



City of Westminster

Committee Agenda

Title: **Licensing Sub-Committee (5)**

Meeting Date: **Thursday 31st August, 2017**

Time: **10.00 am**

Venue: **Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR**

Members: **Councillors:**

Peter Freeman (Chairman)
Julia Alexander
Murad Gassanly

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

Admission to the public gallery is via a visitor's pass which is available from the main ground floor reception at 5 Strand from 9.30am. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.



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

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

Note for Members: Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the 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. THE ROYAL OAK (SHADOW LICENCE), 74-76 YORK STREET, W1

(Pages 1 - 36)

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
1.	Bryanston And Dorset Square Ward / not in cumulative impact area	The Royal Oak (Shadow Licence), 74-76 York Street, W1	New Premises Licence	17/07127/LIPN

2. GROUND FLOOR, 31-31A QUEENSWAY, W2**(Pages 37 - 54)**

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
2.	Lancaster Gate Ward / Queensway & Bayswater Cumulative Impact Area	Ground Floor, 31-31A Queensway, W2	New Premises Licence	17/06728/LIPN

3. TANK AND PADDLE, 15-17 HEDDON STREET, W1**(Pages 55 - 84)**

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
3.	West End Ward / West End Cumulative Impact Area	Tank and Paddle, 15-17 Heddon Street, W1	Variation of a Premises Licence	17/07271/LIPV

4. AVERY HOUSE, 1-3 AVERY ROW, W1**(Pages 85 - 100)**

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
4.	West End Ward / not in cumulative impact area	Avery House, 1-3 Avery Row, W1	New Premises Licence	17/06724/LIPN

5. CHEZ ANTOINETTE, THE PIAZZA, COVENT GARDEN

**(Pages 101 -
116)**

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
5.	St James's Ward / West End Cumulative Impact Area	Chez Antoinette, The Piazza, Covent Garden	Variation of a Premises Licence	17/06988/LIPV

**Charlie Parker
Chief Executive
24 August 2017**

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.

CORE HOURS WHEN CUSTOMERS ARE PERMITTED TO BE ON THE PREMISES (As set out in the Council's Statement of Licensing Policy 2011)

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

Friday and Saturday: 10:00 to midnight

Sundays immediately prior to Bank Holidays: Midday to midnight

Other Sundays: Midday to 22:30

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

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

Monday to Saturday: 08:00 to 23:00

Sundays: 10:00 to 22:30.

- For premises for the provision of other licensable activities:

Friday and Saturday: 09.00 to midnight

Sundays immediately prior to Bank Holidays: 09.00 to midnight

Other Sundays: 09.00 to 22.30

Monday to Thursday: 09.00 to 23.30.

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Item No:	
Date:	31 August 2017
Licensing Ref No:	17/07127/LIPN - New Premises Licence
Title of Report:	The Royal Oak (Shadow Licence) 74-76 York Street London W1H 1QN
Report of:	Director of Public Protection and Licensing
Wards involved:	Bryanston And Dorset Square
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Heidi Lawrance Senior Licensing Officer
Contact details	Telephone: 020 7641 2751 Email: hlawrance@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	27 June 2017		
Applicant:	Max Barney Limited		
Premises:	The Royal Oak (Shadow Licence)		
Premises address:	74-76 York Street London W1H 1QN	Ward:	Bryanston And Dorset Square
		Cumulative Impact Area:	None
Premises description:	The premises is currently operating as a Public House		
Premises licence history:	<p>This is an application for a new premises licence which will act as a shadow licence and will be in the name of the landlord.</p> <p>The premises has been licensed since September 2005 and a copy of the current licence (17/05394/LIPT) can be found at Appendix 5.</p>		
Applicant submissions:	The application is to permit a shadow licence for the landlords of the property in the same terms of the current premises licence only.		
Plans	Plans of the premises are available upon request from the Licensing Authority and will be available at the Licensing Sub-Committee.		

1-B Proposed licensable activities and hours							
Late Night Refreshment:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	23:00
End:	00:30	00:30	00:30	00:30	00:30	00:30	00:00
Seasonal variations/ Non-standard timings:				See conditions attached at Appendix 3			

Late Night Refreshment GROUND FLOOR ONLY:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	
End:	23:30	23:30	23:30	23:30	23:30	23:30	
Seasonal variations/ Non-standard timings:		See conditions attached at Appendix 3					

Films FIRST FLOOR ONLY				On or off sales or both:			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	
End:	00:30	00:30	00:30	00:30	00:30	00:30	
Seasonal variations/ Non-standard timings:		See conditions attached at Appendix 3					

Recorded Music				On or off sales or both:			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	Unrestricted						
End:							
Seasonal variations/ Non-standard timings:		See conditions attached at Appendix 3					

Anything of a similar description				On or off sales or both:			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	Unrestricted						
End:							
Seasonal variations/ Non-standard timings:							

Sale by retail of alcohol				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	23:00
End:	00:00	00:00	00:00	00:00	00:00	00:00	23:30
Seasonal variations/ Non-standard timings:		Ground Floor only - Monday to Saturday 10:00 to 23:00 Sunday to 12:00 to 22:30.					
		See conditions attached at Appendix 3					

Sale by retail of alcohol GROUND FLOOR ONLY				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	12:00
End:	23:00	23:00	23:00	23:00	23:00	23:00	22:30
Seasonal variations/ Non-standard timings:		See conditions attached at Appendix 3					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	10:00
End:	00:30	00:30	00:30	00:30	00:30	00:30	00:30
Seasonal variations/ Non-standard timings:		See conditions attached at Appendix 3.					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	12:00
End:	23:30	23:30	23:30	23:30	23:30	23:30	22:30
Seasonal variations/ Non-standard timings:		See conditions attached at Appendix 3.					
Adult Entertainment:		Not applicable.					

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Metropolitan Police Service (<i>withdrawn</i>)
Representative:	PC Sandy Russell
Received:	29 th June 2017

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

The conditions shown below are now standard requirements from a police perspective on all new licences. We require them to be added to any future shadow licence for the above premises. Please let me know whether your client is willing to accept them as this may enable us to withdraw our representation.

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. 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.
4. 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.
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. It must be completed within 24 hours of the incident and will record the following: (a) all crimes reported to the venue (b) all ejections of patrons (c) any complaints received concerning crime and disorder (d) any incidents of disorder (e) all seizures of drugs or offensive weapons (f) any faults in the CCTV system, searching equipment or scanning equipment (g) any refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service

Following the applicant agreeing the conditions proposed above the Metropolitan Police have withdrawn their representation.

Responsible Authority:	Environmental Health Consultation Team
Representative:	Mr Anil Drayan
Received:	27 th July 2017

The applicant has submitted a plan of the premises showing the Basement, Ground Floor and First Floor , drawing no M2927, dated Mar 05.

The applicant is seeking the following licensable activities:

1. Supply of Alcohol for 'On' and 'Off' the premises, Monday to Saturday, from 10:00 to 00:00 hours and Sunday 12:00 to 23:30 hours.
2. Provision of Late Night Refreshment 'Indoors' , Monday to Saturday, from 23:00 to 00:30 hours and Sunday, 23:00 to 23:30 hours
3. To provide 'Indoors' and 'Unrestricted' anything of a similar description to ;
 - Performance of Dance
 - Recorded Music
 - Live Music
4. To provide Films 'Indoors' from 10.00 to 00.30 hours Monday to Saturday.
5. Non Standard timings are also requested for the above licensable activities.

I wish to make the following representations based on the plans and operating schedule submitted:

1. The Supply of Alcohol 'On' and 'Off' the premises and for the hours requested may have the effect of increasing Public Nuisance in the area.
2. Provision of Late Night Refreshment may have the effect of increasing Public Nuisance in the area.
3. The provision of the Regulated Entertainments requested and for the hours requested may have the effect of increasing Public Nuisance in the area and may adversely impact on Public Safety.
4. The provision of Films and for the hours requested may have the effect of increasing Public Nuisance in the area and may adversely impact on Public Safety.
5. Non Standard timings for the above licensable activities may have the effect of increasing Public Nuisance in the area and may adversely impact on Public Safety.

The applicant states that this application is for a 'shadow' licence and all activities and conditions as contained in the licence currently operating at the premises are exactly the same in this application.

Environmental Health's principal concerns with this application are to avoid a situation arising where a 'conveyor' belt of licences pertains at the premises.

In particular Environmental Health will need to be satisfied on what happens to a 'shadow' licence in situations such as if the current operators licence gets reviewed or revoked.

Should this application go before the Licensing-sub Committee Environmental Health will wish to be party to any discussion held there and will also provide, for information, a history check of the Council's database with regards to any issues related to the operation of the existing licence.

2-B Other Persons	
Name:	Mrs Anne-Marie Craven
Received:	21 st June 2017
I own property at York Street and I object to the application to increase the licensing hours to 0.3am daily. York Street is a residential area with flats next door, opposite and on the other side of the road. The noise resulting from the late closing would be very disturbing for residents in the area.	
Name:	Mr Giles Edwards
Received:	6 th July 2017
York Street is a quiet residential area and allowing the extension of the opening hours and hours during which the Royal Oak is able to lay on audio or visual entertainment is not in keeping with the character of the area. The increased noise from the pub and the resultant 'overspill' of their patrons onto the street until well beyond midnight would be detrimental to the neighbours living conditions given the properties opposite are listed and as such double glazing is prohibited.	
Name:	Miss Fiona Timothy
Received:	5 th July 2017
This is a mixed residential / commercial area. Currently the Royal Oak stops serving customers and clears the property by 23:00 which is tolerable to residents. To extend licensing hours beyond 23:00 and to have members of the public leaving after 00:30 throughout the week would be very disruptive to the neighbours. The properties directly opposite the Royal Oak are listed and therefore cannot have windows double glazed and as a result noise can be very disruptive. Obviously The Royal Oak is in a London location however York Street in the evenings is a quiet residential road and a change to licence to allow video and music throughout the week would be noisy and disruptive to the rate payers in the street.	
Name:	Mrs Julia Alexander
Received:	22 nd July 2017
This is an entirely residential area within which we used to have several highly-valued local pubs. One of these has become a high-end restaurant, and others have been closed while developers fight to exploit their development-value. Dismayed, the local population has recently sought and obtained 'Asset of Community Value' for 2 excellent neighbourhood pubs nearby. Thus, many local residents have been truly delighted to see the rather tired 'Temperance' pub reborn as The Royal Oak. The pub seems to be going well, to general satisfaction; but it is in a residential area, just round the corner from one of Westminster's most prized Primary Schools, and is already causing concern on the grounds of Policy Paragraph 2.2.8 PN1 Section 2. It is - as it stands - a venue for 'vertical drinking'. The Applicant does not make a persuasive case for extending hours beyond our Policy Core Hours. I would ask the Committee to refuse this application, on the grounds that it would be contrary to our Licensing objectives (PB1 & PB2), as in the 2016 Licensing policy Statement, and with particular reference to Policy HRS1.	

Name:	Mr Jonathan Mitchell
Received:	5 th July 2017
<p>I would like to object to the extension to this license beyond 11 p.m. York Street is a largely residential street. The management of the pub make efforts to control the noise levels from their customers. However, once people leave the premises they frequently make a great deal of noise as they leave and will often remain on the street for an extended period of time. Whilst this is acceptable up until 11 p.m. it would become intolerable if this were to be extended until 12.30.</p>	
Name:	Mr Charles Vaughan-Jones
Received:	10 th July 2017
<p>As adjoining owners we wish to object to the proposed variation of the licence for these premises.</p> <p>These premises were formally known as The Marylebone Bar and Kitchen and were the subject of a very similar application for variation of the existing licence in September 2005 (05/06124/LIPCV). The Council received thirty one objections to that application which the Licensing Sub-Committee refused almost in its entirety.</p> <p>We do not consider there have been any changes to this essentially residential area that would warrant an amendment to the existing licence to permit longer opening hours.</p> <p>As regards the application for licence to show films on the first floor of the premises we wish to point out that these premises form a part of a Georgian terrace and we are concerned that the noise thus generated would adversely affect the adjoining residential occupiers unless comprehensive sound-proofing has been carried out. There will be further disturbance caused to the neighbourhood by patrons leaving the film screenings at the proposed later times.</p>	
Name:	Mr Josslyn Gore-Booth
Received:	20 th July 2017
<p>I own a flat directly opposite the Royal Oak public house. There is already a tendency in fine weather for customers of the pub to gather on the pavement in large numbers and to make a great deal of noise, but that is mitigated to some extent by the existing hours of opening. When we purchased the flat, we assumed that those hours would not be extended after midnight and we object strongly to this application. The street is largely residential and its many residents will derive no benefit whatsoever from any extension of the licensing hours: quite the reverse, since most will suffer disturbance to their sleep on a regular and unreasonable basis.</p>	

Name:	Jane Davies
Received:	14 th July 2017

I am getting a petition together AT MANY NEIGHBOURS REQUEST for our mansion block, York Street Chambers.

My flat and many others face the side of the pub on Enford Street. The sound dynamic is such that one can hear people's conversation in the street outside with the windows closed, let alone alcohol fuelled shouting and screaming.

This is a residential neighbourhood and many of us work and young people have school and important exams. We need our sleep! For that reason I am TOTALLY AGAINST EXTENDED HOURS LICENSING.

I have lived in this flat for 30 years (many other neighbours are also long-standing) and at one point - in the 90s they had later licensing and loud disco/music on the first floor and I and several other people became ill due to lack of sleep and had to sleep in our sitting rooms to try and minimise the noise disruption and had to petition the council to get it stopped. I am TOTALLY AGAINST RECORDED MUSIC.

The current owners are considerate AND - WE are good neighbours to them. Although we might prefer the pub to be flats, we understand people are trying to make a living. We ALREADY put up with not being able to walk along the pavement on that very dangerous corner of York street and Enford street, late night screaming and shouting ages after the pub has closed and the very noisy, industrial, kitchen fan.

The pub owners have put up notice requests for their customers, re noise and pavement blocking, but, they cannot change the inevitable alcohol fuelled poor behaviour. This is worse the later a place is open as people have drunk more AND means that the noise doesn't stop when the pub closes but quite some time afterwards.

People gather on Enford Street to talk loudly and smoke (which comes into our flats). Men urinate into the children's playground.

Recently after the pub has closed, people have also come into our front courtyard off the street, to urinate by our bins, leave litter, as well as to sit on our steps to smoke

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy HRS1 applies	(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy. (ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.
Policy FFP1 applies:	Applications will only be granted if it can be demonstrated that the proposal meets relevant criteria in Policies CD1, PS1, PN1 and CH1.
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

Appendix 1	Applicant supporting documents
Appendix 2	Premises history
Appendix 3	Proposed conditions
Appendix 4	Residential map and list of premises in the vicinity
Appendix 5	17/05394/LIPT – Current premises licence.

Report author:	Miss Heidi Lawrance Senior Licensing Officer
Contact:	Telephone: 020 7641 2751 Email: hlawrance@westminster.gov.uk

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

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Application Form	27 th June 2017
5	Representation – Metropolitan Police Service	29 th June 2017
6	Representation – Environmental Health	27 th July 2017
7	Representation – Ms Craven	21 st June 2017
8	Representation – Mr Edwards	6 th July 2017
9	Representation – Ms Timothy	5 th July 2017
10	Representation – Ms Alexander	22 nd July 2017
11	Representation – Mr Vaughan-Jones	10 th July 2017
12	Representation – Ms Gore-Booth	20 th July 2017
13	Representation – Ms Davis	14 th July 2017

Applicant Supporting Documents

Letter sent to objectors:

Dear Sirs,

I act for the Applicant in this shadow licence application.

Thank you for your Representation. I have been negotiating conditions with the Police and Environmental Health and I apologise for the delay, but I wanted to see if I could reach agreement with them before contacting you.

I am pleased to say that we have agreed conditions with the Police and Environmental Health and I have set these out at the bottom of the email.

I appreciate the concerns that you have raised in your Representation.

Please be reassured however that this is an application for a “shadow licence” which more than likely will never be traded. A shadow licence acts as a form of insurance policy for the landlord (my client). My clients are simply involved in the ‘bricks and mortar’ of the premises rather than running a pub, however if the existing premises licence lapses for some reason, for example the insolvency or death of the tenant, or indeed if the licence is surrendered then this causes great difficulty to my client in re-marketing the property, both in terms of delay in obtaining a new licence and the uncertainty.

We have applied for a duplicate shadow licence in exactly the same terms as the existing licence but as you will see from the conditions below the shadow licence cannot have effect whilst the existing operating licence does. As a shadow licence is intended to be a duplicate of the existing licence it would not therefore be appropriate, in our view, to amend specific conditions on that licence. If you do have concerns about the operation of the premises then please let me know and I will gladly forward these on to the existing tenant / Premises Licence Holder (although I stress we do not act for them).

To repeat, we have no intention of ever using the shadow licence, but if we did it would be because the existing licence had lapsed or ceased to have effect in some way and my clients would at that point rely on the shadow licence in order to market the property to a new tenant and then for them to trade under it. This avoids the need of an expensive and uncertain application process for a new licence, together with the inevitable delay such an application would bring.

I trust that makes our position clear, but if you do have any queries then please do not hesitate to contact me on 0115 9349170.

Kind Regards.

Craig Barwell

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. 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.
4. 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.
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. It must be completed within 24 hours of the incident and will record the following: (a) all crimes reported to the venue (b) all ejections of patrons (c) any complaints received concerning crime and disorder (d) any incidents of disorder (e) all seizures of drugs or offensive weapons (f) any faults in the CCTV system, searching equipment or scanning equipment (g) any refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service
6. This Premises Licence will not have effect at any time that licensable activities are being carried out under the authorisation of Premises Licence number [existing licence]
7. At the time that the Shadow Licence takes effect the Premises Licence Holder will ensure a DPS is nominated under Section 37 of the Licensing Act 2003.
8. The Premises Licence Holder will not trade from or operate the premises under this premises licence, for a period of three months after the revocation of current premises licence [existing licence number] which exists for the same premises.

Premises History - 17/05394/LIPT

Application	Details of Application	Date Determined	Decision
05/06124/LIPCV	Application for a Premises Licence	07/09/2005	Granted by Licensing Sub-Committee
05/12181/LIPDPS	Vary the Designated Premises Supervisor	09/12/2005	Granted under Delegated Authority
06/08127/LIPDPS	Vary the Designated Premises Supervisor	06/09/2006	Granted under Delegated Authority
06/13053/LIPDPS	Vary the Designated Premises Supervisor	22/01/2007	Granted under Delegated Authority
06/13042/LIPT	Transfer the Premises Licence	22/01/2007	Granted under Delegated Authority
10/03579/LIPDPS	Vary the Designated Premises Supervisor	14/06/2010	Granted under Delegated Authority
11/06986/LIPT	Transfer the Premises Licence	17/08/2011	Granted under Delegated Authority
15/09290/LIPVM	Application for a Minor Variation: To add the provision of films as follows: Monday to Saturday from 10:00 to 00:30. This application seeks to extend the opening times on the first floor on a Sunday from 10:00 to 00:30.	10/11/2015	Granted under Delegated Authority
15/09358/LIPCH	Change of details	22/10/2015	Granted under Delegated Authority

17/04129/LIPVM	Application for a Minor Variation: To change the layout and design in accordance with the plan GK007.16.L01	08/05/2017	Granted under Delegated Authority
17/04508/LIPDPS	Vary the Designated Premises Supervisor	17/05/2017	Granted under Delegated Authority
17/05394/LIPT	Transfer the Premises Licence	06/06/2017	Granted under Delegated Authority

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.

Conditions consistent with the operating schedule

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

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

10. (i) Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours.

In this condition, permitted hours means:

- (a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10.00 to 23.00;
- (b) On Sundays, other than Christmas Day or New Year's Eve, 12.00 noon to 22.30;
- (c) On Good Friday, 12.00 to 22.30;
- (d) On Christmas Day, 12.00 to 15.00 and 19.00 to 22.30;
- (e) On New Year's Eve, except on a Sunday, 10.00 to 23.00;
- (f) On New Year's Eve on a Sunday, 12.00 to 22.30;
- (g) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, 00.00 midnight on 31st December).

- (ii) For the First Floor Only

- (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 twenty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking table meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (d) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;

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

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

11. 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.

12. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.
13. The showing of films shall at all times be limited to the first floor only.

14. The external windows of the first floor room(s) where films are shown shall be kept shut at all times when films are shown.
15. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
16. The maximum number of persons accommodated on the first floor (excluding staff) at any one time shall not exceed 40 persons.
17. An additional hour beyond the core hours for the licensable activities authorised by this licence is granted on St David's Day, St Patrick's Day, St George's Day and St Andrew's Day subject to 7 days notice and with agreement with the Police.
18. An additional hour beyond the core hours for the licensable activities authorised by this licence is granted on Statutory Bank Holiday weekends (Friday, Saturday, Sunday, and Monday), for the Thursday before Good Friday, and for Christmas Eve.
19. All tables and chairs outside the premises are not to be used after 22:30 hours.
20. When payment is made by debit/credit cards, the customer shall be presented with an itemised bill showing all alcoholic drinks purchased.

Conditions proposed by the Police and agreed by the applicant

21. 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.
22. 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.
23. 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.
24. 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

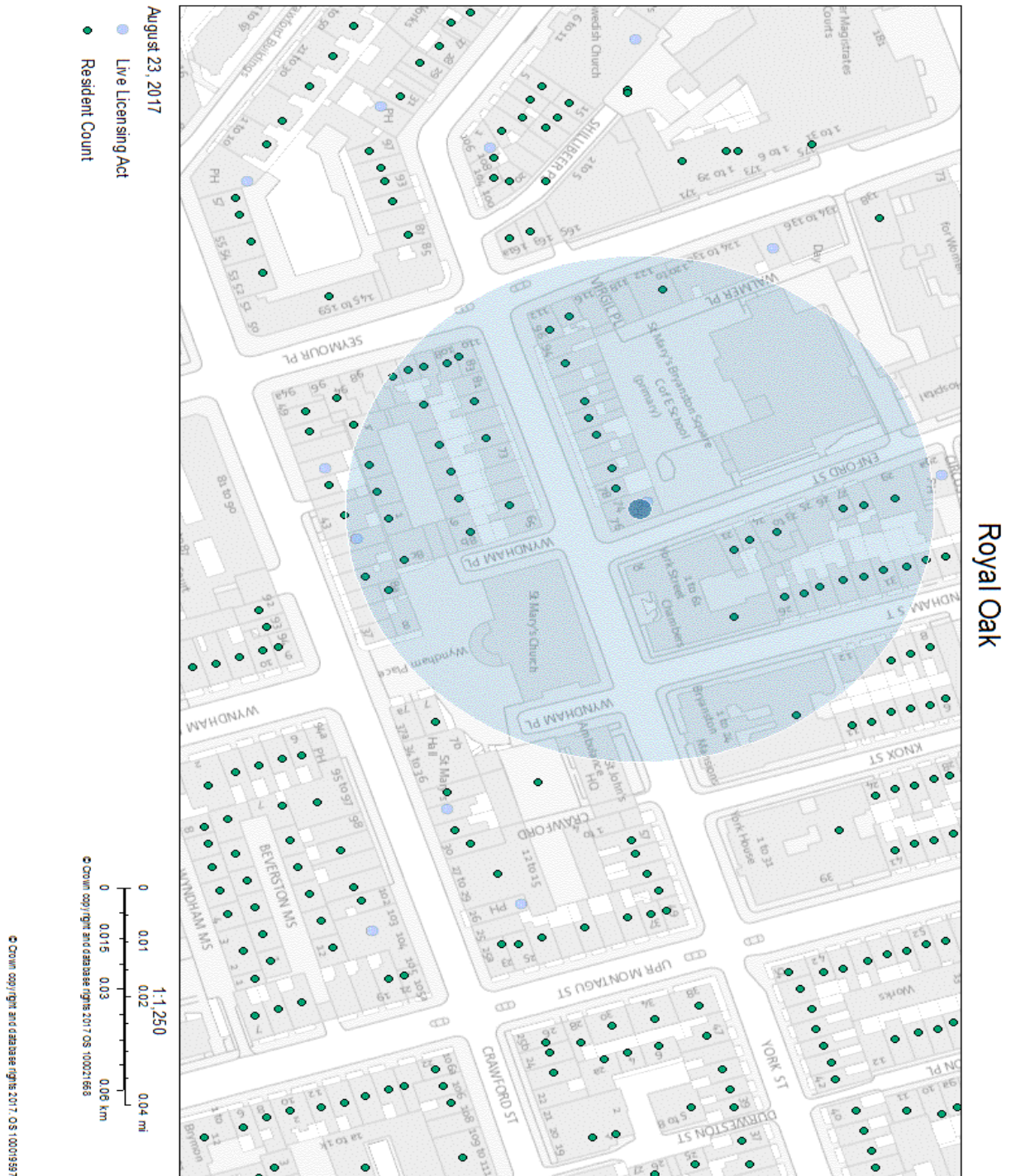
premises by the police or an authorised officer of the City Council at all times whilst the premises are open.

25. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
- (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system, searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service

Conditions proposed by the Environmental Health

None submitted.

Residential Map and List of Premises in the Vicinity



Resident Count: 212

Copy of current Premises Licence - 17/05394/LIPT

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

Schedule 12
Part A

Premises licence

WARD: Bryanston And
Dorset Square
UPRN: 010033546491

Regulation 33, 34

Premises licence number:

17/05394/LIPT

Original Reference:

05/06124/LIPCV

Part 1 – Premises details

Postal address of premises:

Royal Oak
74-76 York Street
London
W1H 1QN

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

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

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

Exhibition of a Film
Monday to Saturday: 10:00 to 00:30 (First Floor)

Playing of Recorded Music Unrestricted

Late Night Refreshment
Monday to Saturday: 23:00 to 23:30 (Ground Floor)
Monday to Saturday: 23:00 to 00:30 (First Floor)
Sunday: 23:00 to 00:00 (First Floor)

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

Sale by Retail of Alcohol	
Monday to Saturday:	10:00 to 23:00 (Ground Floor)
Sunday:	12:00 to 22:30 (Ground Floor)
Monday to Saturday:	10:00 to 00:00 (First Floor)
Sunday:	23:00 to 23:30 (First Floor)
<i>For times authorised for Christmas, New Year and Good Friday and Seasonal Variations see conditions at Annex 1 & 3</i>	

The opening hours of the premises:	
Monday to Sunday:	10:00 to 00:30
Monday to Saturday:	10:00 to 23:00
Sunday:	12:00 to 22:30

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

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

Part 2

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

The Max Barney Pub Company Limited
 22 Grenville Street
 St Hellier
 JE4 8PX
Business Phone Number : Not Supplied

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

120277 - Jersey

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

Name: Timothy Reed Shanks

Please note: It is the policy of the Licensing Authority not to display the address details of a designated premises supervisor.

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:

Licence Number: 11/00358/LAPER
 Licensing Authority: Chiltern District Council

Date: 23 August 2017

This licence has been authorised by Shannon Pring on behalf of the Director - Public Protection and Licensing.

Annex 1 – Mandatory conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

- (a) a holographic mark, or
- (b) an ultraviolet feature.

7. The responsible person must ensure that—

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

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

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

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

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

Where -

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
9. Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.

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

- 10. (i) Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours.

In this condition, permitted hours means:

- (a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10.00 to 23.00;
- (b) On Sundays, other than Christmas Day or New Year's Eve, 12.00 noon to 22.30;
- (c) On Good Friday, 12.00 to 22.30;
- (d) On Christmas Day, 12.00 to 15.00 and 19.00 to 22.30;
- (e) On New Year's Eve, except on a Sunday, 10.00 to 23.00;
- (f) On New Year's Eve on a Sunday, 12.00 to 22.30;
- (g) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, 00.00 midnight on 31st December).

(ii) For the First Floor Only

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

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

11. 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.

12. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.

Annex 2 – Conditions consistent with the operating Schedule

13. The showing of films shall at all times be limited to the first floor only.
14. The external windows of the first floor room(s) where films are shown shall be kept shut at all times when films are shown.
15. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
16. The maximum number of persons accommodated on the first floor (excluding staff) at any one time shall not exceed 40 persons.

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

17. An additional hour beyond the core hours for the licensable activities authorised by this licence is granted on St David's Day, St Patrick's Day, St George's Day and St Andrew's Day subject to 7 days notice and with agreement with the Police.
18. An additional hour beyond the core hours for the licensable activities authorised by this licence is granted on Statutory Bank Holiday weekends (Friday, Saturday, Sunday, and Monday), for the Thursday before Good Friday, and for Christmas Eve.
19. All tables and chairs outside the premises are not to be used after 22:30 hours.
20. When payment is made by debit/credit cards, the customer shall be presented with an itemised bill showing all alcoholic drinks purchased.

Annex 4 – Plans

Attached



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

Schedule 12
Part B

Premises licence
summary

WARD: Bryanston And
Dorset Square
UPRN: 010033546491

Regulation 33, 34

Premises licence number:

17/05394/LIPT

Part 1 – Premises details

Postal address of premises:

Royal Oak
74-76 York Street
London
W1H 1QN

Telephone Number:

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

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

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

Exhibition of a Film	
Monday to Saturday:	10:00 to 00:30 (First Floor)
Playing of Recorded Music	Unrestricted
Late Night Refreshment	
Monday to Saturday:	23:00 to 23:30 (Ground Floor)
Monday to Saturday:	23:00 to 00:30 (First Floor)
Sunday:	23:00 to 00:00 (First Floor)

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

Sale by Retail of Alcohol	
Monday to Saturday:	10:00 to 23:00 (Ground Floor)
Sunday:	12:00 to 22:30 (Ground Floor)
Monday to Saturday:	10:00 to 00:00 (First Floor)
Sunday:	23:00 to 23:30 (First Floor)
<i>For times authorised for Christmas, New Year and Good Friday and Seasonal Variations see conditions at Annex 1 & 3</i>	

The opening hours of the premises:	
Monday to Sunday:	10:00 to 00:30
Monday to Saturday:	10:00 to 23:00
Sunday:	12:00 to 22:30

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

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

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

The Max Barney Pub Company Limited
 22 Grenville Street
 St Hellier
 JE4 8PX

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

120277 - Jersey

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

Name: Timothy Reed Shanks

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

Restricted

Date: 23 August 2017

This licence has been authorised by Shannon Pring on behalf of the Director - Public Protection and Licensing.

Item No:	
Date:	31 st August 2017
Licensing Ref No:	17/06728/LIPN - New Premises Licence
Title of Report:	Ground Floor 31-31A Queensway London W2 4QJ
Report of:	Director of Public Protection and Licensing
Wards involved:	Lancaster Gate
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Yolanda Wade Senior Licensing Officer
Contact details	Telephone: 020 7641 1884 Email: ywade@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	16 June 2017		
Applicant:	Mr Ahady Naiem Mahamad		
Premises:	Ground Floor		
Premises address:	31-31A Queensway London W2 4QJ	Ward:	Lancaster Gate
		Cumulative Impact Area:	Bayswater
Premises description:	<p>According to the application the premises will operate as a local convenience store selling staple goods, confectionery, drinks, grocery, news magazines and offering services such as Paypoint, lotto and oyster to customer.</p> <p>The applicant is seeking to sell alcohol (off sales) at the premises as part of the other services that will be provided.</p>		
Premises licence history:	The application is for a new premises licence therefore no history exists.		
Applicant submissions:	The Applicant has proposed conditions found at Appendix 1 of the report.		
Plans	Copies of the premises plans are available on request and for display at the hearing.		

1-B Proposed licensable activities and hours							
Sale of Alcohol:				On or off sales or both:			Off Sales
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	08:00	08:00	08:00	08:00	08:00	10:00	10:00
End:	00:00	00:00	00:00	00:00	00:00	00:00	00:00

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	07:00	07:00	07:00	07:00	07:00	07:00	08:00
End:	00:00	00:00	00:00	00:00	00:00	00:00	00:00

2. Representations

2-A Responsible Authorities	
Responsible Authority:	The Licensing Authority
Representative:	David Sycamore
Received:	11 th July 2017
<p>I write in relation to the application submitted for a New Premises Licence for the following premises –</p> <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"> • Public Nuisance • Prevention of Crime & Disorder • Public Safety <p>The premises is located within the Queensway Cumulative Impact and as such a number of policy points must be considered.</p> <p>The applicants currently seek hours that our outside the Westminster Core Hours Policy, HRS1 and we believe the application if granted will undermine the licensing objectives. OS2 states applications will generally be granted but would need to have consideration of other policies such as HRS1. They would also need to show that the granting of such licence would not add to cumulative impact. We do not believe the proposed conditions support the exception to policy and we would ask that the hours sought be reduced to the core hours for off sales.</p> <p>Please accept this a formal objection and we look forward to seeing any additional documents which include additional conditions and amendments.</p>	
Responsible Authority:	The Metropolitan Police
Representative:	PC Brian Hunter
Received:	26 th June 2017
<p>With reference to the above, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be making a representation against this application.</p> <p>The venue is situated within the Cumulative Impact Area. It is our belief that if granted the application would undermine the Licensing Objectives in relation to The Prevention of Crime and Disorder.</p>	

I have listed the following conditions the Police would like to see on the Premises Licence should it be granted

Core hours for OFF-SALES to be

Monday to Saturday: 08:00 to 23:00

Sunday: 10:00 to 22:30

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.

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

A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following

- (a) All crimes reported to the venue
- (b) All ejections of patrons
- (c) Any complaints received concerning crime and disorder
- (d) Any incidents of disorder
- (e) All seizures of drugs or offensive weapons
- (f) Any faults in the CCTV system
- (g) Any refusal of the sale of alcohol
- (h) Any visit by a relevant authority or emergency service.

Signage of the age verification scheme shall be displayed in a prominent position on the shop floor, at point of sale.

There shall be no beer, cider or lager sold above 5.5% Alcohol by Volume.

There shall be no self-service of spirits on the premises except for any mixtures below 5.5%

Alcohol by Volume.

No more than 15% of the sales area to be used at any one time for the sale, exposure for sale or display of alcohol.

All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.

Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, the licence holder shall ensure that all alcohol within the premises (including alcohol behind the counter) is secured in a locked store room or behind locked grilles, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff.

Responsible Authority:	The Environmental Health Service (Withdrawn)
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Representative:	Ian Watson
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Received:	7 th July 2017
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I refer to the application for a new Premises Licence.

The premises are located in the Queensway/Bayswater Cumulative Impact area.

This representation is based on the information provided within operating schedule and plan provided.

The applicant is seeking the following variation

1. To provide for the supply of alcohol 'Off' the premises Monday to Friday 08.00 to 00.00 hours and Saturday & Sunday 10.00 to 00.00 hours.

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 Queensway/Bayswater CIA and impact on Public Safety.

The Environmental Health Service have withdrawn their representation to the application as the applicant have agreed their proposed conditions

2-B Other Persons

Name:	John Zamit
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Address and/or Residents Association:	[REDACTED]
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Received: 29th June 2017

We, the South East Bayswater Residents' Association (SEBRA) & the Bayswater Residents' Association (BRA) object to this application as far too many 'off licences' in Queensway already and premises in the Queensway / Bayswater Stress Area.

We have a 'street drinking' problem in Stress area as well as beggars in street etc

If Premises Licence to be granted hours need to be reduced to WCC 'Core Hours' or less

Also standard type conditions for 'off licences' in Westminster e.g. CCTV, no sale of beer / cider over 5.5% in strength, limit to amount of shop space given over to alcohol sales (say 15%), Challenge 25 in place, lockable metal cabinets for all alcohol to be used outside 'off licence' hours permitted, no sale of 'miniature' spirit bottles, spirits only to be served from behind cash desk counter, usual refuse / recycling collection times and control over delivery hours etc.

3. Policy & Guidance

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

Policy CIA1 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 OS2 applies:	Applications will be granted subject to the relevant criteria in Policies CD1, PS1, PN1 CH1 and HRS1 and other policies in this Statement, provided it is demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas.

4. Appendices

Appendix 1 | Applicant supporting documents

Appendix 2	Premises history
Appendix 3	Proposed conditions
Appendix 4	Residential map and list of premises in the vicinity

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

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

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	The Application Form	16 th June 2017
5	The Environmental Health Service Rep	7 th July 2017
6	The Metropolitan Police Rep	26 th June 2017
7	The Licensing Authority Rep	11 th July 2017
8	John Zamit Rep	29 th June 2017

General

TO PROMOTE ALL FOUR LICENSING OBJECTIVES WE WILL KEEP:

Strong management controls and effective training of all staff so that they are aware of the premises licence and the

requirements to meet the four licensing objectives with particular attention to:

a/ no selling of alcohol to underage people

b/ no drunk and disorderly behavior on the premises area

c/ vigilance in preventing the use and sale of illegal drugs at the retail area

d/ no violent and anti-social behaviour

e/ no any harm to children

- Operating Schedule providing the hours of operation and licensable activities during those hours.

- Designated premises supervisor confirmed it is obligated to be in day-to-day control of the premises, to provide good

training for staff on the Licensing Act (Training Record), to make or authorize each sale

- Clear "Challenge 25" information to prevent the supply of alcohol to under-age drinkers.

- CCTV system installed with recording option available

- Roller metal exterior window shutter will be fixed to ensure that shop front is safe and secure at all times

As a licensed premises we know that it is necessary to carry out our functions or operate their businesses with a purpose of promoting these objectives. We promise to support these objectives through their operating schedules and other measures (including staff training and qualifications, policies, and strategic partnerships with other agencies).

Prevention of crime and disorder

CCTV System installed to monitor entrances, exits, exterior and other parts of the premises in order to address the prevention of crime objective.

A clear and legible notice outside the premises indicating the normal hours under the terms of the premises licence during which licensable activities are permitted.

Clear and conspicuous notices warning of potential criminal activity, such as theft, that may target customers will be displayed.

Not selling of alcohol to drunk or intoxicated customers.

Staff will be well trained in asking customers to use premises in an orderly and respectful manner and leave the neighborhood quietly, respecting nearby residents.

Public Safety

Internal and external lighting fixed to promote the public safety objective.

Well trained staff adherence to environmental health requirements.

Training and implementation of underage ID checks.

A refusal log book or recording system in addition to Epos system recorder shall be kept upon the premises in which shall be entered particulars of inspections made; those required to be made by statute, and information compiled to comply

with any public safety condition attached to the premises licence that requires the recording of such information. The log book shall be kept available for inspection when required by persons authorised by the Licensing Act 2003 or associated legislation.

All parts of the premises and all fittings and apparatus therein, door fastenings and notices, lighting, heating, electrical, air condition, sanitary accommodation and other installations, will be maintained at all times in good order and in a safe condition.

All fire escape(s) routes will be clearly marked and kept free from any obstruction at all times.

Prevention of public nuisance

Noise reduction measures to address the public nuisance objective.

Prominent, clear and legible notices will be displayed at the exit requesting the public to respect the needs of nearby residents and to leave the premises and the area quietly.

Deliveries of goods necessary for the operation of the business will be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby residents.

The Licensee will ensure that staff who arrive early morning or depart late at night (ex. for unpacking, pricing newly delivered goods) when the business has ceased trading conduct themselves in such a manner to avoid causing disturbance to nearby residents.

Customers will be asked not to stand around loudly talking in the street outside the premises.

Customers will not be admitted to premises above opening hours.

The movement of bins and rubbish outside the premises will be kept to a minimum after 11.00pm. This will help to reduce the levels of noise produced by the premises.

Any lighting on or outside the premises will be positioned and screened in such a way so as to not cause a disturbance to nearby residents.

Protection of Children from Harm

"Challenge 25" sign which is a retailing strategy that encourages anyone who is over 18 but looks under 25 to carry acceptable ID (a card bearing the PASS hologram, a photographic driving license or a passport) if they wish to buy alcohol or age restricted products.

Staff will be trained to spot proxy purchase and refuse such a sale and report the adult involve to police.

Admission of underage after 8pm will be banned unless supervised by an adult

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.

Conditions consistent with the operating schedule

9. Roller metal exterior window shutter will be fixed to ensure that shop front is safe and secure at all times
10. Clear and conspicuous notices warning of potential criminal activity, such as theft, that may target customers will be displayed.
11. Staff will be well trained in asking customers to use premises in an orderly and respectful manner and leave the neighbourhood quietly, respecting nearby residents.
12. A refusal log book or recording system in addition to Epos system recorder shall be kept upon the premises in which shall be entered particulars of inspections made; those required to be made by statute, and information compiled to comply with any public safety condition attached to the premises licence that requires the recording of such information. The log book shall be kept available for inspection when required by persons authorised by the Licensing Act 2003 or associated legislation
13. All parts of the premises and all fittings and apparatus therein, door fastenings and notices, lighting, heating, electrical, air condition, sanitary accommodation and other installations, will be maintained at all times in good order and in a safe condition.
14. All fire escape(s) routes will be clearly marked and kept free from any obstruction at all times.
15. Prominent, clear and legible notices will be displayed at the exit requesting the public to respect the needs of nearby residents and to leave the premises and the area quietly.
16. Deliveries of goods necessary for the operation of the business will be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby residents.
17. The Licensee will ensure that staff who arrive early morning or depart late at night (ex. for unpacking, pricing newly delivered goods) when the business has ceased trading conduct themselves in such a manner to avoid causing disturbance to nearby residents.
18. Customers will be asked not to stand around loudly talking in the street outside the premises.
19. The movement of bins and rubbish outside the premises will be kept to a minimum after 11.00pm. This will help to reduce the levels of noise produced by the premises.
20. Any lighting on or outside the premises will be positioned and screened in such a way so as to not cause a disturbance to nearby residents.
21. Staff will be trained to spot proxy purchase and refuse such a sale and report the adult involve to police.

22. Admission of underage after 8pm will be banned unless supervised by an adult

Conditions proposed by Environmental Health and agreed by the applicant

23. No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles.
24. No more than 15% of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol. **(also proposed by Police)**
25. There shall be no self-service of spirits on the premises, save for spirit mixtures less than 5.5% ABV **(also proposed by Police)**
26. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
27. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale.
28. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
29. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 20.00 hours and 08.00 hours on the following day.
30. No collections of waste or recycling materials (including bottles) from the premises shall take place between 20.00 hours and 08.00 hours on the following day.
31. No deliveries to the premises shall take place between 23.00 hours and 08.00 hours on the following day.

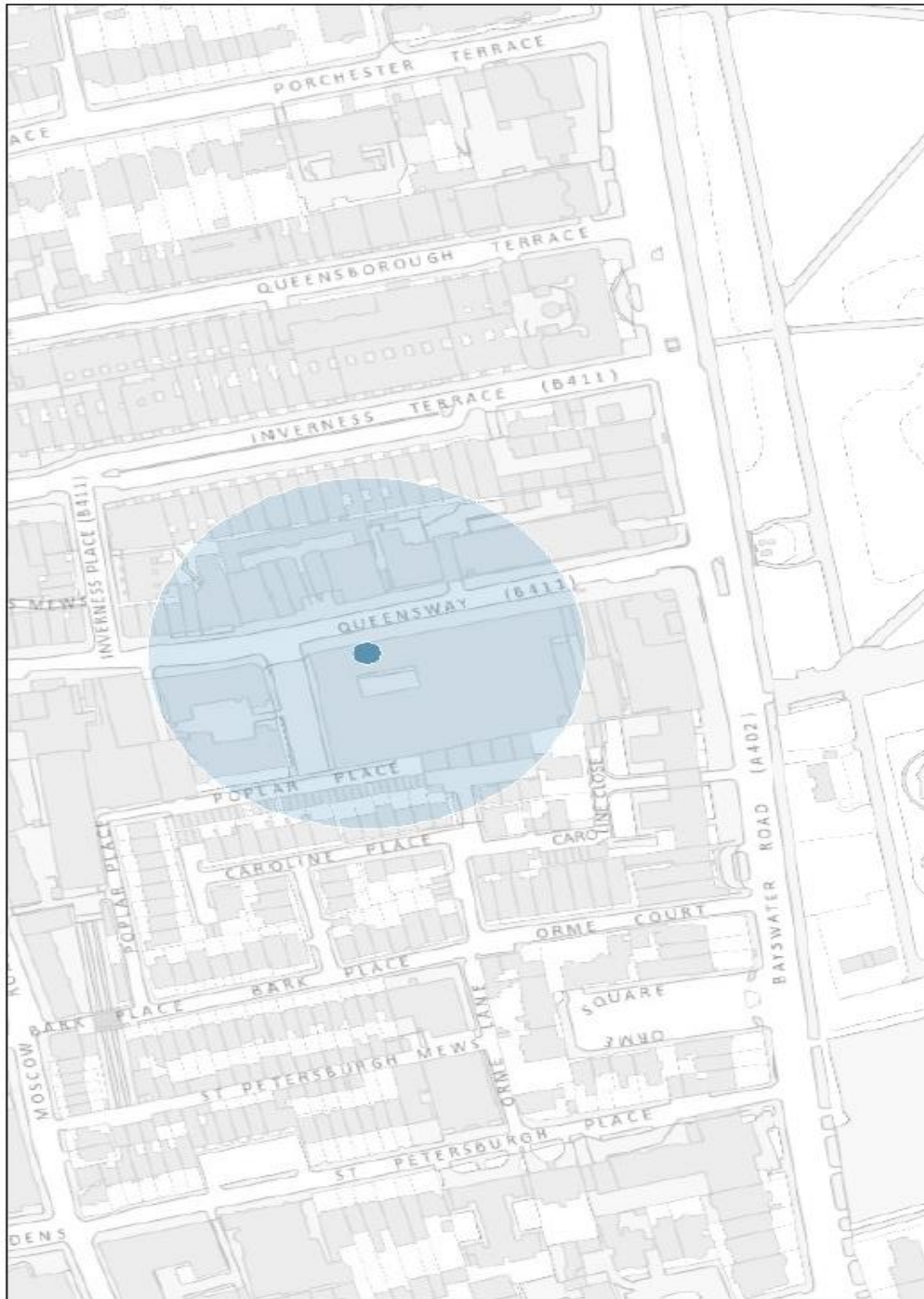
Conditions proposed by the Police

32. Core hours for OFF-SALES to be
Monday to Saturday: 08:00 to 23:00
Sunday: 10:00 to 22:30
33. 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.

34. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
35. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
36. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following
 - (a) All crimes reported to the venue
 - (b) All ejections of patrons
 - (c) Any complaints received concerning crime and disorder
 - (d) Any incidents of disorder
 - (e) All seizures of drugs or offensive weapons
 - (f) Any faults in the CCTV system
 - (g) Any refusal of the sale of alcohol
 - (h) Any visit by a relevant authority or emergency service.
37. Signage of the age verification scheme shall be displayed in a prominent position on the shop floor, at point of sale.
38. There shall be no beer, cider or lager sold above 5.5% Alcohol by Volume.
39. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
40. Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, the licence holder shall ensure that all alcohol within the premises (including alcohol behind the counter) is secured in a locked store room or behind locked grilles, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff.

Ground Floor 31-31A Queensway



Resident Count: 475

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City of Westminster

Licensing Sub-Committee Report

Agenda Item 3

Item No:	
Date:	31 August 2017
Licensing Ref No:	17/07271/LIPV - Premises Licence Variation
Title of Report:	Tank and Paddle 15-17 Heddon Street London W1B 4BF
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Heidi Lawrance Senior Licensing Officer
Contact details	Telephone: 020 7641 2751 Email: hlawrance@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	30 June 2017		
Applicant:	A3D2 Limited		
Premises:	Tank and Paddle		
Premises address:	15-17 Heddon Street London W1B 4BF	Ward:	West End
		Cumulative Impact Area:	West End
Premises description:	<p>The premises has previously operated as a nightclub.</p> <p>From the application it appears that the applicant now proposes to operate the premises as a restaurant and bar.</p>		
Variation description:	<p>The applicant has applied to vary the layout the premises following an overall refurbishment to create the Tank and Paddle brand.</p> <p>In addition to the refurbishment, the applicant has applied to removed a number of conditions from the premises licence.</p>		
Premises licence history:	The premises has been licensed since May 2005.		
Applicant submissions:	None Submitted.		
Plans	Plans of the premises are available upon request from the Licensing Authority and will be available at the Licensing Sub-Committee.		

1-B Current and proposed licensable activities, areas and hours					
Regulated Entertainment					
Performance of Dance, Live Music, Anything of a Similar Description					
	Current Hours		Proposed Hours		Licensable Area
	Start:	End:	Start:	End:	
Monday	09:00	03:00	No change.		Licensable area has not changed but the premises has undergone a refurbishment.
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	09:00	23:00			
Seasonal variations: Non-standard timings:	Current:			Proposed:	
	Please see conditions at Appendix 3			No change.	

Late night refreshment					
	Current Hours		Proposed Hours		Licensable Area
	Start:	End:	Start:	End:	
Monday	23:00	03:30	No change.		Licensable area has not changed but the premises has undergone a refurbishment.
Tuesday	23:00	03:30			
Wednesday	23:00	03:30			
Thursday	23:00	03:30			
Friday	23:00	03:30			
Saturday	23:00	03:30			
Sunday	23:00	01:00			
Seasonal variations/ Non-standard timings:	Current:			Proposed:	
	Sundays immediately before bank holidays until 03:30 Please see conditions at Appendix 3			No change.	

Sale by Retail of Alcohol					
On or off sales			Current :		Proposed:
			Both		Both
	Current Hours		Proposed Hours		Licensable Area
	Start:	End:	Start:	End:	
Monday	10:00	03:00	No change.		Licensable area has not changed but the premises has undergone a refurbishment.
Tuesday	10:00	03:00			
Wednesday	10:00	03:00			
Thursday	10:00	03:00			
Friday	10:00	03:00			
Saturday	10:00	03:00			
Sunday	12:00	00:30			
Seasonal variations/ Non-standard timings:	Current:				Proposed:
	Sundays immediately before bank holidays 12:00 until 03:00 Please see conditions at Appendix 3				No change.

Hours premises are open to the public					
	Current Hours		Proposed Hours		Premises Area
	Start:	End:	Start:	End:	
Monday	09:00	03:30	No change		Licensable area has not changed but the premises has undergone a refurbishment.
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	01:00			
Seasonal variations/ Non-standard timings:	Current:				Proposed:
	Sundays immediately before bank holidays 09:00 until 03:30 Please see conditions at Appendix 3				No change.

1-C Layout alteration
<p>The main aspects of the refurbishment are: the glass wash bar counter will be removed, the lobby to the side doors will be removed, it is proposed it will no longer be used. The booth seating will be removed and bar no 2 will be reduced in length. The raised level DJ booth, raised dance floor and bar no 3 will also be removed to install a new servery counter with pizza oven.</p>

1-D Conditions being varied, added or removed

Condition	Proposed variation
<p><u>Condition 15</u></p> <p>15. (a) Subject to the following paragraphs, the permitted hours on weekdays shall commence at 10.00 (12:00 on Christmas Day and Good Friday) and extend until 03.00 on the morning following, except that -</p> <p>(i) the permitted hours shall end at 00.00 midnight on any day on which music and dancing is not provided after midnight; and</p> <p>(ii) on any day that music and dancing end between 00.00 midnight and 03.00, the permitted hours shall end when the music and dancing end;</p> <p>(b) In relation to the morning on which summer time begins, paragraph (a) of this condition shall have effect-</p> <p>(i) with the substitution of references to 04.00 for references to 03.00.</p> <p>(c) Except on Sundays immediately before bank holidays (including Easter Sunday), the permitted hours on Sundays shall commence at 12:00 and extend until 00.30 on the morning following, except that-</p> <p>(i) the permitted hours shall end at 00.00 midnight on any Sunday on which music and dancing is not provided after midnight;</p> <p>(ii) where music and dancing end between 00.00 midnight on any Sunday and 00.30, the permitted hours on that Sunday shall end when the music and dancing end.</p> <p>(d) On Sundays immediately before bank holidays (excluding Easter Sunday), the permitted hours shall commence at 12:00 and extend until 03.00 on the morning following, except that-</p>	<p><u>To be amended to</u></p> <p>15. (a) Subject to the following paragraphs, the permitted hours on weekdays shall commence at 10.00 (12:00 on Christmas Day and Good Friday) and extend until 03.00 on the morning following.</p> <p>(b) In relation to the morning on which summer time begins, paragraph (a) of this condition shall have effect-</p> <p>(i) with the substitution of references to 04.00 for references to 03.00.</p> <p>(c) Except on Sundays immediately before bank holidays (including Easter Sunday), the permitted hours on Sundays shall commence at 12:00 and extend until 00.30 on the morning following, except that-</p> <p>(i) the permitted hours shall end at 00.00 midnight on any Sunday on which music and dancing is not provided after midnight;</p> <p>(ii) where music and dancing end between 00.00 midnight on any Sunday and 00.30, the permitted hours on that Sunday shall end when the music and dancing end.</p> <p>(d) On Sundays immediately before bank holidays (excluding Easter Sunday), the permitted hours shall commence at 12:00 and extend until 03.00 on the morning following, except that-</p> <p>(i) the permitted hours shall end at 00.00 midnight on any Sunday on which music and dancing is not provided after 00.00 midnight;</p> <p>(ii) where music and dancing end between 00.00 midnight on any Sunday and 03.00, the permitted hours on that Sunday shall end</p>

<p>(i) the permitted hours shall end at 00.00 midnight on any Sunday on which music and dancing is not provided after 00.00 midnight;</p> <p>(ii) where music and dancing end between 00.00 midnight on any Sunday and 03.00, the permitted hours on that Sunday shall end when the music and dancing end.</p> <p>(iii) The terminal hour for late night refreshment shall extend to 30 minutes after the end of permitted hours for the sale of alcohol set out in d(i) and (ii) above.</p> <p>(e) The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.</p> <p>(f) The permitted hours on New Year's Eve will extend to the start of permitted hours on the following day, or if there are no permitted hours on 1 January, to 00.00 on New Year's Eve.</p> <p>NOTE - The above restrictions do not prohibit:</p> <p>(a) during the first thirty minutes after the above hours the consumption of the alcohol on the premises;</p> <p>(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;</p> <p>(c) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;</p> <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</p>	<p>when the music and dancing end.</p> <p>(iii) The terminal hour for late night refreshment shall extend to 30 minutes after the end of permitted hours for the sale of alcohol set out in d(i) and (ii) above.</p> <p>(e) The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.</p> <p>(f) The permitted hours on New Year's Eve will extend to the start of permitted hours on the following day, or if there are no permitted hours on 1 January, to 00.00 on New Year's Eve.</p> <p>NOTE - The above restrictions do not prohibit:</p> <p>(a) during the first thirty minutes after the above hours the consumption of the alcohol on the premises;</p> <p>(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;</p> <p>(c) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;</p> <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>
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<p>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>(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><u>Condition 16:</u></p> <p>16. 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</p>	<p>To be removed</p>

<p>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 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.</p>	
<p><u>Condition 18</u></p> <p>On Friday and Saturday nights and on any promoted nights after 2200hrs all staff engaged O/S the premises or supervising or controlling queues, shall wear high visibility jackets or vests.</p>	<p>To be removed</p>
<p><u>Condition 22</u></p> <p>A minimum of 6 SIA door supervisors shall on duty from 2100 hours with two permanently placed on the entrance and one permanently placed in the outside smoking area.</p>	<p>To be removed</p>
<p><u>Condition 23</u></p> <p>All persons entering or re-entering the premises shall be searched by an SIA trained member of staff and monitored by the premises CCTV system.</p>	<p>To be removed</p>
<p><u>Condition 24</u></p> <p>All staff engaged outside the entrance to the premises, supervising and controlling queues, and the outside smoking area</p>	<p>To be removed</p>

shall wear high visibility yellow jackets or vests.	
<p><u>Condition 31</u></p> <p>Patrons permitted to temporarily leave and then re-enter the premises after midnight e.g. to smoke, shall be limited to (25) persons at any one time.</p>	To be removed
<p><u>Condition 35</u></p> <p>There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises.</p>	To be removed
<p><u>Condition 40</u></p> <p>After 23:00 hours patrons permitted to temporarily leave and then re-enter the premises, eg to smoke, shall not be permitted to take drinks or glass containers with them.</p>	To be removed
<p><u>Condition 41 a & b</u></p> <p>a. From 2100 hours, all drinking vessels used in the venue shall be polycarbonate. All alcohol in glass bottles are to be decanted into polycarbonate containers or polycarbonate carafes prior to being served, with the exception of champagne, wine or bottles of spirits with a minimum size of 70cl supplied by waiter/waitress service to tables. Staff shall clear all empty champagne and spirit bottles promptly from the tables. Customers shall not be permitted to leave their table carrying any such glass bottles or drink directly from the bottle.</p> <p>b. Notwithstanding a) above, with the written agreement of the Westminster Licensing Police, a</p>	To be removed

<p>copy of which will be held at the premises reception, glass drinking vessels may be used for private or pre-booked events within the lounge/club area.</p>		
<p><u>Condition 43</u></p> <p>43. On Fridays and Saturdays from 21:00 hours on entry all customers shall have their ID scanned, save for when a biometric scanning system is in place (when fingerprint scanning will be required for all customers who have previously supplied and shown identification at the premises.) This is with the exception of a maximum of 25 guests per night who may be admitted with the manager's discretion. A legible record of those people's full names, dates of birth shall be retained at the premises for inspection for a period of not less than 31 days together with the manager authorising the admittance. The details recorded by the ID scanner shall be made available to the police upon reasonable request.</p>	<p>To be removed</p>	
<p><u>Condition 44</u></p> <p>Notwithstanding the above, patrons who are attending a pre-booked private event will not be required on entry to have their ID scanned. This will be substituted with a written guest list to be held at reception for the event and will be retained for a period of 31 day post event for inspection by police and other such responsible authorities.</p>	<p>To be removed</p>	
<p>Adult entertainment:</p>	<p>Current position: Not applicable</p>	<p>Proposed position: Not applicable</p>

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Metropolitan Police Service
Representative:	PC Michael Day
Received:	18 th July 2017
<p>I have been allocated the application for the above premises.</p> <ul style="list-style-type: none"> • 17/07271/LIPV – Strawberry Moons (Tank & Paddle), 15-17 Heddon Street, London, W1B 4BF. <p>With reference to the above application, I wish to inform you that the Metropolitan Police, as a responsible authority, are making a representation. It is our belief that if granted the application would undermine the Licensing Objectives.</p> <p>The venue is situated inside the West End Cumulative Impact Area, a locality where this is traditionally high crime and disorder but I believe this application may cause further policing problems in the area which I will be looking into further.</p>	
Responsible Authority:	Environmental Health Consultation Team
Representative:	Mr Maxwell Koduah
Received:	20 th July 2017
<p>This representation is based on plans of Basement & Floors by DAKOTA House of Design May 2017 ref. 5228-17-100</p> <p>The applicant is seeking to:</p> <ol style="list-style-type: none"> 1. Vary the approved layout to the ground floor to include the following: <ol style="list-style-type: none"> a. Overall refurbishment to create a Tank and Paddle scheme b. Remove glass wash to bar counter c. Remove lobby to side doors as no longer used d. Remove booth seating and reduce length of bar No. 2 e. Remove raised level DJ booth and bar No. 3 and raised level f. Remove raised dance floor and install new server counter with pizza oven 2. Remove the following conditions from premises licence 17/07271/LIPV: <ol style="list-style-type: none"> I. Condition 15(1) “the permitted hours shall end at 00.00 midnight on any day on which music and dancing is not provided after midnight” II. Condition 15(ii) “on any day that music and dancing end between 00.00 midnight and 03.00, the permitted hours shall end when the music and dancing end” 	

- III. **Condition 16:** “No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies”
- IV. **Condition 18:** “On Friday and Saturday nights and on any promoted nights after 2200hrs all staff engaged O/S the premises or supervising or controlling queues, shall wear high visibility jackets or vests”
- V. **Condition 22:** “A minimum of 6 SIA door supervisors shall on duty from 2100 hours with two permanently placed on the entrance and one permanently placed in the outside smoking area”
- VI. **Condition 23:** “All persons entering or re-entering the premises shall be searched by an SIA trained member of staff and monitored by the premises CCTV system”
- VII. **Condition 24:** “All staff engaged outside the entrance to the premises, supervising and controlling queues, and the outside smoking area shall wear high visibility yellow jackets or vests”
- VIII. **Condition 31:** “Patrons permitted to temporarily leave and then re-enter the premises after midnight e.g. to smoke, shall be limited to (25) persons at any one time”
- IX. **Condition 35:** “There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises”
- X. **Condition 40:** “After 23:00 hours patrons permitted to temporarily leave and then re-enter the premises, eg to smoke, shall not be permitted to take drinks or glass containers with them”
- XI. **Condition 41a:** “From 2100 hours, all drinking vessels used in the venue shall be polycarbonate. All alcohol in glass bottles are to be decanted into polycarbonate containers or polycarbonate carafes prior to being served, with the exception of champagne, wine or bottles of spirits with a minimum size of 70cl supplied by waiter/waitress service to tables. Staff shall clear all empty champagne and spirit bottles promptly from the tables. Customers shall not be permitted to leave their table carrying any such glass bottles or drink directly from the bottle”
- XII. **Condition 41b:** “Notwithstanding a) above, with the written agreement of the Westminster Licensing Police, a copy of which will be held at the premises reception, glass drinking vessels may be used for private or pre-booked events within the lounge/club area”
- XIII. **Condition 43:** “On Fridays and Saturdays from 21:00 hours on entry all customers shall have their ID scanned, save for when a biometric scanning system is in place (when fingerprint scanning will be required for all customers who have previously supplied and shown identification at the premises.) This is with the exception of a maximum of 25 guests per night who may be admitted with the manager's discretion. A legible record of those people's full names, dates of birth shall be retained at the premises for inspection for a period of not less than 31 days together with the manager authorising the admittance. The details recorded by the ID scanner shall be made available to the police upon reasonable request”
- XIV. **Condition 44:** “Notwithstanding the above, patrons who are attending a pre-booked private event will not be required on entry to have their ID scanned. This will be substituted with a written guest list to be held at reception for the event and will be retained for a period of 31 day post event for inspection by police and other such responsible authorities”

I wish to make the following representation

1. Variation of the approved layout, as proposed, will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the West End Cumulative Impact area
2. Removal of conditions 15(1); 15(ii); 16; 18; 22; 23; 24; 31; 35; 40; 41a; 41b; 43 & 44 will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the West End Cumulative Impact 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 area

Applicant seeks to remove a substantial number of conditions from the premises licence and yet there is no information within the application to demonstrate how the licencing objectives shall not be compromised by such removal.

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

Responsible Authority:	Licensing Authority
Representative:	Mr David Sycamore
Received:	27 th July 2017

I write in relation to the application submitted for a variation of a Premises Licence for the following premises –

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

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

The premises is located within the West End Cumulative Impact and as such a number of policy points must be considered.

Further to our site meeting today we are concerned that the relaxation of the conditions will undermine the licensing objectives. The premises has operated as a night club for many years and has had a number of conditions added to the licence over the years. The proposed new operation style is only proposed and we are concerned that if the

new proposal does not materialise, the premises will continue to operate as a nightclub, but with less conditions if the variation is granted.

The application is not for a new operator to come in, but is an internal re-brand in a premises that currently has hours well beyond core hours(HRS Policy)

We look forward to working with the licence holders, solicitor and other relevant authorities to ensure that this nightclub can transition to a new operating style in a way that will take into consideration all the licensing objectives.

Please accept this a formal objection, but should our talks be productive, we shall consider this stance.

3. Policy & Guidance

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

Policy CIA 1 applies	<p>(i) It is the Licensing Authoritys policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.</p> <p>(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.</p>
Policy HRS1 applies:	<p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p>
Policy PB2 applies:	<p>It is the Licensing Authoritys policy to refuse applications in the Cumulative Impact Areas other than applications to vary hours within the Core Hours under Policy HRS1.</p>
Policy FFP2 applies:	<p>It is the Licensing Authoritys policy to refuse applications in the Cumulative Impact Areas, other than applications to vary hours within the Core Hours under Policy HRS1.</p>

4. Appendices

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

Report author:	Miss Heidi Lawrance Senior Licensing Officer
Contact:	Telephone: 020 7641 2751 Email: hlawrance@westminster.gov.uk

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

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Application Form	30 th June 2017
5	Representation – Metropolitan Police	18 th July 2017
6	Representation – Environmental Health	20 th July 2017
7	Representation – Licensing Authority	27 th July 2017

Applicant Supporting Documents

None submitted.

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
05/02469/LIPCV	Application for a new premises licence under conversion	26/05/2005	Granted by Licensing Sub Committee
06/03484/LIPDPS	Application to vary the Designated Premises Supervisor	10/05/2006	Granted by delegated authority
06/05958/LIPDPS	Application to vary the Designated Premises Supervisor	14/07/2006	Granted by delegated authority
06/07327/LIPV	<p>Application to vary the premises licence</p> <p>1. To remove the requirement to monitor CCTV at the reception area (remove condition 13)</p> <p>2. To amend condition 14 so that the capacity figure in the basement (50) is exclusive of any persons using the toilet facilities on that floor or moving between the ground floor and the basement on the staircase.</p>	06/09/2006	Granted by delegated authority
06/11851/LIPDPS	Application to vary the Designated Premises Supervisor	28/12/2006	Granted by delegated authority

07/02337/LIPDPS	Application to vary the Designated Premises Supervisor	19/03/2007	Granted by delegated authority
09/01755/LIPV	Application to vary the premises licence: The proposed variation is to carry out alterations in accordance with plan drawing numbers 537/03 and 537/04 to include an illuminated dance floor, adjacent raised booth seating and extension of the raised stage area on the ground floor.	23/04/2009	Granted by delegated authority
10/02094/LIPCH	Change of details	26/03/2010	Granted under delegated authority
16/02091/LIPVM	Application for a minor variation : Remove condition : 12 to 17, 20, 21, 23, 24, 25, 27, 30, 31, 32, 33, 34, 36, 37 and 38 To add conditions agreed with police.	19/04/2016	Granted under delegated authority
16/05252/LIPVM	Application for a minor variation : The proposed variation is to amend condition 31 to read: Patrons permitted to temporarily leave and then re-enter the premises after midnight e.g. to	10/06/2016	Granted under delegated authority

	smoke, shall be limited to (25) persons at any one time.		
16/11690/LIPDPS	Application to vary the Designated Premises Supervisor	05/01/2017	Granted by delegated authority
17/03376/LIPDPS	Application to vary the Designated Premises Supervisor	18/04/2017	Granted by delegated authority
17/06791/LIPDPS	Application to vary the Designated Premises Supervisor	07/07/2017	Granted by delegated authority

There is no appeal history

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

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

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

Conditions relating to Regulated Entertainment

- 9. This licence is subject to all the former Rules of Management for Places of Public Entertainment licensed by Westminster City Council, in force from 4 September 1998 and incorporating amendments agreed by the Council on 25 October 1999, 30 June 2000, 16 January 2001 and 1 October 2001.
- 10. On New Year's Eve the premises can remain open for the purposes of providing regulated entertainment from time to time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).
- 11. Notwithstanding the provisions of Rule of Management No. 6 the premises may be kept open for the purposes of this licence from 11pm on each of the days Monday to Saturday to 03:00 on the day following.
- 12. The number of persons accommodated (excluding staff) at the premises shall not exceed:
Ground Floor - 500,
Basement Bar Area - 50 - exclusive of any persons using the toilet facilities on that floor or moving between the ground floor and the basement on the staircase.

Conditions related to the Sale of Alcohol

- 13. Substantial food and suitable beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.
- 14. There shall be no payment made by or on behalf of the licensees to any person for bringing customers to the premises.

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

Conditions related to the Sale of Alcohol

15. (a) Subject to the following paragraphs, the permitted hours on weekdays shall commence at 10.00 (12:00 on Christmas Day and Good Friday) and extend until 03.00 on the morning following, except that -

The applicant proposes Condition 15 (a) (i) and (a) (ii) be removed

- (i) the permitted hours shall end at 00.00 midnight on any day on which music and dancing is not provided after midnight; and
 - (ii) on any day that music and dancing end between 00.00 midnight and 03.00, the permitted hours shall end when the music and dancing end;
- (b) In relation to the morning on which summer time begins, paragraph (a) of this condition shall have effect-
- (i) with the substitution of references to 04.00 for references to 03.00.
- (c) Except on Sundays immediately before bank holidays (including Easter Sunday), the permitted hours on Sundays shall commence at 12:00 and extend until 00.30 on the morning following, except that-
- (i) the permitted hours shall end at 00.00 midnight on any Sunday on which music and dancing is not provided after midnight;
 - (ii) where music and dancing end between 00.00 midnight on any Sunday and 00.30, the permitted hours on that Sunday shall end when the music and dancing end.
- (d) On Sundays immediately before bank holidays (excluding Easter Sunday), the permitted hours shall commence at 12:00 and extend until 03.00 on the morning following, except that-
- (i) the permitted hours shall end at 00.00 midnight on any Sunday on which music and dancing is not provided after 00.00 midnight;
 - (ii) where music and dancing end between 00.00 midnight on any Sunday and 03.00, the permitted hours on that Sunday shall end when the music and dancing end.
 - (iii) The terminal hour for late night refreshment shall extend to 30 minutes after the end of permitted hours for the sale of alcohol set out in d(i) and (ii) above.
- (e) The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.
- (f) The permitted hours on New Year's Eve will extend to the start of permitted hours on the following day, or if there are no permitted hours on 1 January, to 00.00 on New Year's Eve.

NOTE - The above restrictions do not prohibit:

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

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

The applicant proposes Condition 16 be removed

16. 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.

17. 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

The applicant proposes Condition 18 be removed

18. On Friday and Saturday nights and on any promoted nights after 2200hrs all staff engaged O/S the premises or supervising or controlling queues, shall wear high visibility jackets or vests.
19. 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.
20. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
21. On Fridays and Saturdays from 2100 hours there shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.

The applicant proposes Condition 22 be removed

22. A minimum of 6 SIA door supervisors shall on duty from 2100 hours with two permanently placed on the entrance and one permanently placed in the outside smoking area.

The applicant proposes Condition 23 be removed

23. All persons entering or re-entering the premises shall be searched by an SIA trained member of staff and monitored by the premises CCTV system.

The applicant proposes Condition 24 be removed

24. All staff engaged outside the entrance to the premises, supervising and controlling queues, and the outside smoking area shall wear high visibility yellow jackets or vests.
25. A sound limiting device located in a separate and remote lockable cabinet from the volume control shall be fitted to any musical amplification system and set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service to ensure that no noise nuisance is caused to local residents. The operational panel of the noise limiter shall then be secured to the satisfaction of officer from the Environmental Health Service. The keys securing the noise limiter cabinet shall be held by the licence holder or authorised

manager only, and shall not be accessed by any other person. The limiter shall not be altered without prior agreement with the Environmental Health Service.

26. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
27. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
28. There shall be no admittance or re-admittance to the premises after 01:30am
29. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
30. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

The applicant proposes Condition 31 be removed

31. Patrons permitted to temporarily leave and then re-enter the premises after midnight e.g. to smoke, shall be limited to (25) persons at any one time.
32. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.
33. 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.
34. 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.

The applicant proposes Condition 35 be removed

35. There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises.
36. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
37. 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.

38. 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.
39. No person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased.

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

The applicant proposes Condition 40 be removed

40. After 23:00 hours patrons permitted to temporarily leave and then re-enter the premises, eg to smoke, shall not be permitted to take drinks or glass containers with them.

The applicant proposes Condition 41 (a) and (b) be removed

- 41 a. From 2100 hours, all drinking vessels used in the venue shall be polycarbonate. All alcohol in glass bottles are to be decanted into polycarbonate containers or polycarbonate carafes prior to being served, with the exception of champagne, wine or bottles of spirits with a minimum size of 70cl supplied by waiter/waitress service to tables. Staff shall clear all empty champagne and spirit bottles promptly from the tables. Customers shall not be permitted to leave their table carrying any such glass bottles or drink directly from the bottle.
- b. Notwithstanding a) above, with the written agreement of the Westminster Licensing Police, a copy of which will be held at the premises reception, glass drinking vessels may be used for private or pre-booked events within the lounge/club area.
42. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.

The applicant proposes Condition 43 be removed

43. On Fridays and Saturdays from 21:00 hours on entry all customers shall have their ID scanned, save for when a biometric scanning system is in place (when fingerprint scanning will be required for all customers who have previously supplied and shown identification at the premises.) This is with the exception of a maximum of 25 guests per night who may be admitted with the manager's discretion. A legible record of those people's full names, dates of birth shall be retained at the premises for inspection for a period of not less than 31 days together with the manager authorising the admittance. The details recorded by the ID scanner shall be made available to the police upon reasonable request.

The applicant proposes Condition 44 be removed

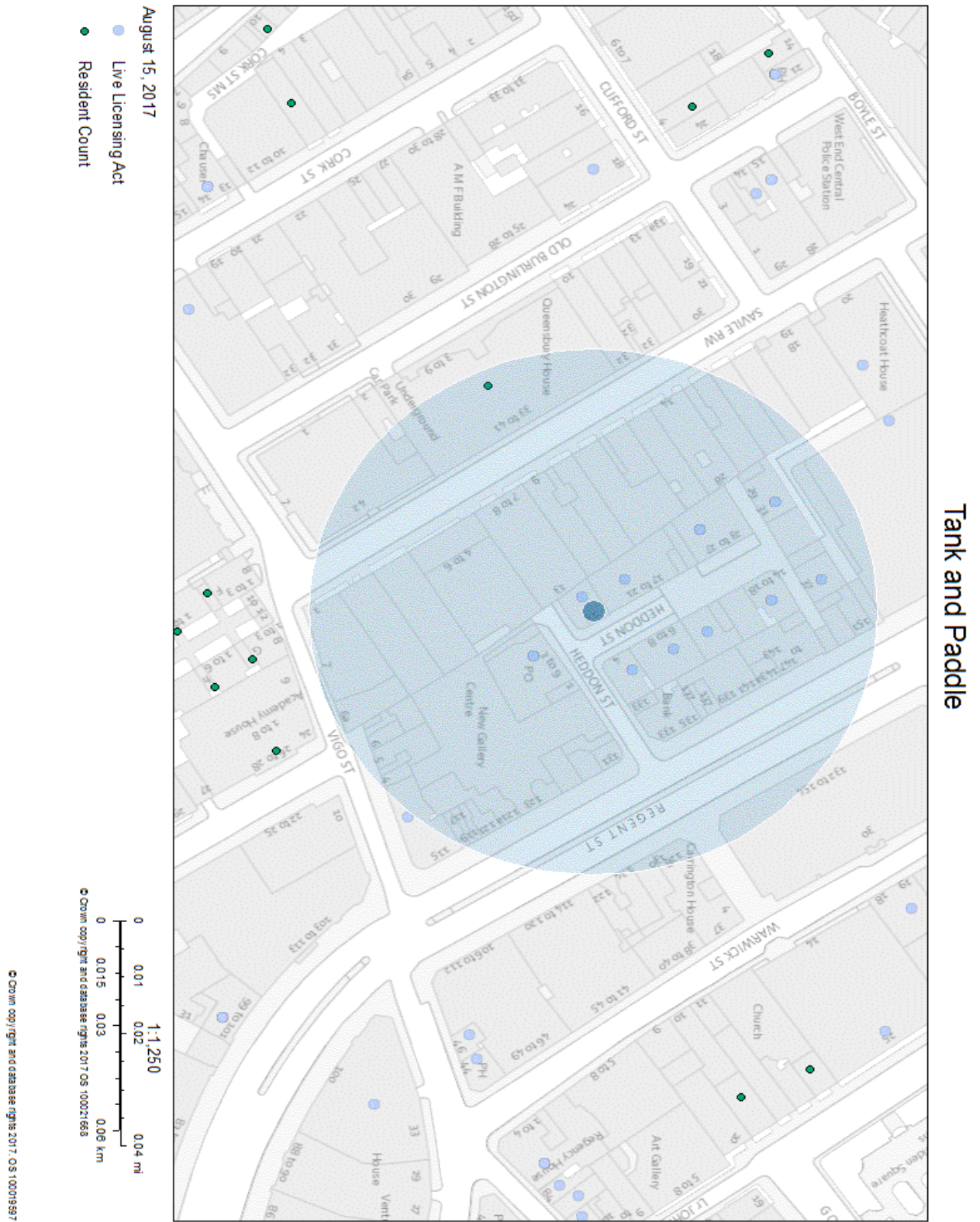
44. Notwithstanding the above, patrons who are attending a pre-booked private event will not be required on entry to have their ID scanned. This will be substituted with a written guest list to be held at reception for the event and will be retained for a period of 31 day post event for inspection by police and other such responsible authorities.
45. In the event that a serious assault is committed on or immediately outside the premises (or appears to have been committed) to the management's knowledge, the management will immediately ensure that
- (a) The police (and where appropriate, the London Ambulance service) are called without delay, using telephone number 999;
 - (b) All measures that are reasonable practicable are taken to apprehend any suspects pending the arrival of the Police;
 - (c) As is reasonably practicable, the crime scene is preserved so as to enable a full forensic investigation to be carried out by the Police; and
 - (d) Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.

Serious assault includes (but is not limited to) any assault in which emergency medical treatment is required and any assault in which a weapon is used.

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

None.

Residential Map and List of Premises in the Vicinity



Resident count : 11

Item No:	
Date:	31 August 2017
Licensing Ref No:	17/06724/LIPN - New Premises Licence
Title of Report:	Avery House 1 - 3 Avery Row London
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Yolanda Wade Senior Licensing Officer
Contact details	Telephone: 020 7641 1884 Email: ywade@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	16 June 2017		
Applicant:	Lemonthree Ltd		
Premises:			
Premises address:	Avery House 1 - 3 Avery Row London W1K 4AJ	Ward:	West End
		Cumulative Impact Area:	No
Premises description:	According to the application the premises will operate as a restaurant with ancillary bar within core hours. The proposed usage of the various floors is as follows: -Ground Floor: bar and restaurant -First Floor: restaurant -Second Floor: private dining room and lounge		
Premises licence history:	The application is for a new premises licence therefore no history exists.		
Applicant submissions:	Appendix 1 of the report		
Plans	Copies of the premises plans are available on request and for display at the hearing.		

1-B Proposed licensable activities and hours							
Playing of recorded Music:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	
End:	23:30	23:30	23:30	23:30	00:00	00:00	
Seasonal variations/ Non-standard timings:		From the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day. On Sundays prior to bank holidays/public holidays 23:00 – 00:30					

Late Night Refreshment:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	
End:	23:30	23:30	23:30	23:30	00:00	00:00	
Seasonal variations/ Non-standard timings:		From the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day. On Sundays prior to bank holidays/public holidays 23:00 – 00:00					

Sale by retail of alcohol	On or off sales or both:	Both
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Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	12:00
End:	23:30	23:30	23:30	23:30	00:00	00:00	22:30
Seasonal variations/ Non-standard timings:	From the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day. On Sundays prior to bank holidays/public holidays 12:00 – 00:00						

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	12:00
End:	00:00	00:00	00:00	00:00	00:30	00:30	23:00
Seasonal variations/ Non-standard timings:	From the end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day. On Sundays prior to bank holidays/public holidays 12:00 – 00:30						

2. Representations

2-A Responsible Authorities	
Responsible Authority:	The Metropolitan Police (withdrawn)
Representative:	PC Sandy Russell
Received:	22 nd June 2017
<p>With reference to the above application, I am writing to inform you that the Metropolitan Police, as a responsible authority, will be objecting to this application. It is our belief that if granted the application would undermine the Licensing Objectives.</p> <p>Police propose the following additional condition:</p> <ul style="list-style-type: none"> 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. <p>All conditions proposed by yourselves are acceptable to police.</p> <p>The Police have withdrawn their representation to the application as the applicant has agreed the proposed condition.</p>	
Responsible Authority:	The Environmental Health Service
Representative:	Dave Nevitt
Received:	14 th July 2017
<p>I wish to make Representations on the following grounds: Representation is made in relation to the application, as the proposals are likely to increase</p>	

Public
Nuisance and may impact upon Public Safety.

2-B Other Persons	
Name:	Mrs V Loesch
Address and/or Residents Association:	[REDACTED]
Received:	28 th June 2017
<p>12:12 PM on 28 Jun 2017 Please include in the conditions: No movement of any items outside the premises between 9pm and 8am. No deliveries or waste/recycling collections between 9pm and 8am except WCC early morning service.</p> <p>To protect residential amenity. Late night deliveries, waste collections, etc, cause noise nuisance throughout the local area. Otherwise no objections at all.</p>	

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy HRS1 applies:	<p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p>
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.
Policy RNT1 applies:	Applications will generally be granted and reviews determined, subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1.
Policy COMB1 applies:	(i) Where a premises proposes to operate as a combined use premises applications will be considered on their merits with regard to each of the relevant policies e.g. Policies CD1, PS1,

	<p>PN1 CH1 CIP1 and HRS1.</p> <p>(ii) The Licensing Authority will take into account the current and proposed use of the premises when considering what weight is to be given to the relevant uses and policies.</p> <p>It will take into account what is the primary use of the premises, if any, and which licensable activities are proposed outside the core hours (see policy HRS1).</p> <p>(iii) It will consider any premises which include any pub or bar use or provide facilities for fast food and drink or for music and dancing primarily under the policies specific to those uses e.g. PB1&PB2, FFP1 & FFP2, MD1 & MD2.</p>
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4. Appendices

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

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

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

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016

3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	The Application Form	16 th June 2017
5	The Metropolitan Police Representation	22 nd June 2017
6	The Environmental Health Service Representation	14 th July 2017
7	Mrs V Loesch Representation	28 th June 2017

Applicant Supporting Documents

Thomas & Thomas
Partners LLP

Application for Premises Licence

1-3 Avery Row, W1K 4AJ

Proposed Conditions

Ground and First Floor Only:

1. 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.

All Floors:

2. 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.
3. 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.
4. 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.
5. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
6. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
7. 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

Thomas & Thomas Partners LLP, 38a Monmouth Street, London WC2H 9EP
020 7042 0410 www.tandtp.com info@tandtp.com

8. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed (180) persons.
9. No deliveries to the premises shall take place between (23.00) and (07.00) on the following day.
10. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
11. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23.00) hours and (07.00) hours on the following day.
12. No collections of waste or recycling materials (including bottles) from the premises shall take place between (23.00) and (07.00) on the following day.
13. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system, searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
14. 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.
15. No licensable activities shall take place at the premises until the premises has 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.

Thomas & Thomas

Partners LLP

Your ref:
Our ref: AT/LEM.1.1

38a Monmouth Street
London WC2H 9EP
tel: 020 7042 0410
fax: 020 7379 6618

Mrs V Loesch
19 Balderton Flats
Brown Hart Gardens
W1K 6TD

15 August 2017

Dear Mrs Loesch

1-3 Avery Row, W1

We act for the applicant in respect of their licensing application and have been passed a copy of your representation.

We note that your only concern is servicing from the premises.

Please note that it is proposed now to restrict this between the hours of 7.00 am and 10.00 pm on Mondays to Fridays.

I hope this addresses your concerns and I would be grateful if you would clarify your position to the licensing authority, failing which there will need to be a public hearing which my client ideally would like to avoid.

Please feel free to contact me should I be able to assist or clarify any point.

With kind regards

Yours faithfully

Thomas & Thomas Partners LLP
tel: 020 7042 0412
email: athomas@tandtp.com

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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.

Conditions consistent with the operating schedule

9. Ground and First Floor Only:

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.

10. All Floors:

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.

- 11. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
- 12. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the 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.
- 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. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
- 15. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
- 16. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed (180) persons.

17. No deliveries to the premises shall take place between (23.00) and (07.00) on the following day.
18. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
19. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23.00) hours and (07.00) hours on the following day.
20. No collections of waste or recycling materials (including bottles) from the premises shall take place between (23.00) and (07.00) on the following day.
21. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system, searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
22. 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.
23. No licensable activities shall take place at the premises until the premises has 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.

Conditions proposed by the Police and agreed by applicant

24. 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.

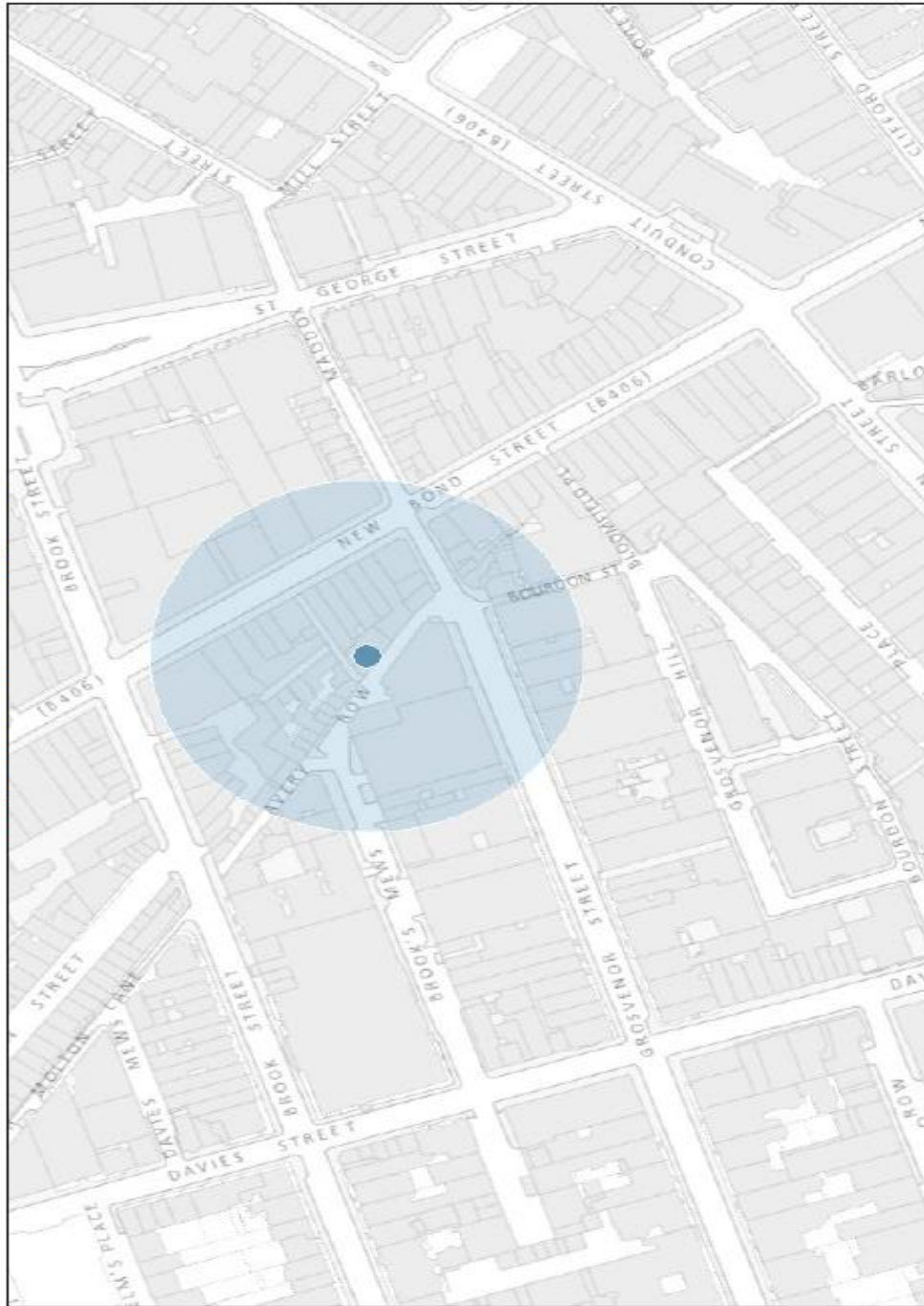
Amended to read:

Save for the external terrace(s) shown on the deposited plan, patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.

Conditions proposed by interested party

25. No movement of any items outside the premises between 9pm and 8am.
26. No deliveries or waste/recycling collections between 9pm and 8am except WCC early morning service.

Avery House 1 - 3 Avery Row



August 15, 2017



City of Westminster

Licensing Sub-Committee Report

Agenda Item 5

Item No:	
Date:	31 st August 2017
Licensing Ref No:	17/06988/LIPV - Premises Licence Variation
Title of Report:	Chez Antoinette The Piazza Covent Garden London
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:	Miss Yolanda Wade Senior Licensing Officer
Contact details	Telephone: 020 7641 1872 Email: ywade@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	22 June 2017		
Applicant:	Chez Antoinette Limited		
Premises address:	Chez Antoinette The Piazza Covent Garden London	Ward:	St James's
		Cumulative Impact Area:	Yes
Premises description:	The premises currently operates as a sandwich bar serving food and drinks.		
Variation description:	<p>According to the application, the applicant is seeking to amended condition 14 of the existing licence so as to allow the consumption of alcohol off the premises to seated diners in the external seating area.</p> <p>Condition 14 reads:</p> <p>All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.</p> <p>Proposed amendment:</p> <p>The consumption of alcohol off the premises will be in sealed containers or consumed by persons in the external seating area (shown as hatched on the plan) and in accordance with the requirements of condition 11.</p>		
Premises licence history:	The premises currently benefits from a premises licence (Appendix 3) of the report		
Applicant submissions:	None		
Plans:	Copies of the premises plans are available on request and for display at the hearing.		

1-B Current and proposed licensable activities, areas and hours						
Sale by Retail of Alcohol						
On or off sales		Current :		Proposed:		
		Both		Both		
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	12:00	22:30			Basement Floor	No Change
Tuesday	12:00	22:30			Basement Floor	

Wednesday	12:00	22:30	No change	Basement Floor
Thursday	12:00	22:30		Basement Floor
Friday	12:00	22:30		Basement Floor
Saturday	12:00	22:30		Basement Floor
Sunday	12:00	22:30		Basement Floor

Playing of recorded Music						
Indoors, outdoors or both		Current :			Proposed:	
		Indoors			Indoors	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	11:00	23:00	No change		Basement Floor	No Change
Tuesday	11:00	23:00			Basement Floor	
Wednesday	11:00	23:00			Basement Floor	
Thursday	11:00	23:00			Basement Floor	
Friday	11:00	23:00			Basement Floor	
Saturday	11:00	23:00			Basement Floor	
Sunday	11:00	23:00			Basement Floor	

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	11:00	23:00	No Change		Basement Floor	No Change
Tuesday	11:00	23:00			Basement Floor	
Wednesday	11:00	23:00			Basement Floor	
Thursday	11:00	23:00			Basement Floor	
Friday	11:00	23:00			Basement Floor	
Saturday	11:00	23:00			Basement Floor	
Sunday	11:00	23:00			Basement Floor	

1-C Conditions being varied, added or removed	
Condition	Proposed variation
Condition 14: All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.	Condition 14: The consumption of alcohol off the premises will be in sealed containers or consumed by persons in the external seating area (shown as hatched on the plan) and in accordance with the requirements of condition 11.

2. Representations

2-A Responsible Authorities	
Responsible Authority:	The Licensing Authority
Representative:	Mr David Sycamore
Received:	19 th July 2017
<p>I write in relation to the application submitted to Vary the Premises Licence for the above premises –</p> <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"> • Public Nuisance • Prevention of Crime & Disorder • Public Safety <p>The premises is located within the West End Cumulative Impact and as such a number of policy points must be considered.</p> <p>We are concerned that the additional people in the cumulative impact area will lead to an increase in public nuisance. It is unclear from the application how many people will be able to use the external seating area so we would ask the applicant to update us with that information. CIP2 states that 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>If the applicant is able to specify the amount of outside seating there will be, we may be minded to withdraw our representation. We look forward to receiving additional information.</p>	
Responsible Authority:	The Environmental Health Service (withdrawn)
Representative:	Sally Fabbricatore
Received:	18 th July 2017
<p>I refer to the application for variation of a Premises Licence (14/04974/LIPN), issued under the Licensing Act 2003.</p>	

The premises are situated in the West End Cumulative Impact Area as stated in City of Westminster's Statement of Licensing Policy.

This representation is based on the Operating Schedule and the plan titled with the address and date 20/06/17.

The applicant is seeking the following on the **lower ground external area**:

To allow off sales to be consumed in the external area to seated diners. To amend condition 14 to now read: *The consumption of alcohol off the premises will be in sealed containers or by persons in the external seating area (as shown on the attached plans) and in accordance with the requirements of condition 11.*

I wish to make the following representation in relation to the above application:

1. The increase in capacity may cause an increase in Public Nuisance in the cumulative impact area.

The granting of the variation Premises Licence as presented would have the likely effect of causing an increase in Public Nuisance in the cumulative impact area.

The proposed conditions have been agreed by the applicant so the EH representation has been withdrawn.

3. Policy & Guidance

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

Policy CIA1 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.

4. Appendices

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

Report author:	Miss Yolanda Wade Senior Licensing Officer
Contact:	Telephone: 020 7641 1872 Email: ywade@westminster.gov.uk

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

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	The Application Form	
5	The Licensing Authority Representation	19 th July 2017
6	The Environmental Health Service Representation	18 th July 2017

Applicant Supporting Documents

Appendix 1

(None)

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
14/04974/LIPN	Application for a new premises licence	29.07.2014	Granted under delegated authority

Temporary Event Notice

Application	Details of Application	Date Determined	Decision
11/04432/LITENN	Temporary Event Notice	11.05.2011	Notice Allowed

There is no appeal history

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

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

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

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

Conditions: On Current Licence -

Mandatory:

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

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

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

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

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

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

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

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

Where -

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

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

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

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

Annex 2 – Conditions consistent with the operating Schedule

9. 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.
10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
11. 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 table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery, (v) 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 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.

12. A Challenge 21 proof of age scheme will 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.
13. There shall be no self service of alcohol.
14. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
15. 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) any faults in the CCTV system
 - (f) any refusal of the sale of alcohol
 - (g) any visit by a relevant authority or emergency service.
16. When regulated entertainment takes place all external doors and windows to be kept closed save for immediate access and egress of persons.
 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. Clearly legible notices shall be displayed at all exits from the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.
 19. During the hours of operation 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 the aforementioned 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.
 20. All external tables and chairs shall be rendered unusable after 23.00 hours Monday to Sunday.
 21. The number of persons accommodated at any one time (excluding staff) shall not exceed 30 persons.
 22. WC facilities shall be available on the lower floor of The Piazza for customer use, free of charge, at all times when the premises is open for business.

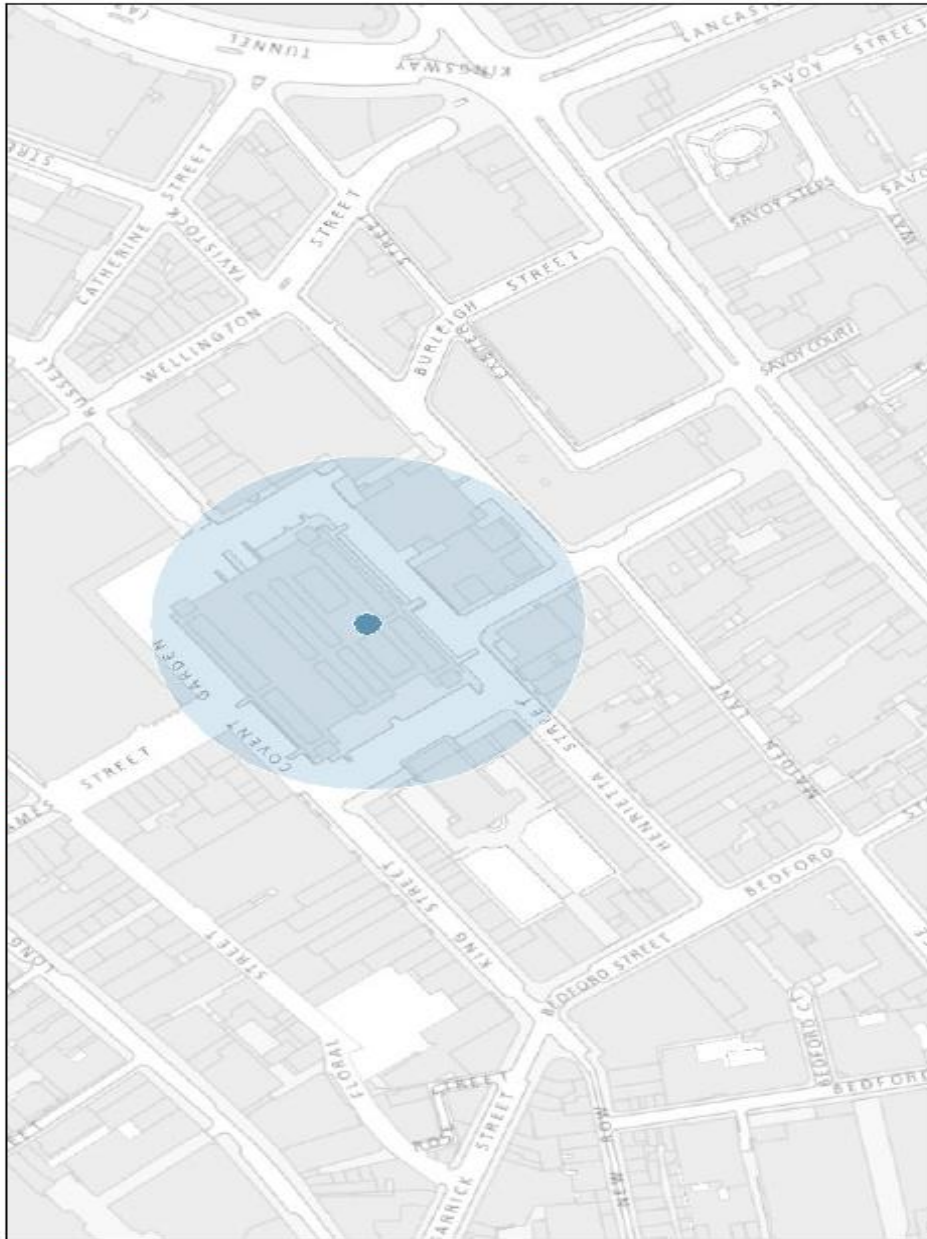
Annex 3 – Conditions attached after a hearing by the licensing authority

None

Proposed Conditions by Environmental Health Service and agreed by Applicant

23. The number of persons accommodated at any one time (excluding staff) shall not exceed 24 persons internally, 6 persons immediately outside the premises and 16 persons in the hatched area for off sales.
24. The consumption of alcohol off the premises will be in sealed containers or consumed by persons in the external seating area (shown as hatched on the plan) and in accordance with the requirements of condition 11.

Chez Antoinette The Piazza Covent Garden



August 18, 2017

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