



City of Westminster

Licensing Sub-Committee Report

Item No:

Date:

14 December 2023

Licensing Ref No:

23/04264/LIPN - New Premises Licence

Title of Report:

1905 Cellar
42 Mortimer Street
London
W1W 7RH

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:

Karyn Abbott
Senior Licensing Officer

Contact details

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

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	23 June 2023		
Applicant:	1905 Assets Limited		
Premises:	1905 Cellar		
Premises address:	42 Mortimer Street London W1W 7RH	Ward:	West End
		Cumulative Impact Area:	None
		Special Consideration Zone:	None
Premises description:	According to the application form, the applicant proposes to operate the premises as a wine shop, bar and café, specialising in natural wines.		
Premises licence history:	This is a new premises licence application and therefore no premises licence history exists.		
Applicant submissions:	The applicant proposed a number of conditions in their operating schedule.		
	These can be found in Appendix 4 .		
Applicant amendments:	None		

1-B Proposed licensable activities and hours							
Late Night Refreshment:				Indoors, outdoors or both			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	N/A	N/A	N/A	N/A	23:00	23:00	N/A
End:	N/A	N/A	N/A	N/A	00:00	00:00	N/A
Seasonal variations/ Non-standard timings:		Sundays immediately prior to a bank holiday 23:00 to 00:00					

Sale by retail of alcohol				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	09:00	09:00	09:00	09:00	09:00	09:00	09:00
End:	23:00	23:00	23:00	23:00	00:00	00:00	22:00
Seasonal variations/ Non-standard timings:							

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	09:00	09:00	09:00	09:00	09:00	09:00	09:00
End:	23:30	23:30	23:30	23:30	00:30	00:30	22:30
Seasonal variations/ Non-standard timings:		Sundays immediately prior to a bank holiday 09:00 to 00:30 hours.					
Adult Entertainment:		None					

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Service
Representative:	Anil Drayan
Received:	21 July 2023
<p>I refer to the application for a new Premises Licence for the above premises.</p> <p>The applicant has submitted plans of the premises showing the ground floor, reference drawing no A1, dated June 2023 and lower ground floor, reference drawing no A2, dated June 2023.</p> <p>The following licensable activities are being sought:</p> <ol style="list-style-type: none">1. Supply of Alcohol 'On' and 'Off' the premises between 09:00 to 23:00 hours Monday to Thursday, 09:00 to 00:00 hours Friday and Saturday and 09:00 to 22:00 hours Sunday. (Off sales ceasing at 23:00 hours.) Sundays immediately prior to a bank holiday 09:00 to 00:002. Provision of Late-Night Refreshment 'Indoors' and 'Outdoors' between 23:00 to 00:00 hours Friday and Saturday. Sundays immediately prior to a bank holiday 23:00 to 00:00 <p>I wish to make the following representations based on the plans and operating schedule submitted:</p> <ol style="list-style-type: none">1. The Supply of Alcohol 'On' and 'Off' the premises and for the hours requested may impact on Public Safety and lead to an increase in Public Nuisance in the area.2. The Provision of Late-Night Refreshment 'Indoors' and 'Outdoors' may lead to an increase in Public Nuisance in the area <p>Environmental Health also makes the following further comments:</p> <ul style="list-style-type: none">• Westminster's Statement of Licensing Policy – see on the Council's website – requires licensed premises demonstrating compliance with policy CH1, Protection of Children from Harm. Free advice on complying with this can be found on page 36 of policy.• Some conditions have been offered and these are under consideration to see if they are sufficient to allay Environmental Health concerns.• The provision of sanitary accommodation should be at least in line with BS6465 for any proposed capacity. Also separate provision for food handling staff is advised.• An assessment will need to be made as to how the plant and machinery employed for any cooking of food will not result in odour or noise nuisance• It is unclear if the premises have already been refurbished for the proposed use and if this use will result in nuisance from the internal transfer of noise to other users within the building block. Standards to be achieved are outlined in Appendix 11 of the Statement of Licensing Policy <p>The applicant is therefore requested to contact the undersigned to discuss the above and arrange a site visit after which Environmental Health may propose additional conditions for the proposed use.</p>	

2-B Other Persons	
Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Received:	20 July 2023
<p>The proposal constitutes the granting of a license to make the unit a drinking establishment. The unit sits directly below a residential property so the proposed use and proposed hours seem unconscionable. [REDACTED]</p> <p>[REDACTED] we object to this license on the grounds that the noise that would be generated by the establishment represents nuisance. It would disrupt our right to enjoyment of [REDACTED] by emitting noise which would impede our ability to live, work and sleep. It would also increase the chances of anti-social behaviour and public nuisance [REDACTED] [REDACTED] inebriated customers.</p> <p>Previously this unit was a florist operating within daytime business hours. A drinking establishment would require different planning use-class designation to a florist. I query whether this unit has the correct use-class to facilitate an alcohol license being granted to create a drinking establishment open until midnight sitting directly below a residential building.</p>	
Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Received:	20 July 2023
<p>The proposal constitutes the granting of a license to make the unit a drinking establishment. The unit sits directly below a residential property so the proposed use and proposed hours seem unconscionable. [REDACTED]</p> <p>[REDACTED], we object to this license on the grounds that the noise that would be generated by the establishment represents nuisance. It would disrupt our right to enjoyment of [REDACTED] by emitting noise which would impede our ability to live, work and sleep. It would also increase the chances of anti-social behaviour and public nuisance [REDACTED] [REDACTED] to inebriated customers.</p> <p>Previously this unit was a florist operating within daytime business hours. A drinking establishment would require different planning use-class designation to a florist. I query whether this unit has the correct use-class to facilitate an alcohol license being granted to create a drinking establishment open until midnight sitting directly below a residential building.</p>	
Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Received:	20 July 2023
<p>I strongly object to the granting of an alcohol and late license to premises at 42 Mortimer Street, formerly a shop. There are already a number of premises in the immediate vicinity with such licenses and this would add to the existing problem of noise and anti-social behaviour that the [REDACTED]. I have made a number of complaints to the noise control officers about people flowing into the street after midnight from premises opposite [REDACTED] and adding another bar under our building will only exacerbate</p>	

this problem. There is little control of the licenses and little consideration for local residents. Two weeks ago people were still drinking outside 1905, 40 Mortimer Street recently granted a late licence, well after midnight.

Further Submissions received on 25th November 2023

I would like to submit the following statement concerning this application. I have been unable to do so on-line.

[REDACTED]
premises associated with this application and directly opposite the sister premises mentioned - the restaurant 1905. I am very concerned about the application to set up a wine shop, cafe and bar [REDACTED] premises which have formerly been occupied by shops operating between the hours of 9.00 - 5.00. [REDACTED] and have witnessed the development of Little Titchfield Street over the years which has included new restaurants and cafes, most recently 1905 which is situated on the corner of Little Titchfield Street and Mortimer Street [REDACTED]

This rise in the number of local restaurants and cafes has already increased the number of people in the area late at night and I have been forced to make numerous complaints about noise in the street after midnight to the Westminster noise control officers. This is a particular problem during the summer months when people are sitting outside and continue to eat, drink or smoke in the street when the actual premises should be closed and [REDACTED]. There is a fairly constant problem with people hanging around in the street, sometimes well past midnight, either ringing for taxis/uber drivers or waiting for them to arrive. People leaving cafes and restaurants don't appreciate that there are local residents nearby and they talk loudly or shout to each other as they make their way home. The nature of the street and the buildings amplifies the sound and causes disturbance to the residents. There have also been incidents of empty glasses [REDACTED]

I object to a further premises being granted a licence to sell food and drink to customers up to 23.30 Monday to Thursday, past midnight on Fridays and Saturdays, up to 22.30 on Sundays and beyond midnight on Sundays prior to public bank holidays in this area. I do not believe that these opening hours are reasonable given the nature of the neighbourhood and the fact that this would undoubtedly result in a significant increase in noise in the street which will affect local residents and adversely affect our ability to enjoy our flats, relax and sleep. It will also increase traffic coming into the area further increasing noise and causing more air pollution in an already polluted area.

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
Received:	21 July 2023

[REDACTED] and object to the application.

The proposal constitutes the granting of a license to make the unit a drinking establishment. The unit sits directly below a residential property, so the proposed use and proposed hours seem unconscionable. We object to this license on the grounds that the noise that would be generated by the establishment represents nuisance. It would disrupt our right to enjoyment of our property by emitting noise which would impede our ability to live, work and sleep. It would also increase the chances of anti-social behaviour and public nuisance due to [REDACTED] [REDACTED] to inebriated customers.

Previously this unit was a florist operating within daytime business hours. A drinking establishment would require different planning use-class designation to a florist. I query whether this unit has the correct use-class to facilitate an alcohol license being granted to create a drinking establishment open until midnight sitting directly below a residential building.

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]
Received:	20 July 2023

I strongly object to this proposal to grant an alcohol license [REDACTED], which intends to convert into a bar with extended opening hours until 11 pm during the week and midnight at weekends. [REDACTED], I am deeply concerned about the potential negative impacts this establishment could have on our community as follows:

1. The bar's extended hours of operation will disrupt the peace and tranquility of the building. Previously, the unit served as a florist operating within daytime business hours, causing minimal disturbance to the residents. With the proposed changes, the noise level is bound to increase substantially, causing significant distress to our elderly residents, those with health conditions, and those sensitive to loud noises. The distress brought about by excessive noise and disturbance could have severe consequences on their mental and physical health.
2. Our building, being very old, suffers from poor noise insulation. This exacerbates the potential noise disturbances from the bar below, and will have adverse effects on the quality of life for all residents.
3. A bar with late-night operating hours will inevitably lead to patrons socialising outside the premises, resulting in further noise, litter, and potential safety issues. We already have issues with security and people urinating in the doorway, and these would likely increase should this proposal be granted.
4. The area already has a plethora of restaurants and bars, making the addition of another one entirely unnecessary. The saturation of such establishments has already led to increased noise and foot traffic. The addition of yet another bar will only exacerbate these problems and may negatively impact local businesses that are struggling to thrive following the pandemic.

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED]
Received:	21 July 2023

I am hoping that it is not too late to add my voice to those of my neighbours to object very strongly to this application. The reference number is 23/04264/LIPN and you have my name but [REDACTED].

Two of my neighbours [REDACTED] have already objected strongly to this application and I just wanted to add my own voice to what they have said. I agree entirely with the things that they have both said and for the same reasons.

I hope you will bear our objections in mind when considering this application.

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

Received:	30 June 2023
------------------	--------------

I live on the very next street to the proposed bar, [REDACTED], where residents' quiet enjoyment of their homes - and indeed their sleep - is already regularly interrupted by drunken revellers passing by, on their way home or going between the already many bars and restaurants serving alcohol in the immediate area. This area is already vastly oversubscribed with drinking establishments, the last thing residents need is yet another bar. The summer is particularly bad when revellers congregate outside pubs and bars - ignoring the ineffectual roped-off areas put there by the owners - therefore constantly blocking the pavements. Every time I've passed eg., The George Tavern (the closest bar to 42 Mortimer, on the same north side by the junction of Gt Portland St) in the evening his week I've had to go into the road to get around the thick crowds. This is a busy road, being THE main west-east traffic route into Fitzrovia and unsuitable for having pavements blocked by revellers. There is already such little room for wheelchair users and parents with prams on the already narrow pavements of Mortimer Street, with this corner at 42 Mortimer St a busy left turn for vehicles heading north, many of them large delivery vans. It's asking for traffic accidents nevermind blocking the pavements for passers-by and having drinkers spill out into this part of Fitzrovia, which is quite residential, many of the people living here being elderly, including many of my immediate neighbours, as well as busy professionals who need their rest due to busy, demanding jobs. This why I am writing on behalf of Furnival Mansions Residents Association, a [REDACTED] [REDACTED] of Furnival Mansions Residents Association.

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

Received:	20 July 2023
------------------	--------------

The proposal involves the granting of a license to make the groundfloor unit a drinking establishment. The unit sits directly below a residential property comprising nine flats, so the proposed use and hours seem unconscionable. [REDACTED] and we object to this license on the grounds that the noise the establishment would generate represents a nuisance. It would disrupt our right to the quiet enjoyment of our property by producing noise which would impede our ability to live, work and sleep. It would also significantly increase the chances of anti-social behaviour and public nuisance [REDACTED] to inebriated customers. Previously this unit was a florist operating within daytime business hours. A drinking establishment would require a different planning use-class designation to a florist. I query whether this unit has the correct use-class to facilitate an alcohol license being granted to create a drinking establishment open until midnight sitting directly below a residential building.

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

Received:	20 July 2023
------------------	--------------

We strongly oppose this application.
 If granted this will be very disruptive to all residents in the building and in case there are several premises nearby which serves alcohol and there is no need or requirement for another such business.
 The local authority should be supporting other businesses.

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

Received:	21 July 2023
------------------	--------------

We [REDACTED] and object to the application.

The proposal constitutes the granting of a license to make the unit a drinking establishment. The unit sits directly below a residential property, so the proposed use and proposed hours seem unconscionable. We object to this license on the grounds that the noise that would be generated by the establishment represents nuisance. It would disrupt our right to enjoyment of our property by emitting noise which would impede our ability to live, work and sleep. It would also increase the chances of anti-social behaviour and public nuisance [REDACTED] [REDACTED] due to inebriated customers.

Previously this unit was a florist operating within daytime business hours. A drinking establishment would require different planning use-class designation to a florist. I query whether this unit has the correct use-class to facilitate an alcohol license being granted to create a drinking establishment open until midnight sitting directly below a residential building.

3. Policy & Guidance

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

Policy HRS1 applies

- A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.
- 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:
1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm.
 2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation.
 3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed.
 4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.
 5. The proposed hours when any music, including incidental music, will be played.
 6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises.
 7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.
 8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.
 9. The capacity of the premises.
 10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation.
 11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.
 12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.
 13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.
 14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days

	<p>are expected to be covered by Temporary Event Notices or variation applications.</p> <p>C. For the purpose of Clauses A and B above, the Core Hours for this application for each premises use type as defined within this policy are:</p> <p>11a. Shops (all licensable activities that are provided as ancillary to the primary use of the premises as a shop except the off sale of alcohol) 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>11b. Shops (off-sales of alcohol where it forms either the ancillary or primary use of the premises) Monday to Saturday: 8am to 11pm. Sunday: 9am to 10.30pm.</p>
<p>Policy SHP1 applies</p>	<p>A. Applications for a shop 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 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 Latenight Refreshment Delivery Service Policy DEL1. 4. The applicant having taken account of the Special Consideration Zone Policy SCZ1 if the premises are located within a designated zone. 5. The application and operation of the venue meeting the definition of a shop in Clause C. <p>B. Applications for a shop inside the West End Cumulative Impact Zone will be considered on their own 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 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 Latenight 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. <p>C. For the purposes of this policy:</p> <ol style="list-style-type: none"> 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.
--	---

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

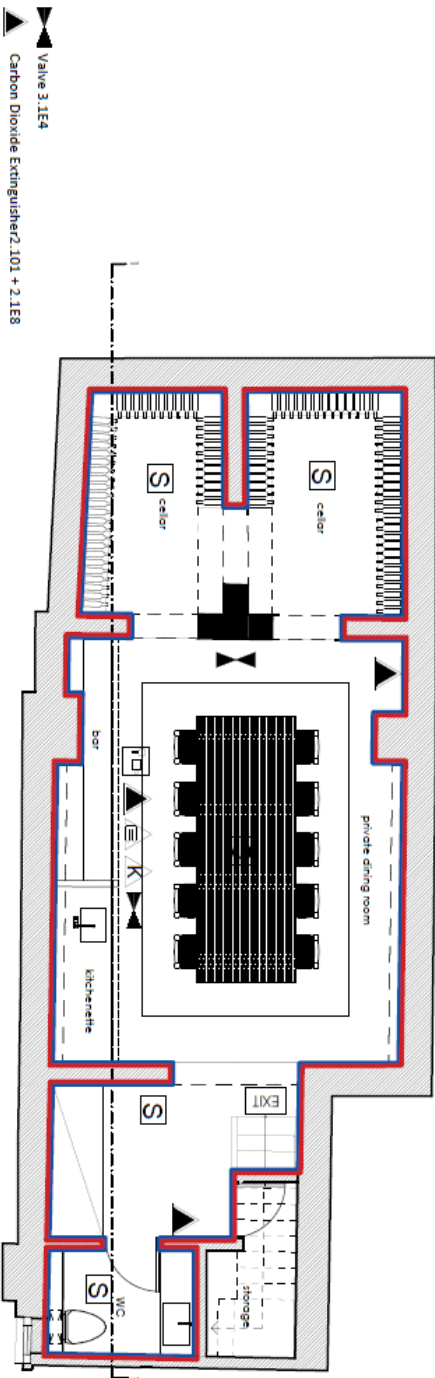
Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

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

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

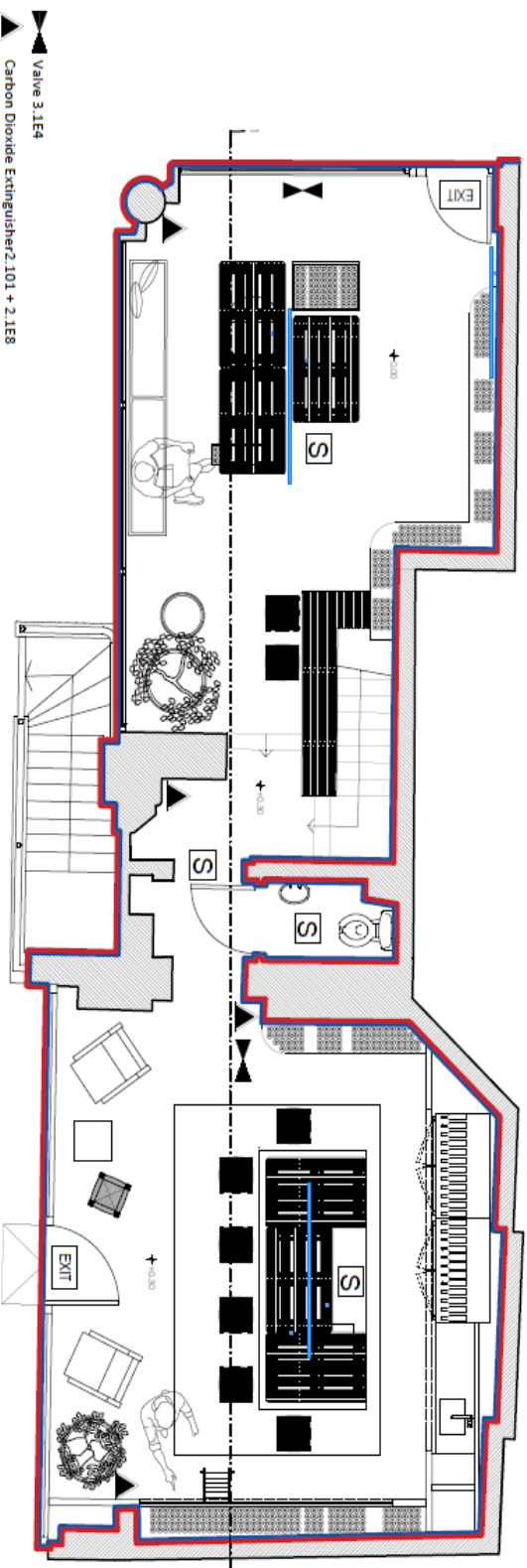
Background Documents – Local Government (Access to Information) Act 1972

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	July 2023
4	Environmental Health Service	21 July 2023
5	Representation 1	20 July 2023
6	Representation 2	20 July 2023
7	Representation 3	20 July 2023
8	Representation 4	21 July 2023
9	Representation 5	21 July 2023
10	Representation 6	20 July 2023
11	Representation 7	21 July 2023
12	Representation 8	30 June 2023
13	Representation 9	20 July 2023
14	Representation 10	20 July 2023
15	Representation 11	21 July 2023



- Valve 3.1E4
- Carbon Dioxide Extinguisher 2.101 + 2.1E8
- Smoke Detector 4.201 + 4.2E1
- Fire Blanket 2.101 + 2.1E11
- Heat Detector 4.201 + 2.2E10
- Control Panel Sounders and Illuminated Signals 4.101 + 4.1E1 + 4.1E2
- Portable Free standing Water Extinguisher 2.101+2.1E1
- Blue Line - Extent of the Demise
- Red Line - Extent of the Licensable activity
- EXIT - Emergency exit

 <p>Petros Fragopoulos design & architecture group</p> <p><small>110 Whitehall, London, EC4A 3DF 020 7379 8888 www.petrosfragopoulos.co.uk</small></p>	<p>project title cellar 1905 London</p>	<p>drawing no. A2</p>	<p>subject LOWER GROUND FLOOR PLAN</p>	<p>scale 1:50</p>	<p>date June 2023</p>	<p>notes</p>
	<p>consulting Nikos Myroutsos</p>	<p>Preliminary Study</p>	<p>Paper size A3</p>			



GROUND FLOOR PLAN

- ▲ Valve 3.1E4
- ▲ Carbon Dioxide Extinguisher 2.101 + 2.1E8
- ▲ Smoke Detector 4.201 + 4.2E1
- ▲ Fire Blanket 2.101 + 2.1E11
- ▲ Heat Detector 4.201 + 2.2E10
- ▲ Control Panel Sounders and Illuminated Signals 4.101 + 4.1E1 + 4.1E2
- ▲ Portable Free standing Water Extinguisher 2.101+2.1E1
- Blue Line - Extent of the Demise
- Red Line - Extent of the Licensable activity
- EXIT Emergency exit

project title cellar 1905 London	drawing no. A1	subject GROUND FLOOR PLAN	scale 1:50	date June 2023	notes
client Nikos Nifourdis			Preliminary Study	paper size A3	

Applicant Supporting Documents

Appendix 2

None

Premises History

Appendix 3

There is no licence or appeal history for the premises.

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. (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. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
12. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.
13. All outside tables and chairs shall be rendered unusable by 23.00 hours each day.
14. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
15. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number and/or is to be made available to residents and businesses in the vicinity.
16. 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 and cans.
17. 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.
18. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
19. 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.
20. The number of persons permitted in the premises at any one-time (excluding staff) shall not exceed 35 persons.
21. 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.
22. 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

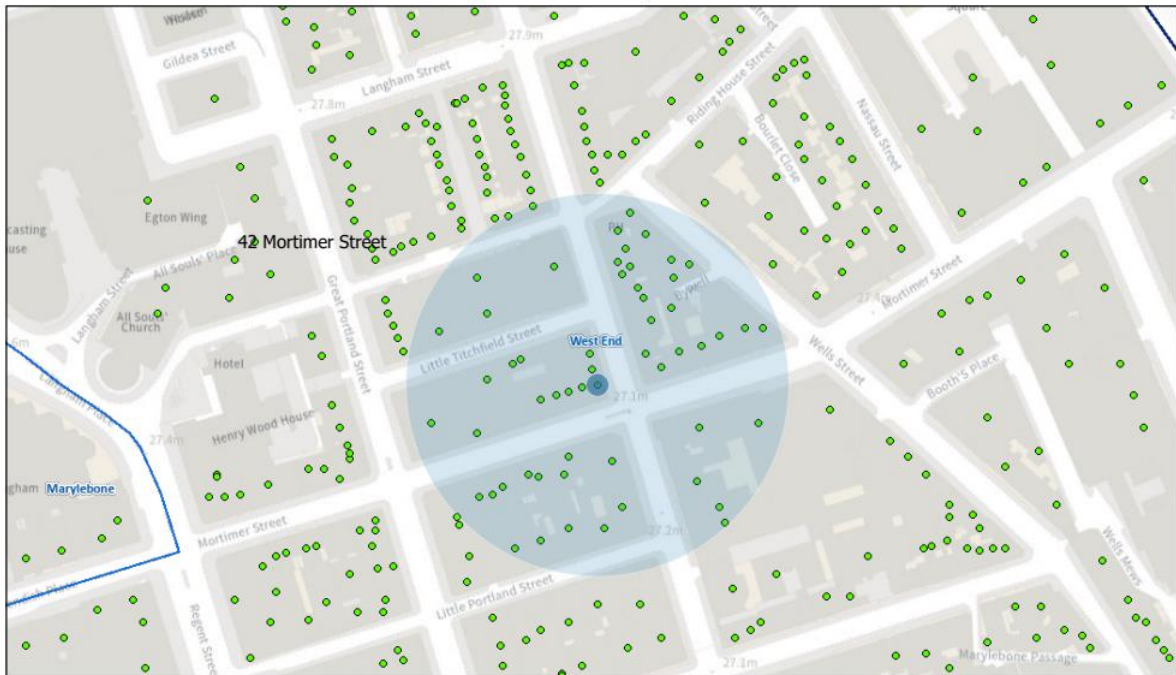
swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.

23. 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.
24. 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.

Conditions proposed by the Environmental Health

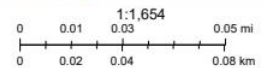
None

42 Mortimer Street, London



25/09/2023, 10:29:10

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



Resident Count = 84

Licensed premises within 75 metres of 42 Mortimer Street, London				
Licence Number	Trading Name	Address	Premises Type	Time Period
21/11549/LIPV	Not Recorded	41 Great Titchfield Street London W1W 7PG	Cafe	Monday to Sunday; 08:00 - 21:00
21/09029/LIPN	Kalon Parlour	42-44 Great Titchfield Street London W1W 7PY	Hairdresser or beauty salon	Sunday; 10:30 - 18:00 Monday to Wednesday; 09:30 - 19:00 Thursday to Saturday; 09:30 - 20:00
22/10168/LIPRW	Nineteen-O-Five	Basement And Ground Floor 40 Mortimer Street London W1W 7RQ	Restaurant	Sunday; 09:00 - 22:30 Monday to Thursday; 09:00 - 23:30 Friday to Saturday; 09:00 - 00:30 Sundays before Bank Holidays; 09:00 - 00:30
22/11439/LIPT	Naroon	60 Great Titchfield Street London	Restaurant	Monday to Sunday; 06:00 - 23:00
21/02071/LIPDPS	Riding House Cafe	43 Great Titchfield Street London W1W 7PQ	Restaurant	Sunday; 12:00 - 23:30 Monday to Thursday; 09:30 - 00:00 Friday to Saturday; 09:30 -

				01:00 Sundays before Bank Holidays; 12:00 - 00:00
18/07713/LIPN	University Of Westminster	4 - 12 Little Titchfield Street London W1W 7BY	University	N/A
23/01274/LIPDPS	Pahli Hill Bandra Bhai	79-81 Mortimer Street London W1W 7SJ	Restaurant	Sunday; 12:00 - 01:00 Monday to Saturday; 10:00 - 01:30
20/04446/LIPDPS	Quintessential Brands	Third Floor 3 - 4A Little Portland Street London W1W 7JB	Not Recorded	Monday to Friday; 09:00 - 17:30
17/05643/LIPDPS	Homeslice	Basement And Ground Floor 52 Wells Street London W1T 3PR	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
22/11637/LIPRW	The Social	5 Little Portland Street London W1W 7JD	Night clubs and discos	Monday to Sunday; 00:00 - 00:00
09/05884/LIPDPS	The Social	5 Little Portland Street London W1W 7JD	Night clubs and discos	Monday to Sunday; 09:00 - 00:30
17/06354/LIPN	Engine Partners UK Ltd	60 Great Portland Street London W1W 7RT	Office	N/A
21/05235/LIPVM	The Kings Arms	68 Great Titchfield Street London W1W 7QL	Public house or pub restaurant	Sunday; 07:00 - 23:00 Monday to Saturday; 07:00 - 23:30
22/02341/LIPDPS	Burger & Lobster	Basement And Ground Floor 6 Little Portland Street London W1W 7JE	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30