



City of Westminster

Licensing Sub-Committee Report

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| Item No: | |
| Licensing Ref No: | 14/10681/LIPN |
| Date: | 22nd January 2015 |
| Classification: | For General Release |
| Title of Report: | 22-25 Kingly Street and 14-16 Fouberts Place London W1F 7PA |
| Report of: | Operational Director of Premises Management |
| Policy context: | City of Westminster Statement of Licensing Policy |
| Financial summary: | None |
| Report Author: | Sumeet Anand-Patel, Environmental Health Case Officer (Licensing) |
| Contact Details: | Telephone: 020 7641 2737 E-mail: sanandpatel@westminster.gov.uk |

APPLICATION DETAILS

| | | | |
|------------------------------------|---|-----------------------------------|-------------------------------|
| Application Type: | A new premises licence application under the Licensing Act 2003. | | |
| Applicant: | Shatesbury Carnaby Ltd | Date Application Received: | 1 st December 2014 |
| Premises Name and Address: | 22-25 Kingly Street and 14-16 Fouberts Place London W1F 7PA | | |
| Ward Name: | West End | Stress Area: | West End |
| Description of Premises: | The application proposes that the premises shall operate as a restaurant with an element of off sales of alcohol. | | |
| Licensing Preliminary Note: | This application is on the same terms and conditions as the provisional statement with reference to the hours and conditions however the applicant is seeking to include their external courtyard under this application. The provisional statement was granted by the Licensing Sub-Committee on 14 th March 2013, reference 13/00326/LIPST. A copy of the decision and plans have been attached at Appendix A. | | |

Note: Where the committee is minded to grant the licence it will be granted subject to the mandatory conditions and conditions consistent with the operating schedule modified to such extent as the authority considers appropriate for the promotion of the licensing objectives detailed in Appendix D to this report.

Proposed Licensable Activities, Proposed Hours:

1.1 Recorded Music: Indoors

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

1.2 Late Night Refreshment: Indoors

Sunday to Thursday 23:00 to 00:00
Friday to Saturday 23:00 to 00:30

1.3 Sale of Alcohol: On and off the premises

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

1.4 Opening Hours:

Sunday to Thursday 10:00 to 00:00
Friday to Saturday 10:00 to 00:30

(Note: Opening hours are not a licensable activity under the Licensing Act 2003, however they can still

be taken into consideration when assessing the application's effect on the licensing objectives.)

1.5 Non Standard Timings (for all activities and opening hours):

To extend the hours for licensable activities and opening times from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

| | Relevant representations and policies applicable: | References / Notes |
|-----------|--|---|
| 1A | The Metropolitan Police Service has made no representation to this application. | No Police representation |
| 1B | The Environmental Health Service has made an adverse representation on the grounds that the proposals will impact on Public Safety and may have a likely effect of causing an increase in Public Nuisance in the West end Stress Area. Environmental Health have proposed conditions which are attached at Appendix B however Licensing have not received confirmation that the applicant has agreed these conditions. | Environmental Health Service Representation and conditions |
| 1C | Two local residents and a resident association have made representations against the grant of this application on the ground of cumulative impact within the West End Stress Area and public nuisance. They have concerns that this application will cause an increase in nuisance in an already busy area. | Local residents and resident association representation |
| 1D | <p>The following policies within the City Of Westminster Statement of Licensing Policy apply:</p> <p>Prevention of crime and disorder (CD1) Public Safety (PS1) Prevention of public nuisance (PN1) Protection children from harm (CH1) Hours (HRS1) Stress Areas (STR1) Restaurants within the Stress Areas (RNT2) Off sales of alcohol within the Stress Areas (OS2)</p> | Policies applicable |
| 1E | Policy HRS1 applies: (i) Applications for hours within the core hours set out 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 in this policy will be considered on their merits, subject to other relevant policies and with particular regard to criteria set out in the policy: | |
| 1F | Policy STR1 applies: (i) It is the Licensing Authority's policy to refuse applications in the Stress 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 Stress Areas will be subject to other policies and must demonstrate that they will not add to cumulative impact in the Stress Areas. | |

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|-----------------------------------|---|----------------|
| 1G | <p>Policy RNT2 applies: Applications will be granted subject to other policies 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 Stress Areas.</p> | Summary |
| 1H | <p>Policy OS2: Applications will generally be granted and reviews determined subject to the relevant criteria in policies CD1, PS1, PN1, CH1 and HRSI, provided it is demonstrated that they will not add to cumulative impact in the Stress Areas.</p> | |
| 1I | <p>The Licensing Sub-committee may refuse, grant in full or grant in part this proposal, having taken into account the representations received and Westminster's Statement of Licensing Policy. The decision taken should promote the licensing objectives of:</p> <ul style="list-style-type: none"> • prevention of public nuisance, • prevention of crime & disorder, • public safety and • protection of children from harm. | |
| Current Licensing Position | The premises currently holds a provisional statement, reference 13/00326/LIPST. Please refer to Appendix A. | |
| Planning | <p>Tables and chairs application permitted - use of the public highway for the placing of tables and chairs in 2 areas 1) 3 tables, 6 chairs and 2 barriers in an area measuring 1.75m x 3m and 2) 6 tables, 12 chairs and 2 barriers in an area measuring 1.75 x 5.75m in connection with the existing restaurant.</p> <p>For further information regarding the planning usage, please refer to the Environmental Health comments in the background papers.</p> | |
| Residential Density: | 30 of the 259 units within a 75m radius of the premises are residential or proposed residential, (11.58%), refer to Appendix C. | |
| List of Appendices: | <p>A – Premises Licence History B - Conditions C – Residential Map and list of premises in the vicinity</p> | |

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

- Licensing Act 2003
- City of Westminster Statement of Licensing Policy (7th January 2011)
- Amended Guidance issued under section 182 of the Licensing Act 2003 (Oct 2014)
- Application form & amendment
- Plans
- Representations received
- Photos

Licence & Appeal History

| Application | Details of Application | Date determined | Decision |
|--|-------------------------------------|------------------------|---|
| Provisional Statement 13/00326/LIPT | Convert the Justices Off Licence | 14.03.2006 | Granted by Licensing Sub-Committee <i>Note: LSC Decision Letter and plans attached</i> |
| New Application 14/10681/LIPN | Current Application | Pending | |

There is no appeal history

Westminster City Council

Provisional Statement in respect of premises situate at 14-16 Foubert's Place and 22-25 Kingly Street, London W1F 7PA

This is a provisional statement issued pursuant to section 31(3)(c) of the Licensing Act 2003 as amended. It is given in response to the application made by Shaftesbury Carnaby Ltd.

The proposed activities and the hours for those activities are as follows:

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|--|--|
| 1. Recorded Music (Indoors) | |
| | Monday to Thursday 10:00 to 00:00 Friday to Saturday 10:00 to 00:30 Sunday 12:00 to 00:00. |
| 2. Late Night Refreshment (Indoors) | |
| | Sunday to Thursday 23:00 to 00:00 Friday to Saturday 23:00 to 00:30. |
| 3. Sale of Alcohol (On and Off) | |
| | Monday to Thursday 10:00 to 00:00 Friday to Saturday 10:00 to 00:30 Sunday 12:00 to 00:00. |
| 4. Opening Hours | |
| | Sunday to Thursday 10:00 to 00:00 Friday to Saturday 10:00 to 00:30. |
| 5. Non Standard Timing/Seasonal Variation | |
| | To extend the hours for licensable activities and opening times from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. |

Relevant representations have been made against the application by the Environmental Health Service and the Metropolitan Police. The Licensing Sub-Committee has considered those representations and the submissions made on behalf of the applicant and this statement now gives details of the determination that has been reached by the Sub-Committee.

The Licensing Sub-Committee has determined that we would consider it appropriate to take steps under section 18(3)(b) of the 2003 Act if, on the work identified in the schedule of works being satisfactorily completed, we had to decide whether to grant a premises licence in the form described in the provisional statement application.

Having decided that we would consider it appropriate to take steps under section 18(3)(b) of the 2003 Act, we now set out those steps and our reasons as to why we are of the view that it would be appropriate to take them.

We would consider it appropriate for the promotion of the licensing objectives to grant the licence subject to the conditions identified in Appendix D to the report, modified so as to also include the following model surrender condition:

This licence shall not take effect until notice of surrender of licence number 12/11202/LIPT (and any other licence as may be in force at the premises), accompanied by the premises licence, has been given by the premises licence holder to the Licensing Authority under section 28 of the Licensing Act 2003.

A complete list of conditions is set out at the end of this statement.

Reasons for the Decision

The reasons why we think those steps would be appropriate are as follows:

The existing premises licence was the subject of an expedited review last year and the decision of the final review hearing held on 27 December 2012 was included in the Licensing Sub-Committee report. The purpose of this new application for a provisional statement is to change the manner in which the premises are operated so that they will primarily function as a restaurant rather than a nightclub. This will also be in accordance with a planning permission that was granted for the redevelopment of these premises on 29th March 2012.

The existing premises licence was transferred to the freeholder of the premises, Shaftesbury Carnaby Limited, on 5 February 2013 and they have submitted this new application for a provisional statement. If the premises are completed in accordance with the schedule of works, the purpose will be to change the use of the current nightclub (known as Bond or 24:London) into a restaurant use. The area adjacent to Foubert's Place which was used as a restaurant and was known as Burger Shack will be used for retail purposes.

For the most part, this new application will involve a reduction in both licensable activities and in the hours when those activities could be carried on at the premises, the exception being a slight increase in the terminal hour for the sale of alcohol on a Sunday evening and additional opening hours on a Sunday morning. There is no policy presumption against this new proposal for the premises even though it is in the stress area and the applicant has clearly demonstrated that this proposal will not add to cumulative impact in the area. In fact, this proposal should reduce cumulative impact.

The Environmental Health Service and the Police have both objected to the application but conditions have been agreed with the applicant and were set out in Appendix D to the report. The Sub-Committee is of the view that those conditions would be appropriate for the promotion of the licensing objectives subject to the inclusion of the further surrender clause. The purpose of that additional clause is to ensure that there is no possibility of any nightclub use being continued pursuant to that licence and to ensure that any operator has to adhere to the reduced hours set out in any new premises licence that may be granted.

Conditions attached to the Provisional Statement

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 shall take all reasonable steps to 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—
 - (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 (other than

any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

- (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;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) 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.
5. The responsible person shall ensure that no alcohol is dispensed 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).
6. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
7. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- (2) 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 a holographic mark.

8. The responsible person shall 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; and
 - (b) customers are made aware of the availability of these measures.

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.

Additional Conditions

9. 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.
10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open 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.

11. 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
 - (d) any incidents of disorder
 - (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.
12. 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.
13. Substantial food and non-intoxicating beverages shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
14. The number of persons accommodated at any one time (excluding staff) shall not exceed

Ground Floor – XXX persons
Basement – XXX persons

(Safe capacities to be agreed with District Surveyor)
15. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
16. No striptease, no nudity and all persons to be decently attired at all times except when the premises are operating under the provision of a Sexual Entertainment Venue Licence.
17. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.

18. 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.
19. Patrons temporarily leaving the premises shall not be permitted to take drinks outside with them.
20. 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.
21. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
22. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0800 hours.
23. The Licence will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.
24. This licence shall not take effect until notice of surrender of licence number 12/11202/LIPT (and any other licence as may be in force at the premises), accompanied by the premises licence, has been given by the premises licence holder to the Licensing Authority under section 28 of the Licensing Act 2003.

1. The contractor shall ensure that all dimensions are given in millimetres and rounded to the nearest millimetre.
 2. The contractor shall ensure that all dimensions are given in millimetres and rounded to the nearest millimetre.
 3. The contractor shall ensure that all dimensions are given in millimetres and rounded to the nearest millimetre.

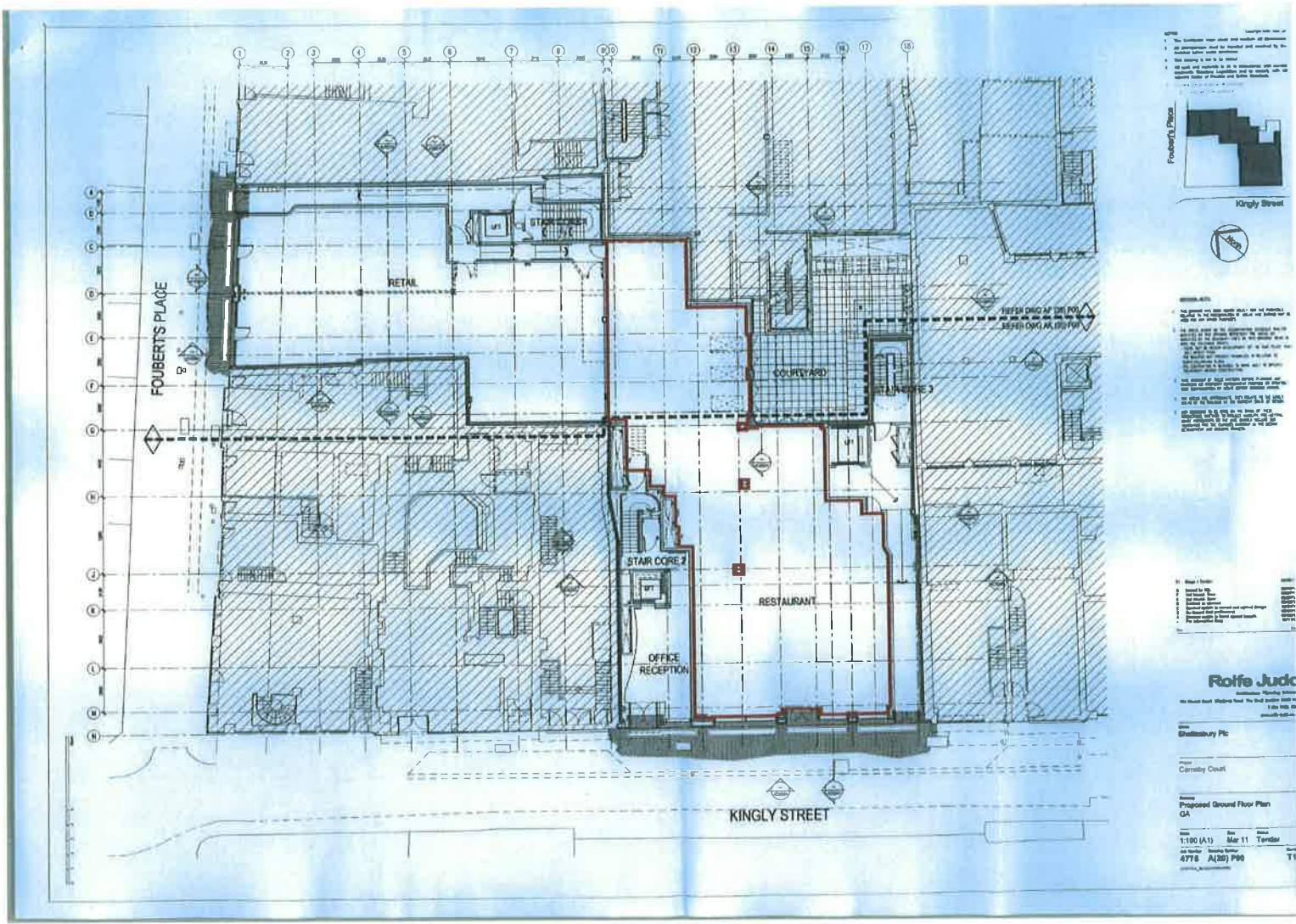


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Rolfe Judd
 Architectural Firm
 4778 A(20) P90
 4778 A(20) P90

Proposed Ground Floor Plan
 1:100 (A1) Mar 11 Toronto
 4778 A(20) P90



Legend
 1. The dimensions shown here are approximate.
 2. All dimensions shown are measured and verified by the architect before construction.
 3. The drawing is not to be scaled.
 4. All wall and openings to be in accordance with current building code of the jurisdiction. It is the responsibility of the client to verify the building code of the jurisdiction.



NOTES:
 1. All work shall be done in accordance with the current building code of the jurisdiction.
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|---------|------------|
| Author | Architect |
| Client | Contractor |
| Project | Location |
| Date | Scale |

Roffe Judd

Architects
 100 Kingly Street
 Vancouver, BC
 Tel: 604-681-1111
 Fax: 604-681-1112
 www.roffejudd.com

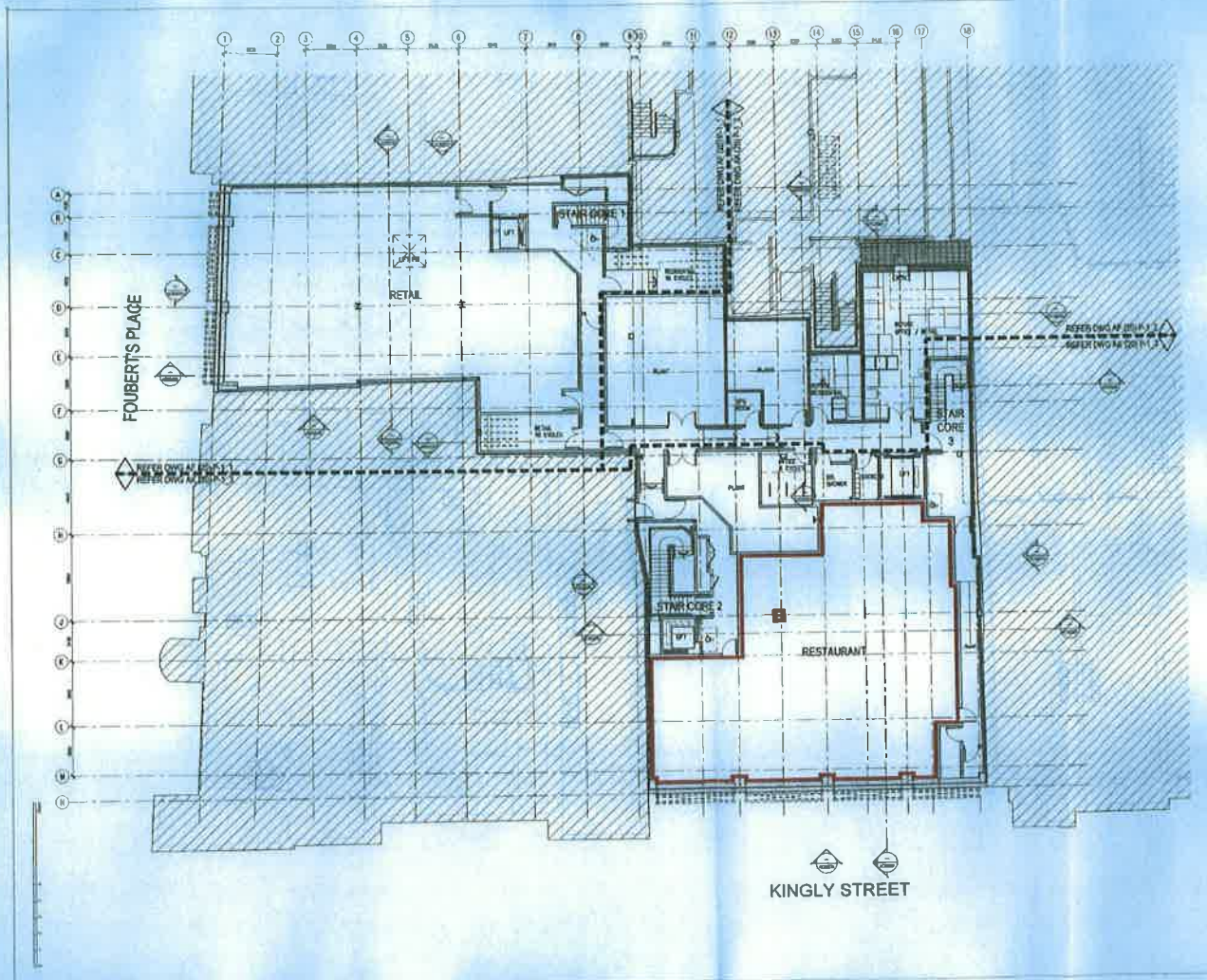
Project: Carroby Court

Sheet: Prepared Basement Floor Plan (A)

Scale: 1:100 (A1) Mar 11 Tender

4778 A(30) P-1

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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 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.
10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open 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.
11. 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
 - (d) any incidents of disorder

- (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.

12. 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.
13. Substantial food and non-intoxicating beverages shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
14. The number of persons accommodated at any one time (excluding staff) shall not exceed

Ground Floor – XXX persons
Basement – XXX persons

(Safe capacities to be agreed with District Surveyor)

Condition also proposed by EH at condition 28 below.

15. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
16. No striptease, no nudity and all persons to be decently attired at all times except when the premises are operating under the provision of a Sexual Entertainment Venue Licence.
17. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
18. 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.
19. Patrons temporarily leaving the premises shall not be permitted to take drinks outside with them.
20. 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.
21. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
22. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0800 hours.
23. The Licence will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.
24. This licence shall not take effect until notice of surrender of licence number 12/11202/LIPT, accompanied by the premises licence, has been given by the premises licence holder to the Licensing Authority under section 28 of the Licensing Act 2003.

Conditions proposed by Environmental Health

25. Loudspeakers shall not be located in the entrance lobby or outside the premises building.

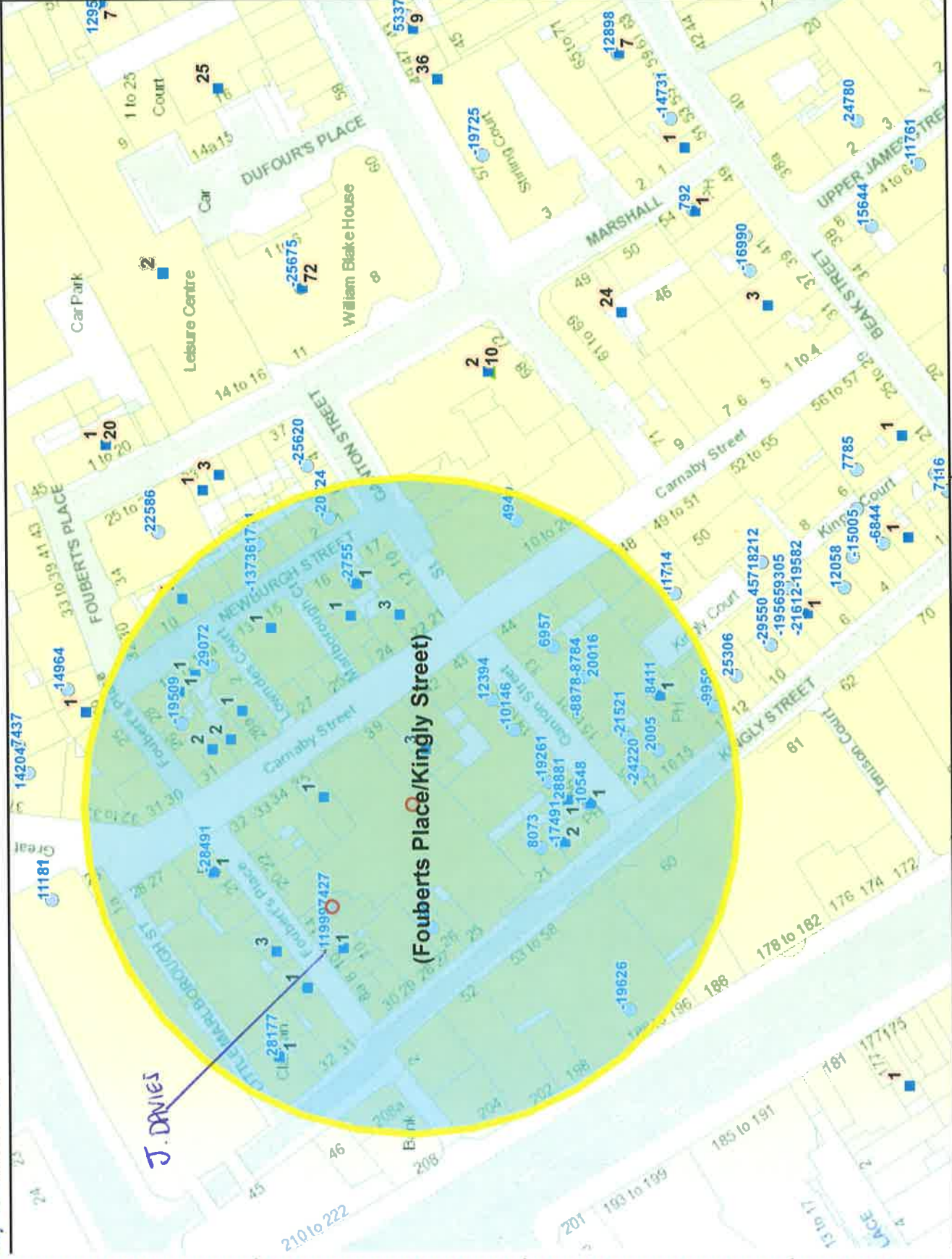
26. No deliveries to the premises shall take place between (23.00) and (08.00) on the following day.
27. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
28. The number of persons permitted on the premises at any one time (excluding staff) shall not exceed

Ground Floor XXX persons
Basement XXX persons

Detailed capacity to be assessed and agreed prior to works sign off

APPENDIX C

14-16 Fouberts Place / 22- 25 Kingly Street, W1F 7PA



(Fouberts Place/Kingly Street)

J. DAVIES

| | |
|------------------------------------|--------|
| Residential / Proposed Residential | 30 |
| Under Construction | |
| Other Uses | 229 |
| Proportion Residential of all Uses | 11.58% |

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Data Source: Uniform Database
Date: 06/01/2015

Premises within 75 metres of: (14-16 Fouberts Place/22-25 Kingly Street), W1F 7PA

| p / n | Name of Premises | Premises Address | Opening Hours |
|--------------|---------------------------------|---|---|
| 29072 | Antidote | 12A Newburgh Street London W1F 7RR | Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00 |
| -24220 | Dehesa | 17 Kingly Street London W1B 5PU | Monday to Thursday 10:00 - 00:00 Friday to Saturday 10:00 - 00:30 Sunday 12:00 - 23:00 |
| -19509 | Kua'Aina | 26 Foubert's Place London W1F 7PR | Monday to Thursday 10:00 - 23:30 Friday to Saturday 10:00 - 00:00 Sunday 12:00 - 22:30 |
| -10146 | The Diner | 18-20 Ganton Street London W1F 7QY | Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00 |
| -9959 | Wright Brothers Soho | 12 - 13 Kingly Street London W1B 5PB | Monday to Saturday 08:00 - 00:00 Sunday 08:00 - 23:00 |
| -2755 | The White Horse | 16 Newburgh Street London W1F 7RY | Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00 Monday to Thursday 10:00 - 23:30 Friday to Saturday 10:00 - 00:00 Sunday 12:00 - 22:50 Sundays before Bank Holidays 12:00 - 00:00 |
| 2005 | Fomata | Basement And Ground Floor 15 - 16 Kingly Street London W1B 5PS | Monday to Saturday 10:00 - 01:30 Sunday 12:00 - 00:00 |
| 4940 | Benefit Cosmetics | 10 Carnaby Street London W1F 9PF | Monday to Saturday 08:00 - 20:00 Sunday 12:00 - 18:00 |
| 6957 | Sacred Cafe | 13 Ganton Street London W1F 9BL | Monday to Thursday 10:00 - 23:30 Friday to Saturday 10:00 - 00:00 Sunday 12:00 - 22:30 |
| 8073 | Ain't Nothin' But | 20 Kingly Street London W1B 5PZ | Monday to Thursday 09:00 - 01:30 Friday to Saturday 09:00 - 03:30 Sunday 09:00 - 00:00 Sundays before Bank Holidays 09:00 - 01:30 |
| 8411 | Red Lion Public House | 14 Kingly Street London W1B 5PR | Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00 |
| 12394 | Zebrano | 14-22 Ganton Street London W1F 7QU | Monday to Wednesday 09:00 - 00:00 Thursday to Saturday 09:00 - 01:00 Sunday 12:00 - 00:00 Monday to Thursday 10:00 - 23:30 Friday to Saturday 10:00 - 00:00 Sunday 12:00 - 22:30 Sundays before Bank Holidays 12:00 - 00:00 |
| 12411 | The Red Onion | Ground Floor 26 Kingly Street London W1B 5QD | Monday to Sunday 11:00 - 00:00 |
| 20016 | Cha Cha Moon | 15-21 Ganton Street London W1F 9BN | Monday to Sunday 08:00 - 00:30 |
| 28177 | The Clachan Public House | 34 Kingly Street London W1B 5QH | Monday to Thursday 10:00 - 23:30 Friday to Saturday 10:00 - 00:00 Sunday 12:00 - 22:30 Sundays before Bank Holidays 12:00 - 00:00 Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00 |
| 28881 | Mother Mash | 26 Ganton Street London W1F 7QY | Monday to Friday 08:00 - 23:00 Saturday to Sunday 10:00 - 23:00 |
| -28491 | Shakespeare's Head Public House | 29 Great Marlborough Street London W1F 7HZ | Monday to Saturday 07:00 - 00:30 Sunday 07:00 - 00:00 |
| -21521 | Rosa's | 23A Ganton Street London W1F 9BW | Monday to Thursday 10:00 - 23:30 Friday to Saturday 10:00 - 00:00 Sunday 12:00 - 23:00 Sundays before Bank Holidays 12:00 - 00:00 Christmas Eve 12:00 - 00:00 Christmas Eve 10:00 - 00:00 |
| -20724 | Pitt Cue Co | Ground Floor Right 1 Newburgh Street London W1F 7RB | Monday to Thursday 10:00 - 23:30 Friday to Saturday 10:00 - 00:00 Sunday 10:00 - 22:30 |

BACKGROUND DOCUMENTS



Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Shaftesbury Carnaby Ltd

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

| | | | |
|--|--------|-----------------|----------------|
| Postal address of premises or, if none, ordnance survey map reference or description 22- 25 Kingly Street and 14-16 Fouberts Place as more specifically shown on the attached plan | | | |
| Post town | London | Postcode | W1F 7PA |

| | |
|---|----------------|
| Telephone number at premises (if any) | |
| Non-domestic rateable value of premises | £BAND C |

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
 - i. as a limited company please complete section (B)
 - ii. as a partnership please complete section (B)
 - iii. as an unincorporated association or please complete section (B)
 - iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)

- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a statutory function or
 a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

| | | | | | |
|---|------------------------------|-------------------------------|-----------------------------|--------------------------------|--|
| <input type="checkbox"/> Mr | <input type="checkbox"/> Mrs | <input type="checkbox"/> Miss | <input type="checkbox"/> Ms | Other Title (for example, Rev) | |
| Surname | | | First names | | |
| I am 18 years old or over | | | | | <input type="checkbox"/> Please tick yes |
| Current postal address if different from premises address | | | | | |
| Post town | | | | Postcode | |
| Daytime contact telephone number | | | | | |
| E-mail address (optional) | | | | | |



SECOND INDIVIDUAL APPLICANT (if applicable)

| | | | | | |
|---|------------------------------|-------------------------------|-----------------------------|--------------------------------|-----------------|
| Mr <input type="checkbox"/> | Mrs <input type="checkbox"/> | Miss <input type="checkbox"/> | Ms <input type="checkbox"/> | Other Title (for example, Rev) | |
| Surname | | | First names | | |
| I am 18 years old or over | | | | <input type="checkbox"/> | Please tick yes |
| Current postal address if different from premises address | | | | | |
| Post town | | Postcode | | | |
| Daytime contact telephone number | | | | | |
| E-mail address (optional) | | | | | |

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

| |
|--|
| Name SHAFTESBURY CARNABY LIMITED |
| Address 22 GANTON STREET CARNABY LONDON W1F 7FD |
| Registered number (where applicable) 02038836 |
| Description of applicant (for example, partnership, company, unincorporated association etc.) PRIVATE LIMITED COMPANY |
| Telephone number (if any) |
| E-mail address (optional) |

Part 3 Operating Schedule

When do you want the premises licence to start?

| | | |
|----|----|------|
| DD | MM | YYYY |
| ┌┐ | ┌┐ | ┌┌┌┌ |

If you wish the licence to be valid only for a limited period, when do you want it to end?

| | | |
|----|----|------|
| DD | MM | YYYY |
| ┌┐ | ┌┐ | ┌┌┌┌ |

Please give a general description of the premises (please read guidance note 1)
 The application follows the grant of planning permission and is in accordance with Provisional Statement 13/00326/LIPST with the additional of an external courtyard and external seating, subject to the same conditions of the approved and attached provisional statement.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

- | | |
|---|-------------------------------------|
| Provision of regulated entertainment | Please tick any that apply |
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input checked="" type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

| | | | | | |
|--|--------------|---------------|--|----------|--------------------------|
| Plays Standard days and timings (please read guidance note 6) | | | Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2) | Indoors | <input type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | Please give further details here (please read guidance note 3) | | |
| Mon | | | | | |
| Tue | | | | | |
| Wed | | | State any seasonal variations for performing plays (please read guidance note 4) | | |
| Thur | | | | | |
| Fri | | | | | |
| Sat | | | Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5) | | |
| Sun | | | | | |
| | | | | | |

B

| | | | | | |
|--|-------|--------|---|----------|--------------------------|
| Films Standard days and timings (please read guidance note 6) | | | Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2) | Indoors | <input type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | Please give further details here (please read guidance note 3) | | |
| Mon | | | | | |
| Tue | | | | | |
| Wed | | | State any seasonal variations for the exhibition of films (please read guidance note 4) | | |
| Thur | | | | | |
| Fri | | | Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5) | | |
| Sat | | | | | |
| Sun | | | | | |

C

| Indoor sporting events Standard days and timings (please read guidance note 6) | | | Please give further details (please read guidance note 3) |
|--|-------|--------|---|
| Day | Start | Finish | |
| Mon | | | |
| | | | |
| Tue | | | State any seasonal variations for indoor sporting events (please read guidance note 4) |
| | | | |
| Wed | | | |
| | | | |
| Thur | | | Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5) |
| | | | |
| Fri | | | |
| | | | |
| Sat | | | |
| | | | |
| Sun | | | |
| | | | |

D

| | | | | | | | | |
|---|-------|--------|---|----------|--------------------------|---|--|--|
| Boxing or wrestling entertainments Standard days and timings (please read guidance note 6) | | | Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2) | Indoors | <input type="checkbox"/> | | | |
| | | | | Outdoors | <input type="checkbox"/> | | | |
| | | | | Both | <input type="checkbox"/> | | | |
| Day | Start | Finish | Please give further details here (please read guidance note 3) | | | | | |
| Mon | | | | | | | | |
| Tue | | | | | | | | |
| Wed | | | | | | State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4) | | |
| Thur | | | | | | | | |
| Fri | | | | | | Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5) | | |
| Sat | | | | | | | | |
| Sun | | | | | | | | |

E

| | | | | | | | | |
|---|--------------|---------------|--|----------|--------------------------|---|--|--|
| Live music Standard days and timings (please read guidance note 6) | | | Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2) | Indoors | <input type="checkbox"/> | | | |
| | | | | Outdoors | <input type="checkbox"/> | | | |
| | | | | Both | <input type="checkbox"/> | | | |
| Day | Start | Finish | Please give further details here (please read guidance note 3) | | | | | |
| Mon | | | | | | | | |
| Tue | | | | | | | | |
| Wed | | | | | | State any seasonal variations for the performance of live music (please read guidance note 4) | | |
| Thur | | | | | | | | |
| Fri | | | | | | Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5) | | |
| Sat | | | | | | | | |
| Sun | | | | | | | | |

F

| Recorded music Standard days and timings (please read guidance note 6) | | | Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 2) | Indoors | <input checked="" type="checkbox"/> |
|--|-------|--------|--|----------|-------------------------------------|
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | | | |
| Mon | 10.00 | 00.00 | Please give further details here (please read guidance note 3) | | |
| | | | | | |
| Tue | 10.00 | 00.00 | | | |
| | | | | | |
| Wed | 10.00 | 00.00 | State any seasonal variations for the playing of recorded music (please read guidance note 4) | | |
| | | | | | |
| Thur | 10.00 | 00.00 | | | |
| | | | | | |
| Fri | 10.00 | 00.30 | Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5) From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day | | |
| Sat | 10.00 | 00.30 | | | |
| Sun | 12.00 | 00.00 | | | |

G

| | | | | | |
|--|--------------|---------------|---|----------|--------------------------|
| Performances of dance Standard days and timings (please read guidance note 6) | | | <u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2) | Indoors | <input type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | <u>Please give further details here</u> (please read guidance note 3) | | |
| Mon | | | | | |
| Tue | | | <u>State any seasonal variations for the performance of dance</u> (please read guidance note 4) | | |
| Wed | | | | | |
| Thur | | | <u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5) | | |
| Fri | | | | | |
| Sat | | | | | |
| Sun | | | | | |

H

| | | | | | |
|---|-------|--------|---|----------|--------------------------|
| Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6) | | | Please give a description of the type of entertainment you will be providing | | |
| Day | Start | Finish | Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2) | Indoors | <input type="checkbox"/> |
| Mon | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Tue | | | Please give further details here (please read guidance note 3) | | |
| Wed | | | | | |
| Thur | | | State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4) | | |
| Fri | | | | | |
| Sat | | | Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5) | | |
| Sun | | | | | |

| | | | | | |
|---|--------------|---------------|--|----------|-------------------------------------|
| Late night refreshment Standard days and timings (please read guidance note 6) | | | Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2) | Indoors | <input checked="" type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | <u>Please give further details here</u> (please read guidance note 3) | | |
| Mon | 23.00 | 00.00 | | | |
| | | | | | |
| Tue | 23.00 | 00.00 | | | |
| | | | <u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4) | | |
| Wed | 23.00 | 00.00 | | | |
| | | | | | |
| Thur | 23.00 | 00.00 | | | |
| | | | <u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5) From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day | | |
| Fri | 23.00 | 00.30 | | | |
| | | | | | |
| Sat | 23.00 | 00.30 | | | |
| | | | | | |
| Sun | 23.00 | 00.00 | | | |
| | | | | | |

J

| | | | | | |
|--|--------------|---------------|--|------------------|-------------------------------------|
| Supply of alcohol Standard days and timings (please read guidance note 6) | | | Will the supply of alcohol be for consumption – please tick (please read guidance note 7) | On the premises | <input type="checkbox"/> |
| | | | | Off the premises | <input type="checkbox"/> |
| | | | | Both | <input checked="" type="checkbox"/> |
| Day | Start | Finish | State any seasonal variations for the supply of alcohol (please read guidance note 4) | | |
| Mon | 10.00 | 00.00 | | | |
| Tue | 10.00 | 00.00 | | | |
| Wed | 10.00 | 00.00 | | | |
| Thur | 10.00 | 00.00 | | | |
| Fri | 10.00 | 00.30 | | | |
| Sat | 10.00 | 00.30 | | | |
| Sun | 12.00 | 00.00 | Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5) From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day | | |
| | | | | | |

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:

| | |
|--|----------|
| Name Alun Thomas | |
| Address 38A Monmouth Street | |
| Postcode | WC2H 9EP |
| Personal licence number (if known) N/A | |
| Issuing licensing authority (if known) | |

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).
 None

L

| Hours premises are open to the public Standard days and timings (please read guidance note 6) | | | State any seasonal variations (please read guidance note 4) |
|---|-------|--------|---|
| Day | Start | Finish | |
| Mon | 10.00 | 00.00 | <p>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5) From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day</p> |
| | | | |
| Tue | 10.00 | 00.00 | |
| | | | |
| Wed | 10.00 | 00.00 | |
| | | | |
| Thur | 10.00 | 00.00 | |
| | | | |
| Fri | 10.00 | 00.30 | |
| | | | |
| Sat | 10.00 | 00.30 | |
| | | | |
| Sun | 10.00 | 00.00 | |
| | | | |

M Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

See attached proposed conditions

b) The prevention of crime and disorder

See above

c) Public safety

See above

d) The prevention of public nuisance

See above

e) The protection of children from harm

See above

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 11). **If signing on behalf of the applicant, please state in what capacity.**

| | |
|-----------|---|
| Signature | <i>Thomas & Thomas</i> |
| Date | 28/11/2014 |
| Capacity | Thomas & Thomas Partners LLP, Solicitors on behalf of the Applicant |

For joint applications, signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

| | |
|-----------|--|
| Signature | |
| Date | |
| Capacity | |

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

REF: AT/SHA.30.30

Thomas & Thomas Partners LLP

38a Monmouth Street

| | | | |
|---|---------------|----------|-----------------|
| Post town | London | Postcode | WC2H 9EP |
| Telephone number (if any) | 020 7042 0412 | | |
| If you would prefer us to correspond with you by e-mail, your e-mail address (optional) | | | |
| athomas@tandtp.com | | | |

2

Conditions for 22-25 Kingly Street and 14-16 Fouberts Place, W1

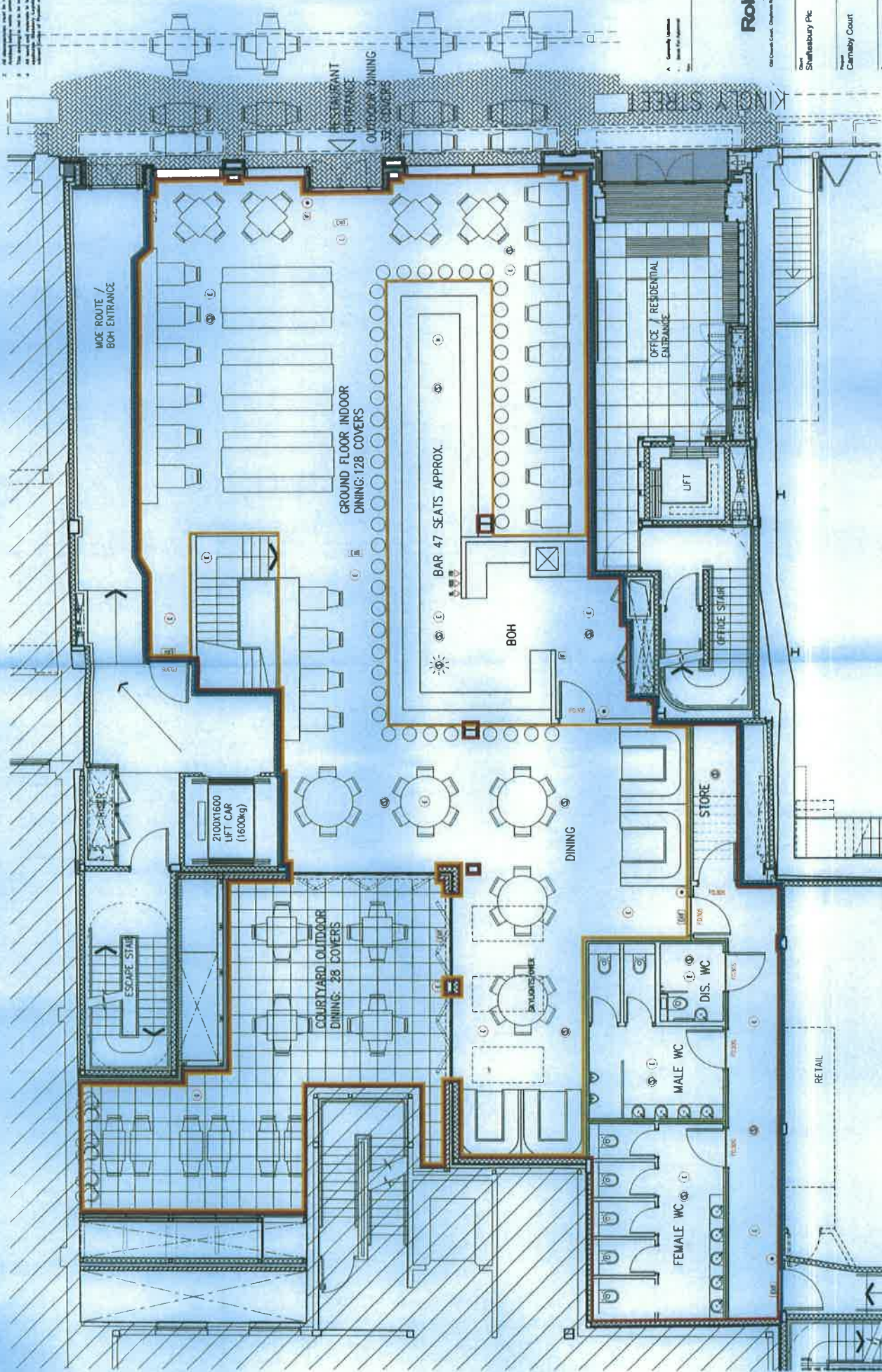
- 1) The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually 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 preceding 31 day period.
- 2) 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.
- 3) 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) all seizures of drugs or offensive weapons
 - (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.
- 4) 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
- 5) Non-intoxicating beverages shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
- 6) The sale of alcohol for consumption off the premises shall be restricted to:
 - a) in sealed containers; or
 - b) to persons seated at tables and chairs as shown on the approved plan
- 7) The number of persons accommodated at any one time (excluding staff) shall not exceed
Ground Floor – XXX persons
Basement – XXX persons
- 8) No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance

- 9) No striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
- 10) Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly
- 11) 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.
- 12) Patrons temporarily leaving the premises shall not be permitted to take drinks outside with them
- 13) 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
- 14) All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
- 15) No rubbish, including bottles, shall be moved, removed or placed in outside areas between 23.00 and 08.00
- 16) The licence will have no effect until the works have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the licence
- 17) This licence shall not take effect until notice of surrender of licence number 12/11202/LIPT accompanied by the premises licence, has been given by the premises licence holder to the Licensing Authority under section 28 of the Licensing Act 2003

4778
 1. The Contractor shall erect and maintain all scaffolding in accordance with the relevant standards and regulations and shall be responsible for its safe use.
 2. The Contractor shall be responsible for the safe use of all lifting equipment and shall ensure that it is used in accordance with the relevant standards and regulations.
 3. The Contractor shall be responsible for the safe use of all tools and equipment and shall ensure that they are used in accordance with the relevant standards and regulations.
 4. The Contractor shall be responsible for the safe use of all materials and shall ensure that they are used in accordance with the relevant standards and regulations.

Rolfe Judd

100 Queens Court, Cambridge Road, The Clarendon, 100 Queens Court, 100 Queens Court, 100 Queens Court
 Proposed Ground Floor Plan
 Kindly Street
 Restaurant Layout
 1:50 (A1) 5th 14
 4778 AK(72)P00
 1:00 @ A3



— Total Area = 418.35m²
 — Licensed Area = 275m²

- Fire Compartmentation
- ① 60 Minutes Fire Resisting Construction with FD305 Fire Doors
 - ② 30 Minutes Fire Resisting Construction with FD305 Fire Doors to BOE
 - ③ 9 Litre Water Extinguisher
 - ④ Carbon Dioxide Extinguisher
 - ⑤ Fire Blanket

- Fire Alarm Schedule
- ① Heat Detector
 - ② Smoke Detector / Sounder
 - ③ Emergency Light
 - ④ Fire Alarm Break Glass Unit
 - ⑤ Fire Alarm Combined Smoke Detector / Flashing Beacon
 - ⑥ Fire Alarm Interface Unit
 - ⑦ Fire Alarm Remote Indicator

- Fire Compartmentation
- ⑧ Escape Signage, All in accordance with BS5588-10 & the approved documents
 - ⑨ 2100x1600 LIFT CAR (1600kg)

- Fire Alarm Schedule
- ① Heat Detector
 - ② Smoke Detector / Sounder
 - ③ Emergency Light
 - ④ Fire Alarm Break Glass Unit
 - ⑤ Fire Alarm Combined Smoke Detector / Flashing Beacon
 - ⑥ Fire Alarm Interface Unit
 - ⑦ Fire Alarm Remote Indicator

- Fire Alarm Schedule
- ① Heat Detector
 - ② Smoke Detector / Sounder
 - ③ Emergency Light
 - ④ Fire Alarm Break Glass Unit
 - ⑤ Fire Alarm Combined Smoke Detector / Flashing Beacon
 - ⑥ Fire Alarm Interface Unit
 - ⑦ Fire Alarm Remote Indicator

1. This document shall apply to all units and shall be read in conjunction with the approved documents.
2. The drawings shall be read in conjunction with the approved documents.
3. The drawings shall be read in conjunction with the approved documents.
4. The drawings shall be read in conjunction with the approved documents.
5. The drawings shall be read in conjunction with the approved documents.

Fire Alarm Schedule

- ① Heat Detector
- ② Smoke Detector / Sounder
- ③ Emergency Light
- ④ Fire Alarm Break Glass Unit
- ⑤ Fire Alarm Combined Smoke Detector / Flashing Beacon
- ⑥ Fire Alarm Interface Unit
- ⑦ Fire Alarm Remote Indicator

Fire Compartmentation

- ⑧ Escape Signage: All in accordance with BS5588-10 & the approved documents
- ⑨ 60 Minutes Fire Resisting Construction with FD30S Fire Doors
- ⑩ 30 Minutes Fire Resisting Construction with FD30S Fire Doors To MOC
- ⑪ 9 Litre Water Extinguisher
- ⑫ Carbon Dioxide Extinguisher
- ⑬ Fire Blanket

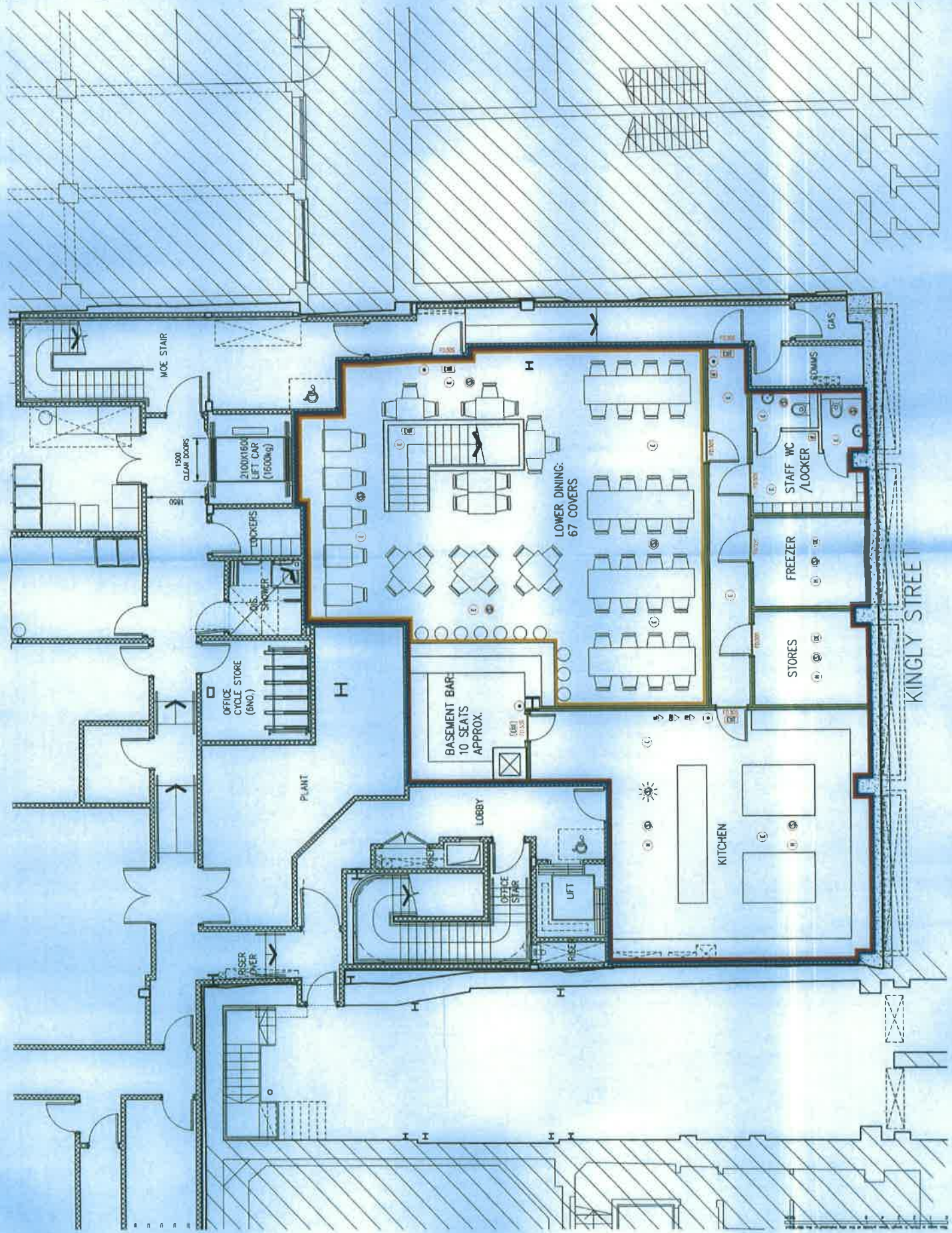
— Total Area = 293.3m²
 — Licensed Area = 110m²

Rofe Judd

100 Kingsley Street, Stratford-upon-Avon, Warwickshire, CV37 7YU
 Tel: 01527 531111 Fax: 01527 531112
 Email: info@rofejudd.co.uk

Client: Shaftesbury Plc
 Location: Carnaby Court

Project: Proposed Basement Floor Plan
 Kingly Street Restaurant Layout
 Date: 16/01/14
 Sheet: 4776_AK721_P-1
 Scale: 1:100 @ A3



05/01/2015 11:16:34

From: "Sollars, Jim" </O=CITYOFWESTMINSTER/OU=CORPORATE/CN=RECIPIENTS/CN=JSOLLARS>
Sent: 23/12/2014 09:23:41
To: idoxlicensing </O=CITYOFWESTMINSTER/OU=CORPORATE/CN=RECIPIENTS/CN=IDOXLICENSING>
Cc: idoxlicensing; Anand-Patel, Sumeet
Subject: 14/10681/LIPN

Alun,

Just a quick email to confirm that Police have no representation against the above application.

Jim Sollars PC 2142CW

Westminster Police Licensing Team

4th Floor Westminster City Hall,

64, Victoria Street,

LONDON

SW1E 6QP

Tel: 0207 641 3179

TO Licensing Officer

REFERENCE 14/10681/LIPN

FROM EH Consultation Team
REFERENCE 14/052381/EHCT
BEING DEALT WITH BY S Smith (ssmith@westminster.gov.uk)
TELEPHONE 020 7641 7242
DATE 10 December 2014

The Licensing Act 2003

14-16 Fouberts Place and 22-25 Kingly St

I refer to the application for a new licence for the above premises.

The premises are located in the West End Stress Area.

The applicant has submitted basement and ground floor plans of the premises ref No 4775 AK(72) P-1 and 4775 AK(72) P00 as proposed.

This representation is based on the plans and operating schedule submitted. The applicant previously sought and gained a provisional statement from the Licencing Committee 13/00326/LIPST which did not include the proposed external courtyard and external seating

The applicant is seeking the following

1. To provide Recorded Music indoors Monday to Thursday 10.00-00.00, Friday – Saturday 10.00-00.30 and Sunday 12.00-00.00. They have also requested 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.
2. To provide Late Night Refreshment indoors Monday to Thursday 23.00-00.00, Friday to Saturday 23.00-00.30 and Sunday 23.00-00.00. They have also requested 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.
3. To provide for the Supply of Alcohol 'On' and Off the premises Monday to Thursday 10.00 - 00.00, Friday to Saturday 10.00-00.30 and Sunday 12.00 to 00.00. They have also requested 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.

I wish to make the following representation

1. The hours requested for recorded music will impact on Public Safety and have the likely effect of causing an increase in Public Nuisance in the West End stress area.

2. The hours requested for late night refreshment will impact on Public Safety and have the likely effect of causing an increase in Public Nuisance in the West End Stress area.
3. The hours requested for the supply of alcohol will impact on Public Safety and have the likely effect of causing an increase in Public Nuisance in the West End stress area.

The applicant has provided the conditions agreed in the provisional statement within the operating schedule to address the operation of the premises but these need to be reassessed by Environmental Health following a visit to the premises. Additional conditions may be proposed.

Should you wish to discuss the matter further please do not hesitate to contact me.

Stephen Smith
Environmental Health Officer

14/10681/LIPN 22 Kingly Street/ 14-16 Fouberts Place, London W1B 5QB

Application for Premises Licence

The applicant seeks a new licence for the above premises. The applicant seeks hours that are beyond the Core Hours as defined in the City Councils Licencing Policy. **The premises are located in the West End Stress Area.** Environmental Health will maintain a Representation because of concerns about how the proposals may add to cumulative impact in the Stress Area.

I am particularly concerned that local residents may be adversely affected by noise and disturbance from use of the premises late at night. The later hours may have the effect of delaying late night dispersal by encouraging customers to remain in the area after Core Hours. There will be residents above the premises and in the nearby side street. The premises may need to prove that what is sought is an exception to Policy.

The applicant previously sought and gained a provisional statement from the Licencing Committee 13/00326/LIPST which did not include the proposed external courtyard and external seating at the front of the premises. The applicant sought and gained planning permission for the development which included basement, ground and four upper floors for use as retail restaurant, offices and twelve flats. The permission also conditioned hours of activity in the proposed premises from 07:30 until Midnight Sunday to Thursday and 07:30 until 00:30 Friday and Saturdays.

The planning permission conditioned "the design and structure of the development to be of such a standard that it will protect residents within the same building and adjoining buildings from noise and vibration..." The applicant has still to submit detailed information on how this will be achieved for approval but has indicated either double or triple acoustic glazing in the original application to planning. This includes the front and external facades which are to be acoustically glazed. The flats will also have whole premises mechanical ventilation. There are to be balconies on the rear facade overlooking the courtyard which will be subject to elevated external noise levels not associated with the premises.

Although not added to the original planning grant, Environmental Health has a planning informative for new residential developments where façade mitigation measures have been necessary to prevent ingress of external noise:

"Approval for this residential use has been given on the basis of façade sound insulation and ventilation mitigation measures being incorporated into the development to prevent ingress of external noise. Occupiers are therefore advised, that once the premises are occupied, any request under the Licensing Act 2003, Environmental Protection Act 1990, Control of Pollution Act 1974 or planning legislation for local authority officers to make an assessment for noise nuisance arising from external sources is likely to be

undertaken only if the noise and ventilation mitigation measures installed are in operation i.e. windows kept closed and ventilation scheme utilised”.

The applicant is seeking the following hours

1. To provide Recorded Music indoors Monday to Thursday 10.00-00.00, Friday – Saturday 10.00-00.30 and Sunday 12.00-00.00. They have also requested 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.
2. To provide Late Night Refreshment indoors Monday to Thursday 23.00-00.00, Friday to Saturday 23.00-00.30 and Sunday 23.00-00.00. They have also requested 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.
3. To provide for the Supply of Alcohol ‘On’ and Off the premises Monday to Thursday 10.00 - 00.00, Friday to Saturday 10.00-00.30 and Sunday 12.00 to 00.00. They have also requested 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.

In addition to the conditions proposed by the applicant I have agreed with the applicant the following additional conditions:

1. **Loudspeakers shall not be located in the entrance lobby or outside the premises building.**
2. **No deliveries to the premises shall take place between (23.00) and (08.00) on the following day.**
3. **The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.**
4. **The number of persons permitted on the premises at any one time (excluding staff) shall not exceed**

Ground Floor XXX persons
Basement XXX persons

Detailed capacity to be assessed and agreed prior to works sign off

Stephen Smith
Environmental Health Officer
14 January 2015

05/01/2015 11:16:03

From: "james.davies99@btinternet.com" <james.davies99@btinternet.com>
Sent: 12/12/2014 09:23:45
To: Premises Licensing
Subject: License Application: Opposal from Local Resident to Ref: 14/10681/LIPN

To whom it may concern,

I am writing to you with regards to the licensing application for 14-16 Foubert's Place/Kingly Street (reference: 14/10681/LIPN) and to register my opposition to granting the licensing application.

Foubert's Place is mixture of retail and residential properties. The proposed license for playing of music, late night refreshment and sale of retail alcohol and associated timings is a significant move away from the existing environment and will no doubt infringe on the residents enjoyment of the area as it currently exists.

There are many excellent bars, restaurants and nightclubs further south in Carnaby which provide similar opportunities for entertainment and enjoyment so I see no reason why further licensing at the expense of existing resident's comfort should be granted by the council.

I would also like to refer you to the council's rules on noise pollution and rules surrounding noise disturbances. The proposed licensing application would certainly lead to increased noise beyond an acceptable level on what is a residential street in night hours.

As a local resident, I therefore strongly oppose the proposed application (14/10861/LIPN)

Regards

James Davies

Flat 2
13 Fouberts Place
London
W1F 7QA

Comments for Licensing Application 14/10681/LIPN

Application Summary

Application Number: 14/10681/LIPN
Address: 14-16 Foubert's Place London W1F 7PA
Proposal: Premises Licence - New
Case Officer: Mrs Sumeet Anand-Patel

Customer Details

Name: Mrs Liz Callingham
Address: Flat 2 6 Upper John Street London

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments neither objecting to or supporting the Licensing Application

Comment Reasons:

Comment: 1:31 PM on 22 Dec 2014 The application for this licence could bring over 400 more people into Soho daily.

The application will no doubt be passed as it has Planning.

As a resident, is it still possible to ask the panel considering this application, to look at what the long term impact of this site on the area could be? Does cumulative impact as a real thing (defined by residents here as catastrophic and irreversible change) exist in the minds of licence givers any more?

Many good things have been happening around Carnaby and Kingly Court in the last few years and residents have been very positive in their support. There are now 12 licensed premises on Beak Street, 13 in Kingly Court and currently 9 in Kingly Street.

Is enough, enough? The zeitgeist appears to be changing : 20,000 people have signed to retain the character of Denmark Street.

It would be very sad, and out of character for Westminster to deny itself some vision on this.

Liz Callingham
Resident 6 Upper John Street

Objections
Westminster Licensing Service
4th Floor (West) City Hall
64 Victoria Street
London SW1E 6QP

email: premiseslicensing@westminster.gov.uk

19 December 2014

Dear Sir/Madam

Ref: 14/10681/LIPN 22-25 Kingly Street

I write to make a relevant representation to the above application on behalf of the Soho Society.

The Soho Society is a charitable company limited by guarantee established in 1972. The Society is a recognised amenity society 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 City Council's policies, including the cumulative impact policy, as set out in the Statement of Licensing Policy.

The 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 Stress Area.

Playing of recorded music

It is noted that the premises will operate with an openable shopfront and this is incompatible with the activity of playing recorded music, as it poses a threat to residential amenity through noise nuisance. This activity is objected to. If Westminster City Council were minded to grant permission it is requested that it is only on condition that the openable elements of the shopfront are kept closed during that activity.

Hours of operation

The proposal includes licensable activities, including sale of alcohol, outside of Westminster core hours. These license should be limited to these, namely Monday to Thursday 10am-11.30pm, Friday-Saturday 10am-12midnight and Sunday 12midday-10.30pm.

This area has been identified by the City Council (2.4.1 of the Statement of Licensing

Policy, as amended) as under stress because the cumulative effect of the concentration of late night and drink led premises and night cafes has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses.

The policies in relation to the Stress Areas are directed at the global and cumulative effects of licences on the area as a whole (2.4.5 of the Policy). The policies are intended to be strict and will only be overridden in genuinely exceptional circumstances (2.4.2 of the Policy). 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 problems such as, but 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.

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 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.

Yours faithfully,

David Gleeson

Licensing Chair, The Soho Society
55 Dean Street
Soho
London W1D 6AF

03/12/2014 02:01 PM



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of retail space

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03/12/2014 02:07 PM