



City of Westminster

Licensing Sub-Committee Report

Item No:

Date:

Licensing Ref No:

Title of Report:

Report of:

Wards involved:

Policy context:

Financial summary:

Report Author:

Contact details

22 June 2023

23/02328/LIPV - Premises Licence Variation

Carlotta
77 Marylebone High Street
London
W1U 5JX

Director of Public Protection and Licensing

Marylebone

City of Westminster Statement of Licensing Policy

None

Roxsana Haq
Senior Licensing Officer

Telephone: 020 7641 6500
Email: rhaq@westminster.gov.uk

1.	Application		
1-A	Applicant and premises		
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	12 April 2023		
Applicant:	Big Mamma Holdings Ltd		
Premises:	Carlotta		
Premises address:	77 Marylebone High Street London W1U 5JX	Ward:	Marylebone
		Cumulative Impact Area:	None.
		Special Consideration Zone:	None.
Premises description:	The premises currently operates as a high-end Italian Restaurant.		
Variation description:	The proposed variation is to extend opening hours and the terminal hour for the Supply of Alcohol both 'On' and 'Off' the premises Monday to Thursday from 23:00 hours to 23:30 hours, Friday and Saturday from 23:00 to 00:00 and Sundays from 22:00 to 22:30 hours		
Premises licence history:	The premises has had the benefit of a premises licence since 2022. The current premises licence (23/02873/LIPRW) can be viewed at Appendix 1 of this report along with the premises licence history at Appendix 2 .		
Applicant submissions:	As part of the application the applicant has provided an operating schedule / summary of the variation. This can be seen at Appendix 3 .		
Applicant amendments:	None.		

1-B	Current and proposed licensable activities, areas and hours
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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	08:00	23:00	08:00	23:30	Ground floor and basement with toilet facilities on the first floor as detailed on plan annexed to the premises licence.	No Change.
Tuesday	08:00	23:00	08:00	23:30		
Wednesday	08:00	23:00	08:00	23:30		
Thursday	08:00	23:00	08:00	23:30		
Friday	08:00	23:00	08:00	00:00		
Saturday	08:00	23:00	08:00	00:00		
Sunday	08:00	22:00	08:00	22:30		
Seasonal variations/ Non-standard timings:	Current:			Proposed:		
	None.			None		

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	08:00	23:00	08:00	23:30	Ground floor and basement with toilet facilities on the first floor as detailed on plan annexed to the premises licence.	No Change.
Tuesday	08:00	23:00	08:00	23:30		
Wednesday	08:00	23:00	08:00	23:30		
Thursday	08:00	23:00	08:00	23:30		
Friday	08:00	23:00	08:00	00:00		
Saturday	08:00	23:00	08:00	00:00		
Sunday	08:00	22:00	08:00	22:30		
Seasonal variations/ Non-standard timings:			Current:		Proposed:	
			None.		None.	

1-C	Layout alteration
There is no layout alteration being sought.	

1-D	Conditions being varied, added or removed.	
Condition	Proposed variation	
No conditions are being added, varied / removed.	N/A	
Adult entertainment:	Current position:	Proposed position:
	None	None

2.	Representations
2-A	Responsible Authorities
Responsible Authority:	Environmental Health Service (Withdrawn 11th May 2023)
Representative:	Kudzaishe Mondhlani
Received:	9 th May 2023
<p>I refer to the application for a Premises Licence variation.</p> <p>This premises benefits from a current premises licence reference 23/02111/LIPVM. This representation is based on the application form and operating schedule provided.</p> <p>The applicant is seeking the following,</p> <ol style="list-style-type: none"> To extend the hours for the Supply of Alcohol 'On' and 'Off' the premises Monday to Thursday from 23:00 hours to 23:30 hours, Friday to Saturday from 23:00 to 00:00 and Sunday from 22:00 to 22:30 hours <p>I wish to make the following representations in relation to the above application</p> <ol style="list-style-type: none"> An increase of hours for the supply of alcohol will have the likely effect of causing an increase in Public Nuisance <p>The application will be assessed upon a site visit and additional EH conditions may be proposed to uphold the licensing objectives. Should you wish to discuss the matter further please do not hesitate to contact me.</p> <p>After being satisfied with the application Environmental Health withdrew their objection on 11th May 2023.</p>	

2-B	Other Persons		
Name:	[REDACTED]		
Address and/or Residents Association:	[REDACTED]		
Status:	Valid	In support or opposed:	Opposed
Received:	27th April 2023		
<p>[REDACTED], I am writing to object to the proposed variation, as it will not support the Licensing Objectives, namely Prevention of Public Nuisance & Safety, Crime and Disorder and Protection of Children from Harm.</p> <p>This is a new business to Marylebone and now a softly softly "creep" in hours as they have only recently applied for and been granted a new premises licence and therefore have no track record of operating in this area which is highly residential.</p> <p>In fact, it is very disappointing that in spite of them liaising with Marylebone Councillors on their initial application and that they accepted the conditions and hours that were proposed to protect our resident, they are now seeking a variation.</p> <p>Therefore, we object to the sale of alcohol from 08:00 to 23:30 Monday to Thursday, 08:00 to 00:00 Friday & Saturday and 08:00 to 22.30 on Sundays both indoors and outdoors.</p>			

Patrons leaving the premises at the hours sought will cause a disturbance, with car doors banging and loud voices in a hugely residential area. They will be parking in adjacent streets which have residents living in flats.

Whilst it is appreciated that every application is considered on its merits, not only has this premises not operated in this location previously, as it is a new business in Marylebone, it is my understanding because it is in a residential area that there are few if any other premises selling alcohol in the vicinity with these hours. It is likely to become a destination venue.

If the Committee is minded to grant this application then we would request that the hours applied for are reduced and for off sales, the hours as were agreed remain as granted on their present new licence.

Thank you for your consideration.

3.	Policy & Guidance
The following policies within the City of Westminster Statement of Licensing Policy apply:	
Restaurant Policy RNT1 applies	<p>A. Applications outside the West End Cumulative Impact Zone will generally be granted 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 being within the council's Core Hours Policy HRS1. 3. The operation of any delivery services for alcohol and/or late-night refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1. 4. The applicant has taken account of the Special Consideration Zones Policy SCZ1 if the premises are located within a designated zone. 5. The application and operation of the venue meeting the definition of a restaurant as per Clause C. <p>C. For the purposes of this policy a restaurant is defined as:</p> <ol style="list-style-type: none"> 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.

<p>Hours Policy HRS1 applies</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>C. For the purpose of Clauses A and B above, the Core Hours for applications for each premises use type as defined within this policy are:</p> <p>8. Restaurants 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.</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.</p> <p>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>
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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	Existing Licence
Appendix 2	Premises history
Appendix 3	Applicant supporting documents
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

Report author:	Roxsana Haq Senior Licensing Officer
Contact:	Telephone: 020 7641 6500 Email: rhag@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 representation (Withdrawn 11th May 2023)	9 th May 2023
5	Interested Party 1	27 th April 2023



**City of
Westminster**

Schedule 12
Part A

**WARD: Marylebone
UPRN: 100023463710**

Regulation 33, 34

64 Victoria Street, London, SW1E 6QP

Premises licence

Premises licence number:

23/02873/LIPRW

Original Reference:

22/07192/LIPN

Part 1 – Premises details

Postal address of premises:

Carlotta
77 Marylebone High Street
London
W1U 5JX

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Sale by Retail of Alcohol

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

Sale by Retail of Alcohol

Monday to Saturday: 08:00 to 23:00

Sunday: 08:00 to 22:00

The opening hours of the premises:

Monday to Saturday: 08:00 to 23:00

Sunday: 08:00 to 22:00

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:

Big Mamma Holdings Ltd
5 Elstree Gate
Elstree Way
Borehamwood
London
WD6 1JD

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

10952202

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

Name: Mr Enrico Pireddu

Please note: It is the policy of the Licensing Authority not to display the address details of a designated premises supervisor.

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:

Licence Number: LN 19007
Licensing Authority: London Borough of Islington

Date: 2nd May 2023

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.

Annex 2 – Conditions consistent with the operating Schedule

9.
 - (a) The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team.
 - (b) All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.
 - (c) 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.
 - (d) All recordings shall be stored for a minimum period of 31 days with date and time stamping.
 - (e) 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. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
12. The supply of alcohol at the premises shall only be to a person seated taking a substantial table meal there and for consumption by such a person as ancillary to their meal.

For the purpose of this condition a '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.
13. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
14. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
15. 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.
16. 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.
17. Save for alcohol consumed by persons who are seated in an area appropriately authorized for the use of tables and chairs on the highway, all sales of alcohol for consumption off the premises shall be in sealed containers only.
18. Alcohol consumed by persons who are seated in an area appropriately authorized for the use of tables and chairs on the highway shall only be consumed by patrons seated at tables who are taking a substantial meal and where the supply of alcohol is by waiter or waitress only.

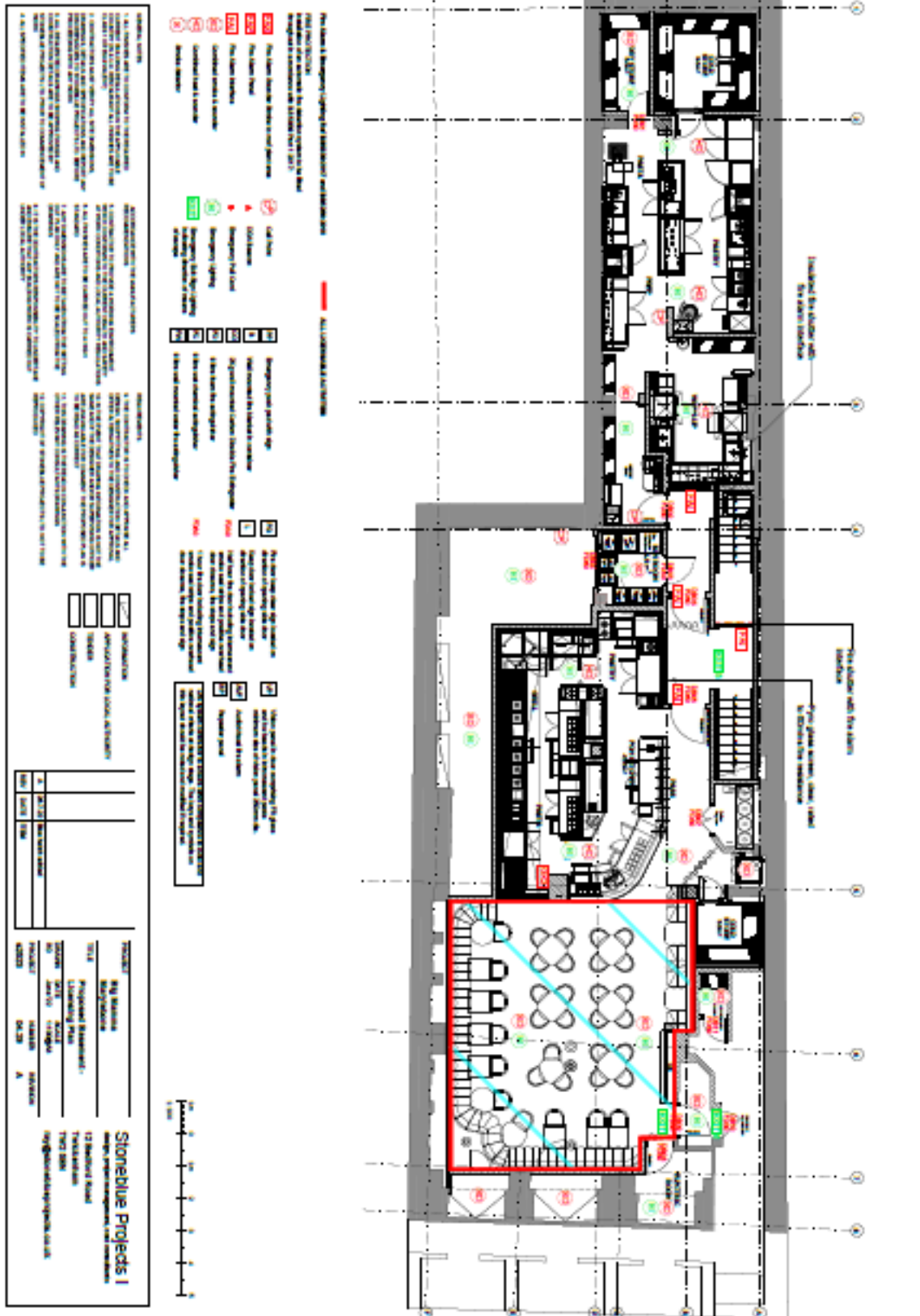
19. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
20. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 08.00 hours on the following day.
21. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 08.00 hours on the following day.
22. The supply of alcohol shall be by waiter or waitress service only.
23. 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.
24. 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.
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. With the exception of non-intrusive deliveries (e.g. post, milk, pastries, newspapers etc) there shall be no deliveries to the premises between the hours of 23.00 and 08.00 hours the following morning.
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. All tables and chairs shall be removed from the outside area by 23.00 hours on Monday to Saturday and 22.00 hours on Sunday.
32. The number of persons permitted in the premises at any one-time (excluding staff) shall not exceed:
 - Ground Floor 130 persons
 - Basement 60 persons

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

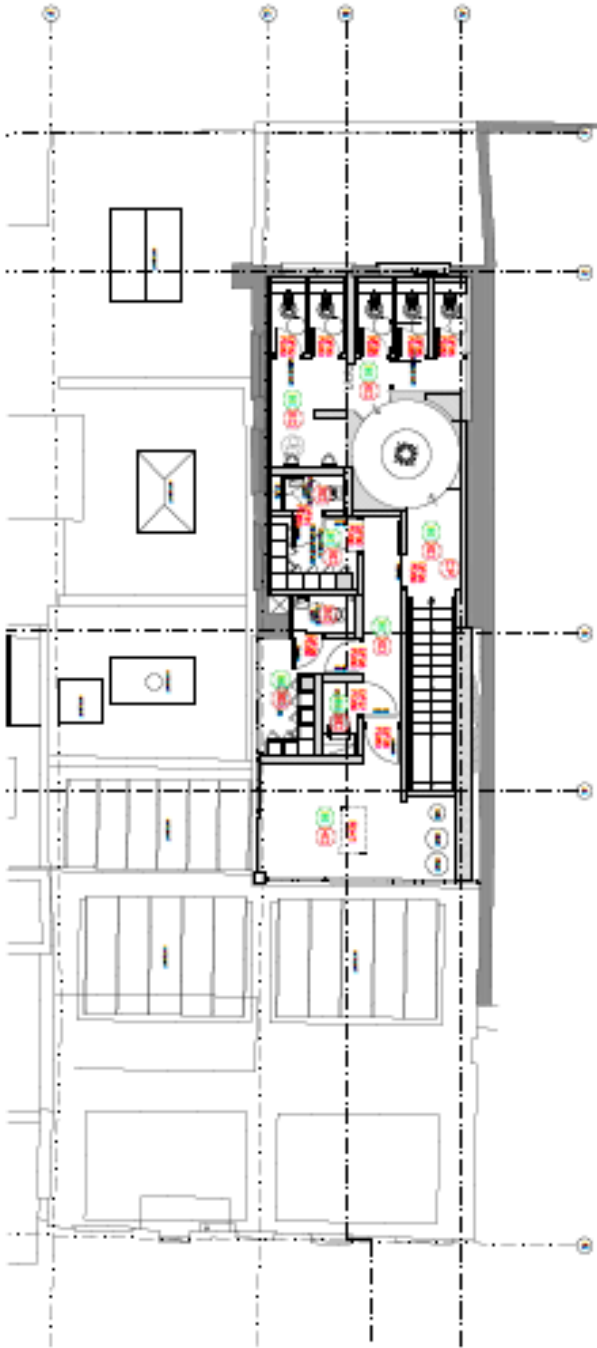
None

Annex 4 – Plans

Basement



First Floor



Red lines & Red circles indicate areas where the design is not yet finalized. The red circles are numbered 1-10 and the red lines are lettered A-D.

- 1-10 Red circles: Areas where the design is not yet finalized.
- A-D Red lines: Areas where the design is not yet finalized.
- 1-10 Green circles: Areas where the design is finalized.
- A-D Green lines: Areas where the design is finalized.

- 1-10 Red squares: Areas where the design is not yet finalized.
- A-D Red squares: Areas where the design is not yet finalized.
- 1-10 Green squares: Areas where the design is finalized.
- A-D Green squares: Areas where the design is finalized.

- 1-10 Red diamonds: Areas where the design is not yet finalized.
- A-D Red diamonds: Areas where the design is not yet finalized.
- 1-10 Green diamonds: Areas where the design is finalized.
- A-D Green diamonds: Areas where the design is finalized.

Project Information

Project Name: Stoneblue Projects I

Client: [Redacted]

Location: [Redacted]

Architect: [Redacted]

Scale: 1:50

Legend

- 1-10 Red circles: Areas where the design is not yet finalized.
- A-D Red lines: Areas where the design is not yet finalized.
- 1-10 Green circles: Areas where the design is finalized.
- A-D Green lines: Areas where the design is finalized.



City of Westminster

64 Victoria Street, London, SW1E 6QP

Schedule 12
Part B

WARD: Marylebone
UPRN: 100023463710

Regulation 33, 34

Premises licence summary

Premises licence number:

23/02873/LIPRW

Part 1 – Premises details

Postal address of premises:

Carlotta77 Marylebone High Street
London
W1U 5JX

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Sale by Retail of Alcohol

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

Sale by Retail of Alcohol

Monday to Saturday: 08:00 to 23:00
Sunday: 08:00 to 22:00

The opening hours of the premises:

Monday to Saturday: 08:00 to 23:00
Sunday: 08:00 to 22:00

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:

Big Mamma Holdings Ltd
5 Elstree Gate
Elstree Way
Borehamwood
London
WD6 1JD

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

10952202

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

Name: Mr Enrico Pireddu

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

Restricted

Date: 2nd May 2023

Signed:



pp

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

Licence & Appeal History**Appendix 2**

Application	Details of Application	Date Determined	Decision
22/07192/LIPN	New Premises licence application.	28.09.2022	Granted under delegated authority
23/02111/LIPVM	Minor Variation application to vary the layout of the premises for the ground floor only (all other floors remain as existing) Changes: new fixed seating and the accessible WC has moved into the position of the current storage area. All licensable activities, permitted hours, opening hours and conditions to remain as existing.	20.04.2023	Granted under delegated authority
23/02873/LIPRW	Removal of works conditions	02.05.2023	Granted under delegated authority

There is no appeal or TEN's history for these premises.

Carlotta (Form. Miracolo), 77-78 Marylebone High Street, London, W1U 5JX

Application for Variation of Premises Licence - Operating Schedule Document

[The information provided in this document is for information purposes only and is not intended to form part of the premises licence *or to be converted into conditions on the licence* if granted.]

This is an application for a variation by extending the terminal hour for the sale of alcohol and the closing time to 10.30pm on Sundays, 11.30pm on Mondays to Thursdays inclusively, and midnight on Fridays and Saturdays, "core hours".

The current terminal hour was that applied for and granted in September 2022; the premises are not yet trading but due to open at the end of April to the general public. Note the name of the premises has changed from Miracolo to "Carlotta".

The current terminal hour followed the planning permission for change of use imposed, and an application has been submitted and is currently under consideration to vary these hours to core hours.

These premises are part of the Big Mamma Group which operates currently two licensed restaurants in Westminster. Firstly, Circulo Popolare in Rathbone Place and Ave Mario in Covent Garden.

The former operates to core hours and the latter in the Stress Area has a terminal hour for the sale of alcohol of 00:30 on Sunday to Tuesday and 1am on Wednesday to Saturday, following the surrender of a previous licence for that site.

Both of these premises trade as restaurants but have reserved bar use which Carlotta does not have.

All of the conditions on the Carlotta premises licence following discussions with local residents and the local ward Councillor will remain.

These include Condition 12 which is a restaurant condition which applies to the whole of the premises and the restrictions which include an effective restaurant requirement on the external area.

The external area for which there is a pavement licence has had its area reduced following "renewal" and comments made by the Highways Department.

This application is entirely policy compliant.

If granted, it will simply be a core hours restaurant with other restrictions and conditions to promote the licensing objectives and to protect the interests of local residents.

The Big Mamma Group are experienced restaurant operators with a good track record in Westminster and are confident that this extension to core hours will not have any adverse impact on local people but provide trading hours which will enable local people to enjoy slightly later, is comparable with the majority of licensed restaurants in Westminster and which is entirely within Westminster's licensing policy.

Appendix 4

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

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

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

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

Conditions: On Current Licence -

Mandatory:

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

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

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

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

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

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

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

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

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

Where -

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

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

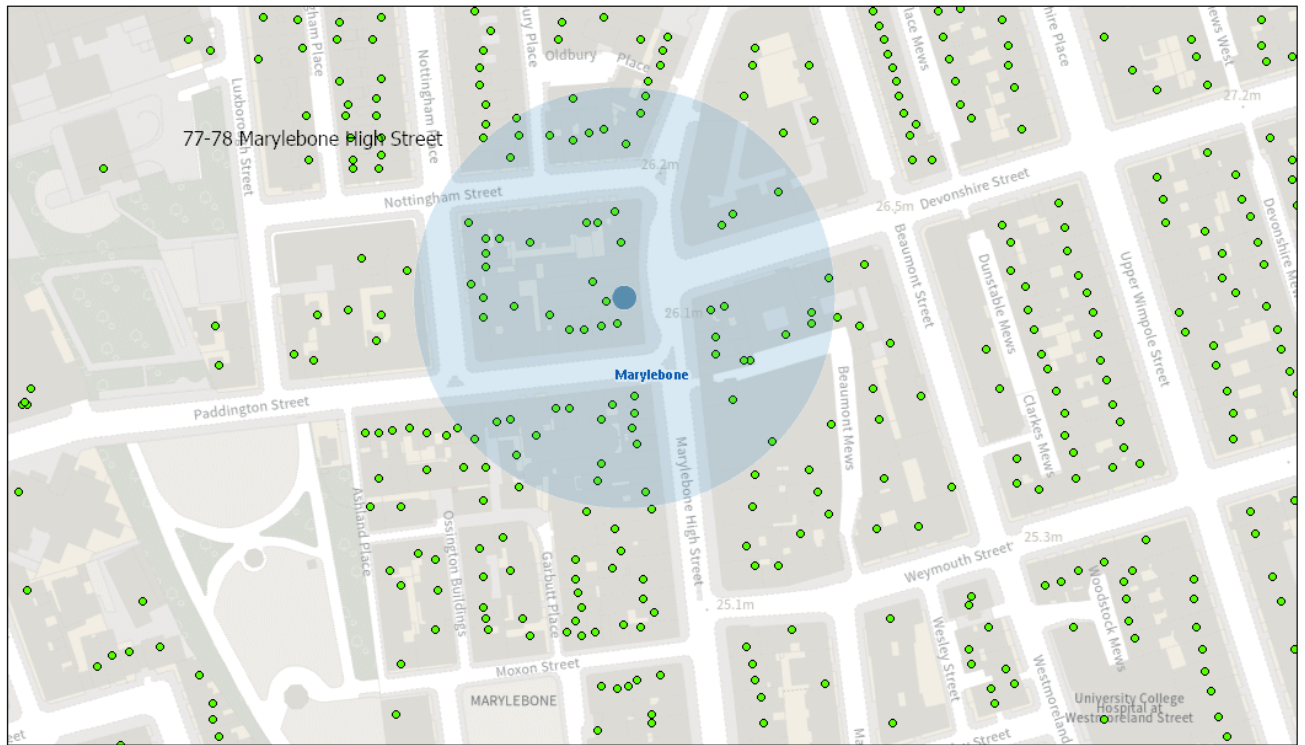
Annex 2 – Conditions consistent with the operating Schedule

None

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

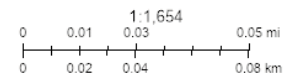
None.

77 Marylebone High Street London W1U 5JX



07/06/2023, 11:20:39

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



Resident count: 249

Licensed Premises within 75 metres of 77 Marylebone High Street, London W1U 5JX.				
Licence Number	Trading Name	Address	Premises Type	Time Period
23/02873/LIPRW	Carlotta	77 Marylebone High Street London W1U 5JX	Restaurant	Friday to Saturday; 08:00 - 00:00 Sunday to Thursday; 08:00 - 23:30
20/10795/LIPDPS	CoCo MoMo	79 Marylebone High Street London W1U 5JZ	Pub or Pub Restaurant with lodge	Sunday; 12:00 - 22:50 Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:20 Sundays before Bank Holidays; 12:00 - 23:50

20/07749/LIPN	Le Pain Quotidien	72 Marylebone High Street London W1U 5JW	Cafe	Sunday; 08:00 - 22:30 Monday to Thursday; 07:00 - 23:30 Friday to Saturday; 07:00 - 00:00
22/11246/LIPT	Crazy Pizza	7 - 9 Paddington Street London W1U 5QE	Restaurant	Sunday; 08:00 - 23:00 Monday to Thursday; 08:00 - 00:00 Friday to Saturday; 08:00 - 00:30 Good Friday; 08:00 - 23:30
23/01974/LIPCH	The Italians	27B Devonshire Street London W1G 6PW	Restaurant	Sunday; 10:00 - 22:00 Monday to Saturday; 10:00 - 23:00
21/11421/LIPN	Not Recorded	82 Marylebone High Street London W1U 4QN	Not Recorded	Monday; 07:00 - 22:00 Tuesday; 07:00 - 22:00 Wednesday; 07:00 - 22:00 Thursday; 07:00 - 22:00 Friday; 07:00 - 22:00 Saturday; 07:00 - 22:00 Sunday; 07:00 - 22:00
22/00245/LIPCH	La Brasseria Milanese	42 Marylebone High Street London W1U 5HD	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
20/03739/LIPN	Not Recorded	47 Marylebone High Street London W1U 5HH	Not Recorded	Monday; 07:00 - 21:00 Tuesday; 07:00 - 21:00 Wednesday; 07:00 - 21:00 Thursday; 07:00 - 21:00 Friday; 07:00 - 21:00 Saturday; 07:00 - 20:00 Sunday; 07:00 - 18:00
14/03471/LIPV	Opso	Beer House 10 - 11 Paddington Street London W1U 5QL	Restaurant	Sunday; 08:00 - 23:00 Monday to Saturday; 08:00 - 23:30

22/08595/LIPDPS	Prince Regent Public House	Public House Prince Regent 71 Marylebone High Street London W1U 5JN	Public house or pub restaurant	Sunday; 07:00 - 23:00 Monday to Saturday; 07:00 - 23:30
23/02488/LIPT	Not Recorded	Basement And Ground Floor 57 Paddington Street London W1U 4HZ	Restaurant	Sunday; 10:00 - 22:30 Monday to Thursday; 08:00 - 23:30 Friday to Saturday; 08:00 - 00:00
22/08333/LIPDPS	Cote	27 Devonshire Street London W1G 6PL	Restaurant	Sunday; 08:00 - 00:00 Monday to Saturday; 08:00 - 00:30
20/06789/LIPDPS	The Real Greek Souvlaki and Bar	Basement And Ground Floor 56 Paddington Street London W1U 4HY	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30