



City of Westminster

# Licensing Sub-Committee Report

Item No:

Date:

29 September 2022

Licensing Ref No:

22/06523/LIPV - Premises Licence Variation

Title of Report:

Tropica  
1 Lower Grosvenor Place  
London  
SW1W 0EJ

Report of:

Director of Public Protection and Licensing

Wards involved:

Knightsbridge and Belgravia

Policy context:

City of Westminster Statement of Licensing Policy

Financial summary:

None

Report Author:

Karyn Abbott  
Senior Licensing Officer

Contact details

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## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	Variation of a Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	30 June 2022		
<b>Applicant:</b>	Mr Adriano Dulgher		
<b>Premises:</b>	Tropica		
<b>Premises address:</b>	1 Lower Grosvenor Place London SW1W 0EJ	<b>Ward:</b>	Knightsbridge and Belgravia
		<b>Cumulative Impact Area:</b>	None
		<b>Special Consideration Zone:</b>	Victoria
<b>Premises description:</b>	The premises operates as a Bar.		
<b>Variation description:</b>	<p>This variation application seeks to permit the following:</p> <p>To extend the hours for <b>Late Night Refreshment</b> and <b>Retail Sale of Alcohol</b> for Sunday to Wednesday to 23:45 and Thursday, Friday and Saturday until 1:45 am.</p> <p>Also, extend the opening hours Thursday, Friday and Saturday until 02:00.</p>		
<b>Premises licence history:</b>	<p>The premises has had the benefit of a premises licence since June 2022.</p> <p>The current premises licence (22/07818/LIPRW) can be viewed at <b>Appendix 2</b> of this report.</p> <p>A full licence history and Decision from the recent Licensing Sub-Committee on the 16<sup>th</sup> of June 2022 for the premises appears at <b>Appendix 3</b>.</p>		
<b>Applicant submissions:</b>	None		
<b>Applicant amendments:</b>	None		

1-B Current and proposed licensable activities, areas and hours						
Late night refreshment						
Indoors, outdoors or both		Current :			Proposed:	
		Indoors			Both	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	23:30	23:00	23:45	Ground and Lower Floor	No change
Tuesday	23:00	23:30	23:00	23:45		
Wednesday	23:00	23:30	23:00	23:45		
Thursday	23:00	23:30	23:00	01:45		
Friday	23:00	00:00	23:00	01:45		
Saturday	23:00	00:00	23:00	01:45		
Sunday	N/A	N/A	23:00	23:45		
Seasonal variations/ Non-standard timings:		Current:			Proposed:	
		None			On new years eve to new years day we can operate until operate 5am the next day	

Sale by Retail of Alcohol						
On or off sales		Current :			Proposed:	
		Both			Both	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	23:30	10:00	23:45	Ground and Lower Floor	No change
Tuesday	10:00	23:30	10:00	23:45		
Wednesday	10:00	23:30	10:00	23:45		
Thursday	10:00	23:30	10:00	01:45		
Friday	10:00	00:00	10:00	01:45		
Saturday	10:00	00:00	10:00	01:45		
Sunday	12:00	22:30	10:00	23:45		
Seasonal variations/ Non-standard timings:		Current:			Proposed:	
		None			On new years eve to 5 am on new years day	

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	08:00	00:00	10:00	00:00	Ground and Lower Floor	No change
Tuesday	08:00	00:00	10:00	00:00		
Wednesday	08:00	00:00	10:00	00:00		
Thursday	08:00	00:00	10:00	02:00		
Friday	08:00	00:00	10:00	02:00		
Saturday	08:00	00:00	10:00	02:00		
Sunday	08:00	00:00	10:00	00:00		
Seasonal variations/ Non-standard		Current:			Proposed:	
		None			On new years eve to 5 am on new years day	

<b>timings:</b>		
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## 2. Representations

<b>2-A Responsible Authorities</b>	
<b>Responsible Authority:</b>	Metropolitan Police Service
<b>Representative:</b>	PC Tom Stewart
<b>Received:</b>	20 July 2022
<p>I refer to the above-mentioned application for a full variation.</p> <p>Following consideration of the application and how it may affect the Licensing Objectives, I wish to make the following representations:</p> <p>The proposed extension of licensable activities is likely to undermine the following licensing objectives:</p> <ul style="list-style-type: none"> <li>• The Prevention of Crime and Disorder</li> </ul> <p>The hours requested are beyond the core hours for a premises of this type and the conditions offered within the operating schedule are insufficient to promote the licensing objectives.</p>	
<b>Responsible Authority:</b>	Environmental Health Service
<b>Representative:</b>	Maxwell Koduah
<b>Received:</b>	20 July 2022
<p>I refer to the variation application for the above-mentioned premises. I have considered the information that you have provided within and accompanying this application. I have also considered the application in line with the relevant policies within the Councils Statement of Licensing Policy dated October 2021.</p> <p>The applicant seeks to extend the hours for the provision of late-night refreshment indoors and outdoors Thursday to Saturday from 23:00 to 01:45 hours</p> <p><b>Proposed Environmental Health conditions in addition to those contained within operating schedule</b></p> <ol style="list-style-type: none"> <li>1. The hours requested to provide late night refreshment may have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the area</li> </ol> <p>The hours sought are outside the Council's core hours further discussions will be held with applicant on the unique merits of the applicant.</p> <p>As presented, the application would have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the area</p> <p>Please contact me if you are minded discussing any of the matters above.</p>	

2-B Other Persons	
<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	26 July 2022
<p>No other premises in the area, including all the licensed premises in Nova, extend beyond 11 pm. I along with other neighbours strongly object to the this licensee receiving a license longer than anyone else. We fear that any permission outside the normal hours will be "the thin end of a wedge" which will not be reversible in the future.</p> <p>I believe that this was an argument accepted by the Committee at a hearing earlier this year in respect of the same applicant/premises. The application was rejected then and should be rejected again, This was also an argument accepted by the planning/licensing committee in the case of BBar (in the Rubens Hotel) in 2016 when such an extension again as "a club" was refused. We strongly request that the committee continues to follows this precedent.</p> <p>The block of houses/shops bounded by (a) 19 to 25 Victoria Square (b) the nail bar to the Bag of Nails pub on Buckingham Palace Road (c) 1 to 5 Lower Grosvenor Place form a closed rectangle of which the terrace of 1 Lower Grosvenor Place is part. Noise easily ricochets around the buildings. I believe that this application (unlike the last one) does not include outside drinking in the gardens. Nevertheless I fear that noise will escape and accordingly the quiet enjoyment of all the premises mentioned above will be disturbed.</p> <p>So on both the above grounds I request that the Committee does not grant any extension to the "normal" hours for the area (i.e. the same licensing terms as all the other entertainment venues in this area).</p>	
<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	26 July 2022
<p>I object to this application in the strongest terms. The original application by this applicant for an extension was rejected. It is a gross abuse of process to be submitting a further application so soon after that rejection and trying to use temporary late night extensions to undermine and circumvent the decision that has been made. Notwithstanding its central location, Victoria Square and the surrounding area has a strong residential character, including a number of young families, and the residential concentration is increasing with the recent social housing on part of Buckingham Palace Road and the new developments underway on Buckingham Palace Road and Eaton Lane, which is to be welcomed. Our Square is particularly vulnerable to the effects of increased numbers of people using hospitality venues. We already frequently suffer from the noise of rowdy late-night revellers in Victoria Square which is amplified by the enclosed architecture of the Square. This would only get worse if licensing hours were extended. We have recently had problems with people breaking into the Square garden in the early hours of the morning and with drug dealing taking place. There is clearly a risk of antisocial problems increasing if establishments were to be permitted to extend their licensing hours. I do not think the licensing hours for any establishment in the area should be extended beyond those applicable to the area generally. I am extremely concerned that approving an extension of licensing hours as requested by the applicant would create a dangerous precedent and be completely incompatible with a residential neighbourhood. I strongly believe the emphasis in planning should be on encouraging people and families to move back into central London to live, with shops that support a large and diverse residential community, not on creating a late-night economy.</p>	

<b>Name:</b>	██████████
<b>Address and/or Residents Association:</b>	██████████ ██████████ ██████████
<b>Received:</b>	8 July 2022
<p>I strongly oppose this application. Very recently indeed, the Licensing Committee decided to restrict the opening hours until midnight. This in itself I found extremely disappointing for all of the reasons explained in my previous representations. Most pertinently, this premises has a yard backing directly onto a space which has the rear elevations (and rear bedroom windows) of numbers 19, 20, 21, 22, 23, 24 and 25 Victoria Square, as well as residential premises on Buckingham Palace Road and Lower Grosvenor Place. As predicted, there are already very loud noises including the moving of large numbers of bottles echoing around this space at all hours, disturbing the residents and their families and children. There is absolutely no basis for this establishment to be permitted to operate until 3am. If that is permitted then we will be driven to consider all of our options including legal action.</p>	
<b>Name:</b>	██████████
<b>Address and/or Residents Association:</b>	██████████ ██████████ ██████████
<b>Received:</b>	8 July 2022
<p>We face increasingly anti social behaviour in the neighbourhood due to late openings of such venues.</p> <p>Recently, we have had our plants stolen and car damaged. Not to count intoxicated people yelling and drug deliveries happening in our area.</p>	
<b>Name:</b>	██████████
<b>Address and/or Residents Association:</b>	██████████ ██████████ ██████████
<b>Received:</b>	19 July 2022
<p>As a resident of ██████████ I have a particular interest in this as we objected to the original application. I also attended the Licensing Subcommittee hearing on 16 June at 10am where the Committee specifically denied the request to extend hours.</p> <p>It is puzzling to me why this request is even being evaluated as the decision was clear and unambiguous at the hearing. This is obviously an attempt to subvert the established process and to circumvent the outcome. This Temporary Event Notice application has no additional information and does nothing to support a reversal of the original decision.</p> <p>I strongly encourage you to deny this application and to restrict this enterprise to the established opening and closing times of the area.</p> <p>Finally, it appears that the establishment is currently violating two of the existing conditions as the door is frequently left open, and there are chairs outside on the street. It was my understanding that the door was to remain closed and that no outside space was to be allocated.</p>	

<b>Name:</b>	██████████
<b>Address and/or Residents Association:</b>	██████████

**Received:** 26 July 2022

We wish to object strongly to the above application of a variation to a premises licence, subjected by Mr. Adriano Dulgher.

We live at ██████████ and since the completion of the nearby Nova development and the renovation of the Grosvenor Estates' owned commercial properties on the north side of Buckingham Palace Road (opposite the Nova development) there has been a significant increase in the number of licensed restaurants and bars operating in the vicinity. These, together with the other businesses that have acquired leases and occupied premises in the Nova Development and the renovated Grosvenor properties along Buckingham Palace Road has resulted in a massive increase in traffic and pedestrian flow in and around Victoria Square. The increase in traffic is due largely to people seeking to access and depart the numerous new commercial premises and to the various service and produce suppliers to such business premises. The latter in vans, cars, trucks and bicycles (motor and push) thereby increasing the road traffic in and around Victoria Square. The Square and nearby roads have now become so congested that the exit from Victoria Sq to Beeston Place has frequently become a bottleneck.

Victoria Square has also become a focal point for a number of the customers of the numerous nearby restaurants and bars to gather once they have finished their meals and drinks, particularly late at night and we have frequently been woken by the shouting, laughing and general anti social behaviour of those gathered in the Square. This has extended to personal relief and drug taking and dealing. We believe that the drug dealers have recently been identified by the police and this activity appears to have ceased for the time being.

These gatherings often take place late into the night and to the early hours of the morning. We have personally suffered from this nocturnal activity as we had a plant and plant pot stolen from the steps of 1 Victoria Square on the night of the 3/4 July this year.

We consider that there are more than enough licenced restaurants and bars without further premises being granted liquor licences especially until 1.30-3am. We understand that there are no other late night liquor licences granted to restaurants and bars in the area, although there have been a number of applications made by existing business owners. These have so far been rejected. Mr Dulgar appears to have applied for a number of Temporary Event Notices (TENs) to seek extended licences up to 1.30 am which I understand if granted can lead to a permanent late licence. Such a late licence would only put increased pressure on the Council and licensing authorities to grant more which will further increase the traffic flow and the number of late night revellers in the Square. We very much hope that for the well-being of the local community you will decide to reject Mr Dulger's application/ applications.

<b>Name:</b>	██████████
<b>Address and/or Residents Association:</b>	██████████ ██████████ ██████████

**Received:** 8 July 2022

The applicant was granted a licence for core hours recently, and his application for extended hours was refused. I opposed the first application and oppose this application for the same reasons. The application contravenes PN1 (as well as CD1 and PS1). There is a problem with disturbance to local residents caused by noise at night and other antisocial behaviour which extended hours would worsen. It would inevitably result in the dispersal of customers late at night in Victoria Square. The square is very quiet at night and the houses, being listed, have no sound insulation or double glazing. Drunk customers leaving local premises frequently

congregate in the square after dark and wake up local residents. This often occurs late, particularly over the weekend but also in the week. People also break into the garden square by climbing over the railings to sit on the benches. There have also been a number of thefts and problems with people relieving themselves in the square. These problems have become worse, probably because the applicant has been operating very late hours using TENs.

The application provides no significant proposals for avoiding nuisance. Management of the dispersal of customers is not properly addressed. The premises are in the Victoria SCZ and the application contains no concrete proposals addressing local issues. D56 states that noise at night is a particular local issue.

The application is also contrary to the Council's Core Hours Policy. The proposed hours go well beyond the time periods granted to other nearby premises. The applicant has also been using the TEN system to operate very late hours (to 3:00am) despite being refused permission for late hours on his initial application. There have been no "special events". The TEN system has been used to get round the licensing committee's original decision which is totally inappropriate.

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	13 July 2022

I have lived [REDACTED] for nearly 30 years and during this period the Council has been excellent in prohibiting licensing hours to go beyond 12.00 in our neighbourhood. Even so over the years there has been regular bad behaviour but tolerable. However in May this year we were subject to regular bad behaviour at weekends with drunks in the square garden just after 3.00 am. One lot played football another lot we're having increasingly loud heated conversations with young women. Even normal conversation because of the shape of the square is amplified. I object strongly to any licence that goes beyond 12.00. I also find it disgraceful that there seems to be a way to get special extensions that make a mockery of the Council's decision not to give a licence beyond 12.00 and results in broken nights for residents as well as fear as to what these drunkards could get up to.

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	27 July 2022

My husband and I recently purchased a home in Victoria Square and are keenly interested in its development and security. Being located at close proximity to Victoria Station, we knew that there would be traffic and pedestrians as a result. We did not, however, see the area as a late-night district because we were aware of the opening and closing restrictions on the establishments near us. Specifically, we thought that the closing hour of 11pm would give us a decent respite from the daytime buzz that inevitably results from such a location.

This request, if approved, would turn that decision on its head and would surely invite the neighbouring competitors to demand late hours as well. I know that each application would be judged on its own merits, but the precedent would be set and I fear it would only be a matter of time before the area became alive until the middle of the night.

I attended the recent hearing where this application was denied, and for good reason. I thought the case was closed. Additionally, the police made it clear at the hearing that their patrol is unavailable for any such extended hours.

I strongly request that you restrict the applicant to the standard opening and closing hours of the area.



<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	18 July 2022
<p>I object to the licence being applied for above. Periodically I am wakened in the early hours by young people partying outside my home, music is played sometimes; I assume the revellers come after leaving a local establishment. The noise continues until between 4am and 5am, this is antisocial behaviour. I am a seventy-four-year-old widow and I do not challenge the young people because I fear reprisals. If a licence is granted allowing alcohol to be served until 3am antisocial behaviour will increase. There are many flats and houses in the area. Residents include school children and adults of working age, both need uninterrupted sleep at night to function during the working day.</p>	
<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	28 July 2022
<p>An extension of opening hours will cause further nuisance, primarily interrupting our sleep, with our bedrooms at the front of our apartment just a few doors up from the bar.</p> <p>Through TENs the venue has been operating early into the morning and this has disturbed us in the following ways:</p> <ul style="list-style-type: none"> <li>- Music volume has been well beyond background level and has be audible in our apartment in the early hours of the morning</li> <li>- People drinking on tables outside have been making noise that has kept us awake</li> <li>- Noise from the bar has also be audible from the rear of our property as well as from the front</li> </ul> <p>We recognise that with TENs in place, the venue has likely not breached any conditions. But with the conditions in the license freshly discussed as a way to ensure the venue operates without causing nuisance, the decision not to adhere to them during late night trading strongly indicates there is no genuine regard for neighbours:</p> <ul style="list-style-type: none"> <li>- The front door has regularly been propped open</li> <li>- The rear window has been open</li> <li>- Customers are sitting outside on tables and chairs provided by the venue</li> <li>- Music has been considerably louder than background level</li> </ul> <p>Later opening hours were discussed at the original license hearing with the possibility of focusing these around the weekend. This has already been rejected by the committee. There has been no material change to the premises or offer to impact this decision. But the issues above highlight how later trading definitely causes a nuisance.</p> <p>Noise issues have been reported to Environmental Health twice; late evening on Saturday 25th June and early morning on Sunday 24th July.</p> <p>We would like to highlight that the council is still to publish the license, and no notes from the hearing were circulated. This, in our opinion, undermines this consultation process. We feel this does not comply with reg. 28 of Licensing Act 2003 (Hearings) Regulations 2005.</p>	

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	27 July 2022
<p>We strongly object to this application. Victoria Square seems to have become a focal point for some groups of people to continue their late night revelling after the local restaurants and bars close. We are awoken on a regular basis at any time between Midnight and 3am by loud talking, shouting and general anti social behaviour. Drugs are used and on many occasions we have seen people climbing over the railings into the garden. These regular disturbances have become unbearable.</p> <p>We understand that the Applicant has received a number of Temporary Event Notices already and are horrified at the thought of him receiving more which can presumably only lead to other premises making the same applications.</p> <p>We consider that there are already more than enough licenced restaurants and bars in the area without further premises being granted late night liquor licences.</p> <p>We very much hope that for the well being of the Residents of this beautiful residential square you will decide to reject Mr Dulger's application.</p>	
<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	13 July 2022
<p>On 16th June 2022 the applicant was granted a licence within the normal Victoria licensing hours, namely, Monday to Thursday 23:30pm, Friday and Saturday midnight and Sunday 22:30pm. We opposed his application to open to 3am daily because it was outside the above hours and if granted would cause considerable nuisance to all the surrounding residential areas including Victoria Square, Buckingham Palace Road, Lower Grosvenor Place, Nova and Eaton Lane. Victoria is not and should not become another Soho with a late night economy. It is now a mixed use residential and commercial area with the residential element increasing. Victoria Square does suffer from invasion of the gardens, some late night drug dealing and antisocial behaviour including loud noise.</p> <p>The committee in giving its decision agreed that the normal hours should apply in this case. Since the decision the applicant has applied for a series of 3 day weekend TENs. This is a snub to local democracy and seeks to circumvent the committee's decision. This application seeks to do the same by refusing to accept the legitimate decision making process of the licensing authority as seen in the decision of 16th June. The police and environmental health officers also objected to the extension of the hours beyond the normal on the grounds of health and safety. I object to this application on the grounds above and the fact that,if granted, the extension of the hours will prevent residents quiet enjoyment of their premises during the night.</p> <p><b>Additional Submissions Received 13<sup>th</sup> September 2022</b></p> <p>I would like to supplement my original objection submitted in relation to the granting of a licence to 1 Lower Grosvenor Place as a response to the new hearing requested by Mr Adriano Dulgher.</p> <p>The extension of the hours requested by the applicant will damage the VSCZ because it would undermine the licensing objectives if the hours are extended beyond the core hours as set out in the WCC core hour policy. Such an extension would add further problems to the area in respect of public nuisance, crime and disorder.</p> <p>Since the licence was granted the applicant has breached at least two of the subcommittee's conditions.</p> <p>First in the hearing, the applicant stated there would be no outside service and that there were 65 seats inside and 5 standing places at the bar. The attached photo shows there is outside seating which is used for service creating potential noise late in the evening and breaches the undertaking given at the hearing.</p>	

Second in condition 22 the subcommittee stipulated that all windows and the ground floor external doors should be kept closed at all times except for the immediate access and egress of persons. The attached photo shows the external ground floor door is open as it is regularly during the day and evening.

These breaches indicate that the applicant is not prepared to comply with the conditions imposed by the subcommittee and raises the question whether he is a fit and proper person to hold a licence. In the light of his existing breaches any extension of the hours beyond the core hours policy would also be likely to be breached.

I therefore strongly oppose all aspects of the application.



<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	22 July 2022
<p>As a near neighbour, I am alarmed to see this license request for extended hours. I have already objected and have noticed an increased use of parked cars opposite my house, with people returning merrily to them long after midnight. With windows open due to the heat, the rowdy drivers and revellers who just sit on my doorstep, drinking, has increased.</p> <p>I have found bottles and cigarette butts on my doorstep and in my pot plants. It wouldn't take much to ignite these tinder dry plants and pots, as I have been away for a few days.</p> <p>London has seen awful heatwave wildfires and glass bottles are a real threat. I have also found</p>	

glass bottles tossed into my basement well, along with combustible litter dropped by passers by and dead leaves from my large grape vine.

This area does not need an off license open until the wee small hours. Alcohol can be bought from nearby Waitrose until late and of course, the next door pub, which is well attended. I have also seen cars parked outside my house for hours with the driver sitting at the wheel with the headlights on. I have to assume he's up to no good and possibly selling drugs.

We have many young children living in Victoria Square and this application should not be granted as detrimental to the health and safety of its neighbours.

### 3. Policy & Guidance

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

<p><b>Policy SCZ1 applies</b></p>	<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 Zones are:</p> <ul style="list-style-type: none"> <li>• West End Buffer.</li> <li>• Queensway/Bayswater.</li> <li>• Edgware Road.</li> <li>• East Covent Garden.</li> <li>• Mayfair.</li> <li>• Victoria.</li> </ul>
<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> </ol>

	<p>7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.</p> <p>8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.</p> <p>9. The capacity of the premises.</p> <p>10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation.</p> <p>11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.</p> <p>12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.</p> <p>13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.</p> <p>14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.</p> <p><b>6. Pubs and bars, Fast Food and Music and Dance venues</b>  Monday to Thursday: 10am to 11.30pm.  Friday and Saturday: 10am to Midnight.  Sunday: Midday to 10.30pm.  Sundays immediately prior to a bank holiday: Midday to Midnight.</p> <p>D. Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.</p> <p>E. For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement.  Note: The core hours are for all licensable activities but if an application includes late night refreshment then the starting time for that licensable activity will be 11pm.</p>
<p><b>Policy PB1 applies</b></p>	<p>A. Applications outside the West End Cumulative Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</li> <li>2. The hours for licensable activities being within the council's Core Hours Policy HRS1.</li> <li>3. The operation of any delivery services for alcohol and/or</li> </ol>

	<p>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>B. It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone other than:</p> <ol style="list-style-type: none"> <li>1. Applications to vary the existing licence hours within the council's Core Hours Policy HRS1.</li> <li>2. Applications that seek to vary the existing licence so as to reduce the overall capacity of the premises.</li> </ol> <p>C. The applications referred to in Clause B1 and B2 will generally be granted subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1, and/or,</li> <li>2. 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>3. The application and operation of the venue continuing to meet the definition of a Public House or Bar in Clause D.</li> </ol> <p>D. 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>
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#### 4. Equality Implications

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

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

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

## 5. Appendices

<b>Appendix 1</b>	Current Premises Licence 22/07818/LIPRW
<b>Appendix 2</b>	Applicant supporting documents
<b>Appendix 3</b>	Premises history
<b>Appendix 4</b>	Proposed conditions
<b>Appendix 5</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Karyn Abbott Senior Licensing Officer
<b>Contact:</b>	Telephone: 0207 641 6500 Email: kabbott@westminster.gov.uk

**If you have any queries about this report or wish to inspect one of the background papers please contact the report author.**

### **Background Documents – Local Government (Access to Information) Act 1972**

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	October 2021
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
<b>4</b>	Metropolitan Police Service	20 <sup>th</sup> July 2022
<b>5</b>	Environmental Health Service	20 <sup>th</sup> July 2022
<b>6</b>	Representation 1	26 <sup>th</sup> July 2022
<b>7</b>	Representation 2	26 <sup>th</sup> July 2022
<b>8</b>	Representation 3	8 <sup>th</sup> July 2022
<b>9</b>	Representation 4	19 <sup>th</sup> July 2022
<b>10</b>	Representation 5	26 <sup>th</sup> July 2022
<b>11</b>	Representation 6	8 <sup>th</sup> July 2022
<b>12</b>	Representation 7	13 <sup>th</sup> July 2022
<b>13</b>	Representation 8	27 <sup>th</sup> July 2022
<b>14</b>	Representation 9	18 <sup>th</sup> July 2022
<b>15</b>	Representation 10	28 <sup>th</sup> July 2022
<b>16</b>	Representation 11	27 <sup>th</sup> July 2022
<b>17</b>	Representation 12	13 <sup>th</sup> July 2022
<b>18</b>	Representation 13	22 <sup>nd</sup> July 2022

**Current Premises Licence 22/07818/LIPRW**

**Appendix 1**



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

Schedule 12  
Part A

WARD: St James's  
UPRN: 100023345074

Premises licence

Regulation 33, 34

Premises licence number:	22/07818/LIPRW
Original Reference:	22/08523/LIPV

**Part 1 – Premises details**

**Postal address of premises:**

Tropica  
1 Lower Grosvenor Place  
London  
SW1W 0EJ

**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:**

<b>Late Night Refreshment</b>	
Monday to Thursday:	23:00 to 23:30
Friday to Saturday:	23:00 to 00:00
<b>Sale by Retail of Alcohol</b>	
Monday to Thursday:	10:00 to 23:30
Friday to Saturday:	10:00 to 00:00
Sunday:	12:00 to 22:30

**The opening hours of the premises:**

Monday to Sunday: 08:00 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:**

Mr Adriano Dulgher

*Please note: It is the policy of the Licensing Authority not to display the address details of a licence holder where that is an individual.*

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

Not Applicable

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

**Name:** Mr Adriano Dulgher

*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:** 11/00005/LIPERS  
**Licensing Authority:** London Borough Of Croydon

**Date:** 15<sup>th</sup> September 2022

**Signed:**



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This licence has been authorised by Karyn Abbott 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.
9. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

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

None

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

10. There shall be no self-service of alcohol on the premises.
11. 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.
12. Notices to be prominently displayed requesting persons to respect the needs of local residents and to leave the premises and area quietly.
13. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number and/or is to be made available to residents and businesses in the vicinity.
14. No rubbish including bottles will be moved, removed or placed in outside areas between 2300 hours and 0800 hours.
15. 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.
16. 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.
17. There shall be no sales of alcohol for consumption off the premises after 23.00 hours.
18. All sales of alcohol for consumption off the premises shall be in sealed containers only.
19. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00 hours.
20. 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.
21. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
22. There shall be no smoking of shisha at any area dedicated for smoking.
23. All waste shall be properly presented and place out for collection no earlier than 30 minutes before the scheduled collection times.
24. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23:00 hours and 08:00 hours on the following day.
25. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke or make a phone call, shall not be permitted to take glass containers with them.
26. All windows and the ground floor external doors shall be kept closed at all times, except for the immediate access and egress of persons.

27. 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.
28. 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.
29. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
30. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
31. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
32. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.
33. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance. 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.
34. 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.
35. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
36. A minimum of 1 SIA licensed door supervisor shall be on duty at the entrance of the premises every Friday and Saturday from 2200 until closing and they must correctly display their SIA licence(s) when on duty so as to be visible.
37. 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

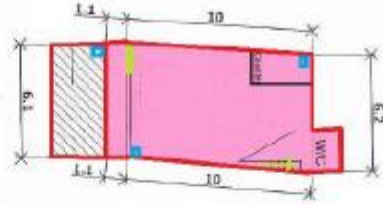
(h) any visit by a relevant authority or emergency service.

38. 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.
39. All staff at the premises shall receive Welfare And Vulnerability Engagement (WAVE) training, which shall be refreshed annually. You will be aware of the recent high number of reports in relation to drink spiking and suspects using needles to administer a substance to incapacitate the victim. Safety of customers is a top priority and this condition will assist the venue in ensuring customers are looked after properly should they become highly intoxicated through drink or drugs.

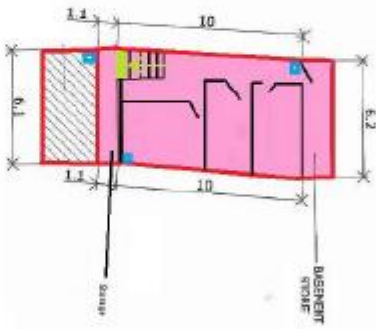


### 1 LOWER GROVENOR PLACE

GROUND FLOOR



Lower Floor



-  Fire Escape
-  Licensable Area
-  Fire Extinguishers

**Scale 1 - 100**  
**6.1 m**



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

Schedule 12  
Part B

WARD: St James's  
UPRN: 100023345074

Premises licence  
summary

Regulation 33, 34

Premises licence number:

22/07818/LIPRW

**Part 1 – Premises details**

**Postal address of premises:**

Tropica  
1 Lower Grosvenor Place  
London  
SW1W 0EJ

**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**

Monday to Thursday:	23:00 to 23:30
Friday to Saturday:	23:00 to 00:00

**Sale by Retail of Alcohol**

Monday to Thursday:	10:00 to 23:30
Friday to Saturday:	10:00 to 00:00
Sunday:	12:00 to 22:30

**The opening hours of the premises:**

Monday to Sunday:	08:00 to 00:00
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**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:

Mr Adriano Dulgher

*Please note: It is the policy of the Licensing Authority not to display the address details of a licence holder where that is an individual.*

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

Not Applicable

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

Name: Mr Adriano Dulgher

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

Restricted

Date: 15<sup>th</sup> September 2022

Signed:



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

**Applicant Supporting Documents**

**Appendix 2**

There are no supporting documents

**Licence & Appeal History**

**Licensing Act 2003 History**

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
22/00200/LIPN	Licence attached in Appendix 2	16 June 2022	Granted by Licensing Sub-Committee ( <b><i>Full Decision below</i></b> )
22/07818/LIPRW	Removal of Works Condition	16 August 2022	Granted under Delegated Authority

**Temporary Event Notice History**

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
22/05347/LITENP	Temporary Event Notice	26 May 2022	Notice Granted
22/05438/LITENP	Temporary Event Notice	27 May 2022	Late Notice Refused due to Representation from the Police
22/06378/LITENP	Temporary Event Notice	16 July 2022	Notice Granted
22/06334/LITENP	Temporary Event Notice	5 July 2022	Notice Granted
22/06335/LITENP	Temporary Event Notice	5 July 2022	Notice Granted

**There is no appeal history**

**WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO. 3**  
**("The Committee")**

Thursday 16<sup>th</sup> June 2022

Membership: Councillor Aicha Less (Chair) Councillor Robert Eagleton and Councillor Melyvn Caplan.

Officer Support    Legal Advisor:        Horatio Chance  
                         Policy Officer:        Aaron Hardy  
                         Committee Officer: Sarah Craddock  
                         Presenting Officer: Emanuela Meloyan

Others present:    Adriano Dulgher (Applicant), Maxwell Koduah (Environmental Health Service), PC Dave Morgan (Metropolitan Police Force), Richard Brown (Solicitor, Westminster's Citizens Advice), [REDACTED]

**Application for a New Premises Licence – 1 Lower Grosvenor Place, London SW1W 0EJ – 22/00200/LIPN**

**FULL DECISION**

**Premises**

1 Lower Grosvenor Place  
London  
SW1W 0EJ

**Applicant**

Mr Adriano Dulgher

**Ward**

St James's

**Cumulative Impact**

N/A

**Special Consideration Zone**

Victoria Special Consideration Zone (VSCZ)

### **Activities and Hours applied for**

#### **Sale by retail of alcohol (On and Off sales)**

Monday to Sunday 10.00 to 02:00 hours

**Seasonal Variations:** From the end of New Year's Eve Day till 5am on New Year's Day and From End of Sunday before bank holiday till 3am the next day. The Friday and Saturday open till 3am on the bank holiday weekends.

#### **Late Night Refreshment (Indoors)** Originally 23:00 to 03:00 hours

Monday to Sunday 10.00 to 02:00 hours

**Seasonal Variations:** From the end of New Year's Eve Day till 5am on New Year's Day and From End of Sunday before bank holiday till 3am the next day. The Friday and Saturday open till 3am on the bank holiday weekends.

#### **Opening Hours**

Monday to Sunday 10:00 to 02:00

**Seasonal Variations:** From the end of New Year's Eve Day till 5am on New Year's Day and From End of Sunday before bank holiday till 3am the next day. The Friday and Saturday open till 3am on the bank holiday weekends.

### **Summary of Application**

The Sub-Committee has determined an application for a New Premises Licence under the Licensing Act 2003 ("The Act"). The Premises intends to operate as a Bar and is situated in St James's Ward and the Victoria Special Consideration Zone. The Premises have had the benefit of the use of Temporary Event Notices but does not have an existing premises licence. The Applicant has provided submissions to address the VSCZ.

Subject to the grant of this application the Applicant is proposing to surrender the premises licence for 23 Grosvenor Gardens (19/08301/LIPN). During consultation, the Applicant reduced the terminal hour for Late Night Refreshment, the Sale by Retail of Alcohol and the Opening Hours from 03:00 to 02:00. There is a resident count of 93.

### **Representations Received**

- Metropolitan Police Service
- Environmental Health Service
- 11 Local Residents (opposing the application)

### Summary of Representations

- The Metropolitan Police Service and Environment Health Service have made representations in relation to the application on the basis that if granted it would undermine the Licensing Objectives, namely The Prevention of Crime and Disorder and the hours sought are beyond core hours as set out in the Westminster Council's Core Hour Policy. The Premises is also located in the Victoria Special Consideration Zone.
- Resident concerns were the change of use of the Premises from shop to bar, the very late night opening until 03:00 hours, noise and pollution nuisance, smoking outside of the Premises, anti-social behaviour and an overall detrimental effect on the residential area.

### Policy Position

#### SCZ1

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. Consideration Zone for this application is: Victoria.

#### HRS1

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. 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:

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.

#### PB1

Applications outside the West End Cumulative Impact Zone will generally be granted subject to: 1. The application meeting the requirements of policies CD1, PN1 and CH1. 2. The hours for licensable activities being within the Council's Core Hours Policy HRS1. 3. The applicant has taken account of the Special Consideration Policy SCZ1 if the Premises are located within a designated zone. 4. The application and operation of the venue meet the definition of a Public House or Bar in Clause D.



### **SUBMISSIONS AND REASONS**

The Presenting Officer, Emanuela Meloyan, introduced the application to the Sub-Committee and advised that this was an application for a New Premises Licence in respect of 1 Lower Grosvenor Place, London SW1W 0EJ. The Premises intends to operate as a bar. She advised that representations had been received by the Environmental Health Service, the Metropolitan Police Service and 11 local residents. The Premises is within the St James's Ward and the Victoria Special Consideration Zone.

Mr Adriano Dulgher (Applicant) addressed the Sub-Committee. He explained that he had been running a restaurant at 23 Grosvenor Gardens for 14 years. He now wished to move to a smaller Premises and continue to operate on the same terms as he had been allowed at 23 Grosvenor Gardens. He advised that it was a family run business operated by his mum, brother and cousin and that there were very few independent restaurants left in the area. He advised that this new Premises was three times smaller than his previous restaurant. He outlined that he would surrender the Premises Licence for 23 Grosvenor Gardens (19/08301/LIPN) subject to the grant of this application. He outlined that during consultation, he had reduced the terminal hour for Late Night Refreshment, the Sale by Retail of Alcohol and the Opening Hours from 03:00 to 02:00.

Mr Dulgher advised that his customers were mainly locals who worked in the hospitality industry and who came to his bar after their shift at work. He said that his customers usually arrived between 22:00 hours and 01:30 and there was never any trouble because he actively promoted the licensing objectives. He advised that he had proven he could successfully run a business over the past 14 years whilst at 23 Grosvenor Gardens.

Mr Dulgher confirmed that he had agreed to all the conditions requested by the Responsible Authorities. He said that the Temporary Event Notices (TENs) in operation until 02:00 had run smoothly and there had been no noise complaints by residents. He confirmed that there was no courtyard at the back of the Premises and that the Premises did not have access to any outdoor space. He advised that when customers left the Premises, they either booked an Uber or walked towards Victoria Station so there would be no impact on the residents in Victoria Square. He confirmed that he had never received any noise complaints whilst operating at 23 Grosvenor Gardens.

Mr Dulgher advised that it was becoming harder to compete with the Nova complex as all the units there had Premises Licences which allowed all-day trading. He advised that he did not have the ability to trade all day because the Premises did not have a full kitchen and as it was a listed building, he was unable to install an extraction system. He said that they did have a full menu on offer consisting of cold foods and foods that were easy to heat up in a microwave. He emphasised that the Premises was not a 'destination place' where people headed to, but more of a Premises where people came to relax after work.

In response to questions from the Sub Committee, Mr Dulgher confirmed that the Premises would operate as a small bar where local people would come for a drink after work. He added that there would be background music and that alcohol was not ancillary to food. He explained that it was a family-owned business. He confirmed that he was aware of the four licensing objectives and had a good relationship with residents. He advised that during the day people came to the Premises for a coffee/glass of wine and to hold meetings. Mr Dulgher emphasised that he wished to be granted a New Premises Licence on similar terms as what he had at 23 Grosvenor Gardens because his clientele (that he had spent years building up) worked in the hospitality industry and did not finish work until 23:00. He advised that he was literally just moving his customers 100 metres down the road into much smaller Premises. He added that his SIA had been with him for over 10 years and knew the customers. He confirmed that the Premises would not be a nightclub or a private members bar as was originally thought. He added that the Landlord would not allow the Premises to operate as a private members bar because of its A1 planning use. The Sub Committee noted that no other Premises in the area operated beyond 01:00 hours.

Mr Dulgher advised that the Temporary Event Notices (TENs) had worked well. He said that he had stopped serving alcohol at 01.40 so that customers were ready to leave the Premises at 02:00. He advised that he was happy to reduce his operating hours to 01:00 on Monday, Tuesday and Wednesdays as these were quiet evenings, however, he wanted to keep operating until 02:00 on Thursday, Friday, Saturday and Sunday evenings. The Sub Committee advised Mr Dulgher that the Council's Core Hours Policy stated that bars should close at 22:30 on a Sunday to give residents respite from the noise created by licensed Premises during the week.

PC Dave Morgan representing the Metropolitan Police Service, advised that the Police had maintained their representation on the basis that if the application was granted, it would undermine the licensing objectives, namely the Prevention of Crime and Disorder. PC Morgan also advised that the Premises was situated within Victoria's SCZ and the hours sought were beyond those of Westminster Council's Core Hours Policy.

PC Morgan stated that this application was essentially for a late-night bar operating until 02:00 and if granted it would cause further policing problems in an already demanding area. He advised that intoxicated people leaving bars in the early hours of the morning were more likely to become victims of crime. He explained that it was a highly quiet and residential area so there was a high probability of crime taking place on the streets. He advised that if the application were granted it would be the only Premises in the area with a 02:00 Premises Licence. It would therefore become a destination point for people when other Premises closed for the evening. PC Morgan emphasised that the Police would like the hours to be in line with the Council's Core Hours Policy.

In response to questions from the Sub Committee, PC Morgan advised that the area was very busy during the evenings however none of the other Premises in the area had a Premises Licence until 02:00 hours. PC Morgan advised that if the application were granted SIAs would be needed every night of the week to ensure the safety of the Premises, customers and surrounding area.

Mr Maxwell Koduah, representing the Environmental Health Service, advised that Environmental Health had maintained their representation as the hours requested for late night refreshment and the supply of alcohol may have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the area. He added that the hours sought were outside the Council's core hours policy and that if the application was granted, a condition regarding smoking would need to be added to the Premise Licence.

Mr Richard Brown from Westminster's Citizens Advice and representing local residents, advised that residents were relieved that the Premises would only play background music and that there was no access to outside space. He emphasised that the Sub Committee was licensing the Premises and not the Applicant. Mr Brown referred to a map of Victoria Square and advised that all customers would have to pass by or through Victoria Gardens to reach the train/tube stations and that any noise was magnified because of the surrounding tall buildings. He explained that this area was becoming increasingly residential. He added that the Premises was located within the Victoria SCZ and therefore the Council's core hours policy should be applied to this application.

██████████ local resident, advised that residents were in favour of mixed neighbourhoods and that a vibrant area needed a mixture of residential, commercial, retail and licenced Premises however it had to be proportionate. She explained that in Victoria there were residents in Buckingham Road, the Nova building and Victoria Square. She advised that the Premises at 23 Grosvenor Gardens was irrelevant to this application as it was located much further away from these residential areas. She stated that this Premises was much smaller, had limited capacity, no kitchen facilities and should be used for retail purposes.

██████████ explained that Victoria Square had been suffering from increased noise as well as drug dealing in the area. The Police were now doing special patrols through Victoria Square to deal with drug dealers as the Gardens were well known as a quiet spot hidden with trees where exchanges were made. There were families with young children living in the Square so a 23:00 closing time was still late for children who went to bed around 7-8pm. She said the anti-social behaviour that takes place in the later part of the evenings with people jumping the fence into the garden to urinate, to drink or do drugs and therefore granting a Premises Licence beyond core hours would be quite intolerable as it would increase the number of intoxicated people in the area. She advised that she was delighted to hear that there would be no outside service because people talking was amplified due to the tall buildings. She considered that if this application was granted all the Premises in the area would apply for variations to their Premises Licence. She concluded by asking the Sub Committee that if they were minded granting the application that it be within or less than the Council's core hours policy because the Premises was located in the new Victoria SCZ and so that Victoria remained a good mix of residential properties and businesses.

██████████ local resident, echoed ██████████ submission and advised that it was important to maintain a balance of residential, retail and commercial properties in the area. He advised that it was tolerable for the Premises to remain open until 23:00 but not until 02:00 in the morning. He advised that the



noise from intoxicated people, chatting, smoking and drinking would wake residents in the early hours of the morning. He stated that it was unfortunate that the Applicant's business model relied on other Premises being closed. He wondered if this Premises was the right type of unit for a Licensed Premises as there was no food offer available and food was vital in making a profit.

In response to questions from the Sub Committee, Mr Dulgher advised that the capacity of the Premises was 65 persons. He added all customers would be seated except for maybe 5 customers at the bar. He further added that he could not force people to sit down because the Premises was a bar and not a restaurant. He explained that there would be signage asking customers to leave the Premises quietly and head for Victoria Station.

████████████████████ advised that it would be difficult to stop people from venturing outside of the Premises to drink and/or smoke. The customers would not only block the pavement, but their noise would reach residents with open windows. She emphasised that late night Premises attracted crime and disorder which ruined areas for residents and made the Police's job even more difficult than it was already. She further emphasised that residents were not against having pubs/restaurants in the area but what they were against was them operating beyond the Council's Core Hours Policy.

Mr Richard Brown urged the Sub Committee to not place much emphasis on the operation of the Temporary Event Notices as these events did not reflect the operation of a permanent late night Premises Licence. He explained that if this application was granted it would start a snowball effect which would place a very heavy burden on residents who would have to monitor applications and make endless representation to the Licensing Authority/Licensing Sub Committee. He advised that he understood that each application was considered on its own merits however the nature of the local area and operation of other licenced Premises always formed part of any application.

Mr Dulgher advised that he was happy to extend his personal telephone number to the residents after the hearing. He advised that there would be no outside service and that customers would be dispersed towards Victoria Station. He further advised that the windows would be closed so no noise escaped from the Premises. He requested that the Sub Committee grant the Premises Licence until a terminal hour of 02:00 so he could keep his clientele. He emphasised that he had been operating a similar business for some 14 years with a similar Premises Licence and there had never been any complaints. It was a family business, and it would continue to be a family business.

### Conclusion

The Sub-Committee has determined an application for a grant of a NEW Premises Licence under the Act which is to operate as a Bar. The Sub-Committee realises that it has a duty to consider each application on its individual merits and did so when determining the matter. There is no policy presumption to refuse the application, however this is subject to the licensing objectives not being undermined and the

Applicant demonstrating as part of its operating schedule by considering the Victoria SCZ under Policy SCZ1 and risk mitigation measures to be put in place.

The Sub-Committee was not persuaded by the Applicant that the hours applied for with a terminal hour of 02:00 would promote the licensing objectives. Whilst the Applicant may have operated his previous premises at 23 Grosvenor Gardens free from complaint for some 14 years and in accordance with the licensing objectives, this is a different premises altogether in a different location and more importantly no two premises operate the same business model. The Sub-Committee are not dealing with a "like for like" scenario and there is no mechanism in the Act which allows applications to be treated in this way.

The Sub-Committee heard overwhelming evidence from local residents regarding problems experienced in the area when it came to issues of public nuisance and crime and disorder. It was apparent to the Sub-Committee that residents knew the area extremely well and the type of problems associated with public nuisance and crime and disorder and what negative impact this would have on the promotion of the licensing objectives and Victoria SCZ.

The Sub-Committee when considering the Victoria SCZ had regard to policy SCZ1 on pages 53-54 of the SLP and the specific matters contained at Paragraphs D54-D56 on page 59 of the SLP which an Applicant is to address as part of their application.

**Paragraph D56 states:-**

*"The local issues that need to be considered by applicants are:*

- *Serious violent at night.*
- *Anti-social behaviour at all times of the day (street drinking and begging).*
- *Incidents relating to ambulance call outs to the licensed premises for intoxication, injury related to intoxication and/or assault.*
- *Theft and noise at night.*

The Sub-Committee did properly consider the Applicants written submission on page 26 of the Agenda Papers when looking at the Victoria SCZ but concluded this was too bareboned and did not go far enough in tackling the issues in the local area when considering the reasons for Policy SCZ1 under Paragraphs D37-D46.

**Paragraph D42 states:-**

*"These areas do have above average or sporadic levels of crime and disorder and public nuisance (noise and waste). As a result, the Licensing Authority has developed this policy to highlight areas of concern within the City of Westminster where there are increased levels of incidents that are linked to licensed premises, but are not conclusively identifiable as being under cumulative stress. These areas will be designated as Special Consideration Zones under this policy. The Licensing Authority believes that any designated area would require a higher level of consideration due to the incident rates in these areas. Applicants who wish to operate within these areas or wish to vary their existing licences will be expected*

*under this policy to consider and identify, within their operating schedules how they will mitigate the risks associated with their premises and the higher levels of incidents within the area”.*

The Sub-Committee therefore concluded that granting a licence beyond core hours until 02:00 is most likely to add further problems to the area when it came to public nuisance and crime and disorder and would not have the desired effect of promoting the licensing objectives.

The Sub-Committee noted the concerns of the Police and the fact that a later terminal hour would cause policing problems in the area and the possibility of the Premises becoming a destination venue for customers already in the area after other licensed premises had closed.

The Sub-Committee did not doubt that the Applicant was a competent operator that would manage the Premises well and in accordance with the promotion of the licensing objectives, however, the overriding factor to be considered here is whether the terminal hour of 02:00 is likely to cause problems in the area as intimated by local residents and the Police. The use of TENs operated until the later terminal hour by the Applicant was in the opinion of the Sub-Committee not a true reflection of how the Premises would be managed in the future as this only represented a snapshot in time for those period of events and not necessarily indicative of how the Premises is to operate in the long term when considering the promotion of the licensing objectives.

Based on the evidence before it, the Sub-Committee considered the right balance had been struck by granting the application to core hours under policy HRS1 on all days seven of the week although it was noted during the hearing that the Applicant had offered to increase the terminal hour only on the days for Thursday, Friday and Saturday but again Thursday-Saturdays are the busiest times for most operators in Westminster and this was considered likely to have a negative effect on the Victoria SCZ for the very reasons set out above under policy SCZ1.

The Sub-Committee concluded that the various safeguards and extensive use of conditions attached to the licence would alleviate the residents’ concerns and the concerns from the Police around safety and patrons leaving the Premises are appropriate and proportionate and would promote the licencing objectives.

The offer by the Applicant to surrender premises licence 19/08301/LIPN was considered by the Sub-Committee but this measure was not felt sufficient to reduce the overall impact on the Victoria SCZ and wider area.

In reaching their decision, the Sub-Committee concluded that the hours it imposed on the licence for the licensable activities applied for having regard to the Core Hours Policy was appropriate and proportionate and therefore struck the right balance when considering the needs of local residents and the Applicants commercial needs to be able to operate and run his business successfully.



The Sub-Committee further concluded that the conditions it has imposed on the licence are appropriate and proportionate having regard to the Victoria SCZ and the promotion of the licensing objectives.

Having carefully considered the committee papers and the submissions made by all parties, both orally and in writing, **the Sub-Committee has decided**, after taking into account all the individual circumstances of this case and the promotion of the four licensing objectives: -

1. To grant permission for **Sale by Retail of alcohol (On and Off)** Monday to Thursday 10:00 to 23:30 hours, Friday to Saturday 10:00 to 00:00 and Sunday 12:00 to 22:30.
2. To grant permission for **Late Night Refreshment (Indoors)** Monday to Thursday 23:00 to 23:30 hours, Friday to Saturday 23:00 to 00:00 Sunday Not applicable .
3. To grant permission for the **Opening Hours for the Premises** Monday to Sunday 08:00 to 00:00 hours.
4. That the New Premises Licence is subject to any relevant mandatory conditions.
5. That the New Premises Licence is subject to the following conditions imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.

**Conditions imposed by the Committee after a licensing hearing**

6. There shall be no self-service of alcohol on the premises.
7. 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.
8. Notices to be prominently displayed requesting persons to respect the needs of local residents and to leave the premises and area quietly.
9. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number and/or is to be made available to residents and businesses in the vicinity.
10. No rubbish including bottles will be moved, removed or placed in outside areas between 2300 hours and 0800 hours.
11. 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.

12. 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.
13. There shall be no sales of alcohol for consumption off the premises after 23.00 hours.
14. All sales of alcohol for consumption off the premises shall be in sealed containers only.
15. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00 hours.
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. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
18. There shall be no smoking of shisha at any area dedicated for smoking.
19. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
20. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23:00 hours and 08:00 hours on the following day.
21. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke or make a phone call, shall not be permitted to take glass containers with them.
22. All windows and the ground floor external doors shall be kept closed at all times, except for the immediate access and egress of persons.
23. 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.
24. 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.



25. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
26. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
27. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
28. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.
29. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance. 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.
30. 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.
31. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
32. A minimum of 1 SIA licensed door supervisor shall be on duty at the entrance of the premises every Friday and Saturday from 2200 until closing and they must correctly display their SIA licence(s) when on duty so as to be visible.
33. 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.

34. 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.
35. All staff at the premises shall receive Welfare And Vulnerability Engagement (WAVE) training, which shall be refreshed annually. You will be aware of the recent high number of reports in relation to drink spiking and suspects using needles to administer a substance to incapacitate the victim. Safety of customers is a top priority and this condition will assist the venue in ensuring customers are looked after properly should they become highly intoxicated through drink or drugs.

If problems are experienced then a Review of the Premises Licence can be made.

**This is the Full Decision of the Licensing Sub-Committee which takes effect forthwith.**

**The Licensing Sub-Committee  
16 June 2022**

***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.

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

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

None

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

10. There shall be no self-service of alcohol on the premises.
11. 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.
12. Notices to be prominently displayed requesting persons to respect the needs of local residents and to leave the premises and area quietly.
13. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number and/or is to be made available to residents and businesses in the vicinity.
14. No rubbish including bottles will be moved, removed or placed in outside areas between 2300 hours and 0800 hours.
15. 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.
16. 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.
17. There shall be no sales of alcohol for consumption off the premises after 23.00 hours.
18. All sales of alcohol for consumption off the premises shall be in sealed containers only.
19. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00 hours.
20. 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.
21. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
22. There shall be no smoking of shisha at any area dedicated for smoking.
23. All waste shall be properly presented and place out for collection no earlier than 30 minutes before the scheduled collection times.
24. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23:00 hours and 08:00 hours on the following day.

25. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke or make a phone call, shall not be permitted to take glass containers with them.
26. All windows and the ground floor external doors shall be kept closed at all times, except for the immediate access and egress of persons.
27. 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.
28. 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.
29. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
30. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
31. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
32. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.
33. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance. 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.
34. 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.
35. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
36. A minimum of 1 SIA licensed door supervisor shall be on duty at the entrance of the premises every Friday and Saturday from 2200 until closing and they must correctly display their SIA licence(s) when on duty so as to be visible.

37. 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.
38. 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.
39. All staff at the premises shall receive Welfare And Vulnerability Engagement (WAVE) training, which shall be refreshed annually. You will be aware of the recent high number of reports in relation to drink spiking and suspects using needles to administer a substance to incapacitate the victim. Safety of customers is a top priority and this condition will assist the venue in ensuring customers are looked after properly should they become highly intoxicated through drink or drugs.

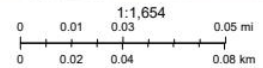


1 Lower Grosvenor Place



15/09/2022, 12:29:07

- Property Mailing List
- Ward Labels
- Borough Boundary - Mask
- Borough Boundary - Detailed
- Ward Boundaries



Resident Count = 93

<b>Licensed premises within 75 metres of 91 Wimpole Street, London</b>				
<b>Licence Number</b>	<b>Trading Name</b>	<b>Address</b>	<b>Premises Type</b>	<b>Time Period</b>
22/07818/LIPRW	Tropica	1 Lower Grosvenor Place London SW1W 0EJ	Wine bar	Monday to Sunday; 08:00 – 00:00
22/06162/LIPDPS	Bag O Nails	6 Buckingham Palace Road London SW1W 0PP	Public house or pub restaurant	Sunday; 10:00 - 23:30   Sunday; 10:00 - 22:30   Monday to Thursday; 10:00 - 23:30   Monday to Saturday; 10:00 - 00:00   Friday to Saturday; 10:00 - 00:00   Sundays before Bank Holidays; 10:00 - 00:00
20/03991/LIPV	Not Recorded	3 Lower Grosvenor Place London SW1W 0EJ	Not Recorded	Monday; 11:00 - 23:00   Tuesday; 11:00 - 23:00   Wednesday; 11:00 - 23:00   Thursday; 11:00 - 23:00   Friday; 11:00 - 23:00   Saturday; 11:00 - 23:00   Sunday;

				11:00 - 22:00
18/04273/LIPCHT	The English Rose Cafe	Basement And Ground Floor 4 Lower Grosvenor Place London SW1W 0EJ	Cafe	Monday to Sunday; 07:00 - 20:00
21/01508/LIPT	Maverick	Basement And Ground Floor 14 Buckingham Palace Road London SW1W 0QP	Restaurant	Sunday; 08:00 - 00:00   Monday to Wednesday; 08:00 - 00:30   Thursday to Saturday; 08:00 - 01:00
18/01266/LIPT	New Noodle Noodle Restaurant	Basement And Ground Floor 18 Buckingham Palace Road London SW1W 0QP	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
19/05989/LIPV	Timmy Green Unit 18	11 Sir Simon Milton Square City Of Westminster London SW1E 5DJ	Restaurant	Monday; 07:00 - 00:00   Tuesday; 07:00 - 00:00   Wednesday; 07:00 - 00:00   Thursday; 07:00 - 00:00   Friday; 07:00 - 00:00   Saturday; 07:00 - 00:00   Sunday; 07:00 - 23:00
09/00829/LIPDPS	BBAR	43 Buckingham Palace Road London SW1W 0PP	Wine bar	Sunday; 12:00 - 00:00   Monday to Saturday; 12:00 - 00:30
12/07383/LIPN	Cafe Nouf	Basement And Ground Floor 8 Lower Grosvenor Place London SW1W 0EN	Cafe	Sunday; 09:00 - 22:30   Monday to Thursday; 09:00 - 23:30   Friday to Saturday; 09:00 - 23:45
18/05260/LIPN	Grilla Kiosk	12 Sir Simon Milton Square City Of Westminster London SW1E 5DJ	Not Recorded	Monday to Sunday; 08:00 - 23:00
22/00473/LIPDPS	Notes Nova Unit 12	10 Sir Simon Milton Square City Of Westminster London SW1E 5DJ	Cafe	Sunday; 07:00 - 22:00   Monday to Saturday; 07:00 - 23:30