



City of Westminster

Licensing Sub-Committee Report

Item No:

Date:

26 August 2021

Licensing Ref No:

21/00850/LIPN - New Premises Licence

Title of Report:

17th And 18th Floors
Development Site At 31 London Street, 9 Winsland Mews
And 128-144 Praed Street
London

Report of:

Director of Public Protection and Licensing

Wards involved:

Hyde Park

Policy context:

City of Westminster Statement of Licensing Policy

Financial summary:

None

Report Author:

Karyn Abbott
Senior Licensing Officer

Contact details

Telephone: 07866 019698
Email: kabbott@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	4 February 2021		
Applicant:	Great Western Developments Limited		
Premises:	17th And 18th Floors		
Premises address:	Development Site At 31 London Street, 9 Winsland Mews And 128-144 Praed Street London	Ward:	Hyde Park
		Cumulative Impact Area:	None
		Special Consideration Zone:	None
Premises description:	According to the application form, the premises proposes to operate as a rooftop bar and restaurant on the 17 th and 18 th floors. The application follows pre-application advice		
Premises licence history:	This is a new premises application and therefore no Premises Licence history exist.		
Applicant submissions:	There are no submissions from the applicant.		

1-B Proposed licensable activities and hours							
Late Night Refreshment:				Indoors, outdoors or both			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	23:00
End:	01:00	01:00	01:00	03:00	03:00	03:00	00:00
Seasonal variations/ Non-standard timings:			None				

Live Music				Indoors, outdoors or both			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	12:00	12:00	12:00	12:00	12:00	12:00	12:00
End:	01:00	01:00	01:00	03:00	03:00	03:00	00:00
Seasonal variations/ Non-standard timings:			None				

Recorded Music				Indoors, outdoors or both			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	12:00	12:00	12:00	12:00	12:00	12:00	12:00
End:	01:00	01:00	01:00	03:00	03:00	03:00	00:00
Seasonal variations/ Non-standard timings:			None				

Sale by retail of alcohol				On or off sales or both:			On
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	12:00
End:	01:00	01:00	01:00	03:00	03:00	03:00	00:00
Seasonal variations/ Non-standard timings:		None					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	08:00	08:00	08:00	08:00	08:00	08:00	11:00
End:	01:00	01:00	01:00	03:00	03:00	03:00	00:00
Seasonal variations/ Non-standard timings:		None					
Adult Entertainment:		None					

2. Representations

2-A	Responsible Authorities
Responsible Authority:	Metropolitan Police Service
Representative:	PC Reaz Guerra
Received:	23 February 2021
<p>With reference to the above applications, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, are objecting to this application as it is our belief that if granted the application would undermine the Licensing Objectives.</p> <p>There is insufficient detail within the operating schedule to promote the Licensing Objectives. The hours sought exceed Westminster's Core Hours Policy</p> <p>An officer from this unit will be in contact with you shortly to discuss the application. However it is for the applicant to prove that this application will not add to the cumulative impact problems already experienced in this area.</p> <p>It is for these reasons that we are objecting to the application.</p> <p>Conditions have been proposed by the Metropolitan Police Service these can be found at Appendix 4.</p>	
Responsible Authority:	Environmental Health Service
Representative:	Dave Nevitt
Received:	04 March 201
<p>I wish to make Representations on the following grounds:</p> <p>Representation is made in relation to the application, as the proposals are likely to increase the risk of Public Nuisance and may impact upon Public Safety.</p> <p>The hours sought for Licensable activities are in excess of the 'Core Hours' as set out in the City Council's Licensing Policy.</p>	

2-B Other Persons			
Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	28 th February 2021		
<p>Development Site At 31 London Street, 9 Winsland Mews And 128-144 Praed Street London - 17th and 18th floor rooftop bar and restaurant Application ref: 21/00850/LIPN</p> <p>Our comments are made as an Amenity Society recognised by Westminster City Council. We are officially charged with working towards the preservation and enhancement of the architectural and environmental quality of Little Venice, Maida Vale and the Paddington Waterway area (including planning and licensing issues).</p> <p>We recognise that these premises will be run as a business and we are aware that it has to be a viable operation. Presumably they will be providing services for locals as well as people who are not residents in this area, although we do have concerns that this particular premises may become a landmark 'destination' venue focusing more on those not resident in the area.</p> <p>We are very keen to ensure that an appropriate balance is maintained between the legitimate rights of business and the equally legitimate and important rights of residents.</p> <p><u>Introduction</u></p> <p>Our representation is made on the basis that the likely impact of the application, if granted, would be to harm the licensing objective of prevention of public nuisance and prevention of crime and disorder.</p> <p>The application is one of 8 applications which have been submitted for this development. As such, it is clearly appropriate to raise the issue of 'cumulative impact', which is a recognised concept under Licensing Act 2003. Although the development site is not situated in an area designated as a 'cumulative impact area' in the City Council's Statement of Licensing Policy 2021, it is recognised in the Guidance issued under s182 Licensing Act 2003 that it is nevertheless open to interested parties to</p> <p>make representations on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives (see para 14.42). Given that 8 applications are being made for one development, it is clearly necessary for the City Council when considering each application on its merits to evaluate the impact of the licences in totality.</p> <p>We would ask that if the licensing authority is minded to grant the application, it should be with amendments and additional conditions.</p> <p><u>The application</u></p> <p>The current application seeks:</p> <p>Hours for sale of alcohol: 10am to 1am Mon-Weds, 10am to 3am Thurs-Sat, 11am to midday Sun.</p>			

Late night refreshment to same terminal hour as alcohol.

Live music and recorded music - same terminal hour as alcohol.

Opening – 8am to 1am Mon-Weds, 8am to 3am Thurs-Sat, 11am to midnight Sun.

It seems that all activities would also take place on the external roof terrace.

A number of conditions have been offered but our view is that these are insufficient.

Reasons for representation

Based on the documentation submitted, the following points are relevant:

1. The terminal hours for sale of alcohol and other licensable activities are far too late, particularly with no detail about how the premises would operate or who the proposed tenant is.
2. The same point arises for the opening hours.
3. There is no indication as to how dispersal is to be managed. No dispersal policy has been submitted. The hammersmith and City, Circle and District lines are not part of the 24 hour tube network. A licensed premises with these terminal hours would inevitably impact severely on residents in the area.
4. There is no indication of the proposed capacity – this could impact on dispersal.
5. There are no conditions covering waste/recycling, and we do not believe that this has been addressed under planning either.
6. Activities late at night on the terrace will cause a noise nuisance.
7. Although described in the application as a 'restaurant', there are no conditions supporting this use. Indeed, there is no requirement even for patrons to be seated.
8. There is no explanation as to why regulated entertainment is required. Will the premises operate as a nightclub?
9. Will there be security for this premises and/or for the development as a whole?
10. As it stands, the entire premises could operate as a vertical drinking bar/nightclub. Whilst this may not be the intention, we would ask for reductions in hours and activities, and additional conditions to prevent this.
11. We are concerned at the potential cumulative impact of the licensed premises in the development – see above.

Conclusion

We are also aware that applications are often amended to take into account concerns raised by responsible authorities or other persons. Please let us know if any amendments are made to this application so that we can consider if they resolve our concerns and, if appropriate, liaise with local residents.

If a hearing takes place, we will endeavour to attend. Or appoint Richard Brown to represent us.

Name:		[REDACTED]	
Address and/or Residents Association		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support of opposed:	Opposed
Received:	02 March 2021		

We, as freehold owners of the of the [REDACTED], write to object to a series of eight license applications submitted on behalf of Great Western Developments Ltd. We have a particular interest in these licensing applications as we are in close proximity to the subject units and as we operate a hotel business – the future success of which, post-pandemic, will be linked to the quality of overnight accommodation we can provide our guests. Our objection is particularly within the context of the impact on our business which has resulted from the pandemic, and the support the hotel industry needs as a whole.

The licence applications we object to hold the following reference numbers:

21/00817/LIPN – Restaurant at units 34, 35 and 41 of the Paddington Square Development – Indoor refreshment and the sale of alcohol, ending at 23:30 Mon-Thurs, 00:00 Fri-Sat, and 22:30 Sun. Matching opening times, excepting on Sunday where closure is at 23:00.

21/00824/LIPN – Restaurant at units 36 and 42 of the Paddington Square Development – Indoor refreshment and the sale of alcohol, ending at 23:30 Mon-Thurs, 00:00 Fri-Sat, and 22:30 Sun. Matching opening times, excepting on Sunday where closure is at 23:00.

21/00845/LIPN – Restaurant at unit 1 of the Paddington Square Development – Indoor refreshment and the sale of alcohol, ending at 23:30 Mon-Weds, 00:00 Thurs-Sat, and 22:30 Sun. Matching opening times, excepting on Sunday where closure is at 23:00.

21/00847/LIPN – Restaurant at units 39 and 45 of the Paddington Square Development – Indoor refreshment and the sale of alcohol, ending at 23:30 Mon-Thurs, 00:00 Fri-Sat, and 22:30 Sun. Matching opening times, excepting on Sunday where closure is at 23:00.

21/00848/LIPN – Restaurant at units 38 and 44 of the Paddington Square Development – Indoor refreshment and the sale of alcohol, ending at 23:30 Mon-Thurs, 00:00 Fri-Sat, and 22:30 Sun. Matching opening times, excepting on Sunday where closure is at 23:00

21/00849/LIPN – Restaurant at units 37 and 43 of the Paddington Square Development – Indoor refreshment and the sale of alcohol, ending at 23:30 Mon-Thurs, 00:00 Fri-Sat, and 22:30 Sun. Matching opening times, excepting on Sunday where closure is at 23:00.

21/00850/LIPN – Rooftop bar and restaurant at 17th and 18th floor of the Paddington Square Development – Live music, recorded music, late night refreshment and the sale of alcohol – Live or recorded music allowed until 01:00 Monday to Wednesday, 03:00 Thursday to Saturday, and 00:00 Sunday. Late night refreshment and sale of alcohol matching these times.

21/00851/LIPN – Bar units at 2 and 46, and rooftop terrace of the Paddington Square Development - Live music, recorded music, late night refreshment and the sale of alcohol – Live or recorded music allowed until 00:00 all week, late night refreshment and sale of alcohol until 00:00 Sun-Weds, and 01:00 Thurs-Sat.

This representation should be treated as applying to all the applications identified above, to which our client objects.

Overall, there is a disconnect between the activities proposed to be carried out and the ability of

the applicant, as a limited liability company, to respond to the concerns of nearby businesses or residents should any of the licensable activities cause noise or disturbance. Such an arrangement, lacking appropriate management, would diminish the enforceability of the proposed conditions. While these proposed conditions include provisions for staff members responsible for discharging the duty of the licensee in relation to CCTV, there is no such allowance for any member of staff to be responsible for the receipt of noise/vibration complaints or for the management of customers conduct while exiting the premises late at night.

It is also concerning that the license applications for activities including late night music (references 21/00850/LIPN and 21/00851/LIPN) include later opening hours on Thursday and Sunday. While the opening hours for such activities are considered inappropriately late across all nights, these nights in particular seem to sit uncomfortably in an area which features permanent residents as well as several hotels. While part of these applications relates to licensable activities on upper floors, there is still the ever present concern that nuisance is caused when patrons leave the premises. Again, there are no conditions or mitigating management procedures proposed which would manage this nuisance. In principle, given the complexity of the licensable activities applied for and their relationship with the surrounding area, we object to all the applications referred to above.

Specifically, we would ask that detail of how nuisance will be managed and mitigated commensurate to this complexity be submitted before these applications be considered suitable for approval. This should include details of single on-site management, if the applicant is to remain a limited liability company responsible for all units referred to in these applications, which would hold responsibility for dealing with complaints regarding noise and nuisance resulting from the premises themselves or their patrons.

The opening times should also be amended to reflect the character of the area – with late night Thursday and Sunday opening times being wholly inappropriate in an area shared by hotel accommodation and permanent residences.

We believe that these applications must be dealt with by a licensing committee and a hearing at which all stakeholders are given the opportunity to make representation to their elected members and the members of the Licensing Committee. If you could confirm that this will be the case we would be grateful.

We trust that the above makes our position with regards to each application above clear. However, if there are any queries, please do not hesitate to contact me using my details as below.

Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	4 th March 2021		

[REDACTED] Business Improvement District is supportive of the Paddington Square development being constructed on this site and is broadly supportive of the licensing applications being made for the various restaurants and bars within the premises.

However, we are mindful that these premises are very closely adjacent to one of our member businesses - the Mercure Hotel at 144 Praed Street - and seek clarity and reassurance on some points which are not detailed in the applications:

The applicant is Great Western Developments – will GWD remain the responsible body for these licences once the individual units have been let to different companies and ratepayers? If so, will GWD's named Premises Supervisor or a properly appointed deputy be on the premises

during all opening times to oversee and be responsible for ensuring that all licensing conditions are complied with by all the individual units? Will GWD have security personnel in the complex at all times to assist or control departing customers and ensure that the neighbours are not disturbed? When this site was in use as a theatre location, Licensing required that stewards were in place outside the premises for this purpose - that internal signs requesting respect for neighbours were insufficient – will a similar condition be added to these licences?

A standard condition you impose reads:

8 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.

Will GWD's named Premises Supervisor or a properly appointed deputy be on the premises during all opening times to ensure compliance by all the individual units? We are particularly concerned that guests of the Mercure Hotel are not disturbed by airborne noise from recorded music or live entertainment from the roof garden. Will there be set decibel limits and required monitoring as an expansion of this condition?

We appreciate that these points have probably been considered and addressed during the pre-app consultations the applicant refers to but that detail is not provided with the applications. Please be aware of our concerns when considering these applications.

Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	4 th March 2021		

The [REDACTED] designated area abutt the major development at 31 London Street W2 currently under construction and to be known as Paddington Square.

We have fully studied the eight applications, along with plans and proposed conditions.

Our main concern is cumulative effect of nuisance, noise and potential crime disorder from the combind various applications, especially to the residential areas surrounding the Paddington Square development, particularly in the evening hours.

We have gone through, in detail, each of the submissions by the Paddington Waterways & Maida Vale Society and fully agree with the various points made by them.

We therefore lodged our objection to all eight applications, till various matters resolved, in order to protect our members from any public nuisance or potential crime and order.

Richard Brown, of Westminster Citizens Advice Bureau, will be assisting us and representing SEBRA.

As is our general practice, we are content for our representation on the eight cases to be forwarded now to the application.

As always, we are willing to discuss our representations direct with the applicant at any time. We urge the applicant to contact us and Richard Brown, as experience shows us that these meetings are very fruitful in understanding and resolving issues of concern.

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:

Policy HSR1 applies

- A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy. B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:
1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm.
 2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation.
 3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed.
 4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.
 5. The proposed hours when any music, including incidental music, will be played.
 6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises.
 7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.
 8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.
 9. The capacity of the premises.
 10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation.
 11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.
 12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.
 13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.
 14. Specific days for non-standard hours should be

	<p>identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.</p> <p>C. For the purpose of Clauses A and B above, the Core Hours for this application for each premises use type as defined within this policy are:</p> <p>6. Pubs and bars, Fast Food and Music and Dance venues Monday to Thursday: 10am to 11.30pm. Friday and Saturday: 10am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 12pm to 12am</p> <p>8. Restaurants Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am.</p> <p>D. Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.</p> <p>E. For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement.</p>
<p>Policy COMB1 applies</p>	<p>A. Applications outside the West End Cumulative Impact Zone for premises that propose to operate as a 'combined use premises' will be considered on their merits and subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities for the relevant use being within the council's Core Hours Policy HRS1. 3. The applicant has taken account of the Special Consideration Zone policy SCZ1 if the premises are located within a designated zone. <p>B. Applications inside the West End Cumulative Impact Zones for premises that propose to operate as a 'combined use premises' will be considered on their merits and subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities for the relevant premises use being within the council's Core Hours Policy HRS1. 3. The applicant demonstrating that they will not add to cumulative impact within the Cumulative Impact Zone. <p>C. When considering what weight is to be given to the relevant uses and policies the Licensing Authority will take into account:</p>

	<p>1. Whether it will undermine the licensing objectives.</p> <p>2. The current and proposed use of the premises.</p> <p>3. When those uses will take place.</p> <p>4. What the primary use of the premises is or the uses that will take place in different parts of that premises.</p> <p>5. Whether there would normally be a presumption to refuse an application for that use if it was operating as that premises type and not a combined use premises.</p> <p>6. Whether the hours sought for the all or parts of the premises are within or outside the Core Hours.</p> <p>D. The Licensing Authority will take into account, when considering the application, the relevant considerations from each of the appropriate premises uses policies within this statement</p> <p>E. For the purpose of this policy a Combined Use Premises means premises which require a premises licence and where there is more than one premises use, and where the uses are not dependent on/or part of the other uses i.e. are not ancillary to the other uses.</p>
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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, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

5. Appendices

Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

Report author:	Karyn Abbott Senior Licensing Officer
Contact:	Telephone: 07866 019698 Email: kabbott@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	7 th January 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Metropolitan Police Service	23 February 2021
5	Environmental Health Service	04 March 2021
6	Representation 1	28 February 2021
7	Representation 2	02 March 2021
8	Representation 3	04 March 2021
9	Representation 4	04 March 2021

Applicant Supporting Documents

Appendix 2

None

Premises History

Appendix 3

There is no licence or appeal history for the premises.

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.
9. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

Conditions consistent with the operating schedule

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

The Metropolitan Police proposes an alternative wording to condition 10 as follows:

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 and will include the external area immediately outside the premises entrance(s). 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.

11. A staff member from the premises who is conversant with the operation of the CCTV must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
12. Signs will be located at the exits to the building to remind occupants that they should ensure that local residents are not disturbed by any licensable activity at the premises.
13. Signs will be provided reminding occupants that alcohol should only be supplied to persons over the age of 18.
14. The number of persons permitted in the licensed areas of the premises at any one time shall not exceed (x persons) excluding staff.
15. 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.
16. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
17. 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.
18. 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.

19. Table service to be available at all times.
20. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.

Conditions proposed by the Metropolitan Police Service and has not yet been agreed by the applicant

21. After 00.00 hours all customers entering the premises shall have their ID scanned on entry, save for when a biometric scanning system is in place. The details recorded shall include a live facial image capture of the customer and capture the photographic identification produced. The details recorded by the ID scanner system shall be made available to the Police and the local authority upon request.
The above requirement is subject to the following exceptions, namely (i) any persons attending the premises to be seated for a table meal and (ii) that a maximum number of **(*No. TBC)** guests per night may be admitted at the Managers discretion without necessarily photo ID being scanned and recorded. The admission of such guests however shall be in accordance with the following procedure:
 - (i) The DPS shall approve in writing the names of a maximum of three managers other than him/herself who are authorised to sign in such guests.
 - (ii) A legible record (the signing in sheet) of those guest's name shall be retained on the premises for inspection by the licensing authority and Police for a period of 31 days. The name of the DPS approved manager authorising the admission will also be recorded by that manager,
 - (iii) Guests shall be required to produce some form of ID such as a bank card (or emailed electronic photo ID) and ID scan entry with a live photo shall be created.
 - (iv) Where there are appropriate reasons for a guest not to be able to produce ID and be subject to ID scan, the Approved Manager may still permit entry. In such circumstance he shall also record the reasons for this in the signing in sheet.Notwithstanding (a) above, patrons who are attending a pre-booked private event at the premises do not need to have their ID Scanned on entry and instead a written guest list shall be held at reception for the event, and will be retained for 31 days after the event for inspection by the police and responsible authorities upon request.
21. On Thursdays to Saturdays after 21.00 there shall be a minimum of 1 SIA door supervisor stationed at the ground floor entrance to the restaurant/terrace lifts and for the rest of the week the need for SIA door staff shall be risk assessed by management of the premises licence holder.
22. All door supervisors will correctly display their SIA licence when on duty at the premises.
23. All SIA door staff on duty at premises shall be equipped with Body Worn Video, capable of recording audio and video in any light condition as per the minimum requirements of the Westminster Police Licensing Team. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period. BWV must be activated at an early stage during any incident involving conflict.

24. Patrons shall be greeted by a member of the staff at the reception areas on the 17th floors (as marked on the plans submitted) before being directed to the relevant area of the premises.
25. Patrons permitted to temporarily leave and then re-enter the premises to smoke shall be restricted to a designated smoking area defined as The Terrace areas.
26. No entry / Re entry (excluding persons exiting to smoke) to the premises after 01:30 hours.
27. In the event that an assault is committed on the premises (or appears to have been committed) the management, on notification of such assault or apparent assault, will immediately ensure that:
 - a. The police (and, where appropriate, the London Ambulance Service) are called without delay.
 - b. All reasonably practicable efforts are taken to detain any suspect(s) pending the arrival of police.
 - c. All reasonable practicable efforts are taken to preserve the crime scene so as to enable a full forensic investigation to be carried out by the police, unless otherwise notified by them.
 - d. Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.
28. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00 save for food or drink ordered to be delivered from the premises to a customer's home or business address.
29. The supply of alcohol shall be by waiter or waitress service or to customers seated at the bar. No more than 25% of the available floor space in the internal bar area, nor more than 50% of the external terrace areas shall be available for vertical drinking.

Conditions proposed by the Environmental Health

None

Development Site At 31 London Street, 9 Winsland Mews And 128-144 Praed Street, London



Resident Count = 28

Licensed Premises within 75 of Development Site At 31 London Street, 9 Winsland Mews And 128-144 Praed Street, London				
Licence Number	Trading Name	Address	Premises Type	Time Period
18/12070/LIPT	McDonalds Restaurants	Ground Front Right 144 Praed Street London W2 1HU	Restaurant	Monday to Sunday; 06:30 - 00:00
21/03960/LIPDPS	Garfunkels	Ground Front 144 Praed Street London W2 1HU	Hotel, 4+ star or major chain	Sunday; 08:00 - 00:00 Monday to Saturday; 08:00 - 00:30
19/06223/LIPCH	Kentucky Fried Chicken Express	149 Praed Street London	Restaurant	Monday to Sunday; 23:00 - 03:00
16/05273/LIPN	Subway	147 Praed Street London W2 1RL	Restaurant	Monday to Sunday; 00:00 - 00:00
13/02856/LIPN	Tavolina	Basement And Ground Floor 159 Praed Street London W2 1RL	Cafe	Sunday; 10:00 - 22:30 Monday to Saturday; 08:00 - 23:30
13/02699/LIPN	La Tazza Cafe	Basement And Ground Floor	Cafe	Monday to Sunday; 07:00 - 23:00

		143 Praed Street London W2 1RL		
06/11392/WCCMAP	Paddington Gift Shop	Ground 161 Praed Street London W2 1RL	Restaurant	Sunday; 10:00 - 22:30 Monday to Saturday; 08:00 - 23:00
08/04611/LIPN	Burger King (UK) Ltd	27 London Street London W2 1HH	Takeaway food outlet	Monday to Sunday; 07:00 - 02:00
20/07076/LIPV	Yahala	26 London Street London W2 1HH	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
14/03099/LIPVM	Oliver's Steakhouse	Basement 25 London Street London W2 1HH	Public house or pub restaurant	Sunday; 12:00 - 23:30 Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00
18/04895/LIPDPS	Dickens Tavern	Basement 25 London Street London W2 1HH	Pub or pub restaurant with lodge	Sunday; 07:00 - 22:30 Monday to Thursday; 07:00 - 23:30 Friday to Saturday; 07:00 - 00:00
19/07429/LIPVM	Pilgrm Hotel	25 London Street London W2 1HH	Hotel, 3 star or under	Monday; 00:00 - 00:00 Tuesday; 00:00 - 00:00 Wednesday; 00:00 - 00:00 Thursday; 00:00 - 00:00 Friday; 00:00 - 00:00 Saturday; 00:00 - 00:00 Sunday; 00:00 - 00:00