



City of Westminster

Licensing Sub-Committee Report

Item No:

Date:

17th September 2015

Classification:

For General Release

Title of Report:

The London Edition
10 Berners Street
London
W1A 3BE

Uniform Reference:

15/07400/LITENP

Report of:

Operational Director for Premises Management

Policy context:

City of Westminster Statement of Licensing Policy

Financial summary:

None

Report Author:

Yolanda Wade
Senior Licensing Officer

Contact Details:

Telephone: 020 7641 1872
E-mail: ywade@westminster.gov.uk

1. TEMPORARY EVENT NOTICE DETAILS

Proposal:	<u>Permitted Temporary Activities:</u> <ul style="list-style-type: none"> • The Sale by Retail of Alcohol (on and off the premises) • The provision of regulated entertainment • The provision of late night refreshment <p><i>(Please see Temporary Event Notice at Appendix A)</i></p>		
Premises User:	Mr Lance Perkins	Premises Name and Address:	The London Edition 10 Berners Street London W1A 3BE
Date Temporary Event Notice Received:	3 rd September 2015	Period of Event:	<u>15/07400/LITENP</u> 01:00- 03:00 Tuesday 22 nd September 2015
Ward Name:	West End	Stress Area:	YES
Number of attendees at event (including staff):	499		
Details of Premises Licence:	<p>The times the licence authorises the carrying out of licensable activities:</p> <p>Performance of Dance</p> <p>Monday to Sunday: 09:00 to 01:00 (Subject to conditions 41, 45, 47 & 51)</p> <p>Non-standard Timings: 24 hours for residents and their bona fide guests</p> <p>Exhibition of a Film</p> <p>Monday to Sunday: 09:00 to 01:00 (Subject to conditions 41, 45, 47 & 51)</p> <p>Non-standard Timings: 24 hours for residents and their bona fide guests</p> <p>Performance of Live Music</p> <p>Monday to Sunday: 09:00 to 01:00 (Subject to conditions 41, 45, 47 & 51)</p> <p>Non-standard Timings: 24 hours for residents and their bona fide guests</p>		

Playing of Recorded Music

Monday to Sunday: 09:00 to 01:00
(Subject to conditions 41, 45, 47 & 51)

Non-standard Timings: 24 hours for residents and their bona fide guests

Anything of a similar description to Live Music, Recorded Music or Performance of Dance

Monday to Sunday: 09:00 to 01:00
(Subject to conditions 41, 45, 47 & 51)

Non-standard Timings: 24 hours for residents and their bona fide guests

Performance of a Play

Monday to Sunday: 09:00 to 01:00
(Subject to conditions 41, 45, 47 & 51)

Non-standard Timings: 24 hours for residents and their bona fide guests

Late Night Refreshment

Monday to Sunday: 23:00 to 01:00
(Subject to conditions 41, 45, 47 & 51)

Non-standard Timings: 23:00 to 05:00 for residents and their bona fide guests

Sale by Retail of Alcohol

Monday to Sunday: 06:00 to 01:00
(Subject to conditions 41, 45 to 47 & 51)

Non-standard Timings: 24 hours for residents and their bona fide guests

The opening hours of the premises:

Monday to Sunday: 00:00 to 00:00

(Please see a copy of the Premises Licence at Appendix B)

Notice of Objection by Environmental Health:

The Environmental Health Service has given a notice of objection under s.104 (2) of the Licensing Act 2003. The notice of objection is based on the grounds that allowing the premises to be used in accordance with the notice would undermine the Public Safety objective.

Environmental Health has stated: 'the current licence has a stated capacity of 220 persons excluding staff however the application states that it wishes to have a capacity of 499 persons which does not promote the licencing

	<p>objective of public safety for the time of the event.</p> <p><i>(Please see Environmental Health's Objection at Appendix C)</i></p>
Recommendation:	<p>That the Sub-Committee consider the notice of objection given by Environmental Health and determine whether or not the Licensing Authority should issue a counter notice to the premises user, in accordance with s.105 of the Licensing Act 2003.</p> <p>If members are minded to grant the application, they can attach relevant conditions from the LA03 premises licence to the notice in accordance with paragraph 106A of the Police Reform and Social Responsibility Act 2011.</p>

Additional procedural information – please see Appendix D

If you have any questions about this report, please contact Yolanda Wade on 020 7641 1872 or at ywade@westminster.gov.uk



Westminster
Application for a Temporary Event Notice
Licensing Act 2003

For help contact
tens@westminster.gov.uk
 Telephone: 020 7641 1884

* required information

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You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

First name

Family name

E-mail address

Main telephone number Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

Applying as a business or organisation, including as a sole trader

Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Continued from previous page...

Address

Building number or name	Flat 1
Street	36 Tisbury Road
District	
City or town	Hove
County or administrative area	
Postcode	BN3 3BA
Country	United Kingdom

Agent Details

First name	Darren
Family name	O'Leary
E-mail address	progression@jgrlaw.co.uk
Main telephone number	0207 339 7174
Other telephone number	

Include country code.

Indicate here if you would prefer not to be contacted by telephone

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Agent Business

Is your business registered in the UK with Companies House? Yes No

Registration number	0797 6954
Business name	Jeffrey Green Russell Limited
VAT number	GB 239 7797 96
Legal status	Private Limited Company
Your position in the business	Case Progression Coordinator
Home country	United Kingdom

If your business is registered, use its registered name.

Put "none" if you are not registered for VAT.

The country where the headquarters of your business is located.

Continued from previous page...

Agent Registered Address

Address registered with Companies House.

Building number or name	Waverley House
Street	7-12 Noel Street
District	
City or town	London
County or administrative area	
Postcode	W1F 8GQ
Country	United Kingdom

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APPLICATION DETAILS (See also guidance on completing the form, general notes and note 1)

Have you had any previous or maiden names?

- Yes No

Your date of birth

08	/	05	/	1970
dd		mm		yyyy

Applicant must be 18 years of age or older

National Insurance number

PC364109B

This box need not be completed if you are an individual not liable to pay UK national insurance.

Place of birth

Ottawa, Canada

Correspondence Address

Is the address the same as (or similar to) the address given in section one?

- Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name	Jeffrey Green Russell Limited, Waverley House
Street	7-12 Noel Street
District	
City or town	London
County or administrative area	
Postcode	W1F 8GQ
Country	United Kingdom

Continued from previous page...

Additional Contact Details

Are the contact details the same as (or similar to) those given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes

No

E-mail

progression@jgrlaw.co.uk

Telephone number

0207 339 7174

Other telephone number

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THE PREMISES

I, the proposed user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry out a temporary activity at the premises described below.

Give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references). (See also guidance on completing the form, note 2)

Does the premises have an address?

Yes

No

Address

Is the address the same as (or similar to) the address given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes

No

Building number or name

The London Edition

Street

10 Berners Street

District

City or town

London

County or administrative area

Postcode

W1T 3NP

Country

United Kingdom

Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)?

Neither

Premises licence

Club premises certificate

Premises licence number

13/06844/LIPDPS

Location Details

Provide further details about the location of the event

Berners Tavern and Function Room (Basement)

Continued from previous page...

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, give a description and details below (see also guidance on completing the form, note 3)

Describe the nature of the premises below (see also guidance on completing the form, note 4)

5 Star boutique hotel

Describe the nature of the event below (see also guidance on completing the form, note 5)

This is a TEN for the Business of Fashion event at the London EDITION hotel.

The event commences at 20:00 with a cocktail and canapé reception in the lobby bar for 150 people followed by dinner at 21:00 in Berners Tavern. At 22:00 a further 300 guests will arrive. The TEN seeks to extend permitted hours until 03:00 for this event and the operator agrees to be bound by the following undertakings:

1. All conditions of premises licence no. 1306844LIPDPS will apply to the TEN save for hours.
 2. There will be no admittance/re-admittance of guests attending the BoF event after 01:30 save for smoker.
 3. At least 16 SIA registered security staff are to be employed at the premises during the TEN.
 4. A Maximum of 30 persons shall be permitted within the designated smoking area at any one time.
 5. The Operator, in coordination with the event organiser, will arrange street patrols to ensure the orderly dispersal of guests following the event.
 6. The Applicant will be on duty throughout the event.
 7. All windows and external doors shall be kept shut except for the immediate access/egress of patrons during the event.
 8. No noise shall emanate from the premises, nor vibration be transmitted through the structure of the premises, which give rise to a nuisance.
 9. Alcohol shall not be consumed external to the premises throughout the duration of the event.
 10. Amplified music shall not be audible outside the premises during the event.
 11. The Applicant shall supply to the residents of York House a direct telephone number in the event of any complaints regarding the event.

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LICENSABLE ACTIVITIES

State the licensable activities that you intend to carry on at the premises (see also guidance on completing the form, note 6):

- The sale by retail of alcohol

- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club

- The provision of regulated entertainment
- The provision of late night refreshment

- The giving of a late temporary event notice

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event.
(See also guidance on completing the form, note 7).

Continued from previous page...

Event Dates

There must be a period of at least 10 working days between the date you submit this form and the date of the earliest event when you will be using these premises for licensable activities.

State the dates on which you intend to use these premises for licensable activities

(see also guidance on completing the form, note 8)

Event start date

22	/	09	/	2015
dd		mm		yyyy

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours or seven days.

Event end date

22	/	09	/	2015
dd		mm		yyyy

State the times during the event period that you propose to carry on licensable activities (give times in 24 hour clock)

Tuesday 22nd September 2015 - 01:00 to 03:00

(see also guidance on completing the form, note 9)

State the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers

499

Note that the maximum number of people cannot exceed 499.

(see also guidance on completing the form, note 10)

If the licensable activities will include the supply of alcohol, state whether the supplies will be for consumption on or off the premises, or both

(see also guidance on completing the form, note 11):

- On the premises only
- Off the premises only
- Both

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RELEVANT ENTERTAINMENT (See also guidance on completing the form, note 12)

State if the licensable activities will include the provision of relevant entertainment. If so, state the times during the event period that you propose to provide relevant entertainment

None

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PERSONAL LICENCE HOLDERS (See also guidance on completing the form, note 13)

Continued from previous page...

Do you currently hold a valid personal licence? Yes No

Provide the details of your personal licence below.

Issuing licensing authority

Licence number

Date of issue / /
dd mm yyyy

Date of expiry / /
dd mm yyyy

Any further relevant details

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PREVIOUS TEMPORARY EVENT NOTICES (See also guidance on completing the form, note 14)

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice? Yes No

State the number of temporary event notices you have given for events in that same calendar year

Have you already given a temporary event notice for the same premises in which the event period:
a) Ends 24 hours or less before; or Yes No
b) Begins 24 hours or less after the event period proposed in this notice?

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ASSOCIATES AND BUSINESS COLLEAGUES (See also guidance on completing the form, note 15)

Continued from previous page...

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? Yes No

Has any associate of yours already given a temporary event notice for the same premises in which the event period:
a) Ends 24 hours or less before; or
b) Begins 24 hours or less after the event period proposed in this notice? Yes No

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? Yes No

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:
a) Ends 24 hours or less before; or
b) Begins 24 hours or less after the event period proposed in this notice? Yes No

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CONDITION (See also guidance on completing the form, note 17)

It is a condition of this temporary event notice that where the relevant licensable activities described in Sections 4 and 5 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

This formality requires a fixed fee of £21

DECLARATION (See also guidance on completing the form, note 18)

* The information contained in this form is correct to the best of my knowledge and belief

Continued from previous page...

* I understand that it is an offence:

- * (i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and
- * (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

Full name

Capacity

Date / /
dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
 2. Go back to <https://www.gov.uk/apply-for-a-licence/temporary-event-notice/westminster/apply-1> to upload this file and continue with your application.
- Don't forget to make sure you have all your supporting documentation to hand.

OFFICE USE ONLY

Applicant reference number

Fee paid

Payment provider reference

ELMS Payment Reference

Payment status

Payment authorisation code

Payment authorisation date

Date and time submitted

Approval deadline

Error message

Is Digitally signed

APPENDIX B



Schedule 12
Part A

WARD: West End
UPRN: 200002817846

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

Premises licence

Regulation 33, 34

Premises licence number:

13/06844/LIPDPS

Original Reference:

12/00691/LIPN

Part 1 – Premises details

Postal address of premises:

The London Edition
10 Berners Street
London
W1A 3BE

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Performance of Dance
Exhibition of a Film
Performance of Live Music
Playing of Recorded Music
Anything of a similar description to Live Music, Recorded Music or Performance of Dance
Performance of a Play
Late Night Refreshment
Sale by Retail of Alcohol

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

Performance of Dance

Monday to Sunday: 09:00 to 01:00 (Subject to conditions 41, 45, 47 & 51)
Non-standard Timings: 24 hours for residents and their bona fide guests

Exhibition of a Film

Monday to Sunday: 09:00 to 01:00 (Subject to conditions 41, 45, 47 & 51)
Non-standard Timings: 24 hours for residents and their bona fide guests

Performance of Live Music

Monday to Sunday: 09:00 to 01:00 (Subject to conditions 41, 45, 47 & 51)
Non-standard Timings: 24 hours for residents and their bona fide guests

Playing of Recorded Music

Monday to Sunday: 09:00 to 01:00 (Subject to conditions 41, 45, 47 & 51)
Non-standard Timings: 24 hours for residents and their bona fide guests

Anything of a similar description to Live Music, Recorded Music or Performance of Dance

Monday to Sunday: 09:00 to 01:00 (Subject to conditions 41, 45, 47 & 51)
Non-standard Timings: 24 hours for residents and their bona fide guests

Performance of a Play

Monday to Sunday: 09:00 to 01:00 (Subject to conditions 41, 45, 47 & 51)
Non-standard Timings: 24 hours for residents and their bona fide guests

Late Night Refreshment

Monday to Sunday: 23:00 to 01:00 (Subject to conditions 41, 45, 47 & 51)
Non-standard Timings: 23:00 to 05:00 for residents and their bona fide guests

Sale by Retail of Alcohol

Monday to Sunday: 06:00 to 01:00 (Subject to conditions 41, 45 to 47 & 51)
Non-standard Timings: 24 hours for residents and their bona fide guests

The opening hours of the premises:

Monday to Sunday: 00:00 to 00:00

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

Alcohol is supplied for consumption both on and off the Premises.

Part 2

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

Green Agate D 2010 Ltd
Equity Trus House
28-30 The Prade
St Helier
Jersey
JE1 1EQ

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

FC030086

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

Name: Lance Perkins

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: 12947
Licensing Authority: London Borough Of Tower Hamlets

Date: 23rd February 2015

This licence has been authorised by Miss Bina Patel on behalf of the Operational Director - Premises Management.

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.
9. Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.
10. 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.

Annex 2 – Conditions consistent with the operating Schedule

None

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

11. All refuse will be stored internally prior to collection.
12. No unauthorised advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) is inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or is distributed to the public, that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services.
13. When films are shown cinema style linked seating will not be provided except as agreed with the Environmental Health Consultation Team.
14. Except for the hotel bedrooms, the licensee shall not permit striptease in the premises. Except for the hotel bedrooms, the Licensee shall not permit nudity and all persons shall be decently attired at all times.
15. With the exception of the showing of films in Hotel Bedrooms, no entertainment, performance, service, or exhibition involving nudity or sexual stimulation which would come within the definition of a sex establishment in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Greater London Council (General Powers) Act 1986 (whether or not locally adopted), shall be provided under the authority of this licence.
16. Licensable activities authorised by this licence may continue from the end of permitted hours on New Year's Eve until the end of permitted hours on New Year's Day
17. The use for the premises under this licence shall remain ancillary to the main use of the premises as a hotel.
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. Substantial food and non-intoxicating beverages, including drinking water shall be available
20. 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 authorized officer throughout the preceding 31 day period.
21. 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.
22. There shall be a liveried doorman on duty at the entrance to the hotel at all times. He or she will hold a SIA (or successor licensing authority) license. There will always be at least two SIA registered staff on duty at all times.
23. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

24. Waste or recyclable materials, including bottles shall only be moved, removed or placed in outside areas between
- Monday to Thursday 0800 and 21:00
Friday and Saturday 08:00 and 21:00
Sunday and Bank Holiday Mondays between 10:00 and 21:00
25. Deliveries to the premises shall only be arranged between:
- Monday to Thursday 0800 and 21:00
Friday and Saturday 08:00 and 21:00
Sunday and Bank Holiday Mondays between 10:00 and 21:00
- except by hand deliveries (i.e. goods carried into the premises by hand unaided by mechanical means e.g. pallets and sack trucks). All by hand deliveries outside of the above times shall only be delivered in a way that is not noisy and all vehicles delivering such goods shall be requested to not park in Eastcastle Street, Berners Place or Berners Mews.
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. 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.
28. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and business and leave the area quietly.
29. Loudspeakers shall not be located in the entrance lobby or outside the premises save for those used only for making emergency announcements.
30. There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises 'directly off the street'
31. Any special effects or mechanical installations shall be arranged and stored so as to minimize any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given.
- o Dry ice and cryogenic fog
 - o Smoke machines and fog generators
 - o Pyrotechnics including fire works
 - o Firearms
 - o Lasers
 - o Explosives and highly flammable substances
 - o Real flame
 - o Strobe lighting
32. No person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other persons any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased.

NOTE: (1) This rule does not apply to exhibitions given under the provisions of Section 2(1A) and 5 of the Hypnotism Act 1952.

33. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
34. 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
35. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
36. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.
37. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
38. Curtains and hangings shall be arranged so as not to obstruct emergency signs
39. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing should be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes, other than foyers, entertainment areas or function rooms, should be non-combustible.
40. The certificates listed below shall be submitted to the Licensing Authority upon written request.
 - o Any emergency lighting battery or system
 - o Any electrical installation
 - o Any emergency warning system

Conditions relating to Function Room - basement

41. The hours for Licensable Activities shall be:
 - Regulated Entertainment - Monday to Sunday 09:00 to 01:00
 - Sale and Supply of Alcohol - Monday to Sunday 09:00 to 01:00
 - Late Night Refreshment - Monday to Sunday 23:00 to 01:00except for:-
 - a) Hotel residents and their guests, which shall be limited to 5 persons.
 - b) Persons on the proprietor's personal guest list up to a maximum of 30, a list of which shall be kept at the entrance to the function room for inspection by a police constable or authorised licensing officer.
 - c) Persons attending a pre-booked event on Thursday, Friday and Saturday when licensable activity is extended to 2.00am.
42. The number of persons permitted in the function room at any one time shall not exceed 220 (excluding staff) or such lesser numbers as agreed with the licensing Authority on removal of works condition .
43. There shall be no direct access from the street to the Function Room; patrons must gain access through the lobby.

Conditions relating to Restaurant - ground/mezzanine floors

44. The sale and supply of alcohol shall only be to persons seated taking a table meal there and for consumption by such persons as ancillary to their meals and by waiter and waitress service except:-
- a) To persons waiting to dine at the premises in the holding bar area where there shall be no more than 30 persons
 - b) To persons attending a pre-booked private or corporate function or ticketed event; and/or
 - c) To hotel residents and their guests.
45. The hours for Licensable Activities shall be:
- o Regulated Entertainment - Monday to Sunday 09:00 to 01:00
 - o Sale and Supply of Alcohol - Monday to Sunday 06:00 to 01:00
 - o Late Night Refreshment - Monday to Sunday 23:00 to 01:00
- except to:-
- a) Hotel residents and their guests
 - b) Persons on the proprietor's personal guest list up to a maximum of 30, a list of whom shall be kept at the entrance to the restaurant for inspection by a police constable or authorised licensing officer.
46. The Sale of Supply of alcohol between the hours of 06:00 and 09:00 shall be limited to champagne and wines to patrons partaking in the breakfast menu.

Conditions relating to the Front Living Room and Lounge Area ' Ground Floor

47. The hours for Licensable Activities (save for residents of the hotel and bona fide guests of residents limited to 5 persons) shall be:
- o Regulated Entertainment - Monday to Sunday 09:00 to 01:00
 - o Sale and Supply of Alcohol - Monday to Sunday 09:00 to 01:00
 - o Late Night Refreshment - Monday to Sunday 23:00 to 01:00
48. There shall be no direct access from the street to the lounge area; patrons must gain access through the lobby.
49. The number of persons permitted in the Front living room and lounge at any one time shall not exceed 160 (excluding staff) or such lesser numbers as agreed with the licensing Authority on removal of works condition.

Conditions relating to the Meeting Rooms on the first floor

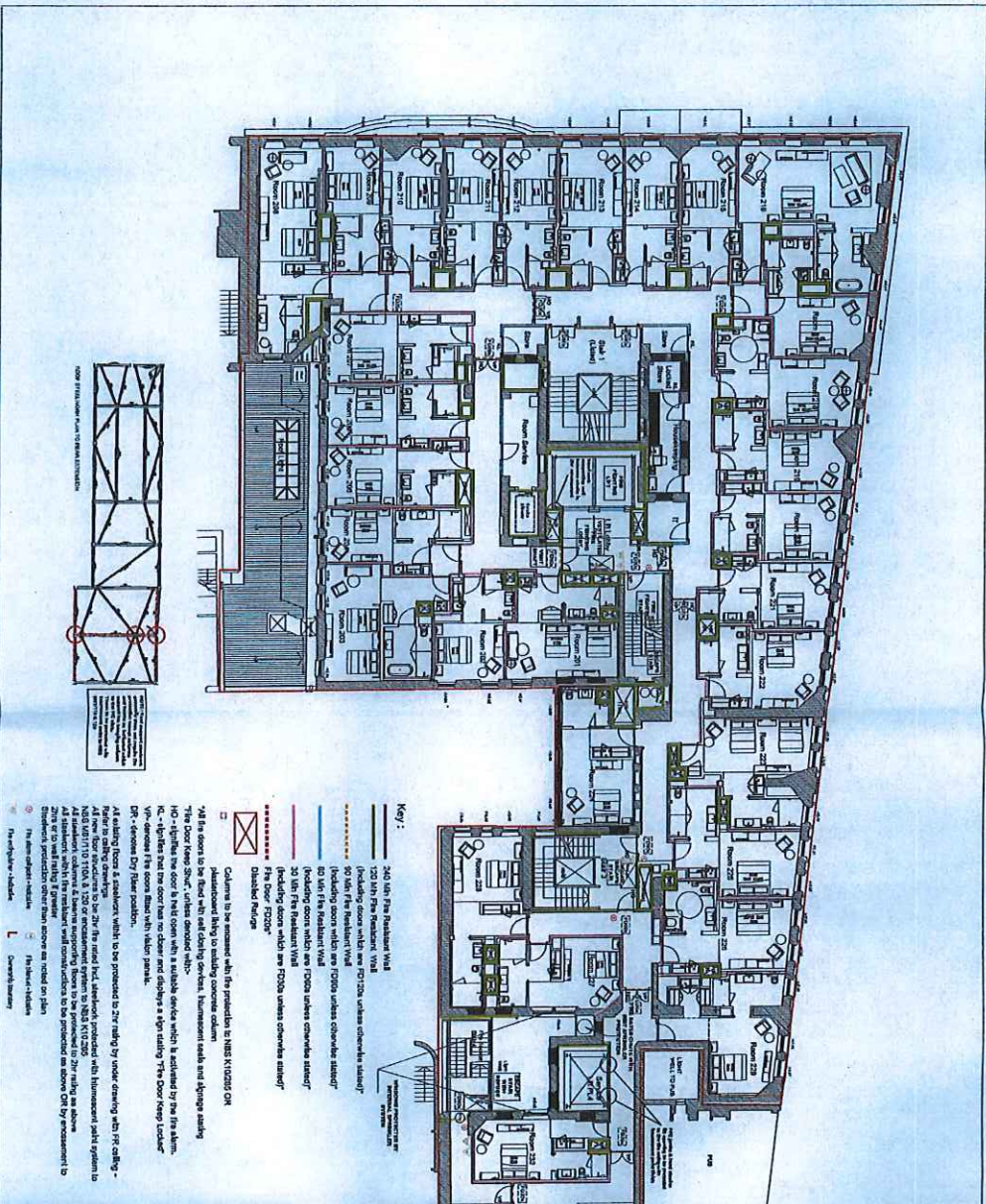
50. The provision of Licensable Activities in the Meeting rooms shall be restricted to private pre-booked functions save for residents of the hotel and bona fide guests.
51. The hours for Licensable Activities (save for residents of the hotel and bona fide guests of residents) shall be:
- o Regulated Entertainment - Monday to Sunday 09:00 to 01:00
 - o Sale and Supply of Alcohol - Monday to Sunday 09:00 to 01:00
 - o Late Night Refreshment - Monday to Sunday 23:00 to 01:00

52. The number of persons permitted in the meeting rooms at any one time shall not exceed 100 (excluding staff) or such lesser numbers as agreed with the licensing Authority on removal of works condition.
53. Staff shall not be allowed to smoke in Berners Street, Berners Mews, Berners Place, Eastcastle Street and shall be directed to Newman Street
54. There shall be no entrance or egress of hotel guests or members of the public directly from/to Eastcastle Street.
55. Valet parking will be available.
56. The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.
57. Persons awaiting a cab or car shall be encouraged to wait in the Front Living Room area at all times

Annex 4 – Plans

attached

SHEET DATA		SHEET NO.		SHEET DATE	
NO.	DATE	NO.	DATE	NO.	DATE
1	11/10/01	2	11/10/01	3	11/10/01
4	11/10/01	5	11/10/01	6	11/10/01



Shepherd
 Fire Protection & Alarm Systems, Inc.
 1100 N. 1st St., Suite 100
 Phoenix, AZ 85004
 Phone: (602) 254-1100
 Fax: (602) 254-1101
 Email: sales@shepherdfire.com

Marriott International, Inc.
 Fire Out Package
 The London Edition

Fire Out Package
 Second Floor
 488310 50 AC 703 P2

Scale: 1/4" = 1'-0"

The red lines show the ambit of the premises and licensable activities may take place anywhere within the red line. The position of any loose furniture is shown for diagrammatic purposes only. The location of the equipment is shown as is on the date hereof but may be moved in consultation with the fire officer.

Dated: 30.09.2012



Schedule 12
Part B

WARD: West End
UPRN: 200002817846

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

Premises licence
summary

Regulation 33, 34

Premises licence number:

13/06844/LIPDPS

Part 1 – Premises details

Postal address of premises:

The London Edition
10 Berners Street
London
W1A 3BE

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Performance of Dance
Exhibition of a Film
Performance of Live Music
Playing of Recorded Music
Anything of a similar description to Live Music, Recorded Music or Performance of Dance
Performance of a Play
Late Night Refreshment
Sale by Retail of Alcohol

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

Performance of Dance

Monday to Sunday: 09:00 to 01:00 (Subject to conditions 41, 45, 47 & 51)
Non-standard Timings: 24 hours for residents and their bona fide guests

Exhibition of a Film

Monday to Sunday: 09:00 to 01:00 (Subject to conditions 41, 45, 47 & 51)
Non-standard Timings: 24 hours for residents and their bona fide guests

Performance of Live Music

Monday to Sunday: 09:00 to 01:00 (Subject to conditions 41, 45, 47 & 51)
Non-standard Timings: 24 hours for residents and their bona fide guests

Playing of Recorded Music

Monday to Sunday: 09:00 to 01:00 (Subject to conditions 41, 45, 47 & 51)
Non-standard Timings: 24 hours for residents and their bona fide guests

Anything of a similar description to Live Music, Recorded Music or Performance of Dance

Monday to Sunday:	09:00 to 01:00 (Subject to conditions 41, 45, 47 & 51)
Non-standard Timings: 24 hours for residents and their bona fide guests	
Performance of a Play	
Monday to Sunday:	09:00 to 01:00 (Subject to conditions 41, 45, 47 & 51)
Non-standard Timings: 24 hours for residents and their bona fide guests	
Late Night Refreshment	
Monday to Sunday:	23:00 to 01:00 (Subject to conditions 41, 45, 47 & 51)
Non-standard Timings: 23:00 to 05:00 for residents and their bona fide guests	
Sale by Retail of Alcohol	
Monday to Sunday:	06:00 to 01:00 (Subject to conditions 41, 45 to 47 & 51)
Non-standard Timings: 24 hours for residents and their bona fide guests	

The opening hours of the premises:	
Monday to Sunday:	00:00 to 00:00

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:
Alcohol is supplied for consumption both on and off the Premises.

Name and (registered) address of holder of premises licence:
Green Agate D 2010 Ltd Equity Trus House 28-30 The Prade St Helier Jersey JE1 1EQ

Registered number of holder, for example company number, charity number (where applicable)
FC030086

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

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

Date: 23rd February 2015

This licence has been authorised by Miss Bina Patel on behalf of the Operational Director - Premises Management.

APPENDIX C

Consultee Comments for Licensing Application 15/07400/LITENP

Application Summary

Application Number: 15/07400/LITENP
Address: 10 Berners Street London W1A 3BE
Proposal: TEN Personal Licence Holder
Case Officer: Mr Melvin Turner

Consultee Details

Name: Ms Louise Joyce
Address: 62 Victoria Street, London SW1E 6QP
Email: ljoyce@westminster.gov.uk
On Behalf Of: Environmental Health Service For TENs

Comments

Environmental Health object to this late TEN as it does not promote the licensing objective of Public Safety. The premises is currently undergoing a review of their premises licence 13/06844/LIPDPS for Public Nuisance. The current licence has a stated capacity of 220 persons excluding staff however the application states that it wishes to have a capacity of 499 persons which does not promote the licencing objective of public safety for the time of the event.

Kind Regards,

Louise Joyce
Environmental Health Officer

APPENDIX D

ADDITIONAL INFORMATION FOR TEMPORARY EVENT NOTICES

1. TEMPORARY EVENT NOTICE PROCEDURE

- 1.1 Under s.100 (1) of the Licensing Act 2003 certain temporary events, which include licensable activities, are permitted under the Act if they are notified to the Council and the Police/Environmental Health by giving a 'Temporary Event Notice'. The notice must be given by the 'premises user' (usually the event organiser responsible for all aspects of the event).
- 1.2 Permitted temporary events are events that take place in any premises, open space or temporary structure. The event must consist of one or more licensable activities; and the premises must be used over a period of no longer than 168 hours, with no more than 499 people in attendance.
- 1.3 Licensable activities include the sale by retail of alcohol; the provision of regulated entertainment and the provision of late night refreshment (hot food or drink supplied between 11pm and 5am).
- 1.4 The premises user must send two copies of the temporary event notice to the Council, one copy to the environmental health department and one copy to the police leaving at least 10 clear working days before the event is due to begin. The Council must acknowledge receipt of the temporary event notice by the next working day.

2. NOTICE OF OBJECTION BY POLICE/ENVIRONMENTAL HEALTH

- 2.1 If the Police/ Environmental Health are satisfied that the event would undermine one or more of the licensing objectives, they must give a notice of objection stating their reasons as to why an objective would be undermined to the Council and premises user within 3 working days of receipt of the notice.

3. HEARING PROCEDURE FOLLOWING NOTICE OF OBJECTION BY POLICE/ENVIRONMENTAL HEALTH

- 3.1 The Sub-Committee is being asked to consider the notice of objection and hear any oral evidence given by or on behalf of the premises user and the Police/Environmental Health.
- 3.2 The Sub-Committee must consider whether to give a counter notice to the temporary event notice given by the premises user if it considers it necessary for the promotion of the licensing objectives.
- 3.3 The Council must convene a hearing to consider the notice of objection and give at least two day's notice to the premises user and the police.
- 3.4 The Sub-Committee must either reject the notice of objection to allow the event to take place, or issue a counter notice to prevent the event from taking place, or where or, after hearing the objections, allow the notice but attach relevant conditions from the premises licence. Please note not all premises will hold a premises licence.

- 3.5 The Council must, where it decides not to give a counter notice, give the premises user and the Police/Environmental Health a notice of the decision at least 24 hours before the beginning of the event period specified in the temporary event notice.
- 3.6 Where the Council decides to give a counter notice, it must give the premises user the counter notice and the reasons for its decision, and a copy of the counter notice and the reason for its decision to the police, at least 24 hours before the beginning of the event period specified in the temporary event notice.

4. APPEAL

- 4.1 Schedule 5, Part 3 of the Licensing Act 2003 provides a right of appeal to the premises user against the giving of a counter notice, and a right of appeal to the chief officer of Police/Environmental Health where the Council decides not to give a counter notice. Such an appeal must be commenced within 21 days beginning with the day on which the appellant was notified by the Licensing Authority of the decision appealed against.
- 4.2 No appeal may be brought later than five working days before the day on which the event period specified in the temporary event notice begins.

5. POLICY CONSIDERATIONS

- 5.1 The Westminster Statement of Licensing Policy for applications relating to premises and personal licences and temporary event notices made under the Licensing Act 2003 was determined for a three-year period commencing 7 January 2011. This contains no specific policy for Temporary Event Notices but urges longer periods of notice to be given for events which involve the use of the streets or necessitate the special management of traffic and services.