



City of Westminster

# Licensing Sub-Committee Report

Item No:

Date:

02 February 2021

Licensing Ref No:

21/09405/LIPV - 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:

Kevin Jackaman  
Senior Licensing Officer

Contact details

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<b>1.</b>	<b>Application</b>		
<b>1-A</b>	<b>Applicant and premises</b>		
<b>Application Type:</b>	Variation of a Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	13 September 2021		
<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>Special Consideration Zone:</b>	None
<b>Premises description:</b>	The premises trade as local delicatessen serving Coffee all day, home made cakes and a full range of deli items and a dine in menu offering brunch and light mains.		
<b>Variation description:</b>	<p>The application proposes to vary the premises licence as follows:</p> <ol style="list-style-type: none"> <li>1. Regularise changes to the premises layout as shown on the plans appended to the application.</li> <li>2. Extend the permitted hours for the sale of alcohol for consumption on and off the premises to 22:30 each day.</li> <li>3. Extend the opening hours to 23:00 each day.</li> <li>4. Vary condition 20 as follows: The consumption of alcohol in any area appropriately authorised for the use of tables and chairs shall cease at 22:00 hours.</li> <li>5. Vary condition 23 as follows: There shall be no draught beer and spirits, except for cocktails.</li> <li>6. Vary condition 32 as follows: The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as a cafe/delicatessen/restaurant</li> </ol>		
<b>Premises licence history:</b>	The premises have had the benefit of a premises licence since January 2007. The current premises licence (licence number 21/08753/LIPDPS) is attached as Appendix 2 of this report. A full licence history for the premises appears at appendix 3.		
<b>Applicant submissions:</b>	None		
<b>Applicant amendments:</b>	None		

<b>1-B</b>	<b>Current and proposed licensable activities, areas and hours</b>					
<b>Sale by Retail of Alcohol</b>						
<b>On or off sales</b>			<b>Current :</b>		<b>Proposed:</b>	
			Both		No change	
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Licensable Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	10:00	21:00	10:00	22:30	Ground and lower ground floors	No change
<b>Tuesday</b>	10:00	21:00	10:00	22:30		
<b>Wednesday</b>	10:00	21:00	10:00	22:30		
<b>Thursday</b>	10:00	21:00	10:00	22:30		
<b>Friday</b>	10:0	21:00	10:00	22:30		
<b>Saturday</b>	10:00	21:00	10:00	22:30		
<b>Sunday</b>	12:00	21:00	12:00	22:30		
<b>Seasonal variations/ Non-standard timings:</b>		<b>Current:</b>			<b>Proposed:</b>	
		None			No change	

<b>Hours premises are open to the public</b>						
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Premises Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	07:30	21:00	07:30	23:00	Ground and lower ground floors	No change
<b>Tuesday</b>	07:30	21:00	07:30	23:00		
<b>Wednesday</b>	07:30	21:00	07:30	23:00		
<b>Thursday</b>	07:30	21:00	07:30	23:00		
<b>Friday</b>	07:30	21:00	07:30	23:00		
<b>Saturday</b>	07:30	21:00	07:30	23:00		
<b>Sunday</b>	07:30	21:00	07:30	23:00		
<b>Seasonal variations/ Non-standard timings:</b>		<b>Current:</b>			<b>Proposed:</b>	
		None			No change	

<b>1-C</b>	<b>Layout alteration</b>
Regularise changes to the premises layout as shown on the plans appended to the application.	

1-D		Conditions being varied, added or removed	
Condition		Proposed variation	
20. The consumption of alcohol in any area appropriately authorised for the use of tables and chairs shall cease at 21:00 hours		20. The consumption of alcohol in any area appropriately authorised for the use of tables and chairs shall cease at 22:00 hours.	
23. There shall be no draught beer and spirits.		23. There shall be no draught beer and spirits, except for cocktails.	
32. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as a café/delicatessen.		32. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as a cafe/delicatessen/restaurant	
<b>Adult entertainment:</b>		<b>Current position:</b>	<b>Proposed position:</b>
		None	No change

2. Representations	
2-A Responsible Authorities	
<b>Responsible Authority:</b>	Environmental Heath
<b>Representative:</b>	Dave Nevitt
<b>Received:</b>	11 October 2021
<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>	

2-B Other Persons	
<b>Name:</b>	██████████ t
<b>Address and/or Residents Association:</b>	██████████ ██████████ ██████████
<b>Received:</b>	21 September 2021
<p>Our right to peace and quiet in our home has been severely breached by the allowing so much outside dining. Operators to operate all day and night gives us no peace and quiet.</p> <p>The residents and neighbours of Elizabeth Street as well as the local residence organisations objected to the sale of alcohol. The council DID not listen to its people. To further this neglect of residence wishes to add hours and to increase the operation hours of the business will mean this business is in operation for over 12 hours. There is increased noise and breach of our rights with outside.</p> <p>When a chair moves inside I hear it in my home.</p> <p>We do not need later food options on an already over crowded street.</p> <p>Please listen to the people that live here.</p>	

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	15 September 2021
<p>I live in extremely close proximity to the cafe and have four small children.</p> <p>Our lives would be significantly disturbed if this licence application were to succeed for several reasons. First, this Trojan horse application is a 'by stealth' attempt to convert what is essentially a cafe licence into that of a wine bar or restaurant. Second, this extension of time would create additional noise from movement until 11pm on what is a significant residential street (not just commercial) where there is already more than adequate restaurant and pub amenity. I strongly object. Living in proximity to a cafe that serves alcohol until 10pm is very different to a licence application that extends this to 1030pm and opening to 11pm.</p>	
<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	22 September 2022
<p>This is to firmly protest against any and all extensions of opening hours and additional time limits to the current alcohol licence. To extend the licence to 11pm, strongly goes against our rights as residents to enjoy some peace and quiet in our homes. Baker and Spice started off as a morning and lunchtime service . In the space of a couple years it has spread over the pavement, greatly increased the number of patrons using it and has become a hazard on the pavement. Their plans to extend their business on every day of the week, by opening until very late (bearing in mind that drinking and noise continues well past the "official" closing time) is quite unacceptable. We chose to live in Chester Square as it was fairly quiet with just one or two eating places in the vicinity. Now we have a plague of eating and drinking establishments well within earshot of our house. It must be even worse for residents living along Elizabeth Street!</p> <p>We already have more than enough noise and disturbances from the now doubled Thomas Cubitt and other outfits in the area, all of whom are suddenly claiming to occupy sidewalks and parking in addition to their own premises. Frankly, it is simply gone much too far.</p> <p><b>On 19 January 2022, the objector submitted the following additional comments in support of the representation:</b></p> <p>This is to comment on your hearing about the Baker and Spice application for yet another extension of their licence.</p> <p>Unfortunately, we will not be able to attend the meeting because of Corona, but we would like to lodge a very strong objection to any further extension of their licence.</p> <p>Since there is already considerable disturbance of the peace and lots of evening noise which is caused by the Thomas Cubitt, there is no need to double this disturbance by allowing Baker and Spice to extend their licence. This noise happens (as would be expected with inebriated persons exiting the premises), despite the signs which Thomas Cubitt put up to forbid the noise, which all their clients ignore.</p> <p>Further, there has been a long standing complaint against the bakery Poilane, which continues to emit soot and black particles, in addition to possibly toxic fumes from wood and fire, through</p>	

their very low chimney stacks. It has been suggested before, that they install simple and technically possible scrubbers on their chimney stacks, but that has been ignored by Poilane and Westminster Council. This should now, after many years, finally be pursued by your council, as new targets for cleaning the air in London are progressing and getting much stricter.

Please understand that we are not against good bread, although this is now a factory, not an artisan small little bakery, but we think that a certain respect and consideration for the health of your neighbours would be in order. Can you please send our comments on this through to the appropriate department

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	23 September 2021

This seems yet another step by step encroachment that favours businesses rather than residents. The last application mentioned the sale of alcohol by retail to embellish revenue streams that had been hit by the pandemic. Likewise the hours of availability until 9pm. As a cafe does it really need alcohol to be served until 22. 30pm?

Elizabeth Street has become very busy with the added street seating under the temporary Westminster (Alfresco) licenses. The downside for residents has been all sorts of new traffic, congestion and noise problems. Whilst local residents have been keen to support these temporary policies for businesses, it seems businesses, some more so than others, are now using the pandemic as a Trojan horse for ever continuing expansion with a view to colonising the pavements for their own benefit at our expense. Baker and Spice have obviously seen the success of other venues in the street and want to emulate it, fair enough, but it comes at a cost to us all.

<b>3.</b>	<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> </ol>

	<p>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.</p> <p>7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.</p> <p>8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.</p> <p>9. The capacity of the premises.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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 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>Policy RTN1 applies</b></p>	<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</li> </ol>

	<p>customer will select a table themselves to which food is either served to them or they have collected themselves.</p> <p>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.</p> <p>3. Which do not provide any takeaway service of food and/or drink for immediate consumption.</p> <p>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.</p> <p>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</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.

<b>5.</b>	<b>Appendices</b>
<b>Appendix 1</b>	Premises Plans
<b>Appendix 2</b>	Existing Premises Licence (20/06415/LIPN)
<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>	Kevin Jackaman Senior Licensing Officer	
<b>Contact:</b>	Telephone: 0207 641 6500 Email: kjackaman@westminster.gov.uk	
<b>If you have any queries about this report or wish to inspect one of the background papers please contact the report author.</b>		
<b>Background Documents – Local Government (Access to Information) Act 1972</b>		
<b>1</b>	Licensing Act 2003	N/A

<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2021
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
<b>4</b>	Environmental Health representation	11 October 2021
<b>5</b>	Interested Part representation (1)	21 September 2021
<b>6</b>	Interested Part representation (2)	15 September 2021
<b>7</b>	Interested Part representation (3)	22 September 2021
<b>8</b>	Interested Part representation (4)	23 September 2021





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

Schedule 12  
Part A

WARD: Knightsbridge  
And Belgravia  
UPRN: 100023346814

Premises licence

Regulation 33, 34

**Premises licence number:**

21/08753/LIPDPS

**Original Reference:**

20/06415/LIPN

**Part 1 – Premises details**

**Postal address of premises:**

54-56 Elizabeth Street  
London  
SW1W 9PB

**Telephone Number:**

**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 Saturday: 10:00 to 21:00  
Sunday: 12:00 to 21:00

**The opening hours of the premises:**

Monday to Sunday: 07:30 to 21:00

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

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

**Part 2**

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

Baker And Spice (London) Limited  
31 Haverscroft Industrial Estate

New Road  
Attleborough  
Norfolk  
United Kingdom NR17 1YE  
Electronic Mail : Mide@armsmanagementco.com  
Business Phone Number :

**Registered number of holder, for example company number, charity number (where applicable)**  
10777417

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

**Name:**

Avinash Jethwa

**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: 18/PSL 02149  
Licensing Authority: Cherwell District Council

**Date: 30 October 2021**

**This licence has been authorised by Abigail Mugisa on behalf of the Director - Public Protection and Licensing.**

## Annex 1 – Mandatory conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
  - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
    - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
    - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
    - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
    - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6.
  - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
  - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
  - (b) an ultraviolet feature.

7. The responsible person must ensure that—

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
  - (i) beer or cider: ½ pint;
  - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
  - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

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

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

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -

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

Where -

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
    - (i) the holder of the premises licence,
    - (ii) the designated premises supervisor (if any) in respect of such a licence, or
    - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
  - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
  - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

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

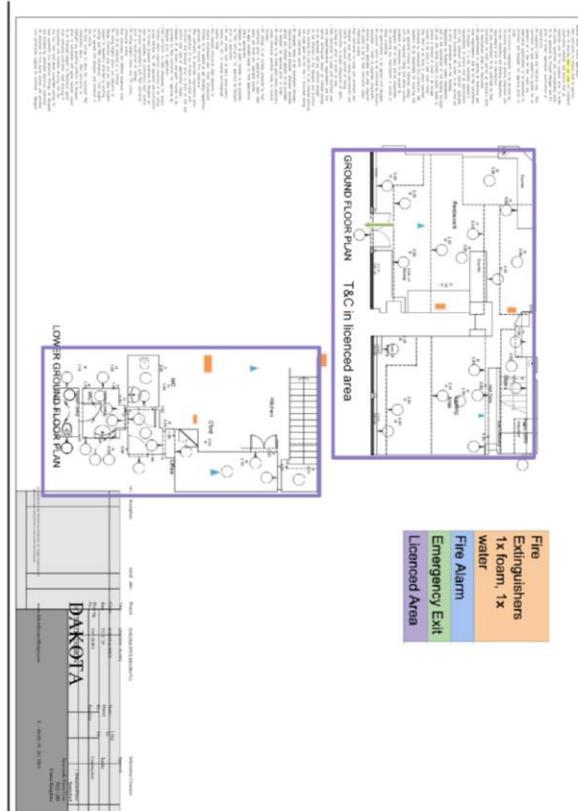
None

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

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 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.
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 and spirits.
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 30 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.
32. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as a café/delicatessen.

# Annex 4 – Plans





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

Schedule 12  
Part B

Premises licence  
summary

WARD: Knightsbridge  
And Belgravia  
UPRN: 100023346814

Regulation 33, 34

Premises licence number:

21/08753/LIPDPS

**Part 1 – Premises details**

**Postal address of premises:**

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

**Telephone Number:**

**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 Saturday: 10:00 to 21:00  
Sunday: 12:00 to 21:00

**The opening hours of the premises:**

Monday to Sunday: 07:30 to 21:00

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

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

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

Baker And Spice (London) Limited  
31 Haverscroft Industrial Estate  
New Road  
Attleborough

Norfolk  
United Kingdom NR17 1YE

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

10777417

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

Name: Avinash Jethwa

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

Restricted

**Date:** 30 October 2021

**This licence has been authorised by Abigail Mugisa on behalf of the Director - Public Protection and Licensing.**

**Licence & Appeal History**

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
06/11816/LIPN	New premises licence	25.01.2007	Granted by Licensing Sub Committee
08/06121/LIPDPS	Variation of DPS	03.07.2008	Granted under delegated authority (Licence surrendered 23.06.2008)
20/06415/LIPN	New premises licence	23.09.2020	Granted by Licensing Sub Committee
21/08753/LIPDPS	Variation of DPS	31.10.2021	Granted under delegated authority

**There is no appeal history**

<b>Temporary Event Notices</b>	<b>Date of Event</b>	<b>Activities/Hours</b>	<b>Decision</b>
21/08776/LITENP	10.09.2021 to 12.09.2021	Supply of Alcohol – 21:00 to 23:00	Event permitted
21/09160/LITENP	16.09.2021 to 18.09.2021	Supply of Alcohol – 21:00 to 23:00	Event permitted
21/09296/LITENP	23.09.2021 to 25.09.2021	Supply of Alcohol – 21:00 to 23:00	Event permitted
21/09673/LITENP	30.09.2021 to 02.10.2021	Supply of Alcohol – 21:00 to 23:00	Event permitted
21/10006/LITENP	07.10.2021 to 08.10.2021	Supply of Alcohol – 21:00 to 23:00	Event permitted
21/10551/LITENP	14.10.2021 to 16.10.2021	Supply of Alcohol – 21:00 to 23:00	Event permitted

**Tables and Chairs History**

<b>Application</b>	<b>Details of Application</b>	<b>Duration</b>	<b>Decision</b>
21/01354/STTCPL	5 Tables, 14 chairs, 1 Planter, 2 Heaters	10.03.2021 to 30.09.2021	Granted under delegated authority
21/10476/STTCPF	5 Tables, 14 chairs, 1 Planter, 2 Heaters	13.10.2021 to 12.04.2022	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 appropriate for the promotion of the licensing objectives.

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

**Conditions: On Current Licence -**

**Mandatory:**

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

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

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

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

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

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

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

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

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

Where -

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

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

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

None

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

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 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.
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.

**The applicant has proposed the following amended condition**

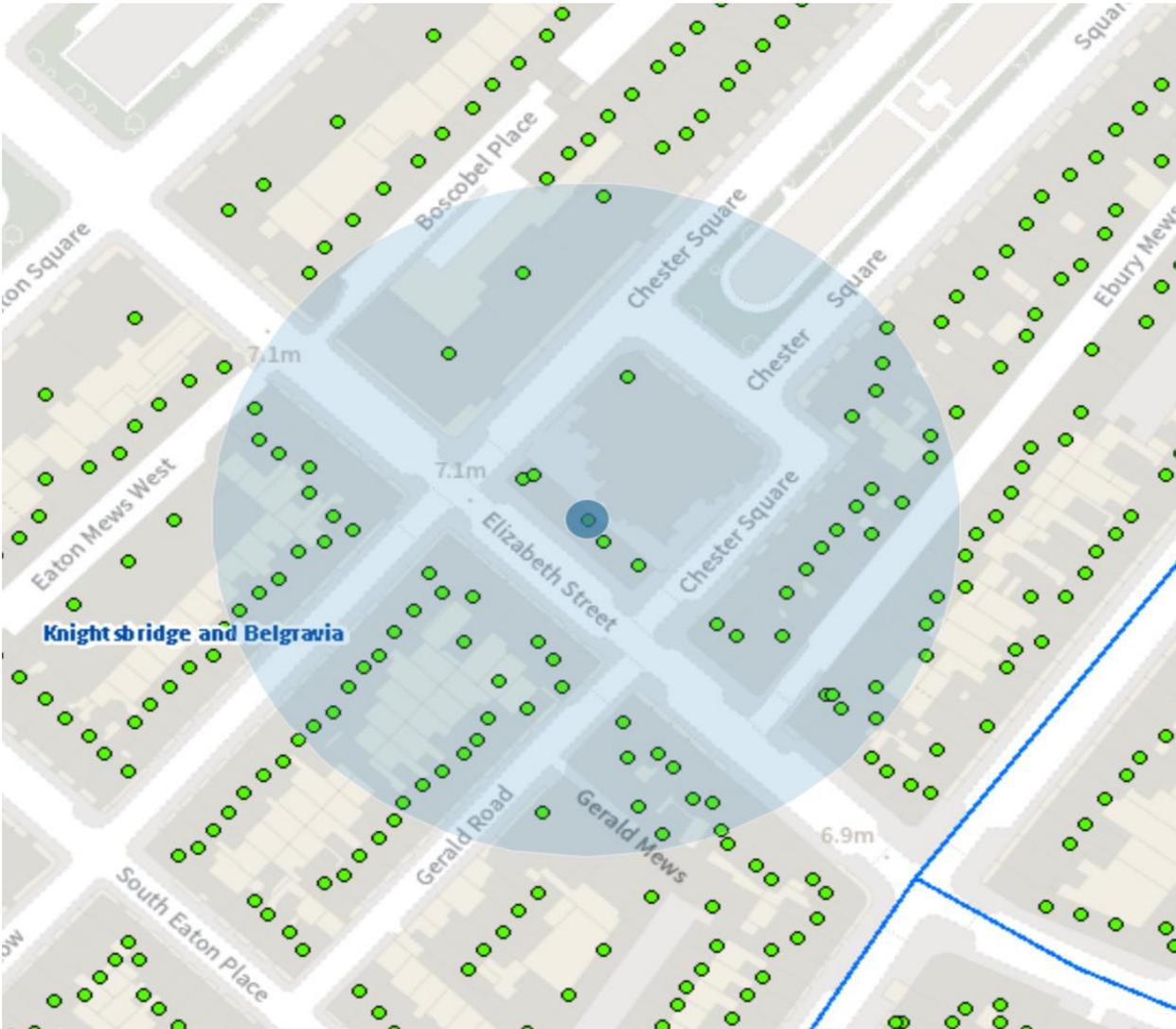
- 20. The consumption of alcohol in any area appropriately authorised for the use of tables and chairs shall cease at 22:00 hours.**
21. All tables and chairs shall be removed from the outside area by 22:00 hours each day.
22. Substantial food and non-intoxicating beverages, including drinking water, 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 and spirits.

**The applicant has proposed the following amended condition**

- 23. There shall be no draught beer and spirits, except for cocktails.**
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 30 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.
32. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as a café/delicatessen.

**The applicant has proposed the following amended conditions**

- 32. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as a cafe/delicatessen/restaurant**



Resident count: 142

**License premises within 75m of 54-56 Elizabeth Street, London, SW1**

Licence Number	Trading Name	Address	Premises Type	Time Period
21/08753/LIPDPS	Not Recorded	54-56 Elizabeth Street London SW1W 9PB	Cafe	Monday; 07:30 - 21:00   Tuesday; 07:30 - 21:00   Wednesday; 07:30 - 21:00   Thursday; 07:30 - 21:00   Friday; 07:30 - 21:00   Saturday; 07:30 - 21:00   Sunday; 07:30 - 21:00
19/04970/LIPDPS	Jeroboams	50-52 Elizabeth Street London SW1W 9PB	Shop	Sunday; 10:00 - 22:30   Monday to Saturday; 08:00 - 23:00
12/06300/LIPN	TomTom Cigars	63 Elizabeth Street London SW1W 9PP	Shop	Saturday; 09:00 - 18:00   Sunday; 11:00 - 17:00   Monday to Friday; 09:00 - 20:00
20/01748/LIPDPS	The Thomas Cubitt	44 Elizabeth Street London SW1W 9PA	Public house or pub restaurant	Sunday; 12:00 - 22:30   Monday to Saturday; 10:00 - 23:30
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   Wednesday; 18:00 - 23:00   Thursday; 18:00 - 23:00   Saturday; 11:00 - 18:00   Sunday; 11:00 - 18:00   Tuesday to Thursday; 18:00 - 23:00