

# Licensing Sub-Committee Report

Item No:	
Date:	18 January 2018
Licensing Ref No:	17/12417/LIPN - New Premises Licence
Title of Report:	Basement and Ground Floor 125-127 Westbourne Park Road London W2 5QL
Report of:	Director of Public Protection and Licensing
Wards involved:	Bayswater
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Yolanda Wade Senior Licensing Officer
Contact details	Telephone: 020 7641 1884 Email: <a href="mailto:ywade@westminster.gov.uk">ywade@westminster.gov.uk</a>

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	1 November 2017		
<b>Applicant:</b>	Forest Inns (Uk) Limited		
<b>Premises:</b>			
<b>Premises address:</b>	Basement and Ground Floor 125-127 Westbourne Park Road Road London W2 5QL	<b>Ward:</b>	Bayswater
		<b>Cumulative Impact Area:</b>	No
<b>Premises description:</b>	According to the applicant, the premises was historically split into two units numbered 125 and 127. Number 125 operated as a bar on the Ground Floor and a back of house operation on the basement Floor. Number 127 operate as a restaurant on the Ground Floor with a private dining area on the Basement Floor. Number 125 is not in usage and is incorporated into number 127.		
<b>Premises licence history:</b>	<p>The premises did benefit from a premises licence (09/10275/LIPD) which lapsed in June 2017. The licence lapsed because of the previous licence holder's voluntary liquidation and the licence was not transferred with the 28 days required.</p> <p>There were no special conditions on the previous licence. This application is a new application for similar activities and the proposed hours are the same hours or less than that of the previous licence.</p>		
<b>Applicant submissions:</b>	None		
<b>Plans</b>	Plans are available to view upon request to the Licensing Authority and they will be made available at Licensing Committee.		

1-B Current and proposed licensable activities, areas and hours						
Regulated Entertainment						
Playing of recorded Music: Indoors						
	Previous licence		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	Unrestricted		10:00	00:30	Basement, Ground Floor	No Change
Tuesday			10:00	00:30		
Wednesday			10:00	00:30		
Thursday			10:00	00:30		
Friday			10:00	00:30		
Saturday			10:00	00:30		
Sunday			12:00	00:00		

Late night refreshment: Basement						
Indoors, outdoors or both			Current :		Proposed:	
			Indoors		Indoors	
	Previous licence		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	23:30	No Change		Basement	No Change
Tuesday	23:00	23:30				
Wednesday	23:00	23:30				
Thursday	23:00	23:30				
Friday	23:00	23:30				
Saturday	23:00	23:30				
Seasonal variations/ Non-standard timings:	Current: The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.				Proposed: No Change	

Late night refreshment: Ground Floor						
Indoors, outdoors or both		Current :			Proposed:	
		Indoors			Indoors	
	Previous licence		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	00:30	23:00	23:30	Ground Floor	No Change
Tuesday	23:00	00:30	23:00	23:30		
Wednesday	23:00	00:30	23:00	23:30		
Thursday	23:00	00:30	23:00	23:30		
Friday	23:00	00:30	23:00	00:00		
Saturday	23:00	00:30	23:00	00:00		
Sunday	23:00	00:00	n/a	n/a		
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.				No change	

Sale by Retail of Alcohol: Basement						
On or off sales		Current :			Proposed:	
		Both			Both	
	Previous licence		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	23:00	No Change		Basement	No Change
Tuesday	10:00	23:00				
Wednesday	10:00	23:00				
Thursday	10:00	23:00				
Friday	10:00	23:00				
Saturday	10:00	23:00				
Sunday	12:00	22:30				
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	(a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10.00 to 23.00. (b) On Sundays, other than Christmas Day or New Year's Eve, 12.00 noon to 22.30. (c) On Good Friday, 12.00 to 22.30. (d) On Christmas Day, 12.00 to 15.00 and 19.00 to 22.30.				From the end of regulated hours on New Year's Eve to the commencement of regulated hours the following day	

	<p>(e) On New Year's Eve, except on a Sunday, 10.00 to 23.00.</p> <p>(f) On New Year's Eve on a Sunday, 12.00 to 22.30.</p> <p>(g) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.</p>	
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**Sale by Retail of Alcohol: Ground Floor**

<b>On or off sales</b>	<b>Current :</b>	<b>Proposed:</b>
	Both	Both

	<b>Previous licence</b>		<b>Proposed Hours</b>		<b>Licensable Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	10:00	00:00	10:00	23:30	Ground Floor	No change
<b>Tuesday</b>	10:00	00:00	10:00	23:30	Ground Floor	
<b>Wednesday</b>	10:00	00:00	10:00	23:30	Ground Floor	
<b>Thursday</b>	10:00	00:00	10:00	23:30	Ground Floor	
<b>Friday</b>	10:00	00:00	10:00	00:00	Ground Floor	
<b>Saturday</b>	10:00	00:00	10:00	00:00	Ground Floor	
<b>Sunday</b>	12:00	23:30	12:00	22:30	Ground Floor	

<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>	<b>Proposed:</b>
	<p>(h) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10.00 to 23.00.</p> <p>(i) On Sundays, other than Christmas Day or New Year's Eve, 12.00 noon to 22.30.</p> <p>(j) On Good Friday, 12.00 to 22.30.</p> <p>(k) On Christmas Day, 12.00 to 15.00 and 19.00 to 22.30.</p> <p>(l) On New Year's Eve, except on a Sunday, 10.00 to 23.00.</p> <p>(m) On New Year's Eve on a Sunday, 12.00 to 22.30.</p> <p>(n) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.</p>	From the end of regulated hours on New Year's Eve to the commencement of regulated hours the following day

Hours premises are open to the public: Basement						
	Previous licence		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
<b>Monday</b>	10:00	23:30	No change		Basement	No change
<b>Tuesday</b>	10:00	23:30			Basement	
<b>Wednesday</b>	10:00	23:30			Basement	
<b>Thursday</b>	10:00	23:30			Basement	
<b>Friday</b>	10:00	23:30			Basement	
<b>Saturday</b>	10:00	23:30			Basement	
<b>Sunday</b>	12:00	23:00			Basement	
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>				<b>Proposed:</b>	
	N/A				From the end of regulated hours on New Year's Eve to the commencement of regulated hours the following day	

Hours premises are open to the public: Ground Floor						
	Previous licence		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
<b>Monday</b>	10:00	00:30	No change		Ground Floor	No Change
<b>Tuesday</b>	10:00	00:30			Ground Floor	
<b>Wednesday</b>	10:00	00:30			Ground Floor	
<b>Thursday</b>	10:00	00:30			Ground Floor	
<b>Friday</b>	10:00	00:30			Ground Floor	
<b>Saturday</b>	10:00	00:30			Ground Floor	
<b>Sunday</b>	12:00	00:00			Ground Floor	
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>				<b>Proposed:</b>	
	N/A				From the end of regulated hours on New Year's Eve to the commencement of regulated hours the following day	

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	The Metropolitan Police ( <i>withdrawn</i> ) subject to conditions 9-18 in Appendix 3
<b>Representative:</b>	PC Sandy Russell
<b>Received:</b>	8 <sup>th</sup> November 2017

With reference to the above application, I am writing to inform you that the Metropolitan Police, as a responsible authority, will be objecting to this application. It is our belief that if granted the application would undermine the Licensing Objectives

The conditions shown on Premises Licence: 09/10275/LIPD need updating. Please let me know whether your client would be willing to have the following conditions added to the operating schedule:

- The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
- 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.
- There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol
- All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
- Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.
- All outside tables and chairs shall be rendered unusable by (timings TBC) each day.
- A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised

photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

- 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. It must be completed within 24 hours of the incident and 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, searching equipment or scanning equipment
- (g) any refusal of the sale of alcohol
- (h) any visit by a relevant authority or emergency service.

- Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them
- 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.

***The Police representation has been withdrawn due to discussions and agreement of proposed conditions with the applicant as set out at Conditions 9-18 in Appendix 3 of the report. The agreement between both parties does not include the proposed restaurant condition***

<b>Responsible Authority:</b>	The Environmental Health Service
<b>Representative:</b>	Mr Ian Watson
<b>Received:</b>	28th November 2017

I refer to the application for a New Premises Licence for the above premises.

The applicant has submitted floor plans of the Ground and Lower Ground floors.



This representation is based on the plans and operating schedule submitted.

The applicant is seeking the following

1. To provide for the Supply of Alcohol 'On' and 'Off' the premises Monday to Saturday between 10.00 and 00.00 hours and Sunday between 12.00 to 23.30 hours. Monday to Saturday between 10.00 and 23.00 hours and Sunday between 12.00 to 22.30 hours for Lower Ground. New Year's Eve to New Year's Day.
2. To provide Late Night Refreshment 'Indoors' Monday to Saturday between 23.00 and 00.30 hours and Sunday between 23.00 to 00.00 hours. Monday to Saturday between 23.00 and 23.30 hours for lower ground. New Year's Eve to New Year's Day.
3. To provide regulated entertainment 'indoors' comprising
  - Recorded MusicMonday to Saturday between 10.00 to 00.30 hours. Sunday 12.00 to 00.00 hours.
4. Unrestricted private entertainment of dancing, music and other entertainment.

I wish to make the following representation

1. The hours requested for the Supply of Alcohol will have the likely effect of causing an increase in Public Nuisance 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 and impact on Public Safety within the area.
3. The hours requested to permit the provision of regulated entertainment will have the likely effect of causing an increase in Public Nuisance within the area and impact on Public Safety.
4. The hours requested to permit the provision of regulated entertainment will have the likely effect of causing an increase in Public Nuisance within the area and impact on Public Safety.

The applicant has only offered the conditions on a lapsed licence which are insufficient for this application and do not address the licensing objectives.

2-B Other Persons	
<b>Received:</b>	10 <sup>th</sup> November 2017
<p>I object on the basis the closing time of 00:30 in most instances will cause significant disturbance to I and other nearby residents. The area is already well provisioned with existing late night refreshment venues, 3 on this road, and more further up towards Portobello and the public library road towards Bayswater. An earlier closing time of 22.30 will be more satisfying for me.</p> <p>The building is not suited to cater for this type of business. Noise will be an inevitable trouble, as it emits out onto the street and into neighbouring homes. The likelihood of anti social behaviour from patrons entering and exiting the premises will cause significant disruption and distress to myself in my home when it occurs. I also have concerns for its fire safety provisions.</p>	
<b>Received:</b>	26 <sup>th</sup> November 2017
<p>SEBRA has members in the vicinity of the premises and in block of flats opposite as well as in the general surrounding area</p> <p>We note circumstances of applying for hours etc on old expired licence but believe application should be treated as a new application, especially as hours of opening and Late Night Refreshment past midnight in a very residential location.</p> <p>We do not know who is to operate premises and what type of operation proposed but believe new licence should be for WCC Core Hours, with food ancillary to taking substantial food with table service, and customers off the premises at the end of Core Hours.</p> <p>We could not access plans so not clear on layout, any 'bar area' etc and not sure on position of another vacant premise next door which was previously licensed No 125.</p> <p>We are against any application for live music or other entertainment or dancing.</p> <p>We also would want more control on hours etc for private area at front of 127 Westbourne Park Road especially as residential flats immediately above and too either side of premises as well as opposite.</p> <p>The pavement outside the premises is relatively narrow and would not want any customers standing/ queuing / drinking / smoking or using mobile phones on this pavement as sometimes busy pedestrian flow on this side of road and also any noise etc will affect adjoining residents above and opposite.</p> <p>We believe WCC model restaurant conditions are required e.g. In respect of CCTV, hours of servicing &amp; deliveries, hours of refuse &amp; recycling collections (have been problems in past on refuse/ recycling bags being collected in early hours of morning on several licensed premises in Westbourne Park Road), notices asking customers to leave quietly, Challenge 25, keep front area clean &amp; tidy at all times with any tables &amp; chairs taken inside when</p>	

outside use ceases, no noise to come from premises that would affect adjacent residential neighbours etc

We believe application does include off-sales of alcohol and have some concern as to this element of application. If 'off sales' allowed would want hours restricted to 'WCC Off - Sales Core Hours' and for no sale of beer / cider over 5.%5 ABV.

Also not clear on 'takeaway' sales as these days have great concern over nuisance caused by services such as Deliveroo in terms of noise etc and delivery of alcohol to minors. Also would want no 'Late Night Refreshment' sales' passed 23- 00 (22.30 Sundays & Bank Holidays)

<b>Received:</b>	10 <sup>th</sup> November 2017
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I object to this application on the grounds of excessive noise and potential for further rodent infestation.

The applicant's existing premises at 137 Westbourne Park Road already creates a noise disturbance late at night, and I feel that having additional premises on the other side of my property will add to the noise levels, creating more of a nuisance.

Further to this, with flytipping already an issue in the area, the generation of more waste (in particular, food), will attract further vermin to the area.

<b>Received:</b>	23 <sup>rd</sup> November 2017
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This comment is neither in support of or objection to the application, rather it is one concerning the proposed decibel and vibration level of the music at the premises. I am aware that Westminster does have maximum levels of noise permitted in licensed premises but my concern is not merely about enforcing current permitted noise levels but also to ensure that the level of vibration from loudspeakers is also controlled as well.

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<b>Policy HRS1 applies:</b>	(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.  (ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.
<b>Policy PB1 applies:</b>	Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.

### 4. Equality Implications

The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- a) Eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act,
- b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it, and
- c) Foster good relations between persons who share relevant protected characteristics and persons who do not share it.

Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

## 5. Appendices

<b>Appendix 1</b>	Applicant supporting documents
<b>Appendix 2</b>	Premises history
<b>Appendix 3</b>	Proposed conditions
<b>Appendix 4</b>	Copy of the Existing Licence <b>09/10275/LIPD</b>
<b>Appendix 5</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Miss Yolanda Wade Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 1884 Email: <a href="mailto:ywade@westminster.gov.uk">ywade@westminster.gov.uk</a>

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

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

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2017
<b>4</b>	The Application Form	1 <sup>st</sup> November 2017
<b>5</b>	The Metropolitan Police- Rep ( <i>withdrawn</i> )	8 <sup>th</sup> November 2017
<b>6</b>	The Environmental Health Service- Rep	28 <sup>th</sup> November 2017
<b>7</b>	Representation	10 <sup>th</sup> November 2017
<b>8</b>	Representation	26 <sup>th</sup> November 2017
<b>9</b>	Representation	10 <sup>th</sup> November 2017
<b>10</b>	Representation	23 <sup>rd</sup> November 2017

**Applicant Supporting Documents**

Appendix 1

(None)

**Licence & Appeal History**

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
05/08653/LIPC	Application for an existing licence to be converted to a premises licence under the Licensing Act 2003 and application to vary the premises licence simultaneously	22.09.2005	Granted under delegated authority
06/04581/WCCMAP	This is the master copy of the licence	18.05.2006	Granted under delegated authority
09/10275/LIPD <i><b>The licence lapsed because of the previous licence holder's voluntary liquidation and the licence was not transferred with the 28 days required.</b></i>	This is a request for a copy of the premises licence	18.12.2009	Granted under delegated authority

**There is no appeal history**

**Temporary Event Notices:**

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
10/05582/LITENP	This was an application for a Temporary Event Notice	26.07.2010	Notice allowed
10/10672/LITENP	This was an application for a Temporary Event Notice	23.12.2010	Notice allowed
11/07784/LITENP	This was an application for a Temporary Event Notice	12.08.2011	Notice allowed
11/10435/LITENP	This was an application for a Temporary Event Notice	24.10.2011	Notice allowed
11/11490/LITENP	This was an application for a Temporary Event Notice	22.11.2011	Notice allowed
11/11821/LITENP	This was an application for a Temporary Event Notice	30.11.2011	Notice allowed
11/12053/LITENP	This was an application for a Temporary Event Notice	07.12.2011	Notice allowed
11/12509/LITENP	This was an application for a Temporary Event Notice	20.12.2011	Notice allowed
12/07077/LITENP	This was an application for a Temporary Event Notice	14.08.2012	Notice allowed
12/09318/LITENP	This was an application for a Temporary Event Notice	26.10.2012	Notice allowed
12/09674/LITENP	This was an application for a Temporary Event Notice	09.11.2012	Notice allowed
12/09676/LITENP	This was an application for a Temporary Event Notice	09.11.2012	Notice allowed



12/11175/LITENP	This was an application for a Temporary Event Notice	27.12.2012	Notice allowed
15/03076/LITENP	This was an application for a Temporary Event Notice	30.04.2015	Notice allowed
15/08762/LITENP	This was an application for a Temporary Event Notice	16.10.2015	Notice allowed
15/09944/LITENP	This was an application for a Temporary Event Notice	17.12.2015	Notice allowed
16/00151/LITENP	This was an application for a Temporary Event Notice	02.02.2016	Notice allowed
16/02666/LITENP	This was an application for a Temporary Event Notice	05.05.2016	Notice allowed
16/08906/LITENP	This was an application for a Temporary Event Notice	26.08.2016	Notice allowed
16/10512/LITENP	This was an application for a Temporary Event Notice	31.10.2016	Notice allowed
16/13551/LITENP	This was an application for a Temporary Event Notice	19.12.2016	Notice allowed
17/02017/LITENP	This was an application for a Temporary Event Notice	02.03.2017	Notice allowed

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

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

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

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

**Mandatory Conditions**

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
  - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
    - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
    - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or

less in a manner which carries a significant risk of undermining a licensing objective;

- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
  - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml;
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

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

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

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

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

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

Where -

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

**Conditions proposed by the Police and agreed by the Applicant so as to be incorporated into the Operating Schedule**

9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
10. 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.
11. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
12. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol
13. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
14. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.
15. All outside tables and chairs shall be rendered unusable by 23.00hrs each day.
16. 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. It must be completed within 24 hours of the incident and 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, searching equipment or scanning equipment
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service.
17. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them

18. During the Notting Hill Carnival Event: On the Sunday and Monday of the August Bank Holiday there shall be :- No entry or re-entry between 19.00hrs-21.00hrs, No off sales of alcohol after 19.00hrs, no off sales in glass containers at any time.

**Conditions proposed by the Environmental Health Service and not agreed by the Applicant**

19. The supply of alcohol within the hatched area shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.

***Propose amendment by Applicant:***

The supply of alcohol in all public licensed areas other than the blue shaded area shown on the plans shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.

20. The supply of alcohol within the hatched area shall be by waiter or waitress service only.

***Propose amendment by Applicant:***

The supply of alcohol in all public licensed areas other than the blue shaded area shown on the plans shall be by waiter or waitress service only.

21. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises. Except for alcohol consumed by persons seated at the outside tables and chairs.
22. 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.
23. The number of persons permitted in the basement at any one time (excluding staff) shall not exceed 40 persons.
24. There shall be no sales of alcohol for consumption off the premises after 23.00 hours.
25. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00 hours.
26. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
27. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.

28. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
29. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
30. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
31. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
32. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
33. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
34. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 22.00 hours and 07.00 hours on the following day.
35. No deliveries to the premises shall take place between 23.00 and 07.00 hours on the following day.
36. The premises may remain open for the sale of alcohol and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.
37. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.

### **Proposed conditions by Interested Parties**

38. 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.
39. Notices asking customers to leave quietly, Challenge 25, keep front area clean & tidy at all times with any tables & chairs taken inside when outside use ceases, no noise to come from premises that would affect adjacent residential neighbours etc

40. In respect of CCTV, hours of servicing & deliveries, hours of refuse & recycling collections (have been problems in past on refuse/ recycling bags being collected in early hours of morning on several licensed premises in Westbourne Park Road), notices asking customers to leave quietly, Challenge 25, keep front area clean & tidy at all times with any tables & chairs taken inside when outside use ceases, no noise to come from premises that would affect adjacent residential neighbours etc
41. No sale of beer / cider over 5.5% ABV.
42. No 'Late Night Refreshment' sales' passed 23- 00 (22.30 Sundays & Bank Holidays)





**City of Westminster**

64 Victoria Street, London, SW1E 6QP

Schedule 12  
Part A

WARD: Bayswater  
UPRN: 010033571586

Premises licence

Regulation 33, 34

<b>Premises licence number:</b>	09/10275/LIPD
<b>Original Reference:</b>	05/08653/LIPC

**Part 1 – Premises details**

**Postal address of premises:**

Lucky 7  
Basement And Ground Floor  
127 Westbourne Park Road  
London  
W2 5QL

**Telephone Number:** C/O 020 7339 7010

**Where the licence is time limited, the dates:**

Not applicable

**Licensable activities authorised by the licence:**

Playing of Recorded Music  
Late Night Refreshment  
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit  
Sale by Retail of Alcohol

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

<b>Playing of Recorded Music</b>	Unrestricted
<b>Late Night Refreshment</b>	
Monday to Saturday:	23:00 to 00:30 (Ground Floor)
Sunday:	23:00 to 00:00 (Ground Floor)
Monday to Saturday:	23:00 to 23:30 (Basement)
<b>Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit</b>	Unrestricted
<b>Sale by Retail of Alcohol</b>	
Monday to Saturday:	10:00 to 00:00 (Ground Floor)
Sunday:	12:00 to 23:30 (Ground Floor)
Monday to Saturday:	10:00 to 23:00 (Basement)
Sunday:	12:00 to 22:30 (Basement)

*For times authorised for Christmas, New Year and Good Friday see conditions at Annex 1*

**The opening hours of the premises:**

Monday to Saturday:	10:00 to 00:30 (Ground Floor)
Sunday:	12:00 to 00:00 (Ground Floor)
Monday to Saturday:	10:00 to 23:30 (Basement)
Sunday:	12:00 to 23:00 (Basement)

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

Alcohol is supplied for consumption both on and off the Premises.

**Part 2**

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

Reliable Times Limited  
Finsgate  
5-7 Cranwood Street  
London  
EC1V 9EE  
Electronic Mail : [ajc@jgrlaw.co.uk](mailto:ajc@jgrlaw.co.uk)  
Telephone Number : C/O 020 7339 7010

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

03834172

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

Name: Mr Thomas Gerard Conran

*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: 05/09614/LIPERS  
Licensing Authority: City Of Westminster Council

Date: 2 February 2010

Signed: pp  
Operational Director - Premises Management

## **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.

**Conditions reproducing the effect of conditions subject to which the relevant existing licenses have effect.**

### **Conditions for Sale of Alcohol**

4. Substantial food and non-intoxicating beverages including drinking water shall be available throughout the permitted hours in all parts of the premises where intoxicants are provided.
5. The maximum number of persons including staff to be present shall not exceed the number specified in writing from time to time by the Proper Officer of the LFEPA.

**Conditions which reproduce the effect of any restriction imposed on the use of the premises by specified enactments.**

6. (i) Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours.

In this condition, permitted hours means:

- (a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10.00 to 23.00.
- (b) On Sundays, other than Christmas Day or New Year's Eve, 12.00 noon to 22.30.
- (c) On Good Friday, 12.00 to 22.30.
- (d) On Christmas Day, 12.00 to 15.00 and 19.00 to 22.30.
- (e) On New Year's Eve, except on a Sunday, 10.00 to 23.00.
- (f) On New Year's Eve on a Sunday, 12.00 to 22.30.
- (g) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.

### **For the Ground Floor Only:**

- (ii) Alcohol may be sold or supplied for one hour following the hours set out above (other than Christmas Day and New Year's Eve), and on Christmas Day, between 15:00 and 19:00, to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes or in other parts of the premises the hours set out above shall continue to apply.

NOTE - The above restrictions do not prohibit:

- (a) during the first thirty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking table meals there if the alcohol was supplied for consumption as ancillary to the meals;

- (d) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (f) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (h) the taking of alcohol from the premises by a person residing there;
- (i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
- (j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

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

7. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:
- (a) He is the child of the holder of the premises licence.
  - (b) He resides in the premises, but is not employed there.
  - (c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
  - (d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

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

**Annex 2 – Conditions consistent with the operating Schedule**

None

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

None

**Annex 4 – Plans**

Attached



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

Schedule 12  
Part B

WARD: Bayswater  
UPRN: 010033571586

Premises licence  
summary

Regulation 33, 34

Premises licence number:

09/10275/LIPD

**Part 1 – Premises details**

**Postal address of premises:**

Lucky 7  
Basement And Ground Floor  
127 Westbourne Park Road  
London  
W2 5QL

**Telephone Number:** 020 7339 7010

**Where the licence is time limited, the dates:**

Not applicable

**Licensable activities authorised by the licence:**

Playing of Recorded Music  
Late Night Refreshment  
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit  
Sale by Retail of Alcohol

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

<b>Playing of Recorded Music</b>	Unrestricted
<b>Late Night Refreshment</b>	
Monday to Saturday:	23:00 to 00:30 (Ground Floor)
Sunday:	23:00 to 00:00 (Ground Floor)
Monday to Saturday:	23:00 to 23:30 (Basement)

**Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit** Unrestricted

**Sale by Retail of Alcohol**

Monday to Saturday:	10:00 to 00:00 (Ground Floor)
Sunday:	12:00 to 23:30 (Ground Floor)
Monday to Saturday:	10:00 to 23:00 (Basement)
Sunday:	12:00 to 22:30 (Basement)

*For times authorised for Christmas, New Year and Good Friday see conditions at Annex 1*



**The opening hours of the premises:**

Monday to Saturday:	10:00 to 00:30 (Ground Floor)
Sunday:	12:00 to 00:00 (Ground Floor)
Monday to Saturday:	10:00 to 23:30 (Basement)
Sunday:	12:00 to 23:00 (Basement)

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

Alcohol is supplied for consumption both on and off the Premises.

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

Reliable Times Limited  
Finsgate  
5-7 Cranwood Street  
London  
EC1V 9EE

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

03834172

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

Name: Mr Thomas Gerard Conran

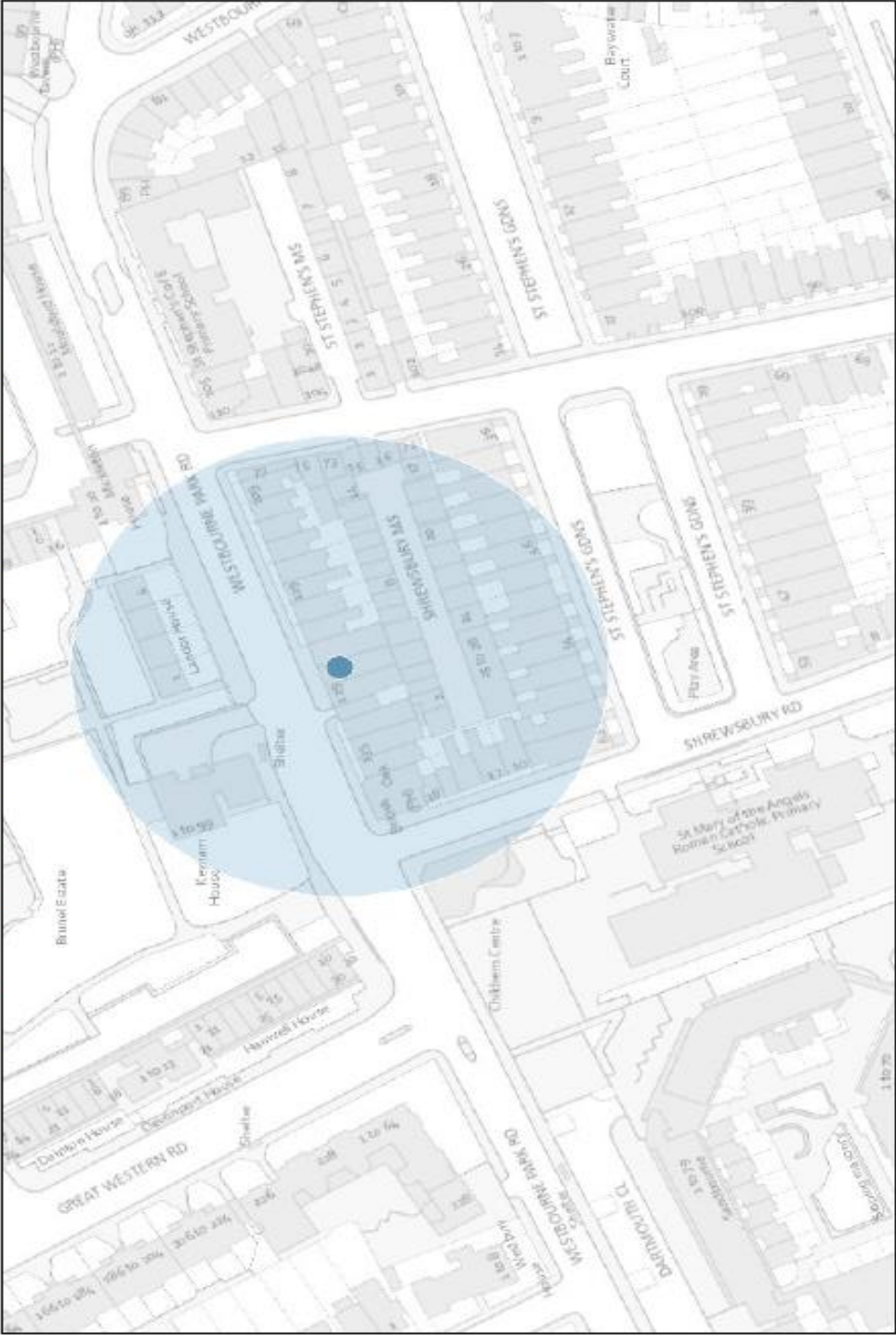
**State whether access to the premises by children is restricted or prohibited:**

Restricted

Date: 2 February 2010

Signed: pp  
Operational Director - Premises Management

**Basement And Ground Floor 127 Westbourne Park Road**



January 3, 2018

**Resident Count: 247**

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**Premises within 75 metres of: Basement And Ground Floor 127  
Westbourne Park Road**

<b>p / n</b>	<b>Name of Premises</b>	<b>Premises Address</b>	<b>Licensed Hours</b>
1.183219	Lucky 7	Basement And Ground Floor 127 Westbourne Park Road London W2 5QL	Monday to Saturday; 10:00 - 00:30 (Ground Floor)   Monday to Saturday; 10:00 - 23:30 (Basement)   Sunday; 12:00 - 23:00 (Basement)   Sunday; 12:00 - 00:00 (Ground Floor)
20.20569	Londis	133 Westbourne Park Road London W2 5QL	Monday to Sunday; 06:00 - 22:00
32.73817	The Oak	137 Westbourne Park Road London W2 5QL	Monday to Saturday 10:00 - 00:30   Sunday; 12:00 - 00:00
46.29596	Nisa Local	1 Keyham House Westbourne Park Road London W2 5UH	Monday to Saturday 08:00 - 23:00   Sunday; 10:00 - 22:30