



City of Westminster

Committee Agenda

Title: **Licensing Sub-Committee (3)**

Meeting Date: **Thursday 14th April, 2016**

Time: **10.00 am**

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

Members: **Councillors:**

Melvyn Caplan (Chairman)
Susie Burbridge
Nick Evans

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

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



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

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

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

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To report any changes to the membership.

2. DECLARATIONS OF INTEREST

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

Licensing Applications for Determination

1. CROCKER'S FOLLY, 24 ABERDEEN PLACE, NW8

(Pages 1 - 28)

App No	Ward/ Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
1.	Regent's Park Ward / not in cumulative impact area	Crocker's Folly, 24 Aberdeen Place, NW8	Variation	16/00715/LIPV

2. CIRCA, BASEMENT AND GROUND FLOOR, 62 FRITH STREET, W1

(Pages 29 - 74)

App No	Ward/ Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
2.	West End Ward / West End Cumulative Impact Area	Circa, Basement and Ground Floor, 62 Frith Street, W1	Variation	16/01596/LIPV

**3. ESSENTIALS, UNIT 1, LEICESTER SQUARE STATION,
CHARING CROSS ROAD**

(Pages 75 - 92)

App No	Ward/ Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
3.	St James's Ward / West End Cumulative Impact Area	Essentials, Unit 1, Leicester Square Station, Charing Cross Road	New	16/01043/LIPN

**Charlie Parker
Chief Executive
8 April 2016**

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.

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

Agenda Item 1

Item No:	
Date:	14 April 2016
Licensing Ref No:	16/00715/LIPV - Premises Licence Variation
Title of Report:	Crocker's Folly 24 Aberdeen Place London NW8 8JR
Report of:	Director of Public Protection and Licensing
Wards involved:	Regent's Park
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Mr Nick Nelson Senior Licensing Officer
Contact details	Telephone: 020 7641 3431 Email: nnelson@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	20 January 2016		
Applicant:	Firestone Management Limited		
Premises:	Crocker's Folly		
Premises address:	24 Aberdeen Place London NW8 8JR	Ward:	Regent's Park
		Cumulative Impact Area:	None
Premises description:	The premises operates as a public house. There is also an outside area within the premises demise.		
Variation description:	<p>To amend conditions on the premises licence as follows:</p> <ul style="list-style-type: none"> Amend conditions 24, 26, 27 and 29 so that the time 21:00 hours shall be replaced with 22:00 hours. <p>This is to enable patrons to sit outside the premises for an additional hour.</p> <p>The proposed variation shall not apply to the external area to the left of the entrance door as set out in condition 27.</p>		
Premises licence history:	The premises has held a premises licence since July 2014.		
Applicant submissions:	<p>The Applicant will promote the four licence objectives by implementing effective management controls and procedures.</p> <p>The Applicant is part of the Maroush / Ranoush Lebanese chain of restaurants known for their high quality of operation and standards. The premises has reopened recently and has not posed any concerns to the relevant authorities.</p> <p><u>The prevention of crime and disorder:</u> The Maroush Group has operated in London since 1979 and their numerous various establishments, provides the Metropolitan Police with little concern. Nonetheless, in order to prevent crime and disorder the premises has CCTV installed throughout. There are 40 staff in total and staff are trained to prevent the consumption and supply of drugs at the premises and will not serve alcohol to a person whom they believe to be intoxicated. An incident</p>		

log will be kept at the premises, and made available on request to an authorised officer of the City Council or the police. 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. It should be noted that the problems associated with alcohol do not present themselves at the various premises run by the Group.

Public safety:

The premises have been approved by the London Fire & Emergency Planning Authority. The appropriate Fire Safety checks are regularly undertaken and additionally the Operator has carried out regular Health and Safety Risk Assessments.

The prevention of public nuisance:

Signs are placed at the exit of the premises to request that patrons leave quietly and quickly so as not to disturb residents.

Self-closing mechanisms are fitted to all main doors to the premises to ensure that noise escape is minimal.

Notices shall be prominently displayed in any area used for smoking requesting patrons to use the area quietly.

All appropriate ducting and air-conditioning units have been installed and work efficiently. Ducting discharges at roof level thereby prevent nuisance from the omission of odours.

All ventilation shafts have carbon filters to prevent the omission of odours and are regularly cleaned. There is a taxi service available from nearby firm. Deliveries are only made during ordinary business hours (9am to 5pm) to prevent disturbance to residents and rubbish is collected during the usual City of Westminster rubbish collection hours.

The protection of children from harm:

The premises will not provide adult entertainment. It is intended that the Challenge 21 proof of age scheme shall operate at the premises and staff will refuse to serve any person they believe is under age.

As indicated, the operation of other establishments run by the Maroush Group have provided little concern to the Responsible Authorities and the proposed application will not impede on the promotion of the Licensing Objectives.

1-B Current and proposed licensable activities, areas and hours						
Regulated Entertainment						
Playing of recorded music						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	23:30	No change		Ground floor and basement	No change
Tuesday	10:00	23:30	No change		Ground floor and basement	No change
Wednesday	10:00	23:30	No change		Ground floor and basement	No change
Thursday	10:00	23:30	No change		Ground floor and basement	No change
Friday	10:00	00:00	No change		Ground floor and basement	No change
Saturday	10:00	00:00	No change		Ground floor and basement	No change
Sunday	12:00	22:30	No change		Ground floor and basement	No change
Non-standard timings:	Current:				Proposed:	
	From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.				No change.	
	Sundays before Bank Holidays: 12:00 to 00:00				No change	

Late night refreshment						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	23:30	No change		Ground floor and basement	No change
Tuesday	23:00	23:30	No change		Ground floor and basement	No change
Wednesday	23:00	23:30	No change		Ground floor and basement	No change
Thursday	23:00	23:30	No change		Ground floor and basement	No change
Friday	23:00	00:00	No change		Ground floor and basement	No change
Saturday	23:00	00:00	No change		Ground floor and basement	No change
Sunday	N/A	N/A	No change		Ground floor and basement	No change
Non-standard	Current:				Proposed:	

timings:	From 23:00 on New Year's Eve until 05:00 on New Year's Day.	No change.
	Sundays before Bank Holidays: 23:00 to 00:00	No change

Sale by Retail of Alcohol						
On or off sales			Current :		Proposed:	
			On		No change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	23:30	No change		Ground floor and basement	No change
Tuesday	10:00	23:30	No change		Ground floor and basement	No change
Wednesday	10:00	23:30	No change		Ground floor and basement	No change
Thursday	10:00	23:30	No change		Ground floor and basement	No change
Friday	10:00	00:00	No change		Ground floor and basement	No change
Saturday	10:00	00:00	No change		Ground floor and basement	No change
Sunday	12:00	22:30	No change		Ground floor and basement	No change
Non-standard timings:	Current:				Proposed:	
	From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.				No change.	
	Sundays before Bank Holidays: 12:00 to 00:00				No change	

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	23:30	No change		Ground floor and basement	No change
Tuesday	10:00	23:30	No change		Ground floor and basement	No change
Wednesday	10:00	23:30	No change		Ground floor and basement	No change
Thursday	10:00	23:30	No change		Ground floor and basement	No change
Friday	10:00	00:00	No change		Ground floor and basement	No change
Saturday	10:00	00:00	No change		Ground floor and basement	No change

Sunday	12:00	22:50	No change	Ground floor and basement	No change
Non-standard timings:	Current:			Proposed:	
	Sundays before Bank Holidays: 12:00 to 00:00			No change	

1-C Conditions being varied, added or removed	
Condition	Proposed variation
Condition 24: After 21:00 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.	Amend to: After 22:00 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.
Condition 26: After 21:00 hours patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 10 persons at any one time.	Amend to: After 22:00 hours patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 10 persons at any one time.
Condition 27: All outside tables and chairs shall be rendered unusable by 21:00 hours and the external area to the left of the entrance door as you face the premise shall be rendered unusable by 19:00 hours each day.	Amend to: All outside tables and chairs shall be rendered unusable by 22:00 hours and the external area to the left of the entrance door as you face the premise shall be rendered unusable by 19:00 hours each day.
Condition 29: No waste or recyclable materials, including bottles, shall be moved, removed or placed in outside areas between 21.00 hours and 08.00 hours.	Amend to: No waste or recyclable materials, including bottles, shall be moved, removed or placed in outside areas between 22:00 hours and 08.00 hours.

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health
Representative:	Mr Anil Drayan
Received:	19 February 2016
<p>The proposed variation of the conditions may lead to an increase in Public Nuisance in the area. No additional conditions have been offered in mitigation. The applicant is advised to contact the undersigned to arrange a site visit to discuss the reasons for the application after which Environmental Health may propose additional conditions</p>	

2-B Other Persons	
Name:	Dafna Bonas

Address and/or Residents Association:		18 Cunningham Place London NW8 8JT	
Status:	Valid	In support or opposed:	Opposed
Received:	5 February 2016		

The owners and operators of Crocker's Folly, a restaurant pub recently opened on our corner, have now applied to extend operating hours inside as well as on the outside patio. If approved, this extension would have a highly detrimental impact on the tranquillity of our residential street.

We as the local residents want to preserve the tranquillity of our residential neighbourhood.

Our children can walk alone here, the nights are safe and quiet, and there is no disorderly conduct or noise at night.

We object to any extension so that the operating hours, already long, remain as they are. In fact, I feel tricked. The operators clearly wanted to just get permission under the guise of a quiet establishment, and then planned on changing the operations all along. We the residents would have objected much more strongly from the start.

Some of the reasons to object to extended hours of operation:

- Safe and peaceful, residential character of our neighbourhood to be preserved with no outside crowds after 9pm (as it has until now) or indoors after 11pm. This is a fair balance between the needs of the restaurant operators and the residents. Working people, elderly and specially young children must have rest and tranquillity after that time.
- No nuisance from boisterous drinking noise and crowds later than we have now.
- No increase to litter, debris and bottles from bigger crowds eating and drinking later.
- No increasing risk of crime in an otherwise tranquil family, residential area.
- Specially April-October, no packs of sports fans gathering later in our streets and pavements after drinking at Lord's causing even greater nuisance and public safety risk.

It is attractive and safe for the neighbourhood to ensure the continued operation of the premises - but NOT with later operation and specially NOT on the outside patio.

Name:		Mrs R Broomer	
Address and/or Residents Association:		2 Northwick Terrace St. John's Wood London, NW8 8JJ	
Status:	Valid	In support or opposed:	Opposed
Received:	8 February 2016		

I understand that the owners of the above Restaurant have applied to extend the present Licence of operating hours of 11pm indoors and 9p.m. in the outside Patio area.

As a resident of nearly 60 years, I would like to strongly object to the granting of the Licence for the further extending hours. I have experienced through the years the problems from the Pub. At one period, it was run by new owners as "The Crown", which was disastrous for us Residents. We were subjected to loud music, banging of car doors, loud behaviour from revellers, and urinating at the Garages nearby.

It is primarily a residential area. There is a coffee shop at the north end of Aberdeen Place, there is a restriction on opening and closing times – from 8am to 5.30pm.

I shall thank you to refuse the Application on the grounds of noise and disturbances, in particular to the open air dining area which is adjacent to the pavement.

Name:	Laura Fanti		
Address and/or Residents Association	10 Elmton Court Cunningham Place St John's Wood NW8 8JU		
Status:	Valid	In support of opposed:	Opposed
Received:	10 February 2016		

I cannot believe the residents are having to do this again!

The only reason this has worked is because of the restrictions that were implemented at the beginning.

If you approve the license extension for outdoor use of the patio and outside area after 9pm, it will cause noise and nuisance to the local residents, who have a right to live in a safe and quiet environment!

Living literally 25 yards from the main entrance of the premises, I have to say that I cannot take the noise nuisance this will cause to me.

It should not make a difference but being a registered disabled person with Multiple Sclerosis, I would not feel safe in my own home.

Please acknowledge my strong objection to the approval of the license extension.

Name:	Dr David Harris		
Address and/or Residents Association	30 D Aberdeen Place		
Status:	Valid	In support or opposed:	Opposed
Received:	10 February 2016		

When Crocker's Folly was renovated, there was disquiet amongst the residents about the potential for disrupting the tranquillity of the area. We understood that a degree of compromise was necessary, as so a limited opening time was accepted. In discussions with the company they were willing to accept that because of our reservations, which they said they understood. They are now attempting to break that agreement and are deliberately trying to extend the hours to an extent to which we would have objected

very strongly had it been suggested initially.

Once extended hours – especially outside the pub in the summer – are permitted, when Lords' Cricket Ground has matches the pub area will become as noisy and intrusive as it is at the pub beside Baker Street station on Wembley days, where it is almost impossible to get past on the pavement.

All the residents came here specifically because of the tranquillity and this is now being put at risk. We feel we were reasonable for the initial request to open and that our trust has been broken.

Name:	Reza Hejazi		
Address and/or Residents Association:	28 Aberdeen Place London NW8 8JR		
Status:	Valid	In support or opposed:	Opposed
Received:	11 February 2016		

I object to extended pub licensing hours.

Name:	Mr James Lingwood		
Address and/or Residents Association:	10a Cunningham Place London		
Status:	Valid	In support or opposed:	Opposed
Received:	14 February 2016		

We live in the house next door to Crocker's Folly on Cunningham Place. We are strongly opposed to the proposed extension in the hours of outside drinking and eating.

The current limit of 9 pm has worked well in ensuring noise levels are well controlled, and in deterring groups from congregating outside at an anti-social hour.

An additional hour of drinking outside would very likely have adverse consequences in terms of more noise and potential nuisance, especially in the summer months.

When Crocker's Folly was originally granted a licence, the committee at Westminster Council listened carefully to the many objections raised by local residents and accordingly granted a licence with several conditions, including the limiting of operating hours and controls on outside drinking. These conditions were placed in recognition that this is a residential neighbourhood, and that residents, particularly those living very close to Crocker's Folly, had a reasonable right for peace and quiet.

We are firmly opposed to a gradual loosening of these conditions which have served as an effective basis for a balance between the rights of residents and the interests of the management of Crocker's Folly.

Name:		Mrs Sandra Norton	
Address and/or Residents Association		1 Northwick Terrace	
Status:	Valid	In support of opposed:	Opposed
Received:	5 February 2016		

I absolutely object to any extension of operating hours they are already long enough & should remain as they are. This is a peaceful residential neighbourhood of mixed age groups ranging from babies to very elderly & we all need our quiet time for rest & relaxation. I am constantly finding litter cans and bottles either left on my boundary wall or thrown into my front or back garden. I make consummate effort to keep both looking good in order to enhance the environment & surrounding area which benefits all!

The arrangement as it stands works for all & it would be a detrimental step for the whole area. I live on the corner of Northwick Terrace (1) & Aberdeen Place.

I profoundly object to any changes in the operating hours of the Crocker's Folly!

Name:		Miss Danielle Pendlebury	
Address and/or Residents Association		26 Aberdeen Place London	
Status:	Valid	In support or opposed:	Opposed
Received:	1 March 2016		

This is an objection to the pub-restaurant staying open in the outside area for longer hours than already allowed.

I have been looking after young children and babies in this neighbourhood for a few years. To allow customers of this establishment to eat, drink, smoke etc. in the outside patio area beyond 21:00h would seriously affect the peace and quiet this area requires for its numerous young children.

It would also interfere with the rest and sleep the adult parents and child-minding professionals require when looking after young children in the area.

In addition, children in the area especially in summer nights are playing, scooting, cycling around these streets. Their safety and well-being would also be put at risk with crowds staying in the outside patio beyond 9pm.

Finally, during the summer months there are large hordes of sports fans coming to this pub to drink after drinking all day at Lord's. Many of them are already under the effects of alcohol. They must NOT be allowed to stay outside after 9pm. Otherwise it will clearly increase risk for public nuisance and public safety in this residential area.

Name:		Mr Ashley Rogoff	
Address and/or Residents Association:		Flat 19 14 Northwick Terrace London	
Status:	Valid	In support or opposed:	Opposed
Received:	23 February 2016		
Extended opening hours is inappropriate for a residential area and will increase noise and increase the likely unruly behaviour in the area.			
Name:		Dr Alan Roth	
Address and/or Residents Association:		26 Aberdeen Place London	
Status:	Valid	In support or opposed:	Opposed
Received:	7 February 2016		
<p>As a local resident and on behalf of my family and children, I wish to preserve the tranquillity of our residential neighbourhood and object to any extension of operating hours. The operating hours, in particular for the outside area, are already long enough, and should remain as they are until 2100h.</p> <p>The safe and peaceful, residential character of our neighbourhood must be preserved with no outside crowds after 9pm, as it has until now. Working people, elderly and especially young children must have rest and tranquillity after that time.</p> <p>My family and I do not want nuisance from boisterous drinking or eating noise and crowds later than we have now. It is already noisy late enough.</p> <p>Environmentally, there will be increased risk of litter, debris and bottles from bigger crowds eating and drinking later into the night.</p> <p>External crowds drinking later outside will generate growing risk of crime in an otherwise tranquil family, residential area.</p> <p>We also do not want large group of sports fans during the 6-month cricket season staying longer at nights in our streets and pavements after drinking at Lord's causing even greater nuisance and public safety risk.</p> <p>The Council already imposed on the residential neighbourhood a certain level of nuisance and loss of amenity by licensing the external hours until 9pm. This must not be extended just so that the owners make more money at the expense of local residents' right to rest and tranquillity.</p>			

Name:		Stefanie Roth	
Address and/or Residents Association		26 Aberdeen Place London NW8 8JR	
Status:	Valid	In support of opposed:	Opposed
Received:	14 February 2016		

Representing also my young children, I object to ANY extension of operating hours for the premises of 24 Aberdeen Place NW8 8JR (Crocker's Folly) and most forcefully for the external area.

We already tolerate some level of noise and disturbance at nights coming from the premises. In particular for the outside area the operating hours must therefore remain as they are, until 2100h. These hours are already long enough.

Crowds of people all year round eating, drinking, smoking etc. staying later than 2100h outside will generate growing risk of disturbance, litter, disorder and possibly crime in an otherwise tranquil family, residential area. The risk will especially increase for the safety of the many children living in our neighbourhood.

In the summer and cricket season at Lord's enormous crowds eating and consuming alcohol after 9pm in our streets and pavements after drinking at Lord's will cause an even greater nuisance and public safety risk. This could be uncontrollable even with 6 security personnel guarding such an alcohol-fuelled crowd.

The safe and peaceful, residential character of our neighbourhood must be preserved with no outside operation after 9pm, as it has until now. Working people, elderly and especially young children must have rest and tranquillity after that time.

Name:		Mrs Anna Sinclair	
Address and/or Residents Association		Northwick Terrace London NW8	
Status:	Valid	In support or opposed:	Opposed
Received:	4 February 2016		

I hereby object to the application mentioned above for extension of hours for 24 Aberdeen Place 'Crocker's Folly' NW8.

The application is being opposed because any extension to the operating hours - eating and/or drinking - would have a highly detrimental impact on the tranquility, safety and amenity of our residential streets.

This is especially the case for the outside patio which must continue to closed down at 21:00h.

As a local resident I express my wish to preserve the tranquility of our residential neighbourhood and object to any extension so that the operating hours, already long enough, remain as they are.

The safe and peaceful, residential character of our neighbourhood is to be preserved with no outside crowds after 9pm (as it has until now) or indoors after 11pm.

Working people, elderly and specially the numerous young children in our area must have rest and tranquillity after that time, exactly as it has been with the existing conditions of the licence.

Additionally, any increased activity in the premises during the already very boisterous cricket season April-October would require at least six (6) additional security personnel at the premises at all times to keep control.

Name:	Richard Turner		
Address and/or Residents Association:	Not given.		
Status:	Valid	In support or opposed:	Opposed
Received:	16 February 2016		

Objection to extended license hours.

Reasons:

- Antisocial behaviour.
- More crime.
- Noise keeping people awake at night who have bedrooms looking out to Crocker's Folly.
- Urinating in the street.
- Car Crime.
- Encourages drug dealing and meeting - point locations for dealers causing residents to live in fear.

Name:	Jen Whitten		
Address and/or Residents Association:	15 Cunningham Place NW8 8JT		
Status:	Valid	In support or opposed:	Opposed
Received:	5 February 2016		

I write to strongly oppose the application for extended licensing hours at Crocker's Folly, 24 Aberdeen Place, for the following reasons:

- 1) not suitable for a residential conservation area;
- 2) many working families on Cunningham Place and Aberdeen Place with young children - and increased noise from the Patio and those coming and leaving and smoking outside after 11pm will impact quiet use and enjoyment of their residences, and sleep;
- 3) extended hours will result in antisocial behaviour from increased drinking and smoking outside on the pavement in a residential area;
- 4) further antisocial behaviour from seasonal (e.g. Lord's cricket matches) sporting

events, as evidenced by the large crowds that gather on the street outside pubs on St John's Wood high street) which is entirely unsuitable for a residential area;

5) increased litter & debris from increased smokers and use of patio - Cunningham Place in particular already has a significant litter & debris issue with leaves and litter and debris accumulating on the wide pavement;

6) grade II nature of houses on Cunningham Place means there are restrictions on double pane glass for windows and so sound insulation is already poor in these houses with street traffic and pedestrian traffic sound not buffered; increasing both street and pedestrian traffic will have a detrimental sound impact for those living on Cunningham Place.

The current hours of 9pm on the patio and 11pm inside are in keeping with the residential nature of the neighbourhood and conservation area, and strike the right balance between promoting commerce and protecting the right to quiet use and enjoyment of local residents.

Name:		Justine Goldberg	
Address and/or Residents Association		Aberdeen Place, NW8 8JR	
Status:	Valid	In support of opposed:	In support
Received:	7 February 2016		

I have received a flyer through my front door in Aberdeen Place, NW8 8JR telling me to object to the application to extend Crocker's Folly opening hours.

I would like to go on record saying that I support the application to extend the hours, both inside and on the outside terrace (which is very small!).

Name:		Miss Carol Gould	
Address and/or Residents Association		Northwick Close	
Status:	Valid	In support or opposed:	In support
Received:	29 February 2016		

I have no objection to Crocker's Folly extending its opening hours inside or outside the pub. Cafe Med in Loudoun Road NW8 has stayed open until 11pm and even later for years and nobody is bothered. This isn't a retirement community but central London. We have so few places to eat in this Cunningham Place, Aberdeen Place, Northwick Terrace, St John's Wood Road catchment area it would be welcome to have someplace lively to go to of an evening.

I have lived in Northwick Close for 38 years and used to love the sound of the cricket fans gathering outside Crocker's Folly during the Lords season.

And I see no need for additional security personnel! Cricket fans are usually affluent and non-violent.

3. Policy & Guidance

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

Policy PB1 applies	Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.
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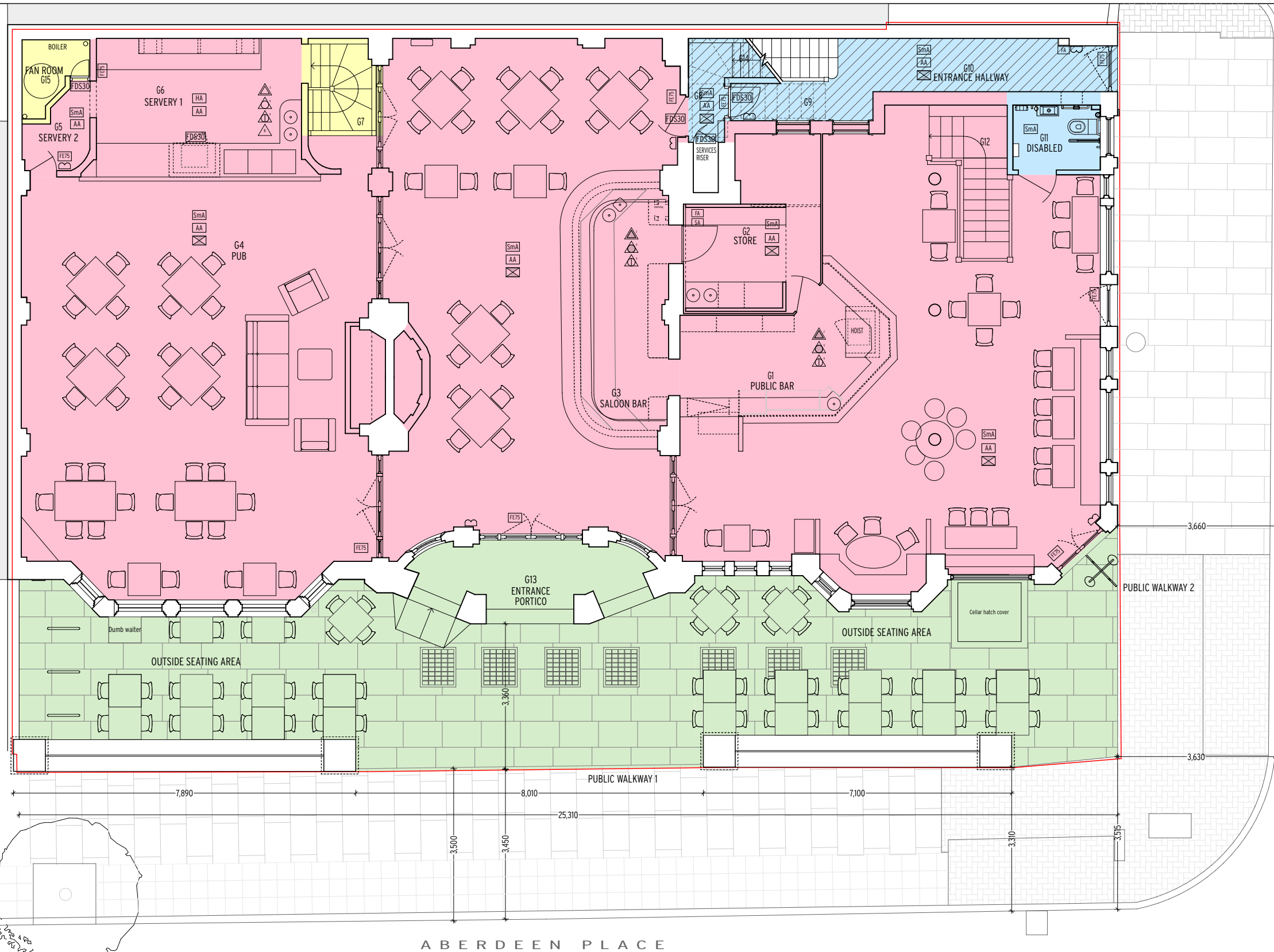
4. Appendices

Appendix 1	Premises plans
Appendix 2	Applicant supporting documents - None
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map

Report author:	Mr Nick Nelson Senior Licensing Officer
Contact:	Telephone: 020 7641 3431 Email: nnelson@westminster.gov.uk

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Rev.	Date	Dwn.	Description
0	20.12.2013	ebz	Issued for approval
1	28.04.2014	ebz	Issued for approval



- LEGEND**
- 30 minutes fire rated door fitted with cold smoke seal and self closing device
 - 60 minutes fire rated door fitted with cold smoke seal and self closing device
 - Area covered by smoke alarms (BS 5839)
 - Area covered by heat alarm (BS 5839)
 - Fire alarm panel
 - Security alarm panel
 - Fire alarm call point
 - Area covered by audible alarm 65dB throughout
 - Area covered by emergency lighting
 - 2KG carbon dioxide extinguisher
 - 9 litre foam extinguisher
 - 9 litre water extinguisher
 - Fire blanket in container
 - Sign 'FIRE DOOR KEEP LOCKED' 50mm letters on both sides of door
 - Sign 'FIRE EXIT' or graphic equivalent 75 mm letters, directional arrow to be provided in the direction indicated
 - Area for sale of alcohol, late night refreshment & recorded music
 - Kitchen & staff areas
 - Area for sale of alcohol
 - Liquor storage area
 - Passageways & toilets
 - Protected Route
 - Ambit of licensed premises
- NOTES - GENERAL**
- New alarm fire system to BS 5839 Part 1 Type L2 with smoke and heat detectors, alarm and call points. Self contained system to be installed to current British Standards and to approval of local authority. Maintenance to be by approved engineers.
- New emergency lighting system to BS 5266.



CUNNINGHAM PLACE

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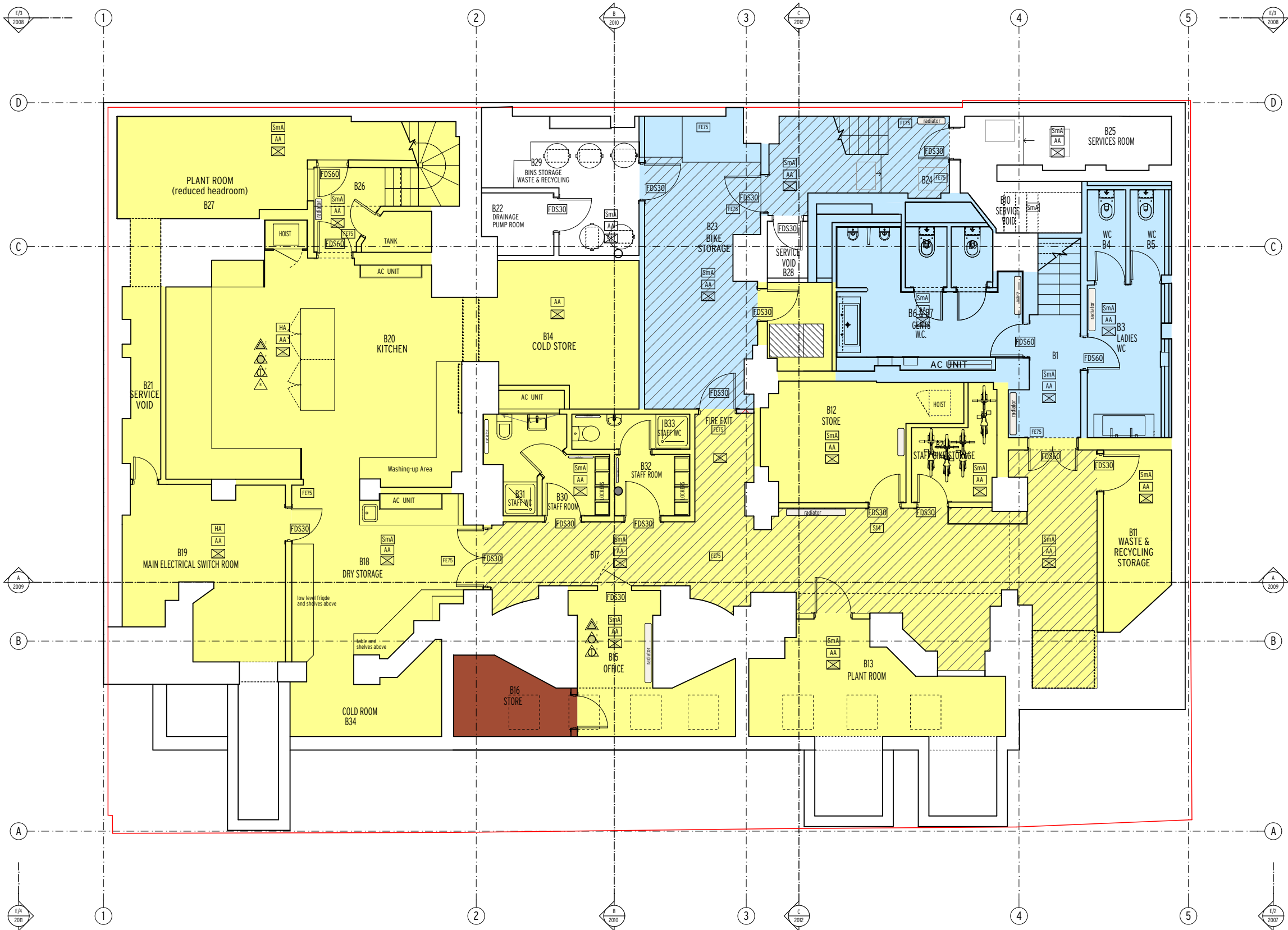
Client:
 Mr M Abouzaki
 45-49 Edgware Road
 London
 W2 2HZ

Project:
 Refurbishment
 Crocker's Folly
 24 Aberdeen Place
 London
 NW8 8JR

Status: **FOR CONSTRUCTION**

Drawing:
 Licensing Plan - Ground Floor

Scale(s)	Date	Dwn by	Chd by
1:50@A1 1:100@A3	29/04/2014	ebz	
Project No:	Drawing No:		Revision:
1013	3601		1



LEGEND

FDS30 30 minutes fire rated door fitted with cold smoke seal and self closing device	Area for sale of alcohol, late night refreshment & recorded music
FDS60 60 minutes fire rated door fitted with cold smoke seal and self closing device	Kitchen & staff areas
SmA Area covered by smoke alarms (BS 5839)	Area for sale of alcohol
HA Area covered by heat alarm (BS 5839)	Liquor storage area
FA Fire alarm panel	Passageways & toilets
SA Security alarm panel	Protected Route
Fire alarm call point	Ambit of licensed premises
AA Area covered by audible alarm 65dB throughout	
Area covered by emergency lighting	
2KG carbon dioxide extinguisher	
9 litre foam extinguisher	
9 litre water extinguisher	
Fire blanket in container	
Sign 'FIRE DOOR KEEP LOCKED' 50mm letters on both sides of door	
Sign 'FIRE EXIT' or graphic equivalent 75 mm letters, directional arrow to be provided in the direction indicated	

NOTES - GENERAL

New alarm fire system to BS 5839 Part 1 Type L2 with smoke and heat detectors, alarm and call points. Self contained system to be installed to current British Standards and to approval of local authority. Maintenance to be by approved engineers.

New emergency lighting system to BS 5266.

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Rev.	Date	Dwn.	Description
0	20.12.2013	ebz	Issued for approval

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 London
 W2 2HZ

Project:
 Refurbishment
 Crocker's Folly
 24 Aberdeen Place
 London
 NW8 8JR

Status: **FOR APPROVAL**

Drawing:
 Licensing Plan- Basement

Scale(s): 1:50@A1 1:100@A3	Date: 19/12/2013	Dwn. by: ebz	Chd. by:
Project No: 1013	Drawing No: 3600	Revision:	0



Licence & Appeal History

Application	Details of Application	Date Determined	Decision
14/03784/LIPN New application	Application for a new premises licence	10.07.2014	Granted by Licensing Sub-Committee
15/02443/LIPRW Removal of works condition	Application to remove the works condition	02.04.2015	Granted under delegated authority
16/00715/LIPV Variation application	Current application		

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 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.

Annex 2 – Conditions consistent with the operating Schedule

None

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

10. No deliveries to the premises shall take place between 17:00 and 09:00 on the following day.
11. Rubbish to be collected during the usual City of Westminster rubbish collection hours.
12. The venue shall install and maintain a comprehensive CCTV system at the premises as per the minimum requirements of a Metropolitan 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 venue is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be immediately arranged by a member of staff for hand over to Police or authorised officer following their request, throughout the preceding 31 day period.
13. 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 arrange for Police to view recent data or footage with the absolute minimum of delay when requested.
14. An incident log shall be kept for the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
- (a) all crimes reported to the venue;
- (b) any complaints received regarding crime and disorder;

- (c) any incidents of disorder;
 - (d) any faults in the CCTV system;
 - (e) any visit by a relevant authority or emergency service.
15. A minimum of 1 SIA licensed door supervisors shall be on duty at the entrance of the premises from 20:00 hours whilst it is open for business on Friday and Saturday. SIA licences worn by door staff shall be on display at all times, carried within yellow high visibility arm bands.
 16. A minimum of 1 SIA licensed door supervisors shall be on duty at the entrance of the premises during the hours of licensable activity on Lord's Cricket Ground match days.
 17. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
 18. 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.
 19. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
 20. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
 21. All windows and external doors shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
 22. 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 to ensure that no noise nuisance is caused to local residents. The operational panel of the noise limiter shall then be secured to the satisfaction of officer 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.
 23. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.
 24. After 21:00 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.

The applicant proposes to amend this condition to read:

24. *After 22:00 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.*
25. Notices shall be prominently displayed at all exits and all areas used for smoking requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
26. After 21:00 hours patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 10 persons at any one time.

The applicant proposes to amend this condition to read:

26. *After 22:00 hours patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 10 persons at any one time.*
27. All outside tables and chairs shall be rendered unusable by 21:00 hours and the external area to the left of the entrance door as you face the premise shall be rendered unusable by 19:00 hours each day.

The applicant proposes to amend this condition to read:

27. *All outside tables and chairs shall be rendered unusable by 22:00 hours and the external area to the left of the entrance door as you face the premise shall be rendered unusable by 19:00 hours each day.*
28. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
29. No waste or recyclable materials, including bottles, shall be moved, removed or placed in outside areas between 21.00 hours and 08.00 hours.

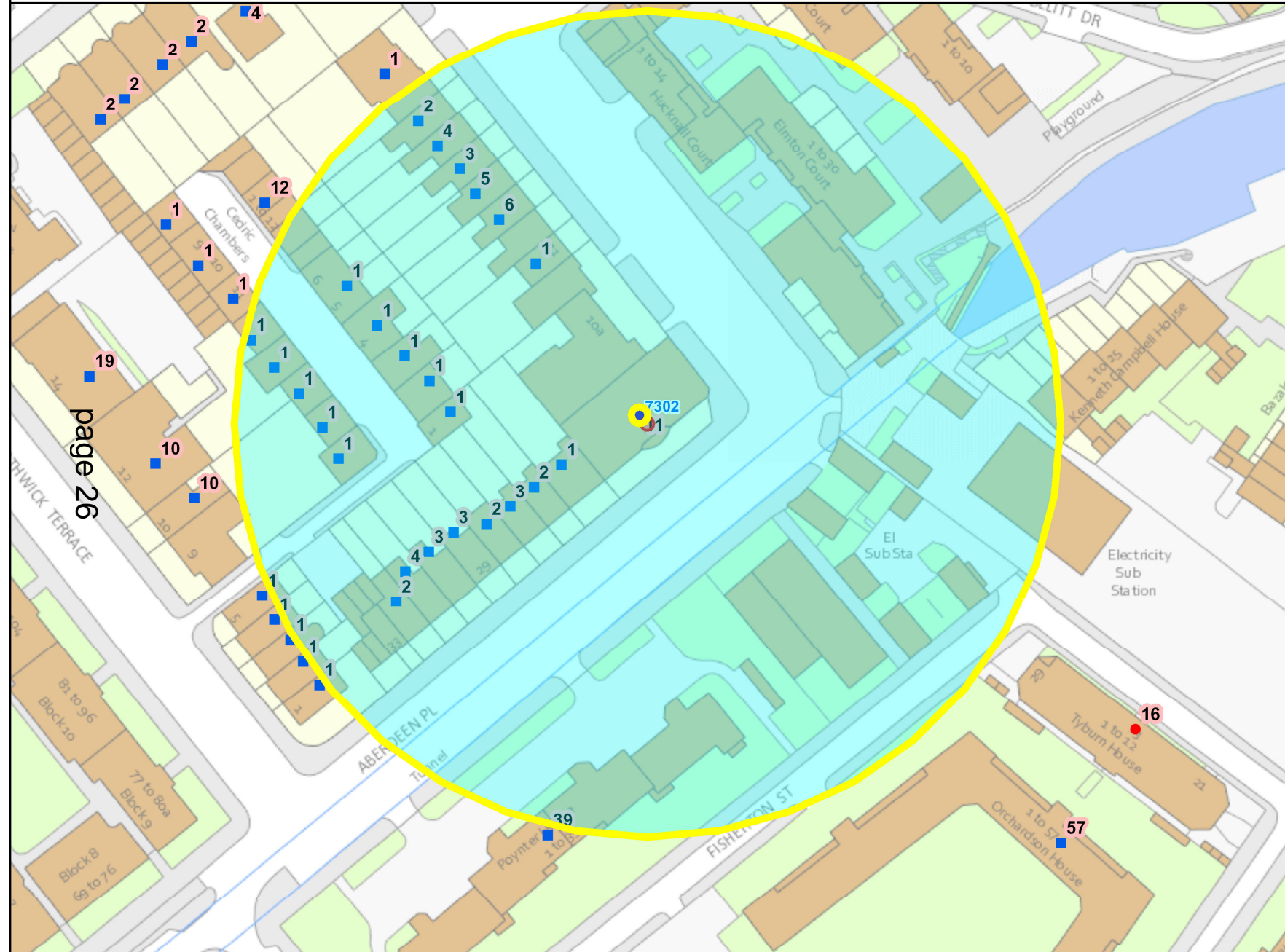
The applicant proposes to amend this condition to read:

29. *No waste or recyclable materials, including bottles, shall be moved, removed or placed in outside areas between 22.00 hours and 08.00 hours.*
30. 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.
31. 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.
32. The number of persons accommodated at any one time (excluding staff) shall not exceed 150 with a maximum of 40 in the external areas.
33. 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.

34. Flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby properties, save insofar as they are necessary for the prevention of crime.
35. 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.
36. 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.
37. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
38. The hours for Regulated Entertainment and Sale of Alcohol may be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
39. Late Night refreshment shall be permitted from 23:00 on New Year's Eve until 05:00 on New Year's Day.



Crocker's Folly 24 Aberdeen Place



Residential / Proposed Residential	62
Under Construction	Not known
Other Uses	Not known
Proportion Residential of all Uses	Not known

10
 Meters

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

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Application form	20 January 2016
5	Premises licence	2 November 2015
6	Representation – Environmental Health	19 February 2016
7	Representation – Dafna Bonas	5 February 2016
8	Representation – R Broomer	8 February 2016
9	Representation – Laura Fanti	10 February 2016
10	Representation – Dr David Harris	10 February 2016
11	Representation – Reza Hejazi	11 February 2016
12	Representation – Mr James Lingwood	14 February 2016
13	Representation – Mrs Sandra Norton	5 February 2016
14	Representation – Miss Danielle Pendlebury	1 March 2016
15	Representation – Mr Ashley Rogoff	23 February 2016
16	Representation – Dr Alan Roth	7 February 2016
17	Representation – Stefanie Roth	14 February 2016
18	Representation – Mrs Anna Sinclair	4 February 2016
19	Representation – Richard Turner	16 February 2016
20	Representation – Jen Whitten	5 February 2016
21	Representation – Justine Goldberg	7 February 2016
22	Representation – Miss Carol Gould	29 February 2016

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City of Westminster

Licensing Sub-Committee Report

Agenda Item 2

Item No:	
Date:	14 April 2016
Licensing Ref No:	16/01596/LIPV - Premises Licence Variation
Title of Report:	Circa Basement and Ground Floor 62 Frith Street London
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Mr Nick Nelson Senior Licensing Officer
Contact details	Telephone: 020 7641 3431 Email: nnelson@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	9 February 2016		
Applicant:	Baby Bull Limited		
Premises:	Circa		
Premises address:	Basement and Ground Floor	Ward:	West End
	62 Frith Street London W1D 3JN	Cumulative Impact Area:	West End
Premises description:	The premises operates as a bar and club.		
Variation description:	<p>To vary the licence to:</p> <ol style="list-style-type: none"> 1. Vary the layout in accordance with the plans appended to the application (see Appendix 1). The proposed changes relate to improved toilet accommodation in the basement area. 2. Increase the authorised capacity from 100 to 130 (excluding staff) on Thursdays to Saturdays only. The capacity will remain as existing on all other days (and to exclude staff). 3. Update and amend the licence conditions in accordance with the operating schedule appended to the application (see Appendix 4) by: <ol style="list-style-type: none"> (a) amending conditions 10, 13, 22, 32, 38 and 54 of the current Premises Licence; (b) removing conditions 21, 25, 35 and 37 of the current Premises Licence; and (c) adding 5 new conditions to the Premises Licence. <p>There are no proposed changes to the permitted hours or licensable activities.</p>		
Premises licence history:	The premises has operated as a bar and nightclub since the premises licence was first granted in 2010. The current operator (Baby Bull Limited) took control of the licence in 2011. The premises has previously been known as Nighthawks.		
Applicant submissions:	The application follows pre-application advice reference 15/07199/PREAPM. The advice concluded that proposals 1 and 3 above were generally acceptable. The		

increase in capacity is accepted from a health and safety perspective. However, the advice correctly identified that the proposal engages policy STR1 (now Policy CIP1). Our client would be grateful for the City Council's consideration of this letter, which sets out our initial submissions on policy.

Loss of LGBT Venues

Our client's premises is popular with the lesbian gay bisexual and transgender ("LGBT") community, particularly gay males. It provides a safe environment for the community to socialise and enjoy the premises' entertainment. Our client has operated the premises successfully in this manner since 2011. Prior to that, our client's director and DPS, Mr Alan Winter, had many years' experience operating similar venues in the West End.

Soho has a proud and rich heritage in providing venues for the LGBT community. Sadly, the area has seen a rapid decline of these type of premises. Please find enclosed schedule of LGBT venues that have closed over recent years (see **Appendix 2b**). The schedule lists 12 LGBT venues. The majority of these venues were located in the West End and have closed during recent years without being replaced by similar venues.

We estimate the approximate total capacity of the closed LGBT venues amounts to 4,475. Our client's proposed capacity increase of 30 represents less than 1% of this figure. As a result, we submit that our client can demonstrate exceptional circumstances and there is no net addition to the global cumulative impact in the West End Cumulative Impact Area.

Queuing

Our client is proud to provide a popular premises and operate a successful business. This, together with the closure of nearby LGBT venues, has resulted in queues forming outside the premises. This presents a risk of an adverse impact to the licensing objectives in respect of persons queuing outside on the street.

The proposed increase in capacity would help bring people queuing off the street into the safe and supervised environment of the premises. This is expected to significantly reduce the numbers of persons outside on Frith Street, particularly late at night. Our client is confident this will have a very positive impact in the West End Cumulative Impact Area and promote all four licensing objectives.

	<p>Summary</p> <p>The application includes an Appendix 11 submission in accordance with the City Council's statement of Licensing Policy 2016 (see Appendix 2c). This, together with the amended and updated operating schedule, will ensure all four licensing objectives are promoted.</p> <p>Our client will address the City Council further in respect of the exceptional circumstances introduced above to demonstrate the proposals will have no addition to cumulative impact in the West End Cumulative Impact Area.</p>
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1-B Current and proposed licensable activities, areas and hours

Regulated Entertainment

Provision of facilities for Dancing

	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	11:00	01:00	No change		Basement and ground floor	No change
Tuesday	11:00	01:00	No change		Basement and ground floor	No change
Wednesday	11:00	01:00	No change		Basement and ground floor	No change
Thursday	11:00	01:00	No change		Basement and ground floor	No change
Friday	11:00	01:00	No change		Basement and ground floor	No change
Saturday	11:00	01:00	No change		Basement and ground floor	No change
Sunday	11:00	01:00	No change		Basement and ground floor	No change

Provision of facilities for making Music

	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	11:00	01:00	No change		Basement and ground floor	No change
Tuesday	11:00	01:00	No change		Basement and ground floor	No change
Wednesday	11:00	01:00	No change		Basement and ground floor	No change
Thursday	11:00	01:00	No change		Basement and	No change

				ground floor	
Friday	11:00	01:00	No change	Basement and ground floor	No change
Saturday	11:00	01:00	No change	Basement and ground floor	No change
Sunday	11:00	01:00	No change	Basement and ground floor	No change

Performance of Live Music						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	11:00	01:00	No change		Basement and ground floor	No change
Tuesday	11:00	01:00	No change		Basement and ground floor	No change
Wednesday	11:00	01:00	No change		Basement and ground floor	No change
Thursday	11:00	01:00	No change		Basement and ground floor	No change
Friday	11:00	01:00	No change		Basement and ground floor	No change
Saturday	11:00	01:00	No change		Basement and ground floor	No change
Sunday	11:00	01:00	No change		Basement and ground floor	No change

Playing of Recorded Music						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	11:00	01:00	No change		Basement and ground floor	No change
Tuesday	11:00	01:00	No change		Basement and ground floor	No change
Wednesday	11:00	01:00	No change		Basement and ground floor	No change
Thursday	11:00	01:00	No change		Basement and ground floor	No change
Friday	11:00	01:00	No change		Basement and ground floor	No change
Saturday	11:00	01:00	No change		Basement and ground floor	No change
Sunday	11:00	01:00	No change		Basement and ground floor	No change

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

	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	11:00	01:00	No change		Basement and ground floor	No change
Tuesday	11:00	01:00	No change		Basement and ground floor	No change
Wednesday	11:00	01:00	No change		Basement and ground floor	No change
Thursday	11:00	01:00	No change		Basement and ground floor	No change
Friday	11:00	01:00	No change		Basement and ground floor	No change
Saturday	11:00	01:00	No change		Basement and ground floor	No change
Sunday	11:00	01:00	No change		Basement and ground floor	No change

Late night refreshment						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	01:00	No change		Basement and ground floor	No change
Tuesday	23:00	01:00	No change		Basement and ground floor	No change
Wednesday	23:00	01:00	No change		Basement and ground floor	No change
Thursday	23:00	01:00	No change		Basement and ground floor	No change
Friday	23:00	01:00	No change		Basement and ground floor	No change
Saturday	23:00	01:00	No change		Basement and ground floor	No change
Sunday	23:00	01:00	No change		Basement and ground floor	No change

Sale by Retail of Alcohol						
On or off sales			Current :			Proposed:
			Both			No change
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	11:00	01:00	No change		Basement and ground floor	No change
Tuesday	11:00	01:00	No change		Basement and ground floor	No change
Wednesday	11:00	01:00	No change		Basement and ground floor	No change

Thursday	11:00	01:00	No change	Basement and ground floor	No change
Friday	11:00	01:00	No change	Basement and ground floor	No change
Saturday	11:00	01:00	No change	Basement and ground floor	No change
Sunday	11:00	01:00	No change	Basement and ground floor	No change

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	11:00	01:00	No change		Basement and ground floor	No change
Tuesday	11:00	01:00	No change		Basement and ground floor	No change
Wednesday	11:00	01:00	No change		Basement and ground floor	No change
Thursday	11:00	01:00	No change		Basement and ground floor	No change
Friday	11:00	01:00	No change		Basement and ground floor	No change
Saturday	11:00	01:00	No change		Basement and ground floor	No change
Sunday	11:00	01:00	No change		Basement and ground floor	No change

1-C Layout alteration
Variation to the layout in accordance with the plans appended to the application (see Appendix 1). The proposed changes relate to improved toilet accommodation in the basement area.

1-D Conditions being varied, added or removed	
Condition	Proposed variation
Condition 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	Amend to: The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for

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.	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.
Condition 13: After 21:00 hours on Thursday, Friday and Saturday, SIA registered door staff must staff the door until the last customer leaves.	Amend to: After 21:00 hours on Thursday, Friday and Saturday, SIA registered door staff must staff the door until the last customer leaves. On Friday and Saturday a minimum of 2 SIA registered door staff shall be on duty at the premises from 21:00 until the last customer leaves.
Condition 21: After 23:00 hours the supply of alcohol must be ancillary to the use of the premises for music and dancing and/or substantial refreshment.	Remove from the premises licence
Condition 22: The number of persons permitted on the ground floor at any one time (including staff) shall not exceed 100 persons.	Amend to: On Sundays to Wednesdays the number of persons permitted on the ground floor at any one time (excluding staff) shall not exceed 100 persons. On Thursdays to Saturdays the number of persons permitted on the ground floor at any one time (excluding staff) shall not exceed 130 persons.
Condition 25: 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.	Remove from the premises licence
Condition 32: The outside bench shall be rendered unusable by 23:00 hours each day.	Amend to: All outside tables and chairs shall be rendered unusable by 23:00 hours each day.
Condition 35: 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.	Remove from the premises licence
Condition 37: No striptease, no nudity and all persons on the premises to be decently attired at all times.	Remove from the premises licence

<p>Condition 38: Any entertainment, performance, service, or exhibition involving nudity or sexual stimulation which would come within the definition of a sex establishment in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Greater London Council (General Powers) Act 1986 (whether or not locally adopted), shall not be provided.</p>	<p>Amend to: 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.</p>
<p>Condition 54: No rubbish, including bottles, shall be moved, removed or placed in outside areas between 23:00 hours and 08:00 hours.</p>	<p>Amend to: No waste or recyclable materials, including bottles, shall be moved, removed or placed in outside areas between 23:00 hours and 08:00 hours on the following day.</p>
<p>To be added to the premise licence:</p>	<p>No deliveries to the premises shall take place between 23:00 and 08:00 on the following day.</p>
<p>To be added to the premise licence:</p>	<p>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 sweeping collected and stored in accordance with the approved refuse storage arrangements by close of business.</p>
<p>To be added to the premise licence:</p>	<p>Notices shall be prominently displayed at any area for smoking requesting patrons to respect the needs of local residents and use the area quietly.</p>
<p>To be added to the premise licence:</p>	<p>As soon as possible, and in any event within 1 month from the grant of the variation, the premises shall join the local Pubwatch or other local crime reduction scheme approved by the Police and local radio scheme if available.</p>
<p>To be added to the premise licence:</p>	<p>The variation application (16/01596/LIPV) shall have no effect until the works detailed on the proposed plans have been assessed as satisfactory by the Environmental Health Consultation Team, and this condition has been removed from</p>

		the licence.
Adult entertainment:	Current position:	Proposed position:
	N/A	No change

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health
Representative:	Mr Anil Drayan
Received:	7 March 2016
<p>I wish to make the following representations based on the submitted plans and operating schedule:</p> <ol style="list-style-type: none"> 1. No representation raised 2. The proposed increase in capacity may lead to an increase in Public Nuisance in the West End Cumulative Impact Area 3. No representations raised to the proposed changes to conditions as stated in the new operating schedule save for those that relate to the proposal to increase the capacity. <p>Environmental Health considers the proposed increase in capacity is unlikely to have an adverse impact on Public Safety and the commensurate increase in the sanitary accommodation is also considered to be appropriate.</p> <p>As provision of alcohol to the additional patrons will not be subject to the 'restaurant' condition the application is nevertheless considered to be against policy.</p> <p>The applicant, however, states that the application may be considered as an exception to policy on the grounds that this is a premises largely catering for the lesbian gay bisexual and transgender 'LGBT' community of which there has been a reduction of such venues in the area.</p> <p>Environmental Health considers that this is a matter for the Licensing Sub-Committee for determination and will not be proposing any additional conditions as the application is otherwise acceptable.</p>	

2-B Other Persons			
Name:	Berkay Sefik Ercan		
Address and/or Residents Association:	Flat 6, Charing Cross Mansions, 26 Charing Cross Road, London WC2H 0DG		
Status:	Valid	In support or opposed:	Support
Received:	6 March 2016		

<p>I write in relation to Circa's application for an increase in capacity of 30 people (excluding staff). Circa is an asset to the LGBT community and increase of 30 people would not be detrimental to the surrounding area. It is important for Westminster to show support for the LGBT community after the recent closure of a number of venues of this kind. The increase in capacity is quite small and there is space inside the premises for more people rather than having a queue outside.</p> <p>I support this application and please take this letter into your consideration in this matter.</p>			
Name:		Ross Goodman	
Address and/or Residents Association:		Flat 3 23 Frith Street London W1D 4RR	
Status:	Valid	In support or opposed:	Support
Received:	25 February 2016		
<p>As a resident of the Soho area living on the same street as Circa, I can attest that it is a well-run venue with a professional team of managers, bar staff and security. With the recent closure of a number of LGBT venues, it is a valued asset to the Soho community. I find the closures of LGBT venues in the Soho area disturbing. It has been happening at an alarming rate and Circa is one of the few remaining safe spaces left for our community.</p>			
Name:		Etan Ilfield	
Address and/or Residents Association:		Flat 2 21 Dean Street London W1D 3TN	
Status:	Valid	In support or opposed:	Support
Received:	19 February 2016		
<p>I am writing to support Circa's application to increase their capacity from 100 to 130 (excluding staff). Since Circa opened in 2011 it has been a popular and professionally operated bar. I am unaware of any complaints relating to public nuisance or crime and disorder from Circa. In fact, the bar has a very positive presence in Soho. In my view the extension of capacity and extra licensing conditions will have a further positive effect in Soho. There is no possibility of a negative effect in the West End special policy area.</p> <p>I therefore fully support the application. Thank you for considering my letter in support.</p>			
Name:		Ian Latimer	
Address and/or Residents Association:		2 Albion Close Westminster London W2 2AT	
Status:	Valid	In support or opposed:	Support

Received:	4 March 2016		
<p>I am in support of Circa's application to increase their capacity of 30 people. I do not believe it will have a detrimental effect to the surrounding area. Westminster's special policy should not be applied to Circa as the venue is well managed and increasing its capacity will help mean less unnecessary congestion on the street.</p>			
Name:	Agassi Raksam Marak		
Address and/or Residents Association:	Flat H, Newport House 16 Great Newport Street London, WC2H 7JE		
Status:	Valid	In support or opposed:	Support
Received:	6 March 2016		
<p>I am a local resident and think Circa is a very well-run establishment with a great management team, we do not have any problems with noise or issues with any of the customers that frequent the bar.</p> <p>I have therefore no issues in supporting Circa with this application and would be happy for it to be noted on record of such.</p>			
Name:	Mervyn Metcalf		
Address and/or Residents Association:	Flat 1 21 Dean Street London W1D 3TN		
Status:	Valid	In support or opposed:	Support
Received:	19 February 2016		
<p>I am writing to support Circa's application to increase their capacity from 100 to 130 (excluding staff). Since Circa opened in 2011 it has been a popular and professionally operated bar. Mr Alan Winter and his management team are experienced operators and sympathetic neighbours. I am unaware of any complaints relating to public nuisance or crime and disorder from Circa. In fact, the bar has a very positive presence in Soho. In my view the extension of capacity and extra licensing conditions will have a further positive effect in Soho. There is no possibility of a negative effect in the West End special policy area.</p> <p>I therefore fully support the application. Thank you for considering my letter in support.</p>			
Name:	Jonathan Neal		
Address and/or Residents Association:	3rd Floor Flat 62 Frith Street London		
Status:	Valid	In support or opposed:	Support
Received:	4 March 2016		
<p>With regards to the alteration of the license for Circa, 62 Frith Street, I would like to express my support for an increase in capacity for the premises. I have lived in the 3rd floor flat at 62 Frith Street for the past 12 years and have a lot of experience with the</p>			

various businesses that have operated in the ground floor of our building.

To my mind, Mr Winter is the most effective business owner I've known since living here and appears to run Circa in an exceptionally professional manner. He is responsible and courteous when dealing with local residents and works very well with us as neighbours to ensure a clean and secure building. I have always been particularly concerned when it comes to the security of our building and surrounding environment and it really does give me peace of mind knowing that Mr Winter takes great care to help make our end of Frith Street a calm and safe place to live. Central London is always a potential target for crime but I have total faith in his security team to manage the outside of the building and we haven't had a disturbance from the venue in the past 5 years.

I am aware that Circa has become more popular recently, possibly in some way as a result of the closures of LGBT venues in the area, but also as the venue appears to have become a good place for professional and sensible people to socialise. As a result, there is now a sizeable queue that forms along the pavement at weekends. It would be entirely sensible for the council to grant a small increase in capacity in order to help keep the pavement clear and quiet, making the outside of the building and streetscape much more manageable.

Name:		Edward Weller	
Address and/or Residents Association		Flat 94 Biddulph Mansions Elgin Avenue Maida Vale London W91HU	
Status:	Valid	In support or opposed:	Support
Received:	8 March 2016		

I regularly visit Circa and am always impressed with the management from Mr Winter and the team. The security staff run the door professionally and manage the crowd well. Circa has become more popular recently and this is reflected in the queue outside. I believe a small increase in capacity would help to keep noise and congestion outside the venue down with no detrimental effect to the area.

3. Policy & Guidance

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

Policy CIP1 applies	<p>(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.</p> <p>(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas. <input type="checkbox"/></p>
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Policy PB2 applies	It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas other than applications to vary hours within the Core Hours under Policy HRS1.
Policy MD2 applies	It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas, other than applications to vary hours within the Core Hours, under Policy HRS1.
Policy COMB1 applies	<p>(i) Where a premises proposes to operate as a 'combined use premises' applications will be considered on their merits with regard to each of the relevant policies e.g. Policies CD1, PS1, PN1, CH1, CIP1 and HRS1.</p> <p>(ii) The Licensing Authority will take into account the current and proposed use of the premises when considering what weight is to be given to the relevant uses and policies. It will take into account what is the primary use of the premises, if any, and which licensable activities are proposed outside the core hours (see policy HRS1).</p> <p>(iii) It will consider any premises which include any pub or bar use or provide facilities for fast food and drink or for music and dancing primarily under the policies specific to those uses e.g. PB1 & PB2, FFP1 & FFP2, MD1 & MD2. □</p>

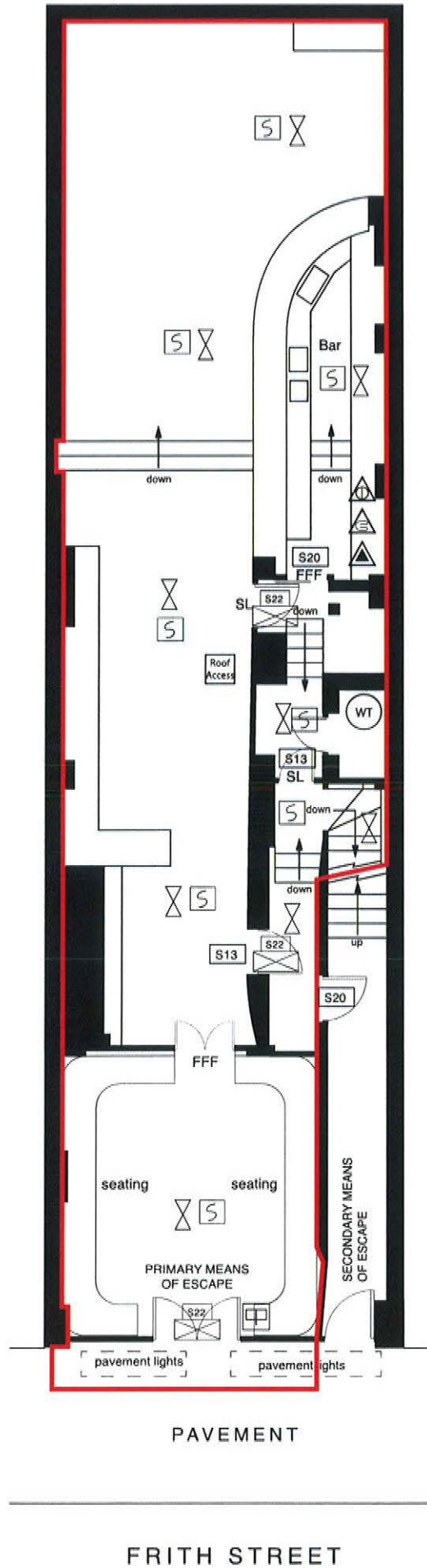
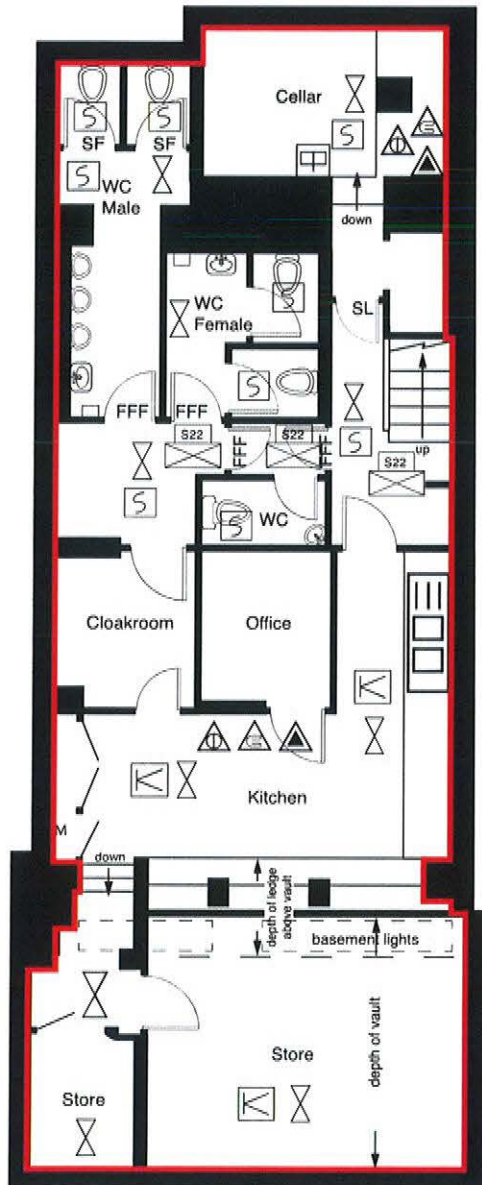
4. Appendices

Appendix 1	Premises plans
Appendix 2a	Applicant submissions – Pre-application advice
Appendix 2b	Applicant submissions – schedule of closed LGBT venues
Appendix 2c	Applicant submissions – Appendix 11 submission
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

Report author:	Mr Nick Nelson Senior Licensing Officer
Contact:	Telephone: 020 7641 3431 Email: nnelson@westminster.gov.uk

62 Frith Street
London
W1D 3JN

Scale 1:100



NOTES	
Magnolia Square Limited 57 Rathbone Place London W1T 1JU	
020 7479 4855	
PRINT AT A4	
PROJECT 62 Frith Street London W1D 3JN	
MEASURED SURVEY	
DRAWING TITLE LICENCING PLAN	
SCALE 1:100	DATE Nov 15
DRAWING NUMBER 1	10752

Legend

- Area Covered by Emergency Lighting
- Maintained Illuminated Fire Escape Sign
- Fire exit, exit or emergency exit notice graphic symbol
- Fire escape keep clear
- Fire door keep shut
- Fire door keep locked
- Fire Alarm Call Point with Fire Action Sign adjacent
- Smoke Detector
- Heat Detector
- Water Fire Extinguisher
- Fire Blanket in container
- Carbon Dioxide Fire Extinguisher
- Area of Licencable activities
- SF Doors that have only a simple fastening
- SL Security Lock (Door, which may be provided with special fastening as described on plan)
- FFF Doors which are to be free from all fastenings (other than a ball or roller fastening or a lever handled latch)



City of Westminster

Officer Name(s): Anil Drayan/Alan Lynagh
Designation: Environmental Health Officer/District Surveyor
Date: 12 October 2015
Contact number: 020 7641 1774 / 1789
Email: adrayan@westminster.gov.uk / alynagh@westminster.gov.uk
Uniform Ref Number: 15/07199/PREAPM

<i>Trading name of business and Address</i>	<i>Applicant/solicitor</i>	<i>Stress Area</i>
Circa, 62 Frith Street, London W1D 3JN	Thomas And Thomas Partners LLP 38A Monmouth Street London WC2H 9EP	YES
<p>Licence: Yes Ref number if applicable: 11/03814/LIPV</p> <p>Type of business: Bar</p> <p>Description of proposal: Advice is sought on the following proposed variations to the Premises Licence:</p> <ol style="list-style-type: none"> 1. Increase the authorized capacity from 100 to 130 (excluding staff). 2. Vary the layout in accordance with the appended plans – namely to improve toilet accommodation in the basement area. 3. Amend the licence conditions in accordance with the appended proposed operating schedule. 		
<p>This advice is based on the information submitted and also following on from the site visit made to the premises.</p> <p><u>Environmental Health comments:</u></p> <ol style="list-style-type: none"> 1. Increase the authorized capacity from 100 to 130 (excluding staff); <p>The premises are located in the West End Stress area, as defined in Westminster’s Statement of Licensing policy, where special policies on cumulative impact apply.</p>		

The policy can be found on the Council's website at the following link:

<https://www.westminster.gov.uk/licensing-policy>

This link also lists the wording of model conditions which should be used as the basis of any conditions proposed in an operating schedule.

For an application in a Stress area where an existing premises wishes to increase capacity for 'On' sale of alcohol policy STR1 applies. This states that it is the Licensing Authority's policy to refuse such an application unless the applicant can show 'genuinely exceptional circumstances' or that it complies with policy RNT2 ie operates as a restaurant. In either case the applicant must demonstrate that they will not add to cumulative impact in the Stress area.

The main restriction on the current Premises Licence for the supply of alcohol 'On' the premises is condition 26 which states:

- *After 23:00 hours the supply of alcohol must be ancillary to the use of the premises for music and dancing and/or substantial refreshment and/or as part of private and/or ticketed functions.*

I understand the proposal is that the increase in capacity will remain subject to this restriction with the added stipulation that any increased capacity would be limited only to Thursdays to Saturdays.

You are advised that Environmental Health would recommend refusal for such an application based solely on these stipulations as they are considered not to adequately address policy.

At the time of the site visit we discussed two options for addressing policy:

- i. An application would not generally be regarded as being against policy if the 'model restaurant' condition (condition MC66 in the list of model conditions) was applied to the increased capacity for any request for 'On' sale of alcohol to any additional patrons.

- ii. During the visit it was ascertained that the premises operates as a lesbian, gay, bisexual, and transgender (LGBT) premises predominantly catering for the gay community. The discussion centred on whether an increase in capacity for these premises could be regarded as a 'genuinely exceptional circumstance' as there had been an apparent significant decrease in LGBT premises locally. Environmental Health is not in a position to give an opinion on this and would seek the matter to be decided by the Licensing sub-Committee.

2. Vary the layout in accordance with the appended plans – namely to improve toilet accommodation in the basement area.

One of the reasons for an area being designated as a stress area is due to the lack of adequate facilities leading to Public Health concerns in the area. Environmental Health therefore requires where there is a request to increase capacity that there should be a commensurate increase in provision of sanitary accommodation to match at least the existing ratio for the current capacity.

Ideally sanitary accommodations should 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 11; sanitary appliances for licensed pubs, bars, etc. The British Standard normally assumes a 50/50 male/female split when assigning a capacity based on the sanitary accommodation. Where the premises operates largely for the LGBT community Environmental Health agrees that a 75/25 male/female split is acceptable if, as in this instance, the premises largely caters for the gay community.

I understand that the premises currently has the following sanitary provision:

- 2 Female WC's
- 1 Male WC plus 2 urinals

- 1 Staff WC

As part of the intention to increase the capacity at the premises the proposal is to provide additional facilities so that the male provision is increased to;

- 2 Male WC's and 3 urinals.

Based on this change and increase in provision this is an improvement on the existing capacity and sanitary accommodation ratios and Environmental Health therefore considers the proposal to be acceptable on this aspect should the increase in capacity be granted.

The proposed variation in layout and increase in capacity is also considered not to adversely impact on Public Safety (see District Surveyor's comments below).

3. Amend the licence conditions in accordance with the appended proposed operating schedule.

Save for the capacity conditions the proposed amendment to conditions and additional conditions are acceptable except conditions 20 and 32 (as numbered in the pre-application advice submission). The following comments are made with regard to this condition:

- It is unclear from the existing plans if the external private forecourt is part of the licensed area – if not any variation application should include this area so that 'Off' sales are not needed to use this area for licensable purposes.
- If this external area is now part of the licensed area then condition 20 should remain as currently worded on the licence and condition 32 changed to model conditions MC19 or MC20.

4. Other Comments

I can confirm that Environmental Health have no records of complaints made against the premises with regards to the licensing objectives since November 2011.

District Surveyor Comments

Means of Escape:

The premises consist of two exits towards the front of the premises at ground floor level. The main entrance/exit and a further exit that leads via a protected corridor back to the front of the premises.

Ground Floor:

The premises have recently been improved to provide doors all opening in the direction of travel towards the front main entrance/exit and an additional route provided towards the centre of the premises. The operator is looking to widen this route also and it is recommended that both door sets on this route are widened to ideally 1000mm to allow for a max occupancy of 130, which is what the operator is seeking.

If this is not possible then the operator will need to look at producing an occupancy assessment under BS 9999 to support slightly smaller widths in conjunction with enhanced fire alarm or similar.

The travel distances are in line with both Approved Document B and Technical Standards for Places of Entertainment, (18m in one direction and 45m in two).

It is also suggested that the following key points are considered in the general fire/public safety strategy for the proposed changes:

- Means of escape from the premises should be based on a simultaneous evacuation upon activation of the fire detection and alarm system and the system should ideally be a minimum L1/2 system in line with BS5839 part 1. This will allow maximum flexibility when calculating maximum occupancies under BS 9999 if needed, as will give maximum early warning.
- All protected exit routes to be provided with a minimum of 30 minutes fire separation to other parts of the premises

- All Fire doors protecting escape routes will be provided with intumescent strips and smoke seals and all fire doors will comply with the relevant provisions of Table B1 of ADB.
- Every escape route (other than those in ordinary use) will be marked by emergency exit signs complying with BS 5499: Part 1 and these will be located in accordance with the recommendations of BS 5499: Part 4

Floor Space Factors:

The premises operates as a bar and given its size it is clear in line with the guidance in ADB (Table 1) and the Technical Standards (Table 3) it can support at least 130 from a floor space perspective.

A copy of the updated Fire Risk Assessment should be provided to support any proposed changes and should also cover the maintenance and testing regime of systems and the staff training to support the fire safety management of the premises.

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.

Schedule of Closed LGBT Venues

	Premises Name	Address	Terminal Hour	Capacity	Closure Date
1.	Ghetto	5-6 Falconberg Court	Monday to Saturday 03:00 Sunday 00:30	220	December 2008
2.	Astoria	157 Charing Cross Road	Monday to Saturday 03:00 Sunday 22:30	2000	January 2009
3.	Trash Palace	11 Wardour Street	Monday to Saturday 03:00 Sunday 22:30	200	June 2009
4.	Kudos	10 Adelaide Street	Monday to Saturday 00:00 Sunday 22:30	n/a	June 2011
5.	Lo Profile	84-86 Wardour Street	Monday 01:00 Tuesday & Wednesday 02:00 Thursday to Saturday 03:00 Sunday 22:30	470	January 2013
6.	Candy Bar	4 Carlisle Street	Monday to Saturday 03:00 Sunday 00:30	175	January 2014
7.	Green Carnation	4 Greek Street	Monday to Saturday 02:00 Sunday 00:30	260	August 2014
8.	Madame Jo Jo's	8-10 Brewer Street	Monday to Saturday 03:00 Sunday 00:30	180	November 2014
9.	Escape	10A Brewer Street	Monday to Saturday 03:00 Sunday 22:30	120	November 2014

Schedule of Closed LGBT Venues

10.	Manbar	79 Charing Cross Road	Monday to Saturday 03:00 Sunday 22:30	320	January 2015
11.	Bar Titania	75 Charing Cross Road	Monday to Thursday 23:30 Friday to Saturday 00:00 Sunday 22:30	150	Forthcoming closure pending landlord development
12.	The Edge Soho	11 Soho Square	Monday to Thursday 01:00 Friday to Saturday 03:30 Sunday 23:30	380	Recently closed to re-open as straight venue

APPROXIMATE TOTAL CAPACITY OF CLOSED LGBT VENUES	4,475
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CIRCA

62 Frith Street

Application for a Premises Licence
City of Westminster
Statement of Licensing Policy 2016

APPENDIX 11 SUBMISSION

1 Introduction

- 1.1 This document is submitted in support of an application to vary Premises Licence reference 11/03814/LIPV in respect of Circa 62 Frith Street London W1D 3JN (the "Premises"). The application proposes the following changes to the Premises Licence:
 - 1.1.1 Vary the layout in accordance with the appended plans – namely to improve toilet accommodation in the basement area.
 - 1.1.2 Increase the authorised capacity from 100 to 130 (excluding staff) on Thursdays to Saturdays only. The capacity will remain as existing on all other days (and to exclude staff).
 - 1.1.3 Update and amend the Licence conditions in accordance with the operating schedule appended to the application.
- 1.2 The application does not seek to extend the permitted hours or add licensable activities.
- 1.3 The applicant is an extremely experienced operator with a proven track record. The applicant has owned and operated the Premises for over 4 years and previously managed various licensed premises in the West End.
- 1.4 The Premises provides a safe environment for members of the Lesbian Gay Bisexual and Transgender community to socialise and enjoy the venue's entertainment. It is an award winning venue that is particularly popular with London's gay males.
- 1.5 The proposed increase in capacity has been provisionally approved from a health and safety perspective by the City Council's District Surveyor under pre application advice reference: 15/07199/PREAPM.
- 1.6 This document addresses Appendix 11 of the City of Westminster's Statement of Licensing Policy. In doing so the applicant can demonstrate the Premises will:
 - 1.6.1 Promote the licensing objectives of the prevention of public nuisance and crime and disorder;
 - 1.6.2 Be professionally and responsibly managed alongside nearby local residents and businesses;
 - 1.6.3 Have no adverse impact on the local amenity; and
 - 1.6.4 Make no addition to the Cumulative Impact in the West End Cumulative Impact Area.

2 Noise Management

2.1 The criteria set out in Policy PN1 are addressed below.

Noise and Vibration

2.2 The following controls are implemented to prevent noise outbreak from the Premises:

2.2.1 A large acoustic lobby;

2.2.2 A tamper proof sound limiter;

2.2.3 Primary sound generating equipment located towards the rear of the Premises – away from the frontage and main entrance/exit;

2.2.4 Comprehensive customer management procedures to ensure no nuisance is caused by customers either inside or outside the Premises;

2.2.5 SIA and staff supervision of customers;

2.2.6 A dispersal policy to ensure the quick and quiet departure of customers – especially at night (see below); and

2.2.7 Member of local radio scheme to communicate with neighbouring licensed premises and the authorities.

Eating, Drinking and Smoking Outside Premises

2.3 The applicant will continue to carefully supervise customer activity outside the Premises. This includes SIA supervision of the external area in accordance with the existing Premises Licence conditions.

2.4 The application also proposes amendments to the existing SIA condition. The new condition requires an additional SIA supervisor on Friday and Saturday evenings. This will support the applicant's commitment to ensure the Premises and its customers cause no nuisance whatsoever.

2.5 Any customer behaviour that may cause public nuisance or crime and disorder is not, and will not, be tolerated under any circumstances.

Other Environmental Impacts

2.6 The applicant will implement a number of measures to ensure no adverse impact to the local environment. This includes existing, new and amended Premises Licence conditions in order to prevent public nuisance, for example:

2.6.1.1 After 21:00 hours on Thursday, Friday and Saturday, SIA registered door staff must staff the door until the last customer leaves. On Friday and Saturday a

- minimum of 2 SIA registered door staff shall be on duty at the premises from 21:00 until the last customer leaves.
- 2.6.1.2 Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
- 2.6.1.3 There shall be no loud speakers, amplification or live entertainment to take place within the front lobby area of the premises.
- 2.6.1.4 All windows, external doors and internal lobby doors shall be kept closed after 23:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
- 2.6.1.5 No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
- 2.6.1.6 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 shall then be secured to the satisfaction of officer 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.
- 2.6.1.7 Any additional sound generating equipment shall not be used on the premises without being routed through the sound limiter device.
- 2.6.1.8 The outside bench shall be rendered unusable by 23:00 hours each day.
- 2.6.1.9 Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
- 2.6.1.10 Patrons permitted to temporarily leave and then re-enter the premises shall be limited to [10] persons at any one time.
- 2.6.1.11 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.
- 2.6.1.12 All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

- 2.6.1.13 No waste or recyclable materials, including bottles, shall be moved, removed or placed in outside areas between 23:00 hours and 08:00 hours on the following day.
- 2.6.1.14 No deliveries to the premises shall take place between 23.00 and 08.00 on the following day.
- 2.6.1.15 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 sweeping collected and stored in accordance with the approved refuse storage arrangements by close of business.
- 2.6.1.16 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.
- 2.6.1.17 As soon as possible, and in any event within 1 month from the grant of the variation, the premises shall join the local Pubwatch or other local crime reduction scheme approved by the police, and local radio scheme if available.
- 2.7 The entry and exit door is located on Frith Street. During busy periods, SIA supervisors manage the entry of customers to control queuing. The proposed increase in capacity will help reduce queuing outside the Premises. This will allow more customers to be contained and supervised within the Premises. As a result, the risk of nuisance and crime/disorder resulting from persons queuing outside will be reduced.
- 2.8 The departure of customers will be managed in accordance with the dispersal policy below. The management controls set out in the dispersal policy will ensure all customers leave the area as quickly and as quietly as possible.

3 People Arriving, Departing & in the Vicinity

Dispersal Policy

- 3.1 The objective of the Dispersal Policy is to ensure a quiet, controlled and swift dispersal of the Premises' customers.
- 3.2 The Dispersal Policy promotes a professional and responsible management of customers as they leave the Premises to ensure they make their journey home without any adverse impact on local residents.
- 3.3 The Policy prevents nuisance caused to local residents from the following risks:
- 3.3.1 Noisy or anti-social behaviour by customers leaving the Premises.
 - 3.3.2 Large numbers of people leaving the Premises at the same time.
- 6.4 Despite the Premises' central London location, employees are made aware that local residents live close by.

Hours of Operation

- 6.5 The operational hours of the Premises are 11am to 1am Monday to Sunday.
- 6.6 This Dispersal Policy is followed throughout the opening hours, although particular attention is paid to customers leaving at night.

Entrances and Exits

- 6.7 The main entrance/exit of the Premises is on Frith Street. This entrance is carefully supervised by SIA supervisors during busy periods.

Dispersal

- 6.8 The primary point of dispersal is the main Frith Street exit. From this exit customers disperse directly to a waiting car or the area's numerous transport links (see below).
- 6.9 Towards closing time the following measures are taken to ensure a gradual and quiet closure of the Premises:
- 6.9.2 Raised lighting levels.
 - 6.9.3 Lowered music levels.
 - 6.9.4 Politely reminding customers the Premises is about to close.

Transport

6.10 The Premises is well serviced by public transport links, as set out below. All staff are familiar with the transport links so they can advise customers when required.

Tube

6.10.1 The following tube stations are located within walking distance of the Premises:

- a. Leicester Square Underground Station.
- b. Oxford Circus Underground Station.
- c. Tottenham Court Road Underground Station.
- d. Piccadilly Circus Underground Station.
- e. Covent Garden Underground Station.
- f. Holborn Piccadilly Circus Underground Station.

6.10.2 Where necessary customers will be given directions to the relevant station and reminded to reach the station as quietly and as quickly as possible when they leave.

6.11 Rail

6.11.1 The Premises is within walking distance of Charing Cross rail station.

6.11.2 Other rail stations, for example Victoria, Paddington, Liverpool Street, Euston, Waterloo and Kings Cross St Pancras are easily reached by bus, tube or taxi.

6.12 Buses

6.12.1 The Premises is well serviced by public buses. TFL bus services, including night buses, are accessible by bus stops in the area, which go to a variety of destinations throughout London.

6.12.2 Bus routes include: 14, 19, 24, 38, 176, N5, N19, N20, N29, N38, N41 and N279.

6.12.3 Staff will be familiar with the local bus services and will advise customers accordingly.

6.13 Taxi

- 6.13.1 Black cabs and local licensed taxi offices are readily available right through the day and night in the area. Customers will be encouraged to go directly into a waiting cab when leaving the Premises.
- 6.13.2 If there are no available black cabs, customers will be asked to wait inside the Premises until a cab becomes available. This avoids customers waiting outside on Frith Street unnecessarily.
- 6.13.3 Staff will assist customers calling a taxi if required.

4 Deliveries, Collections & Servicing

- 4.1 Deliveries and collections will continue to be arranged carefully and sympathetically to the local amenity. Where possible, multiple deliveries and/or collections will be combined to avoid high numbers of vehicles servicing the Premises. Delivery and collection times will not be scheduled late at night or early in the morning to avoid disturbing local residents.
- 4.2 The following model licence conditions are proposed with the Application:
- 4.2.1 All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.*
- 4.2.2 No waste or recyclable materials, including bottles, shall be moved, removed or placed in outside areas between 23:00 hours and 08:00 hours on the following day.*
- 4.2.3 No deliveries to the premises shall take place between 23.00 and 08.00 on the following day.*
- 4.3 The proposals set out in the application are not anticipated to significantly impact upon the current complaint free servicing arrangements in any event.

Appendix 3

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
10/00098/LIPN New application	Application for a new premises licence	18.03.2010	Granted by Licensing Sub-Committee
10/02163/LIPT Transfer application	Application to transfer the licence to Kaffe Automat Ltd	10.05.2010	Granted under delegated authority
11/01684/LIPT Transfer application	Application to transfer the licence to Baby Bull Limited	11.04.2011	Granted under delegated authority
11/02357/LIPVM Minor variation application	Application to change the layout of the premises	06.04.2011	Refused under delegated authority
11/03814/LIPV Variation application	Application to change the layout of the premises	14.06.2011	Granted under delegated authority
11/04400/LIPDPS Change of DPS	Application to change the DPS to Mr Alan Winter	16.06.2011	Granted under delegated authority
16/01596/LIPV Variation application	Current application		

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 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.

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.

The applicant has requested condition 10 be replaced with:

10. *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.*
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. All staff engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility jackets or vests.

13. After 21:00 hours on Thursday, Friday and Saturday, SIA registered door staff must staff the door until the last customer leaves.

The applicant has requested condition 13 be replaced with:

13. *After 21:00 hours on Thursday, Friday and Saturday, SIA registered door staff must staff the door until the last customer leaves. On Friday and Saturday a minimum of 2 SIA registered door staff shall be on duty at the premises from 21:00 until the last customer leaves.*
14. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
15. There shall be no promotional sales of alcohol at the premises where alcohol is sold at a price lower than that at which the same or similar alcoholic drinks are sold, or usually sold, on the premises.
16. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
17. There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises.
18. 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.
19. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
- all crimes reported to the venue
 - all ejections of patrons
 - any complaints received
 - any incidents of disorder
 - seizures of drugs or offensive weapons
 - any faults in the CCTV system or searching equipment or scanning equipment
 - any refusal of the sale of alcohol
 - any visit by a relevant authority or emergency service.
20. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises. There shall be no off sales after 23:00 hours.
21. After 23:00 hours the supply of alcohol must be ancillary to the use of the premises for music and dancing and/or substantial refreshment.

The applicant has requested condition 21 be removed from the premises licence.

22. The number of persons permitted on the ground floor at any one time (including staff) shall not exceed 100 persons.

The applicant has requested condition 22 be replaced with:

22. *On Sundays to Wednesdays the number of persons permitted on the ground floor at any one time (excluding staff) shall not exceed 100 persons. On Thursdays to Saturdays the number of persons permitted on the ground floor at any one time (excluding staff) shall not exceed 130 persons.*
23. After 23:00 hours the duty manager shall conduct an hourly count of the ground floor. This count shall commence at 23:00 hours until 01:00 hours and shall be recorded in a log book and made available for immediate inspection by an authorised officer.
24. Details of pre-booked, private and/or ticketed events, including the host, and the number of guests shall be held at least 24 hours before the function and a minimum of 14 working days after the function. Details shall be made available to all relevant authorities when requested.
25. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.

The applicant has requested condition 25 be removed from the premises licence.

26. After 23:00 hours the supply of alcohol must be ancillary to the use of the premises for music and dancing and/or substantial refreshment and/or as part of private and/or ticketed functions.
27. There shall be no loud speakers, amplification or live entertainment to take place within the front lobby area of the premises.
28. All windows, external doors and internal lobby doors shall be kept closed after 23:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
29. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
30. 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 shall then be secured to the satisfaction of officer 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.
31. Any additional sound generating equipment shall not be used on the premises without being routed through the sound limiter device.
32. The outside bench shall be rendered unusable by 23:00 hours each day.

The applicant has requested condition 32 be replaced with:

32. *All outside tables and chairs shall be rendered unusable by 23:00 hours each day.*
33. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
34. Patrons permitted to temporarily leave and then re-enter the premises shall be limited to 10 persons at any one time.
35. 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.

The applicant has requested condition 35 be removed from the premises licence.

36. 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.
37. No striptease, no nudity and all persons on the premises to be decently attired at all times.

The applicant has requested condition 37 be removed from the premises licence.

38. Any entertainment, performance, service, or exhibition involving nudity or sexual stimulation which would come within the definition of a sex establishment in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Greater London Council (General Powers) Act 1986 (whether or not locally adopted), shall not be provided.

The applicant has requested condition 38 be replaced with:

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. 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.
40. 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.
41. All exit doors shall be available at all material times without the use of a key, code, card or similar means.
42. Doors at such exits will be regularly checked to ensure that they function satisfactorily and a record of the check kept.
43. Any removable security fastenings will be removed whenever the premises are open to the public.

44. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
45. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
46. Only hangings, curtains, upholstery and temporary decorations, complying with the relevant British (or where appropriate European) Standard shall be used. Where necessary these shall be periodically tested for flame resistance and re-treated as necessary.
47. Curtains and hangings shall be arranged so as not to obstruct fire safety signs, fire extinguishers or other fire fighting equipment.
48. All scenery should be maintained flame retarded to the satisfaction of the Environmental Health Consultation Team.
49. 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
50. 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.
51. Flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby properties (save insofar as they are necessary for the prevention of crime).
52. 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.
53. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

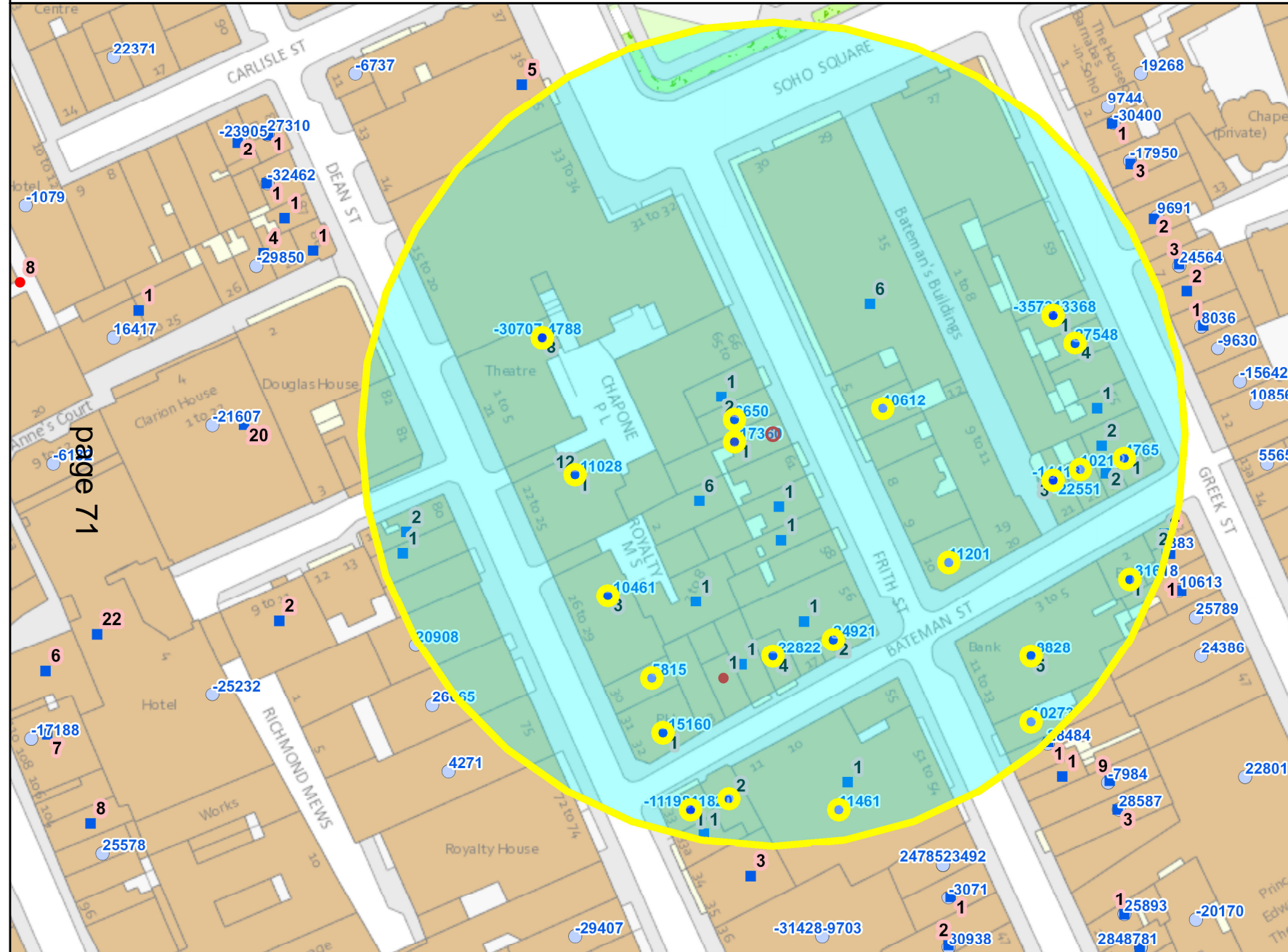
54. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 23:00 hours and 08:00 hours.

The applicant has requested condition 54 be replaced with:

54. *No waste or recyclable materials, including bottles, shall be moved, removed or placed in outside areas between 23:00 hours and 08:00 hours on the following day.*

Additional conditions proposed by the applicant:

55. No deliveries to the premises shall take place between 23:00 and 08:00 on the following day.
56. 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 sweeping collected and stored in accordance with the approved refuse storage arrangements by close of business.
57. Notices shall be prominently displayed at any area for smoking requesting patrons to respect the needs of local residents and use the area quietly.
58. As soon as possible, and in any event within 1 month from the grant of the variation, the premises shall join the local Pubwatch or other local crime reduction scheme approved by the Police and local radio scheme if available.
59. The variation application (16/01596/LIPV) shall have no effect until the works detailed on the proposed plans have been assessed as satisfactory by the Environmental Health Consultation Team, and this condition has been removed from the licence.



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Residential / Proposed Residential	85
Under Construction	Not known
Other Uses	Not known
Proportion Residential of all Uses	Not known

10
 Meters

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Data Source: Uniform Database
 Date: 01/04/2016

Premises within 75 metres of: Circa 62 Frith Street			
p / n	Name of Premises	Premises Address	Opening Hours
13/01625/LIPDPS	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
06/07744/WCCMAP	Garlic & Shots	Basement And Ground Floor 14 Frith Street London W1D 4RD	Monday to Saturday 10:00 - 01:00 Sunday 12:00 - 23:30
15/03854/LIPVM	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
14/01953/LIPDPS	Nando's	Ground Floor 10 Frith Street London W1D 3JF	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
06/06525/WCCMAC	New Evaristo Club	Ground Floor 57 Greek Street London W1D 3DX	Monday to Saturday 11:00 - 01:30 Sunday 12:00 - 01:30
08/04012/LIPV	Leonis Quo Vadis	26 Dean Street London W1D 3LL	Sunday 09:00 - 00:00 Monday to Saturday 09:00 - 02:30
14/10993/LIPN	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
06/06379/WCCMAP	Hazlitts Hotel	6 Frith Street London W1D 3JA	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
15/05202/LIPV	Pix	16 Bateman Street London W1D 3AH	Friday to Saturday 11:00 - 00:00 Monday to Thursday 11:00 - 23:30 New Year's Eve 12:00 - 00:00 Sunday 12:00 - 22:30
11/03814/LIPV	Circa	Ground Floor 62 Frith Street London W1D 3JN	Monday to Sunday 11:00 - 01:00
09/07575/LIPV	Sunset Strip	Basement To First Floor 30 Dean Street London W1D 3SA	Sunday 09:00 - 00:00 Monday to Saturday 09:00 - 01:30
13/05652/LIPN	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
15/11819/LIPDPS	Oliver Maki 9	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
15/09738/LIPVM	Simmons	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
06/12741/WCCMAP	Kaslik	Basement And Ground Floor 58 Greek Street London W1D 3DY	Friday to Saturday 12:00 - 00:00 Sunday 12:00 - 22:30 Monday to Thursday 12:00 - 23:30
15/08244/LIPVM	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
15/09542/LIPDPS	Soho Theatre Company	First Floor To Second Floor 21 Dean Street London W1D 3NE	Monday to Saturday 09:00 - 00:00 Sunday 12:00 - 23:30 Bank Holiday 14:00 - 23:30
13/06742/LIPDPS	Chotto-Matte	11-13 Frith Street London W1D 4RB	Monday to Saturday 10:00 - 01:30 Sunday 12:00 - 00:30
15/06247/LIPVM	Soho Theatre	Basement And Ground Floor 21 Dean Street London W1D 3NE	Monday to Saturday 10:00 - 02:30 Sunday 12:00 - 01:00
14/02772/LIPV	Thirst	23 - 24 Bateman Street London W1D 3AH	Monday to Saturday 09:00 - 03:30 Sunday 12:00 - 23:00
06/06357/WCCMAP	The Golden Oven	Ground Floor 22 Bateman Street London W1D 3AN	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
06/07293/WCCMAP	Barrafina	54 Frith Street London W1D 4SL	Monday to Saturday 10:00 - 01:30 Sunday 12:00 - 01:00
15/03340/LIPVM	Balls & Company	Basement And Ground Floor 58 Greek Street London W1D 3DY	Friday to Saturday 12:00 - 00:00 Sunday 12:00 - 22:30 Monday to Thursday 12:00 - 23:30
06/13384/WCCMAP	Arbutus Restaurant	63 - 64 Frith Street London W1D 4RF	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
14/07710/LIPDPS	La Capannina Club	Basement 21 Bateman Street London W1D 3AL	Sunday 09:00 - 00:30 Monday to Saturday 09:00 - 03:30
13/08051/LIPV	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

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

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Application Form	9 February 2016
5	Current Premises Licence	9 November 2012
6	Representation from Environmental Health	7 March 2016
7	Representation from Berkay Sefik Ercan	6 March 2016
8	Representation from Ross Goodman	25 February 2016
9	Representation from Etan Ilfield	19 February 2016
10	Representation from Ian Latimer	4 March 2016
11	Representation from Agassi Raksam Marak	6 March 2016
12	Representation from Mervyn Metcalf	19 February 2016
13	Representation from Jonathan Neal	4 March 2016
14	Representation from Edward Weller	8 March 2016

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Item No:	<input type="text"/>
Date:	<input type="text"/>
Licensing Ref No:	16/01043/LIPN - New Premises Licence
Title of Report:	Essentials Unit 1 Leicester Square Station Charing Cross Road
Report of:	Director of Public Protection and Licensing
Wards involved:	St James's
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Mrs Sumeet Anand-Patel Senior Licensing Officer
Contact details	Telephone: 020 7641 2737 Email: sanandpatel@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	27 January 2016		
Applicant:	Global VIPs Limited		
Premises:	Essentials		
Premises address:	Unit 1 Leicester Square Station Charing Cross Road London	Ward:	St James's
		Cumulative Impact Area:	West End
Premises description:	This premises currently operates as a newsagent and the applicant is seeking permission to sell alcohol for consumption off the premises		
Premises licence history:	This premises has not benefitted from a premises licence under the Licensing Act 2003.		
Applicant submissions:	None		

Sale by retail of alcohol				On or off sales or both:			Off
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	11:00	11:00	11:00	11:00	11:00	11:00	11:00
End:	22:00	22:00	22:00	22:00	22:00	22:00	22:00
Seasonal variations:	N/A						
Non-standard timings:	N/A						

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	07:00	07:00	07:00	07:00	07:00	07:00	07:00
End:	22:00	22:00	22:00	22:00	22:00	22:00	22:00
Seasonal variations:	N/A						
Non-standard timings:	N/A						
Adult Entertainment:	N/A						

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health
Representative:	Maxwell Koduah
Received:	4 th February 2016
Status:	Withdrawn

I refer to the application for a New Premises Licence number for the above premises, which is located in the West End Cumulative Impact area.

This representation is based on a plan dated January 2016 submitted with the operating schedule.

The applicant is seeking the following licensable activities:

1. Supply of Alcohol for 'Off' the premises, Monday to Sunday from 11:00 to 22:00 hours.

I wish to make the following representations:

1. The Supply of Alcohol 'Off' the premises and for the hours requested may have the effect of increasing Public Nuisance in the area and impact on Public Safety.

Conditions have been offered in the operating schedule and these are under consideration.

The applicant is asked to contact the undersigned to arrange a site visit to assess the premises to ensure the premises is satisfactory and following this, additional conditions may be recommended to Environmental Health to support the licensing objectives Prevention of Public Nuisance and Public Safety.

The granting of the new premises licence as presented would have the likely effect of causing an increase in Public Nuisance and may impact on Public Safety within the West End Cumulative Impact area.

Note: Following agreement to conditions with the applicant, attached at Appendix 4, Environmental Health have withdrawn their representation.

Responsible Authority:	Metropolitan Police Service
Representative:	PC Mike Day
Received:	18 th February 2016

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 Cumulative Impact Area, a locality where this is traditionally high crime and disorder. There are major concerns that this application will cause further policing problems for the Metropolitan Police, British Transport Police and Transport for London in an already demanding area and add to the cumulative impact.

Note: The Metropolitan Police have also provided statements from British Transport Police and the TFL Station Supervisor. These are attached at Appendix A2.

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy HRS1 applies:	(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.

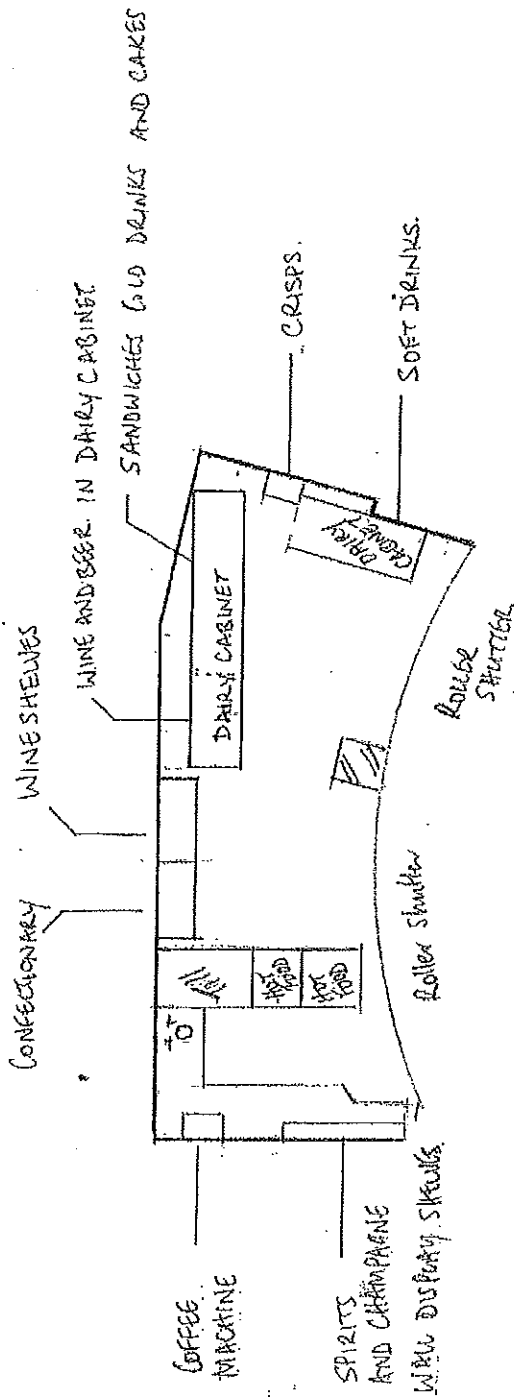
	(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.
Policy CIP1 applies:	<p>(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.</p> <p>(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.</p>
Policy OS2 applies:	Applications will be granted subject to the relevant criteria in Policies CD1, PS1, PN1 CH1 and HRS1 and other policies in this Statement, provided it is demonstrated that they will not add to cumulative impact in the Cumulative Impact.

4. Appendices

Appendix 1	Premises plans
Appendix 2	BTP and TFL statements submitted by the Police
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

Report author:	Mrs Sumeet Anand-Patel Senior Licensing Officer
Contact:	Telephone: 020 7641 2737 Email: sanandpatel@westminster.gov.uk

APPENDIX 1



CCTV COVERAGE FOR ALL OF MAIN SHOP
 CCTV IN BOOKING HALL AREA
 ALL HAVE MORE THAN 31 DAY RECORDING FACILITY.

ESSENTIALS
 LEICESTER SQUARE UNDERGROUND STATION
 FLOOR PLAN
 SCALE 1:100
 JAN 2016

WITNESS STATEMENT**Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B**

URN

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Statement of: Myles JENNINGS

Age if under 18: Over 18 (if over 18 Insert 'over 18')

Occupation: Police Constable 2957

This statement (consisting of 1 page(s) 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.

Signature: (witness)

Date: 17 February 2016

This is a statement that relates to the impact the sale of intoxicating liquor might have on LEICESTER SQUARE tube station.

I am a police constable within the British Transport Police and have spent approximately 18 months on the Piccadilly Line Neighbourhood Policing Team. LEICESTER SQUARE is one of the stations that my team cover and we have extensive experience of policing within the station.

LEICESTER SQUARE tube station is located within the centre of what is considered the 'Entertainment District' of London. There are hundreds of bar's, restaurants, casino's and nightclubs within a short walk of the station. During the evenings, particularly between Thursday & Saturday, thousands upon thousands of people travel through LEICESTER SQUARE tube station on route to these many venues. Increasingly, the people who use LEICESTER SQUARE tube station as their destination have already consumed a high amount of alcohol prior to travelling. Once in the station, and on the wider tube network, these people can pose a high risk to both themselves and others. During the past commuters already under the influence of high levels of alcohol have caused injuries to themselves and others through falling onto live railway tracks, or falling down stairs and moving escalators. These incidents have, on more than one occasion, resulted in the closure of all or parts of the station in order for individuals to receive urgent medical treatment.

During my time policing LEICESTER SQUARE, I have been called upon to deal with several incidents in which members of staff have been verbally abused or physically assaulted by commuters within the ticket hall area of the station. The majority of suspects in these cases have been heavily intoxicated and are at the start of their night out or are on their way home following an evening of heavy drinking. There have also been several occasions where alcohol has played a major part in physical violence between commuters.

Anti-social behaviour is greatly increased during the evenings, between Thursdays and Saturdays, mainly due to people who have been drinking and then chose to travel through LEICESTER SQUARE tube station. They make it uncomfortable for other commuters and can be intimidating towards the more elderly travellers.

With the granting of an alcohol licence to the shop at LEICESTER SQUARE, I can only see the above problems becoming worse. Many people on their way out or travelling home after a night of drinking will see it as an opportunity to consume even more alcohol, resulting in more physical injuries, more assaults on staff and more physical violence between commuters. And with the launch of the 24 hour tube service approaching, the above problems along with the sale of alcohol within the station will only increase the problems already encountered by staff and police. Many people on their way home will see the opportunity to buy an alcoholic drink for the journey home and become further intoxicated, therefore increasing the risk to their personal safety and to others travelling on the network.

TFL railway byelaw 4, in short, states that it is an offence for anyone to be on the tube network while in possession of intoxicating liquor or to be on the network while unfit to travel through intoxication. Selling alcohol within the confines of the station would seem to be encouraging commuters to break the law.

WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN

93

Statement of: Jonathan Blackett

Age if under 18: Over 18

(if over 18 insert 'over 18')

Occupation: Police Sergeant

This statement (consisting of 2 page(s) 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.

Signature: J.Blackett (witness)

Date: 18/02/2016

I am the Sergeant for the Piccadilly Line Central Team and one of the stations that we cover is Leicester Square.

Leicester Square is situated in the "entertainment district" of London and is a very busy station, especially during the evening and at weekends. There are a great number of restaurants, bars, pubs and clubs in the area, which are all a short walk from the station. Leicester Square is used by thousands of people each evening to go to these venues, increasingly the people who are travelling to these locations have drunk a high amount of alcohol prior to travelling, and more alcohol is then consumed at the venues. This poses a high risk to their own safety when travelling on the railway network and increases the risk to the staff members who work at this station, who are more likely to be subjected to abuse and violence.

I have seen first hand the dangers of people who have drunk high volumes of alcohol and then go on to the rail network, these range from falling over and not being able to walk, to falling down escalators and suffering serious injuries, to even being killed, having falling in front of a train.

Violence and public order offences are two of the highest crime types at Leicester Square station; these peak during the evening and at weekends and are more often than not fuelled by alcohol.

In my opinion, granting the licence for SHOP 1 at Leicester Square will only help increase the levels of violent and public order offences we already see at the station. I have spoken to members of the TFL staff who work there, and they fear that they will be subjected to even more abuse if the sale of alcohol is allowed. They already have to manage and look after a very challenging station, due to the already high level of drunken people travelling through. The shop is located in the booking hall which does get over crowded and is a flash point for violence and abusive behaviour. I feel that the selling of alcohol, which is in the form of glass bottles and cans means that people will have a ready made weapons to use. Both glass bottles and cans can cause very serious injuries, this poses a risk to staff, other travelling public and officers policing the station.

There is in fact Railway Byelaw 4 which TFL have in place which is a ban on carrying open containers and drinking of alcohol on there stations and trains. People who enter the station to buy alcohol will be doing so to then consume it on there journey home, there are plenty of off licences in the vicinity for people who want to drink outside. This seems to me that there is a danger of it engorging people to drink on the underground and potentially committing offences.

British Transport Police are committed to providing a safe environment for the TFL staff to work and for the public to travel on. We are facing challenging times with regards to policing resource levels and I feel this will only increase these pressures as we would see an increase in offences and need more resources to police the station.

In closing, I do not believe that this licence should be granted.

PS 1341 Jonathan Blackett, Piccadilly Line Central NPT

Signature: J.Blackett

Signature witnessed by:

WITNESS STATEMENT

Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN [] [] [] []

Statement of: DAVID DELLAR

Age if under 18: OVER 18 (if over 18 insert 'over 18') Occupation: TFL STATION SUPERVISOR

This statement (consisting of page(s) 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.

Signature: [Signature] Date: 18 FEB 2016

Tick if witness evidence is visually recorded [] (supply witness details on rear)

MY NAME IS DAVID DELLAR AND I AM A STATION SUPERVISOR AT LEICESTER SQUARE TUBE STATION. I HAVE BEEN BASED AT THE STATION FOR ABOUT 12 YEARS. THIS STATEMENT RELATES TO THE IMPACT THAT ALCOHOL BEING SERVED WITHIN THE STATION MAY HAVE HAD

I AM CONCERNED THAT THE SALE OF ALCOHOL WITHIN THE STATION WILL LEAD TO AN INCREASE IN THE AMOUNT OF STAFF ABUSED THAT TAKE PLACE. PEOPLE WHO ARE ALREADY DRUNK WILL BUY MORE ALCOHOL WHICH WILL CAUSE THEM TO BECOME MORE ABUSIVE AND PHYSICALLY THREATENING TOWARDS STAFF. MANY PEOPLE WHO VERBALLY & PHYSICALLY ABUSE STAFF ARE ALREADY DRUNK SO GIVING THEM THE CHANCE TO DRINK MORE ALCOHOL WOULD POTENTIALLY INCREASE THE RATE AND SEVERITY OF THESE OCCURRING. THERE IS ALSO A HIGH RISK OF PEOPLE WHO HAVE BEEN DRINKING BECOMING INVOLVED IN FIGHTS THROUGHOUT THE STATION, WHICH POSES A RISK TO OTHER

Signature: [Signature] Signature witnessed by:

Continuation of Statement of: DAVID DELLAR Page No. 2 of

COMMUTERS ALONG WITH STAFF MEMBERS. EMPTY BOTTLES AND CANS WHICH ARE LEFT LAYING AROUND COULD POTENTIALLY BE USED AS WEAPONS.

COMMUTERS WHO CARRY ON DRINKING WHILE ON THE TUBE ARE ALSO A RISK TO THEMSELVES. THEY MAY BECOME UNSTEADY ON THEIR FEET AND COULD EASILY FALL DOWN ESCALATORS ~~ON~~ OR ONTO THE TRAIN TRACKS.

AS DRINKING ALCOHOL WITHIN THE STATION AND ON THE TUBE IS AGAINST THE LAW, HOW WOULD WE BE ABLE TO STOP PEOPLE BUYING ALCOHOL IN THE SHOP THEN DRINKING IT ON THE TRAIN?

~~OTHER~~ OTHERS MEMBERS OF THE PUBLIC WOULD PROBABLY FEEL THREATENED IF PEOPLE, WHO ARE ALREADY BEING ROWDY, ARE STILL DRINKING ON THE TUBE AND BEING LOUD AND BOISTEROUS

Signature: 

Signature witnessed by:

There is no licence or appeal history for the premises

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 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.
- 5(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.
- 5(ii) For the purposes of the condition set out in paragraph 5(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.

5(iii). Where the permitted price given by Paragraph 5(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.

- 5(iv). (1) Sub-paragraph 5(iv)(2) below applies where the permitted price given by Paragraph 5(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Conditions proposed by the Environmental Health and agreed by the applicant

6. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
7. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.

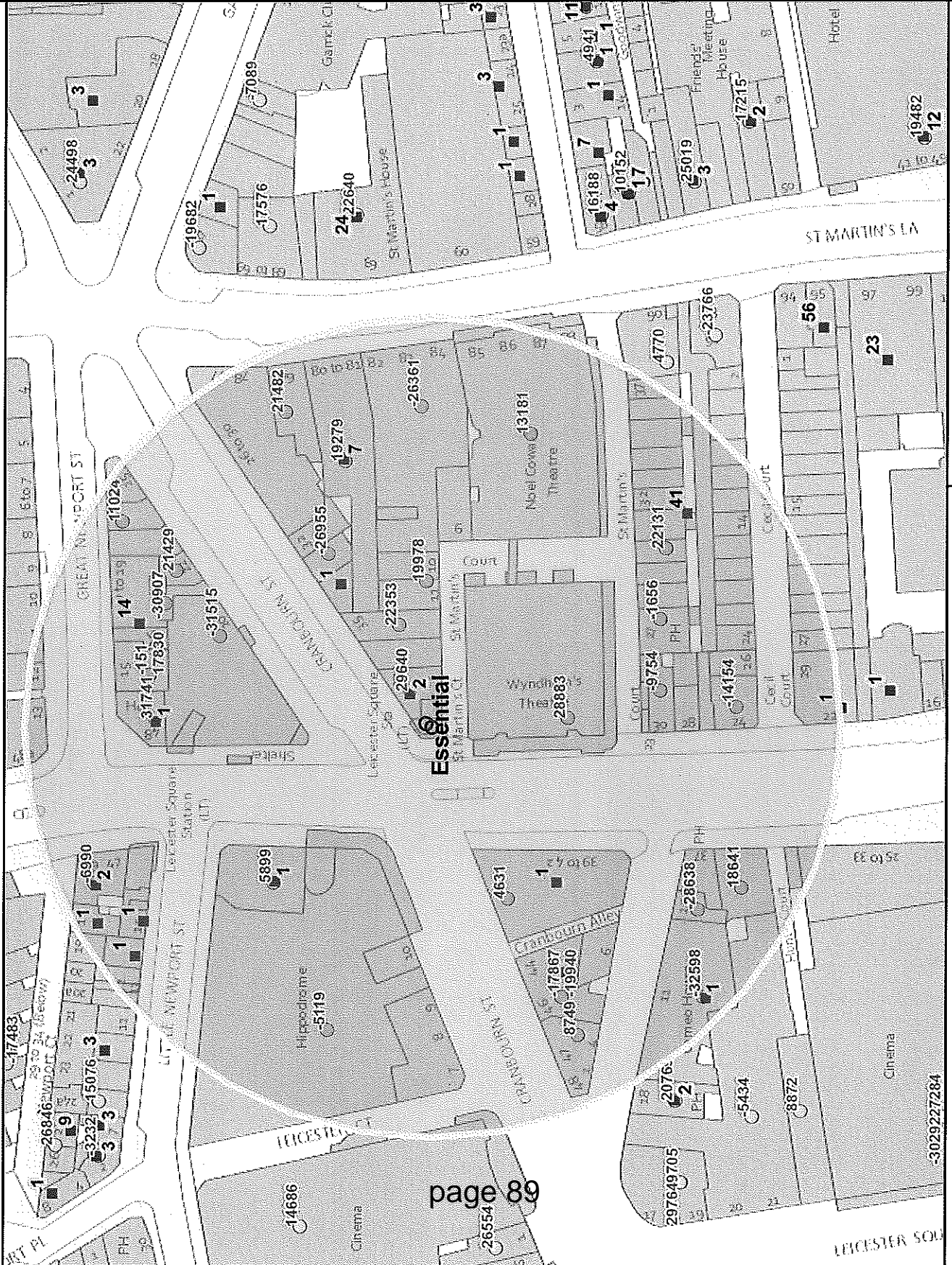
8. Outside of the hours authorised for the sale of alcohol, all alcohol within the trading area is to be secured behind locked grilles/screens or secured behind locked cabinet doors so as to prevent access to the alcohol by both customers and staff.
9. No super-strength beer, lagers or ciders of 5.5% ABV (alcohol by volume) or above shall be sold at the premises except for premium beers and ciders sold in glass bottles.
10. No more than 15% of the sales area to be used at any one time for the sale, exposure for sale, or display of alcohol.
11. There shall be no self-service of spirits on the premises except for spirit mixtures below 5.5% Alcohol by Volume.
12. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale.
13. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
14. 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.
15. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the 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. A diary 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 are open.
18. 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.



Leicester Square Station, Unit1, Essential

City of Westminster

APPENDIX 5



10

Meters

Residential / Proposed Residential	76
Under Construction	Not Known
Other Uses	Not Known
Proportion Residential of all Uses	Not Known

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Data Source: Uniform Database
Date: 29/03/2016

Premises within 75 metres of: Unit1, Leicester Square Station.			
p / n	Name of Premises	Premises Address	Opening Hours
-6990	Longji	Ground 47 Charing Cross Road London WC2H 0AN	Monday to Sunday 11:00 - 23:30
21429	Cafe Aroma	22 Cranbourn Street London WC2H 7AA	Monday to Thursday 10:00 - 03:00 Friday to Saturday 10:00 - 04:00 Sunday 12:00 - 23:00
22131	J Sheekey	28-32 St Martin's Court London WC2N 4AL	Monday to Saturday 10:00 - 01:30 Sunday 12:00 - 00:00
28883	Wyndhams Theatre	Wyndhams Theatre Charing Cross Road London WC2H 0DA	Monday to Sunday 09:00 - 01:00
-5119	Hippodrome Casino	The Hippodrome 10 - 14 Cranbourn Street London WC2H 7JH	Monday to Sunday 00:01 - 00:00
19279	Pizza Express	Ground Floor 80-81 St Martin's Lane London WC2N 4AA	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
19978	Cafe Koha Bar	10-11 St Martin's Court London WC2N 4AJ	Sunday 10:00 - 02:30 Monday to Saturday 10:00 - 04:30
21482	Steak & Co	Ground Floor 79 St Martin's Lane London WC2N 4AA	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
-14154	Byron	24 Charing Cross Road London WC2H 0DT	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
17830	Pizza Rico	15-18 Great Newport Street London WC2H 7JG	Monday to Sunday 07:00 - 00:30
29840	The Brewmaster	37 Cranbourn Street London WC2H 7AD	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 11:00 - 23:00
-19940	Noodle Stop	Ground 44-46 Cranbourn Street London WC2H 7AN	Monday to Saturday 10:00 - 05:00 Sunday 12:00 - 05:00
-1656	Round Table Public House	28-27 St Martin's Court London WC2N 4AL	Friday to Saturday 07:00 - 00:00 Sunday 07:00 - 22:50 Monday to Thursday 07:00 - 23:30 Sundays before Bank Holidays 07:00 - 23:30
-26955	Westminster Noodle Bar	Ground Floor 33 Cranbourn Street London WC2H 7AD	Sunday to Thursday 10:00 - 02:00 Friday to Saturday 10:00 - 05:00
4531	Cafe Fiori	42 Cranbourn Street London WC2H 7JH	Monday to Saturday 10:00 - 05:00 Sunday 12:00 - 05:00
13181	Noel Coward Theatre	Noel Coward Theatre 85-89 St Martin's Lane London WC2N 4AU	Monday to Sunday 09:00 - 01:00
-30907	Enbrecote Torilla	21 Cranbourn Street London WC2H 7AA	Monday to Sunday 23:00 - 05:00
-28638	Bear & Staff Public House	10-12 Bear Street London WC2H 7AS	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
5889	PizzaExpress	43 Charing Cross Road London WC2H 0AP	Sunday 07:00 - 00:00 Monday to Saturday 07:00 - 00:30 Sundays before Bank Holidays 07:00 - 00:30
11024	Spashtiti House	24 Cranbourn Street London WC2H 7AA	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
31741	The Porcupine Public House	48 Charing Cross Road London WC2H 0DS	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
-32598	The Zoo Bar And Club	Basement And Ground Floor Cameo House 13-17 Bear Street London WC2H 7AQ	Sunday 09:00 - 01:00 Monday to Saturday 09:00 - 02:30 Sundays before Bank Holidays 09:00 - 02:30 Monday to Saturday 09:00 - 03:30
-17867	Cork And Bottle Wine Bar	Basement 44-46 Cranbourn Street London WC2H 7AN	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-31515	Angus Steak House	Ground Floor 20 Cranbourn Street London WC2H 7AA	Sunday 10:00 - 00:00 Monday to Saturday 10:00 - 01:00 Sundays before Bank Holidays 10:00 - 01:00
18641	K. S. Food And Wine	Ground Floor 35 Charing Cross Road London WC2H 0AT	Monday to Sunday 08:00 - 05:00
22353	Piazza Restaurant	35 Cranbourn Street London WC2N 4AJ	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-26381	Brown's Restaurant	82-84 St Martin's Lane London WC2N 4AG	Monday to Sunday 08:00 - 00:00 Sunday to Wednesday 08:00 - 00:30 Thursday to Saturday 08:00 - 01:30
-9754	Gaby's Continental Bar	30 Charing Cross Road London WC2H 0DB	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-151	Abeno Tso Japanese Restaurant	15-18 Great Newport Street London WC2H 7JG	Sunday 12:00 - 22:30 Monday to Wednesday 12:00 - 23:00 Wednesday to Saturday 12:00 - 23:30
8749	Rimini Coffee Bar	Basement And Ground Floor West 47 Cranbourn Street London WC2H 7AN	Monday to Thursday 10:00 - 02:00 Monday to Thursday 10:00 - 02:00 Friday to Saturday 10:00 - 03:00 Friday to Saturday 10:00 - 04:00 Sunday 12:00 - 01:30 Sunday 12:00 - 02:00

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

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015

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