



City of Westminster

# Committee Agenda

Title: **Licensing Sub-Committee (1)**

Meeting Date: **Thursday 20th August, 2015**

Time: **10.00 am**

Venue: **Rooms 5, 6 & 7 - 17th Floor, City Hall**

Members: **Councillors:**

Tim Mitchell (Chairman)  
Nick Evans  
Murad Gassanly



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

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



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

**Email: [jdeacon@westminster.gov.uk](mailto:jdeacon@westminster.gov.uk) Tel: 020 7641 2783  
Corporate Website: [www.westminster.gov.uk](http://www.westminster.gov.uk)**

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

## **AGENDA**

### **PART 1 (IN PUBLIC)**

#### **1. MEMBERSHIP**

The Head of Legal and Democratic Services to report any changes to the membership.

#### **2. DECLARATIONS OF INTEREST**

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

#### **Licensing Applications for Determination**

##### **1. 22-25 KINGLY STREET AND 14-16 FOUBERTS PLACE, W1**

(Pages 1 - 54)

App No	Ward/ Stress Area	Site Name and Address	Application	Licensing Reference Number
1.	West End / West End	22-25 Kingly Street and 14-16 Fouberts Place, W1	Variation	15/04186/LIPV

##### **2. RUPERT STREET CAFE BAR, 50 RUPERT STREET, W1**

(Pages 55 - 312)

App No	Ward/ Stress Area	Site Name and Address	Application	Licensing Reference Number
2.	West End / West End	Rupert Street Café Bar, 50 Rupert Street, W1	New	15/02201/LIPN



**3. RAGING BALL SNOOKER AND SPORTS CLUB (BASEMENT),  
159-163 EDGWARE ROAD, W2**

**(Pages 313 -  
366)**

App No	Ward/ Stress Area	Site Name and Address	Application	Licensing Reference Number
3.	Hyde Park / Edgware Road	Raging Ball Snooker and Sports Club (Basement ), 159-163 Edgware Road, W2	New	15/04057/LIPN

**4. PIX, 16 BATEMAN STREET, W1**

**(Pages 367 -  
410)**

App No	Ward/ Stress Area	Site Name and Address	Application	Licensing Reference Number
4.	West End / West End	Pix, 16 Bateman Street, W1	Variation	15/05202/LIPV

**5. SAFA RESTAURANT, FORSET COURT, 22-23 NUTFORD PLACE, W1**

**(Pages 411 -  
456)**

App No	Ward/ Stress Area	Site Name and Address	Application	Licensing Reference Number
5.	Bryanston And Dorset Square / Edgware Road	Safa Restaurant , Forset Court, 22-23 Nutford Place, W1	New	15/04997/LIPN

**Charlie Parker**  
**Chief Executive**  
**14 August 2015**

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

## **POLICY CONSIDERATIONS**

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

## **GUIDANCE CONSIDERATIONS**

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

## **PERMITTED TEMPORARY ACTIVITIES**

The licensee of any premises is entitled under the Licensing Act 2003 to apply for permission to hold temporary events, authorising licensable activities instead of or in addition to any activities that may be authorised by a premises licence, subject to the following restrictions:

- 1) No more than 12 events over a total of 21 days may be held at any one premises in any year
- 2) Each event must last for no more than 168 hours
- 3) There must be 24 hours between each event
- 4) The number of people at each event must be less than 500.

A Temporary Event Notice for each event (a TEN) is required to be given to the licensing authority, the police and environmental health service no later than 10 working days before the event for a 'standard' TEN or 5 to 9 working days before the event is due to begin for a 'late' TEN. The licensing authority is required to send an acknowledgement by the next working day.

Once a Temporary Event Notice is given the police and environmental health service have a right to object to the event if they are satisfied that the event will undermine any of the licensing objectives of preventing crime and disorder, prevention of public nuisance, protection of children from harm and promotion of public safety. They must serve an objection notice stating their reasons as to why the objectives would be undermined to the licensing authority and the premises user within 3 working days of receiving a copy of the TEN. The licensing authority is required to hold a hearing and may issue a counter notice which will prevent the event taking place.

## **LIVE MUSIC ACT 2012**

The Live Music Act amends the Licensing Act 2003 by:

- removing the licensing requirement for amplified live music taking place between 8am and 11pm before audiences of no more than 200 persons on premises authorised by a premises licence or club premises certificate to supply alcohol for consumption on the premises (at a time when those premises are open for the purposes of being used for the supply of alcohol for consumption on the premises), subject to the right of a licensing authority to impose conditions about live music following a review of a premises licence or club premises certificate
- removing the licensing requirement for amplified live music taking place between 8am and 11pm before audiences of no more than 200 persons in workplaces not otherwise licensed under the 2003 Act (or licensed only for the provision of late night refreshment)
- removing the licensing requirement for unamplified live music taking place between 8am and 11pm in any place, subject to the right of a licensing authority to impose conditions about live music following a review of a premises licence or club premises certificate relating to premises authorised to supply alcohol for consumption on the premises
- removing the licensing requirement for the provision of entertainment facilities
- widens the licensing exemption for live music that is integral to a performance of Morris dancing or dancing of a similar type, so that the exemption applies to both live or recorded music instead of just unamplified live music in that instance.

## **CORE HOURS WHEN CUSTOMERS ARE PERMITTED TO BE ON THE PREMISES**

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

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

Friday and Saturday: 10:00 to midnight

Sundays immediately prior to Bank Holidays: Midday to midnight

Other Sundays: Midday to 22:30

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

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

Monday to Saturday: 08:00 to 23:00

Sundays: 10:00 to 22:30.

- For premises for the provision of other licensable activities:

Friday and Saturday: 09.00 to midnight

Sundays immediately prior to Bank Holidays: 09.00 to midnight

Other Sundays: 09.00 to 22.30

Monday to Thursday: 09.00 to 23.30.

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City of Westminster

# Licensing Sub-Committee Report

Item No:	
Licensing Ref No:	15/04186/LIPV
Date:	20 August 2015
Classification:	For General Release
Title of Report:	22-25 Kingly Street and 14-16 Fouberts Place London W1F 7PA
Report of:	Director of Public Protection and Licensing
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 E-mail: ywade@westminster.gov.uk

## APPLICATION DETAILS

<b>Application Type:</b>	Variation of a premises licence application under the Licensing Act 2003.		
<b>Applicant:</b>	Dishoom Ltd	<b>Date Application Received:</b>	1 June 2015
<b>Premises Name and Address:</b>	22-25 Kingly Street and 14-16 Fouberts Place London W1F 7PA		
<b>Ward Name:</b>	West End	<b>Stress Area:</b>	West End
<b>Description of Premises:</b>	<p>The premises is a restaurant with an element of off sales of alcohol.</p> <p>The premises comprises of a Basement and a Ground Floor with some seating.</p>		
<b>Variation Description:</b>	<p>1) To vary condition 14 of the licence to increase the number of persons accommodated at the premises (excluding staff) to 295</p> <p>2) To vary the layout of the premises as follows (see plans at Appendix D)</p> <ul style="list-style-type: none"> <li>- Re-position the ground floor bar server</li> <li>- Re-configure the entrance lobby</li> <li>- Install louvered doors to the external terrace</li> <li>- Re-locate male and female WC's to the lower ground floor</li> <li>- Re-position the disabled WC on the ground floor</li> <li>- Re-configure seating throughout the premises (removing the lower ground floor bar server and lower dining area)</li> <li>- Incorporate the external dining area into the premises licence</li> </ul>		
<b>Please Note:</b>	The applicant has amended his application to withdraw the external dining area from the ambit of the premises licence.		

## Proposed Licensable Activities and Proposed Hours:

<u>Licensable activities permitted under the existing Premises Licence 14/10681/LIPN</u>	<u>Variation to Licensable Activities</u>
<b>Sale of Alcohol: On and Off the premises</b>	<b>Sale of Alcohol: On and Off the premises</b>
Monday to Thursday: 10:00 to 00:00	No change
Friday to Saturday: 10:00 to 00:30	
Sunday: 12:00 to 00:00	<b>Playing of Recorded Music (Indoors)</b>
<b>Playing of Recorded Music (Indoors)</b>	No change
Monday to Thursday: 10:00 to 0:00	



<p>Friday to Saturday: 10:00 to 00:30 Sunday: 12:00 to 00:00</p> <p><b>Late Night Refreshment (Indoors)</b></p> <p>Monday to Thursday: 23:00 to 00:00 Friday to Saturday: 23:00 to 00:30 Sunday: 23:00 to 00:00</p>	<p><b>Late Night Refreshment (Indoors)</b></p> <p>No change</p>
<p><b>Non Standard Timings</b></p> <p>From the end of permitted hours on New Eve to the start permitted hours on New Years Day.</p>	<p><b>Non Standard Timings</b></p> <p>No Change</p>
<p><b>Capacity</b></p> <p>The number of persons accommodated at the premises (excluding staff) shall not exceed 270. Subject to the sanitary accommodation being improved to the satisfaction of the Council's Environmental Health Officer.</p>	<p><b>Capacity</b></p> <p>To increase the number of persons accommodated at the premises (excluding staff) to 295</p>
<p><b>Opening Hours</b></p> <p>Monday to Thursday: 10:00 to 00:00 Friday to Saturday: 10:00 to 00:30 Sunday: 10:00 to 00:00</p>	<p><b>Opening Hours</b></p> <p>No change</p>

## 1. Relevant representations

- 1.1 The Environmental Health Service has made an adverse representation against this application as the proposed changes and increase capacity may adversely impact on Public Safety and may lead to an increase in Public Nuisance in the West End Stress Area.
- 1.2 The Environmental Health Service has proposed amended conditions to the applicant which have not been agreed (**Appendix B**)
- 1.3 Five local residents and a Resident Society have made adverse representations against the application on the grounds of Public Safety and Public Nuisance.

## 2 Policies Applicable

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

2.1.1. Policy STR1 applies:

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

### 2.1.2 Policy RNT2 applies:

Applications will be granted subject to other policies and subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that they will not add to cumulative impact in the Stress Areas.

## 3 Summary

3.1 The Licensing Sub-committee may refuse, grant in full or grant in part this proposal, having taken into account the representations received and Westminster's Statement of Licensing Policy. The decision taken should promote the licensing objectives of:

- prevention of public nuisance,
- prevention of crime & disorder,
- public safety and
- protection of children from harm.

3.2 Where the committee is minded to grant the licence it will be granted subject to the mandatory conditions and conditions consistent with the operating schedule modified to such extent as the authority considers appropriate for the promotion of the licensing objectives. Proposed conditions are set out in **Appendix B** in this report.

## 4 Current Licensing Position

These premises currently hold a Premises Licence 14/10681/LIPN. Full licence history can be found in **Appendix A**.

## 5 Residential Density

35 units within a 75m radius of the premises are residential or proposed residential –please refer to **Appendix C**.

## 6 List of Appendices

- A – Premises Licence History
- B - Proposed Conditions
- C – Residential Map and list of premises in the vicinity
- D- Plans

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

- Licensing Act 2003
- City of Westminster Statement of Licensing Policy (7<sup>th</sup> January 2011)
- Amended Guidance issued under section 182 of the Licensing Act 2003 (March 2015)
- Application form
- Existing Premise Licence
- Representations received
- Photos

## Appendix A

### Licence & Appeal History

Application	Details of Application	Date Determined	Decision
Conversion Application <b>05/06807/LIPCV</b>	Application to convert the Justices on Licence	28.09.2005	Granted By Licensing Sub-Committee
06/09370/LIPV	Variation Application	07.11.2006	Granted under delegated authority
Provisional Statement 13/00326/LIPST	Convert the Justices Off Licence	14.03.2013	Granted By Licensing Sub-Committee
14/10681/LIPN	Application for a new premises licence	22.01.2015	Granted By Licensing Sub-Committee

There is no appeal history.

## Appendix A

### Licence & Appeal History

Application	Details of Application	Date Determined	Decision
Conversion Application <b>05/06807/LIPCV</b>	Application to convert the Justices on Licence	28.09.2005	Granted By Licensing Sub-Committee
06/09370/LIPV	Variation Application	07.11.2006	Granted under delegated authority
Provisional Statement 13/00326/LIPST	Convert the Justices Off Licence	14.03.2013	Granted By Licensing Sub-Committee
14/10681/LIPN	Application for a new premises licence	22.01.2015	Granted By Licensing Sub-Committee

There is no appeal history.

## APPENDIX B

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

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

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

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

#### **Conditions: On Current Licence -**

##### **Mandatory:**

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

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

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

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

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

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

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

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

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

Where -

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

- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph

shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

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

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

9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.
11. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
- (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received
  - (d) any incidents of disorder
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service.
12. The supply of alcohol for consumption on the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
13. Substantial food and non-intoxicating beverages shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
14. The number of persons accommodated at the premises (excluding staff) shall not exceed 270. Subject to the sanitary accommodation being improved to the satisfaction of the Council's Environmental Health Officer, the capacity may be increased to such number as may be agreed with the licence holder. The actual capacity will only



increase when an appropriate condition to that effect has replaced this condition on the licence.

**Environmental Health Service have proposed an amended 14 to read:**

*The number of persons accommodated within the premises (including the courtyard) at any one time shall not exceed 295 persons (excluding staff).*

15. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
16. No striptease, no nudity and all persons to be decently attired at all times except when the premises are operating under the provision of a Sexual Entertainment Venue Licence.
17. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
18. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
19. Patrons temporarily leaving the premises shall not be permitted to take drinks outside with them.
20. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
21. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
22. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0800 hours.
23. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
24. No deliveries to the premises shall take place between (23.00) and (07.00) on the following day.
25. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
26. When regulated entertainment takes place all windows and external doors should be kept closed after 21:00 and after 23:00 at all other times, except for the immediate access and egress of persons.
27. The sale of alcohol for consumption off the premises shall be restricted to:
  - a) alcohol in sealed containers and shall not be consumed on the premises

- b) persons seated at tables and chairs in an area of Kingly Street adjacent to the premises which is appropriately authorised for such use as shown on the approved plan.

**Environmental Health Service have proposed an amended 27 to read:**

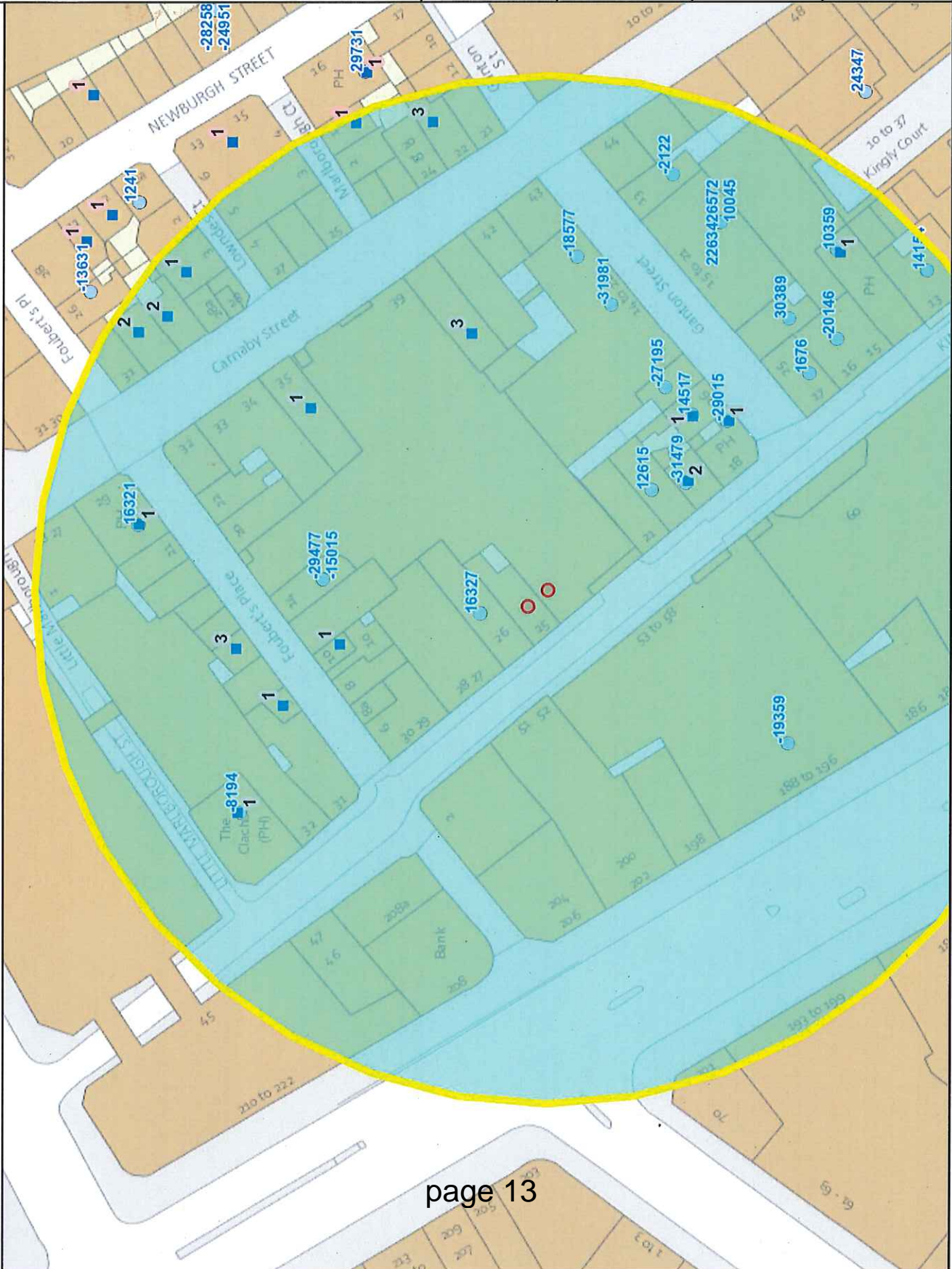
*The sale of alcohol for consumption off the premises shall be restricted to:*

- a) Alcohol in sealed containers and shall not be consumed on the premises*
- b) Persons seated at tables and chairs taking a table meal and for consumption by such a person as ancillary to their meal in an area of Kingly Street adjacent to the premises which is appropriately authorised for such use.*

- 28. The Licence will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.



22-25 Kingly Street and 14-16 Fouberts Place

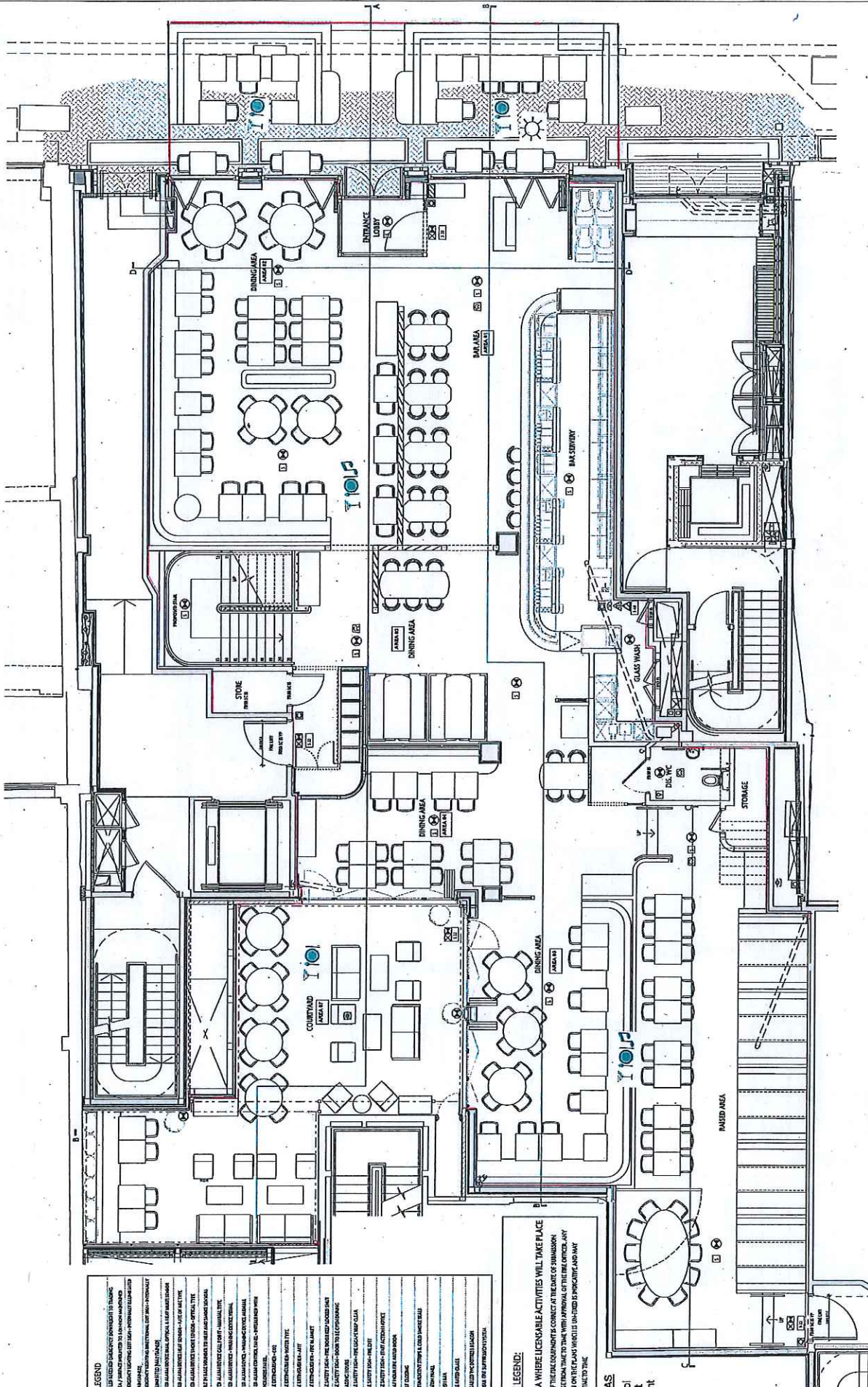


Residential / Proposed Residential	Under Construction	Other Uses	Proportion Residential of all Uses
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Premises within 75			
p / n	Name of Premises	Premises Address	Opening Hours
3772	Rosa's	23A Ganton Street London W1F 9BW	Friday to Saturday 10:00 - 00:00 Christmas Eve 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sundays before Bank Holidays 12:00 - 00:00 Christmas Eve 12:00 - 00:00 Sunday 12:00 - 23:00
5111	Shampers Wine Bar	Ground Floor 4 Kingly Street London W1B 5PE	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
6025	Units 2.12 And 2.13	Kingly Court Kingly Court London W1B 5PW	Monday to Thursday 10:00 - 00:00 Friday to Saturday 10:00 - 00:30 Sunday 12:00 - 23:00
8149	Regent Street Area	Regent Street London W1B 5BQ	Monday to Sunday 00:00 - 00:00
30628	Red Lion Public House	14 Kingly Street London W1B 5PR	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
-30420	Cirque Le Soir	Basement 15-21 Ganton Street London W1F 9BN	Thursday to Saturday 00:00 - 00:00 Monday 00:00 - 00:00 Wednesday 00:00 - 00:00
-23420	Units 1.14 - 1.16	Kingly Court Kingly Court London W1B 5PW	Monday to Thursday 10:00 - 00:00 Friday to Saturday 10:00 - 00:30 Sunday 12:00 - 23:00
-17625	Blue Posts Public House	18 Kingly Street London W1B 5PX	Friday to Saturday 08:00 - 00:00 Sunday 08:00 - 23:00 Monday to Thursday 08:00 - 23:30 Sundays before Bank Holidays 12:00 - 00:00
-17182	Two Floors	Ground Floor 3 Kingly Street London W1B 5PD	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sundays before Bank Holidays 12:00 - 00:00 Sunday 12:00 - 23:00
-15848	Oka Restaurant Units 1.14 - 1.16	Kingly Court Kingly Court London W1B 5PW	Monday to Thursday 10:00 - 00:00 Friday to Saturday 10:00 - 00:30 Sunday 12:00 - 23:00
-5867	Cinnamon	5 Kingly Street London W1B 5PF	Sunday 09:00 - 01:00 Monday to Saturday 09:00 - 01:10
6465	Urban Tearooms	19 Kingly Street London W1B 5QD	Friday to Saturday 08:00 - 00:00 Monday to Thursday 08:00 - 23:30 Sunday 10:00 - 22:30
19195	The Diner	18-20 Ganton Street London W1F 7QY	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
25164	Open Space	Kingly Court London	Monday to Sunday 00:00 - 00:00
26636	Life Goddess	Unit 1.9 Kingly Court London W1B 5PW	Monday to Thursday 10:00 - 00:00 Friday to Saturday 10:00 - 00:30 Sunday 12:00 - 23:00
28213	Senor Ceviche	Kingly Court Kingly Court London W1B 5PW	Monday to Thursday 10:00 - 00:00 Friday to Saturday 10:00 - 00:30 Sunday 12:00 - 23:00
30225	Mother Mash	26 Ganton Street London W1F 7QY	Monday to Friday 08:00 - 23:00 Saturday to Sunday 10:00 - 23:00
30450	Cirque Le Soir	Basement 15-21 Ganton Street London W1F 9BN	Wednesday to Saturday 00:00 - 00:00 Monday 00:00 - 00:00
31839	The Rum Kitchen Carnaby	First Floor Units 12 And 13 Kingly Court Kingly Court London W1B 5PW	Monday to Thursday 10:00 - 00:00 Friday to Saturday 10:00 - 00:30 Sunday 12:00 - 23:00
-32496	The Red Onion	Ground Floor 26 Kingly Street London W1B 5QD	Monday to Sunday 11:00 - 00:00
-31099	Zebrano	14-22 Ganton Street London W1F 7QU	Monday to Wednesday 09:00 - 00:00 Thursday to Saturday 09:00 - 01:00 Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 00:00 Sundays before Bank Holidays 12:00 - 00:00
-30759	Pizza Pilgrims Kiosk	11 Kingly Street London W1B 5PL	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30 Saturday 10:00 - 23:00
-25817	Jinjuu	Basement And Ground Floor 15 - 16 Kingly Street London W1B 5PS	Monday to Saturday 10:00 - 01:30 Sunday 12:00 - 00:00
-24635	Bag O' Nails	9 Kingly Street London W1B 5PH	Monday to Friday 09:00 - 03:30 Saturday 09:00 - 23:30 Sunday 12:00 - 23:00

-24572	Disco	Unit G 13 Kingly Court London W1B 5PW	Sunday 09:00 - 00:00 Monday to Wednesday 09:00 - 03:00 Thursday to Saturday 09:00 - 03:30
-23437	Bittersweet	Basement And Ground Floor 4 Kingly Court London W1B 5PW	Sunday 09:00 - 01:00 Sundays before Bank Holidays 09:00 - 01:30 Monday to Saturday 09:00 - 03:30
-21907	Pix	Basement And Ground Floor 24 Ganton Street London W1F 7QY	Friday to Saturday 12:00 - 00:00 Sunday 12:00 - 22:30 Monday to Thursday 12:00 - 23:30
-17425	Pizza Pilgrims	11 Kingly Street London W1B 5PL	Monday to Sunday 08:00 - 00:30
-13809	Shoryu	Unit G3 Kingly Court London W1B 5PW	Monday to Thursday 10:00 - 00:00 Friday to Saturday 10:00 - 00:30 Sunday 12:00 - 23:00
-2129	Units 1.7 And 1.8, First Floor	Kingly Court Kingly Court London W1B 5PW	Monday to Thursday 10:00 - 00:00 Friday to Saturday 10:00 - 00:30 Sunday 12:00 - 23:00
-657	Hamleys	Basement To Seventh Floor 188-196 Regent Street London W1B 5BT	Saturday 09:00 - 20:00 Monday to Wednesday 10:00 - 20:00 Thursday to Friday 10:00 - 21:00 Sunday 12:00 - 18:00
113	Sacred Cafe	13 Ganton Street London W1F 9BL	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 22:30
1920	Dehesa	17 Kingly Street London W1B 5PU	Monday to Thursday 10:00 - 00:00 Friday to Saturday 10:00 - 00:30 Sunday 12:00 - 23:00
8860	Wright Brothers Soho	12 - 13 Kingly Street London W1B 5PB	Monday to Saturday 08:00 - 00:00 Sunday 08:00 - 23:00
12011	Units G2, 1.4, 1.5 & 1.6	Ground Floor Unit G2 Kingly Court London W1B 5PW	Friday to Saturday 07:00 - 00:00 Sunday 07:00 - 22:30 Monday to Thursday 07:00 - 23:30
14257	Ain't Nothin' But	20 Kingly Street London W1B 5PZ	Sunday 09:00 - 00:00 Monday to Thursday 09:00 - 01:30 Sundays before Bank Holidays 09:00 - 01:30 Friday to Saturday 09:00 - 03:30
15686	Benefit Cosmetics	10 Camaby Street London W1F 9PF	Monday to Saturday 08:00 - 20:00 Sunday 12:00 - 18:00
17093	Cha Cha Moon	15-21 Ganton Street London W1F 9BN	Monday to Sunday 08:00 - 00:30





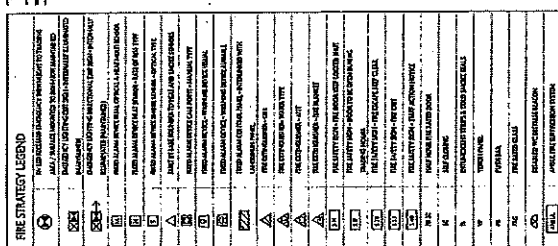
**PRELIMINARY**

PROJECT: 3329  
 TITLE: 03/01D  
 DATE: 03/01D  
 DRAWN BY: 18  
 CHECKED BY: 18  
 144 MILLIS STREET, SYDNEY, NSW 1570, AUSTRALIA  
 02 9550 1111  
 02 9550 1111

**Macanlay Sinclair**

REV DATE REASON  
 1 20/01/15  
 2 03/01/15  
 3 03/01/15

NOTES



# BACKGROUND DOCUMENTS



\* required information

## Section 1 of 17

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

Not Currently In Use

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

Your reference

HT01 DIS14-4

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

Dishoom Ltd

\* Family name

as above

\* E-mail

[licensing@hcrlaw.com](mailto:licensing@hcrlaw.com)

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.

### Applicant Business

\* Is the applicant's business registered in the UK with Companies House?

☒ Yes

☐ No

\* Registration number

06226963

\* Business name

Dishoom Ltd

If the applicant's business is registered, use its registered name.

\* VAT number

GB

922321070

Put "none" if the applicant is not registered for VAT.

\* Legal status

Private Limited Company

Continued from previous page...

\* Applicant's position in the business

Home country

The country where the applicant's headquarters are.

**Registered Address**

Address registered with Companies House.

\* Building number or name

\* Street

District

\* City or town

County or administrative area

\* Postcode

\* Country

**Agent Details**

\* First name

\* Family name

\* E-mail

Main telephone number

Include country code.

Other telephone number

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

☐ A private individual acting as an agent

**Agent Business**

\* Is your business registered in the UK with Companies House? ☒ Yes ☐ No

\* Registration number

\* Business name

If your business is registered, use its registered name.

\* VAT number

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

\* Legal status

*Continued from previous page...*

\* Your position in the business

Home country

The country where the headquarters of your business is located.

**Agent Registered Address**

Address registered with Companies House.

\* Building number or name

\* Street

District

\* City or town

County or administrative area

\* Postcode

\* Country

**Section 2 of 17**

**APPLICATION DETAILS**

**This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.**

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

\* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

☒ Address    ☐ OS map reference    ☐ Description

**Postal Address Of Premises**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Premises Contact Details**

Telephone number

Continued from previous page...

Non-domestic rateable  
value of premises (£)

### Section 3 of 17

#### VARIATION

Do you want the proposed  
variation to have effect as  
soon as possible?

☒ Yes

☐ No

Do you want the proposed variation to have effect in relation to the  
introduction of the late night levy?

☐ Yes

☒ No

You do not have to pay a fee if the only  
purpose of the variation for which you are  
applying is to avoid becoming liable to the  
late night levy.

If your proposed variation  
would mean that 5,000 or  
more people are expected to  
attend the premises at any  
one time, state the number  
expected to attend

#### Describe Briefly The Nature Of The Proposed Variation

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

to vary the premises licence as follows:

1. To vary condition 14 of the licence to increase the number of persons accommodated at the premises (excluding staff) to 295;
2. To vary the layout of the premises in accordance with drawing numbers 03/01D and 03/02D as follows:
  - a. Re-position the ground floor bar server;
  - b. Re-configure the entrance lobby;
  - c. Install louvered doors to the external terrace;
  - d. Re-locate male and female WC's to the lower ground floor;
  - e. Re-position the disabled WC on the ground floor;
  - f. Re-configure seating throughout the premises (removing the lower ground floor bar server and lower dining area); and
  - g. Incorporate the external dining area into the premises licence.

Continued from previous page...

#### PROVISION OF PLAYS

Will the schedule to provide plays be subject to change if this application to vary is successful?

☐ Yes ☒ No

#### Section 5 of 17

#### PROVISION OF FILMS

Will the schedule to provide films be subject to change if this application to vary is successful?

☐ Yes ☒ No

#### Section 6 of 17

#### PROVISION OF INDOOR SPORTING EVENTS

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

☐ Yes ☒ No

#### Section 7 of 17

#### PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

☐ Yes ☒ No

#### Section 8 of 17

#### PROVISION OF LIVE MUSIC

Will the schedule to provide live music be subject to change if this application to vary is successful?

☐ Yes ☒ No

#### Section 9 of 17

#### PROVISION OF RECORDED MUSIC

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

☐ Yes ☒ No

#### Section 10 of 17

#### PROVISION OF PERFORMANCES OF DANCE

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

☐ Yes ☒ No

#### Section 11 of 17

#### PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

*Continued from previous page...*

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

☐ Yes

☒ No

#### Section 12 of 17

##### PROVISION OF LATE NIGHT REFRESHMENT

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

☐ Yes

☒ No

#### Section 13 of 17

##### SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

☐ Yes

☒ No

#### Section 14 of 17

##### ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

No.

#### Section 15 of 17

##### HOURS PREMISES ARE OPEN TO THE PUBLIC

###### Standard Days And Timings

###### MONDAY

Start

End

Start

End

###### TUESDAY

Start

End

Start

End

###### WEDNESDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

THURSDAY

Start	10:00	End	00:00
Start		End	

FRIDAY

Start	10:00	End	00:30
Start		End	

SATURDAY

Start	10:00	End	00:30
Start		End	

SUNDAY

Start	10:00	End	00:00
Start		End	

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

- ☒ I have enclosed the premises licence
- ☐ I have enclosed the relevant part of the premises licence

*Continued from previous page...*

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

## Section 16 of 17

### LICENSING OBJECTIVES

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

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

List here steps you will take to promote all four licensing objectives together.

No additional steps are required to promote the licensing objectives. This application simply seeks to vary the layout of the premises.

b) The prevention of crime and disorder

as (a) above

c) Public safety

as (a) above

d) The prevention of public nuisance

as (a) above

e) The protection of children from harm

as (a) above

## Section 17 of 17

### 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.

Variation Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at [http://www.voa.gov.uk/business\\_rates/index.htm](http://www.voa.gov.uk/business_rates/index.htm)

Band A - No RV to £4300                      £100.00

Band B - £4301 to £33000                    £190.00



Continued from previous page...

Band C - £33001 to £8700	£315.00
Band D - £87001 to £12500	£450.00*
Band E - £125001 and over	£635.00*

\*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £12500	£900.00
Band E - £125001 and over	£1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999	£1,000.00
Capacity 10000-14999	£2,000.00
Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00
Capacity 30000-39000	£16,000.00
Capacity 40000-49999	£24,000.00
Capacity 50000-59999	£32,000.00
Capacity 60000-69999	£40,000.00
Capacity 70000-79999	£48,000.00
Capacity 80000-89999	£56,000.00
Capacity 90000 and over	£64,000.00

\* Fee amount (£)

315.00

## DECLARATION

\* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

☒ 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

Heath Thomas, Harrison Clark Rickerbys  
Solicitors

\* Capacity

Solicitor authorised on behalf of the  
applicant

\* Date

01 / 06 / 2015  
dd mm yyyy

Add another signatory

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/premises-licence/westminster/change-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

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

**OFFICE USE ONLY**

Applicant reference number	HT01 DIS14-4
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	<input type="checkbox"/>

< Previous   1   2   3   4   5   6   7   8   9   10   11   12   13   14   15   16   17   Next >



## City of Westminster

64 Victoria Street, London, SW1E 6QP

Schedule 12  
Part A

WARD: West End  
UPRN: 100023471373

Premises licence

Regulation 33, 34

Premises licence number:

14/10681/LIPN

Original Reference:

14/10681/LIPN

### Part 1 – Premises details

Postal address of premises:

22-25 Kingly Street and 14-16 Fouberts Place  
London  
W1F 7PA

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Playing of Recorded Music  
Late Night Refreshment  
Sale by Retail of Alcohol

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

#### Playing of Recorded Music

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

Non-standard Timings: From the end of permitted hours on new Years Eve to the start of permitted hours on New Years Day.

#### Late Night Refreshment

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

Non-standard Timings: From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.

#### Sale by Retail of Alcohol

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

Non-standard Timings: From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day

**The opening hours of the premises:**

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

Shaftesbury Carnaby Limited  
22 Ganton Street  
Carnaby Street  
London  
W1F 7FD

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

02038836

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

Name: Not assigned

*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:**

Not assigned

Date: 13<sup>th</sup> March 2015

This licence has been authorised by Mrs Sumeet Anand-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.

**Annex 2 – Conditions consistent with the operating Schedule**

None



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

9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.
11. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received
  - (d) any incidents of disorder
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service.
12. The supply of alcohol for consumption on the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
13. Substantial food and non-intoxicating beverages shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
14. The number of persons accommodated at the premises (excluding staff) shall not exceed 270. Subject to the sanitary accommodation being improved to the satisfaction of the Council's Environmental Health Officer, the capacity may be increased to such number as may be agreed with the licence holder. The actual capacity will only increase when an appropriate condition to that effect has replaced this condition on the licence.
15. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
16. No striptease, no nudity and all persons to be decently attired at all times except when the premises are operating under the provision of a Sexual Entertainment Venue Licence.
17. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
18. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
19. Patrons temporarily leaving the premises shall not be permitted to take drinks outside with them.

20. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
21. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
22. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0800 hours.
23. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
24. No deliveries to the premises shall take place between (23.00) and (07.00) on the following day.
25. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
26. When regulated entertainment takes place all windows and external doors should be kept closed after 21:00 and after 23:00 at all other times, except for the immediate access and egress of persons.
27. The sale of alcohol for consumption off the premises shall be restricted to:
  - a) alcohol in sealed containers and shall not be consumed on the premises
  - b) persons seated at tables and chairs in an area of Kingly Street adjacent to the premises which is appropriately authorised for such use as shown on the approved plan.
28. The Licence will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.



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

Schedule 12  
Part B

Premises licence  
summary

WARD: West End  
UPRN: 100023471373

Regulation 33, 34

Premises licence number:

14/10681/LIPN

**Part 1 – Premises details**

**Postal address of premises:**

22-25 Kingly Street and 14-16 Fouberts Place  
London  
W1F 7PA

**Telephone Number:** Not Supplied

**Where the licence is time limited, the dates:**

Not applicable

**Licensable activities authorised by the licence:**

Playing of Recorded Music  
Late Night Refreshment  
Sale by Retail of Alcohol

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

**Playing of Recorded Music**

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

Non-standard Timings: From the end of permitted hours on new Years Eve to the start of permitted hours on New Years Day.

**Late Night Refreshment**

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

Non-standard Timings: From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.

**Sale by Retail of Alcohol**

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

Non-standard Timings: From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day



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

**Schedule 12  
Part B**

**WARD: West End  
UPRN: 100023471373**

**Premises licence  
summary**

**Regulation 33, 34**

**Premises licence number:**

14/10681/LIPN

**Part 1 – Premises details**

**Postal address of premises:**

22-25 Kingly Street and 14-16 Fouberts Place  
London  
W1F 7PA

**Telephone Number:** Not Supplied

**Where the licence is time limited, the dates:**

Not applicable

**Licensable activities authorised by the licence:**

Playing of Recorded Music  
Late Night Refreshment  
Sale by Retail of Alcohol

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

**Playing of Recorded Music**

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

Non-standard Timings: From the end of permitted hours on new Years Eve to the start of permitted hours on New Years Day.

**Late Night Refreshment**

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

Non-standard Timings: From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.

**Sale by Retail of Alcohol**

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

Non-standard Timings: From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day

#### **Annex 4 -- Plans**

Attached



NOTES:  
 1. Contractor must check and confirm all dimensions and levels before construction.  
 2. All dimensions are to be confirmed and checked by the Architect before construction.  
 3. All work and materials to be in accordance with the relevant British Standards and Regulations.  
 4. All work and materials to be in accordance with the relevant British Standards and Regulations.

# Fire Alarm Schedule

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

## Fire Compartmentation

⑧ Escape Signage: All in accordance with BS5588-10 & the approved documents

- ⑨ 60 Minutes Fire Resisting Construction with FD30S Fire Doors
- ⑩ 30 Minutes Fire Resisting Construction with FD30S Fire Doors To MOE
- ⑪ 9 Litre Water Extinguisher
- ⑫ Carbon Dioxide Extinguisher
- ⑬ Fire Blanket

Total Area = 293.3m<sup>2</sup>  
 Licensed Area = 110m<sup>2</sup>

2011  
 1500

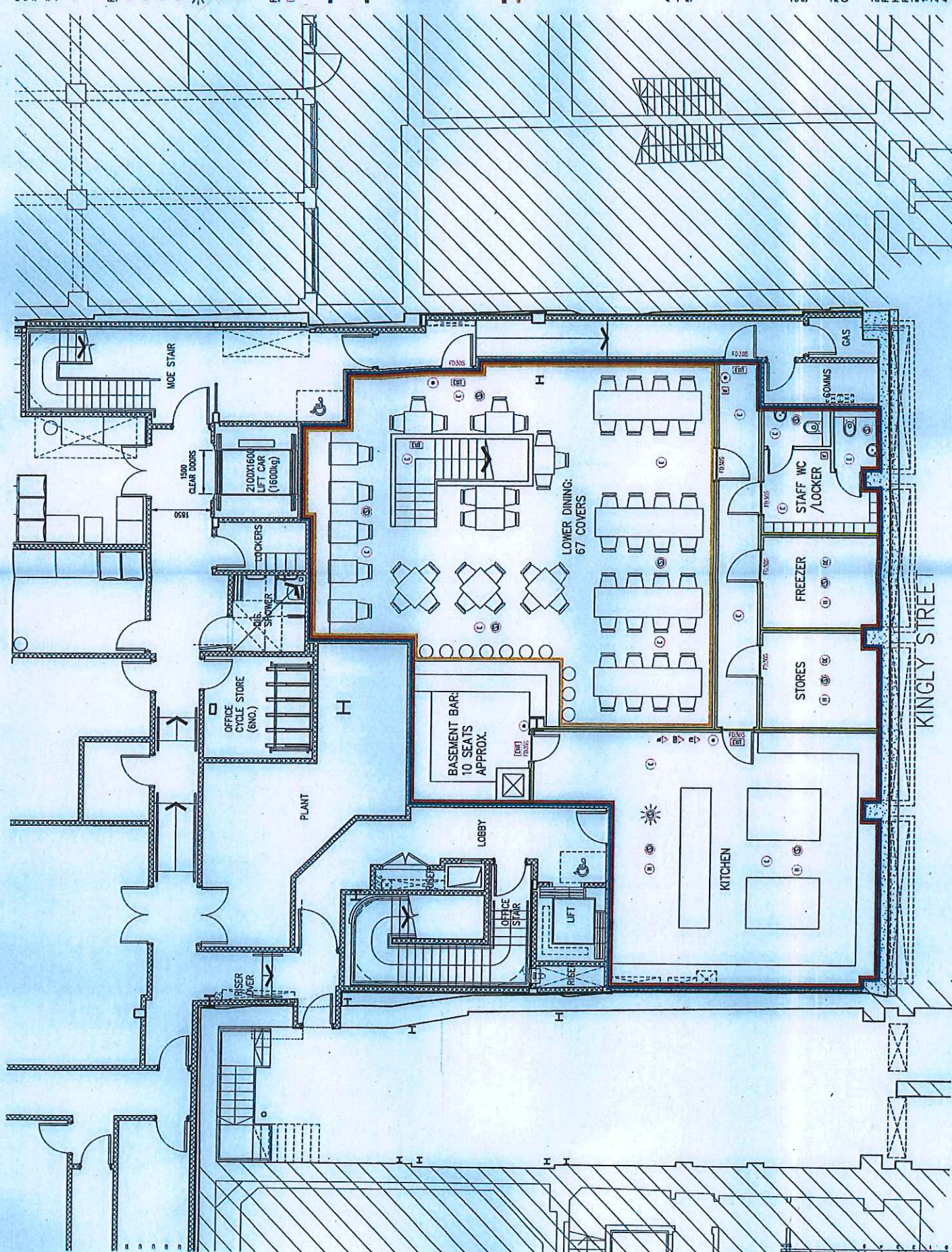
## Rolfe Judi

Old Church Street, Cambridge Road, The Oast, London SE18 6PQ  
 Architectural Planning Ltd  
 020 7461 1111  
 www.rolfejudi.co.uk

Client  
 Shellfishery Plc

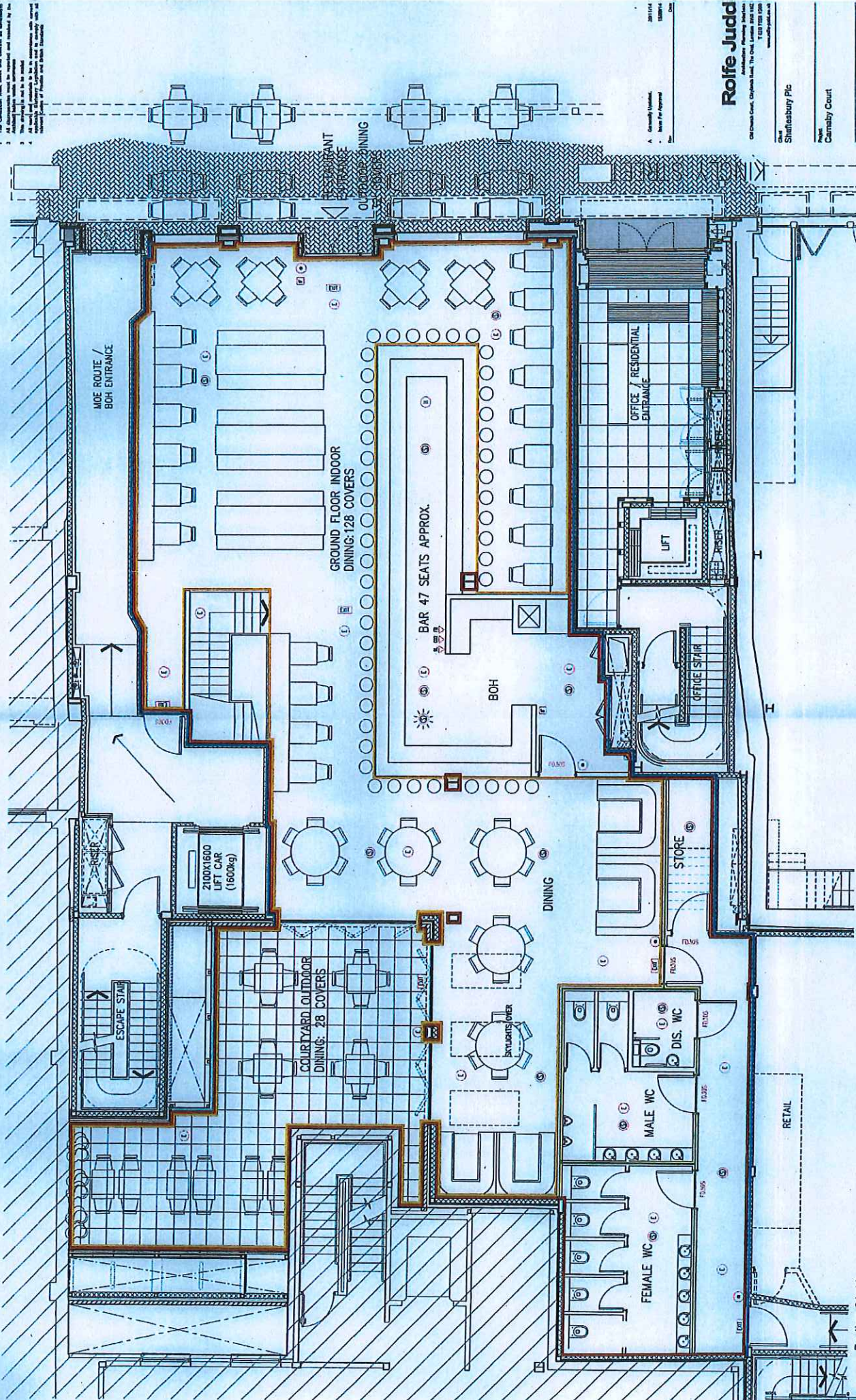
Project  
 Canaby Court

Drawing  
 Proposed Basement Floor Plan  
 Kingly Street  
 Restaurant Layout  
 1:50 (A1) Sep 14  
 4775 AK(72) P-1  
 1:100 @ A3





NOTES:  
 1. The Contractor must read and understand the Building Regulations.  
 2. All dimensions must be indicated and included in the drawings.  
 3. All work must be carried out in accordance with the Building Regulations.  
 4. All work must be carried out in accordance with the Building Regulations.



**Rolfe Judd**  
 Chartered Architect  
 100 South Street, London E1 1LH  
 Tel: 020 7463 1000  
 Fax: 020 7463 1001  
 Email: info@rolfejudd.co.uk

Client: Shaftesbury Plc  
 Project: Canary Court  
 Drawing: Proposed Ground Floor Plan  
 Date: 15/09/03  
 Scale: 1:100 @ A3

— Total Area = 418.35m<sup>2</sup>  
 — Licensed Area = 275m<sup>2</sup>

- Fire Compartmentation**
- 60 Minutes Fire Resisting Construction with FD30S Fire Doors
  - 30 Minutes Fire Resisting Construction with FD30S Fire Doors To MDE
  - 9 Litre Water Extinguisher
  - Carbon Dioxide Extinguisher
  - Fire Blanket

- Fire Alarm Schedule**
- Fire Alarm Combined Smoke Detector / Flushing Beacon
  - Fire Alarm Interface Unit
  - Fire Alarm Break Glass Unit
  - Fire Alarm Remote Indicator
  - Heat Detector
  - Snake Detector / Sounder
  - Emergency Light



**The opening hours of the premises:**

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

Shaftesbury Carnaby Limited  
22 Ganton Street  
Carnaby Street  
London  
W1F 7FD

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

02038836

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

Name: Not assigned

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

Restricted

Date: 13<sup>th</sup> March 2015

This licence has been authorised by Mrs Sumeet Anand-Patel on behalf of the Operational Director - Premises Management.



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TO Miss Yolanda Wade

REFERENCE 15/04186/LIPV

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FROM EH Consultation Team, 4<sup>th</sup> Floor, City Hall

REFERENCE 15/020163/EHCT

BEING DEALT WITH BY Anil Drayan

TELEPHONE EXT. 1774

DATE 6 August 2015

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**(FOUBERTS PLACE/KINGLY STREET), 14-16 FOUBERT'S PLACE, LONDON, W1F 7PA**

I refer to the application for variation of the premises licence, 14/10681/LIPN, for the above premises which is located in the West End Stress Area.

I understand the applicant has withdrawn the external area in Kingly Street from being included as part of the licensed area. This is in part because this area is largely a public highway which gets closed off to traffic for certain parts of the day and the use of which will have to be applied for under a Tables and Chairs licence.

The use of this external area is also covered by existing condition 27. However this condition allows for alcohol to be provided without it being ancillary to food.

**Condition 27 should therefore be amended to read:**

*The sale of alcohol for consumption off the premises shall be restricted to:*

- a) Alcohol in sealed containers and shall not be consumed on the premises*
- b) Persons seated at tables and chairs taking a table meal and for consumption by such a person as ancillary to their meal in an area of Kingly Street adjacent to the premises which is appropriately authorised for such use.*

Please note that no part of the premises has a frontage to Foubert's Place and is entirely on Kingly Street.

With regards to the variation application for the layout changes and the increase in internal capacity to 295 Environmental Health has no objection on Public Safety considerations.

The lack of suitable sanitary accommodations leading to Public Nuisance issues is one of the reasons for the Stress areas being designated as such.

Environmental Health therefore also assesses appropriate capacities in Stress areas being based also on the sanitary accommodations to be in compliance with the minimum provision as stated in

*British Standard 6465 -1:2006 + A1:2009; Sanitary installations – Part 1: Code of practice for the design of sanitary facilities and scale of provision of sanitary and associated appliances: Table 10; restaurants and other places where seating is provided for eating and drinking:*

- The proposed customer provision is 5 Female WC's, 3 Male urinals and 2 Male WC's. (2 WC's are also provided separately for staff)
- According to Table 10 this would equate to an overall customer capacity of 240 based on a 50/50 female/male split.
- In this case the applicant also proposes to provide 1 Disabled WC.
- Although British Standard does not directly include the provision of Disabled facilities in the calculations for the overall capacity Environmental Health practice is nominally to designate this as an additional facility for capacity purposes (eg as an additional Female WC). This then results in the premises having a potential customer capacity of upto 360.
- Environmental Health therefore considers that, based on the sanitary accommodations provided in the Stress area for these premises, there are no Public Nuisance issues arising from the proposed capacity of 295 (this also takes into account the additional 32 as indicated for a Tables and Chairs licence that may be applied for).

With regards to whether this increase in capacity would add to cumulative impact in the Stress area Environmental Health takes the view that the Licensing Sub-Committee (LSC) already considered that this did not when Licence 14/10681/LIPN was granted – the wording of the capacity condition 14 allowed for an increase if there was appropriate increase in sanitary provision (there is an addition of 1 Male urinal provided in this variation application)

**The replacement for condition 14 should therefore read:**

- *The number of persons accommodated within the premises (including the courtyard) at any one time shall not exceed 295 persons (excluding staff).*

**Environmental Health does not propose any additional conditions. Even if the applicant agrees to the amendments to conditions 14 and 27 as above representations will be maintained if the application is to be determined by the LSC as I would wish to be party to any discussions held there before deciding to withdraw.**

**Anil Drayan  
Environmental Health Officer  
Environmental Health Consultation Team**

**CITY OF WESTMINSTER****MEMORANDUM**

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**TO** Miss Yolanda Wade**REFERENCE** 15/04186/LIPV

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**FROM** EH Consultation Team, 4<sup>th</sup> Floor, City Hall**REFERENCE** 15/020163/EHCT**BEING DEALT WITH BY** Anil Drayan**TELEPHONE EXT.** 1774**DATE** 29 June 2015

---

**(FOUBERTS PLACE/KINGLY STREET), 14-16 FOUBERT'S PLACE, LONDON, W1F 7PA**

I refer to the application for variation of the premises licence, 14/10681/LIPN, for the above premises which is located in the West End Stress Area.

The applicant has submitted new plans of the premises, ref 03/01D and 03/02D, dated 13/04/15

The applicant is seeking the following variations:

1. To change the layout in accordance with the submitted plans
2. To vary condition 14 to allow for an increase in capacity

I wish to make the following representations

1. The proposed changes may adversely impact on Public Safety and may lead to an increase in Public Nuisance in the West End Stress Area
2. The proposed increase in capacity may lead to an increase in Public Nuisance in the West End Stress Area if not accompanied with an increase in sanitary accommodation.

The existing premises licence has a 'works' condition – condition 28 - which has not been removed and it is therefore assumed that the premises is not currently operating under its current licence.

In addition it is proposed to incorporate the external area under this licence – clarification is sought as to whether this external area is part of a private forecourt or part of the public highway. This may require additional conditions or changes to conditions.

The applicant is therefore requested to contact the undersigned to arrange a site visit and to discuss these issues after which EH may propose additional conditions.

**Anil Drayan**  
Environmental Health Officer

## **RESIDENT REPRESENTATIONS**

### **Details of public representations relating to 15/04186/LIPV**

#### **Comments received electronically via PublicAccess:**

- **Mrs Liz Callingham - Flat 2, 6, Upper John Street, London**

*Received: 8<sup>th</sup> June 2015*

#### **OBJECTION**

5:08 PM on 08 Jun 2015 I expressed my concern at the Licensing hearing for this large restaurant, for 270 people, being proposed in the historic and narrow streets of Soho. Now the licence holders are requesting an increase of 25 people in this restaurant. To increase numbers in this way from an already intolerable 270 to 295 is madness. I therefore object to this Licence Variation on the grounds of Cumulative Impact in an already over stressed Westminster defined Stress Area.

- **Ms Gillian Reid - Stirling Court, 3 Marshall Street, London**

*Received: 12 Jun 2015*

#### **OBJECTION**

11:10 AM on 12 Jun 2015 This was approved very recently as a 270 seater restaurant licence and to seek to add an additional 25 to 295 at this stage is absurd and totally inappropriate. It is already too vast for this historic and narrow street close to densely residential areas that experience noise and nuisance from servicing vehicles and customers.

It is in the defined high stress zone where no new licences should be allowed and where crowds must be dispersed not encouraged.

The area is already saturated with restaurants and the cumulative effect of all of these is untenable from a nuisance, noise and management point of view.

I therefore object to this Licence Variation on the grounds of 1) noise and nuisance; 2) high stress zone status and 3) cumulative impact.

- **Mr Anthony Jacobs - Flat 1, 6 Upper John Street, London**

*Received: 9 Jun 2015*

**OBJECTION**

2:33 PM on 09 Jun 2015 I object to this Licence Variation on the grounds of Cumulative Impact in this recognised stress area as defined by the City of Westminster. I do recommend that the decision makers visit the immediate area on any weekend late in the evening before making any decision.

- **Mr Pierre-Yves Guerber - 6 Upper John Street, London, W1F 9HB**

*Received: 16<sup>th</sup> June 2015*

**OBJECTION**

9:13 AM on 16 Jun 2015 I am already shocked the licence went through for a restaurant of 270, now asking to increase the capacity further seems completely insane. The area is already completely saturated with the many recent openings of similar restaurant/bars. I object to this Licence Variation on the grounds of Cumulative Impact in an already over stressed Westminster defined Stress Area.

- **Mr Martin Callingham - Flat 2, 6 Upper John Street, London**

*Received: 19<sup>th</sup> June 2015*

**OBJECTION**

10:24 AM on 19 Jun 2015 This restaurant is already too large and could attract over a thousand more people to the area on a busy night. Asking for almost a 10 percent increase makes it even more unacceptable. The area is reaching a tipping point and we will shortly see an increase in crime under the cover of the crowds - as has been the case in the past - which will be very difficult to reverse.

## THE SOHO SOCIETY REPRESENTATION

### Comments received via other means:

- **Mr David Gleeson - The Soho Society, 55 Dean Street, London**  
*Received: 14 Jun 2015 by email*

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

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

#### About The Soho Society

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

#### Application summary

To vary condition 14 of the licence to increase the number of persons accommodated at the premises (excluding staff) to 295 To vary the layout of the premises in accordance with drawing numbers 03/01D and 03/02D as follows: Re-position the ground floor bar server Re-configure the entrance lobby Install louvered doors to the external terrace Re-position the disabled WC on the ground floor and Relocate Male and female toilets to the lower ground floor Re-configure seating throughout the premises (removing the lower ground floor bar server and lower dining area); and Incorporate the external dining area into the premises licence.

#### Venue capacity

The venue capacity is proposed to increase by 10% from 270 to 295. This is an unacceptable increase within the stress area. The area around the venue location has a high concentration of licensed premises and residents are subject to noise and general nuisance every night of the week. We therefore feel it is necessary to restrict any increase in capacity.

### 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 and prevention of crime and disorder. I respectfully urge the Licensing Sub-Committee to reject this application.

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



This is the entrance for 22-25 Kingly Street





GPS: 51.5128,-0.1400

03/07/2015 05:18:22

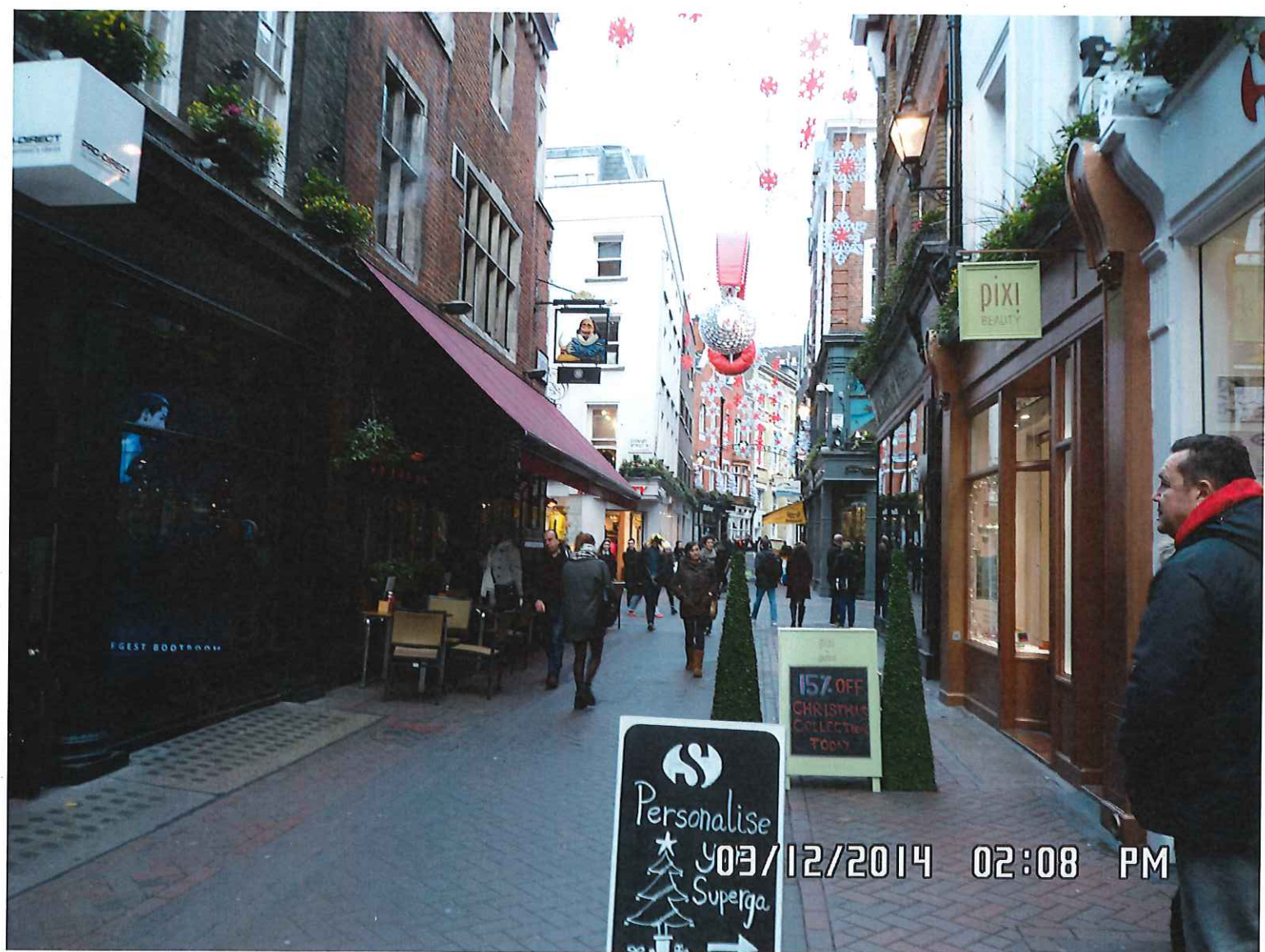
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City of Westminster

# Licensing Sub-Committee Report

Item No:

Licensing Ref No:

15/02201/LIPN

Date:

20 August 2015

Classification:

For General Release

Title of Report:

Rupert Street Cafe Bar  
50 Rupert Street  
London  
W1D 6DR

Report of:

Director of Public Protection and Licensing

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  
E-mail: ywade@westminster.gov.uk

## APPLICATION DETAILS

<b>Application Type:</b>	A new premises licence application under the Licensing Act 2003.		
<b>Applicant:</b>	Stonegate Pub Company Limited	<b>Date Application Received:</b>	25 March 2015
<b>Premises Name and Address:</b>	Rupert Street Cafe Bar 50 Rupert Street London W1D 6DR		
<b>Ward Name:</b>	West End	<b>Stress Area:</b>	West End
<b>Description of Premises:</b>	<p>The premises are currently run as a bar, predominantly serving members of the gay community.</p> <p>The premises is set over two floors with the main trading area on the ground floor with a bar servery and back of house facilities. An external seating area is included within the demise of the premises.</p>		
<b>Please Note:</b>	The application was originally listed for a hearing on 2 <sup>nd</sup> July 2015 but was adjourned until the 20 <sup>th</sup> August 2015 at the applicant's request.		
<p><i>Note: Where the committee is minded to grant the licence it will be granted subject to the mandatory conditions and conditions consistent with the operating schedule modified to such extent as the authority considers appropriate for the promotion of the licensing objectives detailed in Appendix D to this report.</i></p>			
<b><u>Proposed Licensable activities</u></b>		<b><u>Licensable Activities on current licence reference: 13/03507/LIPVM</u></b>	
<b>Sale of Alcohol: On and Off the premises</b>  Monday to Wednesday: 10:00 to 01:00 Thursday- Saturday: 10:00 to 03:00 Sunday: 12:00 to 22:30		<b>Sale of Alcohol: On and Off the premises</b>  Monday to Thursday: 10:00 to 23:30 Friday to Saturday: 10:00 to 00:00 Sunday: 12:00 to 22:30 Sundays before Bank Holidays: 12:00 to 00:00	
<b>Regulated Entertainment</b>  Exhibition of a Film (indoors) Monday to Wednesday: 10:00 to 01:00 Thursday- Saturday: 10:00 to 03:00 Sunday 12:00 to 22:30  Recorded music (indoors) Monday to Wednesday: 10:00 to 01:00 Thursday- Saturday: 10:00 to 03:00 Sunday 12:00 to 22:30		<b>Regulated Entertainment</b>  Exhibition of a Film (indoors) Monday to Thursday: 10:00 to 23:30 Friday to Saturday 10:00 to 00:00 Sunday: 12:00 to 22:30 Sundays before Bank Holidays: 12:00 to 00:00  Indoor Sporting Event (Indoors) Monday to Thursday: 10:00 to 23:30 Friday to Saturday: 10:00 to 00:00 Sunday: 12:00 to 22:30 Sundays before Bank Holidays: 12:00 to 00:00  Playing of recorded music: Unrestricted  Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit: Unrestricted	

<p><b>Late Night Refreshment (indoors &amp; outdoors)</b></p> <p>Monday to Wednesday: 23:00 to 01:00 Thursday to Saturday: 23:00 to 03:00</p>	<p><b>Late Night Refreshment (indoors)</b></p> <p>Monday to Thursday: 23:00 to 23:30 Friday to Saturday: 23:00 to 00:00</p>
<p><b>Non Standard Timings</b></p> <p>The terminal hour to be 03:00 the following morning on the following notable days: Sunday preceding all Bank Holidays and Christmas Eve and Boxing Day when they fall on a Sunday</p> <p>An additional hour to the standard and non-standard timings on the day when British Summertime commences.</p> <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day</p>	<p><b>Non Standard Timings</b></p> <p>The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day</p>
<p><b>Opening Hours</b></p> <p>Monday to Wednesday: 10:00 to 01:30 Thursday to Saturday: 10:00 to 03:30 Sunday: 12:00 to 22:30</p>	<p><b>Opening Hours</b></p> <p>Monday to Thursday: 10:00 to 23:30 Friday to Saturday: 10:00 to 00:00 Sunday: 12:00 to 22:50 Sundays before Bank Holidays: 12:00 to 00:00</p>

## 1. Summary of application

The application is for a new premises licence for a cafe/bar in the Council's defined stress area. The proposal sought under this new licence is to allow the premises to trade until 01:30 from Monday to Wednesday and to 03:30 hours from Thursday to Saturday. The operation on Sunday would remain the same in line with the existing licence from 12:00 to 22:50 hours.

A condition on the new licence will restrict entry to the premises after core hours to members of a private club and to two guest per member.

## 2. Representations

- 2.1 The Environmental Health Service has made an adverse representation against this application as the hours requested for will have the likely effect of causing an increase in Public Nuisance in the area and may impact on public safety. Pre consultation took place with the applicant and the Environmental Health Service on 22<sup>nd</sup> December 2014.
- 2.2 The Metropolitan Police service has made an adverse representation to the application as it was the belief that if granted the application would undermine the Licensing objectives in relation to the prevention of crime and disorder.
- 2.3 The London Fire and Emergency Planning Authority has made an adverse representation to the application. The representation is based on the fact that they did not receive all the information required in order for them to form a judgement as to whether the public safety objective of the Licensing Act has been adequately addressed.
- 2.4 One resident association have made adverse representations against the application on the grounds of Prevention of Crime and Disorder and Prevention of Public Nuisance. One resident

either supports or oppose the application but questions how the application can be granted in the Stress Area. One resident supports the application.

### **3. Policies Applicable**

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

3.1.1 Policy STR1 applies:

i) It is the Licensing Authority's policy to refuse applications in the Stress Areas for: pubs and bars; fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.

(ii) Applications for other licensable activities in the Stress Areas will be subject to other policies and must demonstrate that they will not add to cumulative impact in the Stress Areas..

3.1.2 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.

(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.

3.1.3 Policy PB2 applies:

It is the Licensing Authority's policy to refuse applications in the Stress Areas other than applications to vary hours within the Core Hours under Policy HRS1.

### **4. Summary**

4.1 The Licensing Sub-committee may refuse, grant in full or grant in part this proposal, having taken into account the representations received and Westminster's Statement of Licensing Policy. The decision taken should promote the licensing objectives of:

- prevention of public nuisance,
- prevention of crime & disorder,
- public safety and
- protection of children from harm.

4.2 Where the committee is minded to grant the licence it will be granted subject to the mandatory conditions and conditions consistent with the operating schedule modified to such extent as the authority considers appropriate for the promotion of the licensing objectives. Proposed conditions are set out in **Appendix B** to this report.

### **5. Current Licensing Position**

5.1 These premises currently hold a premises licence 13/03507/LIPVM. Full licence history can be found in **Appendix A**.



**6. Residential Density**

- 6.1 196 units within a 75m radius of the premises are residential or proposed residential – please refer to **Appendix C**.

**7. List of Appendices**

- A – Premises Licence History
- B - Proposed Conditions
- C – Residential Map and list of premises in the vicinity

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

- Licensing Act 2003
- City of Westminster Statement of Licensing Policy (7<sup>th</sup> January 2011)
- Amended Guidance issued under section 182 of the Licensing Act 2003 (March 2015)
- Application form
- Plans
- Existing Premises Licence
- Representations received
- Applicant Submissions (Evidence Bundle)
- Photographs

## Licence &amp; Appeal History

Application	Details of Application	Date Determined	Decision
Conversion Application 05/04955/LIPCV	Application to convert the Justices' on Licence, special hours certificate and Public Entertainment Licence	09.08.2005	Granted by Licensing Sub-Committee
09/08395/LIPVM	Application for a minor variation to alter plans	20.11.2009	Granted under delegated authority
10/09303/LIPT	Application for the transfer of premises licence	24.11.2010	Granted under delegated authority
12/01015/LIPVM	Application for a minor variation to alter plans and To remove conditions 15 and 16 from the existing Premises Licence	29.02.2012	Granted under delegated authority
12/08206/LIPV	Application for a Variation of the following: -To extend hours for all licensable activities to 01:00 Thursday- Sunday (except for recorded music and private entertainment consisting of dancing, music or other entertainment of a like kind). - To extend opening hours to 01:30 Thursday- Sunday. - To remove conditions 9,12,13,15,16,17 and 18 of the premises licence.	15.11.2012	Granted by Licensing Sub Committee
13/01487/LITENP	Application for a Temporary Event Notice		Event allowed to proceed
13/03507/LIPVM	Application for minor variation to alter plans - To remove an obsolete condition regarding alterations from the licence -To also remove condition 15	10.06.2013	Granted under delegated authority
13/05122/LITENP	Application for a Temporary Event Notice		Event Allowed to proceed
14/02019/LITENP	Application for a Temporary Event Notice		Event allowed to proceed

14/04596/LITENP	Application for a Temporary Event Notice		Event allowed to proceed
14/06619/LITENP	Application for a Temporary Event Notice		Event allowed to proceed
14/06625/LITENP	Application for a Temporary Event Notice		Event allowed to proceed
14/08810/LITENP	Application for a Temporary Event Notice		Event allowed to proceed
15/03630/LITENP	Application for a Temporary Event Notice		Event allowed to proceed
15/03779/LITENP	Application for a Temporary Event Notice		Event allowed to proceed
15/03789/LITENP	Application for a Temporary Event Notice		Event allowed to proceed
15/03791/LITENP	Application for a Temporary Event Notice		Event allowed to proceed
15/03796/LITENP	Application for a Temporary Event Notice		Event allowed to proceed

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

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

9. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.
10. 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.

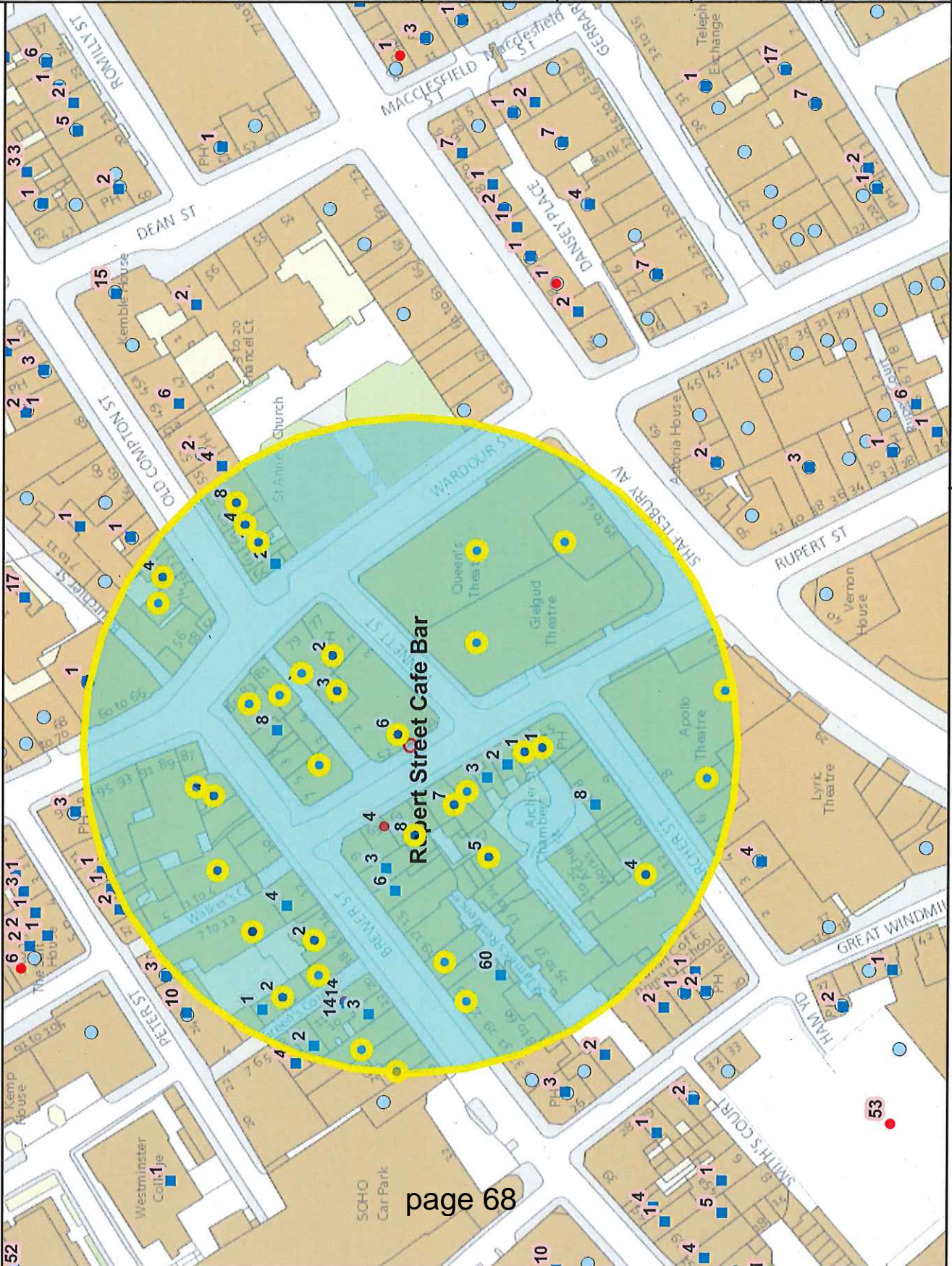
### Conditions Proposed by the Applicant as part of the Operating Schedule

11. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
12. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premise is open. 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.
13. On Thursdays, Fridays and Saturdays when the premises is open for the a sale of alcohol beyond 01:00 hours, there shall be a minimum of two SIA registered floor supervisors on duty from 21:00 hours until close. At all other times, the need for door supervisor will be assessed by way of risk assessment and cognisance will be taken of any police advice.
14. All staff engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility yellow jackets or vests.
15. Where Pubwatch exists covering the area of which the premises is situated then the DPS or other nominated employee shall participate in Pubwatch.
16. The premises shall maintain a written drugs policy, which shall be made available to the Police or an authorised officer of the Council upon request.
17. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
  - a. all crimes reported to the venue
  - b. all ejection of patrons
  - c. any complaints received
  - d. any incidents of disorder
  - e. seizures of drugs or offensive weapons
  - f. any faults in the CCTV system or searching equipment or scanning equipment
  - g. any refusal of the sale of alcohol
  - h. any visit by a relevant authority or emergency service.
18. On Monday to Thursday after 23:00 hours and on Friday and Saturday after midnight, only i) members and up to 2 bona fide guests of the premises as detailed in b) to f) below and/or (ii) up to 5 bona fide guests of the proprietor shall be permitted on the premises.
  - b) No person shall be admitted to membership of the private club operating at the premises or be entitled to take advantage of any of the privileges of membership without an interval of at least 48 hours between their nomination or application for membership and their admission.
  - c) On Monday to Thursday after 23:00 hours and on Friday and Saturday after midnight there shall be no admittance or re-admittance to the premises, except for persons temporarily leaving the premises to smoke.
  - d) A legible list of members and guests which have attended will be kept at the premises for 31 days and shall be available for inspection by any of the relevant authorities. It shall be a requirement of membership that members shall be able to identify their bona

- fide guests by name at all times and names of guests shall be able to be provided to the responsible authorities within reasonable time of any request for details being given to the premises.
- e) A copy of the club rules will be lodged with both the Police and Environmental Health. Any substantial changes to the said rules will be subject to approval from the Police and Environmental Health.
  - f) Membership of the private club shall be restricted to members of the Lesbian, Bi-sexual, Gay, Transgender and Queer community.
19. A noise limiter located must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, Premises Management so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of the officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
  20. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
  21. The licence holder shall enter into an agreement with Hackney Carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who would be encouraged to use such services.
  22. Patrons permitted to temporarily leave and then re-enter the premises to smoke beyond 23:00 shall be restricted to a designated area which will be defined and identified on a plan to be submitted to the Licensing Authority.
  23. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and/or supervised by staff so as to ensure that there is no public nuisance or obstruction of public highway.
  24. The licence will have no effect until the capacity of the premises has been assessed by the Environmental Health consultation team/District Surveyor and the condition detailing the agreed capacity has been added as a condition to the licence.
  25. The premises shall maintain a written dispersal policy which shall be made available to the Police or authorised officer of the Council on request.
  26. All windows and external doors shall be kept closed after 21:00 hours, or at any time when regulated (in the form of recorded music) takes place, except for the immediate access and egress of persons.
  27. There shall be no sales of alcohol for consumption off the premises after 23:00 hours.
  28. All outside tables and chairs shall be rendered unusable by 23:00 hours each day.
  29. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.



30. 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.
31. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
32. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
33. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
34. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises and that this area shall be swept and or washed and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
35. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23:00 hour and 08:00 hours on the following day.
36. No deliveries to the premises shall take place between 23:00 hours and 08:00 hours on the following day.
37. No deliveries to the premises shall take place between 23:00 hours and 08:00 hours on the following day.
38. There shall be no striptease or nudity and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
39. There shall be no sales of hot food or hot drink for consumption off the premises after 23:00.
40. After 23:00 hours, patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
41. A Challenge 21 proof of age scheme will be operated at the premises where the only acceptable forms of identification are photographic identification cards such as a driving licence or passport.
42. A log (which may be electronic) shall be kept detailing all refused sales of alcohol. The log shall include the date and time of the refusal and the name of the member of staff who refused the sale. A copy of the log or electronic report shall be made available upon reasonable request.



Residential / Proposed Residential	196
Under Construction	Not known
Other Uses	Not known
Proportion Residential of all Uses	Not known

Premises within 75 metres of: 50 Rupert Street London			
p / n	Name of Premises	Premises Address	Opening Hours
4414	Soho Food And News	2 Brewer Street London W1F 0SD	Monday to Sunday 09:00 - 03:00
19997	I Camisa & Son	Basement And Ground Floor 61 Old Compton Street London W1D 6HS	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30
20261	Gerry's Wine & Spirits	74-76 Old Compton Street London W1D 4UW	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30
29879	The Yard Bar	57 Rupert Street London W1D 7PJ	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 23:00
-31116	Avalon	Ground Floor 39 - 45 Shaftesbury Avenue London W1D 6LA	Sunday to Thursday 09:00 - 01:30 Friday to Saturday 09:00 - 03:30
-30555	Wok To Walk	Ground Floor 4 Brewer Street London W1F 0SB	Sunday 11:00 - 00:00 Monday to Saturday 11:00 - 01:00
-23223	Lils	53 Rupert Street London W1D 7PH	Friday 07:00 - 00:00 Monday to Thursday 07:00 - 23:00 Saturday 08:00 - 00:00 Sundays before Bank Holidays 08:00 - 00:00 Sunday 08:00 - 22:30
-21515	The Friendly Society	Basement 79 Wardour Street London W1D 6QB	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 22:30
-20343	O' Bar	83-85 Wardour Street London W1D 6QE	Monday to Saturday 09:00 - 03:30 Sunday 12:00 - 00:00 Sunday 12:00 - 23:00
-6191	The Box	11-12 Walker's Court London W1F 0ED	Sunday 09:00 - 00:30 Monday to Saturday 09:00 - 04:00
-3833	Duke Of Wellington	77 Wardour Street London W1D 6QA	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-1148	The Gielgud Theatre	The Gielgud Theatre Shaftesbury Avenue London W1D 6AR	Monday to Sunday 09:00 - 00:00
706	Peep Show And Revue Bar	Basement Floor And Ground Floor 1 Tisbury Court London W1D 6BD	Sunday to Thursday 09:00 - 00:00 Friday to Saturday 09:00 - 01:00
3559	Cafe Espana	Basement To First Floor 63 Old Compton Street London W1D 6HT	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
3754	Village Bar	Basement Ground Floor And Part First Floor 81 Wardour Street London W1D 6QD	Sunday 09:00 - 00:00 Monday to Saturday 09:00 - 03:30
9721	Kirazu	47 Rupert Street London W1D 7PD	Monday to Sunday 11:30 - 23:00
15677	The House Of Ho Ltd	55-59 Old Compton Street London W1D 6HP	Sunday 09:00 - 01:00 Monday to Saturday 09:00 - 01:30
23791	Rupert Supermarket	55 Rupert Street London W1D 7PJ	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30
31345	The Box	11-12 Walker's Court London W1F 0ED	Sunday 09:00 - 00:30 Monday to Saturday 09:00 - 04:00
-30822	Janetira Eat Thai	28 Brewer Street London W1F 0SR	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-22444	Randall & Aubin	16 Brewer Street London W1F 0SQ	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-15064	(Nightclub)	Development Site At 1 - 4 Walker's Court And 8 - 10 Brewer Street London W1F 0SB	Monday to Saturday 09:00 - 03:30 Sunday 12:00 - 01:00 Sundays before Bank Holidays 12:00 - 03:30
-14932	Unit D	Development Site At 1 - 4 Walker's Court And 8 - 10 Brewer Street London W1F 0SB	Monday to Saturday 09:00 - 03:30 Sunday 12:00 - 01:00 Sundays before Bank Holidays 12:00 - 03:30
-11170	Yalla Yalla	Ground Floor 1 Green's Court London W1F 0HA	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00

-10986	Soho Cinema	8 - 9 Walker's Court London W1F 0BY	Monday to Sunday 09:00 - 01:00
-5345	Lina Stores	18 Brewer Street London W1F 0SH	Monday to Friday 07:00 - 21:00 Saturday 09:00 - 21:00 Sunday 11:30 - 18:30
-2921	Apollo Theatre	Apollo Theatre 31-33 Shaftesbury Avenue London W1D 7EA	Monday to Sunday 09:00 - 00:00
-1201	El Camion	25-27 Brewer Street London W1F 0RR	Monday to Saturday 09:00 - 03:30 Sunday 12:00 - 23:00
1762	White Horse Public House	45 Rupert Street London W1D 7PB	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
3167	Spuntino	61 Rupert Street London W1D 7PW	Monday to Saturday 10:00 - 01:30 Sunday 12:00 - 00:00
3249	Damson & Co	21 Brewer Street London W1F 0RL	Sundays before Bank Holidays 08:00 - 00:00 Monday to Sunday 08:00 - 21:45
4661	Shadow Lounge	Basement And Part Ground Floor 3-7 Brewer Street London W1F 0RD	Sunday 09:00 - 00:00 Monday to Saturday 09:00 - 03:30
6164	The Box	11-12 Walker's Court London W1F 0ED	Sunday 09:00 - 00:30 Monday to Saturday 09:00 - 04:00
6412	Rupert Street Cafe Bar	50 Rupert Street London W1D 6DR	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sundays before Bank Holidays 12:00 - 00:00 Sunday 12:00 - 22:50
6558	The Boulevard Theatre	8 - 9 Walker's Court London W1F 0BY	Friday to Saturday 09:00 - 00:00 Sundays before Bank Holidays 09:00 - 00:00 Monday to Saturday 09:00 - 01:00 Monday to Sunday 09:00 - 22:00 Sunday 09:00 - 22:00 Monday to Tuesday 09:00 - 22:00
8943	Tuscan Delicatessen	Basement And Ground Floor 72 Old Compton Street London W1D 4UN	Monday to Sunday 10:00 - 00:30
10723	Gelupo	7 Archer Street London W1D 7AP	Tuesday to Saturday 11:00 - 01:00 Sunday to Wednesday 11:00 - 23:00
13530	Bocca Di Lupo	Ground Floor 12 Archer Street London W1D 7BB	Monday to Saturday 07:30 - 00:00 Sunday 11:00 - 23:30
13575	Chilango	24 Brewer Street London W1F 0SN	Saturday 10:00 - 00:00 Monday to Friday 10:00 - 23:00 Sunday 12:00 - 22:30
17497	Queen's Theatre	Queen's Theatre Ltd Shaftesbury Avenue London W1D 6BA	Monday to Sunday 09:00 - 00:00

# BACKGROUND DOCUMENTS



Westminster City Council

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

We Stonegate Pub Company Limited

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

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
Rupert Street 50 Rupert Street			
Post town	London	Post code	W1D 6DR
Telephone number at premises (if any)		0207 4943059	
Non-domestic rateable value of premises		£223,000.00	

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick yes

- |   |                                     |                             |
|---|-------------------------------------|-----------------------------|
| a) an individual or individuals *   | <input type="checkbox"/>            | please complete section (A) |
| b) a person other than an individual *  | <input checked="" type="checkbox"/> | please complete section (B) |
| i. as a limited company   | <input type="checkbox"/>            | please complete section (B) |
| ii. as a partnership  | <input type="checkbox"/>            | please complete section (B) |
| iii. as an unincorporated association or  | <input type="checkbox"/>            | please complete section (B) |
| iv. other (for example a statutory corporation)   | <input type="checkbox"/>            | please complete section (B) |
| c) a recognised club  | <input type="checkbox"/>            | please complete section (B) |
| d) a charity  | <input type="checkbox"/>            | please complete section (B) |
| e) the proprietor of an educational establishment   | <input type="checkbox"/>            | please complete section (B) |
| f) a health service body  | <input type="checkbox"/>            | please complete section (B) |
| g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital   | <input type="checkbox"/>            | please complete section (B) |
| ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England | <input type="checkbox"/>            | please complete section (B) |
| h) the chief officer of police of a police force in England and Wales   | <input type="checkbox"/>            | please complete section (B) |

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

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or ☒
- I am making the application pursuant to a
  - statutory function or ☐
  - a function discharged by virtue of Her Majesty's prerogative ☐

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

SECOND INDIVIDUAL APPLICANT (if applicable)

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

(B) OTHER APPLICANTS

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

Name	Stonegate Pub Company Limited
Address	Porter Tun House 500 Capability Green  Luton LU1 3LS
Registered number (where applicable)	FC029833
Description of applicant (for example, partnership, company, unincorporated association etc.)	Limited company
Telephone number (if any)	08451262944
E-mail address (optional)	

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
A	S	A
P		

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

Day	Month	Year

A

Please give a general description of the premises (please read guidance note1)

Rupert Street is an existing venue that has operated in Soho for a number of years. The premises is owned and operated by Stonegate Pub Company Limited, a national operator of over 600 premises. Rupert Street operates as a chic and modern bar with a high quality refreshment offering, predominantly serving members of the gay community.

The premises is set over two floors. The main trading area is on the ground floor along with a bar servery, accessible WC and back of house facilities. Toilets are located in the basement, along with further back of house facilities.

The ground floor has two entrances, the main entrance being on on the corner of Rupert Street and Winnett Street and a second entrance on Winnette Street.

There is an external seating area along Winnette Street, which is within the demise of the premises.

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

N/A



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

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

**Provision of regulated entertainment**

Please tick yes

- a) plays (if ticking yes, fill in box A) ☐
- b) films (if ticking yes, fill in box B) ☒
- c) indoor sporting events (if ticking yes, fill in box C) ☐
- d) boxing or wrestling entertainment (if ticking yes, fill in box D) ☐
- e) live music (if ticking yes, fill in box E) ☐
- f) recorded music (if ticking yes, fill in box F) ☒
- g) performances of dance (if ticking yes, fill in box G) ☐
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) ☐

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

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

In all cases complete boxes K, L and M

**A**

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

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	10:00	01:00			
Tue	10:00	01:00	Showing of TV programs, DVDs and music DVDs etc.		
Wed	10:00	01:00			
Thur	10:00	03:00	State any seasonal variations for the exhibition of films (please read guidance note 4)		
Fri	10:00	03:00			
Sat	10:00	03:00	Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun	12:00	22:30			
			The terminal hour to be 03:00hours the following morning on the following notable days: Sunday preceding all Bank Holidays and Christmas Eve and Boxing Day when they fall on a Sunday.		
			An additional hour to the standard and non-standard times on the day when British Summertime commences.		
			New Year's Eve – from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.		

C

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

D

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

E

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

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	10:00	01:00			
Tue	10:00	01:00	Recorded Music - Amplified music played through an in house sound system		
Wed	10:00	01:00			
Thur	10:00	03:00	State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Fri	10:00	03:00			
Sat	10:00	03:00	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun	12:00	22:30			
			The terminal hour to be 03:00hours the following morning on the following notable days: Sunday preceding all Bank Holidays and Christmas Eve and Boxing Day when they fall on a Sunday.		
			An additional hour to the standard and non-standard times on the day when British Summertime commences.		
			New Year's Eve – from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.		

G

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

H

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

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	23:00	01:00		Both	<input checked="" type="checkbox"/>
Tue	23:00	01:00	Please give further details here (please read guidance note 3)		
			Provision of hot food and drink		
Wed	23:00	01:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur	23:00	03:00			
Fri	23:00	03:00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
Sat	23:00	03:00			
Sun	-	-	The terminal hour to be 03:00hours the following morning on the following notable days: Sunday preceding all Bank Holidays and Christmas Eve and Boxing Day when they fall on a Sunday.		
			An additional hour to the standard and non-standard times on the day when British Summertime commences.		
			New Year's Eve – from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.		

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	10:00	01:00			
Tue	10:00	01:00			
Wed	10:00	01:00			
Thur	10:00	03:00	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri	10:00	03:00			
Sat	10:00	03:00	The terminal hour to be 03:00hours the following morning on the following notable days: Sunday preceding all Bank Holidays and Christmas Eve and Boxing Day when they fall on a Sunday.		
Sun	12:00	22:30			
			An additional hour to the standard and non-standard times on the day when British Summertime commences.		
			New Year's Eve – from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.		

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

Name Mr Christopher Jacobs	
Address [Redacted]	
Postcode	[Redacted]
Personal Licence number (if known) LEWS1125	
Issuing licensing authority (if known) Lewisham Council	

K

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

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	10:00	01:30	
Tue	10:00	01:30	
Wed	10:00	01:30	<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)</u>  The terminal hour to be 03:00hours the following morning on the following notable days: Sunday preceding all Bank Holidays and Christmas Eve and Boxing Day when they fall on a Sunday.  An additional hour to the standard and non-standard times on the day when British Summertime commences.  New Year's Eve – from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
Thur	10:00	03:30	
Fri	10:00	03:30	
Sat	10:00	03:30	
Sun	12:00	22:30	

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

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

Rupert Street has operated for many years in Soho and has the benefit of an existing premises licence, licence number 13/03507/LIPVM.

The premises are currently permitted to trade under the existing licence until 23:30hours on Monday to Thursday and until midnight on Friday and Saturday. The proposal under this new licence is to allow the premises to trade to 01:00 hours the following day on Monday to Wednesday and to 03:00 hours Thursday to Saturday, with closing 30 minutes thereafter. There is no change proposed to the hours of operation on Sunday which on the current licence which are from 12:00 hours to 22:30 hours.

We have considered the impact of the proposed application and in particular with reference to the location of the premises within the West End Stress Area. We note the Council's policy in respect of the stress areas and believe that the current application will promote the licensing objectives, address the reasons behind the stress area policy and assist in practically resolving issues that face the night time economy in Soho. The key reasons for this are set out below and also strengthened in the operating schedule.

- There will be a reduction in capacity from that which is permitted on the current licence.
- The current premises licence does not have many conditions. The new application offers a robust operating schedule to promote the licensing objectives.
- The new operating schedule includes a last admission time which is in line with the current terminal hour for the sale of alcohol. This ensures that patrons will be retained on the premises and will not disperse into the Stress Area in search of other premises.
- The application restricts the additional hours to members only. Much of Rupert's Street customer base are regular members of the gay community. A strict and legitimate membership scheme will allow those persons who are members and their bona fide guests to enjoy the benefit of the later

hours. The operating schedule is robust and ensures that this scheme is properly managed and cannot be abused.

- The premises have operated under Temporary Event Notices without experiencing any issues.

We feel that a new premises licence, rather than a variation of the existing licence, is the most appropriate way to deal with this proposal, considering the significant change in style of operation at the premises during the extended hours.

Pre consultation has taken place with Jim Sollars, Police Licensing Officer and with Dave Nevitt, Environmental Health Officer and Alan Lynagh, District Surveyor, by way of formal pre application advice.

**b) The prevention of crime and disorder**

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. 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.
3. On Thursdays, Fridays and Saturdays, when the premises is open for the sale of alcohol beyond 01:00 hours, there shall be a minimum of two SIA registered door supervisors on duty from 21:00 hours until close. At all other times, the need for door supervisors will be assessed by way of risk assessment and cognisance will be taken of any police advice.
4. All staff engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility yellow jackets or vests.
5. Where Pubwatch exists covering the area of which the premises is situated then the DPS or other nominated employee shall participate in Pubwatch.
6. The premises shall maintain a written drugs policy, which shall be made available to the Police or an authorised officer of the Council upon request.
7. An incident log book (which may be electronic) shall be kept on the premises and made available on request to an authorised officer of the Council or Police which will record the following:-
  - a. all crimes reported to the venue
  - b. all ejections of patrons
  - c. any complaints received concerning crime and disorder
  - d. any incidents of disorder
  - e. all seizures of drugs or offensive weapons
  - f. any faults in the CCTV system or searching equipment or scanning equipment
  - g. any refusal of the sale of alcohol
  - h. any visit by a relevant authority or emergency service.
8. On Monday to Thursday after 23:00 hours and on Friday and Saturday after midnight, only i) members and up to 2 bona fide guests of the premises as detailed in b) to f) below and/or (ii) up to 5 bona fide guests of the proprietor shall be permitted on the premises.



- b) No person shall be admitted to membership of the private club operating at the premises or be entitled to take advantage of any of the privileges of membership without an interval of at least 48 hours between their nomination or application for membership and their admission.
- c) On Monday to Thursday after 23:00 hours and on Friday and Saturday after midnight, there shall be no admittance or re-admittance to the premises, except for persons temporarily leaving the premises to smoke.
- d) A legible list of members and guests who have attended will be kept at the premises for 31 days and shall be available for inspection by any of the relevant authorities. It shall be a requirement of membership that members shall be able to identify their bona fide guests by name at all times and names of guests shall be able to be provided to the responsible authorities within reasonable time of any request for details being given to the premises.
- e) A copy of the club rules will be lodged with both the Police and Environmental Health. Any substantial changes to the said rules will be subject to approval from the Police and Environmental Health.
- f) Membership of the private club shall be restricted to members of the Lesbian, Bi-sexual, Gay, Transgender and Queer community.

#### c) Public safety

We understand our obligations under existing legislation and take our responsibilities seriously.

#### d) The prevention of public nuisance

1. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, Premises Management so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
2. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
3. The licence holder shall enter in to an agreement with the Hackney Carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who would be encouraged to use such services.
4. Patrons permitted to temporarily leave and then re-enter the premises to smoke beyond 23:00, shall be restricted to a designated area which will be defined and identified on a plan to be submitted to the Licensing Authority.
5. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and/or supervised by staff so as to ensure that there is no

public nuisance or obstruction of public highway.

6. The licence will have no effect until the capacity of the premises has been assessed by the Environmental Health consultation team/District Surveyor and the condition detailing the agreed capacity has been added as a condition to the licence.
7. The premises shall maintain a written dispersal policy which shall be made available to the Police or authorised officer of the Council on request.
8. All windows and external doors shall be kept closed after 21:00 hours, or at any time when regulated entertainment (in the form of recorded music) takes place, except for the immediate access and egress of persons.
9. There shall be no sales of alcohol for consumption off the premises after 23:00 hours.
10. All outside tables and chairs shall be rendered unusable by 23:00 hours each day.
11. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
12. 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.
13. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
14. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
15. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
16. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
17. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 hour and 08.00 hours on the following day.
18. No deliveries to the premises shall take place between 23: 00 hours and 08:00 hours on the following day.
19. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
20. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00.
21. After 23:00 hours, patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.

e) The protection of children from harm

1. A Challenge 21 proof of age scheme will be operated at the premises where the only acceptable forms of identification are photographic identification cards such as a driving licence or passport.
2. A log (which may be electronic) shall be kept detailing all refused sales of alcohol. The log shall include the date and time of the refusal and the name of the member of staff who refused the sale. A copy of the log or electronic report shall be made available upon reasonable request.

Please tick yes

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

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 4 – Signatures (please read guidance note 10)

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

Signature	<i>Poppleston Allen</i>
Date	25 <sup>th</sup> March 2015
Capacity	Poppleston Allen – Solicitors for and on behalf of the applicant

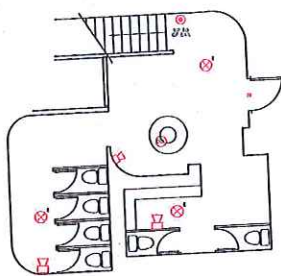
For joint applications signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent. (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	
Capacity	

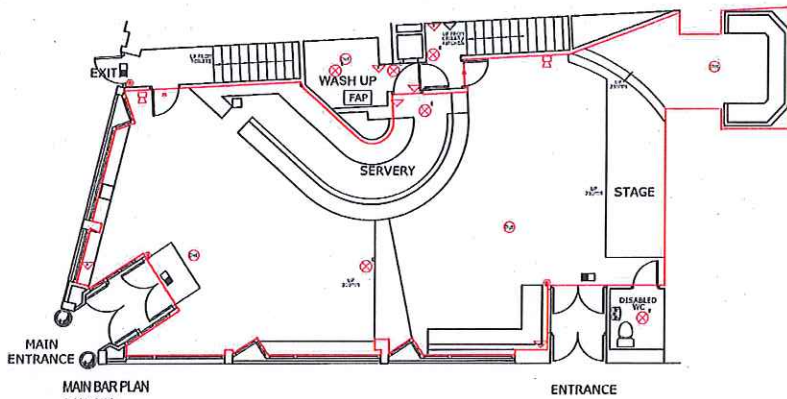
Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13) Clare Eames 31 Southampton Row			
Post town	London	Post code	WC1B 5HJ
Telephone number (if any)	0203 078 7486		
If you would prefer us to correspond with you by e-mail your e-mail address (optional) c.eames@popall.co.uk			

#### Notes for Guidance

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.



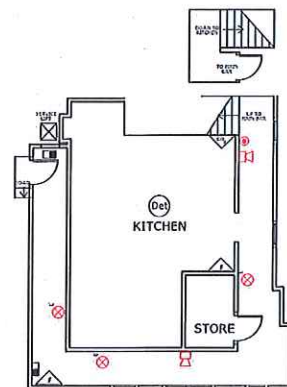
**BASEMENT TOILETS PLAN**  
1:100@A3



**MAIN BAR PLAN**  
1:100@A3

- SERVICES**
- Fire Alarm Panel
  - Automatic fire detector
  - Manual Call Point
  - Sounder
  - Emergency light-fitting (Fluorescent Downlight or luminaries)
  - Emergency Exit Light c/w legend (directional)
  - Carbon Dioxide fire extinguisher
  - Foam fire extinguisher

LICENSING KEY	
Licensee's Activity	
<p><b>NOTES:</b></p> <p>Plans of premises for licensing purposes are not part of the planning process. Licenses are granted for the use of premises for the purposes of the Licensing Act 2003. The plans are not to be used for any other purpose. The plans are not to be used for any other purpose. The plans are not to be used for any other purpose.</p>	



**KITCHEN PLAN**  
1:100@A3

0m 1m 2m 3m 4m 5m 6m 7m 8m

PLAN & SPECIFICATION FOR THE DESIGN OF A NEW BUILDING

**SPATIALIZ.D**

**alongate**

**UNDERGROUND**

**ARCHITECT**

**DATE**

**01/10/11**

**01/10/11**

**01/10/11**



Schedule 12  
Part A

WARD: West End  
UPRN: 100023472744

# City of Westminster

64 Victoria Street, London, SW1E 6QP

## Premises licence

Regulation 33, 34

Premises licence number:

13/03507/LIPVM

Original Reference:

05/04955/LIPCV

### Part 1 – Premises details

#### Postal address of premises:

Rupert Street Cafe Bar  
50 Rupert Street  
London  
W1D 6DR

Telephone Number: 020 7494 3059

#### Where the licence is time limited, the dates:

Not applicable

#### Licensable activities authorised by the licence:

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

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

##### Exhibition of a Film

Monday to Thursday:	10:00 to 23:30
Friday to Saturday:	10:00 to 00:00
Sunday:	12:00 to 22:30
Sundays before Bank Holidays:	12:00 to 00:00

##### Indoor Sporting Event

Monday to Thursday:	10:00 to 23:30
Friday to Saturday:	10:00 to 00:00
Sunday:	12:00 to 22:30
Sundays before Bank Holidays:	12:00 to 00:00

##### Playing of Recorded Music

Unrestricted

##### Late Night Refreshment

Monday to Thursday:	23:00 to 23:30
Friday to Saturday:	23:00 to 00:00
Sundays before Bank Holidays:	23:00 to 00:00

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

**Sale by Retail of Alcohol**

Monday to Thursday:	10:00 to 23:30
Friday to Saturday:	10:00 to 00:00
Sunday:	12:00 to 22:30
Sundays before Bank Holidays:	12:00 to 00:00

*For times authorised for New Year see conditions at Annex 1*

**The opening hours of the premises:**

Monday to Thursday:	10:00 to 23:30
Friday to Saturday:	10:00 to 00:00
Sunday:	12:00 to 22:50
Sundays before Bank Holidays:	12:00 to 00:00

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

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

**Part 2**

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

Stonegate Pub Company Limited  
Porter Tun House  
500 Capability Green  
Luton  
Bedfordshire  
LU1 3LS

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

FC029833

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

**Name:** Christopher Jacob

*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:** LEWS1125

**Licensing Authority:** London Borough Of Lewisham

**Date:** 31<sup>st</sup> March 2014

**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.
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.

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

**Conditions for Sale of Alcohol**

10. Substantial food shall be available from the commencement of permitted hours until 8pm in all parts of the premises where intoxicating liquor is sold or supplied.
11. Suitable beverages (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.

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

**Conditions for Sale of Alcohol**


12. 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**

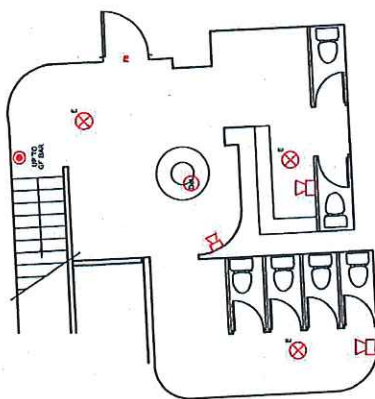
None.

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

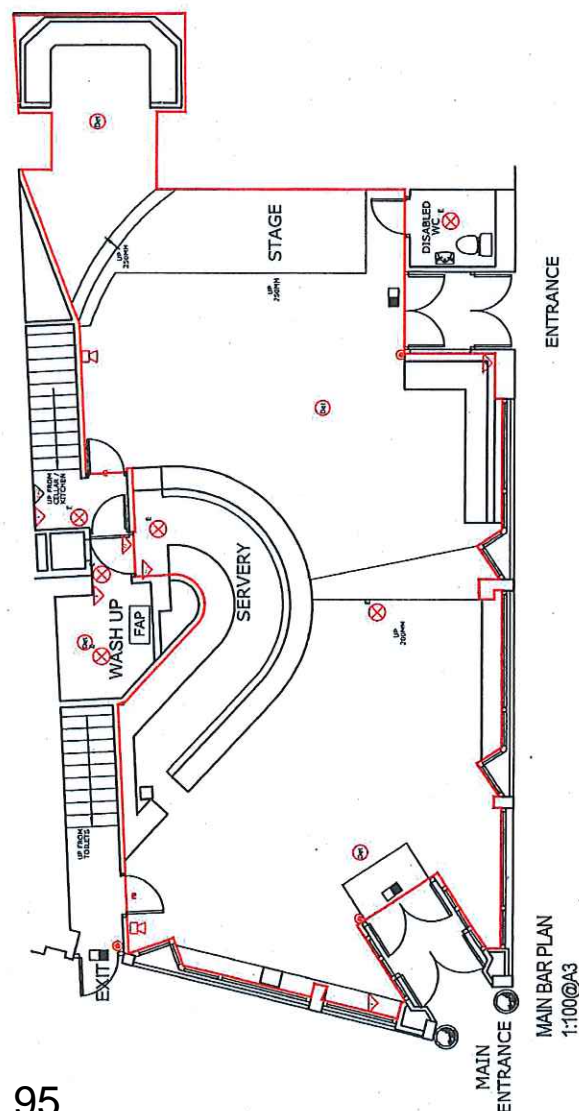
13. Customers are to be off the premises by no later than the terminal hours set in condition 16 SAVE THAT on Sunday when the terminal hours is 22:30 customers must be off the premises by no later than 22:50.
14. The premises shall install and maintain a CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
15. 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.

LICENSING KEY	
Licence Activity	
<p><b>NOTES:</b></p> <p>The current location of fire safety equipment and other safety equipment is shown. These may be subject to variation in the future and are shown for information only and are not to be used for the purpose of the licence application.</p> <p>The current location of fire safety equipment and other safety equipment is shown. These may be subject to variation in the future and are shown for information only and are not to be used for the purpose of the licence application.</p>	

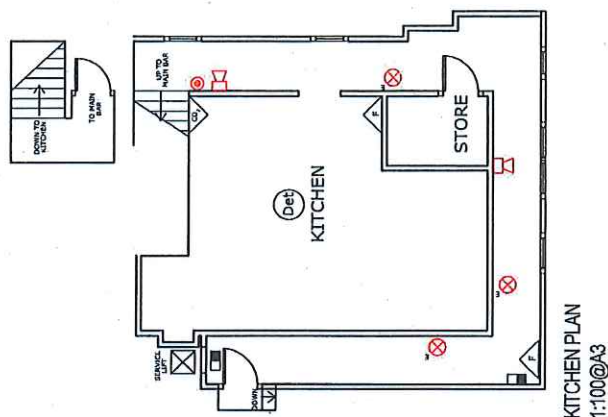
- SERVICES**
-  Fire Alarm Panel
  -  Automatic fire detector
  -  Manual Call Point
  -  Sounder
  -  Emergency light-fitting (Fluorescent Downlight or luminaries)
  -  Emergency Exit Light c/w legend (directional)
  -  Carbon Dioxide fire extinguisher
  -  Foam fire extinguisher



BASEMENT TOILETS PLAN  
1:100@A3



MAIN BAR PLAN  
1:100@A3



KITCHEN PLAN  
1:100@A3

0m 1m 2m 3m 4m 5m 6m 7m 8m

REV 10 - SMALL FISH BACK HOME LICENSING  
ADDED TO FRONT WORKING 14.03  
REV A - PLAN LAYOUT 14.03

SPATIALIZ'D	
STONEISLAND	
LICENSING LAYOUTS	
BURST STREET LONDON	
007/2011	B
00	07-12-08
1:100@A3	03



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

**Schedule 12  
Part B**

**WARD: West End  
UPRN: 100023472744**

**Premises licence  
summary**

Regulation 33, 34

**Premises licence number:**

13/03507/LIPVM

**Part 1 – Premises details**

**Postal address of premises:**

Rupert Street Cafe Bar  
50 Rupert Street  
London  
W1D 6DR

**Telephone Number:** 020 7494 3059

**Where the licence is time limited, the dates:**

Not applicable

**Licensable activities authorised by the licence:**

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

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

**Exhibition of a Film**

Monday to Thursday:	10:00 to 23:30
Friday to Saturday:	10:00 to 00:00
Sunday:	12:00 to 22:30
Sundays before Bank Holidays:	12:00 to 00:00

**Indoor Sporting Event**

Monday to Thursday:	10:00 to 23:30
Friday to Saturday:	10:00 to 00:00
Sunday:	12:00 to 22:30
Sundays before Bank Holidays:	12:00 to 00:00

**Playing of Recorded Music**

Unrestricted



**Late Night Refreshment**

Monday to Thursday:	23:00 to 23:30
Friday to Saturday:	23:00 to 00:00
Sundays before Bank Holidays:	23:00 to 00:00

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

**Sale by Retail of Alcohol**

Monday to Thursday:	10:00 to 23:30
Friday to Saturday:	10:00 to 00:00
Sunday:	12:00 to 22:30
Sundays before Bank Holidays:	12:00 to 00:00

*For times authorised for New Year see conditions at Annex 1*

**The opening hours of the premises:**

Monday to Thursday:	10:00 to 23:30
Friday to Saturday:	10:00 to 00:00
Sunday:	12:00 to 22:50
Sundays before Bank Holidays:	12:00 to 00:00

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

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

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

Stonegate Pub Company Limited  
Porter Tun House  
500 Capability Green  
Luton  
Bedfordshire  
LU1 3LS

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

FC029833

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

**Name:** Christopher Jacob

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

Restricted

**Date:** 31<sup>st</sup> March 2014

**Signed:** pp  
Operational Director - Premises Management

---

TO Licensing Officer

REFERENCE 15/02201/LIPN

---

FROM EH Consultation Team, 4<sup>th</sup> Floor (West) City Hall  
REFERENCE 15/010556/EHCT  
BEING DEALT WITH BY David Nevitt  
TELEPHONE 3188  
DATE 21.4.2015

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### LICENSING ACT 2003

### APPLICATION FOR A PREMISES LICENCE

### 50 RUPERT STREET, W1

I refer to the above application which seeks a Premises Licence to include the following Licensable activities:

**Regulated Entertainment**, namely *The Showing of Films, Recorded Music*, Monday to Wednesday 1000hrs-0100hrs, Thursday to Saturday 1000hrs-0300hrs, Sunday 1200hrs-2230hrs;

**The Provision of Late Night Refreshment**, 'Indoors' and 'Outdoors' Monday to Wednesday until 0100hrs, Thursday to Saturday until 0300hrs;

**The Supply of Alcohol** 'On' and 'Off' the premises Monday to Wednesday 1000hrs-0100hrs, Thursday and Friday 1000hrs-0300hrs, and Sunday 1200hrs-2230hrs.

**The applicant also seeks 'Non-Standard Timings':**

*'The terminal hour to be 0300hrs the following morning on the following notable days: Sunday preceding all Bank Holidays and Christmas Eve and Boxing Day when they fall on a Sunday.'*

*An additional hour to the standard and non-standard timings on the day when British Summertime commences.'*

*'From the end of permitted hours on New Years' Eve to the start of permitted hours on New Years' Day.'*

The applicant has proposed Conditions which are under consideration.

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.

**The premises is located in the West End Stress Area as defined by the City Council's Licensing Policy.**

The hours sought are beyond the Core Hours as defined by the City Council's Licensing Policy. Environmental Health will maintain a Representation on the grounds that what is sought is likely to add to Cumulative Impact in a Stress Area. The applicant may need to demonstrate to the Licensing Sub Committee that the application is an exception to the Council's Licensing Policy.

The premises will be assessed under the Technical Standards for Places of Entertainment in relation to public safety.

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

David Nevitt  
Environmental Health Officer



## City of Westminster

Office Name: Dave Nevitt  
Designation: EHO  
Date: 22.12.2014  
Contact number: 020 7641 3188  
Email: [dnevitt@westminster.gov.uk](mailto:dnevitt@westminster.gov.uk)

Uniform Reference: 14/41224/ECPALM

Trading name of business and Address: **RUPERT STREET, 50 RUPERT STREET, W1**

Reference Number if Applicable: **14/41224/ECPALM**

Licence: **13/03507/LIPVM**

Applicant: **Clare Eames**

Stress Area: **WEST END**

**c.eames@popall.co.uk**

Type of Business: **PUBLIC HOUSE**

Current timings: **UNTIL 2230/2330/0000HRS**

Current areas: **GROUND FLOOR BAR**

Current activities: **AS PER CURRENT LICENCE.**

**PROPOSED: TO EXTEND THE HOURS FOR LICENSABLE ACTIVITIES – POSSIBLY TO 0100HRS.**

**DS/EH OBSERVATIONS/COMMENTS: D. NEVITT & ALAN LYNAGH ATTENDED A SITE MEETING WITH APPLICANT. THE HOURS SOUGHT WILL BE BEYOND THE 'CORE HOURS' AS DEFINED BY THE CITY COUNCIL'S LICENSING POLICY.**

**THE PREMISES IS LOCATED IN THE WEST END STRESS AREA – THE MATTER WILL NEED TO BE ADJUDICATED BY THE LICENSING SUB-CTEE AT A HEARING. THE APPLICANT WILL NEED TO DEMONSTRATE THAT WHAT THEY SEEK IS AN 'EXCEPTION TO POLICY'.**

**THE APPLICANT PROPOSES TO INTRODUCE A MEMBERSHIP SCHEME SO THAT LATER HOURS ARE ONLY AVAILABLE TO PERSONS WHO ARE BONA FIDE MEMBERS.**

**EH ADVICE IS THAT A MEMBERSHIP SCHEME HAS MERIT AND IS PREFERABLE TO SIMPLY SEEKING LATE HOURS FOR THE GENERAL PUBLIC. THE APPLICANT SHOULD ENSURE THAT THE SPECIFIC CONDITIONS AND DETAILS OF THE MEMBERSHIP SCHEME ARE CAREFULLY DRAWN UP AND EXPLAINED IN DETAIL TO THE CTEE FOR DUE CONSIDERATION. THE APPLICANT WISHES TO DRAW MEMBERS EXCLUSIVELY FROM THE LGBTQ COMMUNITY AND PARTICULARLY FROM EXISTING CLIENTELLE.**

**IT WAS ALSO ADVISED THAT THE APPLICANT WILL NEED TO GIVE DETAILS OF HOW THE TRANSITION BETWEEN GENERAL PUBLIC USE AND MEMBERS USE WILL TAKE PLACE IN PRACTICE. IT WAS ADVISED THAT THE APPLICANT WILL NEED TO BE MINDFUL OF THE PRACTICAL ISSUES SURROUNDING THE SEPARATING OUT OF CUSTOMERS ALREADY IN**

THE VENUE AND THE MANAGEMENT OF THE MAIN DOOR (I.E. CONTROL AND SUPERVISION OF ENTRY AND EXIT) AND THAT THEY MAY WISH TO SEEK ADVICE FROM THE POLICE REGARDING SIA PROVISION AND CUSTOMER MANAGEMENT ETC.

THE APPLICANT WAS ADVISED TO CONSIDER PRACTICAL MEASURES FOR MINIMISING THE RISK OF PUBLIC NUISANCE AND DISTURBANCE TO LOCAL RESIDENTS – I.E. CONTROL OF NOISE BREAKOUT FROM WITHIN THE PREMISES, MANAGEMENT OF SMOKERS, CONTROL OVER OUTSIDE DRINKING, CEASING USE OF OUTSIDE FURNITURE ETC., AND DISPERSAL OF PATRONS LATE AT NIGHT, ESPECIALLY WHEN THE PREMISES CLOSES. IT WAS ACKNOWLEDGED THAT THE APPLICANT OPERATES OTHER, SIMILAR, LATE NIGHT VENUES IN LONDON AND THAT THEY HAVE EXPERIENCE OF MANAGING SUCH MATTERS.

TO DATE, THE PREMISES HAS OPERATED IN A WELL MANAGED WAY WITHOUT COMPLAINT OR CAUSE FOR CONCERN. THE PREMISES IS IN GOOD REPAIR AND MAINTAINED TO A HIGH STANDARD. THE PREMISES ALREADY BENEFITS FROM LOBBIED ENTRANCES WHICH WILL REDUCE NOISE BREAKOUT.

EH WILL BE SEEKING A NUMBER OF CONDITIONS, INCLUDING A CAPACITY FIGURE. THE CURRENT LICENCE IS RELATIVELY UNENCUMBERED BY CONDITIONS AT PRESENT AND CAPACITY IS NOT LIMITED. THE ADVANTAGE OF THE APPLICATION IS THAT IT WILL AFFORD THE OPPORTUNITY FOR GREATER REGULATION. THE CAPACITY COULD BE LIMITED THROUGHOUT THE HOURS OF TRADING OR COULD APPLY AT SOME POINT DURING THE EVENING. EH AND DS WILL NEED TO DISCUSS AND SPECIFY A SUITABLE CAPACITY BUT A FIGURE OF 200-250 WAS TO BE CONSIDERED.

Please note that any advice given will not guarantee that your application will be granted by the Licensing Service and the Environmental Health Consultation Team may still choose to make a representation to the application submitted.

05/08/2015 13:35:37

From: "Deweltz, Adam" </O=CITYOFWESTMINSTER/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=ADEWELTZ  
Sent: 14/04/2015 08:53:35  
To: "Patterson, Susan" </O=CITYOFWESTMINSTER/OU=CORPORATE/CN=RECIPIENTS/CN=SPATTER>  
Cc: idoxlicensing; Patterson, Susan  
Subject: Rupert Street Cafe Bar, 50 Rupert Street, W1 - 15/02201/LIPN

Dear Clare,

Rupert Street Cafe Bar, 50 Rupert Street, W1 - 15/02201/LIPN

With reference to the above application, I am writing to inform you that the Metropolitan Police, as a responsible authority, will be making a representation. It is our belief that if granted the application would undermine the Licensing Objectives.

The venue is situated within the West End Stress Area, a locality where this is traditionally high crime and disorder. There are concerns that this application will cause further policing problems in an already demanding area and add to the cumulative impact.

If you have any questions, feel free to contact me.

Many thanks,

Adam

PC Adam Deweltz

Westminster Police Licensing Unit

Westminster City Hall

4th Floor

64 Victoria Street

London

SW1E 6QP





The Company Secretary  
Poppleston & Allen London  
31 Southampton Row  
London  
WC1B 5HJ

London Fire and Emergency Planning  
Authority runs the London Fire Brigade

Date 7 April 2015  
Our Ref FS/SW/01/18222  
Your Ref 15/02201/LIPN

Dear Sir/Madam

**LICENSING ACT 2003- New Premises Licence Application Reference 15/02201/LIPN**

**Premises: Rupert Street Café Bar, 50 Rupert Street, London W1D 6DR**

With reference to the application dated 25<sup>th</sup> March 2015 together with plan number 01-12-081, the application has been examined and the Fire Authority will make a representation to the Licensing Authority.

The Fire Authority has not received all of the information required and have not therefore been able to form a judgement as to whether the public safety objective of the Licensing Act has been adequately addressed.

The items that are of concern are as follows:

The details in section A of the application does not mentioned a kitchen but is shown on the plan attached with the application. The kitchen is showing a fire exit at the end of a corridor. The plan will need to show where this fire exit leads to. Also, the basement toilet area is showing a door on the east side of the lobby. Can mark on the plan where this door leads to i.e. fire exit, cupboard, toilet etc.

The representation may be withdrawn if all of the matters detailed above are addressed to the satisfaction of the Authority. The Authority must be advised of the completion of the work at least 5 working days before the committee hearing date, so that an inspection can be arranged.

This letter is without prejudice to the powers of the Licensing Authority and to any requirements or recommendations that may be made by enforcing authorities under other legislation. It is also without prejudice to any requirements or recommendations that may be made by this Authority under the Regulatory Reform (Fire Safety) Order 2005 or the Petroleum (Consolidation) Act 1928.. All alterations should comply with the appropriate provisions of the current Building Regulations.

Any queries regarding this letter should be addressed to the person named below. If you are dissatisfied in any way with the response given, please ask to speak to the Team Leader quoting our reference.

Yours faithfully,

**for Assistant Commissioner (Fire Safety Regulation)**  
Deputy Commissioner's Directorate  
FSR-AdminSupport@london-fire.gov.uk

Reply to Peter Harrison Judd

Cc Westminster City Council Licensing Section.



The Soho Society  
St Anne's Tower  
55 Dean Street  
London  
W1D 6AF

020 7439 4303  
[licensing@thesohosociety.org.uk](mailto:licensing@thesohosociety.org.uk)

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

Sent via email to [premiseslicensing@westminster.gov.uk](mailto:premiseslicensing@westminster.gov.uk)

20 April 2015

Reference: 15/02201/LIPN, Premises Licence – New, Rupert Street  
Cafe Bar, 50 Rupert Street, W1D 6DR

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

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

#### About The Soho Society

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

#### Application summary

#### Proposed 15/02201/LIPN license

Sale by Retail of Alcohol	Monday to Wednesday	10:00 AM	01:00 AM
Sale by Retail of Alcohol	Thursday to Saturday	10:00 AM	03:00 AM
Sale by Retail of Alcohol	Sunday	12:00 PM	10:30 PM

13/03507/LIPVM current license

Sale by Retail of Alcohol	Friday to Saturday	10:00 AM	12:00 AM
Sale by Retail of Alcohol	Sunday	12:00 PM	10:30 PM
Sale by Retail of Alcohol	Sundays before Bank Holidays	12:00 PM	12:00 AM
Sale by Retail of Alcohol	Monday to Thursday	10:00 AM	11:30 PM

#### Hours of operation

The proposal includes licensable activities, including sale of alcohol, outside of Westminster core hours. The premises are in the West End Stress Area. There are private homes in nearby buildings, and residents in the immediate area are subject to noise and general nuisance every night of the week. We therefore feel it is necessary to keep the operating hours within defined core hours, namely Monday to Thursday 10am – 11.30pm, Friday and Saturday 10 am – 12 midnight and Sunday 12 noon – 10.30 pm.

#### 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 and prevention of crime and disorder. I respectfully urge the Licensing Sub-Committee to reject this application.

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

Yours faithfully,

David Gleeson  
Licensing Chair

# Comments for Licensing Application 15/02201/LIPN

## Application Summary

Application Number: 15/02201/LIPN

Address: 50 Rupert Street London W1D 6DR

Proposal: Premises Licence - New

Case Officer: Miss Susan Patterson

## Customer Details

Name: Mr Kenneth White

Address: 15 St James Res. Brewer Street London

## Comment Details

Commenter Type: Neighbour

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

Comment Reasons:

Comment: 9:45 AM on 08 Apr 2015 Rupert Street Bar is well run and on the face of it this is a reasonable application, especially when considering the impressive proposed operating schedule. However, I was under the impression that the Stress Area presumption against new premises licences beyond core hours was near absolute. Extended hours must increase stress and therefore increase crime and disorder, public nuisance, and harm public safety no matter what conditions are imposed. Further, the club membership/guests proposal for beyond core hours has a long history of abuse because enforcement is so difficult and resource demanding. It must be no coincidence that this application is put in only a matter of months before the many flats opposite, which are undergoing refurbishment and are empty at the moment, go on the market - 'if you did not like the area why are moving here?'

# **Comments for Licensing Application 15/02201/LIPN**

## **Application Summary**

Application Number: 15/02201/LIPN

Address: 50 Rupert Street London W1D 6DR

Proposal: Premises Licence - New

Case Officer: Miss Yolanda Wade

## **Customer Details**

Name: Mr Paul Loffler

Address: 8 the pinnacle 2 dove road London

## **Comment Details**

Commenter Type: Interested Party

Stance: Customer made comments in support of the Licensing Application

Comment Reasons:

Comment: 12:22 PM on 19 Apr 2015 A very well run venue and a credit to the lgbt community. The additional hours will enhance the flagging soho nightlife and the membership scheme is an excellent idea. I fully support this application.

**RUPERT STREET**  
50 Rupert Street, London W1D 6DR

. New Premises Licence Application

**Licensing Sub Committee Hearing: 20 August 2015**  
**Evidence Bundle**

<b>Document</b>	<b>Date</b>	<b>Page</b>
Existing Premises Licence	N/A	1 – 12
Application Form and Premises Licence Plan	24 March 2015	13 – 28
Report by Adrian Studd	7 May 2015	29 – 35
Statement of Nigel Andrews, Area Manager, and Exhibits <ul style="list-style-type: none"><li>• Exhibit NA1: Stonegate Pub Company Limited Information Sheet</li><li>• Exhibit NA2: Summary of Stonegate LGBT Estate Premises Licence</li><li>• Exhibit NA3: Information Regarding Capacity</li><li>• Exhibit NA4: Pre-Application Report</li><li>• Exhibit NA5: Proposed Membership Scheme</li><li>• Exhibit NA6: Operating Schedule</li></ul>	11 August 2015	36 – 39 40 – 42 43 – 46 47 – 55 56 – 58 59 – 64 65 – 69
Statement of Karl Nixon, General Manager, and Exhibits <ul style="list-style-type: none"><li>• Exhibit KN1: Exit Surveys</li><li>• Exhibit KN2: Schedule of Temporary Event Notices</li></ul>	10 August 2015	70 – 72 73 – 74 75 – 76
Statement of Chris Jacobs, Deputy Manager	10 August 2015	77 – 78
Letters to Interested Persons	10 August 2015	79 – 80
Stonegate Pub Company Licensing Manual Front Sheet	N/A	81 – 83
Stonegate Pub Company Limited Dispersal Policy	N/A	84 – 85
Summary of Hours and copy Premises Licences for:- <ul style="list-style-type: none"><li>• Halfway II Heaven, current premises licence</li><li>• Halfway II Heaven, decision notice from 21 February 2013</li><li>• Halfway II Heaven, previous premises licence</li><li>• Heaven Nightclub</li><li>• Shadow Lounge</li><li>• Ku Bar</li><li>• Pulse</li></ul>	N/A	86 – 87 88 – 100 101 – 108 109 – 118 119 – 134 135 – 149 150 – 166 167 – 176
Case Law and Articles <ul style="list-style-type: none"><li>• Sainsburys Supermarket Decision</li><li>• Publicans Morning Advertiser Report</li><li>• Brewdog</li><li>• Thwaites</li></ul>	N/A	177 178 – 179 180 – 181 182 – 199





Schedule 12  
Part A

WARD: West End  
UPRN: 100023472744

**City of Westminster**

64 Victoria Street, London, SW1E 6QP

Premises licence

Regulation 33, 34

Premises licence number:

13/03507/LIPVM

Original Reference:

05/04955/LIPCV

Part 1 – Premises details

Postal address of premises:

Rupert Street Cafe Bar  
50 Rupert Street  
London  
W1D 6DR

Telephone Number: 020 7494 3059

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

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

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

**Exhibition of a Film**

Monday to Thursday:	10:00 to 23:30
Friday to Saturday:	10:00 to 00:00
Sunday:	12:00 to 22:30
Sundays before Bank Holidays:	12:00 to 00:00

**Indoor Sporting Event**

Monday to Thursday:	10:00 to 23:30
Friday to Saturday:	10:00 to 00:00
Sunday:	12:00 to 22:30
Sundays before Bank Holidays:	12:00 to 00:00

**Playing of Recorded Music**

Unrestricted

**Late Night Refreshment**

Monday to Thursday:	23:00 to 23:30
Friday to Saturday:	23:00 to 00:00
Sundays before Bank Holidays:	23:00 to 00:00

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

**Sale by Retail of Alcohol**

Monday to Thursday:	10:00 to 23:30
Friday to Saturday:	10:00 to 00:00
Sunday:	12:00 to 22:30
Sundays before Bank Holidays:	12:00 to 00:00

*For times authorised for New Year see conditions at Annex 1*

**The opening hours of the premises:**

Monday to Thursday:	10:00 to 23:30
Friday to Saturday:	10:00 to 00:00
Sunday:	12:00 to 22:50
Sundays before Bank Holidays:	12:00 to 00:00

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

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

**Part 2**

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

Stonegate Pub Company Limited  
Porter Tun House  
500 Capability Green  
Luton  
Bedfordshire  
LU1 3LS

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

FC029833

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

Name: Christopher Jacob

*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: LEWS1125  
Licensing Authority: London Borough Of Lewisham

Date: 31<sup>st</sup> March 2014

A handwritten signature in black ink, appearing to be 'pp', written over a horizontal line.

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.
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.

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

**Conditions for Sale of Alcohol**

10. Substantial food shall be available from the commencement of permitted hours until 8pm in all parts of the premises where intoxicating liquor is sold or supplied.
11. Suitable beverages (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.

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

**Conditions for Sale of Alcohol**

12. 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.

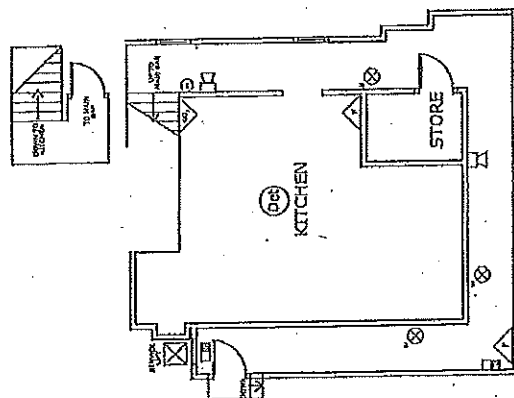
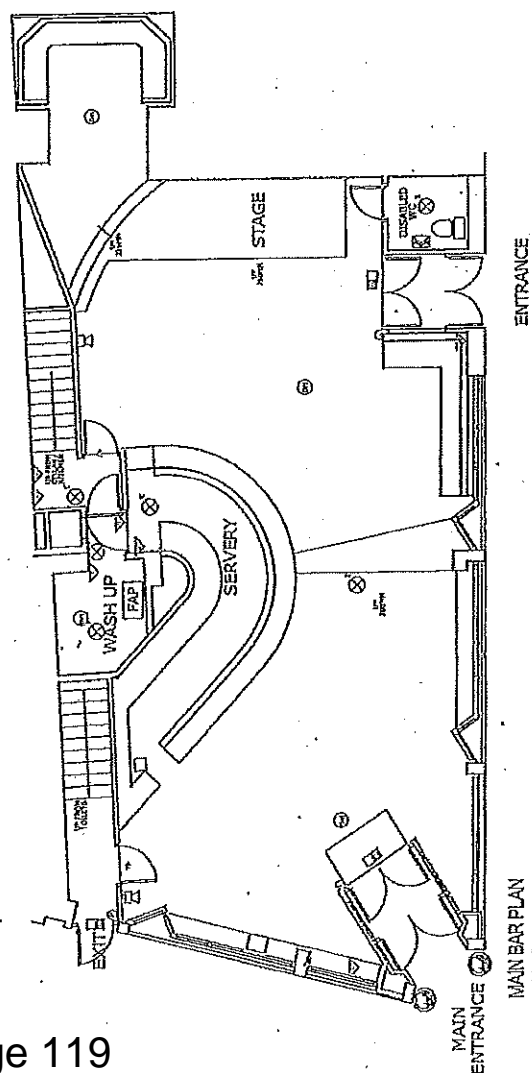
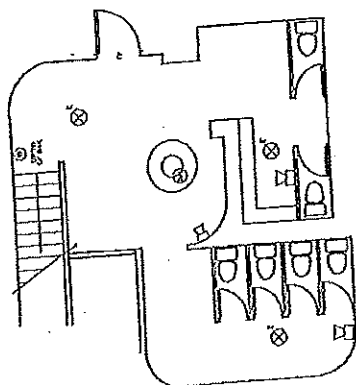
**Annex 3 – Conditions attached after a hearing by the licensing authority**

13. Customers are to be off the premises by no later than the terminal hours set in condition 16 SAVE THAT on Sunday when the terminal hours is 22:30 customers must be off the premises by no later than 22:50.
14. The premises shall install and maintain a CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
15. 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.

Annex 4 – Plans

Attached





0m 1m 2m 3m 4m 5m 6m 7m 8m

[illegible]

page 119  
9



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

**Schedule 12**  
**Part B**

**WARD: West End**  
**UPRN: 100023472744**

**Premises licence**  
**summary**

**Regulation 33, 34**

**Premises licence number:**

13/03507/LIPVM

**Part 1 – Premises details**

**Postal address of premises:**

Rupert Street Cafe Bar  
50 Rupert Street  
London  
W1D 6DR

**Telephone Number:** 020 7494 3059

**Where the licence is time limited, the dates:**

Not applicable

**Licensable activities authorised by the licence:**

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

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

**Exhibition of a Film**

Monday to Thursday:	10:00 to 23:30
Friday to Saturday:	10:00 to 00:00
Sunday:	12:00 to 22:30
Sundays before Bank Holidays:	12:00 to 00:00

**Indoor Sporting Event**

Monday to Thursday:	10:00 to 23:30
Friday to Saturday:	10:00 to 00:00
Sunday:	12:00 to 22:30
Sundays before Bank Holidays:	12:00 to 00:00

**Playing of Recorded Music**

Unrestricted

**Late Night Refreshment**

Monday to Thursday:	23:00 to 23:30
Friday to Saturday:	23:00 to 00:00
Sundays before Bank Holidays:	23:00 to 00:00

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

**Sale by Retail of Alcohol**

Monday to Thursday:	10:00 to 23:30
Friday to Saturday:	10:00 to 00:00
Sunday:	12:00 to 22:30
Sundays before Bank Holidays:	12:00 to 00:00

*For times authorised for New Year see conditions at Annex 1*

**The opening hours of the premises:**

Monday to Thursday:	10:00 to 23:30
Friday to Saturday:	10:00 to 00:00
Sunday:	12:00 to 22:50
Sundays before Bank Holidays:	12:00 to 00:00

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

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

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

Stonegate Pub. Company Limited  
Porter Tun House  
500 Capability Green  
Luton  
Bedfordshire  
LU1 3LS

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

FC029833

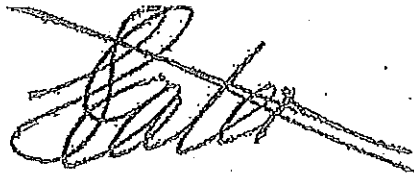
**Name of designated premises supervisor where the premises licence authorises for the supply of alcohol:**

Name: Christopher Jacob

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

Restricted

Date: 31<sup>st</sup> March 2014

A handwritten signature in black ink, appearing to be 'G. B. B.', written over a horizontal line.

Signed: pp Operational Director - Premises Management

Westminster City Council

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

We Stonegate Pub Company Limited

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

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
Rupert Street 50 Rupert Street			
Post town	London	Post code	W1D 6DR
Telephone number at premises (if any)		0207 4943059	
Non-domestic rateable value of premises		£223,000.00	

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as  
Please tick yes

- |   |                                     |                             |
|---|-------------------------------------|-----------------------------|
| a) an individual or individuals *   | <input type="checkbox"/>            | please complete section (A) |
| b) a person other than an individual *  |                                     |                             |
| i. as a limited company   | <input checked="" type="checkbox"/> | please complete section (B) |
| ii. as a partnership  | <input type="checkbox"/>            | please complete section (B) |
| iii. as an unincorporated association or  | <input type="checkbox"/>            | please complete section (B) |
| iv. other (for example a statutory corporation)   | <input type="checkbox"/>            | please complete section (B) |
| c) a recognised club  | <input type="checkbox"/>            | please complete section (B) |
| d) a charity  | <input type="checkbox"/>            | please complete section (B) |
| e) the proprietor of an educational establishment   | <input type="checkbox"/>            | please complete section (B) |
| f) a health service body  | <input type="checkbox"/>            | please complete section (B) |
| g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital   | <input type="checkbox"/>            | please complete section (B) |
| ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England | <input type="checkbox"/>            | please complete section (B) |
| h) the chief officer of police of a police force in England and Wales   | <input type="checkbox"/>            | please complete section (B) |

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

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or ☒
- I am making the application pursuant to a
  - statutory function or ☐
  - a function discharged by virtue of Her Majesty's prerogative ☐

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

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

**SECOND INDIVIDUAL APPLICANT** (if applicable)

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

## (B) OTHER APPLICANTS

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

Name	Stonegate Pub Company Limited
Address	Porter Tun House 500 Capability Green  Luton LU1 3LS
Registered number (where applicable)	FC029833
Description of applicant (for example, partnership, company, unincorporated association etc.)	Limited company
Telephone number (if any)	08451262944
E-mail address (optional)	

### Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
A	S	A
P		

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

Day	Month	Year

**A**

Please give a general description of the premises (please read guidance note1)

Rupert Street is an existing venue that has operated in Soho for a number of years. The premises is owned and operated by Stonegate Pub Company Limited, a national operator of over 600 premises. Rupert Street operates as a chic and modern bar with a high quality refreshment offering, predominantly serving members of the gay community.

The premises is set over two floors. The main trading area is on the ground floor along with a bar servery, accessible WC and back of house facilities. Toilets are located in the basement, along with further back of house facilities.

The ground floor has two entrances, the main entrance being on the corner of Rupert Street and Winnett Street and a second entrance on Winnette Street.

There is an external seating area along Winnette Street, which is within the demise of the premises.

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

N/A

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

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

**Provision of regulated entertainment**

Please tick yes

- a) plays (if ticking yes, fill in box A) ☐
- b) films (if ticking yes, fill in box B) ☒
- c) indoor sporting events (if ticking yes, fill in box C) ☐
- d) boxing or wrestling entertainment (if ticking yes, fill in box D) ☐
- e) live music (if ticking yes, fill in box E) ☐
- f) recorded music (if ticking yes, fill in box F) ☒
- g) performances of dance (if ticking yes, fill in box G) ☐
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) ☐

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

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

In all cases complete boxes K, L and M

**A**

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



**B**

<b>Films</b> Standard days and timings (please read guidance note 6)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors <input checked="" type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)  Showing of TV programs, DVDs and music DVDs etc.	
Mon	10:00	01:00		
Tue	10:00	01:00		
Wed	10:00	01:00	<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 4)	
Thur	10:00	03:00		
Fri	10:00	03:00		
Sat	10:00	03:00	<b>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</b> (please read guidance note 5)  The terminal hour to be 03:00hours the following morning on the following notable days: Sunday preceding all Bank Holidays and Christmas Eve and Boxing Day when they fall on a Sunday.  An additional hour to the standard and non-standard times on the day when British Summertime commences.  New Year's Eve – from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.	
Sun	12:00	22:30		

**C**

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

**D**

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

**E**

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

F

<b>Recorded music</b> Standard days and timings (please read guidance note 6)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon	10:00	01:00			
Tue	10:00	01:00	Recorded Music - Amplified music played through an in house sound system		
Wed	10:00	01:00			
Thur	10:00	03:00	<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 4)		
Fri	10:00	03:00			
Sat	10:00	03:00	<b>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sun	12:00	22:30			
			The terminal hour to be 03:00hours the following morning on the following notable days: Sunday preceding all Bank Holidays and Christmas Eve and Boxing Day when they fall on a Sunday.		
			An additional hour to the standard and non-standard times on the day when British Summertime commences.		
			New Year's Eve – from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.		

G

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

H

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

I

Late night refreshment Standard days and timings (please read guidance note 6)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	23:00	01:00		Both	<input checked="" type="checkbox"/>
Tue	23:00	01:00	<u>Please give further details here</u> (please read guidance note 3)		
			Provision of hot food and drink		
Wed	23:00	01:00	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Thur	23:00	03:00			
Fri	23:00	03:00	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat	23:00	03:00			
Sun	-	-	<p>The terminal hour to be 03:00hours the following morning on the following notable days: Sunday preceding all Bank Holidays and Christmas Eve and Boxing Day when they fall on a Sunday.</p> <p>An additional hour to the standard and non-standard times on the day when British Summertime commences.</p> <p>New Year's Eve – from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p>		

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)		On the premises	<input type="checkbox"/>
					Off the premises	<input type="checkbox"/>
					Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)			
Mon	10:00	01:00				
Tue	10:00	01:00				
Wed	10:00	01:00				
Thur	10:00	03:00	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)			
Fri	10:00	03:00				
Sat	10:00	03:00				
Sun	12:00	22:30				
			<p>The terminal hour to be 03:00hours the following morning on the following notable days: Sunday preceding all Bank Holidays and Christmas Eve and Boxing Day when they fall on a Sunday.</p> <p>An additional hour to the standard and non-standard times on the day when British Summer time commences.</p> <p>New Year's Eve – from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p>			

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

Name Mr Christopher Jacobs	
Address 56 William Bonny Estate, Clapham Common, London	
Postcode	SE4 7JA
Personal Licence number (if known) LEWS1125	
Issuing licensing authority (if known) Lewisham Council	

K

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

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b>State any seasonal variations</b> (please read guidance note 4)
Day	Start	Finish	<b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 5)  The terminal hour to be 03:00hours the following morning on the following notable days: Sunday preceding all Bank Holidays and Christmas Eve and Boxing Day when they fall on a Sunday.  An additional hour to the standard and non-standard times on the day when British Summertime commences.  New Year's Eve -- from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
Mon	10:00	01:30	
Tue	10:00	01:30	
Wed	10:00	01:30	
Thur	10:00	03:30	
Fri	10:00	03:30	
Sat	10:00	03:30	
Sun	12:00	22:30	

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

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

Rupert Street has operated for many years in Soho and has the benefit of an existing premises licence, licence number 13/03507/LIPVM.

The premises are currently permitted to trade under the existing licence until 23:30hours on Monday to Thursday and until midnight on Friday and Saturday. The proposal under this new licence is to allow the premises to trade to 01:00 hours the following day on Monday to Wednesday and to 03:00 hours Thursday to Saturday, with closing 30 minutes thereafter. There is no change proposed to the hours of operation on Sunday which on the current licence which are from 12:00 hours to 22:30 hours.

We have considered the impact of the proposed application and in particular with reference to the location of the premises within the West End Stress Area. We note the Council's policy in respect of the stress areas and believe that the current application will promote the licensing objectives, address the reasons behind the stress area policy and assist in practically resolving issues that face the night time economy in Soho. The key reasons for this are set out below and also strengthened in the operating schedule.

- There will be a reduction in capacity from that which is permitted on the current licence.
- The current premises licence does not have many conditions. The new application offers a robust operating schedule to promote the licensing objectives.
- The new operating schedule includes a last admission time which is in line with the current terminal hour for the sale of alcohol. This ensures that patrons will be retained on the premises and will not disperse into the Stress Area in search of other premises.
- The application restricts the additional hours to members only. Much of Rupert's Street customer base are regular members of the gay community. A strict and legitimate membership scheme will allow those persons who are members and their bona fide guests to enjoy the benefit of the later

hours. The operating schedule is robust and ensures that this scheme is properly managed and cannot be abused.

- The premises have operated under Temporary Event Notices without experiencing any issues.

We feel that a new premises licence, rather than a variation of the existing licence, is the most appropriate way to deal with this proposal, considering the significant change in style of operation at the premises during the extended hours.

Pre consultation has taken place with Jim Sollars, Police Licensing Officer and with Dave Nevitt, Environmental Health Officer and Alan Lynagh, District Surveyor, by way of formal pre application advice.

#### **b) The prevention of crime and disorder**

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. 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.
3. On Thursdays, Fridays and Saturdays, when the premises is open for the sale of alcohol beyond 01:00 hours, there shall be a minimum of two SIA registered door supervisors on duty from 21:00 hours until close. At all other times, the need for door supervisors will be assessed by way of risk assessment and cognisance will be taken of any police advice.
4. All staff engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility yellow jackets or vests.
5. Where Pubwatch exists covering the area of which the premises is situated then the DPS or other nominated employee shall participate in Pubwatch.
6. The premises shall maintain a written drugs policy, which shall be made available to the Police or an authorised officer of the Council upon request.
7. An incident log book (which may be electronic) shall be kept on the premises and made available on request to an authorised officer of the Council or Police which will record the following:-
  - a. all crimes reported to the venue
  - b. all ejections of patrons
  - c. any complaints received concerning crime and disorder
  - d. any incidents of disorder
  - e. all seizures of drugs or offensive weapons
  - f. any faults in the CCTV system or searching equipment or scanning equipment
  - g. any refusal of the sale of alcohol
  - h. any visit by a relevant authority or emergency service.
8. On Monday to Thursday after 23:00 hours and on Friday and Saturday after midnight, only i) members and up to 2 bona fide guests of the premises as detailed in b) to f) below and/or (ii) up to 5 bona fide guests of the proprietor shall be permitted on the premises.

- b) No person shall be admitted to membership of the private club operating at the premises or be entitled to take advantage of any of the privileges of membership without an interval of at least 48 hours between their nomination or application for membership and their admission.
- c) On Monday to Thursday after 23:00 hours and on Friday and Saturday after midnight, there shall be no admittance or re-admittance to the premises, except for persons temporarily leaving the premises to smoke.
- d) A legible list of members and guests who have attended will be kept at the premises for 31 days and shall be available for inspection by any of the relevant authorities. It shall be a requirement of membership that members shall be able to identify their bona fide guests by name at all times and names of guests shall be able to be provided to the responsible authorities within reasonable time of any request for details being given to the premises.
- e) A copy of the club rules will be lodged with both the Police and Environmental Health. Any substantial changes to the said rules will be subject to approval from the Police and Environmental Health.
- f) Membership of the private club shall be restricted to members of the Lesbian, Bi-sexual, Gay, Transgender and Queer community.

#### **c) Public safety**

We understand our obligations under existing legislation and take our responsibilities seriously.

#### **d) The prevention of public nuisance**

1. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, Premises Management so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
2. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
3. The licence holder shall enter in to an agreement with the Hackney Carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who would be encouraged to use such services.
4. Patrons permitted to temporarily leave and then re-enter the premises to smoke beyond 23:00, shall be restricted to a designated area which will be defined and identified on a plan to be submitted to the Licensing Authority.
5. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and/or supervised by staff so as to ensure that there is no



public nuisance or obstruction of public highway.

6. The licence will have no effect until the capacity of the premises has been assessed by the Environmental Health consultation team/District Surveyor and the condition detailing the agreed capacity has been added as a condition to the licence.
7. The premises shall maintain a written dispersal policy which shall be made available to the Police or authorised officer of the Council on request.
8. All windows and external doors shall be kept closed after 21:00 hours, or at any time when regulated entertainment (in the form of recorded music) takes place, except for the immediate access and egress of persons.
9. There shall be no sales of alcohol for consumption off the premises after 23:00 hours.
10. All outside tables and chairs shall be rendered unusable by 23:00 hours each day.
11. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
12. 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.
13. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
14. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
15. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
16. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
17. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 hour and 08.00 hours on the following day.
18. No deliveries to the premises shall take place between 23: 00 hours and 08:00 hours on the following day.
19. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
20. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00.
21. After 23:00 hours, patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.

**e) The protection of children from harm**

1. A Challenge 21 proof of age scheme will be operated at the premises where the only acceptable forms of identification are photographic identification cards such as a driving licence or passport.
2. A log (which may be electronic) shall be kept detailing all refused sales of alcohol. The log shall include the date and time of the refusal and the name of the member of staff who refused the sale. A copy of the log or electronic report shall be made available upon reasonable request.

Please tick yes

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

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

**Part 4 – Signatures** (please read guidance note 10)

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

Signature	
Date	25 <sup>th</sup> March 2015
Capacity	Poppleston Allen – Solicitors for and on behalf of the applicant

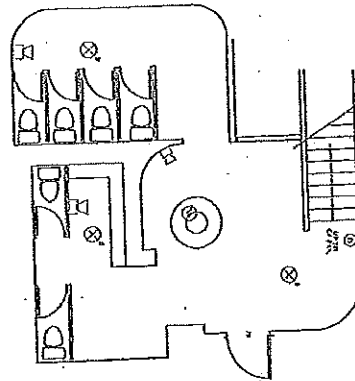
For joint applications signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent. (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	
Capacity	

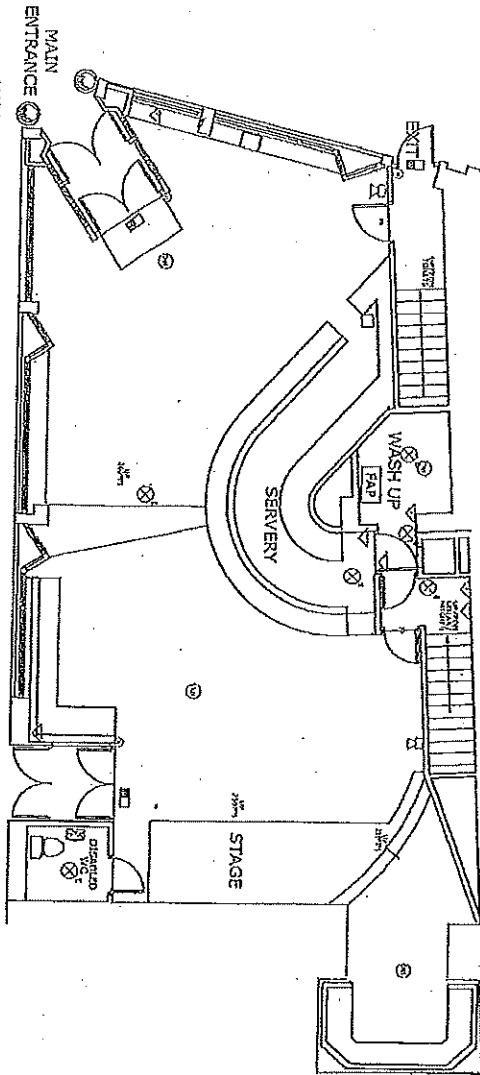
Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13) Clare Eames 31 Southampton Row			
Post town	London	Post code	WC1B 5HJ
Telephone number (if any)	0203 078 7486		
If you would prefer us to correspond with you by e-mail your e-mail address (optional) c.eames@popall.co.uk			

### Notes for Guidance

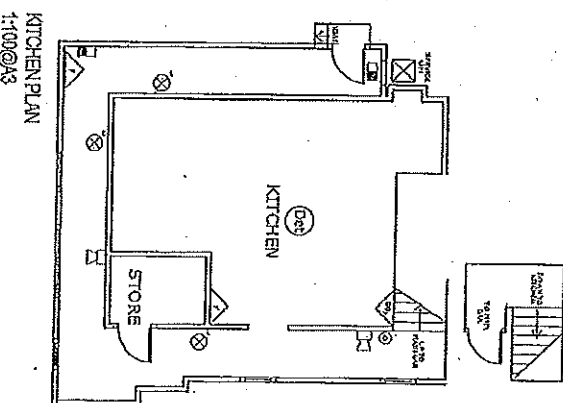
1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.



BASMENT TOILETS PLAN  
1:100@A3



MAIN BAR PLAN  
1:100@A3



KITCHEN PLAN  
1:100@A3

0m 1m 2m 3m 4m 5m 6m 7m 8m

- SERVICES**
- Fire Alarm Panel
  - Automatic fire detector
  - Manual Call Point
  - Sounder
  - Emergency light-fitting (fluorescent Downlight or luminaires)
  - Emergency Exit Light c/w legend (directional)
  - Carbon Dioxide fire extinguisher
  - Foam fire extinguisher

LICENSING KEY	
Licensed Activity	
<p>NOTES:</p> <p>1. The layout of the premises must be in accordance with the relevant fire safety regulations and the relevant licensing regulations.</p> <p>2. The layout of the premises must be in accordance with the relevant fire safety regulations and the relevant licensing regulations.</p> <p>3. The layout of the premises must be in accordance with the relevant fire safety regulations and the relevant licensing regulations.</p>	

**Rupert Street Bar, 50 Rupert Street, London, W1D 6DR.**

**Report by Adrian Studd**

**Independent Licensing Consultant.**

**Introduction.**

I have been instructed to conduct observations at Rupert Street Bar and to consider documentation in connection with the application for a new licence to extend licensable activity at the premises until 01.00 on Monday to Wednesday, 03.00 on Thursday to Saturday with no change on Sundays and to introduce a membership scheme supported by ID scan at the premises.

**Personal summary – Adrian Studd.**

I retired from the police service on 2<sup>nd</sup> November 2012 having completed 31 years exemplary service with the Metropolitan Police in London. Between January 2012 and my retirement I was employed as the Chief Inspector in charge of licensing for the London Olympic Games 2012. In this role I headed up a team of officers with responsibility for supervision of licensing compliance at all the Olympic venues, including the Olympic park. In addition I was responsible for ensuring that any associated events were properly licensed, sufficiently staffed and operated in accordance with the licensing legislation and best practice in order to ensure the safe and effective delivery of the Olympic Games. In addition to leading my team I visited and worked with both the Olympic park management and many other venues, reviewing their policies and procedures and ensuring that the Games were delivered safely and securely. The success of this operation not only protected the reputation of the MPS but provided positive benefits for the profile of the MPS and the United Kingdom. I have been awarded an Assistant Commissioners Commendation for this work.

Prior to this role, between Jan 2002 and January 2012, I was employed first as an Inspector and then as a Chief Inspector on the MPS Clubs and Vice Unit (Now SCD9 Serious and Organised crime command). My responsibilities over this period focussed on licensing and included day to day supervision of the licensing team that had a London wide remit to support the Boroughs with licensing activity. Providing both Overt and Covert support for policing problem licensed premises across London. My team worked with premises when licensing issues were identified in order to

address these problems through the use of action plans in order to raise their standards. Where this failed I would support the Boroughs with evidence for use at review hearings if required.

I devised and implemented the MPS strategy 'Safe and Sound' which seeks to improve the safety of customers at licensed premises by reducing violent and other crime, in particular gun crime and the most serious violence. I also developed the Promoters Forum and risk assessment process, together these initiatives contributed to an overall reduction in violence in London of 5% and of the most serious violence and gun crime at licensed premises by 20% whilst I was there.

From 2004 until 2008 my role included representing the MPS and ACPO licensing lead both in London and Nationally. In this role I developed key partnerships with industry, NGOs and Government departments in order to improve the standards at licensed premises. I sat on the Bill working party and helped develop the national training for Door Supervisors and worked with the SIA to successfully introduce the new regime within London. I sat on a number of Government working parties and worked closely with the alcohol harm reduction team on identifying best practice and ensuring this was used both within London and nationally by police and local authorities.

I have been involved with Best Bar None for a number of years and have successfully helped a number of boroughs implement the initiative. I am a trained Purple Flag and Best Bar None assessor and until my retirement sat on the Board for Best Bar None in the Royal Borough of Kensington and Chelsea. For the last five years I have been in charge of licensing for the Notting Hill Carnival, the largest street carnival in Europe. During this time I have contributed to a reduction in violence overall at the Carnival and delivered increased seizures of illegal alcohol, reduction of unlicensed alcohol sales and a reduction in alcohol related violence. In addition to the above I have attended a large number of internal MPS training and qualification courses, I am trained in conducting health and safety risk assessments and hold the National Certificate for Licensing Practitioners, issued by the British Institute of Inn keeping (BIi).

Following my retirement I established 'Clubsafe Services Ltd' to provide independent compliance support and advice for premises requiring a local authority licence. Since then I have provided evidence gathering services, advice and support to a broad range of licensed premises on a variety of issues, including crime and disorder, street drinking, rough sleepers and age related product issues. This work has involved premises that benefit from a variety of local authority licences including alcohol on and off licences, betting premises licences and late night refreshment. I have provided expert witness evidence at both local authority and appeal court hearings on a number of occasions.

#### Rupert Street Bar.

1. The premises are located in Rupert Street at the junction with Winnett Street in a busy, vibrant and diverse part of Soho. It is currently licensed until 23.30 Monday to Thursday, 00.00 Friday and Saturday and 22.30 Sunday. The premises attracts a mainly LGBT customer base of which 60 – 70% are regulars, it is attractively furnished and has a lively atmosphere.
2. The surrounding area provides a diverse mix of premises including theatres, bars, clubs, traditional pubs and restaurants with a broad range of licensed hours. The area is well served by public transport with 24 hour buses, mini-cabs and black cabs available nearby through the night. This transport infrastructure is set to improve further in September when the Northern and Piccadilly tube lines close by start to operate a 24 hour service on Friday and Saturday nights (appendix 'B').

#### Representations.

3. I have been provided with representations from both the EHO, police and the Soho society and residents and have taken these into account when conducting my observations and preparing this report.

#### Observations.

4. I am familiar with the premises and the area having been involved in licensing in central London for over 10 years as a police officer. Since retiring I have worked as a licensing consultant and have conducted observations and visits to licensed premises in the area on many occasions.
5. I conducted observations at Rupert Street over 4 days on Thursday 11th December 2014, Saturday 13th December 2014, Saturday 18th April 2015 and Friday 1st May 2015. I observed the premises and area at various times between 17.30 and 01.00 on these days and visited it as a customer a number of times.
6. I found the premises to be busy, particularly during the mid-evening period, with a lively and friendly atmosphere. There were two door supervisors employed who managed the two entrance/exits and patrolled through the venue. Music is played and there is a little dancing

but customers mainly chat and socialise. The bar has a good level of staffing and service was quick and efficient with minimum waiting.

7. Customers are permitted to smoke outside on Winnett Street and are permitted to take drinks which are decanted into plastic containers prior to leaving the premises. The door supervisors were vigilant in ensuring that this took place. Those smoking outside were supervised by the door supervisors. The customers were mainly male with a broad range of ages from 20's to 40's and a few older. I saw no evidence of drunkenness or disorderly behaviour inside the premises or when customers were leaving.
8. From 23.00 customers started leaving and while some talked about going home many were discussing where to continue their night and which premises would be open late. I observed customers leaving and walking up to Brewer Street where they joined the queue for Shadow Lounge.
9. Towards the end of the night the music volume was turned down and the lights came up at 23.45 by which time the premises was about ½ full. The door supervisors walked through the premises encouraging customers to leave and the dispersal was managed in an effective manner with customers leaving quickly and the premises empty by 00.15.

#### New Licence Application.

10. It is proposed to apply for a new licence to extend the opening hours on Monday to Wednesday until 01.00 and on Thursday to Saturday until 03.00. To support this it is proposed that a membership scheme is introduced for all customers entering or remaining on the premises after 23.30.
11. In order to be effective the scheme would have to be meaningful and comply with a number of criteria:
  - i. A period of time between application and granting of membership of at least 24 hours,
  - ii. A last admission time,
  - iii. No 'immediate' membership and no 'guests' permitted,
  - iv. Proper identification of members through the use of recognised ID scanning equipment,
  - v. A robust procedure for ensuring non-members leave the premises prior to the hours designated as members only,
  - vi. Adequate security to identify members and disperse non-members from the premises,



12. I have reviewed the proposed membership scheme, attached at appendix 'A', and it meets these requirements and provides a robust procedure.

**Environmental Health-Pre application advice.**

13. Pre-application advice was sought from Dave Nevitt of the City of Westminster Environmental Health. I have considered the advice that was received in a pre-application meeting and advisory note sent to the applicants solicitors.
14. Mr Nevitt's advice is that a membership scheme has merit and is preferable to simply seeking late hours; I am in agreement with this. In his view the membership scheme should be carefully drawn up and explained to the committee. I have considered the scheme that is proposed I am confident that it provides an effective, well considered membership scheme and is clearly set out.
15. Mr Nevitt raises the practical issues of managing the transition between the public and membership use of the premises. In my view this is key and the proposed conditions and operating plan will ensure that this transition is managed effectively.
16. Additional measures have also been put in place to manage the risk of noise or nuisance to local residents and I consider that these will be effective. As noted by Mr Nevitt the premises currently operate to a high standard and have effective measures such as an acoustic lobby in place.

**Conclusions.**

17. I found Rupert Street bar to be an attractive, well run and safe premises that attracts the local gay community and enjoys support from a large number of regular customers. The customers are a diverse range of ages and ethnicity and I saw no evidence of crime and disorder or anti-social behaviour associated with the premises. I understand that view is supported by Westminster police licensing officers.
18. While some customers will end their night between 23.00 and 00.00 and head home it is my experience that around 50% will seek to extend their night, particularly at the weekend, until

2 or 3am. My observations at Rupert Street supported this view, as do the exit surveys conducted by Stonegate Ltd.

19. The fact that the premises currently closes at midnight encourages those who wish to carry on later to leave from about 23.00 in order to get into later premises nearby, some of which will have conditions preventing entry after a certain time. Inevitably this leads to more people on the street at the busy time between 23.00 and 01.00.
20. It is my view that many of those who currently leave at this time to move elsewhere would stay inside Rupert Street if they were permitted to do so, as many as 60 – 70% of the customers are regulars and already choose to spend their time in the bar on a regular basis.
21. The membership scheme is aimed at recruiting those regular customers and encouraging them to remain inside. New customers will not be attracted to the premises by virtue of the fact that all applications will be subject to a 24 hour period between application and granting membership, no guests will be permitted and last admission time to the premises will be 01.00.
22. Those that remain are in a safe, well controlled environment and are not adding to the large numbers on the streets at this key time. The use of ID scan for all customers after 23.30 will ensure that their identification is known and that only individuals who have appropriate ID and are prepared to be identified are permitted to remain in the premises after 00.00. This is an effective crime prevention tool.
23. The atmosphere inside Rupert Street is relaxed with a good level of seating and music at a tempo and level that allows conversation. This is recognised as being important in reducing the potential for noise nuisance when those customers do leave, and together with a 'wind down' period and good dispersal plan will ensure they are unlikely to cause a nuisance when they leave.
24. The Rupert Street area is already very well served with public transport including night buses, mini-cabs and black cabs. This will be improved further from September this year when underground services start to run 24 hours a day at weekends from the nearby Piccadilly Circus and Leicester Square stations. This will greatly improve the ability of all people in the West End to leave quickly and safely right through the night, whatever time they choose to leave.

25. I consider that those who currently leave between 23.00 and 00.00 to go home will continue to do so. The proposed application will encourage those who would otherwise leave at this time and migrate to other premises, adding to the cumulative impact, to become members so they could remain in Rupert Street. They would then disperse gradually from the premises going directly home reducing the cumulative impact of the premises on the area.

26. The premises has benefitted from Temporary Event Notices permitting them to remain open until 01.00 on a number of occasions in 2014, including the very busy 'Pride' weekend, and has operated with no incidents. It has also operated under a TEN on five occasions in 2015, including 3 occasions to 01.00, one occasion to 02.00 and one to 03.00, again without incident.

27. Considering the raft of measures proposed including the membership scheme, ID Scan, last admission and additional security, this application can be considered as an exceptional case that will enhance the promotion of the licensing objectives and reduce the cumulative impact of the premises in the area.

I understand that my duty is to the licensing subcommittee and this report has been prepared in compliance with that duty. All matters relevant to the issues on which my expert evidence is given have been included in this report. I believe the facts I state in this report are honest and true and that the opinions I have expressed are correct to the best of my judgement. The fee for this report is not conditional on the outcome of the case in anyway whatsoever.

Adrian Studd,

Independent Licensing Consultant,

07/05/15.

I am aware that the hearing is to take place on Thursday the 20<sup>th</sup> August 2015. Unfortunately I am unavailable to attend on that day as I am going into hospital on 18<sup>th</sup> August for surgery and will be in hospital for approximately 1 week, with a period of recovery following.

## Statement

Statement of: Nigel Andrews

Age: Over 18

Occupation: Area Manager, Stonegate Pub Company

This statement (consisting of [ ] pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated: .....

Signature: \_\_\_\_\_

### Personal Information

1. My name is Nigel Andrews and I live at The Queen's Head, 25 High Street, Downe, Kent BR6 7US.
2. I am employed by Stonegate Pub Company Limited as an Area Manager.
3. I have been employed by Stonegate since it acquired the business. Prior to this I worked as an area manager for Mitchells & Butlers. I have looked after the same premises for many years and when Stonegate purchased premises from Mitchells & Butlers they also employed me to ensure continuity and because of my extensive experience with the premises, I was employed by Mitchells & Butlers for over ten years and was with Nicholson's before this. I have also worked at JD Wetherspoons and spent 12 years at Whitbread. I have looked after many premises, especially in London and the South East.

### Stonegate Pub Company Limited

4. Stonegate Pub Company is the largest privately owned managed pub operator in the UK operating 600 pubs across the country. The business consists of branded and unbranded pubs and bars which include community and local pubs which cater for customers within the local neighbourhood, high street venues and late night bars and nightclubs. A company information sheet can be seen at Exhibit NA1.
5. Since the formation of the company in 2010 the company has made significant investment within the estate, both within the fabric of the buildings and the services offered.
6. The company employs over 12,500 people and makes significant investment in the training and development of their staff.
7. Stonegate prides itself on engagement in the local community and devotes considerable time and resources to charitable giving and fundraising.
8. I look after the LGBT premises in Stonegate's Estate, which is made up of the following seven premises:-

Signature: ..... Signature witnessed by .....

- Rupert Street, London
- Colors, Southernhay
- Charles Street & Envy, Brighton
- Halfway II'Heaven, Duncannon Street, London
- Retro Bar, George Court, London
- Two Brewers, Clapham
- Queen's Court, Leeds

A summary of the premises licences for these premises can be seen at Exhibit NA2.

I also the area manager for the following premises:-

- Beduin, Smithfields
- Edwards, Wimbledon
- Reflex, Watling Street
- Reflex, Croydon
- Salsa, Charing Cross Road
- The Slug @ Fulham
- The Slug @ Wimbledon

9. All of the premises I look after are in busy town or city centres and many are in cumulative impact areas. The premises I look after are all run extremely well and I am pleased to say they are mostly trouble free. None of the other LGBT premises I look after have had any significant issues of crime and disorder or public nuisance and many of them operate later hours similar to those sought as part of this application at Rupert Street.
10. I work closely with the local authority officers and police in all areas where I look after premises. I keep in touch with the officers on a regular basis to make sure they have no concerns.

#### Experience of Soho

11. I have worked with pubs in Soho for 12 years. In my opinion the area has been "smartened up" and become more commercial. There are more restaurants and pop up premises and there has been much redevelopment. Unfortunately premises catering for the LGBT community have dwindled.
12. In recent years, many LGBT premises in Soho have closed. Rupert Street is now the only LGBT Style bar left, although there are other LGBT venues which focus more on providing entertainment rather than being a place to sit, relax and chat with friends.

#### Rupert Street Bar

13. Rupert Street is a relaxed place to sit, chat and enjoy being in a bar environment. Our customers are friendly and the majority are locals and regulars.
14. The staff employed at Rupert Street are long serving, experienced and loyal. 17 people are currently employed at the premises and obtaining later hours at the premises will allow us to increase the employment opportunities available.
15. Stonegate are proud of Rupert Street's involvement in the community and in fundraising projects. We recently spent £1,300 on Soho FC, which is a community football team.

Signature: ..... Signature witnessed by .....

16. I do not get too involved in the day to day running of Rupert Street as Karl Nixon and Chris Jacobs are highly experienced and knowledgeable of the business. My role manifests itself in bringing my experience to the site and providing guidance and support for the managers and staff.
17. The current safe capacity of the premises has been assessed at 250 excluding staff. In the event that the new premises licence application is granted, the premises licence holder would propose a condition limiting the capacity to 200 customers excluding staff. This figure will further reduce to 175 customers excluding staff between midnight and closing time. Please see further information regarding capacity at Exhibit NA3.

### Halfway II Heaven

18. I am the area manager at Halfway II Heaven, which is another LGBT premises in central London located within Westminster City Council's demise. The premises has the benefit of a premises licence which permitted the premises to trade until midnight Monday to Saturday and 23:00 hours on Sunday.
19. In a similar application to that which is proposed for Rupert Street Bar, in 2013, a new premises licence was applied for and granted in respect of Halfway II Heaven to permit the premises to trade on Monday to Thursday until 1am, with closing at 1.30am and on Fridays and Saturdays to 3am, with close at 3.30am.
20. This application was heard by Westminster's Licensing Sub Committee on 21 February 2013, at which time Councillor Audrey Lewis, who was the Chair of the meeting, indicated that, although the premises was just outside Westminster's stress area, she considered the same standard to apply and, in her verbal determination, stated that the application was an exception to the stress area policy. Copies of the licences and decision notice can be found at pages 88 - 118 of this evidence bundle.

### Pre-Consultation to the Current Application

21. During our consideration of the new premises licence application, pre consultation was undertaken with the responsible authorities.
22. On 1 December 2014, we met with Jim Sollars of Westminster's Police Licensing Team on site to discuss the application. The meeting went very well and Jim's comments have been taken into account in drafting the operating schedule for the new premises licence application. He highlighted no concerns of crime and disorder associated with the premises.
23. On 18 December 2014, a pre consultation meeting took place on site with Dave Nevitt of the Environmental Health Team and Alan Lynagh, District Surveyor. Again, that was a very positive meeting and the comments made by the officers were taken into account in drafting the new premises licence application. A copy of the pre application report prepared by Dave Nevitt and Alan Lynagh can be seen at Exhibit NA4.

### New Premises Licence and Operation of the Membership Scheme

24. If the new premises licence is granted, the operating hours beyond 23:30 hours will be managed in accordance with the membership scheme which has been specifically designed by Stonegate for Rupert Street. A copy of the membership scheme proposal can be seen at Exhibit NA5.

Signature: ..... Signature witnessed by .....

25. One of the main reasons for applying for this new licence which, in effect, seeks later hours than the current licence permits, is that our loyal customers want to stay with us. The membership scheme therefore rewards their loyalty and has the benefit of ensuring we know exactly who is in our premises. The operation will be closely and well managed. A copy of the new operating schedule can be seen at Exhibit NA6.

26. With the premises location in the stress area, and our belief that the licensing objectives will actually be promoted by the granting of this new premises licence, we instructed Adrian Studd to fully interrogate our proposals in light of the location of the premise and Westminster City Council's Licensing Policy.

#### Exception to the Licensing Policy

27. For the reasons detailed in our evidence bundle, with particular focus on the points listed below, we consider we are an exception to the Westminster's Stress Area Policy:-

- Overall reduction in capacity
- Carefully crafted membership scheme along with a robust and tailor made operating schedule
- Adrian Studd's report
- Unique operation

Signed: .....

Print Name: .....

Date: .....

Signature:.....

Signature witnessed by .....

# EXHIBIT NA1

## Stonegate Pub Company Limited Information Sheet

Signature:..... Signature witnessed by .....

page 150





### **The Company**

Stonegate Pub Company is the largest privately held managed pub operator in the UK operating 620 pubs across the country. The business consists of branded and unbranded pubs and bars which include community and local pubs which cater for customers within the local neighbourhood; high street venues including the Slug & Lettuce, Yates's and Scream brands that attract businessmen and women, tourists, families, and students; Bars & Venues which are late night bars and nightclubs.

Since the formation of the company in 2010 the company has made significant investment within the estate, both within the fabric of the buildings and the services offered. Its pubs and bars continue to benefit from a multi-million pound investment programme that continually strives to improve amenities and community facilities. Free Wi-Fi is now standard across the estate.

### **People**

The company employs over 12,500 people and make significant investment in the training and development of their staff. A leading edge, award winning training programme ensures all front-line staff are equipped with the necessary learning's to safely and legally operate within the business. Within the last 6 months alone over 94,000 training modules have been undertaken by pub staff.

### **Community and Social Responsibility**

All site managers are encouraged to join their local Pubwatch, town centre management or business improvement forums, wherever they operate. Entry into Best Bar None programmes has resulted in many Stonegate pubs across the country being recognised for their contribution in helping create safer environments for staff and customers alike.

Engagement with the local community takes place in many forms, from supporting community groups, providing facilities for clubs and teams, to providing meals for local OAP's. Hundreds of thousands of pounds is raised for local and national charities each year – Variety, the children's charity has benefitted to the extent of over £300,000 this year, changing the lives of many disadvantaged children.

### **The Senior Management**

Stonegate Pub Company is operated by a team of highly experienced directors that have a wealth of industry experience.

Ian Payne is Chairman of Stonegate Pub Company. Ian, an accomplished expert in the licensed leisure sector, has held Board positions with Bass Taverns, Stakis plc and Ladbroke gaming. He was CEO of the Laurel Pub Company from its inception

in May 2001 through to December 2004 and later Chairman of the Bay Restaurant & Town and City Pub Groups prior to formation of Stonegate in November 2010. Ian started his career in the trade behind the bar of a local pub more than 35 years ago.

Simon Longbottom serves as the Chief Executive Officer at Stonegate Pub Company Limited. Simon served as the Managing Director of Pub partners at Greene King Plc since 2010. He served as Managing Director of Gala Coral's gaming division. He has over 11 years experience in the public sector having held senior positions at Mill House Inns and Mitchells & Butlers.

Graham Jones is Chief Operating Officer of Stonegate Pub Company. A high performing professional, Graham has held senior operations positions in Whitbread PLC, Laurel Pub Company, Greene King, Barracuda Group and more recently Punch Taverns.

Suzanne Baker is the Commercial Director of Stonegate Pub Company, responsible for all commercial contracts including purchasing and property. Suzanne has spent her career within the licensed leisure sector having previously held Board positions in Bay Restaurant Group, Laurel Pub Company and JD Wetherspoon. She commenced her career joining Grandmet Retail in operations progressing within the marketing and purchasing roles across national brands, including Chef & Brewer.

Tim Painter is the HR Director of Stonegate Pub Company. Tim, who joined from Musgrave Retail Partners, has extensive experience in HR strategy, leadership and development, and change management across the retail sector.

Richard Bruce is the Marketing Director of Stonegate Pub Company. Richard joined from Home Retail Group plc where he was head of brand and customer proposition programme at Homebase. He has a strong background in developing and implementing category strategy and previously worked with retail giants Marks & Spencer and Argos.

**EXHIBIT NA2**  
**Summary of Premises**  
**Licences for Stonegate LGBT**  
**Estate**

Signature:..... Signature witnessed by .....

Stonegate LGBT Premises

Rupert Street Café Bar, 50 Rupert Street, London W1D 6DR:

Sale of alcohol hours:

Monday to Thursday:	10:00 to 23:30
Friday to Saturday:	10:00 to 00:00
Sunday:	12:00 to 22:30
Sundays before Bank Holidays:	12:00 to 00:00

Opening hours:

Monday to Thursday:	10:00 to 23:30
Friday to Saturday:	10:00 to 00:00
Sunday:	12:00 to 22:50
Sundays before Bank Holidays:	12:00 to 00:00

No last entry condition on the current licence.

Colors, Southernhay, Basildon, Essex SS14 1DQ:

Sale of alcohol hours:

Monday to Wednesday:	10:00 to 02:00
Thursday to Saturday:	10:00 to 03:00
Sunday:	10:00 to 01:00

Opening hours:

Monday to Wednesday:	10:00 to 02:30
Thursday to Saturday:	10:00 to 03:30
Sunday:	10:00 to 01:30

No last entry condition on the current licence.

Charles Street and Envy, 8-9 Marine Parade, Brighton BN2 1TA:

Sale of alcohol hours:

Sunday to Wednesday:	11:00 to 02:00
Thursday to Saturday:	11:00 to 03:00

Opening hours:

Sunday to Wednesday:	11:00 to 02:30
Thursday to Saturday:	11:00 to 03:00

No last entry condition on the current licence.

Stonegate LGBT Premises

Halfway II Heaven, 7 Duncannon Street, London WC2N 4JF:

Sale of alcohol hours:

Monday to Thursday:	10:00 to 01:00
Friday to Saturday:	10:00 to 03:30
Sunday:	10:00 to 23:30

Opening hours:

Monday to Thursday:	10:00 to 01:30
Friday to Saturday:	10:00 to 03:30
Sunday:	10:00 to 23:30

No last entry condition on the current licence.

Retro Bar, 2 George Court, London WC2N 6HH:

Sale of alcohol hours:

Monday to Saturday:	10:00 to 23:00
Sunday:	12:00 to 22:30

Opening hours:

Monday to Saturday:	10:00 to 23:30
Sunday:	12:00 to 23:00

No last entry condition on the current licence.

Queens Court, 167-168 Briggate, Leeds LS1 6LY:

Sale of alcohol hours:

Monday to Thursday:	11:00 to 04:00
Friday to Saturday:	11:00 to 05:00
Sunday:	11:00 to 03:00

Opening hours:

Monday to Thursday:	11:00 to 04:30
Friday to Saturday:	11:00 to 05:30
Sunday:	11:00 to 03:30

No last entry condition on the current licence.

Stonegate LGBT Premises

Two Brewers, 114 Clapham High Street, London SW4 7UJ:

Sale of alcohol hours:

Monday to Wednesday:	10:00 to 02:00
Thursday to Saturday:	10:00 to 04:00
Sunday:	12:00 to 02:00

Opening hours:

Monday to Wednesday:	10:00 to 02:30
Thursday to Saturday:	10:00 to 04:30
Sunday:	12:00 to 02:30

No last entry condition on the current licence.

# **EXHIBIT NA3**

## Information Regarding Capacity

Signature: .....

Signature witnessed by .....

SCARLET EMBERS



FIRE CONSULTANT

*Heritage - Licensing - Fire Solutions - Assessment & Compliance*

SCARLET EMBERS

T: 07917072473

E: [scarletembers@lcloud.com](mailto:scarletembers@lcloud.com)

# Occupancy Assessment

## Rupert Street Bar

50 Rupert Street  
W1D 6DR

Date: 10th August 2015

Version 1





**DOCUMENT CONTROL & NOTES**

<b>Prepared by:</b>	M Redmond
<b>Company:</b>	Scarlet Embers
<b>Correspondence Address:</b>	Rupert Street Bar 50 Rupert Street W1D 6DR
<b>Date:</b>	10/08/2015
<b>Issue:</b>	Version 1
<b>Report Ref:</b>	SE/OA/RS/ -001

Document History				
Issue	Date	Amendment Details	Assessor	Checked
V1	10/08/2015	Initial issue for comment	MR	



## EXECUTIVE SUMMARY

Scarlet Embers has been instructed by Clare Eames (Popleston Allen Licensing Solicitors) to carry out an occupancy assessment for the premises at the Rupert Street Bar, 50 Rupert Street W1D 6DR.



## 1. SCOPE OF THE ASSESSMENT

The scope of this assessment relates to the Rupert Street Bar part of the premises (ground floor and basement) and only at the given address. Where necessary reference may be made to other portions of the building but no other areas were assessed as part of this assessment and there are no other associated areas, which fall under the control of the Client. The Rupert Street Bar premises are also totally separated to all other parts of the premises and have no shared internal exit routes.

## 2. BUILDING DESCRIPTION – INCLUDING COMMENTS

<b>Number of floors ground and above:</b>	5 (Premises only has control of Basement & Ground)
<b>Number of floors below ground:</b>	1
<b>Approximate floor area:</b>	250m <sup>2</sup>
<b>Brief details of construction:</b>	<p>The premises appear to be of period construction with a double leaf brick exterior. There are two entrance/exits serving the ground floor and in addition there is a separate exit discharging from the basement areas via a protected staircase.</p> <p>The basement area consists of storage and staff areas together with electrical intake and beer cellars.</p>
<b>Use of premises:</b>	The premises is used as a bar venue.
<b>Sleeping occupants:</b>	0
<b>Fire detection and alarm system:</b>	System appears to be an Automatic mains powered linked smoke detectors with manual call points at basement and ground floor level,
<b>Evacuation regime:</b>	Simultaneous on any alarm
<b>Emergency lighting:</b>	Situated throughout the premises

### Additional Notes:

The building and its current use is classified in the following Purpose Group as per Table 1 (Appendix D) of ADB:

Accommodation	Purpose Group
Assembly and Recreation	5
<i>NB: Plant, store and switch rooms are considered ancillary to the main building use</i>	



## 1. OCCUPANCY ASSESSMENT

There are a total of three exits from the premises, two entrance/exits serving the ground floor and a separate exit discharging from the basement areas via a protected staircase to a final exit. (Refer to Licensing Plans)

- **Ground Floor** (Two exits) - Bar area, comprising's of some fixed seating and some tables with movable seating.
- **Basement** -- (Protected staircase to final exit) Public toilets / staff, ancillary and storage areas.

### Travel Distances

Travel distances for escape within the building are in line with those recommended in the Technical Standards (Table 5) and ADB as detailed in table 16.0 below. The travel distances at ground floor level are well within these limits with the maximum distance at any one time from either entrance being no more than 7m. Both are within the 45m maximum for escape in two directions.

The basement is split into two areas, one serving the public toilets with minimal travel distance discharging via a protected staircase to a final exit. The second area serving the staff /storage areas has a chose of two routes, both of which are within travel distance.

Table 16.0: Recommended maximum travel distance to the nearest storey exit

Location		Possible direction of escape	
		One direction only	More than one direction
Public areas	Seating in rows	15m	32m
	Open floor areas	18m	45m
All non-public areas	Dressing rooms	9m	18m
	Plant rooms other than places with special fire hazards	9m	32m
	Places of special fire hazards+	9m	18m
	All other accommodation	18m	45m
+ Places of special fire hazard include oil filled transformer and switchgear rooms, battery rooms, boiler rooms, storage space for fuel or other highly flammable substances, rooms housing a fixed internal combustion engine			



## Means of Escape

The premises consist of a ground floor and basement; the ground floor is predominately open plan and incorporates two exits/entrances.

There are three escape routes from the premise, which are;

### 1. Ground Floor (X2)

From the bar area the means of escape is via either of the two main entrances/exits. Both of these exits are double doors, which open in the direction of travel. (Approx. 1600mm (Exit A) and 1300mm (Exit B) in width).

The larger set of doors (Exit A) discharges into Winnett Street and the second set of double doors (Exit B) discharges on the corner of Winnett Street and Rupert Street.

### 2. Basement (X1)

The basement is split into two areas, one serving the public toilets discharging via a protected staircase to a final exit into Rupert Street. The second area serving the staff /storage and ancillary areas has a choice of two routes. One, into the protected staircase as with the means of escape from the public toilet area, or two via a protected staircase to the bar and then out through the bar area.

## Exit Widths

The accommodation adopts a simultaneous evacuation therefore exit widths should be assessed on this basis. Table 16.1 details a means of escape calculation in line with the provisions of the Technical Standards for Places of Entertainment.

If any of the widths detailed in table 16.1 change then the maximum occupancies should be reassessed and this section of the report fully updated.

**Table 16.1: Means of Escape Calculations**

Area	Exits	Discount Largest	Max Capacity
Ground Floor	Exit A (1600mm) = 290 Exit B (1300mm) = 260  <i>*Capacities in excess of 220 may be calculated on the basis of 5mm per person per exit. (Above 1100)</i>  <i>Ref table 7 Technical standards.</i>	Exit A - 290	260



## Floor Space Factors

The premises operate as bar and Approved Document B, (Table 1) and The Technical Standards for Places of Entertainment (Table 3) detail the relevant floor space factors applicable for this type of use at this premises and table 16.2 details these requirements and how they apply to the premises based on the current layout. If any additional fixed fixtures are introduced the operator will need to reassess these calculations to ensure an appropriate revised maximum capacity based on available floor space and any furniture layout is in place.

**Table 16.2: Floor Space Factors**

Area	Overall available public area M <sup>2</sup> (approx.)	Capacity at 0.3M <sup>2</sup> per person (within 2m of bar or live music)	Capacity at 0.5M <sup>2</sup> per person (dancing/reception)	Banquette style seating at 0.45m per person	Loose Seats	Max Operational Capacity
Ground Floor Bar	116	$24 \div 0.3 = 80$	$47 \div 0.5 = 94$	$15 \div 0.45 = 33$	43	250

Cross-referencing the floor space capacity with the capacity based on means of escape, recommended maximum occupancy is:

Max Operational Capacity	250 persons
--------------------------	-------------

This figure may vary depending on the configuration of seating and furnishings within the available floor space.

In line with the recommendations within the Technical Standards it is deemed acceptable for this figure to be exclusive of staff as staff figures are minimal and it would be accepted that staff would be assisting in the evacuation process.



#### 14. COMPETENCY OF ASSESSOR

**Martin Redmond GFireE**

I have over 25 years operational experience with the London Fire Brigade with extensive knowledge of Regulatory Fire Safety & Enforcement. As a qualified Senior Fire Safety Officer, I covered the whole of London dealing with issues relating to fire safety, non-compliance and prohibition. I was also the Fire Safety / Enforcement Team Leader for Westminster for over 7 years. During this time I dealt with the issuing of Enforcement Notices and appeals, oversaw Building Consultations, Fire Engineering, and Licensing. I provided support and guidance to the Private & Public Sector as well as sitting on a Government advisory working Group. I have been fortunate to have been involved in the planning and operational guidance of London 2012 - Olympic Venues & Events, the Royal Wedding, Queens Diamond Jubilee & Concerts in the Royal Parks for the Borough of Westminster. I also sat on the Heritage Group for the London Fire Brigade, providing advice & guidance on issues around Regulatory Fire Safety & Enforcement in heritage and listed buildings and advising on Salvage. Whilst I was the Fire Safety Team Leader for Westminster, I led several investigations under the Regulatory Reform (Fire Safety) Order 2005 (FSO) - notably the New Look prosecution in Oxford Street following a major fire. This case was successful both in Crown Court & the Court of Appeal.

# EXHIBIT NA4

## Pre Application Report

Signature: ..... Signature witnessed by .....





## City of Westminster

Office Name: Dave Nevitt  
Designation: EHO  
Date: 22.12.2014  
Contact number: 020 7641 3188  
Email: [dnevitt@westminster.gov.uk](mailto:dnevitt@westminster.gov.uk)  
Uniform Reference: 14/41224/ECPALM

Trading name of business and Address: **RUPERT STREET, 50 RUPERT STREET, W1**

Reference Number if Applicable: **14/41224/ECPALM**

Licence: **13/03507/LIPVM**

Applicant: **Clare Eames**

Stress Area: **WEST END**

**c.eames@popall.co.uk**

Type of Business: **PUBLIC HOUSE**

Current timings: **UNTIL 2230/2330/0000HRS**

Current areas: **GROUND FLOOR BAR**

Current activities: **AS PER CURRENT LICENCE.**

**PROPOSED: TO EXTEND THE HOURS FOR LICENSABLE ACTIVITIES – POSSIBLY TO 0100HRS.**

**DS/EH OBSERVATIONS/COMMENTS: D. NEVITT & ALAN LYNAGH ATTENDED A SITE MEETING WITH APPLICANT. THE HOURS SOUGHT WILL BE BEYOND THE 'CORE HOURS' AS DEFINED BY THE CITY COUNCIL'S LICENSING POLICY.**

**THE PREMISES IS LOCATED IN THE WEST END STRESS AREA – THE MATTER WILL NEED TO BE ADJUDICATED BY THE LICENSING SUB-CTEE AT A HEARING. THE APPLICANT WILL NEED TO DEMONSTRATE THAT WHAT THEY SEEK IS AN 'EXCEPTION TO POLICY'.**

**THE APPLICANT PROPOSES TO INTRODUCE A MEMBERSHIP SCHEME SO THAT LATER HOURS ARE ONLY AVAILABLE TO PERSONS WHO ARE BONA FIDE MEMBERS.**

**EH ADVICE IS THAT A MEMBERSHIP SCHEME HAS MERIT AND IS PREFERABLE TO SIMPLY SEEKING LATE HOURS FOR THE GENERAL PUBLIC. THE APPLICANT SHOULD ENSURE THAT THE SPECIFIC CONDITIONS AND DETAILS OF THE MEMBERSHIP SCHEME ARE CAREFULLY DRAWN UP AND EXPLAINED IN DETAIL TO THE CTEE FOR DUE CONSIDERATION. THE APPLICANT WISHES TO DRAW MEMBERS EXCLUSIVELY FROM THE LGBTQ COMMUNITY AND PARTICULARLY FROM EXISTING CLIENTELLE.**

**IT WAS ALSO ADVISED THAT THE APPLICANT WILL NEED TO GIVE DETAILS OF HOW THE TRANSITION BETWEEN GENERAL PUBLIC USE AND MEMBERS USE WILL TAKE PLACE IN PRACTICE. IT WAS ADVISED THAT THE APPLICANT WILL NEED TO BE MINDFUL OF THE PRACTICAL ISSUES SURROUNDING THE SEPARATING OUT OF CUSTOMERS ALREADY IN**

THE VENUE AND THE MANAGEMENT OF THE MAIN DOOR (I.E. CONTROL AND SUPERVISION OF ENTRY AND EXIT) AND THAT THEY MAY WISH TO SEEK ADVICE FROM THE POLICE REGARDING SIA PROVISION AND CUSTOMER MANAGEMENT ETC.

THE APPLICANT WAS ADVISED TO CONSIDER PRACTICAL MEASURES FOR MINIMISING THE RISK OF PUBLIC NUISANCE AND DISTURBANCE TO LOCAL RESIDENTS – I.E. CONTROL OF NOISE BREAKOUT FROM WITHIN THE PREMISES, MANAGEMENT OF SMOKERS, CONTROL OVER OUTSIDE DRINKING, CEASING USE OF OUTSIDE FURNITURE ETC., AND DISPERSAL OF PATRONS LATE AT NIGHT, ESPECIALLY WHEN THE PREMISES CLOSES. IT WAS ACKNOWLEDGED THAT THE APPLICANT OPERATES OTHER, SIMILAR, LATE NIGHT VENUES IN LONDON AND THAT THEY HAVE EXPERIENCE OF MANAGING SUCH MATTERS.

TO DATE, THE PREMISES HAS OPERATED IN A WELL MANAGED WAY WITHOUT COMPLAINT OR CAUSE FOR CONCERN. THE PREMISES IS IN GOOD REPAIR AND MAINTAINED TO A HIGH STANDARD. THE PREMISES ALREADY BENEFITS FROM LOBBIED ENTRANCES WHICH WILL REDUCE NOISE BREAKOUT.

EH WILL BE SEEKING A NUMBER OF CONDITIONS, INCLUDING A CAPACITY FIGURE. THE CURRENT LICENCE IS RELATIVELY UNENCUMBERED BY CONDITIONS AT PRESENT AND CAPACITY IS NOT LIMITED. THE ADVANTAGE OF THE APPLICATION IS THAT IT WILL AFFORD THE OPPORTUNITY FOR GREATER REGULATION. THE CAPACITY COULD BE LIMITED THROUGHOUT THE HOURS OF TRADING OR COULD APPLY AT SOME POINT DURING THE EVENING. EH AND DS WILL NEED TO DISCUSS AND SPECIFY A SUITABLE CAPACITY BUT A FIGURE OF 200-250 WAS TO BE CONSIDERED.

Please note that any advice given will not guarantee that your application will be granted by the Licensing Service and the Environmental Health Consultation Team may still choose to make a representation to the application submitted.

# EXHIBIT NA5

## Proposed Membership Scheme

Signature:..... Signature witnessed by .....

# **RUPERT STREET, LONDON**

## **Proposal for Membership Scheme**

**This document sets out the proposal of how the membership scheme will be managed and operated at Rupert Street.**

- 1. Recruiting Members**
- 2. Membership Rules**
- 3. Operational Procedures**
  - i. Procedures for Change in Operation**
  - ii. Management of Customers**
  - iii. Security Staff**
  - iv. Dispersal**
  - v. Operating Schedule**

### **1. Recruiting Members**

Four weeks prior to the scheme starting, all staff and management will sign up existing regulars who wish to become members. The scheme will also be promoted to members of the LBGT community as felt appropriate by management.

Applications for membership will be made online through the Rupert Street website. There is no charge to make an application and identification would be required.

The Duty Manager will have the final say whether an application for membership is granted.

There will be at least 48 hours between an application for membership being made and membership being granted.

Minimum age for membership is 18.

# **RUPERT STREET, LONDON**

## **Proposal for Membership Scheme**

### **2. Membership Rules**

Membership is free and the member will be issued with a membership card.

ID will be required to confirm the member's identity. Successful applicants will be required to attend the premises to have their ID scanned using the ID scanner and have their fingerprint taken. This final membership interview process allows the management to have greater control over membership. Their fingerprint will be used for future identification purposes.

Membership entitles the member to remain on the premises at Rupert Street until the later hours, as detailed in the new premises licence application. Only members and a limited number of their bona fide guests as detailed in the conditions offered as part of the new premises licence application, will enjoy this benefit. All other persons will be asked to leave as per the operational procedures set out below and within the operating schedule.

Membership cannot be transferred.

Membership will continue until the member surrenders his membership or it is cancelled by the premises licence holder.

Membership can be cancelled at any time by the premises licence holder and the member can be refused entry at any time by the Duty Manager.

A list of members will be stored electronically and available on site.

Membership and management of members will be controlled and managed in accordance with this document and by way of conditions on the premises licence.

### **3. Operational Procedures**

#### **i. Procedures for Change in Operation**

The music will be turned down at around 23:30 hours, both in terms of volume and tempo. Lights will be turned up slightly to allow for staff to effectively manage the change in style of operation at this time.

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# RUPERT STREET, LONDON

## Proposal for Membership Scheme

Customers will be managed in accordance with the procedures set out below.

Once the change in operation is complete, any new members who arrive will enter through the Winnet Street entrance. The Rupert Street entrance will be exit only.

Once the premises is cleared of all non members, music will return to an adequate level and lighting will again be reduced.

On Monday to Thursday after 23:00 hours and on Friday and Saturday after midnight, there shall be no admittance or re-admittance to the premises, except for persons temporarily leaving the premises to smoke.

### ii. Management of Customers

At 23:30 hours, once the music has been turned down and the lights have been turned up, staff will move through the premises and request that customers who are not members or their bona fide guests leave via the Rupert Street exit and customers who are members and wish to stay will have their fingerprint scanned and move, along with their guests, towards the rear of the premises.

People who are not members or their bona fide guests will be asked to leave and notified of the membership application procedure if they wish to make an application to enjoy the later hours on another occasion.

Capacity will be reduced to 175 excluding staff no later than midnight.

Any new members who arrive after this time will have their membership card scanned through the ID Scan System before being permitted entry.

Patrons leaving the premises to smoke after 23:00 hours will be directed to a designated area and will not be permitted to take their drinks outside with them.

Customers who are outside smoking will be monitored by a member of staff and managed accordingly.

# RUPERT STREET, LONDON

## Proposal for Membership Scheme

### iii. Security Staff

The number of security staff employed at the premises will increase to three, with staggered start times:-

- One security staff member will start at 17:00 hours and finish once the change in operation to members only is complete
- A further security staff member will start at 19:00 hours and remain on duty until close
- A third security staff member will start at 21:00 hours and remain on duty until close

During the change of operation, one security staff member will be stationed on each entrance to the premises and the third will assist to clear non members from inside the premises.

### iv. Dispersal

The premises licence holder recognises that the majority of disturbance and disorder is likely to occur as a result of a poorly thought out approach to managing the end of night period. The company has a dispersal policy which is designed to minimise the potential for disorder and disturbance as customers leave the premises.

When the premises changes to members and their bona fide guests only, staff will manage non members leaving in accordance with the dispersal policy.

After this time, the premises will operate with a reduced capacity and it is considered that customer dispersal will be staggered. Security staff will effectively manage this to ensure the licensing objectives are promoted.

### v. Operating Schedule

The operating schedule has conditions designed to deal with the membership scheme and its management, along with other conditions regarding customer management after certain times in the event that the new premises licence application is granted. In particular, this includes the following:-



# RUPERT STREET, LONDON

## Proposal for Membership Scheme

- *On Monday to Thursday after 23:00 hours and on Friday and Saturday after midnight, only i) members and up to 2 bona fide guests of the premises as detailed in b) to f) below and/or (ii) up to 5 bona fide guests of the proprietor shall be permitted on the premises.*
  - a. *No person shall be admitted to membership of the private club operating at the premises or be entitled to take advantage of any of the privileges of membership without an interval of at least 48 hours between their nomination or application for membership and their admission.*
  - b. *On Monday to Thursday after 23:00 hours and on Friday and Saturday after midnight, there shall be no admittance or re-admittance to the premises, except for persons temporarily leaving the premises to smoke.*
  - c. *A legible list of members and guests who have attended will be kept at the premises for 31 days and shall be available for inspection by any of the relevant authorities. It shall be a requirement of membership that members shall be able to identify their bona fide guests by name at all times and names of guests shall be able to be provided to the responsible authorities within reasonable time of any request for details being given to the premises.*
  - d. *A copy of the club rules will be lodged with both the Police and Environmental Health. Any substantial changes to the said rules will be subject to approval from the Police and Environmental Health.*
  - e. *Membership of the private club shall be restricted to members of the Lesbian, Bi-sexual, Gay, Transgender and Queer community.*
- *On Thursdays, Fridays and Saturdays, when the premises is open for the sale of alcohol beyond 01:00 hours, there shall be a minimum of two SIA registered door supervisors on duty from 21:00 hours until close. At all other times, the need for door supervisors will be assessed by way of risk assessment and cognisance will be taken of any police advice.*
- *Patrons permitted to temporarily leave and then re-enter the premises to smoke beyond 23:00, shall be restricted to a designated area which will be defined and identified on a plan to be submitted to the Licensing Authority.*
- *After 23:00 hours, patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.*

# EXHIBIT NA6

## Operating Schedule

Signature:.....

Signature witnessed by .....

# RUPERT STREET, LONDON

## Proposed Operating Schedule

### Conditions Offered to Promote the Prevention of Crime and Disorder

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. 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.
3. On Thursdays, Fridays and Saturdays, when the premises is open for the sale of alcohol beyond 01:00 hours, there shall be a minimum of two SIA registered door supervisors on duty from 21:00 hours until close. At all other times, the need for door supervisors will be assessed by way of risk assessment and cognisance will be taken of any police advice.
4. All staff engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility yellow jackets or vests.
5. Where Pubwatch exists covering the area of which the premises is situated then the DPS or other nominated employee shall participate in Pubwatch.
6. The premises shall maintain a written drugs policy, which shall be made available to the Police or an authorised officer of the Council upon request.
7. An incident log book (which may be electronic) shall be kept on the premises and made available on request to an authorised officer of the Council or Police which will record the following:-
  - a. all crimes reported to the venue
  - b. all ejections of patrons
  - c. any complaints received concerning crime and disorder
  - d. any incidents of disorder
  - e. all seizures of drugs or offensive weapons
  - f. any faults in the CCTV system or searching equipment or scanning equipment
  - g. any refusal of the sale of alcohol
  - h. any visit by a relevant authority or emergency service.

# RUPERT STREET, LONDON

## Proposed Operating Schedule

8. On Monday to Thursday after 23:00 hours and on Friday and Saturday after midnight, only i) members and up to 2 bona fide guests of the premises as detailed in b) to f) below and/or (ii) up to 5 bona fide guests of the proprietor shall be permitted on the premises.
  - a. No person shall be admitted to membership of the private club operating at the premises or be entitled to take advantage of any of the privileges of membership without an interval of at least 48 hours between their nomination or application for membership and their admission.
  - b. On Monday to Thursday after 23:00 hours and on Friday and Saturday after midnight, there shall be no admittance or re-admittance to the premises, except for persons temporarily leaving the premises to smoke.
  - c. A legible list of members and guests who have attended will be kept at the premises for 31 days and shall be available for inspection by any of the relevant authorities. It shall be a requirement of membership that members shall be able to identify their bona fide guests by name at all times and names of guests shall be able to be provided to the responsible authorities within reasonable time of any request for details being given to the premises.
  - d. A copy of the club rules will be lodged with both the Police and Environmental Health. Any substantial changes to the said rules will be subject to approval from the Police and Environmental Health.
  - e. Membership of the private club shall be restricted to members of the Lesbian, Bi-sexual, Gay, Transgender and Queer community.

## Conditions Offered to Promote the Prevention of Public Nuisance

1. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, Premises Management so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.

# RUPERT STREET, LONDON

## Proposed Operating Schedule

2. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
3. The licence holder shall enter in to an agreement with the Hackney Carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who would be encouraged to use such services.
4. Patrons permitted to temporarily leave and then re-enter the premises to smoke beyond 23:00, shall be restricted to a designated area which will be defined and identified on a plan to be submitted to the Licensing Authority.
5. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and/or supervised by staff so as to ensure that there is no public nuisance or obstruction of public highway.
6. The licence will have no effect until the capacity of the premises has been assessed by the Environmental Health consultation team/District Surveyor and the condition detailing the agreed capacity has been added as a condition to the licence.
7. The premises shall maintain a written dispersal policy which shall be made available to the Police or authorised officer of the Council on request.
8. All windows and external doors shall be kept closed after 21:00 hours, or at any time when regulated entertainment (in the form of recorded music) takes place, except for the immediate access and egress of persons.
9. There shall be no sales of alcohol for consumption off the premises after 23:00 hours.
10. All outside tables and chairs shall be rendered unusable by 23:00 hours each day.
11. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
12. 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.
13. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
14. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
15. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
16. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.

# **RUPERT STREET, LONDON**

## **Proposed Operating Schedule**

17. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 hour and 08.00 hours on the following day.
18. No deliveries to the premises shall take place between 23: 00 hours and 08:00 hours on the following day.
19. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
20. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00.
21. After 23:00 hours, patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.

### **Conditions Offered to Promote the Protection of Children From Harm**

1. A Challenge 21 proof of age scheme will be operated at the premises where the only acceptable forms of identification are photographic identification cards such as a driving licence or passport.
2. A log (which may be electronic) shall be kept detailing all refused sales of alcohol. The log shall include the date and time of the refusal and the name of the member of staff who refused the sale. A copy of the log or electronic report shall be made available upon reasonable request.

## Statement

Statement of: Karl Nixon

Age: Over 18

Occupation: General Manager, Rupert Street Bar

This statement (consisting of [ 5 ] pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated: ..... 10/08/15 .....

Signature: 

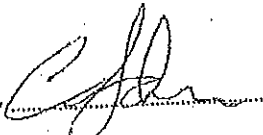
### Personal

1. My name is Karl Stephen Nixon and I live at 14 Plummer Road, London SW4 8HQ.
2. I am employed by Stonegate Pub Company Limited as the General Manager of Rupert Street Bar, 50 Rupert Street, London W1D 6DR.
3. I have been employed by Stonegate Pub Company since they acquired the business and have worked at Rupert Street Bar for three years. Prior to this, I was the General Manager at Halfway II Heaven, which is another LGBT premises operated by Stonegate in Westminster. I undertook that role for four years, and was originally employed by the previous owners and operators, Mitchells & Butlers Leisure Retail Limited and then by Stonegate when they purchased the premises in 2010. Before working at Halfway II Heaven, I worked at the Black Cap in Camden for seven years.

### Current Premises Licence and Operation

4. Rupert Street Bar is a premium brand, cocktail led bar catering for the LGBT community. It is part of the Soho community.
5. Our customers in the main are regulars and locals, although we do welcome people who are new to us. The premises operates with a ratio of roughly 90:10 male to female customers on Monday to Friday. On Friday nights and Saturday daytime, the ratio is around 75:25 male to female.
6. Customers can reserve tables or small areas. We have also had events where people hire the whole premises. For example, Soho Estates recently hired the whole premises for a Raymond Revue function. The event was hugely successful and well managed.
7. Our drinks offer is high quality and well priced for the area. A bottle of house wine starts at around £13.95 and a pint of lager starts at around £4.10. Cocktails are around £7.95.
8. We offer entertainment in the form of DJs on Friday and Saturday nights and occasionally on Bank Holiday Sundays.

Signature: 

Signature witnessed by 

Document Ref: 2145099565

9. Smokers can currently use the outside area freely under the control and management of staff. When we operate under Temporary Event Notices, we often restrict smokers from taking alcohol outside after around midnight.
10. On Fridays and Saturdays we operate with two door staff from 7pm until around 30 minutes after close.
11. Around 45 minutes prior to closing we start to lower the volume of the music and the lights start being turned up until close. If a DJ is playing the music stops 15 minutes prior to closing. Security staff will then walk around the venue asking people to leave the premises.
12. At the moment we are at busiest at around 10.30pm to 11pm. After this, our customers begin leaving us in search of a club or bar with later hours, either in Soho or further afield in London.
13. We currently employ 17 people, including four managers, bar staff and a cloakroom attendant. Our employment record is very stable and we keep people for a long time.
14. We are very involved in our local community and in charitable fundraising. We recently organised a fundraiser for Pride and also helped raise money for a local man who ran this year's London Marathon for the Terrence Higgins Trust.
15. Since I have worked at Rupert Street, I am not aware of any incidents of crime and disorder whatsoever. We do not attract the type of clientele that cause problems and we monitor intoxication by maintaining close supervision of our customers in a professional and friendly manner.
16. We have also only had one incident of public nuisance that I am aware of, which related to an alarm going off. This was quickly rectified and there have been no noise complaints since. We have neighbours who live upstairs the premises and they have never brought any concerns of noise nuisance to our attention. The premises operates with a noise limiter and we shut the doors when we have DJs playing.

#### Relationships with Others

17. We work very closely with the authorities and the community within which we operate. We know the local council and police officers well and have good working relationships with them.
18. We are members of the Soho Business Forum which meets once per month and includes all the bars in Soho as members. Either myself or Chris Jacobs or Brian Hoolichan, who are Deputy Managers at Rupert Street, will attend.
19. We are also involved in the Gay Business Forum. This group meets less regularly but discusses topical issues for the LGBT community in Soho, such as Pride, and safety management issues.
20. I work well with both Nigel Andrews, Area Manager, and Paul Wright, Operations Director for Stonegate. Nigel is always available to provide guidance if needed and remains in close contact with myself and my staff.

#### Reasons for Variation

Signature: .....

Signature witnessed by .....

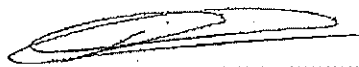


21. We would like to open later as our customers would like us to be open later. In particular, our regulars and members of the Soho community have told us they would like to stay with us later than our current hours allow. They feel safe here and are enjoying their night and don't want to have to rush to finish their drinks to get to another venue which is open later. We have conducted exit surveys of our customers which clearly show most customers leave our premises with the intention of attending another licensed premises. They have not finished their evening. The exit survey information can be seen at Exhibit KN1.
22. There is great demand for what we want to offer as Rupert Street is a unique premises in Soho. It is a bar, not a nightclub, and people want to sit, talk and relax in friendly and stylish surroundings.
23. If we were to obtain later hours, these would be operated in accordance with our current good practices and the proposed new membership scheme and robust operating schedule. This has been designed specifically for the premises.
24. We feel that this licence would promote the licensing objectives as our customers would stay with us rather than migrate across the stress areas and other areas of Westminster. We can then manage a safe and gradual dispersal with minimal impact on the area.

#### Use of Temporary Event Notice and Exit Surveys

1. We have operated using Temporary Event Notices to enable us to trade to a later hour on numerous occasions. A schedule of Temporary Event Notices can be seen as Exhibit KN2.
2. In particular, we recently used a Temporary Event Notice for Pride, which enabled us to open until 3am. Pride is a very busy event and lots of people visit Soho, however the clientele are always exceptionally behaved and have a good attitude. During Pride, we will operate a normal bar with a DJ and increase the door staff as appropriate and it has always been a successful and enjoyable event.

Signed:



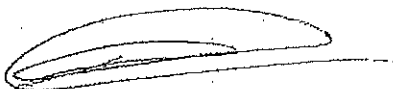
Print Name:

Karl Nixon

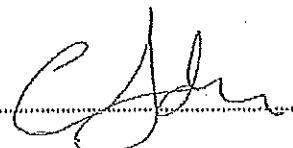
Date:

10/08/15

Signature:

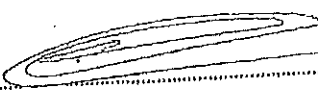


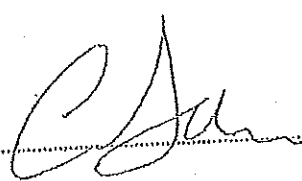
Signature witnessed by



# EXHIBIT KN1

## Exit Surveys

Signature: 

Signature witnessed by 

# RUPERT STREET, LONDON

## Exit Surveys

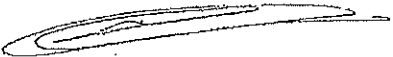
Exit surveys were undertaken at the premises. Customers were asked where they were intending to go on leaving the premises.

A summary of the results are set out below.

- 21.2% of people were leaving to attend late night premises in Westminster's stress area. These include:-
  - Shadow Lounge, which has a premises licence permitting alcohol sales to 03:00 hours Monday to Saturday, with closing at 03:30 hours.
  - Ku Bar, which has a premises licence permitting alcohol sales until 03:00 hours Monday to Saturday, with closing at 03:30 hours
- 15.8% of people were leaving to attend late night premises in Westminster outside the stress area. These include:-
  - Heaven, which has a premises licence permitting alcohol sales to 06:00 hours, seven days a week, and 24 hour opening.
- 31.4% of people were leaving to attend late night premises in neighbouring boroughs. This includes premises in Vauxhall and in Clapham. These include:
  - Pulse, which has a premises licence permitting alcohol sales and opening for 24 hours, seven days a week.
- 31.6% of people were leaving the premises to go home.

# EXHIBIT KN2

## Schedule of Temporary Event Notices

Signature: 

Signature witnessed by 

# RUPERT STREET, LONDON

## Evidence of Temporary Event Notices

Day	Date	Terminal Hour for Licensable Activities
Saturday night into Sunday morning	19 April 2014	01:00 hours
Saturday night into Sunday morning	29 June 2014	01:00 hours
Saturday night into Sunday morning	24 August 2014	01:00 hours
Saturday night into Sunday morning	28 September 2014	01:00 hours
Friday night into Saturday morning	1 November 2014	01:00 hours
Saturday night into Sunday morning	31 May 2015	02:00 hours
Saturday night into Sunday morning	7 June 2015	01:00 hours
Saturday night into Sunday morning	14 June 2015	01:00 hours
Saturday night into Sunday morning	21 June 2015	01:00 hours
Saturday night into Sunday morning	28 June 2015	03:00 hours

## Statement

Statement of: Chris Jacobs

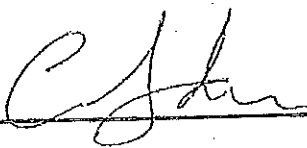
Age: Over 18

Occupation: Deputy Manager, Rupert Street Bar

This statement (consisting of [ 2 ] pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated: 10.06.15

Signature:



### Personal

1. My name is Chris Jacobs and I live at 56 William Bonney Estate, London SW4 7JA.
2. I am employed by Stonegate Pub Company Limited as the Deputy Manager of Rupert Street, 50 Rupert Street, London W1D 6DR.
3. I have been employed by Stonegate Pub Company since they acquired the business and have worked at Rupert Street Bar for 15 years. Prior to this, I worked at a 24 hour night club in Australia.

### History of Rupert Street Bar

4. The premises used to be an amusement arcade and it became Rupert Street Bar just over 17 years ago.
5. I have worked at Rupert Street Bar for 15 years and know the premises and Soho very well.
6. Rupert Street is part of the Soho community. Our customers are very loyal to the premises, for example, I remember the people who came here as young professionals and they still come here many years later and mix with a new crowd of young professionals. I believe their loyalty reflects their enjoyment of the premium offer at Rupert Street in a safe and comfortable environment.
7. In all the years I have worked at Rupert Street, I can only recall one incident of crime and disorder which happened around 8 years ago. The offender was caught that night and arrested. I recall that management swiftly dealt with the incident and worked closely with the Police.
8. We do not cause a noise nuisance to our neighbours and, apart from one incident where the alarm went off, have not received any complaints of noise.

### Experiences of Soho

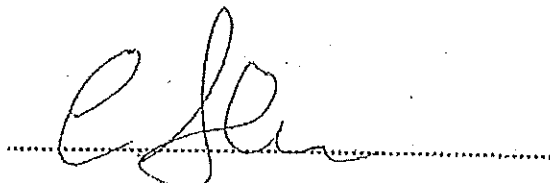
Signature:

Document Ref: 2145099363

Signature witnessed by

9. Having worked in Soho for over 15 years I have seen it change in that time. There used to be a lot of LGBT venues in Soho including Profile, Green Carnation, Man Bar, Madame Jojos and Escape. All of these have now closed so there is limited choice for the LGBT community.
10. There are no other similar premises opening late in Soho that cater for the LGBT community. There are clubs in London with later hours so when people leave us at around midnight they will travel either within Soho or across London. As well as the larger nightclubs in Vauxhall and Clapham, customers will leave us to go to nearby premises such as Circa, Village or Edge.

Signed:



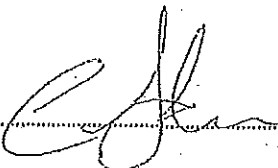
Print Name:

CHRISTOPHER JACOBS

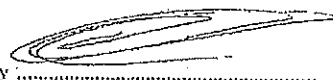
Date:

10 08 15

Signature:



Signature witnessed by:



Mr David Gleeson  
The Soho Society



Via post and email

Date: 10 August 2015  
Our ref: CE/LMO/L10630-8697  
Doc Ref: 2145146920  
Your ref:  
E-mail: c.eames@popall.co.uk  
Direct line: 0203 078 7486

Dear Mr Gleeson

Rupert Street, 50 Rupert Street, London  
New Premises Licence application  
Hearing 20<sup>th</sup> August 2015

I act on behalf of Stonegate Pub Company Ltd in relation to the application for a new premises licence for Rupert Street.

I apologise for the delay in contacting you, however I was only provided with a copy of your representation last week.

My client considers themselves to be a valuable part of the Soho community and has carefully put together an application that they consider would not undermine the licensing objectives and I will shortly be providing you with a copy of an evidence bundle to be submitted in support of the application.

In the meantime my client would welcome the opportunity to meet with you face to face or over the telephone at your convenience to discuss your concerns in more detail and also explain to you my client's proposals in more detail.

If you would like to discuss the matter further with me or for me to arrange a meeting with my client, then please do not hesitate to contact me on the details below. For any reason I am not available then please contact my colleague Helen Cardy.

Clare Eames - 020 30787486 [c.eames@popall.co.uk](mailto:c.eames@popall.co.uk)  
Helen Cardy - 020 30787489 [h.cardy@popall.co.uk](mailto:h.cardy@popall.co.uk)

Yours sincerely

Clare Eames  
Poppleston Allen



Mr Kenneth White  
[REDACTED]  
[REDACTED]

Via post and email

Date: 10 August 2015

Our ref: CE/LMO/L10630-8697  
Doc Ref: 2145146862

Your ref:  
E-mail: c.eames@popall.co.uk

Direct line: 0203 078 7486

Dear Mr White

Rupert Street, 50 Rupert Street, London  
New Premises Licence application  
Hearing 20<sup>th</sup> August 2015

I act on behalf of Stonegate Pub Company Ltd who made an application in March of this year for a new premises licence.

I was only provided with a copy of your representation last week and therefore apologise for the delay in contacting you.

My client would welcome the opportunity to meet with you face to face or over the telephone, whichever is more convenient to discuss your representation in more detail.

I will shortly be sending you a copy of an evidence bundle that we are submitting in support of the application which includes a document that details the membership scheme so as to ensure that it is operated in a robust manner.

If you would like to discuss the matter further with me or for me to arrange a meeting with my client, then please do not hesitate to contact me on the details below. For any reason I am not available then please contact my colleague Helen Cardy.

Clare Eames - 020 30787486 [c.eames@popall.co.uk](mailto:c.eames@popall.co.uk)  
Helen Cardy - 020 30787489 [h.cardy@popall.co.uk](mailto:h.cardy@popall.co.uk)

Yours sincerely



Clare Eames  
Poppleston Allen

# LICENSING MANUAL

## England and Wales

Premises Name:

---

Address:

---

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---

---

---

DPS Name:

---

Tel no:

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Area Manager Name:

---

Tel no:

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## CONTENTS

1. Guidance on How to Use and Complete This Manual
2. Licensing Manual Training Sign Off Sheet for Management Team
3. Record of Licences Held
4. Complete List of Mandatory Conditions
5. Certified Copy Premises Licence and All Other Licences (Tables and Chairs, Gaming Permits)
6. Details of Temporary Event Notices at Premises for Current Calendar Year
7. Details of Personal Licence Holders at Premises
8. Bar Staff Authorisation/ DPS Authorisation Sign Off Sheets
9. Key Contact Details, i.e. Police, Council, Head Office, Solicitors
10. Company Licensing Policies
  - a. Social Responsibility Policy
  - b. Underage Sales and Age Verification Policy
  - c. Dispersal Policy
  - d. Outside Areas Policy
  - e. Search Policy
  - f. Drugs Policy
  - g. Lost Property Policy
  - h. Mobile Phone and Theft Policy
  - i. Door Staff Policy
  - j. Drink Spiking Policy
  - k. Children Policy
  - l. Entry Queues Policy
  - m. Floor Walkers' Policy
  - n. Intoxicated Customer Policy
  - o. Crime Reporting and Crime Scene Preservation Policy
  - p. Disorder Strategy Policy and Conflict Management
  - q. Noise Management Policy
  - r. Glassware and Glass Collection Policy
  - s. Vulnerability Awareness and Duty of Care Policy
  - t. Capacity Policy
11. Risk Assessments and Action Plans
  - a. High Profile Event Risk Assessment

- b. Drug Awareness Action Plan
- 12. Minutes of Pubwatch Meetings
- 13. Minutes of Residents' Meetings
- 14. Minutes of Other Meetings
- 15. Any Other Business

## DISPERSAL POLICY

This Policy details the actions which need to be taken with regard to compliance with the Licensing Act 2003. It is also designed to improve the wider management of the late night economy by detailing the steps which need to be taken to reduce the potential for disorder and disturbance.

It is considered by the Company that the majority of disturbance and disorder is likely to occur as a result of a poorly thought out approach to managing the end of night period. The following Policy sets out the steps which should be taken at the end of the trading session to minimise the potential for disorder and disturbance as customers leave the premises. This includes measures to disperse customers over an extended period and also to ensure customers leave the venue in an orderly fashion and without bottles or glasses.

It is recognised that the Company has no direct jurisdiction outside of the boundaries of Company premises although we will continue to use our best endeavours to encourage customers to leave the immediate area in an appropriate fashion.

### Key Control Measures for All Sites

#### 1. Progressive Winding Down

In all instances the premises should ensure that the playing of music, which includes recorded music, live music and DJ music (where provided) is progressively wound down over the last half hour of the trading session, or immediately after the service of alcohol ceases. During this period it is the responsibility of the General or Duty Manager to ensure music is played which is of a quieter nature and a lower BPM.

Lighting levels throughout the premises should be gradually increased over the same period and not raised in a single step just prior to closure.

#### 2. Announcements and Signage

Towards the end of the night announcements should be made, if possible, which include the following:-

- a) All customers are reminded that they must not take alcohol off the premises and this should be enforced by the provision of appropriate signage at the exit points of the venue and also all door supervisors must ensure that bottles and glasses are removed from any customers who are attempting to leave the premises with them.
- b) Customers should be asked to leave the premises in an orderly manner. Again, signage should be erected at appropriate exit points thanking them for their custom and requesting in addition that customers are considerate when they leave the premises.

- c) Details of local public transport and / or taxi services should be easily available to customers to enable them to disperse easily. This can be achieved by means of signage or by the availability of business cards for local taxi companies.

### **3. Door Supervisor's Role**

Where utilised, it is the responsibility of the Door Team, in conjunction with the Site Management Team, to use their best endeavours to ensure:

- a) Customers who are leaving the premises do so in a quiet and orderly manner.
- b) If groups of customers are found to be loitering outside the premises after leaving they should be politely asked to move on.
- c) No bottles or glasses are permitted to be taken outside the site.
- d) Customers should be encouraged to leave gradually over the permitted period of "drinking up time".
- e) The practice of "herding out" customers as soon as service of alcohol has ceased should be discouraged and customers should be encouraged to leave gradually over the course of "drinking up" time.
- f) Members of the Door Team should be visible outside the unit for a period of time after closing until all groups of customers have left the vicinity.

### **4. General / Duty Manager's Role**

It is the ultimate responsibility of the General or Duty Manager to ensure that:-

- a) The Door Team are acting effectively and responsibly in line with their responsibilities detailed above.
- b) Customers are not causing any disturbance or nuisance within the vicinity of the unit. If any disturbance is occurring then customers should be asked politely to move on, if safe to do so, or authorities should be called to assist if situation becomes hostile.
- c) A member of the Management Team should be visible with the Door Team until all groups of customers have dispersed.

Summary of hours for other premises licences

**Heaven Nightclub, 10A The Arches, London WC2N 6NG:**

Sale of alcohol hours:

Monday to Saturday: 10:00 to 06:00  
Sunday: 12:00 to 06:00

Opening hours:

Monday to Sunday: 00:00 to 00:00

No last entry condition on the current licence.

**Shadow Lounge, 3-7 Brewer Street, London W1F 0RD:**

Sale of alcohol hours:

Monday to Saturday: 10:00 to 03:00  
Sunday: 12:00 to 00:00

Opening hours:

Monday to Saturday: 09:00 to 03:30  
Sunday: 09:00 to 00:00

No last entry condition on the current licence.

**Ku Bar, 29-30 Lisle Street, London WC2H 7BA:**

Sale of alcohol hours:

*Basement:*

Monday to Saturday: 10:00 to 03:00  
Sunday: 12:00 to 00:00

*Ground and First Floors:*

Monday to Thursday: 10:00 to 23:00  
Friday to Saturday: 10:00 to 00:00  
Sunday: 12:00 to 22:30  
Sunday before Bank Holidays: 12:00 to 00:00

Opening hours:

*Basement:*

Monday to Saturday: 09:00 to 03:30  
Sunday: 12:00 to 00:00

### Summary of hours for other premises licences

#### *Ground and First Floors:*

Monday to Thursday:	10:00 to 23:30
Friday to Saturday:	10:00 to 00:00
Sunday:	12:00 to 22:30
Sundays before Bank Holidays:	12:00 to 00:00

No last entry condition on the current licence.

#### **Pulse, 1-4 Blackfriars Arches, Invicta Plaza, London SE1 9UF:**

#### Sale of alcohol hours:

Monday to Sunday:	00:00 to 00:00
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#### Opening hours:

Monday to Sunday:	00:00 to 00:00
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No last entry condition on the current licence.





# City of Westminster

64 Victoria Street, London, SW1E 6QP

Schedule 12  
Part A

WARD: St James's  
UPRN: 100023432596

## Premises licence

Regulation 33, 34

Premises licence number:

13/03724/LIPVM

Original Reference:

12/11053/LIPN

### Part 1 – Premises details

Postal address of premises:

Halfway II Heaven  
7 Duncannon Street  
London  
WC2N 4JF

Telephone Number: 0207 484 0736

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Performance of Dance  
Exhibition of a Film  
Indoor Sporting Event  
Performance of Live Music  
Playing of Recorded Music  
Late Night Refreshment  
Sale by Retail of Alcohol

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

**Performance of Dance**  
Monday to Thursday: 10:00 to 01:00  
Friday to Saturday: 10:00 to 03:00  
Sunday: 10:00 to 23:00  
Non-standard Timings: See condition 46 & 47

**Exhibition of a Film**  
Monday to Thursday: 10:00 to 01:00  
Friday to Saturday: 10:00 to 03:00  
Sunday: 10:00 to 23:00  
Non-standard Timings: See condition 46 & 47

**Indoor Sporting Event**  
Monday to Thursday: 10:00 to 01:00  
Friday to Saturday: 10:00 to 03:00  
Sunday: 10:00 to 23:00  
Non-standard Timings: See condition 46 & 47

**Performance of Live Music**

Monday to Thursday:	10:00 to 01:00
Friday to Saturday:	10:00 to 03:00
Sunday:	10:00 to 23:00

Non-standard Timings: See condition 46 & 47

**Playing of Recorded Music**

Monday to Thursday:	10:00 to 01:00
Friday to Saturday:	10:00 to 03:00
Sunday:	10:00 to 23:00

Non-standard Timings: See condition 46 & 47

**Late Night Refreshment**

Monday to Thursday:	23:00 to 01:00
Friday to Saturday:	23:00 to 03:00

Non-standard Timings: See condition 46 & 47

**Sale by Retail of Alcohol**

Monday to Thursday:	10:00 to 01:00
Friday to Saturday:	10:00 to 03:00
Sunday:	10:00 to 23:00

Non-standard Timings: See condition 46 & 47

**The opening hours of the premises:**

Monday to Thursday:	10:00 to 01:30
Friday to Saturday:	10:00 to 03:30
Sunday:	10:00 to 23:30

**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:**

Stonegate Pub Company Limited  
Porter Tun House  
500 Capability Green  
Luton  
LU1 3LS

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

FC029833

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

Name: Mr Elliott Rubio

*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: 01SX-LN/199904955

Licensing Authority: London Borough of Barnet

Date: 18<sup>th</sup> June 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.
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.

**Annex 2 – Conditions consistent with the operating Schedule**

None.

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

10. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
11. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
12. Where the premises trade beyond midnight for the sale of alcohol, there shall be a minimum of two security staff on duty at the premises from 22:00hrs until the end of permitted licensing hours. At all other times the premises shall risk assess the requirement for security staff.
13. Where the premises trade beyond midnight for the sale of alcohol on Fridays and Saturdays, a minimum of one SIA security staff shall be stationed on the building line on the premises in Duncannon Street from midnight until all patrons have dispersed from the area. Security staff to wear a Hi Viz yellow jacket. The requirement for additional door staff will be based on risk assessment.
14. A mobile number for members of management at the premises shall be available on request to any person wishing to comment about the operation of the premises.
15. On Fridays and Saturdays, there shall be no new entry to customers after 01:00, save for customers already inside the premises who wish to temporarily leave to smoke.
16. Where the premises trade beyond midnight for the sale of alcohol, a personal licence holder shall be on duty from 23:00hrs whilst the premises are open to the public.
17. There shall be no sales of alcohol for consumption off the premises after 23.00.
18. All tables and chairs shall be removed from the outside area by 23.00 each day.
19. The inner lobby doors to the premises shall remain closed at all times after 23:00hrs except for immediate access and egress of customers.
20. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
21. 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.
22. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents in the vicinity.
23. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
24. 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.

25. A proof of age scheme, such as Challenge 21, shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.
26. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received
  - (d) any incidents of disorder
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system or searching equipment or scanning equipment
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service.
27. Except for immediate access and egress, all windows and external doors shall be kept closed after 23:00 hours or whenever Regulated Entertainment is provided.
28. The number of persons permitted at the premises at any one time (including staff) shall not exceed 140 with the following local restrictions ;  
  
Ground floor - 80  
Basement - 60
29. Unless the premises are operating under the benefit of a Sexual Entertainment Venue licence there shall be no striptease, no nudity and all persons to be decently attired at all times.
30. After midnight regulated entertainments shall only be provided in the basement with the exception of the exhibition of films which can also take place on the ground floor.
31. The provision of films shall be incidental to other licensable activities and there shall be no cinema style showing of films.
32. After midnight patrons temporarily leaving the premises such as for the purposes of smoking shall not take any drinks with them.
33. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0700 hours
34. Flashing or particularly bright lights from the premises shall not cause a nuisance to nearby properties.
35. Any special effects or mechanical installations shall be arranged and stored so as to minimise 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.
36. 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 person 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.

37. 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.
38. 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.
39. All exit doors shall be available at all material times without the use of a key, code, card or similar means.
40. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.
41. 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.
42. Curtains and hangings shall be arranged so as not to obstruct emergency signs.
43. All electrical sockets used to supply power for hand held electrical equipment shall be protected by a residual current device of 30 millamps sensitivity complying with British Standard Specification 4293: 1993.
44. 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
45. As soon as possible, and in any event within 1 month from the grant of this licence, the premises shall join the local pubwatch or other local crime reduction scheme approved by the police, and local radio scheme if available.
46. The opening hours and all licensable activities and shall be permitted from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
47. The opening hours and all licensable activities shall be extended by an additional hour to the terminal hour on the commencement of British Summer Time.

## Annex 4 – Plans



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

**Schedule 12  
Part B**

**WARD: St James's  
UPRN: 100023432596**

**Premises licence  
summary**

**Regulation 33, 34**

**Premises licence number:**

**13/03724/LIPVM**

**Part 1 – Premises details**

**Postal address of premises:**

Halfway II Heaven  
7 Duncannon Street  
London  
WC2N 4JF

**Telephone Number: 0207 484 0736**

**Where the licence is time limited, the dates:**

Not applicable

**Licensable activities authorised by the licence:**

Performance of Dance  
Exhibition of a Film  
Indoor Sporting Event  
Performance of Live Music  
Playing of Recorded Music  
Late Night Refreshment  
Sale by Retail of Alcohol

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

**Performance of Dance**  
Monday to Thursday: 10:00 to 01:00  
Friday to Saturday: 10:00 to 03:00  
Sunday: 10:00 to 23:00  
Non-standard Timings: See condition 46 & 47

**Exhibition of a Film**  
Monday to Thursday: 10:00 to 01:00  
Friday to Saturday: 10:00 to 03:00  
Sunday: 10:00 to 23:00  
Non-standard Timings: See condition 46 & 47

**Indoor Sporting Event**  
Monday to Thursday: 10:00 to 01:00  
Friday to Saturday: 10:00 to 03:00  
Sunday: 10:00 to 23:00

Non-standard Timings: See condition 46 & 47

**Performance of Live Music**

Monday to Thursday:	10:00 to 01:00
Friday to Saturday:	10:00 to 03:00
Sunday:	10:00 to 23:00

Non-standard Timings: See condition 46 & 47

**Playing of Recorded Music**

Monday to Thursday:	10:00 to 01:00
Friday to Saturday:	10:00 to 03:00
Sunday:	10:00 to 23:00

Non-standard Timings: See condition 46 & 47

**Late Night Refreshment**

Monday to Thursday:	23:00 to 01:00
Friday to Saturday:	23:00 to 03:00

Non-standard Timings: See condition 46 & 47

**Sale by Retail of Alcohol**

Monday to Thursday:	10:00 to 01:00
Friday to Saturday:	10:00 to 03:00
Sunday:	10:00 to 23:00

Non-standard Timings: See condition 46 & 47

**The opening hours of the premises:**

Monday to Thursday:	10:00 to 01:30
Friday to Saturday:	10:00 to 03:30
Sunday:	10:00 to 23:30

**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:**

Stonegate Pub Company Limited  
Porter Tun House  
500 Capability Green  
Luton  
LU1 3LS

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

FC029833

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

Name: Mr Elliott Rubio

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

Restricted

**Date:** 18<sup>th</sup> June 2013

**Signed:** pp  
Operational Director - Premises Management

**LICENSING SUB-COMMITTEE No. 1**  
*Thursday 21 February 2013*

Membership: Councillor Audrey Lewis (Chairman), Councillor Nicholas Evans and Councillor Ahmed Abdel-Hamid

Legal Adviser: Barry Panto  
 Policy Adviser: Chris Wroe  
 Committee Services: Mick Steward

Relevant Representations: Environmental Health (Anil Drayan)

Present: Clare Eames (Solicitor for Applicant), Paul Wright (Operations Director), Elliot Rubio, Designated Premises Supervisor

<b>Halfway To Heaven, 7 Duncannon Street, WC2</b> <b>12/11053/LIPN</b>	
<b>1.</b>	<b>Regulated Entertainment: Indoors and Outdoors</b>
	<b>Performance of Dance</b> <b>Exhibition of Films</b> <b>Indoor Sporting Events</b> <b>Performance of Live Music</b> <b>Playing of Recorded Music</b>  Sunday to Thursday – 10:00 to 01:00 Friday to Saturday – 10:00 to 03:00.
	Amendments to application advised at hearing: None. It was noted that after midnight regulated entertainment would only take place in the Basement in accordance with proposed Condition 32.
	Decision (including reasons if different from those set out in report):  Granted subject to the conditions set out below.
<b>2.</b>	<b>Late Night Refreshment: Indoors</b>
	Sunday to Thursday – 23:00 to 01:00 Friday to Saturday – 23:00 to 03:00.
	Amendments to application advised at hearing: None.

	Decision (including reasons if different from those set out in report):  Granted subject to the conditions set out below.
<b>3.</b>	<b>Supply of Alcohol: On and Off the Premises</b>
	Sunday to Thursday – 10:00 to 01:00 Friday to Saturday – 10:00 to 03:00.
	Amendments to application advised at hearing: The applicant withdrew that part of the application which related to off sales after 23:00.
	Decision (including reasons if different from those set out in report):  Granted subject to the above amendment and the conditions set out below.
<b>4.</b>	<b>Opening Hours</b>
	Sunday to Thursday – 10:00 to 01:30 Friday to Saturday – 10:00 to 03:30.
	Amendments to application advised at hearing: None
	Decision (including reasons if different from those set out in report):  Granted subject to the conditions set out below.
<b>5.</b>	<b>Non- Standard Timings:</b>
	<b>For Regulated Entertainment, Late Night Refreshment and Sale of Alcohol:</b>  (i) From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.  (ii) An additional hour to the terminal hour on the commencement of British Summer Time.
	Amendments to application advised at hearing: None.
	Decision (including reasons if different from those set out in report):

Granted subject to the conditions set out below. The Sub-Committee heard from Solicitors acting for the applicant who outlined the reasons for making an application for a new licence as opposed to seeking a variation to the existing licence. She explained the background to the company, including the number of premises in Westminster. The premises had recently celebrated its 21<sup>st</sup> anniversary under its current title. The new licence was being applied for due to the significant number of changes and an indication was given to the effect that the existing licence would be surrendered upon the granting of a new licence. Clare Eames advised that no residents lived nearby the premises which were located close to the night buses and Charing Cross Station. The sale of alcohol for off sales after 23.00 was removed from the application by the applicants at the hearing. The applicants also confirmed that the conditions requested by Environmental Health were all acceptable which included the location of all regulated entertainment in the basement after midnight (apart from the exhibition of films).

Anil Drayan, Environmental Health Officer, confirmed that there was no history of concerns regarding these premises. The Police had also confirmed that they had no concerns provided the Pubwatch condition was agreed.



### Conditions attached to the Licence

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.
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. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
11. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.

12. Where the premises trade beyond midnight for the sale of alcohol, there shall be a minimum of two security staff on duty at the premises from 22:00hrs until the end of permitted licensing hours. At all other times the premises shall risk assess the requirement for security staff.
13. Where the premises trade beyond midnight for the sale of alcohol on Fridays and Saturdays, a minimum of one SIA security staff shall be stationed on the building line on the premises in Duncannon Street from midnight until all patrons have dispersed from the area. Security staff to wear a Hi Viz yellow jacket. The requirement for additional door staff will be based on risk assessment.
14. A mobile number for members of management at the premises shall be available on request to any person wishing to comment about the operation of the premises.
15. On Fridays and Saturdays, there shall be no new entry to customers after 01:00, save for customers already inside the premises who wish to temporarily leave to smoke.
16. Where the premises trade beyond midnight for the sale of alcohol, a personal licence holder shall be on duty from 23:00hrs whilst the premises are open to the public.
17. There shall be no sales of alcohol for consumption off the premises after 23.00.
18. All tables and chairs shall be removed from the outside area by 23.00 each day.
19. The inner lobby doors to the premises shall remain closed at all times after 23:00hrs except for immediate access and egress of customers.
20. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
21. 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.
22. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents in the vicinity.
23. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
24. 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.
25. A proof of age scheme, such as Challenge 21, shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.
26. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received
  - (d) any incidents of disorder

- (e) all seizures of drugs or offensive weapons
- (f) any faults in the CCTV system or searching equipment or scanning equipment
- (g) any refusal of the sale of alcohol
- (h) any visit by a relevant authority or emergency service.

27. Except for immediate access and egress, all windows and external doors shall be kept closed after 23:00 hours or whenever Regulated Entertainment is provided.
28. The number of persons permitted at the premises at any one time (including staff) shall not exceed 140 with the following local restrictions ;  
  
Ground floor – 80  
Basement – 60
29. Unless the premises are operating under the benefit of a Sexual Entertainment Venue licence there shall be no striptease, no nudity and all persons to be decently attired at all times.
30. After midnight regulated entertainments shall only be provided in the basement with the exception of the exhibition of films which can also take place on the ground floor.
31. The provision of films shall be incidental to other licensable activities and there shall be no cinema style showing of films.
32. After midnight patrons temporarily leaving the premises such as for the purposes of smoking shall not take any drinks with them.
33. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0700 hours
34. Flashing or particularly bright lights from the premises shall not cause a nuisance to nearby properties.
35. Any special effects or mechanical installations shall be arranged and stored so as to minimise 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:
  - dry ice and cryogenic fog
  - smoke machines and fog generators
  - pyrotechnics including fire works
  - firearms
  - lasers
  - explosives and highly flammable substances.
  - real flame.
  - strobe lighting.
36. 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 person 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.

37. 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.
38. 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.
39. All exit doors shall be available at all material times without the use of a key, code, card or similar means
40. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.
41. 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.
42. Curtains and hangings shall be arranged so as not to obstruct emergency signs.
43. All electrical sockets used to supply power for hand held electrical equipment shall be protected by a residual current device of 30 milliamps sensitivity complying with British Standard Specification 4293: 1993.
44. The certificates listed below shall be submitted to the Licensing Authority upon written request:
  - Any emergency lighting battery or system
  - Any electrical installation
  - Any emergency warning system
45. This licence shall not take effect until:
  - (i) Notice of surrender of licence number 12/08529/LIPDPS (and any other licence as may be in force at the premises), accompanied by the premises licence, has been given by the premises licence holder to the Licensing Authority under section 28 of the Licensing Act 2003 (the Act).
46. As soon as possible, and in any event within 1 month from the grant of this licence, the premises shall join the local pubwatch or other local crime reduction scheme approved by the police, and local radio scheme if available.



# City of Westminster

64 Victoria Street, London, SW1E 6QP

Schedule 12  
Part A

WARD: St James's  
UPRN: 100023432596

## Premises licence

Regulation 33, 34

Premises licence number:

12/08529/LIPDPS

Original Reference:

05/04284/LIPCV

### Part 1 – Premises details

#### Postal address of premises:

Half Way To Heaven  
7 Duncannon Street  
London  
WC2N 4JF

Telephone Number: 020 7484 0736

#### Where the licence is time limited, the dates:

Not applicable

#### Licensable activities authorised by the licence:

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

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

Exhibition of a Film  
Monday to Saturday: 10:00 to 00:00  
Sunday: 10:00 to 23:00

Indoor Sporting Event  
Monday to Saturday: 10:00 to 00:00  
Sunday: 10:00 to 23:00

Playing of Recorded Music Unrestricted

Late Night Refreshment  
Monday to Saturday: 23:00 to 00:00

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

**Sale by Retail of Alcohol**

Monday to Saturday:

10:00 to 00:00

Sunday:

10:00 to 23:00

*For times authorised for New Year see conditions at Annex 1 & 3*

**The opening hours of the premises:**

Monday to Saturday:

10:00 to 00:30

Sunday:

12:00 to 23:30

**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:**

Stonegate Pub Company Limited

Porter Tun House

500 Capability Green

Luton

Bedfordshire

LU1 3LS

Electronic Mail : e.lamb@popall.co.uk

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

FC029833

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

Name:

Mr Elliott Rubio

*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: 01SX/LN/199904955  
Licensing Authority: London Borough Of Barnet

Date: 17 October 2012

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. 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.
5. (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.
6. 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).

7. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
8.
  - (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.
9. 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 which reproduce the effect of any restriction imposed on the use of the premises by specified enactments**

10. 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

11. Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours.

In this condition, permitted hours means:

- (a) On Monday to Saturday 10.00 to 00.00.
- (b) On Sundays 10.00 to 23.00
- (c) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, 00.00 midnight on 31st December).

NOTE - The above restrictions do not prohibit:

- (a) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (c) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (d) 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;
- (e) the taking of alcohol from the premises by a person residing there;
- (f) 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;
- (g) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business
- (a) carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

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

- 12. Further 30 minutes drinking up time to be allowed.
- 13. Credit card sales to be allowed subject to the proviso that customers are to be presented with an itemised bill.
- 14. All persons under the age of 14 shall be accompanied at all times by an adult. No person under 14 shall be allowed to remain in the bar area after 9pm (9.30pm if taking a table meal accompanied by an adult).
- 15. Additionally, licensable activities are permitted for a maximum of one extra hour on a number of occasions, not exceeding 12 occasions annually, in addition to the hours already permitted above, details of the event to be notified to the Licensing Authority, the Environmental Health Department and the police at least 10 days beforehand, with the police giving their prior written consent in each case.

## Annex 4 -- Plans

Attached



**City of Westminster**

64 Victoria Street, London, SW1E 6QP

Schedule 12  
Part B

Premises licence  
summary

WARD: St James's  
UPRN: 100023432596

Regulation 33, 34

Premises licence number:

12/08529/LIPDPS

**Part 1 – Premises details**

**Postal address of premises:**

Half Way To Heaven  
7 Duncannon Street  
London  
WC2N 4JF

**Telephone Number:** 020 7484 0736

**Where the licence is time limited, the dates:**

Not applicable

**Licensable activities authorised by the licence:**

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

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

**Exhibition of a Film**

Monday to Saturday:  
Sunday:

10:00 to 00:00  
10:00 to 23:00

**Indoor Sporting Event**

Monday to Saturday:  
Sunday:

10:00 to 00:00  
10:00 to 23:00

**Playing of Recorded Music**

Unrestricted

**Late Night Refreshment**

Monday to Saturday:

23:00 to 00:00

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

**Sale by Retail of Alcohol**

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

*For times authorised for New Year see conditions at Annex 1 & 3*

**The opening hours of the premises:**

Monday to Saturday:	10:00 to 00:30
Sunday:	12:00 to 23:30

**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:**

Stonegate Pub Company Limited  
Porter Tun House  
500 Capability Green  
Luton  
Bedfordshire  
LU1 3LS

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

FC029833

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

Name: Mr Elliott Rubio

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

Restricted

Date: 17 October 2012

Signed: pp  
Operational Director - Premises Management



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

Schedule 12  
Part A

WARD: St James's  
UPRN: 010033544601

Premises licence

Regulation 33, 34

Premises licence number:

15/06119/LIPCH

Original Reference:

05/06314/LIPCV

**Part 1 -- Premises details**

**Postal address of premises:**

Heaven Nightclub  
10A The Arches  
London  
WC2N 6NG

**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  
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:

00:00 to 00:00

**Exhibition of a Film**  
Monday to Sunday:

00:00 to 00:00

**Performance of Live Music**  
Monday to Sunday:

00:00 to 00:00

**Playing of Recorded Music**



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

Monday to Sunday: 00:00 to 00:00

**Performance of a Play**

Monday to Saturday: 09:00 to 00:00

Sunday: 14:00 to 00:00

Non-standard Timings: Condition 41

**Late Night Refreshment**

Monday to Sunday: 23:00 to 05:00

**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**

Monday to Saturday: 10:00 to 06:00

Sunday: 12:00 to 06:00

Non-standard Timings: Condition 41

*For times authorised for New Year see conditions at Annex 1 & 3*

**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:**

Heaven (London) Limited  
11 The Arches  
Villiers Street  
London  
WC2N 6NG  
Telephone Number: 020 7389 6611

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

06606876

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

Name: Mark Ellicott

*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:** LBH-PER-7-0003  
**Licensing Authority:** London Borough of Hackney

**Date:** 27 July 2015

**Signed:** pp  
**Director - Public Protection and Licensing**

#### Annex 1 – Mandatory conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
  - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
    - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
    - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
    - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
    - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6.
  - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
  - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

- (a) a holographic mark, or
- (b) an ultraviolet feature.

7. The responsible person must ensure that—

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
  - (i) beer or cider: ½ pint;
  - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
  - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

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

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

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

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

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

Where -

- (i) P is the permitted price,
  - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
  - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
    - (i) the holder of the premises licence,

- (ii) the designated premises supervisor (if any) in respect of such a licence, or
  - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
9. (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.
10. 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: (Ground and First Floors excluding the entrance and control room areas)

11. 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.
12. 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).
13. The laser installation shall be operated and maintained in accordance with guidance Note PM19 'Use of Lasers for Display Purposes' issued by the Health and Safety Executive, and subject to the conditions set out in the GLC's letter dated 26 October 1992.
14. The operation of the laser shall at all times be under the direct control of an authorised trained operator who shall maintain constant surveillance of the laser equipment. The emission of laser radiation shall be immediately terminated in the event of: (a) equipment malfunction, (b) if any person goes onto or attempts to go onto the stage, or (c) any other unsafe condition.
15. There shall be no loudspeakers in the entrance hall.
16. The licensee shall ensure that music provided at the premises shall not cause a nuisance to the occupants of neighbouring premises.
17. Attendants shall be stationed in the vicinity of the cloakrooms during the whole time they are in use.
18. A sound limiting device will be installed on the amplification system. The limit shall be set at a level agreed with the Environmental Health Officer and the equipment sealed at the level to the satisfaction of that officer.
19. The defined clear way on either side of the stage shall be maintained clear of obstruction at all times, with special reference to the performance of live bands and any other performers.
20. The Licensee shall ensure that the Arches are swept at regular intervals throughout the hours of operation and at the close of business, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements and disposed of in the correct manner through an authorised waste contractor.
21. The Licensee shall ensure that litter patrols are conducted, as frequently as is necessary, on Villiers Street from the Arches to the Strand, to remove litter associated with Heaven nightclub. Such litter to be stored in accordance with the approved refuse storage arrangements and disposed of in the correct manner through an authorised waste contractor.

**Conditions relating to performance of plays (Main Dance Floor Area)**

22. Any changes to the approved layout shall be submitted to the Council for prior approval in writing.
23. The exhibition of films is restricted to films involving the use of real films (e.g. video) where exhibition is incidental or subsidiary to the main use of the premises

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

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

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

25. 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.
26. This licence (or certificate) will be subject to any restrictions imposed on the use of the premises by any of the provisions contained in the former Cinematograph (Safety) Regulations 1955 as amended by the Cinematograph (Safety) Regulations 1958, the Cinematograph (Safety) Regulations 1965, the Cinematograph (Safety) (Amendment) Regulations 1976, the Cinematograph (Safety) (Amendment) Regulations 1982 and the Cinematograph (Safety) (Amendment) Regulations 2002.

## Annex 2 – Conditions consistent with the operating Schedule

27. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
28. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
29. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
30. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received
  - (d) any incidents of disorder
  - (e) seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system or searching equipment or scanning equipment
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service.
31. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
32. No patrons, DJ's or performers (along with their guests and entourages) shall be admitted or re-admitted to the premises after the hour of 9pm unless they have passed through a functioning metal detecting search arch and been physically searched in accordance with a procedure agreed with the Metropolitan Police which will include a full bag search and where appropriate a full pat down search.
33. All searches must be recorded on the CCTV system.
34. A zero tolerance to drugs and weapons policy shall be implemented and signage confirming this policy will be displayed prominently at the entrance to the club and in the customer toilets. Details of these policies shall be displayed on the website for the premises.
35. The premises shall not employ for payment or otherwise any persons for the purpose of bringing customers to the premises directly off the street or any other public place.
36. The premises licence holder to cease to provide all drinks in glass containers after 23.00 hours by 1st September 2009 where suitable alternatives can be found, save that glass containers may continue to be used for the provision of drinks for private hire events and in the artist & VIP areas within the premises
37. The total capacity of the premises (excluding staff) shall be 1625 persons with maximum local capacities at any one time for the following areas (as marked on drawing , LM2268/01 dated 02-08-12 and LM917/02 Rev D dated 01-04-11): being the ground floor main dance floor 1160, VIP Bar 125, the Artist Bar 420, and first floor



total 390, provided that there shall be a maximum capacity in the Dakota Smoke Bar of 280.

38. The licensed areas affected by minor variation application number 12/06895/LIPVM will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the licence.

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

39. (a) Subject to the following paragraphs, the permitted hours on weekdays shall commence at 10.00 and extend until 06.00 on the morning, except that -
- (i) the permitted hours shall end at 00.00 midnight on any day on which music and dancing is not provided after midnight; and
  - (ii) on any day that music and dancing end between 00.00 midnight and 06.00, the permitted hours shall end when the music and dancing end (or as the case maybe when the gaming ends);
- (b) In relation to the morning on which summer time begins, paragraph (a) of this condition shall have effect-
- (i) with the substitution of references to 07.00 for references to 06.00.
- (c) On Sundays, the permitted hours shall extend until 06:00 on the morning following, except that-
- (i) the permitted hours shall end at 00.00 midnight on any Sunday on which music and dancing is not provided after midnight;
  - (ii) where music and dancing end between 00.00 midnight on any Sunday and 06:00, the permitted hours on that Sunday shall end when the music and dancing end.
- (d) The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.
- (e) The permitted hours on New Year's Eve will extend to the start of permitted hours on the following day.

NOTE - The above restrictions do not prohibit:

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

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

40. The number of persons accommodated at any one time (excluding staff) shall not exceed 200, provided that condition applies only to main dancing area and only when the main dancing area is being used for the performance of plays.
41. On no more than 15 occasions (and in substitution for Temporary Event Notices) per calendar year and following 10 working days' notice to the Police (or such lesser time as may be agreed with the Police) and the Licensing Authority, the hour for the provision of licensable activities currently provided at the premises may be extended to such time as agreed with the Police, the Police having the power to veto any such application.

- 42.\* Permission granted to waiver of existing Rule of Management number 4(a) so as to permit entertainment involving striptease and/or nudity to take place, subject to suitable and sufficient fresh air ventilation and extract to be provided behind the main stage area.

43. Conditions 3, 5 and 6 of the Rules of Management do not apply.

\* Conditions indicated shall not apply when a Sexual Entertainment Licence is in effect at the premises

Annex 4 – Plans

Attached.



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

**Schedule 12  
Part B**

**WARD: St James's  
UPRN: 010033544601**

**Premises licence  
summary**

**Regulation 33, 34**

**Premises licence number:**

15/06119/LIPCH

**Part 1 – Premises details**

**Postal address of premises:**

Heaven Nightclub  
10A The Arches  
London  
WC2N 6NG

**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  
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:**

<b>Performance of Dance</b>	
Monday to Sunday:	00:00 to 00:00
<b>Exhibition of a Film</b>	
Monday to Sunday:	00:00 to 00:00
<b>Performance of Live Music</b>	
Monday to Sunday:	00:00 to 00:00
<b>Playing of Recorded Music</b>	

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

Monday to Sunday: 00:00 to 00:00

**Performance of a Play**

Monday to Saturday: 09:00 to 00:00

Sunday: 14:00 to 00:00

Non-standard Timings: Condition 41

**Late Night Refreshment**

Monday to Sunday: 23:00 to 05:00

**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**

Monday to Saturday: 10:00 to 06:00

Sunday: 12:00 to 06:00

Non-standard Timings: Condition 41

*For times authorised for New Year see conditions at Annex 1&3*

**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:**

Heaven (London) Limited  
11 The Arches  
Villiers Street  
London  
WC2N 6NG

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

06606876

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

Name: Mark Ellcott

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

Restricted

**Date:** 27 July 2015

**Signed:** pp  
Director - Public Protection and Licensing



# City of Westminster

64 Victoria Street, London, SW1E 6QP

Schedule 12  
Part A

WARD: West End  
UPRN: 010033540855

## Premises licence

Regulation 33, 34

Premises licence number:

14/03475/LIPV

Original Reference:

05/06633/LIPCV

### Part 1 – Premises details

#### Postal address of premises:

Shadow Lounge  
Basement And Part Ground Floor  
3 - 7 Brewer Street  
London  
W1F 0RD

Telephone Number: 020 7287 8389

#### Where the licence is time limited, the dates:

Not applicable

#### Licensable activities authorised by the licence:

Performance of Dance  
Performance of Live Music  
Playing of Recorded Music  
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 Saturday: 09:00 to 03:00  
Sunday: 09:00 to 23:00  
Non-standard Timings: See condition 67

##### Performance of Live Music

Monday to Saturday: 09:00 to 03:00  
Sunday: 09:00 to 23:00  
Non-standard Timings: See condition 67

##### Playing of Recorded Music

Unrestricted

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

Monday to Saturday: 09:00 to 03:00



Sunday: 09:00 to 23:00  
Non-standard Timings: See condition 67

**Late Night Refreshment**

Monday to Saturday: 23:00 to 03:30  
Sunday: 23:00 to 00:00  
Non-standard Timings: See condition 67

**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 03:00  
Sunday: 12:00 to 23:30  
Non-standard Timings: See condition 67

*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 03:30  
Sunday: 09:00 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:**

A3D2 Limited  
Clareville House  
26-27 Oxendon Street  
London  
SW1Y 4EL  
*Business Phone Number : 0207 968 2400*

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

3506401

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

Name: Daniel Zac Gibbison

*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:** 13-134408-1

**Licensing Authority:** The Royal Borough Of Kensington And Chelsea

**Date:** 10 June 2014

**Signed:** pp

**Operational Director - Premises Management**

#### Annex 1 – Mandatory conditions

1. 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.
2. For the purposes of the condition set out in paragraph 1—
  - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6)
  - (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(7)
3. Where the permitted price given by Paragraph (b) of paragraph 2 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.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 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.
5. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
6. 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.
7. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.

8.
  - (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.
9. 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).
10. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
11.
  - (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.

12. 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.

13. 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.

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

**Conditions relating to Regulated Entertainment**

- 14. 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.
- 15. 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).
- 16. Notwithstanding the provisions of Rule of Management No. 6 the premises may remain open for the purposes of this licence from 11pm on each of the days Monday to Saturday to 3am on the day following.

17.\* Notwithstanding Rule of Management No. 4 dancers may perform topless on the stage area or by table sides.

18.\* The entertainment to be provided under this licence shall be limited to the type commonly known as discotheque, and to topless dancing by performers.

19.\* The agreed activities shall take place only in the designated areas approved by the Council and the approved arrangements for access to the dressing room shall be maintained at all times whilst striptease entertainment is taking place and immediately thereafter.

20.\* The striptease entertainment shall be given only by performers/entertainers and the audience shall not be permitted to participate.

- 21.\* There shall at the premises or in its immediate vicinity be no external advertising of the striptease entertainment.
- 22.\* Whilst striptease entertainment is taking place no person under the age 18 shall be on the licence premises and a clear notice shall be displayed at the entrance to the premises in a prominent position so that it can be easily read by persons entering the premises in the following terms: NO PERSONS UNDER 18 WILL BE ADMITTED
- 23.\* The licensee, performer and any person concerned in the organisation or management of the entertainment shall not encourage, or permit encouragement to be made, for the audience to throw money at or otherwise to give gratuities to the performers (except as permitted by condition (21) below).
- 24.\* Entertainment under this consent may be provided solely by topless dancers on the stage area and to customers seated at tables in the approved part of the premises. No audience participation shall be permitted.
- 25.\* There shall be no physical contact between customers and dancers except for the placing of money or tokens in a garter or into the hands of the dancer at the beginning or conclusion of the performance. The money or tokens shall not be placed in the G-string of the performers. Whilst the dancers are performing there shall be a minimum distance of three feet between the dancer and the seated customers. Notices to this effect shall clearly be displayed at each table and at the entrance to the premises.
- 26.\* There shall be no physical contact between dancers whilst performing.
- 27.\* The topless dancers shall at all times wear a G-string or similar piece of clothing on the appropriate part of the body.
- 28.\* Whilst table dancing takes place at least two door supervisors shall be employed in the part of the premises used for table dancing.
- 29.\* At least four registered door supervisors shall be employed at the premises at all times when the premises are in operation.
- 30.\* No entertainment involving nudity or partial nudity shall take place in any alcove area or in any area or in any area which is not monitored by the CCTV system.
- 31.\* All exterior doors shall be kept closed after midnight except for immediate entrance and exit.
- 32.\* A shower and changing room facilities for use by the performers shall be provided to the satisfaction of the Environmental Health Officer.
- 33.\* Only dancers engaged by or through Evernote Ltd for so long as James Alan Poulton and Jean-Pierre Foster remain directors thereof shall be permitted to perform striptease.
34. Soundproofing to the satisfaction of the Environmental Health Officer shall be provided.
- 35.\* An attendant shall be in duty in the cloakroom the whole time the premises is in use under this licence.
36. All waste from the premises must be paid for, properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection time.

37. The pavement from the building line to the kerb edge, so as to include the gutter/channel at its junction with the kerb edge, in the vicinity of the premises must be swept at regular intervals whilst customers are queuing to enter the premises. Litter and sweepings must be collected and stored in accordance with the approved refuse storage arrangements.
38. At the close of business each day the premises are open for business, the licensee shall ensure that the pavement from the building line to the kerb edge immediately outside the premises, so as to include the gutter/channel at its junction with the kerb edge, is swept. Litter and sweepings must be collected and stored in accordance with the approved refuse storage arrangements.
39. No unauthorised advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services shall be distributed on the street to the public. No such advertisements shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property.
40. Food and drink purchased on the premises are not allowed to be taken away by customers on leaving the premises.
41. The number of persons accommodated (excluding staff) at the premises shall not exceed 280.

#### Conditions for Sale of Alcohol

42. Substantial food and suitable beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.
  43. There shall be no payment made by or on behalf of the licensees to any person for bringing customers to the premises.
  44. No gaming otherwise than by machines authorised under part III, Gaming Act, 1968.
- |      |   |
|------|---|
| 45.* | No persons under the age of 18 years shall be allowed to enter or remain on the licensed premises, and a clear notice shall be displayed, in the following terms, at the entrance to the premises in a prominent position so that it can be easily read by persons entering: NO PERSON UNDER 18 YEARS WILL BE ADMITTED. |
|------|---|
46. A premises licence holder, or in the case of a company, an authorised representative, shall be present throughout the whole of the time the premises are operating.
  47. On any evening where the premises are open for the purpose of music and dancing, intoxicating liquor shall not be sold or supplied to persons entering the premises or that part of the premises after 10.30pm except to:
    - (a) persons who have paid or had paid on their behalf a minimum admission fee of £3 Mon-Thurs and £5 Fri-Sat, which shall not be credited against consumables; or
    - (b) artistes or persons employed at the premises;
    - (c) persons attending private functions at the premises;
    - (d) guests of the proprietor, a list of whom shall be kept for inspection by the appropriate authorities.
  48. Save as provided in and subject to the provisions of condition 42 below, there shall be no striptease, no nudity and all persons shall be decently attired at all times.

49. Intoxicating liquor may be sold or supplied to the following persons:
- (a) persons paying a minimum annual admission fee of £150 payable in advance (not to be credited against consumables) for music, dancing and entertainment;
  - (b) persons paying a minimum admission fee of £10 (not to be credited against consumables) for music dancing and entertainment;
  - (c) bona fide guests of the proprietor specially invited prior to admission, a list of whom shall be kept at reception for inspection by the statutory authorities;
  - (d) artistes or persons employed at the premises;
  - (e) persons attending a private function on the premises, a list of whom shall be kept at reception for inspection by the statutory authorities.

50.\* Only dancers engaged by or through Evernote Ltd for so long as James Alan Poulton and Jean-Pierre Foster remain directors thereof shall be permitted to perform striptease.

51.\* Such striptease and topless performers shall be engaged subject to the rules the same as or similar to the Management Rules of Conduct deposited with the Licensing Justices. The striptease dancers shall be provided with copy of those rules.

52.\* Striptease artistes shall only perform striptease on the designated stage area and to seated customers at a table.

53.\* There shall be no physical contact between customers and topless dancers except for placing cash/dance tokens in the garter or from the customers hands to the hands of the dancers at the beginning or conclusion of the performance.

54.\* There shall be a minimum distance of three feet to be kept between the striptease artiste and the customer whilst performing.

55.\* A notice outlining conditions 51 and 52 shall be clearly displayed at each table and at the entrance to the premises.

56.\* All striptease artistes are prohibited from removing their G strings.

57.\* There shall be no physical contact between the striptease artistes whilst performing.

58.\* There shall be a minimum fee of £10 per performance by striptease artiste, for the purpose of a topless dance, except for performances conducted on the designated stage.

59.\* Striptease artistes shall only perform striptease on the designated stage area and to seated customers at a table, except striptease shall be prohibited from all the alcove areas hatched brown on the deposited plan.

60.\* A minimum of four Westminster registered door supervisors will be employed on the premises during opening hours, at least two of whom shall be employed within the basement area monitoring striptease performance.

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

61. (a) Subject to the following paragraphs, the permitted hours on weekdays shall commence at 10.00 (12.00 on Christmas Day and Good Friday) and extend until 03.00 on the morning following, except that --
- (i) the permitted hours shall end at 00.00 midnight on any day on which music and dancing is not provided after midnight; and



- (ii) on any day that music and dancing end between 00.00 midnight and 03.00, the permitted hours shall end when the music and dancing end;

(b) In relation to the morning on which summer time begins, paragraph (a) of this condition shall have effect-

- (i) with the substitution of references to 04.00 for references to 03.00.

(c) On Sundays the permitted hours shall commence at 12.00 and extend until 23.30.

(d) The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.

(e) The permitted hours on New Year's Eve will extend to the start of permitted hours on the following day, or if there are no permitted hours on 1 January, to 00.00 on New Year's Eve.

NOTE - The above restrictions do not prohibit:

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

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

62. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.

*\* Conditions indicated shall not apply when a Sexual Entertainment Licence is in effect at the premises*

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## Annex 2 – Conditions consistent with the operating Schedule

63. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
64. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
65. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder
  - (d) any incidents of disorder
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system or searching equipment or scanning equipment
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service.
66. No drinks shall be consumed outside the premises nor glasses/bottles removed from the premises by patrons when leaving.

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

67. The hours for licensable activities may be extended on no more than 15 occasions per calendar year subject to being in substitution of the 12 temporary events covered by the Licensing Act with ten working days notice to the Police and the Police having power of veto for any such occasion and that the Licensing Authority also be given ten days notice of any such occasion.
68. No persons aged under the age of 18 shall be allowed within the premises under any event.
69. Credit sales is allowed subject to them being accompanied with an itemised bill.

Annex 4 – Plans

Attached



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

**Schedule 12  
Part B**

**WARD: West End  
UPRN: 010033540855**

**Premises licence  
summary**

**Regulation 33, 34**

**Premises licence number:**

**14/01266/LIPV**

**Part 1 – Premises details**

**Postal address of premises:**

Shadow Lounge  
Basement And Part Ground Floor  
3 - 7 Brewer Street  
London  
W1F 0RD

**Telephone Number: 020 7287 8389**

**Where the licence is time limited, the dates:**

Not applicable

**Licensable activities authorised by the licence:**

Performance of Dance  
Performance of Live Music  
Playing of Recorded Music  
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 Saturday: 09:00 to 03:00  
Sunday: 09:00 to 23:00  
Non-standard Timings: See condition 67

**Performance of Live Music**

Monday to Saturday: 09:00 to 03:00  
Sunday: 09:00 to 23:00  
Non-standard Timings: See condition 67

**Playing of Recorded Music**

Unrestricted

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

Monday to Saturday: 09:00 to 03:00  
Sunday: 09:00 to 23:00  
Non-standard Timings: See condition 67

**Late Night Refreshment**

Monday to Saturday:

23:00 to 03:30

Sunday:

23:00 to 00:00

Non-standard Timings:

See condition 67

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 03:00

Sunday:

12:00 to 23:30

Non-standard Timings:

See condition 67

*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 03:30

Sunday:

09:00 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:**

A3D2 Limited  
Clareville House  
26-27 Oxendon Street  
London  
SW1Y 4EL

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

3506401

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

Daniel Zac Gibbison

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

Prohibited

Date:

10 June 2014

Signed:

pp.

Operational Director - Premises Management



# City of Westminster

64 Victoria Street, London, SW1E 6QP

Schedule 12  
Part A

WARD: St James's  
UPRN: 010033537486

Premises licence

Regulation 33, 34

Premises licence number:

15/03988/LIPRW

Original Reference:

05/04939/LIPCV

## Part 1 – Premises details

Postal address of premises:

Ku Bar  
29-30 Lisle Street  
London  
WC2H 7BA

Telephone Number: 020 7479 7981

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Performance of Dance  
Exhibition of a Film  
Indoor Sporting Event  
Performance of Live Music  
Playing of Recorded Music  
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 Saturday: 09:00 to 03:00 (Basement)  
Sunday: 09:00 to 00:00 (Basement)

### Exhibition of a Film

Monday to Saturday: 09:00 to 03:00 (Basement)  
Monday to Thursday: 10:00 to 23:30 (Ground and First Floors)  
Friday to Saturday: 10:00 to 00:00 (Ground and First Floors)  
Sunday: 09:00 to 00:00 (Basement)  
Sunday: 12:00 to 22:30 (Ground and First Floors)  
Sundays before Bank Holidays: 12:00 to 00:00 (Ground and First Floors)

### Indoor Sporting Event

Monday to Saturday: 10:00 to 03:00 (Basement)  
Sunday: 10:00 to 00:00 (Basement)



**Performance of Live Music**

Monday to Saturday:	09:00 to 03:00 (Basement)
Sunday:	09:00 to 00:00 (Basement)

**Playing of Recorded Music**

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

Monday to Saturday:	09:00 to 03:00 (Basement)
Sunday:	09:00 to 00:00 (Basement)

**Late Night Refreshment**

Monday to Saturday:	23:00 to 03:30 (Basement)
Monday to Saturday:	23:00 to 23:30 (Ground and First Floors)
Sunday:	23:00 to 00:30 (Basement)

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**

Monday to Saturday:	10:00 to 03:00 (Basement)
Monday to Thursday:	10:00 to 23:30 (Ground and First Floors)
Friday to Saturday:	10:00 to 00:00 (Ground and First Floors)
Sunday:	12:00 to 00:00 (Basement)
Sunday:	12:00 to 22:30 (Ground and First Floors)
Sundays before Bank Holidays:	12:00 to 00:00 (Ground and First Floors)

*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 03:30
Monday to Thursday:	10:00 to 23:30
Friday to Saturday:	10:00 to 00:00
Sunday:	09:00 to 00:30
Sunday:	12:00 to 22:30
Sundays before Bank Holidays:	12:00 to 00:00

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

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

**Part 2**

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

Allied Promotions Limited  
245 Caledonian Road  
London  
N1 1ED  
Telephone Number : Not Supplied

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

03723921

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

Name: Gary Henshaw

*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: PERS-LIC/704  
Licensing Authority: London Borough Of Camden

Date: 24<sup>th</sup> July 2015

This licence has been authorised by Miss Yolanda Wade on behalf of the Director - Public Protection and Licensing.

## Annex 1 – Mandatory conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
  - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
    - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
    - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
    - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
    - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6.
  - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
  - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
  - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -

- (a) a holographic mark, or
- (b) an ultraviolet feature.

7. The responsible person must ensure that -

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -
  - (i) beer or cider: ½ pint;
  - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
  - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

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

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

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -

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

Where -

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

- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.  
 (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
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.

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

**Conditions relating to regulated entertainment: Basement Floor**

10. 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.
11. Notwithstanding the provisions of Rule of Management No. 6 the premises may remain open for the purposes of this licence from 23:00 on each of the days Monday to Saturday to 03:00 on the day following and from 23:00 to midnight Sundays.
12. The sound system(s) used or installed on the premises shall not be operated without being set and governed to the satisfaction of an authorised officer from the Environmental Health Department.
13. No alteration or modification to any existing sound system should be effected without prior knowledge of the Environmental Health Department.
14. No doors giving access/egress to the premises shall be fixed open after 11pm unless the sound limiter has been set with the doors open.
15. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.

**All Floors:**

16. The exhibition of films is restricted to films not involving the use of real film (e.g. Video) where exhibitions are incidental or subsidiary to the main use of the premises.

**Conditions for Sale of Alcohol**

17. On any event where the premises or part of the premises are open for the purpose of Music and Dancing and a Special Hours Certificate is being operated, intoxicating liquor shall not be sold or supplied after 22:30, to persons entering that part of the premises except: a) persons who have paid or had paid on their behalf, a minimum admission fee, such fee to be specified when the Special Hours Certificate is granted, and such fee not to be credited against intoxicating liquor or consumables; or b) artistes or persons employed at premises; or c) persons attending a private function on the premises.
18. No striptease, no nudity and all persons on the premises to be decently attired.

19. There shall be no payment made by or on behalf of the licensees to any person for bringing customers to the premises.
20. Substantial food and non-intoxicating beverages shall be equally available throughout the permitted hours.

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

For the Basement Floor:

21. (a) Subject to the following paragraphs, the permitted hours on weekdays shall commence at 10.00 (12.00 on Christmas Day and Good Friday) and extend until 03.00 on the morning following, except that -
- (i) the permitted hours shall end at 00.00 midnight on any day on which music and dancing is not provided after midnight; and
  - (ii) on any day that music and dancing between 00.00 midnight and 03.00, the permitted hours shall end when the music and dancing end;
- (b) In relation to the morning on which summer time begins, paragraph (a) of this condition shall have effect.
- (i) with the substitution of references to 04.00 for references to 03.00
- (c) Except on Sundays immediately before bank holidays (apart from Easter Sunday), the permitted hours on Sundays shall commence at 12.00 and extend until 00.00 on the morning following, except that -
- (i) the permitted hours shall end at 00.30 on those days where there are private functions
- (d) On Sundays immediately before bank holidays (other than Easter Sunday), the permitted hours shall commence at 12.00 and extend until 03.00 on the morning following, except that -
- (i) the permitted hours shall end at 00.00 midnight on any Sunday on which music and dancing is not provided after 00.00 midnight;
  - (ii) where music and dancing end between 00.00 midnight on any Sunday and 03.00, the permitted hours on that Sunday shall end when the music and dancing end.
- (e) The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.
- (f) The permitted hours on New Years Eve will extend to the start of permitted hours on the following day, or if there are no permitted hours on 1 January, to 00.00 on New Year's Eve.

NOTE: The above restrictions do not prohibit:

- (a) during the first thirty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours; the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;

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

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

22. 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.

23. This licence (or certificate) will be subject to any restrictions imposed on the use of the premises by any of the provisions contained in the former Cinematograph (Safety) Regulations 1955 as amended by the Cinematograph (Safety) Regulations 1958, the Cinematograph (Safety) Regulations 1965, the Cinematograph (Safety) (Amendment) Regulations 1976, the Cinematograph (Safety) (Amendment) Regulations 1982 and the Cinematograph (Safety) (Amendment) Regulations 2002.

24. 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

25. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
26. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
27. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
  - a) all crimes reported to the venue
  - b) all ejections of patrons
  - c) any complaints received
  - d) any incidents of disorder
  - e) any faults in the CCTV system or searching equipment or scanning equipment
  - f) any refusal of the sale of alcohol
  - g) any visit by a relevant authority or emergency service.
28. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed the following:

Basement: 150 persons  
Ground Floor: 200 persons  
First Floor: 100 persons



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

29. Ground and First Floors: Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours.

In this condition, permitted hours means:

- (a) Monday to Thursday 10.00 to 23.30.
- (b) Friday to Saturday 10:00 to 00:00.
- (c) Sundays 12.00 to 22.30.
- (d) Sundays immediately prior to Bank Holidays 12:00 to 00:00
- (e) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, 00.00 midnight on 31st December).

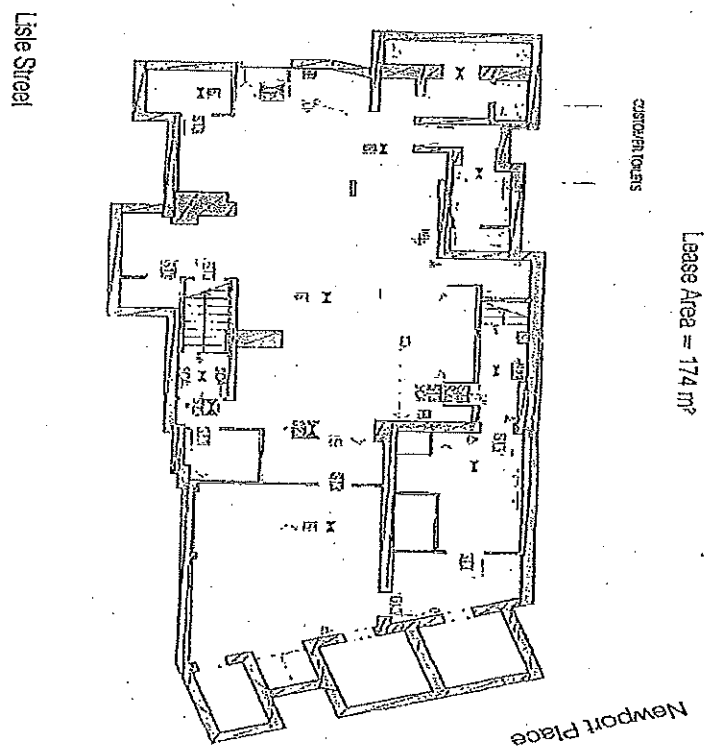
NOTE - The above restrictions do not prohibit:

- a) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- c) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- d) 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;
- e) the taking of alcohol from the premises by a person residing there;
- f) 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;
- g) 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.

- 30. On the Ground and First Floors, customers to be off the premises by 23:30 Monday to Thursday, 00:00 Friday and Saturday, 22:50 on Sunday and 00:00 on Sunday immediately prior to Bank Holidays.
- 31. On the Basement Floor, customers to be off the premises by 03:30 Monday to Saturday and 00:30 on Sunday.
- 32. Credit card sales to be allowed, subject to the proviso that customers are to be presented with an itemised bill.
- 33. All persons under the age of 14 shall be accompanied at all times by an adult. No person under 14 shall be allowed to remain in the bar area after 21:00 (21:30 if taking a table meal accompanied by an adult).

## Annex 4 – Plans

[illegible]

1. The first step is to identify the problem. This involves understanding the symptoms and the context in which they are occurring.

2) **Историческое**  
**использование**  
**ЗСН в ГИЗ**

天

Post-Revision 1.1.

**सूचना**

1915-1916

Case	Age	Sex	Occupation	Duration of illness	Site of lesion	Microscopic findings	Diagnosis
1	45	M	Farmer	10 years	Right lower leg	Chronic inflammation with many eosinophils	Eosinophilic cellulitis
2	55	F	Homemaker	5 years	Left lower leg	Chronic inflammation with many eosinophils	Eosinophilic cellulitis
3	65	M	Retired	15 years	Right lower leg	Chronic inflammation with many eosinophils	Eosinophilic cellulitis
4	75	F	Retired	20 years	Left lower leg	Chronic inflammation with many eosinophils	Eosinophilic cellulitis
5	85	M	Retired	25 years	Right lower leg	Chronic inflammation with many eosinophils	Eosinophilic cellulitis

**Scholarship**

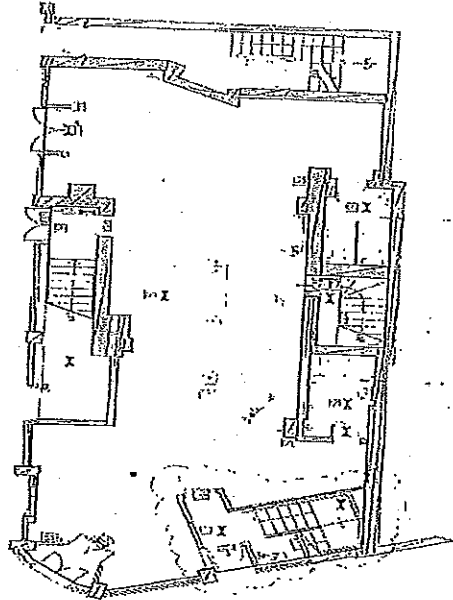
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**உரைத்து வி**

A1.10.3M A

Lease Area ~ 134 m<sup>2</sup>

## DISORDER TOILETS



2. Having been made aware of the fact that the above information is being furnished to the FBI, the undersigned hereby certifies that the information furnished is true and correct to the best of his knowledge and belief.

**PAID**

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

DATE 10/10/01 BY 60322

[illegible]

**K**

DATE	AMOUNT	REMARKS
1974	100.00	PAID FOR RENT
1975	150.00	PAID FOR RENT
1976	200.00	PAID FOR RENT
1977	250.00	PAID FOR RENT
1978	300.00	PAID FOR RENT
1979	350.00	PAID FOR RENT
1980	400.00	PAID FOR RENT
1981	450.00	PAID FOR RENT
1982	500.00	PAID FOR RENT
1983	550.00	PAID FOR RENT
1984	600.00	PAID FOR RENT
1985	650.00	PAID FOR RENT
1986	700.00	PAID FOR RENT
1987	750.00	PAID FOR RENT
1988	800.00	PAID FOR RENT
1989	850.00	PAID FOR RENT
1990	900.00	PAID FOR RENT
1991	950.00	PAID FOR RENT
1992	1000.00	PAID FOR RENT
1993	1050.00	PAID FOR RENT
1994	1100.00	PAID FOR RENT
1995	1150.00	PAID FOR RENT
1996	1200.00	PAID FOR RENT
1997	1250.00	PAID FOR RENT
1998	1300.00	PAID FOR RENT
1999	1350.00	PAID FOR RENT
2000	1400.00	PAID FOR RENT
2001	1450.00	PAID FOR RENT
2002	1500.00	PAID FOR RENT
2003	1550.00	PAID FOR RENT
2004	1600.00	PAID FOR RENT
2005	1650.00	PAID FOR RENT
2006	1700.00	PAID FOR RENT
2007	1750.00	PAID FOR RENT
2008	1800.00	PAID FOR RENT
2009	1850.00	PAID FOR RENT
2010	1900.00	PAID FOR RENT
2011	1950.00	PAID FOR RENT
2012	2000.00	PAID FOR RENT
2013	2050.00	PAID FOR RENT
2014	2100.00	PAID FOR RENT
2015	2150.00	PAID FOR RENT
2016	2200.00	PAID FOR RENT
2017	2250.00	PAID FOR RENT
2018	2300.00	PAID FOR RENT
2019	2350.00	PAID FOR RENT
2020	2400.00	PAID FOR RENT
2021	2450.00	PAID FOR RENT
2022	2500.00	PAID FOR RENT
2023	2550.00	PAID FOR RENT
2024	2600.00	PAID FOR RENT
2025	2650.00	PAID FOR RENT
2026	2700.00	PAID FOR RENT
2027	2750.00	PAID FOR RENT
2028	2800.00	PAID FOR RENT
2029	2850.00	PAID FOR RENT
2030	2900.00	PAID FOR RENT
2031	2950.00	PAID FOR RENT
2032	3000.00	PAID FOR RENT
2033	3050.00	PAID FOR RENT
2034	3100.00	PAID FOR RENT
2035	3150.00	PAID FOR RENT
2036	3200.00	PAID FOR RENT
2037	3250.00	PAID FOR RENT
2038	3300.00	PAID FOR RENT
2039	3350.00	PAID FOR RENT
2040	3400.00	PAID FOR RENT
2041	3450.00	PAID FOR RENT
2042	3500.00	PAID FOR RENT
2043	3550.00	PAID FOR RENT
2044	3600.00	PAID FOR RENT
2045	3650.00	PAID FOR RENT
2046	3700.00	PAID FOR RENT
2047	3750.00	PAID FOR RENT
2048	3800.00	PAID FOR RENT
2049	3850.00	PAID FOR RENT
2050	3900.00	PAID FOR RENT
2051	3950.00	PAID FOR RENT
2052	4000.00	PAID FOR RENT
2053	4050.00	PAID FOR RENT
2054	4100.00	PAID FOR RENT
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2063	4550.00	PAID FOR RENT
2064	4600.00	PAID FOR RENT
2065	4650.00	PAID FOR RENT
2066	4700.00	PAID FOR RENT
2067	4750.00	PAID FOR RENT
2068	4800.00	PAID FOR RENT
2069	4850.00	PAID FOR RENT
2070	4900.00	PAID FOR RENT
2071	4950.00	PAID FOR RENT
2072	5000.00	PAID FOR RENT
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11/2/07

41.10.GD B

This architectural floor plan depicts the first floor of a building. The layout includes a central staircase, several rooms of varying sizes, and a large open area on the right side. The plan is oriented with the entrance at the top. The left side of the plan shows a curved exterior wall. The right side features a large room with a curved wall and a staircase. The central area contains a staircase and several smaller rooms. The plan is labeled with 'CUSTOMER' and 'TOILET' on the left side. The building is identified as '100 WEST MADISON STREET, CHICAGO'.

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DATE	12/27/2017
PROJECT:	44124

**RESEARCH**

Drawing:                     

**Westbury Park**

**St. John's**

• 7.81

• 7.82

Page 11, 11, 11

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**Index**

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## NOTES

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**POB**  
PORT ORFORD 11/20/68



11/15/2015

5/25/2013

**Заключение**

A4.07 LP A



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

**Schedule 12  
Part B**

**WARD: St James's  
UPRN: 010033637486**

**Premises licence  
summary**

**Regulation 33, 34**

**Premises licence number:**

**15/03988/LIPRW**

**Part 1 – Premises details**

**Postal address of premises:**

Ku Bar  
29-30 Lisle Street  
London  
WC2H 7BA

**Telephone Number: 020 7479 7981**

**Where the licence is time limited, the dates:**

Not applicable

**Licensable activities authorised by the licence:**

Performance of Dance  
Exhibition of a Film  
Indoor Sporting Event  
Performance of Live Music  
Playing of Recorded Music  
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 Saturday:  
Sunday:

09:00 to 03:00 (Basement)  
09:00 to 00:00 (Basement)

**Exhibition of a Film**

Monday to Saturday:  
Monday to Thursday:  
Friday to Saturday:  
Sunday:  
Sunday:  
Sundays before Bank Holidays:

09:00 to 03:00 (Basement)  
10:00 to 23:30 (Ground and First Floors)  
10:00 to 00:00 (Ground and First Floors)  
09:00 to 00:00 (Basement)  
12:00 to 22:30 (Ground and First Floors)  
12:00 to 00:00 (Ground and First Floors)

**Indoor Sporting Event**

Monday to Saturday:

10:00 to 03:00 (Basement)

Sunday:	10:00 to 00:00 (Basement)
<b>Performance of Live Music</b>	
Monday to Saturday:	09:00 to 03:00 (Basement)
Sunday:	09:00 to 00:00 (Basement)
<b>Playing of Recorded Music</b>	
<b>Anything of a similar description to Live Music, Recorded Music or Performance of Dance</b>	
Monday to Saturday:	09:00 to 03:00 (Basement)
Sunday:	09:00 to 00:00 (Basement)
<b>Late Night Refreshment</b>	
Monday to Saturday:	23:00 to 03:30 (Basement)
Monday to Saturday:	23:00 to 23:30 (Ground and First Floors)
Sunday:	23:00 to 00:30 (Basement)
<b>Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit</b>	
<b>Sale by Retail of Alcohol</b>	
Monday to Saturday:	10:00 to 03:00 (Basement)
Monday to Thursday:	10:00 to 23:30 (Ground and First Floors)
Friday to Saturday:	10:00 to 00:00 (Ground and First Floors)
Sunday:	12:00 to 00:00 (Basement)
Sunday:	12:00 to 22:30 (Ground and First Floors)
Sundays before Bank Holidays:	12:00 to 00:00 (Ground and First Floors)

*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 03:30
Monday to Thursday:	10:00 to 23:30
Friday to Saturday:	10:00 to 00:00
Sunday:	09:00 to 00:30
Sunday:	12:00 to 22:30
Sundays before Bank Holidays:	12:00 to 00:00

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

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

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

Allied Promotions Limited  
245 Caledonian Road  
London  
N1 1ED

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

03723921

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

**Name:** Gary Henshaw

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

Restricted

**Date:** 24<sup>th</sup> July 2015

**This licence has been authorised by Miss Yolanda Wade on behalf of the Director - Public Protection and Licensing.**



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- [Maps](#)
- [Do it online](#)
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- [Licensing Register](#)

## Licensing Register - Premises licences and club registrations - licences granted for licence number: 841928

Further Information on Licence Number: 841928

<b>Licence number:</b>	841928
	Pulse
<b>Trading name and address:</b>	1-4 Blackfriars Arches
	SE1 9UF
<b>Ward:</b>	Cathedrals

<b>Applicant's name:</b>	A & M Leisure Limited
<b>Designated Premises Supervisor name:</b>	Vladimir Kovacevski

<b>Licence type:</b>	Premises
<b>Date granted:</b>	July 17 2013

<b>Opening hours:</b>	Monday 24hrs.
	Tuesday 24hrs.
	Wednesday 24hrs.

Thursday 24hrs.

Friday 24hrs.

Saturday 24hrs.

Sunday 24hrs.

**Granted licensable activities:**

**Boxing or wrestling - indoors**

Monday 24hrs.

Tuesday 24hrs.

Wednesday 24hrs.

Thursday 24hrs.

Friday 24hrs.

Saturday 24hrs.

Sunday 24hrs.

**Entertainment similar to live/recorded music  
- indoors**

Monday 24hrs.

Tuesday 24hrs.

Wednesday 24hrs.

Thursday 24hrs.

Friday 24hrs.

Saturday 24hrs.

Sunday 24hrs.

**Films - indoors**

Monday 24hrs.

Tuesday 24hrs.

Wednesday 24hrs.

Thursday 24hrs.

Friday 24hrs.

Saturday 24hrs.

Sunday 24hrs.

**Indoor sporting event**

Monday 24hrs.

Tuesday 24hrs.

Wednesday 24hrs.

Thursday 24hrs.

Friday 24hrs.

Saturday 24hrs.

Sunday 24hrs.

**Late night refreshment - indoors**

Monday 23:00 to 05:00

Tuesday 23:00 to 05:00

Wednesday 23:00 to 05:00

Thursday 23:00 to 05:00

Friday 23:00 to 05:00

Saturday 23:00 to 05:00

Sunday 23:00 to 05:00

**Live music - indoors**

Monday 24hrs.

Tuesday 24hrs.  
Wednesday 24hrs.  
Thursday 24hrs.  
Friday 24hrs.  
Saturday 24hrs.  
Sunday 24hrs.

**Performance of dance - indoors**

Monday 24hrs.  
Tuesday 24hrs.  
Wednesday 24hrs.  
Thursday 24hrs.  
Friday 24hrs.  
Saturday 24hrs.  
Sunday 24hrs.

**Plays - indoors**

Monday 24hrs.  
Tuesday 24hrs.  
Wednesday 24hrs.  
Thursday 24hrs.  
Friday 24hrs.  
Saturday 24hrs.  
Sunday 24hrs.

**Recorded music - indoors**

Monday 24hrs.  
Tuesday 24hrs.  
Wednesday 24hrs.  
Thursday 24hrs.  
Friday 24hrs.  
Saturday 24hrs.  
Sunday 24hrs.

**Sale by retail of alcohol to be consumed off premises**

Monday 24hrs.  
Tuesday 24hrs.  
Wednesday 24hrs.  
Thursday 24hrs.  
Friday 24hrs.  
Saturday 24hrs.  
Sunday 24hrs.

**Sale by retail of alcohol to be consumed on premises**

Monday 24hrs.  
Tuesday 24hrs.  
Wednesday 24hrs.  
Thursday 24hrs.  
Friday 24hrs.  
Saturday 24hrs.

Sunday 24hrs.

**Conditions:** 100 - No supply of alcohol may be made under the Premises Licence - (a). At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or (b). At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.

101 - Every supply of alcohol under the Premises Licence must be made, or authorised by, a person who holds a Personal Licence.

102 - The admission of children to films given under this licence must be restricted in accordance with the recommendations of the British Board of Film Classification or of the licensing authority itself.

107 - Any individual carrying out security activities at the premises must be. (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or (b) be entitled to carry out that activity by virtue of section 4 of that Act.

174 - Where free drinking water is provided for the public, it shall, except with the consent of the Council, only be provided in a supervised area.

241 - Overcrowding shall not be allowed on any part of the premises

341 - That a security log is maintained, detailing the hours of duty of all staff employed in security roles, this is to include SIA badge numbers

342 - That a written policy shall be implemented for dealing with drunk people. Staff shall be trained in all aspects of the Licensing Act in order to be able to recognise underage people as well as the early signs of drunkenness.

343 - That all events held at the premises shall be staged under direct supervision of senior management including ALL bar areas. A bar supervisor shall be employed under the control of the premises licence holder at each bar.

344 - The premises shall operate with polycarbonate glassware and all bottled products will be decanted. The only exception will be the provision of champagne by waiter / waitress service to patrons at the premises.

345 - Door staff are to wear High Vis waistcoats whilst in the main areas of the venue. This will create customer awareness of security staff on the premises.

346 - That signs shall be displayed in the entrance to the premises that state "Drug Free Zone" and "No Search, No Entry ☐ Management Reserve the Right to Refuse Entry"

347 - : The toilets will checked at least one per hour by staff who will be trained to look out for any suspicious events taking place. Records shall be kept and made available to authorised officers.

348 - That all staff will be trained to look out for any signs of drug use or sale

349 - That a drugs drop box, which must be secure and have a tamper proof entrance,

shall be fixed to the wall in the foyer of all entrances to the premises. An agreement must be established with the local Police over the emptying and collection of any drugs deposited in the box.

350 - That all matters relating to drugs shall be in accordance with the Metropolitan Police Best Practice Guide on the handling of drugs in pubs and clubs

351 - The emergency exit doors onto Invicta Plaza from Area 5 to be electronically linked to the amplification system sound limiter circuit to reduce sound if opened during performance of amplified music.

352 - That a designated chill out area shall be established with access from each area when entertainment is being provided

354 - . The heating, cooling and ventilation system provide for air changes (to be confirmed by H&S) and cooling in each area of the venue to meet the technical standards for entertainment and be certified and in operation by the CIBSE approved engineer.

355 - That risk assessments (including a fire risk assessment) will be carried out and following such risk assessment an action plan will be prepared and any additional action required will be implemented. This will be reviewed annually

356 - That all entrances are lobbied to prevent any noise escape in order to comply with noise management conditions. The entrances shall be operated by management staff to ensure that external and internal doors are not open simultaneously when amplified music is being performed.

357 - That drinking water is available to customers of the premises in each arch area

358 - The Lmax noise level from amplified music and speech shall be no greater than the existing L90 one metre from the facade of the nearest noise sensitive premises at octave bands between 38Hz and 19kHz.

359 - That staff will be responsible for ensuring the exterior of the premises is kept clean and tidy and that no customers are loitering or causing a disturbance

360 - That door supervisors will encourage patrons to arrive and leave quietly with due regard neighbours.

361 - That all audio and musical equipment on the premises shall be played through the approved sound limiting /cut-out device in order to comply with noise management conditions.

362 - That suitable notices shall be displayed requesting people to leave the premises in a quiet and orderly manner so as not to disturb local residents

363 - Before 23:00hrs Monday to Sunday the noise climate of the surrounding area shall be protected such that that the Leq in any octave band between 63 and 500Hz as measured 1 metre from the facade of any noise sensitive property over any 5 minute period with music based entertainment taking place shall not increase by more than 3db as compared to the same measure from the same position and over a comparable period with no entertainment taking place.

364 - After 23:00hrs Monday to Sunday the noise climate of the surrounding area shall be protected such that the Leq in any octave band between 63 and 500Hz as measured 1 metre from the facade of any noise sensitive property over 5 minute period with music based entertainment taking place shall not increase by more than 3dB as compared to the same measure from the same position and over a comparable period with no entertainment taking place.

367 - That signs within the premises shall be erected directing patrons to the use of the services of the dedicated taxi company.

368 - That taxi drivers of the dedicated taxi company and local firms shall be instructed not to sound car horns to attract customer attention

369 - That there shall be no movement of musical or amplification equipment from the premises between the hours of 12 midnight and 8am

373 - That SIA registered door supervisors, both male and female (except for single sex events), shall be employed at all times (unless with prior consent from the Police, in which case the licensing service must be given written notification at least 14 days in advance) that the premises are in use under this licence and provided with hand held metal detection units in order to ensure that searches are carried out in respect of all admissions and re-admissions to the premises whether staff, members of the public or performers and their assistants. Mechanical counting devices shall be used to ensure that the maximum accommodation limit of the premises is not exceeded

374 - That a CCTV system be installed at the premises and be maintained in good working order and be continually recording at all times the premises are in use under the licence. The CCTV system must be capable of capturing a clear facial image of all that enter the premises.

375 - That all CCTV footage shall be kept for a period of thirty one (31) days and shall, upon request, be made immediately available to officers of the Police and the Council

377 - That a personal licence holder is on the premises and on duty at ALL times that intoxicating liquor is supplied

380 - That completed Metropolitan Police risk assessment (Venue hire agreement form 696) shall be provided to the Police and Council's Licensing Service for all performers and promoters for all events a minimum of fourteen (14) days prior to the date of hire.

381 - That an accurate record shall be kept of the number of persons admitted to each part of the premises, such records shall be retained for 6 months and made available to the responsible authorities

382 - That there shall be a suitable number of adequately trained staff to prevent overcrowding in parts of the premises, keep exit routes clear and to ensure safe evacuation of people from the premises. In the event of an emergency such staff will have been issued with specific duties in the event of an emergency

383 - That all staff shall have received training on the safe evacuation of the premises

in the event of an emergency and such training shall be repeated at least annually. A record of the training provided shall be kept at the premises for at least 12 months and shall be made available to the Fire Service or Council upon request

384 - That adequate arrangements will be made in the Fire Evacuation Plan to ensure the safe evacuation of any disabled persons in the event of an emergency

385 - That all escape doors and escape routes will be checked before the premises open for trading to the public and records of the check shall be maintained

386 - That all fire exit doors shall be available and shall be capable of opening without the use of any key, card, code or similar means

387 - That fire doors will be self closing and shall not be held open other than by devices approved by the Fire Service

388 - That edges to steps and stairways shall be maintained so as to be conspicuous

389 - That notices detailing the action to be taken in the event of fire or other emergency will be prominently displayed in the premises

390 - That fire alarm/fire evacuation/emergency lighting tests will be carried out at least monthly and a record maintained of those tests. Such records to be kept at the premises for at least 12 months and made available to the Fire Service and the Council

393 - That the licensee shall make available and display externally and on premises run websites telephone number of the premises so they can be contacted immediately by neighbours disturbed by noise.

397 - That the licensee shall instruct either SIA door supervisors or a staff member to inspect the neighbourhood at one hour intervals for any sound escape from the premises. Where sound from this premises is audible in the neighbourhood, the licensee shall take all reasonable steps to ensure that a noise nuisance will not be caused to local residents. Records shall be made available to authorised officers.

398 - Prior to any event, SIA doorstaff shall conduct a thorough search of the premises and equipment brought to into the premises by promoters for weapons and/or drugs.

399 - a) The premises overall occupant capacity is set at 1591 plus staff as per Drawing titled Pulse nightclub, Invicta Plaza, Southwark Drawing title: Capacities, Drawing no: b9-1007/31, Revision: A, Dated: 01/05/12 by Block 9 architects and the Technical Standard for places of entertainment Rev 2009. . To prevent localised overcrowding the occupant capacity for each area shall not exceed as follows: AREA 1 Capacity Dancefloor 104.2sqm @ 0.5/sqm = 208 Bar Queue 19.0sqm @ 0.3/sqm = 63 AREA 2 Capacity Dancefloor 113sqm @ 0.5/sqm = 226 Bar Queue 19sqm @ 0.3/sqm = 63 AREA 3 Capacity Persons in foyer 83 AREA 4 Capacity Dancefloor 175.4 sqm @ 0.5p/sqm = 350 Bar Queue 27.0 sqm @ 0.3p/sqm = 90 AREA 5 Capacity Dancefloor 196.3sqm @ 0.5p/sqm = 392 Raised stage area 58sqm @ 0.5p/sqm = 116 b) A suitable and auditable occupant capacity monitoring method shall be established for each of the above stated area and the premises overall capacity. c) Suitable sanitary accomodation shall be provided in accordance with

Technical Standard for places of entertainment Rev 2009, Section G1: Sanitary accommodation, Table 24. d) As a minimum, the premises shall operate and show overall compliance in accordance with the recommendations contained within the 'Technical Standard for places of entertainment Rev 2009'

400 - All staff involved in the sale of alcohol shall be trained in the agecheck challenge 25 policy. A record of their training, including the dates that each member of staff is trained, shall be available for inspection at the premises on request by the Council's authorised officers or the police.

401 - Agecheck or challenge 25 signage shall be displayed at entrances to the premises, areas where alcohol is displayed for sale and at points of sale to inform customers that an agecheck challenge 25 policy applies a proof of age may be required.

485 - (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, 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 carries a significant risk of undermining a licensing objective; (d) selling or supplying alcohol in association with promotional poster 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; and (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 disability).

487 - The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

488 - (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.

489 - 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: 1/2 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,

491 - 1. 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.

2. For the purpose of the condition set out in paragraph (1): (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; (iv) "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 (v) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994. 3. Where the permitted price given by paragraph (b) of paragraph 2 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. 4. (1) Sub-paragraph (2) applies where the permitted price given by paragraph (b) of paragraph 2 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.

4AA - The premises shall operate an age check 'Challenge 25' policy whereby customers purchasing alcohol who look or appear to be under 25 years of age will be asked for an approved form of proof of age to verify their age. Approved forms shall include a driving licence, passport or a PASS approved proof of age card such as the Southwark Proof of Age (SPA) card.

Telephone:  
E-mail:

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Our determination in the matter of an appeal against the decision of the Leicestershire licensing authority relating to a premises licence by Sainsburys Supermarkets Ltd.

1. As experienced licensing Magistrates we are aware that this hearing should be looked at as a new application.
2. The application is for premises within a Cumulative Impact Zone (CIZ), which in itself does not preclude an application, but we must assess the possible impact that the premises would have on the area.
3. Sainsburys are proposing that the premises at 146 London road, formerly the Varsity pub, are converted to a local supermarket with off licence.
4. The issue is to determine the effect of this development on street drinking, which was the reason for the creation of the CIZ.
5. We recognise the beneficial effect that the multi-agency approach taken has had on substantially reducing the problem of street drinking. In particular, the imposition of a limit on the strength of beers, lagers and ciders within the CIZ has undoubtedly been a major contributory factor.
6. We have heard considerable evidence, agreed by all parties, that Sainsburys is a reputable and responsible organisation who can provide effective training, systems and support to a high level in the pursuit of good practice.
7. Sainsburys have agreed to implement a long list of conditions, which were suggested and agreed by the interested parties, if a grant of the licence were to be made.
8. In addition to this list, Sainsbury's have agreed to move the starting hour for the sale of alcohol to 8am.
9. We heard evidence of the problem of street drinking in the full length of London Road and that it is now under control to the extent that only three reportable issues occurred in the nine month period preceding this hearing.
10. We have also heard evidence that alcohol consumed by street drinkers, determined by higher strengths is currently purchased outside of the CIZ.
11. Whilst we fully understand and approve the implementation of the CIZ, we are strongly persuaded that this application will have no adverse effect on the objectives of the CIZ, the licensing policy and the overall situation in the area.
12. We endorse the conditions that have been submitted, along with the starting hour of 8am. We consider that the condition relating to security staff should read 'The license holder shall employ security guards at the premises if, in consultation with the police, it considers it appropriate'.
13. We have therefore decided to grant the appeal.

# <sup>the Publican's</sup> Morning Advertiser

## Leading licensing barrister slams councils over "iron-rule" approach to cumulative impact zones

By Noli Dinkovski, 28-Oct-2013

Related topics: General News

A leading licensing barrister has slammed local councils for their "iron-rule" approach to cumulative impact zones (CIZs) after helping Sainsbury's win a court appeal against a refusal of a premises licence.

Phillip Kolvin QC said councils were using cumulative impact policies as an excuse against granting further licences. He argued that instead, such policies should do nothing more than give councils the right to ask applicants to demonstrate that the licence will not impact negatively on the CIZ.

Kolvin said: "Councils can't refuse licences simply on the basis that a cumulative impact policy is in place. In this most recent case, we successfully argued on the basis that it is not an iron-rule - all it does is compel the applicant to demonstrate that their proposal will not have a negative impact on the area."

### Irrelevance

Sainsbury's won the appeal against Leicester City Council after it successfully argued that the issue of street drinking in the zone had been addressed through licence reviews and dealing directly with street drinkers.

Kolvin explained: "The council's case was that its progress ought not to be threatened by yet more licensed premises, even if it was a well-run operator such as Sainsbury's.

"However, any impact they were talking about had long since vanished. They hadn't reviewed their policy, and we successfully argued that the policy had become an irrelevance."

Kolvin expressed his surprise that there were so many CIZs across the country - estimated to be around 150 at the moment.

He believed the latest ruling should give encouragement to any business wishing to apply for a licence to sell alcohol in a CIZ.


### Merits

Kolvin said: "This case demonstrates the critical importance of giving individual consideration to the merits of applications and appeals, even when an application is contrary to a directly applicable cumulative impact policy."

"We have moved the argument a little, to show that you can win convincingly in a stressed area, if you present the right case - as we did for BrewDog in Leeds last year."

He added: "Any licensed premises applicant should think through what impact it is going to have, and think through what procedures and management policies they are going to put in place to ensure it don't add to that impact."

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IN THE LEEDS MAGISTRATES COURT

BETWEEN :-

BREWDOG BARS LIMITED

Appellant

- and -

LEEDS CITY COUNCIL

Respondent

NOTE OF DECISION OF  
DISTRICT JUDGE ANDERSON  
6<sup>th</sup> SEPTEMBER 2012

No doubt when the 2003 Licensing Act came into being, no-one foresaw the emergence of an operation such as Brewdog. They are a Scottish company specialising in craft beers with a devoted clientele. They do not operate large public houses selling cheap lager or cheap food. They have outlets in other cities including in cumulative impact areas where they operate well and without police objection. Now they seek to come to Leeds.

The company takes a didactic approach, with books on brewing, and customers invited to watch instructional videos playing at their premises. Their customers could be described as "alcohol geeks." They are not run of the mill or everyone's cup of tea, but there is a demand for outlets selling a good quality of beer.

If they had identified a site outside the City's Cumulative Impact Policy area, there is absolutely no doubt that they would already have their licence. They are an intelligent, well-run company, and in a short space of time they have shown themselves to be an effective operator.

However, this site does fall foul of the Cumulative Impact Policy which was introduced with the best possible motives to control the grant of licences to new premises. There is a presumption within it that new applications shall not be granted, unless the applicant can discharge the reverse burden in establishing that they will not add to the cumulative impact, and that is the issue in this case.

I can deal with one conclusion briefly, the issue of noise and nuisance. The Court heard evidence from Miss Ludford that she had gone to the trouble of circulating a letter to all residents in the neighbouring block of flats but received no objections. Against that was the more general evidence of Mr Kenny, which showed noise complaints to the Council. But most of those complaints were amplified music and Brewdog does not seek to be able to provide amplified music and so there is no risk of noise from regulated entertainment emanating from the premises. The capacity is small and any noise generated as people leave the premises will be very marginal indeed. It seems to me that the premises of this public house would not be a significant impact on the Cumulative Impact area regarding public nuisance and so I do not intend to mention this further.

That leaves the more important objection of the Police and the potential impact of another premises on the levels of crime in the area. There are a number of clubs around the Corn Exchange and the late

Page 2

hours they trade, the marketing operations and the type of customer they attract means that there is regular disorder and violence, they run with late hours, attracting a different sort of customer. Their presence causes violence. That is a sad fact of modern life. The situation cannot be assisted by the sort of promotion I saw advertised by Chilli White with cheap vodka and free vodka, but they have their licence.

It cannot be the policy of the Cumulative Impact Policy to bring the iron curtain clanging down to allow such clubs to continue to trade while shutting out Browdog which attracts more discerning customers who do not engage in binge drinking, though I do accept the requirement of the Cumulative Impact Policy is to ascertain specifically whether there will be impact.

If I accept, as I do, that the enterprise sells expensive beers in expensive measures, then I think I can conclude that the people likely to be attracted are not "get it down your neck" drinkers but rather better heeled customers. The type of clientele a premises attracts has a material part to the play in the decision, because if I am not worried about their clientele and am impressed by the running of their bar elsewhere, it follows that it is unlikely that their clientele will have any adverse impact on the area here.

The Police argued that customers may accidentally cause impact. Their argument that customers could get caught up in a melee caused by others is not a valid one. A simple increase in footfall isn't a rational reason to refuse entry to Leeds by Browdog.

I have listened carefully but have heard nothing which causes me to believe that the application should not be granted. I am satisfied that the appellants have discharged the burden of proof placed on them.

I accept that the Committee and the Police did their best but their application of the Policy was too rigid. They seemed to take the view that man was made for the Policy, when the Policy should be made for man.

The appeal is upheld, and the licence granted in the terms set out in the bundle served on the Court.

Approved Judgment

Double-click to enter the short title



Neutral Citation Number: [2008] EWHC 838 (Admin)

Case No: CO/5533/2006

**IN THE HIGH COURT OF JUSTICE**  
**QUEEN'S BENCH DIVISION**  
**ADMINISTRATIVE COURT**

Royal Courts of Justice  
Strand, London, WC2A 2LL

Date: 06/05/2008

Before:

**THE HONOURABLE MRS JUSTICE BLACK**

Between:

Danfol Thwaites Plc	<u>Claimant</u>
- and -	
Wharfedale Borough Magistrates' Court	<u>Defendant</u>
- and -	
The Saughall Massie Conservation Society	1 <sup>st</sup> Interested Party
- and -	
Wharfedale Metropolitan Borough Council	2 <sup>nd</sup> Interested Party

David MW Pickup (instructed by Naphens plc) for the Claimant  
The Defendant did not appear and was not represented  
David Flood (instructed by Messrs Klayns) for the 1<sup>st</sup> Interested Party  
Matthew Copeland (instructed by Wharfedale MBC) for the 2<sup>nd</sup> Interested Party

Hearing date: 10<sup>th</sup> March 2008

**Approved Judgment**

I direct that pursuant to CPR PD 39A para 6.1 no official shorthand note shall be taken of this Judgment and that copies of this version as handed down may be treated as authentic.



Approved Judgment

Block 1

1. This is an application by Daniel Thwaites Plc ("the Claimant") for judicial review of a licensing decision made by the Wirral Magistrates' Court ("the Magistrates' Court") on 5 April 2006 and that court's decision on 21 April 2006 concerning the costs of the proceedings. The Claimant seeks an order quashing both decisions. Permission to apply for judicial review was granted by Mr Justice Pitchford on 2 November 2006.

The factual background

2. The Claimant owns the Saughall Hotel in Saughall Massie, Wirral which it operates as licensed premises ("the premises"). It originally held a licence under the Licensing Act 1964. In June 2005, it commenced an application to the Licensing Sub-Committee of the Metropolitan Borough of Wirral ("the licensing authority") for the existing licence to be converted to a premises licence under the Licensing Act 2003 and for the licence to be varied simultaneously.
3. In essence, the Claimant was seeking to conduct business at the premises for longer hours than were permitted under the original licence. The police did not support the extension of the hours to the extent that the Claimant initially proposed. The Claimant agreed to restrict the hours to those that were acceptable to the police. Accordingly, the licensing authority was asked to grant a licence that would permit music and dancing to 11 p.m. and alcohol sales until midnight on all nights except Friday and Saturday and, on Friday and Saturday nights, music and dancing to midnight and alcohol sales until 1 p.m., with the doors closing one hour after the last alcohol sale every night.
4. The police withdrew their representations against the modified proposals and did not appear before the licensing authority when the matter was heard on 23 August 2005. No representations were made by the Wirral Environmental Health Services either. However, there was opposition to the proposals at the hearing from the Saughall Massie Conservation Society ("the First Interested Party") and other Saughall Massie residents.
5. The Claimant told the licensing authority at the hearing that the hours of operation at the premises would not vary significantly from the existing hours of operation and that the application for extended hours was to allow flexibility to open later "on special occasions" This was a matter of which the licensing authority took note as is recorded in the minutes of their determination.
6. The licence was granted in the modified terms requested together with an additional hour for licensable activities and an extra 30 minutes for the hours the premises were to be open to the public over Christmas and at the major bank holidays.

Special arrangements were also permitted for New Year's Eve. The licensing authority removed certain conditions that had been imposed on the old licence (requiring all alcohol to be consumed within 20 minutes of the last alcohol sale and banning children under 14 from the bar) and imposed other conditions which were obviously aimed at controlling noise, namely that the area outside must be cleared by 11 p.m., that the premises must promote the use of taxi firms which use a call-back system, that all doors and windows must be kept closed when regulated entertainment was provided and that prominent notices should be placed on the premises requiring customers to leave quietly.

7. The Saughall Massie Conservation Society and "others" appealed against the licensing decision to the Magistrates' Court on the ground that the licensing authority's decision "was not made with a view to promotion of and in accordance with the licensing objectives pursuant to Section 4, Part 2 of the Licensing Act 2003".
8. The appeal occupied the Magistrates' Court from 3 – 5 April 2006. The respondents to the appeal were the licensing authority and the Claimant which both defended the licensing authority's decision. Witnesses were called including Saughall Massie residents, Police Sergeant Yohya who dealt with the stance of the Merseyside police, and Mr Miller, the manager of the premises.
9. The justices granted the appeal. Their Reasons run to 3 pages of typescript, one page of which is entirely taken up with setting out the new hours of operation they imposed. These permitted entertainment until 11 p.m. and alcohol sales until 11.30 p.m. on all nights except Friday and Saturday when entertainment would be permitted until 11.30 p.m. and alcohol sales until midnight. The premises could remain open to the public until midnight on all nights except Friday and Saturday when they could close at 1 a.m.. Similar provisions were imposed to those imposed by the licensing authority in relation to later opening at Christmas and major bank holidays and the provisions relating to New Year's Eve and the conditions of the licence remained unaltered.
10. The new licence had come into effect on 24 November 2005 so the new arrangements had been running for several months by the time of the hearing before the Magistrates' Court. There had been no formal or recorded complaints against the premises under the old or the new regime as the justices acknowledged in their Reasons. The residents who gave evidence were fearful of problems if the extended hours were allowed in the summer. The Chairman of the Conservation Society, who gave oral evidence, spoke of people urinating in the gardens and a problem with litter. It appears from the statement filed by the Chairman of the Bench for these judicial review proceedings that evidence was also given of interference with machinery on nearby Diamond Farm. The justices' Reasons make no reference at all to these matters. As to the statements of the "Witnesses of the Appellant", they say simply that they have read and considered them but attached little or no weight to them.

11. The justices and their legal advisor have filed a considerable amount of material in response to the judicial review proceedings, in all 31 closely typed pages. These comprise their Response to the Claim, statements from Alistair Beere (who was the chairman of the bench), Mary Woodhouse (another of the bench) and Stephen Plekstock (the legal advisor), and what is said in the Index to be a document by Mr Beere from which he prepared his statement. There was limited argument before me as to the status of these documents and the weight that I should give to them. It was not submitted that I should decline to have *any* regard to them although I think it is fair to say that it was common ground between the parties, rightly in my view, that I should concentrate principally on the Reasons. It is established by authorities such as R v Westminster City Council ex p Brimacombe [1996] 2 All ER 302 that the court can admit evidence to elucidate or, exceptionally, correct or add to the reasons given by the decision maker at the time of the decision but that it should be very cautious about doing so. The function of such evidence should generally be elucidation not fundamental alteration, confirmation not contradiction. In the circumstances, I have read carefully what the magistrates have provided but approached its role in the judicial review proceedings cautiously.

The broad nature of the claim in relation to the licensing decision

12. The Claimant argues that the Magistrates' Court decision is unlawful for a number of reasons. It is argued that the decision was not in line with the philosophy of the Licensing Act 2003 ("the Act") and imposed restrictions on the Claimant's operation which were not necessary to promote the licensing objectives set out in that Act, that it was based on speculation rather than evidence, that it took into account irrelevant considerations and failed to take into account proper considerations, and that it was a decision to which no properly directed magistrates' court could have come on the evidence. In so far as the court imposed conditions as to the time at which the premises must close, it is submitted that this was not a matter which can be regulated under the Act. It is further argued that the magistrates failed to give adequate reasons for their decision.

The legal background

13. The Licensing Act 2003 was intended to provide a "more efficient" "more responsive" and "flexible" system of licensing which did not interfere unnecessarily. It aimed to give business greater freedom and flexibility to meet the expectations of customers and to provide greater choice for consumers whilst protecting local residents from disturbance and anti-social behaviour.
14. Note 12 of the explanatory notes to the Act gives an indication of the approach to be taken under the Act. It reads:
- "12. In contrast to the existing law, the Act does not prescribe the days or the opening hours when alcohol may be sold by retail for consumption on or off premises. Nor does it specify when other licensable activities may be carried on. Instead, the applicant for a premises licence or a club premises certificate will be able to choose

the days and the hours during which they wish to be authorised to carry on licensable activities at the premises for which a licence is sought. The licence will be granted on those terms unless, following the making of representations to the licensing authority, the authority considers it necessary to reject the application or vary those terms for the purpose of promoting the licensing objectives."

15. Section 1 of the Act provides:

"S1(1) For the purposes of this Act the following are licensable activities—

- (a) the sale by retail of alcohol,
- (b) [clubs]
- (c) the provision of regulated entertainment, and
- (d) the provision of late night refreshment."

16. To carry on a licensable activity, a premises licence granted under Part 3 of the Act is generally required, section 2. Application for a premises licence must be made to the relevant licensing authority, section 17(1).

17. By virtue of section 4, the licensing authority must carry out all its functions under the Act (including its functions in relation to determining an application for a premises licence or an application for a variation of a premises licence) with a view to promoting the "licensing objectives". These are set out in section 4 as follows:

"S 4(2) The licensing objectives are—

- (a) the prevention of crime and disorder;
- (b) public safety;
- (c) the prevention of public nuisance; and
- (d) the protection of children from harm."

18. In carrying out its licensing functions, by virtue of section 4(3) the licensing authority must also have regard to its licensing statement published under section 5 and any guidance issued by the Secretary of State under section 182.

19. Section 182 obliges the Secretary of State to issue guidance to licensing authorities on the discharge of their functions under the Act. Guidance was issued in July 2004 ("the Guidance"). It was updated in June 2007 but it is the original guidance that is relevant in this case. In any event, none of the changes made are material to the issues I have to determine.

20. The Foreword says that the Guidance

"is intended to aid licensing authorities in carrying out their functions under the 2003 Act and to ensure the spread of best practice and greater consistency of approach. This does not

mean we are intent on eroding local discretion. On the contrary, the legislation is fundamentally based on local decision-making informed by local knowledge and local people. Our intention is to encourage and improve good operating practice, promote partnership and to drive out unjustified inconsistencies and poor practice."

21. As the Guidance says in paragraph 1.7, it does not replace the statutory provisions of the Act or add to its scope. Paragraph 2.3 says:

"Among other things, section 4 of the 2003 Act provides that in carrying out its functions a licensing authority must have regard to guidance issued by the Secretary of State under section 182. The requirement is therefore binding on all licensing authorities to that extent. However, it is recognised that the Guidance cannot anticipate every possible scenario or set of circumstances that may arise and so long as the Guidance has been properly and carefully understood and considered, licensing authorities may depart from it if they have reason to do so. When doing so, licensing authorities will need to give full reasons for their actions. Departure from the Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken."

22. An application to the licensing authority for a premises licence must be accompanied by an operating schedule in the prescribed form including a statement of the matters set out in section 17(4) which are as follows:

- (a) the relevant licensable activities,
- (b) the times during which it is proposed that the relevant licensable activities are to take place,
- (c) any other times during which it is proposed that the premises are to be open to the public,
- (d) where the applicant wishes the licence to have effect for a limited period, that period,
- (e) where the relevant licensable activities include the supply of alcohol, prescribed information in respect of the individual whom the applicant wishes to have specified in the premises licence as the premises supervisor,
- (f) where the relevant licensable activities include the supply of alcohol, whether the supplies are proposed to be for consumption on the premises or off the premises, or both,
- (g) the steps which it is proposed to take to promote the licensing objectives,
- (h) such other matters as may be prescribed."

23. Section 18 deals with the determination of an application for a premises licence. Section 35 deals in very similar terms with the determination of an application to vary a premises licence. It will be sufficient only to set out here the provisions of s 18.

24. Section 18(2) provides that, subject to subsection (3), the authority must grant the licence in accordance with the application subject only to:

- "(a) such conditions as are consistent with the operating schedule accompanying the application,
- and
- (b) any conditions which must under section 19, 20 or 21 be included in the licence."

25. Section 19 deals with premises licences which authorise the supply of alcohol. Such licences must include certain conditions ensuring that every supply of alcohol is made or authorised by a person who holds a personal licence and that no supply of alcohol is made when there is no properly licensed designated premises supervisor. Sections 20 and 21 are not relevant to this claim.
26. Section 18(3) provides that where relevant representations are made, the authority has certain specified obligations. In so far as is relevant to this appeal "relevant representations" are defined in section 18(6) as follows:

"(6) For the purposes of this section, "relevant representations" means representations which—  
(a) are about the likely effect of the grant of the premises licence on the promotion of the licensing objectives;  
(b) meet the requirements of subsection (7),  
(c) ...."
27. Subsection (7) provides:

(7) The requirements of this subsection are—  
(a) that the representations were made by an interested party or responsible authority within the period prescribed under section 17(5)(e),  
(b) that they have not been withdrawn, and  
(c) in the case of representations made by an interested party (who is not also a responsible authority), that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
28. Where relevant representations are made, the authority must hold a hearing to consider them unless the authority, the applicant and each person who has made representations agrees that a hearing is unnecessary. By virtue of section 18(3)(b), the authority must also:

"(b) having regard to the representations, take such of the steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the licensing objectives."
29. Section 18(4) provides:

"(4) The steps are—  
(a) to grant the licence subject to—  
    (i) the conditions mentioned in subsection (2)(a) modified to such extent as the authority considers necessary for the promotion of the licensing objectives, and  
    (ii) any condition which must under section 19, 20 or 21 be included in the licence;  
(b) to exclude from the scope of the licence any of the licensable activities to which the application relates;  
(c) to refuse to specify a person in the licence as the premises supervisor;  
(d) to reject the application."
30. Conditions are modified for the purposes of subsection (4)(a)(i) if any of them is altered or omitted or any new condition is added.

31. During the currency of a premises licence, by virtue of section 51, an interested party (broadly speaking, a local resident or business) or a responsible authority (police, fire, environmental health etc.) may apply to the relevant licensing authority for a review of the licence on a ground which is relevant to one or more of the licensing objectives. By virtue of section 52, a hearing must be held to consider the application and any relevant representations and the authority must take such steps from a specified list as it considers necessary for the promotion of the licensing objective. The steps range from modifying the conditions of the licence to suspending it or revoking it completely.
32. The Act makes provision in Part 5 for "permitted temporary activity" which, loosely speaking, is a form of ad hoc licensing to cover licensable activities which are not covered by a more general licence. The system involves proper notification of an event to the licensing authority and the police. Provided the applicable number of temporary event notices has not been exceeded and the police do not intervene, the event is automatically permitted. Temporary event notices can only be given in respect of any particular premises 12 times in a calendar year and the period for which each event lasts must not exceed 96 hours.
33. Section 181 provides for appeals to be made against decisions of the licensing authority to a magistrates' court which is, of course, how the decisions in relation to which judicial review is sought in this case came to be made.

The detail of the claim

34. The Claimant submits that in making its decision to allow the appeal in relation to the premises licence, the Magistrates' Court failed in a number of respects to take account of the changes that the new licensing regime has made and failed to adopt the approach required by the Act. It is further submitted that the magistrates failed properly to consider and take into account the Guidance.
35. There is no doubt that the Guidance is relevant in the magistrates' decision making. As I have set out above, section 4(3) requires the licensing authority to "have regard" to the Guidance. By extension, so must a Magistrates' Court dealing with an appeal from a decision of the licensing authority. The Guidance says:

"10.8 In hearing an appeal against my decision made by a licensing authority, the magistrates' court concerned will have regard to that licensing authority's statement of licensing policy and this Guidance. However, the court would be entitled to depart from either the statement of licensing policy or this Guidance if it considered it is justified to do so because of the individual circumstances of any case."
36. Mr Pickup submits that although the Guidance is not binding and local variation is expressly permitted, it should not be departed from unless there is good reason to do so.

37. Mr Flood for the First Interested Party submits that the Guidance simply serves to provide information for the magistrates and provided that they have had regard to it, that is sufficient. He also points out that, in some respects (as is clear from the wording of the Guidance), the Guidance is a statement of Government belief rather than proved fact. Inviting attention to the judgment of Beatson J in J. D. Weatherpoon plc v Guildford Borough Council [2006] EWHC 815 (Admin), he identifies that different policy elements in the Guidance may pull in different directions in a particular case, flexibility and customer choice potentially conflicting with the need to prevent crime and disorder. He submits that provided that the magistrates consult the Guidance, they do not need to use it as "a decision making matrix that the deciding Court has to sequentially address in making its decision in the manner it would if considering a section of a statute".

38. There is no doubt that regard must be had to the Guidance by the magistrates but that its force is less than that of a statute. That is common ground between the parties. The Guidance contains advice of varying degrees of specificity. At one end of the spectrum, it reinforces the general philosophy and approach of the Act. However, it also provides firm advice on particular issues, an example being what could almost be described as a prohibition on local authorities seeking to engineer staggered closing times by setting quotas for particular closing times. I accept that any individual licensing decision may give rise to a need to balance conflicting factors which are included in the Guidance and that in resolving this conflict, a licensing authority or magistrates' court may justifiably give less weight to some parts of the Guidance and more to others. As the Guidance itself says, it may also depart from the Guidance if particular features of the individual case require that. What a licensing authority or magistrates' court is not entitled to do is simply to ignore the Guidance or fail to give it any weight, whether because it does not agree with the Government's policy or its methods of regulating licensable activities or for any other reason. Furthermore, when a magistrates' court is entitled to depart from the Guidance and justifiably does so, it must, in my view, give proper reasons for so doing. As paragraph 2.3 of the Guidance says in relation to the need for licensing authorities to give reasons:

"When [departing from the Guidance], licensing authorities will need to give full reasons for their actions. Departure from the Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken."

This is a theme to which the Guidance returns repeatedly and is a principle which must be applicable to a magistrates' court hearing an appeal as it is to a licensing authority dealing with an application in the first instance. I agree with Mr Flood for the First Interested Party that the magistrates did not need to work slavishly through the Guidance in articulating their decision but they did need to give full reasons for their decision overall and full reasons for departing from the Guidance if they considered it proper so to do.

39. In this case, Mr Pickup submits that proper attention to the Guidance would have helped the magistrates to come to a correct and reasonable decision and that they



have failed to adhere to it without proper reason and failed to carry out their licensing function in accordance with the Act.

40. The foundation of the Claimant's argument is that the Act expects licensable activities to be restricted only where that is *necessary* to promote the four licensing objectives set out in section 4(2). There can be no debate about that. It is clearly established by the Act and confirmed in the Guidance. For example, in the Act, section 18(3)(b), dealing with the determination of an application for a premises licence, provides that where relevant representations are made the licensing authority must "take such of the steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the licensing objectives" (the steps in subsection (4) include the grant of the licence subject to conditions). Section 34(3)(b), dealing with the determination of an application to vary a premises licence, is in similar terms. The Guidance repeatedly refers, in a number of different contexts, to the principle that regulatory action should only be taken where it is *necessary* to promote the licensing objectives. In particular, it clearly indicates that conditions should not be attached to premises licences unless they are necessary to promote the licensing objectives, see for example paragraph 7.5 and also paragraph 7.17 which includes this passage:

"Licensing authorities should therefore ensure that any conditions they impose are only those which are necessary for the promotion of the licensing objectives, which means that they must not go further than what is needed for that purpose."

41. The Guidance also refers a number of times to the need for regulation to be "proportionate". This is not a term contained in the Act but if a regulatory provision is to satisfy the hurdle of being "necessary", it must in my view be confined to that which is "proportionate" and one can understand why the Guidance spells this out.
42. Mr Pickup submits, and I accept, that the Act anticipates that a "light touch bureaucracy" (a phrase used in paragraph 5.99 of the Guidance) will be applied to the grant and variation of premises licences. He submits that this means that unless there is evidence that extended hours will adversely affect one of the licensing objectives, the hours should be granted. A prime example of this arises when an application for a premises licence is made and there are no relevant representations made about it. In those circumstances, s 18(2) obliges the licensing authority to grant the licence and it can only impose conditions which are consistent with the operating schedule submitted by the applicant. Mr Pickup says that such a light touch is made possible, as the Guidance itself says, by providing a review mechanism under the Act by which to deal with concerns relating to the licensing objectives which arise following the grant of a licence in respect of individual premises. He invites attention also to the existence of other provisions outside the ambit of the Act which provide remedies for noise, for example the issue of a noise abatement notice or the closure of noisy premises under the Anti-Social Behaviour Act 2003. The Guidance makes clear that the existence of other legislative provisions is relevant and may, in some cases, obviate the need for any further conditions to be imposed on a licence. Paragraph 7.18 from the section of the Guidance dealing with attaching conditions to licences is an illustration of this approach:

"7.18 It is perfectly possible that in certain cases, because the test is one of necessity, where there are other legislative provisions which are relevant and must be observed by the applicant, no additional conditions at all are needed to promote the licensing objectives."

43. The Guidance includes a section dealing with hours of trading which the Claimant submits further exemplifies the philosophy of the Act. It begins with paragraph 6.1 which reads:

"This Chapter provides guidance on good practice in respect of any condition imposed on a premises licence or club premises certificate in respect of hours of trading or supply."

44. It continues:

"6.5 The Government strongly believes that fixed and artificially early closing times promote, in the case of the sale or supply of alcohol for consumption on the premises, rapid binge drinking close to closing times; and are a key cause of disorder and disturbance when large numbers of customers are required to leave premises simultaneously. This creates excessive pressures at places where fast food is sold or public or private transport is provided. This in turn produces friction and gives rise to disorder and peaks of noise and other nuisance behaviour. It is therefore important that licensing authorities recognise these problems when addressing issues such as the hours at which premises should be used to carry on the provision of licensable activities to the public."

6.6 The aim through the promotion of the licensing objectives should be to reduce the potential for concentrations and achieve a slower dispersal of people from licensed premises through longer opening times. Arbitrary restrictions that would undermine the principle of flexibility should therefore be avoided. We will monitor the impact of the 2003 Act on crime and disorder and the other licensing objectives. If necessary in the light of these findings, we will introduce further legislation with the consent of Parliament to strengthen or alter any provisions."

45. The Claimant submits that in imposing shorter hours than it requested for the supply of alcohol and for entertainment, the magistrates went beyond that which was necessary for these premises and failed to take into account that, as the Guidance explains, longer opening times would in fact reduce the potential for problems arising from licensed premises whereas curtailing operations could run counter to the licensing objectives.
46. The magistrates' Reasons record their acceptance that there had been no reported complaint in regard to public nuisance and that the extended hours had operated without any incidents. The magistrates also record in the Reasons, as I have already said, that they had attached little or no weight to the statements from witnesses of the appellant. Nothing is said about difficulties mentioned in evidence by the witnesses. As it was clearly incumbent on the magistrates at least to advert in broad terms to those matters that they took into account, it is fair to conclude in the circumstances that they proceeded upon the basis that there was no reliable evidence of actual problems linked to the premises either under the old licence or under the

new revised licence. This was in line with the oral evidence of Police Sergeant Yohyn (as recorded in the rather truncated notes of the legal advisor):

"I reported incident for the site. No other incidents or complaints have been received. There are none in my file. There are no incidents we can directly link to the Saughall Hotel since previously open. There have been incidents locally but not linked to these premises."

47. To judge by the Reasons therefore, what led the magistrates to impose restricted hours of operation was their forecast as to what would occur in the future in association with the premises, notwithstanding the absence of reliable evidence of past problems. The First Interested Party observes that the manager of the premises had given evidence that he intended in the summer to "make hay while the sun shines" and submits, correctly in my view, that the magistrates were entitled to take this apparent change of emphasis into account. However, Mr Flood further submits that the evidence of what had happened in the winter months was therefore of "little evidential value" in determining what was likely to happen in the future and I cannot wholly agree with him about this. Undoubtedly the fact that the Claimant intended in future to make more use of the extended hours reduced the value of the premises' past record as a predictor of the future but it could not, in my view, be completely discarded by the magistrates. They still had to take into account that there had been extended hours for some months without apparent problems.
48. It is plain that the magistrates' particular concern was "migration" rather than problems generated by those coming directly to the premises for their evening out. Under the heading "The Four Licensing Objectives", they say that they accept that there have been no formal or recorded complaints against the premises "but feel that because of the concept of migration that public nuisance and crime and disorder would be an inevitable consequence of leaving the hours as granted by the Local Authority". Under the heading "Migration/Zoning" they begin:
- "The Saughall Hotel due to its location and the fact that a number of licensee premises in the surrounding area have reduced hours to that of the Saughall Hotel we believe that as a consequence of this would be that customers would migrate from these premises to the Saughall Hotel. [sic]"
- and end:
- "We appreciate that the extended hours have been in operation for several months without any incidents but have taken into consideration this was during the Winter months and movable numbers will increase in the Summer causing nuisance/seriousity."
49. They reiterate their concern under the heading "Nuisance (Existing/Anticipated)" saying that they "feel that public nuisance will be inevitable".
50. The Claimant complains that the magistrates' treatment of the issue of "migration" was fundamentally flawed on a number of grounds.

51. Firstly, it submits that there was no evidence on which the magistrates could find that customers *would* come to the premises when other premises in the vicinity closed or cause trouble and their concerns were no more than inappropriate speculation. The Claimant's position was that there was no evidence of migration to their premises. There were no recorded complaints of any kind about the premises let alone specifically about migration. Ms Lesley Spence who lives opposite the premises and is the Secretary of the Saughall Massie Conservation Society gave evidence of her fear that customers would migrate but said that she did not think there had been any migration.

52. Apart from their own local knowledge, the only material on which the magistrates could possibly have formed their views about migration was what Police Sergeant Yehya said in evidence. According to the legal advisor's notes, whilst being cross-examined by Mr Kirwan, the sergeant gave evidence about the other licensed premises operating in the vicinity (which I have seen marked on a local map and which were within walking distance of the premises) and their closing hours and said that there were three assaults each week at one of the premises. The legal advisor records that he also said,

"We have staggered closing. This could cause problems it has the potential to cause difficulties in the area. I have a list of considerations but none would rank as high as crime, not even noise. No complaints have been made to me even regarding noise. One concern was dispersal. We gave people one hour to disperse and therefore reduced from 2.00 a.m. to 1.00 a.m., 1.00 a.m. closing at 2. 280 people leaving premises. Other premises subject to high levels of crime migration not an issue." [my italics]

53. I appreciate that this evidence acknowledged that staggered closing *could* cause problems but, had migration been a significant issue as opposed to a mere possibility, one can, I think, assume that the police would have made representations on that score, particularly given that they had plainly considered the impact of trading hours specifically and *had* initially objected to the even longer hours originally proposed by the Claimant. It is noteworthy that even when they were in opposition to the plans, it was never on the basis of migration of disruptive characters from other licensed premises and always simply on the basis of late noise from ordinary customers of the premises dispersing. The absence of police objections before either the licensing authority or the Magistrates' Court seems to have surprised the magistrates who said so in their Reasons, commenting:

"We were surprised that the Police originally objected to the application but withdrew that objection after a slight variation of the terms."

In so saying, they convey, in my view, not only their surprise about the Police approach but also their disagreement with it.

54. It was not open to the magistrates, in my view, to elevate what Sergeant Yehya said in the witness box to evidence that a problem with migration could reasonably be expected, nor do they say anything in their reasons which suggests that they did rely on his evidence in this way. The only concerns about migration were therefore the

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magistrates' own with perhaps some fears expressed by local residents though not on the basis of firm historical examples of migration to the premises.

55. It is clear from the Guidance that drawing on local knowledge, at least the local knowledge of local licensing authorities, is an important feature of the Act's approach. There can be little doubt that local magistrates are also entitled to take into account their own knowledge but, in my judgment, they must measure their own views against the evidence presented to them. In some cases, the evidence will require them to adjust their own impression. This is particularly likely to be so where it is given by a responsible authority such as the police. They must also scrutinise their own anxieties about matters such as noise and other types of public nuisance particularly carefully if the responsible authorities raise no objections on these grounds. These magistrates did recognise the absence of police objections which caused them surprise and they chose to differ from the police in reliance on their own views. The Claimant submits that in so doing they departed into the realms of impermissible speculation not only in concluding that there would be migration but also in concluding that in this case it would generate nuisance and disorder. The First Interested Party is correct in submitting that the Guidance accepts a link between migration and a potential breach of the licensing objectives but it is also clear from the Guidance that each case must be decided on its individual facts so the magistrates could not simply assume that if people came from other premises, there would be trouble.
56. The Claimant complains that the magistrates' treatment of the migration issue also flies in the face of the Guidance because firstly it was an improper attempt to implement zoning and secondly it ignored the general principle of longer opening hours.
57. Zoning is the setting of fixed trading hours within a designated area so that all the pubs in a given area have similar trading hours. The problem created by it, as demonstrated by experience in Scotland, is that people move across zoning boundaries in search of pubs opening later and that causes disorder and disturbance. The Guidance says, at paragraph 6.8:

"The licensing authority should consider restricting the hours of trading only where this is necessary because of the potential impact on the promotion of the licensing objectives from fixed and artificially early closing times."

It stresses that above all, licensing authorities should not fix predetermined closing times for particular areas.
58. I am not convinced that the magistrates' limiting of the Claimant's operational hours can properly be described as implementing zoning which, in my view, is a term that is more appropriate to describe a general policy imposed by a licensing authority for a defined area than an individual decision of this type, albeit made with reference to the opening hours of other premises in the vicinity and having the effect of imposing the same hours as those premises.

59. What has more weight, however, is the Claimant's submission that the magistrates failed to give proper weight to the general principle of later opening hours and to the intention that the approach to licensing under the Act would be to grant the hours sought for the premises unless it was necessary to modify them in pursuit of the licensing objectives. The Reasons include a heading "Flexibility" under which the magistrates say simply:

"We have considered the concept of Flexibility."

In so saying, they may be referring to the sort of flexibility to which reference is made, for example, in paragraph 6.6 of the Guidance (see above) but their shorthand does not enable one to know to what conclusions their consideration of the concept led them in this case nor whether they had reliably in mind that the starting point should be that limitations should not be imposed upon the licence sought unless necessary to promote the licensing objectives rather than that the licensing authority or the court should form its own view of what was necessary for the premises and only grant that.

60. The Claimant was seeking to have the freedom to open later on certain occasions when the trade justified it or, as the magistrates put it, "the application for extended hours was to allow flexibility to open later on certain occasions". As the First Interested Party would submit, the magistrates may have inferred from Mr Miller's comment about making hay that the premises would *often* be open late rather than this happening only infrequently in accordance with the picture presented to the licensing authority. If this was their inference, however, it is odd that they considered that the Claimant could deal with the position by applying for a temporary certificate because this would have allowed the premises to open later on only a limited number of occasions. They make no express finding in their Reasons as to the frequency on which they considered the Claimant intended to keep the premises open late. This was material not only to the degree of disturbance that might be caused generally by late opening but also specifically to the issue of whether there would be migration. It would seem unlikely that customers from nearby pubs would bother to walk or even drive to the Saughall Hotel in search of another drink at the end of their evenings unless the Saughall Hotel was open late sufficiently frequently to lend them to a reasonable expectation that their journey would be worthwhile.
61. The magistrates' comment about the temporary certificate also seems to me to be an example of a failure by them to adopt the lighter approach that the Act dictated and to allow flexibility to those operating licensed premises unless the licensing objectives required otherwise. Temporary certificates would be a cumbersome and restricted means of achieving flexibility, not responsive to the day to day fluctuations in business, only available a limited number of times, and not in line with the philosophy of the Act.
62. There is no consideration in the magistrates' decision of whether the imposition of conditions to control noise or other nuisance (which were going to be imposed)

would be sufficient to promote the licensing objectives without reducing the operating hours of the premises. Given that the Act dictates that only such steps as are necessary should be taken with regard to the variation of the terms of operation sought, such consideration was required.

My overall conclusions

63. It would be wrong, in my judgment, to say that the magistrates failed to take account of the licensing objectives. At the outset of their Reasons, they correctly identify those which are relevant. Similarly, as the First Interested Party submits, whilst they did not *articulate* that the curtailment of the hours sought was "necessary" to promote those objectives, it is implied in their decision that they did take this view and it can also be inferred from their comment that because of the concept of migration, public nuisance and crime and disorder would be "an inevitable consequence" of leaving the hours as granted by the Local Authority. However, in my view their approach to what was "necessary" was coloured by a failure to take proper account of the changed approach to licensing introduced by the Act. Had they had proper regard to the Act and the Guidance, they would have approached the matter with a greater reluctance to impose regulation and would have looked for real evidence that it was required in the circumstances of the case. Their conclusion that it was so required on the basis of a risk of migration from other premises in the vicinity was not one to which a properly directed bench could have come. The fact that the police did not oppose the hours sought on this basis should have weighed very heavily with them whereas, in fact, they appear to have dismissed the police view because it did not agree with their own. They should also have considered specifically the question of precisely how frequently the premises would be likely to be open late and made findings about it. They would then have been able to compare this to the winter opening pattern in relation to which they accepted there had been no complaints and draw proper conclusions as to the extent to which the summer months would be likely to differ from the winter picture. Having formed a clear view of how frequently late opening could be anticipated, they would also have been able to draw more reliable conclusions about the willingness of customers from further afield to migrate to Saughall Massie. They proceeded without proper evidence and gave their own views excessive weight and their resulting decision limited the hours of operation of the premises without it having been established that it was necessary to do so to promote the licensing objectives. In all the circumstances, their decision was unlawful and it must be quashed.
64. I have said little so far about what appears in the magistrates' response for the judicial review proceedings. The various documents comprising the response did nothing to allay my concerns about the magistrates' decision. Indeed quite a lot of what was said reinforced my view that the magistrates had largely ignored the evidence and imposed their own views. They refer in their response to incidents about which the residents had given evidence and to the residents not having complained formally for various reasons, for example because it was Christmas or because there was thought to be no point. If the magistrates considered these matters to be relevant, it was incumbent on them to say so clearly in their reasons whereas

they there recorded their acceptance that there had been no formal or recorded complaints, that the extended hours had been in operation for several months without incidents and that they had attached little or no weight to the statements of the witnesses of the appellant. They also refer extensively in their response to their thoughts on migration, including that people may come from further afield than the pubs in the vicinity in cars. Particularly concerning is that they refer repeatedly to a perceived issue over police resources which is not something that, as far as I can see, had been raised by Sergeant Yehya or explored with him in evidence. Mr Beere says in his statement for example, "...there is also the question of Police resources and their ability to effectively police this area especially at weekends with already stretched resources being deployed in Hoxlyake".

65. Reference is made in the response documents to the court feeling that the Brewery's proposed opening hours contradicted the acceptable activities of a family pub and that the Snaghall Hotel is "a village pub and not a night spot in the centre of town". For the court to take matters such as this into account seems to me to be an interference with the commercial freedom of the premises of a type that was not permissible under the Act unless it was necessary to promote the licensing objectives. I appreciate that the magistrates' response seems to suggest that they feared that a different type of customer was being courted or would invite themselves once it got too late for families but this does not seem to have been founded on anything that was given in evidence so was really not much more than speculation.
66. Mr Beere's statement ends with a reference to the Brewery wanting to make hay while the sun shines, of which he says, "I believe that this statement was indicative of the Brewery's attitude to local residents and to the general management of the premises.". Given that problems with or in the vicinity of the premises had been almost non-existent and that the magistrates had not seen fit to make reference in their Reasons to any difficulties caused by the Hotel, it is hard to see how this belief could be justified but it does perhaps exemplify the approach of the magistrates.
67. I have considered quite separately the argument as to whether the hours of opening can be regulated as part of the licensing of premises as opposed to the hours during which licensable activities take place. It was suggested during argument that there was no power to regulate the time by which people must leave the premises. I cannot agree with this. Clearly keeping premises open (as opposed to providing entertainment or supplying alcohol there) is not a licensable activity as such. However, the operating schedule which must be supplied with an application for a premises licence must include a statement of the matters set out in section 17(4) and these include not only the times when it is proposed that the licensable activities are to take place but also "any other times during which it is proposed that the premises are to be open to the public". On a new grant of a premises licence, where there are no representations the licensing authority has to grant the application subject only to such conditions as are consistent with the operating schedule. I see no reason why, if it is necessary to promote the licensing objectives, these conditions should not include a provision requiring the premises to be shut by the time that is specified in the operating schedule. If representations are made and the licensing authority

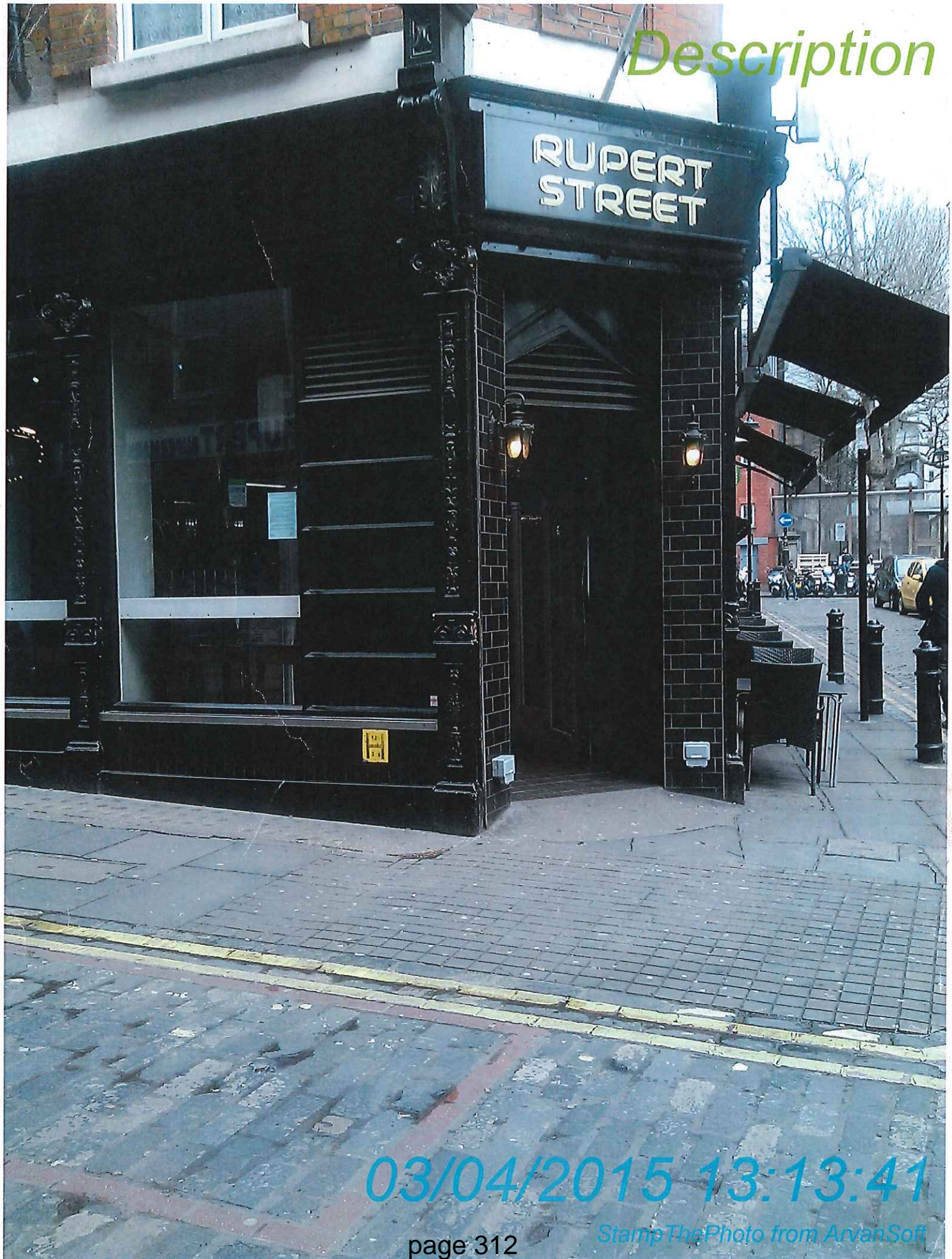


ultimately grants the application, it can depart from the terms set out in the operating schedule when imposing conditions in so far as this is necessary for the promotion of the licensing objectives. It must follow that it can impose an earlier time for the premises to be locked up than the applicant wished and specified in its operating schedule. It is important to keep in mind in this regard that the role of the licensing authority and, if there is an appeal, the court, has two dimensions: the fundamental task is to license activities which require a licence and the associated task is to consider what, if any, conditions are imposed on the applicant to ensure the promotion of the licensing objectives. A requirement that the premises close at a particular time seems to me to be a condition just like any other, such as keeping doors and windows closed to prevent noise. I see no reason why a condition of closing up the premises at a particular time should not therefore be imposed where controlling the hours of the licensable activities on the premises (and such other conditions as may be imposed) is not sufficient to promote the licensing objectives.

The costs argument

68. In the light of my conclusion that the magistrates' decision is unlawful and therefore must be quashed, it is not appropriate for me to consider the arguments in relation to their costs order further. The appellants had given an undertaking to the Licensing Authority that they would not seek costs against the Licensing Authority and they sought the entirety of their costs of the appeal from the Claimant. The magistrates granted that order and the Claimant submits that that was not an order that was open to them. Whatever the merits of that argument, the magistrates' order in relation to costs cannot now stand. The basic foundation for the order for costs was that the appeal had succeeded and the Claimant had lost. That position has now been overturned and the costs order must go along with the magistrates' main decision. The magistrates would have had no reason to grant costs against the Claimant if the appeal had been dismissed.

# Description



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City of Westminster

# Licensing Sub-Committee Report

Item No:	
Licensing Ref No:	15/04057/LIPN
Date:	20 August 2015
Classification:	For General Release
Title of Report:	Raging Ball Snooker and Sports Club (Basement) 159-163 Edgware Road London W2 2HR
Report of:	Director of Public Protection and Licensing
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Mr Ola Owojori Senior Licensing Officer
Contact Details:	Telephone: 020 7641 7830 E-mail: oowojori@westminster.gov.uk



## APPLICATION DETAILS

<b>Application Type:</b>	A new premises licence application under the Licensing Act 2003.		
<b>Applicant:</b>	Future Leisure Limited	<b>Date Application Received:</b>	28 May 2015
<b>Premises Name and Address:</b>	Raging Ball Snooker and Sports Club (Basement) 159-163 Edgware Road London W2 2HR		
<b>Ward Name:</b>	Hyde Park	<b>Stress Area:</b>	Edgware Road
<b>Description of Premises:</b>	The premises are to be operated as a snooker club in the basement.		
<b>Preliminary Note</b>	The hours sought for licensable activities have been reduced following representations from the Police and Environmental Health. The hours stated below are the revised hours.		
<p><i>Note: Where the committee is minded to grant the licence it will be granted subject to the mandatory conditions and conditions consistent with the operating schedule modified to such extent as the authority considers appropriate for the promotion of the licensing objectives detailed in Appendix D to this report.</i></p>			
<b>Proposed Licensable Activities, Proposed Hours:</b>			
<b>Indoor Sporting Event</b>			
Sunday to Thursday:		09:00 to 00:00	
Friday to Saturday:		09:00 to 01:00	
<b>Playing of Recorded Music</b>			
Sunday to Thursday:		09:00 to 00:00	
Friday to Saturday:		09:00 to 01:00	
<b>Late Night Refreshment</b>			
Sunday to Thursday:		23:00 to 00:00	
Friday to Saturday:		23:00 to 01:00	
<b>Sale by Retail of Alcohol (On the Premises)</b>			
Monday to Thursday:		10:00 to 00:00	
Friday to Saturday:		10:00 to 01:00	
Sunday:		12:00 to 00:00	
<p>Non-standard Timings: On the day when British Summer commences, and on that day only, licensable activities will be extended by one hour.</p>			
<p>New Years Eve - From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.</p>			
<b>Opening Hours</b>			
Monday to Sunday:		00:00 to 00:00	

	<b>Relevant representations and policies applicable:</b>	<b>References / Notes</b>
1A	An adverse representation has been made against the application by the Environmental Health stating that the proposals will have the likely effect of causing an increase in public nuisance and may impact upon public safety in the Edgware Road Stress Area. Subsequently, they have proposed conditions most of which have been agreed by the applicant should the Committee be minded to grant.	<b>Environmental Health Service Representation</b>
1B	An adverse representation has been made against the application by the Police stating that it is their belief that the application if granted will undermine the licensing objectives and cause further policing problem in the Edgware Road stress area. Subsequently, they have proposed conditions most of which have been agreed by the applicant should the Committee be minded to grant.	<b>Metropolitan Police Service representation</b>
1C	Adverse representations have been made against the application by four local residents stating that the application if granted will lead to an increase in public nuisance and may exacerbate noise in the area.	<b>Local Residents representations</b>
1D	<p>The following policies within the City Of Westminster Statement of Licensing Policy apply:</p> <p>Policy STR1 applies:</p> <p>(i) It is the Licensing Authority's policy to refuse applications in the Stress Areas for: pubs and bars; fast food premises and premises offering facilities for music and dancing other than applications to vary hours within the Core Hours under Policy HRS1</p> <p>(ii) Applications for other licensable activities in the Stress Areas will be subject to other policies and must demonstrate that they will not add to cumulative impact in the Stress Areas.</p> <p>Policy HRS1 applies:</p> <p>(i) Applications for hours within the core hours set out in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours in this policy will be considered on their merits, subject to other relevant policies and with particular regard to criteria set out in the policy:</p> <p>Policy PB2 applies:</p> <p>It is the Licensing Authority's policy to refuse applications in the Stress Areas other than applications to vary hours within the Core Hours under Policy HRS1.</p>	<b>Policies applicable</b>
1E	<p>The Licensing Sub-committee may refuse, grant in full or grant in part this proposal, having taken into account the representations received and Westminster's Statement of Licensing Policy. The decision taken should promote the licensing objectives of:</p> <ul style="list-style-type: none"> <li>• prevention of public nuisance,</li> <li>• prevention of crime &amp; disorder,</li> <li>• public safety and</li> <li>• protection of children from harm.</li> </ul>	<b>Summary</b>

1F	Where the committee is minded to grant the licence it will be granted subject to the mandatory conditions and conditions consistent with the operating schedule modified to such extent as the authority considers appropriate for the promotion of the licensing objectives. Proposed conditions are set out detailed in <b>Appendix B</b> to this report.	
<b>Current Licensing Position</b>	The premises were previously licensed as a supermarket for sale of alcohol for consumption off the premises until 14 November 2011 when the licence was surrendered. Please refer to <b>Appendix A</b>	
<b>Residential Density:</b>	565 units within a 75m radius of the premises are residential or proposed residential, refer to <b>Appendix C</b> .	
<b>Planning Position:</b>	Planning permission for the use of basement and part ground floor level as members only snooker club is pending consideration.	
<b>List of Appendices:</b>	A – Premises Licence History B - Proposed Conditions C – Residential Map and list of premises in the vicinity	

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

- Licensing Act 2003
- City of Westminster Statement of Licensing Policy (7<sup>th</sup> January 2011)
- Amended Guidance issued under section 182 of the Licensing Act 2003 (March 2015)
- Application form
- Plans
- Representations received
- Photos

**Licence & Appeal History**

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
Conversion Application	Application to convert existing Justices Off licence	28/8/05	Granted under delegated authority
Variation	Application to change the layout of the premises.	18/6/08	Granted by Licensing Authority  <b>Licence surrendered 14/11/11</b>

**There is no licence or appeal history for the premises by this applicant.**

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

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

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

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

### Mandatory Conditions

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



encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

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

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

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

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

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -

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

Where -

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

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

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

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

**Conditions proposed by the Environmental Health and agreed by the applicant (except 14, 39 and 40)**

10. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, Premises Management so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.

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

12. Loudspeakers shall not be located in the ground floor entrance lobby or outside the premises building.
13. All external doors shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
14. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
15. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
16. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 15 persons at any one time.
17. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
18. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
19. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 08.00 hours on the following day.
20. No deliveries to the premises shall take place between 23.00 and 08.00 on the following day.
21. There shall be no sales of hot food or hot drink for consumption off the premises
22. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed (X) persons.
23. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
24. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
25. The Licence will have no effect until the Licensing Authority are satisfied that the premises is constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association – Technical Standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition will be removed from the Licence.
26. Before the premises open to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction a variation application may be required
27. All external emergency exit doors shall be fitted with sensor alarms and visible indicators to alert staff when the doors have been opened.
28. 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.

29. 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.
30. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
31. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
32. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
33. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
34. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall 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, shall be non-combustible.
35. Appropriate safety devices (such as 30mA Residual Current Devices at Source) must be used for electrical apparatus, particularly for any electrical equipment exposed to adverse conditions or in association with hand held devices (e.g. microphones). The competent person must make a certificate of inspection of the electrical installation available for inspection.
36. Any special effects or mechanical installations shall be arranged and stored so as to minimise 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.
- dry ice and cryogenic fog
  - smoke machines and fog generators
  - pyrotechnics including fireworks
  - firearms
  - lasers
  - explosives and highly flammable substances.
  - real flame.
  - strobe lighting.
37. 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 person 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.
38. There is to be no external advertisement on the street of bar facilities.
39. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as a members' snooker and sports club.
40. Access to the premises may only be by members of a private club and their bona fide guests (not exceeding 4 guests per member). No person shall be admitted to membership of the private club or be entitled to take advantage of any of the privileges of membership without an interval of at least 48 hours between their nomination or application for membership and their admission.
41. A list of the names and addresses of members of the Club shall be kept on the premises at all times together with a book showing the names and dates of attendance of any guests introduced

by members. Both the list and the book shall be produced on demand for inspection by the police or an authorised officer of the Council.

**Proposed by the Police and agreed by the applicant (Except 44 and 45)**

42. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
43. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
44. A minimum of (No. TBC) SIA licensed door supervisors shall be on duty at the premises at all times whilst it is open for business.
45. At least (No. TBC) SIA licensed door supervisors shall be on duty at the entrance of the premises at all times whilst it is open for business.
46. There shall be no sales of alcohol for consumption off the premises.
47. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to (no. TBC) persons at any one time.
48. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.
49. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
50. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
51. No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed
52. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
53. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder
  - (d) any incidents of disorder
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system or searching equipment or scanning equipment

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

- 54. Patrons permitted to temporarily leave and then re-enter the premises, eg to smoke, shall not be permitted to take drinks or glass containers with them.
- 55. 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.
- 56. A legible register of the full names and address of the members of the club shall be kept on the premises at all times, together with a legible record showing the full names and dates of attendance of any guests introduced by members. Both the list and the book shall be produced on demand for inspection by the Police or an authorised officer of the Council.

**Condition proposed by the applicant**

- 57. The front door to the premises will be locked at all times with access to the premises only permitted to members and their guests who will be allowed access via an intercom system.  
**(Alternative to conditions 44 and 45)**
- 58. Children under the age of 18 is not permitted in the premises after 21:00 hours



## APPENDIX C



Residential / Proposed Residential	565	page 3
Under Construction	0	
Other Uses	Not known	
Proportion Residential of all Uses	Not known	

Data Source: Uniform Database

Date: 02/07/2015

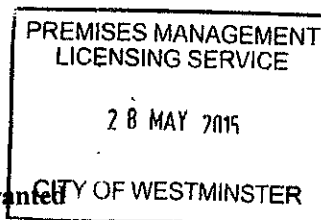




# Background Documents

2

Westminster City Council



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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We Future Leisure Limited  
(Insert name(s) of applicant)

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

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Raging Ball Sports Club Basement 159-163 Edgware Road			
Post town	London	Postcode	W2 2HR

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£ Not yet rated

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- |   |   |
|---|---|
| a) an individual or individuals *               | <input type="checkbox"/> please complete section (A)            |
| b) a person other than an individual *          |   |
| i. as a limited company                         | <input checked="" type="checkbox"/> please complete section (B) |
| ii. as a partnership                            | <input type="checkbox"/> please complete section (B)            |
| iii. as an unincorporated association or        | <input type="checkbox"/> please complete section (B)            |
| iv. other (for example a statutory corporation) | <input type="checkbox"/> please complete section (B)            |

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

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

Please tick yes

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

I am making the application pursuant to a

statutory function or ☐

a function discharged by virtue of Her Majesty's prerogative ☐

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

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

**SECOND INDIVIDUAL APPLICANT** (if applicable)

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

**(B) OTHER APPLICANTS**

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

Name Future Leisure Limited
Address Hamilton House 25 High Street Rickmansworth Hertfordshire WD3 1ET
Registered number (where applicable) 05316966
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited Company
Telephone number (if any)
E-mail address (optional)

### Part 3 Operating Schedule

When do you want the premises licence to start?

DD		MM		YYYY			
A	S	A	P				

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

DD		MM		YYYY			

Please give a general description of the premises (please read guidance note 1)

The entrance on Edgware Road leads to a basement sports club which will provide pool and snooker and alcohol which after specific times will only be to members and guests . Late night refreshment will also be provided. There will be no entertainment other than background music.

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

N/A

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

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

**Provision of regulated entertainment**

Please tick any that apply

- a) plays (if ticking yes, fill in box A) ☐
- b) films (if ticking yes, fill in box B) ☐
- c) indoor sporting events (if ticking yes, fill in box C) ☒
- d) boxing or wrestling entertainment (if ticking yes, fill in box D) ☐
- e) live music (if ticking yes, fill in box E) ☐
- f) recorded music (if ticking yes, fill in box F) ☒
- g) performances of dance (if ticking yes, fill in box G) ☐
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) ☐

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

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

**In all cases complete boxes K, L and M**

**A**

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

**B**

<b>Films</b> Standard days and timings (please read guidance note 6)			<b><u>Will the exhibition of films take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)			
Mon						
Tue						
Wed			<b><u>State any seasonal variations for the exhibition of films</u></b> (please read guidance note 4)			
Thur						

Fri			<b><u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)
Sat			
Sun			

C

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 6)			<b><u>Please give further details</u></b> (please read guidance note 3) To include snooker and pool competitions.	
Day	Start	Finish		
Mon	00.00	24.00		
	24	Hours		
Tue	00.00	24.00	<b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 4)	
	24	Hours		
Wed	00.00	24.00		
	24	Hours		
Thur	00.00	24.00	<b><u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)	
	24	Hours		
Fri	00.00	24.00		
	24	Hours		
Sat	00.00	24.00		
	24	Hours		
Sun	00.00	24.00		
	24	Hours		

D

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 6)	<b><u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
		Outdoors	<input type="checkbox"/>



Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<b>Please give further details here</b> (please read guidance note 3)		
Tue					
Wed			<b>State any seasonal variations for boxing or wrestling entertainment</b> (please read guidance note 4)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat					
Sun					

**E**

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

Sun			

**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 6)			<b><u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3) Background music only		
Mon	00.00	24.00			
	24	Hours			
Tue	00.00	24.00			
	24	Hours	<b><u>State any seasonal variations for the playing of recorded music</u></b> (please read guidance note 4)		
Wed	00.00	24.00			
	24	Hours			
Thur	00.00	24.00			
	24	Hours	<b><u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Fri	00.00	24.00			
	24	Hours			
Sat	00.00	24.00			
	24	Hours			
Sun	00.00	24.00			
	24	Hours			

**G**

<b>Performances of dance</b> Standard days and timings (please read guidance note 6)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
Tue					

Wed			<b>State any seasonal variations for the performance of dance</b> (please read guidance note 4)
Thur			
Fri			<b>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</b> (please read guidance note 5)
Sat			
Sun			

## H

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

Sun			

**I**

<b>Late night refreshment</b> Standard days and timings (please read guidance note 6)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3) Provision of hot food and drinks		
Mon	23.00	05.00			
Tue	23.00	05.00	<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 4)		
Wed	23.00	05.00	<b>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</b> (please read guidance note 5)		
Thur	23.00	05.00			
Fri	23.00	05.00			
Sat	23.00	05.00			
Sun	23.00	05.00			

**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b><u>Will the supply of alcohol be for consumption – please tick</u></b> (please read guidance note 7)		On the premises <input type="checkbox"/>
					Off the premises <input type="checkbox"/>
					Both <input checked="" type="checkbox"/>
Day	Start	Finish	<b><u>State any seasonal variations for the supply of alcohol</u></b> (please read guidance note 4)		
Mon	08.00	03.00			
Tue	08.00	03.00			
Wed	08.00	03.00			
Thur	08.00	03.00			
Fri	08.00	03.00			
Sat	08.00	03.00			
Sun	08.00	03.00			

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

Name Gavin David Tressider	
Address	
Postcode	
Personal licence number (if known)	
Issuing licensing authority (if known)	

K

**Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).**

Not applicable

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b>State any seasonal variations</b> (please read guidance note 4)
Day	Start	Finish	<b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 5)
Mon	00.00	24.00	
	24	Hours	
Tue	00.00	24.00	
	24	Hours	
Wed	00.00	24.00	
	24	Hours	
Thur	00.00	24.00	
	24	Hours	
Fri	00.00	24.00	
	24	Hours	
Sat	00.00	24.00	
	24	Hours	
Sun	00.00	24.00	
	24	Hours	

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

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

The Premises will operate as a Sports Club offering Pool and /or Snooker and other facilities to which the sale of alcohol will be an ancillary activity.

**b) The prevention of crime and disorder**

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. 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.
3. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
4. A Challenge 21 or 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.
5. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
6. After midnight on Friday and Saturday and 23:00 Sunday to Thursday alcohol may only be sold for consumption by members and their bona fide guests (not exceeding 4 guests per member).
7. A list of the names and addresses of members of the Club shall be kept on the premises at all times together with a book showing the names and dates of attendance of any guests introduced by members. Both the list and the book shall be produced on demand for inspection by the police or an authorised officer of the Council.

**c) Public safety**

See (a), (b) and (d)

**d) The prevention of public nuisance**

1. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

**e) The protection of children from harm**

See (a), (b) and (d) above

**Checklist:**

**Please tick to indicate agreement**

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

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

**Part 4 – Signatures** (please read guidance note 10)

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

Signature	<i>Woods Whur 2014 Limited</i>
Date	27 May 2015
Capacity	Woods Whur 2014 Limited – Solicitors for the applicant

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



Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13) Andrew Woods Woods Whur 2014 Limited Devonshire House 38 York Place			
Post town	Leeds	Postcode	LS1 2ED
Telephone number (if any)		0113 234 3055	
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) andrew@woodswhur.co.uk			



**CITY OF WESTMINSTER****MEMORANDUM**

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**TO  
REFERENCE****Ola Owojori, Licensing Officer  
15/04057/LIPN**

---

**FROM****Environmental Health Consultation Team  
4<sup>th</sup> Floor West, City Hall****TELEPHONE****0207 641 3187****BEING DEALT WITH BY  
DATE****Nicola Curtis (ncurtis@westminster.gov.uk)  
24<sup>th</sup> June 2015**

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**Licensing Act 2003****Raging Ball Sports Club, Basement 159-163 Edgware Road, London, W2  
2HR**

I refer to the application for a new Premises Licence for the above premises.

The premises are situated in the Edgware Road Stress Area.

The applicant has submitted the following plans for the premises:

- ◆ Proposed Licensing Layout dated May 2015, drawing number 1575-400

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

The applicant is seeking the following licensable activities:

1. Regulated Entertainment Monday to Sunday 0000 to 0000 hours comprising
  - a. Indoor Sporting Events
  - b. Playing of Recorded Music 'indoors'
2. The Provision of Late Night Refreshment 'indoors' Monday to Sunday 2300 to 0500 hours
3. The Supply of Alcohol both 'on' and 'off' the premises
  - a. Monday to Sunday 0800 to 0300 hours
  - b. On the day when British Summer Time Commences, and on that day only, licensable activities will be extended by one hour
  - c. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day

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

1. The Regulated Entertainment requested and the hours requested for this activity will have the likely effect of causing an increase in Public Nuisance in the Edgware Road Stress Area and may impact upon Public Safety.
2. The provision of Late Night Refreshment 'indoors' and the hours requested for this activity will have the likely effect of causing an increase in Public Nuisance in the Edgware Road Stress Area.
3. The Supply of Alcohol both 'on' and 'off' the premises and the hours requested for this activity will have the likely effect of causing an increase in Public Nuisance in the Edgware Road Stress Area and may impact upon Public Safety.

The applicant has provided additional information within the operating schedule which is being considered but does not fully address the concerns of Environmental Health.

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

**The granting of the new Premises Licence as presented would have the likely effect of causing an increase in Public Nuisance in the Edgware Road Stress Area and may impact upon Public Safety.**

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

Nicola Curtis  
Environmental Health Enforcement Officer

**CITY OF WESTMINSTER****MEMORANDUM**

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**TO  
REFERENCE****Ola Owojori, Licensing Officer  
15/04057/LIPN**

---

**FROM****Environmental Health Consultation Team  
4<sup>th</sup> Floor West, City Hall****TELEPHONE****0207 641 3187****BEING DEALT WITH BY****Nicola Curtis (ncurtis@westminster.gov.uk)****DATE****22<sup>nd</sup> July 2015**

---

**Raging Ball Sports Club, Basement 159-163 Edgware Road, London, W2  
2HR**

**Proposed Environmental Health Conditions**

1. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, Premises Management so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
2. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
3. Loudspeakers shall not be located in the ground floor entrance lobby or outside the premises building.
4. All external doors shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
5. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

6. 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.
7. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 15 persons at any one time.
8. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
9. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
10. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 08.00 hours on the following day.
11. No deliveries to the premises shall take place between 23.00 and 08.00 on the following day.
12. There shall be no sales of hot food or hot drink for consumption off the premises
13. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed (X) persons.
14. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
15. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
16. The Licence will have no effect until the Licensing Authority are satisfied that the premises is constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association – Technical Standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition will be removed from the Licence.
17. Before the premises open to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction a variation application may be required

18. All external emergency exit doors shall be fitted with sensor alarms and visible indicators to alert staff when the doors have been opened.
19. 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.
20. 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.
21. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
22. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
23. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
24. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
25. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall 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, shall be non-combustible.
26. Appropriate safety devices (such as 30mA Residual Current Devices at Source) must be used for electrical apparatus, particularly for any electrical equipment exposed to adverse conditions or in association with hand held devices (e.g. microphones). The competent person must make a certificate of inspection of the electrical installation available for inspection.
27. Any special effects or mechanical installations shall be arranged and stored so as to minimise 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.
  - dry ice and cryogenic fog
  - smoke machines and fog generators
  - pyrotechnics including fireworks
  - firearms
  - lasers
  - explosives and highly flammable substances.

- real flame.
- strobe lighting.

28. 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 person 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.

29. There is to be no external advertisement on the street of bar facilities.

30. The primary use of the premises shall be as a Members Snooker Club.

31. Access to the premises may only be by members of a private club and their bona fide guests (not exceeding **4** guests per member). No person shall be admitted to membership of the private club or be entitled to take advantage of any of the privileges of membership without an interval of at least 48 hours between their nomination or application for membership and their admission.

32. A list of the names and addresses of members of the Club shall be kept on the premises at all times together with a book showing the names and dates of attendance of any guests introduced by members. Both the list and the book shall be produced on demand for inspection by the police or an authorised officer of the Council.

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

Nicola Curtis  
Environmental Health Enforcement Officer



## Owojori, Olaposi

---

**From:** Andrew Woods <andrew@woodswhur.co.uk>  
**Sent:** 12 August 2015 15:57  
**To:** Owojori, Olaposi; Curtis, Nicola; Guerra, Reaz  
**Cc:** Andrew Woods  
**Subject:** RE: Raging Ball - Edgware Rd Alcohol Start

All

I have taken instructions and happy to amend the start time for alcohol to core hours for alcohol 10am Monday to Saturday and Midday on Sundays.

Hope that's ok.

Andy

**Andrew Woods**

Woods Whur 2014 Ltd  
Tel: +44 (0)113 234 3055  
Mobile: 07738 170138

[andrew@woodswhur.co.uk](mailto:andrew@woodswhur.co.uk)

Devonshire House, 38 York Place, Leeds LS1 2ED.

---

**From:** Owojori, Olaposi [mailto:[oowojori@westminster.gov.uk](mailto:oowojori@westminster.gov.uk)]  
**Sent:** 12 August 2015 15:46  
**To:** Andrew Woods; Curtis, Nicola; Guerra, Reaz  
**Subject:** RE: Raging Ball - Edgware Rd Proposed EH Conditions

Do you still want alcohol to begin at 08:00 or you're also proposing core hours

Regards

**Mr Ola Owojori**

Senior Licensing Officer

**Licensing Team**

Public Protection and Licensing Department

Westminster City Council

4th Floor East

64 Victoria Street

London SW1E 6QP

Telephone 020 7641 7830

Fax 020 7641 7815

email: [oowojori@westminster.gov.uk](mailto:oowojori@westminster.gov.uk)

Web: [www.westminster.gov.uk](http://www.westminster.gov.uk)




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**From:** Andrew Woods [<mailto:andrew@woodswhur.co.uk>]  
**Sent:** 12 August 2015 15:08  
**To:** Owojori, Olaposi; Curtis, Nicola; Guerra, Reaz  
**Cc:** Andrew Woods  
**Subject:** RE: Raging Ball - Edgware Rd Proposed EH Conditions

Hi Ola

I can confirm that the start time in respect of the below will be 9am as per core hours.

Regards  
Andy

**Andrew Woods**

Woods Whur 2014 Ltd  
Tel: +44 (0)113 234 3055  
Mobile: 07738 170138

[andrew@woodswhur.co.uk](mailto:andrew@woodswhur.co.uk)

Devonshire House, 38 York Place, Leeds LS1 2ED.

---

**From:** Owojori, Olaposi [<mailto:oowojori@westminster.gov.uk>]  
**Sent:** 12 August 2015 14:09  
**To:** Andrew Woods; Curtis, Nicola; Guerra, Reaz  
**Subject:** RE: Raging Ball - Edgware Rd Proposed EH Conditions

Hi Andrew,

Following the reduction of terminal hours, please confirm when indoor Sporting Event and Recorded Music will commence.

Regards

**Mr Ola Owojori**  
Senior Licensing Officer  
Licensing Team  
Public Protection and Licensing Department  
Westminster City Council  
4th Floor East

64 Victoria Street  
London SW1E 6QP

Telephone 020 7641 7830  
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email: [owojori@westminster.gov.uk](mailto:owojori@westminster.gov.uk)  
Web: [www.westminster.gov.uk](http://www.westminster.gov.uk)



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**From:** Andrew Woods [<mailto:andrew@woodswhur.co.uk>]  
**Sent:** 11 August 2015 09:30  
**To:** Curtis, Nicola; Owojori, Olaposi; Guerra, Reaz  
**Cc:** Andrew Woods  
**Subject:** RE: Raging Ball - Edgware Rd Proposed EH Conditions

Nicola

Thanks for the e mail below which I have discussed with my client. Would you kindly note the following;

1. We are happy to reduce the hours sought for licensable activities to Midnight Sunday to Thursday and 1am Friday and Saturday.
2. We are happy to agree your proposed condition 1 to install a Noise Limiter for any amplified music. As a general rule there will only be background music through a Juke Box/in house system but we are happy for a limiter to be installed so we agree this condition.
3. We understand that Building Regs will state a maximum of 150 but we are proposing to have 14 tables for pool/snooker and therefore in reality we would be looking at 100. I am happy to agree 100?
4. Happy with the amended condition 30.
5. Club Rules

Club rules are printed on each and every membership application form that is completed and signed by anyone applying for membership. Any member not observing the rules will be expelled from the club. Applicants must provide the following information on production of 2 forms of id, one must show a photo and both must show name and address. We generally request a for driving licence or photo id and a recent utility bill.  
Title, First Name, Surname, Date of Birth, Mobile tel, Home tel, email address, full address with postcode, declaration that the above info is correct, signed & dated on the form.

The above information is entered onto computerised membership system and a photograph is taken of the applicant that is also held on the same system. The original application form is filed and held on site for inspection at any time by any of the responsible authorities.

#### CLUB RULES

1. NAME – The name of the club is The Raging Ball.

2. OBJECTIVES OF THE CLUB – (a) The provision of opportunities for playing Snooker, Billiards, Pool and other recreational activities including chess, dominoes, darts, cribbage. (b) The ancillary provision of a licensed bar and light refreshments for members. (c) To provide competitions and coaching at all levels for members. (d) To provide fundraising events and a meeting place for club members. (e) The provision and maintenance of a club house at lower ground floor, 159-163 Edgware Road, London, W2 2HR.
3. CATEGORIES OF MEMBERSHIP – Full, Corporate, Student, Junior & Senior.
4. ADMISSION OF MEMBERS – Candidates for membership must complete an application form, having read and understood the club rules, provided the required identification and had their photo taken.
5. ELECTION TO MEMBERSHIP – (a) All applications for membership shall be in writing on the form to be provided by the proprietors and completed and signed by the candidate. (b) The election of candidates after nomination in accordance with this rule shall be notified whether his or her application has been accepted or rejected. (c) If accepted, the candidate shall immediately pay any subscription due and shall be issued with a membership card.
6. ANNUAL SUBSCRIPTIONS – Each member shall pay an annual subscription in advance at a rate to be decided from time to time by the management.
7. MEMBERSHIP CARDS – Members shall produce their membership cards at the beginning of each visit to the club. In the event of a member losing a membership card, a replacement will be provided by the club at the member's expense.
8. REGISTER OF MEMBERS – The name and address of every member shall be maintained in a register of members kept in the club for that purpose.
9. NO ALCOHOL IS PERMITTED OFF THE CLUB PREMISES.
10. NO SMOKING IS PERMITTED ON THE CLUB PREMISES.
11. EXPULSION OF MEMBERS – The management of the club shall have the power to expel summarily any member who fails to observe the rules of the club or whose conduct in it's opinion renders him or her unfit for membership of the club. No reason for expulsion needs to be given.
12. GUESTS – Any member shall be entitled to introduce a maximum of four (4) guests to the club in any one day, provided that no person whose application for membership has been declined or who has been expelled from the club shall be introduced as a guest. Members are held fully responsible for their guests good conduct at all times whilst entering, remaining on and exiting the club premises.
13. FOOD AND DRINKS – No food or drinks purchased outside of the club are to be consumed on club premises.
14. HOURS OF OPENING AND CLOSING – The club premises shall be open to it's members during such hours as may be determined from time to time by the proprietors (within the consent of the local authority).
15. DAMAGE – Any damage to club property or equipment must be paid for by the person(s) responsible.
16. NEIGHBOURS – Members must mak every effort to ensure they do not disturb neighbours when entering or leaving the club premises.
17. DRESS – No member or guest shall be admitted into the club whose dress shall be considered objectionable or prejudicial to the interest of the club.
18. RISK – Members and guests using club premises and all means of access thereto do so at their own risk and take the premises as they find them absolving the club and it's proprietors from all liability for any accident, loss, injury or damage to a member or their property.

The above are the standard club rules that we have operated in our existing clubs for many years now.

#### Summary

- We have agreed the Noise Limiter conditions
- We have reduced hours for licensable activities
- We have proposed a 100 capacity figure
- We have agreed condition 30
- We have provided rules.
- We have also proposed the additional condition ' The Front door to the premises will be locked at all times with access to the Premises only permitted to members and their guests who will be allowed access via an intercom system.

I am keen to try and get a typed up version of any agreed conditions prepared this week and wonder if at all possible if you would confirm whether you are happy with everything we have agreed and whether your rep can be withdrawn?

Regards  
Andy

**Andrew Woods**

Woods Whur 2014 Ltd  
Tel: +44 (0)113 234 3055  
Mobile: 07738 170138

[andrew@woodswhur.co.uk](mailto:andrew@woodswhur.co.uk)

Devonshire House, 38 York Place, Leeds LS1 2ED.

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**From:** Curtis, Nicola [<mailto:ncurtis@westminster.gov.uk>]  
**Sent:** 6 August 2015 09:17  
**To:** Andrew Woods; Owojori, Olaposi; Guerra, Reaz  
**Subject:** RE: Raging Ball - Edgware Rd Proposed EH Conditions

Hi Andy,

Thank you for the information below.

1. Please can you clarify exactly what days, hours and activities are now being sought? Please also confirm the withdrawal of off-sales.
2. Regarding my proposed condition 1, would you be willing to withdraw recorded music from the application if all you are after is background music? If so then I will no longer require the condition.
3. For proposed condition 13, what kind of capacity figure would your client be looking for?
4. With regards to condition 30 I have made an error. My proposed wording should read "The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as a members' snooker and sports club".
5. For conditions 31 and 32 – Would you be able to forward me the rules of membership and code of conduct/disciplinary code for members and guests?

Many thanks  
Nicola

---

**From:** Andrew Woods [<mailto:andrew@woodswhur.co.uk>]  
**Sent:** 03 August 2015 17:54  
**To:** Curtis, Nicola; Owojori, Olaposi; Andrew Woods  
**Subject:** FW: Raging Ball - Edgware Rd Proposed EH Conditions

Hi Nicola

As you will have seen from my e mail to Reaz I have now met with the applicant Mr Tresidder.

I have proposed a further condition to Reaz

'The Front door to the premises will be locked at all times with access to the Premises only permitted to members and their guests who will be allowed access via an intercom system'.

With regard to your proposed 31 conditions we agree to most of them but please see below.

Condition 1 – We do not propose having anything other than background music and wouldn't want to have a noise limiter for that. Are we ok that such music doesn't fall under 'musical amplification' as set out in condition 1?

2- 12 agreed

13 – happy to agree a figure with you

15-29 agreed

30 – Happy with this but we are likely to apply for a Bingo Premises Licence for the members club so I wonder if it best worded 'Members Snooker and Sports Club'

31 – We would not want a 48 hour 'cooling off period'. This was a requirement under The Gaming Act 1968 for all Gaming Premises including members clubs which had the benefit of certain Gaming Machines. It is not a requirement for any Casino/Bingo club under the 2005 Act and we do have the 2 door entry system as well.

Can you confirm Condition 1 and let me know if you are happy with the 48 hour bit coming out of 31 and then we are ok with everything.

Look forward to hearing from you – happy to meet up if required.

Andy

## Andrew Woods

Woods Whur 2014 Ltd  
Tel: +44 (0)113 234 3055  
Mobile: 07738 170138

[andrew@woodswhur.co.uk](mailto:andrew@woodswhur.co.uk)

Devonshire House, 38 York Place, Leeds LS1 2ED.

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**From:** Curtis, Nicola [<mailto:ncurtis@westminster.gov.uk>]  
**Sent:** 22 July 2015 14:04  
**To:** Andrew Woods; Guerra, Reaz  
**Cc:** Carole Collingwood; Owojori, Olaposi  
**Subject:** Raging Ball - Edgware Rd Proposed EH Conditions

Dear Andy,

Please find attached my proposed conditions for this application. Please confirm that your client has withdrawn off-sales as per your below email.

I am now on annual leave until the 5<sup>th</sup> August so will be happy to discuss this case upon my return.

Many thanks  
Nicola

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**From:** [andrew@woodswhur.co.uk](mailto:andrew@woodswhur.co.uk) [<mailto:andrew@woodswhur.co.uk>]  
**Sent:** 22 July 2015 12:09  
**To:** Curtis, Nicola; Guerra, Reaz; Andrew Woods  
**Cc:** Carole Collingwood  
**Subject:** Re: Raging Ball - Edgware Rd.

Hi Nicola

My client would like 1am but if you would like do suggest 11.30pm then please do. This applies to all the below - please suggest your proposals.

Regards  
Andy  
Sent from my BlackBerry® smartphone on O2

---

**From:** "Curtis, Nicola" <[ncurtis@westminster.gov.uk](mailto:ncurtis@westminster.gov.uk)>  
**Date:** Wed, 22 Jul 2015 11:12:31 +0100  
**To:** Andrew Woods<[andrew@woodswhur.co.uk](mailto:andrew@woodswhur.co.uk)>; Guerra, Reaz<[rguerra@westminster.gov.uk](mailto:rguerra@westminster.gov.uk)>  
**Cc:** Carole Collingwood<[carole@woodswhur.co.uk](mailto:carole@woodswhur.co.uk)>  
**Subject:** RE: Raging Ball - Edgware Rd.

Hi Andy,

I'm just reviewing the below. Please can you clarify regarding your point 6 – is the terminal hour for Thursday nights to be 2330 or 0100?

Many thanks  
Nicola

---

**From:** Andrew Woods [<mailto:andrew@woodswhur.co.uk>]  
**Sent:** 25 June 2015 13:13  
**To:** Curtis, Nicola; Guerra, Reaz  
**Cc:** Carole Collingwood; Andrew Woods  
**Subject:** Raging Ball - Edgware Rd.

Dear Reaz/Nicola

As you are both aware I am instructed by Gavin Tresidder who is the Director of Future Leisure Limited who have applied for the Premises Licence for the Raging Ball at 159-163 Edgware Road, London.

I have received both of your representations against the application and met briefly with Reaz yesterday to explain the application further and to see if I could propose any conditions/amendments to the application which would allow you to withdraw your representation given the very specific nature of the proposed premises.

The proposed premises are set in the basement of 159-163 Edgware Road and will operate as a Snooker Club for members in a similar way to the Rileys premises of Victoria. I should stress at this stage that the premises will not be similar to Rileys on Haymarket which do not operate as a traditional Snooker Club. Gavin Tresidder currently operates three other similar premises in St Albans, High Wycombe and Greenford and has been in the leisure industry for over 20 years operating amongst other things Bingo Clubs, Adult Gaming Centres and Snooker Clubs. The three premises currently operated by Mr Tresidder all have the benefit of Bingo Premises Licences and Gavin Tresidder's company have Operating Licences issued by the Gambling Commission for Bingo and Adult Gaming Centres as well as the supply and installation of Gaming Machines. Mr Tresidder would welcome the opportunity of meeting with you at some stage should you have any queries or wish to see the proposed premises although the premises are currently being worked on and will ultimately be handed over to Mr Tresidder (subject to any licence being granted) as a shell for Mr Tresidder to fit out. Mr Tresidder is proposing to take a lease of the premises subject to a Premises Licence being granted.

Whilst we appreciate that the premises in St Albans, Greenford and High Wycombe may be too far for you to carry out a visit Mr Tresidder's cousin operates similar premises close to Kings Cross although it is fair to say that the premises in Kings Cross whilst operating in a similar way are not finished to the same standard that the proposed premises at 159-163 Edgware Road will be finished. Should you wish to perhaps meet Mr Tresidder and I to discuss the conditions which I am about to propose then perhaps we could meet at the club in Kings Cross so that you can have a look at the premises.

I have explained to Mr Tresidder the comments made by Reaz and as a result of our meeting we would propose the following conditions. I can agree the exact wording of these conditions in due course should the conditions be acceptable.

1. There shall be no off sales.
2. Access to the premises will only be permitted at all times to members and membership can only be obtained upon production of photographic identification. (Currently the proposed membership requirement in the application is after core hours).
3. Entry to the premises will be via a buzzer/locked door. In practice the front door to the premises will be closed and locked. Any person wishing to gain entry to the club will press a buzzer. Staff in the club will be able to both see the person wishing to get into the club and ask for confirmation that the person is a member and will then buzz to allow that person entry to the premises.
4. No under 18's permitted on the premises after 9.00pm.
5. CCTV will be throughout the premises and to the satisfaction of the Police.
6. We are open to discussing operating hours should you feel that the above conditions are satisfactory and would certainly agree to reduce the hours proposed for the sale of alcohol to 1.00am Thursday, Friday and Saturday and 11.30 pm Sunday to Thursday. It is not proposed to apply for any other licensable activities other than indoor sports (should there ever be a competition at the premises) and late night refreshment.
7. The Premises will operate as a Members Snooker Club.

I wonder if you would look at the above proposals and let me know whether they are acceptable and/or whether you have any other requirements. The proposal will be to apply for a Bingo Premises Licence under the Gambling Act 2005 in due course but this application will not be submitted until any Premises Licence is granted under the Licensing Act 2003 and Mr Tresidder has carried out his works at the premises.

I am away until 8 July 2015 but having acted for Mr Tresidder in other applications will happily pick up emails and deal with this whilst I am away and it would be good if at some stage you could meet Mr Tresidder when you have considered the proposed conditions.

Kind regards.

Andy

## Andrew Woods

Woods Whur 2014 Ltd  
Tel: +44 (0)113 234 3055  
Mobile: 07738 170138

[andrew@woodswhur.co.uk](mailto:andrew@woodswhur.co.uk)

Devonshire House, 38 York Place, Leeds LS1 2ED.

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## Owojori, Olaposi

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**From:** Guerra, Reaz  
**Sent:** 23 June 2015 11:18  
**To:** Carole Collingwood  
**Cc:** Premises Licensing; Owojori, Olaposi  
**Subject:** 15/040570/LPN - Raging Bull Sports Club, 159 -163 Edgware Road W2 2HR

Dear Carole,

**Application for a New Premises Licence – 15/040570/LPN**

**Raging Bull Sports Club, 159 -163 Edgware Road W2 2HR**

With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be objecting to this application as it is our belief that if granted the application would undermine the Licensing Objectives.

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

An officer from this unit will be in contact with you shortly to discuss the application. However it is for the applicant to prove that this application will not add to the cumulative impact problems already experienced in this area.

It is for these reasons that we are objecting to the application.

Should you wish to discuss the matter further please contact PC Reaz Guerra on **0207 641 1709** or via email, [rguerra@westminster.gov.uk](mailto:rguerra@westminster.gov.uk).

Yours Faithfully,

Reaz Guerra PC1614CW

Westminster Police Licensing Team

**PC Reaz Guerra 1614CW**

Westminster Police Licensing Team  
Westminster City Hall  
4th Floor, 64 Victoria Street  
London SW1E 6QP  
Tel - 0207 641 1708

**Police Proposed Provisional Conditions**

**Raging Bull Sports Club,**

**Basement 159 – 163 Edgware Road, London W2 2HR**

Application amended to On Sales only.

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

A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

A minimum of (No. TBC) SIA licensed door supervisors shall be on duty at the premises at all times whilst it is open for business.

At least (No. TBC) SIA licensed door supervisors shall be on duty at the entrance of the premises at all times whilst it is open for business.

There shall be no sales of alcohol for consumption off the premises.

Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to (no. TBC) persons at any one time.

The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.

Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.

There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.

No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its events,

facilities, goods or services shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed

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

An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received concerning crime and disorder
- (d) any incidents of disorder
- (e) all seizures of drugs or offensive weapons
- (f) any faults in the CCTV system or searching equipment or scanning equipment
- (g) any refusal of the sale of alcohol
- (h) any visit by a relevant authority or emergency service.

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

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.

A legible register of the full names and address of the members of the club shall be kept on the premises at all times, together with a legible record showing the full names and dates of attendance of any guests introduced by members. Both the list and the book shall be produced on demand for inspection by the Police or an authorised officer of the Council.

## Owojori, Olaposi

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**From:** Andrew Woods <andrew@woodswhur.co.uk>  
**Sent:** 03 August 2015 17:10  
**To:** Owojori, Olaposi; Guerra, Reaz; Curtis, Nicola; Andrew Woods  
**Subject:** FW: Raging Ball - Edgware Rd Proposed Police Conditions  
**Attachments:** raging Bull - Conditions.docx

Hi Reaz

Thanks for the above which I have now discussed with the applicant Gavin Tresidder.

The Premises will operate with a 2 door Air Lock system. This means that the front door will be locked and as with members clubs access can only be obtained by pressing a buzzer , staff inside the venue will check that you are a member and you will then be let in. You will walk down the stairs and there will be a second locked door for you to be ' buzzed in'.

As such there is no need for any door staff at the premises – the other members clubs we operate don't use door staff.

We are agreeable to all conditions with the exception of the 2 Door Staff ones and wonder if those 2 could be replaced with the following;

' The Front door to the premises will be locked at all times with access to the Premises only permitted to members and their guests who will be allowed access via an intercom system'.

Happy to meet up and talk through if there is any issue. Can you let me know if the above is OK?

Andy

**Andrew Woods**

Woods Whur 2014 Ltd  
Tel: +44 (0)113 234 3055  
Mobile: 07738 170138

[andrew@woodswhur.co.uk](mailto:andrew@woodswhur.co.uk)

Devonshire House, 38 York Place, Leeds LS1 2ED.

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**From:** Guerra, Reaz [mailto:rguerra@westminster.gov.uk]  
**Sent:** 23 July 2015 09:20  
**To:** Andrew Woods  
**Cc:** Owojori, Olaposi; Curtis, Nicola  
**Subject:** RE: Raging Ball - Edgware Rd Proposed EH Conditions

Hello Andy,

Please find attached conditions, please call should you wish to discuss.

Thanks  
Reaz

## Details of public representations relating to 15/04057/LIPN

Comments received electronically via PublicAccess:

- **Mrs Joan Ashbourne - 136 The water Gardens, Burwood Place, London**  
**Received: 9 Jun 2015**  
**OBJECTION**

6:23 PM on 08 Jun 2015

Sir/Madam,

*I'm not sure an all-night "sporting club" and alcohol vendor in the basement of the Water Gardens will add much to the quality of life to those of us who live in the Water Gardens--and have for the past 46 years. And raised our children here.*

*Within 200 yards of the proposed "sporting club" there are eight pubs, bars, coffee shops and alcohol vendors, several open all night, who have not notably contributed to the safety and well-being of local residents. Not to mention that a primary school (the Minerva Academy) is currently above the proposed "club" and has an entrance next to it.*

*The briefest of visits or calls to the Paddington Green police station, three blocks north of the proposed venue, will confirm my assertions. The very last thing this section of Edgware Road needs is an all-night pool and snooker club selling alcohol "on and off the premises"*

*Can I ask you--with the greatest respect-- to review and REJECT this and any future applications for the sake of the neighbourhood, residents and the school children.*

*PS Would you like an all-night drinking and sporting club under your home?  
Exactly!*

- **Mr Kenneth Duncan - No 111 The Water Gardens, Burwood Place, London**  
**Received:**  
**OBJECTION**

*11:15 AM on 11 Jun 2015 I am objecting as have concerns around noise and other disturbance. The site is in the basement of the Water Gardens complex which includes many residential flats. Noise tend to reverberate throughout the complex and given the proposal to include music, combined with a (potentially) 24 hour license means that private residents could easily be disturbed by noise leakage (particularly low frequency bass). We already have to put up with*

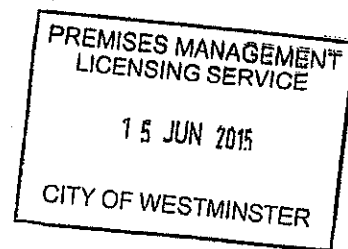
*enough disturbance from noisy drinkers, boy racers and the like! Can the applicant or Westminster GUARANTEE silent nights?*

- **Ms Susan Woeckel - 366 The water Gardens, London, W2 2DJ**  
**Received: 24 Jun 2015**  
**OBJECTION**

*10:41 PM on 24 Jun 2015 The proposed Raging Bull Sports Club site is beneath a major residential development. The club activity will result in late night departures, which in turn will result in noise as people leave the venue. The late night noise levels are already a problem as are the rubbish on the streets, broken glass and vomit from current late night revellers who drink to excess. Any activity which will increase these negative aspects is not desirable. The area in general suffers tremendously from noise pollution from sirens 24/7 and no activity which would result in behaviour requiring the police to attend the Water Gardens should be allowed. It is also doubtful that soundproofing would be sufficient to prevent vibration noise which would impact the Water Garden residents who live directly above the premises. These comments are submitted in relation to Prevention of Crime and Disorder and Prevention of Public Nuisance.*

Comments received via other means:

- **Fatiha Hanine - 140 Water Gardens, Burwood Place, London**  
**Received: by Members of the Public**



Licensing Service  
Westminster City Hall  
64 Victoria Street  
London  
SW1E 6QP

11<sup>th</sup> June 2015

Dear Sirs,

**RE: NEW PREMISES LICENSE REFERENCE: 15/04057/LIPN**

I write in connection with the new premises license mentioned above.

I am the tenant of 140 Water Gardens, Burwood Place, London, W2 2DE I would like to object the new license as I believe this relates to Public Nuisance and I would like to prevent this in my local area and surroundings.

Yours sincerely,

  
Fatiha Hanine



GPS: 51.5173,-0.1670



12/06/2015 21:48:44





City of Westminster

# Licensing Sub-Committee Report

Item No:	
Licensing Ref No:	15/05202/LIPV
Date:	20 August 2015
Classification:	For General Release
Title of Report:	Pix 16 Bateman Street London W1D 3AH
Report of:	Director of Public Protection and Licensing
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Mr Ola Owojori Senior Licensing Officer
Contact Details:	Telephone: 020 7641 7830 E-mail: owojori@westminster.gov.uk

## APPLICATION DETAILS

<b>Application Type:</b>	Variation of a premises licence application under the Licensing Act 2003.		
<b>Applicant:</b>	Mr John Thornhill	<b>Date Application Received:</b>	29 June 2015
<b>Premises Name and Address:</b>	Pix 16 Bateman Street London W1D 3AH		
<b>Ward Name:</b>	West End	<b>Stress Area:</b>	West End
<b>Description of Premises:</b>	The premises are operated as a Spanish Tapas restaurant over the ground and basement floors.		
<b>Variation Description:</b>	<p>The application is to change the layout of the premises, increase capacity and to amend conditions 21 and 22.</p> <p>No changes have been sought to the hours or licensable activities permitted by the licence.</p>		

### 1. Proposed changes to the layout of the Premises:

1.1. To vary the layout in the basement so as to install a bar servery and booth seating.

### 2. Variation of Conditions

2.1 To amend conditions 21 and 22 as follows:

#### Condition 21

No draught sales of alcohol shall be permitted at the premises.

Replace with

No draught sales of alcohol shall be permitted at the premises save for one draught Spanish beer and one draught Spanish cider.

#### Condition 22

The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 70 persons based on the current toilet provision of two male WCs and two urinals and two female WCs.

Replace with

The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 100 persons. (Three female and two male WCs have been proposed) and are shown in revised plan at **Appendix D2**

### 3. Relevant representations

3.1 The Environmental Health Service have made a representation in respect of the application stating that the proposals to increase capacity and change of layout in the basement may

impact on public safety and prevention of public nuisance in the stress area. Following their representation, the applicant has revised the toilet provisions from four unisex WCs to three female and two male WCs. Subsequently, they have proposed conditions to be attached to the premises licence if the Committee is minded to grant.

3.2 The Soho Society has made an adverse representation against the application stating that the proposals to increase capacity and amend condition 21 will exacerbate noise nuisance in the area, encourage vertical drinking and may add to cumulative impact in the West End stress area.

#### **4. Policies Applicable**

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

##### **Policy STR1 applies:**

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

##### **Policy RNT2 applies:**

Applications will be granted subject to other policies and subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that they will not add to cumulative impact in the Stress Areas.

#### **5. Summary**

5.1 The Licensing Sub-committee may refuse, grant in full or grant in part this proposal, having taken into account the representations received and Westminster's Statement of Licensing Policy. The decision taken should promote the licensing objectives of:

- prevention of public nuisance,
- prevention of crime & disorder,
- public safety and
- protection of children from harm.

5.2 Where the committee is minded to grant the licence it will be granted subject to the mandatory conditions and conditions consistent with the operating schedule modified to such extent as the authority considers appropriate for the promotion of the licensing objectives. Proposed conditions are set out detailed in **Appendix B** to this report.

#### **6. Current Licensing Position**

These premises currently hold a Premises Licence 11/3988/LIPN. Full licence history can be found in **Appendix A**.

#### **7. Residential Density**

104 units within a 75m radius of the premises are residential or proposed residential or under construction, refer to **Appendix C**.

#### **8. List of Appendices**

- A - Premises Licence History
- B - Proposed Conditions
- C - Residential Map and list of premises in the vicinity
- D1 - Original Plan
- D2 - Revised Plan

## **9. Background Documents – Local Government (Access to Information) Act 1972**

- Licensing Act 2003
- City of Westminster Statement of Licensing Policy (7<sup>th</sup> January 2011)
- Amended Guidance issued under section 182 of the Licensing Act 2003 (March 2015)
- Application form
- Existing Premises Licence
- Representations received
- Photos

**Licence & Appeal History**

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
New Application	Application for a new premises licence for recorded music, sale of alcohol and late night refreshment	1.7.11	Granted by Licensing Sub-Committee

**There is no appeal history**

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

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

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

## **Annex 2 – Conditions consistent with the operating Schedule**

None

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

9. Recorded music shall be background only.

10. No noise nuisance shall be caused to nearby residents.
11. Signs shall be displayed at the premises asking customers to leave quietly.
12. Members of staff shall call taxis for customers if requested.
13. Smokers shall be asked to keep noise to a minimum when outside the premises and cigarettes bins shall be available.
14. A challenge 21 policy shall be implemented and all staff shall be trained in its use.
15. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
16. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open 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.
17. The premises shall only operate as a restaurant (i) in which customers are shown to their table, (ii) which provide food in the form of substantial table meals that are prepared on the premises and consumed at the table using non disposable crockery, (iii) which do not provide any take away service of food or drink for immediate consumption, and (iv) where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.
18. A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
19. The supply of alcohol at the premises shall only be for consumption by a person seated taking a table (to include the bar) meal there and for consumption by such a person as ancillary to their meal.
20. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
21. No draught sales of alcohol shall be permitted at the premises. **(Proposed to be varied)**
- 21b. *No draught sales of alcohol shall be permitted at the premises save for one draught Spanish beer and one draught Spanish cider.*
22. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 70 persons based on the current toilet provision of two male W/C's and two urinals and two female W/C's. **(Proposed to be varied)**
- 22b. *The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 100 persons.*



23. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
24. There shall be no sales of alcohol for consumption off the premises after 23:00 hours.
25. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
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. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
28. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0800 hours.
29. A sound limiting device located in a separate and remote lockable cabinet from the volume control shall be fitted to any musical amplification system and set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service's Community Protection Department to ensure that no noise nuisance is caused to local residents. The operational panel of the noise limiter and the position of the speakers shall be to the satisfaction of officers from the Environmental Health Service. The keys securing the noise limiter cabinet shall be held by the licence holder or authorised manager only, and shall not be accessed by any other person. The limiter shall not be altered without prior agreement with the Environmental Health Service.
30. Loudspeakers shall not be located outside the premises building.
31. All windows and external doors shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
32. 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.
33. Before the premises open to the public, the plans as provided with the application will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed and this condition has been removed from the Licence. Where the premises layout has changed from the plans provided during the course of construction a variation application may be required.

#### **Conditions proposed by the Environmental Health**

34. The number of persons accommodated at any one time in the premises (excluding staff) shall not exceed 90 (there shall be no more than 20 persons in the basement).
35. The variation of the Premises Licence (15/05202/LIPV) will have no effect until the Licensing Authority are satisfied that the premises is constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association – Technical Standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition will be removed from the Licence.
36. Before the premises open to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the

premises constructed. Where the premises layout has changed during the course of construction a variation application may be required.

**Mandatory condition to be added**

- (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.
- (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 -

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

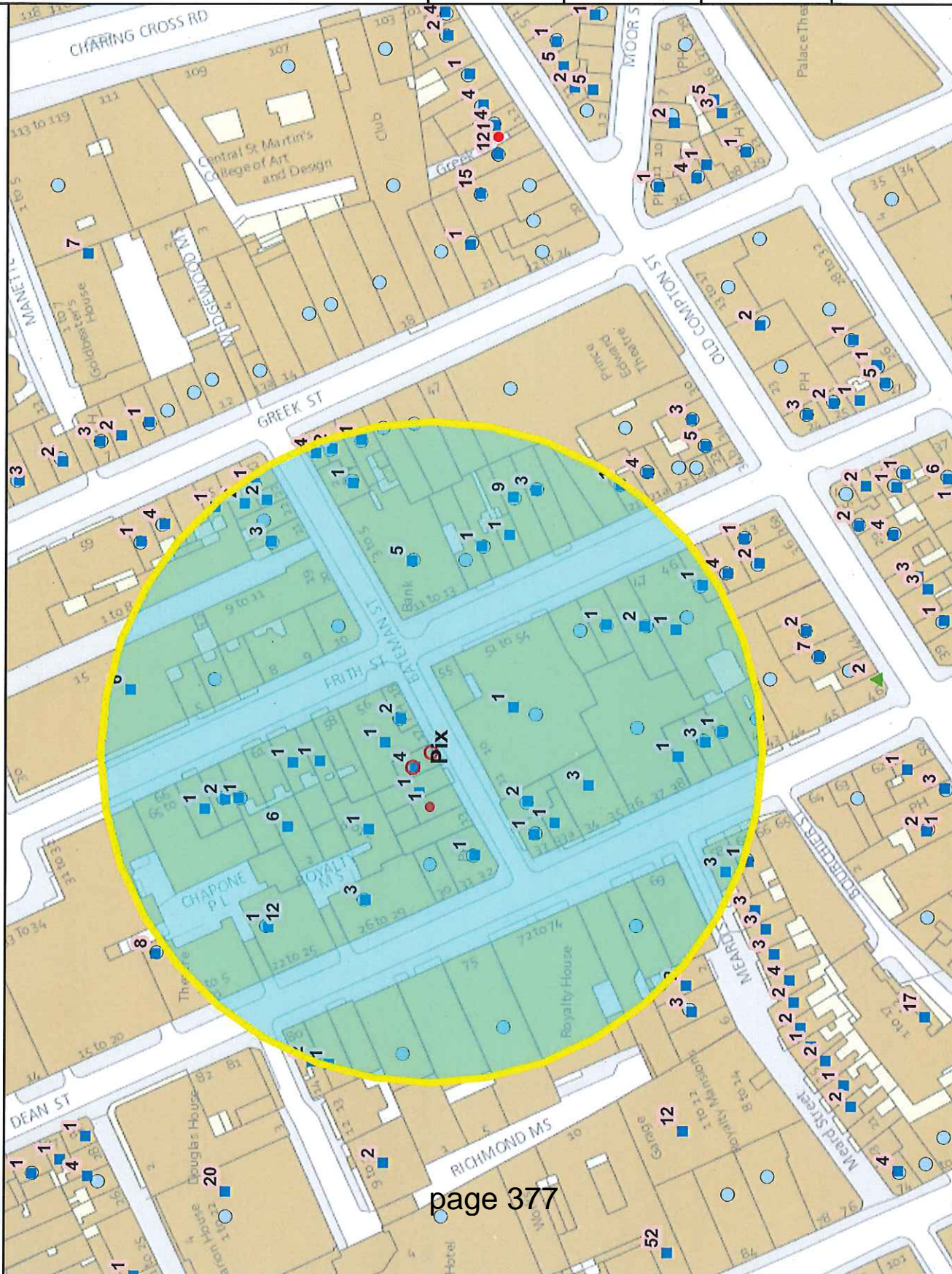
Where -

- (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.
- (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.
  - (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.



16 Bateman Street, London, W1D 3AH

City of Westminster



page 377

## APPENDIX C

Residential / Proposed Residential	104
Under Construction	Not known
Other Uses	Not known
Proportion Residential of all Uses	Not known

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Data Source: Uniform Database  
Date: 22/07/2015

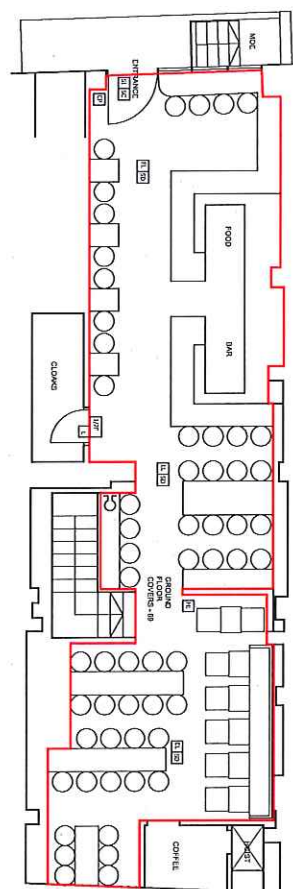
10  Meters

Premises within 75 metres of:16 Bateman Street			
p / n	Name of Premises	Premises Address	Opening Hours
844	L'Escargot	48 Greek Street London W1D 4EF	Monday to Sunday 10:00 - 01:00
5559	Cookhouse Joe	33 Dean Street London W1D 4PW	Friday to Saturday 09:00 - 00:00 Monday to Thursday 09:00 - 23:30 Sundays before Bank Holidays 12:00 - 00:00 Sunday 12:00 - 22:30
19829	Little Italy	21 Frith Street London W1D 4RN	Monday to Sunday 09:00 - 05:00
27143	Pix	18 Bateman Street London W1D 3AH	Friday to Saturday 11:00 - 00:00 Monday to Thursday 11:00 - 23:30 Sunday 12:00 - 22:30
29481	Ronnie Scott's Jazz Club	Basement And Ground Floor And Part First Floor 47 Frith Street London W1D 4SE	Sunday 09:00 - 00:30 Monday to Saturday 09:00 - 03:30
31097	Nando's	Ground Floor 10 Frith Street London W1D 3JF	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
31865	The Red Fort	Basement And Ground Floor 77 Dean Street London W1D 3SH	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-27263	Gopal's Of Soho	Basement And Ground Floor 12 Bateman Street London W1D 4AH	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-25897	Chotto-Matte	11-13 Frith Street London W1D 4RB	Monday to Saturday 10:00 - 01:30 Sunday 12:00 - 00:30
-24651	Duck Soup	Basement And Ground Floor 41 Dean Street London W1D 4PY	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-20992	Dog & Duck Public House	18 Bateman Street London W1D 3AJ	Friday to Saturday 07:00 - 00:00 Sunday 07:00 - 00:00 Sundays before Bank Holidays 07:00 - 00:00 Monday to Saturday 07:00 - 00:30 Sunday 07:00 - 22:30 Monday to Thursday 07:00 - 23:30
-14897	Trattoria Da Aldo	Basement And Ground Floor 51 Greek Street London W1D 4EH	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-3968	40 Dean Street	40 Dean Street London W1D 4PX	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-859	Union Club	50 Greek Street London W1D 4EQ	Monday to Saturday 10:00 - 01:30 Sunday 12:00 - 01:00
5916	Dean Street Town House	69 - 71 Dean Street London W1D 3SE	Monday to Sunday 00:00 - 00:00
7009	21 Bateman Street	Ground Floor 21 Bateman Street London W1D 3AL	Sunday to Thursday 12:00 - 00:00 Friday to Saturday 12:00 - 03:00
24336	Soho Joe	Ground Floor Townsend House 22 - 25 Dean Street London W1D 3RY	Monday to Saturday 07:00 - 01:00 Sunday 09:00 - 00:00
24401	Koya	49 Frith Street London W1D 4SG	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 23:30
24716	Gourmet Burger Kitchen	15 Frith Street London W1D 4RE	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
25172	La Capannina Club	Basement 21 Bateman Street London W1D 3AL	Sunday 09:00 - 00:30 Monday to Saturday 09:00 - 03:30
29118	Ceviche	Basement And Ground Floor 17 Frith Street London W1D 4RG	Monday to Saturday 10:00 - 01:30 Sunday 12:00 - 01:00
30546	The Crown & Two Chairmen	31-32 Dean Street London W1D 3SB	Friday to Saturday 07:00 - 00:00 Sundays before Bank Holidays 07:00 - 00:00 Sunday 07:00 - 22:50 Monday to Thursday 07:00 - 23:30
-30994	Karaoke Box	Ground Floor 18 Frith Street London W1D 4RQ	Monday to Wednesday 09:00 - 02:00 Thursday to Saturday 09:00 - 05:00 Sunday 09:00 - 23:00
-30975	Carlisle Arms Public House	2 Bateman Street London W1D 4AE	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sundays before Bank Holidays 12:00 - 00:00 Sunday 12:00 - 22:30

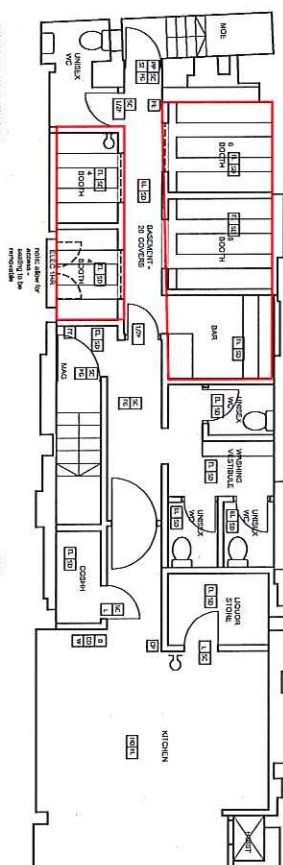


-30939	Hazlitts Hotel	6 Frith Street London W1D 3JA	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
-20850	Club 49	Basement And Ground Floor 49 Greek Street London W1D 4EG	Monday to Saturday 10:00 - 03:30 Sunday 12:00 - 23:00
-17256	Leonis Quo Vadis	26 Dean Street London W1D 3LL	Sunday 09:00 - 00:00 Monday to Saturday 09:00 - 02:30
-15347	Cay Tre (Soho)	42-43 Dean Street London W1D 4QA	Monday to Sunday 09:30 - 01:30
-13113	Garlic & Shots	Basement And Ground Floor 14 Frith Street London W1D 4RD	Monday to Saturday 10:00 - 01:00 Sunday 12:00 - 23:30
-10154	Buffo	45 Frith Street London W1D 4SD	Monday to Saturday 10:00 - 01:00 Sunday 12:00 - 00:00
-9233	Circa	Ground Floor 62 Frith Street London W1D 3JN	Monday to Sunday 11:00 - 01:00
-6452	Arbutus Restaurant	63 - 64 Frith Street London W1D 4RF	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-3487	Koya Bar	Ground Floor 50 Frith Street London W1D 4SQ	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 22:30
-1929	Barrafina	54 Frith Street London W1D 4SL	Monday to Saturday 10:00 - 01:30 Sunday 12:00 - 01:00
-1838	The Golden Oven	Ground Floor 22 Bateman Street London W1D 3AN	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-1688	Top Dog Eats	Basement And Ground Floor 48 Frith Street London W1D 4SF	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sundays before Bank Holidays 12:00 - 00:00 Sunday 12:00 - 22:30
4423	Burger Lobster	36 - 38 Dean Street London W1D 3TE	Monday to Thursday 10:00 - 00:30 Friday to Saturday 10:00 - 01:00 Sundays before Bank Holidays 12:00 - 00:30 Sunday 12:00 - 23:00
7016	Cookhouse Joe	33 Dean Street London W1D 4PW	Friday to Saturday 09:00 - 00:00 Monday to Thursday 09:00 - 23:30 Sundays before Bank Holidays 12:00 - 00:00 Sunday 12:00 - 22:30
10613	The Arls Theatre Club	Ground Floor West 50 Frith Street London W1D 4SQ	Monday to Saturday 09:00 - 03:30 Sunday 09:00 - 23:00
14878	Sunset Strip	Basement To First Floor 30 Dean Street London W1D 3SA	Sunday 09:00 - 00:00 Monday to Saturday 09:00 - 01:30
16599	De Lane Lea Sports & Social Club	Ground Floor 75 Dean Street London W1D 3SQ	Monday to Saturday 11:00 - 23:00
19042	Thirst	23 - 24 Bateman Street London W1D 3AH	Monday to Saturday 09:00 - 03:30 Sunday 12:00 - 23:00

PLEASE NOTE, DRAWING SCALE 1:100 @ A3



### PROPOSED PLAN - FEASIBILITY

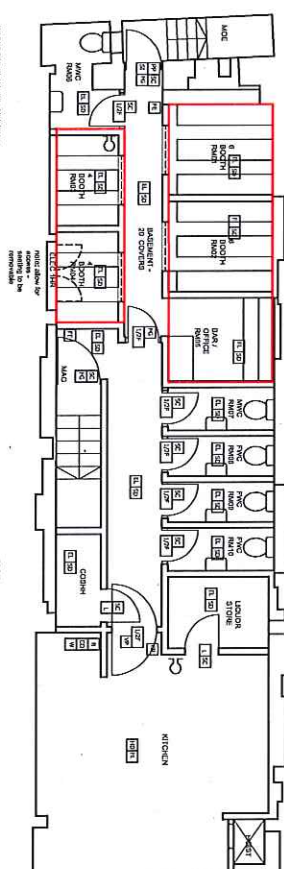
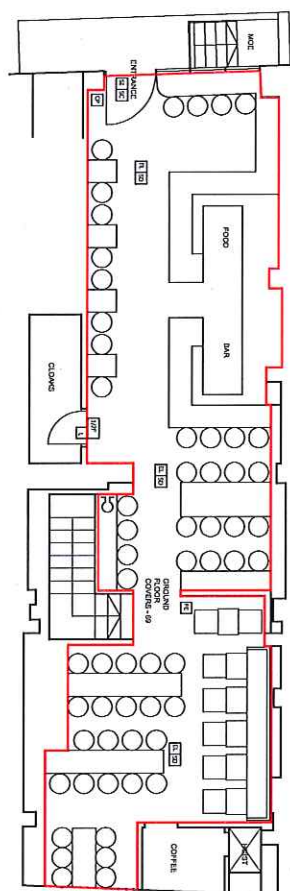


## RESULTS

[illegible]

<b>PROPOSED PLAN</b>	<b>DATE:</b> 08/09/99	<b>SCALE:</b> 1/2" = 1'-0"	<b>DRAWN BY:</b> JTH	<b>CHECKED BY:</b> JTH	<b>DATE:</b> 08/09/99
<b>PROJECT:</b> Oly Simpson Interior design	<b>LOCATION:</b> WISCONSIN WEST SIDE	<b>SHEET:</b> A1	<b>DESIGNER:</b> JEAN THOMBLE	<b>CLIENT:</b> JEAN THOMBLE	<b>DATE:</b> 08/09/99

PLEASE NOTE, DRAWING SCALE 1:100 @ A3



### PROPOSED PLAN - FEASIBILITY

RESTAURANT  
-20 COVERS

11

[illegible]

3. ALL FISHES ARE TO CONFORM TO THE REQUIRED CURRENT BUILDING REGULATIONS IN THE APPLICABLE COUNTRY (IN A UK RESTAURANT ALL

- [illegible]

NAME \_\_\_\_\_

RED OUTLINE AREA FOR THE SALE OF ALCOHOL. THE PROVISION OF LATE NIGHT REFRESHMENT

- |    |  |    |   |
|----|--|----|---|
| 1  | Mounted Emergency light  | 12 | Half hour fire door including luminous cast, smoke seal strips and positive overlock door operation. (10 steps and 1 sign)  |
| 2  | Illuminated exit sign over door                                    | 13 | Video panel in door comprising IR, glass and two boxes in luminous cast. Minimum size of video panel 25cm x 40cm.   |
| 3  | Calling mounted Smoke Detector                                     | 14 | Emergency exit sign indicating direction of means of escape   |
| 4  | Fire door keep door sign located on direction of opening side door | 15 | Fire alarm sounder  |
| 5  | Keep door locked sign located on direction of opening side door    | 16 | Positive overlock door device   |
| 6  | Visible fire warning   | 17 | Use separate contractors to install and commission a pull and push control units at design stage. The fire and alarm control on this layout should be noted and modified if required. |
| 7  | Indicate sign to visible light                                     | 18 | Fire protection<br>An automatic fire detection system should be fitted throughout in accordance with BS5839 part 1, 2002  |
| 8  |  | 19 | Emergency Push panel with sign  |
| 9  |  | 20 | Wall mounted Fire blanket in cabinet  |
| 10 |  | 21 | 2kg wall mounted Carbon Dioxide Fire Extinguisher   |
| 11 |  | 22 | 9 litre wall mounted water fire extinguisher  |
| 12 |  | 23 | Manual fire alarm call point location   |
| 13 |  | 24 | The fire alarm system is to be linked to the building design. The contractor to ensure integration of the 2 systems to the satisfaction of the fire and life planning officer.        |

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# Background Documents



\* required information

### Section 1 of 17

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

Not Currently In Use

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

Your reference

FJT.PIX4.6

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

John

\* Family name

Thornhill

\* E-mail

felicitytulloch@kuits.com

Main telephone number

07854426557

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	The Hayloft
* Street	Grip Barns
District	
* City or town	Linton
County or administrative area	
* Postcode	CB21 4NR
* Country	United Kingdom

### Agent Details

* First name	Kuit Steinart Levy
* Family name	LLP
* E-mail	felicitytulloch@kuits.com
Main telephone number	0161 838 7888
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 OC334768

\* Business name Kuit Steinart Levy LLP

If your business is registered, use its registered name.

\* VAT number GB N/A

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

\* Legal status Private Limited Company

\* Your position in the business Solicitor

Home country United Kingdom

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	3
* Street	St Mary's Parsonage
District	
* City or town	Manchester
County or administrative area	
* Postcode	M3 2RD
* Country	United Kingdom

**Section 2 of 17**

**APPLICATION DETAILS**

**This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.**

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number	11/03988/LIPN
---------------------------	---------------

Are you able to provide a postal address, OS map reference or description of the premises?

☒ Address    ☐ OS map reference    ☐ Description

**Postal Address Of Premises**

Building number or name	16
Street	Bateman Street
District	
City or town	London
County or administrative area	
Postcode	W1D 3AH
Country	United Kingdom

**Premises Contact Details**

Telephone number	
Non-domestic rateable value of premises (£)	55,000

**Section 3 of 17**

**VARIATION**

Continued from previous page...

Do you want the proposed variation to have effect as soon as possible?

☒ Yes ☐ No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

☐ Yes ☒ No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

#### Describe Briefly The Nature Of The Proposed Variation

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

1. To vary the layout of the premises in accordance with the plan lodged with the application and numbered 09099.12. The changes relate to the installation of a bar servery and booth seating in the basement.
  2. To amend Condition 21 of Annex 2 which currently reads "No draught sales of alcohol shall be permitted at the premises" so that it reads "No draught sales of alcohol shall be permitted at the premises save for one draught SPanish beer and one draught Spanish cider."
  3. To amend Condition 22 of Annex 2 which currently reads "The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 70 persons based on the current toilet provision of two male WCs and two urinals and two female WCs" so that it reads "The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 100 persons. Adequate toilet provision, in compliance with the necessary Building Regulations, shall be made.
- There are to be no changes to the types of licensable activities provided, nor the hours during which they are permitted. There are to be no changes to any other parts of the licence. The style of operation remains the same, as a Spanish tapas restaurant.

#### Section 4 of 17

##### PROVISION OF PLAYS

Will the schedule to provide plays be subject to change if this application to vary is successful?

☐ Yes ☒ No

#### Section 5 of 17

##### PROVISION OF FILMS

Will the schedule to provide films be subject to change if this application to vary is successful?

Continued from previous page...

☐ Yes

☒ No

**Section 6 of 17**

**PROVISION OF INDOOR SPORTING EVENTS**

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

☐ Yes

☒ No

**Section 7 of 17**

**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

☐ Yes

☒ No

**Section 8 of 17**

**PROVISION OF LIVE MUSIC**

Will the schedule to provide live music be subject to change if this application to vary is successful?

☐ Yes

☒ No

**Section 9 of 17**

**PROVISION OF RECORDED MUSIC**

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

☐ Yes

☒ No

**Section 10 of 17**

**PROVISION OF PERFORMANCES OF DANCE**

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

☐ Yes

☒ No

**Section 11 of 17**

**PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE**

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

☐ Yes

☒ No

**Section 12 of 17**

**PROVISION OF LATE NIGHT REFRESHMENT**

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

☐ Yes

☒ No

Continued from previous page...

### Section 13 of 17

#### SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

☐ Yes

☒ No

### Section 14 of 17

#### ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

N/A

### Section 15 of 17

#### HOURS PREMISES ARE OPEN TO THE PUBLIC

##### Standard Days And Timings

##### MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

##### TUESDAY

Start

End

Start

End

##### WEDNESDAY

Start

End

Start

End

##### THURSDAY

Start

End

Start

End

##### FRIDAY

Start

End

Start

End

##### SATURDAY

Start

End

Start

End

Continued from previous page...

SUNDAY

Start 12:00

End 22:30

Start

End

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

As per those permitted by the licence currently.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

None. Conditions 21 and 22 of Annex 2 are being amended.

☒ I have enclosed the premises licence

☐ I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

## Section 16 of 17

### LICENSING OBJECTIVES

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

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

List here steps you will take to promote all four licensing objectives together.

Please refer to those conditions already contained within the licence.

**Continued from previous page...**

b) The prevention of crime and disorder

Please refer to those conditions already contained within the licence.

c) Public safety

Please refer to those conditions already contained within the licence.

d) The prevention of public nuisance

Please refer to those conditions already contained within the licence.

e) The protection of children from harm

Please refer to those conditions already contained within the licence.

## Section 17 of 17

### 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.

Variation Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at [http://www.voa.gov.uk/business\\_rates/index.htm](http://www.voa.gov.uk/business_rates/index.htm)

Band A - No RV to £4300	£100.00
Band B - £4301 to £33000	£190.00
Band C - £33001 to £8700	£315.00
Band D - £87001 to £12500	£450.00*
Band E - £125001 and over	£635.00*

\*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £12500	£900.00
Band E - £125001 and over	£1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999	£1,000.00
Capacity 10000 -14999	£2,000.00
Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00
Capacity 30000-39000	£16,000.00
Capacity 40000-49999	£24,000.00
Capacity 50000-59999	£32,000.00
Capacity 60000-69999	£40,000.00
Capacity 70000-79999	£48,000.00
Capacity 80000-89999	£56,000.00
Capacity 90000 and over	£64,000.00



Continued from previous page...

\* Fee amount (£)

## DECLARATION

\* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

☒ 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/premises-licence/westminster/change-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

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

## 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 ☐





# City of Westminster

64 Victoria Street, London, SW1E 6QP

Schedule 12  
Part A

WARD: West End  
UPRN: 010033529406

## Premises licence

Regulation 33, 34

Premises licence number:

11/03988/LIPN

Original Reference:

11/03988/LIPN

### Part 1 – Premises details

#### Postal address of premises:

Pix  
Ground Floor  
16 Bateman Street  
London  
W1D 3AH

#### Telephone Number:

#### Where the licence is time limited, the dates:

Not applicable

#### Licensable activities authorised by the licence:

Playing of Recorded Music  
Late Night Refreshment  
Sale by Retail of Alcohol

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

##### Playing of Recorded Music

Monday to Thursday: 12:00 to 23:30  
Friday to Saturday: 12:00 to 00:00  
Sunday: 12:00 to 22:30

Non-standard Timings: New Year's Eve: current permitted hours. If NYE falls on Sunday until 00:00

##### Late Night Refreshment

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

Non-standard Timings: New Year's Eve: current permitted hours. If NYE falls on Sunday until 00:00.

##### Sale by Retail of Alcohol

Monday to Thursday: 11:00 to 23:30  
Friday to Saturday: 11:00 to 00:00  
Sunday: 12:00 to 22:30

Non-standard Timings: New Year's Eve: current permitted hours. If NYE falls on Sunday until 00:00

**The opening hours of the premises:**

Monday to Thursday: 11:00 to 23:30  
Friday to Saturday: 11:00 to 00:00  
Sunday: 12:00 to 22:30  
New Year's Eve: current permitted hours. If NYE falls on Sunday until 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:**

Mr John Thornhill  
The Hayloft  
Grip Barns  
Linton  
CB21 4NR  
Electronic Mail : john@pix-bar.com  
Mobile Phone Number : 07854 426 557

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

Not applicable

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

Name: Mr John Thornhill

*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: PA0941  
Licensing Authority: South Cambridgeshire District Council

Date: 28<sup>th</sup> July 2011

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:  $\frac{1}{2}$  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.

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**Annex 2 – Conditions consistent with the operating Schedule**

None

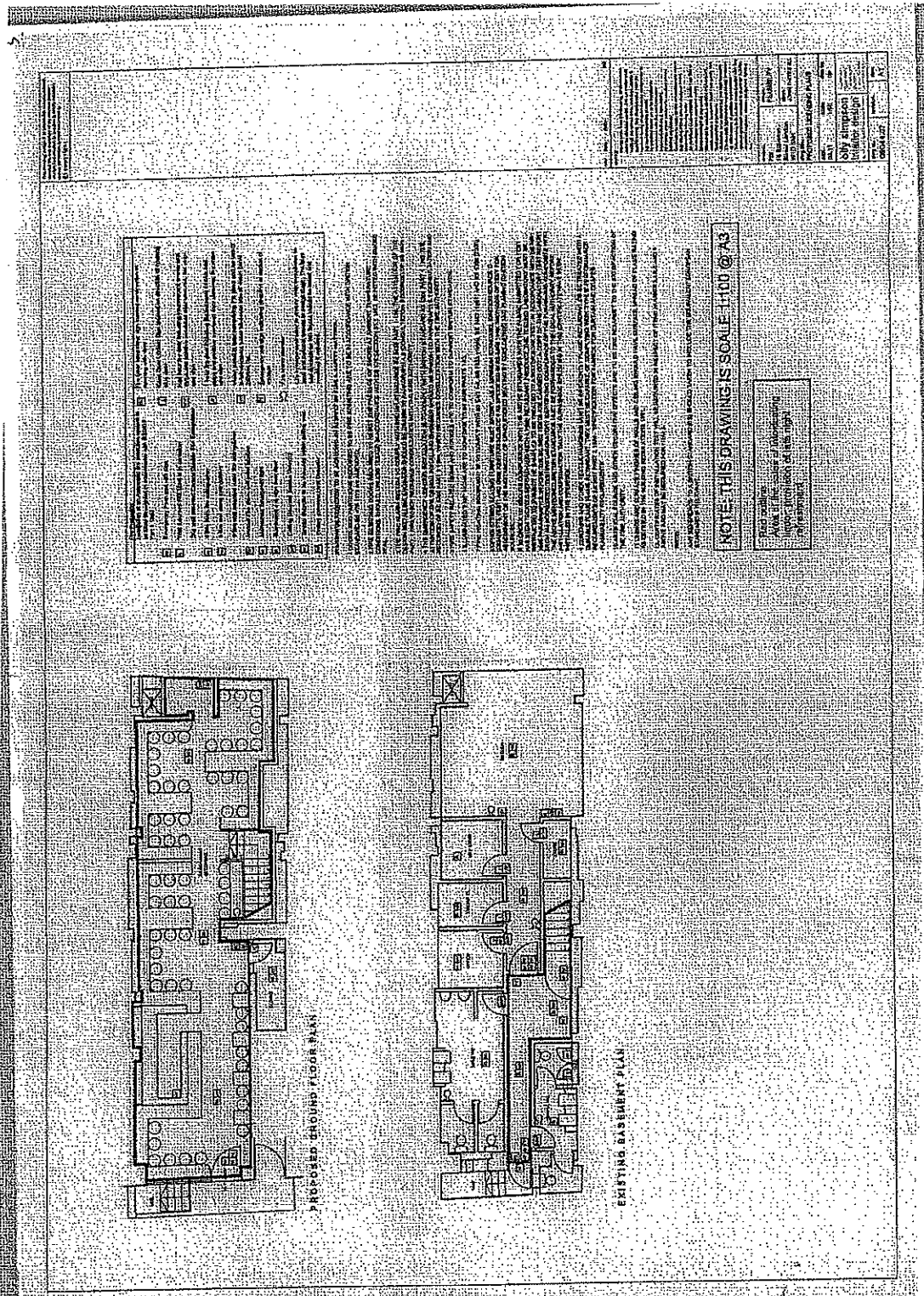
### **Annex 3 – Conditions attached after a hearing by the licensing authority**

9. Recorded music shall be background only.
10. No noise nuisance shall be caused to nearby residents.
11. Signs shall be displayed at the premises asking customers to leave quietly.
12. Members of staff shall call taxis for customers if requested.
13. Smokers shall be asked to keep noise to a minimum when outside the premises and cigarettes bins shall be available.
14. A challenge 21 policy shall be implemented and all staff shall be trained in its use.
15. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
16. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open 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.
17. The premises shall only operate as a restaurant (i) in which customers are shown to their table, (ii) which provide food in the form of substantial table meals that are prepared on the premises and consumed at the table using non disposable crockery, (iii) which do not provide any take away service of food or drink for immediate consumption, and (iv) where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.
18. A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
19. The supply of alcohol at the premises shall only be for consumption by a person seated taking a table (to include the bar) meal there and for consumption by such a person as ancillary to their meal.
20. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
21. No draught sales of alcohol shall be permitted at the premises.
22. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 70 persons based on the current toilet provision of two male W/C's and two urinals and two female W/C's.
23. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.



24. There shall be no sales of alcohol for consumption off the premises after 23:00 hours.
25. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
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. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
28. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0800 hours.
29. A sound limiting device located in a separate and remote lockable cabinet from the volume control shall be fitted to any musical amplification system and set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service's Community Protection Department to ensure that no noise nuisance is caused to local residents. The operational panel of the noise limiter and the position of the speakers shall be to the satisfaction of officers from the Environmental Health Service. The keys securing the noise limiter cabinet shall be held by the licence holder or authorised manager only, and shall not be accessed by any other person. The limiter shall not be altered without prior agreement with the Environmental Health Service.
30. Loudspeakers shall not be located outside the premises building.
31. All windows and external doors shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
32. 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.
33. Before the premises open to the public, the plans as provided with the application will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed and this condition has been removed from the Licence. Where the premises layout has changed from the plans provided during the course of construction a variation application may be required.

# Annex 4 – Plans





Schedule 12  
Part B

WARD: West End  
UPRN: 010033529406

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

Premises licence  
summary

Regulation 33, 34

Premises licence number:

11/03988/LIPN

**Part 1 – Premises details**

**Postal address of premises:**

Pix  
Ground Floor  
16 Bateman Street  
London  
W1D 3AH

**Telephone Number:**

**Where the licence is time limited, the dates:**

Not applicable

**Licensable activities authorised by the licence:**

Playing of Recorded Music  
Late Night Refreshment  
Sale by Retail of Alcohol

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

**Playing of Recorded Music**

Monday to Thursday:	12:00 to 23:30
Friday to Saturday:	12:00 to 00:00
Sunday:	12:00 to 22:30

Non-standard Timings: New Year's Eve: current permitted hours. If NYE falls on Sunday until 00:00

**Late Night Refreshment**

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

Non-standard Timings: New Year's Eve: current permitted hours. If NYE falls on Sunday until 00:00.

**Sale by Retail of Alcohol**

Monday to Thursday:	11:00 to 23:30
Friday to Saturday:	11:00 to 00:00
Sunday:	12:00 to 22:30

Non-standard Timings: New Year's Eve: current permitted hours. If NYE falls on Sunday until 00:00

**The opening hours of the premises:**

Monday to Thursday: 11:00 to 23:30  
Friday to Saturday: 11:00 to 00:00  
Sunday: 12:00 to 22:30  
New Year's Eve: current permitted hours. If NYE falls on Sunday until 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:**

Mr John Thornhill  
The Hayloft  
Grip Barns  
Linton  
CB21 4NR

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

Not applicable

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

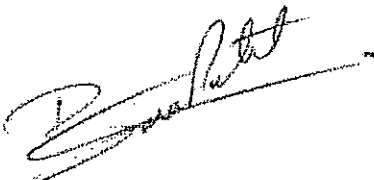
Name: Mr John Thornhill

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

Restricted

Date: 28<sup>th</sup> July 2011

Signed: pp

  
Operational Director - Premises Management

**CITY OF WESTMINSTER****MEMORANDUM**

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<b>TO</b>	<b>Licensing Officer</b>
<b>REFERENCE</b>	<b>15/05202/LIPV</b>

---

<b>FROM</b>	<b>Environmental Health Consultation Team</b>
	<b>4<sup>th</sup> Floor West, City Hall</b>
<b>REFERENCE</b>	<b>15/024320/EHCT</b>
<b>TELEPHONE</b>	<b>0207 641 2788</b>
<b>BEING DEALT WITH BY</b>	<b>Sally Thomas</b>
	<b>sthomas4@westminster.gov.uk</b>
<b>DATE</b>	<b>14<sup>th</sup> July 2015</b>

---

**Licensing Act 2003****Pix, Ground, 16 Bateman Street, London, W1D 3AH**

I refer to the application for variation of a Premises Licence (11/03988/LIPN), issued under the Licensing Act 2003.

**The premises are situated in the West End Stress Area as stated in City of Westminster's Statement of Licensing Policy.**

Layout plans have been submitted, drawing number 09099.12, dated 06.15. This representation is based on the Operating Schedule and plan submitted.

The applicant is seeking the following in the ground and basement:

1. To amend the following condition from 'No draught sale of alcohol to be permitted at the premises' to 'No draught sales of alcohol shall be permitted at the premises, save for one draught Spanish beer and one draught Spanish cider.'
2. To vary the layout to introduce the installation of a bar servery and booth seating in the basement.
3. To amend Condition 22 which currently reads "The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 70 persons based on the current toilet provision of two male WCs and two urinals and two female WCs" so that it reads "The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 100 persons. Adequate toilet provision, in compliance with the necessary Building Regulations, shall be made.

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

1. I have no representation to the amendment to the condition.

2. The change of layout may impact on Public Safety.
3. The increase in capacity and what looks to be a reduction of WCs may impact upon Public Safety and may impact on the Prevention of Public Nuisance in the stress area.

**The WC provisions will need to comply with the BS 6465-1 Sanitary Installations, Table 10. The granting of the variation Premises Licence as presented may impact upon Public Safety and the Prevention of Public Nuisance in the stress area.**

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

Sally Thomas  
Environmental Health Officer

**15/05202/LIPV**

**Pix, 16 Bateman Street, London, W1D 3AH**

**Environmental Health proposed conditions 10<sup>th</sup> August 2015**

1. The number of persons accommodated at any one time in the premises (excluding staff) shall not exceed 90 (there shall be no more than 20 persons in the basement).
2. The variation of the Premises Licence (15/05202/LIPV) will have no effect until the Licensing Authority are satisfied that the premises is constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association – Technical Standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition will be removed from the Licence.
3. Before the premises open to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction a variation application may be required.

## Owojori, Olaposi

---

**From:** Thomas, Sally  
**Sent:** 10 August 2015 15:31  
**To:** Felicity Tulloch  
**Cc:** Owojori, Olaposi; Anthony Lyons  
**Subject:** RE: Pix, Bateman Street  
**Attachments:** Bateman St, 16, Pix, 100815.docx

Hi Tony

Thank you for the updated plans.

Please find my proposed conditions attached and let me know your thoughts.

Many thanks  
Sally

---

**From:** Felicity Tulloch [<mailto:felicitytulloch@kuits.com>]  
**Sent:** 03 August 2015 11:37  
**To:** Thomas, Sally  
**Cc:** Owojori, Olaposi; Anthony Lyons  
**Subject:** Pix, Bateman Street

Dear Sally,

Sorry for missing you on Friday. I wasn't in and I understand you're on annual leave this week.

However, my client has amended the layout plan to incorporate the toilet provision you require and a copy is attached. As you can see there are now 3 female WCs and 2 male, ensuring compliance with the relevant British Standard.

I understand that this should address the concerns you originally had in respect of the application, and I look forward to hearing from you with a 'works' condition when you're back next week. However, I am on holiday too next week but Tony Lyons (cc'd here) is familiar with the file and will be able to deal with any queries.

Kind regards,

Felicity

Felicity Tulloch  
Senior Associate  
licensing  
for and on behalf of kuit | steinart | levy  
LLP  
Tel: +44 (0)161 832 3434  
Dept: +44 (0)161 838 7888  
Fax: +44 (0)161 838 8109

kuit | steinart | levy LLP  
3 St Marys Parsonage  
Manchester M3 2RD

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Law Society  






The Soho Society  
St Anne's Tower  
55 Dean Street  
London  
W1D 6AF

020 7439 4303  
[licensing@thesohosociety.org.uk](mailto:licensing@thesohosociety.org.uk)

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

Sent via email to [premiseslicensing@westminster.gov.uk](mailto:premiseslicensing@westminster.gov.uk)

27 July 2015

Reference: 15/05202/LIPV, Premises Licence – Variation, Pix, 16  
Bateman Street, W1D 3AH

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

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

#### About The Soho Society

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

## Application summary

1. To vary the layout of the premises in accordance with the plan lodged with the application and numbered 09099.12. The changes relate to the installation of a bar servery and booth seating in the basement. 2. To amend Condition 21 of Annex 2 which currently reads "No draught sales of alcohol shall be permitted at the premises" so that it reads "No draught sales of alcohol shall be permitted at the premises save for one draught Spanish beer and one draught Spanish cider." 3. To amend Condition 22 of Annex 2 which currently reads "The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 70 persons based on the current toilet provision of two male WCs and two urinals and two female WCs" so that it reads "The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 100 persons."

## Venue capacity

The venue capacity is proposed to increase by 43% from 70 to 100. This is an unacceptable increase within the stress area. The area around the venue location has a high concentration of licensed premises and residents are subject to noise and general nuisance every night of the week. We therefore feel it is necessary to restrict any increase in capacity.

## Encouragement of vertical drinking

The proposal includes the sale of draught lager and cider. This change will encourage problematic 'vertical drinking' as larger volumes of alcohol are consumed more quickly, with the impact spread over a wide area, including residents in adjacent streets and further away. Alcohol, including beer and cider, is already available at the premises and is retailed ancillary to food. This change would bring the premises closer to operating like a pub, which is objected to and is not in line with licensing policy.

The premises are located midway along a small stretch of Bateman Street which has residential accommodation in the floors above street level, both above the premises themselves and on the opposite side. Each end of this block opens onto a larger, much louder street and has a thriving public house on both corners: The Crown & Two Chairman at the Dean Street end, and The Dog & Duck at Frith Street. Both of these public houses are busy every night of the week, with many customers drinking outside.

## 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 and prevention of crime and disorder. I respectfully urge the Licensing Sub-Committee to reject this application.

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

Yours faithfully,

David Gleeson  
Licensing Chair





City of Westminster

# Licensing Sub-Committee Report

Item No:

Licensing Ref No:

**15/04997/LIPN**

Date:

**20 August 2015**

Classification:

**For General Release**

Title of Report:

**Safa Restaurant  
Forset Court  
22-23 Nutford Place  
London W1H 5YQ**

Report of:

**Director of Public Protection and Licensing**

Policy context:

**City of Westminster Statement of Licensing Policy**

Financial summary:

**None**

Report Author:

**Mr Steve Rowe  
Senior Licensing Officer**

Contact Details:

**Telephone: 020 7641 7825  
E-mail: [srowe@westminster.gov.uk](mailto:srowe@westminster.gov.uk)**

## APPLICATION DETAILS

<b>Application Type:</b>	A new premises licence application under the Licensing Act 2003.		
<b>Applicant:</b>	Ali Heydari	<b>Date Application Received:</b>	22 June 2015
<b>Premises Name and Address:</b>	Safa Restaurant Forset Court 22-23 Nutford Place London W1H 5YQ		
<b>Ward Name:</b>	Bryanston And Dorset Square	<b>Stress Area:</b>	Edgware Road
<b>Description of Premises:</b>	The premises currently operate as a Ground Floor restaurant, with a premises licence (06/13160/WCCMAP), for the sale by retail of alcohol and the provision of late night refreshments. It is proposed that, if the new premises licence is granted, then the current premises licence will be surrendered to Westminster City Council.		
<p><i>Note: Where the committee is minded to grant the licence it will be granted subject to the mandatory conditions and conditions consistent with the operating schedule modified to such extent as the authority considers appropriate for the promotion of the licensing objectives detailed in Appendix D to this report.</i></p>			
<b>Proposed Licensable Activities, Proposed Hours:</b>  <b>Playing of Recorded Music</b> Monday to Saturday: 10:00 to 01:30 Sunday: 12:00 to 01:30  <b>Late Night Refreshment</b> Monday to Sunday: 23:00 to 01:00  <b>Supply of Alcohol (On the Premises)</b> Monday to Saturday: 10:00 to 01:00 Sunday: 12:00 to 01:00  <b>Opening Hours</b> Monday to Saturday: 10:00 to 01:00 Sunday: 12:00 to 01:00  <b>Non Standard Timings:</b>  Alcohol may be sold or supplied on New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours the following day.  During the month of Ramadan, it is proposed that opening hours and licensable activities (except sale of alcohol) will continue until sunrise, when the provision of late night refreshments would also cease.		<b>Existing Licensable Activities and Hours on Licence 06/13160/WCCMAP</b>  <b>Playing of Recorded Music</b> <b>Private Entertainment</b> Unrestricted  <b>Late Night Refreshment</b> Monday to Saturday: 23:00 to 00:30 Sunday: 23:00 to 00:00  <b>Supply of Alcohol (On the Premises)</b> Monday to Saturday: 10:00 to 00:00 Sunday: 12:00 to 23:30  <b>Opening Hours</b> Monday to Saturday: 10:00 to 00:30 Sunday: 12:00 to 00:00  <b>Non Standard Timings:</b>  Extension of hours for late night refreshment and sale of alcohol from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.  Not currently permitted	

	<b>Relevant representations and policies applicable</b>	<b>References / Notes</b>
1A	The Environmental Health Service has made an adverse representation against this application as the hours requested for the Supply of Alcohol, the Provision of Late Night Refreshment, Regulated Entertainment will have the likely effect of causing an increase in Public Nuisance within the Edgware Road Stress Area. The hour for sunrise during Ramadan is not a fixed time and may change from day to day.	<b>Environmental Health Service Representation</b>
1B	<p>The Metropolitan Police service has made an adverse representation against this application stating that if granted the application would undermine the licensing objectives. The venue is situated within the Edgware Road Stress Area, a locality where this is traditionally high crime and disorder. There are concerns that this application will cause further policing problems in an already demanding area and add to the cumulative impact.</p> <p>The Metropolitan Police Service have proposed conditions that the applicant has agreed however they wish to maintain their representation.</p>	<b>Metropolitan Police Service representation</b>
1C	<p>The following policies within the City Of Westminster Statement of Licensing Policy apply:</p> <p><b>Policy STR1 applies:</b></p> <p>(i) It is the Licensing Authority's policy to refuse applications in the Stress Areas for: pubs and bars; fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.</p> <p>(ii) Applications for other licensable activities in the Stress Areas will be subject to other policies and must demonstrate that they will not add to cumulative impact in the Stress Areas.</p> <p><b>Policy HRS1 applies:</b></p> <p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p> <p><b>Policy RNT2 applies:</b></p> <p>Applications will be granted subject to other policies and subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that they will not add to cumulative impact in the Stress Areas.</p>	<b>Policies applicable</b>
1D	<p>The Licensing Sub-committee may refuse, grant in full or grant in part this proposal, having taken into account the representations received and Westminster's Statement of Licensing Policy. The decision taken should promote the licensing objectives of:</p> <ul style="list-style-type: none"> <li>• prevention of public nuisance,</li> </ul>	<b>Summary</b>

1E	<ul style="list-style-type: none"> <li>• prevention of crime &amp; disorder,</li> <li>• public safety and</li> <li>• protection of children from harm.</li> </ul> <p>Where the committee is minded to grant the licence it will be granted subject to the mandatory conditions and conditions consistent with the operating schedule modified to such extent as the authority considers appropriate for the promotion of the licensing objectives. Proposed conditions are set out detailed in <b>Appendix B</b> to this report.</p>	
<b>Current Licensing Position</b>	The premises currently operate as a Ground Floor restaurant, with a premises licence (06/13160/WCCMAP). Please refer to <b>Appendix A</b>	
<b>Residential Density:</b>	192 of the units within a 75m radius of the premises are residential or proposed residential, refer to <b>Appendix C</b> .	
<b>Planning Position:</b>	Licensing cannot confirm the planning usage of this premises.	
<b>List of Appendices:</b>	A – Premises Licence History B - Proposed Conditions C – Residential Map and list of premises in the vicinity	

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

- Licensing Act 2003
- City of Westminster Statement of Licensing Policy (7<sup>th</sup> January 2011)
- Amended Guidance issued under section 182 of the Licensing Act 2003 (March 2015)
- Application form
- Plans
- Representations received
- Photos



## Licence & Appeal History

Application	Details of Application	Date Determined	Decision
Conversion Application <b>05/08395/LIPC</b> <b>(06/13160/WCCMAP)</b>	Application to convert the Justices on Licence	19.09.2005	Granted Under Delegated Authority

There is no appeal history

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

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

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

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

**Mandatory Conditions**

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

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

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

- 8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 8(ii) For the purposes of the condition set out in paragraph 8(i) above -
  - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
  - (b) "permitted price" is the price found by applying the formula -

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

Where -

- (i) P is the permitted price,
  - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
  - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
  - (ii) the designated premises supervisor (if any) in respect of such a licence, or
  - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

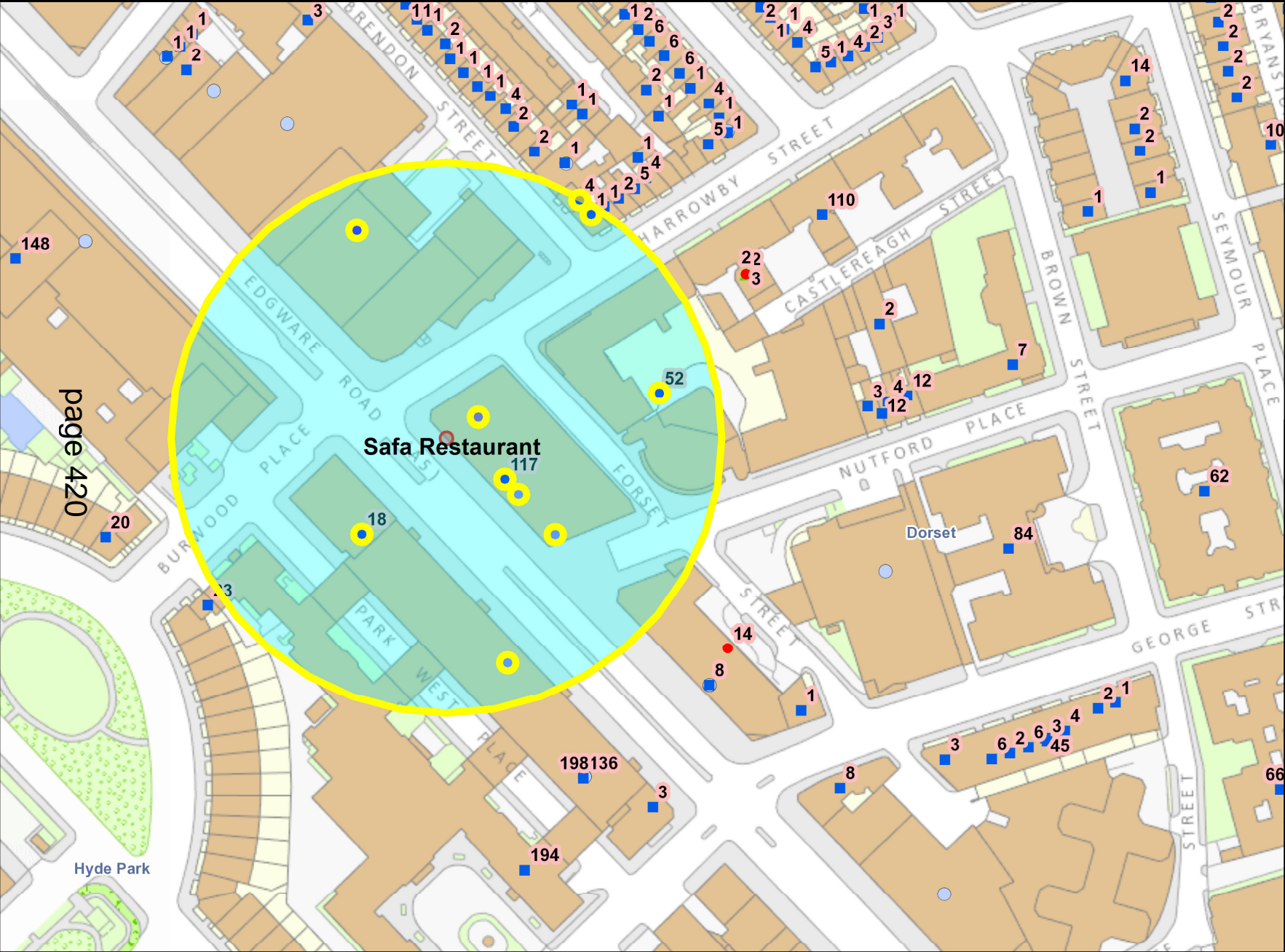
#### **Consistent with the operating schedule**

- 9. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
- 10. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23.00) hours and (08.00) hours on the following day.
- 11. 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.
- 12. The number of persons permitted in the premises at any one time (including staff) shall not exceed 40 persons.
- 13. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly
- 14. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

**Proposed by Police and agreed by the applicant**

15. The premises shall install and maintain a CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period
16. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
17. The premises shall only operate as a restaurant (i) in which customers are shown to their table, (ii) where the supply of alcohol is by waiter or waitress service only, (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery, (iv) which do not provide any take away service of food or drink for immediate consumption, (v) which do not provide any take away service of food or drink after 23.00, and (vi) where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are seated in the premises and bona fide taking substantial table meals there and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.  
  
Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.
18. During the month of Ramadan late night refreshment may take place on the premises between 23.00hrs and sunrise the next day. During this time there shall be no alcohol sales outside of the permitted hours shown on the licence.
19. All tables and chairs shall be rendered unusable in the outside area by **23.00** each day.
20. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
21. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder
  - (d) any incidents of disorder
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system or searching equipment or scanning equipment
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service.

Forset Court, 22-23 Nutford Place, London, W1H 5YQ



page 420

Residential / Proposed Residential	192
Under Construction	Not known
Other Uses	Not known
Proportion Residential of all Uses	Not known

Premises within 75 metres of: Safa Restaurant, 22-23 Nutford Place			
p / n	Name of Premises	Premises Address	Opening Hours
3624	Mahal Restaurant	138 Edgware Road London W2 2DZ	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-19352	Safa Restaurant	Forset Court 22-23 Nutford Place London W1H 5YQ	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-15277	Al Arez Cafe	103 Edgware Road London W2 2HX	Sunday to Wednesday 23:00 - 00:00 Thursday to Saturday 23:00 - 01:00
-7051	Grosvenor Victoria Casino	150 - 162 Edgware Road London W2 2DT	Monday to Sunday 00:00 - 00:00
29171	Old English Gentleman Pub / Al Arez Express Grill & Bar	132 Edgware Road London W2 2DZ	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 23:00
-4264	The Coffee Shop	150 - 162 Edgware Road London W2 2DT	Monday to Sunday 00:00 - 00:00
3011	The Poker Room	Second Floor 150 Edgware Road London W2 2DT	Monday to Sunday 00:00 - 00:00

# **BACKGROUND DOCUMENTS**



\* required information

**Section 1 of 19**

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

Not Currently In Use

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

Your reference

15/0001/FULL

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

Ali

\* Family name

Heydari

\* E-mail

Aliheydari.safa@yahoo.co.uk

Main telephone number

07770 962220

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.

**Applicant Business**

\* Is the applicant's business registered in the UK with Companies House?

☐ Yes ☒ No

\* Is the applicant's business registered outside the UK?

☐ Yes ☒ No

\* Business name

Safa Restaurant

If the applicant's business is registered, use its registered name.

\* VAT number

- 8028 082 50

Put "none" if the applicant is not registered for VAT.

*Continued from previous page...*

\* Legal status

\* Applicant's position in the business

Home country

The country where the applicant's headquarters are.

### Applicant Business Address

If the applicant has one, this should be the applicant's official address - that is an address required of the applicant by law for receiving communications.

\* Building number or name

\* Street

District

\* City or town

County or administrative area

\* Postcode

\* Country

### Agent Details

\* First name

\* Family name

\* E-mail

Main telephone number

Include country code.

Other telephone number

☐ 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

\* Is your business registered outside the UK? ☐ Yes ☒ No

\* Business name

If your business is registered, use its registered name.

\* VAT number

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

\* Legal status

*Continued from previous page...*

\* Your position in the business

Home country

The country where the headquarters of your business is located.

**Agent Business Address**

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

\* Building number or name

\* Street

District

\* City or town

County or administrative area

\* Postcode

\* Country

**Section 2 of 19**

**PREMISES DETAILS**

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

**Premises Address**

Are you able to provide a postal address, OS map reference or description of the premises?

☒ Address    ☐ OS map reference    ☐ Description

**Postal Address Of Premises**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Further Details**

Telephone number

Non-domestic rateable value of premises (£)

### Section 3 of 19

#### APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- ☒ An individual or individuals
- ☐ A limited company
- ☐ A partnership
- ☐ An unincorporated association
- ☐ A recognised club
- ☐ A charity
- ☐ The proprietor of an educational establishment
- ☐ A health service body
- ☐ A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- ☐ A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- ☐ The chief officer of police of a police force in England and Wales
- ☐ Other (for example a statutory corporation)

#### Confirm The Following

- ☒ I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- ☐ I am making the application pursuant to a statutory function
- ☐ I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

### Section 4 of 19

#### INDIVIDUAL APPLICANT DETAILS

##### Applicant Name

Is the name the same as (or similar to) the details 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.

First name

Ali

Family name

Heydari

Is the applicant 18 years of age or older?

- ☒ Yes ☐ No

Continued from previous page...

### Applicant Postal 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	<input type="text" value="Flat 2M Stuart Tower"/>
Street	<input type="text" value="105 Maida Vale"/>
District	<input type="text"/>
City or town	<input type="text" value="London"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="W9 1UD"/>
Country	<input type="text" value="United Kingdom"/>

### Applicant Contact Details

Are the contact details the same as (or similar to) those 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.

E-mail	<input type="text" value="Aliheydari.safa@yahoo.co.uk"/>
Telephone number	<input type="text" value="07770 962220"/>
Other telephone number	<input type="text"/>

## Section 5 of 19

### OPERATING SCHEDULE

When do you want the premises licence to start?  /  /   
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end  /  /   
dd mm yyyy

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off- supplies you must include a description of where the place will be and its proximity to the premises.

The premises currently operates as a Ground Floor restaurant, with a premises licence (06/13160/WCCMAP), for the sale by retail of alcohol and the provision of late night refreshments. It is proposed that, if the new premises licence is granted, then the current premises licence will be surrendered to Westminster City Council.

*Continued from previous page...*

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

## Section 6 of 19

### PROVISION OF PLAYS

Will you be providing plays?

☐ Yes ☒ No

## Section 7 of 19

### PROVISION OF FILMS

Will you be providing films?

☐ Yes ☒ No

## Section 8 of 19

### PROVISION OF INDOOR SPORTING EVENTS

Will you be providing indoor sporting events?

☐ Yes ☒ No

## Section 9 of 19

### PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will you be providing boxing or wrestling entertainments?

☐ Yes ☒ No

## Section 10 of 19

### PROVISION OF LIVE MUSIC

Will you be providing live music?

☐ Yes ☒ No

## Section 11 of 19

### PROVISION OF RECORDED MUSIC

Will you be providing recorded music?

☒ Yes ☐ No

### Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

Give timings in 24 hour clock.  
(e.g., 16:00) and only give details for the days  
of the week when you intend the premises  
to be used for the activity.

*Continued from previous page...*

WEDNESDAY

Start	<input type="text" value="10:00"/>	End	<input type="text"/>
Start	<input type="text"/>	End	<input type="text" value="01:30"/>

THURSDAY

Start	<input type="text" value="10:00"/>	End	<input type="text"/>
Start	<input type="text"/>	End	<input type="text" value="01:30"/>

FRIDAY

Start	<input type="text" value="10:00"/>	End	<input type="text"/>
Start	<input type="text"/>	End	<input type="text" value="01:30"/>

SATURDAY

Start	<input type="text" value="10:00"/>	End	<input type="text"/>
Start	<input type="text"/>	End	<input type="text" value="01:30"/>

SUNDAY

Start	<input type="text" value="12:00"/>	End	<input type="text"/>
Start	<input type="text"/>	End	<input type="text" value="01:30"/>

Will the playing of recorded music take place indoors or outdoors or both?

☒ Indoors      ☐ Outdoors      ☐ Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

The recorded music will be played as 'background' music only, audible within the restaurant.

State any seasonal variations for playing recorded music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

During the month of Ramadan, it is proposed that the playing of 'background' recorded music will continue until sunrise, when the provision of late night refreshments would also cease.

Continued from previous page...

## Section 12 of 19

### PROVISION OF PERFORMANCES OF DANCE

Will you be providing performances of dance?

☐ Yes ☒ No

## Section 13 of 19

### PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

Will you be providing anything similar to live music, recorded music or performances of dance?

☐ Yes ☒ No

## Section 14 of 19

### LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

☒ Yes ☐ No

#### Standard Days And Timings

##### MONDAY

Start

End

Start

End

Give timings in 24 hour clock.  
(e.g., 16:00) and only give details for the days  
of the week when you intend the premises  
to be used for the activity.

##### TUESDAY

Start

End

Start

End

##### WEDNESDAY

Start

End

Start

End

##### THURSDAY

Start

End

Start

End

##### FRIDAY

Start

End

Start

End

##### SATURDAY

Start

End

Start

End



*Continued from previous page...*

SUNDAY

Start

End

Start

End

Will the provision of late night refreshment take place indoors or outdoors or both?

☐ Indoors      ☐ Outdoors      ☒ Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

There are 10 tables and 20 chairs situated to the front of the restaurant, which are currently authorised under a Temporary Street Trading Licence. Food and beverages would be provided to customers seated in this area up until 23.00 hours, when the tables and chairs will then be rendered unusable.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of late night refreshments at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

During the month of Ramadan, when Muslims are required to fast during daylight hours, it is proposed that late night refreshments will continue from 23.00 hours until sunrise the following day.

## Section 15 of 19

### SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

☒ Yes      ☐ No

### Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.  
(e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

*Continued from previous page...*

TUESDAY

Start	<input type="text" value="10:00"/>	End	<input type="text"/>
Start	<input type="text"/>	End	<input type="text" value="01:00"/>

WEDNESDAY

Start	<input type="text" value="10:00"/>	End	<input type="text"/>
Start	<input type="text"/>	End	<input type="text" value="01:00"/>

THURSDAY

Start	<input type="text" value="10:00"/>	End	<input type="text"/>
Start	<input type="text"/>	End	<input type="text" value="01:00"/>

FRIDAY

Start	<input type="text" value="10:00"/>	End	<input type="text"/>
Start	<input type="text"/>	End	<input type="text" value="01:00"/>

SATURDAY

Start	<input type="text" value="10:00"/>	End	<input type="text"/>
Start	<input type="text"/>	End	<input type="text" value="01:00"/>

SUNDAY

Start	<input type="text" value="12:00"/>	End	<input type="text"/>
Start	<input type="text"/>	End	<input type="text" value="01:00"/>

Will the sale of alcohol be for consumption:

☒ On the premises    ☐ Off the premises    ☐ Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

----------------------

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Alcohol may be sold or supplied on New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours the following day.
--

*Continued from previous page...*

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

**Name**

First name

Family name

**Enter the contact's address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

**PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT**

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- ☒ Electronically, by the proposed designated premises supervisor
- ☐ As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

**Section 16 of 19**

**ADULT ENTERTAINMENT**

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

None

Continued from previous page...

Section 17 of 19

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start 10:00

End

Start

End 01:30

Give timings in 24 hour clock.  
(e.g., 16:00) and only give details for the days  
of the week when you intend the premises  
to be used for the activity.

TUESDAY

Start 10:00

End

Start

End 01:30

WEDNESDAY

Start 10:00

End

Start

End 01:30

THURSDAY

Start 10:00

End

Start

End 01:30

FRIDAY

Start 10:00

End

Start

End 01:30

SATURDAY

Start 10:00

End

Start

End 01:30

SUNDAY

Start 12:00

End

Start

End 01:30

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

*Continued from previous page...*

During the month of Ramadan, when Muslims are required to fast during daylight hours, it is proposed that the premises will remain open until sunrise the following day.

## Section 18 of 19

### LICENSING OBJECTIVES

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

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

List here steps you will take to promote all four licensing objectives together.

MC34 All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

MC35 No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23.00) hours and (08.00) hours on the following day.

MC60 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.

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

b) The prevention of crime and disorder

MC01 The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.

MC02 A staff member from the premises who is conversant with the operation of

*Continued from previous page...*

the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

c) Public safety

MC37 The number of persons permitted in the premises at any one time (including staff) shall not exceed 40 persons.

d) The prevention of public nuisance

MC19 All outside tables and chairs shall be rendered unusable by (23.00) each day.

MC21 Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly

MC12 No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

e) The protection of children from harm

MC47 A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

## Section 19 of 19

### 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.

Premises Licence Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at [http://www.voa.gov.uk/business\\_rates/index.htm](http://www.voa.gov.uk/business_rates/index.htm)

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £12500 £450.00\*

Band E - £125001 and over £635.00\*

\*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

*Continued from previous page...*

Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00
Capacity 30000-39000	£16,000.00
Capacity 40000-49999	£24,000.00
Capacity 50000-59999	£32,000.00
Capacity 60000-69999	£40,000.00
Capacity 70000-79999	£48,000.00
Capacity 80000-89999	£56,000.00
Capacity 90000 and over	£64,000.00

\* Fee amount (£)

190.00

## DECLARATION

\* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

☒ 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

Nigel Carter

\* Capacity

Licensing Consultant & Agent

\* Date

23

/

06

/

2015

dd

mm

yyyy

Add another signatory

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/premises-licence/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.

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

OFFICE USE ONLY

Applicant reference number	15/0001/FULL
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	<input type="checkbox"/>





# City of Westminster

64 Victoria Street, London, SW1E 6QP

## Schedule 12 Part A

### Premises licence

WARD: Bryanston And  
Dorset Square  
UPRN: 999000131551

Regulation 33, 34

Premises licence number:

06/13160/WCCMAP

#### Part 1 – Premises details

##### Postal address of premises:

Safa Restaurant  
Forset Court  
22-23 Nutford Place  
London  
W1H 5YQ

**Telephone Number:** 0207 723 8331

##### Where the licence is time limited, the dates:

N/A

##### Licensable activities authorised by the licence:

Regulated Entertainment

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

Late Night Refreshment

Sale by Retail of Alcohol

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

Regulated Entertainment:

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

Late Night Refreshment: Monday to Saturday - 10:00 to 00:30

Late Night Refreshment: Sunday - 23:00 to 00:00

Sale by Retail of Alcohol: Monday to Saturday - 10:00 to 00:00

Sale by Retail of Alcohol: Sunday - 12:00 to 23:30

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

##### The opening hours of the premises:

Monday to Saturday - 10:00 to 00:30

Sunday - 12:00 to 00:00

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

On

**Part 2**

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

Mr Ali Heydari  
22/23 Nutford Place  
London  
W1H 5YH  
*Telephone Number: 0207 723 8331*

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

N/A

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

**Name:** Ali Heydari  
**Address:** 22/23 Nutford Place, London, W1H 5YH  
**Phone:** Not Supplied

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:**

**Licence Number:** Not Supplied  
**Licensing Authority:** Not Supplied

**Date:** \_\_\_\_\_

**Signed:** \_\_\_\_\_  
**Director of Legal & Administrative Services**

## **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.

### **Conditions reproducing the effect of conditions subject to which the relevant existing licenses have effect.**

#### **Conditions related to Sale of Alcohol**

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

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

6. Alcohol may be sold or supplied:
  - (a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 10.00 to 00.00
  - (b) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12.00 to 23:30
  - (c) On Christmas Day: 12.00 to 22.30
  - (d) On New Year's Eve, except on a Sunday, 11.00 to 23.00
  - (e) On New Year's Eve on a Sunday, 12.00 to 22.30
  - (f) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

The above restrictions do not prohibit:

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

- (f) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (g) the taking of alcohol from the premises by a person residing there;
- (h) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
- (i) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

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

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

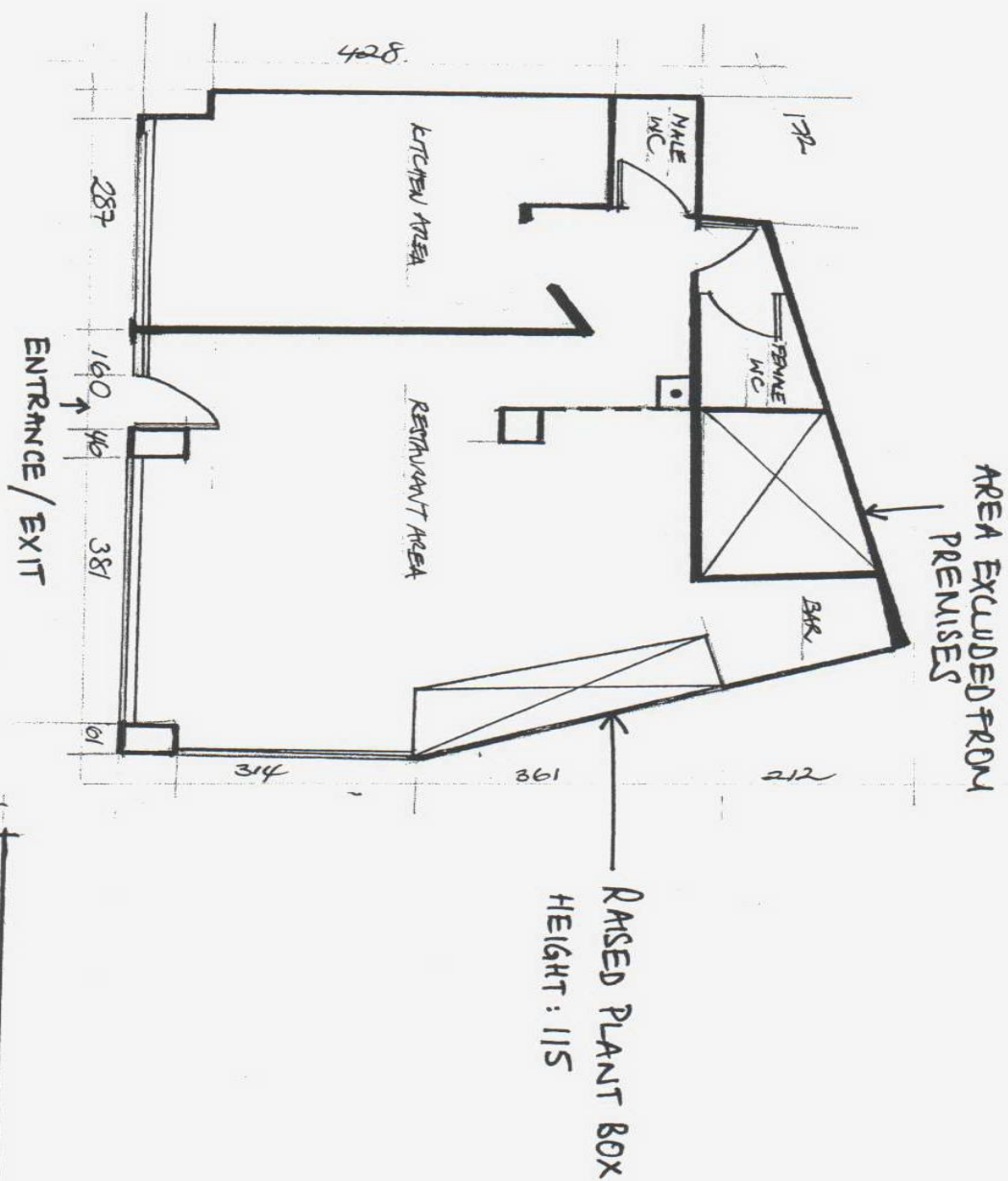
## **Annex 2 – Conditions consistent with the operating Schedule**

None

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

None

□ LOCATION OF FIRE EQUIPMENT



SMTA RESTAURANT 22-23 NOTFOLD PLACE LONDON W1H 5YH  
 SCALE 1:100 DATE 06/2005



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

**Schedule 12  
Part B**

**Premises licence  
summary**

**WARD: Bryanston And  
Dorset Square  
UPRN: 999000131551**

Regulation 33, 34

**Premises licence number:**

06/13160/WCCMAP

**Part 1 – Premises details**

**Postal address of premises:**

Safa Restaurant  
Forset Court  
22-23 Nutford Place  
London  
W1H 5YQ

**Telephone Number:** 0207 723 8331

**Where the licence is time limited, the dates:**

N/A

**Licensable activities authorised by the licence:**

Regulated Entertainment

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

Late Night Refreshment

Sale by Retail of Alcohol

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

Regulated Entertainment:

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

Late Night Refreshment: Monday to Saturday - 10:00 to 00:30

Late Night Refreshment: Sunday - 23:00 to 00:00

Sale by Retail of Alcohol: Monday to Saturday - 10:00 to 00:00

Sale by Retail of Alcohol: Sunday - 12:00 to 23:30

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

**The opening hours of the premises:**

Monday to Saturday - 10:00 to 00:30

Sunday - 12:00 to 00:00



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

On

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

Mr Ali Heydari  
22/23 Nutford Place  
London  
W1H 5YH

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

N/A

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

**Name:** Ali Heydari

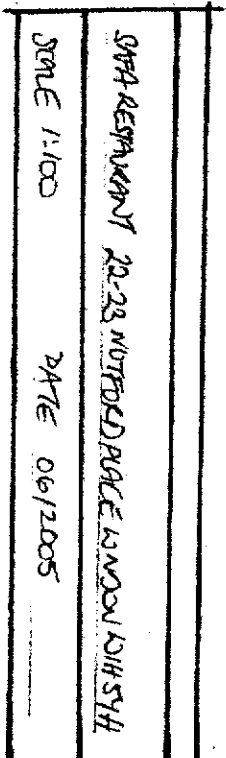
**State whether access to the premises by children is restricted or prohibited:**

Restricted

**Date:** \_\_\_\_\_

**Signed:** \_\_\_\_\_  
**Director of Legal & Administrative Services**

## page 448



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**TO** Licensing Officer

**REFERENCE** 15/04997/LIPN

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**FROM** EH Consultation Team  
**REFERENCE** 15/023475/EHCT  
**BEING DEALT WITH BY** Rebecca St. Rose (rstrose@westminster.gov.uk)  
**TELEPHONE** 020 7641 2291  
**DATE** 13<sup>th</sup> July 2015

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**The Licensing Act 2003**

**Safa Restaurant, 22-23 Nutford Place, W1**

I refer to the application for a New Premises Licence for the above premises.

This representation is based on the plans and the operating schedule submitted. There is a Premises Licence in existence for these Premises 06/13160/WCCMAP.

**The premises are located within the Edgware Road Stress Area.**

The applicant is seeking the following:

1. To permit the provision of Recorded Music (indoors) on Monday to Saturday from 10:00 to 01:30, Sunday 12:00 to 01:30 and during the month of Ramadan that recorded music be permitted until sunrise.
2. To permit the provision of Late Night Restaurant (Indoors and Outdoors) on Monday to Sunday from 23:00 to 01:00 and during the month of Ramadan that late night refreshment be permitted until sunrise.
3. To permit the Supply of Alcohol (On) on Monday to Saturday from 10:00 to 01:00 and on Sunday from 12:00 to 01:00, and from the end of permitted hours on New Year's Eve to the start of permitted hours the following day.

I wish to make Representations on the following grounds:

1. The hours requested for the provision of recorded music (indoors) will have the likely effect of causing an increase in Public Nuisance within the Edgware Road Stress Area. The hour for sunrise during Ramadan is not a fixed time and may change from day to day.
2. The hours requested for the provision of Late Night Refreshment (indoors and outdoors) will have the likely effect of causing an increase in Public Nuisance within the Edgware Road Stress Area. The hour for sunrise during Ramadan is not a fixed time and may change from day to day.

3. The hours requested for the Supply of Alcohol will have the likely effect of causing an increase in Public Nuisance within the Edgware Road Stress Area.

The applicant has supplied conditions within the Operating Schedule, these will be looked at but further conditions will be proposed by Environmental Health to address the Licensing Objectives and Statement of Licensing Policy.

Please contact me should you have any questions on the above.

Rebecca St. Rose  
Environmental Health Officer

**From:** Russell, Sandy  
**Sent:** 25 June 2015 15:53  
**To:** Nigel Carter  
**Cc:** Premises Licensing  
**Subject:** RE: 15/04997/LIPN (22 Nutford Place)

Thanks Nigel,

All provisionally agreed with us then. See you at the hearing.

Best Wishes,

Sandy

**From:** Nigel Carter [<mailto:nigel1201@outlook.com>]  
**Sent:** 25 June 2015 15:50  
**To:** Russell, Sandy  
**Subject:** Re: 15/04997/LIPN (22 Nutford Place)

Hi Sandy

My client, Mr Heydari, is happy to comply with the conditions proposed.

Kind regards

Nigel

Sent from my iPhone

On 25 Jun 2015, at 15:32, Russell, Sandy <[srussell@westminster.gov.uk](mailto:srussell@westminster.gov.uk)> wrote:

Dear Mr Carter,

I hope you are well.

With reference to the above application, the Metropolitan Police, as a responsible authority, will be objecting to this application. It is our belief that if granted the application would undermine the Licensing Objectives.

The venue is situated within the Edgware Road Stress Area, a locality where this is traditionally high crime and disorder. There are concerns that this application will cause further policing problems in an already demanding area and add to the cumulative impact.

It is for this reasons that we are objecting to the application at this stage in the application process. The conditions shown below are those that police require be added to any future operating schedule, please let me know your thoughts in relation to them. Due to the times applied for and the location of the premises the matter would still need to be put before the sub-committee.

Police conditions are as follows:

1. The premises shall install and maintain a CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period
2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
3. The premises shall only operate as a restaurant (i) in which customers are shown to their table, (ii) where the supply of alcohol is by waiter or waitress service only, (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery, (iv) which do not provide any take away service of food or drink for immediate consumption, (v) which do not provide any take away service of food or drink after 23.00, and (vi) where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are seated in the premises and bona fide taking substantial table meals there and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

4. During the month of Ramadan late night refreshment may take place on the premises between 23.00hrs and sunrise the next day. During this time there shall be no alcohol sales outside of the permitted hours shown on the licence.

5. All tables and chairs shall be rendered unusable in the outside area by **23.00** each day.
6. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
7. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder
  - (d) any incidents of disorder
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system or searching equipment or scanning equipment
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service.

The times applied for are not conducive to the Westminster Council's Licensing policy, therefore the decision would be made by Sub-Committee

If you have any questions or queries please feel free to get in touch.

Kind Regards,

Sandy

PC Sandy Russell 4167CW  
Westminster Police Licensing Team  
4th Floor, 64 Victoria Street,  
LONDON, SW1E 6QP  
Tel: 0207 641 1721

PC Sandy Russell 4167CW  
Westminster Police Licensing Team  
4th Floor, 64 Victoria Street,

LONDON, SW1E 6QP  
Tel: 0207 641 1721

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Westminster City Council: [www.westminster.gov.uk](http://www.westminster.gov.uk)

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TURKISH

020 7723 8331

Turkish Cuisine

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