

Licensing Sub-Committee Report

Item No:	
Date:	3 December 2015
Licensing Ref No:	15/08375/LIPN - New Premises Licence
Title of Report:	Patara Fine Thai Cuisine 5 Berners Street London W1T 3LF
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:	David Sycamore Senior Licensing Officer
Contact details	Telephone: 020 7641 8556 Email: dsycamore@westminster.gov.uk

End:	23:30	23:30	23:30	23:30	00:00	00:00	23:30
Seasonal variations:							
Non-standard timings:	The hours for licensable activities and opening times shall be extended from the end of authorised hours on New Year's Eve until the start of hours on New Year's Day.						
Adult Entertainment:							

Recorded Music							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	11:00	11:00	11:00	11:00	11:00	11:00	11:00
End:	23:30	23:30	23:30	23:00	00:00	00:00	23:30
Seasonal variations:	The hours for licensable activities and opening times shall be extended from the end of authorised hours on New Year's Eve until the start of hours on New Year's Day.						
Non-standard timings:							

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Metropolitan Police
Representative:	Pc Guerra
Received:	In time
<p>Application for a Premises Licence – Patara Fine Thai cuisine – 5 Berners Street W1T 3LF</p> <p>With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be objecting to this application as it is our belief that if granted the application would undermine the Licensing Objectives. It is for this reason that we are objecting to the application.</p> <p>Conditions have been proposed by the Police but at time of publication they have not been agreed.</p>	
Responsible Authority:	Environmental Health
Representative:	Mr Nevitt
Received:	In time
<p>REF: 15/08375/LIPN</p> <p>13.11.2015</p>	

The application includes 'Recorded Music' – if the premises is to operate as a Restaurant I suggest that this aspect of the application is withdrawn. If this aspect of the application is to remain I will be proposing a number of noise control conditions – e.g. sound limiter MC11, MC13, MC14, and provision of an acoustic lobby.

The application includes a number of Proposed Conditions (nos. 1- 14) – these are all acceptable.

I also propose the following conditions:

MC66

MC37 - there are two exits from the **ground floor so up to 100 acceptable** and they have an accommodation stair to basement and also a separate protected route from basement. Therefore up to **60 possible in basement** also. Likely figures will be lower as appears to be only 70 covers on ground and 40 in basement but the above would be maximum figures if required.

Works at the premises have already been started. I note that the customer toilet arrangements are in the form of a shared lobby space for both male and female customers with the wash basins located in the shared area. Unisex toilets are not normally acceptable in Licenced premises and I suggest that the left hand side (3 WC Cubicles) is designated for females and the right hand side (2 WC Cubicles) is designated for males. I also suggest that the shared area is monitored (toilet attendant or CCTV coverage) or opened up (removal of the sliding door) in order to eliminate an unsupervised confined shared space. The best arrangement is to provide separate facilities/lobbies for males and females.

I am concerned that a low-level discharge has been installed for the kitchen cooking equipment. The Planning Approval is for a high level extract duct. A low level system would not normally be acceptable. A recent application 15/09205/FULL has been submitted but looking at the details of the application it doesn't appear to me to make it explicitly clear that a low level discharge is intended..

Conditions have been proposed by the Environmental Health but at time of publication they have not been agreed.

2-B Other Persons	
Name:	Cllr Glanz
Address and/or Residents Association:	City Hall
Received:	In time
I am writing in my capacity of West End Ward councillor to express my concerns in relation to the application. I support the view of local residents that without suitable and enforceable conditions that the application lays them open to the risk of substantial loss	

of amenity and , as drawn , fails to comply with the Licensing objectives insomuch as it increases the likelihood of nuisance and disturbance which the Licensing Act seeks to prevent

I would therefore support the additional conditions proposed as to servicing and hours of operation as set out below.

o No servicing other than in connection with refuse and recycling shall take place on Berners Place.

o All servicing other than that in connection with refuse and recycling shall take place via the Berners Street entrance and shall only be between:

Monday to Thursday 0800 and 21:00

Friday and Saturday 08:00 and 21:00

Sunday and Bank Holiday Mondays between 10:00 and 21:00

o Waste or recyclable materials, including bottles shall only be moved, removed, placed in or removed from the waste store, placed in outside areas or collected between:

Monday to Thursday 0800 and 21:00

Friday and Saturday 08:00 and 21:00

Sunday and Bank Holiday Mondays between 10:00 and 21:00

I would also seek to impose a condition that the fire exit be kept closed except for use as emergency egress and not be allowed to be the back door for servicing, staff and smoking.

Access to or from the premises via Berners Place by public or staff shall only be in the event of an emergency and access shall be kept closed at all other times except when open for the purpose of removal of waste during permitted hours in accordance with conditions [], [] and [].

Neither public nor staff shall be permitted to use Berners Place as a smoking area at any time.

The windows onto Berners Place shall be kept sealed at all times.

2-B Other Persons			
Name:		Sacha Brooks	
Address and/or Residents Association:		Top Floor, 9 Berners Place, London, W1T 3AD	
Status:		In support or opposed:	Opposed
Received:	In time		
I write to make a representation in respect of this application, objecting to the grant of			

the application for a new premises licence in the terms applied for. I object on the basis that the likely impact of the application as presented would be to harm the licensing objective of prevention of public nuisance.

Background

1. I live at Top Floor, 9 Berners Place. I have lived at this address for 18 years. I live with one other person. My property is 2 doors south of 5 Berners Street. Berners Place is a cul-de-sac. Everything done by a business occupier of this site therefore hugely impacts our amenity and has

the potential for nuisance. There is an established record over many years of complaints to the

Council concerning issues of public nuisance including noise, danger and inconvenience caused by

stock deliveries and waste storage & handling by commercial users of premises in Berners Place..

There are no proposals in this licence application (or the planning applications) which ameliorate these problems.

2. 9 Berners Place has three self contained flats, 10 Berners Place (one door nearer to 5 Berners

Street) has 4 self-contained flats. 84 Newman Street overlooking Berners Place has one self-contained

flat. 5 Berners Street itself is now residential from 1st to 6th floor. There are further residential units at 3 and 4 Berners Street (very close to the main public entrance of the site),

numbering approximately 8 self-contained units. Other commercial premises in Berners Street and

Newman Street have recently been or are in the process of being turned over to residential use.

Berners Hotel bedrooms back on to Berners Place, adjacent to and opposite the site.

3. The character of Fitzrovia is generally mixed residential, commercial office. The character of

buildings immediately adjacent to the site is predominantly residential or hotel.

4. Berners Place is a short, narrow cul-de-sac with no turning space. Vehicles servicing Berners

Place must therefore either reverse in or reverse out through a narrow tunnel to and from a busy

four-way junction between Eastcastle Street, Berners Place and Berners Mews. Such vehicular

activity is dangerous and a nuisance in both Berners Place and Eastcastle Street as has been

repeatedly shown in recent licensing and planning decisions. Berners Place is therefore not

considered suitable for servicing activity unless it can be strictly limited or there is no alternative.

cont./

/cont.

Prevention of public nuisance

4. The application places no restriction on the kinds, amounts and timing of servicing in connection

with the licence in Berners Place, which is disappointing because the planning

permission (ref: 13/07973/FULL) does contain some appropriate restrictions. Because of the street layout and the proximity to residential premises, servicing in Berners Place is dangerous and causes a public nuisance. It is noted that, like the adjacent Berners Hotel, access from the premises to the waste store is via the public pavement as there is no internal access to the waste store. This creates a substantial possibility of public nuisance by the movement of waste and recycling, especially but not only at antisocial hours. The site can and has historically been serviced on the Berners Street frontage, which is an adequate alternative to which servicing should be restricted as much as possible. This case was also made to the relevant Planning Subcommittee for the premises the subject of this application who set out the following condition in the interests of public safety

(13/07973/FULL):

11. Only refuse collection may take place on Berners Place and all refuse collection must take place between 0800 and 1100 on Mondays to Saturdays and between 1000 and 1100 on Sundays.

The 2011 planning consent for the adjacent Berners Hotel (11/10102/FULL) contained the following

condition in order to "avoid blocking Berners Place and to protect the environment of people in neighbouring properties":

12. No servicing shall take place within the overhang (undercroft) of the Berners Hotel on

Berners Place or anywhere else on Berners Place.

The 2012 licence for the Berners Hotel, which was the subject of representations by many

residents and a closely involved councillor, contained the following conditions (12/00691/LIPN):

26. Waste or recyclable materials, including bottles shall only be moved, removed or placed in

outside areas between:

Monday to Thursday 0800 and 21:00

Friday and Saturday 08:00 and 21:00

Sunday and Bank Holiday Mondays between 10:00 and 21:00

27. Deliveries to the premises shall only be arranged between:

Monday to Thursday 0800 and 21:00

Friday and Saturday 08:00 and 21:00

Sunday and Bank Holiday Mondays between 10:00 and 21:00

These conditions on the Berners Hotel have, collectively, limited the amount of nuisance caused by

servicing and we therefore propose that the following conditions be placed in the current application

in addition to those currently proposed:

- *No servicing other than in connection with refuse and recycling shall take place on*

Berners Place.

• All servicing other than that in connection with refuse and recycling shall take place via the

Berners Street entrance and shall only be between:

Monday to Thursday 0800 and 21:00

Friday and Saturday 08:00 and 21:00

Sunday and Bank Holiday Mondays between 10:00 and 21:00

cont./

/cont.

• Waste or recyclable materials, including bottles shall only be moved, removed, placed in

or removed from the waste store, placed in outside areas or collected between:

Monday to Thursday 0800 and 21:00

Friday and Saturday 08:00 and 21:00

Sunday and Bank Holiday Mondays between 10:00 and 21:00

5. The planning consent for these premises (13/07973/FULL) contained the following condition:

20. Prior to the occupation of the premises for restaurant purposes, you shall submit and have

approved in writing by the local planning authority a detailed servicing management strategy for the

restaurant use. All servicing shall be undertaken in accordance with the approved strategy unless

otherwise agreed in writing by the local planning authority.

We propose that a servicing management strategy approved by the local planning authority be

provided and form part of the licence conditions on these premises in order to reduce the possibility

of public nuisance.

6. There is no provision in the restaurant's plans for smoking areas, therefore it must be taken that

smoking will take place adjacent to the street access to the restaurant. There is an emergency exit

on the Berners Place frontage and unless properly conditioned it is likely that smokers (both public

and staff) will use this exit for street access which would cause additional public nuisance to

residential neighbours at any hour but especially if at antisocial hours. Further, if permitted, public

or staff may use this access to and from Berners Place which would cause noise nuisance to

adjacent residential occupiers, especially if at antisocial hours. There are also windows onto

Berners Place which, if opened would cause a public noise nuisance. Although the application

contains no intention to open these doors or windows other than for emergency, it would be prudent

to set conditions in the following form:

• Access to or from the premises via Berners Place by public or staff shall only be in the event of an

emergency and access shall be kept closed at all other times except when open for the purpose of

removal of waste during permitted hours in accordance with conditions [], [] and [].

• Neither public nor staff shall be permitted to use Berners Place as a smoking area at any time.

• The windows onto Berners Place shall be kept sealed at all times.

I would respectfully ask that the Sub-Committee take this representation into account when considering the

application. I confirm that I would like to attend the hearing when it takes place.

3. Policy & Guidance

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

STR1

Policy STR1 applies:

(i) It is the Licensing Authorities policy to refuse applications in the Stress Areas for: pubs and bars; fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.

(ii) Applications for other licensable activities in the Stress Areas will be subject to other policies and must demonstrate that they will not add to cumulative impact in the Stress Areas. Policy STR2 applies:

In deciding what steps, if any, are necessary to promote the licensing objectives in the determination of a review of a premises licence in a Stress Area, that the premises are in an area where special policies of cumulative impact apply and the need to reduce the cumulative impact of licensed premises within the Stress Area, will be taken into account. Policy HRS1 applies:

HRS1

(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.

(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.

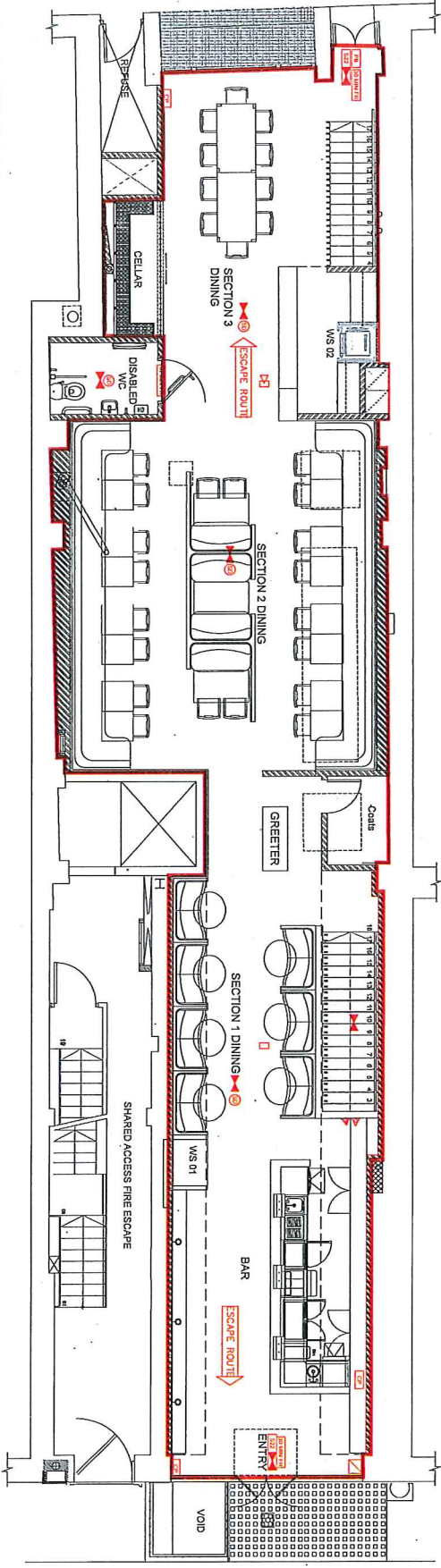
4. Appendices

Appendix 1	Premises plans
Appendix 2	Applicant supporting documents – Proposed Conditions
Appendix 3	Premises history – none
Appendix 4	Proposed conditions – Applicant, EH, Police
Appendix 5	Residential map and list of premises in the vicinity

Report author:	David Sycamore Senior Licensing Officer
Contact:	Telephone: 020 7641 8556 Email: dsycamore@westminster.gov.uk

Licensed activities may take place anywhere within the red line. The position of any loose furniture is shown for diagrammatic purposes only. The location of the equipment is shown as is on the date hereof but may be moved in consultation with the fire officer: 14th September 2015

FIRE SAFETY LEGEND	
①	Fire alarm call point
②	Fire alarm control panel
③	Fire alarm call point
④	Fire alarm call point
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01 GROUND FLOOR
SCALE : 1:50@A1

CONSTRUCTION ISSUE

Revision	Date	Issue	Notes	Project	Scale	Date	Drawing number	Revision
15/02/2015		Rev A	Updated Tender Pack	Patana Berners Street London	1:50@A1	05/09/2015	Licensing Plan	G
17/02/2015		Rev B	Construction Issue					
20/02/2015		Rev C	For Construction					
23/02/2015		Rev D	Construction Issue					
02/03/2015		Rev E	Construction Issue					
SUPERFUTURES2 51 Colindale Avenue London NW9 1QH Tel: +44 20 3307 1800 info@superfutures.co.uk								

5 BERNERS STREET

[Mandatory Conditions]

FOR BREVITY HAVE NOT BEEN REPRODUCED

[Conditions Consistent with the Operating Schedule]

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 entire 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. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.

4. 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.

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

6. The supply of alcohol shall be by waiter or waitress service only.

7. 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.

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. No licensable activities shall take place at the premises until the licensing authority are satisfied that the premises is constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association – Technical Standards

for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition shall be removed from the licence by the licensing authority.

10. 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.

11. No deliveries to the premises shall take place between **(23.00)** and **(08.00)** on the following day.

12. 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.

13. 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.

14. 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.

Appendix 3

There is no licence or appeal history for the premises

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

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

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

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

Mandatory Conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

- (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

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

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

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

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

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

Where -

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Conditions consistent with the operating schedule

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 entire 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. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
4. 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.
5. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
6. The supply of alcohol shall be by waiter or waitress service only.
7. 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.

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. No licensable activities shall take place at the premises until the licensing authority are satisfied that the premises is constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association – Technical Standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition shall be removed from the licence by the licensing authority.

10. 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.

11. No deliveries to the premises shall take place between **(23.00)** and **(08.00)** on the following day.

12. 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.

13. 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.

14. 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.

Conditions proposed by Environmental Health

The application includes 'Recorded Music' – if the premises is to operate as a Restaurant I suggest that this aspect of the application is withdrawn. If this aspect of the application is to remain I will be proposing a number of noise control conditions – e.g. sound limiter MC11, MC13, MC14, and provision of an acoustic lobby.

The application includes a number of Proposed Conditions (nos. 1- 14) – these are all acceptable.

I also propose the following conditions:

MC66

MC37 - there are two exits from the **ground floor so up to 100 acceptable** and they have an accommodation stair to basement and also a separate protected route from basement. Therefore up to **60 possible in basement** also. Likely figures will be lower as appears to be only 70 covers on ground and 40 in basement but the above would be maximum figures if required.

Conditions proposed by Police

Hours for Sale of Alcohol amended to – Sunday 1200 -2230

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.

The premises shall only operate as a restaurant (i) in which customers are shown to their table, (ii) where the supply of alcohol is by waiter or waitress service only, (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery, (iv) which do not provide any take away service of food or drink for immediate consumption, (v) which do not provide any take away service of food or drink after 23.00, and (vi) where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are seated in the premises and bona fide taking substantial table meals there and provided always that the consumption of alcohol by such persons is ancillary to taking such meals **or to those who are waiting to dine (limited to a maximum of 10 persons) in the area cross hatched on the deposited plan**

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

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
- (g) any refusal of the sale of alcohol
- (h) any visit by a relevant authority or emergency service.

Appendix 5

Premises within 75 metres of: 5 Berners Street			
p / n	Name of Premises	Premises Address	Licensed Hours
-12446	Stef's	Basement And Ground Floor 3 Berners Street London W1T 3LF	Sunday 12:00 - 23:00 Monday to Saturday 12:00 - 23:30
22735	Nando's	Ground Floor 1-2 Berners Street London W1T 3LA	Monday to Sunday 11:00 - 00:30
-29773	The London Edition	10 Berners Street London W1A 3BE	Monday to Sunday 00:00 - 00:00
-24981	100 Club	Basement Century House 100 - 102 Oxford Street London W1D 1LL	Sunday 09:00 - 01:00 Monday to Saturday 09:00 - 03:30
-2596	The Blue Post Public House	81 Newman Street London W1T 3ET	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
9176	Sainsbury's	Basement And Ground Floor 1 Berners Street London W1T 3LA	Monday to Sunday 00:00 - 00:00



5 Berners Street



9 Meters

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Residential / Proposed Residential	44
Under Construction	
Other Uses	4 Premises Licence
Proportion Residential of all Uses	
Data Source: Uniform Database	
Date: 26/11/2015	

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

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2011
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Various emails sent from EH/Police to applicants agent.	November 2015
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