

Licensing Sub-Committee Report

Item No:	
Date:	20 April 2023
Licensing Ref No:	23/00796/LIPN - New Premises Licence
Title of Report:	Basement And Ground Floor 10 Golden Square London W1F 9JA
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Emanuela Meloyan Licensing Officer
Contact details	Telephone: 0207 641 6500 Email: emeloyan@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	6 February 2023		
Applicant:	Golden Square Mart Ltd		
Premises address:	Basement And Ground Floor 10 Golden Square London W1F 9JA	Ward:	West End
		Cumulative Impact Area:	West End
		Special Consideration Zone:	None
Premises description:	<p>According to the application form the premises intends to trade in the basement and part of the ground floor as an Asian restaurant which is licensed for the sale of alcohol on the premises from 09:00 to 23:00 Monday to Sunday.</p> <p>The remainder of the ground floor is intended to trade as an Asian supermarket which is licensed for the sale of alcohol for consumption off the premises from 09:00 to 21:00 Monday to Sunday.</p>		
Premises licence history:	<p>The premises already hold a premises licence (licence number 22/04691/LIPV) The applicant has proposed to surrender the existing premises licence should this application be granted.</p> <p>A full Licence History for 22/04691/LIPV appears at Appendix 3.</p>		
Applicant submissions:	<p>The applicant has provided the following submissions:</p> <ul style="list-style-type: none"> • Mediation letters sent to the interested parties. <p>A copy of the documents can be found at Appendix 2.</p>		
Applicant amendments:	<p>Following consultation, the applicant has reduced the terminal hour for the sale of alcohol on a Sunday to 22:30.</p> <p>The hours now being applied for are set out below at section 1-B</p>		

1-B Proposed licensable activities and hours							
Late Night Refreshment:				Indoors, outdoors or both			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	Not applicable - Late night refreshment is only applied for as a seasonal variation as shown below.						
End:							
Seasonal variations/ Non-standard timings:	From 23:00 hours on New Year's Eve to 01:00 hours on New Year's Day. From 23:00 hours on Chinese New Year to 01:00 hours the following day.						

Sale by retail of alcohol				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	10:00
End:	23:00	23:00	23:00	23:00	23:00	23:00	22:30
Seasonal variations/ Non-standard timings:			From 23:00 hours on New Year's Eve to 01:00 hours on New Year's Day. From 23:00 hours on Chinese New Year to 01:00 hours the following day.				

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	10:00
End:	23:30	23:30	23:30	23:30	23:30	23:30	23:30
Seasonal variations/ Non-standard timings:			From 1000 hours on New Year's Eve until 0130 hours on New Year's Day. From 1000 hours on Chinese New Year until 0130 hours the following day.				
Adult Entertainment:			None				

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health
Representative:	Sally Fabbricatore
Received:	2 nd March 2023
	<p>I refer to the application for a new Premises Licence for the above premises. The premises does benefit from the following premises licence 22/04691/LIPV.</p> <p>The premises is situated in the West End Cumulative Impact Zone.</p> <p>This representation is based on the Operating Schedule and the submitted plans for the basement and ground floor, there is no reference number or date.</p> <p>The applicant is seeking the following on the ground floor and basement:</p> <ol style="list-style-type: none"> To allow the Supply of Alcohol 'on' and 'off' the premises Monday to Sunday 10:00-23:00 hours. To allow the seasonal variation from the 23:00 hours on New Year's Eve to 01:00 hours on New Year's Day, and the same hours on Chinese New Year to the following day for both Late Night Refreshment and the Supply of Alcohol. <p>I wish to make the following representation in relation to the above</p>

	<p>application:</p> <ol style="list-style-type: none"> 1. The provision of the Supply of Alcohol may cause an increase in Public Nuisance in the Cumulative Impact Zone and may impact on Public Safety. 2. The seasonal variations may cause an increase in Public Nuisance in the Cumulative Impact Zone and may impact on Public Safety. <p>Further information and proposed conditions have been provided, which are being considered, but further conditions may be proposed by Environmental Health in order to protect the Licensing Objectives.</p> <p>The granting of the Premises Licence as presented would have the likely effect of causing an increase in Public Nuisance in the cumulative impact zone and may impact on Public Safety.</p> <p>Should you wish to discuss the matter further please do not hesitate to contact me.</p>
Responsible Authority:	Licensing Authority
Representative:	Jessica Donovan
Received:	06 March 2023

I write in relation to the application submitted for a new premises licence for Basement And Ground Floor, 10 Golden Square, London, W1F 9JA.

As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011, the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the four Licensing Objectives:

- Public Nuisance
- Prevention of Crime & Disorder
- Public Safety
- Protection of children from harm

The application seeks the following:

Retail sale of Alcohol (On and Off sales)

Monday to Sunday 10:00 to 23:00

From 2300 hours on New Year's Eve to 0100 hours on New Year's Day.

From 2300 hours on Chinese New Year to 0100 hours the following day.

Late Night Refreshment:

From 2300 hours on New Year's Eve to 0100 hours on New Year's Day.

From 2300 hours on Chinese New Year to 0100 hours the following day.

Hours premises are open to the public

Monday to Sunday 10:00 to 23:30

From 1000 hours on New Year's Eve until 0130 hours on New Year's Day.

From 1000 hours on Chinese New Year until 0130 hours the following day.

The premises are located within the West End Cumulative Impact Zone it is intended that the premises will trade as a restaurant and shop and as such various policy points must be considered, namely CIP1, HRS1, RNT1 and SHP1.

Policy RNT1 (B) states

B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to:

1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.
2. The hours for licensable activities are within the council's Core Hours Policy HRS1.
3. The operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.
4. The applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone.
5. The application and operation of the venue meeting the definition of a restaurant as per Clause C.

C. For the purposes of this policy a restaurant is defined as:

1. A premises in which customers are shown to their table or the customer will select a table themselves to which food is either served to them or they have collected themselves.
2. Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at a table.
3. Which do not provide any takeaway service of food and/or drink for immediate consumption, except if provided via an ancillary delivery service to customers at their residential or workplace address.
4. Where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.
5. The sale and consumption of alcohol prior to such meals may be in a bar area but must also be ancillary to the taking of such meal.

Shops Policy SHP1(B and C) states;

B. Applications for a shop inside the West End Cumulative Impact Zone will be considered on their own merits and subject to:

1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.
2. The hours for licensable activities are within the council's Core Hours Policy HRS1.
3. The operation of any delivery services for alcohol meeting the council's Ancillary Alcohol and/or Late night Refreshment Delivery Service Policy DEL1.
4. The applicant having demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone.
5. The application and operation of the venue meeting the definition of a shop in Clause C.

C. For the purposes of this policy:

1. A shop is defined as a stall, vehicle, vessel, temporary structure, building or part of a stall, vehicle, vessel, temporary structure or building where the primary activity is the sale of goods or services to customers upon payment.
2. The licensable activities for the sale of alcohol for consumption on the premises, regulated entertainment and/or late night refreshment must be ancillary to the primary use of the premises as a shop.
3. The licensable activity of the sale of alcohol for consumption off the premises must be an ancillary function to the primary use of the premises unless that primary use is to sell alcohol for consumption off the premises, e.g. a traditional off licence.

The Licensing Authority note that the application falls outside of Westminster's core hours on

Sundays for Restaurants and Shops.

The Core hours for restaurants are:

Monday to Thursday: 9am to 11.30pm.

Friday and Saturday: 9am to Midnight.

Sunday: 9am to 10.30pm.

Sundays immediately prior to a bank holiday: 9am to Midnight.

The core hours for a Shop (off-sales of alcohol where it forms either the ancillary or primary use of the premises) are:

Monday to Saturday: 8am to 11pm.

Sunday: 9am to 10.30pm.

Please could the applicant confirm if they are willing to reduce the terminal hour for the retail sale of alcohol on Sundays to 22:30 to allow the application to fall within Westminster core hours for Restaurants and shops.

The Licensing Authority note that the applicant has proposed an amended version of Westminster's model condition 66 in their operating schedule:

'The basement and part of the ground floor (as shown on the plan) shall operate as a restaurant,

- a. in which customers are shown to their table or the customer will select a table themselves;*
- b. where the supply of alcohol is by waiter or waitress service only;*
- c. which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table;*
- d. where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.*

For the purpose of this condition 'Substantial Table Meal' means - a meal such as might be expected to be served as the main midday or main evening meal, or as a main course at either such meal and is eaten by a person seated at a table, or at a counter or other structure which serves the purposes of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure servicing the purposes of a table.

Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.'

Would the applicant be willing to consider amending the ground floor plans to include hatching over the area intended for restaurant use and amend the above condition as follows to ensure that the intended area is clear:

'The basement and the area hatched black as shown on the ground floor plan shall operate as a restaurant,

- a. in which customers are shown to their table or the customer will select a table themselves;*
- b. where the supply of alcohol is by waiter or waitress service only;*
- c. which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table;*
- d. where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.*

For the purpose of this condition 'Substantial Table Meal' means - a meal such as might be expected to be served as the main midday or main evening meal, or as a main course at either such meal and is eaten by a person seated at a table, or at a counter or other structure which serves the purposes of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure servicing the purposes of a table.

The Licensing Authority note that the premises has the benefit of a premises licence 22/04691/LIPV. It is noted that this application seeks longer hours for the retail sale of alcohol for consumption off the premises. The Licensing Authority require the applicant to provide submissions as to how the extension of hours will not add to cumulative impact in the West End Cumulative impact Zone.

The Licensing Authority also encourages the applicant to consider MC61 which states:

*No licensable activities shall take place at the premises until premises licence **22/04691/LIPV** (or such other number subsequently issued for the premises) has been surrendered and is incapable of resurrection.*

The Licensing Authority require the applicant to provide submissions as to how the operation of the premises will not add to cumulative impact in the West End cumulative impact zone, in accordance with policy CIP1.

The Licensing Authority looks forward to receiving further submissions from the applicant in due course.

Please accept this as a formal representation.

2-B Other Persons	
Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Received:	17 February 2023
<p>I am a resident [REDACTED] For the past 2 years, I have had to regularly call the Westminster Council with noise complaints. Noise officers have regularly given them orders to rectify the situation but they ignore the orders. You can check your records as to the amount of complaints that have been made against this property. I had to place a call to the Westminster noise team again yesterday and the officer was reading all the complaints and was astounded. They do not seem to care about the neighbouring residents. My neighbours have also complained about the noise from this business.</p> <p>Therefore if they are given permission for a drinks licence they will flaunt those rules and the noise will be intensified.</p> <p>Please do not grant this licence as the noise pollution increase and would be unbearable. On past experience of this business they have proven to be untrustworthy and should not be granted the licence.</p>	

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Received:	28 February 2023
To who it may concern,	
<p>I live in [REDACTED] and we have been trying to get the 10 golden square to rectify the problem of the odors that invades or flats from the extractor fans that blow out a awful stink. We have been in contact with Westminster team about this problem now since before lock down and recorded the problem with them and have had home visits etc to smell the problem. maybe this problem can be a condition of the new lic. they are applying for that the smell coming out of the extractor fans is fixed / stopped either a new high tech extractors with charcoal filters to stop the smell or maybe a chimney that takes the smell up to above the roof top of thier building and blows it out so everyone living opposite on bridle lane can open there windows and not have the smell / order invading out flats.</p> <p>Thank you for your time and if you need any more information feel free to contact me</p>	

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy CIP1 applies	<p>Cumulative Impact Policy CIP1</p> <p>A. It is the Licensing Authority’s policy to refuse applications within the West End Cumulative Impact Zone for: pubs and bars, fast food premises, and music and dancing and similar entertainment, other than applications to:</p> <ol style="list-style-type: none"> 1. Vary the hours within Core Hours under Policy HRS1, and/or 2. Vary the licence to reduce the overall capacity of the premises. <p>C. Applications for other premises types within the West End Cumulative Impact Zones will be subject to other policies within this statement and must demonstrate that they will not add to cumulative impact.</p> <p>D. For the purposes of this policy the premises types referred to in Clause A are defined within the relevant premises use policies within this statement.</p>
Policy HRS1 applies	<p>Core Hours Policy HRS1</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"> 1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm. 2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation. 3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed. 4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises. 5. The proposed hours when any music, including incidental music, will be played. 6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises. 7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity. 8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.

	<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. 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>Policy COMBI applies</p>	<p>Combined use premises Policy or Spaces Policy COMB1</p> <p>A. Applications outside the West End Cumulative Impact Zone for premises that propose to operate as a 'combined use premises' will be considered on their merits and subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities for the relevant use being within the council's Core Hours Policy HRS1. 3. The applicant has taken account of the Special Consideration Zone policy SCZ1 if the premises are located within a designated zone. <p>B. Applications inside the West End Cumulative Impact Zones for premises that propose to operate as a 'combined use premises' will be considered on their merits and subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities for the relevant premises use being within the council's Core Hours Policy HRS1. 3. The applicant demonstrating that they will not add to cumulative impact within the Cumulative Impact Zone. <p>C. When considering what weight is to be given to the relevant uses and policies the Licensing Authority will take into account:</p> <ol style="list-style-type: none"> 1. Whether it will undermine the licensing objectives.

	<ol style="list-style-type: none"> 2. The current and proposed use of the premises. 3. When those uses will take place. 4. What the primary use of the premises is or the uses that will take place in different parts of that premises. 5. Whether there would normally be a presumption to refuse an application for that use if it was operating as that premises type and not a combined use premises. 6. Whether the hours sought for the all or parts of the premises are within or outside the Core Hours. <p>D. The Licensing Authority will take into account, when considering the application, the relevant considerations from each of the appropriate premises uses policies within this statement</p> <p>E. For the purpose of this policy a Combined Use Premises means premises which require a premises licence and where there is more than one premises use, and where the uses are not dependent on/ or part of the other uses i.e. are not ancillary to the other uses.</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

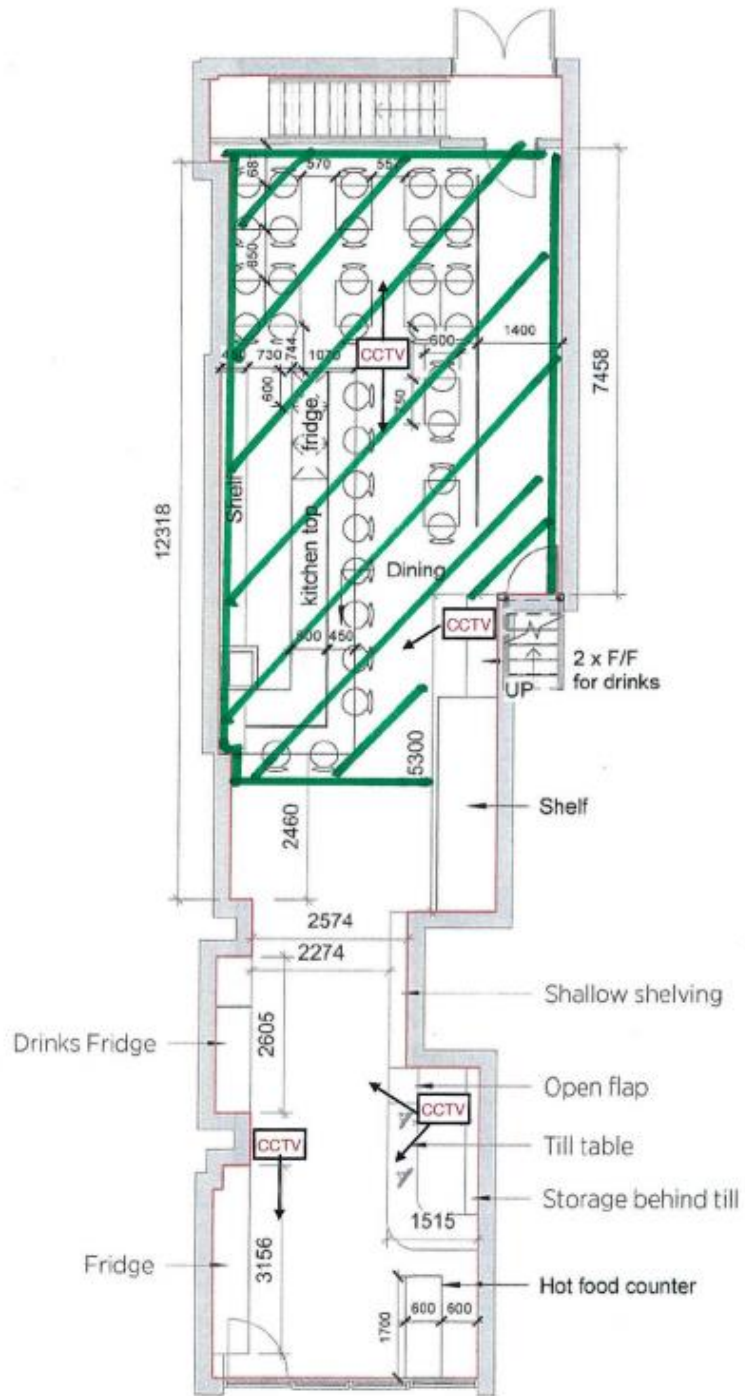
Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises Licence 22/04691/LIPV
Appendix 4	Premises history
Appendix 5	Proposed conditions
Appendix 6	Residential map and list of premises in the vicinity

Report author:	Emanuela Meloyan Licensing Officer
Contact:	Telephone: 0207 641 6500 Email: emeloyan@westminster.gov.uk

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

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

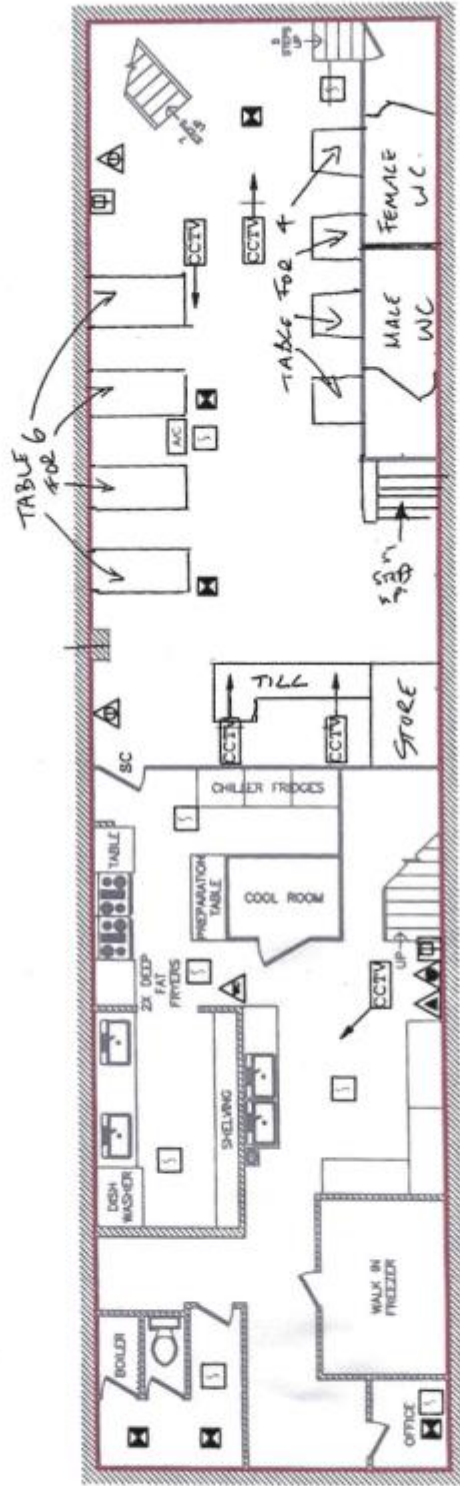
1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	October 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	December 2022
4	Environmental Health	02 March 2023
5	Licensing Authority	06 March 2023
6	Interested Party Representation (1)	17 February 2023
7	Interested Party Representation (2)	28 February 2023



Ground Floor

SCALE 1:100 @ A3

DETAIL 2: LOWER GROUND FLOOR PLAN
SCALE: 1:100 @ A3



Golden Square Mart Limited

Application for Premises Licence

Background

The applicant, Golden Square Mart Limited, by their director Mr Phil Day has properly operated an Asian supermarket at 10 Golden Square since a premises licence was issued on 25 May 2021, as varied by a licence issued 13 July 2022, which was to include a restaurant food offering for dine in and takeaway (in accordance with conditions imposed on the licence) as the main offering, with the sale of alcohol ancillary.

CIP1 (The West End Cumulative Zone)

Our client has carefully considered CIP1 in respect of this application and the two previous applications (2021 and 2022) and confirms that the hours sought under the current application have been amended in respect of Sundays to reflect the Council's core hours policy (HRS1), save for seasonal variations which we address in relation to the Environmental Health representation below. The applicant believes that this new licence and revised business model won't have a detrimental affect on the CIP1 for the following reasons:

1. They are focusing more on the food offering, with the sale of alcohol either for consumption on the premises (with food only, as per conditions in the application) or off the premises in sealed containers only;
2. The hours fall within policy HRS1 on core hours (with the exception of seasonal variations – see below);
3. Paragraph D9 of CIP1 says the following "*The Licensing Authority's view is that cumulative impact in the West End Cumulative Impact Zone arises mainly from the numbers of pubs and bars, music and dance premises and fast food premises. The Licensing Authority wishes to encourage the provision of a range of cultural entertainment premises, where this is suitable and to reduce the extent of dominance of pubs, bars, night clubs and fast food premises within the West End Cumulative Impact Zone.*" Golden Square Mart is not a pub or bar, nor offers music or dance and, whilst it will offer food takeaway and delivery, it is not intended to be a fast food establishment.

4. CIP1 has a presumption that applications for pubs and bars, music and dance venues and fast food premises would be refused. As we have noted, the applicant premises is none of these establishments.
5. The premises is not and won't be a vertical drinking establishment .
6. The applicant suggests an additional condition which reads "The premises licence will only remain valid so long as the main function of the premises is as a restaurant and shop (with retail of alcohol ancillary) to further demonstrate the intention of the business. It's understood that if the business model changed that the premises licence would no longer be valid.

Generally

The conditions in the application are all taken from the existing licence (as varied by consultation in 2022) therefore already comply with Westminster's various policies relating to restaurants and shops and generally.

We also refer to an email to the authority dated 9 March 2023 and timed at 12:04 from Nicola Jordan which confirms the applicant's agreement to the suggested conditions from Jessica Donovan.

Environmental Health Representations

Turning to the representations of Sally Fabricatore, we would add that the amendment to the core hours would hopefully alleviate any concern under your representation point 1. In relation to your representation point 2, the applicant understands that the seasonal variations may give rise to public nuisance but there will be signage on the premises at all times reminding customers to respect the needs of local residents and leave the area quietly (condition 28). The seasonal variations are for both the sale of alcohol and late night refreshment (which isn't necessary in normal hours of course), so there won't be a situation where customers are purely using the seasonal variations to consume alcohol, as condition 18 in the application restricts the sale of alcohol only to persons consuming food. In addition, alcohol cannot be sold from the shop premises to members of the public after 2300 hours each day (condition 17 of the application) therefore preventing anyone purchasing alcohol from the shop during the seasonal variations post 2300 hours, thereby limiting the potential for public nuisance.

We hope this is of assistance but please feel free to contact us if there's any to discuss.

Mediation letters

Letter to Objector 1



Cardiff:
Two Central Square
Cardiff
CF10 1FS
DX: 33000 Cardiff 1

hughjames.com
info@hughjames.com
f: 029 2038 8222

Licensing Authority
Westminster City Council
15th Floor City Hall
64 Victoria Street
London

By email only to emeloyan@westminster.gov.uk

Your ref:
Our ref: NJO.NJO/GOL238.2
Please ask for: Nicola Jordan
Date: 14 March 2023
Direct Line: 02922 675922
Email: nicola.jordan@hughjames.com

Dear Madam

**Golden Square Mart Limited
Representation to Licence Application
23/00796/LIPN – Golden Square Mart, 10 Golden Square, London**

Thank you for your recent email attaching a copy of the representation made by [REDACTED]

In summary, we note that the representation is concerned about noise emanating from the premises and is concerned that the noise will be 'intensified' if the application is granted. We have responded to the points raised in [REDACTED] representation and should be grateful if these could be forwarded to her for her consideration.

Previous Noise Complaints

We note that your representation refers to repeated complaints that you have made to Westminster City Council ("the Council"). The business at Golden Square Mart has not received notice of any such complaints from the Council (save for the one noted below) or directly from any nearby residents.

The only noise complaint received by the business was in June 2021. This did not pertain to customers, but to noise arising from a faulty compressor on a fridge, which made a loud humming sound. This could not be immediately rectified but the applicant did all within their power to mitigate the noise by emptying the fridge at night to allow the unit to be turned off before a replacement unit could be purchased, which resolved the complaint.

For the avoidance of doubt, this premises (at 10 Golden Square) has received no other notification of any formal noise complaints and has never received any complaints as to noise of customers. If they had done so, they reassure you that they would seek to address any issues, as they have done so in the past.

Nature of the Business

Though the application is for a new premises licence, please be advised that the premises does already hold a licence for the sale of alcohol (for both on and off the premises). The nature of this application is so that the premises can extend their current street food and

ancillary drinks offering, which currently operates successfully from their basement. At present, the ground floor is an Asian supermarket.

The application is, essentially, to reduce the supermarket area so the basement food offering can be provided on the ground floor also. The nature of the business is primarily Asian street food and the service of alcohol is ancillary to that. Alcohol will only be served with substantial meals and this is a condition on the licence.

It is not intended that the premises should operate as a bar, and diners cannot order just alcohol.

Further, staff are trained in the Challenge 25 scheme and CCTV is operative throughout the premises. The intended licensable hours of the premises are Monday to Saturday from 1000hrs to 2300hrs and Sunday from 1000hrs to 2230hrs (this is a slight reduction from 2300hrs on Sunday). The hours sought fall within Westminster's CIP1 policy on core hours, which can be obtained from the Council if you require it.

The venue is not intended to be a venue that routinely operates late hours. There is also a condition that signage must be displayed at the premises reminding patrons to leave quietly and be mindful of nearby residents.

In addition, our client has offered a further condition which says the premises licence will only remain valid so long as the main function of the premises is that of a restaurant and shop. This will prevent the applicant or a future owner from changing the business model under the current licence into a drinking establishment, for example.

We note that your representation refers to complaints having also been raised by other nearby residents. Again, we reiterate that no complaints relating to *this premises* have been formally communicated by the Council to the premises and no complaints from neighbouring residents have been received by the premises directly. The premises has had a licence for the sale of alcohol since 25 May 2021 (off sales of alcohol) and has been trading successfully since that time. The licence was varied on 13 July 2022 to include on sales of alcohol for the restaurant. The applicant has sought to promptly rectify any reasonable complaints relating to the licensing objectives or queries made and has a proven record of engaging with nearby residents and the surrounding community. The applicant has continually observed all of the conditions on their licence, by which they are bound, and has worked with the relevant authorities to ensure that the business enhances the local community and is not detrimental to it.

We would be grateful if you would consider the above. We hope that we have demonstrated that the approval of this application for an already licensed premises, will not impact on the residential area of Golden Square. We ask that you reconsider your position and withdraw your representation. Should you wish to discuss this further, please do not hesitate to contact us.

You are welcome to check any of the detail of the existing licence, the application or our client's amendments to the current application with the Licensing Authority.

We look forward to hearing from you.

Yours faithfully



Hugh James



Cardiff:
Two Central Square
Cardiff
CF10 1FS
DX: 33000 Cardiff 1

hughjames.com
info@hughjames.com
f: 029 2038 8222

Licensing Authority
Westminster City Council
15th Floor City Hall
64 Victoria Street
London
By email only to emeloyan@westminster.gov.uk

Your ref:
Our ref: NJO.NJO/GOL238.2
Please ask for: Nicola Jordan
Date: 14 March 2023
Direct Line: 02922 675922
Email: nicola.jordan@hughjames.com

Dear Madam

**Golden Square Mart Limited
Representation to Licence Application
23/00796/LIPN**

In summary, we note that the representation is concerned with smell emanating from the premises. We have responded to the points raised in [REDACTED] representation and should be grateful if these could be forwarded to him for his consideration.

The Director of the applicant premises was first alerted by Westminster City Council to a smell complaint in October 2022. On 19 November 2022, the premises had the extraction system cleaned down and checked for faults. The applicant had sought to respond to the concern in a more timely manner than this, but unfortunately the delay was caused by the cleaning company.

On 19 December 2022, an inspector from the Council attended the premises as there had been a smell complaint and met with the applicant to assess the degree of the odour but agreed that it was minor and allowed the applicant the opportunity to find a solution.

Please do be assured that the applicant is working towards rectifying the issue. They have accepted a quotation for a system to be installed to eradicate the smells. A copy of the system details is enclosed with this letter for your information and reassurance. The system is scheduled to be installed in early April 2023.

As you will be aware, the premises is currently licensed. The nature of the application is to extend the current basement offering of street food and ancillary alcohol onto the ground floor.

We would be grateful if you would consider the above. We hope that we have demonstrated that the approval of this application will not impact on the residential area of Golden Square. We ask that you reconsider your position and withdraw your representation. Should you wish to discuss this further, please do not hesitate to contact us.

We look forward to hearing from you.

Yours faithfully

Hugh James

Hugh James Solicitors
Encl.



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

Schedule 12
Part A

WARD: West End
UPRN: 010033570697

Premises licence

Regulation 33, 34

Premises licence number:	22/04691/LIPV
Original Reference:	21/01870/LIPN

Part 1 – Premises details

Postal address of premises:
Basement And Ground Floor
10 Golden Square
London
W1F 9JA

Telephone Number: Not supplied

Where the licence is time limited, the dates:
Not applicable

Licensable activities authorised by the licence:
Sale by Retail of Alcohol

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

Sale by Retail of Alcohol
Monday to Sunday: 09:00 to 23:00 (On Sales)
Monday to Sunday: 09:00 to 21:00 (Off sales)

The opening hours of the premises:
Monday to Sunday: 09:00 to 23:30

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:

Golden Square Mart Limited
Sovereign House,
Graham Road,
Harrow,
HA3 5RF

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

12774925

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

Name: Mr Zoothang Eau

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: 17221
Licensing Authority: London Borough Of Tower Hamlets

Date: 13 July 2022

This licence has been authorised by Miss Jessica Donovan on behalf of the Director - Public Protection and Licensing.

Annex 1 – Mandatory conditions

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

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

7. The responsible person must ensure that—

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

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

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

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

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

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

Where -

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

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

Annex 2 – Conditions consistent with the operating Schedule

9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
11. All sales of alcohol for consumption 'Off' the premises shall be in sealed containers only and shall not be consumed on the premises.
12. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
13. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
14. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
15. No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles or cans.
16. No more than 15% of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol.
17. There shall be no self-service of spirits on the premises, save for spirit mixtures less than 5.5% ABV.
18. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale.
19. 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.
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. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

22. No deliveries of alcohol to the premises shall take place between 23.00 hours and 08.00 hours on the following day.
23. 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.
24. 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.
25. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
26. The number of persons permitted in the basement of the premises at any one time (excluding staff) shall not exceed 60 persons.
27. All staff authorised to sell alcohol will be trained in the Challenge 25 scheme and this training will be documented to include the date the training was given, the name of the person who gave the training, the person who received the training and signatures by both trainer and trainee
28. Staff involved in the sale and supply of alcohol shall receive training in relation to licensing legislation and age challenging. Refresher training shall be conducted annually. All staff involved in the sale and supply of alcohol shall be fully conversant with the conditions contained in the Premises Licence. No member of staff will be permitted to sell alcohol until such time as they have completed the training. Records of such training shall be kept by the DPS for a minimum of 12 months and made available to the police or other responsible representative on request.
29. We will use a refusals book when the need to refuse any sale of alcohol arises whether in the shop premises or in the restaurant and in that refusals book we will note the date and time of refusal, the product attempted to be purchased, a description of the customer and whether ID was requested/suitable if it was produced, the reason for the refusal and the name and signature of the member of staff making the refusal. The DPS shall retain the refusals book for a minimum of 12 months. The incident book will be made available to the police on request. Each reported incident will be dated and signed by the person making the report and that person's name will be clearly legible alongside the signature.
30. Alcohol will only be sold in the restaurant to customers taking a table meal for consumption with that meal in the restaurant and alcohol will not sold from the restaurant for consumption off the premises. The only permitted off sales will be from the shop premises.
31. Alcohol purchased in the restaurant will be provided from the shop premises. This will be ordered via an app or with a member of waiting staff in the restaurant and brought to the consumer by a member of staff for consumption with their table meal. The consumer will not be able to purchase alcohol from the shop premises directly for consumption in the restaurant.
32. The sale by retail of alcohol for consumption off premises from the shop premises (off licence) to members of the public will cease at 2100 hours.
33. The alcohol will be kept in units in the supermarket with opaque, lockable shutters. The shutters will be closed, and locked, at 2100 hours when the off licence sales end.
34. Signage will be displayed on the locked unit advising that the off licence sales cease at 2100 hours.

35. There will be appropriate fire-fighting equipment throughout the premises.
36. The emergency exits will be marked.
37. Clear, legible signs will be prominently displayed where they can easily be seen and read by customers stating that a Challenge 25 policy is in operation at the premises, that customers may be asked to provide proof of age and stating what the acceptable forms of proof of age are. Such signage will be displayed at all entrances, points of sale and in all areas where alcohol is displayed for sale. The signage shall be kept free from obstructions at all times.
38. The basement shall only operate as a restaurant,
 - (i) in which customers are shown to their table or the customer will select a table themselves,
 - (ii) where the supply of alcohol is by waiter or waitress service only,
 - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table,
 - (iv) which do not provide any takeaway service of food or drink for immediate consumption off the premises,
 - (v) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

For the purpose of this condition 'Substantial Table Meal' means - a meal such as might be expected to be served as the main midday or main evening meal, or as a main course at either such meal and is eaten by a person seated at a table, or at a counter or other structure which serves the purposes of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure servicing the purposes of a table.

Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.
39. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
40. A direct telephone number for the manager at the premises shall be publicly available at all times the premises are open. This telephone number and/or is to be made available to residents and businesses in the vicinity.
41. There shall be no consumption of alcohol on the ground floor at any time.

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

None



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

Schedule 12
Part B

WARD: West End
UPRN: 010033570697

Premises licence
summary

Regulation 33, 34

Premises licence number:

22/04691/LIPV

Part 1 – Premises details

Postal address of premises:

Basement And Ground Floor
10 Golden Square
London
W1F 9JA

Telephone Number: Not supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Sale by Retail of Alcohol

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

Sale by Retail of Alcohol

Monday to Sunday: 09:00 to 23:00 (On Sales)

Monday to Sunday: 09:00 to 21:00 (Off sales)

The opening hours of the premises:

Monday to Sunday: 09:00 to 23:30

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:

Golden Square Mart Limited
Sovereign House,
Graham Road,
Harrow,
HA3 5RF

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

12774925

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

Name: Mr Zoothang Eau

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

Restricted

Date: 13 July 2022

This licence has been authorised by Miss Jessica Donovan on behalf of the Director - Public Protection and Licensing.

Premises History**Appendix 4**

Application	Details of Application	Date Determined	Decision
21/01870/LIPN	New premises licence permitting the sale of alcohol from 09:00 to 21:00 Monday to Sunday.	24.05.2021	Granted Under Delegated Authority
22/04691/LIPV	Variation to extend the hours for the sale of alcohol to 23:00 and the opening hours to 23:30	12.07.2022	Granted Under Delegated Authority

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

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

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

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

Mandatory Conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

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

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

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

- 8(ii) For the purposes of the condition set out in paragraph 8(i) above -
- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) "permitted price" is the price found by applying the formula -
$$P = D + (D \times V)$$

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

Conditions consistent with the operating schedule

9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered, enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.

10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
11. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.
12. No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles or cans.
13. No more than 15% of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol.
14. There shall be no self-service of spirits on the premises, save for spirit mixtures less than 5.5% ABV.
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. 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.
17. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
18. No deliveries of alcohol to the premises shall take place between 23.00 hours and 08.00 hours on the following day.
19. The number of persons permitted in the basement of the premises at any one time (excluding staff) shall not exceed 60 persons.
20. The number of persons permitted to be seated on the ground floor restaurant at any one time (excluding staff) shall not exceed 40 persons.
21. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
22. A 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.
23. Staff involved in the sale and supply of alcohol shall receive training in relation to licensing legislation and age challenging. Refresher training shall be conducted annually. All staff involved in the sale and supply of alcohol shall be fully conversant with the conditions contained in this Premises Licence. No member of staff will be permitted to sell alcohol until such time as they have completed the training. Records of such training shall be kept by the DPS for a minimum of 12 months and made available to the police or other responsible representative on request.
24. We will use a refusals book when the need to refuse any sale of alcohol arises whether in the shop premises or in the restaurant and in that refusals book we will note the date and

time of refusal, the product attempted to be purchased, a description of the customer and whether ID was requested/suitable if it was produced, the reason for the refusal and the name and signature of the member of staff making the refusal. The DPS shall retain the refusals book for a minimum of 12 months. The incident book will be made available to the police on request. Each reported incident will be dated and signed by the person making the report and that person's name will be clearly legible alongside the signature.

25. The sale by retail of alcohol for consumption off the premises from the shop premises to members of the public will cease at 2300 hours each day.
26. Alcohol purchased for consumption in the restaurant will be ordered via an app or with a member of waiting staff in the restaurant and brought to the consumer by a member of staff for consumption with their table meal. The consumer will not be able to purchase alcohol from the shop premises directly for consumption in the restaurant.
27. Any alcohol displayed for sale in the shop concession will be kept in units with opaque lockable shutters. The shutters will be closed, and locked when the premises closes.
28. There will be appropriate fire-fighting equipment throughout the premises.
29. The emergency exits will be marked.
30. Clear, legible signs will be prominently displayed where they can easily be seen and read by customers stating that a Challenge 25 policy is in operation at the premises, that customers may be asked to provide proof of age and stating what the acceptable forms of proof of age are. Such signage will be displayed at all entrances, points of sale and in all areas where alcohol is displayed for sale. The signage shall be kept free from obstructions at all times.
31. The basement and part of the ground floor (as shown on the plan) shall operate as a restaurant,
 - a. in which customers are shown to their table or the customer will select a table themselves;
 - b. where the supply of alcohol is by waiter or waitress service only;
 - c. which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table;
 - d. where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

For the purpose of this condition 'Substantial Table Meal' means - a meal such as might be expected to be served as the main midday or main evening meal, or as a main course at either such meal and is eaten by a person seated at a table, or at a counter or other structure which serves the purposes of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure servicing the purposes of a table.

Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

The Licensing Authority have proposed an alternative wording to condition 31 which has been agreed by the applicant so as to form part of the operating schedule.

31. The basement and the area hatched green as shown on the ground floor plan shall

operate as a restaurant,

- a. in which customers are shown to their table or the customer will select a table themselves;
- b. where the supply of alcohol is by waiter or waitress service only;
- c. which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table;
- d. where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

For the purpose of this condition 'Substantial Table Meal' means - a meal such as might be expected to be served as the main midday or main evening meal, or as a main course at either such meal and is eaten by a person seated at a table, or at a counter or other structure which serves the purposes of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure servicing the purposes of a table.

32. The delivery of alcohol to customers to their residential address or workplace will be ancillary to the main premises use as a restaurant and shop.
33. Alcohol cannot be purchased for delivery without the purchase of food.
34. Delivery of alcohol will only be made via a third party and delivery drivers will not be engaged directly by the applicant. The applicant will ensure that any third party to which they have contracted the delivery of food and alcohol has sufficient age verification procedures in place for the sale of alcohol and has regular training for its delivery personnel on their age verification procedures.
35. The applicant will ensure that any third party to which they have contracted their delivery service have sufficient procedures and mitigation to ensure that their delivery personnel do not create public nuisance either at the premises where the delivery originates and/or at the delivery destination.
36. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
37. A direct telephone number for the manager at the premises shall be publicly available at all times the premises are open. This telephone number and/or is to be made available to residents and businesses in the vicinity.
38. The premises licence will only remain valid so long as the main function of the premises is a restaurant and shop (with retail of alcohol ancillary)

Conditions proposed by the Licensing Authority and agreed by the applicant so as to form part of the operating schedule

39. No licensable activities shall take place at the premises until premises licence 22/04691/LIPV (or such other number subsequently issued for the premises) has been surrendered and is incapable of resurrection

Conditions proposed by the Environmental Health

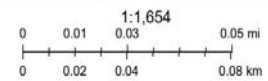
None

10 Golden Square, London, W1



12/04/2023, 13:57:47

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



Resident Count:50

Licensed premises within 75m of Basement and Ground Floor, 10 Golden Square, London, W1F 9JA				
Licence Number	Trading Name	Address	Premises Type	Time Period
20/03783/LIPCH	Arang Restaurant	Basement And Ground Floor 9 Golden Square London W1F 9HZ	Restaurant	Monday to Saturday – 10:00 – 01:30; Sunday – 12:00 – 00:00
08/09866/LIPV	Urban Golf	33-34 Great Pulteney Street London W1F 9NT	Office	Monday to Saturday – 10:00 – 23:30; Sunday – 12:00 – 23:00
19/03264/LIPDPS	Nordic Bakery	14A Golden Square London W1F 9JG	Cafe	Monday to Friday – 10:00 – 20:00; Saturday – 10:00 – 19:00; Sunday – 12:00 – 19:00

20/04992/LIPDPS	Hachi	Ground Floor 56 Brewer Street London W1F 9TJ	Restaurant	Monday to Saturday – 10:00 – 00:30; Sunday – 12:00 – 00:00
16/14006/LIPRW	Kiln	58 Brewer Street London W1F 9TL	Restaurant	Monday to Friday – 10:00 – 23:30; Saturday – 10:00 – 00:00; Sunday – 12:00 – 22:30
22/06926/LIPDPS	Simmons Piccadilly Circus	Ground Floor 4 Golden Square London W1F 9HT	Public House	Monday to Saturday – 10:00 – 00:30; Sunday – 12:00 – 00:00
19/16029/LIPCHT	Bancone	8-10 Lower James Street London W1F 9EL	Restaurant	Monday to Friday – 08:00 – 23:30; Saturday – 08:00 – 00:30; Sunday – 10:00 – 22:30
16/13460/LIPVM	Mele E Pere	46 Brewer Street London W1F 9TF	Restaurant	Monday to Saturday – 08:00 – 00:00; Sunday – 08:00 – 22:30
22/05811/LIPDPS	The Crown	The Crown 64 Brewer Street London W1F 9TP	Public House	Monday to Thursday – 07:00 – 23:30; Friday to Saturday – 07:00 – 00:00; Sunday – 07:00 – 00:00
21/01359/LIPV	El Pastor	66-68 Brewer Street London W1F 9TP	Restaurant	Monday to Sunday – 07:00 – 01:00
06/05475/WCCMAP	Taro Kaz Restaurant	61 Brewer Street London W1F 0RH	Restaurant	Monday to Saturday – 09:00 – 01:00; Sunday – 09:00 – 00:00
21/07470/LIPDPS	Park Row	77 Brewer Street London W1F 9ZN	Restaurant	Monday to Sunday – 11:30 – 01:30