



City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	13 August 2020
Licensing Ref No:	20/04542/LIPV - Premises Licence Variation
Title of Report:	Kol 9 Seymour Street London W1H 7JW
Report of:	Director of Public Protection and Licensing
Wards involved:	Bryanston And Dorset Square
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Jessica Donovan Senior Licensing Officer
Contact details	Telephone: 020 7641 6500 Email: jdonovan@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	11 June 2020		
Applicant:	Kol Mjmk Limited		
Premises:	Kol		
Premises address:	9 Seymour Street London W1H 7JW	Ward:	Bryanston and Dorset Square
		Cumulative Impact Area:	None
Premises description:	This premises currently operates as a restaurant.		
Variation description:	<p>The application seeks the following:</p> <ul style="list-style-type: none"> To extend the permitted hours for licensable activities until 01:00 the morning following Monday to Saturday and until 00:00 Sunday. 		
Premises licence history:	The premises have had the benefit of a licence, Licence number 19/14450/LIPN from 2017. A copy of the licence can be found at Appendix 4 .		
Applicant submissions:	There are no submissions from the applicant.		
Amendment to application:	During consultation, the applicant agreed with the Environmental Health Service to reduce the terminal hour for the off sales of alcohol to core hours.		

1-B Current and proposed licensable activities, areas and hours						
Late night refreshment						
Indoors, outdoors or both		Current :			Proposed:	
		Indoors			No variation sought	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	23:30	23:00	01:00	Basement and Ground Floor	No variation sought
Tuesday	23:00	23:30	23:00	01:00		
Wednesday	23:00	23:30	23:00	01:00		
Thursday	23:00	23:30	23:00	01:00		
Friday	23:00	00:00	23:00	01:00		
Saturday	23:00	00:00	23:00	01:00		
Sunday	N/A	N/A	23:00	00:00		
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	Sundays prior to bank holidays/public holidays 23:00 until 00:00. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.				No variation sought	

Sale by Retail of Alcohol						
On or off sales			Current :		Proposed:	
			On sales		No variation sought	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	23:30	10:00	01:00	Basement and Ground Floor	No variation sought
Tuesday	10:00	23:30	10:00	01:00		
Wednesday	10:00	23:30	10:00	01:00		
Thursday	10:00	23:30	10:00	01:00		
Friday	10:00	00:00	10:00	01:00		
Saturday	10:00	00:00	10:00	01:00		
Sunday	12:00	22:30	12:00	00:00		
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	Sundays prior to bank holidays/public holidays 12:00 until 00:00. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.				No variation sought	

Sale by Retail of Alcohol						
On or off sales			Current :		Proposed:	
			Off sales		No variation sought	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	23:30	10:00	23:00	Basement and Ground Floor	No variation sought
Tuesday	10:00	23:30	10:00	23:00		
Wednesday	10:00	23:30	10:00	23:00		
Thursday	10:00	23:30	10:00	23:00		
Friday	10:00	00:00	10:00	23:00		
Saturday	10:00	00:00	10:00	23:00		
Sunday	12:00	22:30	12:00	22:30		
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	Sundays prior to bank holidays/public holidays 12:00 until 00:00. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.				No variation sought	

Hours premises are open to the public

	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	07:30	23:30	07:30	01:00	Basement and Ground Floor	No variation sought
Tuesday	07:30	23:30	07:30	01:00		
Wednesday	07:30	23:30	07:30	01:00		
Thursday	07:30	23:30	07:30	01:00		
Friday	07:30	00:00	07:30	01:00		
Saturday	07:30	00:00	07:30	01:00		
Sunday	07:30	22:30	07:30	00:00		
Seasonal variations/ Non-standard timings:	Current: Sundays prior to bank holidays/public holidays until 00:00. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.				Proposed: No variation sought	

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Service (<i>Withdrawn 15 July 2020</i>)
Representative:	Ayesha Bolton
Received:	06 July 2020
<p>I refer to the application for variation of a Premises Licence for the above premises.</p> <p>This representation is based on the application and operating schedule submitted.</p> <p>The applicant is seeking the following:</p> <ol style="list-style-type: none">1. To provide Supply of Alcohol both "On" and 'Off' the premises, Monday to Saturday 10.00 to 01.00 hours and Sunday 12.00 to 00.00 hours.2. To provide Late Night Refreshment indoors Monday to Saturday 23.00 to 01.00 hours and Sunday 23.00 to 00.00 hours. <p>I wish to make the following representation:</p> <ol style="list-style-type: none">1. Representation raised. The hours requested for the Supply of Alcohol will have the likely effect of causing an increase in Public Nuisance within the area.2. Representation raised. The hours requested for the Late Night Refreshment will have the likely effect of causing an increase in Public Nuisance within the area. <p>Should you wish to discuss the matter further please do not hesitate to contact me.</p> <p>Following agreement of an additional condition, the Environmental Health Service withdrew their representation on 15 July 2020.</p>	
Responsible Authority:	Metropolitan Police Service (<i>Withdrawn 21 July 2020</i>)
Representative:	PC Bryan Lewis
Received:	07 July 2020
<p>With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, object to this application as it is our belief that if granted this application would undermine the Licensing Objectives contained within the 2003 Licensing Act for the following reasons:</p> <ul style="list-style-type: none">• Insufficient steps proposed to promote the licensing objectives.• Terminal hour for the sale of alcohol <p>I will be in contact with you to provide further information regarding this objection.</p> <p>Following agreement of additional conditions, the Metropolitan Police Service withdrew their representation on 21 July 2020.</p>	

2-B Other Persons			
Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	04 July 2020		

THIS REPRESENTATION is made by [REDACTED], which is recognised by Westminster as the Amenity Society for [REDACTED] and so represents the interests of those who live and work in this area.

We are writing on behalf of the local community OBJECTING to the above application by Kol Mjmk Limited.

The Portman Estate applied for a Premises Licence (17/06650/LIPST) for the site of the old Marylebone Police Station on 15th June 2017 when redeveloping. This application was granted with Core Hours and standard conditions.

On 12th February 2020 Licence number 19/14450/LIPN was granted to Kol Mjmk Limited for a new restaurant. Again this was for Core Hours. Probably due to the Coronavirus emergency the restaurant has not opened (at the time of writing). Despite this the operators are already submitting an application to extend hours. This is very premature.

We understand that this is to be a Mexican themed restaurant and will be large, covering two floors of the building with 90 covers. This sounds a very exciting prospect and the Association welcomes its establishment and wishes it success. However, we do not have any experience as to how it will be run, what type of clientele it will attract and what sort of inconvenience will be caused by departing guests to local residents. Without wanting to be clichéd it seems to us that the point of a Mexican restaurant is to be cheerful and noisy. From experience it is known that cheerful and noisy crowds within venues serving alcohol frequently turn out to be cheerful and noisy when they spill out into surrounding streets. The fact that alcohol is an important part of the proposition is highlighted by the proposed condition whereby "alcohol may be supplied and consumed prior to their meal in the bar area (in the basement, as designated on the plan), by up to a maximum at any one time, of (30) persons dining at the premises". (19/14450/LIPN: Annex 2, Clause 11)

The restaurant is located immediately next door to the boutique Leonard Hotel with rooms overlooking the street. (Their restaurant closes at 10:30pm.) Directly opposite there is a terrace of 4-storey Georgian houses ([REDACTED]) which are sub-divided into many apartments.

It seems obvious to us that there is a danger that diners leaving the new restaurant will cause a noise nuisance which would be exacerbated by the lower ambient noise levels normal at 1:00am in the morning.

We therefore believe that this application if granted as applied for will be contrary to the following Licensing Objective: The Prevention of Public Nuisance.

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy HRS1 applies	<p>(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.</p> <p>(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.</p> <p>For premises for the supply of alcohol for consumption on the premises:</p> <p>Monday to Thursday: 10:00 to 23:30 Friday and Saturday: 10:00 to midnight Sundays immediately prior to Bank Holidays: Midday to midnight Other Sundays: Midday to 22:30</p> <p>For premises for the supply of alcohol for consumption off the premises:</p> <p>Monday to Saturday: 08:00 to 23:00 Sundays: 10:00 to 22:30</p> <p>For premises for the provision of other licensable activities:</p> <p>Monday to Thursday: 09:00 to 23.30 Friday and Saturday: 09:00 to midnight Sundays immediately prior to Bank Holidays: 09:00 to midnight Other Sundays: 09:00 to 22:30</p>
Policy RNT1 applies	<p>Applications will generally be granted and reviews determined, subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1.</p>

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 a 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, Marriages and Civil Partnerships, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

5. Appendices

Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Submission on behalf of [REDACTED]
Appendix 4	Premises licence and premises history
Appendix 5	Proposed conditions
Appendix 6	Residential map and list of premises in the vicinity

Report author:	Miss Jessica Donovan Senior Licensing Officer
Contact:	Telephone: 020 7641 6500 Email: jdonovan@westminster.gov.uk

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

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	07 January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Environmental Health Service representation <i>(Withdrawn 15 July 2020)</i>	06 July 2020
5	Metropolitan Police Service representation <i>(Withdrawn 21 July 2020)</i>	07 July 2020
6	Resident representation	04 July 2020

Applicant Supporting Documents

Appendix 2

There are no supporting documents from the applicant.

Re: Kol, 9 Seymour Street, London W1H 7JW

Application to vary premises licence, ref: 20/04542/LIPV

Submission on behalf of [REDACTED]

1 Introduction

1.1 This submission is made on behalf of [REDACTED] I have been asked to represent the [REDACTED] at the remote hearing on 13 August. [REDACTED] will also be attending the remote hearing.

1.2 The [REDACTED] is a not for profit organisation staffed entirely by volunteers in their spare time. They aim to *'represent the interests of everyone in Marylebone who live and work in this very special area of London. We nurture, promote and support initiatives that add to the unique character and quality of life in our area. We want to see Marylebone thrive and develop as one of the most interesting and balanced urban environments in London.'* [REDACTED] [REDACTED] is part of the West End Community Network, the Westminster Amenity Societies Forum and a member of the London Forum of Amenity and Civic Societies.

2 The application

2.1 The premises is on the site of the old Marylebone Police Station. at 1-9 Seymour Street. The site was redeveloped by Portman Estates. The redevelopment included A3 restaurant use.

2.2 The application seeks:

2.2.1 To vary the terminal hour for the sale of alcohol for consumption on and off the premises to 1am Mon-Sat, midnight Sun.

2.2.2 To vary the terminal hour for late night refreshment to 1am Mon-Sat, midnight Sun

2.2.3 To vary the terminal hour when the premises is open to customers to 1am Mon-Sat, midnight Sun

2.3 No additional conditions were offered with the application.

2.4 We understand that the applicant has subsequently agreed to a number of conditions proposed by the Metropolitan Police, as below:

'There shall a minimum of one SIA door supervisor on duty from 22:00 hours until the premises has closed and all customers have vacated the premises, Thursday, Friday and Saturday. Door supervisors shall display their SIA licence when on duty.'

'Last entry time to the premises for customers shall be midnight.'

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

2.5 Whilst these conditions are considered helpful, they do not mitigate the likely adverse impact of extending the terminal hour to 1am.

3 Licensing and planning history

3.1 It is believed that the current licence (ref: 19/14450/LIPN) was granted as recently as January 2020. It is further believed that the premises has not in fact yet operated. The ■■■ feel that this application is distinctly premature for these reasons.

3.2 The licence permits sale of alcohol for consumption on and off the premises, late night refreshment and opening to the public to a terminal hour consistent with policy HRS1 i.e. for 'core hours'.¹

3.3 The licence is subject to a number of conditions, including:

9. The supply of alcohol shall be by waiter or waitress service only.

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

11. Notwithstanding condition (2), alcohol may be supplied and consumed prior to their meal in the bar area (in the basement, as designated on the plan), by up to a maximum at any one time, of (30) persons dining at the premises.

12. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.

3.4 The licence application in 2019 followed the grant of a provisional statement in 2017 (ref: 17/06650/LIPST) to Portman Estates, also to 'core hours'. That application was said to be '*following and consistent with the grant of planning permission no. 14/10978/FULL*'.

3.5 The ■■■ did not object to either of these applications. They were and are happy with a licence being granted to 'core hours'.

3.6 The planning application 14/10978/FULL covered the entire development at 1-9 Seymour Street. The A3 element - i.e. the applicant premises – is conditioned such that customers are not allowed on the premises outside of the following hours: 9am to 11.30pm Monday-Thursday, 9am to midnight Friday-Saturday, and midday to 10.30pm Sunday and Bank Holidays.²

3.7 The proposed hours are therefore well outside the hours permitted under the planning permission. There is no record of a pending planning application to extend those hours.

¹ Although the terminal hour for 'off sales' is the same as for 'on sales' i.e. outside the 'core hours' for 'off sales'.

² Condition 25 of 14/10978/FULL.

(b) Whether there is residential accommodation in the proximity of the premises that would be likely to be adversely affected by premises being open or carrying out operations at the hours proposed.

(c) The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.

(f) The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.

(g) Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.

5.4 Para 2.3.5 of the Policy reflects the [REDACTED] concerns:

'Activity associated with late night licensed premises may have an impact on the local environment and may cause public nuisance. The effect of noise is greater later at night when ambient noise levels are lower and residents are at home relaxing or wishing to sleep.'

5.5 Policy RNT1 states that:

'Applications will generally be granted and reviews determined, subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1.'

5.6 The criteria for Policy PN1 states that the criteria against which an application will be determined are:

'The potential for nuisance associated with the style, characteristics and activities of the business to be carried on at the premises and the potential steps which could be taken to reduce the risk of nuisance occurring.'

5.7 The [REDACTED] believes that the Policy, when looked at 'in the round' mitigates against granting this application, on its own merits.

6 Conclusion

6.1 When determining licence applications, the focus should be on evaluating what is 'reasonably acceptable' in a particular location (R (on the application of Hope & Glory Public House Ltd) v (1) City of Westminster Magistrates' Court & Ors [2011] EWCA Civ 31). The scope of the licence and conditions should be looked at in a local context (Matthew Taylor v (1) Manchester City Council (2) TCG Bars Ltd [2012] EWHC 3467 (Admin)).

6.2 The [REDACTED] accepts that the risks to the licensing objectives are largely obviated in this location by a licence to 'core hours' – indeed, the planning authority agreed. However, they feel that a 1am licence is likely to harm the licensing objectives. The application is for a permanent change to the licence in circumstances where the City Council is receiving many such applications.

6.3 Thank you for taking the time to consider the content of this submission. [REDACTED] will be participating in the hearing on 13 August and will be happy to answer any questions Members may have.

Richard Brown, Citizens Advice Westminster

Premises Licence

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

Schedule 12
Part A

WARD: Bryanston
And Dorset Square
UPRN: 100023461596

Premises licence

Regulation 33, 34

Premises licence
number:

19/14450/LIPN

Original Reference:

19/14450/LIPN

Part 1 – Premises details

Postal address of premises:

9 Seymour Street
London
W1H 7JW

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Late Night Refreshment
Sale by Retail of Alcohol

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

Late Night Refreshment

Monday to Thursday: 23:00 to 23:30

Friday to Saturday: 23:00 to 00:00

Seasonal variations: Sundays prior to bank holidays/public holidays 23:00 until 00:00

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day

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

Seasonal variations: Sundays prior to bank holidays/public holidays 12:00 until 00:00

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

The opening hours of the premises:

Monday to Thursday: 07:30 to 23:30

Friday to Saturday: 07:30 to 00:00

Sunday: 07:30 to 22:30

Seasonal variations: Sundays prior to bank holidays/public holidays until 00:00

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

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:

Kol Mjmk Limited
25 Newman Street
London
England
W1t 1PN

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

11503178

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

Name: Mr Marco Mendes

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: LICPL/04094/13

Licensing Authority: North Hertfordshire District Council

Date: 12 February 2020

This licence has been authorised by Kevin Jackaman 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

9. The supply of alcohol shall be by waiter or waitress service only.
10. The supply of alcohol shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
11. Notwithstanding condition (2), alcohol may be supplied and consumed prior to their meal in the bar area (in the basement, as designated on the plan), by up to a maximum at any one time, of (30) persons dining at the premises.
12. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
13. No deliveries to the premises shall take place between 23.00 and 07.00 on the following day.
14. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
15. All windows and external doors shall be kept closed after 23:00 hours, except for the immediate access and egress of persons.
16. 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.
17. 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.
18. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
19. 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.
20. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00.
21. 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.

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. 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.
23. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
24. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23.00) hours and (07.00) hours on the following day.
25. No collections of waste or recycling materials (including bottles) from the premises shall take place between (23.00) and (07.00) on the following day.
26. No licensable activities shall take place at the premises until the licensing authority are satisfied that the premises is constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association - Technical Standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition shall be removed from the licence by the licensing authority.
27. No licensable activities shall place take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined.

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

None



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

Schedule 12
Part B

Premises licence
summary

WARD: Bryanston
And Dorset Square
UPRN: 100023461596

Regulation 33, 34

Premises licence
number:

19/14450/LIPN

Part 1 – Premises details

Postal address of premises:

9 Seymour Street
London
W1H 7JW

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Late Night Refreshment
Sale by Retail of Alcohol

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

Late Night Refreshment

Monday to Thursday: 23:00 to 23:30

Friday to Saturday: 23:00 to 00:00

Seasonal variations: Sundays prior to bank holidays/public holidays 23:00 until 00:00

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day

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

Seasonal variations: Sundays prior to bank holidays/public holidays 12:00 until 00:00

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

The opening hours of the premises:

Monday to Thursday: 07:30 to 23:30

Friday to Saturday: 07:30 to 00:00

Sunday: 07:30 to 22:30

Seasonal variations: Sundays prior to bank holidays/public holidays until 00:00

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

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:

Kol Mjmk Limited
25 Newman Street
London
England
W1t 1PN

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

11503178

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

Name: Mr Marco Mendes

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

Restricted

Date: 12 February 2020

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

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
17/06650/LIPST	Provisional Statement	23.08.2017	Granted Under Delegated Authority
19/14450/LIPN	New premises application	13.01.2020	Granted Under Delegated Authority

There is no appeal history

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

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

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

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

Conditions: On Current Licence -

Mandatory:

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

- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor.

For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

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

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

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

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

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

Where -

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

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

Annex 2 – Conditions consistent with the operating Schedule

9. The supply of alcohol shall be by waiter or waitress service only.
10. The supply of alcohol shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
11. Notwithstanding condition (2), alcohol may be supplied and consumed prior to their meal in the bar area (in the basement, as designated on the plan), by up to a maximum at any one time, of (30) persons dining at the premises.
12. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
13. No deliveries to the premises shall take place between 23.00 and 07.00 on the following day.
14. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
15. All windows and external doors shall be kept closed after 23:00 hours, except for the immediate access and egress of persons.
16. 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.
17. 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.
18. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
19. 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
20. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00.
21. 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.

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. 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.
23. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
24. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23.00) hours and (07.00) hours on the following day.
25. No collections of waste or recycling materials (including bottles) from the premises shall take place between (23.00) and (07.00) on the following day.
26. No licensable activities shall take place at the premises until the licensing authority are satisfied that the premises is constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association - Technical Standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition shall be removed from the licence by the licensing authority.
27. No licensable activities shall place take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined.

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

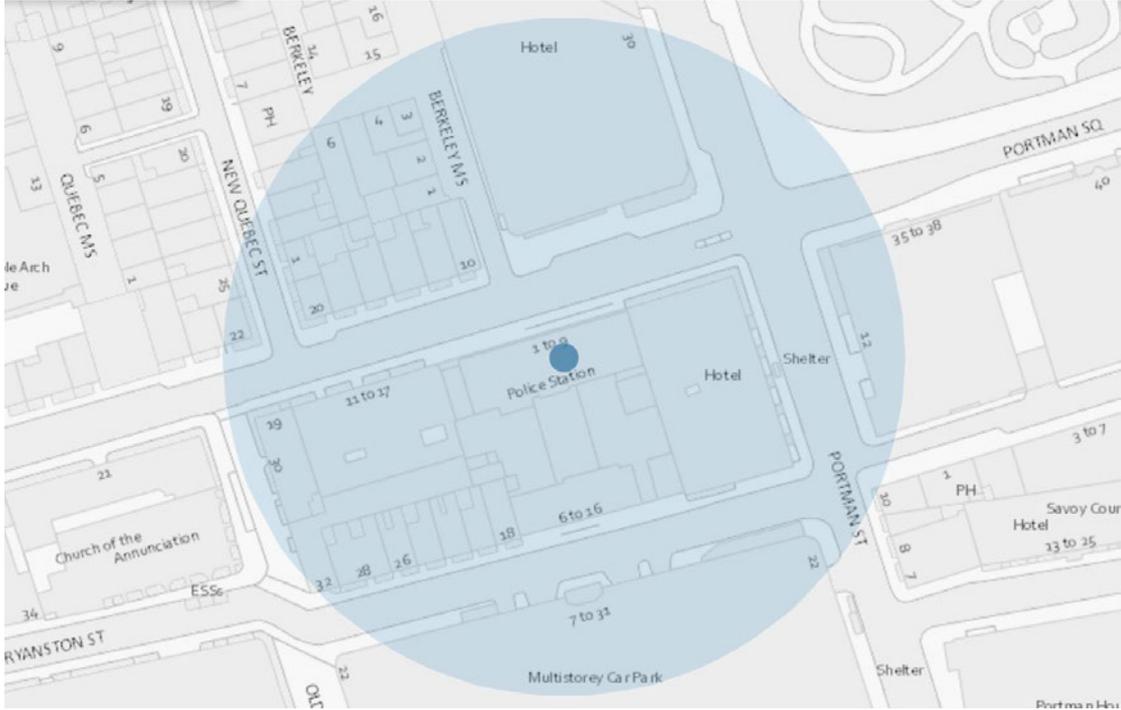
None

Conditions proposed by the Environmental Health Service and agreed with the applicant so as to form part of the operating schedule

28. There shall be no sales of alcohol for consumption off the premises after 23.00 hours Monday to Saturday and 22.30 hours on Sunday.

Conditions proposed by the Metropolitan Police Service and agreed with the applicant so as to form part of the operating schedule

29. There shall a minimum of one SIA door supervisor on duty from 22:00 hours until the premises has closed and all customers have vacated the premises, Thursday, Friday and Saturday. Door supervisors shall display their SIA licence when on duty.
30. Last entry time to the premises for customers shall be midnight.
31. Patrons permitted to temporarily leave and then re-enter the premises, eg to smoke shall not be permitted to take drinks or glass containers with them.



Resident Count: 69

Licensed premises within 75 Metres of 9 Seymour Street, London, W1H 7JW

Licence Number	Trading Name	Address	Premises Type	Time Period
19/14450/LIPN	Not Recorded	9 Seymour Street London W1H 7JW	Restaurant	Monday to Thursday; 07:30 - 23:30 Friday to Saturday; 07:30 - 00:00 Sunday; 07:30 - 22:30
17/06650/LIPST	A3 Unit	9 Seymour Street London W1H 7JW	Restaurant	Monday to Thursday; 07:30 - 23:30 Friday to Saturday; 07:30 - 00:00 Sunday; 07:30 - 22:30 Sundays before Bank Holidays; 07:30 - 00:00
14/09172/LIPVM	Locanda Locatelli Restaurant	8 Seymour Street London W1H 7JZ	Restaurant	Monday to Saturday; 09:00 - 03:30 Sunday; 12:00 - 00:30 Sundays before Bank Holidays; 12:00 - 03:30 New Year's Eve; 09:00 - 09:00
07/01355/WCCMAP	Double Tree By Hilton London Marble Arch	4 Bryanston Street London W1H 7BY	Restaurant	Monday to Saturday; 10:00 - 23:30 Monday to Sunday; 00:00 - 00:00 Sunday; 12:00 - 23:00
06/09579/WCCMAP	The Leonard Hotel	11-17 Seymour Street London W1H 7JW	Hotel, 3 star or under	Monday to Saturday; 10:00 - 23:30 Sunday; 12:00 - 23:00
13/07491/LIPN	Daisy Green	Basement And Ground Floor 20 Seymour Street London	Cafe	Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00

		W1H 7HX		Sunday; 12:00 - 22:30
16/08377/LIPD	Red Sun	Basement And Ground Floor 2A New Quebec Street London W1H 7RD	Restaurant	Monday to Saturday; 10:00 - 23:30 Sunday; 12:00 - 23:00
20/02416/LIPDPS	Hyatt Regency The Churchill Hotel	Ground Floor To Seventh Floor 30 Portman Square London W1H 7BH	Hotel, 4+ star or major chain	Monday to Saturday; 09:00 - 03:30 Sunday; 12:00 - 00:30