

THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

LICENSING SUB-COMMITTEE – 23 MAY 2024

**REPORT BY THE INTERIM DIRECTOR OF TRANSPORT AND
REGULATORY SERVICES**

**APPLICATION BY CINQUECENTO (PORTOBELLO ROAD) LIMITED
FOR A VARIATION OF THE PREMISES LICENCE IN RESPECT OF
CINQUECENTO, BASEMENT AND GROUND FLOOR,
233 PORTOBELLO ROAD, LONDON, W11 1LT**

INTRODUCTION

The purpose of this report is to consider the application for the variation of the Premises Licence

FOR DECISION

Applicants for the variation of a premises licence are required to notify the public of the application by means of a notice exhibited at the premises for a period of not less than 28 consecutive days and a public notice in a local newspaper within 10 working days, commencing the day after the application is made to the Licensing Authority. Unless the application is submitted via an on-line facility, the applicant must also serve a copy of the application to each of the Responsible Authorities. Where the application is submitted via an on-line facility the licensing authority is responsible for notifying these authorities. The applicant and/or licensing authority has complied with these requirements.

The Council must take into account any relevant representations to the variation of the licence. Where representations are made to an application, the applicants are recommended to attend an oral hearing, even if they choose to be represented by counsel, a solicitor, or some other authorised person. The individuals and/or bodies who have made representations are also invited to attend to support the contents of their representations.

A. THE APPLICATION

Applicant: Cinquecento (Portobello Road) Limited
Premises: Cinquecento, Basement and Ground Floor, 233 Portobello Road, London, W11 1LT

Licence and Application details

The premises currently trades as restaurant and benefits from a Premises Licence covering the basement, ground floor and first floor which permits:

Sale by retail of alcohol-On and Off the Premises

Monday to Saturday 10:00 to 24:00
 Sunday 10:00 to 23:30

Provision of late night refreshments-Indoors

Monday to Saturday 23:00 to 24:00
 Sunday 23:00 to 23:30

Opening Hours

Monday to Saturday 07:00 to 00:30
 Sunday 07:00 to 23:30

This application, which was due to be heard on 21 March 2024 but was adjourned at the applicant’s request, is to vary the licence by removing conditions 18 and 33 and amend conditions 30-32 as follows, so as to allow the first floor rear terrace to be used between 10:00 and 21:00 daily.

On 5 August 2021 the premises were granted temporary permission for a 2 year period for the terrace to be used for licensable activities between 10:00 and 21:00, that permission expired on 4 August 2023.

Condition 18 – to be removed

From 5 August 2023, no staff or customers shall be permitted on the first-floor rear terrace for licensable and non-licensable activities at any time.

Condition 33 – to be removed

The existing conditions on the licence will apply permanently to the extended basement floor, extended ground floor as well as the additional first floor of the Premises (excluding the roof terrace), and the existing conditions on the licence will also apply for a time limited period until 4 August 2023 in relation to the first-floor roof terrace.

Amend conditions 30-32 as follows:

Current condition	Proposed condition
Condition 30 Up to 4 August 2023, the first-floor rear terrace shall be kept clear of all customers between 21:00 hours and 10:00 hours the following day for licensable and non-licensable activities.	Condition 30 <i>The first-floor rear terrace shall be kept clear of all customers between 21:00 and 10:00 hours the following day for licensable and non-licensable activities.</i>
Condition 31 Up to 4 August 2023, there shall be no music or amplified sound played on the first-floor roof terrace.	Condition 31 <i>There shall be no music or amplified sound on the first floor roof terrace.</i>
Condition 32 Up to 4 August 2023, notices will be	Condition 32 <i>Notices shall be placed in the first-</i>

placed in the first-floor rear terrace reminding customers that they are in a residential area.

floor rear terrace reminding customers that they are in a residential area.

A copy of the current licence is attached as Appendix A, and the variation application, together with the applicant's dispersal and external management plan dated April 2024 and updated plans of the premises, as Appendix B.

Designated premises supervisor: Emanuele Tagliarina

Steps volunteered by the applicant to promote licensing objectives:

Applicant's statement and proposed steps to promote the licensing objectives

a) General - all four licensing objectives (b, c, d, e)

To delete conditions 18 and 33 and amend conditions 30 – 32 to the following:

30. The first-floor rear terrace shall be kept clear of all customers between 21:00 hours and 10:00 hours the following day for licensable and non-licensable activities.

31. There shall be no music or amplified sound played on the first floor roof terrace.

32. Notices will be placed in the first-floor rear terrace reminding customers that they are in a residential area.

b) The prevention of crime and disorder

As above

c) Public safety

As above

d) The prevention of public nuisance

As above

e) The protection of children from harm

As above

B. RELEVANT REPRESENTATIONS

The licensing authority has received two representations opposing the application. The contents of the representations can be summarised as follows:-

- Residents have raised concerns about the removal of the conditions

as permitting the use of the roof terrace will cause a noise disturbance with it being adjacent to several residential units and immediately outside residents' windows.

- Residents already deal with noise on Portobello Road, it would be unreasonable for residents to be subjected to noise disturbances at the rear of their properties. Residents are subjected to loud talking from patrons and children screeching on the terrace.
- The noise interruption will have an impact on residents' ability to sleep and have reasonable enjoyment of their premises.
- The previous restrictions, including the 21:00 limit, had little impact in mitigating noise disturbances to residents as even after the terrace was cleared, the windows and doors were left open, causing the noise to travel, and patrons would go onto the terrace to talk, smoke, take photos or make phone calls beyond 23:00. This has continued despite the current condition prohibiting the use of the terrace.
- The signs asking patrons to be mindful of causing disturbance to residents have been ineffective. Staff are unlikely to ask patrons to minimise noise disturbances.
- Removing current condition 33 suggests there will be an increase in noise from the basement area which is a concern for residents who regularly hear late night noise from the open windows of the restaurant kitchen and the restaurants extractor units.

Copies of are attached as Appendix C.

C. OTHER INFORMATION

Complaints

At the time of writing the report nine noise complaints had been received in the preceding 24 months, details of which are attached as Appendix D.

Temporary Event Notices and Non Standard Times

In the past year the premises have been the subject of eight Temporary Events Notices, a list of which is attached as Appendix E.

Planning Consent

There are no planning restrictions or conditions which the Sub- Committee should be aware of. A copy of the planning officer's email is attached as Appendix F.

D. OBSERVATIONS

In determining this application, the Committee must have regard to the representations and take such of the following steps as it considers necessary for the promotion of the licensing objectives. The steps are:

- (a) Grant the application in full.
- (b) Modify the conditions of the licence volunteered by the applicant in the operating schedule, by altering or omitting or adding to them.
- (c) Reject the whole or part of the application.

In making its decision, the Committee must act with a view to promoting the licensing objectives:

- **the prevention of crime and disorder**
- **the prevention of public nuisance**
- **public safety**
- **protection of children from harm**

It must also have regard to its own Statement of Licensing Policy and the Secretary of State's Guidance. The relevant paragraphs of the Secretary of State's Guidance and the authority's Statement of Licensing Policy are attached as Appendix G and H respectively.

If the Committee is minded to grant the variation, conditions may be attached to the licence to alleviate the concerns raised through representations; nevertheless, this is a matter for the Committee to determine in light of the above matters, and any others it considers material.

The premises are located in Colville ward. The premises are located on the west side of Portobello Road, near its junction with Westbourne Park Road. Portobello Road is a mixture of ground floor commercial properties with residential dwellings above, the surrounding streets are largely residential. A map of the area and list of objectors is attached as Appendix I. A list of licensed premises within the vicinity of the premises is attached as Appendix J.

This application is for the variation of the premises licence under Section 34 of the Licensing Act 2003.

The Decision of the Licensing Sub Committee is Requested

**ANDREW BURTON
INTERIM DIRECTOR OF TRANSPORT AND REGULATORY
SERVICES**

Background Papers used in the preparation of this Report:

Licensing files

Officer Contact:

Any person wishing to inspect the above documents should contact Miss S Dyball, Directorate of Environmental Health, telephone 020 7341 5711

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