



City of Westminster

# Committee Agenda

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

Meeting Date: **Thursday 22nd September, 2016**

Time: **10.00 am**

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

Members: **Councillors:**

Melvyn Caplan (Chairman)  
Heather Acton  
Murad Gassanly

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

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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.**



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**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 Director of Law 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. PICTURE MARYLEBONE, BASEMENT AND GROUND FLOOR, 19 NEW CAVENDISH STREET, W1

(Pages 1 - 22)

App No	Ward/ Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
1.	Marylebone High Street / not in cumulative impact area	Picture Marylebone, Basement And Ground Floor, 19 New Cavendish Street, W1	Variation	16/07748/LIPV

#### 2. GEORGIAN HOUSE HOTEL, 37 ST GEORGE'S DRIVE, SW1

(Pages 23 - 44)

App No	Ward/ Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
2.	Warwick / not in cumulative	Georgian House Hotel, 37	New	15/11488/LIPN

	impact area	St George's Drive, SW1		
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**3. FRANKIE & BENNY'S, 20-21 LEICESTER SQUARE, WC2**

**(Pages 45 - 66)**

App No	Ward/ Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
3.	St James's / West End Cumulative Impact Area	Frankie & Benny's, 20-21 Leicester Square, WC2	New	16/07182/LIPN

**4. CHIQUITOS, 20-21 LEICESTER SQUARE, WC2**

**(Pages 67 - 96)**

App No	Ward/ Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
4.	St James's / West End Cumulative Impact Area	Chiquitos, 20-21 Leicester Square, WC2	New	16/07182/LIPN

**5. TAPE, BASEMENT, 17 HANOVER SQUARE, W1**

**(Pages 97 - 120)**

App No	Ward/ Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
5.	West End / not in cumulative impact area	Tape, Basement, 17 Hanover Square, W1	Variation	16/07553/LIPV

**6. BRITISH SEX SHOP, BASEMENT, 8 GREEN'S COURT, W1**

**(Pages 121 -  
140)**

App No	Ward	Site Name and Address	Application	Licensing Reference Number
6.	West End	British Sex Shop, Basement, 8 Green's Court, W1	Application to renew sex establishment licence	16/05871/LISE XR

**Charlie Parker  
Chief Executive  
16 September 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.



City of Westminster

# Licensing Sub-Committee Report

Agenda Item 1

Item No:	
Date:	22.09.2016
Licensing Ref No:	16/07748/LIPV - Premises Licence Variation
Title of Report:	Picture Marylebone Basement And Ground Floor 19 New Cavendish Street London
Report of:	Director of Public Protection and Licensing
Wards involved:	Marylebone High Street
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Mr David Sycamore Senior Licensing Officer
Contact details	Telephone: 020 7641 8556 Email: dsycamore@westminster.gov.uk

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	Variation of a Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	22 July 2016		
<b>Applicant:</b>	Act Restaurants Limited		
<b>Premises:</b>	Picture Marylebone		
<b>Premises address:</b>	Basement and Ground Floor 19 New Cavendish Street London W1G 9TZ	<b>Ward:</b>	Marylebone
		<b>Cumulative Impact Area:</b>	No
<b>Premises description:</b>	This is a small restaurant on a busy high street. It backs onto a residential area.		
<b>Variation description:</b>	<p>The application is to extend the times alcohol can be sold until 23:00hrs on Monday, Tuesday and Wednesday. No late night refreshment had been sought.</p> <p>The application also seeks to reduce the sale of alcohol and opening hours from 11:00hrs till 11:30hrs Monday to Saturday. (A reduction of 30 minutes) Sunday remains unchanged.</p> <p>The application seeks to allow for a limited number of tables and chairs to be used outside on the private forecourt.</p>		
<b>Premises licence history:</b>	Please see appendix 3		
<b>Applicant submissions:</b>	Agreement to proposed conditions with Environmental Health and the reduction of hours. No further documents.		

<b>1-B Current and proposed licensable activities, areas and hours</b>						
<b>Sale by Retail of Alcohol</b>						
<b>On or off sales</b>			<b>Current :</b>		<b>Proposed:</b>	
			On and off		On and off	
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Licensable Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	11:00	22:30	<b>11:30</b>	<b>23:00</b>	Whole premises	No change.
<b>Tuesday</b>	11:00	22:30	<b>11:30</b>	<b>23:00</b>		
<b>Wednesday</b>	11:00	22:30	<b>11:30</b>	<b>23:00</b>		
<b>Thursday</b>	11:00	23:00	<b>11:30</b>	23:00		
<b>Friday</b>	11:00	23:00	<b>11:30</b>	23:00		
<b>Saturday</b>	11:00	23:00	<b>11:30</b>	23:00		
<b>Sunday</b>	11:00	22:30	11:00	22:30		
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>					
	n/a				n/a	
	n/a				n/a	

<b>Hours premises are open to the public</b>						
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Premises Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	11:00	22:30	<b>11:30</b>	23:00	Whole premises	No change
<b>Tuesday</b>	11:00	22:30	<b>11:30</b>	23:00		
<b>Wednesday</b>	11:00	22:30	<b>11:30</b>	23:00		
<b>Thursday</b>	11:00	23:00	<b>11:30</b>	23:00		
<b>Friday</b>	11:00	23:00	<b>11:30</b>	23:00		
<b>Saturday</b>	11:00	23:00	<b>11:30</b>	23:00		
<b>Sunday</b>	11:00	22:30	11:00	22:30		
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>					
	n/a				n/a	
	n/a				n/a	

<b>1-C Layout alteration</b>
<b>No change.</b>

1-D Conditions being varied, added or removed		
Condition	Proposed variation	
25. There shall be no outside tables and chairs at any time.	To be removed.	
Adult entertainment:	Current position:	Proposed position:
	n/a	n/a

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Licensing Authority
<b>Representative:</b>	Miss Claire Hayes
<b>Received:</b>	18.08.2016
<p>As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011 the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the Licensing Objectives:</p> <ul style="list-style-type: none"> <li>• Public Nuisance</li> <li>• Prevention of Crime &amp; Disorder</li> <li>• Public Safety</li> <li>• Protection of Children from Harm</li> </ul> <p>As it stands the application does contravene Westminster's Statement of Licensing Policy HRS1. The application is requesting the sale of alcohol on the premises between 11:30 to 00:00 Monday to Saturday.</p> <p>Policy HRS1 states at paragraph 2.3.2: "It is the intention to generally grant licences... where the hours when customers are permitted to be on the premises are within the 'core hours' as set out in Policy HRS1. This is not a policy to refuse applications for longer hours than the core hours and consideration will in all cases be given to the individual merits of an application. Where a proposal is made to operate outside these core hours each application will be considered on its merits against the criteria as set out in paragraph (ii) (of Policy HRS1)".</p> <p>The current application is beyond core hours on Monday to Thursday by 30 minutes.</p> <p>Additionally, your application is for sale of alcohol beyond 23.00 and condition 28 on the premises licence requires the sale of alcohol to be ancillary to a full table meal. The current licence does not include Late Night Refreshment and the application has not requested it to be added.</p> <p>Please therefore accept this as a formal representation, further details will be provided in due course including a discussion relating to conditions. In the meantime, please provide a suitable date to arrange a site visit.</p>	

<b>Responsible Authority:</b>	Environmental Health
<b>Representative:</b>	Anil Drayan
<b>Received:</b>	16.08.2016

**The applicant is seeking the following variation:**

To change the hours for the provision of Alcohol for both 'On' and 'Off' the premises so that there is a later start time but also finishing later becoming from 11:30 to 00:00 hours Monday to Saturday.

To remove condition 25 from the licence.

**I wish to make the following representations:**

The change for later hours requested for the provision of Alcohol for both 'On' and 'Off' the premises may lead to an increase in Public Nuisance in the area.

The removal of condition 25 may lead to an increase in Public Nuisance in the area

Environmental Health agrees the contradictory nature of conditions 12 and 25 needs to be clarified.

Environmental Health also makes the following additional comments:

The applicant is reminded that, as the premises operates as a restaurant, any service of hot food and hot drink after 23:00 hours requires the licensable activity of 'Provision of Late Night Refreshment' to be included on the licence.

As this is currently not on the licence and has not been applied for this application is recommended to be withdrawn and a re-application submitted by also including a request for this licensable activity to be added to the licence.

The applicant is advised to contact the undersigned to arrange a site visit to discuss the above issues.

<b>Responsible Authority:</b>	Metropolitan Police
<b>Representative:</b>	Pc Lewis
<b>Received:</b>	16.08.2016

With reference to the above application I am writing to inform you that the Police, as Responsible Authority, object to your application for the variation of the Premises Licence as it is our belief that if granted the application may undermine the Licensing Objectives contained in the 2003 Licensing Act.

**Our objections relate to the following:**

- There are insufficient conditions offered to promote the licensing objectives
- Further information is required to properly assess this application

2-B Other Persons			
<b>Name:</b>		Peter Farren	
<b>Address and/or Residents Association:</b>		5 Westmoreland Street London W1G 8PJ	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	18.08.2016		
<p>Extensions on to the pavement are wholly undesirable. They are impossible to manage, and, as is seen nightly in the case of the Cavendish, a few yards east, they invariably stray further onto the pavement than has been agreed, making it difficult and sometimes dangerous to pass by, when forced into the road</p> <p>They also increase noise levels for residents.</p> <p>In my submission, the first was a mistake - but that should not be regarded as a precedent whereby as many as apply can be permitted</p>			
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED]	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	15.08.2016		
<p>We live in the same block, Kingsley Lodge, than this restaurant, on the first floor and have a common wall with this premise. Kingsley Lodge is a very quiet residential block, with few shops on the ground floor, away from the busy Marylebone High Street. Since the opening of the restaurant Picture on the 4th of July 2016, we have been suffering from a strong nuisance coming from this restaurant.</p> <p>They have repeatedly not complied with the term of their existing license (Annex 2, conditions: 10 and 11) by leaving the back windows of the restaurant open which creates a very strong noise due to the resonance in the backyard of the building meaning we needed to keep our windows closed which is clearly unacceptable. We have notified Westminster Noise team several times of the constant breach of the term of the license and once contacted by the noise team they were closing down the windows but leaving them open the day after... this restaurant is absolutely not respectful of the residential neighbourhood and orders from Westminster. It is also frequent that when they close down their kitchen late in the evening they empty the bins in the courtyard or have staff discussing</p>			



outside which give further nuisance..

In addition, when the restaurant is busy in the evening we can clearly hear background noise through the walls of the bedroom of our children because the sound insulation of the premise is not sufficient. We have notified this issue to their landlord but no action has been taken so far.

Consequently, we object to the proposed variation which can only increase the nuisance caused by this restaurant:

- by extending the opening hours of premises that don't benefit from proper sound insulation and is likely to create further nuisance to the neighbourhood
- by leaving tables and chairs outside the premise until midnight while residents are living above which would be in contradiction with the term of the license Annex 2- Condition 10.

A further update received – received 15.09.2016

1. The new restaurant has not demonstrated a good sense of complying with its licence (For instance: Windows shall be kept closed after 9 pm)– during the whole July month, they kept leaving the windows of the back of the restaurant open which was creating a substantial noise nuisance in the back courtyard of the building to such an extent that we could not open our back windows anymore. I mentioned the issue to them, to their landlord and to Westminster noise nuisance many times and strangely they finally decided to keep them closed once they applied for this variation of the license. I believe the covenant to keep the windows closed should by the way be extended to be at any time and not only after 9 pm

2. I am still objecting to the extension of the hours from 10.30 pm to 11 pm until they sort out the sound insulation of the premises. When the restaurant is busy, which is fortunately for us not every night, we can clearly hear background noise through the wall in the bedroom where my children are sleeping. I have notified the issue to the landlord who discussed with the restaurant but no action has been taken so far. They are in breach of their existing covenant “No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.” Honestly, I think their opening hours should even be reduced until they fix this issue

<b>Name:</b>	Cllr Scarborough		
<b>Address and/or Residents Association</b>	City Hall		
<b>Status:</b>	Valid	<b>In support of opposed:</b>	Opposed
<b>Received:</b>	13.08.2016		

I am writing to object to with regard to the above extension of opening hours, to beyond Core Hours, as this will be contrary to WCC's licensing objectives, namely the prevention of public nuisance. New Cavendish Street is in the heart of the Marylebone Village which is hugely residential.

To allow this restaurant to serve alcohol beyond Core Hours would set a precedent, as there are numerous other restaurants in the area close by. Many of whom actually such as the Cavendish Wine Bar, Cote, close at 11pm.

The clause regarding tables and chairs obviously need re wording but I would also request that alcohol is only served outside by Waiter/waitress service, to persons seated at tables, that this is ancillary to food and the tables and chairs be rendered unusable by 11pm.

<b>Name:</b>		Nicholas McGill	
<b>Address and/or Residents Association</b>		20a De Walden Street London w1g 8rn	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed

<b>Received:</b>	18.08.2016
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Number 19 New Cavendish Street backs onto De Walden Street a 100% residential street. The premises has large windows (open in summer)and an open area backing onto De Walden Street. Extension of the permitted licensing hours will inhibit my freedom to sleep after 11pm, use of the outside are or keeping windows open after 9.30pm would serious effect our quiet enjoyment of living in de walden street. I therefore object. Chairs and tables being used after 11pm on New Cavendish street will also lead to unacceptable noise for local residents. I do not object to them having chairs and tables on the pavement but their use after 9.30pm in the evening.

<b>Name:</b>		Dr Nicholas Merthyr Day	
<b>Address and/or Residents Association</b>		10 De Walden Street	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed

<b>Received:</b>	01.08.2016
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I am writing to object, in the strongest possible terms, to the proposed extension of the licensing hours at Picture Restaurant.

I live a few feet immediately behind the restaurant in De Walden Street, at first and second floor. Due to the close proximity of the restaurant and the solid brick wall outside of the basement kitchen doors, sound is channelled up between the buildings. Every sound in both the restaurant room and the kitchen is transmitted directly and clearly to our flat. I can hear every single rattle of plates, cutlery, pots and pans, and diner's conversation, even with all my windows closed.

This nuisance noise starts early in the morning from the kitchen and already continues to after midnight when the kitchen is still clearing up.

The property where the restaurant is located is totally unsuitable for restaurant usage, due to the close siting of neighbouring domestic buildings. It should never have been granted a license in the first place, nor the construction of the large extractor duct which emits a loud buzzing noise 24hrs a day.

The suggestion of extending the licensing hours to midnight would mean noise pollution from circa 7am to 1am, leaving only six hours during the night in which to try and sleep. This is totally unacceptable.

Marylebone has become a prime location, and an extremely expensive one, and residents expect protection from commercial interests creating a constant disturbance.

If you would care to come and have a site visit to see the scale of the problem, please contact me.

<b>Name:</b>		Lorraine Goodhew	
<b>Address and/or Residents Association</b>		20A De Walden St London	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	15.08.2016		
<p>Re opening hours - this is a residential area. Extending the opening hours to 0.00 means that people will be leaving and making a noise up to 1 a.m. These hours are longer than those at nearby Cavendish where there is already considerable noise from customers at the outside tables. 23.00 is a reasonable time for closing bearing in mind that there are flats above the restaurant, to the rear of the restaurant and opposite the restaurant.</p>			

### 3. Policy & Guidance

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

<b>Policy HRS 1 applies</b>	(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.
<b>Policy RNT 1 applies</b>	Applications will generally be granted and reviews determined, subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1.
<b>Policy PB1 applies</b>	Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.

#### 4. Appendices

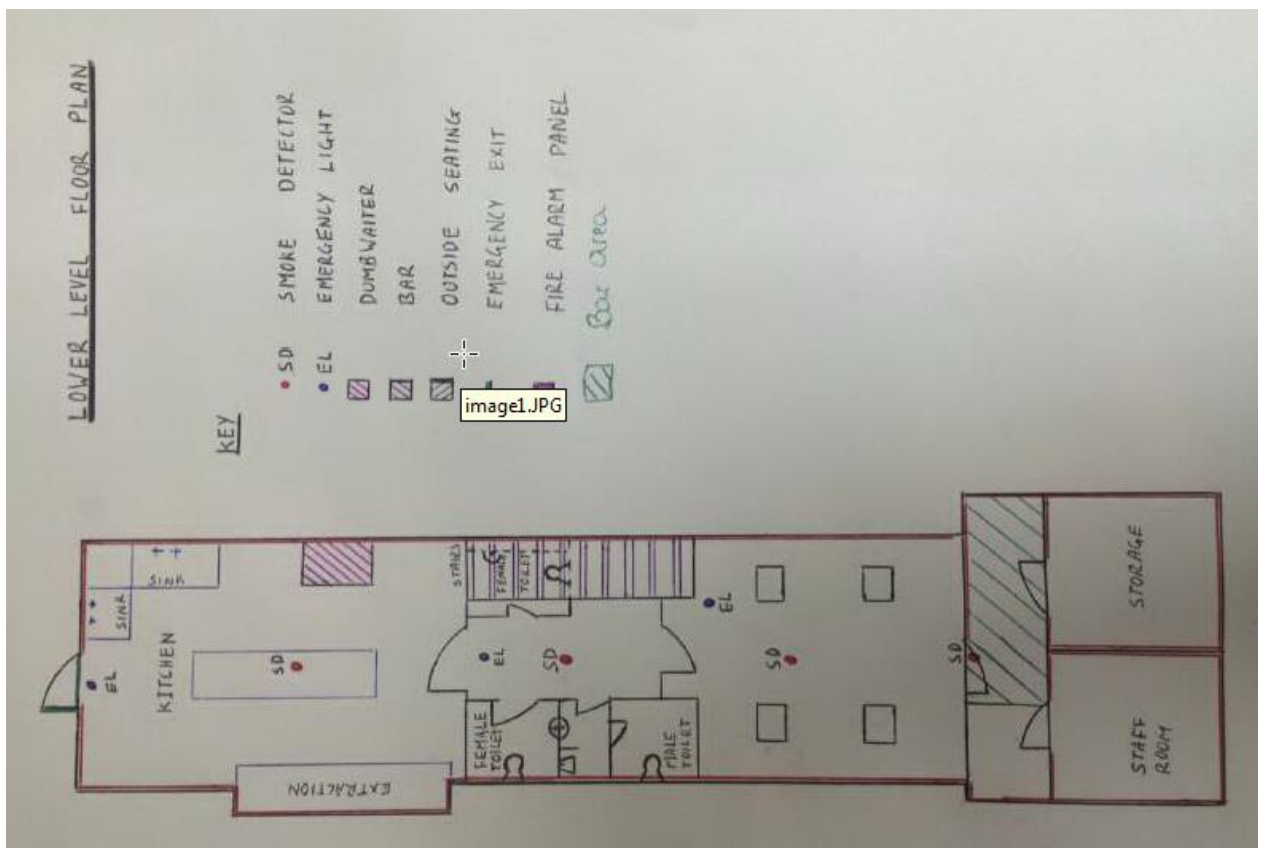
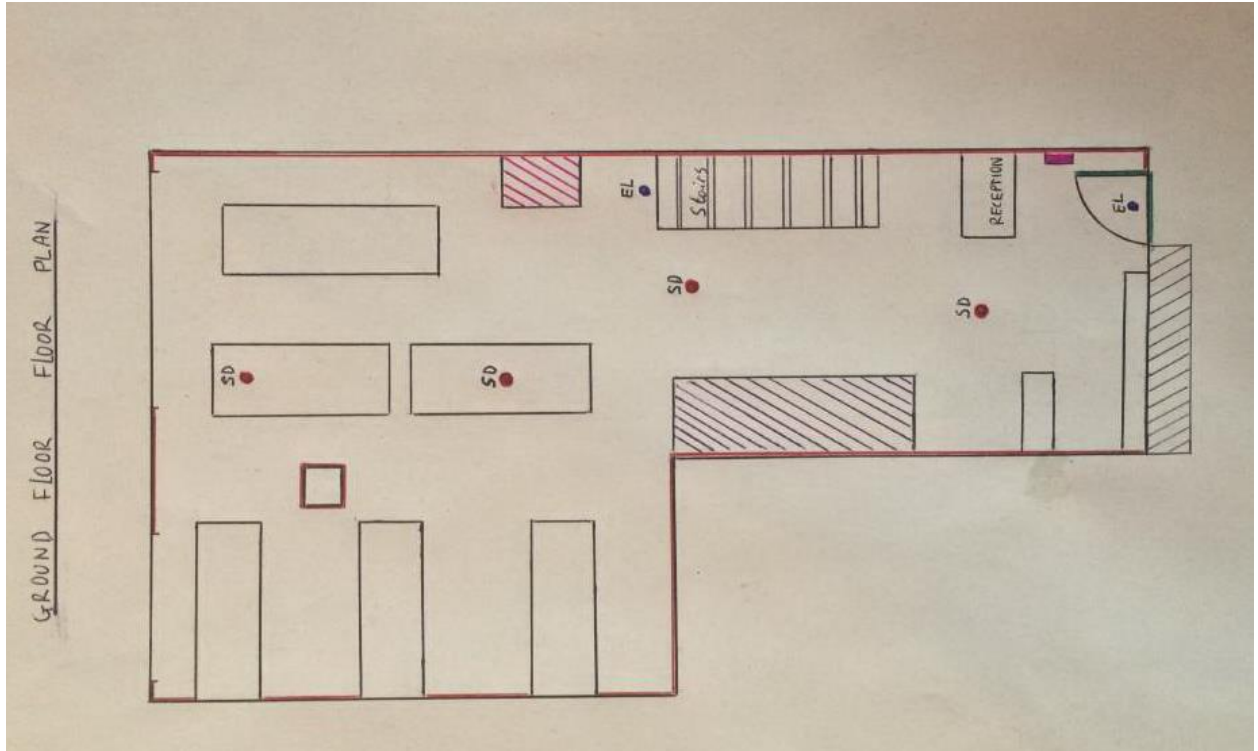
<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents
<b>Appendix 3</b>	Premises history
<b>Appendix 4</b>	Proposed conditions
<b>Appendix 5</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Mr David Sycamore Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 8556 Email: dsycamore@westminster.gov.uk

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

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

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
<b>4</b>	Objections from EH, Police and LA	August 2016
<b>5</b>	Objections from residents	August 2016
<b>6</b>	Email From LA to applicant	September 2016
<b>7</b>	Notice of Hearings to all	September 2016
<b>8</b>	Email from EH to applicant	September 2016
<b>9</b>	Email from applicant to LA – agreed and withdrawn parts of the application.	September 2016



Applicant Supporting Documents

Appendix 2

None.

**Licence & Appeal History**

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
14/07476/LIPN	New Premises	10.10.2014	Granted (GDA)
15/10287/LIPT	Transfer	16.12.2015	Granted (GDA)
16/05807/LIPT	Transfer	27.06.2016	Granted (GDA)
16/05811/LIPDPS	Vary DPS	21.06.2016	Granted (GDA)

**There is no appeal history**

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

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

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

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

**Conditions: On Current Licence -**

**Mandatory:**

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



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

- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

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

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

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -

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

Where -

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

- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

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

9. 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.
10. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
11. 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.
12. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.
13. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
14. Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to a take-away meal.
15. The supply of alcohol shall be by waiter or waitress service only.
16. 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.
17. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
18. 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.

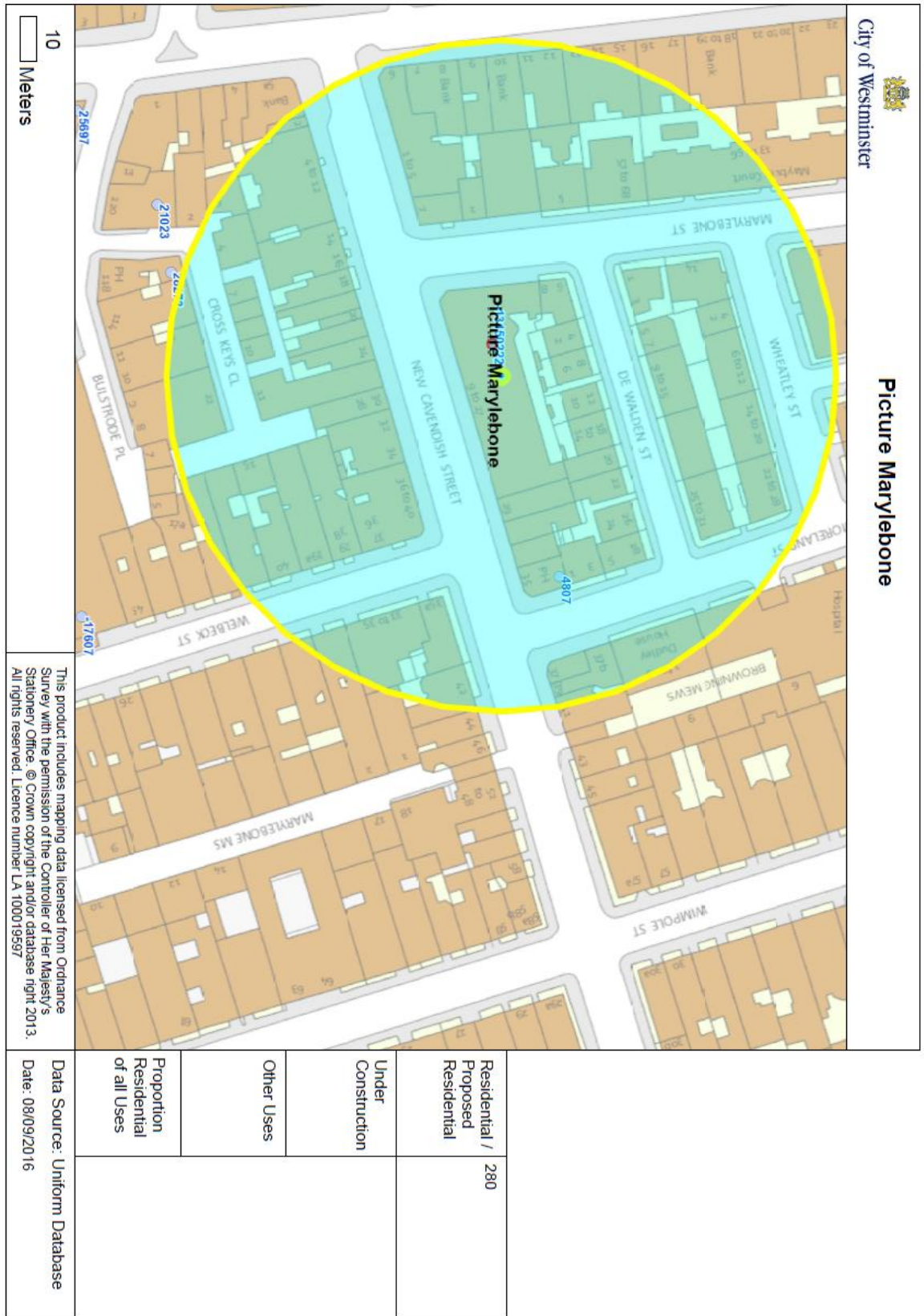
19. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
20. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 2300 hours and 0800 hours on the following day.
21. The number of persons permitted in the premises at any one time (including staff) shall not exceed 90 persons.
22. No deliveries to the premises shall take place between 2300 hours and 0800 hours on the following day.
23. 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.
24. 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.
25. *There shall be no outside tables and chairs at any time.* To be deleted
26. 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.
27. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
28. The premises shall only operate as a restaurant (i) in which customers are shown to their table, (ii) where the supply of alcohol is by waiter or waitress service only, (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery, (iv) which do not provide any take away service of food or drink for immediate consumption, (v) which do not provide any take away service of food or drink after 23.00, and (vi) where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are seated in the premises and bona fide taking substantial table meals there and

provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

29. Notwithstanding condition 28, customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.
30. Notwithstanding condition 28, alcohol may be supplied and consumed prior to their meal by up to a maximum of 20 seated persons in the basement bar area (designated on the plan) dining at the premises at any one time.
31. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
32. There shall be no self service of alcohol.
33. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises are open.
34. 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.

#### **Proposed by Environmental Health**

35. All tables and chairs shall be removed from the outside private forecourt area or rendered unusable by 21.00 hours each day
36. The number of tables and chairs in the outside private forecourt shall be limited to 3 tables and 6 chairs.
37. The premises licence holder shall ensure that any patrons using the outside tables and chairs 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.
38. Staff shall not use the rear courtyard as a recreational place, such as for smoking, at any time



**Premises within 75 metres of Vegan Hippo, 52 Rupert Street, W1D 6DS**

<b>p/n</b>	<b>Name of Premises</b>	<b>Premises Address</b>	<b>Licensed Hours</b>
4807	The Fat Of The Land Public House	35 New Cavendish Street London W1G 9TR	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
-13150	Cafe Gallery	17 New Cavendish Street London W1G 9UA	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
22282	Picture Marylebone	Basement And Ground Floor 19 New Cavendish Street London W1G 9TZ	Sunday to Wednesday 11:00 - 22:30 Thursday to Saturday 11:00 - 23:00

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# Agenda Item 2 Licensing Sub-Committee Report

Item No:	
Date:	22 September 2016
Licensing Ref No:	15/11488/LIPN - New Premises Licence
Title of Report:	Georgian House Hotel 37 St George's Drive London SW1V 4DG
Report of:	Director of Public Protection and Licensing
Wards involved:	Warwick
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Yolanda Wade Senior Licensing Officer
Contact details	Telephone: 020 7641 1884 Email: <a href="mailto:ywade@westminster.gov.uk">ywade@westminster.gov.uk</a>

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	8 December 2015  The application was received in 2015 and was validated in 2016 due to ongoing invalidation issues with the plans.		
<b>Applicant:</b>	Shedden Partners		
<b>Premises:</b>	Georgian House Hotel		
<b>Premises address:</b>	37 St George's Drive London SW1V 4DG	<b>Ward:</b>	Warwick
		<b>Cumulative Impact Area:</b>	No
<b>Premises description:</b>	The premises operate as a hotel with several floors and a bar and restaurant on the lower ground floor.		
<b>Premises licence history:</b>	None		
<b>Applicant submissions:</b>	None		
<b>Note:</b>	<p>The applicant has amended his application on the following points:</p> <ul style="list-style-type: none"> <li>Removal of late night refreshment as part of the original application. As they wish to only be able to serve food to the general public until 11pm, any food served after this time and until 5am will be to hotel residents only via room service.</li> <li>Removal of playing of recorded music as they only wish to be able to play background music that is not amplified.</li> </ul>		

1-B Proposed licensable activities and hours							
<b>Sale by retail of alcohol</b>				<b>On or off sales or both:</b>			
				On			
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	00:01	00:01	00:01	00:01	00:01	00:01	00:01
<b>End:</b>	00:00	00:00	00:00	00:00	00:00	00:00	00:00
<b>Seasonal variations/ Non-standard timings:</b>			N/A				

Hours premises are open to the public							
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	00:01	00:01	00:01	00:01	00:01	00:01	00:01
<b>End:</b>	00:00	00:00	00:00	00:00	00:00	00:00	00:00
<b>Seasonal variations/ Non-</b>			N/A				

<b>standard timings:</b>	
<b>Adult Entertainment:</b>	N/A

## 2. Representations

<b>2-A Responsible Authorities</b>	
<b>Responsible Authority:</b>	The Environmental Health Service
<b>Representative:</b>	Maxwell Owusu Koduah
<b>Received:</b>	7 <sup>th</sup> July 2016

This representation is based on plans of basement to fourth floor submitted with the operating schedule.

The applicant is seeking the following:

1. Provision of recorded music "Indoors" Monday to Sunday from 00:01 – 00:00
2. Provision of late night refreshment "Indoors" Monday to Sunday from 23:00 – 05:00
3. Supply of alcohol for consumption "On" the premises Monday to Sunday from 00:01 to 00:00

I wish to make the following representation

1. The provision and hours requested for recorded music will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the area
2. The provision and hours requested for late night refreshment will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the area
3. The supply of alcohol and hours requested will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the area

The applicant has provided conditions in support of the application which is being considered but do not fully address the concerns of Environmental Health.

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

The granting of the application as presented would have the likely effect of causing an increase in Public Nuisance and may impact on Public Safety within the area.

The Environmental Health Service has proposed conditions which have been agreed by the applicant. They are however maintaining their objection to the application.



2-B Other Persons	
<b>Name:</b>	Miss Babrara Dingle
<b>Address and/or Residents Association:</b>	69 Cambridge Street London SW1V 4PS
<b>Received:</b>	15 <sup>th</sup> July 2016
9:54 AM on 15 Jul 2016	
<p>I object most strongly to this application for the 24 hr sale of alcohol and also late night recorded music. My Cambridge Street residential property in the otherwise peaceful "Pimlico Grid" backs on to this hotel which has already caused disturbance due to light pollution following a recent refurbishment.</p> <p>Furthermore, I'm concerned that the granting of this licence will cause a troubling precedent leading to other hotels in St George's Drive to follow suit and also apply for such licences. Before we know it, the peaceful adjacent neighbourhood will suffer from unwanted noise in the evenings and night time.</p> <p>In particular, during the summer months in Cambridge Street, it is a joy to relax with open windows and use our balconies and patio gardens without disturbance from commercial ventures of this sort.</p> <p>I respectfully ask the Licencing Committee to decline this application.</p>	
<b>Name:</b>	Mrs Jacqui Wilkinson
<b>Address and/or Residents Association:</b>	22A Hugh Street Pimlico London SW1V 1RP
<b>Received:</b>	19 <sup>th</sup> July 2016
6:17 PM on 19 Jul 2016	
<p>I object in the strongest terms to the 24 hour retail of alcohol. The Georgian House Hotel is on a main thoroughfare in Pimlico which is surrounded by quiet residential streets. If the Hotel is given permission for 24/7 alcohol retail, it is not unreasonable to assume that other hotels in the area (3 are very close and a large number in the general vicinity particularly along Warwick Way) are likely to follow, quoting permission for the Georgian House Hotel as a precedent.</p> <p>We are well aware of the problems caused by 24 hour alcohol licences elsewhere in Westminster, such as anti-social behaviour and loss of amenity for residents. I believe this would be highly detrimental and totally unnecessary. I wish to speak at the relevant licensing committee.</p>	
<b>Name:</b>	Mrs Emily Hammer
<b>Address and/or Residents Association:</b>	71 Cambridge Street London SW1V 4PS
<b>Received:</b>	15 <sup>th</sup> July 2016

8:25 AM on 15 Jul 2016

I am very concerned about the potential noise disturbance from the opportunity for hotel guests to have the use of a 24 hour bar and for food to be served from 11pm - 5am. The kitchen noise would be an additional disturbance if food is being prepared as the kitchen equipment and fans would undoubtedly need to be used and would be loudly audible at night when there is very limited traffic and other noise. The Georgian House hotel backs on to a number of residential houses on Cambridge Street. The hotel already causes sporadic disturbances due to the lights being left on overnight and guests making noise late at night. We have often had to call to ask guests to quieten down. The extension of their license to allow for an all night bar gives serious concern about how much more noise would be caused late at night to a quiet area with young families.

<b>Name:</b>	Mrs Louise Walewska
<b>Address and/or Residents Association:</b>	Ground Floor 69 Cambridge Street London Sw1v 4pS
<b>Received:</b>	30 <sup>th</sup> June 2016

2:47 PM on 30 Jun 2016

We strongly object to the 24 hour bar licence requested by the Georgian House Hotel, as our bedrooms are just opposite the back of the hotel.

### 3. Policy & Guidance

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

Policy HOT1 applies:	<p>Subject to the effect on the promotion of the licensing objectives and other relevant policies in this Statement, premises licences for hotels will generally be granted so that:</p> <p>(a) Alcohol is permitted to be sold at any time to people staying in hotel rooms for consumption on the premises.</p> <p>(b) The hours of serving of alcohol to the general public will be subject to conditions limiting the sale of alcohol after a specified time to those attending pre-booked events held at the hotel,</p> <p>(c) The exhibition of film, in the form of recordings or non-broadcast television programmes to be viewed in hotel bedrooms, will generally be permitted.</p> <p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p>
Policy HRS1 applies:	<p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p>



#### 4. Appendices

<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents
<b>Appendix 3</b>	Premises history
<b>Appendix 4</b>	Proposed conditions
<b>Appendix 5</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Miss Yolanda Wade Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 1884 Email: <a href="mailto:ywade@westminster.gov.uk">ywade@westminster.gov.uk</a>

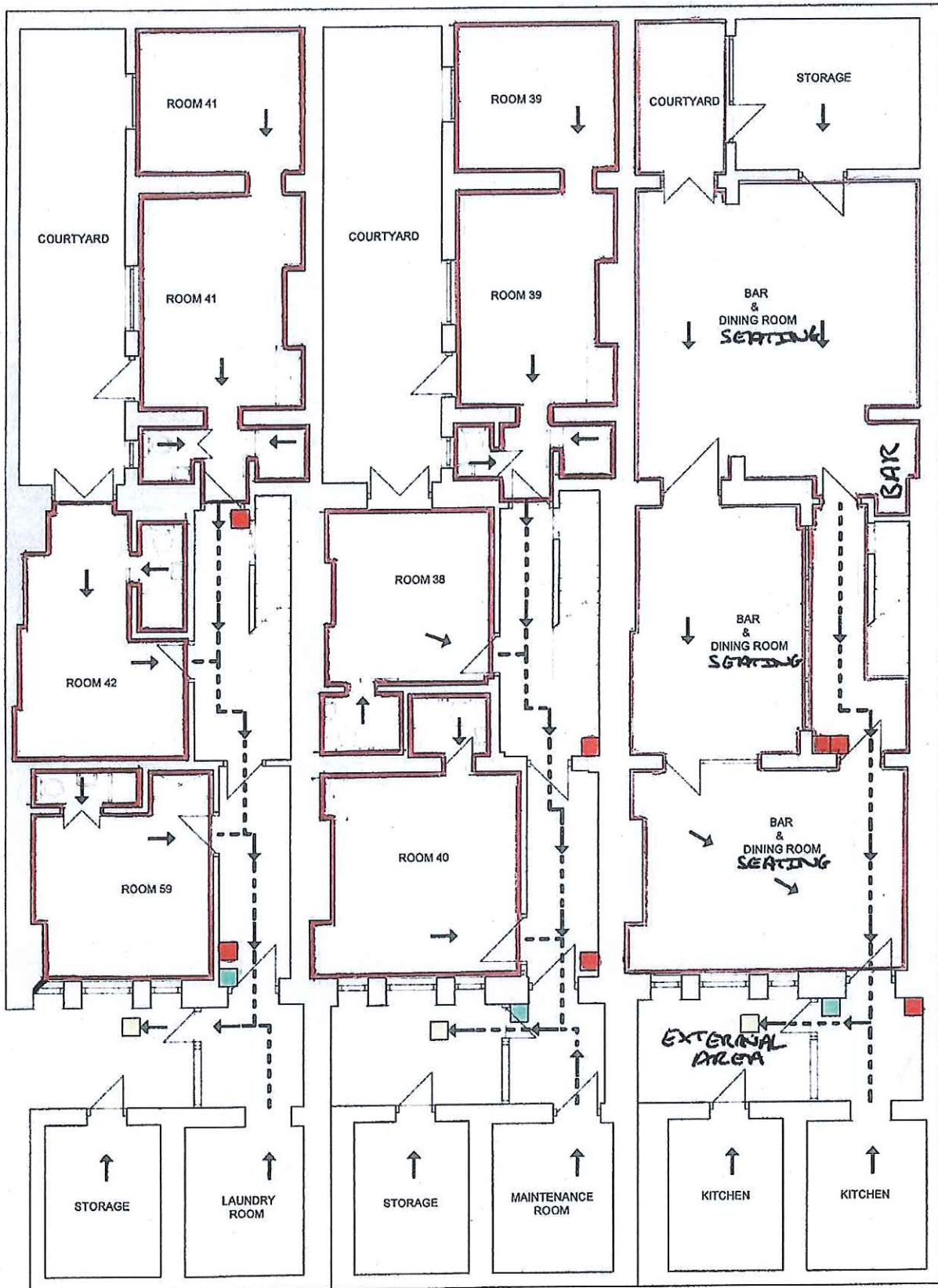
**If you have any queries about this report or wish to inspect one of the background papers please contact the report author.**

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

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
<b>4</b>	Application Form	8 <sup>th</sup> December 2015
<b>5</b>	EH Rep	7 <sup>th</sup> July 2016
<b>6</b>	Miss Babrara Dingle	15 <sup>th</sup> July 2016
<b>7</b>	Mrs Jacqui Wilkinson	19 <sup>th</sup> July 2016
<b>8</b>	Mrs Emily Hammer	15 <sup>th</sup> July 2016
<b>9</b>	Mrs Louise Walewska	30 <sup>th</sup> June 2016
<b>10</b>	Proposed Conditions by EH	5 <sup>th</sup> August 2016

# APPENDIX 1

## GEORGIAN HOUSE - BASEMENT



### LEGEND

→ ESCAPE ROUTE

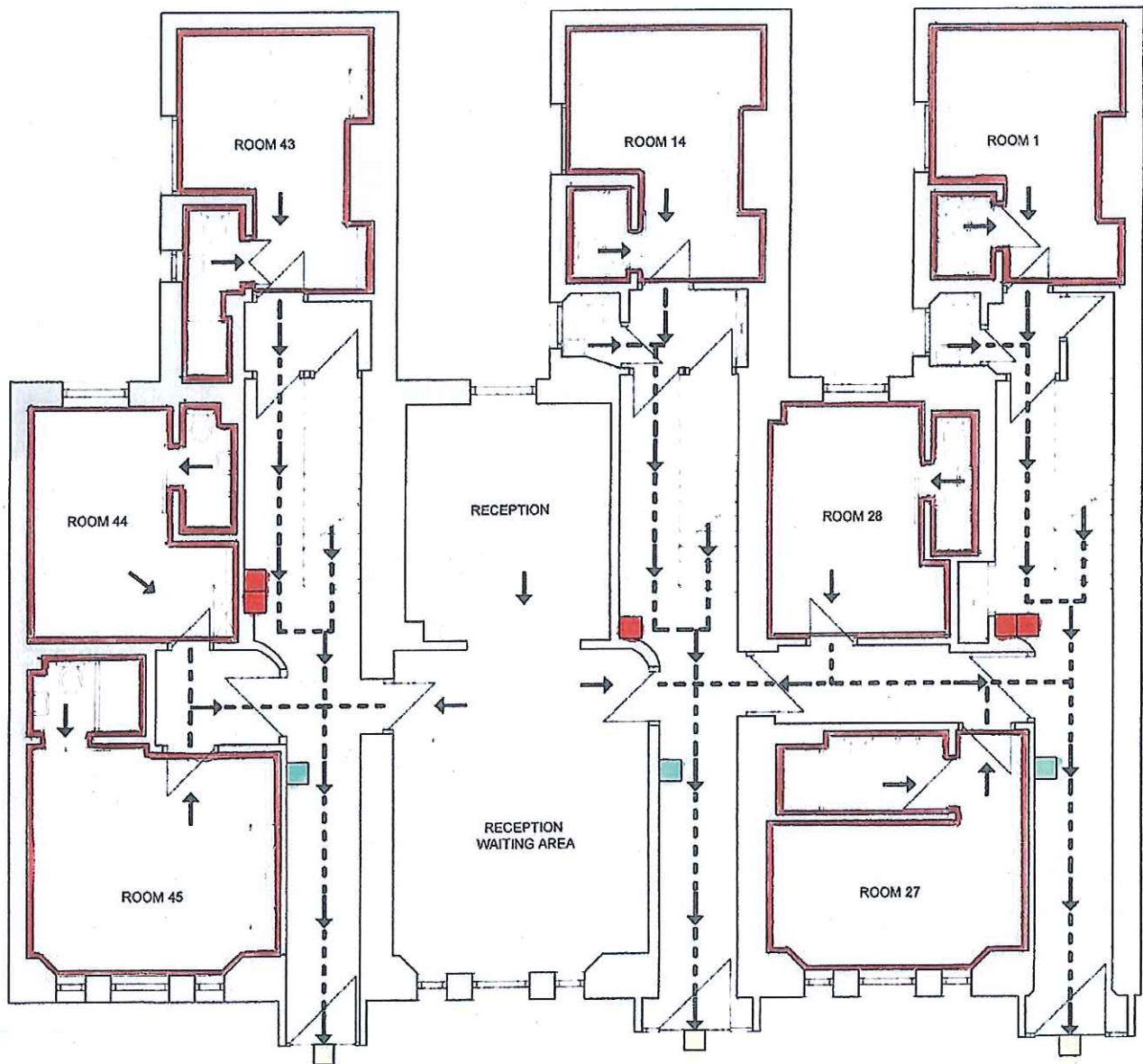
□ EMERGENCY EXIT

■ FIRE ALARM CALL POINT

■ FIRE EXTINGUISHER

■ FIRE BLANKET

GEORGIAN HOUSE - GROUND FLOOR



LEGEND

- ESCAPE ROUTE
- EMERGENCY EXIT
- FIRE ALARM CALL POINT
- FIRE EXTINGUISHER
- FIRE BLANKET
- LICENSABLE AREA



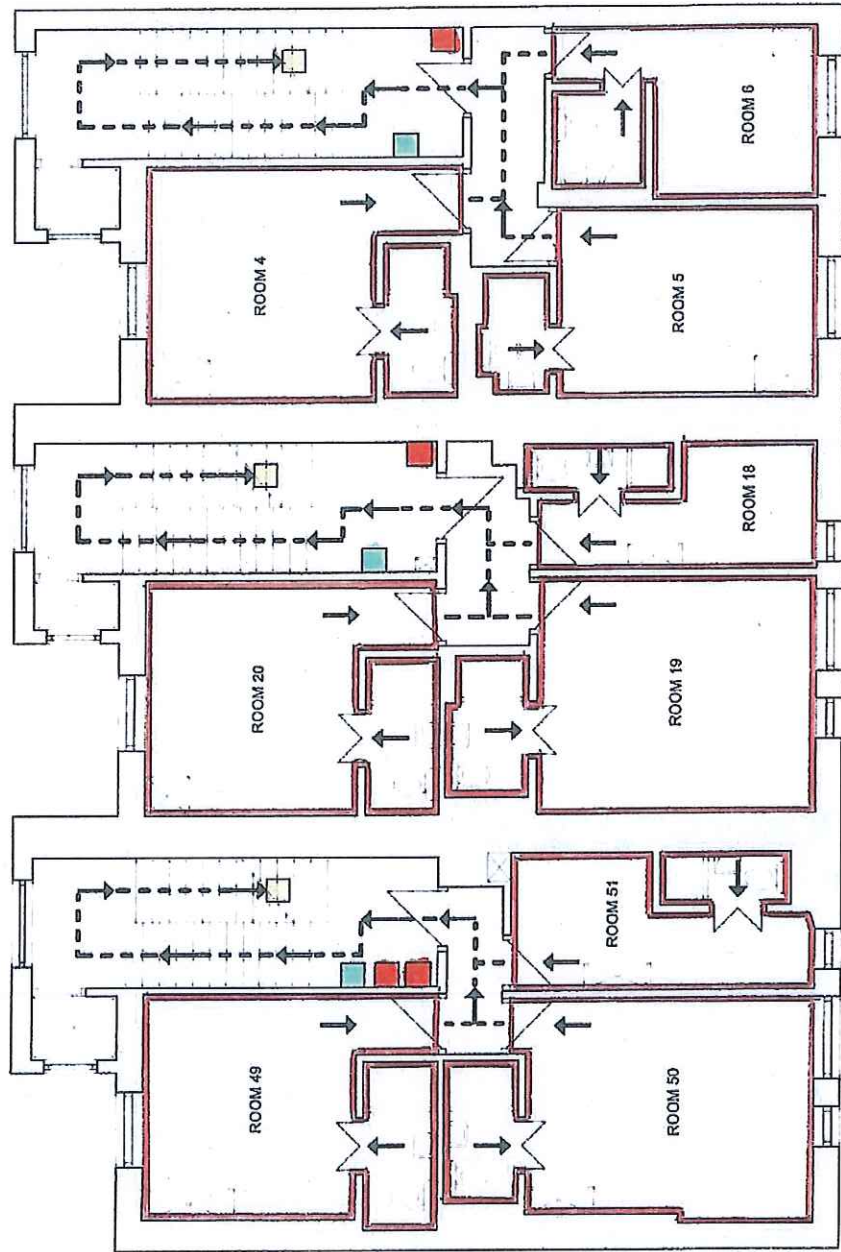
**GEORGIAN HOUSE - FIRST FLOOR**



**LEGEND**

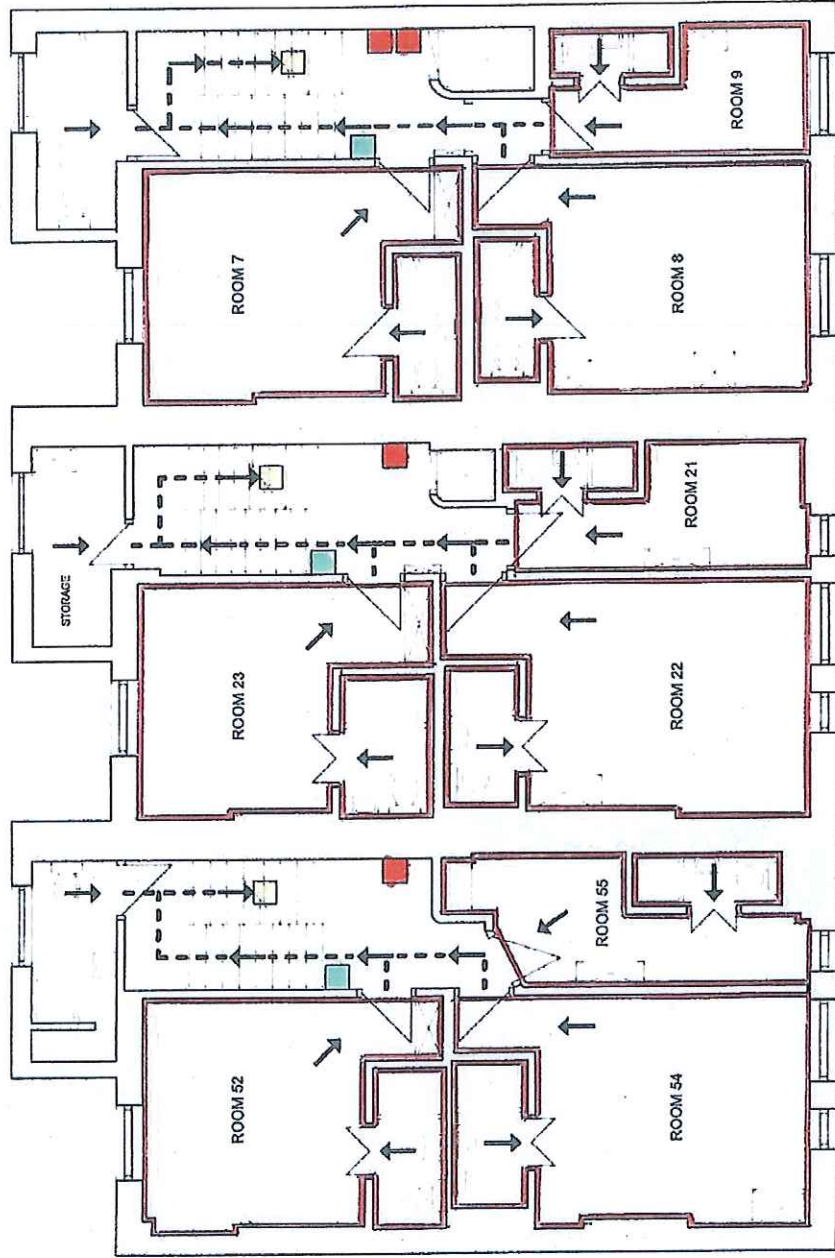
- ESCAPE ROUTE
- EMERGENCY EXIT
- FIRE ALARM CALL POINT
- FIRE EXTINGUISHER
- FIRE BLANKET
- LICENSABLE AREA

GEORGIAN HOUSE - SECOND FLOOR



- LEGEND
- ↑ ESCAPE ROUTE
  - EMERGENCY EXIT
  - FIRE ALARM CALL POINT
  - FIRE EXTINGUISHER
  - FIRE BLANKET
  - LIGONSENSE AREA

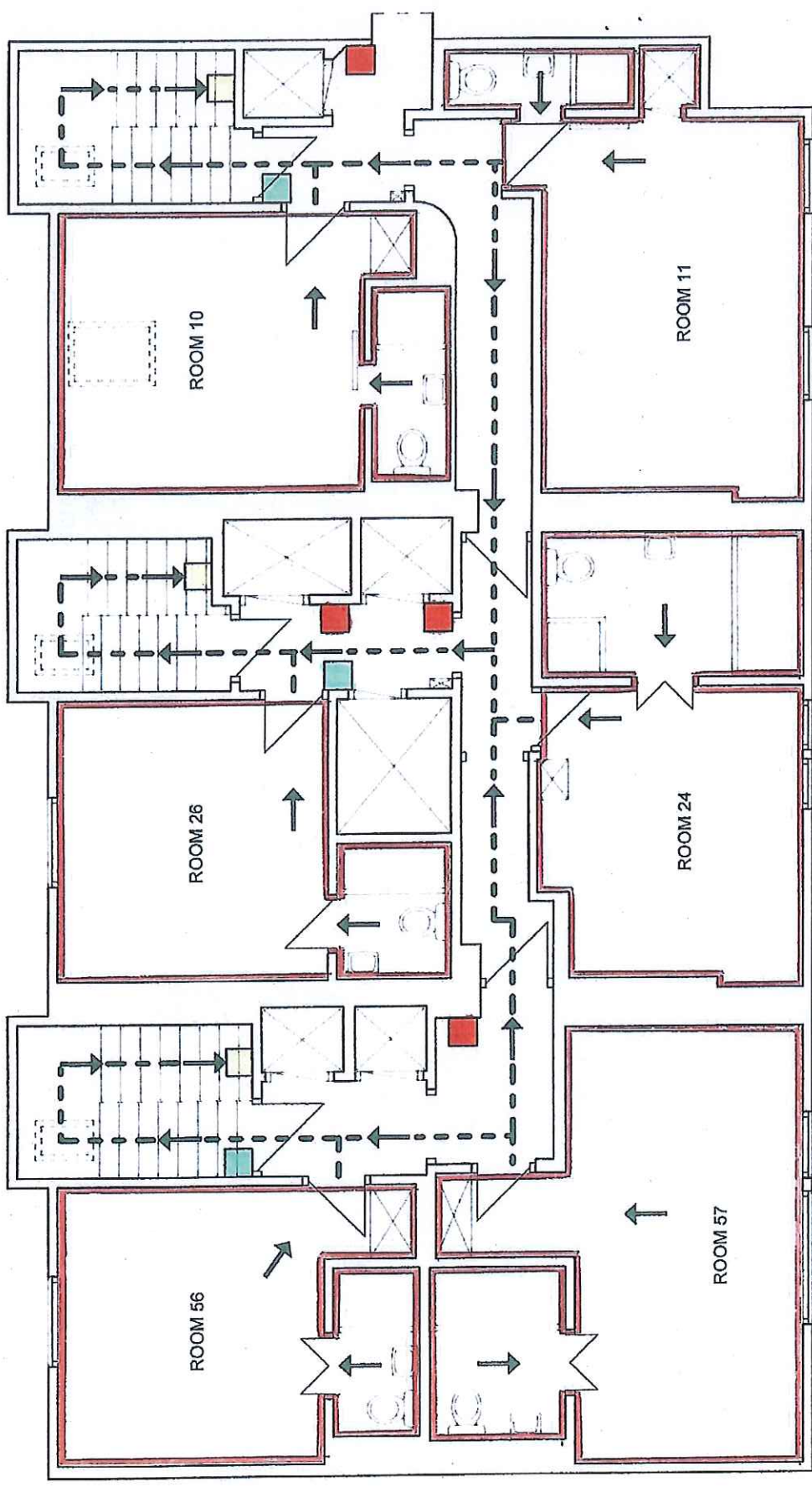
GEORGIAN HOUSE - THIRD FLOOR



- LEGEND
- ESCAPE ROUTE
  - EMERGENCY EXIT
  - FIRE ALARM CALL POINT
  - FIRE EXTINGUISHER
  - FIRE BLANKET
  - - - LICENSABLE AREA



**GEORGIAN HOUSE - FOURTH FLOOR (TOP FLOOR)**



- LEGEND**
- ESCAPE ROUTE
  - EMERGENCY EXIT
  - FIRE ALARM CALL POINT
  - FIRE EXTINGUISHER
  - FIRE BLANKET
  - - - LICENSABLE AREA

No supporting documents received from applicant

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 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. There shall be no self-service of alcohol on the premises.
10. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open to non-residents.
11. 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.
12. The premises shall install and maintain a 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 officers 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 is open to non-residents of the hotel. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
14. The number of persons permitted within the bar & dining rooms in the basement at any one time (excluding staff) shall not exceed 60 persons
15. 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.
16. There shall be no striptease or nudity, in the public licensed area 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.
17. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and business and leave the area quietly.
18. Patrons will be encouraged by staff to leave quietly and respect the interests of the occupiers of any nearby noise sensitive premises, Where appropriate the licensee or a suitable staff member will monitor patrons leaving at the closing time.
19. Contact numbers for local taxi firm(s) shall be kept at the premises and made available to patrons requiring a taxi
20. Children under the age of 16 shall not be permitted to enter the premises after 21:00 unless dining with an adult or attending a pre booked function or resident in the hotel.
21. 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

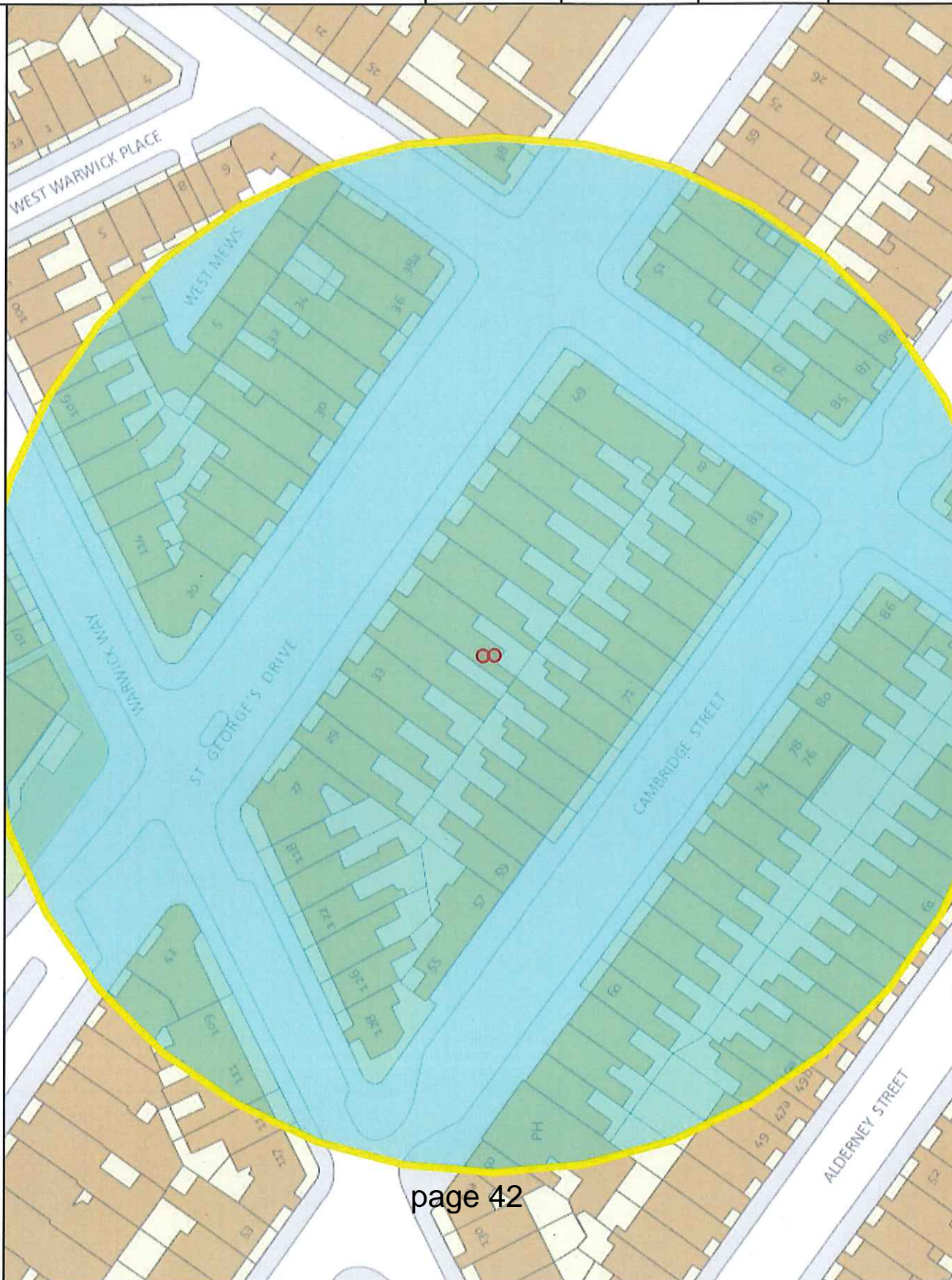


swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.

22. The sale of alcohol after 23:00 is only for consumption by residents or their bona-fide guests or to non-residents attending pre-booked events
23. 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.
24. 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
25. All exit doors on designated escape routes shall be available at all material times without the use of a key, code, card or similar means.
26. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23:00 hours and 08.00 hours on the following day
27. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance
28. 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

# APPENDIX 5

## Georgian House Hotel 37 St George's Drive



Residential / Proposed Residential	Under Construction	Other Uses	Proportion Residential of all Uses
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Data Source: Uniform Database  
Date: 08/09/2016

Premises within 75 metres of: Georgian House Hotel 37 St George's Drive

p / n	Name of Premises	Premises Address	Licensed Hours
27861	Bash Supermarket	59 Cambridge Street London SW1V 4PS	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30

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# Agenda Item 3 Licensing Sub-Committee Report

Item No:	
Date:	22 September 2016
Licensing Ref No:	16/07182/LIPN - New Premises Licence
Title of Report:	Frankie & Benny's 20-21 Leicester Square London WC2H 7LE
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:	Ms Claire Hayes Senior Licensing Practitioner
Contact details	Telephone: 020 7641 7816 Email: <a href="mailto:chayes@westminster.gov.uk">chayes@westminster.gov.uk</a>



# 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	11 July 2016		
<b>Applicant:</b>	The Restaurant Group (UK) Limited		
<b>Premises:</b>	Frankie & Benny's		
<b>Premises address:</b>	20-21 Leicester Square London WC2H 7LE	<b>Ward:</b>	St James's
		<b>Cumulative Impact Area:</b>	West End
<b>Premises description:</b>	The premises are described as a restaurant and bar		
<b>Premises licence history:</b>	<p>The premises are currently licensed as part of Chiquitos which covers the ground and first floors. This new application is intended to split the premises in to two licensed premises. This application is to cover the first floor. A separate application to vary the current licence 14/10026/LIPDPS to remove the first floor from the licence is listed for hearing to be determined at the same time.</p> <p>This application is requesting the same activities and times as the existing licence except that playing of recorded music is currently unrestricted and this application seeks to restrict the hours. Additionally the performance of dance, anything of a similar description to Live Music, recorded music or performance of dance and private entertainment have not been requested.</p>		
<b>Applicant submissions:</b>	No additional submissions have been received		

1-B Proposed licensable activities and hours							
Regulated Entertainment : Live Music				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
<b>Start:</b>	09:00	09:00	09:00	09:00	09:00	09:00	n/a
<b>End:</b>	23:00	23:00	23:00	00:30	00:30	00:30	n/a
<b>Seasonal variations/ Non-standard timings:</b>	From the end of licensable activities on New Year's Eve to the commencement of licensable activities on New Year's Day						



<b>Regulated Entertainment : Recorded Music</b>				<b>Indoors, outdoors or both</b>			<b>Indoors</b>
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thurs</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	08:00	08:00	08:00	08:00	08:00	08:00	08:00
<b>End:</b>	00:30	00:30	00:30	01:00	01:00	01:00	00:00
<b>Seasonal variations/ Non-standard timings:</b>			From the end of licensable activities on New Year's Eve to the commencement of licensable activities on New Year's Day				

<b>Late Night Refreshment:</b>				<b>Indoors, outdoors or both</b>			<b>Indoors</b>
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thurs</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	23:00	23:00	23:00	23:00	23:00	23:00	23:00
<b>End:</b>	00:30	00:30	00:30	01:00	01:00	01:00	00:00
<b>Seasonal variations/ Non-standard timings:</b>			From the end of permitted hours on New Year's Eve to 05:00 on New Year's Day				

<b>Sale by retail of alcohol</b>				<b>On or off sales or both:</b>			<b>Both</b>
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thurs</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	10:00	10:00	10:00	10:00	10:00	10:00	12:00
<b>End:</b>	00:00	00:00	00:30	00:30	00:30	00:30	23:30
<b>Seasonal variations/ Non-standard timings:</b>			From the end of permitted hours on New Year's Eve to the commencement of permitted hours on New Year's Day				

<b>Hours premises are open to the public</b>							
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thurs</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	08:00	08:00	08:00	08:00	08:00	08:00	08:00
<b>End:</b>	00:00	00:00	00:00	01:00	01:00	01:00	00:00
<b>Seasonal variations/ Non-standard timings:</b>			From the end of permitted hours on New Year's Eve to the commencement of permitted hours on New Year's Day				
<b>Adult Entertainment:</b>			None				

## 2. Representations

<b>2-A Responsible Authorities</b>	
<b>Responsible Authority:</b>	Environmental Health
<b>Representative:</b>	Ian Watson
<b>Received:</b>	05 August 2016

I wish to make the following representation

1. The hours requested for the Supply of Alcohol will have the likely effect of causing an increase in Public Nuisance within the West End CI Area.
2. The hours requested to permit the provision of late night refreshment will have the likely effect of causing an increase in Public Nuisance within the West End CI Area.
3. The hours requested to permit the provision of regulated entertainment will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the West End CI Area.

The granting of the application as presented would have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the West End CI Area.

The applicant has not provided any conditions in support of the application.

Update:

Conditions to replace those proposed by the applicant have been sent to the applicant. At the time of publication of this report no comments have been received in relation to the new proposed conditions. Please see the proposed conditions in **Appendix 4**.

**2-B Responsible Authorities**

<b>Responsible Authority:</b>	Metropolitan Police
<b>Representative:</b>	PC Toby Janes
<b>Received:</b>	03 August 2016

With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, make a representation against the above application.

It is our belief that if granted the application would undermine the licensing objectives in relation to the prevention of crime and disorder as there are insufficient conditions within the operating schedule.

The venue is situated in the West End cumulative impact area, a locality where there is traditionally high crime and disorder. We have concerns that this application will cause further policing problems in an already demanding area.

Police would like to propose the following conditions which we believe would address our concerns:

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.

2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
  
3. The premises shall only operate as a restaurant
  - (i) in which customers are shown to their table,
  - (ii) where the supply of alcohol is by waiter or waitress service only,
  - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
  - (iv) which do not provide any take away service of food or drink for immediate consumption,
  - (v) which do not provide any take away service of food or drink after 23.00, and
  - (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.
  
4. 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.
  
5. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received
  - (d) any incidents of disorder
  - (e) any faults in the CCTV system.
  - (f) any visit by a relevant authority or emergency service.
  
6. 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.
  
7. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.

**2-C Responsible Authorities**

**Responsible Authority:** Licensing Authority

**Representative:** Steven Rowe

**Received:** 05 August 2016

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

- Public Nuisance
- Prevention of Crime & Disorder
- Public Safety
- Protection of Children from Harm

As it stands the application does contravene Westminster's Statement of Licensing Policies CIP1, RNT2 (PB2 depending on how the premises operate) and HRS1. The application is requesting the sale of alcohol on the premises between 10:00 to 00:00 Monday to Wednesday, 10:00 to 00:30 Thursday to Saturday and 12:00 to 23:30 on Sunday. For Late Night Refreshment between 23:00 to 00:30 Monday to Wednesday, 23:00 to 01:00 on Thursday to Saturday and 23:00 to 00:00 on Sunday. The applicants have requested Live Music Monday to Wednesday 09.00 to 23.00, Thursday to Saturday 09.00 to 00.30 and Recorded Music on Monday to Wednesday 08.00 to 00.30, Thursday to Saturday 08.00 to 01.00 and Sunday between 08.00 to 00.00. The premises is located inside the Cumulative Impact Area.

Policy CIP1 states (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. However part (ii) states: 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.

Policy HRS1 states at paragraph 2.3.2: "It is the intention to generally grant licences... where the hours when customers are permitted to be on the premises are within the 'core hours' as set out in Policy HRS1. This is not a policy to refuse applications for longer hours than the core hours and consideration will in all cases be given to the individual merits of an application. Where a proposal is made to operate outside these core hours each application will be considered on its merits against the criteria as set out in paragraph (ii) (of Policy HRS1)".

The current application is beyond core hours:

#### Alcohol

30 minutes beyond 'core hours' of 23:30 on Monday to Wednesday  
1 hour beyond 'core hours' of 23:30 on Thursday  
30 minutes beyond 'core hours' of 00:00 Friday to Saturday  
1 hour beyond 'core hours' of 22:30 on Sunday

#### Late Night Refreshment

1 hour beyond 'core hours' of 23:30 on Monday to Wednesday

1 hour 30 minutes beyond 'core hours' of 23:30 on Thursday  
 1 hour beyond 'core hours' of 00:00 on Friday to Saturday  
 1 hour 30 minutes beyond 'core hours' of 22:30 on Sunday (obviously LNR starts at 23:00)

**Regulated Entertainment**

**Live Music**

1 hour beyond 'core hours' of 23:30 on Thursday  
 30 minutes beyond 'core hours' of 00:00 on Friday to Saturday

**Recorded Music**

1 hours commencing before 'core hours' of 09:00 Monday to Sunday  
 1 hour beyond 'core hours' of 23:30 Monday to Wednesday  
 1 hour 30 minutes beyond 'core hours' of 23:30 on Thursday  
 1 hours beyond 'core hours' of on Friday to Saturday  
 1 hour 30 minutes beyond 'core hours' of 22:30 on Sunday

Policy RNT2 which relates to restaurants within the CIA states 'Applications will be granted subject to other policies in this Statement and subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas.

Policy PB2 which relates to pubs and bars states 'It is the Licensing Authority's policy to refuse applications in the CIA other than applications to vary the hours within the core hours under policy HRS1'.

Please therefore accept this as a formal representation, further details will be provided in due course including a discussion relating to conditions. The applicants have stated that they have provided conditions as part of their submissions however I could not see them. In the meantime, please provide a suitable date to arrange a site visit.

**3. Policy & Guidance**

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

Policy CIP1 applies:

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

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 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.

#### 4. Appendices

<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents
<b>Appendix 3</b>	Premises history
<b>Appendix 4</b>	Proposed conditions
<b>Appendix 5</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Ms Claire Hayes Senior Licensing Practitioner
<b>Contact:</b>	Telephone: 020 7641 7816 Email: chayes@westminster.gov.uk

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

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

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
<b>4</b>	Application form	11 <sup>th</sup> July 2016
<b>5</b>	Environmental Health Representation	5 <sup>th</sup> August 2016
<b>6</b>	Police Representation	3 <sup>rd</sup> August 2016
<b>7</b>	Licensing Authority Representation	5 <sup>th</sup> August 2016
<b>8</b>	Environmental Health proposed conditions	15 <sup>th</sup> September 2016









**Applicant Supporting Documents**

No additional supporting documents have been received

Application	Details of Application / Notice	Date Determined	Decision
05/09993/LIPC	Conversion of the Justices' On licence, supper hours certificate, special hours certificate and music and dancing licence	01 November 2005	Granted under delegated authority
06/04123/LIPDPS	Variation of the DPS	20 June 2006	Granted under delegated authority
07/01104/LIPDPS	Variation of the DPS	05 March 2007	Granted under delegated authority
07/09077/LIPDPS	Variation of the DPS	16 November 2007	Granted under delegated authority
08/06154/LIPDPS	Variation of the DPS	06 August 2008	Granted under delegated authority
10/09036/LIPDPS	Variation of the DPS	20 January 2011	Granted under delegated authority
11/06685/LIPDPS	Variation of the DPS	15 July 2011	Granted under delegated authority
11/07813/LIPDPS	Variation of the DPS	19 August 2011	Granted under delegated authority
12/00425/LIPVM	Minor variation to change the layout	07 February 2012	Refused under delegated authority
12/11244/LIPV	Variation to change the layout	08 February 2013	Granted under delegated authority
13/00475/LIPDPS	Variation of the DPS	08 February 2013	Granted under delegated authority
14/02328/LIPVM	Minor variation to amend the opening hours to 08:00	08 April 2014	Granted under delegated authority
14/10026/LIPDPS	Variation of the DPS	03 February 2015	Granted under delegated authority
16/07199/LIPV	Variation to remove the first floor from the remit of the licence, change the layout of the ground floor and remove conditions	Still pending	n/a

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

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

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

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

**Mandatory Conditions**

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

- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
  - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml;
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor.

For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

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

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

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

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

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

Where -

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

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

8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

### **Conditions consistent with the operating schedule**

9. The bar shall be closed at midnight and shall be vacated by 00:20 for these persons not using the restaurant facilities
10. Last entry and orders for the restaurant shall be midnight.
11. Refuse bins situated in the rear alleyway leading to Charing Cross Road, will be secured to the wall.
12. The number of persons accommodated at any one time (excluding staff) shall not exceed: 240
13. Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours.

### **Also requested by Metropolitan Police and Environmental Health**

14. *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.*
15. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.

### **Similar condition requested by Metropolitan Police and Environmental Health**

- 15a. *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 licensable activities are provided. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.*
16. The number of persons accommodated at any one time (excluding staff) shall not exceed 360 (or such other limit agreed with the Environmental Health Consultation Team).
17. The variation application will have no effect until the Licensing Authority are satisfied that the premises is constructed or altered in accordance with the appropriate provisions of the district surveyor and the reasonable requirements of Westminster environmental health consultation team, at which time the condition will be removed from the licence.

### **Conditions proposed by the Environmental Health – not agreed by the applicants**

18. The premises licence shall be surrendered if the holder of the premises licence ceases to be The Restaurant Group (UK) Ltd
19. After 23.00 hours Sunday to Wednesday the sale of alcohol 'On' the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal, or Thursday to Saturday ancillary to the use of the premises for music and dancing and substantial refreshment.

20. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
21. The maximum number of persons permitted in the premises at any one time (excluding staff) shall not exceed
  - First Floor 240 persons

**Also requested by Metropolitan Police**

22. *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.*
23. The bar shall close at midnight and shall be vacated by 00:20 hours for these persons not using the restaurant facilities.
24. Last entry and orders for the restaurant shall be midnight.

**Also proposed by Metropolitan Police**

25. *All sales of alcohol for consumption 'Off' the premises shall be in sealed containers only, and shall not be consumed on the premises.*
26. There shall be no sales of alcohol for consumption 'Off' the premises after 23.00 hours.
27. There shall be no sales of hot food or hot drink for consumption 'Off' the premises after 23.00 hours.
28. The inner entrance doors giving access/egress to the premises and any openable windows shall be closed by 23:00 hours or whenever regulated entertainment is provided at the premises except for immediate access/egress or in the case of emergency.
29. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
30. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

**Also proposed by Metropolitan Police**

31. *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.*
32. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
33. 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.
34. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be

swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.

35. 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.
36. 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.
37. 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.
38. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
39. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
40. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
41. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
42. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.
43. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given.
  - dry ice and cryogenic fog
  - smoke machines and fog generators
  - pyrotechnics including fireworks
  - firearms
  - lasers
  - explosives and highly flammable substances.
  - real flame.
  - strobe lighting.

**Also proposed by Metropolitan Police**

44. *An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:*
  - (a) *all crimes reported to the venue*
  - (b) *all ejections of patrons*
  - (c) *any complaints received concerning crime and disorder*
  - (d) *any incidents of disorder*
  - (e) *all seizures of drugs or offensive weapons*
  - (f) *any faults in the CCTV system or searching equipment or scanning equipment*



*(g) any refusal of the sale of alcohol*

*(h) any visit by a relevant authority or emergency service.*

45. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 08.00 hours on the following day.
46. No deliveries to the premises shall take place between 23.00 and 08.00 hours on the following day.
47. No licensable activities shall take place at the premises until the premises have been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the Licensing Authority.

**Additional Condition requested by the Metropolitan Police – not agreed by the applicants**

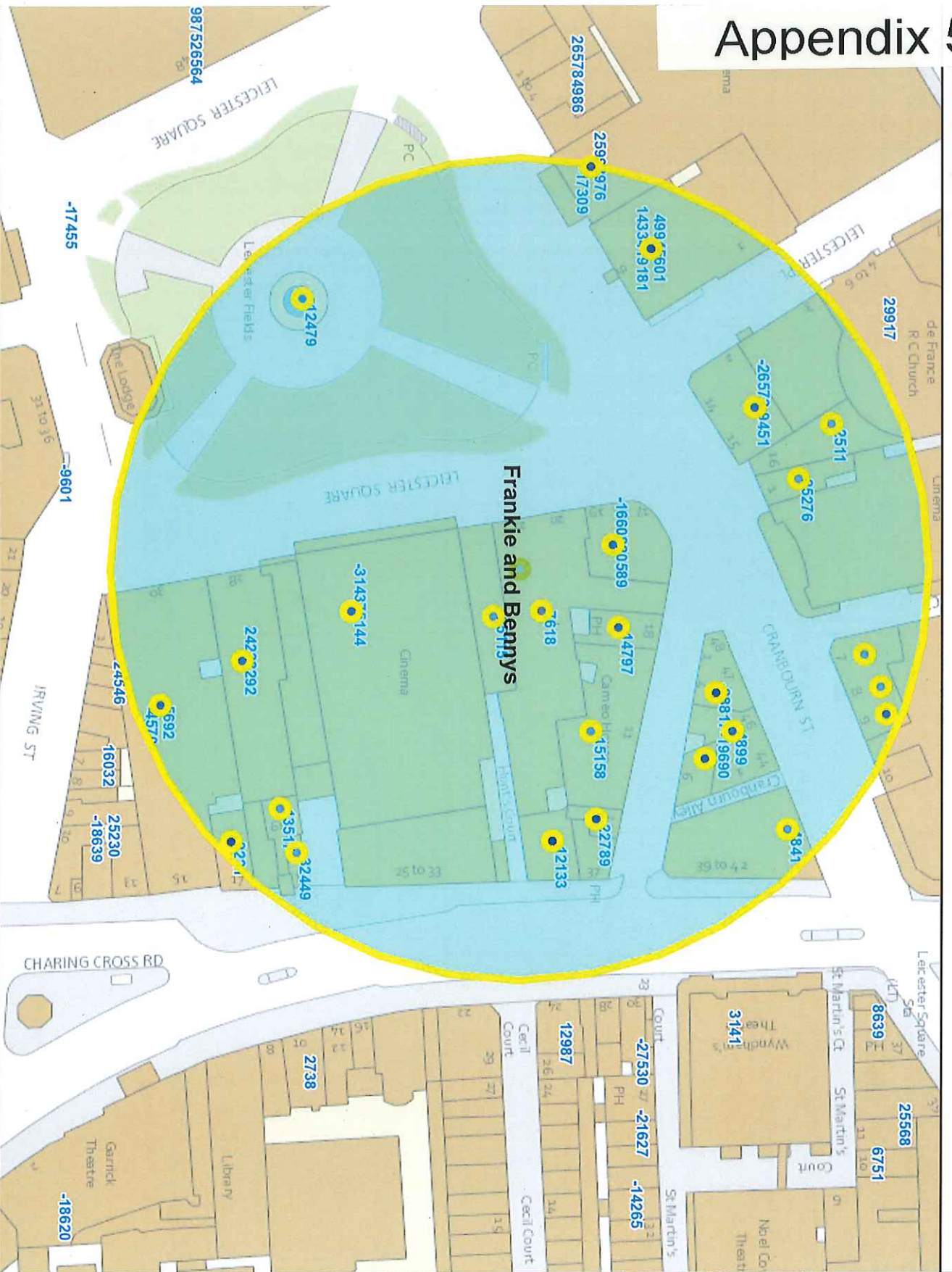
48. The premises shall only operate as a restaurant
  - (i) in which customers are shown to their table,
  - (ii) where the supply of alcohol is by waiter or waitress service only,
  - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
  - (iv) which do not provide any take away service of food or drink for immediate consumption,
  - (v) which do not provide any take away service of food or drink after 23.00, and
  - (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.



# Frankie and Bennys 20-21 Leicester Square

# Appendix 5



10 Meters

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Residential / Proposed Residential	25
Under Construction	Not Stated
Other Uses	Not Stated
Proportion Residential of all Uses	Not Stated

Data Source: Uniform Database  
Date: 06/09/2016

**Premises within 75 metres of: Frankie and Bennys 20-21 Leicester Square**

<b>p / n</b>	<b>Name of Premises</b>	<b>Premises Address</b>	<b>Licensed Hours</b>
2422	Club Storm	28A Leicester Square London WC2H 7LE	Sunday 09:00 - 02:00 Sundays before Bank Holidays 09:00 - 02:30 Monday to Wednesday 09:00 - 03:30 Thursday to Saturday 09:00 - 06:00
2599	The Empire Poker Room	Basement To Second Floor 5 - 6 Leicester Square London WC2H 7NA	Monday to Saturday 10:00 - 06:30 Sunday 12:00 - 06:30
4699	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
4994	Napoleon's Casino And Restaurant	Basement Queens House 1 Leicester Place London WC2H 7BP	Saturday 10:00 - 04:30 Monday to Friday 10:00 - 06:30 Sunday 12:00 - 06:30
9221	Lotus	17 Charing Cross Road London WC2H 0EP	Monday to Sunday 10:00 - 00:30
13517	Maharaja Of India	19A Charing Cross Road London WC2H 0ES	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
-19690	Noodle Stop	Ground 44-46 Cranbourn Street London WC2H 7AN	Monday to Saturday 10:00 - 05:00 Sunday 12:00 - 05:00 Monday to Wednesday 10:00 - 00:00 Thursday 10:00 - 01:00 Friday to Saturday 10:00 - 02:00 Sunday 12:00 - 23:00
-14797	Zoo Too	18 Bear Street London WC2H 7AS	
-4570	Global Radio	29-30 Leicester Square London WC2H 7LA	Monday to Friday 07:00 - 00:00
-2511	American Fried Chicken	16A Leicester Square London WC2H 7NG	Monday to Thursday 23:00 - 00:00 Friday to Sunday 23:00 - 02:30
4841	Cafe Fiori	42 Cranbourn Street London WC2H 7JH	Monday to Saturday 10:00 - 05:00 Sunday 12:00 - 05:00
7618	Chiquitos	20-21 Leicester Square London WC2H 7LE	Sunday 08:00 - 00:00 Monday to Wednesday 08:00 - 00:30 Thursday to Saturday 08:00 - 01:00
14334	Muriel's Kitchen	Queens House 7-9 Leicester Square London WC2H 7NA	Sunday 08:00 - 00:00 Monday to Saturday 08:00 - 01:00
-32449	Fornetto	21 Charing Cross Road London WC2H 0ES	Monday to Sunday 11:00 - 03:00
-31437	Odeon Cinema	24-27 Leicester Square London WC2H 7LE	Monday to Sunday 00:00 - 00:00
-28817	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
-26573	Haagen Dazs UK Ltd	Ground Floor Victory House 14 Leicester Square London WC2H 7NG	Monday to Saturday 10:00 - 03:00 Sunday 12:00 - 01:00 Friday to Saturday 07:00 - 00:00 Sunday 07:00 - 00:00
-22769	Bear & Staff Public House	10-12 Bear Street London WC2H 7AS	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
-17309	The Empire Casino	Basement To Second Floor 5 - 6 Leicester Square London WC2H 7NA	Monday to Saturday 10:00 - 06:30 Sunday 12:00 - 06:30
-16608	Burger King	17-18 Leicester Square London WC2H 7LE	Monday to Sunday 23:00 - 03:00
-15158	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
-12479	Leicester Square Gardens	Open Space At Leicester Square London WC2H 7LE	Monday to Saturday 07:30 - 22:30 Sunday 08:00 - 22:30
-12133	K. S. Food And Wine	Ground Floor 35 Charing Cross Road London WC2H 0AT	Monday to Sunday 08:00 - 05:00
-9451		Basement Victory House 14 Leicester Square London WC2H 7NG	Sunday 20:00 - 03:00 Monday to Wednesday 20:00 - 03:30 Thursday to Saturday 20:00 - 06:00 Sundays before Bank Holidays 20:00 - 06:00
-2733	Ruby Blue	Ground Floor Queens House 1 Leicester Place London WC2H 7BP	Monday to Saturday 09:00 - 03:00 Sunday 09:00 - 23:00

3976	Empire Cinemas	Ground Floor To Upper Floor 5 - 6 Leicester Square London WC2H 7NA	Monday to Sunday 09:00 - 05:00
5144	Odeon Cinema	24-27 Leicester Square London WC2H 7LE	Monday to Sunday 00:00 - 00:00
5601	Premier Inn	Queens House 1 Leicester Place London WC2H 7BP	Monday to Sunday 00:00 - 00:00 Monday to Sunday 08:00 - 01:00
5692	TGI Fridays	29-30 Leicester Square London WC2H 7LA	Sunday 09:00 - 01:00 Monday to Saturday 09:00 - 01:30 Sundays before Bank Holidays 09:00 - 01:30
8292	Moon Under Water	28 Leicester Square London WC2H 7LE	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
19181	Angus Steakhouse	Queens House 7-9 Leicester Square London WC2H 7NA	Sunday 08:00 - 00:00 Monday to Saturday 08:00 - 01:00
20589	Pizza Hut	19 Leicester Square London WC2H 7LE	Monday to Thursday 10:00 - 02:00 Friday to Saturday 10:00 - 05:00 Sunday 12:00 - 02:00
25115	Bella Italia	22 Leicester Square London	Sunday 09:00 - 00:00 Monday to Saturday 09:00 - 01:00 Sundays before Bank Holidays 09:00 - 01:00
25276	Bella Italia	1 Cranbourn Street London WC2H 7AJ	Sunday 09:00 - 00:00 Monday to Saturday 09:00 - 01:00 Sundays before Bank Holidays 09:00 - 01:00



City of Westminster

# Licensing Sub-Committee Report

## Agenda Item 4

Item No:	
Date:	22 September 2016
Licensing Ref No:	16/07199/LIPV - Premises Licence Variation
Title of Report:	Chiquitos 20-21 Leicester Square London WC2H 7LE
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:	Mr Ola Owojori Senior Licensing Officer
Contact details	Telephone: 020 7641 7830 Email: owojori@westminster.gov.uk

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	Variation of a Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	11 July 2016		
<b>Applicant:</b>	The Restaurant Group (UK) Ltd		
<b>Premises:</b>	Chiquitos		
<b>Premises address:</b>	20-21 Leicester Square London WC2H 7LE	<b>Ward:</b>	St James's
		<b>Cumulative Impact Area:</b>	West End
<b>Premises description:</b>	The premises are operated as a restaurant with music and dancing on the ground and first floors with an external area on the ground floor.		
<b>Variation description:</b>	<p>The application proposes to:</p> <ol style="list-style-type: none"> <li>1. remove the first floor from the ambit of the premises licence.</li> <li>2. carryout alterations to the ground floor of the premises in accordance with the plans provided to include provision of a new entrance and fixed seating.</li> <li>3. remove conditions 9, 10, 11, 14, 17(with reference to the first floor), 18 and 21.</li> </ol> <p>No application is sought to vary the permitted hours</p>		
<b>Premises licence history:</b>	Please see Appendix 3		
<b>Applicant submissions:</b>	None		
<b>Preliminary Note</b>	<p>The licence has been quality checked and it has been identified that it permits performance of dance on Sunday in error and existing conditions 21 to 25 have been numbered incorrectly.</p> <p>The anomalies would be rectified once the application is determined.</p>		

## 1-B Layout alteration

To remove the first floor from the ambit of the premises licence.

To carryout alterations to the ground floor of the premises in accordance with the plans provided to include provision of a new entrance and fixed seating.



**1-C Current and proposed licensable activities, areas and hours**

**Regulated Entertainment**

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

	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
<b>Monday</b>	09:00	23:00	No change		Ground and First	Ground
<b>Tuesday</b>	09:00	23:00	No change		Ground and First	Ground
<b>Wednesday</b>	09:00	23:00	No change		Ground and First	Ground
<b>Thursday</b>	09:00	00:30	No change		Ground and First	Ground
<b>Friday</b>	09:00	00:30	No change		Ground and First	Ground
<b>Saturday</b>	09:00	00:30	No change		Ground and First	Ground
<b>Sunday</b>	N/A		No change		Ground and First	Ground
<b>Seasonal variations: Non-standard timings:</b>	<b>Current:</b>				<b>Proposed:</b>	
	On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).					To be removed

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

	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
<b>Monday</b>	Unrestricted		No change		Ground and First	Ground
<b>Tuesday</b>	Unrestricted		No change		Ground and First	Ground
<b>Wednesday</b>	Unrestricted		No change		Ground and First	Ground
<b>Thursday</b>	Unrestricted		No change		Ground and First	Ground
<b>Friday</b>	Unrestricted		No change		Ground and First	Ground
<b>Saturday</b>	Unrestricted		No change		Ground and First	Ground
<b>Sunday</b>	Unrestricted		No change		Ground and First	Ground
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>				<b>Proposed:</b>	
	Not applicable					No change

**Late night refreshment**

<b>Indoors, outdoors or both</b>	<b>Current :</b>	<b>Proposed:</b>
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			Both		No change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
<b>Monday</b>	23:00	00:30	No change		Ground and First	Ground
<b>Tuesday</b>	23:00	00:30	No change		Ground and First	Ground
<b>Wednesday</b>	23:00	00:30	No change		Ground and First	Ground
<b>Thursday</b>	23:00	01:00	No change		Ground and First	Ground
<b>Friday</b>	23:00	01:00	No change		Ground and First	Ground
<b>Saturday</b>	23:00	01:00	No change		Ground and First	Ground
<b>Sunday</b>	23:00	00:00	No change		Ground and First	Ground
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>				<b>Proposed:</b>	
	The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.				No change	

<b>Sale by Retail of Alcohol</b>						
On or off sales			Current :		Proposed:	
			Both		No change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
<b>Monday</b>	10:00	00:00	No change		Ground and First	Ground
<b>Tuesday</b>	10:00	00:00	No change		Ground and First	Ground
<b>Wednesday</b>	10:00	00:00	No change		Ground and First	Ground
<b>Thursday</b>	10:00	00:30	No change		Ground and First	Ground
<b>Friday</b>	10:00	00:30	No change		Ground and First	Ground
<b>Saturday</b>	10:00	00:30	No change		Ground and First	Ground
<b>Sunday</b>	12:00	23:30	No change		Ground and First	Ground
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>				<b>Proposed:</b>	
	On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).				To be removed	

<b>Hours premises are open to the public</b>						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
<b>Monday</b>	08:00	00:30	No change		Ground and First	Ground
<b>Tuesday</b>	08:00	00:30	No change		Ground and First	Ground
<b>Wednesday</b>	08:00	00:30	No change		Ground and First	Ground
<b>Thursday</b>	08:00	01:00	No change		Ground and First	Ground
<b>Friday</b>	08:00	01:00	No change		Ground and First	Ground
<b>Saturday</b>	08:00	01:00	No change		Ground and First	Ground

<b>Sunday</b>	08:00	00:00	No change	Ground and First	Ground
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>			<b>Proposed:</b>	
	Not applicable			No change	

<b>1-D Conditions being varied, added or removed</b>	
<b>Condition</b>	<b>Proposed variation</b>
9. This licence is subject to all the former Rules of Management for Places of Public Entertainment licensed by Westminster City Council, in force from 4 September 1998 and incorporating amendments agreed by the Council on 25 October 1999, 30 June 2000, 16 January 2001 and 1 October 2001.	To be removed
10. On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).	To be removed
11. Notwithstanding the provisions of Rule of Management No. 6 the premises may remain open for the purposes of this licence from 23:00 on each of the days Thursday to Saturday to 00:30 on the day following.	To be removed
14. The bar area shall not be extended further than as indicated on plan 07A submitted to the Council.	To be removed
17. The number of persons accommodated at any one time (excluding staff) shall not exceed: Ground Floor - 360 First Floor - 240	Reference to first floor to be removed
18. (i) Alcohol shall not be sold, (i) supplied, consumed in or taken from the premises except during permitted hours.  In this condition, permitted hours means:  <b>Sunday to Wednesday</b>  (a) On Monday to Wednesday, other than Christmas Day, 10:00 to 23:00 (b) On Sundays, other than Christmas Day 12:00 to 22:30 (c) On Christmas Day, 12:00 to 15:00 and 19:00 to 22.30	To be removed

(d) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

(ii) Alcohol may be sold or supplied for one hour following the hours set out above other than Christmas Day and New Year's Eve and on Christmas day, between 15:00 and 19:00 to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes or in other parts of the premises the hours set out above shall continue to apply.

NOTE - The above restrictions do not prohibit:

- (a) during the first thirty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking table meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (d) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (f) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (h) the taking of alcohol from the premises by a person residing there;
- (i) the supply of alcohol for consumption on the premises

to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;

- (j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

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

### **Thursday to Saturday**

- iii. (a) Subject to the following paragraphs, the permitted hours Thursday to Saturday shall commence at 10.00 (12.00 on Christmas Day and Good Friday) and extend until 00.30 on the morning following, except that -
- (i) the permitted hours shall end at 00.00 midnight on any day on which music and dancing is not provided after midnight; and
  - (ii) on any day that music and dancing end between 00.00 midnight and 00.30, the permitted hours shall end when the music and dancing end;
- (b). The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.
- (c). The permitted hours on New Year's Eve will extend to the start of permitted hours on the following day 00.00 on 31st December.

NOTE - The above restrictions do not prohibit:

- (a) during the first thirty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;

<p>(d) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;</p> <p>(e) the sale of alcohol to a trader or registered club for the purposes of the trade or club;</p> <p>(f) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;</p> <p>(g) the taking of alcohol from the premises by a person residing there;</p> <p>(h) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;</p> <p>(i) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.</p> <p>In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.</p>	
<p>21. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:</p> <p>(a) He is the child of the holder of the premises licence.</p> <p>(b) He resides in the premises, but is not employed there.</p> <p>(c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.</p> <p>(d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.</p> <p>In this condition "bar" includes any place exclusively or mainly</p>	<p>To be removed</p>



used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.		
The number of persons accommodated at any one time (excluding staff) shall not exceed 360 ( or such other limit agreed with the Environmental Health Consultation Team)		To replace existing condition 17
The variation application will have no effect until the Licensing Authority are satisfied that the premises is constructed or altered in accordance with the appropriate provisions of the district surveyor and the reasonable requirements of Westminster environmental health consultation team, at which time the condition will be removed from the licence.		To be added
<b>Adult entertainment:</b>	<b>Current position:</b>	<b>Proposed position:</b>
	Not applicable	No change

## 2. Representations

<b>2-A Responsible Authorities</b>	
<b>Responsible Authority:</b>	<b>EH Consultation Team</b>
<b>Representative:</b>	Ian Watson
<b>Received:</b>	5 August 2016
<p>I refer to the application for variation of the Premises Licence.</p> <p>The premises are located within the West End Cumulative Impact Area as stated in the City of Westminster's Statement of Licensing Policy.</p> <p>The applicant has submitted floor plans of the Ground floor dated July 2016.</p> <p>This representation is based on the plans and operating schedule submitted.</p> <p>The applicant is seeking the following</p> <ol style="list-style-type: none"> <li>4. To remove the first floor from the ambit of the premises licence.</li> <li>5. To carryout alterations to the ground floor of the premises in accordance with the plans provided to include provision of a new entrance and fixed seating.</li> <li>6. To remove conditions 9, 10, 11, 14, 17, 18 and 21.</li> </ol> <p>I wish to make the following representation</p> <ol style="list-style-type: none"> <li>1. No objection.</li> <li>2. No objection.</li> <li>3. Objection is raised to the removal of conditions as this will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the West End CI Area.</li> </ol> <p>The applicant has provided two conditions in relation to a revised capacity and a works condition.</p>	

The plan provided with the application also shows an increase in licensed area of the ground floor extending into the public highway.

They have proposed conditions to be attached to the premises should the Committee be minded to grant. These conditions have not been agreed by the applicant.

<b>Responsible Authority:</b>	Metropolitan Police
<b>Representative:</b>	Toby Jane
<b>Received:</b>	3 August 2016

With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, make a representation against the above application.

It is our belief that if granted the application would undermine the licensing objectives in relation to the prevention of crime and disorder as there are insufficient conditions within the operating schedule.

The venue is situated in the West End cumulative impact area, a locality where there is traditionally high crime and disorder.

The conditions already in the operating schedule do address some of our concerns in relation to crime and disorder. However Police would like to propose the following condition is added to the operating schedule:

1. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received
  - (d) any incidents of disorder
  - (e) any faults in the CCTV system.
  - (f) any visit by a relevant authority or emergency service.

In regards to the removal of conditions on the licence that will be effected by this variation, Police are happy with the removal of conditions 9,10,11,17,18 and 21. However as the bar area on the plan has not changed and appears to be identical to that on the current plans Police would want condition 14 to remain on the licence.

### 3. Policy & Guidance

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

<b>Policy CIA1 applies:</b>	(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
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<p><b>Policy RNT2 applies:</b></p> <p>Policy MD2 applies:</p>	<p>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> <p>Applications will be granted subject to other policies in this Statement and subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas.</p> <p>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.</p>
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#### 4. Appendices

<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents
<b>Appendix 3</b>	Premises history
<b>Appendix 4</b>	Proposed conditions
<b>Appendix 5</b>	Residential map and list of premises in the vicinity

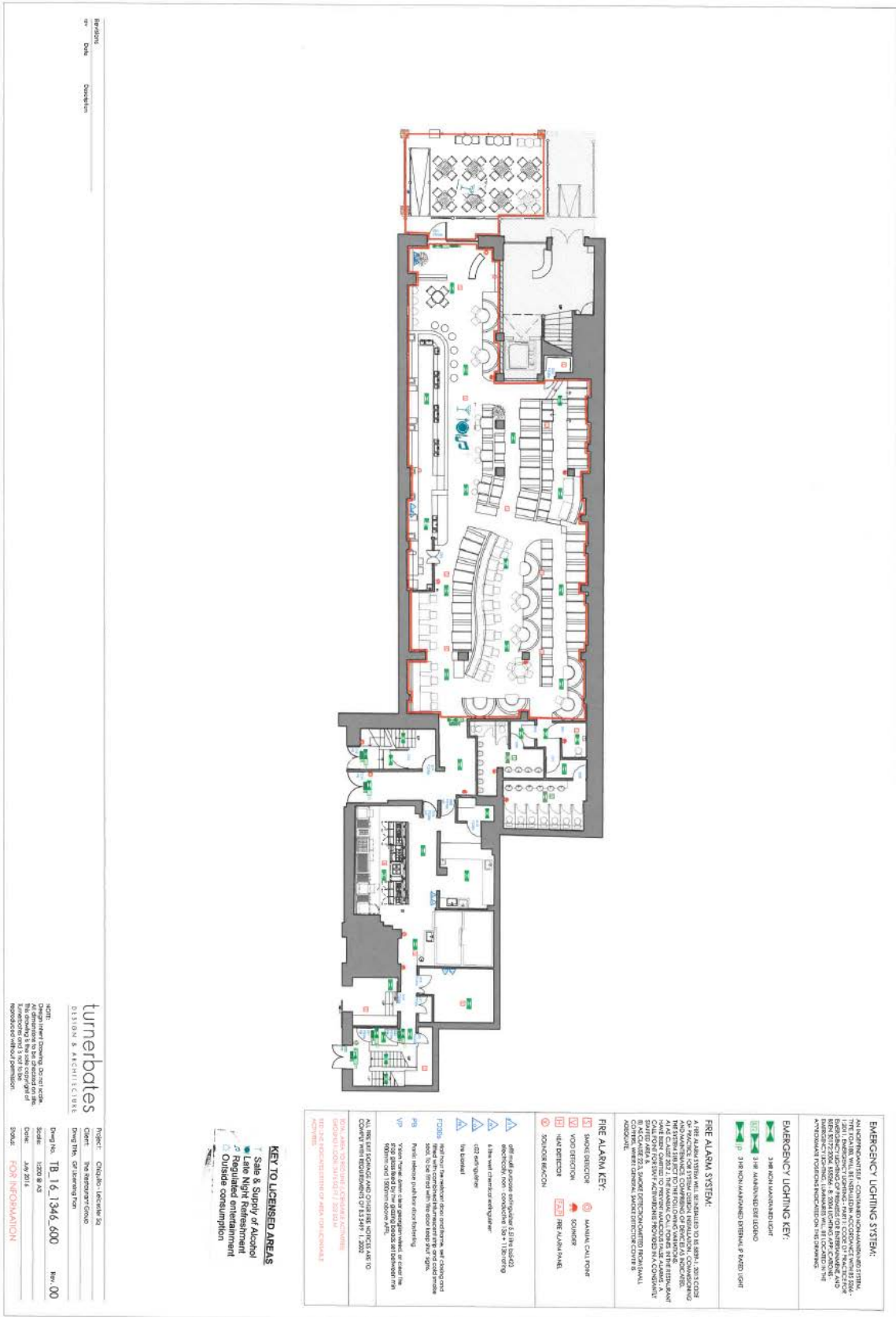
<b>Report author:</b>	Mr Ola Owojori Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 7830 Email: owojori@westminster.gov.uk

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

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

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
<b>4</b>	Existing Licence	12/7/16
<b>5</b>	Plan	12/7/16
<b>6</b>	Application form	12/7/16
<b>7</b>	Public Notice	12/7/16
<b>8</b>	Residents notification	15/7/16
<b>9</b>	EH Consultation Team representation	5/8/16
<b>10</b>	Hearing notification	6/9/16
<b>11</b>	Police representation	7/9/16
<b>12</b>	Environmental Health proposed conditions	15/9/16

Proposed Premises Plan









### Licence & Appeal History

Application	Details of Application / Notice	Date Determined	Decision
05/09993/LIPC	Conversion of the Justices' On licence, supper hours certificate, special hours certificate and music and dancing licence	01 November 2005	Granted under delegated authority
06/04123/LIPDPS	Variation of the DPS	20 June 2006	Granted under delegated authority
07/01104/LIPDPS	Variation of the DPS	05 March 2007	Granted under delegated authority
07/09077/LIPDPS	Variation of the DPS	16 November 2007	Granted under delegated authority
08/06154/LIPDPS	Variation of the DPS	06 August 2008	Granted under delegated authority
10/09036/LIPDPS	Variation of the DPS	20 January 2011	Granted under delegated authority
11/06685/LIPDPS	Variation of the DPS	15 July 2011	Granted under delegated authority
11/07813/LIPDPS	Variation of the DPS	19 August 2011	Granted under delegated authority
12/00425/LIPVM	Minor variation to change the layout	07 February 2012	Refused under delegated authority
12/11244/LIPV	Variation to change the layout	08 February 2013	Granted under delegated authority
13/00475/LIPDPS	Variation of the DPS	08 February 2013	Granted under delegated authority
14/02328/LIPVM	Minor variation to amend the opening hours to 08:00	08 April 2014	Granted under delegated authority
14/10026/LIPDPS	Variation of the DPS	03 February 2015	Granted under delegated authority
16/07199/LIPV	Variation to remove the first floor from the remit of the licence, change the layout of the ground floor and remove conditions	Still pending	n/a

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.

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

**Conditions relating to Regulated Entertainment**

9. This licence is subject to all the former Rules of Management for Places of Public Entertainment licensed by Westminster City Council, in force from 4 September 1998 and incorporating amendments agreed by the Council on 25 October 1999, 30 June 2000, 16 January 2001 and 1 October 2001. **Proposed to be removed**
10. On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day). **Proposed to be removed**
11. Notwithstanding the provisions of Rule of Management No. 6 the premises may remain open for the purposes of this licence from 23:00 on each of the days Thursday to Saturday to 00:30 on the day following. **Proposed to be removed**
12. The bar shall be closed at midnight and shall be vacated by 00:20 for these persons not using the restaurant facilities
13. Last entry and orders for the restaurant shall be midnight.
14. The bar area shall not be extended further than as indicated on plan 07A submitted to the Council. **Proposed to be removed**
15. The rear exit shall remain unobstructed at all times
16. Refuse bins situated in the rear alleyway leading to Charing Cross Road, will be secured to the wall.
17. The number of persons accommodated at any one time (excluding staff) shall not exceed: Ground Floor - 360 First Floor – 240 **Proposed to be removed**



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

18. (i) Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours. **Proposed to be removed**

In this condition, permitted hours means:

**Sunday to Wednesday**

- (a) On Monday to Wednesday, other than Christmas Day, 10:00 to 23:00
  - (b) On Sundays, other than Christmas Day 12:00 to 22:30
  - (c) On Christmas Day, 12:00 to 15:00 and 19:00 to 22.30
  - (d) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).
- (ii) Alcohol may be sold or supplied for one hour following the hours set out above other than Christmas Day and New Year's Eve and on Christmas day, between 15:00 and 19:00 to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes or in other parts of the premises the hours set out above shall continue to apply.

NOTE - The above restrictions do not prohibit:

- (a) during the first thirty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking table meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (d) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (f) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;

- (h) the taking of alcohol from the premises by a person residing there;
- (i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
- (j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

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

### **Thursday to Saturday**

- iii. (a) Subject to the following paragraphs, the permitted hours Thursday to Saturday shall commence at 10.00 (12.00 on Christmas Day and Good Friday) and extend until 00.30 on the morning following, except that -
  - (i) the permitted hours shall end at 00.00 midnight on any day on which music and dancing is not provided after midnight; and
  - (ii) on any day that music and dancing end between 00.00 midnight and 00.30, the permitted hours shall end when the music and dancing end;
- (b). The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.
- (c). The permitted hours on New Year's Eve will extend to the start of permitted hours on the following day 00.00 on 31st December.

NOTE - The above restrictions do not prohibit:

- (a) during the first thirty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (d) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (e) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (f) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of

State or an authorised mess of members of Her Majesty's naval, military or air forces;

- (g) the taking of alcohol from the premises by a person residing there;
- (h) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
- (i) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

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

21. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:
- (a) He is the child of the holder of the premises licence.
  - (b) He resides in the premises, but is not employed there.
  - (c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
  - (d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals. **Proposed to be removed**

22. If any entertainment is provided for children or if an entertainment is provided at which the majority of persons attending are children, then, if the number of children attending the entertainment exceeds 100, it shall be the duty of the holder of the premises licence (or the holder of the club premises certificate):
- (a) to station and keep stationed wherever necessary a sufficient number of adult attendants, properly instructed as to their duties, to prevent more children or other persons being admitted to the building, or to any part thereof, than the building or part can properly accommodate,
  - (b) to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof, and
  - (c) to take all other reasonable precautions for the safety of the children.
23. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.

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

24. 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.
25. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.

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

None

### **Conditions proposed by the applicant**

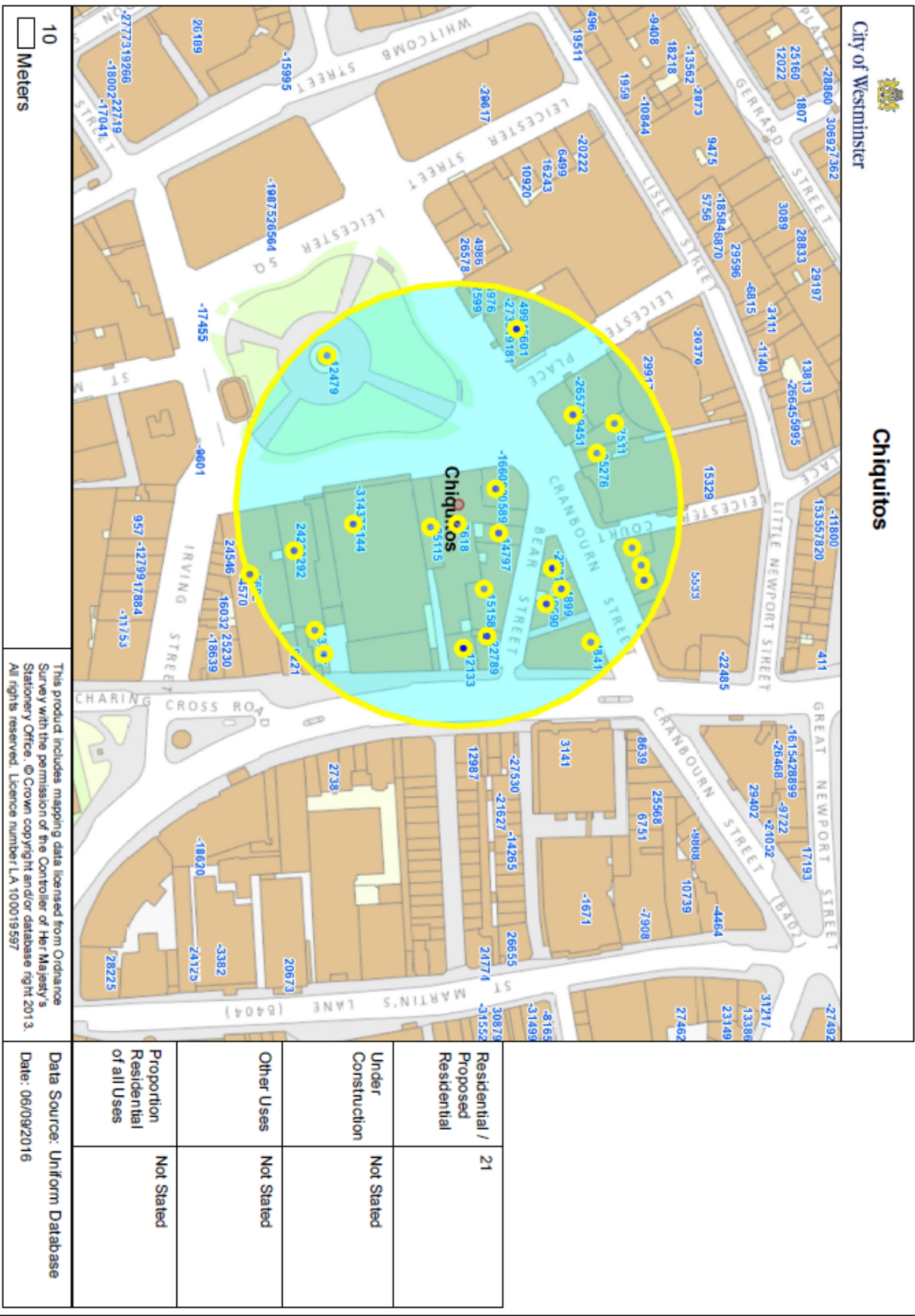
26. The number of persons accommodated at any one time (excluding staff) shall not exceed 360 (or such other limit agreed with the Environmental Health Consultation Team)
27. The variation application will have no effect until the Licensing Authority are satisfied that the premises is constructed or altered in accordance with the appropriate provisions of the district surveyor and the reasonable requirements of Westminster environmental health consultation team, at which time the condition will be removed from the licence.

### **Conditions proposed by the Environmental Health**

28. After 23.00 hours Sunday to Wednesday the sale of alcohol 'On' the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal, or Thursday to Saturday ancillary to the use of the premises for music and dancing and substantial refreshment.
29. 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.
30. The maximum number of persons permitted in the premises at any one time (excluding staff) shall not exceed

Ground Floor 100 persons

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 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.
33. 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.
34. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
35. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
36. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
37. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
38. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.
39. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given.
  - dry ice and cryogenic fog
  - smoke machines and fog generators
  - pyrotechnics including fireworks
  - firearms
  - lasers
  - explosives and highly flammable substances.
  - real flame.
  - strobe lighting.
40. No licensable activities shall take place at the premises until the premises have been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the Licensing Authority.





**Premises within 75 metres of: Chiquitos 20-21 Leicester Square**

p / n	Name of Premises	Premises Address	Licensed Hours
2422	Club Storm	28A Leicester Square London WC2H 7LE	Sunday 09:00 - 02:00 Sundays before Bank Holidays 09:00 - 02:30 Monday to Wednesday 09:00 - 03:30 Thursday to Saturday 09:00 - 06:00
4899	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
4994	Napoleon's Casino And Restaurant	Basement Queens House 1 Leicester Place London WC2H 7BP	Saturday 10:00 - 04:30 Monday to Friday 10:00 - 06:30 Sunday 12:00 - 06:30
13517	Maharaja Of India	19A Charing Cross Road London WC2H 0ES	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
- 19690	Noodle Stop	Ground 44-46 Cranbourn Street London WC2H 7AN	Monday to Saturday 10:00 - 05:00 Sunday 12:00 - 05:00
- 14797	Zoo Too	18 Bear Street London WC2H 7AS	Monday to Wednesday 10:00 - 00:00 Thursday 10:00 - 01:00 Friday to Saturday 10:00 - 02:00 Sunday 12:00 - 23:00
-4570	Global Radio	29-30 Leicester Square London WC2H 7LA	Monday to Friday 07:00 - 00:00
-2511	American Fried Chicken	16A Leicester Square London WC2H 7NG	Monday to Thursday 23:00 - 00:00 Friday to Sunday 23:00 - 02:30
4841	Cafe Fiori	42 Cranbourn Street London WC2H 7JH	Monday to Saturday 10:00 - 05:00 Sunday 12:00 - 05:00
7618	Chiquitos	20-21 Leicester Square London WC2H 7LE	Sunday 08:00 - 00:00 Monday to Wednesday 08:00 - 00:30 Thursday to Saturday 08:00 - 01:00
14334	Muriel's Kitchen	Queens House 7-9 Leicester Square London WC2H 7NA	Sunday 08:00 - 00:00 Monday to Saturday 08:00 - 01:00
- 32449	Fornetto	21 Charing Cross Road London WC2H 0ES	Monday to Sunday 11:00 - 03:00

- 31437	Odeon Cinema	24-27 Leicester Square London WC2H 7LE	Monday to Sunday 00:00 - 00:00
- 28817	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
- 26573	Haagen Dazs UK Ltd	Ground Floor Victory House 14 Leicester Square London WC2H 7NG	Monday to Saturday 10:00 - 03:00 Sunday 12:00 - 01:00
- 22789	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
- 16608	Burger King	17-18 Leicester Square London WC2H 7LE	Monday to Sunday 23:00 - 03:00
- 15158	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
- 12479	Leicester Square Gardens	Open Space At Leicester Square London WC2H 7LE	Monday to Saturday 07:30 - 22:30 Sunday 08:00 - 22:30
- 12133	K. S. Food And Wine	Ground Floor 35 Charing Cross Road London WC2H 0AT	Monday to Sunday 08:00 - 05:00
-9451	14	Basement Victory House 14 Leicester Square London WC2H 7NG	Sunday 20:00 - 03:00 Monday to Wednesday 20:00 - 03:30 Thursday to Saturday 20:00 - 06:00 Sundays before Bank Holidays 20:00 - 06:00
-2733	Ruby Blue	Ground Floor Queens House 1 Leicester Place London WC2H 7BP	Monday to Saturday 09:00 - 03:00 Sunday 09:00 - 23:00

5144	Odeon Cinema	24-27 Leicester Square London WC2H 7LE	Monday to Sunday 00:00 - 00:00
5601	Premier Inn	Queens House 1 Leicester Place London WC2H 7BP	Monday to Sunday 00:00 - 00:00 Monday to Sunday 06:00 - 01:00
5692	TGI Fridays	29-30 Leicester Square London WC2H 7LA	Sunday 09:00 - 01:00 Monday to Saturday 09:00 - 01:30 Sundays before Bank Holidays 09:00 - 01:30
8292	Moon Under Water	28 Leicester Square London WC2H 7LE	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
19181	Angus Steakhouse	Queens House 7-9 Leicester Square London WC2H 7NA	Sunday 08:00 - 00:00 Monday to Saturday 08:00 - 01:00
20589	Pizza Hut	19 Leicester Square London WC2H 7LE	Monday to Thursday 10:00 - 02:00 Friday to Saturday 10:00 - 05:00 Sunday 12:00 - 02:00
25115	Bella Italia	22 Leicester Square London	Sunday 09:00 - 00:00 Monday to Saturday 09:00 - 01:00 Sundays before Bank Holidays 09:00 - 01:00
25276	Bella Italia	1 Cranbourn Street London WC2H 7AJ	Sunday 09:00 - 00:00 Monday to Saturday 09:00 - 01:00 Sundays before Bank Holidays 09:00 - 01:00

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City of Westminster

# Agenda Item 5 Licensing Sub-Committee Report

Item No:	
Date:	22 September 2016
Licensing Ref No:	16/07553/LIPV - Premises Licence Variation
Title of Report:	Tape Basement 17 Hanover Square London W1S 1HU
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:	Ms Claire Hayes Senior Licensing Practitioner
Contact details	Telephone: 020 7641 7816 Email: <a href="mailto:chayes@westminster.gov.uk">chayes@westminster.gov.uk</a>

# 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	Variation of a Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	19 July 2016		
<b>Applicant:</b>	Hanover Bars Limited		
<b>Premises:</b>	Tape		
<b>Premises address:</b>	Basement 17 Hanover Square London W1S 1HU	<b>Ward:</b>	West End
		<b>Cumulative Impact Area:</b>	None
<b>Premises description:</b>	The premises operate as a nightclub and members club		
<b>Variation description:</b>	The variation is to seek approval of the proposed alterations to relocate a bar, add new toilets, reconfigure a seating area and relocate the DJ and dance podium		
<b>Premises licence history:</b>	The premises have been licensed since at least 2005		
<b>Applicant submissions:</b>	No additional submissions have been received		

1-B Current and proposed licensable activities, areas and hours						
<b>Regulated Entertainment</b>						
<b>Exhibition of films</b>						
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Licensable Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	09.00	03.30	No change		Basement	No change
<b>Tuesday</b>	09.00	03.30				
<b>Wednesday</b>	09.00	03.30				
<b>Thursday</b>	09.00	03.30				
<b>Friday</b>	09.00	03.30				
<b>Saturday</b>	09.00	03.30				
<b>Sunday</b>	09.00	02.30				
<b>Seasonal Variations/ Non-standard timings:</b>	<b>Current:</b>				<b>Proposed:</b>	
	On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on				No change	



	New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).	
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<b>Performance of live music, Performance of Dance &amp; Anything similar to Live Music, Recorded Music or Performance of Dance</b>						
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Licensable Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	09.00	03.30	No change		Basement	No change
<b>Tuesday</b>	09.00	03.30				
<b>Wednesday</b>	09.00	03.30				
<b>Thursday</b>	09.00	03.30				
<b>Friday</b>	09.00	03.30				
<b>Saturday</b>	09.00	03.30				
<b>Sunday</b>	09.00	01.00				
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b> On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).				<b>Proposed:</b> No change	

<b>Playing of Recorded Music &amp; Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit</b>						
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Licensable Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	Unrestricted		No change		Basement	No change
<b>Tuesday</b>						
<b>Wednesday</b>						
<b>Thursday</b>						
<b>Friday</b>						
<b>Saturday</b>						
<b>Sunday</b>						
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b> On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when				<b>Proposed:</b> No change	

	the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).	
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Late night refreshment		No Change				
Indoors, outdoors or both		Current : Both		Proposed: No change		
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23.00	03.00	No change		Basement	No change
Tuesday	23.00	03.00				
Wednesday	23.00	03.00				
Thursday	23.00	03.00				
Friday	23.00	03.00				
Saturday	23.00	03.00				
Sunday	23.00	02.00				
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b> The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.				<b>Proposed:</b> No change	

Sale by Retail of Alcohol		No Change				
On or off sales		Current :		Proposed:		
		On & Off		No change		
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	09.00	03.00	No Change		Basement	No change
Tuesday	09.00	03.00				
Wednesday	09.00	03.00				
Thursday	09.00	03.00				
Friday	09.00	03.00				
Saturday	09.00	03.00				
Sunday	12.00	02.00				
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b> The Sale by Retail of Alcohol is permitted On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted				<b>Proposed:</b> No change	

	hours on the following day, 00.00 midnight on 31st December).	
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Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	09.00	03.30	No Change		Basement	No change
Tuesday	09.00	03.30				
Wednesday	09.00	03.30				
Thursday	09.00	03.30				
Friday	09.00	03.30				
Saturday	09.00	03.30				
Sunday	09.00	02.30				
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b> N/a				<b>Proposed:</b> N/a	

<b>1-C Layout alteration</b>
The alterations comprise of the replacement of an existing bar with seating and relocation of bar. Reconfiguration of seating areas in main club and little tape and relocation of DJ and dance podium. Addition of new toilets.

## 2. Representations

<b>2-A Responsible Authorities</b>	
<b>Responsible Authority:</b>	Environmental Health - Withdrawn
<b>Representative:</b>	Ian Watson
<b>Received:</b>	16.08.2016
Representation is made to the application on Public Safety. The plan provided indicates that the premises have been split into two separate clubs and the means of escape and capacities need to be assessed.	
<u>Update:</u>	
After discussions a condition relating to capacity was agreed by the applicants the representation was withdrawn. Please see <b>Appendix 4</b>	

<b>2-A Interested Parties</b>			
<b>Name:</b>		Robert Reilly	
<b>Address and/or Residents Association:</b>		Harbottle & Lewis LLP 14 Hanover Square London W1S 1HP	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	01 August 2016		
<p>We occupy 14 Hanover Square. We have suffered constant nuisance involving for example the driving of vehicles on the pavement outside our building over the last year or more as a consequence of works to refurbish buildings in Hanover Square to the west of our building and in Tenterden Street.</p> <p>As it seems likely that further work will follow from the variation of the premises licence referred to above we would ask you please to make it a condition that all deliveries and vehicle movements in relation to this are to Dering Street. The area outside 14 Hanover Square is immediately contiguous to the access to the major Crossrail development site in Hanover Square and on many occasions congestion in this space outside 14 Hanover Square has led to dangerous situations in the adjoining highway system in Hanover Square and Harewood Place as well as vehicles mounting and driving on the pavement outside our office. Whilst Westminster City Council has taken steps to address that by installing metal bollards we still see instances of vehicles mounting the pavement at the point of which the metal bollards run out by 16 Hanover Square.</p>			
<b>Name:</b>		Antony Adel	
<b>Address and/or Residents Association:</b>		20-22 Maddox Street London W1S 1PN	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Support
<b>Received:</b>	16 August 2016		
<p>Great venue that my friends spend a lot of time with me at; amazing time and always awesome shows with very friendly staff.</p>			

### 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.

## 4. Appendices

<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents
<b>Appendix 3</b>	Premises history
<b>Appendix 4</b>	Proposed conditions
<b>Appendix 5</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Ms Claire Hayes Senior Licensing Practitioner
<b>Contact:</b>	Telephone: 020 7641 7816 Email: chayes@westminster.gov.uk

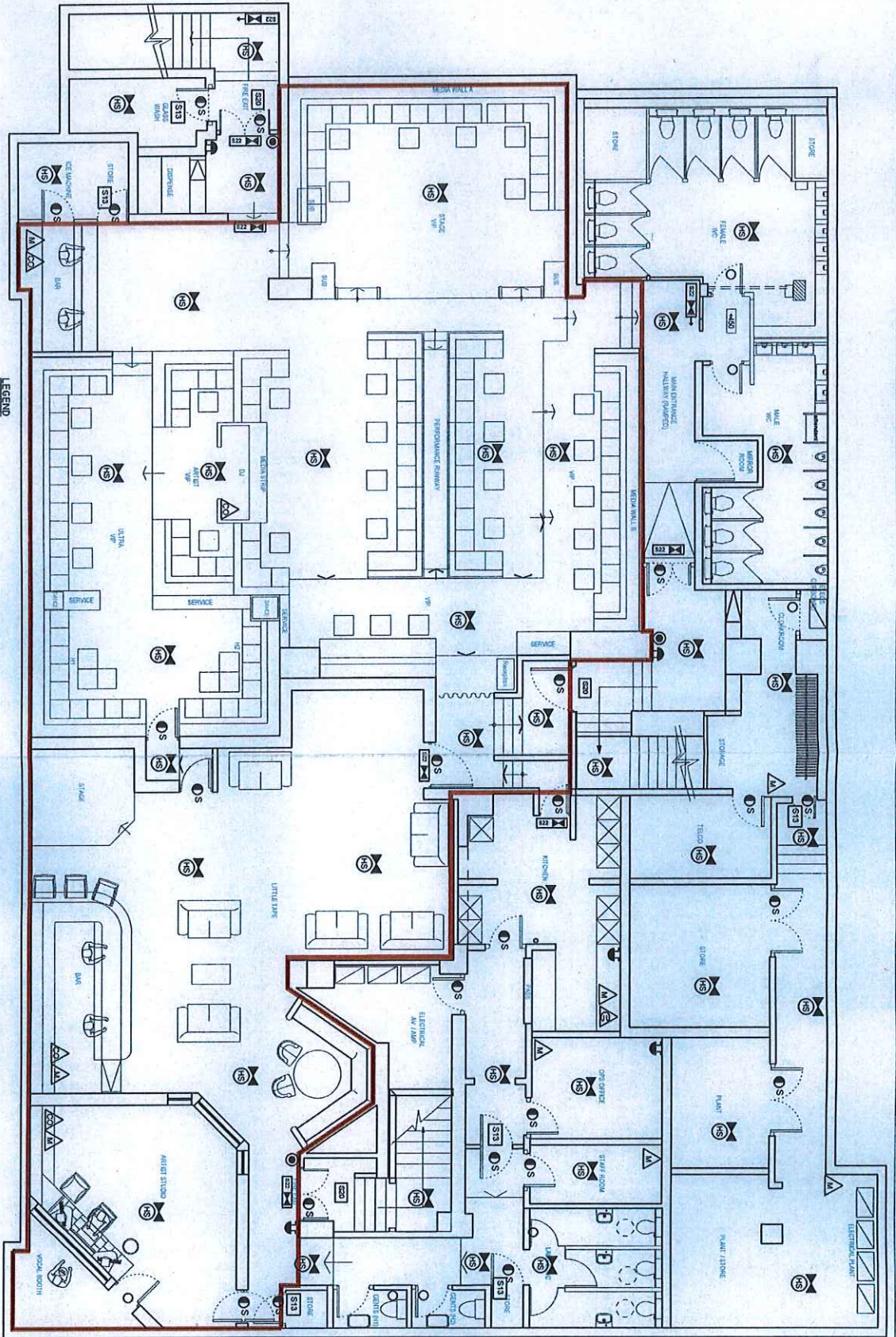
**If you have any queries about this report or wish to inspect one of the background papers please contact the report author.**

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

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	07 January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
<b>4</b>	Application form	19 July 2016
<b>5</b>	Representation from Robert Reilly	01 August 2016
<b>6</b>	Representation from Environmental Health	16 August 2016
<b>7</b>	Representation in support from Antony Adel	16 August 2016
<b>8</b>	Environmental Health agree conditions & withdraw representation	01 September 2016



14



AREA WHERE LICENSABLE ACTIVITIES WILL TAKE PLACE

**NOTE**  
CONSUMPTION OF ALCOHOL AND LICENSABLE ACTIVITIES TAKE PLACE ANYWHERE WITHIN THE PREMISES.  
THE POSITION OF ANY LOOSE FURNITURE IS SHOWN FOR DIAGRAMMATIC PURPOSES ONLY.  
THE LOCATION OF FIRE EQUIPMENT IS SHOWN ON THE DATE HEREOF BUT MAY BE MOVED WITH THE CONSENT OF THE FIRE OFFICER.

- LEGEND**
- FIRE SIGNAGE (EXACT LOCATION TO BE AGREED ON SITE)**
- S22 ILLUMINATED FIRE EXIT SIGN
  - S22 ILLUMINATED FIRE EXIT SIGN (DIRECTIONAL)
  - S14 FIRE DOOR KEEP LOCKED
  - S13 FIRE DOOR KEEP CLOSED
  - S13 FIRE DOOR KEEP LOCKED
  - S20 FIRE ESCAPE KEEP CLEAR
- DOOR TYPE KEY**
- FD30S
  - FD60S
  - FD30
  - FD60
- AREA COVERED WITH A SYSTEM OF ESCAPE LIGHTING THAT WILL ILLUMINATE THE AREA UPON FAILURE OF THE NORMAL LIGHTING POWER SUPPLY TO A SURFICIENT STANDARD TO ENABLE PERSONS TO LEAVE THE AREA SAFELY. THE LEADERSHIP TO THE BRITISH STANDARD CURRENT AT THE TIME OF ITS INSTALLATION AND A CERTIFICATE TO THIS EFFECT KEPT WITH THE FIRE CERTIFICATE.**
- FIRE SAFETY EQUIPMENT (EXACT LOCATION TO BE AGREED ON SITE)**
- A FIRE EXTINGUISHER - DRY POWDER
  - A FIRE EXTINGUISHER - CARBON DIOXIDE
  - A FIRE EXTINGUISHER - WATER
  - A FIRE EXTINGUISHER - MULTI PURPOSE
  - AB FIRE BLANKET
  - AS AUTOMATIC SMOKE DETECTOR
  - AH AUTOMATIC HEAT DETECTOR
  - AS COMBINED AUTOMATIC HEAT/SMOKE DETECTOR
  - AS FIRE ALARM CALL POINT
  - AW AUDIBLE WARNING DEVICE

Basement Plan Scale 1:50

**TIBBATTS ABEL**  
 Fire Safety Engineers  
 100, 102, 104, 106, 108, 110, 112, 114, 116, 118, 120, 122, 124, 126, 128, 130, 132, 134, 136, 138, 140, 142, 144, 146, 148, 150, 152, 154, 156, 158, 160, 162, 164, 166, 168, 170, 172, 174, 176, 178, 180, 182, 184, 186, 188, 190, 192, 194, 196, 198, 200, 202, 204, 206, 208, 210, 212, 214, 216, 218, 220, 222, 224, 226, 228, 230, 232, 234, 236, 238, 240, 242, 244, 246, 248, 250, 252, 254, 256, 258, 260, 262, 264, 266, 268, 270, 272, 274, 276, 278, 280, 282, 284, 286, 288, 290, 292, 294, 296, 298, 300, 302, 304, 306, 308, 310, 312, 314, 316, 318, 320, 322, 324, 326, 328, 330, 332, 334, 336, 338, 340, 342, 344, 346, 348, 350, 352, 354, 356, 358, 360, 362, 364, 366, 368, 370, 372, 374, 376, 378, 380, 382, 384, 386, 388, 390, 392, 394, 396, 398, 400, 402, 404, 406, 408, 410, 412, 414, 416, 418, 420, 422, 424, 426, 428, 430, 432, 434, 436, 438, 440, 442, 444, 446, 448, 450, 452, 454, 456, 458, 460, 462, 464, 466, 468, 470, 472, 474, 476, 478, 480, 482, 484, 486, 488, 490, 492, 494, 496, 498, 500, 502, 504, 506, 508, 510, 512, 514, 516, 518, 520, 522, 524, 526, 528, 530, 532, 534, 536, 538, 540, 542, 544, 546, 548, 550, 552, 554, 556, 558, 560, 562, 564, 566, 568, 570, 572, 574, 576, 578, 580, 582, 584, 586, 588, 590, 592, 594, 596, 598, 600, 602, 604, 606, 608, 610, 612, 614, 616, 618, 620, 622, 624, 626, 628, 630, 632, 634, 636, 638, 640, 642, 644, 646, 648, 650, 652, 654, 656, 658, 660, 662, 664, 666, 668, 670, 672, 674, 676, 678, 680, 682, 684, 686, 688, 690, 692, 694, 696, 698, 700, 702, 704, 706, 708, 710, 712, 714, 716, 718, 720, 722, 724, 726, 728, 730, 732, 734, 736, 738, 740, 742, 744, 746, 748, 750, 752, 754, 756, 758, 760, 762, 764, 766, 768, 770, 772, 774, 776, 778, 780, 782, 784, 786, 788, 790, 792, 794, 796, 798, 800, 802, 804, 806, 808, 810, 812, 814, 816, 818, 820, 822, 824, 826, 828, 830, 832, 834, 836, 838, 840, 842, 844, 846, 848, 850, 852, 854, 856, 858, 860, 862, 864, 866, 868, 870, 872, 874, 876, 878, 880, 882, 884, 886, 888, 890, 892, 894, 896, 898, 900, 902, 904, 906, 908, 910, 912, 914, 916, 918, 920, 922, 924, 926, 928, 930, 932, 934, 936, 938, 940, 942, 944, 946, 948, 950, 952, 954, 956, 958, 960, 962, 964, 966, 968, 970, 972, 974, 976, 978, 980, 982, 984, 986, 988, 990, 992, 994, 996, 998, 1000

**Tape Hospitality Ltd**  
 Hanover Square,  
 London

License Plan

04/7/18  
 150  
 1803

1803-02







Applicant Supporting Documents

Appendix 2

None submitted

## Licence History

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
05/02570/LIPCV	Conversion and variation of the Justices' on licence, public entertainment licence and special hours certificate	01.06.2005	Granted by Licensing Sub-Committee
05/12636/LIPT	Application to transfer the licence from SFI Group Ltd to The Laurel Pub Company Ltd	13.01.2006	Granted under delegated authority
05/12218/LIPDPS	Application to vary the Designated Premises Supervisor	23.01.2006	Granted under delegated authority
06/02898/LIPV	Application to vary the plans	26.05.2006	Granted under delegated authority
06/07360/LIPDPS	Application to vary the Designated Premises Supervisor	26.05.2006	Granted under delegated authority
08/00685/LIPT	Application to transfer the licence to Hanover Bars Limited	19.02.2008	Granted under delegated authority
08/00698/LIPDPS	Application to vary the Designated Premises Supervisor	19.02.2008	Granted under delegated authority
08/01146/LIPV	Application to vary the plans	03.09.2008	Granted under delegated authority
08/08921/LIPDPS	Application to vary the Designated Premises Supervisor	22.11.2008	Granted under delegated authority
11/02962/LIPDPS	Application to vary	19.04.2011	Granted under

	the Designated Premises Supervisor		delegated authority
11/08544/LIPVM	Minor variation to amend the plans	19.09.2011	Granted under delegated authority
13/08112/LIPVM	Minor variation to add conditions requested by the Metropolitan Police to the licence	07.11.2011	Granted under delegated authority
13/09071/LIPDPS	Application to vary the Designated Premises Supervisor	19.11.2013	Granted under delegated authority
13/10276/LIDPSR	Request to remove the Designated Premises Supervisor	24.01.2014	Granted under delegated authority
14/03741/LIPDPS	Application to vary the Designated Premises Supervisor	12.05.2014	Granted under delegated authority
14/05081/LIPVM	Minor variation to amend the plans and remove conditions	08.07.2015	Granted under delegated authority
15/00015/LIPVM	Minor variation to amend the plans	23.01.2015	Granted under delegated authority
15/01379/LIPDPS	Application to vary the Designated Premises Supervisor	13.04.2015	Granted under delegated authority
15/03270/LIPV	Application to vary the plans	08.09.2015	Granted under delegated authority
15/06783/LIPVM	Minor variation to amend the plans	18.09.2015	Granted under delegated authority
15/09203/LIPDPS	Application to vary the Designated Premises Supervisor	23.10.2015	Granted under delegated authority

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

When determining an application for variation of a 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 premises licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

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

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

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -

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

Where -

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



- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
9. Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.
10. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

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

11. On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).

**Conditions which reproduce the effect of any restriction imposed on these of the premises by specified enactments**

12. The Sale by Retail of Alcohol is permitted On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, 00.00 midnight on 31st December).
13. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.

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

14. The number of persons accommodated at any one time (excluding staff) shall not exceed 400 persons.

### **Condition proposed by Environmental Health and accepted by the applicant**

- 14a. *The number of persons accommodated at any one time (excluding staff) shall not exceed:*

*Tape – 300 persons*

*Little Tape 100 persons*

15. A noise limiter located in a separate and remote lockable cabinet from the volume control must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service's Community Protection Department so as to ensure that no public nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured to the satisfaction of officers from the Environmental Health Service. The keys securing the noise limiter cabinet shall be held by the applicant only, and shall not be accessed by any other person. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service.
16. Notices shall be prominently displayed at the exit requesting patrons to respect the needs of local residents and to leave the premises and the area quietly.
17. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
18. No consumption of alcoholic or other drinks shall be permitted outside the premises.
19. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, is swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
20. The premises have installed and will maintain a comprehensive CCTV system agreed with the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering. 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 reasonable request of Police or authorised officer.
21. A staff member who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

22. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
- (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder
  - (d) any incidents of disorder
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system or searching equipment or scanning equipment
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service.
23. Save for drinks served to customers seated at tables on the pavement in an area with the benefit of the appropriate permission to place tables and chairs on the highway, no drinks shall be consumed outside the premises nor glasses/bottles removed from the premises by patrons when leaving.

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

24. Persons who look under 18 will be asked for ID before they will be admitted to the premises at certain times or on certain occasions, or sold alcohol. Staff will be trained and their training will include this aspect and the need for vigilance.
25. The only ID that is accepted will be that approved by PASS, photo driving licences or passports.
26. If necessary, notices will be displayed warning customers of prevalent criminal offences.
27. There will be no irresponsible drinks promotions (e.g. all you can drink for £10).
28. When disabled people are present, adequate arrangements to enable their safe evacuation in the event of an emergency must exist.
29. Evacuation procedures must be made known to those using the premises.
30. The Fire Brigade must be called to any outbreak of fire and the details recorded.
31. The Fire Brigade must be notified as soon as possible after the operator becomes aware if the water supply to any hydrant, hose reel, sprinkler or other fire extinguishing installation is cut off or restricted.
32. Insofar as it is within the ability of the operator to do so, access for emergency vehicles will be kept clear.
33. Staff with specific responsibilities in the event of fire or other emergency, together with deputies, shall receive training and written instruction appropriate to their role.

34. The approved arrangements at the premises, including means of escape provisions, fire warning and fire fighting equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
35. 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.
36. Escape routes will be kept clear and unobstructed, in good order with non-slippery and even surfaces, free of trip hazards and clearly identified.
37. All exit doors shall be available at all material times without the use of a key, code, card or similar means.
38. Doors at such exits will be regularly checked to ensure that they function satisfactorily, and a record of the check kept.
39. Any removable security fastenings will be removed whenever the premises are open to the public.
40. All fire doors will be maintained effectively self-closing, and not held open other than by an approved device.
41. Fire resisting doors to ducts, service shafts and cupboards shall be kept locked shut.
42. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
43. Safety checks will be carried out prior to the admission of the public and details of such checks maintained on site.
44. The recommended practices in the Health and Safety Risk Assessment with regards to the safety checks and the provision of first aid will be followed.
45. 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.
46. Curtains and hangings shall be arranged so as not to obstruct fire safety signs, fire extinguishers or other fire fighting equipment.
47. Emergency lighting shall not be altered (unless the Fire Brigade consent) and batteries will be fully charged before the public are admitted.
48. Fire safety signs will be adequately illuminated.
49. In the event of normal lighting falling, and the escape lighting has a 1 hr capacity, the public shall leave the premises within 30 minutes or within 60 minutes if the

- capacity is 3 hours and not be readmitted (unless normal lighting has been restored and the battery is re-charged).
50. The flue of any boiler or heating appliance shall be professionally cleaned at intervals not less than the minimum recommended by the appliance manufacturer.
  51. Ventilation ducting and shafts shall generally be maintained in a clean condition.
  52. Ventilation air filters shall be cleaned or changed for new filters periodically as may be necessary to maintain a satisfactory flow of air supply.
  53. All interior surfaces of extract ventilation ducting serving kitchens and serveries shall be thoroughly cleansed at least annually.
  54. Grease filters in extract ventilation hoods in kitchens and serveries shall be regularly cleaned e.g. weekly.
  55. Arrangements will be made to ensure that any capacity limit set for the premises can be properly monitored. Information regarding the capacity should be given to an authorised officer on request.
  56. No temporary electrical installations will be used unless their compliance with BS requirements has previously been confirmed by a competent person.
  57. No changes shall be made to the approved layout of the premises without the consent of the Council.
  58. 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 7 days prior notice being given to the Council where consent has not previously been given.
    - a. dry ice and cryogenic fog
    - b. smoke machines and fog generators
    - c. pyrotechnics including fire works
    - d. firearms
    - e. lasers
    - f. explosives and highly flammable substances
    - g. real flame
    - h. strobe lighting
  59. No person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any other 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.
  60. The certificates listed below shall be submitted to the Council annually.

- a. Any emergency lighting battery or system
  - b. Any electrical installation
  - c. Any fire alarm system
61. Noise and vibration will not be allowed to emanate from the premises so as to cause a nuisance to nearby properties.
  62. Notices will be prominently displayed at exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
  63. No rubbish including bottles will be moved, removed or placed in outside areas between 23:00 hours and 08:00 hours.
  64. All entrance and exit doors shall remain closed after 21:00 except for the immediate access and egress of patrons.
  65. Flashing or particularly bright lights on or outside the premises will not be permitted to cause a nuisance to nearby properties (save insofar as they are necessary for the prevention of crime).
  66. Substantial food will be available at all times during the hours of operations.
  67. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be permitted after 23:00 hours.
  68. All persons under 18 will not be allowed to remain on the premises after 19:00 hours or when Happy Hours or similar promotions are in operation.
  69. In the event of a video show or similar, any British Board of Film Classification or Council age limit will be adhered to, and notices to this effect will be displayed advising of the age limit in question.
  70. No notices or posters shall be displayed at the premises that advertise adult entertainment when persons under 18 are on the premises.







**Premises within 75 metres of: Tape Basement 17 Hanover Square**

<b>p / n</b>	<b>Name of Premises</b>	<b>Premises Address</b>	<b>Licensed Hours</b>
30797	Not Recorded	16 Hanover Square London W1S 1HS	Monday to Friday 18:30 - 22:30
-21800	Tape	Basement 17 Hanover Square London W1S 1HU	Sunday 09:00 - 02:30 Monday to Saturday 09:00 - 03:30
4450	Jalouse	Basement 17 Hanover Square London W1S 1HU	Sunday 09:00 - 02:30 Monday to Saturday 09:00 - 03:30
5848	Oxford Street Area	Oxford Street London	Monday to Sunday 00:00 - 00:00
15915	West End Area	Oxford Street London	Monday to Sunday 00:00 - 00:00
26588	The Loop	19 Dering Street London W1S 1AJ	Monday to Saturday 09:00 - 03:30 Sunday 12:00 - 23:00

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## City of Westminster Licensing Sub-Committee

<b>Meeting:</b>	<i>Licensing Sub-Committee</i>
<b>Date:</b>	<i>22<sup>nd</sup> September 2016</i>
<b>Classification:</b>	<i>General Release</i>
<b>Premises:</b>	<i>16/05871/LISEXR British Sex Shop Basement 8 Green's Court London W1F 0HH</i>
<b>Wards Affected:</b>	<i>West End,</i>
<b>Financial Summary:</b>	<i>None</i>
<b>Report of:</b>	<i>Director of Public Protection and Licensing</i>

### 1. Executive Summary

- 1.1 The Council has received an application to renew a sex establishment licence from Mr Nigel Moon for the sex shop at British Sex Shop Basement 8 Green's Court London W1F 0HH. This report sets out the application details, objections, policy and legal context along with other considerations that the Licensing Sub-Committee ("The Committee") requires to determine this application under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 ("The 1982 Act") as amended by section 27 of the Policing and Crime Act 2009.

### 2. Options

- 2.1 That subject to the Committee hearing the oral and written evidence from the applicants, Responsible Authorities and objectors the Committee has the powers granted to it under the 1982 Act (as amended) to:
  - 2.1.1 Grant the application in full
  - 2.1.2 Grant the application subject to the standard conditions and/or any modifications to any part of the application and imposition of any additional conditions proposed by a party to the hearing, or
  - 2.1.3 Refuse the application

### 3. Application

- 3.1 On 8<sup>th</sup> June 2016 the licence holder Mr Nigel Moon applied to renew their Sex Shop licence for the premises at Basement 8 Green's Court, London W1F 0HH (see Appendix A1).
- 3.2 The current licence for the premises is attached at **Appendix A2**. This licence expired on 18<sup>th</sup> June 2016. Under Paragraph 11(1) of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982, as a renewal application was made prior to its expiry, this licence remains in force until the withdrawal of the application or its determination by the Council.
- 3.4 The premises has held a Sex Establishment licence to operate as a Sex Shop since 18<sup>th</sup> June 2015. The original application was unopposed.
- 3.5 The licence is subject to the Standard Conditions for Sex Establishments, attached at **Appendix B**.

### 4. Objections

- 4.1 The application received one objection, attached as Appendix C. The objection is from a local resident. As permitted by paragraph 10(17) of Schedule 3 to the Act. At the time of publication, personal details of the objector have been redacted. The objector has not waived their right to anonymity.
- 4.2 On 16<sup>th</sup> June 2016, a local resident made an objection to the application on the basis that the noise has increased around the area due to staff and visitors at the premises beyond their opening and closing hours. This is a breach of Condition 4 of their licence. (see Appendix C).

### 5. Policy Considerations

- 5.1 On 15 June 1999 the Planning and Transportation Committee decided that, for the purposes of licensing sex establishments (excluding Sexual Entertainment Venues) under the provisions of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982, one of the relevant locations should be Soho and the appropriate maximum number of sex establishments within that locality should be 18.
- 5.2 Within Soho locality as defined there are currently 12 licensed sex establishments. These are:

Licence Holder:	Premises Name:	Address:
Heart of Soho Ltd	Prowler Soho	5-7 Brewer Street
Mr James Poulton	Soho Original Bookshop	12 Brewer Street



Mr Timothy Hemming	Simply Pleasure.Com	31 Brewer Street
Swish Publications Ltd	Super Mags	33 Brewer Street
Harmony Limited	Harmony	99A Charing Cross Road
Simply Pleasure Ltd	Fifty & Dean	50 Old Compton Street
Mr James Poulton	Soho Original Bookshop	121-125 Charing Cross Road
Harmony Limited	Harmony Adult Centre	4-4A Walker's Court
Mr David Edwards	Clone Zone	64 Old Compton Street
Harmony Limited	Harmony Adult Centre	103A Oxford Street
Mr Nigel Moon	British Sex Shop	8 Green's Court
Mr Stephen Squire	Adult World	5 Walker's Court

## 6. Legal Implications

- 6.1 The Committee using its powers as aforesaid may determine to:
- (a) Grant the application in full
  - (b) Grant with additional special conditions which the Licensing Sub-Committee deem appropriate; or
  - (c) Refuse the application.
- 6.2 Before refusing to grant a licence to the applicant, the Licensing Authority shall give the applicant an opportunity to appear before and of being heard by the Committee under Para 10(19) to Schedule 3.
- 6.3 In considering this application, the Licensing Sub-Committee shall have regard to any observations submitted to them by the Chief Officer of Police and any objections that have been received in writing within the 28 day consultation period under Para 10(18) Schedule 3.
- 6.4 The Committee may refuse to grant a licence for the following reasons:
- (a) that the applicant is unsuitable to hold a licence by reason of having been convicted of an offence or for any other reason;
  - (b) that if the licence were to be granted the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant of such a licence if he made the application himself;
  - (c) that the number of sex establishments in the relevant locality at the time the application is *made* [determined] is equal to or exceeds the number which the authority consider is appropriate for that locality;
  - (d) that the grant or renewal of the licence would be inappropriate, having regard—
    - (i) to the character of the relevant locality; or
    - (ii) to the use to which any premises in the vicinity are put; or

(iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

- 6.5 If the Committee determine to grant a Sex Establishment licence, the licence will be subject to the Standard Conditions for Sex Establishment licences, unless the Committee determines that certain Standard Conditions should be expressly excluded otherwise varied pursuant to Para 13(4) to Schedule 3.
- 6.6 Should the Committee determine to refuse the application for the renewal of a licence under Paragraph 12(3)(a) or (b) Schedule 3, the applicant may appeal to the Magistrates' Court within 21 days beginning with the date on which the applicant is notified of the refusal of his application Para 27(1) Schedule 3, the applicant may appeal to The Magistrates' Court within 21 days beginning with the date on which the applicant is notified of the refusal of his application under Para 27(1) to Schedule 3.

## 7. Human Rights and Equalities Implications Act

- 7.1 In making a decision consideration will need to be given to the applicants rights under the Human Rights Act 1998 (incorporating the European Convention on Human Rights). The right to peaceful enjoyment of possessions (Article 1 of the First Protocol) and freedom of expression (Article 10) may be relevant. The Home Office Guidance suggests that "local authorities would be well advised to consider whether any interference with the applicants rights under Article 10 or Article 1, Protocol 1 of the European Convention on Human Rights is necessary and proportionate for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of other, or in the case of Article 1, Protocol 1, can be justified in the general interest".
- 7.2 The Council in its capacity as Licensing Authority has a duty to ensure that all applications for Sex Establishments are dealt with in accordance with its public sector duty under section 149 of the Equalities Act 2010 ("The 2010 Act"). In summary section 149 provides:-
- (1) "A public Authority must, in the exercise of its functions, have **due regard** to the need to –
    - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act
    - (b) advance of equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
    - (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it
  - (2) A person who is not a public authority but who exercises public functions must, in the exercise of those functions, have due regard to the matters mentioned in subsection (1)....."



- 7.3 Accordingly, section 149 (7) of the 2010 Act defines the relevant protected characteristics as age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 7.4 This duty places an obligation on the Committee to ensure that the need to promote equality is taken into consideration with regard to every aspect of its decision making, this will include the circumstances of each individual application, the findings of fact once the application has been considered, including the taking into account of any objection and response the applicant may choose to make.

### **Appendices**

- A1 – Application Form
- A2 – Current Sex Establishment Licence
- B – Standard Conditions for Sex Establishments
- C – Local resident objection
- D1 – Map of the locality
- D2- Residential Map of the locality
- F- Photographs of the premises

**If you have any queries about this report or wish to inspect any of the Background Papers please contact: Yolanda Wade on 020 7641 1872 or at [ywade@westminster.gov.uk](mailto:ywade@westminster.gov.uk)**

### **BACKGROUND PAPERS**

- Local Government (Miscellaneous Provisions) Act 1982
- Report to Planning and Transportation Committee of 15 June 1999
- Rules of Procedure governing Sex Establishment Licensing
- Standard conditions for Sex Establishment Premises



# APPENDIX A1



City of Westminster

PREMISES MANAGEMENT  
LICENSING SERVICE

08 JUN 2016

CITY OF WESTMINSTER

## APPLICATION FOR RENEWAL OF A SEX ESTABLISHMENT LICENCE

This form should be completed and forward to the Director of Legal & Administrative Services, City of Westminster, 4<sup>th</sup> Floor, Westminster City Hall, 64 Victoria Street, London SW1E 6QP (Telephone: 020 7641 1090) with a cheque or postal order for the appropriate fee made payable to the City of Westminster and crossed.

**CASH SHOULD NOT BE SUBMITTED.**

Fee Paid:	
Date Received:	
Initials:	
Cheque/Receipt No:	
App. No.	

**I/We apply for renewal of a licence for the premises in item 2.**

1.	(a) Full name and address of applicant(s). (Use separate sheet if applicable)	Name:- NIGEL MOON Address:- 123 KENMORE ROAD KENTON, MIDDX HA3 9EY
	(b) Tel No: (during normal office hours)	0780 987 4066
2.	If the applicant is an individual the following information is to be supplied:-	
	(a) Date of Birth	31. 07. 1972
	(b) Place of Birth	UK.
3.	(a) Name and address of premises.	Name:- BRITISH SEX SHOP Address:- 8 GREEN'S COURT LONDON W1F 0HH
	(b) Tel No:	0780 987 4066
4.	Give details of the total turnover of the business during the 12 months immediately prior to this application.	AWAITS FINAL ACCOUNTS CIRCA £52,000
5.	Give details of the anticipated turnover of the premises for the next 12 months.	AWAITS FINAL ACCOUNTS CIRCA £52,000
6.	Give details of the articles which are to be offered for sale at the premises.	R18 VIDEOS SEX TOYS

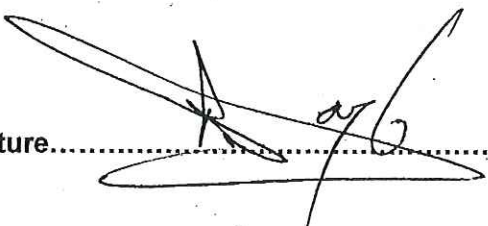
**IMPORTANT NOTE: THIS APPLICATION IS OPEN TO INSPECTION BY THE PUBLIC**

7.	Has the management of the premises in the absence of the licence holder changed?	<del>Yes</del> /No (If yes, the following details need to be supplied on a separate sheet). (a) Full Name (b) Private Address (c) Date of Birth (d) Place of Birth (e) Four photos of them
8.	(a) Name of newspaper in which application was advertised.	WEST END EXTRA
	(b) Date of newspaper: (See Note B)	3RD JUNE 2016
9.	Date poster exhibited at the premises: (See Note C)	2ND JUNE 2016.
10.	Have you sent a copy of the application to the Metropolitan Police Service as required by the Act. (See Note D)	Yes/ <del>No</del>
11.	Address to which licence and correspondence should be sent.	P.D.L CONSULTANTS LTD UNIT 9 WESTFIELD COURT PORTSMOUTH ROAD SURBITON, AT6 4HG

### WARNING

ANY PERSON WHO, IN CONNECTION WITH THIS APPLICATION, MAKES A FALSE STATEMENT WHICH THEY KNOW TO BE FALSE IN ANY MATERIAL RESPECT, OR WHICH HE DOES NOT BELIEVE TO BE TRUE, IS, GUILTY OF AN OFFENCE AND LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING £20,000.

I/We (please print full name) ..... PHILIP JOYLE ..... declare that the information given above is true and complete in every respect.

Signature..... 

Date..... 31ST MAY 2016

Data Protection Act 1998: This information will only be used for the purposes stated above. Please address any data protection enquiries to the Data Protection Officer, Information Services, 16<sup>th</sup> Floor, Westminster City Hall, 64 Victoria Street, London SW1E 6QP.





City of Westminster

WARD : West End

UPRN: 010033557010

## SEX ESTABLISHMENT LICENCE

The CITY OF WESTMINSTER under the provisions of the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Greater London Council (General Powers) Act 1986

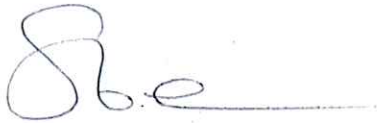
hereby licences MR NIGEL MOON  
to use the premises BRITISH SEX SHOP  
8 GREEN'S COURT  
LONDON  
W1F 0HH

as a establishment.

This licence is in force up to 18 JUNE 2016

and is granted subject to the Standard Conditions of the Council annexed hereto, to the following additional special conditions (if any) :

None

<b>DATE: 18 JUNE 2015</b>	 <b>SIGNED: pp</b> Operational Director - Premises Management
---------------------------	---



## Schedule of Conditions

Standard Conditions relating to all Sex Establishment premises (excluding Sexual Entertainment Venues)

### Standard Condition 3:

The licence or a clear copy shall be prominently displayed at all times so as to be readily and easily seen by all persons using the premises.

### Standard Condition 4:

The premises shall not, for any purpose of the licence, be opened before 0900 hours and shall not be kept open beyond 2300 hours.

### Standard Condition 5:

(a) The licensee shall take all reasonable precautions for the safety of the public and employees and except with the consent of the Council, shall retain control over all portions of the premises.

(b) No poster, advertisement, photograph, sketch, synopsis or programme shall be displayed by or on behalf of the licensee at the licensed premises or at any other public place except in accordance with the Town and Country Planning (Control of Advertisements) Regulations 1992 or any Order amending or replacing the same.

(c) The premises may not be used under the terms of the licence unless and until any necessary permission and/or consents have been obtained pursuant to the Town and Country Planning Act 1990, the London Building Acts 1930-1939 and the Building Act 1984 or any legislation amending or replacing the same.

### Standard Condition 6:

(a) The licensee or some responsible person over 18 years of age nominated by him in writing for the purpose shall be in charge of, and upon, the licensed premises during the whole time that they are open to the public. Such written nomination shall be continuously available for inspection by a police officer or an officer authorised in writing by the Council.

(b) The person in charge shall not be engaged on any duties which will prevent him from exercising general supervision and he shall be assisted as necessary by suitable adult persons to ensure adequate supervision. The person in charge should be conversant with these conditions, a copy of which should be held on the premises.

(c) A notice showing the name of the person in charge of the premises at the time they are open under the licence shall be conspicuously exhibited in a position where it can be easily seen by customers.

(d) All members of staff shall be easily identifiable as such. If required by the Council in writing the licensee shall ensure that during the hours the premises are open for business every employee or person (apart from, where employed, hostesses or other companions) working in the licensed premises wears a badge of a type approved by the Council indicating his name and that he is an employee or person working in the premises.

**Standard Condition 7:**

(a) The licensee shall maintain good order on the premises and in particular shall ensure that none of the following shall take place:

(a) Unlawful possession and/or supply of drugs controlled by the Misuse of Drugs Act 1971;

(b) Indecent behaviour, including sexual intercourse;

(c) The offer of any sexual or other indecent service for reward;

(d) Acts of violence against person or property and/or the attempt or threat of such acts.

(b) The licensee shall ensure that the public are not admitted to any part or parts of the premises other than those which have been approved by the Council.

(c) The licensee or any other person concerned in the conduct or management of the premises shall not seek to obtain custom by means of personal solicitation or touting from the premises, immediately outside the premises or in the vicinity of the premises, nor allow the premises to be used by prostitutes.

**Note:** Soliciting includes the distribution of leaflets unless authorised by a consent under section 4 of the London Local Authorities Act 1994

(d) No person under the age of 18 shall be admitted to any part of the premises which is used as a sex establishment or be employed in the business of the sex establishment.

(e) No poster, photograph, sketch, painting or any form of advertisement or display shall be displayed by or on behalf of the licensee on, outside or within the premises in a position where it is visible to the public if the Council regards it as unsuitable for exhibition to the public. If the licensee is notified in writing that the Council objects under this rule to a poster, photograph, sketch, painting, advertisement or display such poster, photograph, sketch, painting, advertisement or display shall be removed or completely obscured from sight.

**Standard Condition 8:**

(a) The entrances to the premises shall be of a material or covered with a material which will render the interior of the premises invisible to passers-by.

(b) Windows and openings to the premises other than entrances shall either be obscured or with the consent of the Council shall have suspended behind them, in a position and at an altitude approved by the Council, opaque screens or blinds of a type and size approved by the Council.



**Standard Condition 9:**

No change of use of any portion of the premises from that approved by the Council shall be made until all necessary consents have been obtained from the Council. For the avoidance of doubt this includes a change from one class of sex establishment (e.g. a sex shop) to a different class of sex establishment (e.g. a sex encounter establishment).

**Standard Condition 10:**

No alterations (including temporary alterations) shall be made to the premises, without the prior written consent of the Council. This condition shall not require notice to be given in respect of routine maintenance works.

Where works necessitate the premises being closed for a period of time, the premises shall not reopen for the purpose of the licence, until the licensee has been notified in writing by the Council of the satisfactory completion of the work.

**Standard Conditions relating specifically to sex shops:**

**Standard Condition 29:**

All sex articles and other things displayed for sale, hire, exchange or loan within a sex shop shall be clearly marked to show to persons who are inside the sex shop the respective prices being charged.

**Standard Condition 30:**

All printed matter offered for sale, hire, exchange or loan shall be available for inspection prior to purchase and a notice to this effect is to be prominently displayed within the sex establishment.

**Standard Condition 31:**

No film or video shall be exhibited, sold or supplied unless it has been passed by the British Board of Film Classification or such other authority performing a similar scrutinising function as may be notified to the licensee by the Council, and bears a certificate to that effect and is a reproduction authorised by the owner of the copyright of the film or video film so certified.



# APPENDIX C

Reference - 16/05871/LISEXR

June 13, 2016



Dear Sir,

The British Set Shop in the ground floor and the British Set shop in the basement in No. 8 Greens Court are two different ownership. They open at 7:00 A.M. and close at 4:00 A.M. Sometimes 3:00 A.M.

at 9:00 or 9:30 A.M. the staff of the 2 shops are outside in front of the shop talking loudly. My window is just in front of the shop. We live

the British Set Shop. We are in the

at around 12:30 P.M. a lot of people outside the shop hanging around the British Set Shop in the ground floor talking to the staff of the British Set Shop basement.

I live in

since 2002. Please Sir could you help us and do something about our problem. We can not open our window because of the noise of talking so loud. I talked to them several times asking them not to talk so loud but still the same. Some people who live here are and temporary but we live here permanent. Please help us to solve our problem.

PS MOST OF THE TIME STAFF  
BRITISH SET SHOP SLEEP INSIDE THE  
SHOP.

Respectfully yours,



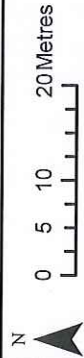
# APPENDIX D1

## Schools

- Primary ■
- Secondary ▲
- Faith Groups ●
- Live Sex Establishments ●



City of Westminster



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**Premises within 75 metres of: British Sex Shop Basement 8 Green's Court London W1F 0HH**

<b>p / n</b>	<b>Name of Premises</b>	<b>Premises Address</b>
	The Boulevard	7 - 12 Walker's Court London W1F 0BS
	The Box	11-12 Walker's Court London W1F 0ED
	The Box	11-12 Walker's Court London W1F 0ED
	Prowler Soho	The Shadow Lounge 5 - 7 Brewer Street London W1F 0RE
	Super Mags	Ground Floor 33 Brewer Street London W1F 0RU
	Simply Pleasure.Com	29 - 31 Brewer Street London W1F 0RU
	The Box	11-12 Walker's Court London W1F 0ED
	Shadow Lounge	Basement And Part Ground Floor 3-7 Brewer Street London W1F 0RD
	Soho Original Bookshop	Basement And Ground Floor 12 Brewer Street London W1F 0SF

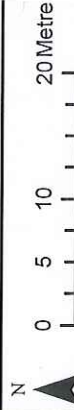


# APPENDIX D2

-  Westminster Boundary
-  Landuse

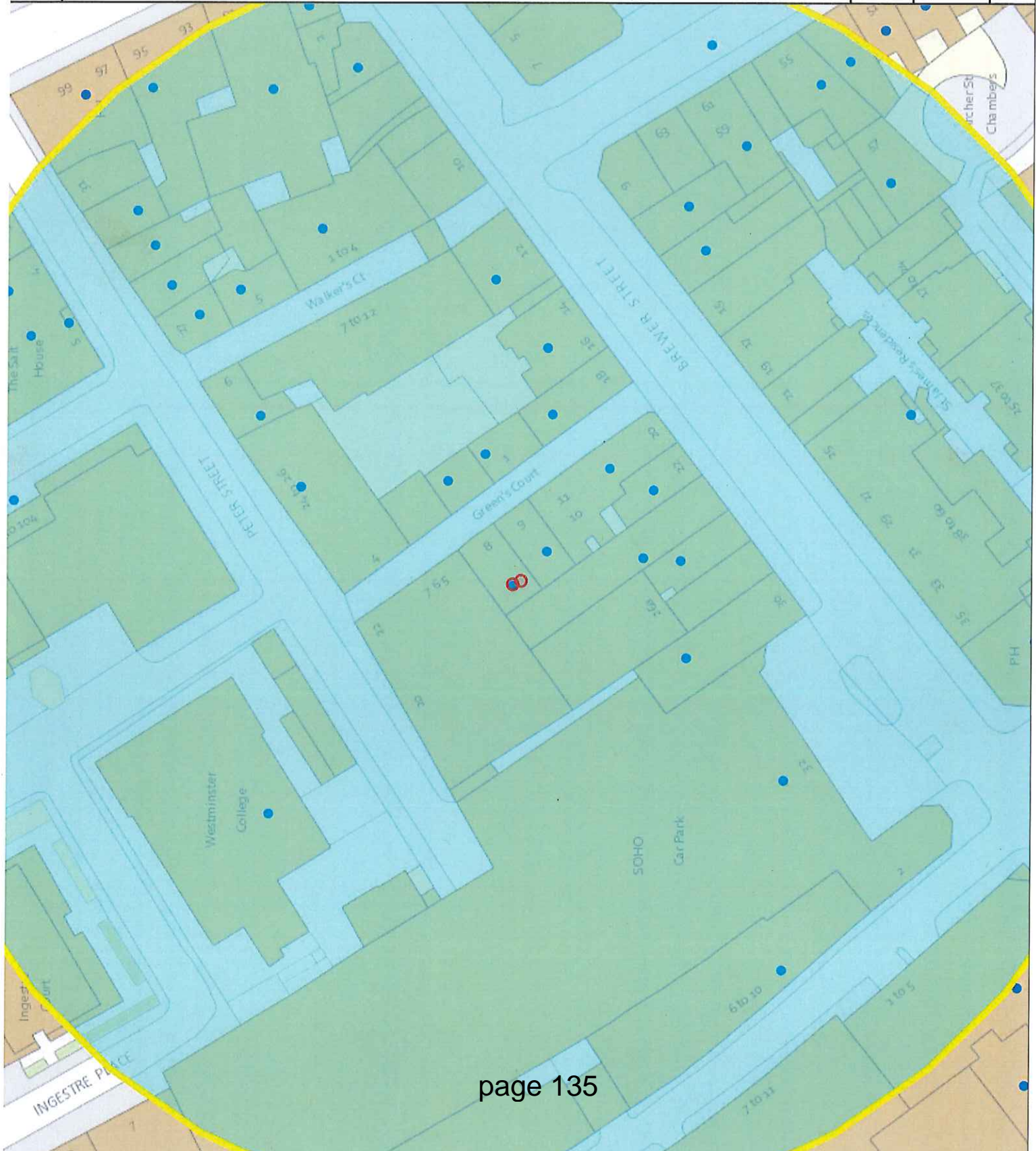


City of Westminster



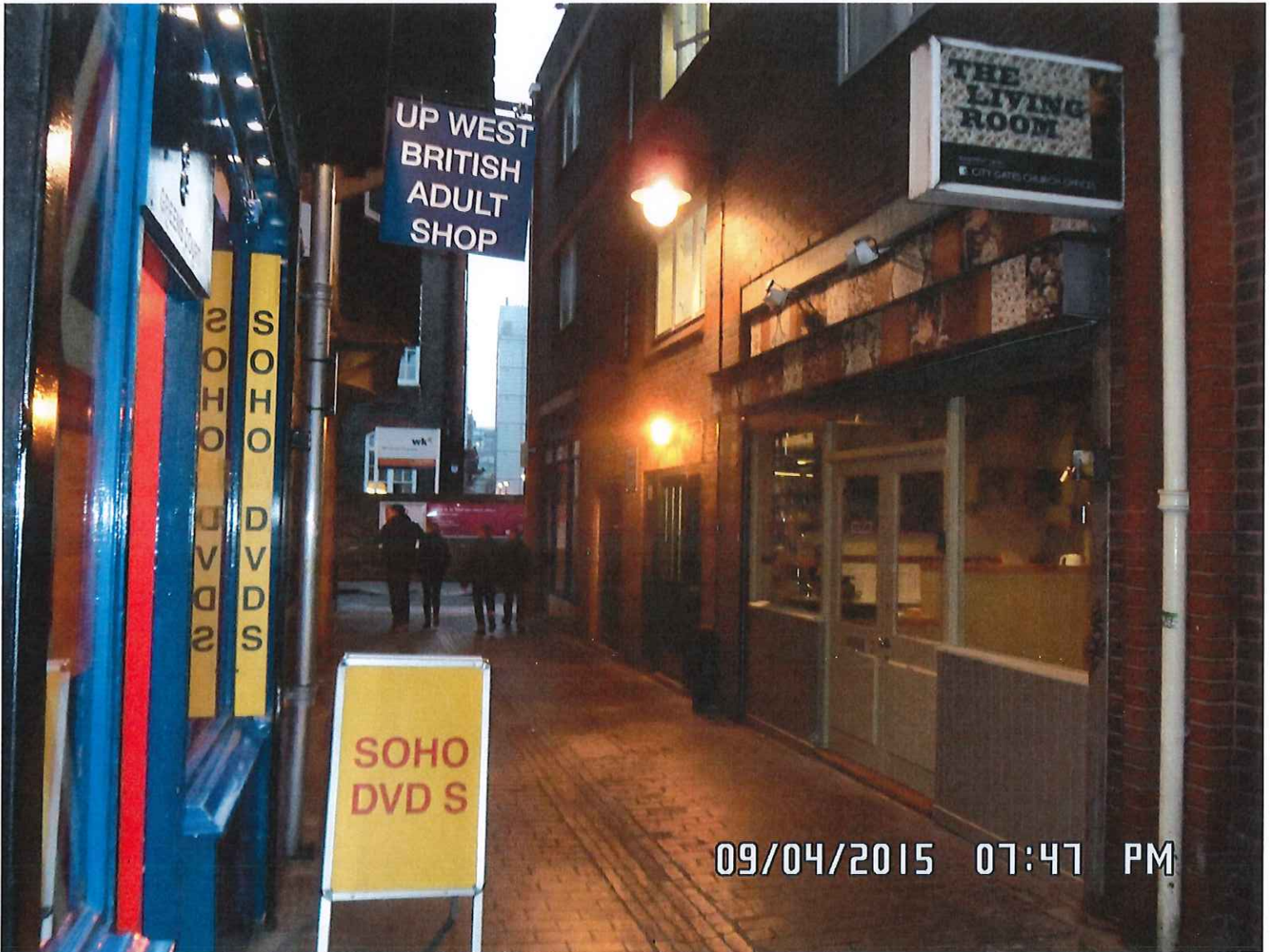
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