



City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	14.01.2016
Licensing Ref No:	15/09112/LIPV - Premises Licence Variation
Title of Report:	Cleveland Arms Public House 28 Chilworth Street London W2 6DT
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:	David Sycamore Senior Licensing Officer
Contact details	Telephone: 020 7641 8556 Email: dsycamore@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	15 October 2015		
Applicant:	Cleveland House (Chilworth) Limited		
Premises:	Cleveland Arms Public House		
Premises address:	28 Chilworth Street London W2 6DT	Ward:	Lancaster Gate
		Cumulative Impact Area:	None
Premises description:	A traditional public house.		
Variation description:	<ul style="list-style-type: none"> • To increase the hours of opening times to allow the sale of breakfast. • Internal changes to the layout to increase the space available for licensable activities in the basement area and to reinstate full cooking facilities. • Extra male and female toilet facilities to be added. • The capacity of the premises is to remain at 90 including staff. • This variation is not to have effect until 01.02.2016. 		
Premises licence history:	The premises has operated as a public house since at least conversion to the Licensing Act 2003 in 2005.		
Applicant submissions:	<p>This application has been made following pre-application advice (see Appendix 2).</p> <p>The applicant has also submitted an Operational Management Plan dated 22 June 2015 (See Appendix 2).</p> <p>Conditions have been agreed with Environmental Health (see Appendix 4).</p>		

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

Performance of Live Music – No changes						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	1000	2330	No change		Ground floor and basement	Increase in licensable area in basement following internal changes
Tuesday	1000	2330	No change			
Wednesday	1000	2330	No change			
Thursday	1000	2330	No change			
Friday	1000	0000	No change			
Saturday	1000	0000	No change			
Sunday	1200	22:50	No change			
Seasonal variations:	Current:				Proposed:	
	N/A				No change	
Non-standard timings:	Current:				Proposed:	
	Sunday before bank holiday 12:00 – 00:00.				No change	

Playing of Recorded Music – No changes						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	Unrestricted		No change		Ground floor and basement	Increase in licensable area in basement following internal changes
Tuesday						
Wednesday						
Thursday						
Friday						
Saturday						
Sunday						

Anything of a similar description to Live Music or Recorded Music – No changes						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	1000	2330	No change		Ground floor and basement	Increase in licensable area in basement following internal changes
Tuesday	1000	2330	No change			
Wednesday	1000	2330	No change			
Thursday	1000	2330	No change			
Friday	1000	0000	No change			
Saturday	1000	0000	No change			
Sunday	1200	22:50	No change			
Seasonal variations:	Current:				Proposed:	
	N/A				No change	
Non-standard timings:	Current:				Proposed:	
	Sunday before bank holiday 12:00 – 00:00.				No change	

Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit – No changes						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	Unrestricted		No change		Ground floor and basement	Increase in licensable area in basement following internal changes
Tuesday						
Wednesday						
Thursday						
Friday						
Saturday						
Sunday						

Late night refreshment – No change						
Indoors, outdoors or both			Current :		Proposed:	
			Both		No change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	2300	2330	No change		Ground floor and basement	Increase in licensable area in basement following internal changes
Tuesday	2300	2330	No change			
Wednesday	2300	2330	No change			
Thursday	2300	2330	No change			
Friday	2300	0000	No change			
Saturday	2300	0000	No change			
Sunday	N/A	N.A	No change			
Seasonal variations:	Current:				Proposed:	
	N/A				No change	
Non-standard timings:	Current:				Proposed:	
	Sunday before bank holiday 2300 – 0000.				No change	

Sale by Retail of Alcohol – No change						
On or off sales			Current :		Proposed:	
			Both		No change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	1000	2330	No change		Ground floor and basement	Increase in licensable area in basement following internal changes
Tuesday	1000	2330	No change			
Wednesday	1000	2330	No change			
Thursday	1000	2330	No change			
Friday	1000	0000	No change			
Saturday	1000	0000	No change			
Sunday	1200	2250	No change			
Seasonal variations:	Current:				Proposed:	
	N/A				No change	
Non-standard timings:	Current:				Proposed:	
	Sunday before bank holiday 12:00 – 00:00.				No change	

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	1000	2330	08:00	No change	Ground floor and basement	Increase in licensable area in basement following internal changes
Tuesday	1000	2330	08:00	No change		
Wednesday	1000	2330	08:00	No change		
Thursday	1000	2330	08:00	No change		
Friday	1000	0000	08:00	No change		
Saturday	1000	0000	09:00	No change		
Sunday	1200	2250	09:00	No change		

1-C Layout alteration
Plans to increase the size available for licensing premises. Please see the attached plans at Appendix 1 and the pre-application advice at Appendix 2.

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Service
Representative:	Mr Anil Drayan
Received:	12 November 2015
<p>I refer to the application for variation of the premises licence for the above premises. The applicant has submitted new plans of the premises and is seeking the following:</p> <ol style="list-style-type: none"> To change the layout of the premises in accordance with the submitted plans. <p>I wish to make the following representations based on the plans and operating schedule submitted:</p> <ol style="list-style-type: none"> The changes in layout may lead to an increase in Public Nuisance in the area and may adversely impact on Public Safety. <p>The applicant is requested to contact the undersigned to arrange a site visit after which Environmental Health may propose additional conditions to allay its concerns.</p> <p>Following a site visit, Mr Drayan has proposed 20 additional conditions dated 3 December 2015 (see Appendix 4).</p>	

2-B Other Persons			
Name:		Mr Paul Gray	
Address and/or Residents Association:		2 Gloucester Mews West London W2 6DY	
Status:	Valid	In support or opposed:	In support
Received:	15 November 2015		
<p>This is a valued community pub, catering particularly for local residents. It supports local activities, for example the fireworks in Cleveland Square. It is popular for lunch for local business people. The proposed alterations to provide a kitchen and dining room will be of good use for local residents.</p>			
Name:		Mr John King	
Address and/or Residents Association:		25 Chilworth Street London W2 3HA	
Status:	Valid	In support or opposed:	Opposed
Received:	18 November 2015		
<p>I write in regard to the above application and would wish to make the following points:</p> <ol style="list-style-type: none"> 1) The applicant states they have no wish to change the hours except for earlier opening for non-licensable activities. However it would appear that they wish to stay open till midnight on Sunday, currently licensing ceases along with all the other pubs in the non-stress area at 22.30. Any change could set a precedent. 2) We understand that no outside consumption of alcohol is allowed after 22.30. We would like this to continue as a term of the licence and an obligation to clear all the people from the front terrace by this time as this is a residential street and the pub is surrounded by flats and mews houses. 3) Such new licence not to come into force until completion of the building works and a numbers cap by the Fire Officer. 4) The archway to be removed from the licensed premises as any congregation of people under the arch will cause a noise nuisance to the mews. 5) A term of the existing licence had been that no preparatory cooking is permitted on the premises. We would ask that a comprehensive filtered ventilation system be installed before this term is released. 			

Name:		Mr John Zamit	
Address and/or Residents Association		S.E.B.R.A	
Status:	Valid	In support of opposed:	Opposed
Received:	19 November 2015		

We object / have concerns to certain aspects of variation but are confident / trust agreement can be reached to resolve these concerns of our members living in vicinity of pub.

We note no change in 'hours of sale of alcohol' proposed except earlier opening of premises nor any change in maximum capacity (we were told by a member that application form showed increase hours on a Sunday but assured that this is not the case) - we think due to increase in size of premises for drinking / eating more customers will frequent pub than at present.

We note proposal to create drinking area in basement and we think that should be condition on maximum number in this area and also it should be laid out with tables and chairs so that patrons can be seated. We wondered if this area should be conditioned if alcohol should be ancillary to taking table meal or at least food to be available at all times

We always ask, if no conditions already on existing licence, that deliveries and refuse / recycling conditions are placed on licence. We note on management plan no beer deliveries till after 9 am (and assume none on weekends / bank holidays) in Gloucester Mews West and no doubt this will be a condition. We understand some deliveries needed via front of pub after 7am (later on Sundays we trust) and suggest that deliveries should cease by say no later 8pm at latest and say 4pm Sundays and be by vehicles only using Chilworth Street.

Likewise we trust refuse and recycling collections will be controlled as is standard practice on new licences or variations to say none to take place between 10 pm and 7am and none on Sundays.

Main area of concern to local residents living adjacent to a pub is noise and any anti social behaviour outside - especially late in evening - and believe that in this case no drinks should be taken off the premises i.e. on public pavement, particularly under archway leading to Gloucester Mews West or Upbrook Mews opposite. We note on existing licence outside drinking (including standing or seated area outside pub on forecourt) ceases at 11pm and trust customers in pub are off the premises at end of 'permitted hours for sale alcohol'.

We also trust smokers / mobile phone users also will not use area under archways of two mews adjacent to pub.

As is our standard practice we ask for doors/ windows to premises are kept in 'closed' permission say after 8pm

We assume standard / model CCTV and other standard / model police conditions will be on new licence along with standard / model conditions from WCC Environmental Health department regarding keeping outside area of pub clean, noise and ventilation /

ducting equipment being installed as part of modernisation / upgrading of premises not being audible to flats above or outside etc.

Name:	Ms Frances Hutchinson		
Address and/or Residents Association	99 Gloucester Mews West London W2 6DY		
Status:	Valid	In support or opposed:	Opposed
Received:	6 November 2015		

In light of continued problems with noise and rubbish, etc left outside the pub, the proposed licence variation is supported on the condition that following conditions be added. These conditions are consistent with those already applicable to the Mitre on Craven Terrace.

- All doors and windows shall be closed during the playing of amplified music
- No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance
- The outside area on Gloucester Mews West will not be used by customers at any time and notices will be displayed in the archway accordingly
- The outside area on Chilworth Street will not be used by any customer after 22:30 and notices will be displayed informing customers that this area will be closed at 22:30
- Any outside seating and or tables shall be rendered unusable by 22:30
- Management and staff will regularly monitor both outside areas to ensure usage in accordance with these conditions
- Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly
- No rubbish, including bottles shall be moved, removed or placed in outside areas between 23:00 hours and 08:00 hours Monday to Saturday and not before 10:00 hours on Sunday
- There shall be no collections or deliveries to the premises between 23:00 hours and 08:00 hours
- Management and staff will be responsible for clearing up litter both on the pavement on Chilworth Street and under the archway on Gloucester Mews West adjacent to the pub
- The pavement from the building line to the kerb edge immediately outside the premises, shall be swept and or washed and disinfected daily, and litter and sweepings collected and stored in accordance with the approved refuse arrangement.

Name:		Mr Daniel Hardy	
Address and/or Residents Association		Not provided – neighbouring property.	
Status:	Valid	In support or opposed:	Opposed
Received:	16 November 2015		
<p>Unfortunately we are in objection to the application from The Cleveland Arms public House for the following reasons.</p> <p>Our Daughters bedroom window overlooks the front of the pub and has caused in the past and present issues with noise resulting in her being woken and kept awake late at night.</p> <p>We have made several verbal complaints to managers of the pub late at night when the crowds drinking outside have become overly rowdy and persistently noisy sometimes resulting in physical violence. At times this has extended past the closing hours facilitated by alcohol being sold in the shop next door.</p> <p>There is also what appears to be an on going issue with drug taking and the consumption of alcohol purchased from this shop by small groups that gather on the grounds of the off licence joined by pub customers again late at night and after hours. The area surrounding the Cleveland Arms is a very quiet and predominantly residential neighbourhood consisting of largely town houses and flats within, many families with young children attending the local school in Craven Terrace.</p> <p>We feel that the intended plans and development of the Pub which is obviously being considered to increase custom and in turn increased revenue for the pub will attract larger groups of socialising and therefore increased noise levels.</p> <p>The plans for windows to be fitted to observe and control customers that may be gathering in this area under the Mews arch is of course a good idea however from what I understand from the plans is that these customers will be directed to move to the front of the pub.</p> <p>It is not our intention to disrupt the business of the pub however we are convinced that the noise levels and external noisy socialising will only increase and become harder for the management to monitor and control.</p> <p>Until now our requests and complaints have been direct with the pub by either phone call or in person. However if you advise that this is a matter that requires documentation then we will need to consider contacting the local authorities accordingly.</p> <p>I hope you can appreciate our circumstances</p> <p>I would also like to request an e mail in response if possible.</p>			

Name:		Ms Natalia Georgiadou	
Address and/or Residents Association		98 Gloucester Mews West London W2 6DY	
Status:	Valid	In support or opposed:	Opposed
Received:	3 November 2015		
<p>I am concerned about the smells and the waste from the proposed restaurant. Currently licensing hours and noise from the music system are not always respected (01.30 on 31 Oct) and there is no control over customers which means that they are sitting and drinking in the mews on our doorsteps late at night. The mews is also used by customers smoking dope.</p> <p>Minicab and Taxi pick up noises are also an issue as it seems that customers are not all local.</p> <p>There should be no doors or windows opening onto the archway as this amplifies the noise.</p>			

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy PB1:	Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.
Policy HRS1:	<p>(i) Applications for hours within the core hours in the 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 in the policy will be considered on their merits, subject to other relevant policies and with particular regard to the criteria specified.</p>




4. Appendices

Appendix 1	Premises plans
Appendix 2	Applicant supporting documents – Operational Management Plan and Pre-application Advice
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

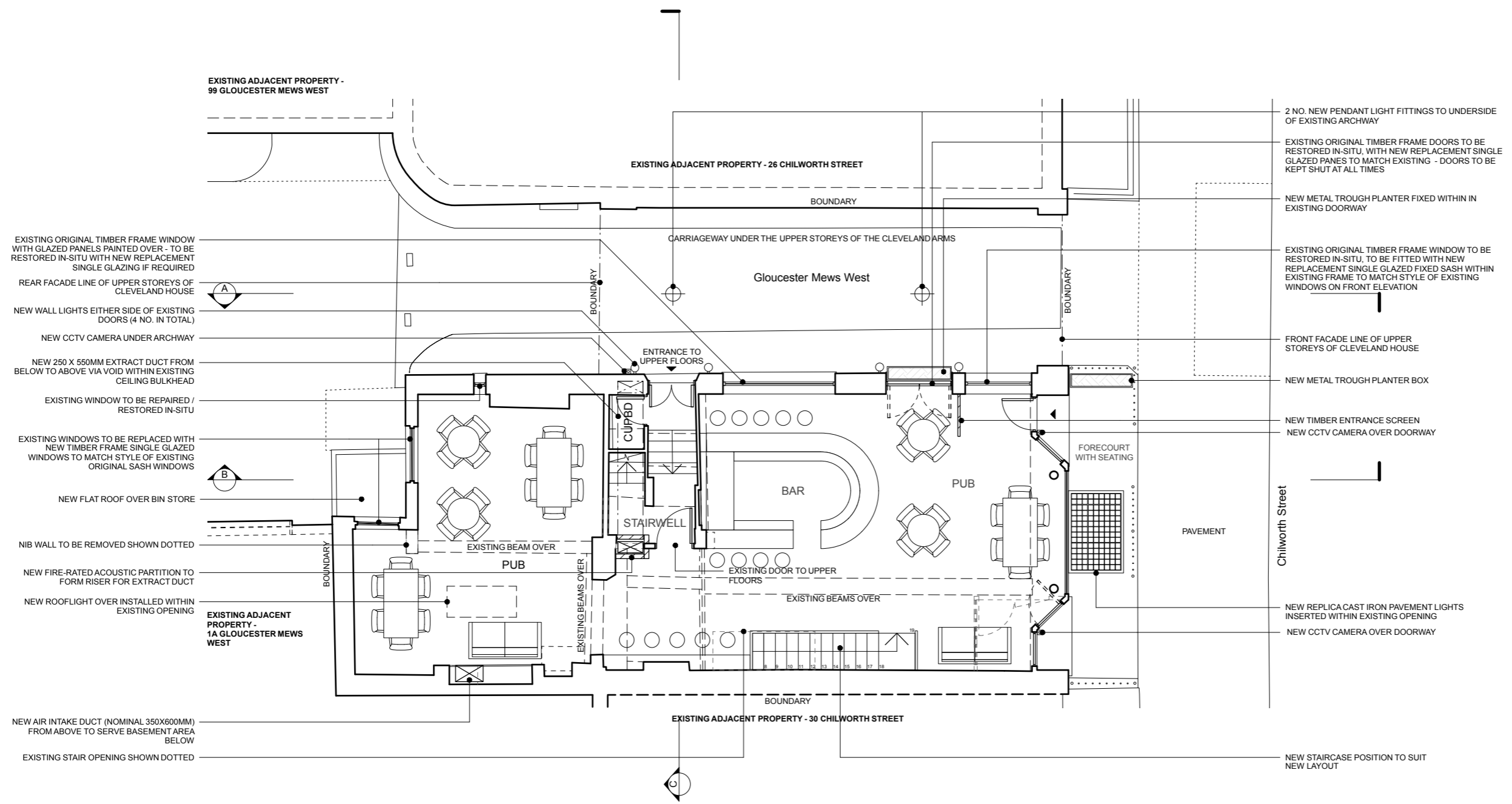
Report author:	David Sycamore Senior Licensing Officer
Contact:	Telephone: 020 7641 8556 Email: dsycamore@westminster.gov.uk

- NOTES:
- DO NOT SCALE FROM THIS DRAWING. USE FIGURED DIMENSIONS ONLY. CONTRACTOR TO CHECK DIMENSIONS ON SITE PRIOR TO CONSTRUCTIONS AND NOTIFY ARCHITECT OF ANY DISCREPANCY.
 - THIS DRAWING TO BE READ IN CONJUNCTION WITH ALL OTHER RELEVANT CONTRACT DRAWINGS, SPECIFICATIONS, AND SCHEDULES.

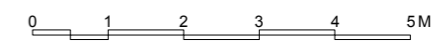
No.	ISSUE/REVISIONS	DATE
P1	Planning application.	12.02.15
P2	Amended planning application.	11.03.15
P3	Amended planning application.	22.06.15

- KEY:
-  EXISTING FABRIC TO BE RETAINED
 -  EXISTING FABRIC TO BE REMOVED
 -  PROPOSED NEW CONSTRUCTION

- NOTES:
- ENGLISH HERITAGE GUIDANCE TO BE FOLLOWED FOR RESTORATION, REPAIRS AND ALTERATIONS TO ORIGINAL FABRIC.
 - ALL EXISTING HISTORIC FABRIC TO BE RETAINED OR REPAIRED IN-SITU UNLESS STATED OTHERWISE.
 - EXISTING FABRIC TO BE REMOVED SHOWN DOTTED.
 - EXISTING ORIGINAL INTERNAL WALLS WHERE RETAINED, TO BE UPGRADED TO COMPLY WITH BUILDING REGULATIONS FIRE AND SOUND REQUIREMENTS.
 - EXISTING ORIGINAL FLOOR STRUCTURE TO BE RETAINED WHERE FEASIBLE, TO BE UPGRADED TO COMPLY WITH BUILDING REGULATIONS FIRE AND SOUND REQUIREMENTS.
 - LOOSE FURNITURE LAYOUTS ARE INDICATIVE.



PROPOSED GROUND FLOOR PLAN
1:100



DRAWING: **As Proposed Ground Floor Plan**
 CLIENT: **Maria Tamander**
 PROJECT: **Cleveland House**
 28 Chilworth Street, London W2 6DT
 JOB NUMBER: **038**
 DRWG STATUS: **Planning**
 SCALE AT A3: **1:100** CHECKED: **PS**

DRAWING NO: **PL_011** REVISION: **P3**

PENTTINEN SCHÖNE
 Unit 311 Panther House, 38 Mount Pleasant
 London WC1X 0AN tel: 0207 833 9947
 studio@penttinen-schone.co.uk

OPERATIONAL MANAGEMENT PLAN

FOR

**CLEVELAND ARMS / CLEVELAND HOUSE (CHIRLWORTH) LTD, 28 CHILWORTHE
STREET, LONDON W2 6DT**

REVISION A - 22.06.15

1. INTRODUCTION
2. OPERATIONAL CHART
3. LICENSING
4. OPERATIONS / OPENING HOUSE / DELIVERIES / SERVICES / PERSONELL PLAN
5. SAFEGUARDING THE AMENITY
6. ACCESS, EGRESS AND FIRE ECAPE
7. ALCOHOL CONSUMTION & ANTI – SOCIAL BEHAVIOUR

- Action – Noise
- Action – Restricted use of arch way
- Action – Smoking

8. HELATH AND SAFETY
9. OTHER SECURITY MEASUREMETNS
10. VENTILATION AND EXTRACTION
11. NOISE AND VIBRATION
12. WASTE DISPOSAL STRATEGY

- Commercial waste
- Residential waste

1. INTRODUCTION

The proposed upgrading of the Public house will be managed by an experienced and fully trained management team of two with one bar manager and another 5 - 10 staff, who will all be closely supervised by a general manager.

This management team will ensure that this Public House is run professionally and that our relationships with our neighbors and the local community is strong. During our first year managing the Public House we have closely been in a dialogue with the local community. There has been several points that has been highlighted and addressed.

This establishment will incorporate a leading edge traditional public house experience where we are catering for not just the local community but residents.

We are currently trading under a A3 license and will submit an application for mixed use licence from A3 to A3/4 submission for WCC licencing department (see enclosed existing licence).

A food facility consultation has not been needed seeing that the key management have a long standing experience in area. The management will meet the health inspections physical building requirements and remain in compliance with the health code. The owner/manager will see that all staff are educated in food handling, health and safety, fire/evacuation.

2. OPERATIONAL CHART

Cleveland Arms is owned and part of the Public House (Chilworth) Ltd. It is at the present operated by Ashley Sumner and Vivienne Hayman in collaboration with there other ventures in the neighbourhood, The Grocer on Elgine, The Factory and Tin Shed. Vivianne Hayman is the Pub's operational assistance, the land lady at present is Maria Tamander, one of the owners of Cleveland House and the bar manager is "Toni" Antonio Serra (personal licence nr GM 05060970 issued by Gravensham Borough Council 2006 with CPR level 1 – 2 / Health and Safety level 1 – 2 – 3 / Food H&S level 1 – 2)

With over 20 years operating in the area in the customer service industry and in hospitality operations, Ashley and Vivianne is well knowable with the customs and regulations.

Until planning is in place and we have done the necessary upgrading of the premises all food is prepared of site at The Factor, bread is delivered from their bakery.

We have introduced a simple menu and cold platters plus open hot sandwiches to widen then clientele and to be able to serve some healthy food.

The Public House has great importance to the neighbourhood, residents above the pub as well as the local infrastructure and offices.

There for the upgrade is essential where we will be able to see that we can make the commercial space work and be able cater for more craft beers and local microbreweries, we will be able to build a new more efficient cold room. The lower ground floor will be more efficiently used by installing a kitchen were we can prepare food, create a wine bar with wine cellar. New toilet facilities will as well be installed. We will as well be able to create a staff changing area.

3. LICENSING

We are currently trading under a A3 license and will submit a application for mixed use licence from A3 to A3/4 submission for WCC licencing department once our planning application had been approved (see enclosed existing licence).

The amenity and local community is not prejudiced by having a updated Public house. Indeed, CA and team prides itself on ensuring its venue is attractive, well maintained and complementary to the surroundings.

CA will have a comprehensive and extensive training program which all staff under take upon joining the company. This training is then supplemented by continual training by the General Managers in relation to matters such as licencing, food hygiene and health and safety. Photographic ID is required in the form of a passport or driver's license in order to prove the required age for the sale and supply to the customer of alcohol.

A food facility consultation is not needed. The owner will meet the health inspection physical building requirements and remain in compliance with the health code.

4. OPERATIONS / OPENING HOURS / PERSONELL PLAN

This operation is an independent Public House. We took over the property as an on going concern and have managed it since May 2014. With the limitation we have introduced light food platters and open hot sandwiches through out the day.

Monday through Thursday the Pub is operate from the hours of 10:00 – 23:30. Friday and Saturday 10:00 – 00:00, Sunday from 12:00 to 22:50, Sunday before Bank holiday 12:00 – 00:00.

Under new operations we aim for breakfast servings form 08:00 Mondays to Saturdays and Sundays from 09:00, closing house will be the same.

Current staff requirements are 1 member of staff from 09:00 – 10:30, second member will arrive at 11:00, second shift will arrive staggering hours from 15:30 and 16:30. From Thursday we have a third member of staff arriving at 18:00 whom will close and lock up.

Under new operations / license staffing will be in line with the new opening hours and kitchen prep requirements.

Beer deliveries will be made at the back of the building via existing beer hatch (as it is today) after 09:00. Breakfast deliveries will be made between 07:00 – 08:00 all other deliveries and services will take place after 09:00, all via the main front entrance.

5. SAFEGUARDING THE AMENITY

The management team is extremely used to working within high profile and sensitive areas with restaurants in the Westminster and RBCH area.

6. ACCESS, EGRESS AND FIRE ECAPE

Together with our approved building inspector and fire consultant all regulations are being applied based on final approved planning application.

Opening staff will arrive side entrance, all other staff, deliveries (other then beer) will be done via the main front entrance. Customer access will be via the main front entrance. The same procedures will be applied for exiting the premises.

Fire escape – all staff is trained for any emergency. In case of fire there is one exit point from the lower ground floor and we have two on the ground floor. Members of staff are to gather all customers house-guests under the arch at 25 Chilworth Street opposite the pub.

7. ALCOHOL CONSUMPTION & ANTI – SOCIAL BEHAVIOUR

The Cleveland Arms / Cleveland House Chilworth Ltd has every intention to enhance, not impact, upon the surrounding area as to do otherwise would be damaging to our reputation which we have worked tirelessly to achieve.

Reflecting a combination of our healthy food with traditional pub food, meeting the growing local and tourist demand with breakfast, lunch and early evening peak trading periods. CA's overriding sales mix with food is nonalcoholic beverages.

Action – Noise

- The back room of the Pub will be dedicated to eating and more private setting
- The windows / glass in the archway and that is to use a advanced acoustic glazing which is the latest developments in sound and vision.
- We will have a entrance lobby at new location (see drawings)

Action – Restricted use of arch way

- We will by the new internal and external alterations be able to oversee what is going on in the archway.
- We will see that our customers as well as people buying beer and alcohol form the off licence next door do not use this space.
- We will install CCTV camera externally in the archway (see proposed drawings)

Action - Smoking

- By having the windows this will give us the opportunity to direct our customers and ask them to move to the front of the building.

8. OTHER SECURITY MEASUREMETNS

- The windows will help as well, staff and clients will keep an eye. .
- There will be clear internal signage stating opening house and contact details 24/7 at the premises plus on the web site as well as FaceBook
- 24/7 contact are the following Antonio Serra on 07599693171 (will be clearly displayed), the others are Ashely Summer 07799 411955, Maria Tamander 07787 148256, Vivianne Hayman 07884 188373.

9. HEALTH AND SAFETY

Westminster City Council officers work with us in all areas of health and food safety, advising on policy, process and compliance and auditing our restaurants.

10. VENTILATION AND EXTRACTION

CA cooking is mainly low level and odors from the cooking process are considered light to moderate compared to other high street restaurants. However, as a standard we take the following measures to reduce the risk of odours nuisance:

- The kitchen exhaust duct will be routed as per the submitted plans on the basis of WCC's conditions. The exhaust air is discharged vertically at high velocity to ensure dispersal at the highest possible level above the building greatly reduces odour.
- The internal surfaces of the kitchen ductwork are professionally cleaned on a six monthly planned basis to avoid the build-up of grease and contaminants within the system. Cleaning intervals are monitored and adjusted depending on site location and restaurant turnover.
- Baffle filters are installed at the kitchen extract canopy to reduce the introduction of grease into the system.

11. NOISE AND VIBRATION

We already note above the design measures to limit noise disturbance.

It is also important to note that our opening hours are within the core hours; the restaurant will not open into the early hours of the morning. The following measures will also be taken to avoid any nuisance from noise or vibration:

- The kitchen extract and toilet extract fans will be fitted with atmosphere-side silencers to further reduce noise.
- All units operate on a timer system to ensure that everything is shut down during non-trading hours.

12. WASTE DISPOSAL STRATEGY

Waste disposal strategy has been consulted with Mr Andrew Grimm on the commercial waste storage and have for now twice per week collection which will be increased once refurbishment has taken place.

- Commercial waste – We will be kept the commercial waste in the premises until permitted minutes prior to scheduled collection.
- We will not be having any waste being dragged down the arch way at late hours will compensate for having the residents drop their rubbish at the back of the building.
- Residential waste – They will now use the old commercial bin store where they will only be allowed to use during restricted hours between 06:00 to 22:00
- We will be in charge seeing that it is all nice and tidy at all times.

6

City of Westminster

Officer Name: Anil Drayan
Designation: EHO
Date: 14/08/15
Contact number: 020 7641 1774
Email: adrayan@westminster.gov.uk
Signed: Anil Drayan
Uniform Ref Number: 15/06005/PREAPS

Trading name of business and Address: Cleveland Arms / Cleveland House (Chilworth) Ltd, 28 Chilworth Street

Reference Number if Applicable:

License: 14/08537/LIPDPS

Applicant/solicitor: Maria Tamander, Cleveland House (Chilworth) Ltd, 28 Chilworth Street, London W2 6DT

Stress Area: No

Type of Business: Public House

Current Licensed Areas: Ground Floor

Current Activities: Live Music, Recorded Music, Anything of a similar description to Live Music or Recorded Music, Late Night Refreshment, Private Entertainment, Sale by Retail of Alcohol

Pre application advice purpose: Applicant undertaking the following: *'We are currently trading under a A3 license and will submit an application for mixed use licence from A3 to A3/4. The premises have previously had cooked food.'* - The proposal is for internal alterations, refurbishment and restoration at ground and basement levels with the improvements to include the creation of a Restaurant/Wine bar at basement level.

Background to application:

Environmental Health base this advice on the Design and Access Statement and the Operational Management Plan submitted for the planning application and with this request.

These appear to show that there will be no intention to increase the hours for or have additional licensable activities as part of any application to vary the licence.

The main proposed changes appear to be an increase in opening hours for non-licensable activities to allow service of breakfast, to change the internal layout including providing new additional space for licensable activities in the basement and to re-instate full cooking facilities to allow for a restaurant level offering of food.

sanitary facilities and scale of provision of sanitary and associated appliances: Table 11; licensed pubs etc.

- For your current capacity of 90 this would normally equate to 1 male WC plus urinal and 3 female WC's. Whereas I understand that currently the provision at the premises is only 1 male WC plus 2 urinals and 1 female WC.
- Although Environmental Health would encourage standards to BS 6465 are achieved for existing premises where major refurbishments are proposed we would accept proposals that did not result in any lessening of provision.
- If there is an intention to increase the overall capacity then there should be a commensurate increase in sanitary provision so that it matches the existing ratio of provision.
- As it is the intention to increase the onsite food preparation sanitary accommodation for staff should be separate from that provided for the public so as to be in compliance with guidance to food hygiene legislation.

Conditions recommended by Environmental Health for an application to vary the licence based on the above information (*these are in addition to existing conditions on the licence*) :

1. The number of persons permitted at the premises at any one time (including/excluding staff) shall not exceed X persons (*to be assessed on completion*)
2. A Challenge 21 proof of age scheme will operate at the premises where the only acceptable forms of identification are recognized photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
3. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
4. 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.
5. Save for in any permitted external area 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.

6. All sales of alcohol for consumption off the premises, save for in any permitted external area, shall be in sealed containers only, and shall not be consumed on the premises.
7. 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.
8. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23:00 and 08:00 hours on the following day.
9. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
10. 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.
11. The variation of 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.

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

Anil Drayan

Environmental Health Officer,

EH Consultation Team

Please note that any advice given will not guarantee that your application will be granted by the Licensing Service and the Environmental Health Consultation Team may still choose to make a representation to the application submitted.

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
Conversion and variation 05/04934/LIPCV	Application to convert and vary the licence under the Licensing Act 2003	08.08.2015	Granted by Licensing Sub-Committee
Transfer application 14/03686/LIPT	Transfer from Hurley Bennett & Co Limited to Cleveland House (Chilworth) Limited	15.07.2014	Granted under delegated authority
DPS variation 14/08537/LIPDPS	Application to vary the DPS	28.10.2014	Granted under delegated authority
Variation application 15/09112/LIPV	Current application		

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. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.

Annex 2 – Conditions consistent with the operating Schedule

None

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

- 10. Alcohol may be sold or supplied:
 - (a) On Monday to Thursday 10.00 to 23.30.
 - (b) On Friday to Saturday 10.00 to 00.00.
 - (c) On Sundays 12.00 to 22.50.
 - (d) On Sundays immediately prior to a Bank Holiday 12.00 to 00.00
 - (e) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

NOTE - The above restrictions do not prohibit:

- (a) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (c) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;

- (e) the taking of alcohol from the premises by a person residing there;
- (f) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
- (g) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

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

- 11. The capacity of the premises shall not exceed 90 persons (including staff)
- 12. The licence holder to provide emergency lighting to BS5266 or an equivalent standard as approved by LFEPA.
- 13. Regulated entertainment in the form of Live Music, Recorded Music and Anything of a similar description is permitted Monday to Sunday within the hours outlined in condition 10 above, subject to the following agreed conditions:
 - (a) The premises are to operate within the provisions of s.177 of the Licensing Act 2003
 - (b) no external drinking after 23.00
 - (c) the Regulated Entertainment will be limited to 2 performers.
- 14. No children under 14 are allowed in the bar unless the following conditions are satisfied:
 - (a) the premises are not being used solely for the sale or supply of alcohol
 - (b) any child under the age of 14 is accompanied by a responsible adult, parent or guardian over the age of 18
 - (c) it is between 10.00 and 21.00, except where a meal has been ordered before 21.00 in which case the child may remain on the premises up until 21.30 to allow the consumption of the meal.

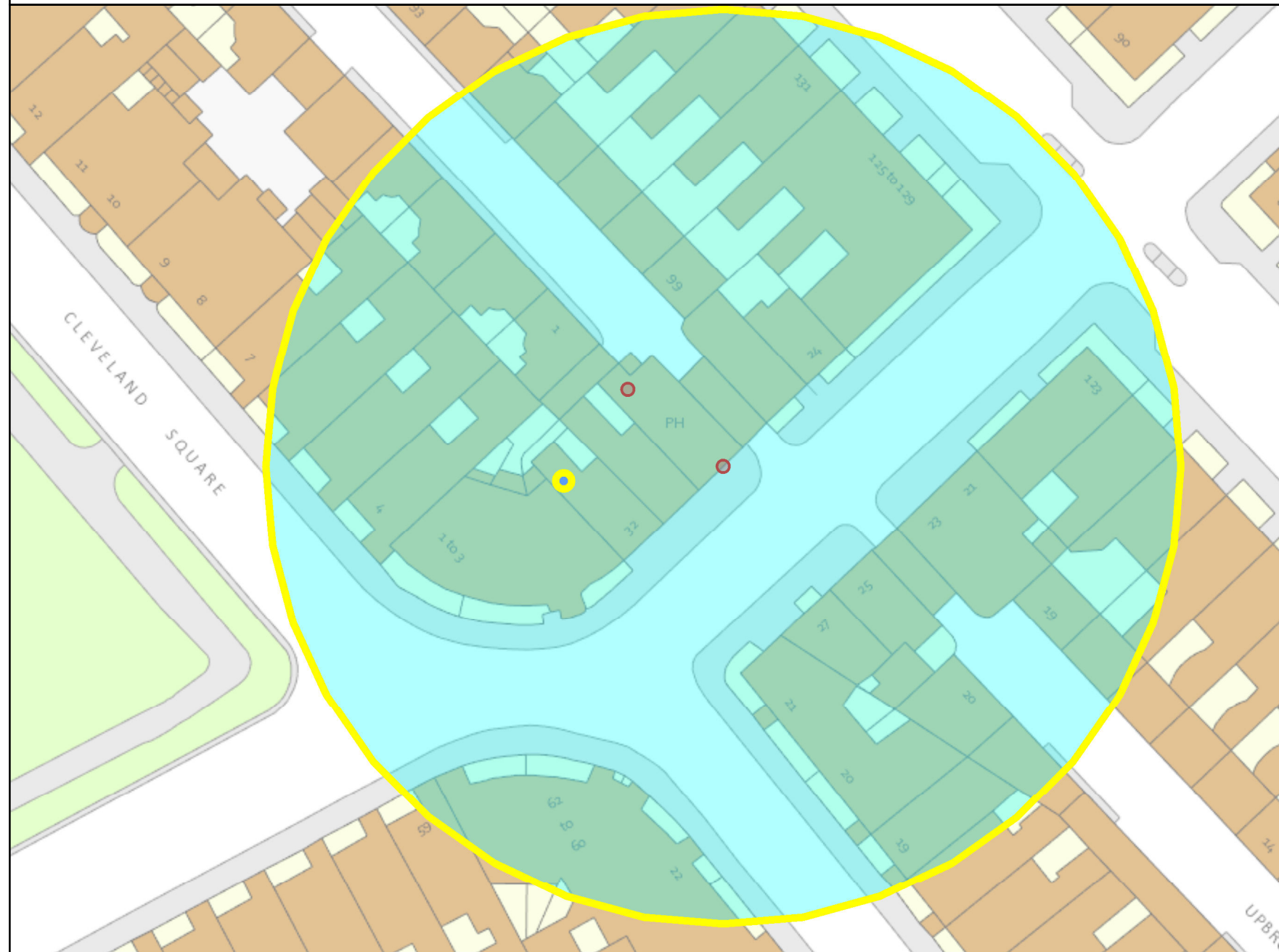
Conditions proposed by Environmental Health

- 15. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises or in its vicinity.
- 16. A Challenge 21 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.

17. 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.
18. 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.
19. All windows shall be kept closed when amplified music is being played 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.
20. The number of persons permitted in the premises at any one time (including staff) shall not exceed 90 persons with local restrictions of 60 (*final figure to be determined on completion of works but not more than 60*) in the basement.
21. Patrons permitted to temporarily leave and then re-enter the premises, eg to smoke, shall be restricted to within the external area of the premises at the entrance as shown on the plans.
22. After 23:00 hours patrons permitted to use the external area at the entrance eg to smoke, shall not be permitted to take any drinks or glass containers with them, maximum 10 people at one time.
23. Notices shall be prominently displayed at the exit/entrance and in the external area requesting patrons to respect the needs of local residents and businesses and when leaving to do so quietly.
24. The premises licence holder shall ensure that patrons do not use the archway outside the premises, except for access and egress. This area to be monitored by staff including by use of CCTV.
25. 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.
26. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 07.00 hours on the following day.

27. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
28. No collections of waste or recycling materials, including bottles, from the premises shall take place between 20.00 and 07.00 hours on the following day and must only be collected via the front of the premises in Chilworth Street.
29. Deliveries to the premises shall not take place between 20:00 and 07:00 hours on the following day except Beer which can only be delivered between 09:00 to 20:00 hours via Gloucester Mews.
30. 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.
31. 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.
32. The variation of this premises licence ,15/09112/LIPV, will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from this licence by the licensing authority.



Residential / Proposed Residential	169
Under Construction	Not known
Other Uses	Not known
Proportion Residential of all Uses	Not known

7
 Meters

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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	Application form	15 October 2015
5	Representation – Environmental Health	12 November 2015
6	Representation – Mr Paul Gray	15 November 2015
7	Representation – Mr John King	18 November 2015
8	Representation – SEBRA	19 November 2015
9	Representation – Ms Frances Hutchinson	6 November 2015
10	Representation – Mr Daniel Hardy	16 November 2015
11	Representation – Ms Natalia Georgiadou	3 November 2015