



City of Westminster

Licensing Sub-Committee Report

Item No:

Date:

17 February 2022

Licensing Ref No:

21/13833/LIPV - Premises Licence Variation

Title of Report:

The Princess Royal
47 Hereford Road
London
W2 5AH

Report of:

Director of Public Protection and Licensing

Wards involved:

Bayswater

Policy context:

City of Westminster Statement of Licensing Policy

Financial summary:

None

Report Author:

Kevin Jackaman
Senior Licensing Officer

Contact details

Telephone: 0207 641 6500
Email: kjackaman@westminster.gov.uk

1.	Application		
1-A	Applicant and premises		
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	29 November 2021		
Applicant:	Cubitt House Limited		
Premises:	The Princess Royal		
Premises address:	47 Hereford Road London W2 5AH	Ward:	Bayswater
		Cumulative Impact Area:	None
		Special Consideration Zone:	Queensway and Bayswater
Premises description:	The premises are a public house		
Variation description:	<p>(1) To amend the layout of the premises in accordance with the submitted plans.</p> <p>(2) To amend the hours in relation to opening, late night refreshment and sale of alcohol.</p> <p>(3) To add, remove and amend conditions currently attached to the premises licence.</p>		
Premises licence history:	<p>The premises have had the benefit of a premises licence since December 2005. The current premises licence (licence number 21/13803/LIPDPS) is attached as appendix 1 of this report. A full licence history for the premises appears at appendix 3.</p>		
Applicant submissions:	<p>The applicant wishes to renovate the site and open a food led pub with letting rooms above to be called The Princess Royal, in a similar manner to other pubs in the group. Please see further details at https://www.cubittouse.co.uk/.</p> <p>The Applicant would like to reconfigure the outside areas so that Area 2 on the current approved plan and the conservatory area can be used for drinkers/diners, with the terminal hour for use of the outside areas extended until 10 p.m. for all outside areas. However, the application also reduces the terminal hour for the sale of alcohol and opening. In addition, changes to other conditions are sought.</p> <p>WCC Environmental Health has been pre-consulted. There has been extensive negotiation with SEBRA and The Hereford Road Association in respect of hours and conditions.</p> <p>Many have now been agreed albeit there are still a few issues of concern outstanding. The application is being lodged now in a bid to ensure the re-opening is not delayed but the applicant would welcome continued discussions with local residents and residents' groups</p>		
Applicant amendments:	None		

1-B	Current and proposed licensable activities, areas and hours					
Regulated Entertainment						
Performance of live music, playing of recorded music and anything of a similar description						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	23:00	No change		Ground floor	No change
Tuesday	10:00	23:00				
Wednesday	10:00	23:00				
Thursday	10:00	23:30				
Friday	10:00	23:30				
Saturday	10:00	23:30				
Sunday	12:00	22:30				
Seasonal Variations/non-standard timings:	Current:				Proposed:	
	Sundays before Bank Holidays: 12:00 to 23:30 Licensable activities shall be permitted on 1st January to 01:00 with provision of Late night Refreshment until 01:30.				No change	

Late night refreshment						
Indoors, outdoors or both			Current :		Proposed:	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	23:30	No change		Ground floor	No change
Tuesday	23:00	23:30				
Wednesday	23:00	23:30				
Thursday	23:00	00:00				
Friday	23:00	00:00	23:00	23:30		
Saturday	23:00	00:00	23:00	23:30		
Sunday	N/A		No change			
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	Sundays before Bank Holidays: 23:00 to 00:00 Licensable activities shall be permitted on 1st January to 01:00 with provision of Late night Refreshment until 01:30				Sundays before Bank Holidays: 23:00 to 00:00 Licensable activities shall be permitted on 1st January to 01:00 with provision of Late night Refreshment until 01:30	

Sale by Retail of Alcohol						
On or off sales			Current :		Proposed:	
			On and off		No change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	23:30	10:00	23:00	Ground floor	No change
Tuesday	10:00	23:30	10:00	23:00		
Wednesday	10:00	23:30	10:00	23:00		
Thursday	10:00	00:00	10:00	23:00		
Friday	10:00	00:00	10:00	23:30		
Saturday	10:00	00:00	10:00	23:30		
Sunday	12:00	23:00	10:00	22:00		
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	Sundays before Bank Holidays: 10:00 to 00:00 Licensable activities shall be permitted on 1st January to 01:00 with provision of Late night Refreshment until 01:30				Sundays before Bank Holidays: 10:00 to 23:30 Licensable activities shall be permitted on 1st January to 01:00 with provision of Late night Refreshment until 01:30	

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	08:00	23:30	No change		Ground floor	No change
Tuesday	08:00	23:30				
Wednesday	08:00	23:30				
Thursday	08:00	00:00	08:00	23:30		
Friday	08:00	00:00	No change			
Saturday	09:00	00:00	08:00	00:00		
Sunday	09:00	23:00	10:00	22:30		
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	Sundays before Bank Holidays: 09:00 to 00:00 On 1st January the premises shall close 30 minutes after the end of licensable activities.				Sundays before Bank Holidays: 08:00 to 00:00 On 1st January the premises shall close 30 minutes after the end of licensable activities. Opening hours will be 24 hours a day for residents	

1-C	Layout alteration
<p>Ground Floor</p> <ul style="list-style-type: none"> - Strip out existing bar and banquette seating - Allow for new central horse shoe bar - Multiple new banquette seating as illustrated - Retain kitchen as existing, minor alterations to kit - Cover pergola in polycarbonate sheeting <p>First Floor</p>	

- Strip put existing external fire stair
- Form 4no. new bedrooms within first floor ancillary space
- Omit gents toilets forming unisex toilet
- Retain private dining rooms as existing with exception of new access via supply kitchen to form protected lobby from bedrooms
- Office & Staff facilities to be retained as existing

1-D	Conditions being varied	
Condition	Proposed variation	
9. Adequate sound proofing to the Conservatory wall abutting Hereford Mansions shall be effected when the alterations authorised by the Minor Variation are carried out.	9. Adequate sound proofing to the Conservatory wall abutting Hereford Mansions shall be affected.	
11a The private front area as shown hatched green on the plan. This will be the designated smoking area (which will be physically separated by way of barrier to keep the public pavement clear) and licensed for seated consumption of food and beverages only. No stand up drinking shall be allowed and this area shall be limited to a maximum of 15 customers at any time. All tables and chairs shall be removed from this area at 22.30 each evening. The smoking area shall cease to be utilised to coincide with closure of the premises being Monday to Wednesday 23.30, Saturday 00.00 and Sunday 23.00.	11a. The private front area as shown hatched green on the plan. This will be the designated smoking area (which will be physically separated by way of barrier to keep the public pavement clear) and licensed for seated consumption of food and beverages only. No stand up drinking shall be allowed and this area shall be limited to a maximum of 15 customers at any time. All tables and chairs shall be removed from this area or rendered unusable at 22.30 each evening. The smoking area shall cease to be utilised to coincide with closure of the premises.	
24. No rubbish shall be moved, removed or placed in outside areas between 22:30 hours and 08:00 hours and no bottles shall be moved, removed or placed in outside areas between 20:30 hours and 08:00 hours	24. No rubbish shall be moved, removed or placed in outside areas between 22:30 hours and 08:00 hours and no bottles shall be moved, removed or placed in outside areas between 19:00 hours and 10:00 hours.	
27. All persons under 18 years of age shall not be allowed to remain on the premises after 21:00 hours (unless they are attending a private function and accompanied by an adult), or when happy hours or similar promotions are in operation	27. All persons under 18 years of age shall not be allowed to remain on the premises after 21:00 hours (unless they are attending a private function or dining and accompanied by an adult), or when happy hours or similar promotions are in operation.	
29. Substantial food and suitable beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises except for the areas marked on the plan and used as deli and market garden (Area 2) respectively during the hours of such operation. The only licensable activity permitted whilst the conservatory area is used as a deli will be the sale of alcohol for consumption off the premises.	29. Substantial food and suitable beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises.	
42. Garden Area 3. In this area alcohol will be	Garden Areas 2 and 3. These area are	

ancillary for only seated patrons dining with waiter/waitress service, conditional that the area is vacated by 20:00 hours during GMT extended to 21:30 hours during BST. The maximum capacity of patrons should be no more than 45 persons. No barbecues or gas heaters to be allowed in this area.	vacated by 22:00 hours. The maximum capacity of patrons should be no more than 50 persons in Garden Area 3 and 20 persons in Garden Area 2 (excluding staff). No barbecues or gas heaters to be allowed in this area.
--	---

1-D	Conditions being removed
Condition	Proposed variation
12. Area 2. The open area as shown to the front right side as shown on the plan. a. Such use will be subject to no tables and chairs being permitted in this area and to customers and staff not being permitted to smoke or take any refreshment there and the area shall be laid out to have restricted width passage for customers to enter and leave only. A manned reception desk shall be situated within the conservatory. b. The existing gates shall be locked from 22:30 until 08.00 each day and entrance/exit shall then be via the central lobbied doors. c. No barbecues or gas heaters to be allowed in Area 2 at any time.	
28. The capacity for these premises shall not exceed 150 including staff and performers	
31. A noise limiter located in a separate and remote lockable cabinet from the volume control shall be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service's Community Protection Department so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured to the satisfaction of officers from the Environmental Health Service. The keys securing the noise limiter cabinet shall be held by the applicant only, and shall not be accessed by any other person. The limiter shall not be altered without prior agreement with the Environmental Health Service	
32. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised officer of the Environmental health Service.	
33. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device	
41. Furniture used in area 1 shall be rendered incapable of use or securely stored (e.g. in area 2) by 23:30 hours	
45. All doors leading to external areas and the internal doors to the conservatory will remain closed (except for entrance and exit) at all times under this licence using self-closing mechanisms except that the door from the conservatory/delicatessen to Area 2 may be open whilst the deli is operated as such but no later than 20:00 hours and the front door may be open whilst a receptionist is on duty but no later than 18:00 hours.	
46. A sound limiter is to be provided set to 5Db below the fire alarm level or link the amplifier to a power source, which is linked to the fire alarm to disconnect power on activation	
47. Regulated entertainment in the form of Live Music shall be limited to a maximum of 2 performers	
48. That the metal staircase and proposed new external door from the first floor to the rear garden area can only be used in the event of an emergency and signs attached indicating 'fire exit only'.	

49. There shall be no new customer entry to the premises after 22:30hrs.
50. During the last 30 minutes of licensable activity, only customers taking table meals shall be permitted to remain on the premises
51. The bar will be closed to the public one hour before the terminal hour and only used as a dispense bar by waiting staff to supply alcohol to customers taking a table meal.
52. After 23:00hrs the supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.

1-D	Conditions being added	
Condition	Proposed variation	
There shall be no televisions or speakers in the conservatory area.		
When in use the entirety of the trading space in Garden Areas 2 and 3 will contain tables and chairs.		
The gates of the Garden Area leading onto the road shall be kept closed at all times save for fire escape and emergency access.		
The balcony on the first floor shall not be used by patrons after 22:00 hours. All tables and chairs in this area shall be rendered unusable at 22.30 each evening		
Waiter or waitress service shall be available for the supply of alcohol and food		
The variation of this premises licence (19/14245/LIPDPS) to vary hours, conditions and plans (ref. TCO_LC_101 and TCO_LC_102) will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from this licence by the licensing authority.		
Adult entertainment:	Current position:	Proposed position:
	None	No change

2.	Representations	
2-B	Other Persons	
Name:	[REDACTED]	
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
Received:	22 December 2021	
<p>I live on [REDACTED], which along with Botts Mews, is directly behind the applicant, The Princess Royal, I look forward to its opening however I wish to register my objection to a number of largely noise related issues based on WCC's commitment to the prevention of public nuisance:</p> <p>I am concerned with any extension of hours for the pub's customers in the garden areas as well as the conservatory as any extra noise would ultimately impact the peace and quiet of the residents near by including my property. .</p> <p>With the proposed additional customer areas and numbers not previously licenced (front garden</p>		

and conservatory), a much too early 8am opening time, proposed extended vacating times for these areas, and other changes to the conditions of licence, I urge WCC not to accept these additional conditions but continue to represent the community's ability to work and sleep peacefully, in this very dense residential area.

I therefore join Hereford Mansions Residents Association in their objections

Name:	██████████
Address and/or Residents Association:	██████████ ██████████ ██████████
Received:	22 December 2021

As a long-standing resident of ██████████, which along with Botts Mews, is directly behind the applicant, The Princess Royal, I and my neighbours look forward to its opening, but wish to register my objection to a number of largely noise related issues based on WCC's commitment to the prevention of public nuisance. The residents of both streets include those of us who work from home, children who have had to study from home during Covid, and young families. We are concerned with any extension of hours for customers in the garden areas and garden conservatory. We join Hereford Mansions Residents Association in their objections, along with those of Hereford Road Association and SEBRA.

We wish the applicant every success, but the premises were long operated as a restaurant, and it will now operate as a pub. With the proposed additional customer areas and numbers not previously licenced (front garden and conservatory), a much too early 8am opening time (staff will need to set up even earlier), proposed extended vacating times for these areas, and other changes to the conditions of licence, we urge the Committee not to accept these conditions and continue to represent the community's ability to work and sleep peacefully, in this very dense residential area.

Name:	██████████ aster
Address and/or Residents Association:	██████████ ██████████ ██████████ ██████████
Received:	23 December 2021

My husband and I are residents at ██████████ next door to the Princess Royal and although We welcome the Property being opened again we are concerned about the extension of opening and closing hours that the applicant is proposing, on the basis of 'prevention of public nuisance.' Our bedroom is on the second floor of Hereford Mansions and we have been disturbed by noise in the past from the gardens. Early morning and late closing time noise, with the proposed extended hours and increase in the number of customers worries me and my elderly husband. In addition, the change in use of the front garden and conservatory will introduce additional noise, so I object to the proposed extension of hours for all outside areas and the conservatory and urge the Committee to be guided by the local residents and community associations concerns.

Name:	██████████
Address and/or Residents Association:	██████████ ██████████ ██████████ ██████████
Received:	20 December 2021

I am an active 82 year old widow who has lived in ██████████ since 2000. The premises until recently a restaurant now applying as a pub, are directly next to the Mansions, and have

changed hands several times since 2000. As a person who enjoys eating out in the neighbourhood, I welcome the new owners and look forward to eating at the Princess Royal, but wish register my objections and join those of Hereford Mansions Residents Association, who have written in separately.

Because of these last two years with Covid leading to many more people spending more time at home, including working and studying, the prospect of further noise is objectionable. The applicant's premises are surrounded by residential flats and homes.

I am deeply concerned about the extension of opening and closing hours that the applicant is proposing, on the basis of 'prevention of public nuisance.' My bedroom is on the second floor of Hereford Mansions within earshot of the back garden of the applicant. I value my sleep, as do my neighbours, and the prospect of loud early morning and closing time noise, which would be worsened by the proposed extended hours and increase in the number of customers deeply concerns me. In addition, the change in use of the front garden and conservatory will introduce additional noise, so I object to the proposed extension of hours for all outside areas and the conservatory and urge the Committee to be guided by our resident and community associations concerns.

Name:	████████████████████
Address and/or Residents Association:	████████████████████ ████████████████████ ██████████ ██████████
Received:	20 December 2021

As a neighbour to the applicant, The Princess Royal, while I wish the new managers/owners every success, there are proposed changes to the previous licence that I object to out of concern for increased noise and disturbance to nearby residents' quality of life and based on WCC's commitment to the prevention of public nuisance. I am an academic and consultant who, especially under Covid, works from home. Hereford Mansions has 16 flats including children, students, numerous people working from home and some retired seniors. Hereford Mansions is just next to 47 Hereford Road, and my flat is directly on the other side of the wall of the Mansions that the applicant's conservatory is attached to. It is not a shared or common wall, but one belonging to Hereford Mansions. The conservatory has been used as reception area for the restaurant in the past, and before that as a small deli that operated during the day. No customers were served or seated in this area in the past. Previous licence conditions required that there be automatic door closures to the main room of the restaurant and ensured that the other two double doors to the gardens were closed during operating hours. The applicant wants to remove this condition, which I object to, as it reduced noise significantly to my bedroom, on the other side of the wall. Previously, 47 Hereford Road was a restaurant, but will now operate as a full pub, so removing this condition and allowing for the high number of customers in this space will certainly increase noise and have detrimental impact on our long enjoyed peace. I fully support all of the objections raised by Hereford Mansions Association, and particularly stress the concern that many residents have regarding the licencing and use of two areas that were previously not used for customers dining or drinking, even as a quiet restaurant. Please consider these objections.

Name:	████████████████████
Address and/or Residents Association:	████████████████████ ████████████████████ ██████████ ██████████
Received:	21 December 2021

As chairman of Hereford Mansions Ltd, I support the objections made by those in our company

that are most affected by this development. As the Mansions is immediately adjacent to this development and is in an area designated for residential properties, there seems no justification to support any development that adds to the noise of the district or that is likely to create more traffic in Hereford RD

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]

Received:	22 December 2021
------------------	------------------

I object to the proposed planning application on the grounds that a pub and extended opening times would greatly disturb the peace for the residents directly behind the pub and those on Chepstow Road who's rear facade looks directly onto the premises at 47 Hereford Road.

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]

Received:	23 December 2021
------------------	------------------

The Committee of the Hereford Road Association endorses the comments lodged on 20 December 2021 by the Hereford Mansions Residents' Association.

Name:	Hereford Mansions Residents Association
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]

Received:	20 December 2021
------------------	------------------

The comments below are from the Hereford Mansions Residents Association.

We welcome the prospect of the opening of The Princess Royal. Along with SEBRA and the Hereford Road Association, we have had productive meetings with the applicant's management and solicitor in connection with this licensing application. We have agreed to several proposed changes to the current licence but have objections to: (i) significant changes to the proposed increased density of customers; (ii) extended hours in the external areas; and (iii) new use of certain areas of the premises. The premises long operated as a restaurant, so while the new pub theme is welcome, it will add new challenges for residents in terms of noise if some of the requested conditions are approved. Our comments are therefore made on the basis of 'prevention of public nuisance'.

Hereford Mansions is a five storey, Victorian residential building, of 16 flats directly adjacent (north) of The Princess Royal on Hereford Road. The Princess Royal is surrounded on all sides by flats and houses on Hereford Road, Botts Mews and Bristow Place and, directly opposite, in Hereford Mews. Residents are owners and long-term tenants, include children, working adults and seniors. Many have had to work and study from home, over the last two years, so we are particularly concerned about incremental noise.

References below to Areas 1, 2 and 3 are to the three external areas shown on the plan forming part of the current licence.

Our objections are:

1. To the proposed service in the external areas, namely Area 1 (tables on the pavement of Hereford Road), Area 2 (front garden), Area 3 (rear garden), the first-floor balcony and in the conservatory beginning at 08:00. Opening at 08:00 would require staff to be preparing these areas even earlier, which would be greatly disturbing to residents if before 10am on week days and noon on weekends and bank holidays.
2. We object to the extension of service in Areas 2, 3, the balcony and the conservatory to

22:00; we urge the retention of the current hours (20:00 GMT/21:30 BST).

3. The greatly increased proposed customer seating in Area 2, Area 3 and the conservatory. Neither the front garden Area (2) nor the conservatory were areas used for customer drinking/dining under the last licence or management.

4. We have the following comments in connection with the garden conservatory:

a. To date, the conservatory has not been used for drinking or dining but as a small deli and latterly as a reception area for the previous restaurant. The proposal is that it should now be used for drinking and dining.

b. The conservatory adjoins the wall and a bedroom in Hereford Mansions; it is not a shared party wall. The conservatory has three sets of double doors, two opening into the gardens and one into the core of the pub. To date, these doors have had automatic closing mechanisms or were locked to reduce noise emanating from the main bar area or outdoors into the conservatory. These were very effective.

c. The proposal is to remove the existing condition that the internal doors are required to have self-closing mechanisms. We request that the condition be retained. Past managers have, for years, operated with doors having such mechanisms and, in the unusual situation of a customer propping them open, staff cleared and closed the doors, as they would a fire door.

d. With the retention of the condition that doors and closures be retained, as well as a limit on the number of seated places at 16, we would support this change of use of the conservatory, all other conditions incorporated being retained. We have urged the new owners to also consider carpeting the room to reduce the transmission of noise.

5. Area 2 (front garden) adjacent to Hereford Mansions has, for many years, been only used as a garden and an entrance to the reception area (in the conservatory). The current licence does not permit Area 2 to be used for dining or licensed activities. The applicant is proposing to change the use of the area and to allow for 20 seated places. We would support it being used as a dining area, but for no more than 14 places and provided that it is a designated no-smoking area out of consideration for the five floors of flats meters above the area.

6. Area 3 (back garden) is directly adjacent to five floors of bedroom windows of Hereford Mansions. The proposed seating area is literally one meter from the first floor flat; residents are particularly concerned and object to the proposed increased numbers of customers and the extended opening hours. This area also is within meters of residential properties in Botts Mews and Bridstow Place. The number of seated customers should be no more than 42. This too should be a no-smoking area out of consideration for the residents in the five floors of bedrooms overlooking it from Hereford Mansions and those guests staying in the new bedrooms in the pub, also overlooking the garden. We object to the extension of hours.

7. Area 1 (front pavement seated area)

a. This area should have a separation/barrier rope or other mechanism to keep the seated area from expanding to the public pavement. This was achieved by the previous restaurant management with attractive planters and other restaurants in the area with roped or other barriers, keeping the public pavement clear.

b. This is referred to as the "Smoking area". Management should ensure that smoking is confined to the seated area behind the barriers to the public pavement and that the surrounding pavement is cleaned by staff each evening.

8. The external narrow balcony on the first floor (Hereford Road) This area is directly across Hereford Road from a plot of land that has WCC permission to be developed into four flats and two houses. The windows of the new development will face the balcony and pavement area. We urge WCC to apply the same licencing and vacating hours for both the balcony and the area along the pavement.

9. All external areas, other than the roped off seated enclosed area along the pavement, should be designated as no smoking areas.

We raised no objections to the early Planning Application to the change in use of the second floor which, for the first time, would allow for the development of 5-6 bedrooms to be operated as a B&B or small hotel, provided the windows facing Hereford Mansions bedrooms are translucent, which they are currently, respecting residents' and guests' privacy. Window mechanisms restricting the windows from being opened significantly would also be useful in

reducing noise and preserving privacy for guests and neighbouring residents. We look forward to working with the applicant to address as many of these remaining outstanding items as possible so as to expedite the licensing process

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]
Received:	23 December 2021

The South East Bayswater Residents' Association (SEBRA) objects to the Premises Licence application on 47 Hereford Road W2 5AH

We fully support objections raised below, by the Hereford Mansions Residents Association and other objectors.

Our concerns are based on noise nuisance and, disturbance etc to the residents of Hereford Mansions along with residents in surrounding properties.

As always, SEBRA is content for our representation and contact details to be forwarded to the applicants solicitors.

We trust we can continue our dialogue with the applicant in order to resolve our reasonable concerns on this application.

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]
Received:	21 December 2021

As a long-standing resident of Hereford Mansions, the apartment block adjacent to the Princess Royal, I welcome the prospect of a good local. I do however have grave concerns on two counts:

- 1) smoking in the external areas under our bedroom windows.
- 2) the impact of the extended opening and closing hours proposed, specially in the external and conservatory areas.

I live and work (seven days a week) in Hereford Mansions. Our flat overlooks the Princess Royal and my study and some of our bedrooms are immediately above the internal courtyard. I am deeply worried about the detrimental impact of noise and the smell of smoke on my work and on the quality of our life. I share the concerns raised by resident and community associations and strongly object to the extended use of outside areas and the extended hours. The Princess Royal is in a residential area, surrounded by houses and flats on all sides. In considering this application I urge the Committee to take the concerns of the neighbourhood into account, whose quality of life would be severely affected on a daily basis from early in the morning until late at night if the hours were to be extended and smoking be allowed outside our windows.

3.	Policy & Guidance
The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy HRS1 applies	A. Applications within the core hours set out below in this policy will

	<p>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"> 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 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.
Policy PB1(A) applies	<p>A. Applications outside the West End Cumulative Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1,

	<p>PN1 and CH1.</p> <p>2. The hours for licensable activities being within the council's Core Hours Policy HRS1.</p> <p>3. The operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.</p> <p>4. The applicant has taken account of the Special Consideration Zones policy SCZ1 if the premises are located within a designated zone.</p> <p>5. The application and operation of the venue meet the definition of a Public House or Bar in Clause D.</p> <p>Clause. For the purposes of this policy a Public House or Bar is defined as a premises, or part of a premises that's primary use is the sale or supply of alcohol for consumption on those premises and/or for consumption off the premises for consumption outside the venue.</p>
Policy SCZ1 applies	<p>A. In addition to meeting the other policies within this statement, applications within a designated Special Consideration Zone should demonstrate that they have taken account of the issues particular to the Zone, in question as identified within the 2020 Cumulative Impact Assessment, and should set out any proposed mitigation measures in relation to those issues within their operating schedule.</p> <p>B. For the purpose of Clause A, the designated Special Consideration Zone fo this application is:</p> <ul style="list-style-type: none"> • Queensway and Bayswater

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	Existing Premises Licence
Appendix 2	Premises Plans
Appendix 3	Applicant supporting documents
Appendix 4	Premises history
Appendix 5	Proposed conditions
Appendix 6	Residential map and list of premises in the vicinity

Report author:	Kevin Jackaman Senior Licensing Officer
Contact:	Telephone: 020 7641 6500 Email: kjackaman@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	7th January 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Interested Part representation (1)	22 December 2021
5	Interested Part representation (2)	22 December 2021
6	Interested Part representation (3)	23 December 2021
7	Interested Part representation (4)	20 December 2021
8	Interested Part representation (5)	20 December 2021
9	Interested Part representation (6)	22 December 2021
10	Interested Part representation (7)	22 December 2021
11	Interested Part representation (8)	23 December 2021
12	Interested Part representation (9)	20 December 2021
13	Interested Part representation (10)	23 December 2021
14	Interested Part representation (11)	21 December 2021



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

**Schedule 12
Part A**

**WARD: Bayswater
UPRN: 100022765417**

Premises licence

Regulation 33, 34

Premises licence number:	21/13803/LIPDPS
Original Reference:	05/11558/LIPN

Part 1 – Premises details

Postal address of premises:

The Princess Royal
47 Hereford Road
London
W2 5AH

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Performance of Live Music
Playing of Recorded Music
Anything of a similar description to Live Music or Recorded Music
Late Night Refreshment
Sale by Retail of Alcohol

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

Performance of Live Music

Monday to Wednesday: 10:00 to 23:00
Thursday to Saturday: 10:00 to 23:30
Sunday: 12:00 to 22:30
Sundays before Bank Holidays: 12:00 to 23:30

Non-standard Timings: For times authorised for New Year see conditions at Annex 3

Playing of Recorded Music

Monday to Wednesday: 10:00 to 23:00
Thursday to Saturday: 10:00 to 23:30
Sunday: 12:00 to 22:30
Sundays before Bank Holidays: 12:00 to 23:30

Non-standard Timings: For times authorised for New Year see conditions at Annex 3

Anything of a similar description to Live Music or Recorded Music

Monday to Wednesday: 10:00 to 23:00
Thursday to Saturday: 10:00 to 23:30
Sunday: 12:00 to 22:30
Sundays before Bank Holidays: 12:00 to 23:30

Non-standard Timings: For times authorised for New Year see conditions at Annex 3

Late Night Refreshment

Monday to Wednesday: 23:00 to 23:30
Thursday to Saturday: 23:00 to 00:00
Sundays before Bank Holidays: 23:00 to 00:00

Non-standard Timings: For times authorised for New Year see conditions at Annex 3

Sale by Retail of Alcohol

Monday to Wednesday:	10:00 to 23:30
Thursday to Saturday:	10:00 to 00:00
Sunday:	12:00 to 23:00
Sundays before Bank Holidays:	12:00 to 00:00

Non-standard Timings: For times authorised for New Year see conditions at Annex 3

The opening hours of the premises:

Monday to Wednesday:	08:00 to 23:30
Thursday to Friday:	08:00 to 00:00
Saturday:	09:00 to 00:00
Sunday:	09:00 to 23:00
Sundays before Bank Holidays:	09:00 to 00:00

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:

Cubitt House Limited
37 Pimlico Road
London
SW1W 8NE

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

05399542

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

Name: Karolina Malgorzata Dropinska

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: LN/199904421

Licensing Authority: London Borough Of Barnet

Date: 04 February 2022

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

Annex 1 – Mandatory conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the

policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

- (a) a holographic mark, or
- (b) an ultraviolet feature.

7. The responsible person must ensure that—

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

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

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

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

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

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

Where -

- (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

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

Annex 2 – Conditions consistent with the operating Schedule

9. Adequate sound proofing to the Conservatory wall abutting Hereford Mansions shall be effected when the alterations authorised by the Minor Variation are carried out.
10. If it proves necessary to abate a noise nuisance arising from the floor surface in the Conservatory an adequate rug shall be provided.
11. The private front area as shown hatched green on the plan.
 - a) This will be the designated smoking area (which will be physically separated by way of barrier to keep the public pavement clear) and licensed for seated consumption of food and beverages only. No stand up drinking shall be allowed and this area shall be limited to a maximum of 15 customers at any time. All tables and chairs shall be removed from this area at 22.30 each evening. The smoking area shall cease to be utilised to coincide with closure of the premises being Monday to Wednesday 23.30, Saturday 00.00 and Sunday 23.00.
 - b) No Barbecues or gas heaters will be allowed in this area. Best endeavours will always be used to ensure that no pavement drinking takes place.
12. Area 2. The open area as shown to the front right side as shown on the plan.
 - a) Such use will be subject to no tables and chairs being permitted in this area and to customers and staff not being permitted to smoke or take any refreshment there and the area shall be laid out to have restricted width passage for customers to enter and leave only. A manned reception desk shall be situated within the conservatory.
 - b) The existing gates shall be locked from 22:30 until 08.00 each day and entrance/exit shall then be via the central lobbied doors.
 - c) No barbecues or gas heaters to be allowed in Area 2 at any time.

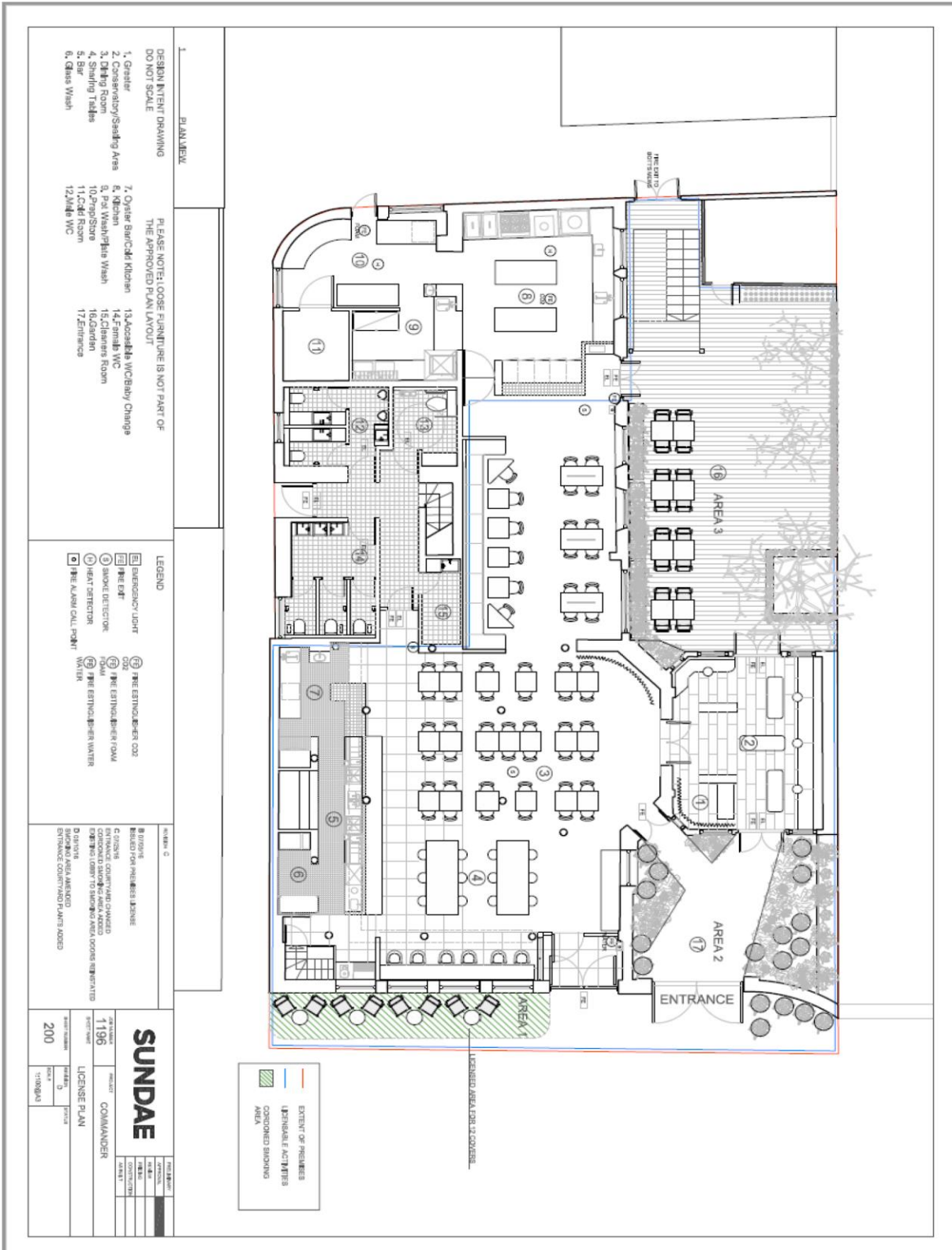
Annex 3 – Conditions attached after a hearing by the licensing authority

13. The premises shall maintain a comprehensive CCTV system that ensures all areas of the licensed premises are monitored including all entry and exit points, and the street environment and which enables frontal identification of every person entering in any light condition. All cameras shall continually record whilst the premises are open to the public and the video recordings shall be kept available for a minimum of 31 days with time and date stamping. (ii) Tape recordings shall be made available to an authorised officer or a police officer together with facilities for viewing. (iii) The recordings for the preceding two days shall be made available immediately on request. Recordings outside this period shall be made available on 24 hours notice. (Subject to the Data Protection Act 1998)
 14. The only ID that shall be accepted will be that approved by PASS, photo driving licences or passports.
 15. Signs shall be displayed, which are clearly visible to prospective customers, stating the hours of the licensable activities.
 16. Where a customer chooses to pay by credit card, they shall be supplied with an itemised bill upon final payment, showing details of all drink and food purchased.
 17. No changes shall be made to the approved layout of the premises without the consent of the Council.
 18. No alteration which would result in it being impossible to comply with an existing licence condition shall be made without first seeking variation of the Premises licence to delete or amend the condition(s) in question.
 19. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 7 days prior notice being given to the Council where consent has not previously been given:
 - ' Dry ice and cryogenic fog
 - ' Smoke machines and fog generators
 - ' Pyrotechnics including fireworks
 - ' Firearms
 - ' Lasers
 - ' Explosives and highly flammable substances
 - ' Real flame
 - ' Strobe lighting
 20. No person shall give at the premises any exhibition, demonstration or performances of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased.
- NOTE: (1) This rule does not apply to exhibitions given under the provisions of Section 2(1A) and 5 of the Hypnotism act 1952
21. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be permitted after 23:00 hours.
 22. Noise and vibration shall not be allowed to emanate from the premises so as to cause a nuisance to nearby properties.
 23. Notices shall be prominently displayed at exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
 24. No rubbish shall be moved, removed or placed in outside areas between 22:30 hours and 08:00 hours and no bottles shall be moved, removed or placed in outside areas between 20:30 hours and 08:00 hours.

25. Noxious smells shall not be allowed to emanate from the premises so as to cause a nuisance to nearby properties.
26. Flashing or particularly bright lights on or outside the premises shall not be permitted to cause a nuisance to nearby properties (save insofar as they are necessary for the prevention of crime).
27. All persons under 18 years of age shall not be allowed to remain on the premises after 21:00 hours (unless they are attending a private function and accompanied by an adult), or when happy hours or similar promotions are in operation.
28. The capacity for these premises shall not exceed 150 including staff and performers.
29. Substantial food and suitable beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises except for the areas marked on the plan and used as deli and market garden (Area 2) respectively during the hours of such operation. The only licensable activity permitted whilst the conservatory area is used as a deli will be the sale of alcohol for consumption off the premises.
30. All waste is to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
31. A noise limiter located in a separate and remote lockable cabinet from the volume control shall be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service's Community Protection Department so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured to the satisfaction of officers from the Environmental Health Service. The keys securing the noise limiter cabinet shall be held by the applicant only, and shall not be accessed by any other person. The limiter shall not be altered without prior agreement with the Environmental Health Service.
32. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised officer of the Environmental health Service.
33. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
34. The approved arrangements at the premises, including means of escape provisions, fire warning and fire fighting equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
35. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
36. Escape routes shall be kept clear and unobstructed, in good order with non slippery and even surfaces, free of hazards and clearly identified.
37. All exit doors shall be available at all material times without the use of a key, code, card or similar means.
38. A telephone number for immediate contact of a member of the management team will be displayed in a position where it can easily be read from the outside. This telephone number will be supplied to Hereford Road Association and to Resident Associations of properties in the immediate vicinity and kept up-to-date.
39. The manager will arrange and/or attend representative residents' meeting at least quarterly so that any issues concerning the operation of the premises may be discussed.
40. There shall be no music relayed to nor to speakers used in external areas.

41. Furniture used in area 1 shall be rendered incapable of use or securely stored (e.g. in area 2) by 23:30 hours.
42. Garden Area 3. In this area alcohol will be ancillary for only seated patrons dining with waiter/waitress service, conditional that the area is vacated by 20:00 hours during GMT extended to 21:30 hours during BST. The maximum capacity of patrons should be no more than 45 persons. No barbecues or gas heaters to be allowed in this area.
43. Garden Area 3 shall be vacated by staff at 20:30 hours during GMT and 22:00 hours during BST
44. No speakers or television/film screens will be located in the large conservatory, which abutts Hereford Mansion, separating areas 1 and 2.
45. All doors leading to external areas and the internal doors to the conservatory will remain closed (except for entrance and exit) at all times under this licence using self-closing mechanisms except that the door from the conservatory/delicatessen to Area 2 may be open whilst the deli is operated as such but no later than 20:00 hours and the front door may be open whilst a receptionist is on duty but no later than 18:00 hours.
46. A sound limiter is to be provided set to 5Db below the fire alarm level or link the amplifier to a power source, which is linked to the fire alarm to disconnect power on activation.
47. Regulated entertainment in the form of Live Music shall be limited to a maximum of 2 performers.
48. That the metal staircase and proposed new external door from the first floor to the rear garden area can only be used in the event of an emergency and signs attached indicating 'fire exit only'.
49. There shall be no new customer entry to the premises after 22:30hrs.
50. During the last 30 minutes of licensable activity, only customers taking table meals shall be permitted to remain on the premises.
51. The bar will be closed to the public one hour before the terminal hour and only used as a dispense bar by waiting staff to supply alcohol to customers taking a table meal.
52. After 23:00hrs the supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
53. Licensable activities shall be permitted on 1st January to 01:00 with provision of Late Night Refreshment until 01:30.
54. On 1st January the premises shall close 30 minutes after the end of licensable activities.

Annex 4 – Plans





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

Schedule 12
Part B

WARD: Bayswater
UPRN: 100022765417

Premises licence
summary

Regulation 33, 34

Premises licence number:

21/13803/LIPDPS

Part 1 – Premises details

Postal address of premises:

The Princess Royal
47 Hereford Road
London
W2 5AH

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Performance of Live Music
Playing of Recorded Music
Anything of a similar description to Live Music or Recorded Music
Late Night Refreshment
Sale by Retail of Alcohol

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

Performance of Live Music

Monday to Wednesday: 10:00 to 23:00
Thursday to Saturday: 10:00 to 23:30
Sunday: 12:00 to 22:30
Sundays before Bank Holidays: 12:00 to 23:30

Non-standard Timings: For times authorised for New Year see conditions at Annex 3

Playing of Recorded Music

Monday to Wednesday: 10:00 to 23:00
Thursday to Saturday: 10:00 to 23:30
Sunday: 12:00 to 22:30
Sundays before Bank Holidays: 12:00 to 23:30

Non-standard Timings: For times authorised for New Year see conditions at Annex 3

Anything of a similar description to Live Music or Recorded Music

Monday to Wednesday: 10:00 to 23:00
Thursday to Saturday: 10:00 to 23:30
Sunday: 12:00 to 22:30
Sundays before Bank Holidays: 12:00 to 23:30

Non-standard Timings: For times authorised for New Year see conditions at Annex 3

Late Night Refreshment

Monday to Wednesday: 23:00 to 23:30
Thursday to Saturday: 23:00 to 00:00
Sundays before Bank Holidays: 23:00 to 00:00

Non-standard Timings: For times authorised for New Year see conditions at Annex 3

Sale by Retail of Alcohol

Monday to Wednesday: 10:00 to 23:30
Thursday to Saturday: 10:00 to 00:00
Sunday: 12:00 to 23:00
Sundays before Bank Holidays: 12:00 to 00:00

Non-standard Timings: For times authorised for New Year see conditions at Annex 3

The opening hours of the premises:

Monday to Wednesday: 08:00 to 23:30
Thursday to Friday: 08:00 to 00:00
Saturday: 09:00 to 00:00
Sunday: 09:00 to 23:00
Sundays before Bank Holidays: 09:00 to 00:00

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:

Cubitt House Limited
37 Pimlico Road
London
SW1W 8NE

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

05399542

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

Name: Karolina Malgorzata Dropinska

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

Restricted

Date: 04 February 2022

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

Applicant written submissions



48 Chancery Lane | DX 193 Chancery Ln | @keystone_law
London WC2A 1JF | t +44 (0)20 3319 3700 | enquiries@keystonelaw.co.uk
United Kingdom | f +44 (0)845 458 9398 | www.keystonelaw.co.uk

Cubitt House Limited

(the "Applicant")

Application for Variation of a Premises Licence

Princess Royal, 47 Hereford Road, London W2 (the "Premises")

Applicant's Written Submissions

This statement is made in support of an application for a variation of a premises licence with the intention of outlining the Applicant's case and seeking to address the concerns of those maintaining representations.

Amplification of the points made below, together with further submissions, will be made orally at the licensing sub-committee hearing.

Background

The Applicant formerly completed a lease of the Premises in November 2021. Previously, it was briefly a restaurant called Pomona's and, before that, The Commander (a 'child and dog friendly pub serving food with Sky TV' (see **exhibit 1**). Approximately £2,000,000 is being invested in the Premises to create a food led pub with bedrooms to the same standard as the Applicant's sister sites in Belgravia, Knightsbridge, Pimlico, Marylebone and St James (all of which are in the City of Westminster). Please see <http://cubitthouse.co.uk/> for further details. An artist's impression of the final look of the Premises and mood boards are at **exhibit 2** with indicative food and drinks menus at **exhibit 3**.

The Proposed Changes

The variation application comprises three parts:

1. a change of layout as described in annex B of the application, most notably to add four bedrooms on the first floor and to reconfigure what was previously a delicatessen space;

2. a reduction to the late-night hours of opening and for licensable activity whilst applying to open earlier on Saturdays; and
3. adding, removing and amending conditions.

Pre-application Consultation

Given that Hereford Road is a residential street, the Applicant was acutely conscious of the need to liaise with the Premises' neighbours at an early stage. Initially, formal pre-application advice was sought from Mr Dave Nevitt of Environmental Health. New conditions to replace those existing were shared and the proposals were discussed via Teams in February 2021. Mr Nevitt was happy with the proposed changes and recommended contacting Mr John Zamit (Chairman of SEBRA) and the Hereford Road Residents' Association which the Applicant duly did.

Following several calls with Mr Zamit, Mr Bob Annibale and Mr David Moss of the Hereford Road Residents' Association and Mr Richard Brown of the Licensing Advice Project, their strong preference was that the existing conditions were amended rather than replaced in full and a travelling draft of amended conditions evolved over the following months with agreement being reached with much that was being proposed.

Discussions were always cordial and, whilst agreement between the main interested parties was close, after delays with planning, the Applicant had to make the variation application to hopefully avoid any delay to the proposed reopening.

The Representations

The Applicant was pleased to receive no representations from any of the statutory authorities and welcomes the kind words expressed by a number of those raising representations. To avoid duplication, rather than comment on each representation in turn, the Applicant's responses to the concerns raised are as follows:

Extension to the Hours of the Garden Spaces

From the Applicant's perspective the extension to the permitted hours of use for the garden spaces is crucial with a 10 p.m. close important to ensure that patrons enjoying an al fresco meal can sit down at 8 p.m. and not feel rushed. Presently, save for the existing space at the front of the Premises which has a terminal hour of 10.30 p.m., the outside areas must close at 8.00 p.m. in the Winter and 9.30 p.m. from the end of March to the end of October (realistically when the garden will be used). As a *quid pro quo* the application seeks to reduce the terminal hour for the sale of alcohol by 30 minutes or an hour depending on the day (albeit it is accepted that the current licence limits activities during those later hours).

The Applicant has years of experience of operating outside areas in residential areas. All the outside spaces will be closely supervised by staff and patrons talking too loudly will be asked to lower their voices. In keeping with the Applicant's premium image these spaces will always be kept clean. Also, to reassure residents further, capacity limits remain as do the restrictions on music, gas heaters and barbeques.

Use of Area 2 & the Conservatory

Area 2 was used by Pomona's as the main entrance and exit to both the dining space and the delicatessen in the conservatory. The intention is to move the entrance/exit slightly away from the Hereford Mansions and to use the conservatory for additional seating and the entrance as an additional small garden area. Proffered conditions limit the capacity of the outside space to the front of the conservatory to 20 persons with the same terminal hour as the larger back garden.

Concerns were raised during the pre-application discussions that existing problems with noise escape through the party wall when it was a delicatessen would be exacerbated if used as a seating area. To resolve this potential issue the Applicant employed an acoustic engineer who met with Mr Annibale to assess what steps could be taken. In agreement with Mr Annibale a 65mm wall cavity was constructed with a fully independent wall lining system on one side comprising two 15mm SoundBlocs on independent Gypframe 'I' Stud framework with 50mm Isover Streeel Frame Infill Batts in the cavity. With this work the sound engineer was confident that any noise from the Premises would not be heard in Hereford Mansions.

Earlier Opening

The existing permitted opening hours of the Premises are 8.00 a.m. Monday to Friday and 9.00 a.m. on Saturdays and Sundays. The application seeks an earlier opening hour on Saturdays by an hour but pushes back the time from 9.00 a.m. to 10 a.m. on Sundays which will hopefully reassure any local residents that their Sunday mornings will not be disturbed. The Premises will not necessarily open for breakfast – it depends on demand and staffing levels. Twenty-four hour opening for residents has been requested to reflect that guests will stay in the four bedrooms. For the avoidance of doubt, whilst there will be a night porter, overnight residents will not be offered food or beverages outside of the hours for use by members of the public.

Automatic Door Closures in the Conservatory

There is no intention to keep open the doors from the conservatory to the gardens. Therefore, the Applicant is happy to proffer the following condition:

“All doors leading to external areas and the internal doors to the conservatory will remain closed (except for entrance and exit) at all times under this licence using self-closing mechanisms.”

Creation of More Traffic

Traffic, parking etc are not issues which concern the Licensing Act 2003. However, the Premises is already licensed with footfall not expected to change significantly.

Smoking in the Gardens

Whilst the percentage of the population which smoke has decreased significantly since the introduction of the Health Act 2006 with food led pubs not usually attracting heavy smokers, all the outside spaces at other Cubitt House premises permit smoking. This has never been an issue even when residents live directly next door, for example, at The Thomas Cubitt or The Alfred Tennyson. Nevertheless, to reassure residents of Hereford Mansions, the Applicant is happy to proffer the following condition:

“Any outside tables abutting party walls will be non-smoking”

Separation between Area 1 and the Pavement

The Applicant will have removable planters located between the front seating area and the pavement.

Hours of Use of the Balcony

The Applicant is happy to close the balcony at the same time as the garden areas at the rear and what was Area 2, namely 10.00 p.m. and proffers the following additional condition:

“The first-floor balcony will be closed to patrons and guests between 22.00 and 10.00.”

Ensuring Privacy with the First Floor Bedrooms

The bedroom windows cannot open and have air conditioning. Shutters, blinds or curtains will be installed to ensure privacy.

Westminster City Council’s Statement of Licensing Policy (the “Policy”)

The Premises is not located within the West End Cumulative Impact Zone and hence there is no presumption of refusal. Further, whilst the Premises is on the edge of the Queensway/Bayswater Special Consideration Zone the ‘gatekeeper’ of the Policy, namely the Licensing Authority itself, has not raised a representation, presumably because the terminal hour is being reduced and robust conditions to address the licensing objectives have been either maintained, adapted or proffered.

The reduced hours applied for are within the core hours which ‘will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy’.

Conclusion

Thanks to several conference calls and numerous emails over the past year or so the Applicant has developed a good relationship with local residents – one which it hopes to maintain. This relationship is

reflected in the content and tone of the representations. There is no call for the application to be refused in its entirety. Points of difference have already been significantly narrowed and, given the additional conditions proffered above, it is hoped that they will narrow further prior to the licensing sub-committee hearing. As discussions are set to continue the Applicant will endeavour to provide a further brief update nearer the hearing date.

Niall McCann
Partner, Keystone Law

ANNEX 1



Search pubs, beers and events near you...

The Commander

A child and dog friendly pub serving food with Sky TV in London.

Details [Drinks](#) [Gallery](#) [Rooms](#) [TV Sport](#) [Food](#)

“ The Commander Porterhouse & Oyster Bar is a charming venue (in Notting Hill, London) serving a delectable mix of Modern British cuisine. From fresh seafood to springbok, The Commander caters for both traditional and creative tastes.

📍 47 Hereford Road, Westbourne Grove, London, Greater London, W2 5AH

[View Map](#)

☎ 020 7229 1503

✉ info@commanderbar.co.uk

🌐 <http://www.commanderbar.co.uk/>

★ Facilities include: Outside Seating, Sky, Traditional Sunday Roast, Traditional, Separate food area, Meeting rooms, Dogs allowed inside, Water bowl provided, Dog walks nearby, Cocktails, Beer, Wine, Baby Friendly,

🕒 Mon - Thu: 12:00 - 23:00
Fri - Sat: 12:00 - 00:00
Sun: 12:00 - 22:30

🍴 [View Food Menu](#)



Exhibit 2



ANNEX 2 - MOOD BOARD



The Princess Royal - Bar Design

The Princess Royal - Restaurant





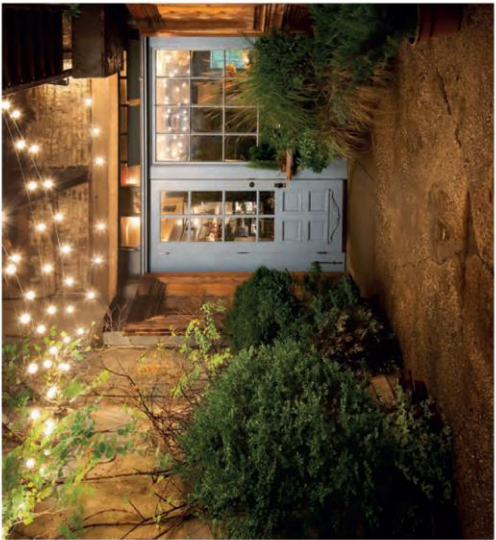
The Princess Royal - Conservatory



The Princess Royal - Bedroom 1

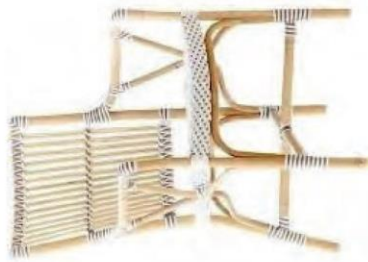


The Princess Royal - Bedroom 2



The Princess Royal - Garden Design

The Princess Royal - Garden Design



ANNEX 3 - DRINKS MENU

***All prices include VAT.
An optional 15% service charge will be included on your bill.
Allergens? Please tell your server.***

**THE
PRINCESS
ROYAL**

DRINKS LIST

BEERS

CRAFT	Stiegl, Goldbräu, <i>Premium Lager</i> 5%	6.6
	Freedom, Pils, <i>Pilsner</i> 4.4%	6.25
	Deya, Steady Rolling Man, <i>Pale Ale</i> 5.2%	7
	Deya, Rotational, <i>IPA</i> (2/3 pint) 6.2%	6.5
	Gypsy Hill, Bandit, <i>GF Session IPA</i> 3.8%	6.5
	London Brewing Co, Upright, <i>Session IPA</i> 4%	6.5
	Pearsons, <i>Cider</i> 4.8%	6.5
	Stiegl, Weisse, <i>Wheat Beer</i> 5.1%	6.75
	Rye River, <i>Dry Irish Stout</i> 4.5%	6.5
DRAUGHT	Guinness, <i>Stout</i> 4.3%	6
	Westons, <i>London Cider</i> 4.3%	6
	Flensburger, <i>Lager</i> 4%	6.4
	Beavertown, Neck Oil, <i>Session IPA</i> 4.3%	6.5
	Asahi, Peroni, <i>Lager</i> 5.1%	6.4
CASK ALES	Timothy Taylor, Landlord, <i>Pale Ale</i> 4.3%	5.85
	Fullers, London Pride, <i>Amber Ale</i> 4.7%	5.85
	Allsopp's India Pale Ale, <i>IPA</i> 5.6%	6.25

***We have an ever-evolving list of exceptional craft beer -
please talk to a member of our team for a recommendation.***

SOFT DRINKS

Franklin & Sons Rhubarb Lemonade (275ml)	3.75
Franklin & Sons Raspberry Lemonade (275ml)	3.75
Coca Cola (330ml)	3
Diet Coke (330ml)	3
Franklin & Sons flavoured mixers (200ml)	3 ALL
- Elderflower & Cucumber Tonic	
- Rhubarb & Hibiscus Tonic	
- Pink Grapefruit & Bergamot Tonic	
- Sicilian Lemon Tonic	
- Ginger Ale	
- Ginger Beer	
- Lemonade	
- Soda	

SPIRITS

50ml

COGNAC & ARMAGNAC	La Vieille Noix, <i>France</i> 30%	25
	La Vieille Prune, <i>France</i> 42% (300cl)	25
	Hennessy XO, <i>France</i> 40%	28
	Château De Lacquy Bas Armagnac 12 Ans, <i>France</i> 40%	16
0% ABV	Pentire, Seaward, <i>England</i> 0%	6
	Pentire, Adrift, <i>England</i> 0%	6
LIQUEURS	Campari, <i>Italy</i>	8
	Aperol, <i>Italy</i> 11%	8
	Asterley Bros dry vermouth, <i>England</i> 16%	8
	Asterley Bros sweet vermouth, <i>England</i> 16%	8
	Creme de cassis, <i>France</i> 18%	8
	Creme de mure, <i>France</i> 18%	8
	Pedra no.03 white port, <i>Portugal</i> 19%	8
	Pastis Rocroy, <i>France</i> 45%	10
	Jagermeister, <i>Germany</i> 35%	8
	Mr. Black's coffee liqueur, <i>Australia</i> 23%	10
Pimm's, <i>England</i> 25%	8	

All spirits also available in 25ml measures

PUB WINES

175ml/500ml

WHITE	2020	Vermentino - Sauvignon Blanc, LA CROIX, FRANCE	6.5/20
	2019	Roussanne - Chardonnay, FÉLINES JOURDAN, FRANCE	8/24
	2020	Albariño Sentidiño, BODEGAS GALLEGAS, GALICIA, SPAIN	11/35
	2019	Gavi di Gavi Superiore, MORGASSI, PIEDMONT, ITALY	12.5/40
	2019	Douro Branco Reserva, QUINTA DE LA ROSA, PORTUGAL	14/45
	2018/19	Chablis, GILBERT PICQ, BURGUNDY	16/50
ROSE	2019	Luberon Rosé, FAMILLE PERRIN, RHÔNE	9/26
RED	2019/20	Grenache Syrah, FÉLINES JOURDAN, FRANCE	7/24
	2019	Chianti Rufina, FATTORIA DI BASCIANO	9.5/30
	2018	Château Gardegan, CÔTES DE CASTILLON, BORDEAUX	11/32
	2020	Chinon Canal des Grandes Pièces, DOMAINE DE 'R, LOIRE	13/40
	2019	Langhe Nebbiolo, GIOVANNI ROSSO, PIEDMONT, ITALY	16/46
	2017	Bourgogne Rouge, DOMAINE NICOLAS ROSSIGNOL, BURGUNDY	20/60

All wines also available in 125ml measures

COCKTAILS

HOUSE CLASSICS

Refined and assured, Princess Royal house cocktails are delicious serves for any occasion.

Black Velvet <i>Guinness, Vieille Prune with Crémant</i>	12
Rye Old Fashioned <i>Rye Whiskey, Rye River Stout Reduction, Chocolate Bitters</i>	12
Late Bottled Negroni <i>Beefeater Gin, Campari, Asterley Bros Sweet Vermouth, LBV Port</i>	12

ON TAP

Swiftly served, slowly savoured.

Paloma No Faith <i>Ocho Blanco Tequila, Pink Grapefruit Juice, Citrus with Pink Grapefruit Tonic</i>	13
Espresso Martini <i>Ramsbury vodka, Origin Cold Brew Coffee, House Coffee Liqueur</i>	13

HIGHBALL SERIES

Our 'highball series' are provenance focussed, exciting & delicious long serves.

PedraTonica <i>Pedra No.03 White Port, Naturally, Light Tonic Water, Basil</i>	11.5
Sea-Sawdust <i>Tidal Rum, Mexican Lime Soda, Nettle Cordial</i>	12.5
'Burning' Green Man <small>SERVED WARM</small> <i>Green Man Wildwood Gin, Reverend Hubert Gin Liqueur, Orange Sherbet, Triple Sec, Epping Good Honey Water and Citrus</i>	12
Lost At Sea <i>Pentire Adrift, Light Tonic Water, Bergamot Sherbet</i>	10

BOILER MAKERS

Stylish single sippers, that pack a punch.

Vielle Prune	10
Waterford Gaia 1:1 <i>Paired with London Brewing Co Upright</i>	10
X Muse Vodka mini martini	10

SPIRITS

50ml

GIN	Beefeater, <i>England</i> 40%	10
	Star of Bombay, <i>England</i> 45%	13
	Green Man, <i>England</i> 45%	11
	Hepple, <i>England</i> 45%	12
	Ki No Bi Kyoto, <i>Japan</i> 45.7%	14.5
	Four Pillars Bloody Shiraz, <i>Australia</i> 37.8%	13
	Monkey 47, <i>Germany</i> 47%	13.5
	Lunar, Hendricks, <i>Scotland</i> 43.4%	12
VODKA	Wyborowa Vodka, <i>Poland</i> 40%	10
	Belvedere, <i>France</i> 40%	11
	Titos, <i>USA</i> 40%	10.5
	Ramsbury, <i>England</i> 43%	12
	X Muse, <i>Scotland</i> 40%	14
RUM	Havana Club 3, <i>Cuba</i> 40%	10
	Havana Club 7, <i>Cuba</i> 40%	10.5
	El Dorado 21, <i>Guyana</i> 40%	24
	Tidal, <i>Jersey</i> 40%	12
WHISKEY	Johnnie Walker Black Label, <i>Scotland</i> 40%	12
	Johnnie Walker Blue Label, <i>Scotland</i> 40%	40
	Glendronach, 21 Years, <i>Scotland</i> 46%	28
	'The Macallan', Rare Cask, <i>Scotland</i> 43%	45
	Glenmorangie, Signet, <i>Scotland</i> 46%	26
	Lagavulin, 2001 PX Cask, <i>Scotland</i> 43%	20
	Glenfarclas, 21 Year, <i>Scotland</i> 43%	22
	Ardbeg, Corryvreckan, <i>Scotland</i> 57.1%	17
	Jameson, <i>Ireland</i> 40%	10
	Redbreast, 15 Year, <i>Ireland</i> 46%	20
	Waterford, Gaia 1:1, <i>Ireland</i> 50%	20
	ELLC Single Malt, <i>England</i> 48%	20
	Nikka, From The Barrel, <i>Japan</i> 51.4%	16
	Yamazaki, 12 Year, <i>Japan</i> 43%	26
Jack Daniels single barrel, <i>USA</i> 45%	14	
AGAVE	Ocho Blanco, <i>Mexico</i> 40%	11
	Ocho Reposado, <i>Mexico</i> 40%	12
	Illegal Joven, <i>Mexico</i> 40%	22

All spirits also available in 25ml measures

CH

THE PRINCESS ROYAL, 47 HEREFORD ROAD,
NOTTING HILL, LONDON W2 5AH

ANNEX 3 - FOOD MENU

SNACKS / BAR

Nocellera olives 4 Focaccia, extra virgin olive oil 4
Cippolini onions, pangrattato, marjoram 4

STARTERS

Padron peppers, sea salt & lemon 7
Smoked anchovies & pickled shallots on toast 8
Whipped nduja, fennel biscuits 9
Three cheese pizzette frita - burrata, mascarpone & fontina with spring truffle 8

OYSTERS

seasonal oysters served with either
shallot & marsala vinegar dressing - 3.5 each
or hot chorizo - 4 each

SMALL PLATES / RAW

English burrata, blood orange, radicchio, toasted coriander seeds 12
Aged beef tartare, pine nuts, mint & dried chilli 14
Cornish crab with chilli & lemon, radish, early peas & pangrattato 14
Red prawn crudo, rosemary & orange 15
Wild bream crudo, wild oregano & capers 12

SALADS

Grilled artichokes, wild rocket, pomegranate, smoked anchovy & spelt 11/17
Slow cooked free-range chicken, roast seasonal tomatoes, grilled gem, sourdough croutons & parmesan 12/18
Spice roasted cauliflowers, radish, fennel herbs & pistachio pesto 10/16

LARGE PLATES

Pan fried potato Gnocci with chickpeas, chilli, lemon, & sage 16
Princess Parmigiana 17
Old spot pork chop, salt roasted beets, new season carrots, walnut picada 22
Whole grilled wild bream, bottarga butter & preserved lemon 23
Grilled Dorset coast monkfish with borlotti, chilli & salsa verde 26
Josper grilled ribeye on the bone, porcini butter, watercress, radish & pecorino, rosemary & garlic fries 32

SIDES

Seasonal tomatoes, chicory & fig leaf vinegar 6 Josper Grilled spring cabbage, Aleppo pepper 5
Salt baked beets & leaves with molasses 5
Purple sprouting broccoli with smoked anchovy 5 Rosemary-garlic fries & aioli 5

PUDDINGS

Amalfi lemon & olive oil cake, whipped mascarpone 9
Pannacotta, marsala & blood orange 9
Spiced Calaspara rice pudding brulee, forced rhubarb ice cream 9
Chocolate ganache with chestnut honey ice cream & toasted walnuts 9.5
Doughnuts, saffron custard and lemon curd 8
Pistachio & apricot fudge 4

Seasonal cheese selection with membrillo & fennel crackers 12

OYSTERS

seasonal oysters served with either
shallot & marsala vinegar dressing - 3.5 each
or hot chorizo - 4 each

SNACKS

- Nocellera olives 4
Focaccia, extra virgin olive oil 4
Cippolini onions, pangrattato, marjoram 4
Padron peppers, sea salt & lemon 7
Norcia & tallegio toastie 9
Whipped nduja, fennel biscuits 8
Three cheese pizzette frita - burrata, mascarpone & fontina, spring truffle 8
Crispy squids, sesame & ink alioli 8
Smoked anchovies & pickled shallots on toast 8
Rosemary & garlic fries with alioli 5

PLATES

- Marinated, grilled steak on focaccia with tropea onions & gremolata 00
Crispy hake goujons, romesco, rosemary & garlic fries 00
Slow cooked free-range chicken, roast tomatoes, grilled gem,
sourdough croutons & parmesan 12/18
House burger - with aged manchego, nduja, sweet guindilla & alioli,
rosemary & garlic fries 00
Princess parmigiana 17

All prices include VAT. An optional 15% service charge will be included on your bill. Allergens? Please tell your server.

THE PRINCESS ROYAL

Cover - awaiting Chris Brown illustration

CH

THE PRINCESS ROYAL, 47 HEREFORD ROAD,
NOTTING HILL, LONDON W2 5AH

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
05/11558/LIPN	New premises licence	20.12.2005	Granted by Licensing Sub Committee
06/03581/LIPV	Variation – reinstate external area and variation of conditions	22.06.2006	Granted by Licensing Sub Committee
06/07958/LIPDPS	Variation of DPS	31.08.2006	Granted under delegated Authority
06/08590/LIPDPS	Variation of DPS	14.09.2006	Granted under delegated Authority
07/00394/LIPDPS	Variation of DPS	31.01.2007	Granted under delegated Authority
07/09488/LIPV	Variation – Alteration of plans	29.11.2007	Granted by Licensing Sub Committee
07/10562/LIPDPS	Variation of DPS	03.01.2008	Granted under delegated Authority
06/04911/WCCMAP	Master Licence	29.11.2007	Granted under delegated Authority
08/09027/LIPV	Variation – Alteration of plans and amendment of conditions	23.12.2008	Granted by Licensing Sub Committee
09/02261/LIPV	Variation – Extend hours to 00:00 and extension for NYE	21.05.2009	Granted by Licensing Sub Committee
09/05691/LIPDPS	Variation of DPS	10.08.2009	Granted under delegated Authority
09/07013/LIPDPS	Variation of DPS	01.10.2009	Granted under delegated Authority

10/03802/LIPV	Variation – Extension of hours on the first floor	29.07.2010	Refused by Licensing Sub Committee
11/05087/LIPVM	Minor variation – change of layout	13.06.2011	Granted under delegated Authority
14/08344/LIPDPS	Variation of DPS	22.10.2014	Granted under delegated Authority
15/02486/LIPDPS	Variation of DPS	21.10.2015	Granted under delegated Authority
16/07074/LIPV	Variation – update of plans following refurbishment	06.09.2016	Granted under delegated authority
16/07092/LIPDPS	Variation of DPS	21.07.2016	Granted under delegated Authority
17/02018/LIPVM	Minor variation – Change of opening hours	15.03.2017	Granted under delegated Authority
19/07316/LIPDPS	Variation of DPS	03.07.2019	Granted under delegated Authority
19/14245/LIPDPS	Variation of DPS	26.11.2019	Granted under delegated Authority
20/11241/LIPT	Transfer - Sleepwell Hotels (UK) Limited to Ei Group Ltd	07.01.2021	Granted under delegated Authority
21/12671/LIPT	Transfer - Ei Group Ltd to Cubitt House Limited	03.02.2022	Granted under delegated Authority
21/13803/LIPDPS	Variation of DPS	03.02.2022	Granted under delegated Authority

There is no appeal history

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

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

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

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

Conditions: On Current Licence -

Mandatory:

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

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

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

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

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

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

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

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

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

Where -

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

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

Annex 2 – Conditions consistent with the operating Schedule

9. Adequate sound proofing to the Conservatory wall abutting Hereford Mansions shall be effected when the alterations authorised by the Minor Variation are carried out.

The applicant is proposing the following amendment:

9. **Adequate sound proofing to the Conservatory wall abutting Hereford Mansions shall be affected.**
10. If it proves necessary to abate a noise nuisance arising from the floor surface in the Conservatory an adequate rug shall be provided.
11. The private front area as shown hatched green on the plan.
 - a) This will be the designated smoking area (which will be physically separated by way of barrier to keep the public pavement clear) and licensed for seated consumption of food and beverages only. No stand up drinking shall be allowed and this area shall be limited to a maximum of 15 customers at any time. All tables and chairs shall be removed from this area at 22.30 each evening. The smoking area shall cease to be utilised to coincide with closure of the premises being Monday to Wednesday 23.30, Saturday 00.00 and Sunday 23.00.

The applicant is proposing the following amendment:

11. **The private front area as shown hatched green on the plan.**
 - a) **This will be the designated smoking area (which will be physically separated by way of barrier to keep the public pavement clear) and licensed for seated consumption of food and beverages only. No stand up drinking shall be allowed and this area shall be limited to a maximum of 15 customers at any time. All tables and chairs shall be removed from this area or rendered unusable at 22.30 each evening. The smoking area shall cease to be utilised to coincide with closure of the premises.**
 - b) No Barbecues or gas heaters will be allowed in this area. Best endeavours will always be used to ensure that no pavement drinking takes place.

The applicant is seeking to remove conditions 12a, 12b and 12c

12. Area 2. The open area as shown to the front right side as shown on the plan.
 - a) Such use will be subject to no tables and chairs being permitted in this area and to customers and staff not being permitted to smoke or take any refreshment there and the area shall be laid out to have restricted width passage for customers to enter and leave only. A manned reception desk shall be situated within the conservatory.
 - b) The existing gates shall be locked from 22:30 until 08.00 each day and entrance/exit shall then be via the central lobbied doors.
 - c) No barbecues or gas heaters to be allowed in Area 2 at any time.

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

13. The premises shall maintain a comprehensive CCTV system that ensures all areas of the licensed premises are monitored including all entry and exit points, and the street environment and which enables frontal identification of every person entering in any light

condition. All cameras shall continually record whilst the premises are open to the public and the video recordings shall be kept available for a minimum of 31 days with time and date stamping. (ii) Tape recordings shall be made available to an authorised officer or a police officer together with facilities for viewing. (iii) The recordings for the preceding two days shall be made available immediately on request. Recordings outside this period shall be made available on 24 hours notice. (Subject to the Data Protection Act 1998)

14. The only ID that shall be accepted will be that approved by PASS, photo driving licences or passports.
15. Signs shall be displayed, which are clearly visible to prospective customers, stating the hours of the licensable activities.
16. Where a customer chooses to pay by credit card, they shall be supplied with an itemised bill upon final payment, showing details of all drink and food purchased.
17. No changes shall be made to the approved layout of the premises without the consent of the Council.
18. No alteration which would result in it being impossible to comply with an existing licence condition shall be made without first seeking variation of the Premises licence to delete or amend the condition(s) in question.
19. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 7 days prior notice being given to the Council where consent has not previously been given:
 - ' Dry ice and cryogenic fog
 - ' Smoke machines and fog generators
 - ' Pyrotechnics including fireworks
 - ' Firearms
 - ' Lasers
 - ' Explosives and highly flammable substances
 - ' Real flame
 - ' Strobe lighting
20. No person shall give at the premises any exhibition, demonstration or performances of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased.

NOTE: (1) This rule does not apply to exhibitions given under the provisions of Section 2(1A) and 5 of the Hypnotism act 1952

21. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be permitted after 23:00 hours.
22. Noise and vibration shall not be allowed to emanate from the premises so as to cause a nuisance to nearby properties.
23. Notices shall be prominently displayed at exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.

24. No rubbish shall be moved, removed or placed in outside areas between 22:30 hours and 08:00 hours and no bottles shall be moved, removed or placed in outside areas between 20:30 hours and 08:00 hours.

The applicant is proposing the following amendment:

24. **No rubbish shall be moved, removed or placed in outside areas between 22:30 hours and 08:00 hours and no bottles shall be moved, removed or placed in outside areas between 19:00 hours and 10:00 hours**
25. Noxious smells shall not be allowed to emanate from the premises so as to cause a nuisance to nearby properties.
26. Flashing or particularly bright lights on or outside the premises shall not be permitted to cause a nuisance to nearby properties (save insofar as they are necessary for the prevention of crime).
27. All persons under 18 years of age shall not be allowed to remain on the premises after 21:00 hours (unless they are attending a private function and accompanied by an adult), or when happy hours or similar promotions are in operation.

The applicant is proposing the following amendment:

27. **All persons under 18 years of age shall not be allowed to remain on the premises after 21:00 hours (unless they are attending a private function or dining and accompanied by an adult), or when happy hours or similar promotions are in operation.**
28. The capacity for these premises shall not exceed 150 including staff and performers.

The applicant is seeking to remove condition 28

29. Substantial food and suitable beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises except for the areas marked on the plan and used as deli and market garden (Area 2) respectively during the hours of such operation. The only licensable activity permitted whilst the conservatory area is used as a deli will be the sale of alcohol for consumption off the premises.

The applicant is proposing the following amendment:

29. **Substantial food and suitable beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises.**
30. All waste is to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
31. A noise limiter located in a separate and remote lockable cabinet from the volume control shall be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service's Community Protection Department so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured to the satisfaction of officers from the Environmental Health Service. The keys securing the noise limiter cabinet shall be held by the applicant only, and shall not be accessed by any other person. The limiter shall not be altered without prior agreement with the Environmental Health Service.

The applicant is seeking to remove condition 31

32. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised officer of the Environmental health Service.

The applicant is seeking to remove condition 32

33. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.

The applicant is seeking to remove condition 33

34. The approved arrangements at the premises, including means of escape provisions, fire warning and fire fighting equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
35. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
36. Escape routes shall be kept clear and unobstructed, in good order with non slippery and even surfaces, free of hazards and clearly identified.
37. All exit doors shall be available at all material times without the use of a key, code, card or similar means.
38. A telephone number for immediate contact of a member of the management team will be displayed in a position where it can easily be read from the outside. This telephone number will be supplied to Hereford Road Association and to Resident Associations of properties in the immediate vicinity and kept up-to-date.
39. The manager will arrange and/or attend representative residents' meeting at least quarterly so that any issues concerning the operation of the premises may be discussed.
40. There shall be no music relayed to nor to speakers used in external areas.
41. Furniture used in area 1 shall be rendered incapable of use or securely stored (e.g. in area 2) by 23:30 hours.

The applicant is seeking to remove condition 41

42. Garden Area 3. In this area alcohol will be ancillary for only seated patrons dining with waiter/waitress service, conditional that the area is vacated by 20:00 hours during GMT extended to 21:30 hours during BST. The maximum capacity of patrons should be no more than 45 persons. No barbecues or gas heaters to be allowed in this area.

The applicant is proposing the following amendment:

- 42. Garden Areas 2 and 3. These areas are vacated by 22:00 hours. The maximum capacity of patrons should be no more than 50 persons in Garden Area 3 and 20 persons in Garden Area 2 (excluding staff). No barbecues or gas heaters to be allowed in this area.**
43. Garden Area 3 shall be vacated by staff at 20:30 hours during GMT and 22:00 hours during BST

44. No speakers or television/film screens will be located in the large conservatory, which abutts Hereford Mansion, separating areas 1 and 2.
45. All doors leading to external areas and the internal doors to the conservatory will remain closed (except for entrance and exit) at all times under this licence using self-closing mechanisms except that the door from the conservatory/delicatessen to Area 2 may be open whilst the deli is operated as such but no later than 20:00 hours and the front door may be open whilst a receptionist is on duty but no later than 18:00 hours.

The applicant is seeking to remove condition 45

46. A sound limiter is to be provided set to 5Db below the fire alarm level or link the amplifier to a power source, which is linked to the fire alarm to disconnect power on activation.

The applicant is seeking to remove condition 46

47. Regulated entertainment in the form of Live Music shall be limited to a maximum of 2 performers.

The applicant is seeking to remove condition 47

48. That the metal staircase and proposed new external door from the first floor to the rear garden area can only be used in the event of an emergency and signs attached indicating 'fire exit only'.

The applicant is seeking to remove condition 48

49. There shall be no new customer entry to the premises after 22:30hrs.

The applicant is seeking to remove condition 49

50. During the last 30 minutes of licensable activity, only customers taking table meals shall be permitted to remain on the premises.

The applicant is seeking to remove condition 50

51. The bar will be closed to the public one hour before the terminal hour and only used as a dispense bar by waiting staff to supply alcohol to customers taking a table meal.

The applicant is seeking to remove condition 51

52. After 23:00hrs the supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.

The applicant is seeking to remove condition 52

53. Licensable activities shall be permitted on 1st January to 01:00 with provision of Late Night Refreshment until 01:30.
54. On 1st January the premises shall close 30 minutes after the end of licensable activities

Additional conditions proposed by the Applicant

55. There shall be no televisions or speakers in the conservatory area.

56. When in use the entirety of the trading space in Garden Areas 2 and 3 will contain tables and chairs.
57. The gates of the Garden Area leading onto the road shall be kept closed at all times save for fire escape and emergency access.
58. Waiter or waitress service shall be available for the supply of alcohol and food.
59. The variation of this premises licence (19/14245/LIPDPS) to vary hours, conditions and plans (ref. TCO_LC_101 and TCO_LC_102) will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from this licence by the licensing authority.



Resident count: 193

Licensed premises within 75m of 47 Hereford Road

Licence Number	Trading Name	Address	Premises Type	Time Period
21/07596/LIPV	Sunday In Brooklyn	Unit 7 98 Westbourne Grove London W2 5RU	Restaurant	Monday; 09:00 - 23:30 Tuesday; 09:00 - 23:30 Wednesday; 09:00 - 23:30 Thursday; 09:00 - 23:30 Friday; 09:00 - 00:00 Saturday; 09:00 - 00:00 Sunday; 09:00 - 23:00 Sundays before Bank Holidays; 12:00 - 23:30
21/00430/LIPN	Cote (Shadow Licence)	Unit 7 98 Westbourne Grove London W2 5RU	Premises Licence - Shadow Licence	Sunday; 12:00 - 23:00 Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00
19/08871/LIPDPS	Co-Operative	108 Westbourne Grove London W2 5RU	Shop (large)	Monday to Sunday; 07:00 - 23:00
21/06210/LIPN	Seasons	6 Chepstow Road London W2 5BH	Restaurant	Sunday; 07:00 - 22:30 Monday to Thursday; 07:00 - 23:30 Friday to Saturday; 07:00 - 00:00
14/07833/LIPN	Perfetto	Basement Floor And Ground Floor 112 Westbourne Grove London W2 5RU	Cafe	Sunday; 07:00 - 23:00 Monday to Saturday; 07:00 - 23:30
16/10441/LIPDPS	Sainsburys Supermarkets Limited	Grove House 88 - 94 Westbourne Grove London W2 5RT	Food store (large)	Monday to Sunday; 07:00 - 23:00

18/16176/LIPDPS	Sainsbury's	Grove House 88 - 94 Westbourne Grove London W2 5RT	Shop	Monday to Sunday; 07:00 - 23:00
14/07096/LIPDPS	Oriental Deli	16 Chepstow Road London W2 5BD	Shop	Sunday; 10:00 - 22:30 Monday to Saturday; 08:00 - 23:00
22/00277/LIPDPS	Ghost Kitchen	Basement And Ground Floor 115 Westbourne Grove London W2 4UP	Restaurant	Monday to Sunday; 10:00 - 23:30
21/11364/LIPT	Ghost Kitchen	Basement And Ground Floor 115 Westbourne Grove London W2 4UP	Restaurant	Monday to Sunday; 10:00 - 23:30
06/11786/WCCMAP	Rodizio Rico	111 Westbourne Grove London W2 4UW	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
16/09990/LIPDPS	Franco Manca	111 Westbourne Grove London W2 4UW	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
19/16505/LIPDPS	Verderame Restaurant	Basement And Ground Floor 84 Westbourne Grove London W2 5RT	Restaurant	Sunday; 12:00 - 22:30 Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sundays before Bank Holidays; 12:00 - 00:00