



City of Westminster

# Licensing Sub-Committee Report

Item No:

Licensing Ref No:

14/04951/LIPN

Date:

7 August 2014

Classification:

For General Release

Title of Report:

Lobster Roll Deli  
Maranda House, 26-28 Binney Street  
London  
W1K 5BN

Report of:

Operational Director – Premises Management

Policy context:

City of Westminster Statement of Licensing Policy

Financial summary:

None

Report Author:

Miss Sharon Bamborough, Assistant Service  
Manager, EHCT & Licensing

Contact Details:

Telephone: 020 7641 7824  
E-mail: sbamborough@westminster.gov.uk

## 1. APPLICATION DETAILS

<b>Application Type:</b>	New application for a premises licence under the Licensing Act 2003.		
<b>Applicant:</b>	Lobster Roll Binney Street Ltd	<b>Date Application Received:</b>	10 June 2014
<b>Premises Name and Address:</b>	Lobster Roll Deli Maranda House, 26-28 Binney Street London W1K 5BN		
<b>Ward Name:</b>	West End	<b>Stress Area</b>	None
<b>Premises Description:</b>	<p>The premises intend to operate as a restaurant offering a take away service.</p> <p>The premises is currently licensed under two licences 10/08684/LIDPSR and 10/10104/LIPT (both have transfers pending to Lobster Roll Binney Street Ltd) and both of which are currently suspended for non payment of annual fee and therefore cannot be used. The applicant has indicated that these licences will be surrendered should this application be granted.</p>		
<b>Preliminary note</b>	The application has been amended to withdraw recorded music and late night refreshments and hours for the sale of alcohol have been reduced. Conditions have been agreed which restrict the operation to be that of a restaurant.		
<i>Note: Where the committee is minded to grant the licence it will be granted subject to the mandatory conditions and conditions consistent with the operating schedule modified to such extent as the authority considers appropriate for the promotion of the licensing objectives detailed in Appendix D to this report.</i>			
<b>Proposed Licensable Activities, Proposed Hours:</b>			<b>References / Notes</b>
<b>1</b>	<p><b>Sale of Alcohol: On and Off the premises</b></p> <p>Monday to Saturday 10:00 to 23:00 Sunday 12:00 to 22:00</p> <p><b>Relevant representations and policies applicable:</b></p> <p><b>1A</b> An adverse representation has been made against the application by the Environmental Health Service stating that the proposal will have the likely effect of causing an increase in public nuisance and will impact on public safety in the area. <b>Please refer further to Appendix B1</b></p> <p><b>1B</b> An adverse representation has been made against the application by the Metropolitan Police Service. Conditions have been proposed to the applicants for their consideration. <b>Please refer to Appendix B2</b></p> <p><b>1C</b> 12 Local residents, 2 Residents Associations and one ward councillor have made adverse representations to this application on the grounds of the licensing objectives. Their concerns are as follows:</p> <ul style="list-style-type: none"> <li>There has been a history of public nuisance associated with the</li> </ul>		<p><b>Environmental Health representation</b></p> <p><b>Metropolitan Police Service</b></p> <p><b>12 Local residents, 2 Residents Associations and one Ward Councillor</b></p>



	<p>decision taken should promote the licensing objectives of:</p> <ul style="list-style-type: none"> <li>• prevention of public nuisance,</li> <li>• prevention of crime &amp; disorder,</li> <li>• public safety and</li> <li>• protection of children from harm.</li> </ul>	
<p><b>5</b></p>	<p><b>Opening Hours</b></p> <p>(i) Monday to Thursday 10:00 to 23:30 Friday to Saturday 10:00 to 00:00 Sunday 12:00 to 22:30</p> <p>(ii) From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day</p> <p><i>(Note: Opening hours are not a licensable activity under the Licensing Act 2003, however they can still be taken into consideration when assessing the application's effect on the licensing objectives.)</i></p> <p><b>Relevant representations and policies applicable:</b></p> <p><b>5A</b> Please refer to 1A to 1H above.</p> <p><b>5B</b> The Licensing Sub-committee may refuse, grant in full or grant in part this proposal, having taken into account the representations received and Westminster's Statement of Licensing Policy. The decision taken should promote the licensing objectives of:</p> <ul style="list-style-type: none"> <li>• prevention of public nuisance,</li> <li>• prevention of crime &amp; disorder,</li> <li>• public safety and</li> <li>• protection of children from harm.</li> </ul>	<p><b>Opposed by Environmental Health, Police, 12 Local residents, 2 Residents Associations and one Ward Councillor</b></p>
<p><b>Current Licensing Position</b></p>	<p>The premises are currently licensed under two licences, but both are currently suspended for non payment of annual fees</p>	
<p><b>Current Planning Position</b></p>	<p>A certificate of lawful use was granted on 8<sup>th</sup> February 2005 for the use of part basement of 24-28 Binney Street for class A3 (food and drink) . Planning permission was granted in 1983 for the use of ground floor for restaurant purposes. There are no restrictive planning conditions on this permission.</p>	
<p><b>Residential Density:</b></p>	<p>116 of the 212 units within a 75m radius of the premises are residential and proposed residential (55%), refer to <b>Appendix E</b></p>	
<p><b>List of Appendices:</b></p>	<p>A1 – Application Form &amp; proposed conditions A2 – Proposed Plan B1 – Environmental Health Service representation B2 – Metropolitan Police representation with conditions B3 to B17 – representations from local residents, ward councillor and residents associations C – Licence History D - Proposed Conditions E – Residential Map and list of premises in the vicinity F – Photograph of the premises</p>	

<b>Relevant Representations:</b>	Environmental Health Service Metropolitan Police 12 Local residents 1 ward councillor 2 resident associations
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## **2. APPLICANT SUBMISSIONS AND EVIDENCE**

2.1 The evidence submitted by the applicant in support of the Licensing Objectives is provided in **Appendices A1 & A2**

## **3. LICENSING ACT 2003 APPLICATIONS AND APPEAL HISTORY**

3.1 Any chronology relating to appeals is set out in Appendix C.

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

- Licensing Act 2003
- City of Westminster Statement of Licensing Policy (7<sup>th</sup> January 2011)
- Amended Guidance issued under section 182 of the Licensing Act 2003 (June 2013)



Application for a premises licence to be granted  
under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Lobster Roll Binney Street Ltd

*(Insert name(s) of applicant)*

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

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description <b>Smack Deli ground floor and basement 26-28 Binney Street</b>			
Post town	London	Postcode	W1K 5BN
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£nil	

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- |                                                 |                                     |                             |
|-------------------------------------------------|-------------------------------------|-----------------------------|
| a) an individual or individuals *               | <input type="checkbox"/>            | please complete section (A) |
| b) a person other than an individual *          |                                     |                             |
| i. as a limited company                         | <input checked="" type="checkbox"/> | please complete section (B) |
| ii. as a partnership                            | <input type="checkbox"/>            | please complete section (B) |
| iii. as an unincorporated association or        | <input type="checkbox"/>            | please complete section (B) |
| iv. other (for example a statutory corporation) | <input type="checkbox"/>            | please complete section (B) |
| c) a recognised club                            | <input type="checkbox"/>            | please complete section (B) |
| d) a charity                                    | <input type="checkbox"/>            | please complete section (B) |

- e) the proprietor of an educational establishment  please complete section (B)
- f) a health service body  please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales  please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England  please complete section (B)
- h) the chief officer of police of a police force in England and Wales  please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a statutory function or   
 a function discharged by virtue of Her Majesty's prerogative

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/>	Please tick yes
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

**SECOND INDIVIDUAL APPLICANT (if applicable)**

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over					<input type="checkbox"/> Please tick yes
Current postal address if different from premises address					
Post town		Postcode			
Daytime contact telephone number					
E-mail address (optional)					

**(B) OTHER APPLICANTS**

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

Name Lobster Roll Binney Street Ltd
Address Lanmor House 370/386 High Road Wembley Middx HA9 6AX
Registered number (where applicable) 8546570
Description of applicant (for example, partnership, company, unincorporated association etc.) limited company
Telephone number (if any)
E-mail address (optional)



**Part 3 Operating Schedule**

When do you want the premises licence to start?

DD	MM	YYYY

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

The premises will operate as a restaurant/bar also offering a take-away service.

The premises are currently licensed under two premises licences - 10/10104/LIPT (formerly Corks Wine Bar) and 10/08684/LIDPSR (formerly Caffe Uno). It is proposed to surrender those licences if this application is granted.

The operators are experienced restaurant operators and already have a number of restaurants in London (Burger & Lobster, and Goodmans).

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

**What licensable activities do you intend to carry on from the premises?**

*(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)*

Provision of regulated entertainment

Please tick any that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

**Provision of late night refreshment** (if ticking yes, fill in box I)

**Supply of alcohol** (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

**A**

Plays Standard days and timings (please read guidance note 6)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for performing plays</u> (please read guidance note 4)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

**B**

Films Standard days and timings (please read guidance note 6)			<b><u>Will the exhibition of films take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
Tue					
Wed			<b><u>State any seasonal variations for the exhibition of films</u></b> (please read guidance note 4)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 4)
Wed			
Thur			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)
Fri			
Sat			
Sun			

D

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

E

<b>Live music</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon					
Tue					
Wed					
			<b>State any seasonal variations for the performance of live music</b> (please read guidance note 4)		
Thur			<b>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Fri					
Sat					
Sun					

F

<b>Recorded music</b> Standard days and timings (please read guidance note 6)			<b><u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon	10:00	23:30			
Tue	10:00	23:30			
Wed	10:00	23:30	<b><u>State any seasonal variations for the playing of recorded music</u></b> (please read guidance note 4)		
Thur	10:00	23:30			
Fri	10:00	24:00	<b><u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)  From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day		
Sat	10:00	24:00			
Sun	12:00	22:30			

**G**

<b>Performances of dance</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of dance take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon					
Tue			<b>State any seasonal variations for the performance of dance</b> (please read guidance note 4)		
Wed					
Thur			<b>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Fri					
Sat					
Sun					



H

<p><b>Anything of a similar description to that falling within (e), (f) or (g)</b>                  Standard days and timings (please read guidance note 6)</p>			<p>Please give a description of the type of entertainment you will be providing</p>		
Day	Start	Finish	<p><b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><b><u>Please give further details here</u></b> (please read guidance note 3)</p>		
Wed					
Thur			<p><b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 4)</p>		
Fri					
Sat			<p><b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)</p>		
Sun					

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon	23:00	23:30			
Tue	23:00	23:30			
Wed	23:00	23:30	<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 4)		
Thur	23:00	23:30			
Fri	23:00	24:00	<b>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</b> (please read guidance note 5) From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.		
Sat	23:00	24:00			
Sun					

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption –</b> <u>please tick</u> (please read guidance note 7)	On the premises <input type="checkbox"/>
				Off the premises <input type="checkbox"/>
				Both <input checked="" type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)	
Mon	10:00	23:30		
Tue	10:00	23:30		
Wed	10:00	23:30		
Thur	10:00	23:30	<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 5)	
Fri	10:00	24:00		
Sat	10:00	24:00		
Sun	12:00	22:30		
			From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).

n/a

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	10:00	23:30	<p><b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 5)</p> <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day</p>
Tue	10:00	23:30	
Wed	10:00	23:30	
Thur	10:00	23:30	
Fri	10:00	24:00	
Sat	10:00	24:00	
Sun	12:00	22:30	

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

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)**

See attached schedule of conditions

**b) The prevention of crime and disorder**

see attached schedule of conditions

**c) Public safety**

see attached schedule of conditions

**d) The prevention of public nuisance**

see attached schedule of conditions

**e) The protection of children from harm**

see attached schedule of conditions

**Checklist:**

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.

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

**Part 4 – Signatures** (please read guidance note 10)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (see guidance note 11). **If signing on behalf of the applicant, please state in what capacity.**

Signature	<i>Thomas &amp; Thomas</i>
Date	12 June 2014
Capacity	Thomas & Thomas Partners LLP, Solicitors on behalf of the Applicant

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant’s solicitor or other authorised agent** (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

TOM/TB/GOO.1.10  
 Thomas & Thomas Partners LLP  
 38a Monmouth Street

Post town	London	Postcode	WC2H 9EP
Telephone number (if any)	020 7042 0415Q		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
tburton@tandtp.com			

22/07/2014 15:03:58

From: "Rachel Hepworth" <RHepworth@tandtp.com>  
Sent: 18/06/2014 15:50:00  
To: Child Protection Licensing; EH Consultation Team; 'Fire Safety'; Premises Licensing; DPDU; Police General Licensing; PH\_Licensing\_WCC  
Subject: Smack Deli, 26-28 Binney Street, W1K 5BN - 14/04951/LIPN

Dear All,

Please be advised that the above premises will now be known as 'Lobster Roll Deli' and not Smack Deli.

Could you please amend your records accordingly.

Regards,

Rachel

Rachel Hepworth

Licensing Assistant

Thomas Thomas Partners LLP

38a Monmouth Street

London WC2H 9EP

DD: 020 7042 0417

T: 020 7042 0410

F: 020 7379 6618

E: rhpworth@tandtp.com <mailto:rhpworth@tandtp.com>

W: www.tandtp.com <http://www.tandtp.com/>

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## Bamborough, Sharon

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**From:** Thomas O'Maoileoin [TOMaoileoin@tandtp.com]  
**Sent:** 24 July 2014 16:00  
**To:** Bamborough, Sharon  
**Cc:** Bamborough, Sharon; Tilly Burton; O'Grady, Maureen  
**Subject:** Re: lobster roll deli, Binney Street

Recorded music withdrawn and LNR now irrelevant as the new hours

Best wishes  
Thomas

Thomas O'Maoileoin  
Thomas & Thomas Partners LLP  
M 07786 966173  
E [tomaioileoin@tandtp.com](mailto:tomaioileoin@tandtp.com)

On 24 Jul 2014, at 15:45, "Bamborough, Sharon" <[sbamborough@westminster.gov.uk](mailto:sbamborough@westminster.gov.uk)> wrote:

Sorry, but what about late night refreshment too?

**Sharon Bamborough**  
Assistant Service Manager

**Environmental Health Consultation and Licensing  
Premises Management**  
Westminster City Council  
4th Floor South  
City Hall  
64 Victoria Street  
London SW1E 6QP

Tel: 0207 641 7824  
direct email: [sbamborough@westminster.gov.uk](mailto:sbamborough@westminster.gov.uk)  
team email: [premiseslicensing@westminster.gov.uk](mailto:premiseslicensing@westminster.gov.uk)

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

<image001.png>

<image002.png>

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**From:** Bamborough, Sharon  
**Sent:** 24 July 2014 15:44  
**To:** 'Thomas O'Maoileoin'  
**Cc:** Tilly Burton; O'Grady, Maureen  
**Subject:** RE: lobster roll deli, Binney Street

Are you withdrawing recorded music? I note the tiles state sale of alcohol only at the top? (It may be you've previously offered this up and I've not seen it, but just double checking)

**Sharon Bamborough**  
Assistant Service Manager



**Lobster Roll Deli, Binney Street**

**AMENDED Conditions**

**Proposed hours for licensable activities:**

**Sale of alcohol ONLY:**

**Monday to Saturday 10am until 11pm**

**Sunday midday until 10pm**

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
3. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder
  - (d) any incidents of disorder
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system or searching equipment or scanning equipment
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service.
4. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
5. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
6. Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to a take-away meal.

7. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
8. 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.
9. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by staff so as to ensure that there is no public nuisance or obstruction to the public highway. Any queue that may form will be directed towards Oxford Street.
10. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
11. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 20:00 hours and 08:00 hours on the following day.
12. No collections of waste or recycling materials (including bottles) from the premises shall take place between 20.00 and 08.00 on the following day. No deliveries to the premises shall take place between 08:00 and 08:00 on the following day.
13. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 120 persons.
14. The supply of alcohol on the premises shall only be for consumption ancillary to a table meal.
15. The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.
16. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
17. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
18. 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.

19. The Licence will have no effect until the Licensing Authority are satisfied that the premises is constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association – Technical Standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition will be removed from the Licence.
20. This licence shall not take effect until:
- (i) Notice of surrender of licence number xx/xxxxx/xxxx [ *i.e. the Corks Wine Bar and Café Uno licences*] (and any other licence as may be in force at the premises), accompanied by the premises licence, has been given by the premises licence holder to the Licensing Authority under section 28 of the Licensing Act 2003 (the Act)
  - (ii) A period of 28 days from the date of surrender has elapsed
  - (iii) No application by any person under section 42 of the Act for a transfer of the licence has been made within the period referred to in paragraph (ii) above, (or any such application has been withdrawn); and
  - (iv) the licence(s) has accordingly lapsed by virtue of section 28(3) (and section 50(6) if applicable) of the Act.





CITY OF WESTMINSTER

MEMORANDUM

---

TO Sharon Bamborough  
REFERENCE 14/04951/LIPN

---

FROM EH Consultation Team, 4<sup>th</sup> Floor, City Hall  
BEING DEALT WITH BY Louise Joyce  
TELEPHONE 0207 641 1773  
DATE 14<sup>th</sup> July 2014

---

**Re: 26-28 Binney Street, W1K 5BN**

I refer to the application for a New Premises Licence number 14/04951/LIPN. The applicant has submitted plans for the premises drawing number: 07-01 and 07-02. This representation is based on the application submitted and the operating schedule.

The applicant is seeking the following:

1. To provide regulated entertainment 'indoors' comprising of 'recorded music' on Monday to Thursday 10:00 to 23:30 hours, Friday to Saturday 10:00 to 24:00 hours and Sunday 12:00 to 22:30.
2. To provide facilities for late night refreshment 'On' Monday to Thursday 23:00 to 23:30, Friday to Saturday 23:00 to 24:00
3. To provide for the Supply of Alcohol 'On' and 'Off' the premises Monday to Thursday 10:00 to 23:30, Friday to Saturday 10:00 to 24:00 and Sunday 12:00 to 22:30.

I wish to raise following representations:

1. The hours requested to provide regulated entertainment will have a likely effect of causing an increase in Public Nuisance and impact on Public Safety within the area.
2. The hours requested to permit the provision of late night refreshment will have the likely effect of causing an increase in Public Nuisance in the area.
3. The provision of the supply of alcohol 'On' and 'Off' the premises and the hours requested may have the likely effect of an increase in Public Nuisance and impact on Public Safety in the area.

**The granting of the new premises licence as presented would have the likely effect of causing an increase in Public Nuisance and may impact on Public Safety.**

A site visit will be arranged to assess the premises to ensure the premises is satisfactory and following this, additional conditions may be recommended by

Environmental Health to support the licensing objectives Prevention of Public Nuisance and Public Safety.

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

**Louise Joyce**  
**Environmental Health Officer**

**Agbley, Peter**

---

**From:** Deweltz, Adam  
**Sent:** 18 June 2014 14:10  
**To:** Tilly Burton  
**Cc:** idoxlicensing  
**Subject:** Smack Deli, 26 - 28 Binney Street, W1 - 14/04951/LIPN

Dear Tilly,

Smack Deli, 26 - 28 Binney Street, W1 - 14/04951/LIPN

I acknowledge receipt of your application for a new premises licence.

I have been through your operating schedule and in order for the licence to be granted I will need the following conditions agreed to:

- 1) The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the **Westminster Police Licensing Team**. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
- 2) A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
- 3) An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder
  - (d) any incidents of disorder
  - (e) any faults in the CCTV system
  - (f) any visit by a relevant authority or emergency service.
- 4) The premises shall only operate as a restaurant
  - (i) in which customers are shown to their table,
  - (ii) where the supply of alcohol is by waiter or waitress service only,
  - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
  - (iv) which do not provide any take away service of food or drink for immediate consumption,
  - (v) which do not provide any take away service of food or drink after 23.00, and
  - (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.



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

5) There shall be no sales of alcohol for consumption off the premises.

I look forward to your prompt response.

Many thanks.

Adam.

**PC Adam Deweltz  
Westminster Police Licensing Unit  
Westminster City Hall  
4th Floor  
64 Victoria Street  
London  
SW1E 6QP**

## Comments for Licensing Application 14/04951/LIPN

### Application Summary

Application Number: 14/04951/LIPN

Address: Maranda House 26 - 28 Binney Street London W1K 5BN

Proposal: Premises Licence - New

Case Officer: Miss Sharon Bamborough

### Customer Details

Name: Miss Jacey Powell

Address: Moore Buildings Gilbert St London

### Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Licensing Application

Comment Reasons:

Comment: 7:51 PM on 23 Jun 2014 I couldn't be more against this application and I think I speak for everyone else on Binney Street, especially in my block. I live directly opposite this premises. When Corks Wine Bar was there previously we had nothing but trouble. Even after the premises closing hours people were still spilling out onto the street and would not leave the area. There used to be cars pulling up all night playing music and leaving their engines running. There were always fights in the street from the customers.

Having this sort of premises (open late hours, playing music and selling alcohol) will make our lives hell again! If needed we will get all of the residents on the street to sign a petition.

**Agbley, Peter**

---

**From:** ELIZABETH MAGILL [elizabeth.magill@virgin.net]  
**Sent:** 24 June 2014 09:35  
**To:** Premises Licensing  
**Subject:** ref 14/04951/LIPN -Smack Deli, Maranda Hs., Binney St., London W1

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Smack Deli, Maranda Hs., 26-28 Binney St., London W1

Dear Licensing Service,

I strongly object to the application for a late license for the above premises.

I live opposite this proposed site and when it was once a late night bare called 'Corks' I suffered years of not being able to sleep because of the high noise levels and rowdiness after the clients spilled out on to the streets and there was no controlling these disturbances.

This is a large residential area and we don't need or want another late night venue.

please acknowledge my objection

with thanks

Elizabeth Magill  
22 Moore flats  
Gilbert Street  
London W1K 5HW

**Agbley, Peter**

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**From:** eaethe1st [eaethe1st@hotmail.com]  
**Sent:** 14 July 2014 23:15  
**To:** Premises Licensing  
**Subject:** Re: 26/28 Binney Street W1K 5BN

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Sent from Samsung Mobile

----- Original message -----

**From:** eaethe1st <eaethe1st@hotmail.com>  
**Date:** 14/07/2014 17:48 (GMT+00:00)  
**To:** [premiseslicensing@westminster.gov.uk](mailto:premiseslicensing@westminster.gov.uk)  
**Subject:** 26/28 Binney Street W1K 5BN

Miss E Evripidou,  
8 Moore Building,  
Gilbert street,  
London,  
W1K 5HN.

Dear Sir/Madam

I am writing in objection to an alcohol licence for The Smack Deli/Lobster Roll 26-28 Binney Street W1K 5BN ref 14/04951/LIPN.

I live directly opposite about 20/ 30 feet maximum from this building and I am very concerned about the possible high risk of noise from people, urinating in the streets, slamming of car doors and engines revving, rubbish and problems with people who use the establishment drinking, shouting and smoking outside in the street. My living room and bedroom are directly opposite and while I appreciate that it is central London I feel I would be unable to sleep or even open or look out of my window if this proposal would go ahead. I think I would be forced to move.

There are people of various ages and some with very serious health problems as well as people who work various shifts here and we would all suffer from excess noise. The gardens already attract unwanted people during the night and I think the patrons from the above venue will also use our gardens for anti-social behaviour.

Yours faithfully  
Miss E Evripidou

obste. roll Deli

Subject: Ref: 14/04951/LIPN Smack Deli 26-28 Binney St W1K 5BN

11 Hanover Flats  
Binney St  
W1K 5BE



Dear Licensing Service,

I am writing as a resident to object to the application for a late license for the above premises.

Binney Street is a residential St and has suffered in the past from noise and disruption from previous late licenses granted to this address. It is inappropriate to have any late night licensing in such an area.

I am objecting to the proposed, as I am very concerned regarding the noise and disturbance that this will cause to us all. plus, the late night dumping of rubbish and noisy collections.

There are no parking to facilitate such a venue and license. In the past people parked all the way along the street and we had to endure late night revelers slamming doors and revving cars in the early hours of the morning, also there was fighting, screaming and disturbing the peace of people living on the Street. I have concerns that this will return if a late license is to be granted again.

We also have the problems of people using the street as a toilet and this will no doubt increase with the volume of people leaving the premises full of alcohol.

We already suffer noise pollution plus the disturbance from Crossrail and this will add to the already unsatisfactory situation.

Please send acknowledgement of my objection.

Yours sincerely

A handwritten signature in black ink, appearing to read "S Drewett", written over a horizontal line.

Mrs S Drewett

9 Moore Flats  
 Gilbert Street  
 London  
 W1K 5HN  
 +44(0) 2074092137



4<sup>th</sup> July 2014

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

14/04951/LIPN  
 S.G

Dear Sir/Madam

Re: New Premises Licence 14/04951/LIPN Smack Deli T/A Lobster & Burger 26-28  
 26-28 Binney Street London W1K 5BN.

I am most concerned regarding this new proposed venue in Binney Street. This area is almost 100% residential and historically we the residents have all suffered the aggravation, exasperation, constant worry and sleepless nights of the late night venue called 'Corks Wine bar' which was in the identical position of the this proposed new premises. It took us the resident's years of stress and nervous tension until the LSC in their wisdom rescinded the late night license to a 1am closing which we felt was a compromise to placate all parties concerned. I along with all my fellow resident's were absolutely delighted when Grosvenor Estates re developed the site and Corks finally closed down for good.

We were therefore astounded and astonished that Grosvenor would consent to another late night venue in the exact place that that caused so much anxiety and stress to the inhabitants of the immediate area.

Notwithstanding this you will of course be aware that Mayfair and St. James's are residential areas and it is to that end I wish to object to the proposed new premises licence. I firmly believe that any late night venue on this site will have a negative impact on the residents living in this predominately residential neighbourhood. To that end I wish to strongly object to the proposed license on the basis it will cause severe noise pollution along with anti social behaviour due to the proposed late night terminal hour.

Please confirm in your usual manner that you have received my objection in good time and it will be lodged with the LSC for consideration.

Yours faithfully,

*Shelia Nobel*

Shelia Nobel

LICENSING Westminster City Council  
64 Victoria Street  
London SW1 6QP

15D Chesham Flats  
Brown Hart Gardens  
London W1K 6WP



8 July 2014

Dear Sir/Madam

**REF: 14/04951/LIPN -- SMACK DELI, 26-28 Binney Street, W1K5BN**

Concerning the above I take this opportunity to object in the strongest possible terms to this application for the following reasons:

**NOISE** : This is a major residential area and I know from bitter experience that noise from this type of business is never controlled and in fact is uncontrollable by the Owners, Local Authority or Police

As residents we are entitled to peace and quiet during the late evening and early morning hours without disturbance. The majority of us have to work as opposed to the drunken clientele, and any action taken by Local Authority – takes years if ever to become effective, in the meantime it is the Residents that suffer day after day – night after night.

**HEALTH**: Licensing hours are just that – mandatory hours which alcohol can be served

they have nothing to do with the amount of time that their customers spend outside after the DELI' doors have been closed : **DRINKING, SHOUTING, LAUGHING, SPEAKING VERY LOUDLY ON THEIR MOBILES, VOMITING, URINATING IN RESIDENTS DOORS/LETTER BOXES, BREAKING WINE BOTTLES AGAINST THE WALL, FIGHTS, PLUS MANY COLLAPSING TO AWAIT THE AMBULANCE OR POLICE**

**SAFETY**: As Residents we have a right to expect that we can reach our homes in safety without the fear of intimidation or being accosted by aggressive drunks. **WHO IS GOING TO GUARANTEE THAT???**

I certainly had enough misery from previously and expect that those responsible for granting this application **WILL REJECT IT ON THE BASIS OF THE RESIDENTS RIGHTS**

Such establishments should only be granted licenses within a commercial area, where Residents are free from night after night of disturbance and intimidation and where the business owners are responsible for clearing up the mess left by their customers on the public highway and adjacent properties

Yours faithfully

I. Costa (Ms)

**Agbley, Peter**

**From:** Derek Stratton [delboyofw1@btinternet.com]  
**Sent:** 04 July 2014 14:04  
**To:** Premises Licensing  
**Subject:** Licensing Objection Letter

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Please see my letter of to days date regarding the new premises license for Smack Deli/Lobster & Burger 26-28 Binney Street London W1K 5BN.

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19 Moore Flats  
Gilbert Street  
London  
W1K 5HN  
+44(0) 2074090667  
+44(0) 7714219762  
[delboyofw1@btinternet.com](mailto:delboyofw1@btinternet.com)

4<sup>th</sup> July 2014

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

Dear Sir/Madam

Re: New Premises Licence 14/04951/LIPN Smack Deli T/A Lobster & Burger 26-28 26-28 Binney Street London W1K 5BN.

I am most concerned regarding this new proposed venue in Binney Street. This area is almost 100% residential and historically we the residents have all suffered the aggravation, exasperation, constant worry and sleepless nights of the late night venue called 'Corks Wine bar' which was in the identical position of the this proposed new premises. It took us the resident's years of stress and nervous tension until the LSC in their wisdom rescinded the late night license to a 1am closing which we felt was a compromise to placate all parties concerned. I along with all my fellow resident's were absolutely delighted when Grosvenor Estates re developed the site and Corks finally closed down for good.

We were therefore astounded and astonished that Grosvenor would consent to another late night venue in the exact place that that caused so much anxiety and stress to the inhabitants of the immediate area.

Notwithstanding this you will of course be aware that Mayfair and St. James's are residential areas and it is to that end I wish to object to the proposed new premises licence. I firmly believe that any late night venue on this site will have a negitave impact on the residents living in this predominately residential neighbourhood. To that end I wish to strongly object to the proposed license on the basis it will cause severe noise pollution along with anti social behaviour due to the proposed late night terminal hour.

Please confirm in your usual manner that you have received my objection in good time and it will be lodged with the LSC for consideration.



Yours faithfully,

Derek Stratton

PREMISES MANAGEMENT  
LICENSING SERVICE

09 JUL 2014

CITY OF WESTMINSTER

JULY 7 2014  
ERNEST CHRISTINE  
POOLE

29 HANOVER FLATS  
BINNEY ST.  
N.W. 589

REF 14/0495/LIPN

DEAR SIR/MADAME,

WE ARE BOTH PLEASED TO HEAR  
THE UNITS IN 26-28 BINNEY ST  
HAVE BEEN TAKEN TO BECOME  
THE SNACKS DELI.

OUR MAIN OBJECTIONS  
ARE THE ADDED TIMES ~~FOR~~  
FOR LATE NIGHT REFRESHMENTS

M-THURS 23-00 - 23-30

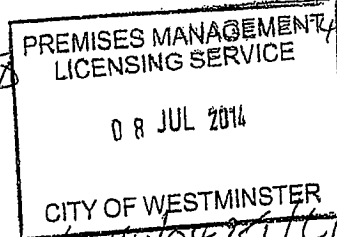
FRI-SAT 23-00 - 24-00.

WE ALSO OPPOSE THE SALES OF  
ALCOHOL TO BE TAKEN OFF THE  
PREMISES

Yours faithfully

E. J. Poole

32, Balderton Buildings,  
Balderton Street,  
London W1Y 1TA  
18<sup>th</sup> of July 2014  
Dear Sirs,



Re: ref 14/04751/LPN  
Sunack Deli, 26-28, Bunney Street,  
London W1K 5BN  
- objection to the application  
for an alcohol licence

I am writing to object to the application for an alcohol licence on this site. It will exacerbate anti-social behaviour, and crime threat to local residents, and add to noise problems at night, and endanger health and safety for local residents.

In today's press, Manchester City Centre is reported to be too dangerous even for the police, because of clubs opening and alcohol abuse. Approval for such a licence in Bunney Street, means we are threatened with a situation such as now exists in Manchester.

Yours faithfully, R. E. Shorter (M)

**Agbley, Peter**

**From:** LUCINDA SIEGER [lucindasieger@talktalk.net]  
**Sent:** 27 June 2014 15:18  
**To:** Premises Licensing  
**Subject:** Subject:OBJECTION TO ref 14/04951/LIPN -night club Maranda Smack Deli, Maranda Hs., Binney St., London W1

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Subject: ref 14/04951/LIPN -Smack Deli, Maranda Hs., Binney St., London W1**

**Date:** 24 June 2014 09:34:39 BST

**To:** [premiseslicensing@westminster.gov.uk](mailto:premiseslicensing@westminster.gov.uk)

night club Maranda Hs., 26-28 Binney St., London W1

Dear Licensing Service,

I strongly object to the application for a late license for the above premises.

I live in Binney and when it was once a late night bar called 'Corks' I suffered years of not being able to sleep because of the high noise levels and rowdiness after the clients spilled out on to the streets and there was no controlling these disturbances. We had endless talks with the police due to the noise and bad behaviour of the clubs clients, we went to court and had an ongoing battle with CORKS. Their clients came, rolling out drunk, having fights, using our back yard as a play ground for sexual acts. In short, no respect for the residents.

This is a large residential area and we don't need or want another late night venue to destroy our peace of mind, as we already have enormous noise pollution with the building of Cross rail to contend wit.

Please acknowledge my objection

Kind Regards,

Lucinda Sieger

**Lucinda Sieger**

singer/songwriter/performer/artist

Mb: + 44 (0) 7968 308 726

E: [info@lucindasieger.com](mailto:info@lucindasieger.com)

E: [lucindasieger@talktalk.net](mailto:lucindasieger@talktalk.net)

W: <http://www.lucindasieger.com>

YOU TUBE VIDEOS: <http://www.youtube.com/user/lucindasieger06/videos>

W: <http://www.myspace.com/lucindasieger>

**Agbley, Peter**

**APPENDIX B13**

**From:** Dobedoo deedee [blackeye91@hotmail.com]  
**Sent:** 05 July 2014 10:15  
**To:** Premises Licensing; licensing@westminster.gov.uk  
**Subject:** FW: D.Osborne 14/05626/LIPN & 14/04951/LIPN

---

I object to the planning applications for Jigsaw and the proposed bar/club on Binney St, W1k.  
The reasons being: more noise, litter, urination in the area, risk of crime, more attraction to the gypsy problem.

Please advise.

D Osborne

48 Hanover Flats  
Gilbert St  
W1K5HL

19 Moore Flats  
Gilbert Street  
London  
W1K 5HN  
+44(0) 2074090667  
+44(0) 7714219762  
[delboyofw1@btinternet.com](mailto:delboyofw1@btinternet.com)



8<sup>th</sup> July 2014

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

Dear Sir/Madam

**Re: New Premises Licence 14/04951/LIPN Smack Deli T/A Lobster & Burger 26-28 Binney Street London W1K 5BN**

I act as licensing officer for and on behalf of the Residents Society of Mayfair & St. James's.

As you are no doubt aware Mayfair and St. James's are residential areas and it is to that end the society wish to object to the proposed new premises licence of the above.

Historically this site was occupied by a wine bar called Corks which I'm sure the LSC will remember brought nothing but grief to the residents in the immediate area. There are as the committee will no doubt be aware many hundreds of people living very close by to the proposed new premises. These people are mostly elderly and some in the twilight of their lives.

The Society firmly believes that to grant a licence for the late night retail sale of alcohol on and off the premises will lead to anti social behaviour and noise pollution and will have a negative impact on the residents living in this predominately residential neighbourhood.

The Residents Society of Mayfair & St. James's therefore wishes to register an objection for and on behalf of the residents on that basis.

Please confirm in your usual manner that you have received our objection in good time and it will be lodged for the LSC for consideration.

Yours faithfully,

  
Derek Stratton  
Licensing Officer Residents Society of Mayfair & St. James's

**Agbley, Peter**

---

**From:** david brookfield [gmra.peabody.uk@btinternet.com]  
**Sent:** 10 July 2014 12:11  
**To:** Premises Licensing  
**Subject:** 14/04951/LIPN Miss Bamborough

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Miss Bamborough

We object to the alcohol licence for Smack Deli 26-28 Binney Street W1K 5BN, under ref 14/04951/LIPN on the following grounds.

The Smack Deli will be part of a group of eateries and will be in an area heavily populated with residents of various ages, Binney Street alone has approximately 100 dwellings some above the restaurant and some with bedroom windows just a few yards from the entrance to the restaurant, there are also private gardens and courtyards in the street that already attract ASB and with a new restaurant very close by there is a fear of even more ASB in the gardens

Other restaurants in the group have had complaints made against them concerning late night noise, rubbish being dumped and ASB, the management have failed to control these problems, the owners appear to have failed to instruct the management to act on the complaints. We fear the same situation will arise at the new premises.

There is a great fear that there will be disturbance to residents many of whom have to get up early for work during the week and weekends, there is a fear of noise from people leaving the restaurant as well as ASB in the street and the gardens and courtyards, litter being dropped cars illegally taking up the much needed residents car parking spaces and causing noise as they leave and arrive. Under the smoking laws no smoking will be allowed on the premises so there is a fear of people gathering outside the premises to smoke and leaving behind cigarette butts.

These are our grounds for objection to the licence but reserve the right to alter add or withdraw the objection.

Yours sincerely  
Dave Brookfield  
Chair Grosvenor Mayfair Residents Association (GMRA)

**From:** Roberts, Glenys (Cllr) CODE03  
**Sent:** 04 July 2014 10:31  
**To:** Premises Licensing  
**Cc:** dave brookfield; Nigel Hughes; Ronald Cottee; Richard Brown  
**Subject:** 26-28 Binney st W1k 5 BN ref 14/04951/LPN

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

I support the residents' reservations about licensing a premises in this location in the middle of a large social housing complex. There was a lamentable history of violence and antisocial behaviour from a previous operator and they obviously fear a repeat of the same in an area where there are families with young children and many elderly residents. Speaking from memory I believe the licence was revoked.

if the proposed restaurant is allowed, there should be no off sales. We have successfully restricted off sales in the neighbourhood preventing troublemakers from cracking open bottles of wine in the residents' gardens.

Equally there must be a condition stipulating no noise breakout including music from the restaurant at any time and a terminal hour imposed for everyone to be off the premises half an hour after the last sales of alcohol. There is a precedent for this elsewhere in the neighbourhood.

I may wish to speak at the hearing  
Cllr Glenys Roberts

Sent from my iPad



FAO Mr S. Harrison  
Licensing Service  
Westminster City Hall  
64 Victoria Street  
London  
SW1E 6QP  
11<sup>th</sup> July 2014



Dear Mr Harrison,

RE: NEW PREMISE LICENSE APPLICATION UNDER THE LICENCING ACT 2003  
SMACK DELI MARANDA HOUSE, 26-28 BINNEY STRETT, LONDON W1K 5BN.  
REFERENCE: 14/04951/LIPN

I strongly object to the proposed plan as above to have licensable activities listed.

1. Playing of recorded music
2. Late night refreshments
3. Sale by retail of alcohol

This is a residential area, which is already subjected to excessive noise, buskers, pedicab music and litter. To have increased noise levels plus refuse and bottle collections will be intolerable. There are already too many licensed restaurants in this area, we do not need more.

Binney Street is a narrow street and my flat is directly opposite the proposed site of 26-28 Binney Street. As a resident I worry about anti-social behaviour, urinating anywhere and everywhere, and on occasions worse! Fighting, car horns, shouting and the police being called because of criminal activity.

Also there were problems with rat infestation at the former premises.

Further more I object to the proposed licensing hours, which from previous experience can/will be extended.

Your notification on the 17th June 2014 does not state if tables and chairs will be situated outside the premises, which will add to the noise pollution from visiting buskers and pavement obstructions for pedestrians.

This application must **NOT** be allowed to go through.

Yours sincerely,

A handwritten signature in cursive script that reads "Susan B. Buckley".

Susan B. Buckley

## Licence &amp; Appeal History

Application	Details of Application	Date determined	Decision
05/09934/LIPC	Conversion by <b>Café Uno</b> for 26-28 Binney Street	1.10.2005	Granted under delegated authority (GDA)
05/12241/LIPDPS	Variation to change DPS (VDPS)	2.12.2005	GDA
05/13093/LIPT	Transfer to Café Uno Brasseries Ltd	28.12.2005	GDA
07/04234/LIPDPS	VDPS	1.6.2007	GDA
09/00462/LIPDPS	VDPS	12.2.2009	GDA
09/06770/LIPDPS	VDPS	1.11.2009	GDA
10/00056/LIPDPS	VDPS	1.3.2010	GDA
10/01355/LIPDPS	VDPS	22.3.2010	GDA
10/07513/LIPDPS	VDPS	8.12.2010	GDA
10/07533/LIPT	Transfer to Grosvenor Properties	8.12.2010	GDA
10/08684/LIDPSR	Removal of DPS	9.12.2010	GDA
	non payment of annual fee	11.11.13	Licence suspended
14/05014/LIPT	Transfer to Lobster Roll Binney Street Ltd	Pending	<i>Due to be GDA but will remain suspended</i>
05/05580/LIPC	Conversion by Chicks Ltd for <b>Corks Wine Bar</b> , 28 Binney Street	1.9.2005	GDA
05/11547/LIPV	Variation to increase hours (up to 2am)	19.1.2006	REFUSED
09/02140/LIPV	Variation to increase hours (up to 2am)	14.5.2009	REFUSED
10/10104/LIPT	Transfer to Grosvenor properties	24.1.2011	GDA
	non payment of annual fee	11.11.2013	Licence suspended
14/05008/LIPT	Transfer to Lobster Roll Binney Street Ltd	9.7.2014	GDA but remains suspended
14/04951/LIPN	NEW PREMISES LICENCE APPLICATION	PENDING	

Appeal history to follow

## 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:

#### **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 shall take all reasonable steps to 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children;
    - (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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(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;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on;

- (i) the outcome of a race, competition or other event or process, or
- (ii) the likelihood of anything occurring or not occurring;

(e) 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.

5. The responsible person shall ensure that no alcohol is dispensed 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).

6. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

7. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) 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 a holographic mark.

8. The responsible person shall 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; and

(b) customers are made aware of the availability of these measures.

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.

9(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.

9(ii) For the purposes of the condition set out in paragraph 9(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.

9(iii). Where the permitted price given by Paragraph 9(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.

9(iv). (1) Sub-paragraph 9(iv)(2) below applies where the permitted price given by Paragraph 9(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.

#### **Applicants proposed conditions: (10-12 also proposed by Police)**

10. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.

11. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

12. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:

(a) all crimes reported to the venue

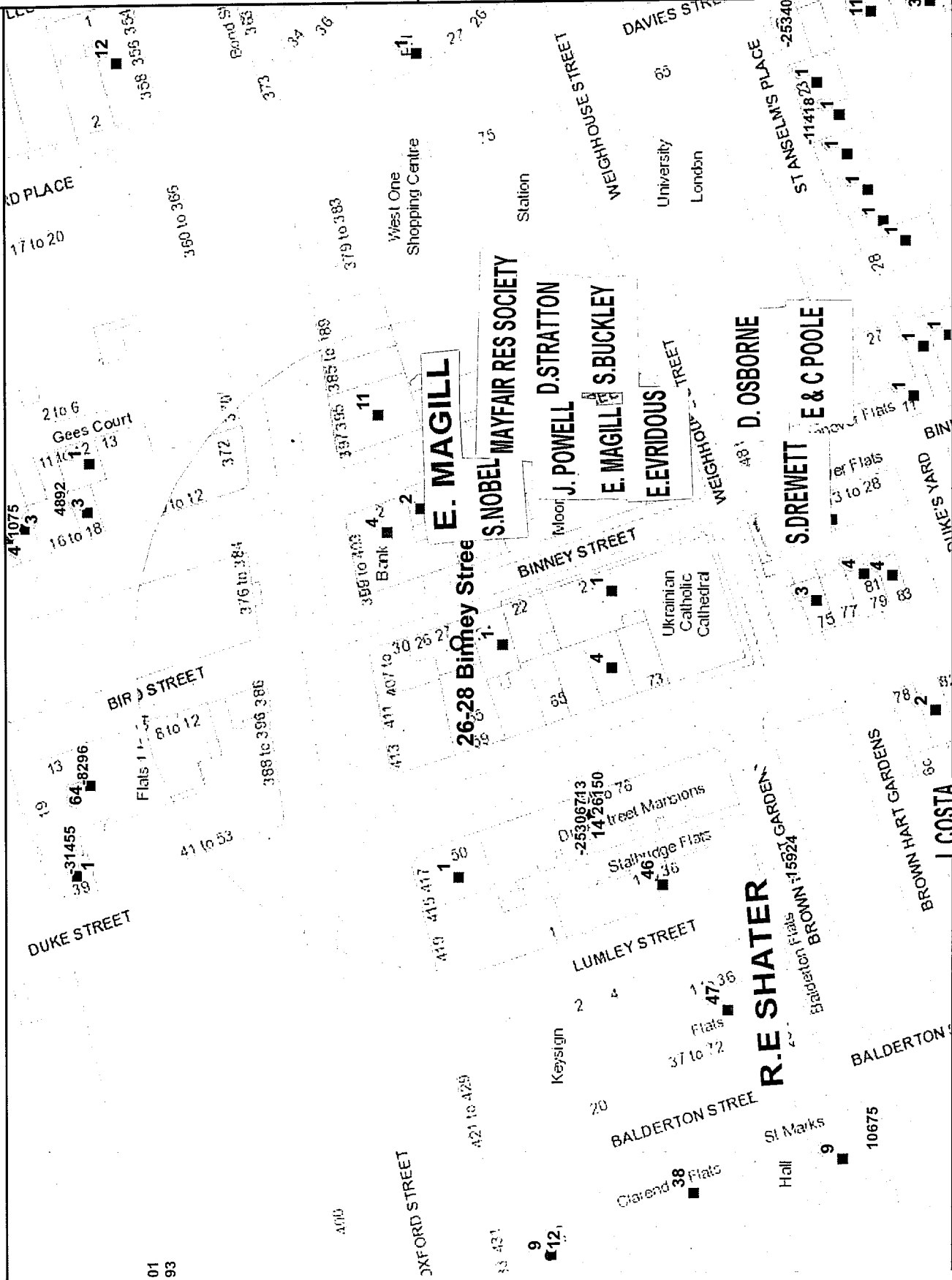
- (b) all ejections of patrons
- (c) any complaints received concerning crime and disorder
- (d) any incidents of disorder
- (e) all seizures of drugs or offensive weapons
- (f) any faults in the CCTV system or searching equipment or scanning equipment
- (g) any refusal of the sale of alcohol
- (h) any visit by a relevant authority or emergency service.

13. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
14. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
15. Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to a take-away meal.
16. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
17. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
18. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by staff so as to ensure that there is no public nuisance or obstruction to the public highway. Any queue that may form will be directed towards Oxford Street.
19. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
20. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 20:00 hours and 08:00 hours on the following day.
21. No collections of waste or recycling materials (including bottles) from the premises shall take place between 20.00 and 08.00 on the following day. No deliveries to the premises shall take place between 08:00 and 08:00 on the following day.
22. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 120 persons.
23. The supply of alcohol on the premises shall only be for consumption ancillary to a table meal.
24. The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.
25. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
26. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.

27. 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.
28. The Licence will have no effect until the Licensing Authority are satisfied that the premises is constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association – Technical Standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition will be removed from the Licence.
29. This licence shall not take effect until:
- (i) Notice of surrender of licence number xx/xxxxx/xxxx [*i.e. the Corks Wine Bar and Café Uno licences*] (and any other licence as may be in force at the premises), accompanied by the premises licence, has been given by the premises licence holder to the Licensing Authority under section 28 of the Licensing Act 2003 (the Act)
  - (ii) A period of 28 days from the date of surrender has elapsed
  - (iii) No application by any person under section 42 of the Act for a transfer of the licence has been made within the period referred to in paragraph (ii) above, (or any such application has been withdrawn); and
  - (iv) the licence(s) has accordingly lapsed by virtue of section 28(3) (and section 50(6) if applicable) of the Act.



# Maranda House 26-28 Binney Street, London W1K 5BN



## APPENDIX E

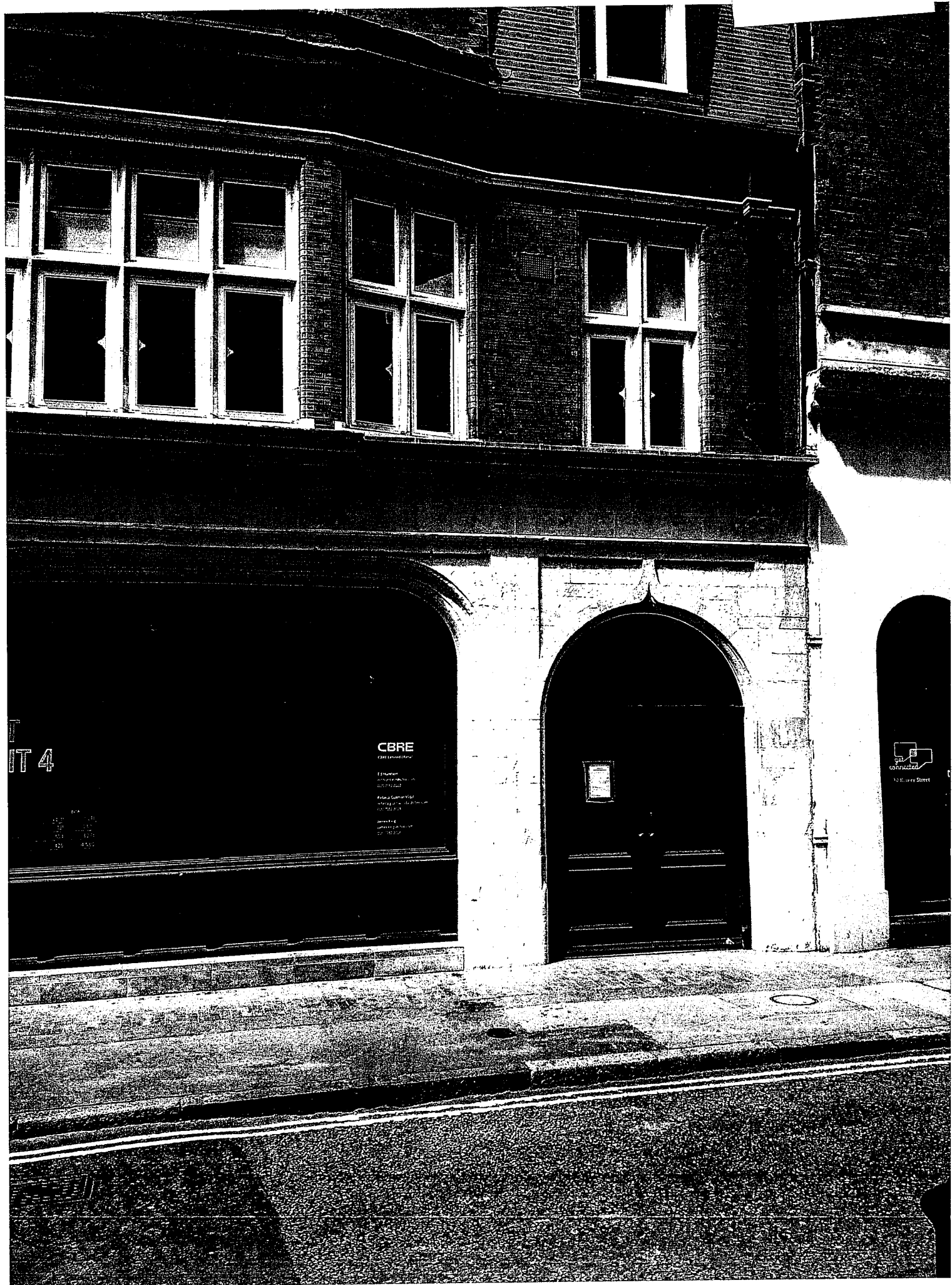
Residential / Proposed Residential	116
Under Construction	0
Other Uses	96
Proportion Residential of all Uses	55%

Data Source: Uniform Database  
Date: 14/07/2014

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IT 4

CBRE

12 Murray Street



R.I.S.S.

ASSORTITE

NIT 4

connected inside

