:30
<b>End:</b>	23:00	23:00	23:00	23:00	23:00	23:00	22:30
<b>Seasonal variations/ Non-standard timings:</b>							

Hours premises are open to the public							
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	06:00	06:00	06:00	06:00	06:00	06:00	06:00
<b>End:</b>	00:00	00:00	00:00	00:00	00:00	00:00	00:00
<b>Seasonal variations/ Non-standard timings:</b>		None					
<b>Adult Entertainment:</b>		None					

## 2. Representations

2-A Responsible Authorities	
Responsible Authority:	Metropolitan Police Service
Representative:	Dave Morgan
Received:	30 January 2024
<p>With reference to the above, I am writing to inform you that the Metropolitan Police Service as a Responsible Authority are <b>objecting</b> to this application on the basis that if granted, it would undermine the Licensing Objectives, namely The Prevention of Crime and Disorder and the Protection of Children from Harm.</p> <p>The applicant is seeking:</p> <p>Alcohol Sales (off sales):</p> <p style="padding-left: 40px;"><b>Monday to Saturday: 0800 – 2300</b> <b>Sunday: 0930 - 2230</b></p> <p>The venue sits within the Queensway &amp; Bayswater Special Consideration Zone and the Police are concerned that this venue may add to the cumulative impact in an already demanding area. I appreciate that you have already supplied a schedule of conditions, but I feel that there are a few more conditions that will need to be added to the licence to help promote the Licensing Objectives.</p> <p>To move forward, I have attached a list of further conditions that I would like to see added to the licence should it be granted.</p> <p>Please have a read of these conditions and feel free to contact me should you wish to discuss them further.</p> <ul style="list-style-type: none"><li>• <b>Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, the licence holder shall ensure that all alcohol within the premises (including alcohol behind the counter) is secured in a locked store room or behind locked grilles, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff.</b></li><li>• <b>A minimum of 1 SIA licensed door supervisors shall be on duty at the premises at all times whilst it is open for business and they must correctly display their SIA licence(s) when on duty so as to be visible.</b></li><li>• <b>All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.</b></li><li>• <b>Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale.</b></li><li>• <b>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:</b></li></ul>	

- i) all crimes reported to the venue
  - ii) all ejections of patrons
  - iii) any complaints received concerning crime and disorder
  - iv) any incidents of disorder
  - v) all seizures of drugs or offensive weapons
  - vi) any faults in the CCTV system, searching equipment or scanning equipment
  - vii) any refusal of the sale of alcohol
  - viii) any visit by a relevant authority or emergency service.
- No miniature bottles of spirits of 20 cl or below shall be sold from the premises.
  - There shall be no self-selection of spirits on the premises, save for spirit mixtures less than 5.5% ABV.
  - On the Sunday and Monday of the Notting Hill Carnival:
    - i) Alcohol sales in respect of cans of beer or cider are limited to no more than 4 cans per person.
    - ii) The premises will not externally advertise local promotions of alcohol.
    - iii) No sales of alcohol in bottles or glass containers are made during this period.
    - iv) There shall be no sale of alcohol from the premises after 2000 hours.
    - v) Upon the direction of a Police Officer, using the grounds of the prevention of crime and disorder or public safety, the premises will immediately cease to sell alcohol until further directed by the Police.

<b>2-B Other Persons</b>			
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		South East Bayswater Residents' Association (SEBRA)	
<b>Status:</b>	Valid	<b>In support or objection:</b>	OBJECTION
<b>Received:</b>	7 Feb 2024		
<p>I am writing on behalf of the South East Bayswater Residents' Association (SEBRA) to make a relevant representation objecting to this licence application on the basis of the likely impact on the licensing objective of 'prevention of public nuisance'.</p> <p><b>Introduction</b>          SEBRA was formed in 1970 and works to protect the special character of our area. A non-profit, non party-political, voluntary organisation, we represent more than 1,000 people. SEBRA is consulted by Westminster Council on both major developments and all Council activities which affect the daily lives of residents.</p> <p><b>Background</b>          The premises is located in the middle of Queensway, a busy shopping street with commercial units occupying the ground floor and basement with residential units above with the surrounding area predominantly residential.          Under the Council's Licensing policy the premises are in the Queensway/Bayswater Special</p>			



Consideration Zone.

**SEBRA's position**

We welcome the new business to the area and wish all the success to the M&S Food unit.

We note the hours requested for 'off sales' of alcohol are Westminster's Core Hours.

We do not object to a Premises Licence being granted, however we do have some concerns that the seriid issues in Queensway, of crime, noise, anti-social behaviour, begging, rough sleepers etc are not adequately mitigated by the application.

The additional conditions we require are below and these are Westminster's standard conditions for 'off licence' applications in this area.

We would require, as offered, that only 15% of ground floor sales area to be dedicated to sale, exposure for sale, or display of alcohol but also a condition that spirits are to be kept and displayed behind the sales counter, with wine and beer/cider etc to be displayed away from the front entrance of the premises.

We also require and consider essential, Westminster's standard condition for lockable cabinets to be used for wine and beer outside licensing hours (Condition 28).

We also require a condition controlling hours of deliveries and refuse & recycling collections, that they shall not take place between 20.00 and 07 00 the following day.

We also would not want any 'off sales' of alcohol by way of any deliveries such as by Deliveroo without groceries and no deliveries between 23.00 and 07.00

We note standard condition offered regarding no sale of super strength beer, lagers, or ciders to have APV of more than 5.5% alcohol but we also request standard condition re no sale of miniature bottles of 20cl alcohol, shall be sold at the premises.

Also required are standard conditions in Queensway/Westbourne Grove over the Notting Hill Carnival, namely:

On the Sunday and Monday of the Notting Hill Carnival:

There shall be no sale of alcohol in glass vessels from the premises.

There will be no external advertisement of alcohol promotions at the premises.

**Conclusion**

We are aware of course that applications can be amended, and as ever, SEBRA is very happy for our contact details to be passed now to the applicant and to discuss the operation and application with them.

We reserve the right to make further representation in due course when we have heard back from the applicant or the relevant authorities.

We trust that agreement can be reached with all parties so that a Licencing Hearing will not be necessary.

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<p><b>Policy SCZ1 applies:</b></p>	<p>A. In addition to meeting the other policies within this statement, applications within a designated Special Consideration Zone should demonstrate that they have taken account of the issues particular to the Zone, in question as identified within the 2020 Cumulative Impact Assessment, and should set out any proposed mitigation measures in relation to those issues within their operating schedule.</p> <p>B. For the purpose of Clause A, the designated Special Consideration Zone for this application is:</p> <ul style="list-style-type: none"> <li>• Queensway/Bayswater.</li> </ul>
<p><b>Policy HRS1 applies</b></p>	<p>A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:</p> <ol style="list-style-type: none"> <li>1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm.</li> <li>2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation.</li> <li>3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed.</li> <li>4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.</li> <li>5. The proposed hours when any music, including incidental music, will be played.</li> <li>6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises.</li> <li>7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.</li> <li>8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.</li> <li>9. The capacity of the premises.</li> <li>10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation.</li> <li>11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.</li> <li>12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.</li> <li>13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.</li> </ol>

	<p>14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.</p> <p>C. For the purpose of Clauses A and B above, the Core Hours for this application 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)</p> <p>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.</p>
<p><b>Policy SHP1(A) applies</b></p>	<p>A. Applications for a shop outside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</li> <li>2. The hours for licensable activities are within the council's Core Hours Policy HRS1.</li> <li>3. The operation of any delivery services for alcohol meeting the council's Ancillary Alcohol and/or Latenight Refreshment Delivery Service Policy DEL1.</li> <li>4. The applicant having taken account of the Special Consideration Zone Policy SCZ1 if the premises are located within a designated zone.</li> <li>5. The application and operation of the venue meeting the definition of a shop in Clause C.</li> </ol> <p>C. For the purposes of this policy:</p> <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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</li> </ol>

#### 4. Equality Implications

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

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

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

## 5. Appendices

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

<b>Report author:</b>	Kevin Jackaman Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 6500 Email: kjackaman@westminster.gov.uk

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

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

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	01 October 2021
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	December 2023
<b>4</b>	Cumulative Impact Assessment	04 December 2023
<b>5</b>	Metropolitan Police Service representation	30 January 2024
<b>6</b>	Interested Party representation	07 February 2024



None



There is no licence or appeal history for the premises.

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

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

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

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

**Mandatory Conditions**

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
  - (1) The 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**

6. (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.
7. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
8. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
9. 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.
10. All members of staff working on the tills will receive training relevant to the sale of alcohol prior to being authorised to sell alcohol. Such training will be refreshed at least annually. Records of training shall be maintained for a period of at least 12 months and made available for inspection at the premises by the police or authorised officer of the City Council at all times when the premises are open.
11. No more than 15% of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol.
12. No super strength beers. Lagers or ciders of 5.5% abv (Alcohol by volume) or above shall be sold at the premises with the exception of premium specialist beer, lager or cider.
13. All sales of alcohol for consumption off the premises shall be in sealed containers

### **Conditions proposed by the Police**

14. Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, the licence holder shall ensure that all alcohol within the premises (including alcohol behind the counter) is secured in a locked store room or behind locked grilles, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff.
15. A minimum of 1 SIA licensed door supervisors shall be on duty at the premises at all times whilst it is open for business and they must correctly display their SIA licence(s) when on duty so as to be visible.

16. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
17. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale.
18. 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.
19. No miniature bottles of spirits of 20 cl or below shall be sold from the premises.
20. There shall be no self-selection of spirits on the premises, save for spirit mixtures less than 5.5% ABV.
21. On the Sunday and Monday of the Notting Hill Carnival:
  - a. Alcohol sales in respect of cans of beer or cider are limited to no more than 4 cans per person.
  - b. The premises will not externally advertise local promotions of alcohol.
  - c. No sales of alcohol in bottles or glass containers are made during this period.
  - d. There shall be no sale of alcohol from the premises after 2000 hours.
  - e. Upon the direction of a Police Officer, using the grounds of the prevention of crime and disorder or public safety, the premises will immediately cease to sell alcohol until further directed by the Police.

**Conditions proposed by Interested Party not covered by conditions proposed by the Police.**

22. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (20.00) hours and (07.00) hours on the following day.
23. No deliveries to the premises shall take place between (20.00) and (07.00) hours on the following day.
24. No deliveries from the premises, either by the licensee or a third party shall take place between (23:00) and (07:00) hours on the following day.





21/14341/LIPVM	Bella Italia	108 - 110 Queensway London W2 3RR	Restaurant	Monday; 09:00 - 00:30   Tuesday; 09:00 - 00:30   Wednesday; 09:00 - 00:30   Thursday; 09:00 - 00:30   Friday; 09:00 - 00:30   Saturday; 09:00 - 00:30   Sunday; 09:00 - 00:00
13/07498/LIPDPS	Gold Mine Restaurant	Basement And Ground Floor 102 Queensway London W2 3RR	Restaurant	Sunday; 12:00 - 01:00   Monday to Thursday; 09:00 - 01:30   Friday to Saturday; 09:00 - 02:30
19/00389/LIPT	Preto	117-119 Queensway London W2 4SJ	Restaurant	Sunday; 10:00 - 22:30   Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00
23/00923/LIPDPS	Gold Mine Restaurant	100 Queensway London W2 3RR	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
06/10206/WCCMAP	Halal Restaurant	Basement And Ground Floor 98 Queensway London W2 3RR	Restaurant	Sunday; 23:00 - 00:00   Monday to Saturday; 23:00 - 01:00
21/10367/LIPN	Not Recorded	115 Queensway London W2 4SJ	Cafe	Monday to Sunday; 06:00 - 22:00
22/07848/LIPDPS	Prince Alfred Public House	112 Queensway London W2 3RR	Public house or pub restaurant	Sunday; 12:00 - 00:00   Sunday; 12:00 - 23:00   Monday to Saturday; 10:00 - 23:30   Monday to Saturday; 10:00 - 00:30

23/04772/LIPN	Not Recorded	94 Queensway London W2 3RR	Restaurant	Monday to Sunday; 11:00 - 23:00
14/00835/LIPT	Beity Lebanese	92 Queensway London W2 3RR	Restaurant	Sunday; 09:00 - 00:30   Monday to Saturday; 09:00 - 01:30
23/01277/LIPN	Naser Supermarket	Basement And Ground Floor 111 Queensway London W2 4SJ	Shop	Monday to Sunday; 09:00 - 03:00
13/05504/LIPDPS	The Beachcomber	Ground Floor 86 Queensway London W2 3RR	Night clubs and discos	Sunday; 12:00 - 00:00   Monday to Thursday; 09:00 - 01:00   Friday to Saturday; 09:00 - 02:00
13/08965/LIPDPS	Four Seasons Chinese Restaurant	84 Queensway London W2 3RL	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30