



City of Westminster

# Licensing Sub-Committee Report

Item No:

Licensing Ref No:

**15/02407/LIPN**

Date:

**16 July 2015**

Classification:

**For General Release**

Title of Report:

**The Provider  
Development Site At The Percy And Founders  
Off  
Mortimer Street  
London**

Report of:

**Director of Public Protection and Licensing**

Policy context:

**City of Westminster Statement of Licensing  
Policy**

Financial summary:

**None**

Report Author:

**Miss Susan Patterson  
Senior Licensing Officer**

Contact Details:

**Telephone: 020 7641 2207  
E-mail: [spatterson@westminster.gov.uk](mailto:spatterson@westminster.gov.uk)**

## APPLICATION DETAILS

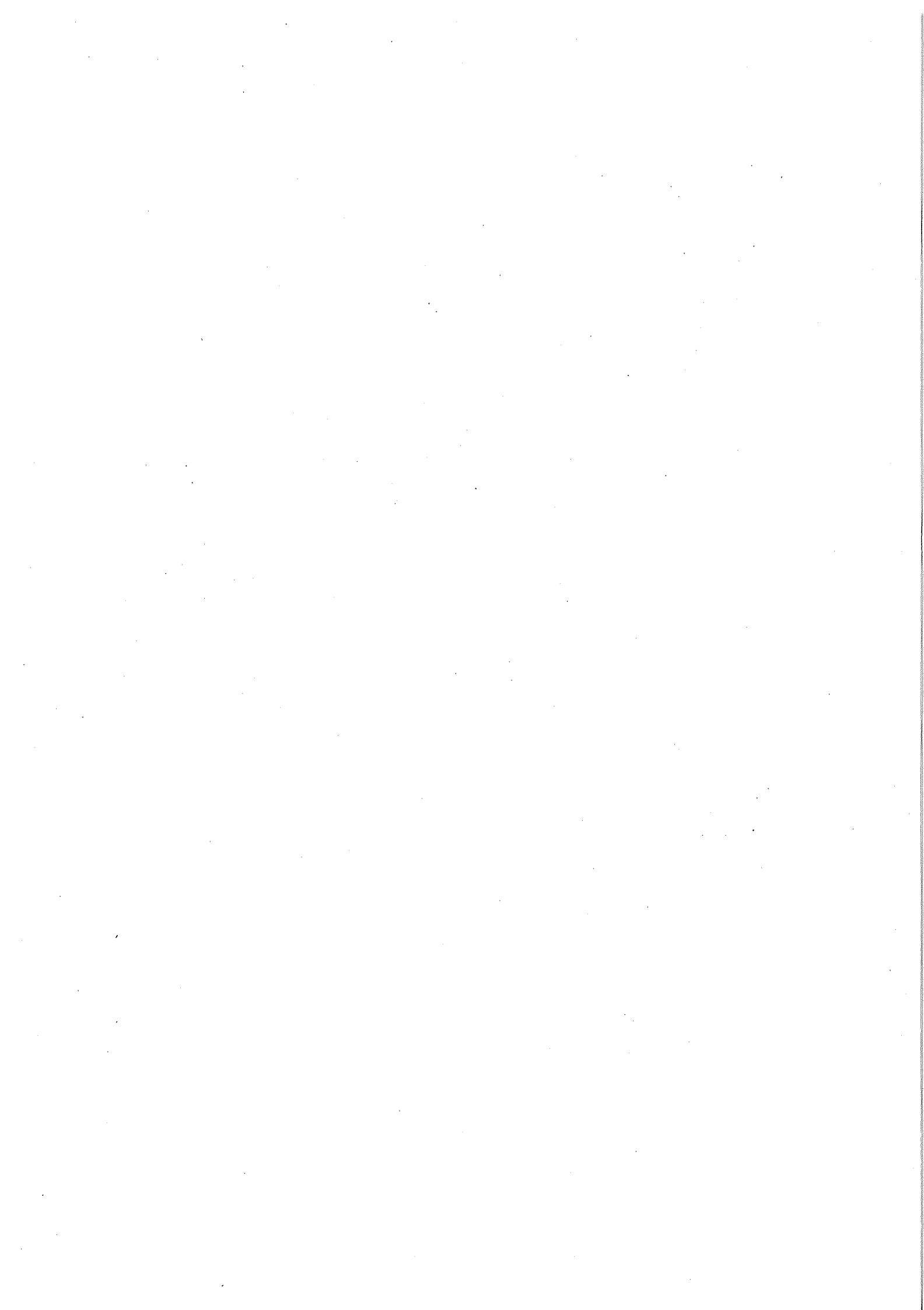
<b>Application Type:</b>	A new premises licence application under the Licensing Act 2003.		
<b>Applicant:</b>	Open House London Limited	<b>Date Application Received:</b>	1 April 2015
<b>Premises Name and Address:</b>	The Provider Development Site At The Percy And Founders Off Mortimer Street London W1T 3BF		
<b>Ward Name:</b>	West End	<b>Stress Area:</b>	No
<b>Description of Premises:</b>	The premises are in a new development and describe themselves as a café. They are arranged over the ground floor, with the toilet and seating on that floor.		
<i>Note: Where the committee is minded to grant the licence it will be granted subject to the mandatory conditions and conditions consistent with the operating schedule modified to such extent as the authority considers appropriate for the promotion of the licensing objectives detailed in Appendix D to this report.</i>			
<b>Proposed Licensable Activities, Proposed Hours:</b>			
<b>Sale by Retail of Alcohol – On and Off</b>			
Monday to Saturday: 10:00 to 22:00			
Sunday: 12:00 to 21:00			
<b>Opening Hours:</b>			
Monday to Saturday: 07:00 to 22:00			
Sunday: 08:00 to 21:00			

	<b>Relevant representations and policies applicable:</b>	<b>References / Notes</b>
1A	<p>There is a representation on this application by the Environmental Health Service with reference to public nuisance and public safety. The Officer has informed the Service that following a meeting with the applicants they understand that the application has changed and are new plans are now attached that do not include the mezzanine in the application. They have suggested conditions, that are in Appendix B.</p>	<p><b>Environmental Health Service Representation and conditions</b></p>
1B	<p>The Metropolitan Police service, initially made representation but after the agreement of their suggested conditions have withdrawn their representation.</p>	<p><b>Metropolitan Police Service representation and conditions and withdrawal of representation</b></p>
1C	<p>There is a representation from a local neighbourhood association. They have concerns regarding the apparent non ancillary to food nature, of the proposed sale of alcohol, which could lead the premises to being able to operate as a bar. Also they have questions regarding the capacity, delivery times etc. These have been put to the applicant and the Environmental Health Officer is aware of the representation, in order to facilitate suitable conditions.</p>	<p><b>Fitzrovia Neighbourhood Centre representation</b></p>
1D	<p>The following policies within the City Of Westminster Statement of Licensing Policy apply:</p> <p>Policy PB1 applies:</p> <p>Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.</p> <p>Policy HRS1 applies:</p> <p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p>	<p><b>Policies applicable</b></p>
1E	<p>The Licensing Sub-committee may refuse, grant in full or grant in part this proposal, having taken into account the representations received and Westminster's Statement of Licensing Policy. The decision taken should promote the licensing objectives of:</p> <ul style="list-style-type: none"> <li>• prevention of public nuisance,</li> <li>• prevention of crime &amp; disorder,</li> <li>• public safety and</li> <li>• protection of children from harm.</li> </ul>	<p><b>Summary</b></p>

<b>Current Licensing Position</b>	The premises are located in a new development site and are not currently licensed
<b>Residential Density:</b>	64 of the units within a 75m radius of the premises are residential or proposed residential, refer to <b>Appendix C</b> .
<b>Planning Position:</b>	The site is under development and there is no planning categorisation available, as yet.
<b>List of Appendices:</b>	A – Premises Licence History B - Conditions C – Residential Map and list of premises in the vicinity

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

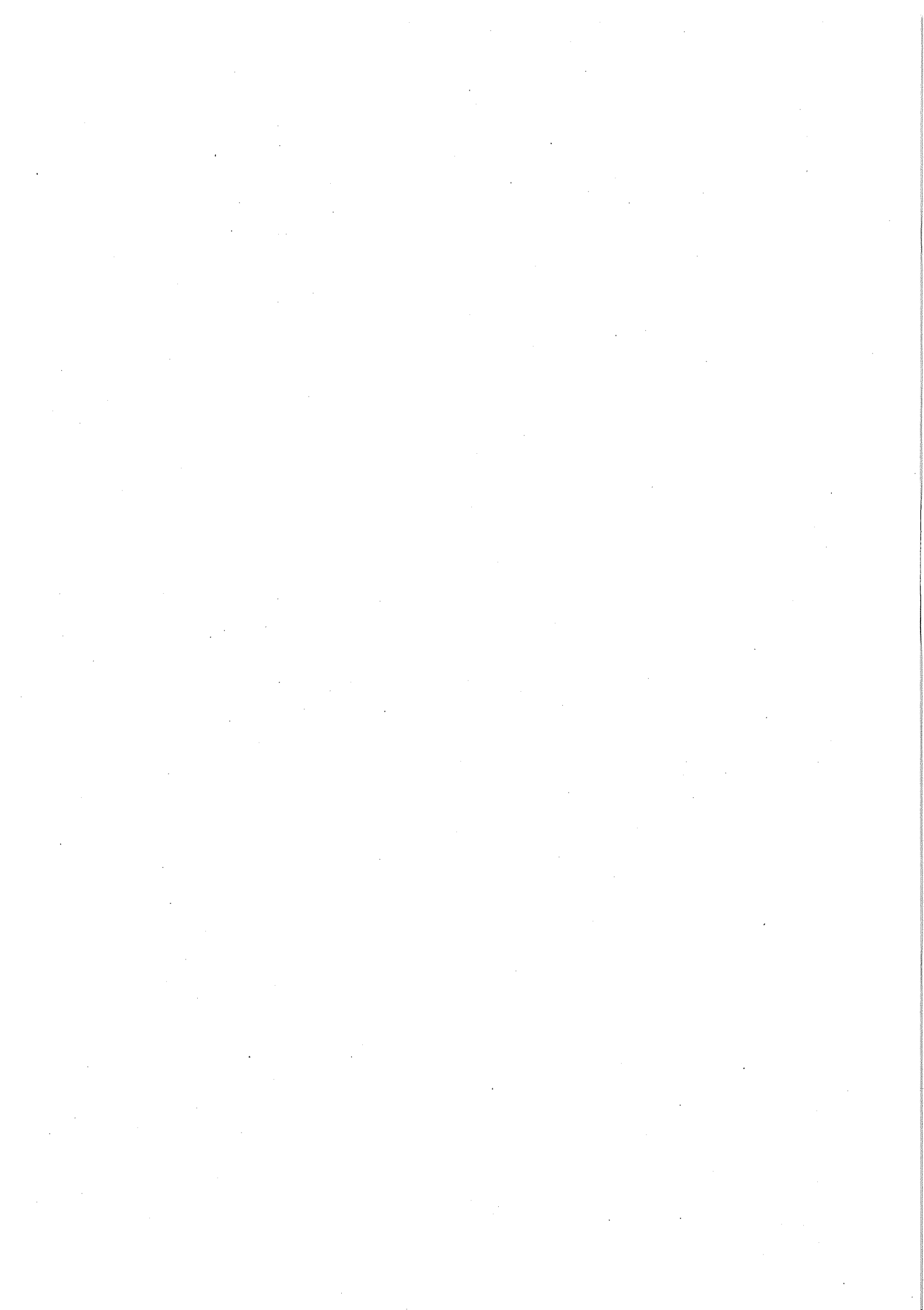
- Licensing Act 2003
- City of Westminster Statement of Licensing Policy (7<sup>th</sup> January 2011)
- Amended Guidance issued under section 182 of the Licensing Act 2003 (March 2015)
- Application form
- Plans
- Representations received
- Photos of premises



**Licence & Appeal History**

**The premises are not licensed**

**There is no appeal history**





# The Provider, 8 Mortimer Street



Residential / Proposed Residential	64
Under Construction	0
Other Uses	0
Proportion Residential of all Uses	n/a

## APPENDIX C

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Data Source: Uniform Database  
Date: 18/06/2015







\* required information

**Section 1 of 19**

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference  This is the unique reference for this application generated by the system.

Your reference  You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?  
 Yes       No  
 Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

**Applicant Details**

\* First name

\* Family name

\* E-mail

Main telephone number  Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

Applying as a business or organisation, including as a sole trader  
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

**Applicant Business**

\* Is the applicant's business registered in the UK with Companies House?  Yes       No

\* Registration number

\* Business name  If the applicant's business is registered, use its registered name.

\* VAT number   Put "none" if the applicant is not registered for VAT.

\* Legal status

Continued from previous page...

\* Applicant's position in the business

Home country

The country where the applicant's headquarters are.

**Registered Address**

Address registered with Companies House.

\* Building number or name

\* Street

District

\* City or town

County or administrative area

\* Postcode

\* Country

**Agent Details**

\* First name

\* Family name

\* E-mail

Main telephone number

Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

**Agent Business**

\* Is your business registered in the UK with Companies House?  Yes  No

\* Registration number

\* Business name

If your business is registered, use its registered name.

\* VAT number

Put "none" if you are not registered for VAT.

\* Legal status

Continued from previous page...

\* Your position in the business

Home country

The country where the headquarters of your business is located.

**Agent Registered Address**

Address registered with Companies House.

\* Building number or name

\* Street

District

\* City or town

County or administrative area

\* Postcode

\* Country

**Section 2 of 19**

**PREMISES DETAILS**

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

**Premises Address**

Are you able to provide a postal address, OS map reference or description of the premises?

Address     OS map reference     Description

**Postal Address Of Premises**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Further Details**

Telephone number

Non-domestic rateable value of premises (£)

**Section 3 of 19****APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company
- A partnership
- An unincorporated association
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales
- Other (for example a statutory corporation)

**Confirm The Following**

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- I am making the application pursuant to a statutory function
- I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

**Section 4 of 19****NON INDIVIDUAL APPLICANTS**

Provide name and registered address of applicant in full. Where appropriate give any registered number. In the case of a partnership or other joint venture (other than a body corporate), give the name and address of each party concerned.

**Non Individual Applicant's Name**

Name

**Details**

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

Continued from previous page...

company

**Address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Contact Details**

E-mail

Telephone number

Other telephone number

**Section 5 of 19**

**OPERATING SCHEDULE**

When do you want the premises licence to start?  /  /   
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end  /  /   
dd mm yyyy

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.

Cafe

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

Continued from previous page...

**Section 6 of 19**

**PROVISION OF PLAYS**

Will you be providing plays?

Yes  No

**Section 7 of 19**

**PROVISION OF FILMS**

Will you be providing films?

Yes  No

**Section 8 of 19**

**PROVISION OF INDOOR SPORTING EVENTS**

Will you be providing indoor sporting events?

Yes  No

**Section 9 of 19**

**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

Will you be providing boxing or wrestling entertainments?

Yes  No

**Section 10 of 19**

**PROVISION OF LIVE MUSIC**

Will you be providing live music?

Yes  No

**Section 11 of 19**

**PROVISION OF RECORDED MUSIC**

Will you be providing recorded music?

Yes  No

**Section 12 of 19**

**PROVISION OF PERFORMANCES OF DANCE**

Will you be providing performances of dance?

Yes  No

**Section 13 of 19**

**PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE**

Will you be providing anything similar to live music, recorded music or performances of dance?

Yes  No

**Section 14 of 19**

**LATE NIGHT REFRESHMENT**

Will you be providing late night refreshment?

Continued from previous page...

Yes

No

**Section 15 of 19**

**SUPPLY OF ALCOHOL**

Will you be selling or supplying alcohol?

Yes

No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.  
(e.g., 16:00) and only give details for the days  
of the week when you intend the premises  
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

On the premises

Off the premises

Both

If the sale of alcohol is for consumption on  
the premises select on, if the sale of alcohol  
is for consumption away from the premises  
select off. If the sale of alcohol is for  
consumption on the premises and away  
from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.



Continued from previous page...

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

**Name**

First name

Family name

**Enter the contact's address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

**PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT**

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

Continued from previous page...

**Section 16 of 19**

**ADULT ENTERTAINMENT**

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

none

**Section 17 of 19**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.  
(e.g., 16:00) and only give details for the days  
of the week when you intend the premises  
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

*Continued from previous page...*

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

## **Section 18 of 19**

### **LICENSING OBJECTIVES**

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

An incident log shall be kept at the premises, and made available on request to an authorised officer of the 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 concerning crime and disorder
- (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.

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.

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.

b) The prevention of crime and disorder

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.

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

Continued from previous page...

the absolute minimum of delay when requested.

c) Public safety

d) The prevention of public nuisance

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.

Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.

No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0800 hours.

All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

e) The protection of children from harm

A proof of age scheme, such as Challenge 21, shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.

**Section 19 of 19**

**PAYMENT DETAILS**

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at [http://www.voa.gov.uk/business\\_rates/index.htm](http://www.voa.gov.uk/business_rates/index.htm)

Band A - No RV to £4300	£100.00
Band B - £4301 to £33000	£190.00
Band C - £33001 to £8700	£315.00
Band D - £87001 to £12500	£450.00*
Band E - £125001 and over	£635.00*

\*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £12500	£900.00
Band E - £125001 and over	£1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

Continued from previous page...

Capacity 5000-9999	£1,000.00
Capacity 10000 -14999	£2,000.00
Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00
Capacity 30000-39000	£16,000.00
Capacity 40000-49999	£24,000.00
Capacity 50000-59999	£32,000.00
Capacity 60000-69999	£40,000.00
Capacity 70000-79999	£48,000.00
Capacity 80000-89999	£56,000.00
Capacity 90000 and over	£64,000.00

\* Fee amount (£)

### ATTACHMENTS

### AUTHORITY POSTAL ADDRESS

#### Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

### DECLARATION

\* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

\* Full name

\* Capacity

Date (dd/mm/yyyy)

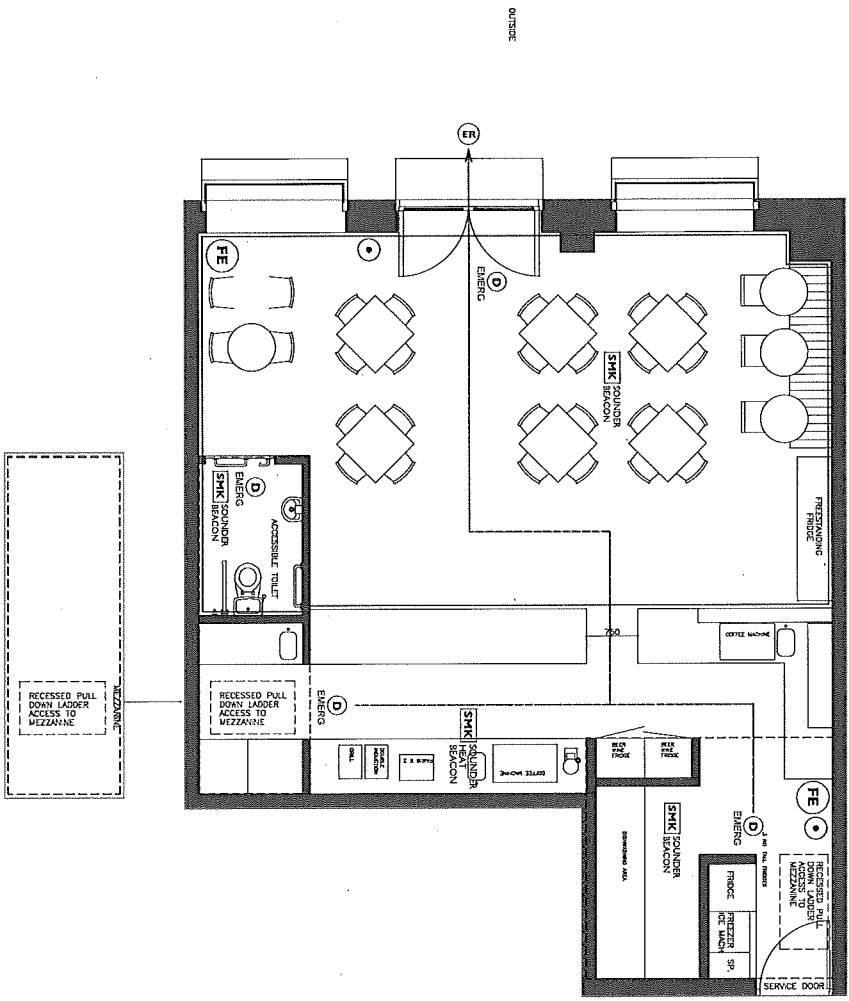
Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/westminster/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

*Continued from previous page...*

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**



LEGEND:	
EXTENT OF BOUNDARY	-----
ESCAPE ROUTE	→
LICENSEABLE ACTIVITIES	.....
SMOKE DETECTOR	SMK
SOUNDER ALARM DETECTOR WITH BEACON	SMK
SOUNDER ALARM DETECTOR WITH HEAT BEACON	SMK
EMERGENCY DOWNLIGHT	ER
FIRE EXTINGUISHERS CO2 & FOAM	FE
MANUAL CALL POINT	CP
FIRE BLANKET	FB

- NOTE:
1. The location of the fire equipment as date hereof but may be moved in consultation with Fire Officer.
  2. Loose furniture is shown for diagrammatic purpose only.



---

TO  
REFERENCE

Miss Susan Patterson  
15/02407/LIPN

---

FROM  
BEING DEALT WITH BY  
TELEPHONE  
DATE

EH Consultation Team, 4<sup>th</sup> Floor, City Hall  
Cliona Coleman  
0207 641 6830  
21<sup>st</sup> April 2015

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**The Licensing Act 2003**

**Development Site At The Percy And Founders Off Mortimer Street London W1T 3BF**

I refer to the application for a New Premises Licence.

The applicant has submitted a floor plan of the ground floor and mezzanine reference FP-RT2-005 dated 24/03/15

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

The applicant is seeking the following

1. To provide for the Supply of Alcohol both 'On' and 'Off' the premises Monday to Saturday between 10.00- 22:00 hours and Sunday 12.00- 21:00 hours.

I wish to make the following representation

1. The provision and hours requested for the Supply of Alcohol 'On' and 'Off' the premises will impact on Public Safety and have the likely effect of causing an increase in Public Nuisance in the area.

The applicant has provided some conditions in support of the application which are being considered but do not fully address the concerns of Environmental Health. Environmental Health has concerns about the provision and suitability of sanitary accommodation shown on drawing FP-RT2-005 which was submitted with the application.

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

**Cliona Coleman**  
**Environmental Health Officer**



## **Patterson, Susan**

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**From:** Drayan, Anil  
**Sent:** 17 June 2015 15:08  
**To:** Watson, Ian; Coleman, Cliona; Patterson, Susan  
**Subject:** RE: Notice of hearing for The Provider 15/02407/LIPN - 2 .7.2015

Hi all - they're completely changing things around - no mezzanine, addition of WCs, new plans to be submitted and will not now be connected to Percy and Founders - awaiting plans etc to redo conditions - Anil

Sent from my Windows Phone

---

**From:** Watson, Ian  
**Sent:** 17/06/2015 14:04  
**To:** Coleman, Cliona; Patterson, Susan  
**Cc:** Drayan, Anil  
**Subject:** RE: Notice of hearing for The Provider 15/02407/LIPN - 2 .7.2015

All  
Anil is your man.

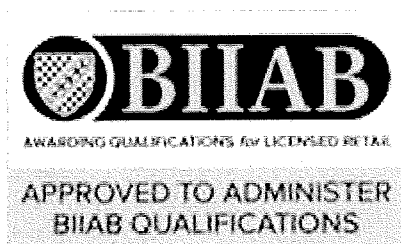
Regards

**Ian Watson**  
Senior Practitioner Environmental Health (Licensing)  
EH Consultation and Licensing  
Public Protection and Licensing

Westminster City Council  
City Hall, 4<sup>th</sup> Floor South  
64 Victoria Street  
London, SW1E 6QP

Tel: 020 7641 3183  
Email: [iwatson@westminster.gov.uk](mailto:iwatson@westminster.gov.uk)

**Westminster Council's Team of the Year 2012**



**From:** Coleman, Cliona  
**Sent:** 17 June 2015 13:41  
**To:** Patterson, Susan  
**Cc:** Watson, Ian  
**Subject:** RE: Notice of hearing for The Provider 15/02407/LIPN - 2 .7.2015

Hi Sue,

Hope you are keeping well.

I think this case has been taken over by Ian Watson

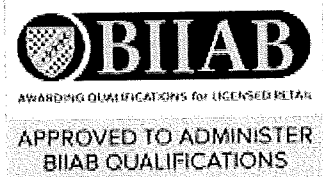
Let me know if you need anything else from me

Kind regards,

**Cliona Coleman**  
Environmental Health Officer  
Health and Safety Team  
Premises Management  
Westminster City Council  
4th Floor West  
City Hall  
64 Victoria Street  
London SW1E 6QP

T: 020 7641 6830

E: [ccoleman@westminster.gov.uk](mailto:ccoleman@westminster.gov.uk)



TRANSPARENCY

CHOICE

HERITAGE

You can now apply online for the majority of licensing regimes that the authority is responsible for. Please visit [www.westminster.gov.uk/licensing](http://www.westminster.gov.uk/licensing) and following the relevant links to apply.

Please consider your environmental responsibilities before printing this email!

**From:** Patterson, Susan  
**Sent:** 16 June 2015 14:33  
**To:** Coleman, Cliona  
**Subject:** Notice of hearing for The Provider 15/02407/LIPN - 2 .7.2015

Hello SEE attached for 2<sup>nd</sup> July 2015, do you have any further conditions or an update for the report which I am doing this week?

Thanks

**Susan Patterson**  
Senior Licensing Officer

**Licensing Team**  
Public Protection and Licensing Department  
Westminster City Council

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TO Miss Susan Patterson

REFERENCE 15/02407/LIPN

---

FROM EH Consultation Team, 4<sup>th</sup> Floor, City Hall

REFERENCE 15/011185/EHCT

BEING DEALT WITH BY Anil Drayan

TELEPHONE EXT.

DATE 7 July 2015

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THE PROVIDER, DEVELOPMENT SITE AT THE PERCY AND FOUNDERS OFF, MORTIMER STREET, LONDON

**EH Conditions:**

In addition to the conditions that have been agreed with the Police and the conditions offered in the application operating schedule Environmental Health proposes the following additional conditions for this application:

1. 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.
2. The licence holder shall ensure that outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, all alcohol within the trading area is to be secured behind locked grills, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff.
3. No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises except for premium product in glass bottles.

4. There shall be no self- service of spirits on the premises, save for spirit mixtures less than 5.5% ABV.
5. 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.
6. The number of persons permitted at the premises at any one time (excluding staff and persons shopping) shall not exceed 15 persons.
7. 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.
8. 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.
9. 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.
10. Before the premises open to the public, the plans as deposited (no ref. dated 29.06.2015) will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction, new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.

11. The Licence will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.

These conditions are based on there being no clarity as to the principal operation of the premises – is it a bar or delicatessen/café where the alcohol will be ancillary to food or both etc.

The following further comments are also made:

**Sanitary accommodation:**

- Please note the capacity condition 6 above is based on this being a completely new build premises. In such cases where the provision of alcohol is for capacities of more than 15 patrons Environmental Health policy, in order to prevent Public Nuisance issues arising, is that for new build premises the provision of sanitary accommodations must be in compliance with the minimum provision as stated in *British Standard 6465 -1:2006 + A1:2009; Sanitary installations – Part 1: Code of practice for the design of sanitary facilities and scale of provision of sanitary and associated appliances.*
- For capacities of up to 15 patrons one unisex WC is considered acceptable.
- In addition, for food and drink premises, facilities for staff should be separate from that for the public in accordance with guidance to food hygiene legislation

**Nuisance from cooking odour/smell – planning status:**

- I understand that the current planning designation of the premises is as an A1 Use premises. The applicant is advised to contact the Council's Planning Department to ascertain whether if the style of operation also requires a change of use to an A3/A4 Sui Generis Use premises.

- Should such a change of use be necessary the applicant is advised that it is Westminster Environmental Health's and Planning Department's policy for the prevention of Public Nuisance arising from cooking fumes that all new planning applications for change of Use to A3 Use premises will require full height discharge of any kitchen extract ventilation systems no matter the amount of cooking involved.
- Nevertheless the applicant is further advised that the planning status of the premises is generally not considered to be a material consideration as to whether any Premises Licence will be granted. Conversely, under planning legislation, the approval of a Premises Licence does not provide automatic grounds for the planning status to also be changed.

**Please contact me if you require further advice or information**

**Anil Drayan  
Environmental Health Officer  
Environmental Health Consultation Team**

## **Patterson, Susan**

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**From:** Janes, Toby  
**Sent:** 16 April 2015 10:11  
**To:** mjm@joelsonwilson.com  
**Cc:** Premises Licensing; Patterson, Susan  
**Subject:** Application 15/02407/LIPN, The Provider, 8 Mortimer Street, W1

Dear Mark

### **Application 15/02407/LIPN, The Provider, 8 Mortimer Street, W1**

With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, make a representation against the above application.

It is our belief that if granted the application would undermine the Licensing objectives in relation to the prevention of crime and disorder as there are insufficient conditions within the operating schedule.

I will be in contact with you shortly to discuss the application. However it is for the applicant to prove that this application will not add to the cumulative impact problems already experienced in this area.

Should you wish to discuss the matter further please contact me on **0207 641 3179** or via email, [tjanes@westminster.gov.uk](mailto:tjanes@westminster.gov.uk)

PC Toby JANES 1275CW  
**Westminster Police Licensing Team**  
4th Floor, 64 Victoria Street,  
LONDON, SW1E 6QP  
Tel: 0207 641 3179

## **Patterson, Susan**

---

**From:** Niall McCann <NMM@joelsonwilson.com>  
**Sent:** 13 May 2015 14:09  
**To:** Janes, Toby  
**Cc:** Premises Licensing; Patterson, Susan  
**Subject:** RE: Application 15/02407/LIPN, The Provider, 8 Mortimer Street, W1

Many thanks.

Kind regards,

**Niall McCann**

Partner, Head of the Licensing & Gambling Team  
Member of the Litigation & Dispute Resolution Team  
Joelson Wilson LLP

T: +44 (0) 20 7580 5721  
F: +44 (0) 20 7580 2251  
M:+44 (0) 7968 841 297

**From:** Janes, Toby [mailto:tjanes@westminster.gov.uk]  
**Sent:** 13 May 2015 14:02  
**To:** Niall McCann  
**Cc:** Premises Licensing; Patterson, Susan  
**Subject:** RE: Application 15/02407/LIPN, The Provider, 8 Mortimer Street, W1

Dear Sir

### **Application 15/02407/LIPN, The Provider, 8 Mortimer Street, W1**

Based on your agreement to the conditions shown below, I can confirm police now withdraw our representation.

1. 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 preceding 31 day period.
2. 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.
3. The supply of alcohol at the premises shall only be to a person seated.
4. 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.
5. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.



6. 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 concerning crime and disorder (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.

7. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.

Thank you and Kind regards.

Toby

PC Toby JANES 1275CW  
Westminster Police Licensing Team  
4th Floor, 64 Victoria Street,  
LONDON, SW1E 6QP  
Tel: 0207 641 3179

**From:** Niall McCann [<mailto:NMM@joelsonwilson.com>]  
**Sent:** 07 May 2015 11:23  
**To:** Janes, Toby; Lewis, Bryan  
**Cc:** Mark McDermott  
**Subject:** RE: Application 15/02407/LIPN, The Provider, 8 Mortimer Street, W1

Hi

Following my recent conversation with Toby, given the proposed style of operation, my client is prepared to accept the following conditions:

1. 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 preceding 31 day period.
2. 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.
3. The supply of alcohol at the premises shall only be to a person seated.
4. 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.
5. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

6. 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 concerning crime and disorder (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.

7. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.

I should be grateful if you would confirm that the above conditions are acceptable and that your representation is being withdrawn.

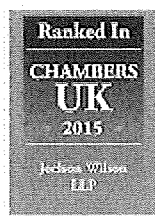
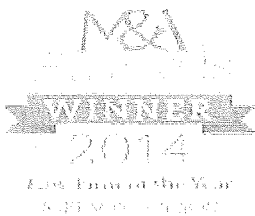
Many thanks.

Kind regards,

**Niall McCann**

Partner, Head of the Licensing & Gambling Team  
Member of the Litigation & Dispute Resolution Team  
Joelson Wilson LLP  
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**From:** Janes, Toby [<mailto:tjanes@westminster.gov.uk>]  
**Sent:** 01 May 2015 15:16  
**To:** Niall McCann  
**Subject:** Application 15/02407/LIPN, The Provider, 8 Mortimer Street, W1

Dear Niall

As discussed I will be away until the 13<sup>th</sup> May so my colleague PC Bryan Lewis will deal with this application.

His email is [Blewis1@westminster.gov.uk](mailto:Blewis1@westminster.gov.uk)

Kind regards

Toby

PC Toby JANES 1275CW  
Westminster Police Licensing Team  
4th Floor, 64 Victoria Street,  
LONDON, SW1E 6QP  
Tel: 0207 641 3179

\*\*\*\*\*

Run the Bupa Westminster Mile on 24th May, the most famous mile in the world.  
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Register at <http://ow.ly/Kpgsl>

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Visit <http://cleanstreets.westminster.gov.uk> or call 020 7641 6180.

\*\*\*\*\*

Westminster City Council: [www.westminster.gov.uk](http://www.westminster.gov.uk)

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## **Patterson, Susan**

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**From:** Janes, Toby  
**Sent:** 16 April 2015 10:27  
**To:** mjm@joelsonwilson.com  
**Cc:** Premises Licensing; Patterson, Susan  
**Subject:** Application 15/02407/LIPN, The Provider, 8 Mortimer Street, W1

Dear Mark

### **Application 15/02407/LIPN, The Provider, 8 Mortimer Street, W1**

The following conditions listed below are those that police would like you to attach to your operating schedule as I believe they will address police concerns in relation to crime and disorder.

1. 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 preceding 31 day period.
2. 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.
3. The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to the meal.
4. The supply of alcohol shall be by waiter or waitress service only.
5. 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.
6. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
7. 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 concerning crime and disorder (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.
8. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.

Kind regards

Toby

PC Toby JANES 1275CW

Westminster Police Licensing Team

4th Floor, 64 Victoria Street,

LONDON, SW1E 6QP

Tel: 0207 641 3179

# Comments for Licensing Application 15/02407/LIPN

## Application Summary

Application Number: 15/02407/LIPN

Address: Development Site At The Percy And Founders Off Mortimer Street London W1T 3BF

Proposal: Premises Licence - New

Case Officer: Miss Susan Patterson

## Customer Details

Name: Mr Peter Whyatt

Address: Fitzrovia Neighbourhood Centre 39 Tottenham Street London

## Comment Details

Commenter Type: Residents Association

Stance: Customer objects to the Licensing Application

Comment Reasons:

Comment: 7:21 PM on 28 Apr 2015 Taken as a whole, the application will, if granted, have a significant and disproportionate impact on local residents, because of the proliferation of bars and restaurants in the area over recent years

The application seeks to sell alcohol for consumption both on and off the premises. We are concerned about the impact this operation could have on the locality, particularly in the evening. At present, the application does not satisfy us that the licensing objectives would be promoted.

The premises is described in the application as a café. We are concerned about the extent of any bar use. Should the Council be minded to grant a licence, we request that the licence is appropriately conditioned.

1. There are no conditions proposed limiting sale of alcohol to being ancillary to table meals. We would propose conditions limiting alcohol to those eating, customers have to be seated and served by waiter/ess.

2. The hours are below core hours, but as presented, the licence could permit operation as a bar. This would have more negative impact than a food-led operation, a view which is acknowledged in the Council's Statement of Licensing Policy.

3. Is there any intention to increase hours in the future, to core hours or beyond?

4. The opening hour (7am) is very early- although no alcohol can be sold before 10am. What are the delivery arrangements to facilitate opening at that time?

5. What is the proposed capacity?

Although we appreciate that determinations of the planning authority do not restrict the licensing authority when they consider the licensing application, it should be pointed out the current planning permission is for A1 retail premises and we are concerned that such premises are becoming bars by default.

For the reasons stated, We are opposed to the application being granted in the terms applied for. We look forward to being kept informed of any developments, and would like to attend the hearing.

in due course. Peter Whyatt (secretary) FNA

FITZROY PLACE

Gate On





