



City of Westminster

# Licensing Sub-Committee Report

Item No:

Date:

Licensing Ref No:

Title of Report:

Report of:

Wards involved:

Policy context:

Financial summary:

Report Author:

Contact details

17 March 2022

21/14438/LIPV - Premises Licence Variation

Chotto Matte  
26 Paddington Street  
London  
W1U 5QY

Director of Public Protection and Licensing

Marylebone High Street

City of Westminster Statement of Licensing Policy

None

Kevin Jackaman  
Senior Licensing Officer

Telephone: 0207 641 6500  
Email: [kjackaman@westminster.gov.uk](mailto:kjackaman@westminster.gov.uk)

<b>1.</b>	<b>Application</b>		
<b>1-A</b>	<b>Applicant and premises</b>		
<b>Application Type:</b>	Variation of a Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	15 December 2021		
<b>Applicant:</b>	NZR Limited		
<b>Premises:</b>	Chotto Matte		
<b>Premises address:</b>	26 Paddington Street London W1U 5QY	<b>Ward:</b>	Marylebone High Street
		<b>Cumulative Impact Area:</b>	None
		<b>Special Consideration Zone:</b>	None
<b>Premises description:</b>	The premises trade as a Japanese restaurant, grill and sushi bar		
<b>Variation description:</b>	<p>The applicant is seeking the following variations:</p> <ol style="list-style-type: none"> <li>Vary the layout in accordance with the appended plans. The changes include- <ul style="list-style-type: none"> <li>-New entrance doors/lobby &amp; cloakroom</li> <li>-New enlarged bar counter &amp; hatched lounge</li> <li>-Reconfiguration of fixed seating throughout</li> <li>- Removal of PDR licensed area from basement</li> </ul> The changes shall be subject to the existing works condition. </li> <li>Inclusion of off sales of alcohol, subject to the additional conditions:- <ul style="list-style-type: none"> <li>- Except for any authorised external seating areas, all sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.</li> <li>- There shall be no sales of alcohol for consumption off the premises after 23.00 hours.</li> </ul> </li> <li>Amend condition 9 to increase the number of persons permitted within the hatched bar area to 35 persons.</li> </ol>		
<b>Premises licence history:</b>	<p>The premises have had the benefit of a premises licence since April 2016. The current premises licence reference is 20/07564/LIPCH, a copy of which is attached as Appendix 2 of this report.</p> <p>Please see Appendix 4 of the report for a full licence history</p>		
<b>Applicant submissions:</b>	None		
<b>Applicant amendments:</b>	None		

<b>1-B</b>	<b>Current and proposed licensable activities, areas and hours</b>					
<b>Regulated Entertainment</b>						
<b>Late night refreshment</b>						
<b>Indoors, outdoors or both</b>			<b>Current :</b>		<b>Proposed:</b>	
			Both		No change	
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Licensable Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	23:00	00:00	No change		Basement and ground floor	No change
<b>Tuesday</b>	23:00	00:00				
<b>Wednesday</b>	23:00	00:00				
<b>Thursday</b>	23:00	00:00				
<b>Friday</b>	23:00	01:00				
<b>Saturday</b>	23:00	01:00				
<b>Sunday</b>	23:00	00:00				
<b>Seasonal variations/ Non-standard timings:</b>		<b>Current:</b>			<b>Proposed:</b>	
		From 23:00 on New Year's Eve until 05:00 on New Year's Day			No change	

<b>Sale by Retail of Alcohol</b>						
<b>On or off sales</b>			<b>Current :</b>		<b>Proposed:</b>	
			On		On and off	
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Licensable Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	10:00	00:00	No change		Basement and ground floor	No change
<b>Tuesday</b>	10:00	00:00				
<b>Wednesday</b>	10:00	00:00				
<b>Thursday</b>	10:00	00:00				
<b>Friday</b>	10:00	01:00				
<b>Saturday</b>	10:00	01:00				
<b>Sunday</b>	10:00	00:00				
<b>Seasonal variations/ Non-standard timings:</b>		<b>Current:</b>			<b>Proposed:</b>	
		From the start time on New Year's Eve until the finish time on New Year's Day			No change	

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
<b>Monday</b>	07:30	00:30	No change		Basement and ground floor	No change
<b>Tuesday</b>	07:30	00:30				
<b>Wednesday</b>	07:30	00:30				
<b>Thursday</b>	07:30	00:30				
<b>Friday</b>	07:30	01:30				
<b>Saturday</b>	07:30	01:30				
<b>Sunday</b>	07:30	00:30				
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b> None				<b>Proposed:</b> No change	

1-C	Layout alteration
<p>The applicant is seeking a change of layout in accordance with the proposed plans. The changes are:-</p> <ul style="list-style-type: none"> <li>-New entrance doors/lobby &amp; cloakroom</li> <li>-New enlarged bar counter &amp; hatched lounge</li> <li>-Reconfiguration of fixed seating throughout</li> <li>- Removal of PDR licensed area from basement</li> </ul> <p>The changes shall be subject to the existing works condition.</p>	

1-D	Conditions being varied
Condition	Proposed variation
9: 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. Notwithstanding this condition, alcohol may be supplied and consumed prior to their meal in the ground floor bar area hatched on the plan by up to a maximum of 30 persons at any one time dining at the premises.	9. 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. Notwithstanding this condition, alcohol may be supplied and consumed prior to their meal in the ground floor bar area hatched on the plan by up to a maximum of 35 persons at any one time dining at the premises.

1-D	Conditions being added				
<ul style="list-style-type: none"> <li>• Except for any authorised external seating areas, all sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.</li> <li>• There shall be no sales of alcohol for consumption off the premises after 23.00 hours.</li> </ul>					
<b>Adult entertainment:</b>	<table border="1"> <thead> <tr> <th>Current position:</th> <th>Proposed position:</th> </tr> </thead> <tbody> <tr> <td>None</td> <td>No change</td> </tr> </tbody> </table>	Current position:	Proposed position:	None	No change
Current position:	Proposed position:				
None	No change				

<b>2.</b>	<b>Representations</b>
<b>2-A</b>	<b>Responsible Authorities</b>
<b>Responsible Authority:</b>	Environmental Health
<b>Representative:</b>	Anil Drayan
<b>Received:</b>	13 January 2022
Environmental Health makes representations on the Public Nuisance and Public Safety issues as the changes in layout will need to be assessed for the impact on these licensing objectives.	

<b>2-B</b>	<b>Other Persons</b>
<b>Name:</b>	██████████
<b>Address and/or Residents Association:</b>	██████████ ██████████ ██████ ██████
<b>Received:</b>	11 January 2022

We are greatly concerned for this planning, mainly noise created by playing of loud music in accordance to their restaurant theme.

Our home is located ██████████ and have historically experienced unauthorised playing of loud music/bass until early hours of the morning. This has been previously logged with management and local authority. We understand the proposed restaurant is a high-end Soho bar/dining theme with very late operating hours (7 days a week).

We kindly urge the below to be considered (if permission is granted).

1. Good sound proofing for airborne and impact as the existing ceiling sound insulation are very poor and not to standards and no speakers to be installed on ceiling level.
2. Strict restrictions on the sound decibels not to be compromised by staff on duty as previously experienced.
3. Restrictions on operating hours to be adequate of residential neighbourly hours.
4. people queuing and waiting in front of building entrance, and under our bedroom windows to enter creating disruption and being loud.
5. causing a nuisance when leaving the restaurant in early hours of the morning and being disorderly.
6. The restaurant entrance in Paddington Street is located below both of our ██████████ height from the restaurant entrance door.

Historically, we have experienced ongoing issues with people coming out of the restaurant to smoke and socialise at all hours of the day and night (traffic management), queuing whilst waiting to enter and upon leaving the premises talking loudly whilst waiting for transportation at times in early hours of the morning. If revolving doors are permitted, we are concerned this will only encourage the further nuisance.

We are Concerned this will impact our entitlement of quiet- enjoyment, affecting our well-being and property value.

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	11 January 2022

We are greatly concerned for this planning, We understand the proposed restaurant is a high-end Soho bar/dining theme with very late operating hours (7 days a week).

We kindly urge the below to be considered (if permission is granted).

1. Restrictions on operating hours to be adequate of residential neighbourly hours.
2. people queuing and waiting around building entrance, whilst waiting to enter causing disruption ( traffic management)
3. causing a nuisance when leaving the restaurant in early hours of the morning whilst waiting for transport and socialising and smoking.

If revolving doors are permitted, we are concerned this will only encourage the further nuisance when leaving premises. We are Concerned this will impact our entitlement of quiet- enjoyment, affecting our well-being and also property value.

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	11 January 2022

We are greatly concerned for this planning, mainly noise created by playing of loud music as our property is located [REDACTED] and have historically experienced unauthorised playing of loud music/bass until early hours of the morning. This has been previously logged with management and local authority.

We understand the proposed restaurant is a high-end Soho bar/dining theme with very late operating hours (7 days a week).

We kindly urge the below to be considered (if permission is granted).

1. Good sound proofing for airborne and impact as the existing ceiling sound insulation are very poor and not to standards and no speakers to be installed on ceiling level.
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3. Restrictions on operating hours to be adequate of residential neighbourly hours.
4. people queuing and waiting around building entrance, whilst waiting to enter causing disruption ( traffic management)
5. causing a nuisance when leaving the restaurant in early hours of the morning whilst waiting for transport and socialising and smoking.

If revolving doors are permitted, we are concerned this will only encourage the further nuisance when leaving premises. We are Concerned this will impact our entitlement of quiet- enjoyment, affecting our well-being and also property value.

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	11 January 2022

We are greatly concerned for this planning. We understand the proposed restaurant is a high-end Soho bar/dining theme with very late operating hours (7 days a week). We kindly urge the below to be considered (if permission is granted).

1. Strict restrictions on the sound decibels not to be compromised by staff on duty as previously experienced.
2. Restrictions on operating hours to be adequate of residential neighbourly hours.
3. people queuing and waiting around building entrance, whilst waiting to enter restaurant causing disruption ( traffic management)
4. causing a nuisance when leaving the restaurant in early hours of the morning whilst waiting for transport and socialising and smoking.

If revolving doors are permitted, we are concerned this will only encourage the further nuisance when leaving premises. We are Concerned this will impact our entitlement of quiet- enjoyment, affecting our well-being and also property value.

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	11 January 2022

We are greatly concerned for this planning, mainly is noise created by playing of loud music in accordance to their restaurant theme. Our property is located [REDACTED]. As we understand the proposed restaurant is a high-end Soho bar/dining theme with very late operating hours (7 days a week).

We kindly urge the below to be considered (if permission is granted).

1. Restrictions on operating hours to be adequate of residential neighbourly hours.
2. people queuing and waiting in front of our entrance to the building to enter creating disruption and being loud.
3. creating a nuisance when leaving the restaurant in early hours of the morning and being disorderly.
4. Our bedrooms are located [REDACTED]

[REDACTED] from the restaurant entrance door. Historically, we have experienced ongoing issues with people coming out of the restaurant to smoke and socialise at all hours of the day and night (lack of security and traffic management), queuing whilst waiting to enter and upon leaving the premises talking loudly whilst waiting for transportation at times in early hours of the morning.

If revolving doors are permitted, we are concerned this will only encourage the further nuisance. We are also Concerned this will impact our entitlement of quiet- enjoyment, affecting our well-being and property value.

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	11 January 2022

We are greatly concerned for this planning, We understand the proposed restaurant is a high-end Soho bar/dining theme with very late operating hours (7 days a week).

We kindly urge the below to be considered (if permission is granted).

1. Restrictions on operating hours to be adequate of residential neighbourly hours.
2. people queuing and waiting around building entrance, whilst waiting to enter causing disruption ( traffic management)

3. causing a nuisance when leaving the restaurant in early hours of the morning whilst waiting for transport and socialising and smoking.

If revolving doors are permitted, we are concerned this will only encourage the further nuisance when leaving premises. We are Concerned this will impact our entitlement of quiet- enjoyment, affecting our well-being and also property value.

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	11 January 2022

We are greatly concerned for this planning, mainly is noise created by playing of loud music in accordance to their restaurant theme. Our property is located [REDACTED]  
As we understand the proposed restaurant is a high-end Soho bar/dining theme with very late operating hours (7 days a week).

We kindly urge the below to be considered (if permission is granted).

1. Restrictions on operating hours to be adequate of residential neighbourly hours.
2. people queuing and waiting in front of our entrance to the building to enter creating disruption and being loud.
3. creating a nuisance when leaving the restaurant in early hours of the morning and being disorderly.
4. Our bedrooms are located [REDACTED]

[REDACTED]. Historically, we have experienced ongoing issues with people coming out of the restaurant to smoke and socialise at all hours of the day and night (lack of security and traffic management), queuing whilst waiting to enter and upon leaving the premises talking loudly whilst waiting for transportation at times in early hours of the morning.

If revolving doors are permitted, we are concerned this will only encourage the further nuisance. We are also Concerned this will impact our entitlement of quiet- enjoyment, affecting our well-being and property value

<b>3.</b>	<b>Policy &amp; Guidance</b>
The following policies within the City Of Westminster Statement of Licensing Policy apply:	



<p><b>Policy HRS1 applies</b></p>	<p>A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:</p> <ol style="list-style-type: none"> <li>1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm.</li> <li>2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation.</li> <li>3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed.</li> <li>4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.</li> <li>5. The proposed hours when any music, including incidental music, will be played.</li> <li>6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises.</li> <li>7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.</li> <li>8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.</li> <li>9. The capacity of the premises.</li> <li>10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation.</li> <li>11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.</li> <li>12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.</li> <li>13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.</li> <li>14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding 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.</li> </ol>
<p><b>Policy RNT(A) applies</b></p>	<p>A. Applications outside the West End Cumulative Impact Zone will</p>

	<p>generally be granted subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</li> <li>2. The hours for licensable activities being within the council's Core Hours Policy HRS1.</li> <li>3. The 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.</li> <li>4. The applicant has taken account of the Special Consideration Zones Policy SCZ1 if the premises are located within a designated zone.</li> <li>5. The application and operation of the venue meeting the definition of a restaurant as per Clause C.</li> </ol> <p>C. For the purposes of this policy a restaurant is defined as:</p> <ol style="list-style-type: none"> <li>1. A premises in which customers are shown to their table or the customer will select a table themselves to which food is either served to them or they have collected themselves.</li> <li>2. Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at a table.</li> <li>3. Which do not provide any takeaway service of food and/or drink for immediate consumption, except if provided via an ancillary delivery service to customers at their residential or workplace address.</li> <li>4. Where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.</li> <li>5. The sale and consumption of alcohol prior to such meals may be in a bar area but must also be ancillary to the taking of such meal.</li> </ol>
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#### 4. Equality Implications

The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary, section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

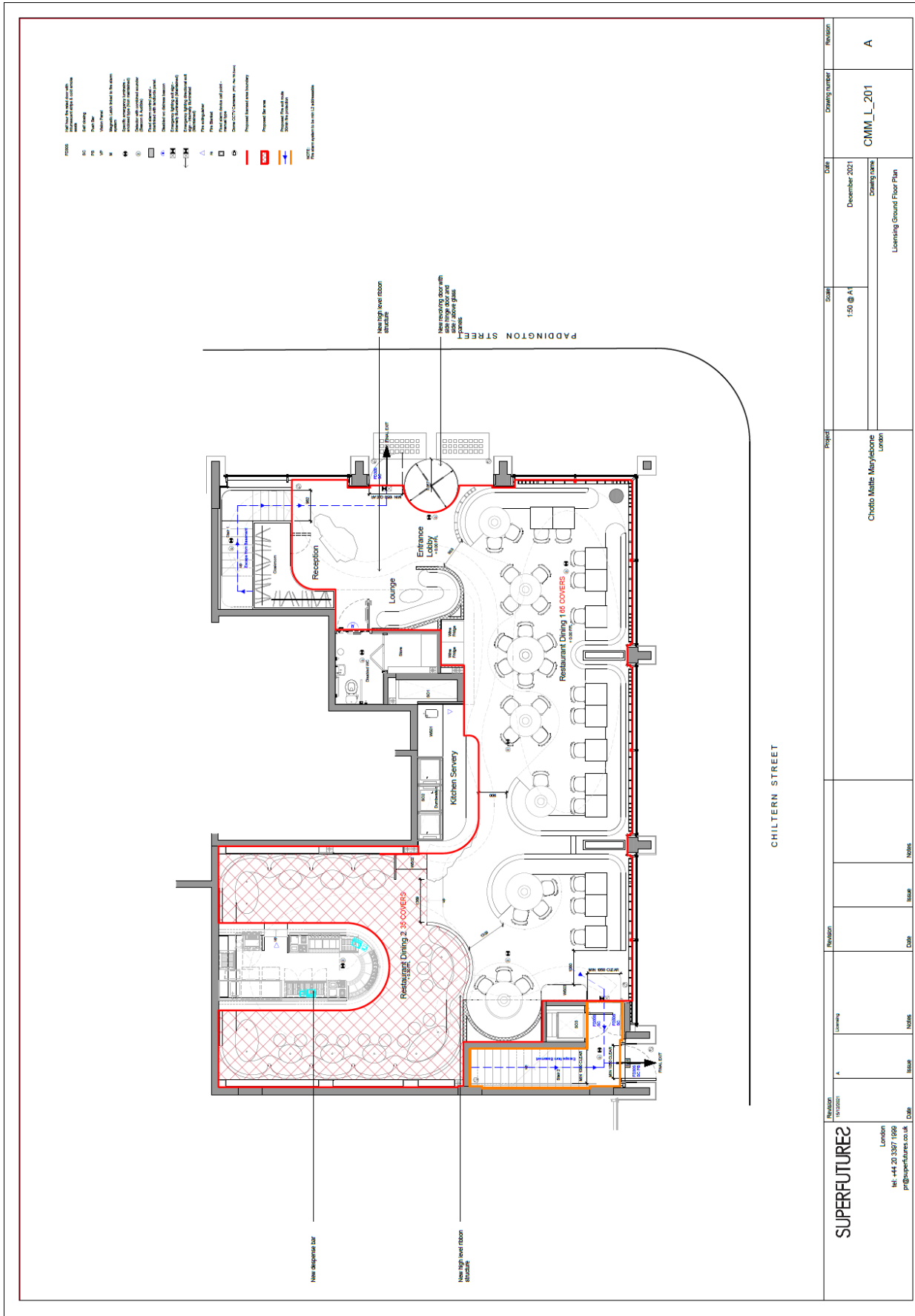
<b>5.</b>	<b>Appendices</b>
<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Premises Licence 20/07564/LIPCH
<b>Appendix 3</b>	Applicant supporting documents
<b>Appendix 4</b>	Premises history
<b>Appendix 5</b>	Proposed conditions
<b>Appendix 6</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Kevin Jackaman Senior Licensing Officer
<b>Contact:</b>	Telephone: 0207 641 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**

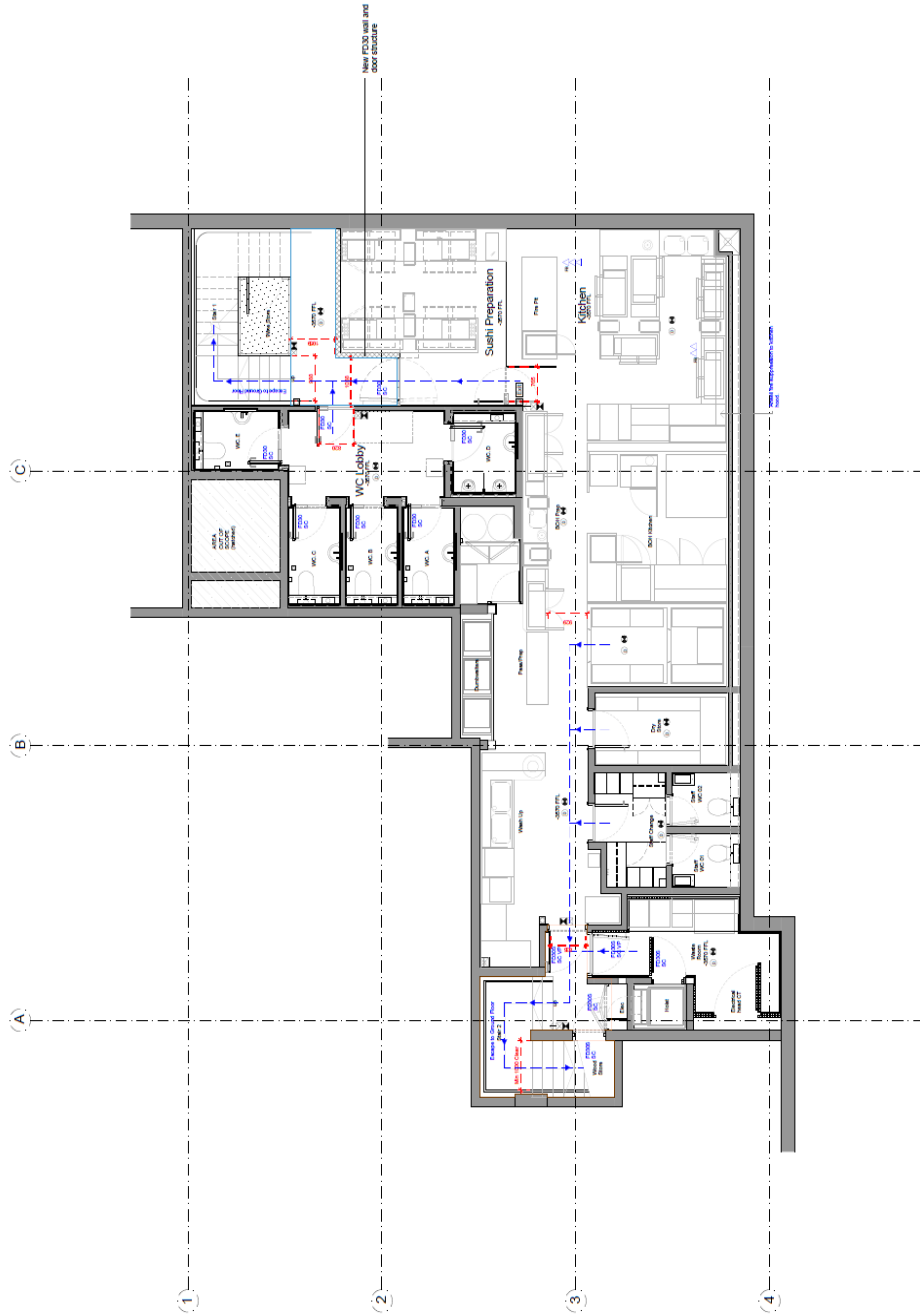
<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7th January 2021
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
<b>4</b>	Environmental Health representation	13 January 2022
<b>5</b>	Interested Party representation (1)	11 January 2022
<b>6</b>	Interested Party representation (2)	11 January 2022
<b>7</b>	Interested Party representation (3)	11 January 2022
<b>8</b>	Interested Party representation (4)	11 January 2022
<b>9</b>	Interested Party representation (5)	11 January 2022
<b>10</b>	Interested Party representation (6)	11 January 2022
<b>11</b>	Interested Party representation (7)	11 January 2022



<b>REVISION</b> SUPERFUTURE2 London Tel: +44 20 3307 1000 pr@superfutures.co.uk	A Issued Notes	Revision Issued Date Notes	Project Chotto Malle Marylebone London	Scale 1:50 @ A1	Date December 2021 Drawing name Landing Ground Floor Plan	Drawing number CMM_L_201	Revision A
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Code		Licensing		Revision		Revision		Revision	
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Date		Date		Date		Date		Date	
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Project		Scale		Date		Drawing number		Revision	
Chotto Matte Marylebone London		1:50 @ A1		December 2021		CMM_L_200		A	
Drawing name		Drawing name		Drawing name		Drawing name		Drawing name	
Licensing Basement Plan		Licensing Basement Plan		Licensing Basement Plan		Licensing Basement Plan		Licensing Basement Plan	



**City of Westminster**

64 Victoria Street, London, SW1E 6QP

Schedule 12  
Part A

WARD: Marylebone High  
Street  
UPRN: 010033632491

Premises licence

Regulation 33, 34

Premises licence number:

20/07564/LIPCH

Original Reference:

16/01529/LIPN

**Part 1 – Premises details**

**Postal address of premises:**

Fucina  
26 Paddington Street  
London  
W1U 5QY

**Telephone Number:** Not Supplied

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

Not applicable

**Licensable activities authorised by the licence:**

Late Night Refreshment  
Sale by Retail of Alcohol

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

**Late Night Refreshment**

Sunday to Thursday: 23:00 to 00:00  
Friday to Saturday: 23:00 to 01:00

Non-standard Timings: From 23:00 on New Year's Eve until 05:00 on New Year's Day

**Sale by Retail of Alcohol**

Sunday to Thursday: 10:00 to 00:00  
Friday to Saturday: 10:00 to 01:00

Non-standard Timings: From the start time on New Year's Eve until the finish time on New Year's Day

**The opening hours of the premises:**

Sunday to Thursday: 07:30 to 00:30  
Friday to Saturday: 07:30 to 01:30

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

Alcohol is supplied for consumption on the Premises.

Part 2

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

NZR Limited  
Suite A, 1<sup>st</sup> Floor  
Block B  
5<sup>th</sup> Avenue Plaza  
Team Valley  
Gateshead  
Tyne & Wear  
NE11 0BL

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

07054060

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

**Name:** John Darling

**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:** 545/2270  
**Licensing Authority:** Tunbridge Wells Borough Council

**Date:** 28 August 2020

**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. 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. Notwithstanding this condition, alcohol may be supplied and consumed prior to their meal in the ground floor bar area hatched on the plan by up to a maximum of 30 persons at any one time dining at the premises.
10. The supply of alcohol shall be by waiter/waitress or bar service only.
11. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
12. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 130 persons.
13. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00 hours.
14. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
15. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
16. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
17. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
18. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
19. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
20. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder
  - (d) any incidents of disorder
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system, searching equipment or scanning equipment

- (g) any refusal of the sale of alcohol
- (h) any visit by a relevant authority or emergency service.

21. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
22. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
23. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
24. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
25. 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.
26. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
27. No deliveries to the premises shall take place between 23.00 hours and 08.00 hours on the following day.
28. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 08.00 hours on the following day.
29. No licensable activities shall take place at the premises until the Licensing Authority are satisfied that the premises is constructed or altered in accordance with the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition will be removed from the Licence.
30. The customer toilet facilities at 26 Paddington Street shall be available at all times to customers from Panetteria at 22 Paddington Street

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

None







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

Schedule 12  
Part B

Premises licence  
summary

WARD: Marylebone High  
Street  
UPRN: 010033632491

Regulation 33, 34

Premises licence number:

20/07564/LIPCH

**Part 1 – Premises details**

**Postal address of premises:**

Fucina  
26 Paddington Street  
London

**Telephone Number:** Not Supplied

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

Not applicable

**Licensable activities authorised by the licence:**

Late Night Refreshment  
Sale by Retail of Alcohol

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

**Late Night Refreshment**

Sunday to Thursday: 23:00 to 00:00  
Friday to Saturday: 23:00 to 01:00

Non-standard Timings: From 23:00 on New Year's Eve until 05:00 on New Year's Day

**Sale by Retail of Alcohol**

Sunday to Thursday: 10:00 to 00:00  
Friday to Saturday: 10:00 to 01:00

Non-standard Timings: From the start time on New Year's Eve until the finish time on New Year's Day

**The opening hours of the premises:**

Sunday to Thursday: 07:30 to 00:30  
Friday to Saturday: 07:30 to 01:30



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

Alcohol is supplied for consumption on the Premises.

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

NZR Limited  
Suite A, 1<sup>st</sup> Floor  
Block B  
5<sup>th</sup> Avenue Plaza  
Team Valley  
Gateshead  
Tyne & Wear  
NE11 0BL

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

07054060

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

Name: John Darling

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

Restricted

**Date:** 28 August 2020

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

**Applicant Supporting Documents**

**Appendix 3**

None

**Licence & Appeal History**

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
16/01529/LIPN	New premises licence	25.04.2016	Granted under delegated authority
17/01340/LIPVM	Minor variation – add conditions	27.02.2017	Granted under delegated authority
19/05229/LIPDPS	Variation of DPS	06.06.2019	Granted under delegated authority
20/02063/LIPDPS	Variation of DPS	18.03.2020	Granted under delegated authority
20/07564/LIPCH	Change of details – registered office	28.08.2020	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. 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. Notwithstanding this condition, alcohol may be supplied and consumed prior to their meal in the ground floor bar area hatched on the plan by up to a maximum of 30 persons at any one time dining at the premises.

### **The applicant is proposing the following amended condition**

**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. Notwithstanding this condition, alcohol may be supplied and consumed prior to their meal in the ground floor bar area hatched on the plan by up to a maximum of 35 persons at any one time dining at the premises.**

10. The supply of alcohol shall be by waiter/waitress or bar service only.
11. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
12. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 130 persons.
13. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00 hours.
14. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
15. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
16. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
17. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
18. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
19. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

20. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder
  - (d) any incidents of disorder
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system, searching equipment or scanning equipment
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service.
21. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
22. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
23. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
24. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
25. 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.
26. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
27. No deliveries to the premises shall take place between 23.00 hours and 08.00 hours on the following day.
28. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 08.00 hours on the following day.
29. No licensable activities shall take place at the premises until the Licensing Authority are satisfied that the premises is constructed or altered in accordance with the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition will be removed from the Licence.
30. The customer toilet facilities at 26 Paddington Street shall be available at all times to customers from Panetteria at 22 Paddington Street

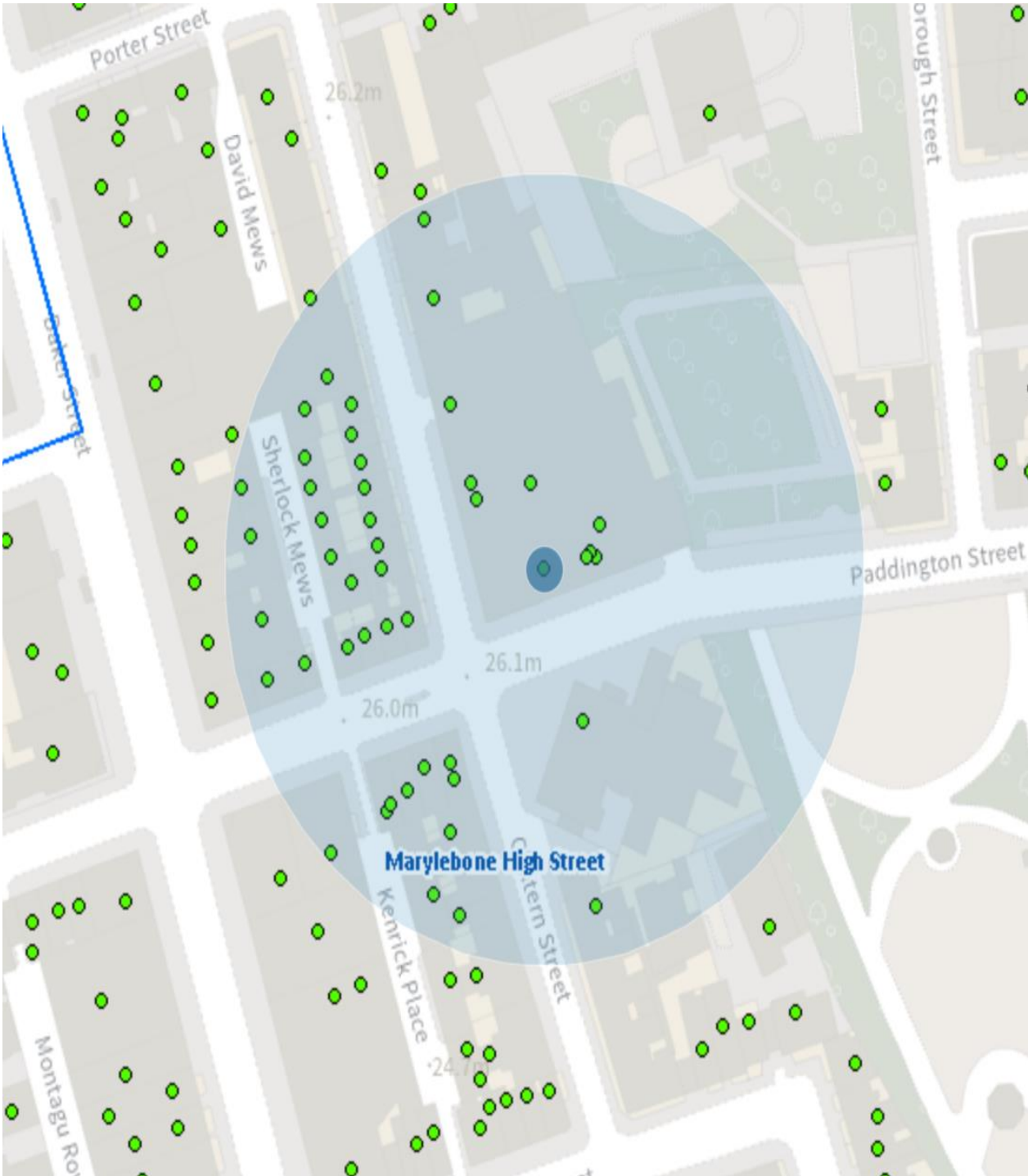
### **Annex 3 – Conditions attached after a hearing by the licensing authority**

None



**Conditions proposed by the applicant to be added to the operating schedule**

31. Except for any authorised external seating areas, all sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.
32. There shall be no sales of alcohol for consumption off the premises after 23.00 hours



Resident count: 124

Licensed premises within 75m of 26 Paddington Street, London, W1U 5QY

Licence Number	Trading Name	Address	Premises Type	Time Period
20/07334/LIPDPS	Wulf & Lamb	66 Chiltern Street London W1U 4EJ	Restaurant	Sunday; 08:00 - 23:00   Monday to Thursday; 07:00 - 23:30   Friday to Saturday; 07:00 - 00:00
17/02929/LIPDPS	AD Food Wine	Basement And Ground Floor 29 Paddington Street London W1U 4HA	Shop	Sunday; 10:00 - 22:30   Monday to Saturday; 08:00 - 23:00
20/03181/LIPCH	Arro Coffee	Basement And Ground Floor 67 Chiltern Street London W1U 6NQ	Cafe	Sunday; 08:00 - 22:00   Monday to Saturday; 07:00 - 22:00
09/06785/LIPV	Fabels	67 Chiltern Street London W1U 6NJ	Shop	Sunday; 10:00 - 22:30   Monday to Saturday; 08:00 - 00:00
21/05302/LIPCH	Honest Burgers	31 Paddington Street London W1U 4HD	Restaurant	Sunday; 10:00 - 23:00   Monday to Saturday; 10:00 - 23:30   Sundays before Bank Holidays; 10:00 - 23:30
19/10859/LIPV	Blandfords Café/restaurant	65 Chiltern Street London W1U 6NH	Cafe	Sunday; 07:30 - 22:30   Monday to Saturday; 07:30 - 23:30
09/09022/LIPD	Casa Becci	Ground Floor 32 Paddington Street London W1U 4HE	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30

14/10659/LIPDPS	Ohisama	Basement And Ground Floor 39 Paddington Street London W1U 4HH	Restaurant	Sunday; 10:00 - 23:00   Monday to Thursday; 10:00 - 00:00   Friday to Saturday; 10:00 - 00:30   Sundays before Bank Holidays; 10:00 - 00:30
21/13141/LIPDPS	Zizzi	35-38 Paddington Street London W1U 4HQ	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30