



City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	17 th August 2017
Licensing Ref No:	17/05592/LIPV - Premises Licence Variation
Title of Report:	The Spice Of Life 37-39 Romilly Street London W1D 5NA
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Yolanda Wade Senior Licensing Officer
Contact details	Telephone: 020 7641 1884 Email: ywade@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	24 May 2017		
Applicant:	McMullen & Sons Limited		
Premises:	The Spice Of Life		
Premises address:	37-39 Romilly Street London W1D 5NA	Ward:	West End
		Cumulative Impact Area:	West End
Premises description:	The premises currently operate as public house.		
Variation description:	<p>According the application the applicant is seeking the following variation, with no changes proposed on Monday to Wednesdays:</p> <ul style="list-style-type: none"> To extend the hours for the provision of late night refreshment on: Thursday 00:00 to 00:30 Friday- Saturday 01:00 to 01:30 Sunday 23:00 to 23:30 To extend the hours for the sale of alcohol on: Thursday: 10:00 to 00:00 Friday and Saturday: 10:00 to 01:00 Sundays: 10:00 to 23:00 To extend the hours that the premises is open to the public on: Thursday: 09:00 to 23:30 Friday and Saturday: 09:00 to 01:30 Sundays: 09:00 to 23:30 <p>Since the application has been made the applicant is seeking to amend the hours for licensable activities to core hours plus 30 minutes for both late night refreshment and opening hours.</p>		
Premises licence history:	Appendix 2		
Applicant submissions:	None		
Plans	Copies of the premises plans are available on request and for display at the hearing.		

1-B Current and proposed licensable activities, areas and hours <u>Regulated Entertainment</u> Performance of Dance, Provision of facilities for Dancing, Provision of facilities for making music, Performance of Live Music, Provision of facilities

for entertainment of a similar description to making music or dancing, Anything of a similar description to Live Music, Recorded Music or Performance of Dance: Indoors				
	Current Hours		Proposed Hours	
Monday	09:00	23:00	No change	No change
Tuesday	09:00	23:00	No change	No change
Wednesday	09:00	23:00	No change	No change
Thursday	09:00	23:00	No change	No change
Friday	09:00	23:00	No change	No change
Saturday	09:00	23:00	No change	No change
Sunday	09:00	23:00	No change	No change
Seasonal Variations/ Non-standard timings::	Current:		Proposed:	
	On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).		No change	

Licensable Area	
Current:	Proposed:
Basement, Ground Floor	No change

Playing of recorded Music: Indoors				
	Current Hours		Proposed Hours	
Monday	Unrestricted	Unrestricted	No change	No change
Tuesday	Unrestricted	Unrestricted	No change	No change
Wednesday	Unrestricted	Unrestricted	No change	No change
Thursday	Unrestricted	Unrestricted	No change	No change
Friday	Unrestricted	Unrestricted	No change	No change
Saturday	Unrestricted	Unrestricted	No change	No change
Sunday	Unrestricted	Unrestricted	No change	No change
Seasonal Variations/ Non-standard timings::	Current:		Proposed:	
	On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight		No change	

	on New Year's Eve where no regulated entertainment takes place on New Year's Day).	
--	--	--

Licensable Area	
Current:	Proposed:
Basement, Ground Floor	No change

Late night refreshment				
Indoors, outdoors or both			Current :	Proposed:
			Indoors	Indoors
	Current Hours		Proposed Hours	
	Start:	End:	Start:	End:
Monday	23:00	23:30	23:00	23:30
Tuesday	23:00	23:30	23:00	23:30
Wednesday	23:00	23:30	23:00	23:30
Thursday	23:00	23:30	00:00	00:30
Friday	23:00	23:30	01:00	01:30
Saturday	23:00	23:30	01:00	01:30
Sunday	n/a	n/a	23:00	23:30
Seasonal variations/ Non-standard timings:	Current:		Proposed:	
	The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.		Christmas Eve 10:00 to 00:30 (unless Christmas Eve falls on a Friday or Saturday then 10:00 to 01:30 will apply)	

Licensable Area	
Current:	Proposed:
Basement, Ground Floor	No change

Sale by Retail of Alcohol				
On or off sales			Current :	Proposed:
			Both	On
	Current Hours		Proposed Hours	
	Start:	End:	Start:	End:
Monday	10:00	23:00	10:00	23:00
Tuesday	10:00	23:00	10:00	23:00
Wednesday	10:00	23:00	10:00	23:00
Thursday	10:00	23:00	10:00	00:00
Friday	10:00	23:00	10:00	01:00
Saturday	10:00	23:00	10:00	00:00
Sunday	12:00	22:30	10:00	23:00
Seasonal variations/ Non-standard timings:	Current:		Proposed:	
	On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the		Christmas Eve 10:00 to 00:00 (unless Christmas Eve falls on a Friday or Saturday then 10:00 to 01:00 will apply)	

	following day, midnight on 31 st December).	
--	--	--

Licensable Area	
Current:	Proposed:
Basement, Ground Floor	No change

Hours premises are open to the public				
	Current Hours		Proposed Hours	
	Start:	End:	Start:	End:
Monday	09:00	23:30	09:00	23:30
Tuesday	09:00	23:30	09:00	23:30
Wednesday	09:00	23:30	09:00	23:30
Thursday	09:00	23:30	09:00	00:30
Friday	09:00	23:30	09:00	01:30
Saturday	09:00	23:30	09:00	01:30
Sunday	09:00	23:00	09:00	23:30
Seasonal variations/ Non-standard timings:	Current:		Proposed:	
	N/A		Christmas Eve 09:00 to 00:30 (unless Christmas Eve falls on a Friday or Saturday then 10:00 to 01:30 will apply)	

2. Representations

2-A Responsible Authorities	
Responsible Authority:	The Licensing Authority
Representative:	Mr David Sycamore
Received:	15 th June 2017

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

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

- Public Nuisance
- Prevention of Crime & Disorder
- Public Safety

The premises is located in the heart of the Cumulative Impact Area and as such must demonstrate why the increase of hours for a bar should be granted as an exemption to our statement of licensing Policy, as the requested hours go beyond our Core Hours(CIP1).

(PB2 and HRS1) It is the Licensing Authority policy to refuse variations that seek to vary the licence other than to vary the hours to within core hours. The provision of late night refreshment again is sort well beyond those of core hours for licensable activities.

The Basement capacity is restricted to 100 persons (Condition 18) but the rest of the premises is unrestricted and there is a risk if granted that this premises will become a destination venue that does not have the provision of any SIA security by way of condition on the licence.

We are concerned that no additional conditions have been offered to address the increase in risk associated with the application. We would expect to see from the applicant an explanation as to why the premises should be permitted to deviate from the policy. A suggestion would be to offer to cap the number of people allowed on the premises and a policy that relates to last admission to the premises. SIA door staff could be used to assist in dispersal of crowds and assist them to leave the premises in a quiet manner.

Please accept this as a formal objection and we look forward to hearing from the applications in regards to our concerns listed above.

Further Email dialogue between Applicant and Local Authority:

From: Sycamore, David: WCC [<mailto:dsycamore@westminster.gov.uk>]
Sent: Tue 11/07/2017 16:01
To: Steven Gill [<mailto:sgill@mcmullens.co.uk>]
Cc: Wade, Yolanda: WCC <ywade@westminster.gov.uk>
Subject: RE: Spice of Life - 37 - 39 Romilly Street, W1 - 17/05592/LIPV

Hi Steven

To grant the current application there would need to be an exemption to policy which you will need to explain at committee.

With regards to your customers, they would currently leave the premises and start to disperse earlier. If granted, customers could stay later and could arrive on the premises later, It is my argument that this will increase cumulative impact.

The main focus will be around why your application should be an exemption to policy.

Thanks

David

From: Steven Gill [<mailto:sgill@mcmullens.co.uk>]
Sent: 11 July 2017 15:51
To: Sycamore, David: WCC
Subject: RE: Spice of Life - 37 - 39 Romilly Street, W1 - 17/05592/LIPV

Hi David

Help me understand. How does our premises who's customers will currently leave to go to premises that have the additional hours increase the number of people within the C.I.A.

Thanks

Steven

From: Sycamore, David: WCC [<mailto:dsycamore@westminster.gov.uk>]
Sent: 11 July 2017 15:40
To: Steven Gill <sgill@mcmullens.co.uk>
Cc: Licensing: WCC <Licensing@westminster.gov.uk>; Wade, Yolanda: WCC <ywade@westminster.gov.uk>
Subject: RE: Spice of Life - 37 - 39 Romilly Street, W1 - 17/05592/LIPV

Good Afternoon Steven

The licensing authority will be maintaining the representation to this application. As stated, due the increase in hours sought, it is our belief that this will add to cumulative impact in the West End Cumulative Impact area. The policy states at 2.5.23 that the granting of new or variations for pubs and bars, within the C.I.A should limited except in exceptional circumstances. The capacity of the premises, if granted would result in more people in the C.I.A later than currently permitted.

Kind regards

David

From: Steven Gill [<mailto:sgill@mcmullens.co.uk>]
Sent: 20 June 2017 21:54
To: Deweltz, Adam: WCC; Sycamore, David: WCC
Cc: Licensing: WCC; Wade, Yolanda: WCC; Nevitt, Dave: WCC
Subject: RE: Spice of Life - 37 - 39 Romilly Street, W1 - 17/05592/LIPV

Hello Adam / David

I believe I misunderstood the core hours policy. I think we need to dispense with the 30 minute wind down time and make the terminal hour for sale of alcohol and the time that the premises will close to the public the same.

David is this now acceptable in terms of the Council's policy?

For the supply of alcohol for consumption on the premises:

Friday and Saturday: 10:00 to midnight
Sundays immediately prior to Bank Holidays: Midday to midnight
Other Sundays: Midday to 22:30
Monday to Thursday: 10:00 to 23:30

The premises is open to the public to:


Friday and Saturday: 10:00 to midnight
Sundays immediately prior to Bank Holidays: Midday to midnight
Other Sundays: Midday to 22:30
Monday to Thursday: 10:00 to 23:30

The provision of late night refreshment would become:

Friday and Saturday: 23:00 to midnight
Sundays immediately prior to Bank Holidays: 23:00 to midnight
Other Sundays: no requirement
Monday to Thursday: 23:00 to 23:30

I have copied the other responsible authorities on this email so that everyone is aware of this latest revision.

Responsible Authority:	The Metropolitan Police (withdrawn)		
Representative:	PC Adam Deweltz		
Received:	25 th May 2017		
<p>With reference to the above, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be making a representation against this application.</p> <p>The venue is situated within the Cumulative Impact Area. It is our belief that if granted the application would undermine the Licensing Objectives in relation to The Prevention of Crime and Disorder.</p> <p>Further to ongoing conversations between the Applicant and the Police and agreement of conditions by both parties, the Police have withdrawn their representation</p>			
Responsible Authority:	The Environmental Health Service (withdrawn)		
Representative:	Dave Nevitt		
Received:	2 nd June 2017		
<p>I wish to make Representations on the following grounds: Representation is made in relation to the application, as the proposals are likely to increase Public Nuisance and may impact upon Public Safety.</p> <p>The Environmental Health Service has withdrawn their representation on the application.</p>			

2-B Other Persons			
Name:	David Gleeson		
Address and/or Residents Association:			
Status:	Resident Association	In support or opposed:	Opposed
Received:	20 th June 2017		
<p>I write to make a relevant representation to the above application on behalf of The Soho Society.</p> <p>The Soho Society objects to this application as it is currently presented, on the grounds of prevention of public nuisance, prevention of crime and disorder and cumulative impact in the West End Cumulative Impact Area.</p>			

About The Soho Society

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

Application summary

The application is described in Westminster Licensing News (09 April 2017) as follows:

To extend the hours for the provision of late night refreshment on: Thursday- 00:00 to 00:30 Friday-Saturday 01:00 to 01:30 and Sunday 23:00 to 23:30 To extend the hours for the sale of alcohol on: Thursday- 10:00 to 00:00 ,Friday- Saturday 10:00 to 01:00 and Sunday 10:00 to 23:00 To extend the hours that the premises is open to the public on: Thursday- 09:00 to 00:30 , Friday- Saturday 09:00 to 01:30 and Sunday 09:00 to 23:30.

Hours of operation

With reference to the current premises license, the application therefore seeks to set the terminal hour for late night refreshment to half past midnight on Thursdays, 1.30am Saturday and Sunday mornings, and 11.30pm on Sunday evenings; and bring the terminal hour for the sale of alcohol from currently within core hours to midnight on Thursdays, 1am on Saturday and Sunday mornings, and 11pm on Sunday evenings. The application further seeks the extension of opening hours at the premises until half past midnight on Thursdays, until 1.30am on Friday and Saturday nights and 11.30 on Sundays. There are private homes in nearby buildings, and residents in the surrounding area are subject to noise and general nuisance every night of the week. The premises are highly visible from both Charing Cross Road and Shaftesbury Avenue and will therefore effectively draw more people into Soho at these late hours when patrons of other licensed premises will be leaving or will already have left the West End Cumulative Impact Area. We therefore feel it is necessary to keep to the currently licensed operating hours.

Licensing policy

This area has been identified by the Westminster 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, prevention of

crime and disorder, and cumulative impact in the West End Cumulative Impact Area. I respectfully urge the Licensing Sub-Committee to reject this application. Please let me know if any proposals are made to amend the application; particularly in respect of the hours sought or any further conditions proposed.

3. Policy & Guidance

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

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

4. Appendices

Appendix 1	Applicant supporting documents
Appendix 2	Premises history
Appendix 3	Proposed conditions
Appendix 4	Copy of Premises Licence
Appendix 5	Residential map and list of premises in the vicinity

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

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

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	The Application Form	24 th May 2017
5	The Metropolitan Police Representation	25 th May 2017
6	The Licensing Authority Representation	15 th June 2017
7	The Environmental Health Service Representation	2 nd June 2017
8	David Gleeson c/o The Soho Society Representation	20 th June .2017

Applicant Supporting Documents
None

Appendix 1

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
05/06215/LIPCV	Conversion Application.	16.09.2009	Granted Under Delegated Authority
06/13207/WCCMAP	New Premises Application.	01.02.2008	Granted Under Delegated Authority
12/09722/LIPDPS	To Vary Designated Premises Supervisor.	19.11.2012	Granted Under Delegated Authority
14/08002/LIPDPS	To Vary Designated Premises Supervisor	08.10.2014	Granted Under Delegated Authority
14/10240/LIPVM	Minor Variation Application	10.12.2014	Granted Under Delegated Authority
15/07033/LIPDPS	To Vary Designated Premises Supervisor	02.09.2015	Granted Under Delegated Authority
15/09173/LIPVM	Minor Variation Application	24.11.2015	Granted Under Delegated Authority

Temporary Event Notices

Application	Details of Application	Date Determined	Decision
16/01961/LITENP	Temporary Event Notice	01.03.2016	Notice Allowed
16/08351/LITENP	Temporary Event Notice	12.08.2016	Notice Allowed
16/12592/LITENP	Temporary Event Notice	30.11.2016	Notice Refuse
16/12595/LITENP	Temporary Event Notice	29.11.2016	Notice Allowed
16/12597/LITENP	Temporary Event Notice	29.11.2016	Notice Allowed
16/13171/LITENP	Temporary Event Notice	19.12.2016	Notice Allowed
17/00695/LITENP	Temporary Event Notice	16.02.2017	Notice Allowed

17/00700/LITENP	Temporary Event Notice	18.02.2017	Notice Allowed
17/03282/LITENP	Temporary Event Notice	12.04.2017	Notice Allowed
17/03283/LITENP	Temporary Event Notice	12.04.2017	Notice Allowed

There is no appeal history

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

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

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

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

Conditions: On Current Licence -

Mandatory:

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
- 5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 6.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
- 7. The responsible person must ensure that—
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

- 8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

- 8(ii) For the purposes of the condition set out in paragraph 8(i) above -

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

- (b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

Where -

- (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

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.

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

Conditions relating to regulated entertainment:

9. This licence is subject to all the former Rules of Management for Places of Public Entertainment licensed by Westminster City Council, in force from 4 September 1998 and incorporating amendments agreed by the Council on 25 October 1999, 30 June 2000, 16 January 2001 and 1 October 2001.
10. On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).
11. Except for private parties the entertainment to be provided under this licence shall be restricted to live entertainment, specifically Jazz, Classical and Modern Folk, provided by a maximum of five performers.
12. Entertainment of a type known as discotheque shall not be provided under this licence, except for private parties.
13. The premises shall be covered by CCTV as reasonably specified by the Metropolitan Police Crime Prevention Officer.
14. The existing noise limiter shall be inspected and set to the satisfaction of officers from the Environmental Health Department's Noise Section. The operational panel shall then be secured and the system shall not be altered without prior agreement with the Environmental Health Department.
15. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised officer of the Environmental Health Department.
16. All doors giving access / egress to the premises shall not be fixed open after 11pm, except those on the Cambridge Circus elevation, which shall not be fixed open after 23:30.
17. No music is to be played in the lobbied stairwell.

18. The number of persons accommodated at any one time in the premises shall not exceed: Basement - 100 (excluding staff).

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

19. Alcohol may be sold or supplied:
- (a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10:00 to 23:00.
 - (b) On Sundays, other than Christmas Day or New Year's Eve, 12:00 to 22:30.
 - (c) On Good Friday, 12:00 to 22:30
 - (d) On Christmas Day, 12:00 to 15:00 and 19:00 to 22:30.
 - (e) On New Year's Eve, except on a Sunday, 10:00 to 23:00.
 - (f) On New Year's Eve on a Sunday, 12:00 to 22:30.
 - (g) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

NOTE - The above restrictions do not prohibit:

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

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

20. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:
- (a) He is the child of the holder of the premises licence.
 - (b) He resides in the premises, but is not employed there.
 - (c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
 - (d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.
21. In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

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

- (a) to station and keep stationed wherever necessary a sufficient number of adult attendants, properly instructed as to their duties, to prevent more children or other persons being admitted to the building, or to any part thereof, than the building or part can properly accommodate,
 - (b) to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof, and
 - (c) to take all other reasonable precautions for the safety of the children.
22. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.

Annex 2 – Conditions consistent with the operating Schedule

None

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

None

Conditions proposed by the Police and agreed by Applicant so as to form part of the Operating Schedule

22. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
23. 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 are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
24. Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
25. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue,
 - (b) all ejections of patrons,
 - (c) any complaints received concerning crime and disorder,
 - (d) any incidents of disorder,
 - (e) all seizures of drugs or offensive weapons,
 - (f) any faults in the CCTV system, searching equipment or scanning equipment,
 - (g) any refusal of the sale of alcohol,
 - (h) any visit by a relevant authority or emergency service.
26. There shall be no drinking outside the premises after 23:00 hours.
27. On Friday, Saturday and the Sunday immediately before Bank Holiday, at least 1 SIA licensed door supervisor shall be on duty at the entrance of the premises from 21:00 hours until closing

Copy of Existing Licence



City of Westminster

64 Victoria Street, London, SW1E 6QP

Schedule 12
Part A

WARD: West End
UPRN: 010033555785

Premises licence

Regulation 33, 34

Premises licence number:

12/11305/LIPDPS

Original Reference:

05/05361/LIPCV

Part 1 – Premises details

Postal address of premises:

The Spice Of Life
37-39 Romilly Street
London
W1D 5NA

Telephone Number: 020 7437 7013

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Performance of Dance
Provision of facilities for Dancing
Provision of facilities for making Music
Performance of Live Music
Playing of Recorded Music
Provision of facilities for entertainment of a similar description to making music or dancing
Anything of a similar description to Live Music, Recorded Music or Performance of Dance
Late Night Refreshment
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit
Sale by Retail of Alcohol

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

Performance of Dance	
Monday to Sunday:	09:00 to 23:00
Provision of facilities for Dancing	
Monday to Sunday:	09:00 to 23:00
Provision of facilities for making Music	
Monday to Sunday:	09:00 to 23:00
Performance of Live Music	
Monday to Sunday:	09:00 to 23:00
Playing of Recorded Music	Unrestricted

Provision of facilities for entertainment of a similar description to making music or dancing

Monday to Sunday: 09:00 to 23:00

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

Monday to Sunday: 09:00 to 23:00

Late Night Refreshment

Monday to Saturday: 23:00 to 23:30

Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit Unrestricted

Sale by Retail of Alcohol

Monday to Saturday: 10:00 to 23:00

Sunday: 12:00 to 22:30

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

The opening hours of the premises:

Monday to Saturday: 09:00 to 23:30

Sunday: 09:00 to 23:00

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:

McMullen & Sons Limited
26 Old Cross
Hertford
Hertfordshire
SG14 1RD
Telephone Number : 01992 584 911

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

51456

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

Name: Mr Patrick Pittard

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: 06/00061/LAPER
Licensing Authority: Spelthorne Borough Council

Date: 25 January 2013

Signed: pp 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 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.

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

Conditions relating to regulated entertainment:

- 9. This licence is subject to all the former Rules of Management for Places of Public Entertainment licensed by Westminster City Council, in force from 4 September 1998 and incorporating amendments agreed by the Council on 25 October 1999, 30 June 2000, 16 January 2001 and 1 October 2001.
- 10. On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).
- 11. Except for private parties the entertainment to be provided under this licence shall be restricted to live entertainment, specifically Jazz, Classical and Modern Folk, provided by a maximum of five performers.
- 12. Entertainment of a type known as discotheque shall not be provided under this licence, except for private parties.
- 13. The premises shall be covered by CCTV as reasonably specified by the Metropolitan Police Crime Prevention Officer.
- 14. The existing noise limiter shall be inspected and set to the satisfaction of officers from the Environmental Health Department's Noise Section. The operational panel shall then be secured and the system shall not be altered without prior agreement with the Environmental Health Department.
- 15. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised officer of the Environmental Health Department.

16. All doors giving access / egress to the premises shall not be fixed open after 11pm, except those on the Cambridge Circus elevation, which shall not be fixed open after 23:30.
17. No music is to be played in the lobbied stairwell.
18. The number of persons accommodated at any one time in the premises shall not exceed: Basement - 100 (excluding staff).

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

19. Alcohol may be sold or supplied:
 - (a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10:00 to 23:00.
 - (b) On Sundays, other than Christmas Day or New Year's Eve, 12:00 to 22:30.
 - (c) On Good Friday, 12:00 to 22:30
 - (d) On Christmas Day, 12:00 to 15:00 and 19:00 to 22:30.
 - (e) On New Year's Eve, except on a Sunday, 10:00 to 23:00.
 - (f) On New Year's Eve on a Sunday, 12:00 to 22:30.
 - (g) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

NOTE - The above restrictions do not prohibit:

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

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

20. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:
- (a) He is the child of the holder of the premises licence.
 - (b) He resides in the premises, but is not employed there.
 - (c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
 - (d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.
21. In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

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

- (a) to station and keep stationed wherever necessary a sufficient number of adult attendants, properly instructed as to their duties, to prevent more children or other persons being admitted to the building, or to any part thereof, than the building or part can properly accommodate,
 - (b) to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof, and
 - (c) to take all other reasonable precautions for the safety of the children.
22. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.

Annex 2 – Conditions consistent with the operating Schedule

None

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

None

Annex 4 – Plans

Attached



City of Westminster

64 Victoria Street, London, SW1E 6QP

Schedule 12 Part B

Premises licence summary

WARD: West End
UPRN: 010033555785

Regulation 33, 34

Premises licence number:

12/11305/LIPDPS

Part 1 – Premises details

Postal address of premises:

The Spice Of Life
37-39 Romilly Street
London
W1D 5NA

Telephone Number: 020 7437 7013

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Performance of Dance
Provision of facilities for Dancing
Provision of facilities for making Music
Performance of Live Music
Playing of Recorded Music
Provision of facilities for entertainment of a similar description to making music or dancing
Anything of a similar description to Live Music, Recorded Music or Performance of Dance
Late Night Refreshment
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit
Sale by Retail of Alcohol

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

Performance of Dance	
Monday to Sunday:	09:00 to 23:00
Provision of facilities for Dancing	
Monday to Sunday:	09:00 to 23:00
Provision of facilities for making Music	
Monday to Sunday:	09:00 to 23:00
Performance of Live Music	
Monday to Sunday:	09:00 to 23:00
Playing of Recorded Music	Unrestricted
Provision of facilities for entertainment of a similar description to making music or dancing	
Monday to Sunday:	09:00 to 23:00

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

Monday to Sunday: 09:00 to 23:00

Late Night Refreshment

Monday to Saturday: 23:00 to 23:30

Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit Unrestricted

Sale by Retail of Alcohol

Monday to Saturday: 10:00 to 23:00

Sunday: 12:00 to 22:30

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

The opening hours of the premises:

Monday to Saturday: 09:00 to 23:30

Sunday: 09:00 to 23:00

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:

McMullen & Sons Limited
26 Old Cross
Hertford
Hertfordshire
SG14 1RD

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

51456

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

Name: Mr Patrick Pittard

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

Restricted

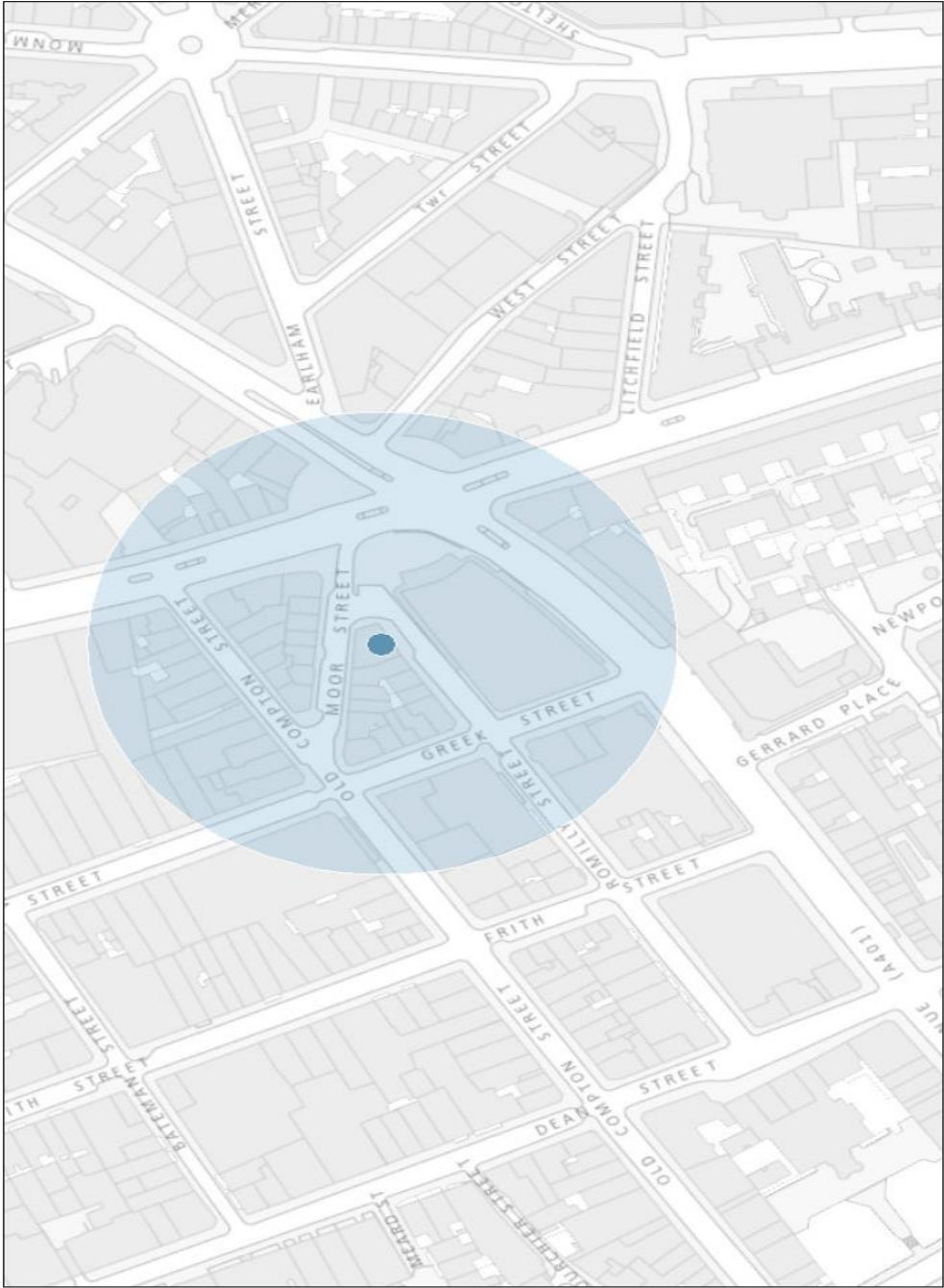
Date: 25 January 2013

Signed: pp

Operational Director - Premises Management

Residential Map and List of Premises in the Vicinity

The Spice Of Life 37 -39 Romilly Street



July 12, 2017