

# Licensing Sub-Committee Report

Item No:	
Date:	
Licensing Ref No:	20/06415/LIPN - New Premises Licence
Title of Report:	Baker and Spice 54-56 Elizabeth Street London SW1W 9PB
Report of:	Director of Public Protection and Licensing
Wards involved:	Knightsbridge And Belgravia
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Jessica Donovan Senior Licensing Officer
Contact details	Telephone: 020 7641 6500 Email: Jdonovan@westminster.gov.uk

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	28 July 2020		
<b>Applicant:</b>	Baker And Spice (London) Limited		
<b>Premises:</b>	Baker and Spice		
<b>Premises address:</b>	54-56 Elizabeth Street London SW1W 9PB	<b>Ward:</b>	Knightsbridge And Belgravia
		<b>Cumulative Impact Area:</b>	None
<b>Premises description:</b>	This is an application for a new premises licence to operate as a local delicatessen serving Coffee all day, homemade cakes and a full range of deli items and a dine in menu offering brunch and light mains.		
<b>Premises licence history:</b>	The premises had the benefit of a licence between 2006 and 2008 in which it was surrendered. A copy of the licence can be found at <b>Appendix 4</b> along with the premises licence history.		
<b>Applicant submissions:</b>	The applicant has provided a letter to the residents which can be seen at <b>Appendix 2</b> .		
<b>Application Amendments:</b>	Following consultation, the applicant has amended the start time for the Sale by retail of Alcohol from 10:00 to 11:30 on Sundays.		

Sale by retail of alcohol				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
<b>Start:</b>	10:00	10:00	10:00	10:00	10:00	10:00	10:00
<b>End:</b>	21:00	21:00	21:00	21:00	21:00	21:00	21:00
<b>Seasonal variations/ Non-standard timings:</b>	N/A						

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
<b>Start:</b>	07:30	07:30	07:30	07:30	07:30	07:30	07:30
<b>End:</b>	21:00	21:00	21:00	21:00	21:00	21:00	21:00
<b>Seasonal variations/ Non-standard timings:</b>	N/A						

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Environmental Health Service
<b>Representative:</b>	Maxwell Owusu Koduah
<b>Received:</b>	12 August 2020
<p>I refer to the application for a new Premises Licence number for the above-mentioned premises. I have considered the information that you have provided within and accompanying this application. I have also considered the application in line with the relevant policies within the Councils Statement of Licensing Policy dated January 2016.</p> <p>The applicant is seeking to supply alcohol for consumption “on” and “off” the premises Monday to Sunday from 10:00 hours to 21:00 hours</p> <p><b>Following consideration of the application and how it may affect the Licensing Objectives and meeting the requirements of the Council’s Statement of Licensing Policy I wish to make the following representations:</b></p> <p>The supply of alcohol and the hours requested to supply alcohol may have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the area</p> <p>As presented, the application would have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the area</p> <p>Applicant is asked to contact the undersigned for further discussion and following this, additional conditions may be recommended by Environmental Health to support the licensing objectives Prevention of Public Nuisance and Public Safety.</p>	
<b>Responsible Authority:</b>	Metropolitan Police Service ( <i>Withdrawn 27 August 2020</i> )
<b>Representative:</b>	PC Dave Morgan
<b>Received:</b>	25 August 2020
<p>With reference to the above, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, are making a representation against this application.</p> <p>There are few conditions contained within the operating schedule and it is our belief that if granted the application would undermine the Licensing Objectives in relation to The Prevention of Crime and Disorder.</p> <p>In order to move forward, I have listed the following conditions that the Police would like to see on the Premises Licence.</p> <ol style="list-style-type: none"><li>1. The supply of alcohol at the premises shall only be to persons seated at tables.</li><li>2. 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 provided to patrons seated at tables within the authorised external seating area.</li><li>3. 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</li></ol>	

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.

4. 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.
5. 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.
6. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
7. 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.
8. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
9. 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.

If these conditions are agreed, I would be willing to withdraw my representation.

**Following agreement of additional conditions, the Metropolitan Police Service withdrew their representation on 27 August 2020.**

2-B Other Persons			
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	25 August 2020		
I would like to strongly object to the granting of an alcohol licence as it will be to the detriment of the residents in the neighbourhood. The additional noise and public nuisance that will be inevitable is just not acceptable for people who live in the area and who already suffer from the noise and unsociable behaviour from patrons leaving other establishments on and around [REDACTED]			
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	19 August 2020		
I would like to object to the proposed application for a licence to sell alcohol at Baker & Spice. In [REDACTED] we already have approximately six establishments selling alcohol in a very [REDACTED] with two more scheduled to open in the near future: a new restaurant on the corner of Ebury Street and Elizabeth Street as well as the refurbished Ebury Wine Bar. The disruption and noise that all these pub/restaurants make is already very disturbing, not to mention the endless refuse collections at all times of the day and night. There is also the problem of the noise that revellers who have had too much to drink make upon their departure from such establishments late into the night, therefore I would like to strongly oppose the facilitation of yet another licensed establishment in the street.			
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	19 August 2020		
Ref: New premises license application for Baker and Spice (London) Limited at 54-56 Elizabeth Street, London, SW1W 9PB. Reference 20/06415/LIPN			
With regard to the above license application, we wish to object to the granting of a license for Baker and Spice. There is already one licensed premises [REDACTED], namely The Thomas Cubitt, plus the wine shop Jeroboams further up the street. The noise generated by The Thomas Cubitt is particularly bad in the evening, especially as some people opt to finish their drinks in [REDACTED]. In addition, [REDACTED] [REDACTED] [REDACTED] We would anticipate that granting a new license in this area of Elizabeth Street, would only increase the noise levels in this primarily residential area and for that reason would ask you to turn down their application.			

<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association</b>		[REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	21 August 2020		
<p>I am writing to object to the application for a liquor licence. Baker and Spice is a busy cafe and it is already very noisy early in the morning and throughout the week, including Sundays. An alcohol licence and later opening hours will exacerbate the situation. [REDACTED] already is very well served with several restaurants and public houses in the street itself and many more within a short walking distance. This means that in the evenings and at weekends, the street is very noisy and quite often there have been incidents with drunk and disorderly behaviour. I feel strongly that we do not wish to add to this. Moreover, this is an area with many families with small children, as there are many popular schools nearby, who have all been effected by late night noise and disruptions. Furthermore, with the new social distancing rules, many establishments are spilling out onto the pavements and the increase in noise is very noticeable. We really do not wish to add to what is already a difficult state of affairs. Thank you.</p>			
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association</b>		[REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	25 August 2020		
<p>[REDACTED] Baker and Slice and already since its opening suffer from the loss of peace and quiet from early activities opening at 6:30am therefore setting up at 6am. Elizabeth Street has many alcohol licences this Baker and Spice is a coffee shop/deli the amount of rubbish the deliveries morning and collection of rubbish and shutting down daily end of business all creates a lesser environment [REDACTED]. The added suggestion for alcohol adds even greater disruption to the already maximised pain [REDACTED]. The business are already stretched as are the residents. Objection is clearly in order.</p>			
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association</b>		[REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	24 August 2020		
<p>Much as I like Baker and Space I think another alcohol licence on Elizabeth street will only add to a whole range of other problems that [REDACTED] have dealt with over many years.</p> <p>With increased footfall, and licencing until 9.00, It would be especially bad [REDACTED].</p> <p>Also what is to stop Baker and Spice getting the licence and assigning to a third party.</p> <p><b>Further correspondence received on 25<sup>th</sup> August 2020:</b></p> <p>In case it was not received yesterday I strongly object to this licence application as it will add to public nuisance for neighbours situated nearby.</p>			

We already have problems [REDACTED] with drinkers and closing times, we don't need more. Baker and Spice has always been a cafe, why is it turning into a bar?

**Name:**

**Address and/or Residents Association**

**Status:**

Valid

**In support or opposed:**

Opposed

**Received:**

04 August 2020

I strongly object to the supply of alcohol in the premises baker and spice on Elizabeth street.

Our quality of life is diminished since the opening of the cafe whereby the premises begins at 6:30 am.

The street already offers alcohol in many premises of which we are continually [REDACTED] trying to manage the noise and major disturbance of drunken behaviour.

The added noise of bottles also would be of great disturbance.

I also add that 21:00 closing is not acceptable in any way.

This would rubbish on our streets overnight. B&S being especially large in the rubbish department.

We are continually objecting to the request of this business to supply alcohol to its customers.

We absolutely request the right of peace and quiet.

Thank you in advance of the rule of objection.

**Further representation received on 25<sup>th</sup> August 2020:**

I strongly object to having another alcohol licence [REDACTED] Which is already awash with alcohol.

The increase of noise from customers deliveries rubbish collection will be unacceptable.

The business starts at 5:30am 7 days a week to extend the hours would decrease my quality of life. [REDACTED].

We have been continually asking the business to stop activity between closing at 7pm to opening at 6:30am.

Objection please.

**Name:**

**Address and/or Residents Association**

**Status:**

Valid

**In support or opposed:**

Opposed

**Received:**

10 August 2020

I refer to the above reference number for a licensing application and wish to register my objection

The granting of a licensing application would prevent my continued quiet enjoyment of the immediate environs.

[REDACTED]

Noise and revelry which will necessarily result from a licence application being granted to Baker & Spice given the longer opening hours will affect the peace and quiet that I currently enjoy [REDACTED] after 5pm.

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<b>Policy HRS1 applies</b>	<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><b>For premises for the supply of alcohol for consumption on the premises:</b></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><b>For premises for the supply of alcohol for consumption off the premises:</b></p> <p>Monday to Saturday: 08:00 to 23:00            Sundays: 10:00 to 22:30</p>
<b>Policy RNT1 applies</b>	Applications will generally be granted and reviews determined, subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1.
<b>Policy OS1 applies</b>	Applications will generally be granted and reviews determined subject to the relevant criteria in Policies CD1, PS1, PN1 CH1 and HRS1 and other policies in this Statement.

### 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

<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents
<b>Appendix 3</b>	Resident's further submissions
<b>Appendix 4</b>	Surrendered premises licence and premises history
<b>Appendix 5</b>	Proposed conditions
<b>Appendix 6</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Jessica Donovan Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 6500 Email: <a href="mailto:jdonovan@westminster.gov.uk">jdonovan@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	07 January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
<b>4</b>	Environmental Health Service representation	12 August 2020
<b>5</b>	Metropolitan Police Service representation <i>(Withdrawn 27 August 2020)</i>	25 August 2020
<b>6</b>	Resident representation 1	25 August 2020
<b>7</b>	Resident representation 2	19 August 2020
<b>8</b>	Resident representation 3	19 August 2020
<b>9</b>	Resident representation 4	21 August 2020
<b>10</b>	Resident representation 5	25 August 2020
<b>11</b>	Resident representation 6	24 August 2020
<b>12</b>	Resident representation 7	04 August 2020
<b>13</b>	Resident representation 8	10 August 2020



**Applicant's email to the residents**

Dear Residents,

Thank you for your time and attention to our application for a premises licence for 54 Elizabeth Street.

I appreciated your concerns and have read through all of the objections. I would like to start by acknowledging that many of the objections referred to noise currently made at the premises ahead of opening hours. We have taken note of this and will review with the managers ways which we can look to reduce this as an immediate action.

Through these challenging times, as a business, we have had to consider new ways to generate income for the business and adapt.

Our primary business is as a cafe, serving coffee, baked goods and our deli range of breakfast and lunch items and this will continue to be the core of our business, the addition of a small selection of wine, Prosecco and a very limited bottled beer is to add to the experience for guests already choosing to dine with us. The stipulation for the purchase of alcohol will be that it must be consumed as part of a meal and as part of table service.

We have also discussed with the council changes to the original application which we hope the residents will find favourably.

- Changed the hours of sales of alcohol on a Sunday from 10:00am to 11:30am.
- Amended the off premises purchase to be only for delivery as part of a meal or purchased from our retail range which will be limited to a red, white and a rose wine only.
- Agreed we will not sell beers on draught and that the delivery of alcohol to the unit is only allowed after 08:00am.

Alongside this the licence also stipulates that we maintain CCTV of the premises, implement challenge 25 to verify customers age prior to the purchase of alcohol, that a number will be available on the website to contact the management, a notice when leaving the premises asking customers to leave quietly and have respect for our neighbours alongside all standard conditions for the sale of alcohol.

We hope that you will appreciate our attention to the objections and that we are looking to work with the residence as part of your community to address concerns and make the changes necessary to ensure the peace and enjoyment of the residents whilst allowing us to continue to grow our business.

Kind regards

Mide

**██████████ further submissions**

Dear Karyn,

Thank you for your email.

The problem is not how Baker and Spice will manage an alcohol licence, but that Elizabeth Street already has a full complement of bars, pubs and restaurants, where the public may consume alcoholic beverages. The street does not need another premises open late and serving alcohol. Moreover, there are a myriad of further drinking establishments a stone's throw away.

Elizabeth Street is already at the limit of noise levels, especially in the evenings and the busy weekend periods. With many of the existing places using COVID social distances as a reason to put tables outside, the street has never been as busy or as noisy.

Furthermore, Baker and Spice is a bakery cafe, not a bar. Its core trade and identity is making cafe food and serving coffee. Young families go there for pre and post school treats and that is its main reputation, not as a wine bar. We need to safeguard some areas for the many families with young children who live in the area, or visit the street due to all the neighbourhood schools.

Elizabeth Street does not need another drinking place.

Yours sincerely,

██████████

On 27 Aug 2020, at 15:26, Abbott, Karyn: WCC <[kabbott@westminster.gov.uk](mailto:kabbott@westminster.gov.uk)> wrote:

Dear All

Please see below list of conditions that the applicant has agreed with the Police.

1. The supply of alcohol at the premises shall only be to persons seated at tables.
2. 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 provided to patrons seated at tables within the authorised external seating area.
3. 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.
4. 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.
5. 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.
6. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale.

The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.

7. 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.

8. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

9. 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.

Please advise if this satisfies your concerns and you will be will withdraw your representation?

Many Thanks

Karyn Abbott  
Senior Licensing Officer

**From:** Abbott, Karyn: WCC  
**Sent:** 27 August 2020 13:01  
**To:** Abbott, Karyn: WCC <[kabbott@westminster.gov.uk](mailto:kabbott@westminster.gov.uk)>  
**Cc:** Licensing: WCC <[Licensing@westminster.gov.uk](mailto:Licensing@westminster.gov.uk)>  
**Subject:** FW: 20/06415/LIPN, 54-56 Elizabeth Street

Dear All

Please see below a letter from the applicant regarding 54-56 Elizabeth Street and attached a number of conditions that have been agreed with Environmental Health.

Please advise if these address your concerns and you'd be likely to withdraw your representation?

Many Thanks

Karyn Abbott  
Senior Licensing Officer

**further submissions**

Dear Karyn

Thank you for your updates. Unfortunately I would like to keep my objection as we really do not want any more alcohol serving premises in the neighbourhood than we already have. The situation is untenable as it is with the noise that is created by tipsy patrons leaving the various establishments in the late evening.

Many thanks

On Thu, Aug 27, 2020 at 4:26 PM Abbott, Karyn: WCC <[kabbott@westminster.gov.uk](mailto:kabbott@westminster.gov.uk)> wrote:

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Dear All

Please see below a letter from the applicant regarding 54-56 Elizabeth Street and attached a number of conditions that have been agreed with Environmental Health.

Please advise if these address your concerns and you'd be likely to withdraw your representation?

Many Thanks

Karyn Abbott

Senior Licensing Officer

**██████████ further submissions**

Dear Karyn thank you for your email regarding the sales of alcohol at Baker Spice on Elizabeth street.

Beyond the added disruption of more delivery vehicles polluting both the air and sound. Beyond the noise from the waste of the empty bottles. And beyond the nature of alcohol prohibiting users senses and therefore responses becoming more exaggerated and therefore louder.

Baker and Spice is used by children.

I am sure the council would agree that as children use the business as a cafe pre school and after and following national news that there is a serious problem with alcohol addiction that it does not wish to be seen to support the sale of alcohol at place where children use in such a way.

I am disappointed to see the council pushing further the sale alcohol on ██████████  
██████████

Alcohol related deaths in this country in [2019 7551](#).

Alcohol is a highly addictive substance and should be treated with caution and certainly not presented in a place of safety where young children are regularly attending.

██████████ we have objected to both the alcohol sales and later opening.

I have stressed that prior to Covid 19 that the Baker and Spice business was suffering and had been locked out of the premises only last year for a month for rental arrears.

Why would the council support further down grade to the ██████████ right to peace and quality of life?

Yours faithfully.

██████████  
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Many Thanks

Karyn Abbott

Senior Licensing Officer

**██████████ further submission**

Dear Karyn,

I hope you are well. With regard to your email outlining additional conditions agreed with Environmental Health, I am afraid that they do not assuage my concerns regarding the granting of yet another licence to sell alcohol in Elizabeth Street.

With regard to Item 2, concerning the sale of alcohol to be consumed off the premises, I am not sure that would prevent customers from drinking in the street that which they have just purchased. Indeed, Sainsbury's Local further along Elizabeth Street obviously sells alcohol and one can pass by most days and see people consuming their alcoholic purchases on the pavement. Baker & Spice is a café which is frequented by families with children and I believe that they go there because it is a cafe not a pub and therefore there is no requirement for alcohol. Lastly, I would like to reiterate my earlier point that Elizabeth Street is a very small street and it already has approximately eight restaurants and bars which sell alcohol so I do not believe we need an additional café selling alcohol and increasing the exponential level of noise which we are now experiencing since new measures have been introduced allowing outside tables to be placed along a great section of the street.

Yours sincerely,

██████████  
On 27 Aug 2020, at 14:26, Abbott, Karyn: WCC <[kabbott@westminster.gov.uk](mailto:kabbott@westminster.gov.uk)> wrote:

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Please see below list of conditions that the applicant has agreed with the Police.

1. The supply of alcohol at the premises shall only be to persons seated at tables.
2. 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 provided to patrons seated at tables within the authorised external seating area.
3. 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.
4. 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.
5. 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.
6. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
7. 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.
8. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

9. 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.

Please advise if this satisfies your concerns and you will be will withdraw your representation?

Many Thanks

Karyn Abbott

Senior Licensing Officer

From: Abbott, Karyn: WCC

Sent: 27 August 2020 13:01

To: Abbott, Karyn: WCC <[kabbott@westminster.gov.uk](mailto:kabbott@westminster.gov.uk)>

Cc: Licensing: WCC <[Licensing@westminster.gov.uk](mailto:Licensing@westminster.gov.uk)>

Subject: FW: 20/06415/LIPN, 54-56 Elizabeth Street

Dear All

Please see below a letter from the applicant regarding 54-56 Elizabeth Street and attached a number of conditions that have been agreed with Environmental Health.

Please advise if these address your concerns and you'd be likely to withdraw your representation?

Many Thanks

Karyn Abbott

Senior Licensing Officer

**Surrendered premises licence**



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

Schedule 12  
Part A

WARD: Knightsbridge  
And Belgravia  
UPRN: 999000041265

Premises licence

Regulation 33, 34

Premises licence  
number:

08/06121/LIPDPS

Original Reference:

06/11816/LIPN

**Part 1 – Premises details**

**Postal address of premises:**

Baker & Spice  
54-56 Elizabeth Street  
London  
SW1W 9PB

**Telephone Number:** Not Supplied

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

Not applicable

**Licensable activities authorised by the licence:**

Sale by Retail of Alcohol

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

**Sale by Retail of Alcohol**  
Monday to Sunday  
Non-standard Timings: N/A

11:00 to 19:00

**The opening hours of the premises:**

Monday to Sunday:

11:00 to 23:30

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

Alcohol is supplied for consumption off the Premises.

**Part 2**

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

Baker & Spice Limited  
Harben House  
Harben Parade  
Finchley Road  
London  
NW3 6LH

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

03039351

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

**Name:** Miss Suga Gunasegaram

*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:** 01SX/WK/200504762  
**Licensing Authority:** London Borough of Barnet

**Date:** 31 July 2008

**Signed:** pp Director of Community Protection

## **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.

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

None

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

4. The premises will maintain a comprehensive CCTV system that ensures that all entry and exit points are monitored which enable frontal identification of every person entering in any light condition. All cameras shall continually record whilst the premises are open to the public and the recordings shall be kept available for a minimum of 31 days with time and date stamping. Recordings shall be made available to an authorised officer or a police officer together with facilities for viewing. The recordings for the preceding two days shall be made available immediately on request. Recordings outside this period shall be made available on 24 hours notice (Subject to the Data Protection Act 1998)

All off sales shall be in sealed containers

5. No self-service of spirits

6. Any super-strength (5.5% ABV or above) beer, lagers or ciders to be sold shall be displayed behind the counter.

7. No more than 15% of the sales area to be used at any one time for the sale, exposure for sale or display of alcohol.

8. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

9. Outside of permitted hours for the sale of alcohol, signage is to be displayed within the trading area stating the permitted hours when alcohol can be sold.

10. The licence will not take effect until a CCTV system has been installed to the satisfaction of the Metropolitan Police.

11. There shall be no consumption of alcohol at the tables and chairs on the forecourt outside the premises.





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

Schedule 12  
Part B

Premises licence  
summary

WARD: Knightsbridge  
And Belgravia  
UPRN: 999000041265

Regulation 33, 34

Premises licence  
number:

08/06121/LIPDPS

Part 1 – Premises details

**Postal address of premises:**

Baker & Spice  
54-56 Elizabeth Street  
London  
SW1W 9PB

**Telephone Number:** Not Supplied

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

Not applicable

**Licensable activities authorised by the licence:**

Sale by Retail of Alcohol

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

**Sale by Retail of Alcohol**

Monday to Sunday

11:00 to 19:00

Non-standard Timings: N/A

**The opening hours of the premises:**

Monday to Saturday:

11:00 to 23:30

Sunday:

11:00 to 23:30

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

Alcohol is supplied for consumption off the Premises.

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

Baker & Spice Limited  
Harben House  
Harben Parade  
Finchley Road  
London  
NW3 6LH

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

03039351

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

**Name:** Miss Suga Gunasegaram

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

Restricted

**Date:** 31 July 2008

**Signed:** pp Director of Community Protection

### Licence & Appeal History

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
06/11816/LIPN	New premises licence application	25.01.2007	Granted by Licensing Sub-Committee
07/01862/WCCMAP	Master Licence application	25.01.2007	Granted by Licensing Sub-Committee
08/06121/LIPDPS	Application to vary the designated premises supervisor	31.07.2008	Granted Under Delegated Authority

**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 consistent with the operating schedule**

None

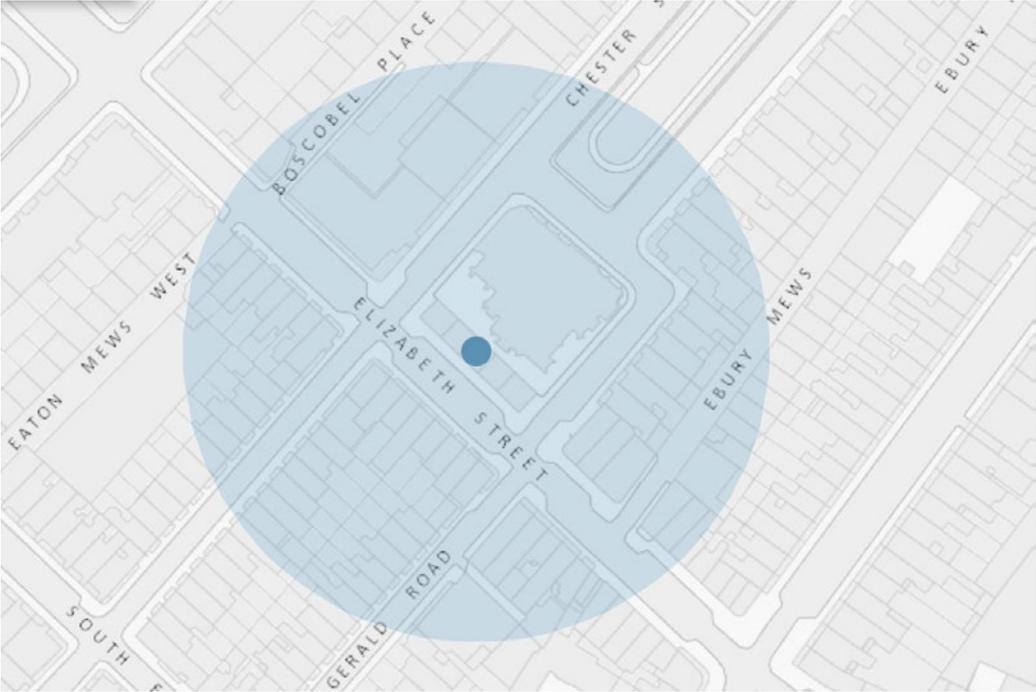
**Conditions proposed by the Police and agreed with the applicant so as to form part of the operating schedule.**

9. The supply of alcohol at the premises shall only be to persons seated at tables.
10. 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 provided to patrons seated at tables within the authorised external seating area.
11. 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.
12. 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.
13. A 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.
14. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
15. 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.
16. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
17. 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.

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

18. The supply of alcohol at the premises, including any area appropriately authorised for the use of tables and chairs, shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
19. The supply of alcohol at the premises, including any area appropriately authorised for the use of tables and chairs, shall be by waiter or waitress service only.
20. The consumption of alcohol in any area appropriately authorised for the use of tables and chairs shall cease at 21:00 hours.

21. All tables and chairs shall be removed from the outside area by 22:00 hours each day.
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. There shall be no draught beer.
24. Save for alcohol consumed at any area appropriately authorised for the use of tables and chairs, the sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.
25. Save for bottled red, white or rose wine from the retail range, the sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to a take-away meal.
26. A direct telephone number for the manager at the premises shall always be publicly available when the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
27. All waste shall be properly presented and placed out for collection no earlier than 320 minutes before the scheduled collection times.
28. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 21.00 hours and 08.00 hours on the following day.
29. No collections of waste or recycling materials (including bottles) from the premises shall take place between 21.00 and 08.00 hours on the following day.
30. With the exception of milk and bread fresh produce, no deliveries to the premises shall take place between 21.00 and 08.00 hours on the following day.
31. The number of seated persons permitted in the premises at any one time (excluding staff) shall not exceed 32 persons.



Resident Count: 142

**Licensed premises within 75 Metres of 54-56 Elizabeth Street, London, SW1W 9PB**

<b>Licence Number</b>	<b>Trading Name</b>	<b>Address</b>	<b>Premises Type</b>	<b>Time Period</b>
19/04970/LIPDPS	Jeroboams	50-52 Elizabeth Street London SW1W 9PB	Shop	Monday to Saturday; 08:00 - 23:00   Sunday; 10:00 - 22:30
12/06300/LIPN	TomTom Cigars	63 Elizabeth Street London SW1W 9PP	Shop	Monday to Friday; 09:00 - 20:00   Saturday; 09:00 - 18:00   Sunday; 11:00 - 17:00
19/10251/LIPDPS	The Thomas Cubitt	44 Elizabeth Street London SW1W 9PA	Public house or pub restaurant	Monday to Saturday; 10:00 - 23:30   Sunday; 12:00 - 22:30
14/06020/LIPDPS	Olivocarne Restaurant	61 Elizabeth Street London SW1W 9PP	Restaurant	Monday to Sunday; 09:00 - 00:30
19/11536/LIPVM	Belgravia Traders Association	Elizabeth Street London	Miscellaneous	Tuesday; 18:00 - 23:00   Tuesday to Thursday; 18:00 - 23:00   Wednesday; 18:00 - 23:00   Thursday; 18:00 - 23:00   Saturday; 11:00 - 18:00   Sunday; 11:00 - 18:00