

	<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 applications for each premises use type as defined within this policy are:</p> <ol style="list-style-type: none"> 1. Casinos: Up to 24 hours a day whilst casino gaming is permitted by a premises licence under the Gambling Act 2005. 2. Cinemas, Cultural Venues and Live Sporting Premises: Monday to Sunday: 9am to 12am 3. Hotels: Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am. For the sale of alcohol to guests for consumption in hotel/guest rooms only: Anytime up to 24 hours. 4. Off licences: Monday to Saturday: 8am to 11pm. Sunday: 9am to 10.30pm. 5. Outdoor Spaces: Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am. 6. Pubs and bars, Fast Food and Music and Dance venues: Monday to Thursday: 10am to 11.30pm. Friday and Saturday: 10am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 12pm to 12am. 7. Qualifying Clubs: Monday to Thursday: 9am to 12am.. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am. 8. Restaurants: Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am. 9. Sexual Entertainment Venues and Sex Cinemas: Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am. <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>Policy RNT1 applies</p>	<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 latenight 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>B. Applications inside 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 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. <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.
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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 history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

Report author:	Ms Jessica Donovan Senior Licensing Officer
Contact:	Telephone: 020 7641 6500 Email: Jdonovan@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	01 October 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	December 2023
4	Cumulative Impact Assessment	04 December 2023
5	Environmental Health Service representation	19 December 2023
6	Interested party representation (1)	18 December 2023
7	Interested party representation (2)	18 December 2023
8	Interested party representation (3)	18 December 2023
9	Interested party representation (4)	18 December 2023
10	Interested party representation (5)	19 December 2023
11	Interested party representation (6)	18 December 2023
12	Interested party representation (7)	18 December 2023
13	Interested party representation (8)	18 December 2023
14	Interested party representation (9)	19 December 2023
15	Interested party representation (10)	18 December 2023
16	Interested party representation (11)	19 December 2023
17	Interested party representation (12)	18 December 2023
18	Interested party representation (13)	19 December 2023
19	Interested party representation (14)	18 December 2023
20	Interested party representation (15)	18 December 2023
21	Interested party representation (16)	19 December 2023
22	Interested party representation (17)	18 December 2023
23	Interested party representation (18)	17 December 2023
24	Interested party representation (19)	18 December 2023
25	Interested party representation (20)	18 December 2023
26	Interested party representation (21)	18 December 2023

27	Interested party representation (22)	18 December 2023
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55	Interested party representation (50)	18 December 2023
56	Interested party representation (51)	18 December 2023
57	Interested party representation (52)	18 December 2023
58	Interested party representation (53)	18 December 2023
59	Interested party representation (54)	15 December 2023

Mediation letter



[REDACTED]
Letter to be distributed by Westminster Licensing Authority

19 January 2024

Dear [REDACTED]

Marylebone Square Development Restaurant Premises Licence Applications

We hope that this letter finds you well after a restful festive break.

The Westminster Licensing Authority has sent us a copy of your representation in respect of our premises licence applications. Thank you for taking the time to comment on our proposals. We would be grateful for your consideration of this letter, which we hope will help to clarify the extent of our proposals and address some of the concerns that you have raised.

The three premises licence applications relate to the units that have already been granted planning permission for restaurant use. As a proactive developer, we decided to apply for licences for two key reasons. Firstly, we want to ensure appropriate hours and robust licence conditions are imposed to safeguard the responsible operation of the restaurants. Secondly, obtaining licences at a pre-letting stage will help us to attract the highest calibre of restaurant tenants appropriate for the development and local area.

We adopted this proactive approach as part of our commitment to enter leases with professional restaurant operators that will complement the development and co-exist harmoniously alongside you and your new neighbours moving into the upper floor apartments. It is absolutely not in our interest to enter leases with late-night bar operators or badly managed restaurants that are likely to disturb the local community and our new residents.

We obtained pre-application advice from the Westminster Environmental Health Consultation Team. The Environmental Health Officer was broadly content with proposals for 1.00 am licences authorising some bar use and regulated entertainment. Following careful consideration and local stakeholder feedback, we proposed more tightly conditioned licences with no regulated entertainment. The applications also proposed licensable activities within Westminster's policy 'Core Hours', with an additional 30 minutes for customers to leave the premises.

Having undertaken a further careful review of feedback in your representation and others, we are proposing the following amendments to the applications to address your concerns:

1. **A reduction in closing times by 30 minutes each day**, meaning each restaurant will close in accordance with Westminster's policy Core Hours: 10.30 pm Sunday, 11.30 pm Monday – Thursday and midnight on Fridays and Saturdays.
2. **Withdrawing the external areas from the licence demise**. This means that the internal restaurant areas will be licensed for on-sales only. Our restaurant tenants would therefore have to make separate applications for temporary pavement licences if they wished to have external seating areas in the future. The pavement licence process will allow an extra level of scrutiny on the use of the external areas generally, permitted hours and the amount of furniture permitted. Importantly, any consent would also only be granted on a temporary basis facilitating an ongoing review and monitoring.



The comprehensive and robust conditions proposed with the applications will remain to ensure a professional and responsible management of the restaurants.

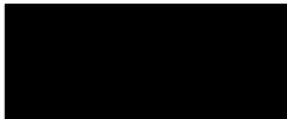
In addition, the development's thoughtful servicing and management plan will implement tight controls on how the restaurants manage their waste, deliveries and general servicing. Waste will be taken directly to internal subterranean waste refuse areas before being taken up to ground floor level by the estate team ahead of scheduled collection times. Deliveries will be made via an internal loading bay before being distributed internally via servicing corridors.

We are also mindful of your concerns in respect of the proximity of the unit to the school. We will carefully select and vet any future tenant to ensure it is an appropriate restaurant for the location and remind management of the importance of safeguarding.

Thank you for your consideration of this letter. We hope that it has helped to address some of the concerns that you have raised. Please do not hesitate to contact us if you would like to discuss our proposals further.

Finally, may I please take the opportunity to wish you and your family a Happy New Year.

Yours sincerely



Concord London Developments Ltd.



MARYLEBONE SQUARE DEVELOPMENT

Unit 2, 26 Aybrook Street London W1U 4AN reference 23/08470/LIPN

Unit 3, 3 Cramer Street London W1U 4EA reference 23/08472/LIPN

Unit 9, 1A St Vincent Street London W1U 4DA reference 23/08471/LIPN

INDEX OF SUPPORTING MATERIAL

1.	Summary of Proposals
2.	Site Plan
3.	Pre Application Advice 23/00726/PREAPM
4.	Planning Permission 14/10918/FULL
5.	Sample Letter sent to Objectors 19 January 2024
6.	Draft Dispersal Policy & Appendix 11 Submission
7.	Amended licence plans with external areas removed from on-licence demise and new basement exits in Unit 9
8.	Development Presentation (<i>lodged separately due to file size</i>)

THOMAS & THOMAS PARTNERS LLP

38A MONMOUTH STREET

LONDON

WC2H 9EP

Reference: JS/MOX.1.1

Solicitors for the Applicant

MARYLEBONE SQUARE DEVELOPMENT

Unit 2, 26 Aybrook Street London W1U 4AN reference 23/08470/LIPN

Unit 3, 3 Cramer Street London W1U 4EA reference 23/08472/LIPN

Unit 9, 1A St Vincent Street London W1U 4DA reference 23/08471/LIPN

SUMMARY OF PROPOSALS



THOMAS & THOMAS PARTNERS LLP

38A MONMOUTH STREET

LONDON

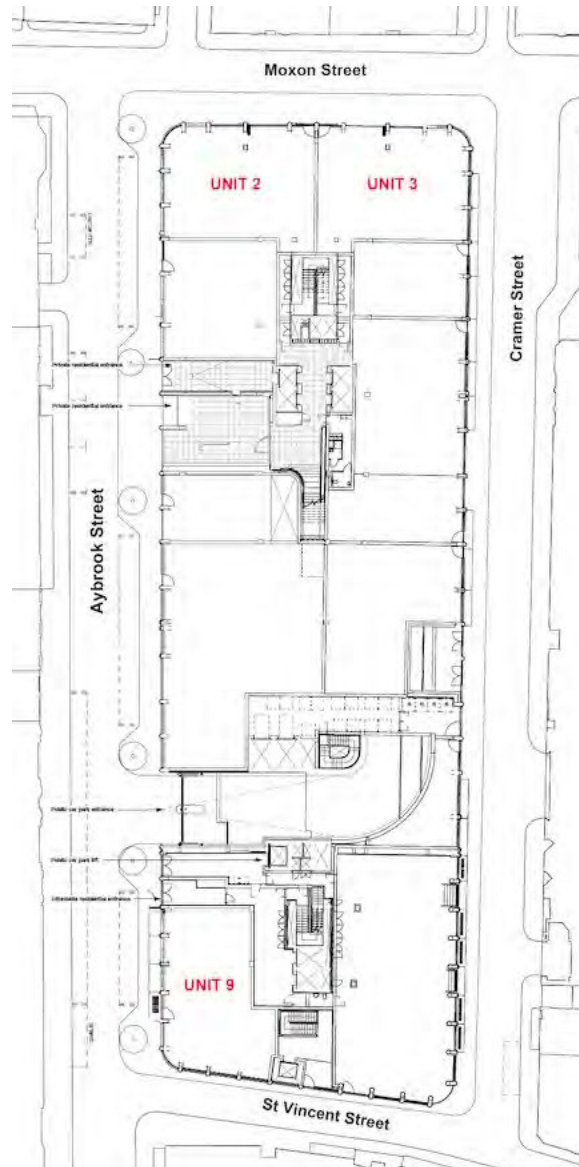
WC2H 9EP

Reference: JS/MOX.1.1

Solicitors for the Applicant

Introduction

1. The applicant is the developer of the recently completed Marylebone Square building situated in the former Moxon Street carpark bounded by Aybrook Street, Moxon Street, Cramer Street and St Vincent Street.



2. The development comprises 54 residential homes, boutique shops, a community hall and three proposed restaurants subject to the current premises licence applications. The applicant has sold longer leasehold interests in the residential homes situated on the upper floors of the building. The commercial uses on the ground and basement floors are not yet occupied.
3. The applicant will remain freeholder and assume responsibility of the general management of the building block. As a result, it is very much in the applicant's own interest to ensure all residential, commercial and community tenants coexist harmoniously. The operation of the three proposed licensed restaurants will therefore be self-policed by the applicant.

4. The applicant sought pre-application advice reference 23/00726/PREAPM and subsequently submitted the three premises licence applications at pre-letting stage. The applicant adopted this proactive approach for two key reasons:
 - a. Uniformed and comprehensively conditioned licences with appropriate hours, avoiding the possibility of individual tenants applying for licences on unreasonable and inconsistent terms.
 - b. Approved premises licences at a pre-letting stage assists the applicant in attracting the highest calibre restaurant tenants to the Development.
5. The applicant has recently commenced marketing the three restaurant units to potential tenants subject to the grant of satisfactory premises licences. All restaurant tenants will be carefully vetted and subject to robust lease controls safeguarding the professional and responsible operation of the restaurants alongside existing and new local residents in Marylebone.

Planning

6. The Development was granted planning consent reference 14/10918/FULL by the City Council's planning authority on 12 January 2016. The planning permission includes a number of robust conditions controlling the A3 restaurant premises and their potential impact on the local area. Condition 6 states:

"You must not open the class A3 premises to customers, and you must not allow customers on the premises, outside the hours 07:00 to midnight.

Reason: to make sure that the use will not cause nuisance for people in the area"

Pre-Application Advice

7. The applicant sought pre-application advice reference 23/00726/PREAPM from the Environmental Health Consultation Team. The pre-application advice was subsequently issued in anticipation of three 1.00 am premises licences authorising regulated entertainment and bar use within the restaurant's constituting 20% of the overall premises capacity.
8. Following subsequent feedback from Ward Councillors, the applicant did not proceed with 1.00 am premises licence applications, nor did the applications propose regulated entertainment. The applicant is grateful to Ward Councillors for their helpful and constructive feedback throughout the application process.

Amendments to Applications

9. Following careful consideration of the objections, consultation with [REDACTED] and further

feedback from [REDACTED] the applicant has reduced the scope of the applications by making the following amendments:

- a. **Reduce the proposed closing times to Core Hours** directly in accordance with a number of requests from objectors, including the Ward Councillor and Marylebone Association.
- b. **Remove any scope for bar use** within the restaurant units by volunteering Model Condition 66 to apply throughout the entirety of each premises¹.
- c. **Remove the external areas** from the on-licence demise with an associated new condition:

“All outside tables and chairs shall be rendered unusable by 21:00 hours each day”.
- d. A change to the basement layout of Unit 9 introducing secondary means of escape following feedback from the District Surveyor.

Representations

10. The applicant has written to all objectors clarifying the extent of the proposals, volunteering initial amendments² to the applications and inviting objectors to engage. The applicant is grateful to a number of objectors who have responded positively.
11. The applicant seeks to summarise and address the key concerns set out in the objections as follows:

Concern	Applicant’s Response
Closing times should end at Core Hours.	The applicant has amended the applications in line with the objectors’ request.
Bar use	The applicant has withdrawn all proposals for stand alone bars within the restaurants and agreed Model Condition 66 to apply throughout.
External areas	The applicant has withdrawn the external areas from the on-licence demise and agreed a condition that all external tables and chairs shall be rendered unusable by 9.00 pm. If proposed, any future external seating would have to be scrutinised under the pavement licence application process.

¹ The applicant seeks to replace proposed condition 1 in the applications’ operating schedules with Model Condition 66

² The initial amendments set out in the letters to the objectors include the reduction in hours and removal of external areas from the plans, but not Model Condition 66 or the new condition requiring external furniture to be rendered unusable by 9pm

Concern	Applicant's Response
	<p>Any pavement licences would only be granted on a temporary basis allowing a comprehensive and robust ongoing monitoring process with regular opportunities for the Responsible Authorities, Highways Team and local stakeholders to provide feedback on the use of external areas.</p>
<p>The impact of servicing and deliveries</p>	<p>The applicant has prepared a comprehensive and thoughtful servicing and management plan with expert input from independent consultants. The servicing and management plan sets out tight controls on how the restaurants will manage their waste, deliveries and general servicing. Waste will be taken directly to internal subterranean waste refuse areas before being taken up to ground floor level by the estate team ahead of scheduled collection times. Deliveries will be made via an internal loading bar before being distributed internally via servicing corridors.</p>
<p>Noise</p>	<p>The development proposals pre-dated the new E-Class planning regime. As a result, full planning permission requiring consent for the A3 restaurant units was required. The planning permission sets out a number of conditions controlling noise attenuation and outbreak from the commercial units within the development. The conditions have been discharged by the City Council's planning authority following approval of a noise report prepared by independent acoustic consultants and in consultation with the Environmental Health Consultation Team.</p> <p>The closest noise sensitive premises are the applicant's own residential occupiers within the building meaning the development will continue to be self-policed by the applicant.</p> <p>The applications do not propose regulated entertainment and the applicant has proposed model condition 12:</p> <p><i>"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".</i></p>