



City of Westminster

# Licensing Sub-Committee Report

Item No:	
Date:	14 July 2016
Licensing Ref No:	16/01814/LIPV - Premises Licence Variation
Title of Report:	Vinoteca 53 - 55 Beak Street London W1F 9SH
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:	Mr Darren O'Leary Senior Licensing Officer
Contact details	Telephone: 02076417824 Email: doleary@westminster.gov.uk

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	Variation of a Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	12 February 2016		
<b>Applicant:</b>	Vinoteca Limited		
<b>Premises:</b>	Vinoteca		
<b>Premises address:</b>	53 - 55 Beak Street London W1F 9SH	<b>Ward:</b>	West End
		<b>Cumulative Impact Area:</b>	West End
<b>Premises description:</b>	<p>The premises is currently run as a restaurant and shop.</p> <p>The premises comprises of a ground floor which has a restaurant and shop area and a first floor restaurant area.</p>		
<b>Variation description:</b>	<p>To permit the supply of alcohol for consumption without food on the premises until 20:00 on any day by waiter/ waitress service to customers seated in the hatched areas, as shown on the plans submitted. This will be to no more than 10 persons in each designated area on each of the ground and first floor.</p> <p>To include an additional condition in relation to condition 27.</p>		
<b>Premises licence history:</b>	This premises have been licensed since at least October 2005.		
<b>Applicant submissions:</b>	None submitted.		

1-B Current and proposed licensable activities, areas and hours						
<b>Late night refreshment</b>						
<b>Indoors, outdoors or both</b>		<b>Current :</b>			<b>Proposed:</b>	
		Both			No Change	
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Licensable Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	23:00	00:30	No Change		N/A	N/A
<b>Tuesday</b>	23:00	00:30			N/A	N/A
<b>Wednesday</b>	23:00	00:30			N/A	N/A
<b>Thursday</b>	23:00	00:30			N/A	N/A
<b>Friday</b>	23:00	00:30			N/A	N/A
<b>Saturday</b>	23:00	00:30			N/A	N/A
<b>Sunday</b>	23:00	00:00			N/A	N/A
<b>Seasonal variations:</b>	<b>Current:</b>				<b>Proposed:</b>	
	N/A				N/A	

<b>Non-standard timings:</b>	<b>Current:</b>	<b>Proposed:</b>
	N/A	N/A

<b>Sale by Retail of Alcohol</b>						
<b>On or off sales</b>			<b>Current :</b>		<b>Proposed:</b>	
			Both		No Change	
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Licensable Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	10:00	00:00	No Change		N/A	N/A
<b>Tuesday</b>	10:00	00:00			N/A	N/A
<b>Wednesday</b>	10:00	00:00			N/A	N/A
<b>Thursday</b>	10:00	00:00			N/A	N/A
<b>Friday</b>	10:00	00:00			N/A	N/A
<b>Saturday</b>	10:00	00:00			N/A	N/A
<b>Sunday</b>	12:00	23:30			N/A	N/A
<b>Seasonal variations:</b>	<b>Current:</b>				<b>Proposed:</b>	
	N/A				N/A	
<b>Non-standard timings:</b>	<b>Current:</b>				<b>Proposed:</b>	
	N/A				N/A	

<b>Hours premises are open to the public</b>						
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Premises Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	10:00	00:30	No Change		N/A	N/A
<b>Tuesday</b>	10:00	00:30			N/A	N/A
<b>Wednesday</b>	10:00	00:30			N/A	N/A
<b>Thursday</b>	10:00	00:30			N/A	N/A
<b>Friday</b>	10:00	00:30			N/A	N/A
<b>Saturday</b>	10:00	00:30			N/A	N/A
<b>Sunday</b>	12:00	00:00			N/A	N/A
<b>Seasonal variations:</b>	<b>Current:</b>				<b>Proposed:</b>	
	N/A				N/A	
<b>Non-standard timings:</b>	<b>Current:</b>				<b>Proposed:</b>	
	N/A				N/A	

<b>1-C Layout alteration</b>	
None proposed.	

1-D Conditions being varied, added or removed		
<b>Proposed Condition</b>		
<p>Notwithstanding condition 27, alcohol may be supplied to customers without food provided that</p> <p>(a) Such supply shall only be to persons seated and served by waiter/waitress  (b) Such supply shall cease at 20:00  (c) Such supply shall be limited to 10 customers on the ground floor and 10 on the first floor to be seated on the area hatched black and shown on plan number</p> <p>The availability of alcohol without food shall not be promoted or advertised otherwise than on menus and price lists within the premises.</p>		
<b>Adult entertainment:</b>	<b>Current position:</b>	<b>Proposed position:</b>
	N/A	N/A

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Environmental Health
<b>Representative:</b>	Anil Drayan
<b>Received:</b>	9 <sup>th</sup> March 2016
<p>I refer to the variation application for the above premises which is located in the West End Cumulative Impact area.</p> <p>The applicant has submitted new plans of the premises, drawing no. 465_01_0250, dated 25/11/2011 showing the areas on the ground and first floors proposed for service of alcohol without it being ancillary to food.</p> <p><b>The applicant is seeking the following:</b></p> <ol style="list-style-type: none"> <li>To permit the supply of alcohol for consumption without food until 20:00 hours for up to 20 persons.</li> </ol> <p><b>I wish to make the following representations:</b></p> <ol style="list-style-type: none"> <li>The proposed variation may lead to an increase in Public Nuisance in the West End Cumulative Impact area.</li> </ol> <p>Whilst the application appears to be in line with Westminster's new Statement of Licensing policy and appropriate conditions have been offered Environmental Health considers the numbers sought, 20 out of 80 patrons - 25% of the total capacity of the premises, is a matter for the Licensing- Sub Committee for determination.</p> <p>Also clarification is sought as to whether it is intended for the complete removal of</p>	

condition 27 as stated in the application. If so then Public Nuisance, Public Safety and being against Policy representations are made on this aspect.

The applicant is therefore requested to contact the undersigned to discuss the above. Please contact me if you require further advice or information

## 2-B Other Persons

<b>Name:</b>		Cllr Glenys Roberts	
<b>Address and/or Residents Association:</b>		Local Councillor	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	1 <sup>st</sup> March 2016		

As local councillor I should like to support the local residents in resisting any increase in drinking numbers for all the reasons listed before

<b>Name:</b>		David Gleeson - The Soho Society	
<b>Address and/or Residents Association:</b>		The Soho Society St Anne's Tower 55 Dean Street London W1D 6AF	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	11 <sup>th</sup> March 2016		

I write to make a relevant representation to the above application on behalf of The Soho Society.

The Soho Society objects to this application as it is currently presented, on the grounds of prevention of public nuisance, prevention of crime and disorder and cumulative impact in the West End Stress Area.

### [About The Soho Society](#)

The Soho Society is a charitable company limited by guarantee established in 1972. The society is a recognised amenity group and was formed to make Soho a better place to live, work or visit by preserving and enhancing the area's existing diversity of character and uses, and by improving its facilities, amenities and environment. In particular, the society supports the Westminster City Council's policies, including the cumulative impact policy, as set out in the Statement of Licensing Policy.

### [Application summary](#)

The application is described in Westminster Licensing News (1 March 2016 edition) as follows:

*To permit the supply of alcohol for consumption without food on the premises until 20:00 on any day by waiter/waitress service to customer seated in the hatched areas, as shown on the plans submitted. This will be to no more than 10 persons in each designated area on each of the ground and first floor. Remove condition 27.*

#### Increase in capacity of licensed premises in West End Cumulative Impact Area

The application seeks to increase in capacity at this venue within the West End Cumulative Impact Area. This is of particular concern as the sale of alcohol is proposed to be not ancillary to food. This application fails to promote the licensing objectives of prevention of crime and disorder, and public nuisance. Recent Metropolitan Police crime statistics show high levels of theft, theft from person, anti-social behaviour, drugs and sexual offenses in the area. There are private homes in nearby buildings, and residents in the immediate area are subject to noise and general nuisance every night of the week.

#### Licensing policy

This area has been identified by the Westminster City Council (2.4.1 of the Statement of Licensing Policy, as amended) as under stress because the cumulative effect of the concentration of late night and drink led premises and night cafes has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses.

The policies in relation to the stress areas are directed at the global and cumulative effects of licences on the area as a whole (2.4.5 of the policy). The policies are intended to be strict and will only be overridden in genuinely exceptional circumstances (2.4.2 of the policy). The growth in the entertainment industry in Soho has led to a marked deterioration in the quality of life and well-being of local residents and it has jeopardised the sustainability of the community. Soho has a substantial residential community and many of these residents suffer from problems such as, but not limited to, high levels of noise nuisance, problems with waste, urinating and defecating in the streets, threats to public safety, anti-social behaviour, crime and disorder and the change in character of historic areas.

For the reasons I have set out, we believe that the application, if granted in its present form, would fail to promote the licensing objectives of prevention of public nuisance and prevention of crime and disorder. I respectfully urge the Licensing Sub-Committee to reject this application.

Please let me know if any proposals are made to amend the application; particularly in respect of the hours sought or any further conditions proposed.

<b>Name:</b>	Mr Raheel Ackrim		
<b>Address and/or Residents Association</b>	Flat 9 6 Upper John Street London		
<b>Status:</b>	Valid	<b>In support of opposed:</b>	Opposed
<b>Received:</b>	1 <sup>st</sup> March 2016		

I object to this LIPV application.

Vinoteca, a licensed restaurant, is asking to serve 20 drinkers without food.

This Variation will increase the number of people consuming alcohol for a longer period which will add to existing cumulative impact.

Paragraph 2.4.4 of Westminster's statement of Licensing Policy states that a small increase in capacity in each premises would lead to a significant increase overall and that each incremental increase contributes in part to increasing the attraction of the area as a 'honey pot' destination for night life and to the cumulative problems created by such high concentration of activity in the area. The new Statement of Licensing policy states that restaurants must not add to cumulative impact and that the variations will only be granted if not contrary to other policies. It is subject to other policies: this area is subject to seismic cumulative impact and is in the Westminster Stress Area.

The new Statement of Licensing policy says clearly that this increase in cumulative impact will not be allowed. Westminster has already given Planning for 2 large new restaurants, one immediately opposite Vinoteca on Beak Street and one a hundred metres away on Marshall Street. Their impact is yet to be registered. The Statement further says that 'the consumption of alcohol is not and cannot become a significant part of the operation of the premises'. The proposal for 20 drinkers is higher than the request for 15 last year. This puts the number of drinkers to diners as 20 to 60.

The lower number 15 was a significant factor in the decision to refuse the application last year, a copy of which I may refer to at the hearing. This application does not explain why it has exceptional reasons for overriding Westminster policies.

The application also states that Vinoteca wish to remove condition 27.

Later on in the application this is contradicted.

<b>Name:</b>	Ms Hannah Moody		
<b>Address and/or Residents Association</b>	The Studio 16 Cavaye Place London		
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	1 <sup>st</sup> March 2016		

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Later on in the application this is contradicted.

<b>Name:</b>		Mrs Liz Callingham	
<b>Address and/or Residents Association</b>		Flat 2 6 Upper John Street London	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	1 <sup>st</sup> March 2016		

I object to this LIPV application.

Vinoteca, a licensed restaurant, is asking to serve 20 drinkers without food.

This Variation will increase the number of people consuming alcohol for a longer period which will add to existing cumulative impact.

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The application also states that Vinoteca wish to remove condition 27.

Later on in the application this is contradicted.

<b>Name:</b>		Mr Steve Parish	
<b>Address and/or Residents Association</b>		Penthouse 6 Upper John Street London	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	3 <sup>rd</sup> March 2016		

I object to this LIPV application.

Vinoteca, a licensed restaurant, is asking to serve 20 drinkers without food.

This Variation will increase the number of people consuming alcohol for a longer period which will add to existing cumulative impact.

Paragraph 2.4.4 of Westminster's statement of Licensing Policy states that a small increase in capacity in each premises would lead to a significant increase overall and that each incremental increase contributes in part to increasing the attraction of the area as a 'honey pot' destination for night life and to the cumulative problems created by such high concentration of activity in the area. The new Statement of Licensing policy states that restaurants must not add to cumulative impact and that the variations will only be granted if not contrary to other policies. It is subject to other policies: this area is subject to seismic cumulative impact and is in the Westminster Stress Area.

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The lower number 15 was a significant factor in the decision to refuse the application last year, a copy of which I may refer to at the hearing. This application does not explain why it has exceptional reasons for overriding Westminster policies.

The application also states that Vinoteca wish to remove condition 27.

Later on in the application this is contradicted.

<b>Name:</b>	Mrs Anne Walston
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<b>Address and/or Residents Association</b>		Flat 7 6 Upper John Street London	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	1 <sup>st</sup> March 2016		

I object to this LIPV application.

Vinoteca, a licensed restaurant, is asking to serve 20 drinkers without food.

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The application also states that Vinoteca wish to remove condition 27.

Later on in the application this is contradicted.

<b>Name:</b>		Mr Pierre-Yves Guerber	
<b>Address and/or Residents Association</b>		Flat 4 6 Upper John Street London	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	9 <sup>th</sup> March 2016		

I object to this LIPV application.

Vinoteca, a licensed restaurant, is asking to serve 20 drinkers without food.

This Variation will increase the number of people consuming alcohol for a longer period which will add to existing cumulative impact.

Paragraph 2.4.4 of Westminster's statement of Licensing Policy states that a small increase in capacity in each premises would lead to a significant increase overall and that each incremental increase contributes in part to increasing the attraction of the area as a 'honey pot' destination for night life and to the cumulative problems created by such high concentration of activity in the area. The new Statement of Licensing policy states that restaurants must not add to cumulative impact and that the variations will only be granted if not contrary to other policies. It is subject to other policies: this area is subject to seismic cumulative impact and is in the Westminster Stress Area.

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The lower number 15 was a significant factor in the decision to refuse the application last year.

This area of Beak street is already saturated on weekends and getting this licence through would cause significant issues and nuisance.

<b>Name:</b>		Mr Bijan Seghatchian	
<b>Address and/or Residents Association</b>		61-63 Beak Street London	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	10 <sup>th</sup> March 2016		

' object as a similar application was rejected by the licensing committee last year and this new application requests more people able to drink without substantial meals (25% of the overall capacity). This does not appear to be in line with the recent policy considerations (The service of alcohol without food should not be a 'significant' part of the operation (para 2.4.21)).

The committee also rejected the previous application as it is clear from Vinoteca's other outlets and advertising that they operate as a wine bar, a wine retailer and provide meals. This site is licensed to operate as a restaurant, only providing alcohol to accompany substantial meals as part of the main meals at lunchtime and dinner (license condition paragraphs 12 and 27). I would be very concerned if the license were to be amended to soften this purpose given the cumulative impact in the area.

I would also argue that the creation of a seated bar area on bar stools and the offering of light meet or cheese platters on the menu is inconsistent with a restaurant operation and already is confusing for customers to understand whether this is a bone fide

restaurant or wine bar offering accompanying snacks.			
<b>Name:</b>		Dr Paul Beckwith	
<b>Address and/or Residents Association</b>		51 Beak Street London	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	23 <sup>rd</sup> February 2016		
<p>I live right next door to Vinoteca and would be the most affected of any resident by the application.</p> <p>Vinoteca is a quiet, friendly and high quality restaurant which is a great amenity to the neighbourhood. They have never caused any problems with noise or disturbance.</p> <p>Allowing the management to serve a few customers a glass of wine without food, will not change the ambience at all.</p> <p>I am strongly supportive of the application.</p>			

### 3. Policy & Guidance

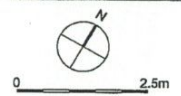
The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<b>Policy RNT2 applies</b>	Applications will be granted subject to other policies in this Statement and subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas.
<b>Policy PB2 applies</b>	It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas other than applications to vary hours within the Core Hours under Policy HRS1.
<b>Policy CIP1 applies</b>	<p>(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact 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.</p> <p>(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.</p>

#### 4. Appendices

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

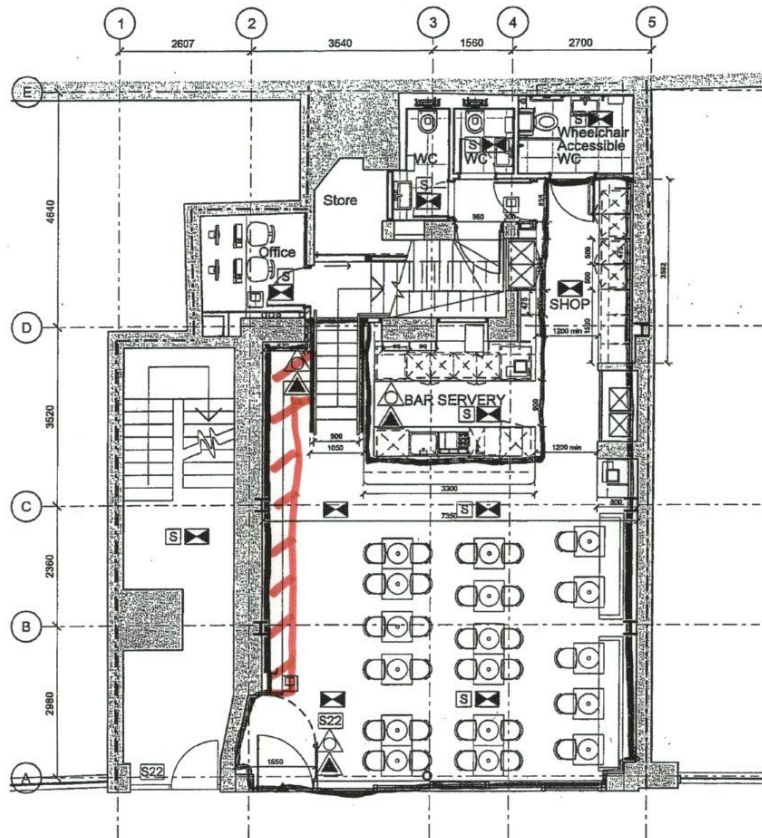
<b>Report author:</b>	Mr Darren O'Leary Senior Licensing Officer
<b>Contact:</b>	Telephone: 02076417824 Email: <a href="mailto:doleary@westminster.gov.uk">doleary@westminster.gov.uk</a>

DO NOT SCALE FROM THIS DRAWING ALL DIMENSIONS ARE TO BE CHECKED ON SITE PRIOR TO BUILD. DIMENSIONAL TOLERANCES SHALL BE COORDINATED WITH ARCHITECT THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL CORRELATIVE INFORMATION. MACKAY AND PARTNERS LLP RETAIN THE COPYRIGHT OF ALL INFORMATION WITHIN THIS DRAWING.



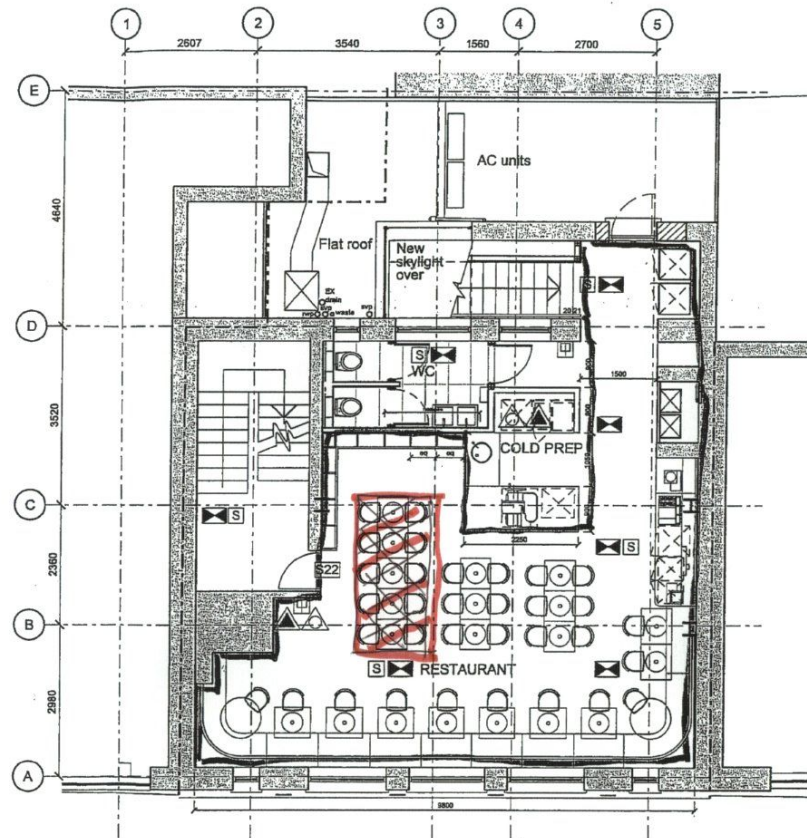
FIRE SAFETY LEGEND

	Fire alarm call point
	Fire alarm bell sounder
	Fire extinguisher Aqueous Film Foam
	Fire extinguisher Carbon Dioxide
	Fire Blanket in container
	Emergency escape light fitting
	Automatic Heat detector
	Automatic Smoke detector
	Fire Exit sign with emergency light
	Fire Exit sign with arrow indicating direction of escape route



51 Beak St    53 Beak St    55 Beak St    57 Beak St

Ground Floor Plan



51 Beak St    53 - 55 Beak St    57 Beak St

First floor plan

= AREA FOR LICENSABLE ACTIVITY.

Rev	Description	Date

ALL SUBCONTRACTORS TO PROVIDE PRODS FOR APPROVAL PRE FABRICATION

ALL SITE DIMENSIONS TO BE CHECKED & COORDINATED WITH OTHER TRADES

DESIGN INTENT ONLY  
Issued only for purposes indicated

**mackay | partners**

63 Gee St, London EC1V 9RS  
Tel +44 (0)207 608 1177  
e mail: contact@mackayandpartners.co.uk  
ARCHITECTS & DESIGNERS

PROJECT TITLE  
**Vinoteca Beak Street**

PROPOSED PLANS  
Ground and First Floor  
with Fire Strategy

Scale @ A1	1:50	Scale @ A2	1:100	Drawn by	N/A
Date	25/11/2011	Checked by	JCM		
Drawing No.	465_01_0250				

None submitted.

### Licence & Appeal History

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
Conversion Application 05/10065/LIPCV	Application to convert the Justices' Restaurant Licence	24.11.2005	Conversion deemed Granted Variation deemed refused
Transfer Application 11/12633/LIPT	Application to Transfer the premises licence from Mr Frank Fat Nam Yau and Mr Fat Yee Yau to Vinoteca Limited	20.01.2012	Granted Under Delegated Authority
Vary DPS Application 11/12635/LIPDPS	Application to vary the Designated Premises Supervisor to Willoughby Andrews	20.01.2012	Granted Under Delegated Authority
Minor Variation Application 11/12640/LIPVM	Application for a Minor Variation to change the internal layout of the premises	17.01.2012	Application Refused
Variation Application 12/00947/LIPV	Application to Vary the following : 1. Reduce the size of the previously licensed area 2. Relocate bar service counter on ground floor. 3. Relocate main front entrance 4. New staff facilities. 5. New protected escape route from first floor to ground frontage. 6. New toilet facility on ground floor including separate disabled facility. 7. New internal staircase from ground to first floor. 8. Newly refurbished and relocated toilet facilities on first floor.	22.03.2012	Granted Under Delegated Authority



Variation Application 12/01708/LIPV	Variation Application : To permit off sales of alcohol in sealed containers.	10.05.2012	Granted by Licensing Sub-Committee
Variation Application 15/01275/LIPV	Variation Application: To permit the supply of alcohol for consumption on the premises to people standing in the hatched area, as shown on the plans submitted.	23.04.2015	Application Refused

**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 variation to a 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.

Conditions reproducing the effect of conditions subject to which the relevant existing licences have effect

Conditions related to the Sale of Alcohol

9. Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal.

10. Suitable beverages other than intoxicating liquor (including drinking water) shall be equally available with or otherwise as an ancillary to meals served in the licensed premises.

Conditions which reproduce the effect of any restriction imposed on these of the premises by specified enactments

Conditions related to the Sale of Alcohol

11. Alcohol may be sold or supplied:

(a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 10:00 to 00:00.

(b) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12:00 to 23:30.

(c) On Christmas Day: 12:00 to 22:30;

(d) On New Year's Eve, except on a Sunday, 10:00 to 23:00.

(e) On New Year's Eve on a Sunday, 12:00 to 22:30.

(f) 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) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (b) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking table meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (c) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (d) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (e) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (f) 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;
- (g) the taking of alcohol from the premises by a person residing there;
- (h) 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;
- (i) 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.

12. Alcohol shall not be sold or supplied unless the premises have been structurally and bona fide used, or intended to be used, for the purposes of habitually providing the customary main meal at midday or in the evening, or both, for the accommodation of persons frequenting the premises;
13. 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**

14. The maximum number of persons accommodated at any one time shall not exceed (excluding staff):
  - Ground Floor 40 persons
  - First Floor 40 persons
15. The supply of alcohol on the premises shall only be by waiter or waitress service to persons seated at tables.
16. There shall be no supply of draught beer on the premises.

17. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
18. Clearly legible notices shall be displayed at all exits from the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.
19. 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.
20. No striptease, no nudity and all persons to be decently attired at all times.
21. All waste is to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
22. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, is swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
23. No rubbish including bottles will be moved, removed or placed in outside areas between 20:00 hours and 08:00 hours.
24. No deliveries shall be made to the premises between the hours 20:00 hours and 08:00 hours.
25. 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.
26. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.
27. The premises shall only operate as a restaurant (i) in which customers are shown to their table, (ii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery, (iii) which do not provide any take away service of food or drink for immediate consumption, and (iv) where intoxicating liquor shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always

that the consumption of intoxicating liquor by such persons is ancillary to taking such meals.

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

28. All sales of alcohol for consumption off the premise shall be in sealed containers only, shall be limited to wines and shall not be consumed on the premises.
29. There shall be no promotional sales of alcohol at the premises where alcohol is sold at a price lower than that at which the same or similar alcoholic drinks are sold, or usually sold, on the premises.
30. No super-strength beer, lager or ciders of 5.5% ABV (alcohol by volume) or above shall be sold at the premises.
31. There shall be no self service of spirits on the premise.
32. A log shall be kept detailing all refused sales of alcohol. The log shall include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the Police or an authorised officer of the City Council at all times whilst the premises is open.
33. The primary use of the premises shall remain as a restaurant.
34. There shall be no sale of alcohol for consumption off the premises after 20:00 daily, with the exception of persons already seated and taking their table meal.

### **Conditions proposed by the applicant as part of the application**

35. Notwithstanding condition 27, alcohol may be supplied to customers without food provided that
  - (a) Such supply shall only be to persons seated and served by waiter/waitress
  - (b) Such supply shall cease at 20:00
  - (c) Such supply shall be limited to 10 customers on the ground floor and 10 on the first floor to be seated on the area hatched black and shown on plan number

The availability of alcohol without food shall not be promoted or advertised otherwise than on menus and price lists within the premises.





# Vinoteca 53-55 Beak Street, London



Residential / Proposed Residential
Under Construction
Other Uses
Proportion Residential of all Uses

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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**

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
<b>4</b>	Variation to premises licence application form	12 <sup>th</sup> February 2016
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