



City of Westminster

Committee Agenda

Title: **Licensing Sub-Committee (5)**

Meeting Date: **Thursday 4th May, 2017**

Time: **10.00 am**

Venue: **Rooms 5, 6 & 7 - 17th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6 QP**

Members: **Councillors:**

Peter Freeman (Chairman)
Karen Scarborough
Shamim Talukder

Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda

Admission to the public gallery is by ticket, issued from the ground floor reception at City Hall from 9.00am. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.



An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact the Committee Officer, Jonathan Deacon.

**Email: jdeacon@westminster.gov.uk Tel: 020 7641 2783
Corporate Website: www.westminster.gov.uk**

Note for Members: Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Director of Law in advance of the meeting please.

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To report any changes to the membership.

2. DECLARATIONS OF INTEREST

To receive declarations by Members and Officers of any personal or prejudicial interests in matters on this agenda.

Licensing Applications for Determination

1. ART OF TAPAS, 16 CHURTON STREET, SW1

(Pages 1 - 26)

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
1.	Warwick Ward / not in cumulative impact area	Art Of Tapas, 16 Churton Street, SW1	Variation	17/02223/LIPV

2. IRAN RESTAURANT, 27 SHEPHERD MARKET, W1

(Pages 27 - 46)

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
2.	West End Ward / not in cumulative impact	Iran Restaurant , 27 Shepherd Market,	Variation	17/02456/LIPV

	area	W1		
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3. THE BORDERLINE, ORANGE YARD, MANETTE STREET, W1

(Pages 47 - 96)

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
3.	West End Ward / West End Cumulative Impact Area	The Borderline, Orange Yard, Manette Street, W1	Variation	16/14083/LIPV

4. HIBISCUS, 29 MADDOX STREET, W1

(Pages 97 - 120)

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
4.	West End Ward / West End Cumulative Impact Area	Hibiscus, 29 Maddox Street, W1	Variation	17/01629/LIPV

5. THE FROG, 35 SOUTHAMPTON STREET, WC2

(Pages 121 - 150)

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
5.	St James's Ward / West End Cumulative Impact	The Frog, 35 Southampt on Street, WC2	New	17/02037/LIPN

	Area			
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6. HONEST BURGERS, GROUND FLOOR, 4 MEARD STREET, W1

(Pages 151 - 198)

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
6.	West End Ward / West End Cumulative Impact Area	Honest Burgers, Ground Floor, 4 Meard Street, W1	Variation	17/01564/LIPV

**Charlie Parker
Chief Executive
26 April 2017**

In considering applications for premises licences under the Licensing Act 2003, the sub-committee is advised of the following:

POLICY CONSIDERATIONS

The City of Westminster statement of licensing policy applies to all applications where relevant representations have been made. The Licensing Sub-Committee is required to have regard to the City of Westminster statement of Licensing Policy and the guidance issued by the Secretary of state under Section 182 of the Licensing Act 2003.

GUIDANCE CONSIDERATIONS

The Licensing Authority is required to have regard to any guidance issued by the Secretary of State under the Licensing Act 2003.

CORE HOURS WHEN CUSTOMERS ARE PERMITTED TO BE ON THE PREMISES

(As set out in the Council's Statement of Licensing Policy 2011)

- For premises for the supply of alcohol for consumption on the premises:

Friday and Saturday: 10:00 to midnight

Sundays immediately prior to Bank Holidays: Midday to midnight

Other Sundays: Midday to 22:30

Monday to Thursday: 10:00 to 23:30.

- For premises for the supply of alcohol for consumption off the premises:

Monday to Saturday: 08:00 to 23:00

Sundays: 10:00 to 22:30.

- For premises for the provision of other licensable activities:

Friday and Saturday: 09.00 to midnight

Sundays immediately prior to Bank Holidays: 09.00 to midnight

Other Sundays: 09.00 to 22.30

Monday to Thursday: 09.00 to 23.30.

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City of Westminster

Licensing Sub-Committee Report

Agenda Item 1

Item No:	
Date:	4 th May 2017
Licensing Ref No:	17/02223/LIPV - Premises Licence Variation
Title of Report:	Art Of Tapas 16 Churton Street London SW1V 2LL
Report of:	Director of Public Protection and Licensing
Wards involved:	Warwick
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Heidi Lawrance Senior Licensing Officer
Contact details	Telephone: 020 7641 2751 Email: hlawrance@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	1 March 2017		
Applicant:	Mr Francisco Campillo		
Premises:	Art Of Tapas		
Premises address:	16 Churton Street London SW1V 2LL	Ward:	Warwick
		Cumulative Impact Area:	None
Premises description:	The premises is currently operating as a Tapas Restaurant.		
Variation description:	<p>The applicant is applying to relax condition 15 (Model Condition 66) to allow the sale of alcohol with light meals and snacks.</p> <p>To allow once a month, private events with an invited guest list. These events will consist of canapé parties/wine tasting etc.</p> <p>To remove condition 17 to permit the sale of draught beers and for it to be consumed in pint jugs.</p>		
Premises licence history:	The premises has been licensed since May 2012.		
Applicant submissions:	None submitted.		

1-B Current and proposed licensable activities, areas and hours						
Sale by Retail of Alcohol						
On or off sales		Current :			Proposed:	
		On Sales			On Sales	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	11:00	23:00	No Change.		Please see plan attached at Appendix 1	None applied for.
Tuesday	11:00	23:00				
Wednesday	11:00	23:00				
Thursday	11:00	23:00				
Friday	11:00	23:00				
Saturday	11:00	23:00				
Sunday	11:00	23:00				
Seasonal	Current:				Proposed:	

variations/ Non-standard timings:	None.	None.
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Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	08:00	23:30	No Change.		Please see plan attached at Appendix 1	None applied for.
Tuesday	08:00	23:30				
Wednesday	08:00	23:30				
Thursday	08:00	23:30				
Friday	08:00	23:30				
Saturday	08:00	23:30				
Sunday	08:00	23:30				
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	None.				None.	

1-C Layout alteration
None applied for.

1-D Conditions being varied, added or removed	
Condition	Proposed variation
<p><u>Condition 15</u></p> <p>The premises shall only operate as a restaurant:</p> <p>(i) in which customers are shown to their table,</p> <p>(ii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,</p> <p>(iii) which do not provide any take away service of food or drink for immediate consumption, and</p> <p>(iv) where intoxicating liquor shall not be sold, supplied, or consumed on the</p>	<p>To be amended – condition proposed by Environmental Health</p> <p>The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as a Specialist Spanish Tapas food business.</p> <p>The supply of alcohol at the premises shall only be to:</p> <p>i) persons seated and ancillary to their substantial food.</p> <p>ii) to invited guests as part of pre booked private event restricted to once per calendar month.</p>

premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of intoxicating liquor by such persons is ancillary to taking such meals.		
<u>Condition 17</u> There will be no draught sales of alcohol.		To be removed.
Adult entertainment:	Current position:	Proposed position:
	Not applicable	Not applicable

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Consultation Team
Representative:	Ms Ayesha Bolton
Received:	29 th March 2017
<p>RE: Art Of Tapas, 16 Churton Street, London, SW1V 2LL</p> <p>I refer to the application for variation of Premises Licence for the above premises.</p> <p>The applicant has submitted floor plans for the Basement and Ground Floor of the Premises. This representation is based on the plans and operating schedule submitted.</p> <p>The applicant is seeking to amend conditions to allow the following:</p> <ol style="list-style-type: none"> 1. The allowance to the sale of alcohol just with food accompanied (no main course) 2. The allowance to the sale of alcohol to customers just sitting down, it will be served by a waiter 3. The allowance once a month for consumption of alcohol not sitting down (standing up) in private events with only invited guests on a list (canape parties/wine tastings) 4. The allowance to the sale of draught beers. And for it to be consumed in pints or jugs. <p>I wish to make a representation against this representation.</p> <p>The variation of conditions will have the likely effect of causing an increase in Public Nuisance within the area and may impact on Public Safety.</p> <p>The granting of the application as presented would have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the area. A site visit will be arranged to assess the premises to ensure the premises is satisfactory and following this, additional conditions may be recommended by Environmental Health to support</p>	

the licensing objectives Prevention of Public Nuisance and Public Safety.

2-B Other Persons

Name: Mr Konstantin Lazarov

Address and/or Residents Association: 4 Churton Place
London
SW1V 2LN

Received: 24th March 2017

There are no bars in Churton Street and this application should not be granted to allow an All bar one or similar places to open.

Name: Mr Jeremy Friend

Address and/or Residents Association: 46 tachbrook street
london
sw1v2na

Received: 21st March 2017

It would not be in the interest of residents to have a bar with extended drinking hours. This would encourage noise and unruly behaviour. It would be especially bad to allow standing drinkers inside and outside the premises. There are already plenty of licensed premises in the immediate area.

Name: Mrs Sarah Mills

Address and/or Residents Association: 56 St George's Square
London
SW1V 3QT

Received: 19th March 2017

I object to the application by Mr Francisco Campillo to vary the licence at Art of Tapas for the following reasons. 1) The outlet would change from purely a restaurant to a bar selling alcohol without accompanying food and late into the night in a residential area. we already have 3 pubs in the immediate neighbourhood and 3 more very near making 6 nearby. We do not need more drinking establishments. 2) We already have problems with late night drinking, noise and disturbance of nearby residents trying to sleep and another bar would increase this. 3) we already have big problems with street drinkers in this area and this would add to the problem. 4) This application would upset the delicate balance between bar, restaurants and residential properties. There are many residents in flats and houses near Art of Tapas and they should be protected from neighbourhood nuisance, unacceptable noise, litter and disturbance of sleep and increase of street drunkenness. For these reasons I ask that you please refuse this application. Thank you. Sarah Mills (residents association member).

Name:	Mr dominic lawson
Address and/or Residents Association:	8 Churton Place London SW1V2LN
Received:	22 nd March 2017
As I understand it, the application is designed to allow Art of Tapas to become, in effect, a pub: selling drinks without any food, and to be consumed in the immediate outside space. There are already three pubs in very close proximity, all within about 50 yards of Art of Tapas. There is absolutely no local need for a fourth such establishment in the immediate vicinity.	
Name:	Mrs Michael Ward
Address and/or Residents Association:	1, Charlwood Place Charlwood Place London SW1V 2LX
Received:	25 th March 2017
I object to this application because it would create yet another licensed premises in an area where there are already more than sufficient licensed restaurants and public houses. If, notwithstanding my objection, a license to sell alcohol is granted then the permitted hours should be longer than from 11.00 (12.00 on Sundays and holidays) to 22.00.	
Name:	Mr Michael Ward
Address and/or Residents Association:	1, Charlwood Place Charlwood Place London SW1V 2LX
Received:	25 th March 2017
I object to this application with exactly the same reasons as submitted today by Mrs Michael Ward.	
Name:	Mrs Virginia Valentine
Address and/or Residents Association:	2 Charlwood Place London SW1V 2LU
Received:	23 rd March 2017
As a resident I am concerned about another late night license being granted in the area. There is already a pub a few doors down and a licensed food outlet almost opposite the site, along with a numerous restaurants in the area.	

Art of Tapas is more like a cafe than a restaurant and is seldom busy. We would be very concerned about the potential clientele that might be attracted and the noise for residents, in particular in Churton Place and Churton Street with more late night drinking in the area.

Name:	Mr Jonathan Ross
Address and/or Residents Association:	13 Churton Place London SW1V 2LN
Received:	21 st March 2017

I strongly object to the proposed licence variation. I am a resident of Churton Place which is extremely close to the premises concerned. This area already has several bars, restaurants and pubs and I see no reason why another bar would benefit the community. This area is a quiet residential part of Pimlico and should stay so.

Name:	Mr Christopher Silcock
Address and/or Residents Association:	9 Churton Place Pimlico London SW1V 2LN
Received:	23 rd March 2017

As residents of Churton Place my wife and I already suffer a great deal of noise late at night from members of the public walking along Churton St who cannot do so quietly but feel they need to shout. We very rarely enjoy an undisturbed night's sleep because we are frequently woken by people who are inebriated and choose the area around the Art of Tapas to have arguments. The noise of just 2 people talking in measured voices outside Art of Tapas bounces off the other side of Churton St and is carried down Churton Place. Churton Place is a sound box in that respect.

There is already a pub in Churton St and there are two pubs in Warwick Way and another on the junction with Belgrave Rd. There are also several places where the public are able to drink and not dine.

As far as we are concerned, we do not need another bar/pub in Pimlico and particularly not in Churton St. We certainly don't need another place where people will stand on the street drinking and smoking and talking late into the night.

We therefore object very strongly to this change of use from a restaurant to a Bar.

Name:	Mrs Elisabeth Sandys
Address and/or Residents Association:	11 Egerton House 59 Belgrave Road London SW1V2BE
Received:	27 th March 2017

There was a huge amount of discussion about this 4 years ago, ending with a licence for a restaurant to sell alcohol only to customers sitting down eating food and I see no

reason to change it now. There are plenty of drinking holes on Warwick Way but Art of Tapas is in a residential area and the noise and litter which would come from extending their licence in the way proposed is completely unacceptable. It would also make people walking home alone at night think twice before passing that way. I sincerely hope this application will be refused.

Name:	Churton _ East Pimlico Society
Address and/or Residents Association:	14 Churton Place London SW1V2LN
Received:	28 th March 2017

I am writing personally as an owner of a house in the immediate vicinity of the subject premises to object to the application.

My objection to the application to vary the existing licence is that it is unreasonable on the basis the current licence adequately provides for the sale of appropriate quantities of alcohol to those seated and dining on the premises between 11am and 11pm. It also sensibly restricts the use of the outside forecourt area to between the hours of 9am and 10pm but otherwise on the same terms.

This is an attractive quiet conservation area that comprises a very high proportion of private houses and flats. The area already has a more than sufficient number of licensed bars and pubs which are available for those not wishing either to be seated or dine whilst drinking. There are very many other restaurants in the area that are content to abide by the sensible associated restrictions for such establishments.

I strongly request that the committee rejects this application in its entirety.

Name:	Mrs Katie Ross
Address and/or Residents Association:	13 Churton Place London SW1V 2LN
Received:	21 st March 2017

I am extremely concerned that changing the terms of this establishment to allow its use to be wider and include serving alcohol without food will allow it to operate as a bar/pub. I do not believe that this will be beneficial to the local area. At the moment, there are already at least 7 bars and restaurants within one minute's walk from this establishment, which is located in a residential/commercial street off the main thoroughfares of Vauxhall Bridge Road and Warwick Way. 4 of them are pubs (The Queen's Arms, The Warwick, Cask, The Constitution) and four of them are in the same street (The Constitution, Cacio e Pepe, Grumbles and O Sole Mio). I feel that this change in use to become another busy bar will be detrimental to the neighbourhood and the many houses and flats in the immediate area. A few years ago, the residents in this area battled very hard to get an acceptable agreement for this property, when it was altered from a computer shop to a tapas restaurant. I see no reason for it to change so drastically now.

A late night bar on the corner of this street worries me, because it will be accompanied by pavement drinking, smoking and noise that we do not need especially when there is already a provision for social gatherings to take place in many other local

establishments, some of them incredibly close to this site.

Name:	Mr Alexander James Foster
Address and/or Residents Association:	14 Churton Place London SW1V2LN
Received:	28 th March 2017

I am writing on behalf of the Churton & East Pimlico Society.

We represent some 55 members from both residential and commercial properties within the area bounded by Vauxhall Bridge Road to the east, Warwick Way to the north, Belgrave Road to the west and Rampayne Street to the south.

We have consulted our member and strongly and wholeheartedly object to the application to vary the existing licence which adequately and conditionally provides for the sale of alcohol to those dining on the premises only between 11am and 11pm and in appropriate quantities. The use of the outside forecourt area is also presently and sensibly restricted to between the hours of 9am and 10pm.

The premises are located in an attractive quiet conservation area that comprises a very high proportion of private houses and flats. The area already has a more than sufficient number of licensed bars and pubs which are available for those not wishing either to be seated or dine whilst drinking. There are very many other restaurants in the area that are content to abide by the sensible associated restrictions for such establishments.

We are aware that the residents in the area worked with the City Council in 2012 in agreeing with the applicant a reasonable formula to enable the proprietor (the same as the current applicant) to trade in an acceptable manner. It would be a great pity if that trust were broken by the grant of consent to this application.

In short we respectfully request that the committee rejects this application in its entirety.

Name:	Ms Barbie Campbell Cole, AADip
Address and/or Residents Association:	7 Churton Place London SW1V2LN
Received:	15 th March 2017

The original licence for this premises was discussed between neighbours and the Council for some time and eventually agreed. The new application attempts to vary all the original points of this agreement, including which is most worrying, removing most of the seating area on the ground floor to leave a large Bar area, with opening hours 8 a.m. to 11.30 p.m. 7 days a week, selling alcohol without customers needing to be seated and or order food. This makes these premises a bar of pub more than a restaurant. Local people fear noise at night and anti-social behaviour, and in Churton Place and Churton Street we already have enough anti-social behaviour. There are already several restaurants with outside eating areas in Churton Street, plus a pub, and I feel that we do not need another pub or bar, with customers drinking outside, potentially

until 11.30 every night. This is very worrying and not acceptable in a residential area. I request that the Council refuse this application.

Name:	Mrs Jacqui Wilkinson
Address and/or Residents Association:	22A Hugh Street Pimlico London SW1V 1RP
Received:	15 th March 2017

I object to this variation application by Art of Tapas to remove two existing conditions: 15 and 17. The removal of condition 15 may well result in the premises becoming more like a bar than a restaurant. The premises at the junction of Churton and Tachbrook Street is a residential area that is already well served with premises that serve alcohol as well as 3 public houses close by. I can see no benefit for residents in this application just disbenefits.

I would like to speak before the licensing committee against this application.

Name:	Cllr Nickie Aiken
Address and/or Residents Association:	Westminster City Hall 64 Victoria Street London SW1
Received:	10 th March 2017

I wish to object to this variation application by Art of Tapas to remove two existing conditions: 15 and 17. i am concerned if these two, but specifically 15 are removed the premises will become more of a bar rather than a restaurant. The plans included in the application would also suggest that the applicant's strategy is going down the bar route rather than a restaurant.

I firmly believe that to protect the amenity of this predominantly residential area that this variation should be refused. Art of Tapas has residential properties opposite it on three sides and above. There are also three busy public houses within yards of this premises so i would be concerned about the cumulative impact on this area if this variation to permit drinking without substantial food was permitted.

I am concerned that granting the variation would lead to the premises not being able to meet its licensing objective of not causing a public nuisance or safeguarding public safety. This area of Tachbrook Market (16 Churton Street is on the corner of the market) already suffers from a number of street drinkers. I also do not believe that the applicant's suggestion of "Signage such as " Respect our Neighbours when Leaving the Premises" are in place," would be sufficient to allow the premises to meet its license objectives if this variation was permitted and would lead to the loss of amenity for the local area and create issues for public safety and public nuisance. For these reasons I ask that the Licensing Authority and relevant Licensing Sub Committee that hears the application do not grant.

Name:	Mrs Rosemary Ward
Address and/or Residents Association:	1, Charlwood Place Charlwood Place London SW1V 2LX
Received:	16 th March 2017
<p>On behalf of the Churton & Charlwood Residents' Association with a membership of 36 households drawn from Churton Street, Churton Place, Charlwood Place and Charlwood Street (between Tachbrook Street and Belgrave Road), I wish to object to the proposed variation in the licence of Art of Tapas at 16 Churton Street, London SW1V 2LL.</p> <p>There are now more than sufficient licensed premises in the immediate area and the effect of removing the existing conditions 15 and 17 will be to change Art of Tapas into yet another bar selling alcohol in a mainly residential area.</p> <p>If this application were to be approved, then the hours requested are far too long and should be no more than 09.00 to 22.00 being the same as Gastronomica which is located diagonally opposite in Tachbrook Street.</p> <p>Rosemary Ward Secretary, Churton & Charlwood Residents' Association</p>	
Name:	Mr Paul-Simon Lee-Monteiro
Address and/or Residents Association:	18 Churton Street London SW1V 2LL
Received:	29 th March 2017
<p>I am the project manager at De-Vera Property Development situated next door to Art of Tapas at 18 Churton Street.</p> <p>I strongly oppose the alteration of use at Art of Tapas for numerous reasons,</p> <p>As is we must continuously clean our front entrance of cigarette buds on a regular basis all of which have been thrown onto our property from Art of Tapas.</p> <p>We have a constant second hand smoke from all the cigarettes from opening until closing of which causes our office to smell as well as the constant smoking outside from the Art of Tapas we cannot keep our front door open due to the smell coming into my office, we have also had to add extra seals around our doors in order to stop the smells from coming through, we previously had a window to the top of our door in order to allow for fresh air however this has been replaced with a fixed window due to the cigarette smoke constantly entering our office as an asthmatic sufferer this has become more of a health issue as well as an annoyance. We can also not use our air conditioning unit as the air that gets brought in is also contaminated with second hand smoke.</p>	

As well as being a local business owner I am also a local resident whom lives at 18A Churton Street, I must deal with the loud noise coming from Gastronomica (45 Tachbrook street) across the road on a regular basis and at times having to call police to complain about the noise and this is due to their customers pouring out on the streets at late hours and so by allowing Art of Tapas to do this which as is, is already making a lot of noise and pollution it can only be worse.

As well as the second-hand smoke throughout the whole day we have a continuous battle of people standing on our front entrance and gathering at our door.

The loud conversing at times is also unacceptable with shouting and screaming at times.

Name:	Mr Derrick Pears
Address and/or Residents Association:	4 Churton Place London SW1V 2LN
Received:	24 March 2017

The planned opening hours between 8.00 and 23.30 7 days a week are wholly unacceptable given that there are going to be a number of tables outside and only one inside. This is intended to be a bar with nominal food and there will be considerable noise both from inside and from the people outside who are sitting or standing. The footpath is likely to be obstructed on Thursday and Friday nights as if this were the West End.

Name:	Mrs Elisabeth Goddard
Address and/or Residents Association:	56 Tachbrook Street London SW1V 2NA
Received:	19 th March 2017

I live just along Tachbrook Street from Art of Tapas and am very concerned about the plan to effectively turn it into an all-day bar, from a restaurant. There seems little doubt that it will create a noise and litter hazard in a largely residential area.

Name:	Mrs Maggie Solon
Address and/or Residents Association:	15B Churton Street Pimlico London SW1V 2LY
Received:	16 th March 2017

When the Art of Tapas first opened there was a lot of concern and discussion with the Council and what was eventually agreed was considered to be firm but fair and in line with Gastronomica which is across the road. This new application is dreadful - it in effect is turning a restaurant into a bar where the customers do not have to order food or sit down. We are very concerned that it will become a magnet for late night drinkers who will probably stand around outside causing litter and noise. There are plenty of well run pubs around the area - we do not need another one so I really hope these variances

are refused and they have to stay with the permissions they do have which is acceptable to the local residents.

Name:	Mr Paulo Monteiro
Address and/or Residents Association:	18a Churton Street London SW1V 2LL
Received:	29 th March 2017

The owner seems to have made an application to vary the licence which he already holds.

We are having problems already with Gastronomica's late opening hours where I have called the police on numerous occasions. From Art of Tapas we receive their smoking through the front windows, and when we have asthmatic and hay fever sufferers at home is not pleasant at all.

Art of Tapas wants to extend the times for serving alcohol from their existent 11:00 - 23:00 to 08:00 - 23:30. Their business is frankly quite poor with very bad service and their aim is to getting drunk people in their premises as they probably leave the night clubs.

Their latest application is also for allowing customers to drink without a light meal or snack being consumed, standing up instead of sitting down to consume alcohol and draught beer. I thought this was a restaurant and not a pub!! I can see customers standing up and drinking all across the pavement, interrupting access to the market, no safe access for families through the pavement, maybe being pushed to the street. This whole new operation will bring dirt, alcohol smells, higher levels of noise, smoking and cigarette ends (which are already noted on the outside of neighbouring buildings).

I note from the submitted plan they have reduced drastically the number of tables inside the premises, probably a sign they intend to turn the restaurant into a pub. The submitted plan also shows a plant pot separating the sitting area from the neighbouring property at no.18 which has never been placed on their property.

The implementation of the no.5 tables on the pavement dramatically restricts the flow of pedestrians in an area which has a lot of footfall because of the street market. It can be witnessed at weekends the situation is quite hazardous.

This is evidence the applicant does not intend in serving food and rely on selling alcohol; drinks to anyone who opts to stand up. A pub in other words!

Strongly object

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy RNT1 applies:	Applications will generally be granted and reviews determined, subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1.

4. 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:	Miss Heidi Lawrance Senior Licensing Officer
Contact:	Telephone: 020 7641 2751 Email: hlawrance@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.

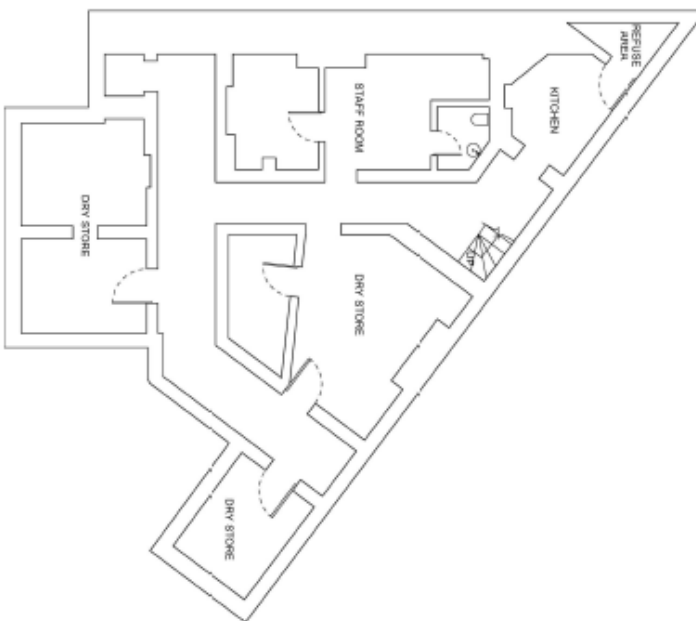
Background Documents – Local Government (Access to Information) Act 1972

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Application Form	1 st March 2017
5	Representation – Environmental Health	29 th March 2017
6	Representation – Mr Larzarov	24 th March 2017
7	Representation – Mr Friend	21 st March 2017
8	Representation – Mrs S Mills	18 th March 2017
9	Representation - Mr Lawson	22 nd March 2017

10	Representation – Mr Michael Ward	25 th March 2017
11	Representation – Mrs M Ward	25 th March 2017
12	Representation – Mrs V Valentine	23 rd March 2017
13	Representation – Mr J Ross	21 st March 2017
14	Representation – Mr C Silcock	23 rd March 2017
15	Representation – Mrs E Sandys	27 th March 2017
16	Representation – Churton and East Pimlico Society	28 th March 2017
17	Representation – Mrs K Ross	21 st March 2017
18	Representation – Mr A Foster	28 th March 2017
19	Representation – Mrs B Cole	15 th March 2017
20	Representation – Mrs J Wilkinson	15 th March 2017
21	Representation – Cllr N Aiken	10 th March 2017
22	Representation – Mrs R Ward	16 th March 2017
23	Representation – Mr P Monterio	29 th March 2017
24	Representation – Mr D Pears	24 th March 2017
25	Representation – Mrs E Goddard	19 th March 2017
26	Representation – Mrs M Solon	16 th March 2017
27	Representation – Mr P Monteiro	29 th March 2017

Premises Plans - Current

ART OF TAPAS		ADDRESS OF PREMISES		PROJECT		DRAWING TITLE		SCALE		DRAWING NO		NOTES	
16 CHURTON STREET LONDON SW1V2LL		PREMISES LICENSE APPLICATION		PROPOSED GA PLAN		1:100 @ A3		001		EX Emergency Exit Sign E Emergency Light Fitting FD 30 mins Self Closing Fire Door			
LOCATION		DATE		WHOLE PREMISES		MARCH 2012							



Premises Plans – New

ART OF TAPAS

16 CHURTON STREET
LONDON
SW1V2LL

PREMISES LICENSE
APPLICATION

PROPOSED GA PLAN

1:100 @ A3

001

MARCH 2012

NOTES

- EX** Emergency Exit Sign
- E** Emergency Light Fitting
- FD** 30 Min Self Closing Fire Door
- Emergency Exit
- ↔** Unoccupied Area
- Fire Extinguisher (200)

PROPOSED GROUND FLOOR PLANS

PROPOSED BASEMENT FLOOR PLANS

Applicant Supporting Documents

None submitted

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
12/02423/LIPN	New Premises Application	24.05.2012	Granted by Licensing Sub-Committee

There is no appeal history

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

When determining an application to vary a 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

- 9. Management shall participate in pubwatch meetings.
- 10. Management shall provide telephone numbers of local taxi companies at all times.
- 11. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
- 12. 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 premise is open to the public. This staff member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.
- 13. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
- 14. The supply of alcohol shall be by waiter or waitress service only.

Condition to be amended – please see condition 30 & 31 proposed by Environmental Health

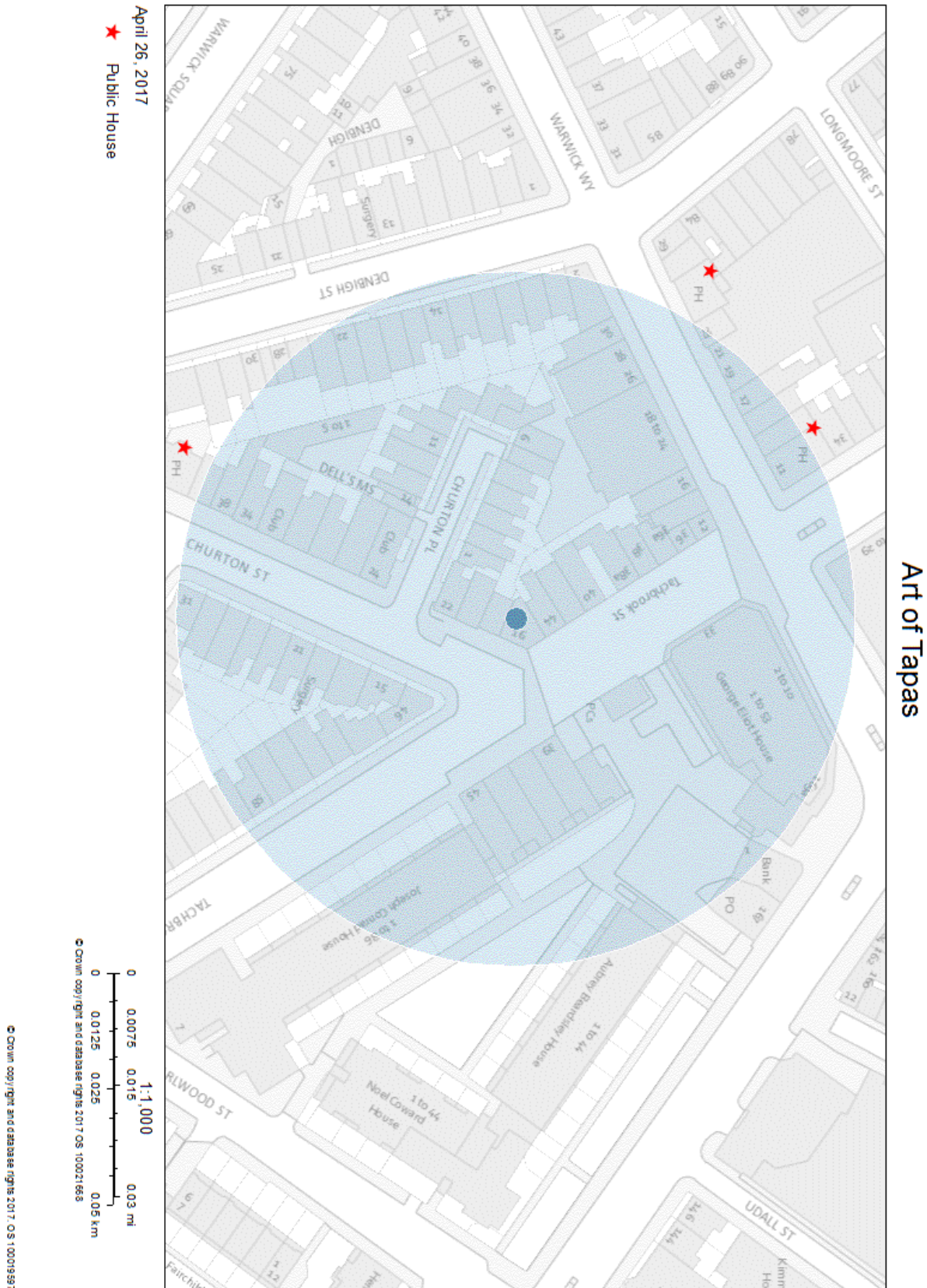
15. The premises shall only operate as a restaurant (i) in which customers are shown to their table, (ii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery, (iii) which do not provide any take away service of food or drink for immediate consumption, and (iv) where intoxicating liquor 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 intoxicating liquor by such persons is ancillary to taking such meals.
16. 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.
17. There will be no draught sales of alcohol.
18. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
19. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
20. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
21. No drinks shall be consumed outside the premises nor glasses/bottles removed from the premises by patrons when leaving, save for persons seated at tables.
22. No alcohol shall be consumed more than 30 minutes after the permitted hour for the supply of alcohol.
23. No deliveries shall be made to the premises between 23:00 and 08:00 hours.
24. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
25. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0800 hours.
26. The pavement from the building line to the kerb edge immediately outside the premises, including gutter / channel at its junction with the kerb edge, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
27. A challenge 21 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 or passport.

28. All outside tables and chairs shall be rendered unusable before 09:00 hours and after 22.00 hours each day.

Conditions proposed by Environmental Health

29. The maximum number of persons permitted in the premises at any one time (excluding staff) shall not exceed 30 persons.
30. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as a Specialist Spanish Tapas food business.
31. The supply of alcohol at the premises shall only be to:
- i) persons seated and ancillary to their substantial food
 - ii) to invited guests as part of pre booked private event restricted to once per calendar month.
32. 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 premise is open.
33. 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.
34. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
35. All windows and external doors shall be kept closed after 23:00 hours except for the immediate access and egress of persons.
36. A maximum of two types of draught beers shall be sold at the premises.

PIV Map





City of Westminster

Licensing Sub-Committee Report

Agenda Item 2

Item No:	
Date:	4 May 2017
Licensing Ref No:	17/02456/LIPV - Premises Licence Variation
Title of Report:	Iran Restaurant 27 Shepherd Market London W1J 7PR
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:	Miss Yolanda Wade Senior Licensing Officer
Contact details	Telephone: 020 7641 1884 Email: ywade@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	7 March 2017		
Applicant:	Kitchen Centre Ltd		
Premises:	Iran Restaurant		
Premises address:	27 Shepherd Market London W1J 7PR	Ward:	West End
		Cumulative Impact Area:	No
Premises description:	The premises operate as a restaurant in the basement and ground floor.		
Variation description:	<p>According to the application, the applicant is seeking to extend the hours for Licensable Activities:</p> <ul style="list-style-type: none"> • Sale of Alcohol - Monday to Saturday 10:00 until 03:00 Sunday 12:00 to 03:00 • Late Night Refreshment – Monday to Sunday 23:00 until 03:00. <p>Opening Hours</p> <p>Monday to Saturday 07:00 until 03:00 Sunday 08:00 until 03:00</p> <p>The applicant has agreed to amend the application to reflect the reduced hours for licensable activities to the following:</p> <p>Late Night Refreshment</p> <p>Monday to Saturday – 23:00 to 01:00 Sunday – 23:00 to 01:00</p> <p>• Supply of Alcohol ON the premises</p> <p>Monday to Saturday – 10:00 to 01:00 Sunday - 12:00 to 01:00</p> <p>• Supply of Alcohol OFF the premises</p> <p>To remain as per the current premises licence.</p> <p>Hours opened to the public</p> <p>Monday to Saturday – 07:00 to 01:30</p>		

	Sunday – 08:00 to 01:30
Premises licence history:	The premises currently benefits from a premises licence (16/13218/LIPT)
Applicant submissions:	None

1-B Current and proposed licensable activities, areas and hours

Late night refreshment						
Indoors, outdoors or both		Current :			Proposed:	
		Indoors			No Change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	00:00	23:00	03:00 reduce to 01:00	Basement & Ground Floor	No Change
Tuesday	23:00	00:00	23:00	03:00 reduce to 01:00	Basement & Ground Floor	No Change
Wednesday	23:00	00:00	23:00	03:00 reduce to 01:00	Basement & Ground Floor	No Change
Thursday	23:00	00:00	23:00	03:00 reduce to 01:00	Basement & Ground Floor	No Change
Friday	23:00	00:00	23:00	03:00 reduce to 01:00	Basement & Ground Floor	No Change
Saturday	23:00	00:00	23:00	03:00 reduce to 01:00	Basement & Ground Floor	No Change
Sunday			23:00	03:00 reduce to 01:00	Basement & Ground Floor	No Change
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	None				None	
	None				None	

Sale by Retail of Alcohol						
On or off sales			Current :		Proposed:	
			On and Off premises		On and off premises	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed :

Monday	10:00	00:00 (on sales)	10:00	03:00 (on sales) Reduce to 01:00	Basement & Ground Floor	No Change
	10:00	23:00 (off sales)	No change	No change	Basement & Ground Floor	No Change
Tuesday	10:00	00:00 (on sales)	10:00	03:00 (on sales) reduce to 01:00	Basement & Ground Floor	No Change
	10:00	23:00 (off sales)	No change	No change	Basement & Ground Floor	No Change
Wednesday	10:00	00:00 (on sales)	10:00	03:00 (on sales) reduce to 01:00	Basement & Ground Floor	No Change
	10:00	23:00 (off sales)	No change	No change	Basement & Ground Floor	No Change
Thursday	10:00	00:00 (on sales)	10:00	03:00 (on sales) reduce to 01:00	Basement & Ground Floor	No Change
	10:00	23:00 (off sales)	No change	No change	Basement & Ground Floor	No Change
Friday	10:00	00:00 (on sales)	10:00	03:00 (on sales) reduce to 01:00	Basement & Ground Floor	No Change
	10:00	23:00 (off sales)	No change	No change	Basement & Ground Floor	No Change
Saturday	10:00	00:00 (on sales)	10:00	03:00 (on sales) reduce to 01:00	Basement & Ground Floor	No Change
	10:00	23:00 (off sales)	No change	No change	Basement & Ground Floor	No Change
Sunday	12:00	22:30 (on & off sales)	12:00	03:00 (on sales) reduce	Basement & Ground Floor	No Change

					to 01:00	
Seasonal variations/ Non-standard timings:	Current:			Proposed:		
	None			None		
	None			None		

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	07:00	00:00	07:00	03:00 reduced to 01:30	Basement & Ground Floor	No Change
Tuesday	07:00	00:00	07:00	03:00 reduced to 01:30	Basement & Ground Floor	No Change
Wednesday	07:00	00:00	07:00	03:00 reduced to 01:30	Basement & Ground Floor	No Change
Thursday	07:00	00:00	07:00	03:00 reduced to 01:30	Basement & Ground Floor	No Change
Friday	07:00	00:00	07:00	03:00 reduced to 01:30	Basement & Ground Floor	No Change
Saturday	07:00	00:00	07:00	03:00 reduced to 01:30	Basement & Ground Floor	No Change
Sunday	08:00	23:00	08:00	03:00 reduced to 01:30	Basement & Ground Floor	No Change
Seasonal variations/ Non-standard timings:	Current:			Proposed:		
	None			None		
	None			None		

2. Representations

2-A Responsible Authorities	
Responsible Authority:	The Metropolitan Police (withdrawn)
Representative:	Mr Adam Deweltz
Received:	9 th March 2017
<p>With reference to the above, I am writing to inform you that the Metropolitan Police, as a responsible authority, will be making a representation against this application.</p>	

It is our belief that if granted the application would undermine the Licensing Objectives in relation to The Prevention of Crime and Disorder.

The hours you seek are those beyond the Westminster Core hours.

Following on from visiting the premises and agreement of proposed conditions between the applicant and the Police, the Police have withdrawn their representation.

Responsible Authority:	The Environmental Health Service
Representative:	Mr Dave Nevitt
Received:	6 th April 2017

Representation is made in relation to the application, as the proposals are likely to increase Public

Nuisance and may impact upon Public Safety.

2-B Other Persons

Name:	Wade Steven's and Co (Acting on behalf of Mr and Mrs Paul Deavin)		
Address and/or Residents Association:	Mr and Mrs Paul Deavin Resident Address: 29a Shepherd Market London W1J 7PR		
Status:	Resident	In support or opposed:	Opposed
Received:	5.04.2017		

We have been consulted by Mr and Mrs Paul Deavin of 29a Shepherd Market, London W1J 7PR who live immediately above the applicant's ground floor restaurant premises. Our clients wish to object to the application to vary the premises licence and echo the objections to the application already made by email on 5th April by their son, Dan Deavin.

The primary issue is late night noise during unsocial hours which is already considerable but would be exacerbated if the extension sought to 3am were to be granted by your Council as the reality is that closure of the premises would inevitably take further time beyond 3am. Our clients have already indicated that following existing closure noise is made by staff shouting, dragging tables and slamming doors quite apart from the noise generated by certain boisterous customers on departure.

Litter would be another issue detracting from the area's charm and quality of life and such would also affect rate payers and your Council in terms of refuse collection as well as the police in the event of any crime and disorder arising from whatever cause.

Our clients have concerns about smoking, whether by staff or customers, outside their door which they consider would be contrary to the protecting and improving public safety objective.

Furthermore, the extension sought is inconsistent with licensing hours enjoyed by other local restaurants and, if granted, could set a trend.

If we can assist further by way of clarification or amplification of any point made above please let us know.

We would also be grateful for formal confirmation of the result of the application.

Name:		Orbiton Estates representing residents at Carrington House	
Address and/or Residents Association:		The Estate Office Carrington House 6 Hertford Street London W1J 7RE	
Status:	Resident Association	In support or opposed:	Opposed
Received:	3 rd April 2017		

Applications for new and variation of Premises Licences

Representation against the grant of both applications.

27 and 29 Shepherd Market, W1

Ref 17/02456 and 17/02442

Orbiton Estates make a representation in connection with the above applications.

Orbiton represents the interests of the residents at Carrington House, which is located directly immediately to the east side of the applicant premises. Orbiton makes representations on the basis of crime and disorder, public nuisance and public safety policies CD1, PN1, RNT1 and HRS1.

29 Shepherd Market

Planning permission for this use was refused last year due to lack of extract and intensification of A3 uses.

This is a new premises licence until the hours of midnight, with the premises not having been previously licensed. This is of course beyond the council's core hours on Monday to Thursday.

Confusingly and perhaps invalidating the advertisement of the application, the operating schedule refers to the Council's core hours but the sale of alcohol is proposed at Midnight. Those reading the application may have therefore been led to believe the application is for Core Hours, but they are actually applying for midnight.

The conditions are proposed to be in line with conditions for 27 Shepherd Market, so it is assumed that it will be as a restaurant. In any event, we object to the use of the premises for this or any other use that may require a licence.

27 Shepherd Market

Although there are no details yet on the City Council's website, it would appear that there is an application to vary the existing licence so the sale of alcohol and late night refreshment (presumably including take-away) can take place until 3.00 am every day of the week.

The existing licence (the only copy on-line being 12/00770) allows the sale of alcohol until 11pm (10.30pm Sundays). However, the public notice seeks to extend the hours from midnight to 3am. Again, anyone reading the notice would have been mis-led in this important respect.

Any permission beyond the existing licence of 11pm will cause nuisance. Opening until 3am with these applicants and this use is beyond contemplation and reality.

Both applications

It is not clear whether there is any proposal to use or extend external seating, or have shisha-type smoking, which together with the sale of alcohol or provision of late-night refreshment will cause additional public nuisance in a residential area.

We note there are enforcement cases open for both blocking the pavement and opening beyond the current permitted hours (planning ref 25/62594).

Conclusion

There has been a woeful disregard for local residents, the City Council's statement of licensing policy and indeed the licensing objectives with no conditions which effectively promote both either the objects of the policy or those objectives.

Name:	Mr Paul Deavin		
Address and/or Residents Association	29a Shepherd Market London W1J 7PS		
Status:	Resident	In support of opposed:	Opposed
Received:	9 th April 2017		
<p>9:48 PM on 09 Apr 2017 A late night license will be massively detrimental to local residents. We are unsure why this premises requires a 3am license. In recent years only licensing until 11pm has been requested by this property, based on various conditions expressed in the permission that respect residents. A 3am license will cause non-stop noise for local residents. No local restaurant has a 3am license and anything beyond 11pm is not in keeping with the quaint nature of Shepherd Market and is not in the interests of the Shepherd Market community.</p>			
Name:	Dan Deavin		

Address and/or Residents Association		29a Shepherd Market London	
Status:	Resident	In support or opposed:	Opposed
Received:	5 th April 2017		
<p>As a local resident at 29a Shepherd Market I feel this would have a hugely detrimental impact upon both myself and other residents in the area for the following reasons:</p> <ul style="list-style-type: none"> • Already this business is very late to close, tables are dragged around well past 11:30pm and shouting can be heard between staff members. Doors are also slammed by staff. Little respect is shown to neighbours as customers leave the premises after closing. This premises is already incredibly noisy in its operations and this license would make it worse. • A 3am license would mean late night drinkers coming and going until 3am. Also staff would need to clean, move furniture after this time which would make living in 29a or around this public highway untenable. • The public highway would become constantly busy almost 24 hours a day. As this is a quiet and narrow pathway, the late night crowd this would attract would encourage litter, staff/customers smoking outside my door and a constant stream of the restaurant's litter. • No other restaurant premises has a 3am license in this area. Shepherd Market is a diverse mix of businesses and residents. This proposal is largely against the quality of life of residents and what makes the area as charming as it is. 			

Policy & Guidance

3.

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy HRS1 applies:	<p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p>
Policy RNT1 applies:	Applications will generally be granted and reviews determined, subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1.

4. Appendices

Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential Map

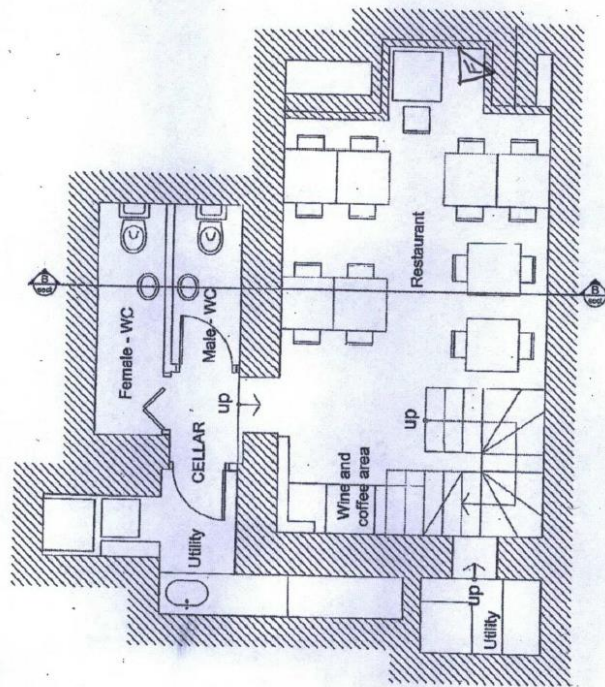
Report author:	Miss Yolanda Wade Senior Licensing Officer
Contact:	Telephone: 020 7641 1884 Email: ywade@westminster.gov.uk

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

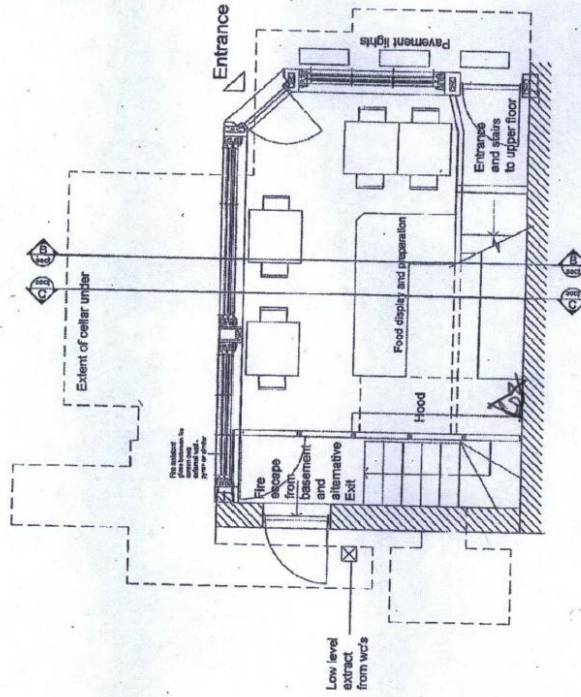
Background Documents – Local Government (Access to Information) Act 1972

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Application Form	7 th March 2017
5	The Metropolitan Police Representation (withdrawn)	9 th March 2017
6	The Environmental Health Service	6 th April 2017
7	Mr and Mrs Paul Deavin Representation	5 th April 2017
8	Orbiton Estates representing residents at Carrington House Representation	3 rd April 2017
9	Mr Paul Deavin Representation	9 th April 2017
10	Dan Deavin Representation	5 th April 2017

IRAN RESTAURANT 27 SHEPHERD MARKET W1S 7PR



BASEMENT PLAN



GROUND FLOOR PLAN

FIRE EQUIPMENT
 ▲ CO₂ EXTINGUISHER
 ▼ FOAM EXTINGUISHER

LICENSED AREA IS PERIMETER OF BUILDING, NO OUTSIDE AREAS.

None submitted

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
12/00770/LIPN	Application for a new premises licence	22.03.2012	Granted by Licensing Sub Committee
12/04169/LIPV	Application to vary a premises licence	12.07.2012	Granted by Licensing Sub Committee
15/02154/LIPT	Application to Transfer premises licence from Iran Resturant (London) Limited to West End Catering Limited	28.04.2015	Granted under Delegated Authority
16/13218/LIPT	Application to Transfer premises licence from West End Catering Limited to Kitchen Centre Ltd	17.03.2017	Granted under Delegated Authority

There is no appeal history

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

When determining an application for variation of a 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 premises 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

9. Challenge 21 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 or passport.
10. The maximum number of persons accommodated at the premises any one time shall not exceed (excluding staff) 30 persons.
11. The supply of alcohol on the premises shall only be by waiter or waitress service.
12. Substantial food and non-intoxicating beverages shall be available throughout the permitted hours in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
13. No striptease, no nudity and all persons to be decently attired at all times.
14. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
15. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
16. All waste is to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
17. No rubbish including bottles will be moved, removed or placed in outside areas between 2300 hours and 0800 hours.
18. No deliveries shall be made to the premises between the hours 2000 hours and 0800 hours.
19. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the

premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.

20. 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 to the public. This staff member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.
21. The premises shall only operate as a restaurant:
 - (i) in which customers are shown to their table,
 - (ii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
 - (iii) which do not provide any take away service of food or drink for immediate consumption, and
 - (iv) where intoxicating liquor 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 intoxicating liquor by such persons is ancillary to taking such meals.
22. There shall be no sales of alcohol for consumption off the premises, save for any area immediately outside the premises licensed by the Council for tables and chairs.
23. There shall be no sales of alcohol for consumption off the premises after 23:00 hours.
24. There shall be no sales of hot food or hot drink for consumption off the premises after 23.30 hours.

Proposed conditions by Police and agreed with Applicant

25. 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.
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.

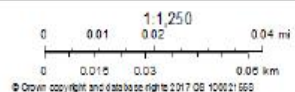
Residential Map of Premises

Iran Restaurant



April 26, 2017

★ Public House



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City of Westminster

Licensing Sub-Committee Report

Agenda Item 3

Item No:	
Date:	4 May 2017
Licensing Ref No:	16/14083/LIPV - Premises Licence Variation
Title of Report:	The Borderline Orange Yard Manette Street London W1D 4AR
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:	Miss Heidi Lawrance Senior Licensing Officer
Contact details	Telephone: 020 7641 2751 Email: hlawrance@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	21 December 2016		
Applicant:	DHP Family Ltd		
Premises:	The Borderline		
Premises address:	Orange Yard Manette Street London W1D 4AR	Ward:	West End
		Cumulative Impact Area:	West End
Premises description:	The premises is currently operating as a Night Club.		
Variation description:	<p>To amend the hours for the provision of licensable activities on Sundays until 02:00 on the day following with an increase in the commencement hour for the sale of alcohol on Sunday from noon until 10:00am</p> <p>All existing hours on Mondays to Saturdays to remain the same.</p> <p>To amend the conditions, restrictions and limitations applicable to the licence.</p> <p>To remove any embedded restrictions which were placed on the licence by virtue of Schedule 8 paragraph 6(6) of the Licensing Act 2003 other than the permitted hours for the sale of alcohol as varied by this application.</p> <p>To remove any embedded restrictions which were placed on the licence by virtue of Schedule 8 paragraph 6(8) of the Licensing Act 2003 other than the permitted hours for the sale of alcohol as varied by this application.</p> <p>To amend the layout of the premises as shown on the plan submitted in support of the application numbered 110 rev B. The changes include relocation of the bar servery, additional toilet provision and amendment to the raised stage area.</p> <p>To remove conditions 10 to 36 inclusive.</p>		
Premises licence history:	The premises has been licensed since June 2005.		

Applicant submissions:	<p>The licensing objectives have been carefully considered in the light of the proposed variation taking account of the premises and their location.</p> <p>The proposed variation will promote the licensing objectives in accordance with the Section 182 Guidance.</p> <p>The premises will operate in accordance with all relevant legislation.</p>
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1-B Current and proposed licensable activities, areas and hours						
Regulated Entertainment						
Performance of live music – Indoors						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	09:00	03:00	No change.		Please see plan attached at appendix 1	Please see proposed new plan attached at appendix 1.
Tuesday	09:00	03:00				
Wednesday	09:00	03:00				
Thursday	09:00	06:00				
Friday	09:00	06:00				
Saturday	09:00	06:00				
Sunday	09:00	23:00	09:00	02:00		
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	Please see conditions at Appendix 4.				<p>An additional hour to the standard and non standard times of the day when British Summer Time Commences.</p> <p>From the standard start time on 31st December to the standard start time on 1st January.</p>	

Recorded music – Indoors						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	Currently unrestricted		09:00	03:00	Please see plan attached at appendix 1	Please see proposed new plan attached at appendix 1.
Tuesday			09:00	03:00		
Wednesday			09:00	03:00		
Thursday			09:00	06:00		
Friday			09:00	06:00		
Saturday			09:00	06:00		
Sunday			09:00	02:00		
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	Please see conditions at Appendix 4.				<p>An additional hour to the standard and non standard times of the day when British Summer Time Commences.</p> <p>From the standard start time on 31st December to the standard start time on 1st January.</p>	

Performance of Dance – Indoors						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	09:00	03:00	No change.		Please see plan attached at appendix 1	Please see proposed new plan attached at appendix 1.
Tuesday	09:00	03:00				
Wednesday	09:00	03:00				
Thursday	09:00	06:00				
Friday	09:00	06:00				
Saturday	09:00	06:00				
Sunday	09:00	23:00	09:00	02:00		
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	Please see conditions at Appendix 4.				<p>An additional hour to the standard and non standard times of the day when British Summer Time Commences.</p> <p>From the standard start time on 31st December to the standard start time on 1st January.</p>	

Anything of a Similar Description – Indoors						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	09:00	03:00	No Change.		Please see plan attached at appendix 1	Please see proposed new plan attached at appendix 1.
Tuesday	09:00	03:00				
Wednesday	09:00	03:00				
Thursday	09:00	06:00				
Friday	09:00	06:00				
Saturday	09:00	06:00				
Sunday	09:00	23:00	09:00	02:00		
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	Please see conditions at Appendix 4.				<p>An additional hour to the standard and non standard times of the day when British Summer Time Commences.</p> <p>From the standard start time on 31st December to the standard start time on 1st January.</p>	

Late night refreshment – Indoors						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	03:30	No Change.		Please see plan attached at appendix 1	Please see proposed new plan attached at appendix 1.
Tuesday	23:00	03:30				
Wednesday	23:00	03:30				
Thursday	23:00	05:00				
Friday	23:00	05:00				
Saturday	23:00	05:00				
Sunday			23:00	02:00		
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	Please see conditions at Appendix 4.				<p>An additional hour to the standard and non standard times of the day when British Summer Time Commences.</p> <p>From the standard start time on 31st December to the standard start time on 1st January.</p>	

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	10:00	03:00	No Change.		Please see plan attached at appendix 1	Please see proposed new plan attached at appendix 1.
Tuesday	10:00	03:00				
Wednesday	10:00	03:00				
Thursday	10:00	04:00				
Friday	10:00	04:00				
Saturday	10:00	04:00				
Sunday	12:00	22:30	10:00	02:00		
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	Please see conditions at Appendix 4.				<p>An additional hour to the standard and non standard times of the day when British Summer Time Commences.</p> <p>From the standard start time on 31st December to the standard start time on 1st January.</p>	

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	09:00	03:30	No Change.		Please see plan attached at appendix 1	Please see proposed new plan attached at appendix 1.
Tuesday	09:00	03:30				
Wednesday	09:00	03:30				
Thursday	09:00	06:00				
Friday	09:00	06:00				
Saturday	09:00	06:00				
Sunday	09:00	23:00	09:00	02:30		
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	Please see conditions at Appendix 4.				<p>An additional 30 minutes after the non-standard finishing timings for the licensable activities.</p>	

1-C Layout alteration

To amend the layout of the premises as shown on the plan ref: 110 rev B.

The changes include relocation of the bar server. Additional toilet provisions and amendments to the raised stage area.

1-D Conditions being varied, added or removed

Condition	Proposed variation
<p><u>Condition 10</u></p> <p>On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).</p>	<p>Proposed to be removed</p>
<p><u>Condition 11</u></p> <p>Notwithstanding the provisions of Rule of Management No. 6 the premises may remain open for the purposes of this licence from 11pm on each of the days Monday to Wednesday to 3am on the day following from 11pm on Thursday, Friday and Saturday to 6.00am on the day following.</p>	<p>Proposed to be removed</p>
<p><u>Condition 12</u></p> <p>Substantial food and suitable non intoxicating beverages, including drinking water, shall be available throughout permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.</p>	<p>Proposed to be removed</p>

<p><u>Condition 13</u></p> <p>On any evening where the premises are open for music, dance or entertainment and a section 77 special hours certificate is in operation, intoxicating liquor may not be sold or supplied to persons admitted to the premises after 11pm other than to:</p> <p>(a) Persons who have paid a minimum admission fee of at least £5 Sunday to Thursday, and £7 Friday and Saturday for admission (not to be credited against consumables); or</p> <p>(b) Persons who have paid a minimum annual admission fee of at least £150 payable in advance (not to be credited against consumables). A list of all persons who have paid an annual admission fee will be held for inspection by the relevant authority or</p> <p>(c) Any person attending a private function at the premises, details of the type of function, host and list of persons attending having been provided to Police at least 24 hours previously; or</p> <p>(d) Artistes or person employed on the premises; or</p> <p>(e) Bona fide guests of the proprietor (not exceeding 10% of the total capacity for the premises as specified in the Public Entertainment Licence for the premises), a list of whom shall be kept at reception for inspection by appropriate authorities; or</p> <p>(f) Persons taking full table meals a list of whom are held for inspection by the relevant statutory authorities.</p>	<p>Proposed to be removed</p>
<p><u>Condition 14</u></p> <p>No payment to be made by or on behalf of the premises for distribution of flyers or tickets within public areas in the Licensing districts of Westminster except when tickets are sold through Ticketmaster, Ticketweb and Star Green.</p>	<p>Proposed to be removed</p>

Condition 15

No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:

- (a) He is the child of the holder of the premises licence.
- (b) He resides in the premises, but is not employed there.
- (c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
- (d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

Proposed to be removed

Condition 15 (incorrect numbering on current Licence)

If any entertainment is provided for children or if an entertainment is provided at which the majority of persons attending are children, then, if the number of children attending the entertainment exceeds 100, it shall be the duty of the holder of the premises licence (or the holder of the club premises certificate):

- (a) to station and keep stationed wherever necessary a sufficient number of adult attendants, properly instructed as to their duties, to

Proposed to be removed

<p>prevent more children or other persons being admitted to the building, or to any part thereof, than the building or part can properly accommodate,</p> <p>(b) to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof, and</p> <p>(c) to take all other reasonable precautions for the safety of the children.</p>	
<p><u>Condition 16</u></p> <p>The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.</p>	<p>Proposed to be removed</p>
<p><u>Condition 17</u></p> <p>The number of persons accommodated at any one time (excluding staff) shall not exceed 300 in the basement.</p>	<p>Proposed to be removed</p>
<p><u>Condition 18</u></p> <p>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 to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.</p>	<p>Proposed to be removed</p>
<p><u>Condition 19</u></p> <p>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, which will record the following:</p> <p>(a) all crimes reported to the venue</p> <p>(b) any complaints received regarding crime disorder</p> <p>(c) any incidents of disorder</p>	<p>Proposed to be removed</p>

<p>(d) any faults in the CCTV system or searching equipment or scanning equipment</p> <p>(e) any refusal of the sale of alcohol</p> <p>(f) any visit by a relevant authority or emergency service.</p>	
<p><u>Condition 20</u></p> <p>20. (i) Monday to Saturday</p> <p>(a) Subject to the following paragraphs, the permitted hours for sale of alcohol on weekdays shall commence at 10.00 (12.00 on Christmas Day) and extend until 03.00 Monday to Wednesday and until 04:00 on Thursday to Saturday on the morning following, except that -</p> <p>(i) the permitted hours shall end at 00.00 midnight on any day on which music and dancing is not provided after midnight; and</p> <p>(ii) on any day that music and dancing end between 00.00 midnight and 03.00 Monday to Wednesday or 04:00 Thursday to Saturday, the permitted hours shall end when the music and dancing end;</p> <p>(b) In relation to the morning on which summer time begins, paragraph (a) of this condition shall have effect-</p> <p>(i) with the substitution of references to 05.00 for references to 04.00.</p> <p>(c) The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.</p> <p>(d) The permitted hours on New Year's Eve will extend to the start of the permitted hours on the following day, or if there are no permitted hours on 1 January, to 00:00 on New Year's Eve.</p>	<p>Proposed to be remove</p>

NOTE - The above restrictions do not prohibit:

- (a) during the first thirty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (d) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (e) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (f) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of her Majesty's naval, military or air forces;
- (g) the taking of alcohol from the premises by a person residing there;
- (h) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
- (i) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

In this condition, any reference to a person

residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.

(ii) Sunday

- (a) On Sundays, other than Christmas Day or New Year's Eve, 12.00 noon to 22.30.
- (b) On Christmas Day, 12.00 to 15.00 and 19.00 to 22.30.
- (c) On New Year's Eve on a Sunday, 12.00 to 22.30.
- (d) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, 00.00 midnight on 31st December).

NOTE - The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking table meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (d) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the

<p>alcohol so ordered;</p> <p>(f) the sale of alcohol to a trader or registered club for the purposes of the trade or club;</p> <p>(g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;</p> <p>(h) the taking of alcohol from the premises by a person residing there;</p> <p>(i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;</p> <p>(j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.</p> <p>In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.</p>	
<p><u>Condition 21</u></p> <p>This licence is subject to all the former Rules of Management for Places of Public Entertainment licensed by Westminster City Council, in force from 4 September 1998 and incorporating amendments</p>	<p>Proposed to be removed</p>

<p>agreed by the Council on 25 October 1999, 30 June 2000, 16 January 2001 and 1 October 2001.</p>	
<p><u>Condition 22</u></p> <p>Whilst the premises are in use under this licence, Rule of Management No. 4(a) is waived.</p>	<p>Proposed to be removed</p>
<p><u>Condition 23</u></p> <p>Striptease shall only take place in the designated areas approved by the Council. The approved arrangement for access to the dressing room shall be maintained at all times whilst striptease is taking place and immediately thereafter.</p>	<p>Proposed to be removed</p>
<p><u>Condition 24</u></p> <p>Striptease entertainment may be provided by male performers only.</p>	<p>Proposed to be removed</p>
<p><u>Condition 25</u></p> <p>The striptease entertainment shall only be given by the performers and the audience shall not be permitted to participate.</p>	<p>Proposed to be removed</p>
<p><u>Condition 26</u></p> <p>All performances must be segregated from the audience and must have direct access to the dressing room without passing through or in close proximity to the audience.</p>	<p>Proposed to be removed</p>
<p><u>Condition 27</u></p> <p>The area proposed for striptease shall be in a position where the performance cannot be seen from the street.</p>	<p>Proposed to be removed</p>

<p><u>Condition 28</u></p> <p>Except with the consent of the Council, there shall be no external advertising of the striptease entertainment either at the premises or within a 200 metres radius of the premises.</p>	<p>Proposed to be removed</p>
<p><u>Condition 29</u></p> <p>Whilst striptease entertainment is taking place no person under the age of 18 shall be on the licensed premises and a clear notice shall be displayed at each entrance to the premises in a prominent position so that it can be easily read by persons entering the premises in the following terms: NO PERSONS UNDER 18 WILL BE ADMITTED.</p>	<p>Proposed to be removed</p>
<p><u>Condition 30</u></p> <p>The licensee, performer and any person concerned in the organisation or management of the premises shall not encourage or permit others to encourage customers to throw money at or otherwise give gratuities to the performers.</p>	<p>Proposed to be removed</p>
<p><u>Condition 31</u></p> <p>The number of nights per year on which the waiver may be operated is restricted to 40 and these occasions to be identified to the Metropolitan Police and the Licensing Authority.</p>	<p>Proposed to be removed</p>
<p><u>Condition 32</u></p> <p>The entertainment to be provided when the waiver applies is limited to a talent style entertainment show, which is to last no more than one and a half hours on each occasion. There shall be no physical contact between the performers during the entertainment.</p>	<p>Proposed to be removed</p>

<p><u>Condition 33</u></p> <p>A registered door supervisor is to be present in the lower basement whenever striptease entertainment is provided.</p>	<p>Proposed to be removed</p>
<p><u>Condition 34</u></p> <p>At least two registered door supervisors shall be stationed at the entrance to the premises whenever the premises are used for striptease entertainment, so as to ensure that customers enter and exit the premises in a quiet and orderly manner.</p>	<p>Proposed to be removed</p>
<p><u>Condition 35</u></p> <p>The venue shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the venue is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.</p>	<p>Proposed to be removed</p>
<p><u>Condition 36</u></p> <p>There will be no entry or re-entry permitted to the premises after 03:00 hours except for smokers already within club premise before that time of 03:00 hours.</p>	<p>Proposed to be removed</p>
<p><u>Condition 37</u></p> <p>A CCTV system with recording shall be installed and maintained at the remises and operated with cameras in positions agreed with the Police. All recordings used</p>	<p>Proposed to be added</p>

<p>in conjunction with CCTV shall:</p> <p>a) Be evidential of quality in all lighting conditions</p> <p>b) Indicate the correct time and date</p> <p>c) Be retained for a period of 31 consecutive days</p> <p>A member of staff trained to use the system shall be on duty at all times, as the recorded images must be made available for inspection and downloading immediately upon request to officers of Responsible Authorities.</p>	
<p><u>Condition 38</u></p> <p>All images downloaded from the CCTV system must be provided in a format that can be viewed on readily available equipment without the need for specialist software.</p>	<p>Proposed to be added</p>
<p><u>Condition 39</u></p> <p>A bound and sequentially paginated incident/accident book or electronic record shall be kept to record all instances of disorder, damage to property and personal injury at the premises. Such records are to be made available for inspection and copying by the Police and other officers of Responsible Authorities immediately upon request, and all such records are to be retained at the premises for at least 12 months.</p>	<p>Proposed to be added</p>
<p><u>Condition 40</u></p> <p>A bound and sequentially paginated refusals book or electronic record shall be kept at the premises to record all instances where admission or service is refused. Details to show:</p> <p>a. The basis of the refusal;</p>	<p>Proposed to be added</p>

<p>b. The person making the decision to refuse; and</p> <p>c. The date and time of the refusal</p> <p>Such books/records to be retained at the premises for at least 12 months, and shall be made available for inspection and copying by the Police, or other officers of a Responsible Authority, immediately upon request.</p>	
<p><u>Condition 41</u></p> <p>Training records shall be kept to record staff training and advice including the following areas:</p> <p>a) preventing underage sales of alcohol</p> <p>b) preventing proxy sales of alcohol to underage persons</p> <p>c) preventing sales of alcohol to a person who is drunk</p> <p>These records shall be made available for inspection and copying by the Police and other officers of Responsible Authorities immediately upon request and all such records are to be retained at the premises for at least 12 months</p>	<p>Proposed to be added</p>
<p><u>Condition 42</u></p> <p>Clear notices shall be prominently displayed requesting customers to leave the premises and the area in a quiet and orderly manner.</p>	<p>Proposed to be added</p>
<p><u>Condition 43</u></p> <p>The Designated Premises Supervisor or nominated person shall take all reasonable steps to ensure that</p>	<p>Proposed to be added</p>

<p>patrons awaiting entry to the premises or leaving the premises do not cause annoyance or nuisance to any other person in the vicinity of the premises</p>	
<p><u>Condition 44</u></p> <p>A Challenge 21 scheme shall operate at the premises. Any person who appears to be under 21 years of age shall not be served alcohol unless they produce an acceptable form of identification (passport, driving licence, Military Identity Card or PASS accredited card).</p>	<p>Proposed to be added</p>
<p><u>Condition 45</u></p> <p>Challenge 21 notices will be displayed in prominent positions throughout the premises</p>	<p>Proposed to be added</p>
<p><u>Condition 46</u></p> <p>A minimum of 3 Security Industry Authority registered door supervisor(s) shall be employed at the premises on club nights from 23:00 hours until close.</p>	<p>Proposed to be added</p>
<p><u>Condition 47</u></p> <p>Additional door supervisors shall be employed at the premises on occasions as deemed necessary by the Designated Premises Supervisor and/pr premises management following a risk assessment and on occasions when requested by, and following consultation with the Police.</p>	<p>Proposed to be added</p>
<p><u>Condition 48</u></p> <p>The Designated Premises Supervisor or nominated person shall ensure that any</p>	<p>Proposed to be added</p>

door supervisors employed at the premises wear and clearly display, their SIA registration badge at all times whilst on duty.		
<p><u>Condition 49</u></p> <p>A bound and sequentially paginated book or electronic record shall be maintained at the premises contained the names, home address, dates of birth and SIA registration number of door supervisors employed on any particular day. These records shall be kept at the premises for at least 12 months and shall be made available for inspection and copying by the Police immediately upon request.</p>		Proposed to be added
<p><u>Condition 50</u></p> <p>There shall be no entry or re-entry permitted to the premises after 03:00 hours except for smokers already within the premises before 03:00 hours.</p>		Proposed to be added
Adult entertainment:	Current position:	Proposed position:
	Not Applicable	Not Applicable

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Consultation Team
Representative:	Ms Nicola Curtis
Received:	6 th January 2017
<p>The premises are located within the West End Cumulative Impact Area as defined within the City of Westminster Statement of Licensing Policy.</p> <p>The applicant has submitted the following plans for the premises:</p> <ul style="list-style-type: none"> ◆ Licensing Plan: drawing number 110, Rev A, Dated 7.12.16 	

This representation is based on the plans and Operating Schedule submitted.

The applicant is seeking the following variations:

1. To vary the layout of the premises in accordance with the submitted plans.
2. To extend the terminal hour for the Performance of Live Music 'indoors', Performance of Dance 'indoors' and anything similar of a similar description to Live Music, Recorded Music or Performance of Dance on Sunday from 2300 hours to 0200 hours.
3. To vary the hours for the Playing of Recorded Music 'indoors' from 'Unrestricted' to 0900 to 0200 hours on Sunday.
4. To add the provision of Late Night Refreshment 'indoors' on Sunday from 2300 to 0200 hours.
5. To vary the permitted hours for the Supply of Alcohol both 'on' and 'off' the premises on Sunday from 1200 to 2230 hours to 1000 to 0200 hours.
6. To remove conditions 10 to 36 inclusive from the premises licence.

I wish to make the following representations in relation to the above application:

1. Any alterations to the layout of the premises are required to be assessed and inspected by Environmental Health and the District Surveyor in relation to addressing the licensing objectives of Public Safety and Prevention of Public Nuisance. The proposed changes will be assessed by under the Technical Standards for Places of Entertainment which may impact upon the capacity of the premises.
2. The extension of the terminal hour for the Performance of Live Music 'indoors', Performance of Dance 'indoors' and anything similar of a similar description to Live Music, Recorded Music or Performance of Dance on Sunday will have the likely effect of causing an increase in Public Nuisance in the West End Cumulative Impact Area.
3. The variation of the hours for the Playing of Recorded Music 'indoors' will have the likely effect of causing an increase in Public Nuisance in the West End Cumulative Impact Area.
4. The provision of Late Night Refreshment 'indoors' on Sunday will have the likely effect of causing an increase in Public Nuisance in the West End Cumulative Impact Area.
5. The variation of the permitted hours for the Supply of Alcohol both 'on' and 'off' the premises on Sunday will have the likely effect of causing an increase in Public Nuisance in the West End Cumulative Impact Area.
6. The removal of 26 conditions from the premises licence will have the likely effect of causing an increase in Public Nuisance and may impact on Public Safety.

The applicant is advised to contact the undersigned to arrange a suitable time for inspection of the premises and to discuss the application.

The applicant has provided additional information and conditions with the operating schedule which is being considered but does not fully address the concerns of Environmental Health. The applicant has proposed replacing the 26 conditions with just 14 new conditions which do not address key public safety and public nuisance concerns.

The granting of the variation where representation is made would have the likely effect of causing an increase of Public Nuisance in the West End Cumulative Impact Area and may impact on Public Safety.

Responsible Authority:	Metropolitan Police Service
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Representative:	PC Toby Janes
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Received:	17 th January 2017
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With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, make a representation against the above application.

It is our belief that if granted the application would undermine the licensing objectives in relation to the prevention of crime and disorder as there are insufficient conditions within the operating schedule.

The venue is situated in the West End cumulative impact area, a locality where there is traditionally high crime and disorder. We have concerns that this application will cause further policing problems in an already demanding area.

Further comments from the Police:

The capacity and at this stage it will remain at 300 so until a different figure has been agreed by all responsible authorities, condition 17 should remain on the licence.

Police propose the following conditions, I have included some already offered by you:

1. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.

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

3. 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.

4. A Minimum of 3 SIA` registered door supervisors shall be employed at the premises

from 2300 hours until close.

5. There shall be no admittance or re-admittance to the premises after 0300 except for patrons permitted to temporarily leave the premises to smoke.

6. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.

7. 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.

8. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

9. 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 (g) any refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service.

10. a. All drinking vessels used in the venue shall be polycarbonate. All drinks in glass bottles are to be decanted into polycarbonate containers or polycarbonate carafes prior to being served, with the exception of champagne or bottles of spirits with a minimum size of 70cl supplied by waiter/waitress service to tables. Staff shall clear all empty champagne and spirit bottles promptly from the tables. Customers shall not be permitted to leave their table carrying any such glass bottles or drink directly from the bottle.

b. Notwithstanding a) above, with the written agreement of the Westminster Licensing Police, a copy of which will be held at the premises reception, glass drinking vessels may be used for private or pre-booked events.

Responsible Authority:	Licensing Authority
Representative:	Mr Steven Rowe
Received:	18 th January 2017

I write in relation to the application submitted for variation of the Premises Licence for the above premises.

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

- Public Nuisance
- Prevention of Crime & Disorder
- Public Safety
- Protection of Children from Harm

As it stands the application contravenes Westminster's Statement of Licensing Policies CIP1, HRS1, PB2 and MD2. The premises is located inside the Cumulative Impact Area.

The applicant has applied to:

- To vary the layout of the premises in accordance with the submitted plans.
- To extend the terminal hour for the Performance of Live Music 'indoors', Performance of Dance 'indoors' and anything similar of a similar description to Live Music, Recorded Music or Performance of Dance on Sunday from 23:00 to 02:00.
- To add Playing of Recorded Music 'indoors' from 09:00 to 03:00 Monday to Wednesday, from 09:00 to 06:00 Thursday to Saturday and from 09:00 to 02:00 on Sunday.
- To add the provision of Late Night Refreshment 'indoors' on Sunday from 2300 to 02:00.
- To vary the permitted hours for the Supply of Alcohol both 'on' and 'off' the premises on Sunday from 12:00 to 22:30 to 10:00 to 02:00.
- To remove conditions 10 to 36 inclusive from the premises licence. The applicants have proposed conditions as part of their submissions in substitution of the 26 conditions removed in the application.

Policy HRS1 states at paragraph 2.3.2: "It is the intention to generally grant licences... where the hours when customers are permitted to be on the premises are within the 'core hours' as set out in Policy HRS1. This is not a policy to refuse applications for longer hours than the core hours and consideration will in all cases be given to the individual merits of an application. Where a proposal is made to operate outside these core hours each application will be considered on its merits against the criteria as set out in paragraph (ii) (of Policy HRS1)".

The variation application seeks depart from core hours on a Sunday:

Performance of Live Music 'indoors', Performance of Dance 'indoors' and anything similar of a similar description to Live Music, Recorded Music or Performance of Dance:

Sunday – extension of 3 hours from current licence and 3 hour 30 minutes beyond 'core hours'

Recorded Music:

Currently 'unrestricted' as unamplified background only. The applicant has advised that they would like occasional amplified music at various times below:

Monday to Wednesday – 3 hours 30mins beyond 'core hours'

Thursday – 7 hours 30mins beyond 'core hours'

Friday to Saturday – 6 hours beyond 'core hours'

Sunday – 3 hour 30 minutes beyond 'core hours'

Late Night Refreshment:

Sunday – 3 hour 30 minutes beyond 'core hours'

Alcohol:

Sunday – extension of 3 hours 30mins from current licence and 3 hour 30 minutes beyond 'core hours' and 2 hours extension of the commencement hour and 2 hours beyond commencement 'core hour'.

Policy CIP1 states (i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1. However part (ii) states: Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.

Policy PB2 which relates to pubs and bars states 'It is the Licensing Authority's policy to refuse applications in the CIA other than applications to vary the hours within the core hours under policy HRS1'. Policy MD2 which relates to music and dance premises and similar entertainment states 'It is the Licensing Authority's policy to refuse applications in the CIA other than applications to vary the hours within the core hours under policy HRS1'.

2-B Other Persons			
Name:		Mr David Gleeson	
Address and/or Residents Association:		The Soho Society	
Status:	Valid	In support or opposed:	Opposed
Received:	18 th January 2017		
I write to make a relevant representation to the above application on behalf of The Soho Society.			

The Soho Society objects to this application as it is currently presented, on the grounds of prevention of public nuisance, prevention of crime and disorder, and cumulative impact in the West End Cumulative Impact Area.

About The Soho Society

The Soho Society is a charitable company limited by guarantee established in 1972. The society is a recognised amenity group and was formed to make Soho a better place to live, work or visit by preserving and enhancing the area's existing diversity of character and uses, and by improving its facilities, amenities and environment. In particular, the society supports the Westminster City Council's policies, including the cumulative impact policy, as set out in the Statement of Licensing Policy 2016.

Application summary

The application is described in Westminster Licensing News (10 January edition) as follows:

To amend the hours for the provision of licensable activities on Sundays. All existing hours on Mondays to Saturdays to remain the same. To amend the conditions, restrictions and limitations applicable to the licence. To remove any embedded restrictions which were placed on the licence by virtue of Schedule 8 paragraph 6(6) of the Licensing Act 2003 other than the permitted hours for the sale of alcohol as varied by this application. To remove any embedded restrictions which were placed on the licence by virtue of Schedule 8 paragraph 6(8) of the Licensing Act 2003 other than the permitted hours for the sale of alcohol as varied by this application. To amend the layout of the premises as shown on the plan submitted in support of the application numbered 110 rev B. The changes include relocation of the bar servery, additional toilet provision and amendment to the raised stage area.

Extension of Sunday operating hours

These venues destroy residential amenity over a wide area through noise nuisance as patrons disperse. This application therefore fails to promote the licensing objectives of prevention of crime and disorder, and public nuisance. Recent Metropolitan Police crime statistics show high levels of theft, theft from person, anti-social behaviour, drugs and sexual offenses in the area

The existing permission includes licensable activities well outside of Westminster core hours. The premises are in the West End Cumulative Impact Area. There are private homes in nearby buildings, and residents in the immediate area are subject to noise and general nuisance every night of the week. We therefore feel it is necessary to resist any increase in the operating hours.

Removal of conditions

The conditions that currently apply to this venue are intended to protect residential amenity and their removal is objected to. The existing permission includes licensable activities well outside of Westminster core hours. Removal of these conditions to a licensed premises in the West End Cumulative Impact Area will cause a loss of residential amenity and as such is not in line with the licensing objectives of Westminster City Council.

Licensing policy and cumulative impact

The Licensing Authority recognises in its Statement of Licensing Policy 2016 that Westminster has a substantial residential population and that the Council has a duty to protect it from nuisance (Policy 2.2.10).

This area has been identified by the City Council (Policy 2.4.1)) as a cumulative impact area because the cumulative effect of the concentration of late night and drink led premises and/or night cafes has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses. The Policy states that the extent of crime and disorder and public nuisance...arises from the number of people there late at night; a particular number of them being intoxicated, especially in the West End Cumulative Impact Area (Policy 2.4.1).

The policies in relation to the stress areas are directed at the global and cumulative effects of licences on the area as a whole (Policy 2.4.5). The policies are intended to be strict and will only be overridden in 'genuinely exceptional circumstances' (Policy 2.4.2).

The growth in the entertainment industry in Soho has led to a marked deterioration in the quality of life and well-being of local residents and it has jeopardised the sustainability of the community. Soho has a substantial residential community and many of these residents suffer from the problems identified in the 'Characteristics of Cumulative Impact Areas' (Policy Appendix 14). These include, but are not limited to, high levels of noise nuisance, problems with waste, urinating and defecating in the streets, threats to public safety, anti-social behaviour, crime and disorder and the change in character of historic areas.

Conclusion

Para 9.37 of the s182 Guidance requires the licensing authority to determine the application with a view to promoting the licensing objectives in the overall interests of the local community.

For the reasons I have set out, we believe that the application, if granted in its present form, would fail to promote the licensing objectives of prevention of public nuisance and prevention of crime and disorder. I respectfully urge the Licensing Sub-Committee to reject this application.

Please let me know if any proposals are made to amend the application; particularly in respect of the hours sought or any further conditions proposed.

3. Policy & Guidance

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

Policy HRS1 applies:	(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.
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	(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.
Policy MD2 applies:	It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas, other than applications to vary hours within the Core Hours, under Policy HRS1.
Policy PB2 applies:	It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas other than applications to vary hours within the Core Hours under Policy HRS1.
Policy CIA1 applies:	<p>(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.</p> <p>(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.</p>

4. Appendices

Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Map of Local Area

Report author:	Miss Heidi Lawrance Senior Licensing Officer
Contact:	Telephone: 020 7641 2751 Email: hlawrance@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	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Application Form	21 st December 2016
5	Representation – Environmental Health	6 th January 2017
6	Representation – Met Police	17 th January 2017
7	Representation – Licensing Authority	18 th January 2017
8	Representation – Soho Society	18 th January 2017

Premises Plans - Proposed

Edged red - areas to be used for the supply of alcohol, provision of regulated entertainment and late night refreshment.
 The location of the fire safety and other safety equipment is subject to change in accordance with requirements of Responsible Authorities.
 Any detail shown on the plan that is not required by the licensing plans regulations (including capacity figures) is indicative only and subject to change at any time.

REVISIONS

Rev	Date	Comment
1	07/12/16	REVISIONS
2	07/12/16	ADDITIONAL
3	07/12/16	REVISIONS

KEY

- Fire Extinguisher
- First Aid Kit
- Fire Alarm Call Point
- Fire Alarm Control Panel
- Fire Alarm Sounder
- Fire Alarm Repeater
- Fire Alarm Receiver
- Fire Alarm Initiating Device
- Fire Alarm Control Unit
- Fire Alarm Control Panel
- Fire Alarm Sounder
- Fire Alarm Repeater
- Fire Alarm Receiver
- Fire Alarm Initiating Device
- Fire Alarm Control Unit

NOTES

1. ALL AREAS SHOWN IN RED ARE TO BE USED FOR THE SUPPLY OF ALCOHOL, PROVISION OF REGULATED ENTERTAINMENT AND LATE NIGHT REFRESHMENT. THE LOCATION OF THE FIRE SAFETY AND OTHER SAFETY EQUIPMENT IS SUBJECT TO CHANGE IN ACCORDANCE WITH REQUIREMENTS OF RESPONSIBLE AUTHORITIES.
2. ANY DETAIL SHOWN ON THE PLAN THAT IS NOT REQUIRED BY THE LICENSING PLANS REGULATIONS (INCLUDING CAPACITY FIGURES) IS INDICATIVE ONLY AND SUBJECT TO CHANGE AT ANY TIME.
3. THE LICENSING PLANS REGULATIONS (INCLUDING CAPACITY FIGURES) IS INDICATIVE ONLY AND SUBJECT TO CHANGE AT ANY TIME.
4. ALL INFORMATION IS INDICATIVE ONLY AND SHOULD NOT BE USED AS A BASIS FOR ANY DECISIONS.
5. ALL INFORMATION IS INDICATIVE ONLY AND SHOULD NOT BE USED AS A BASIS FOR ANY DECISIONS.
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STATUS

Project: THE BORDERLINE
 Drawing Name: LICENSING PLANS
 Date: 07/12/16
 Scale: 1:1000
 Project No: 16851
 Drawing No: 110
 Drawn By: NI
 Checked by: AL

Zopsigog Ltd
 Registered in England
 No. 10134587
 10134587

Applicant Supporting Documents

None submitted.

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
05/03705/LIPC	Conversion Application	14.06.2005	Granted Under Delegated Authority
05/12306/LIPDPS	Application to Vary the Designated Persons Supervisor	06.12.2005	Granted Under Delegated Authority
08/04654/LIPV	Variation Application	10.07.2008	Granted by Licensing Sub-Committee
08/06179/LIPDPS	Application to Vary the Designated Persons Supervisor	12.08.2008	Granted Under Delegated Authority
09/07966/LIPVM	Minor Variation Application	09.11.2009	Granted Under Delegated Authority
10/10718/LIPV	Variation Application	11.02.2011	Granted Under Delegated Authority
12/10469/LIPDPS	Application to Vary the Designated Persons Supervisor	11.02.2013	Granted Under Delegated Authority
15/00619/LIPDPS	Application to Vary the Designated Persons Supervisor	10.03.2015	Granted Under Delegated Authority
16/05496/LIPT	Transfer Application	15.06.2016	Granted Under Delegated Authority
16/06349/LIPDPS	Application to Vary the Designated Persons Supervisor	01.07.2016	Granted Under Delegated Authority
17/01216/LIPVM	Minor Variation	17.02.2017	Granted Under Delegated Authority
17/02920/LIPDPS	Application to Vary the Designated Persons Supervisor	03.04.2017	Granted Under Delegated Authority

11/02197/LITENN	Temporary Event Notice	14.03.2011	Notice Granted
11/02201/LITENN	Temporary Event Notice	14.03.2011	Notice Granted
11/02900/LITENN	Temporary Event Notice	31.03.2011	Notice Granted
12/02819/LITENP	Temporary Event Notice	16.04.2012	Notice Granted
12/04248/LITENP	Temporary Event Notice	28.05.2012	Notice Granted
12/06503/LITENP	Temporary Event Notice	31.07.2012	Notice Granted
12/10109/LITENP	Temporary Event Notice	22.11.2012	Notice Granted
13/01520/LITENP	Temporary Event Notice	13.03.2013	Notice Granted
13/02670/LITENP	Temporary Event Notice	02.05.2013	Notice Granted
13/02995/LITENP	Temporary Event Notice	15.05.2013	Notice Granted
13/05581/LITENP	Temporary Event Notice	30.07.2013	Notice Granted
14/02952/LITENP	Temporary Event Notice	27.05.2014	Notice Granted
14/03234/LITENP	Temporary Event Notice	28.05.2014	Notice Granted
14/06710/LITENP	Temporary Event Notice	16.12.2014	Notice Granted
15/01151/LITENP	Temporary Event Notice	20.02.2015	Notice Granted
15/01158/LITENP	Temporary Event Notice	07.07.2015	Notice Granted
16/01747/LITENP	Temporary Event Notice	01.03.2016	Notice Granted

16/03295/LITENP	Temporary Event Notice	06.04.2016	Notice Granted
16/04307/LITENP	Temporary Event Notice	09.05.2016	Notice Granted
17/03374/LITENP	Temporary Event Notice	20.04.2017	Notice Granted

No appeal history

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

When determining an application to vary a 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

- (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.
9. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority

The applicant proposed that conditions 10 to 36 be removed:

Conditions reproducing the effect of conditions subject to which the relevant existing licences have effect

Conditions relating to Regulated Entertainment

10. On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).
11. Notwithstanding the provisions of Rule of Management No. 6 the premises may remain open for the purposes of this licence from 11pm on each of the days Monday to Wednesday to 3am on the day following from 11pm on Thursday, Friday and Saturday to 6.00am on the day following.

Conditions related to the Sale of Alcohol

12. Substantial food and suitable non intoxicating beverages, including drinking water, shall be available throughout permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.
13. On any evening where the premises are open for music, dance or entertainment and a section 77 special hours certificate is in operation, intoxicating liquor may not be sold or supplied to persons admitted to the premises after 11pm other than to:

- (a) Persons who have paid a minimum admission fee of at least £5 Sunday to Thursday, and £7 Friday and Saturday for admission (not to be credited against consumables); or
 - (b) Persons who have paid a minimum annual admission fee of at least £150 payable in advance (not to be credited against consumables). A list of all persons who have paid an annual admission fee will be held for inspection by the relevant authority or
 - (c) Any person attending a private function at the premises, details of the type of function, host and list of persons attending having been provided to Police at least 24 hours previously; or
 - (d) Artistes or person employed on the premises; or
 - (e) Bona fide guests of the proprietor (not exceeding 10% of the total capacity for the premises as specified in the Public Entertainment Licence for the premises), a list of whom shall be kept at reception for inspection by appropriate authorities; or
 - (f) Persons taking full table meals a list of whom are held for inspection by the relevant statutory authorities.
14. No payment to be made by or on behalf of the premises for distribution of flyers or tickets within public areas in the Licensing districts of Westminster except when tickets are sold through Ticketmaster, Ticketweb and Star Green.

Conditions which reproduce the effect of any restriction imposed on the use of the premises by specified enactments

15. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:
- (a) He is the child of the holder of the premises licence.
 - (b) He resides in the premises, but is not employed there.
 - (c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
 - (d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

15. If any entertainment is provided for children or if an entertainment is provided at which the majority of persons attending are children, then, if the number of children attending the entertainment exceeds 100, it shall be the duty of the holder of the premises licence (or the holder of the club premises certificate):
- (a) to station and keep stationed wherever necessary a sufficient number of adult attendants, properly instructed as to their duties, to prevent more children or other persons being admitted to the building, or to any part thereof, than the building or part can properly accommodate,

- (b) to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof, and
 - (c) to take all other reasonable precautions for the safety of the children.
16. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.

Annex 2 – Conditions consistent with the operating Schedule

17. The number of persons accommodated at any one time (excluding staff) shall not exceed 300 in the basement.
18. 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 to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
19. 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, which will record the following:
- (a) all crimes reported to the venue
 - (b) any complaints received regarding crime disorder
 - (c) any incidents of disorder
 - (d) any faults in the CCTV system or searching equipment or scanning equipment
 - (e) any refusal of the sale of alcohol
 - (f) any visit by a relevant authority or emergency service.

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

20. (i) Monday to Saturday
- (a) Subject to the following paragraphs, the permitted hours for sale of alcohol on weekdays shall commence at 10.00 (12.00 on Christmas Day) and extend until 03.00 Monday to Wednesday and until 04:00 on Thursday to Saturday on the morning following, except that -
 - (i) the permitted hours shall end at 00.00 midnight on any day on which music and dancing is not provided after midnight; and
 - (ii) on any day that music and dancing end between 00.00 midnight and 03.00 Monday to Wednesday or 04:00 Thursday to Saturday, the permitted hours shall end when the music and dancing end;
 - (b) In relation to the morning on which summer time begins, paragraph (a) of this condition shall have effect-
 - (i) with the substitution of references to 05.00 for references to 04.00.
 - (c) The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.

- (d) The permitted hours on New Year's Eve will extend to the start of the permitted hours on the following day, or if there are no permitted hours on 1 January, to 00:00 on New Year's Eve.

NOTE - The above restrictions do not prohibit:

- (a) during the first thirty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (d) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (e) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (f) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of her Majesty's naval, military or air forces;
- (g) the taking of alcohol from the premises by a person residing there;
- (h) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
- (i) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.

(ii) Sunday

- (a) On Sundays, other than Christmas Day or New Year's Eve, 12.00 noon to 22.30.
- (b) On Christmas Day, 12.00 to 15.00 and 19.00 to 22.30.
- (c) On New Year's Eve on a Sunday, 12.00 to 22.30.
- (d) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, 00.00 midnight on 31st December).

NOTE - The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;

- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking table meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (d) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (f) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (h) the taking of alcohol from the premises by a person residing there;
- (i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
- (j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.

- 21. This licence is subject to all the former Rules of Management for Places of Public Entertainment licensed by Westminster City Council, in force from 4 September 1998 and incorporating amendments agreed by the Council on 25 October 1999, 30 June 2000, 16 January 2001 and 1 October 2001.
- 22. Whilst the premises are in use under this licence, Rule of Management No. 4(a) is waived.
- 23. Striptease shall only take place in the designated areas approved by the Council. The approved arrangement for access to the dressing room shall be maintained at all times whilst striptease is taking place and immediately thereafter.
- 24. Striptease entertainment may be provided by male performers only.

25. The striptease entertainment shall only be given by the performers and the audience shall not be permitted to participate.
26. All performances must be segregated from the audience and must have direct access to the dressing room without passing through or in close proximity to the audience.
27. The area proposed for striptease shall be in a position where the performance cannot be seen from the street.
28. Except with the consent of the Council, there shall be no external advertising of the striptease entertainment either at the premises or within a 200 metres radius of the premises.
29. Whilst striptease entertainment is taking place no person under the age of 18 shall be on the licensed premises and a clear notice shall be displayed at each entrance to the premises in a prominent position so that it can be easily read by persons entering the premises in the following terms: NO PERSONS UNDER 18 WILL BE ADMITTED.
30. The licensee, performer and any person concerned in the organisation or management of the premises shall not encourage or permit others to encourage customers to throw money at or otherwise give gratuities to the performers.
31. The number of nights per year on which the waiver may be operated is restricted to 40 and these occasions to be identified to the Metropolitan Police and the Licensing Authority.
32. The entertainment to be provided when the waiver applies is limited to a talent style entertainment show, which is to last no more than one and a half hours on each occasion. There shall be no physical contact between the performers during the entertainment.
33. A registered door supervisor is to be present in the lower basement whenever striptease entertainment is provided.
34. At least two registered door supervisors shall be stationed at the entrance to the premises whenever the premises are used for striptease entertainment, so as to ensure that customers enter and exit the premises in a quiet and orderly manner.
35. The venue shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the venue is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
36. There will be no entry or re-entry permitted to the premises after 03:00 hours except for smokers already within club premise before that time of 03:00 hours.

Proposed conditions from the applicant

37. A CCTV system with recording shall be installed and maintained at the remises and operated with cameras in positions agreed with the Police. All recordings used in conjunction with CCTV shall:
- a) Be evidential of quality in all lighting conditions
 - b) Indicate the correct time and date
 - c) Be retained for a period of 31 consecutive days
- A member of staff trained to use the system shall be on duty at all times, as the recorded images must be made available for inspection and downloading immediately upon request to officers of Responsible Authorities.
38. All images downloaded from the CCTV system must be provided in a format that can be viewed on readily available equipment without the need for specialist software.
39. A bound and sequentially paginated incident/accident book or electronic record shall be kept to record all instances of disorder, damage to property and personal injury at the premises. Such records are to be made available for inspection and copying by the Police and other officers of Responsible Authorities immediately upon request, and all such records are to be retained at the premises for at least 12 months.
40. A bound and sequentially paginated refusals book or electronic record shall be kept at the premises to record all instances where admission or service is refused. Details to show:
- d. The basis of the refusal;
 - e. The person making the decision to refuse; and
 - f. The date and time of the refusal
- Such books/records to be retained at the premises for at least 12 months, and shall be made available for inspection and copying by the Police, or other officers of a Responsible Authority, immediately upon request.
41. Training records shall be kept to record staff training and advice including the following areas:
- d) preventing underage sales of alcohol
 - e) preventing proxy sales of alcohol to underage persons
 - f) preventing sales of alcohol to a person who is drunk
- These records shall be made available for inspection and copying by the Police and other officers of Responsible Authorities immediately upon request and all such records are to be retained at the premises for at least 12 months
42. Clear notices shall be prominently displayed requesting customers to leave the premises and the area in a quiet and orderly manner.
43. The Designated Premises Supervisor or nominated person shall take all reasonable steps to ensure that patrons awaiting entry to the premises or leaving the premises do not cause annoyance or nuisance to any other person in the vicinity of the premises

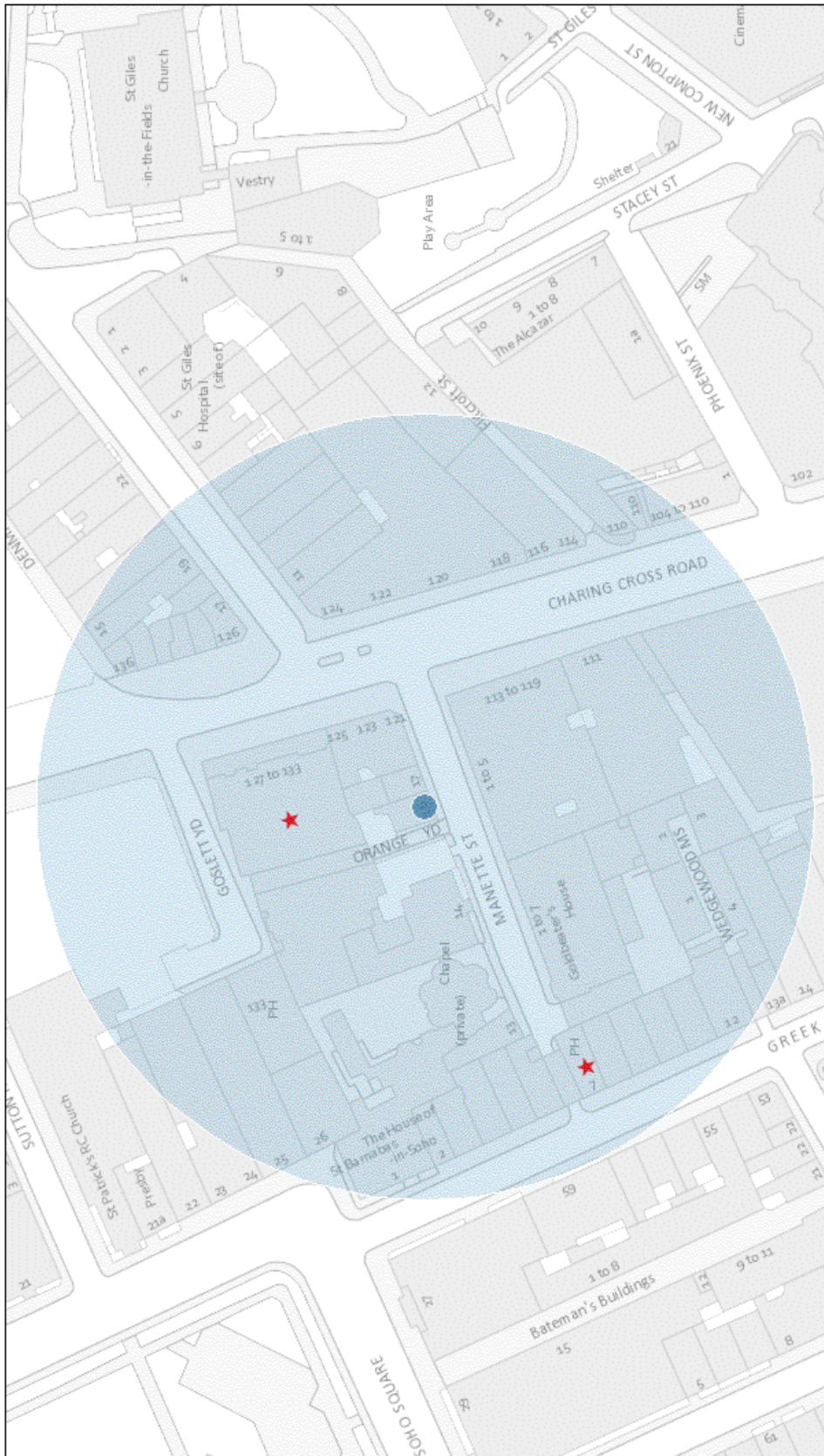
44. A Challenge 21 scheme shall operate at the premises. Any person who appears to be under 21 years of age shall not be served alcohol unless they produce an acceptable form of identification (passport, driving licence, Military Identity Card or PASS accredited card).
45. Challenge 21 notices will be displayed in prominent positions throughout the premises
46. A minimum of 3 Security Industry Authority registered door supervisor(s) shall be employed at the premises on club nights from 23:00 hours until close.
47. Additional door supervisors shall be employed at the premises on occasions as deemed necessary by the Designated Premises Supervisor and/pr premises management following a risk assessment and on occasions when requested by, and following consultation with the Police.
48. The Designated Premises Supervisor or nominated person shall ensure that any door supervisors employed at the premises wear and clearly display, their SIA registration badge at all times whilst on duty.
49. A bound and sequentially paginated book or electronic record shall be maintained at the premises contained the names, home address, dates of birth and SIA registration number of door supervisors employed on any particular day. These records shall be kept at the premises for at least 12 months and shall be made available for inspection and copying by the Police immediately upon request.
50. There shall be no entry or re-entry permitted to the premises after 03:00 hours except for smokers already within the premises before 03:00 hours.

Conditions proposed by MET Police Service

51. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
52. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
53. 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.

54. A Minimum of 3 SIA` registered door supervisors shall be employed at the premises from 2300 hours until close.
55. There shall be no admittance or re-admittance to the premises after 0300 except for patrons permitted to temporarily leave the premises to smoke.
56. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
57. 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.
58. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
59. 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
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
60.
 - a. All drinking vessels used in the venue shall be polycarbonate. All drinks in glass bottles are to be decanted into polycarbonate containers or polycarbonate carafes prior to being served, with the exception of champagne or bottles of spirits with a minimum size of 70cl supplied by waiter/waitress service to tables. Staff shall clear all empty champagne and spirit bottles promptly from the tables. Customers shall not be permitted to leave their table carrying any such glass bottles or drink directly from the bottle.
 - b. Notwithstanding a) above, with the written agreement of the Westminster Licensing Police, a copy of which will be held at the premises reception, glass drinking vessels may be used for private or pre-booked events.

Boarderline



April 26, 2017

★ Public House

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City of Westminster

Licensing Sub-Committee Item 4 Report

Item No:	
Date:	4 th May 2017
Licensing Ref No:	17/01629/LIPV - Premises Licence Variation
Title of Report:	Hibiscus 29 Maddox Street London W1S 2PA
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:	Miss Yolanda Wade Senior Licensing Officer
Contact details	Telephone: 020 7641 1872 Email: ywade@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	14 February 2017		
Applicant:	SMD Concepts Limited		
Premises:	Hibiscus		
Premises address:	29 Maddox Street London W1S 2PA	Ward:	West End
		Cumulative Impact Area:	West End
Premises description:	The premises currently operates a restaurant		
Variation description:	<p>The application seeks to:</p> <ol style="list-style-type: none"> 1) Vary the layout of the premises which increases the capacity on both the basement and ground floors as noted below: <ul style="list-style-type: none"> Ground Floor (current) = 52 Ground Floor (proposed) = 80 Basement (current) = 16 Basement (proposed) = 60 2) Remove conditions 9 and 19 of the current premises licence (16/08222/LIPT) 3) Amend/replace conditions 10, 12, 14, 15 and 16 of the current premises licence 		
Premises licence history:	The premises currently benefits from a premises licence 16/08222/LIPT		
Applicant submissions:	See (Appendix 2)		

1-B Current and proposed licensable activities, areas and hours

Late night refreshment						
Indoors, outdoors or both		Current :			Proposed:	
		Indoors			Indoors	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	00:00	No	No	Basement &	Increase capacity

			change	change	Ground Floor	in Basement & Ground Floor
Tuesday	23:00	00:00	No change	No change	Basement & Ground Floor	Increase capacity in Basement & Ground Floor
Wednesday	23:00	00:00	No change	No change	Basement & Ground Floor	Increase capacity in Basement & Ground Floor
Thursday	23:00	00:00	No change	No change	Basement & Ground Floor	Increase capacity in Basement & Ground Floor
Friday	23:00	00:00	No change	No change	Basement & Ground Floor	Increase capacity in Basement & Ground Floor
Saturday	23:00	00:00	No change	No change	Basement & Ground Floor	Increase capacity in Basement & Ground Floor
Sunday						

Sale by Retail of Alcohol

On or off sales			Current :		Proposed:	
			On		On	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	00:00	No change	No change	Basement & Ground Floor	Increase capacity in Basement & Ground Floor
Tuesday	10:00	00:00	No change	No change	Basement & Ground Floor	Increase capacity in Basement & Ground Floor
Wednesday	10:00	00:00	No change	No change	Basement & Ground Floor	Increase capacity in Basement & Ground Floor
Thursday	10:00	00:00	No change	No change	Basement & Ground Floor	Increase capacity in Basement & Ground Floor
Friday	10:00	00:00	No change	No change	Basement & Ground Floor	Increase capacity in Basement & Ground Floor
Saturday	10:00	00:00	No change	No change	Basement & Ground Floor	Increase capacity in Basement & Ground Floor
Sunday	12:00	23:00	No change	No change	Basement & Ground Floor	Increase capacity in Basement & Ground Floor

Hours premises are open to the public

	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	00:00	No	No	Basement &	Increase capacity in

			change	change	Ground Floor	Basement & Ground Floor
Tuesday	10:00	00:00	No change	No change	Basement & Ground Floor	Increase capacity in Basement & Ground Floor
Wednesday	10:00	00:00	No change	No change	Basement & Ground Floor	Increase capacity in Basement & Ground Floor
Thursday	10:00	00:00	No change	No change	Basement & Ground Floor	Increase capacity in Basement & Ground Floor
Friday	10:00	00:00	No change	No change	Basement & Ground Floor	Increase capacity in Basement & Ground Floor
Saturday	10:00	00:00	No change	No change	Basement & Ground Floor	Increase capacity in Basement & Ground Floor
Sunday	12:00	23:00	No change	No change	Basement & Ground Floor	Increase capacity in Basement & Ground Floor

1-C Layout alteration

To vary the layout of the premises by increasing the capacity on both the basement and ground floors.

1-D Conditions being varied, added or removed

Condition	Proposed variation
<p>Condition 9</p> <p>Persons under the age of 16 shall not be permitted onto the premises unless accompanied by an adult.</p> <p>Condition 19</p> <p>A refuse store of sufficient size shall be provided.</p>	<p>To be removed</p>
<p>CONDITIONS</p> <p>Condition 10</p> <p>The number of persons accommodated at the premises shall be: Ground Floor - 52 persons excluding staff Basement - 16 persons excluding staff</p>	<p>TO BE REPLACED WITH</p> <p>The number of persons accommodated at the premises (excluding staff) shall not exceed Ground Floor - 80 persons Basement - 60 persons</p>

<p>Condition 12</p> <p>Suitable beverages other than alcohol (including drinking water) shall be equally available during the hours when licensable activities take place.</p> <p>Condition 14</p> <p>The supply of alcohol shall only be by waiter or waitress service to persons seated at tables.</p> <p>Condition 15</p> <p>The premises will maintain a comprehensive CCTV system that ensures that all entry and exit points and bar areas of the premises are monitored which enable frontal identification of every person entering in any light condition. All cameras shall continually record whilst the premises are open to the public and the recordings shall be kept available for a minimum of 31 days with time and date stamping. Recordings shall be made available to an authorised officer or a police officer together with facilities for viewing. The recordings for the preceding two days shall be made available immediately on request. Recordings outside this period shall be made available on 24 hours notice (subject to the Data Protection Act 1998). The CCTV system will be installed and maintained as agreed with the Metropolitan Police Crime Prevention Officer</p> <p>Condition 16</p> <p>No noise may emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.</p>	<p>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.</p> <p>The supply of alcohol within the restaurant (hatched) shall only be by waiter or waitress service to persons seated at tables.</p> <p>The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.</p> <p>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.</p> <p>No noise generated on the premises or by it's 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.</p>
<p>CONDITIONS</p>	<p>TO BE ADDED</p>
<p>A Challenge 21 roof of age scheme shall</p>	<p>TO BE ADDED</p>

<p>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.</p> <p>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.</p> <p>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.</p> <p>No licensable activities shall take place at the premises until the premises have been assessed by the Environmental Health Consultation Team, at which time this condition shall be removed from the licence by the licensing authority.</p> <p>Before the premises is open to the public the plans as deposited will be checked by the Environmental Health Consultation Team to ensure that they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority</p>	<p>TO BE ADDED</p> <p>TO BE ADDED</p> <p>TO BE ADDED</p> <p>TO BE ADDED</p>
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2. Representations

Responsible Authority:	The Licensing Authority
Representative:	Mr Steve Rowe
Received:	14.03.2017

I write in relation to the application submitted for a variation of the Premises Licence for the above premises.

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

- Public Nuisance
- Prevention of Crime & Disorder
- Public Safety
- Protection of Children from Harm

As it stands the application does contravene Westminster's Statement of Licensing Policies CIP1, HRS1, RNT2 and PB2.

The application seeks to:

- Vary the layout of the premises
- Remove conditions 9 and 19 of the current premises licence
- Amend/replace conditions 10, 12, 14, 15 and 16 of the current premises licence

The premises do not intend to vary any of the licensable activities or hours at the premises.

It is noted that the change to the layout of the premises will increase the capacities in both the ground floor and basement as detailed below:

Ground Floor (current) = 52

Ground Floor (proposed) = 80 which = overall increase of 28

Basement (current) = 16

Basement (proposed) = 60 which = overall increase of 44

Overall increase in capacity of 72

The premises is located inside the Cumulative Impact Area.

Policy CIP1 states (i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1. However part (ii) states: Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.

Policy HRS1 states at paragraph 2.3.2: "It is the intention to generally grant licences... where the hours when customers are permitted to be on the premises are within the 'core hours' as set out in Policy HRS1. This is not a policy to refuse applications for longer hours than the core hours and consideration will in all cases be given to the individual merits of an application. Where a proposal is made to operate outside these core hours each application will be considered on its merits against the criteria as set out in paragraph (ii) (of Policy HRS1)".

The current terminal hour for LNR and alcohol on Monday to Saturday is 00:00 which is 30 minutes beyond core hours on each of the days Monday to Thursday. The current terminal hour for alcohol on a Sunday is 23:00 again 30 minutes beyond core hours. As stated above the premises are currently licensed for these hours and they have not applied to vary them.

Policy RNT2 which relates to restaurants within the CIA states 'Applications will be granted subject to other policies in this Statement and subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas.

Paragraph 2.5.3 of the Council's Policy relating to restaurants states in part that '.....The Council is particularly concerned that restaurant premises in the cumulative impact areas do not, even in part, come to operate as bars and particularly not as "vertical drinking" premises where customers consume alcohol standing throughout the evening.'

Policy PB2 which relates to pubs and bars states 'It is the Licensing Authority's policy to refuse applications in the CIA other than applications to vary the hours within the core hours under policy HRS1'. The application is seeking to increase the capacity by 72 people by virtue of the change of layout. The applicants have not demonstrated that this increase will not add to cumulative impact in the CIA in a premises which terminal hour is not consistent with the Councils core hours between a Sunday to Thursday. Further the applicants have not stated whether there will be any increase in the number of persons waiting at the bar area at any one time.

Please therefore accept this as a formal representation, further details will be provided in due course including a discussion relating to conditions. In the meantime, please provide a suitable date to arrange a site visit

Responsible Authority:	The Metropolitan Police
Representative:	PC Toby Janes
Received:	9 th March 2017
<p>With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, make a representation against the above application.</p> <p>It is our belief that if granted the application would undermine the licensing objectives in relation to the prevention of crime and disorder as there are insufficient conditions within the operating schedule.</p> <p>The venue is situated in the West End cumulative impact area, a locality where there is traditionally high crime and disorder. We have concerns that this application will cause further policing problems in an already demanding area.</p>	

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy CIA1 applies:	<p>(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.</p> <p>(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.</p>
Policy HRS1 applies:	<p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p>

4. Appendices

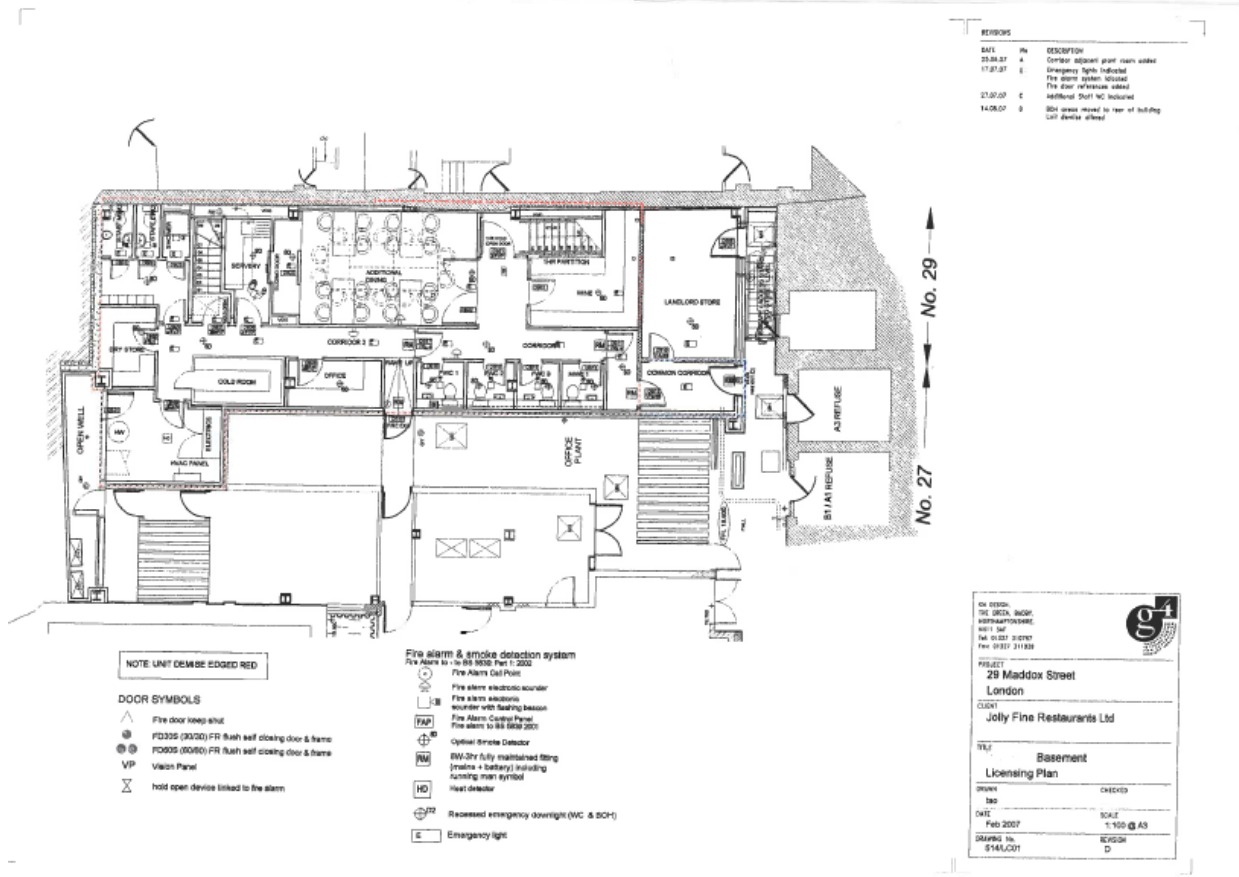
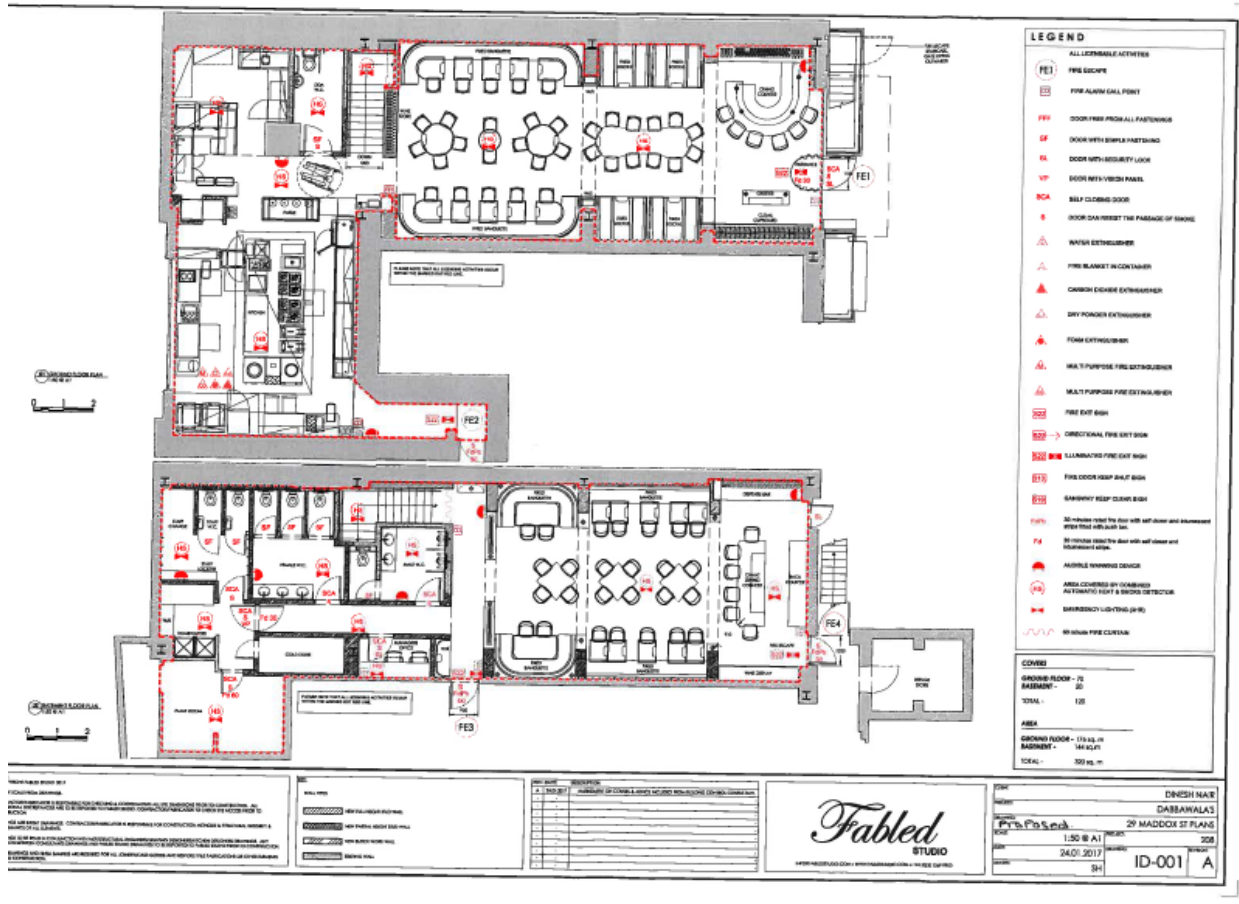
Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map

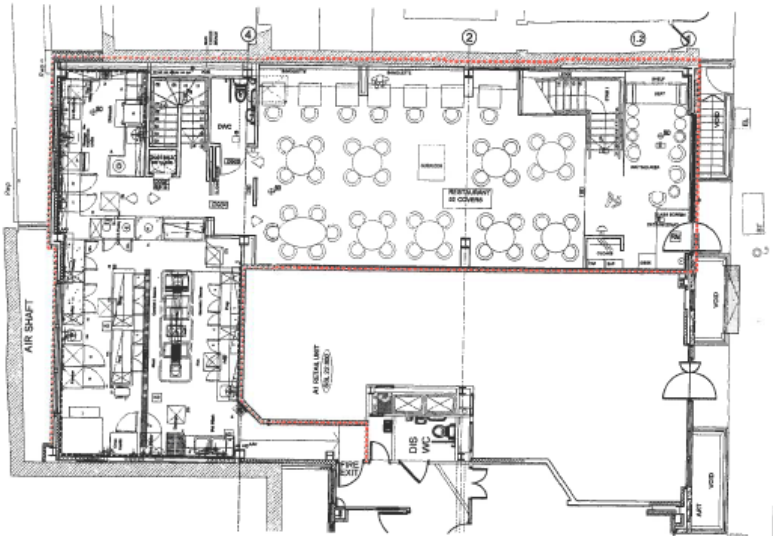
Report author:	Miss Yolanda Wade Senior Licensing Officer
Contact:	Telephone: 020 7641 1872 Email: ywade@westminster.gov.uk

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	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Application Form	14 th February 2017
5	The Licensing Authority Representation	14 th March 2017
6	The Metropolitan Police Representation	9 th March 2017





14.08.07
 14.08.07
 14.08.07

NOTE UNIT DEMARCATED RED

DOOR SYMBOLS

- ⊕ FD30S (FD30) FR flush self closing door & frame
- ⊕ Fire door keep locked

Fire alarm & smoke detection system

Fire Alarm to BS 5839 Part 1: 2002

Fire Alarm Call Point

- ⊕ Fire alarm electronic sounder
- ⊕ Fire alarm electronic monitor with flashing beacon
- ⊕ Fire Alarm Control Panel
- ⊕ Fire alarm to BS 6838:2001
- ⊕ Crystal Smoke Detector
- ⊕ M/S fully maintained fitting (main + battery) including running man symbol
- ⊕ Heat detector
- ⊕ Recessed emergency downlight (MC & BCH)
- ⊕ Emergency light

29 MADDOX STREET LONDON	
PROJECT 29 Maddox Street London	
CLIENT Jolly Fine Restaurants Ltd.	
TITLE Ground Floor Licensing Plan	
DRAWN 193	CHECKED
DATE Feb 2007	SCALE 1:100 @ A3
DRAWING NO. 214/LC02	REVISION B

PROPOSED CONDITIONS

1: TO REMOVE CONDITIONS 9 AND 19 IN ANNEX 3 OF PREMISES LICENCE 16/08222/LIPT WHICH ARE OBSOLETE AND OUTDATED

2: TO RETAIN CONDITIONS 11, 13, 17, 18 IN PREMISES LICENCE 16/08222/LIPT

3: TO REPLACE CONDITIONS 10, 12, 14, 15, 16 AS FOLLOWS:-

- The number of persons accommodated at the premises (excluding staff) shall not exceed:-
Ground floor – 80 persons
Basement – 60 persons
- 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.
- The supply of alcohol within the restaurant (hatched) shall only be by waiter or waitress service to persons seated at tables.
- The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling front or identification of every person entering in any like condition. The CCTV system shall continually recall whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with dates and times stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
- 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 with copies of recent CCTV images or data with the absolute minimum of delay when requested.
- 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 nuisance.

TO ADD NEW CONDITIONS AS FOLLOWS:

- A Challenge 21 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.

- 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, which 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 this order;
 - E. All seizures of drugs or offensive weapons;
 - F. Any faults in the CCTV system or searching equipment or scanning equipment;
 - G. Any refusal of the sale of alcohol;
 - H. Any visit by a relevant authority or emergency service.

- 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.

- No licensable activities shall take place at the premises until the premises have been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the Licensing Authority.

- Before the premises open to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction, new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
07/07583/WCCMAP	Application for a new premises licence	08.08.2007	Granted under delegated authority
16/08222/LIPT	Application to transfer premises licence from Jolly Fine restaurants limited to SMD Concepts Limited	26.01.2017	Granted under delegated authority
17/01328/LIPDPS	Application to vary a premises licence to specify an individual as designated premises supervisor	02.03.2017	Granted under delegated authority

There is no appeal history

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

When determining an application for a variation of a 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 -

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 or 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

9. Persons under the age of 16 shall not be permitted onto the premises unless accompanied by an adult. **(proposed to be removed)**
10. The number of persons accommodated at the premises shall be:
Ground Floor - 52 persons excluding staff
Basement - 16 persons excluding staff
Proposed to be amended to:

The number of persons accommodated at the premises (excluding staff) shall not exceed
Ground Floor - 80 persons
Basement - 60 persons
11. The supply of alcohol shall only be to persons taking table meals there and consumption by such a person as ancillary to their meal.
12. Suitable beverages other than alcohol (including drinking water) shall be equally available during the hours when licensable activities take place.
Proposed to be amended to:

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.
13. Alcohol served in the bar shall only be to patrons waiting to be seated in the Restaurant area.
14. The supply of alcohol shall only be by waiter or waitress service to persons seated at tables. **proposed to be amended to:**

The supply of alcohol within the restaurant (hatched) shall only be by waiter or waitress service to persons seated at tables.
15. The premises will maintain a comprehensive CCTV system that ensures that all entry and exit points and bar areas of the premises are monitored which enable frontal identification of every person entering in any light condition. All cameras shall continually record whilst the premises are open to the public and the recordings shall be kept available for a minimum of 31 days with time and date stamping. Recordings shall be made available to an authorised officer or a police officer together with facilities for viewing. The recordings for the preceding two days shall be made available immediately on request. Recordings outside this period shall be made available on 24 hours notice (subject to the Data Protection Act 1998). The CCTV system will be installed and maintained as agreed with the Metropolitan Police Crime Prevention Officer
Proposed to be amended to:

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

stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.

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.

16. No noise may emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

Proposed to be amended to:

No noise generated on the premises or by it's 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. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
18. No rubbish including bottles will be moved, removed or placed in outside areas between 23:00 hours and 08:00 hours.
19. A refuse store of sufficient size shall be provided. **(proposed to be removed)**

Proposed conditions by Police

20. The premises shall only operate as a restaurant
- (i) in which customers are shown to their table,
 - (ii) where the supply of alcohol is by waiter or waitress service only,
 - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
 - (iv) which do not provide any take away service of food or drink for immediate consumption,
 - (v) which do not provide any take away service of food or drink after 23.00, and
 - (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.
21. Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.
22. Notwithstanding condition MC66, alcohol may be supplied and consumed prior to their meal in the bar area (designated on the plan), by up to a maximum at any one time, of 10 persons dining at the premises.

Proposed conditions by the applicant as part of the Operating schedule

23. The number of persons accommodated at the premises (excluding staff) shall not exceed
Ground Floor - 80 persons
Basement - 60 persons
24. The supply of alcohol within the restaurant (hatched) shall only be by waiter or waitress service to persons seated at tables.
25. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
26. 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.
27. 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.
28. A Challenge 21 roof 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.
29. 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.
30. 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.
31. No licensable activities shall take place at the premises until the premises have been assessed by the Environmental Health Consultation Team, at which time this condition shall be removed from the licence by the licensing authority.
32. Before the premises is open to the public the plans as deposited will be checked by the Environmental Health Consultation Team to ensure that they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.

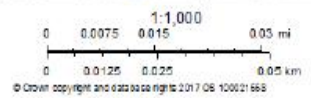
Residential Map of Premises

Hibiscus



April 26, 2017

- ★ Public House
- Live Licensing Act



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Item No:	
Date:	4 May 2017
Licensing Ref No:	17/02037/LIPN - New Premises Licence
Title of Report:	The Frog 35 Southampton Street London WC2E 7HE
Report of:	Director of Public Protection and Licensing
Wards involved:	St James's
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Heidi Lawrance Senior Licensing Officer
Contact details	Telephone: 020 7641 2751 Email: hlawrance@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	23 February 2017		
Applicant:	Adam Handling Limited		
Premises:	The Frog		
Premises address:	35 Southampton Street London WC2E 7HE	Ward:	St James's
		Cumulative Impact Area:	West End
Premises description:	The premises will be operating as a restaurant		
Premises licence history:	<p>This is an application for a new premises licence.</p> <p>However, part of the premises is currently licensed under premises licence reference: 06/08786/WCCMAP. Attached at Appendix 5.</p>		
Applicant submissions:	<p>The application is submitted to authorise licensable activities across the existing licensed demise and new areas at basement and ground floor level.</p> <p>The application follows pre application advice with the Environmental Health Consultation Team and District Surveyor.</p>		

1-B Proposed licensable activities and hours							
Late Night Refreshment:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	
End:	23:30	23:30	23:30	23:30	00:00	00:00	
Seasonal variations/ Non-standard timings:				<p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day</p> <p>Midnight on Sundays immediately before bank holiday Mondays.</p>			

Recorded Music				Indoors, outdoors or both:			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	12:00
End:	23:30	23:30	23:30	23:30	00:00	00:00	22:30
Seasonal variations/ Non-standard timings:			From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day				
			Midnight on Sundays immediately before bank holiday Mondays.				

Sale by retail of alcohol				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	12:00
End:	23:30	23:30	23:30	23:30	00:00	00:00	22:30
Seasonal variations/ Non-standard timings:			From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.				
			Midnight on Sundays immediately before bank holiday Mondays.				

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	08:00	08:00	08:00	08:00	08:00	08:00	08:00
End:	00:00	00:00	00:00	00:00	00:30	00:30	23:00
Seasonal variations/ Non-standard timings:			From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.				
			00:30 on Sundays immediately before bank holiday Mondays.				
Adult Entertainment:			Not applicable.				

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Consultation Team
Representative:	Miss Sally Thomas
Received:	15 th March 2017
<p>The premises are situated in the West End Cumulative Impact Area as stated in City of Westminster's Statement of Licensing Policy.</p> <p>This representation is based on the Operating Schedule and the submitted plans, ground floor and basement, titled with the address and dated 16/02/17 and drawing number 3600 rev F.</p> <p>The applicant is seeking the following on the ground floor and basement:</p> <ol style="list-style-type: none">1. To allow the Supply of Alcohol both 'on and off' the premises Monday to Thursday 10:00-23:30 hours, Friday-Saturday 10:00-00:00 hours and Sunday 12:00-22:30 hours.2. To allow Late Night Refreshment 'indoors' Monday-Thursday 23:00-23:30 hours and Friday-Saturday 23:00-00:00 hours.3. To allow the provision of Recorded Music 'indoors' Monday-Thursday 10:00-23:30 hours, Friday-Saturday 10:00-00:00 hours and Sunday 12:00-22:30 hours.4. To allow both the Supply of Alcohol and Late Night Refreshment on Sundays before Bank holidays until 00:00 hours and from the end of New Year's Eve to the start of permitted hours on New Year's Day. <p>I wish to make the following representation in relation to the above application:</p> <ol style="list-style-type: none">1. The provision of the Supply of Alcohol may cause an increase in Public Nuisance in the cumulative impact area, it may also impact on Public Safety.2. The provision of Late Night Refreshment may cause an increase in Public Nuisance in the cumulative impact area.3. The provision of Recorded Music may cause an increase in Public Nuisance in the cumulative impact area.4. The extension of hours on a Sunday before a Bank Holiday and New Year's Eve may cause an increase in Public Nuisance in the cumulative impact area. <p>The applicant has proposed conditions within the operating schedule which are being considered. Further conditions may be proposed by Environmental Health in order to help prevent Public Nuisance and protect Public Safety.</p>	

The granting of the new Premises Licence as presented would have the likely effect of causing an increase in Public Nuisance in the cumulative impact area and may impact on Public Safety.

Following discussions with the applicant, Environmental Health have withdrawn their representation.

Responsible Authority:	Licensing Authority
Representative:	Mr Steven Rowe
Received:	23 rd March 2017

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

- Public Nuisance
- Prevention of Crime & Disorder
- Public Safety
- Protection of Children from Harm

As it stands the application does contravene Westminster's Statement of Licensing Policies CIP1, HRS1 and RNT2.

The application is for the supply of alcohol for consumption "On" and "Off", late night refreshment 'indoors' and recorded music 'indoor' during the councils 'core hours'. The applicants are also applying to allow both the Supply of Alcohol and Late Night Refreshment on Sundays before Bank holidays until 00:00 hours and from the end of New Year's Eve to the start of permitted hours on New Year's Day.

The applicant has proposed conditions as part of their application and these will be discussed prior to any hearing.

Policy HRS1 states at paragraph 2.3.2: "It is the intention to generally grant licences... where the hours when customers are permitted to be on the premises are within the 'core hours' as set out in Policy HRS1. Further, Policy RNT2 which relates to restaurants within the CIA states 'Applications will be granted subject to other policies in this Statement and subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas.

The premises is located inside the Cumulative Impact Area.

Policy CIP1 states (i) It is the Licensing Authority’s policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1. However part (ii) states: Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.

Please accept this email as a formal representation.

Please could you provide further submissions that demonstrate that the premises will not add to cumulative impact in the Cumulative Impact Area if the application were to be granted.

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy CIA1 applies	<p>(i) It is the Licensing Authority’s policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.</p> <p>(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.</p>
Policy HRS1 applies:	<p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p>
Policy RNT2 applies:	Applications will be granted subject to other policies in this Statement and subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas.

4. Appendices

Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Premises Licence
Appendix 6	Map of the Local Area

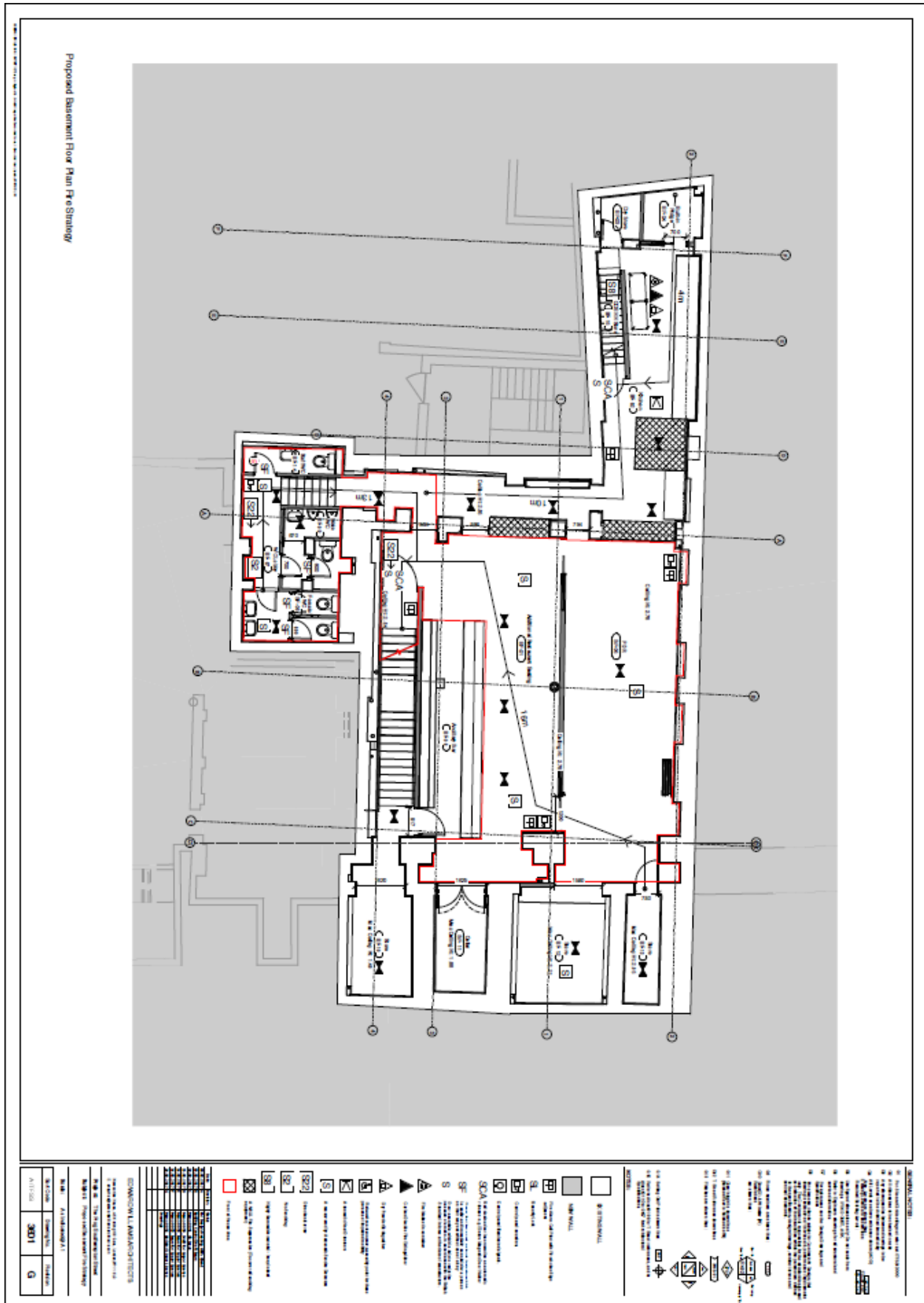
Report author:	Miss Heidi Lawrance Senior Licensing Officer
Contact:	Telephone: 020 7641 2751 Email: hlawrance@westminster.gov.uk

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	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Application Form	23 rd February 2017
5	Representation – Environmental Health	15 th March 2017
6	Representation – Licensing Authority	23 rd March 2017

Premises Plans



Applicant Supporting Documents

None submitted

Premises History - 06/08786/WCCMAP

Application	Details of Application	Date Determined	Decision
06/08786/WCCMAP	New Premises Application	06.10.2005	Granted Under Delegated Authority
16/12755/LIPT	Transfer Application	09.02.2017	Granted Under Delegated Authority Licence Currently Suspended due to non-payment of annual fee.

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

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

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

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

Mandatory Conditions

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

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

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

- 8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 8(ii) For the purposes of the condition set out in paragraph 8(i) above -
- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -
- $$P = D + (D \times V)$$
- Where -
- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Conditions consistent with the operating schedule

9. The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
10. The supply of alcohol shall be by waiter or waitress service only.
11. 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.
12. There shall be no sales of alcohol for consumption off the premises after 23.00.
13. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
14. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00.
15. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed: Ground floor 70 persons; Basement 50 persons.
16. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
17. 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.
18. 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.

19. 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.
20. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
21. All windows and external doors shall be kept closed after 23:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
22. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
23. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
24. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
25. 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.
26. No deliveries to the premises shall take place between (23.00) and (08.00) on the following day.
27. No collections of waste or recycling materials (including bottles) from the premises shall take place between (23.00) and (08.00) on the following day.
28. 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.
29. A Challenge 21 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.
30. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
31. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.

Premises Licence - 06/08786/WCCMAP



Schedule 12
Part A

WARD: St James's
UPRN: 100023430877

City of Westminster

64 Victoria Street, London, SW1E 6QP

Premises licence

Regulation 33, 34

Premises licence number:

16/12755/LIPT

Original Reference:

05/10875/LIPC

Part 1 – Premises details

Postal address of premises:

Manorom Too Thai Restaurant
35 Southampton Street
London
WC2E 7HE

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Playing of Recorded Music
Late Night Refreshment
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit
Sale by Retail of Alcohol

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

Playing of Recorded Music	Unrestricted
Late Night Refreshment	
Monday to Saturday:	23:00 to 00:30
Sunday:	23:00 to 00:00
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit	Unrestricted
Sale by Retail of Alcohol	
Monday to Saturday:	10:00 to 00:00
Sunday:	12:00 to 23:30

For times authorised for Christmas, New Year and Good Friday see conditions at Annex 1

The opening hours of the premises:

Monday to Saturday: 10:00 to 00:30
Sunday: 12:00 to 00:00

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

Alcohol is supplied for consumption on the Premises.

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:

Legal And General Assurance Society Limited
One Coleman Street
London
EC2R 5AA

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

00166055

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

Name: Chareewan Phamonchum

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: Not Supplied
Licensing Authority: Not Supplied

Date: 25 April 2017

This licence has been authorised by Shannon Pring 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.

Conditions reproducing the effect of conditions subject to which the relevant existing licences have effect

Conditions for Sale of Alcohol

- 9. Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal.
- 10. Suitable beverages other than intoxicating liquor (including drinking water) shall be equally available with or otherwise as an ancillary to meals served in the licensed premises.

Conditions which reproduce the effect of any restriction imposed on these of the premises by specified enactments

- 11. Alcohol may be sold or supplied:
 - (a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 10:00 to 00:00;
 - (b) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12:00 to 23:30;
 - (c) On Christmas Day: 12:00 to 22:30;
 - (d) On New Year's Eve, except on a Sunday, 11:00. to 23:00;
 - (e) On New Year's Eve on a Sunday, 12:00 to 22:30;
 - (f) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

NOTE - The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (b) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking table meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (c) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (d) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (e) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (f) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (g) the taking of alcohol from the premises by a person residing there;
- (h) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
- (i) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.

12. Alcohol shall not be sold or supplied unless the premises have been structurally and bona fide used, or intended to be used, for the purposes of habitually providing the customary main meal at midday or in the evening, or both, for the accommodation of persons frequenting the premises.
13. The terminal hour for late night refreshment on New Year's Eve is extended to 05.00 on New Year's Day.

Annex 2 – Conditions consistent with the operating Schedule

None

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

None

Annex 4 – Plans

Attached



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

Schedule 12
Part B

WARD: St James's
UPRN: 100023430877

Premises licence
summary

Regulation 33, 34

Premises licence number:

16/12755/LIPT

Part 1 – Premises details

Postal address of premises:

Manorom Too Thai Restaurant
35 Southampton Street
London
WC2E 7HE

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Playing of Recorded Music
Late Night Refreshment
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit
Sale by Retail of Alcohol

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

Regulated Entertainment
Non-standard Timings: N/A

Playing of Recorded Music
Non-standard Timings: N/A

Late Night Refreshment
Monday to Saturday: 23:00 to 00:30
Sunday: 23:00 to 00:00
Non-standard Timings: N/A

Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit
Non-standard Timings: N/A

Sale by Retail of Alcohol
Monday to Saturday: 10:00 to 00:00
Sunday: 12:00 to 23:30
Non-standard Timings: N/A

For times authorised for Christmas, New Year and Good Friday see conditions at Annex 1

The opening hours of the premises:

Monday to Saturday: 10:00 to 00:30
Sunday: 12:00 to 00:00

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

Alcohol is supplied for consumption on the Premises.

Name and (registered) address of holder of premises licence:

Legal And General Assurance Society Limited
One Coleman Street
London
EC2R 5AA

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

00166055

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

Name: Chareewan Phamonchum

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

Restricted

Date: 25 April 2017

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

PIV Map



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City of Westminster

Agenda Item 6

Licensing Sub-Committee

Report

Item No:	
Date:	4 th May 2017
Licensing Ref No:	17/01564/LIPV - Premises Licence Variation
Title of Report:	Honest Burgers Ground Floor 4 Meard Street London
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:	Miss Yolanda Wade Senior Licensing Officer
Contact details	Telephone: 020 7641 1872 Email: ywade@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	10 February 2017		
Applicant:	Honest Burgers Limited		
Premises:	Honest Burgers		
Premises address:	Ground Floor 4 Meard Street London	Ward:	West End
		Cumulative Impact Area:	West End
Premises description:	The premises is currently operating as a restaurant.		
Variation description:	<p>The applicant has applied to vary the layout of the premises to include the basement area. The ground floor layout will remain as existing.</p> <p>The applicant is also seeking to include the additional conditions to the premises licence:</p> <ol style="list-style-type: none"> 1. The number of persons permitted in the basement at any one time (excluding staff) shall not exceed 28 persons . 2. 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. 3. 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. 		
Premises licence history:	The premises benefits from a premises licence 15/06996/LIPCH		
Applicant submissions:	See Appendix 2		

1-B Current and proposed licensable activities, areas and hours

Regulated Entertainment

Playing of Recorded Music

	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	Unrestricted	Unrestricted	No Change	No Change	Ground Floor	Ground Floor Basement
Tuesday	Unrestricted	Unrestricted	No Change	No Change	Ground Floor	Ground Floor Basement
Wednesday	Unrestricted	Unrestricted	No Change	No Change	Ground Floor	Ground Floor Basement
Thursday	Unrestricted	Unrestricted	No Change	No Change	Ground Floor	Ground Floor Basement
Friday	Unrestricted	Unrestricted	No Change	No Change	Ground Floor	Ground Floor Basement
Saturday	Unrestricted	Unrestricted	No Change	No Change	Ground Floor	Ground Floor Basement
Sunday	Unrestricted	Unrestricted	No Change	No Change	Ground Floor	Ground Floor Basement

Late night refreshment						
Indoors, outdoors or both		Current :			Proposed:	
		Indoors			No change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	00:30	No Change	No Change	Ground Floor	Ground Floor Basement
Tuesday	23:00	00:30	No Change	No Change	Ground Floor	Ground Floor Basement
Wednesday	23:00	00:30	No Change	No Change	Ground Floor	Ground Floor Basement
Thursday	23:00	00:30	No Change	No Change	Ground Floor	Ground Floor Basement
Friday	23:00	00:30	No Change	No Change	Ground Floor	Ground Floor Basement
Saturday	23:00	00:30	No Change	No Change	Ground Floor	Ground Floor Basement
Sunday	23:00	00:00	No Change	No Change	Ground Floor	Ground Floor Basement
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.				No change	

Sale by Retail of Alcohol			
On or off sales	Current :		Proposed:
		On	

	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	00:00	No change	No change	Ground Floor	Ground Floor Basement
Tuesday	10:00	00:00	No change	No change	Ground Floor	Ground Floor Basement
Wednesday	10:00	00:00	No change	No change	Ground Floor	Ground Floor Basement
Thursday	10:00	00:00	No change	No change	Ground Floor	Ground Floor Basement
Friday	10:00	00:00	No change	No change	Ground Floor	Ground Floor Basement
Saturday	10:00	00:00	No change	No change	Ground Floor	Ground Floor Basement
Sunday	12:00	23:30	No change	No change	Ground Floor	Ground Floor Basement
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	(a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 10:00 to 00:00; (b) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12:00 to 23:30; (c) On Christmas Day: 12:00 to 22:30; (d) On New Year's Eve, except on a Sunday, 11:00 to 23:00; (e) On New Year's Eve on a Sunday, 12:00 to 22:30; (f) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).				No change	

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	00:30	No change	No change	Ground Floor	Ground Floor Basement

Tuesday	10:00	00:30	No change	No change	Ground Floor	Ground Floor Basement
Wednesday	10:00	00:30	No change	No change	Ground Floor	Ground Floor Basement
Thursday	10:00	00:30	No change	No change	Ground Floor	Ground Floor Basement
Friday	10:00	00:30	No change	No change	Ground Floor	Ground Floor Basement
Saturday	10:00	00:30	No change	No change	Ground Floor	Ground Floor Basement
Sunday	12:00	00:00	No change	No change	Ground Floor	Ground Floor Basement

1-C Layout alteration

The applicant has applied to vary the layout of the premises to include the basement area for licensable activities. The ground floor layout will remain as existing.

1-D Conditions being added

Condition	Proposed variation
The number of persons permitted in the basement at any one time (excluding staff) shall not exceed 28 persons .	To be added to the premises licence
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.	To be added to the premises licence
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.	To be added to the premises licence
Adult entertainment:	
Current position:	Proposed position:
None	None

2. Representations

2-A Responsible Authorities

Responsible Authority:	The Licensing Authority
Representative:	Mr Steve Rowe
Received:	10 th March 2017

I write in relation to the application submitted for a new Premises Licence for the above premises.

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

- Public Nuisance
- Prevention of Crime & Disorder
- Public Safety
- Protection of Children from Harm

As it stands the application does contravene Westminster's Statement of Licensing Policies CIP1, HRS1 and RNT2.

I note that you are not requesting to remove any of the conditions from your current premises licence which includes condition 9 'Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal'.

Policy HRS1 states at paragraph 2.3.2: "It is the intention to generally grant licences... where the hours when customers are permitted to be on the premises are within the 'core hours' as set out in Policy HRS1. Further, Policy RNT2 which relates to restaurants within the CIA states 'Applications will be granted subject to other policies in this Statement and subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas.

The premises is located inside the Cumulative Impact Area.

Policy CIP1 states (i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1. However part (ii) states: Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.

I have not seen anywhere in your application that demonstrates that adding 28 people in the basement of the premises will not add to cumulative impact in the Cumulative Impact Area if the application were to be granted.

Please therefore accept this as a formal representation.

Responsible Authority:	The Metropolitan Police Service (withdrawn)
Representative:	Mr Toby Jane
Received:	28 th February 2017

With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, make a representation against the above application.

It is our belief that if granted the application would undermine the licensing objectives in relation to the prevention of crime and disorder as there are insufficient conditions within the operating schedule.

The venue is situated in the West End cumulative impact area, a locality where there is traditionally high crime and disorder. We have concerns that this application will cause further policing problems in an already demanding area.

Police propose the following conditions that we would like you to add to your operating schedule:

1. 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) any visit by a relevant authority or emergency service.

2. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.

The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.

3. 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.

The Police representation has been withdrawn as a result of agreed conditions with applicant.

3. Policy & Guidance

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

Policy CIA1 applies:	<ul style="list-style-type: none">(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.
Policy HRS1 applies:	<ul style="list-style-type: none">(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.
Policy FFP2 applies:	It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas, other than applications to vary hours within the Core Hours under Policy HRS1.

4. Appendices

Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history

Appendix 4	Proposed conditions
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Report author:	Miss Yolanda Wade Senior Licensing Officer
Contact:	Telephone: 020 7641 1872 Email: ywade@westminster.gov.uk

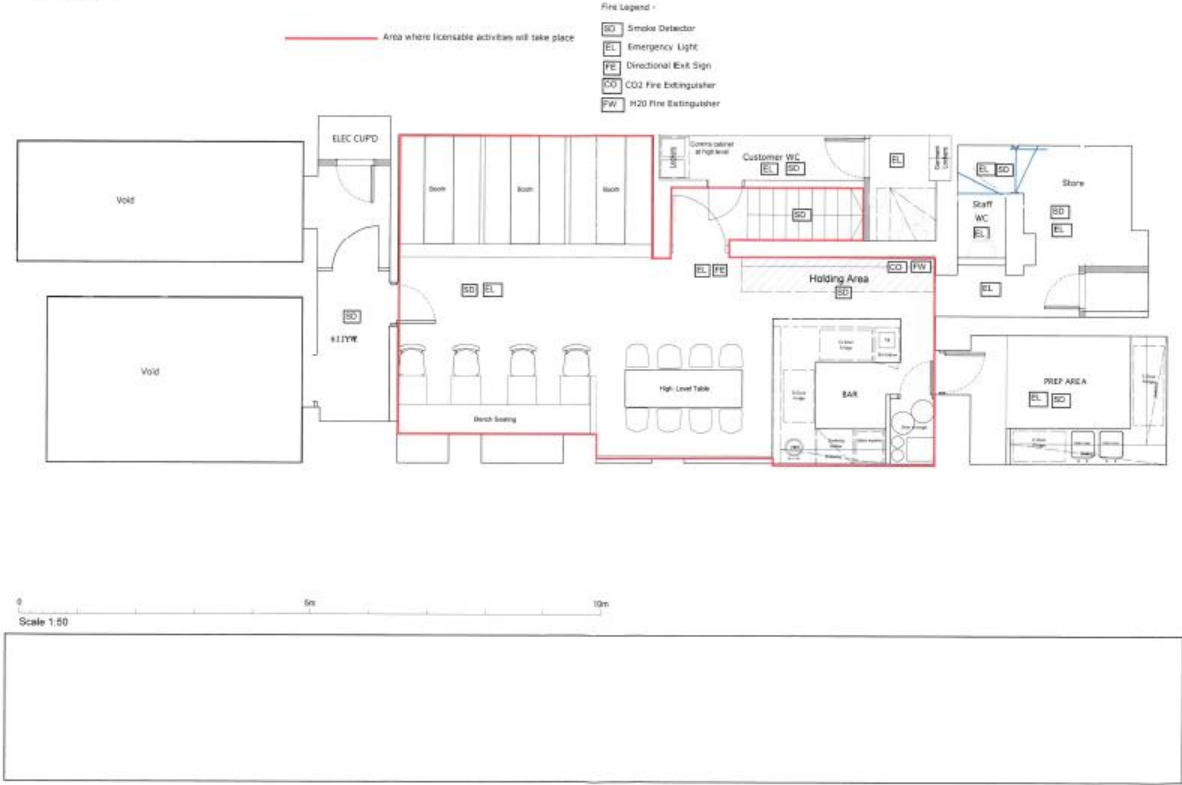
If you have any queries about this report or wish to inspect one of the background papers please contact the report author.

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Application Form	10 th February 2017
5	The Licensing Authority Representation	10 th March 2017
6	The Metropolitan Police Representation	28 th February 2017

Drawing A'

AREA: 102SQ M



Applicant Submissions

Email to Steve Rowe, dated 29th March 2017;

From: Lisa Inzani <L.Inzani@popall.co.uk>
Sent: 29 March 2017 14:22
To: Rowe, Steven: WCC
Cc: Licensing: WCC; Anand-Patel, Sumeet: WCC; Lawrance, Heidi: WCC; Kerry McGowan
Subject: RE: 17/01564/LIPV - Honest Burgers, 4 Meard Street, W1F 0EF

Dear Steve,

Further to your representation below I would make the following submissions which demonstrate that my application does not contravene Westminster's Licensing Policy and indeed falls squarely within the policy criteria as set out below :-

Policy HRS1

Policy HRS1 states that any applications that are outside Westminster's core hours may be granted if they demonstrate the relevant criteria in polices CD1, PN1 and PS1.

The premises have been operating with these current hours since the conversion of the premises licence in November 2005. Our application is to extend the licence to cover the basement not to extend our current hours.

In relation to CD1, our clients have been operating the premises since 2012 and within that time they have not received any complaints of crime and disorder. Furthermore, during the consultation period of our application to extend the licence to cover the basement we have also added the following conditions as requested by Toby Janes, Westminster Police Licensing Officer, on the grounds of preventing crime and disorder.

1. 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) any visit by a relevant authority or emergency service.

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

3. 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.

These additional conditions do not appear upon the current premises licence and are offered in order to comply with a request from the Police to update the premises licence in line with the Police's current requirements.

In relation to PN1 since our clients have operated the premises (2012) we have not received any complaints of a noise nature. Before we submitted our application we arranged a pre-application meeting with Ian Watson, Senior Environmental Health Officer. During this meeting it was agreed that we would add the below condition to our premises licence to ensure that our licence would promote the licensing objective of public nuisance.

1. No noise generated on the premises, or by its association plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

With regards to PS1, our proposed application is to allow 28 persons to be permitted in the basement at any one time. During our pre-application meeting with Ian Watson this was agreed as a safe number of persons. As stated in your email our premises licence is subject to the condition that 'all persons shall only be sold or supplied with alcohol if taking a table meal', therefore, no customers will be able to consume alcohol standing in the basement and therefore, our capacity of the basement will not exceed 28.

With specific reference to your statement of licensing policy, our client's application supports the cumulative impact policy (notwithstanding the increase in capacity) for the following evidential reasons :-

1. The provision of seating for every customer;
2. Alcohol is ancillary to a table meal;
3. The premises licence allows unrestricted recorded music, the premises have recorded music by way of background only and the primary purpose of the premises is the consumption of food to which alcohol and background music is ancillary.
4. In accordance with the evidence set out in your statement of licensing policy in relation to restaurants it is demonstrated that they are associated with a lower incidence of crime and disorder.

Policy RNT2

Policy RNT2 states that any premises licence for a restaurant within the cumulative impact area may be granted if the restaurant demonstrates the relevant criteria as set out in policies CD1, PN1, PS1 and CH1.

With regards to CH1, our clients operate the premises to the highest standard and ensure that no children under the age of 18 are sold alcohol. As our premises is a restaurant not a bar, in relation to CH1 paragraph (ii) this is satisfied as the supply of alcohol for consumption on the premises is **NOT** the exclusive or primary purpose of the service provided at our premises.

Policy CIP1

In relation to policy CIP1 our premises will not be adding to the cumulative impact area as the purpose of our premises is a restaurant and not a bar. As stated earlier, our premises licence is already subject to condition 9, 'intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal' this condition will extend to the basement if the application is granted. Therefore, the addition of 28 persons seated in the basement taking a table meal to which the sale of alcohol is ancillary does not add to cumulative impact in accordance with the definition of policy CIP1.

Honest Burgers

I attach the link to my clients website [here](#) where you will see that their ethos is 'to do one thing well, a simple burger menu inspired by great British produce, with our homemade rosemary chips'.

You will see on the website the extensive menu that is available and the drinks list which is limited. The price point in relation to the drinks is such that customers are not attending the premises for the purposes of consuming alcohol alone, nor would that be permitted by the premises licence as this could only be ancillary to food.

My clients have invested a significant amount of time and money in the refurbishment of the premises to an extremely high standard. They would not undertake such commitment if there was any concern that in doing so they would cause any problems. The fact that there are no representations from the Responsible Authorities nor any of my client's neighbours (there are residents close to the premises) demonstrates that the application has merit.

I hope the above resolves your concerns in relation to our application and that I have demonstrated that my application falls within Westminster's Licensing Policy criteria for all the reasons stated above.

Please do not hesitate to contact me should you wish to discuss further, please would you let me know if the application can now be dealt with by delegated authority without the requirement of a hearing.

Kind Regards

Lisa

From: Rowe, Steven: WCC [<mailto:srowe@westminster.gov.uk>]
Sent: 10 March 2017 14:17
To: Kerry McGowan
Cc: Licensing: WCC; Anand-Patel, Sumeet: WCC; Lawrance, Heidi: WCC
Subject: 17/01564/LIPV - Honest Burgers, 4 Meard Street, W1F 0EF

Dear Sirs,

I write in relation to the application submitted for a new Premises Licence for the above premises.

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

- Public Nuisance
- Prevention of Crime & Disorder
- Public Safety
- Protection of Children from Harm

As it stands the application does contravene Westminster's Statement of Licensing Policies CIP1, HRS1 and RNT2.

I note that you are not requesting to remove any of the conditions from your current premises licence which includes condition 9 'Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal'.

Policy HRS1 states at paragraph 2.3.2: "It is the intention to generally grant licences... where the hours when customers are permitted to be on the premises are within the 'core hours' as set out in Policy HRS1. Further, Policy RNT2 which relates to restaurants within the CIA states 'Applications will be granted subject to other policies in this Statement and subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas.

The premises is located inside the Cumulative Impact Area.

Policy CIP1 states (i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1. However part (ii) states: Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.

I have not seen anywhere in your application that demonstrates that adding 28 people in the basement of the premises will not add to cumulative impact in the Cumulative Impact Area if the application were to be granted.

Please therefore accept this as a formal representation.

I look forward to receiving your submissions.

Kind regards,
Steve

Mr Steve Rowe
Senior Licensing Officer

*Public Protection and Licensing
Westminster City Council
City Hall, Victoria Street, London, SW1E 6QP
Tel: 020 7641 7825*

*Email: srowe@westminster.gov.uk
Web: www.westminster.gov.uk*





THE STORY

2010-2016

Honest Burgers began when Tom and Phil met in 2010 whilst working at a restaurant in Brighton. After many long services and late nights they decided to go at it alone, focussing their efforts around the humble burger, they bought a marquee, a grill, a fryer and started serving burgers at festivals and events.

Dorian joined the team with plenty of restaurant experience in London, as Tom moved to Brighton in 2011 and within a few months they'd signed a lease on a 20sqm site in Hixton Village. After lots of DIY, furniture taking and decorating, the first Honest Burgers opened its doors to the public... With a simple, quality-focused menu the

company has not deviated from its original approach – to do one thing, and do it well...

The business has been able to grow using Santander's growth capital fund and in January 2015 it secured investment from Active Private Equity.

Honest now sells over 1.2 million burgers a year and operates out of 12 trading sites spread across London, with a Head office based in London Bridge and a centralised kitchen in Sutton.



Moira Hudson, Phil and Tom outside their Brighton restaurant, 2011.

THE TEAM

DORIAN WAITE MANAGING DIRECTOR & CO-FOUNDER

With ten years experience in restaurant operations within the casual dining sector in London. This includes quality brands such as Strada, Bill's and Olivea.

Key skills include strategic planning, commercial awareness, multi site management and human resources. A key member of the Strada management team that expanded the business from 8 to 50 restaurants.

PHILIP EELES OPERATIONS DIRECTOR & CO-FOUNDER

An experienced and successful restaurant manager with a proven track record in HR, management and sales growth while creating individual, personable and efficient front of house teams.

A founding member and a key influence in developing the core values of Honest Burgers, Phil is now responsible for putting in place operational systems to help scale the business at restaurant level.

THOMAS BARTON BRAND DIRECTOR & CO-FOUNDER

A graduate from Brighton University with a BA (Hons) in Business Marketing. This degree put him in good stead to spare his entrepreneurial talent to co-found Honest Burgers and develop it's concept.

Tom deals with all food menu development, oversees the marketing department, new site openings and new brand projects.

SPENCER SKINNER CHAIRMAN

Spencer Skinner is a founding Partner of Active Private Equity Advisory LLP. In 1996 Spencer joined the management team of CMI, an IT market research and information provider. In 1998 he led a buy-out of CMI which he led to profitability. In 2000 he joined INPOWER, an e-governmental start-up, as a Founder Director. In 2002 he became CEO of INPOWER. In 2004 Spencer set up Active Private Equity Advisory LLP with Gavin Davies. Spencer and Gavin set up INPOWER, where Gavin was a Non-Executive Director.

Spencer led the investment into, and exit from, Sobo House. Spencer is currently Executive Chairman at Deliveroo, and is also Non-Executive Director at Jaxon, INPOWER and Future Fibres.

THE CONCEPT

HONEST BURGERS
IS A RESTAURANT INSPIRED BY
GREAT BRITISH PRODUCE

FIELD, KITCHEN, PLATE
NO COMPLICATIONS AND A SIMPLE
FOOD AND SERVICE PHILOSOPHY
ENSURE THAT A QUALITY LEAD CONCEPT
CAN SUCCEED.

FIELD
—
KITCHEN
—
PLATE



THE MEAT

THE QUALITY OF THE MEAT IN OUR BURGER PATTIES IS WHAT DISTINGUISHES US FROM OUR COMPETITORS.

SUPPLIED BY **TURNER & GEORGE** BUTCHERS, THE MEAT IS FULL OF FLAVOUR, IS RENOWNED FOR ITS QUALITY, FLAVOUR, TRACEABILITY, BRITISH STANDARDS AND FITS OUR FIELD, KITCHEN, PLATE CONCEPT.



02

THE FOOD



HONEST	
FREE RANGE CHICKEN CHICKEN FREE RANGE CHICKEN BAKED LETTUCE, TOMATO AND MUSTARD MAYONNAISE \$8.5	MARKET VEGETABLES FRITTER CAULIFLOWER, TOMATO, SPINACH, SHALLOTS, SPICE, CORIANDER AND CUCUMBER YOGHURT \$7.5
ONION RINGS \$3.5 APPLE, BEETROOT AND RED CABBAGE COLSLAW \$3 HOUSE DRESSED GREEN SALAD \$3	BEEF BEEF RED ONION RELISH AND LETTUCE \$8.5 CHEESE BEEF RED ONION RELISH AND LETTUCE WITH MATURE CHEDDAR, RED LICESTER OR STILTON \$9
SAUCES CHIPOTLE MAYONNAISE CURRY SAUCE BACON KETCHUP \$1	TRIBUTE BEEF BACON, AMERICAN CHEESE, BURGER SAUCE, FRENCH'S MUSTARD, PICKLES, ONION AND LETTUCE \$10.5 HONEST BEEF RED ONION RELISH, SPICED BACON, MATURE CHEDDAR, PICKLED CUCUMBER AND LETTUCE \$10.5
SPECIAL BEEF THICK-CUT BOKED BACON, BACON KETCHUP, SPICED CHEDDAR, PICKLE, LETTUCE AND A BACON GRAY \$12.5	ALL BURGERS SERVED WITH ROSEMARY SALTED CHIPS BURGERS SERVED WITH ROSEMARY SALTED CHIPS GLUTEN FREE BUNS AVAILABLE (ADD \$1 PLEASE ASK FOR DETAILS) FOR ALLERGY INFORMATION PLEASE ASK A MEMBER OF OUR TEAM

THE DRINKS

HONEST	
'TIN CUP' COCKTAILS	
THE HONEST CUP ARTISANAL QUINCE VODKA, APPLE, CUCUMBER PUREE	£4
Booze & Garden	£4
LOOSE SINK APPLE BUBBLES, LIME	£4
Kentucky Tin Star	£4
BUFFALO FRUIT BOBBIERON, HONEY, SCOTTY LEMON	£4
Polona	£4
CAROL TOROHA, TING, GARPANIUM	£4
Pink Jeep	£4
BUFFALO FRUIT BOBBIERON, PINK LEMON	£4
Karma Libra	£4
COOL BUBBLES, LIME, COCA COLA, LIME	£4
Murgata	£4
CAROL TOROHA, LIME, LIME	£4
BEER & CIDER	
LAGER	
Proclaim 100% Lager	£3.85 (6/8)
NEWBY ROLLER LAGER	
Drury Queen GLUTEN FREE 100% LAGER	£4.5
BEERS	
Honest Pale Ale 100% LAGER	£4.5
OUR OWN BEER FROM BLANCKSCOM	
Kona Big Wave	£4.75
HAWAIIAN GOLDEN ALE 100% LAGER	
Seasick	£4.6
ISLANDIC WESTLAND 100% LAGER	
Gemma Ray Pale Ale 100% LAGER	£5.35
LOCAL BEER	
FROM THE DISTRICTS TOWN BEER FROM A LOCAL INCUBATOR TO THE RESTAURANT. SEE BLACKBOARD OR A&E STAFF FOR DETAILS.	
CIDER	
Urban Orchard Cider	£4.75
HIDDEN LONDON COOL LAGER	
SOFT DRINKS	
HOMEMADE	
Lemonade	£1.5
Pink Lemonade	£2.75
Ice Tea	£2.75
GLASSES	
Karma Cola can	£2
Grainola Ginger Ale can	£2
Orange or Apple Juice 200ml	£2.75
Coke or Diet Coke can	£1.5
Selt or Sparkling Water BOTTLE (UNLIMITED 400ml)	£1



BRUNCH



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BRUNCH

ON TOAST	FULL RANGE TOBE	WINE
<p>MUSHROOM SMOKED BACON, GARLIC MUSHROOMS, FRIED EGG ON SOURDOUGH \$5</p> <p>AVOCADO BANITOS, CHORIZO, GUACAMOLE AND FRIED EGG ON SOURDOUGH \$6.5</p>	<p>HONEST BRUNCH SMOKED BACON, CUMBERLAND SAUSAGE, BLACK PUDDING, FRIED EGG, GARLIC MUSHROOMS, BUBBLE & SOULAK, HONEST BEANS AND SOURDOUGH \$8.5</p>	<p>BACON SANDWICH THICK CUT SMOKED STEAK BACON AND FRIED EGG SANDWICH WITH BURGERS QUART \$8.5</p> <p>BUBBLE & SOULAK BUBBLE & SOULAK, FRIED EGG, TOMATO, AMERICAN CHEESE, BUTTER \$8.5</p>
<p>GRANOLA SEASONAL FRUIT, GRANOLA, HONEYED YOGHURT AND MIXED BERRY COUSIS \$4.5</p>	<p>PORK & EGG PORK STEAK, HONEST BEANS, BUBBLE & SOULAK, FRIED EGG AND BREAKFAST QUART \$8.5</p>	<p>BRUNCH BURGER BEEF PATTY, CHEESE, SMOKED BACON, RED ONION, GARLIC MUSHROOMS, BUBBLE & SOULAK AND BUTTERPATTY \$8.5</p> <p><small>(100 BEEF PATTY OPTION AVAILABLE ON REQUEST)</small></p>

GLUTEN-FRIENDLY OPTIONS ARE ALSO AVAILABLE (FOR ALLERGY INFORMATION, PLEASE ASK A MEMBER OF OUR TEAM). ALL MEALS ARE SERVED IN HOUSE. FOR MORE INFO ON OUR RESTAURANT, VISIT US AT WWW.BRUNCHTOAST.COM. WE'RE OPEN MON-FRI 10AM-5PM, SAT-SUN 10AM-6PM. 10% OFF ALL BRUNCH MEALS (EXCEPT FOR BEEF PATTY OPTION). *TAXES AND SERVICE CHARGE NOT INCLUDED. © 2018 BRUNCH TOAST. ALL RIGHTS RESERVED.



**01 BRIXTON VILLAGE
OPENED JULY 2011
400 SQ. FT**



02 SOHO
OPENED SEPTEMBER 2012
700 SQ FT



05 KINGS CROSS
OPENED DECEMBER 2013
1400 SQ FT



PRESS

AL RUSH, SUNDAY EXPRESS *****
"AN EPIC POEM OF BEAUTY IN BEEF & BUN"

JAY BYRNIE, THE OBSERVER
**"A SERIOUS RIVAL FOR THE BEST
REASONABLY PRICED BURGER IN LONDON"**

Alice Audley, The Telegraph
"HOLY COW THAT IS A GOOD BURGER"

Grace Dent, ES MAGAZINE
**"ONE OF THE MOST DELICIOUS BURGERS
I HAVE EATEN FOR A LONG TIME"**

Andrew Weather, Evening Standard
**"HONEST BURGERS GIVE THIS HUMBLE
STAPLE THE REVERENCE IT DESERVES"**

Markus of Telegraph, Metro
"A CULT DESTINATION"
TIMESOUT *****
"FAST FOOD AT THE TOP OF ITS GAME"



THE FINANCIALS

Y/E JANUARY 2015
GROSS TURNOVER £6.9M &
PRE TAX NET PROFIT OF \$1.1M

MID 2015
ACTIVE PRIVATE EQUITY

In mid-2015 Active Private Equity group purchased a 50% equity stake in Honest Burgers. Active who have invested in some of the UK's most exciting companies including Bobo House, Nappa, Leon and Evans Cycles bring their considerable experience to partner with Honest's innovative entrepreneurs to provide intellectual and financial capital, operational expertise and a rich network of contacts to help build a scalable, successful business.

ESTIMATED Y/E
JANUARY 2016
GROSS TURNOVER £10.3M &
PRE TAX NET PROFIT OF 2.1M

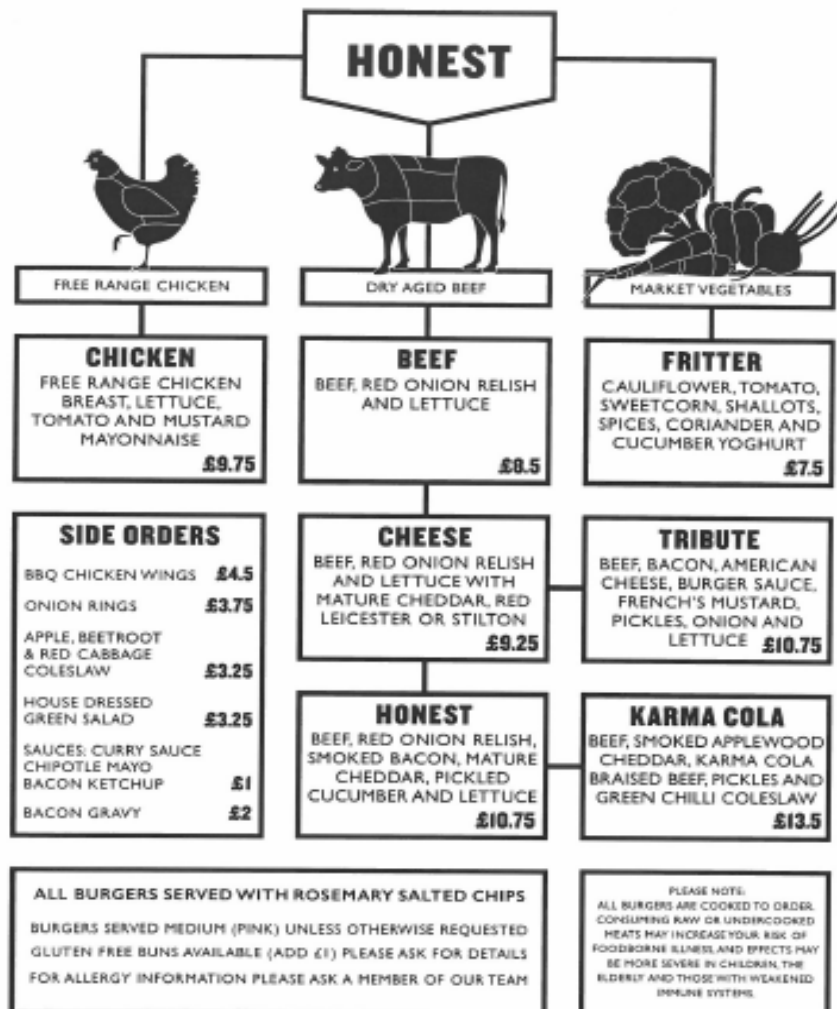
12 TRADING SITES
PLUS TWO SITES BEING
FITTED OUT IN PADDINGTON
AND THE CITY AND FOUR
MORE IN LEGALS.



Top: The Honest Covent Garden Team, Bottom: The Honest Brighton team



HONEST BURGERS MENU



HONEST

'TIN CUP' COCKTAILS

THE HONEST CUP	£6
AYLESBURY DUCK VODKA, APPLE, CUCUMBER PUREE	
Botanic Garden	£6
FORD'S GIN, APPLE, ELDERFLOWER, LIME	
Kentucky Tea Sour	£6
BUFFALO TRACE BOURBON, HONEST ICED TEA, LEMON	
Paloma	£6
CABESA TEQUILA, TINGI, GRAPEFRUIT	
Mint Julep	£6
BUFFALO TRACE BOURBON, MINT, LEMON	
Karma Libre	£6
CANIA BRAVA RUM, KARMA COLA, LIME	
Margarita	£6
CABESA TEQUILA, AGAVE, LIME	

WINE

WHITE SAUVIGNON BLANC	
125ML / 175ML GLASS	£4.5 / £5.5
500ML CARAFE	£15
BOTTLE	£20
RED MALBEC	
125ML / 175ML GLASS	£4.5 / £5.5
500ML CARAFE	£15
BOTTLE	£20
ROSÉ	
125ML / 175ML GLASS	£4.5 / £5.5
500ML CARAFE	£15
BOTTLE	£20

BEER & CIDER

LAGER

Paulaner 330ML / 500ML £3.95/5.25
MUNICH 'HELLES' LAGER

Daura Damm GLUTEN-FREE 330ML £4.6

BEERS

Wild Beer Co Bible £4.95
PALE ALE 330ML

Kona Big Wave £5
HAWAIIAN GOLDEN ALE 355ML

Einstok £4.6
ICELANDIC WHITE ALE 330ML

Beavertown Gamma Ray £5.25
PALE ALE 330ML

LOCAL BEER

EVERY HB SOURCES ITS OWN BEER FROM A LOCAL MICROBREWERY TO THE RESTAURANT. SEE BLACKBOARD OR ASK STAFF FOR DETAILS.

CIDER

Urban Orchard Cider
MEDI DRY LONDON CIDER 330ML £4.75

SOFT DRINKS

HOMEMADE

Lemonade £3

Mint Lemonade £3

Iced Tea £3

CLASSICS

Karma Cola 330ML £2.5

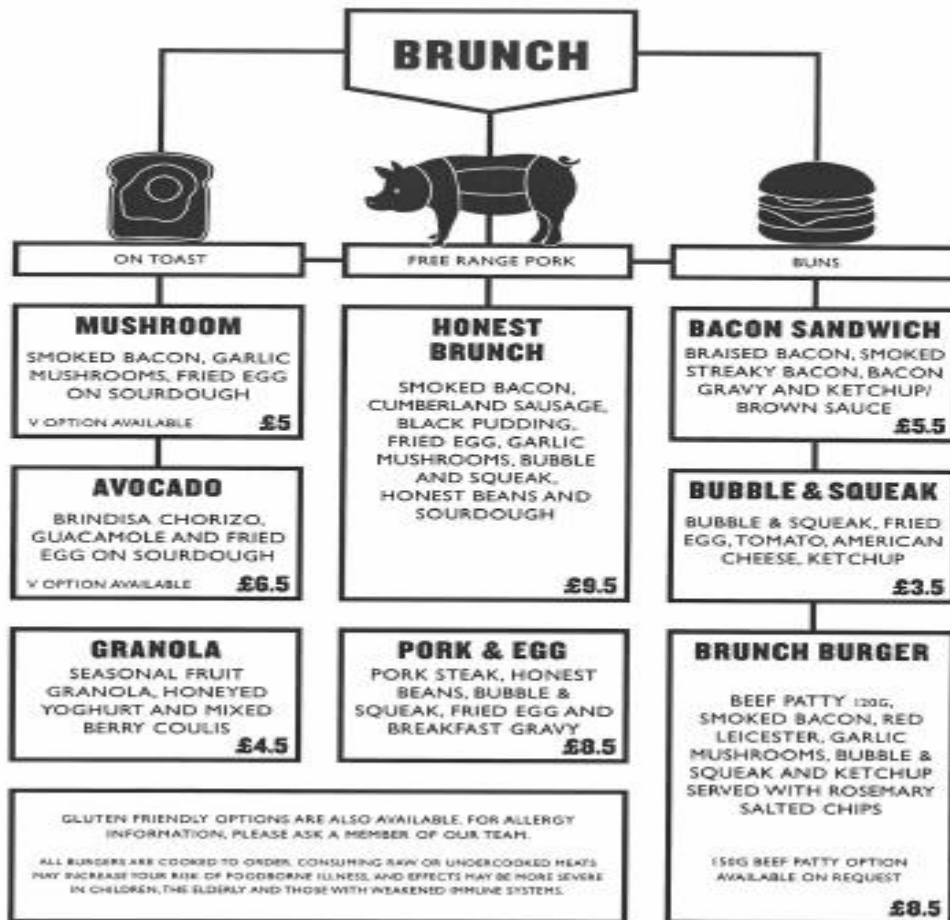
Gingerella Ginger Ale 330ML £2.5

Orange or Apple Juice 250ML £2.75

Coke or Diet Coke CAN £1.75

Still or Sparkling Water
BOTTLE UNLIMITED REFILL £1

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BRUNCH

BOOZE

BEER

Paulaner 330ML / 500ML £3.95/5.25
MUNICH 'HELLES' LAGER

FIZZ

Prosecco
125ML / BTL £5/20

BUCK'S FIZZ

Prosecco and orange juice
GLASS / BTL £5/20

PICKLE HOUSE BLOODY MARY

Aylesbury Duck vodka, tomato juice,
Pickle House pickle juice, horseradish,
Honest pickled cucumber and
#1 Hot Sauce
GLASS / JUG £6/20

BOTANIC GARDEN

Fords Gin, apple,
elderflower and lime
GLASS / JUG £6/20

HOT DRINKS

CLIFTON COFFEE

Espresso
SINGLE / DOUBLE £1.5/2
Cappuccino £2.5
Latte £2.5
Flat White £2.5
Americano £2
EXTRA COFFEE SHOT OR SOY MILK 50P

HOT CHOCOLATE

Honest Hot Chocolate £2

TEA IN A POT

English Breakfast Tea £1.5
Earl Grey Tea £1.5

JUICES

285ML

Red
MANGO, RASPBERRY AND PEACH £3.5

Amber
ORANGE, CARROT AND GINGER £3.5

Green
PINEAPPLE, APPLE AND SPINACH £3.5

HONEST BURGERS PREMISES

Premises in London:

1. Honest Burgers, 12-6 Blenheim Grove, London, SE15 4QL;
2. Honest Burgers, 14/16 Bradbury Street, London, N16 8JN;
3. Honest Burgers, Camden Lock Market, Camden Lock Place, London, NW1;
4. Honest Burgers, 4 Change Alley, London, EC3V 9AZ;
5. Honest Burgers, 148 Chiswick High Road, London, W4 1PR;
6. Honest Burgers, 10-12 Granville Arcade, Coldharbour Lane, London, SW9 8PR;
7. Honest Burgers, 24 Fulham Palace Road, London, W6 9PH;
8. Honest Burgers, 122 Kingsland High Street, Hackney, London, E8 2NS;
9. Honest Burgers, 67 Lombard Street, London, EC3P 6DL;
10. Honest Burgers, 4 Market Place, London, W1W 8AD;
11. Honest Burgers, 4 Meard Street, London, W1F 0EF;
12. Honest Burgers, 8 Nelson Road, London, SE10 9JB;
13. Honest Burgers, 211 Old Street, London, EC1;
14. Honest Burgers, 31 Paddington Street, London, W1U 4HD;
15. Honest Burgers, 251-255 Pentonville Road, Islington, London;
16. Honest Burgers, 189 Portobello Road, London, W11 2ED;
17. Honest Burgers, 33 Southampton Street, London, WC2E 7HE;
18. Honest Burgers, 5-7 Southwark Street; London; SE1 1RQ;
19. Honest Burgers, 72 Tooting High Street, London, SW17 0RN;
20. Honest Burgers, 117 Tottenham Court Road, London, W1T 5AL;
21. Honest Burgers, 24 Thurloe Street, London, SW7 2LT;

Premises outside of London

1. Honest Burgers, 1-6 Corn Exchange Street, Cambridge, CB2 3QF
2. Honest Burgers, 1-5 King Street, Reading, RG1 2HE

Photos of the ground floor and basement of Honest Burgers, 4 Meard Street









Licence & Appeal History

Application	Details of Application	Date Determined	Decision
06/06258/WCCMAP	Application for a new premises licence	17.07.2005	Granted under Delegated Authority
12/05836/LIPT	Application to transfer the premises licence from Mrs Marie-Jeanne Collins & Mr Eugene Dias to Honest Burgers Limited	26.07.2012	Granted under Delegated Authority
12/05841/LIPDPS	Application to Vary the Designated Premises Supervisor	26.07.2012	Granted under Delegated Authority
12/06117/LIPVM	Application for a Minor Variation to vary the layout of the premises in accordance with plans attached to this application (See full detail on page inserted into the application). The addition of a works condition.	30.07.2012	Granted under Delegated Authority
15/06996/LIPCH	Change of details	14.08.2015	Granted under Delegated Authority

There is no appeal history

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

When determining an application for a variation of a 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 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 reproducing the effect of conditions subject to which the relevant existing licences have effect

Conditions related to the Sale of Alcohol

9. Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal.
10. Suitable beverages other than intoxicating liquor (including drinking water) shall be equally available with or otherwise as an ancillary to meals served in the licensed premises.

Conditions which reproduce the effect of any restriction imposed on these of the premises by specified enactments

Conditions related to the Sale of Alcohol

11. Alcohol may be sold or supplied:
 - (a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 10:00 to 00:00;
 - (b) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12:00 to 23:30;
 - (c) On Christmas Day: 12:00 to 22:30;
 - (d) On New Year's Eve, except on a Sunday, 11:00 to 23:00;
 - (e) On New Year's Eve on a Sunday, 12:00 to 22:30;
 - (f) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

NOTE - The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (b) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking table meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (c) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (d) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (e) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (f) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (g) the taking of alcohol from the premises by a person residing there;
- (h) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
- (i) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of

liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.

12. Alcohol shall not be sold or supplied unless the premises have been structurally and bona fide used, or intended to be used, for the purposes of habitually providing the customary main meal at midday or in the evening, or both, for the accommodation of persons frequenting the premises.
13. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.

Annex 2 – Conditions consistent with the operating Schedule

None

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

Proposed Conditions by Police and agreed with applicant

14. 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) any visit by a relevant authority or emergency service.
15. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
16. 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.

Proposed Conditions by applicant:

17. The number of persons permitted in the basement at any one time (excluding staff) shall not exceed 28 persons .
18. 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.
19. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.

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