

# Licensing Sub-Committee Report

Item No:		
Date:		19 August 2021
Licensing Ref No:		21/00849/LIPN - New Premises Licence
Title of Report:		Units 37 to 43 Development Site At 31 London Street, 9 Winsland Mews And 128-144 Praed Street London W2 1DJ
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:		Mary Pring Senior Licensing Officer
Contact details		Telephone: Email: mpring@westminster.gov.uk

<b>1.</b>	<b>Application</b>		
<b>1-A</b>	<b>Applicant and premises</b>		
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	4 February 2021		
<b>Applicant:</b>	Great Western Developments Limited		
<b>Premises:</b>	Units 37 to 43		
<b>Premises address:</b>	Development Site At 31 London Street, 9 Winsland Mews And 128-144 Praed Street London W2 1DJ	<b>Ward:</b>	Hyde Park Ward
		<b>Cumulative Impact Area:</b>	None
		<b>Special Consideration Zone:</b>	None
<b>Premises description:</b>	According to the application, this is a new premises licence application for restaurant units. Pre-Application advice was sought from Westminster's Environmental Health Service and District Surveyor.		
<b>Premises licence history:</b>	As this is a new development site, there is no Premises Licence History available.		
<b>Applicant submissions:</b>	There are no submissions from the applicant.		
<b>Applicant amendments:</b>	There are no amendments to the application.		

<b>1-B</b>	<b>Proposed licensable activities and hours</b>						
<b>Late Night Refreshment:</b>				<b>Indoors, outdoors or both</b>			<b>Indoors Only</b>
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	23:00	23:00	23:00	23:00	23:00	23:00	None
<b>End:</b>	23:30	23:30	23:30	23:30	00:00	00:00	None
<b>Seasonal variations/ Non-standard timings:</b>		None					

<b>Sale by retail of alcohol</b>				<b>On or off sales or both:</b>			<b>On Sales Only</b>
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	10:00	10:00	10:00	10:00	10:00	10:00	12:00
<b>End:</b>	23:30	23:30	23:30	23:30	00:00	00:00	22:30
<b>Seasonal variations/ Non-standard timings:</b>							

<b>Hours premises are open to the public</b>							
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	08:00	08:00	08:00	08:00	08:00	08:00	09:00
<b>End:</b>	23:30	23:30	23:30	23:30	00:00	00:00	23:00
<b>Seasonal variations/ Non-standard timings:</b>		None					

<b>2.</b>	<b>Representations</b>
<b>2-A</b>	<b>Responsible Authorities</b>
<b>Responsible Authority:</b>	Metropolitan Police Service ( <i>Withdrawn 16 March 2021</i> )
<b>Representative:</b>	PC Reaz Guerra
<b>Received:</b>	5 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>Should you wish to discuss the matter further please contact PC Reaz Guerra on 0207 641 1709 or via email, <a href="mailto:rquerra@westminster.gov.uk">rquerra@westminster.gov.uk</a>.</p> <p><b>Further consideration was given to this application by the Metropolitan Police Service, the hours sought fall within Westminster's Core Hours and subsequently withdrew their representation on the 16 March 2021.</b></p>	

<b>2-B</b>	<b>Other Persons</b>
<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	4 March 2021
<p>[REDACTED] 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.</p> <p>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:</p> <p>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?</p>	

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.

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	28 February 2021

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).

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 some of the premises in the development may become a landmark 'destination' venue focusing more on those not resident in the area.

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.

#### Introduction

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.

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

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).

Whilst we recognise that appropriately conditioned restaurants are less likely to give rise to a negative impact either individually or cumulatively than late night bars, given that 8 applications including 6 restaurants in close proximity) 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.

We would ask that if the licensing authority is minded to grant the application, it should be with

amendments and additional conditions.

The application

The current application seeks:

'Core hours' for sale of alcohol on the premises only

Same hours for late night refreshment.

Opening would be 8am to core hours Mon-Sat, 9am to 11pm Sun.

The conditions include: full MC66 restaurant condition; conditions re: no noise emanating, no outside drinking. Waste/deliveries not between 2300 and 0800.

A number of these conditions have been offered and some are helpful, 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 within 'core hours', but we would welcome more detail about how the premises would operate or who the proposed tenant is.
2. 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, depending on how dispersal is managed.
3. There is no indication of the proposed capacity – this could impact on dispersal.
4. The conditions covering waste/recycling may risk causing noise nuisance.
5. Will there be security for this premises and/or for the development as a whole?
6. 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.



<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED]
<b>Received:</b>	2 March 2021

We, as freehold owners of the of the Mercure Hotel at 144 Praed Street, 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.

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	4 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 combinnd 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.	<b>Policy &amp; Guidance</b>
The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<b>Policy HRS1 applies</b>	<p>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.</p> <p>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:</p> <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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.</li> <li>4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.</li> <li>5. The proposed hours when any music, including incidental music, will be played.</li> <li>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.</li> <li>7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.</li> <li>8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.</li> <li>9. The capacity of the premises.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>14. Specific days for non-standard hours should be 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</li> </ol>



	<p>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><b>Restaurants</b>  Monday to Thursday: 9am to 11.30pm.  Friday and Saturday: 9am to 12am.  Sunday: 9am to 10.30pm.</p> <p>Sundays immediately prior to a bank holiday: 9am to 12am.</p>
<b>Policy RTN1 applies</b>	<p>A. Applications outside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</li> <li>2. The hours for licensable activities being within the council's Core Hours Policy HRS1.</li> <li>3. The applicant has taken account of the Special Consideration Zones Policy SCZ1 if the premises are located within a designated zone.</li> <li>4. The application and operation of the venue meeting the definition of a restaurant as per Clause C.</li> </ol> <p>B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</li> <li>2. The hours for licensable activities are within the council's Core Hours Policy HRS1.</li> <li>3. The applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone.</li> <li>4. The application and operation of the venue meeting the definition of a restaurant as per Clause C.</li> </ol> <p>C. For the purposes of this policy a restaurant is defined as:</p> <ol style="list-style-type: none"> <li>1. A premises in which customers are shown to their table or the customer will select a table themselves to which food is either served to them or they have collected themselves.</li> <li>2. Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at a table.</li> <li>3. Which do not provide any takeaway service of food and/or drink for immediate consumption.</li> <li>4. Where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.</li> <li>5. The sale and consumption of alcohol prior to such meals may be in a bar area but must also be ancillary to the taking of such meal.</li> </ol>

#### 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.

<b>5.</b>	<b>Appendices</b>
<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents
<b>Appendix 3</b>	Premises history
<b>Appendix 4</b>	Proposed conditions
<b>Appendix 5</b>	Residential map and list of premises in the vicinity

  

<b>Report author:</b>	Michelle Steward Senior Licensing Officer
<b>Contact:</b>	Telephone: 0207 641 6500 Email: msteward1@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 <sup>th</sup> January 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Metropolitan Police Service Representation ( <i>withdrawn</i> )	5 March 2021
5	Public Representation 1	4 March 2021
6	Public Representation 2	28 February 2021
7	Public Representation 3	2 March 2021
8	Public Representation 4	4 March 2021





## **Applicant Supporting Documents**

## **Appendix 2**

There are no submissions from the applicant

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.

#### **Conditions consistent with the operating schedule**

9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light

condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.

10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
11. The premises shall only operate as a restaurant
  - i. in which customers are shown to their table,
  - ii. where the supply of alcohol is by waiter or waitress service only,
  - iii. which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
  - iv. which do not provide any take away service of food or drink for immediate consumption,
  - v. where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.
12. 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.
13. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
14. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
15. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
16. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23.00) hours and (08.00) hours on the following day.
17. The number of persons permitted in the premises at any one time (including staff) shall not exceed (X) persons.
18. 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.
19. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder
  - (d) any incidents of disorder
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system, searching equipment or scanning equipment

- (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service.
- 
- 20. 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.
  - 21. No deliveries to the premises shall take place between (23.00) and (08.00) on the following day.
  - 22. 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 Environmental Health**

None

**Conditions proposed by the Police**

None



**Resident Count within 75 Metres: 0**

<b>Licensed Premises within 75 metres of Units 37 to 43 Development Site At 31 London Street, 9 Winsland Mews And 128-144 Praed Street London W2 1DJ</b>				
<b>Licence Number</b>	<b>Trading Name</b>	<b>Address</b>	<b>Premises Type</b>	<b>Time Period</b>
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