



Meeting:	<i>Licensing Sub-Committee</i>
Date:	<i>13th July 2017</i>
Classification:	<i>General Release</i>
Premises:	<i>Café Baku Ltd, 22 -24 Lansdowne Row, London, W1J 8QL</i> 17/04644/STTCV
Wards Affected:	<i>West End</i>
Cumulative Impact Area:	<i>No</i>
Financial Summary:	<i>None</i>
Report of:	<i>Operational Director for Public Protection & Licensing</i>

1. Executive Summary

- 1.1 The Council has received an application to vary the existing temporary licence from Café Baku Ltd in respect of the premises situated at 22 – 24 Lansdowne Row, London, W1J 8QL. The purpose of the application is to increase the hours when the tables and chairs can be used from 23:00 to midnight every day of the week.
- 1.2 The report sets out the application details, objection, legal context along with other considerations that the Licensing Sub-Committee requires to determine this application under Section 21 of the City of Westminster Act 1999 (CoW 1999).
- 1.3 Premises need to apply separately for both planning permission and a temporary licence to use the public highway to set up tables and chairs. A temporary licence is granted for 6 months. After the 6 months a further temporary licence is required.

It is rare for the City Council to approve external seating beyond 23:00 hours other than in central locations such as Leicester Square (and adjoining streets) and Heddon Street. The Council's guidance normally does not allow the highway to be used after 23:00 for placing tables and chairs.

2. Options

- 2.1 That following consideration of the information given orally at the hearing and in writing by the applicants and objectors Members may;
 - 2.1.1 Grant the variation as applied for,
 - 2.1.2 Grant the variation subject to any modifications to any part of the application and imposition of any additional conditions or restrictions as they think fit, or
 - 2.1.3 Refuse the application.

3. Application

- 3.1 On 4th May 2017 Café Baku Ltd applied to vary the terminal hour for placing tables and chairs on the public highway from 23:00 to midnight, Monday to Sunday. A copy of the application is attached as **Appendix A1**.
- 3.2 This company have held temporary licences since 2012, and have been continually licensed since this time. The current temporary licence is attached as **Appendix A2** and seating plan is attached as **Appendix A3**.
- 3.3 The premises have planning permission for the use of the public highway for the placing of 12 tables, 26 chairs and 2 space heaters in an area measuring 1.6m x 15.0m; namely to allow the continued use of the pavement for the placing of tables and chairs between the hours of 07:00 - 00:00 (daily) for the temporary period until 30 April 2018. A copy of the planning permission is attached as **Appendix A4**.

4. Objections

- 4.1 An objection was received from Environmental Health detailing their concerns due to the use of the external area beyond 23:00, as this will have the likely effect of an increase in public nuisance. A copy of the objection is attached as **Appendix B1**.

5. Premises Licence

The premises currently hold a premises licence under the Licensing Act 2003 and operate as a café.

The licensable activities authorised by the licence are:

Playing of Recorded Music and Sale by Retail of Alcohol:

Monday to Thursday:	10:00 to 23:30
Friday to Saturday:	10:00 to 00:00
Sunday:	12:00 to 22:30
Sundays before Bank Holidays:	12:00 to 00:00

Late Night Refreshment:

Monday to Thursday:	23:00 to 23:30
Friday to Saturday:	23:00 to 00:00
Sundays before Bank Holidays:	23:00 to 00:00

A copy of the premises licence is attached as **Appendix C1**

Members will note from the premises licence that condition 12 states:

“All outside tables and chairs shall be removed from the outside area or rendered unusable by 23:00 hours each day”.

Therefore if the premises were to operate with the proposed variation to use the outside area for tables and chairs until midnight they would be in breach of this condition.

6 Applicants Submissions

- 6.1 At the time of publication, no response had been received.

7. Legal Implications

- 7.1 To place tables and chairs on the public highway requires a temporary licence, which is governed by section 21 the City of Westminster Act 1999. Section 21 (1) and (2) provides:-
- (1) The council may if they think fit on the receipt from any person of an application for that purpose and accompanied by the appropriate fee grant to that person a temporary licence.
- (2) A temporary licence shall remain in force only for the day or period specified in the licence and —
- (a) shall be in a similar form to a street trading licence with such modifications therein as the circumstances require; and
 - (b) shall contain such terms and conditions as the council may specify.

Under the 1999 Act the 'specified period' shall not exceed 6 months.

- 7.2 There are no specific statutory grounds to refuse the grant of a temporary licence. The Sub Committee has the discretion to grant the application in whole or in part and attach restrictive conditions or accept undertakings.
- 7.3 Any procedural deficiencies may be challenged by an application to the high court for Judicial Review.

8. POLICY

- 8.1 It is the policy of the City Council that licences will only be granted where the activity to be authorised by that temporary licence is an authorised planning use.
- 8.2 On 20 March 2000, the Planning and Transportation Committee adopted a scheme to licence tables and chairs on the public highway through the granting of temporary licences. Through the scheme tables and chairs would be removed from the public highway by 23:00 hours.
- 8.3 Members will note from paragraph 3.3 planning permission has been granted to midnight. Although the planning permission has been granted to midnight, members will note from paragraph 4.1 Environmental Health has objected on the grounds of the likely increase to public nuisance.
- 8.4 As a standard condition of the temporary licence, the City Council will require the removal of the items at specified hours. The starting times for the placing of tables and chairs will vary according to the individual circumstances. In order to protect the amenity of residents both in the immediate vicinity and within the surrounding area, the City Council will limit the time that tables and chairs may be left out to 23:00 hours. Service at the tables should cease earlier and customers should be made aware that the tables and chairs must be removed by 23:00 hours. Only in exceptional circumstances will the City Council approve applications for the use of tables and chairs on the highway beyond 23:00 hours even if the premises themselves have the relevant licences and permissions to operate until a later time.
- 8.5 Temporary licences to place tables and chairs on the public highway are granted for a period of 6 months. After the 6 month period, a further licence is required.

Appendices

A1 – Application Form
A2 – Temporary Licence
A3 – Seating Plan
A4 - Planning Permission
B1 – Environmental Health Objection
C1 – Premises Licence
D1 – Location Map

If you have any questions about this report, or wish to inspect any of the background papers, please contact Denise Farrelly on 020 7641 2588 or email dfarrelly@westminster.gov.uk

BACKGROUND PAPERS

- City of Westminster Act 1999
- Rules of Procedure for Licensing Sub-Committee
- Conditions to be attached to Temporary Licences where street trading involves the use of tables and chairs.

Application for a temporary licence involving the use of Tables and Chairs on a street

Is this a new application or a renewal? ☐ New application ☐ Renewal ☒ Variation

Have you previously held a street trading licence for tables and chairs? ☐ Yes ☐ No

a

Licence search

Existing licence number
Date of expiry

Part 1 - Details of application site

Name of establishment / business

Address of application site
Postcode

Is more than one frontage proposed to be used? ☐ Yes Please specify
☐ No

Part 2 - Applicant's details

I am an agent applying on behalf of the applicant ☒

	Agent details	Your details
Title	<input type="text" value="Mr"/>	<input type="text" value="Mr"/>
First name	<input type="text" value="Craig"/>	<input type="text" value="Erfan"/>
Last name	<input type="text" value="Baylis"/>	<input type="text" value="Zargarian"/>
	Company name	<input type="text" value="Café Baku Ltd"/>
Address	<input type="text" value="Blp
Adelaide House
London Bridge
London"/> Postcode <input type="text" value="EC4R 9HA"/>	<input type="text" value="15 Queen Anne Gate
London"/> Postcode <input type="text" value="SW1H 9BU"/>
Telephone	<input type="text" value="0203 400 2326"/>	<input type="text" value="0203 400 2326"/>
Email	<input type="text" value="craig.baylis@blplaw.com"/>	<input type="text" value="craig.baylis@blplaw.com"/>

Part 2 - Details of application site (continued)Number of persons to be seated Number of tables applied for Number of chairs applied for Dimensions of the area of street to be used (in metres) /
Dimensions of the area of the street to be used.Width Depth Dimensions of private forecourt (if any) from building line (in
metres)Width Depth Total distance of kerb edge from building line (in metres)

Do you intend to place ☐ Yes How many?
free-standing heaters within the
proposed area? ☐ No

Upload attachments

Do you intend to place items ☐ Yes
other than heaters, tables and
chairs within the proposed area? ☐ No

Please give number and details of
all other items of furniture
including umbrellas, barriers, etc.
Dimensions, manufacturers
details, specification and
photographs should be supplied.

Do you intend to place planter(s) within the ☐ Yes
proposed area? ☐ No How many?

Hours during which the tables and chairs will be on the street (Monday to Sunday)

				Hours past 7pm
Monday	<input type="text" value="07:00"/>	To	<input type="text" value="00:00"/>	<input type="text" value="5.0"/>
Tuesday	<input type="text" value="07:00"/>	To	<input type="text" value="00:00"/>	<input type="text" value="5.0"/>
Wednesday	<input type="text" value="07:00"/>	To	<input type="text" value="00:00"/>	<input type="text" value="5.0"/>
Thursday	<input type="text" value="07:00"/>	To	<input type="text" value="00:00"/>	<input type="text" value="5.0"/>
Friday	<input type="text" value="07:00"/>	To	<input type="text" value="00:00"/>	<input type="text" value="5.0"/>
Saturday	<input type="text" value="07:00"/>	To	<input type="text" value="00:00"/>	<input type="text" value="5.0"/>
Sunday	<input type="text" value="07:00"/>	To	<input type="text" value="00:00"/>	<input type="text" value="5.0"/>
Total				<input type="text" value="35.0"/>

Part 3 - Bathroom facilities

Public Provisions - State the number of toilet provision available.

	Female	Male	Disabled	Staff (if separate)
Toilets	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Urinals		<input type="text"/>	<input type="text"/>	<input type="text"/>
Sinks	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Number of internal covers

Part 4 - Place of storage

Please specify the place of storage of the tables and chairs and other items when not placed on the highway. If applicable specify the storage of the gas cylinders.

Dimensions of storage space (m²)

Part 5 - Planning permission - if available

Applicants are advised to consult the Planning Policy Guidance document 'Guidelins for the placing of Tables and Chairs on the Highway' and 'Public Realm Guidance: The Westminster Way'

The guidance documents are available on the Westminster City Council web site.

If you have a current planning permission you will need to provide details below. A temporary licence will not normally be granted until permission is in force.

Registered number of planning permission

Date of expiry of planning permission

Part 6 - Declaration and indemnity

The fee for this application is:

RENEWALS ONLY - I confirm there have been no alterations to the sanitary, storage or waste disposal arrangements since the current licence was granted. ☐

RENEWALS ONLY - I confirm no change in the hours, ancillary furniture or other terms and conditions of the licence is being sought. ☐

NEW APPLICATION / RENEWAL - I / we declare that to the best of my / our knowledge the information contained in this application form and on the submitted plans are correct.

VARIATION ONLY - I hereby apply for variation of the temporary licence for street trading issued under the City of Westminster Act 1999.

Confirmation

Date

Full name

Name of company

Position in company

Part 7 - Fraud

The City Council is under a duty to protect the public funds it administers and to this end may use the information you have provided on this form within the Council for the prevention and detection of fraud. It may also share this information with other bodies administering public funds for these purposes.

NOTES

The Council may revoke this licence on certain specified grounds e.g. for misconduct, failure to comply with licence conditions.

The holder may employ any other person to ASSIST him/her in the conduct of the business without any further licence being required, but the licence may not be transferred to any other person nor may it be altered or tampered with in any way. Any failure by an Assistant to comply with licence conditions will be deemed to be a failure by the licence holder.

Any breach of this licence is punishable by a penalty not exceeding Level 3.

CITY OF WESTMINSTER

CITY OF WESTMINSTER ACT 1999

TEMPORARY LICENCE
FOR THE USE OF
TABLES AND CHAIRS

Baku
22 - 24 Lansdowne Row
London
W1J 8QL

LICENCE NO:
17/06430/STTCF

**City of Westminster****1. THE WESTMINSTER CITY COUNCIL hereby grants to Cafe Baku Limited**

A temporary licence to engage in the use of tables and chairs in the City of Westminster from the street outside Baku, 22 - 24 Lansdowne Row, London, W1J 8QL

2. This licence authorises the holder to trade solely in the articles, and in the manner, and at the places and times specified in the Schedule to the licence and is granted subject (1) to the conditions made under Section 21(2)(b) of the City of Westminster Act 1999; (2) to any Act amending the same and to any Orders made thereunder; and (3) to any other statutory enactment which is in force for the time being.
3. This licence shall remain in force until 17 December 2017 unless it is cancelled or revoked by the Council.

Dated this: 18 June 2017

Director of Public Protection & Licensing

SCHEDULE

Number Of Places	26						
Type and number of other approved furniture	TABLES: 12 CHAIRS: 26 HEATERS: 2 PLANTERS: Nil						
Location / Premises	Baku, 22 - 24 Lansdowne Row, London, W1J 8QL						
Dimensions of private forecourt	None						
Dimensions of area licensed	WIDTH: 15.0m DEPTH: 1.6m						
Day	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
From Time	07:00	07:00	07:00	07:00	07:00	07:00	07:00
To Time	23:00	23:00	23:00	23:00	23:00	23:00	23:00

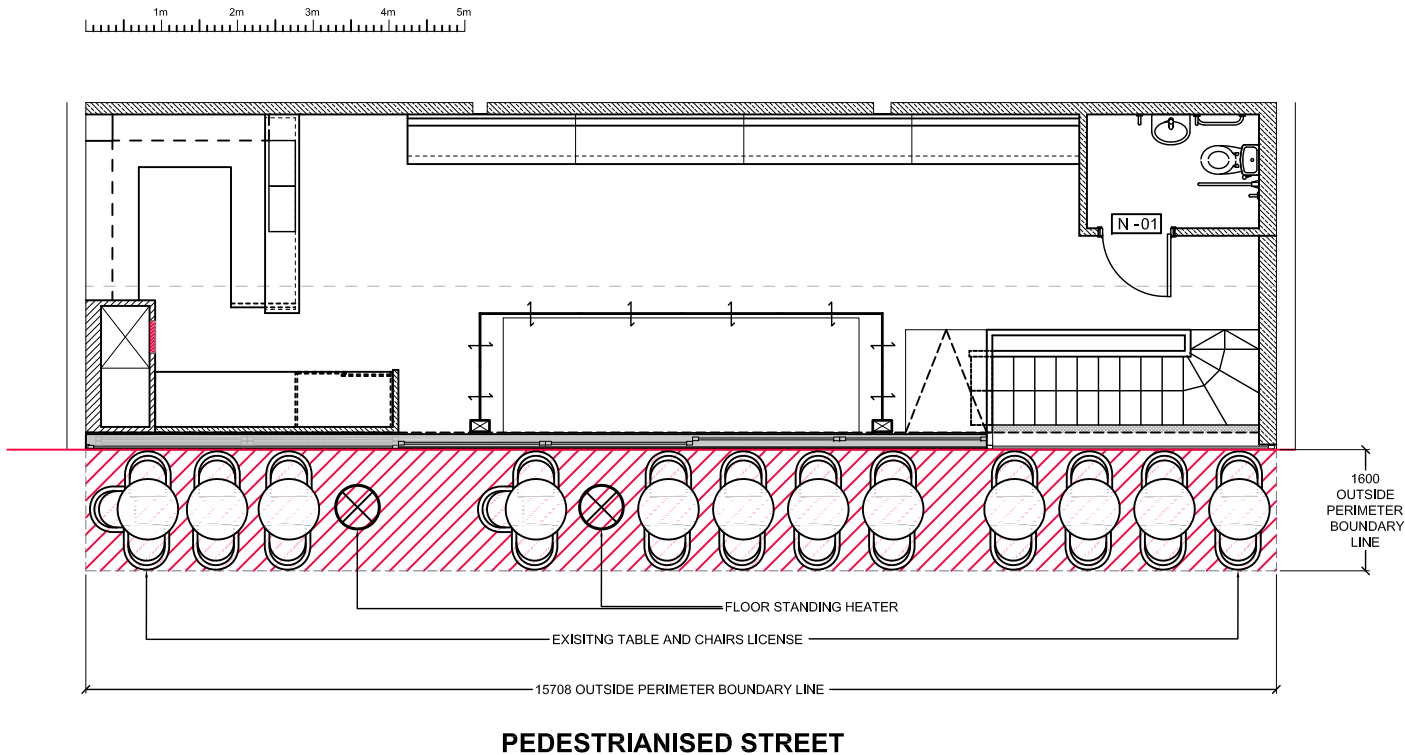
FURTHER CONDITIONS

- (i) The approved furniture shall be removed from the highway no later than 23:00 daily.

Appendix A3

Dimensions to be verified on site, figured dimensions to be taken in preference to those scaled.
This drawing is the property of Concept Corporate Interiors Plc. Copyright is reserved by them and the drawing is issued on the condition that it is not copied, reproduced, retained or disclosed to any unauthorised person either wholly or in part without the consent in writing of Concept Corporate Interiors Plc.

AS BUILT



- ** 12 EXTERNAL TABLES
- ** 26 EXTERNAL CHAIRS

GROUND FLOOR AI USE SEATING AREA

REV	DESCRIPTION	DATE	SIG
-	DRAWING FIRST ISSUED	20-03-14	CRL

concept
inspiring workspaces

Capital House, Westbourne Street
High Wycombe, Bucks, HP11 2PZ

Tel: 01494 465847 Fax: 01494 463880
email: info@concept-plc.com

Client
UEI REAL ESTATES
Project
22-24 LANSDOWNE ROW LONDON

Description
BOUNDARY OF OUTSIDE SEATING AREA

Scale		Date	
1:100 @ A4		20.03.14	
Project No.	Floor No.	Drg No.	Rev
3009	G	OBA	-



City of Westminster

Your ref:

My ref: 16/01814/FULL

**Please
reply to:**

Tel No:

Ken Powell

020 7641 2927

Michelle Goodrum
Monro Wright and Wasbroughllp
7-8 Great James Street
London
WC1N 3DF

Development Planning
Westminster City Council
PO Box 732
Redhill, RH1 9FL

22 April 2016

Dear Sir/Madam

**TOWN AND COUNTRY PLANNING ACT 1990
PERMISSION FOR DEVELOPMENT (CONDITIONAL)**

The City Council has considered your application and permits the development referred to below subject to the conditions set out and in accordance with the plans submitted.

Unless any other period is stated in the Schedule below or by conditions attached; this consent, by virtue of Section 91(1) of the Town and Country Planning Act 1990 (as amended), is granted subject to the condition that the development shall be commenced within 3 years of the date of this decision.

Your attention is drawn to the enclosed Statement of Applicant's Rights and General Information.

SCHEDULE

Application No:	16/01814/FULL	Application Date:	16.02.2016
Date Received:	22.02.2016	Date Amended:	11.03.2016

Plan Nos:

Address: 22 - 24 Lansdowne Row, London, W1J 8QL,

Proposal: Variation of condition 5 of planning permission dated 26.03.2014 (RN: 13/05058/TCH) for 'Use of the public highway for the placing of 12 x tables, 26 chairs, and two patio heaters in an area measuring 1.6m x 15.0m in connection with the existing sandwich bar/café (Sui Generis) at No. 22-24 between 07.00 - 00.00 (daily).' Namely; to allow the continued use of the pavement for the placing of tables and chairs until 31st March 2018.

See next page for conditions/reasons.

Yours faithfully

John Walker
Director of Planning

Note: As the requirements of the Building Regulations may affect the design of the proposed development our Building Control team can offer advice and guidance at an early stage. If you would like to take advantage of this service please contact them on 020 7641 6500 or email districtsurveyors@westminster.gov.uk to arrange a preliminary discussion.

Note:

- The Plain English Crystal Mark applies to those conditions, reasons and informatives in this letter which have an associated reference number with the prefix C, R, X or I.
- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority.



Condition(s):

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 You must not put the tables, chairs and patio heaters in any other position than that shown on drawing OBA. (C25AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25AC)

- 3 You can only put the tables, chairs and patio heaters on the pavement between 07.00 and 00.00. (C25BA)

Reason:

To protect neighbouring residents from noise and disturbance as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 and TACE 11 of our Unitary Development Plan that we adopted in January 2007.

- 4 The tables and chairs must only be used by customers of the ground and basement floors of No. 22 - 24 Lansdowne Row. (C25CA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25AC)

- 5 This use of the pavement may continue until 30 April 2018. You must then remove the tables, chairs and patio heaters. (C25DA)

Reason:

We cannot give you permanent permission as the area in question is, and is intended to remain, public highway and Section 130 (1) of the Highways Act 1980 states that "It is the duty of the highway authority to assert and protect the rights of the public to the use and enjoyment of any highway for which they are the highway authority". We also need to assess the effect of this activity regularly to make sure it meets S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 11 of our Unitary Development Plan that we adopted in January 2007. For the above reasons, and not because this is seen a form of trial period, we can therefore only grant a temporary permission.

Note:

- The Plain English Crystal Mark applies to those conditions, reasons and informatives in this letter which have an associated reference number with the prefix C, R, X or I.
- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority.



- 6 You can only put out on the pavement the tables, chairs and patio heaters shown on drawing OBA. No other furniture, equipment or screening shall be placed on the pavement in association with the tables, chairs and patio heaters hereby approved.

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan: Strategic Policies adopted November 2013 and TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25AC)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 You cannot put tables and chairs in the area unless you have a street trading licence.

If you want to know about the progress of your application for a licence, you can contact our Licensing Service on 020 7641 8549. If you apply for a licence and then decide to change the layout of the tables and chairs, you may have to apply again for planning permission. You can discuss this with the planning officer whose name appears at the top of this letter.

Please remember that once you have a licence you must keep the tables and chairs within the agreed area at all times. (I47AB)

- 3 You must keep the tables and chairs within the area shown at all times. We will monitor this closely and may withdraw your street trading licence if you put them outside this area. (I48AA)

Note:

- The Plain English Crystal Mark applies to those conditions, reasons and informatives in this letter which have an associated reference number with the prefix C, R, X or I.
- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority.



CITY OF WESTMINSTER

MEMORANDUM

**TO
REFERENCE**

**Licensing Officer
17/04644/STTCV**

FROM

**Environmental Health Consultation Team
4th Floor South, City Hall**

**BEING DEALT WITH BY
TELEPHONE**

**Ian Watson
020 7641 3183**

DATE

10th May 2017

RE: Baku, 22 - 24 Lansdowne Row, W1

I have the following comments to make with regard to the variation application to trade tables and chairs on the street at the above premises.

The variation is to trade Monday to Sunday 07.00 to 00.00 hours as per planning permission, an additional later hour each day.

Objection is made to the application as the use of the outside space for the additional later hour will have the likely effect of an increase in public nuisance.

Should you have any queries regarding the above, please do not hesitate to contact me.

Ian Watson
Senior Practitioner Environmental Health (Licensing)



Schedule 12
Part A

WARD: West End
UPRN: 010033615434

City of Westminster

64 Victoria Street, London, SW1E 6QP

Premises licence

Regulation 33, 34

Premises licence number:

17/00268/LIPDPS

Original Reference:

12/00738/LIPN

Part 1 – Premises details

Postal address of premises:

Baku Bistro
22 - 24 Lansdowne Row
London
W1J 8QL

Telephone Number: 020 7495 4461

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Playing of Recorded Music
Late Night Refreshment
Sale by Retail of Alcohol

The times the licence authorises the carrying out of licensable activities:

Playing of Recorded Music

Monday to Thursday:	10:00 to 23:30
Friday to Saturday:	10:00 to 00:00
Sunday:	12:00 to 22:30
Sundays before Bank Holidays:	12:00 to 00:00

Late Night Refreshment

Monday to Thursday:	23:00 to 23:30
Friday to Saturday:	23:00 to 00:00
Sundays before Bank Holidays:	23:00 to 00:00

Sale by Retail of Alcohol

Monday to Thursday:	10:00 to 23:30
Friday to Saturday:	10:00 to 00:00
Sunday:	12:00 to 22:30
Sundays before Bank Holidays:	12:00 to 00:00

The opening hours of the premises:

Monday to Thursday:	07:00 to 00:00
Friday to Saturday:	07:00 to 00:30
Sunday:	07:00 to 23:00
Sundays before Bank Holidays:	07:00 to 00:00

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

Alcohol is supplied for consumption on the Premises.

Part 2**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:**

Cafe Baku Limited
15 Queen Anne Gate
London
SW1H 9BU

Registered number of holder, for example company number, charity number (where applicable)

07808904

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:

Name: Francois Robert Georges Durnez

Please note: It is the policy of the Licensing Authority not to display the address details of a designated premises supervisor.

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:

Licence Number: 2016/01428/LAPER
Licensing Authority: London Borough of Hammersmith & Fulham

Date: 10 February 2017

This licence has been authorised by Shannon Pring on behalf of the Director - Public Protection and Licensing.

Annex 1 – Mandatory conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

- (a) a holographic mark, or
- (b) an ultraviolet feature.

7. The responsible person must ensure that—

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

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

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

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -

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

Where -

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the operating Schedule

None

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

9. The premises shall only operate as a café:-
 - (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,
 - (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.
10. Substantial food and non-intoxicating beverages, including drinking water, shall be available throughout the permitted hours in all parts of the premises where alcohol is sold or supplied for.
11. The supply of Alcohol shall only be by waiter or waitress service.
12. All outside tables and chairs shall be removed from the outside area or rendered unusable by 23:00 hours each day.
13. Except for in any permitted exterior dining area patrons temporarily leaving the premises, such as for the purposes of smoking, shall not take any drinks with them in open vessels outside the premises.
14. There shall be no striptease or nudity and all persons shall be decently attired at all times.
15. 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.
16. No rubbish including bottles will be moved, removed or placed in outside areas between 2300 hours and 0700 hours.
17. No deliveries shall take place between 23:00 and 07:00 hours.
18. No collections, including refuse and recyclable food waste, shall take place between 00:00 and 07:00 hours.
19. No cooking odour or smoke shall emanate from the premises which give rise to a nuisance.
20. Flashing or particularly bright lights from the premises shall not cause a nuisance to nearby properties.
21. 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.

22. 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.
23. The overall capacity for the premises shall not exceed 60.
24. 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.
25. All waste is to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
26. Notices shall be prominently displayed at exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
27. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
28. There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises directly off the street.



City of Westminster
64 Victoria Street, London, SW1E 6QP

**Schedule 12
Part B**

**WARD: West End
UPRN: 010033615434**

**Premises licence
summary**

Regulation 33, 34

Premises licence number:

17/00268/LIPDPS

Part 1 – Premises details

Postal address of premises:

Baku Bistro
22 - 24 Lansdowne Row
London
W1J 8QL

Telephone Number: 020 7495 4461

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Playing of Recorded Music
Late Night Refreshment
Sale by Retail of Alcohol

The times the licence authorises the carrying out of licensable activities:

Playing of Recorded Music

Monday to Thursday:	10:00 to 23:30
Friday to Saturday:	10:00 to 00:00
Sunday:	12:00 to 22:30
Sundays before Bank Holidays:	12:00 to 00:00

Late Night Refreshment

Monday to Thursday:	23:00 to 23:30
Friday to Saturday:	23:00 to 00:00
Sundays before Bank Holidays:	23:00 to 00:00

Sale by Retail of Alcohol

Monday to Thursday:	10:00 to 23:30
Friday to Saturday:	10:00 to 00:00
Sunday:	12:00 to 22:30
Sundays before Bank Holidays:	12:00 to 00:00

The opening hours of the premises:

Monday to Thursday:	07:00 to 00:00
Friday to Saturday:	07:00 to 00:30
Sunday:	07:00 to 23:00
Sundays before Bank Holidays:	07:00 to 00:00

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

Alcohol is supplied for consumption on the Premises.

Name and (registered) address of holder of premises licence:

Cafe Baku Limited
15 Queen Anne Gate
London
SW1H 9BU

Registered number of holder, for example company number, charity number (where applicable)

07808904

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol:

Name: Francois Robert Georges Durnez

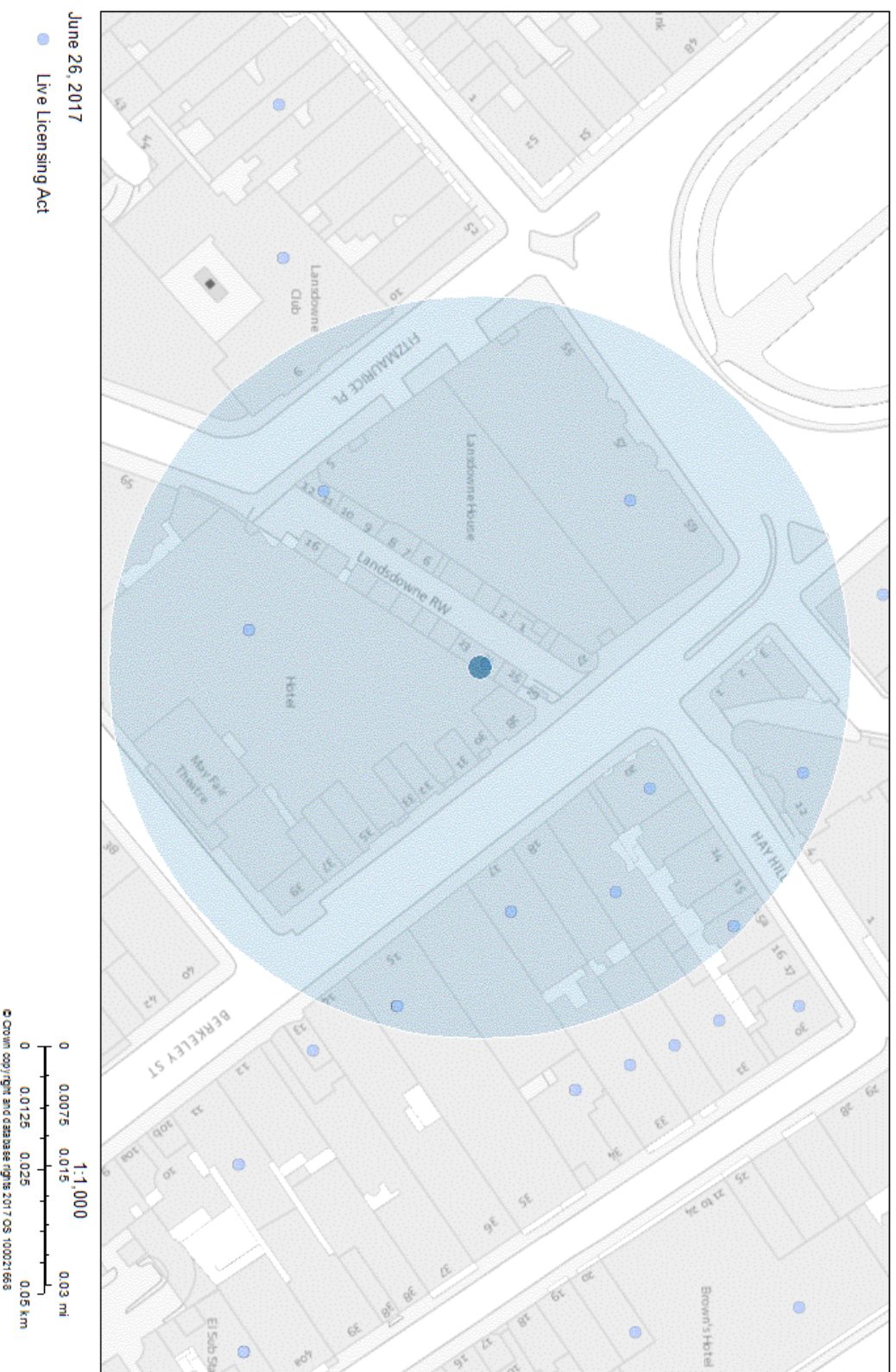
State whether access to the premises by children is restricted or prohibited:

Restricted

Date: 10 February 2017

This licence has been authorised by Shannon Pring on behalf of the Director - Public Protection and Licensing.

Lansdowne Row



Resident Count: 80