



City of Westminster

Committee Agenda

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

Meeting Date: **Thursday 8th February, 2018**

Time: **10.00 am**

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

Members: **Councillors:**

Angela Harvey (Chairman)
Louise Hyams
Rita Begum

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 LARDER@SOHO, SOHOSTEL, 91-92 DEAN STREET, W1

(Pages 1 - 18)

App No	Ward/ Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
1.	West End Ward / West End Cumulative Impact Area	The Larder@Soho, Sohostel, 91-92 Dean Street, W1	New Premises Licence	17/14805/LIPN

2. WEWORK, LOWER GROUND TO SEVENTH FLOOR, 119 MARYLEBONE ROAD, NW1

(Pages 19 - 32)

App No	Ward/ Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
2.	Bryanston And Dorset Square Ward / not in cumulative impact area	Wework, Lower Ground to Seventh Floor, 119 Marylebone Road, NW1	New Premises Licence	17/13639/LIPN

3. EVERYMAN BAKER STREET, GROUND LEFT, 96-98 BAKER STREET, W1

(Pages 33 - 64)

App No	Ward/ Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
3.	Marylebone High Street Ward / not in cumulative impact area	Everyman Baker Street, Ground Left, 96-98 Baker Street, W1	Variation of a Premises Licence	17/13196/LIPV

**Stuart Love
Chief Executive
1 February 2018**

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.

Item No:	
Date:	8 February 2018
Licensing Ref No:	17/14805/LIPN - New Premises Licence
Title of Report:	The Larder@Soho Sohostel 91-92 Dean Street London W1D 3SY
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Ms Daisy Gadd Senior Licensing Officer
Contact details	Telephone: 0207 641 2737 Email: dgadd@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	15 December 2017		
Applicant:	One Housing Group		
Premises:	The Larder@Soho		
Premises address:	Sohostel 91-92 Dean Street London W1D 3SY	Ward:	West End
		Cumulative Impact Area:	West End
Premises description:	According to the application, The Larder operates as a continental-style coffee shop/café.		
Premises licence history:	This is a new premises licence and therefore no history exists.		
Applicant submissions:	The Larder@Soho is located adjacent to Sohostel, and would like to extend the operation to include the retail sale of alcohol in a continental-style coffee shop/café. Whilst this premises is located within the West End Cumulative Impact Area, given the minimal hours applied for, and the thoughtful operation by One Housing, we are hopeful that Westminster Council will decide this will not have a negative cumulative impact on the local area.		
Plans:	Plans are available to view upon request to the Licensing Authority and they will be made available at Licensing Committee.		

1-B Proposed licensable activities and hours							
Sale by retail of alcohol				On or off sales or both:			On
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	10:00
End:	19:00	19:00	19:00	19:00	19:00	19:00	19:00
Seasonal variations/ Non-standard timings:		None					

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:	19:30	19:30	19:30	19:30	19:30	19:30	19:30
Seasonal variations/ Non-standard timings:		None					
Adult Entertainment:		None					

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Metropolitan Police Service (withdrawn)
Representative:	PC Adam Deweltz
Received:	28 December 2017
<p>With reference to the above, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be making a representation against this application.</p> <p>The venue is situated within the Cumulative Impact Area. It is our belief that if granted the application would undermine the Licensing Objectives in relation to The Prevention of Crime and Disorder.</p> <p>Following the agreement of conditions, the Metropolitan Police Service have withdrawn their representation.</p>	
Responsible Authority:	Licensing Authority
Representative:	Ms Shannon Pring
Received:	12 January 2018
<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 West End Cumulative Impact and as such a number of policy points must be considered.</p> <p>The Licensing Authority notes that in support of the Council statement of licensing policy and following a meeting with the responsible authorities at the premises, the applicant has agreed to add the following conditions to the operating schedule:</p> <ol style="list-style-type: none"> 1. The sale of alcohol on the premises shall be by waiter/waitress service only to persons seated at tables or the fixed seating areas. 2. There shall be no sales of alcohol for consumption off the premises. <p>We also acknowledge that the hours of operation and for licensable activities, as applied for, fall well within the council's core hours policy.</p>	

However, the premises is to be considered in conjunction with CIP1 as it is an application for a new premises licence within the cumulative impact area and as such it is for the applicant to demonstrate how the additional 30 people will not add to cumulative impact within the cumulative impact area.

Furthermore, please be aware that paragraph 2.5.23 of the council policy states that the 'grant of new licences for pubs or bars in the Cumulative Impact Area should be limited to exceptional circumstances'. The list of examples of what may be considered an exceptional circumstance can be found at paragraphs 2.4.2 – 2.4.13 of the Council's Statement of Licensing Policy.

Please accept this as a formal objection.

2-B Other Persons

Name:	The Soho Society
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Received:	14 January 2018
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I write to make a relevant representation to the above application on behalf of The Soho Society.

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

About The Soho Society

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

Application summary

This café, adjacent to Sohostel towards the north end of Dean Street, is applying for a licence to sell alcohol.

Hours of operation

The café is open seven days a week from 10.00-19.30 and the application seeks to sell alcohol from 10.00-19.00 on each day. Given that there is a large Tesco supermarket across Dean Street from the premises where alcohol can easily be purchased, as well as The Nellie Dean pub at no. 89, we wonder exactly why another premises is applying for an alcohol licence in the heart of the West End Cumulative Impact Area. If Westminster see fit to grant this application, we would ask that it is at least brought within core hours, with regard to Sunday morning, which is the only quiet time nearby residents can experience during the entire week.

Licensing policy

This area has been identified by the Westminster City Council (2.4.1 of the Statement of Licensing Policy, as amended) as under stress because the cumulative effect of the

concentration of late night and drink led premises and night cafes has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses.

The policies in relation to the stress areas are directed at the global and cumulative effects of licences on the area as a whole (2.4.5 of the policy). The policies are intended to be strict and will only be overridden in genuinely exceptional circumstances (2.4.2 of the policy). The growth in the entertainment industry in Soho has led to a marked deterioration in the quality of life and well-being of local residents and it has jeopardised the sustainability of the community. Soho has a substantial residential community and many of these residents suffer from problems such as, but not limited to, high levels of noise nuisance, problems with waste, urinating and defecating in the streets, threats to public safety, anti-social behaviour, crime and disorder and the change in character of historic areas.

For the reasons I have set out, we believe that the application, if granted in its present form, would fail to promote the licensing objectives of prevention of public nuisance, prevention of crime and disorder, and cumulative impact in the West End Cumulative Impact Area. I respectfully urge the Licensing Sub-Committee to reject this application.

3. Policy & Guidance

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

Policy CIA1 applies:	<p>(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.</p> <p>(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas..</p>
Policy 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:	It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas other than applications to vary hours within the Core Hours under Policy HRS1

4. Equality implications

The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary, section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

5. 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:	Ms Daisy Gadd Senior Licensing Officer
Contact:	Telephone: 0207 641 2737 Email: dgadd@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	April 2017
4	Representation Metropolitan Police Service	28 December 2017
5	Representation Licensing Authority	12 January 2018
6	Representation The Soho Society	14 January 2018

Applicant Supporting Documents

Appendix 1

None submitted

Premises History

Appendix 2

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. 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.
10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. 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. 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.
12. 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.
13. 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.
14. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
15. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23.00) hours and (08.00) hours on the following day.

16. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
17. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
18. 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.
19. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
20. 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.
21. 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.
22. As soon as possible, and in any event within 1 month from the grant of this licence, the premises shall join the local Pubwatch or other local crime reduction scheme approved by the police, and local radio scheme if available.
23. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
24. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as café.

Conditions proposed by the Environmental Health and agreed with the applicant and so as to be incorporated within the operating schedule

25. The number of persons permitted in the premises at any one time (including staff) shall not exceed 30 persons.
26. No deliveries to the premises shall take place between (23:00) and (08:00) on the following day.

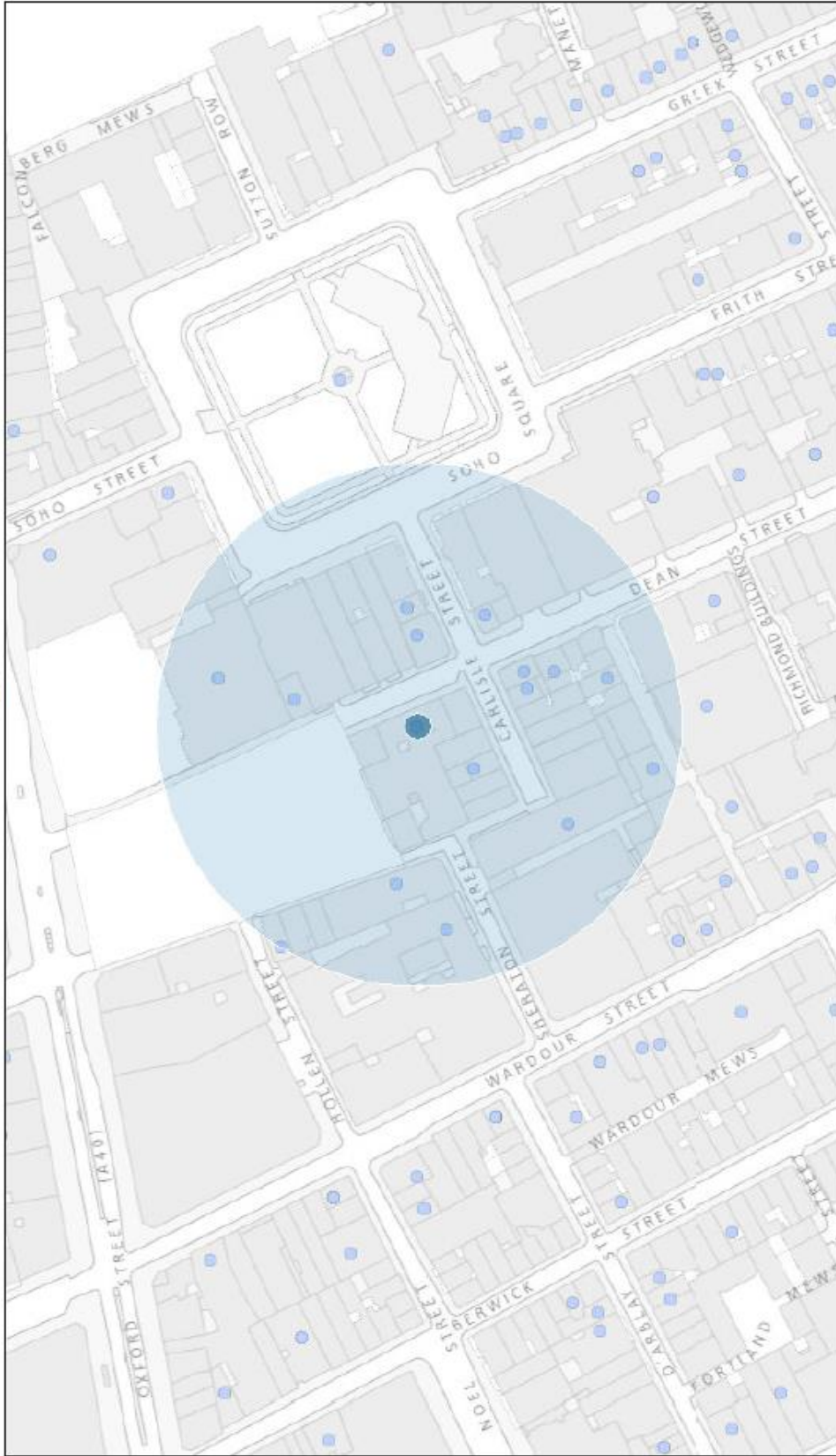
Conditions proposed by the Police and agreed with the applicant and so as to be incorporated within the operating schedule

27. All alcoholic drinks are to be decanted into polycarbonate/plastic containers or polycarbonate/plastic carafes prior to being served.

Conditions proposed by the Licensing Authority and agreed with the applicant and so as to be incorporated within the operating schedule

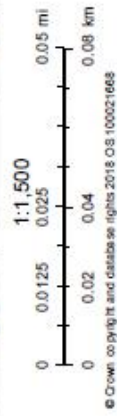
28. The sale of alcohol on the premises shall be by waiter/waitress service only to persons seated at tables or the fixed seating areas.
29. There shall be no sales of alcohol for consumption off the premises.

The Larder@Soho



January 30, 2018

● Live Licensing Act



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Resident count = 47

Licence Number	Trading Name	Address	Premises Type	Time Period
14/08365/LIPN	One Housing Sohostel	West End House 91-92 Dean Street London W1D 3SY	Hostel	Monday to Sunday; 00:00 - 00:00
16/07868/LIPN	Sohostel - 4th Floor	West End House 91-92 Dean Street London W1D 3SY	Hostel with on site management	Monday to Sunday; 12:00 - 23:00
13/02352/LIPN	Soho Business Club	16 Carlisle Street London W1D 3BT	Office	Monday to Thursday; 08:00 - 23:30 Friday to Saturday; 08:00 - 00:00 Sunday; 08:00 - 22:30
16/07516/LIPDPS	Pizza Express	Basement And Ground Floor 10 Dean Street London W1D 3RW	Restaurant	Monday to Saturday; 09:00 - 03:30 Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00 Sunday; 09:00 - 00:00
15/03179/LIPDPS	Vanity Bar And Nightclub	Basement To First Floor 4 Carlisle Street London W1D 3BJ	Night clubs and discos	Monday to Saturday; 09:00 - 03:30 Sunday; 09:00 - 01:00
16/11522/LIPDPS	Nellie Dean Public House	89 Dean Street London W1D 3SU	Public house or pub restaurant	Monday to Saturday; 10:00 - 23:30 Sunday; 12:00 - 23:00
06/05166/WCCMAP	The Toucan	19 Carlisle Street London W1D 3BY	Restaurant	Monday to Saturday; 10:00 - 23:30 Sunday; 12:00 - 23:00
06/06593/WCCMAP	Pierre Victoire Restaurant	Basement And Ground Floor 5 Dean Street London W1D 3RQ	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
14/06400/LIPDPS	Pizza Pilgrims	11 Dean Street London W1D 3RP	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
16/10652/LIPDPS	D.H Stores Ltd	Ground Floor 88 Dean Street London W1D 3ST	Shop	Monday to Saturday; 08:00 - 23:00 Sunday; 10:00 - 22:30
16/12431/LIPDPS	WeWork Great Chapel	Sheraton House 14 - 19 Great Chapel Street London W1F 8FW	Restaurant	Monday to Sunday; 00:00 - 00:00
17/00953/LIPDPS	The Nadler Soho	The Nadler Soho 10 - 12 Carlisle Street London W1D 3BR	Hotel, 3 star or under	Monday to Sunday; 00:00 - 00:00
15/10763/LIPCHT	Billy And The Chicks	27 - 28 St Anne's Court London W1F 0BN	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00

16/12427/LIPDPS	WeWork Soho	Medius House 2 Sheraton Street London W1F 8BH	Office	Monday to Sunday; 14:00 - 23:00
17/05688/LIPDPS	Tesco	Ground Floor 2 - 4 Dean Street London W1D 3RG	Shop	Monday to Saturday; 08:00 - 23:00 Sunday; 10:00 - 22:30
16/07970/LIPDPS	Heart Magazine UK, The Good Housekeeping Institute	21-25 St Anne's Court London W1F 0BJ	Miscellaneous	Monday to Sunday; 00:00 - 00:00
14/04904/LIPDPS	Star Cafe	22 Great Chapel Street London W1F 8FR	Restaurant	Monday to Saturday; 10:00 - 23:30 Sunday; 12:00 - 23:00

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Item No:	
Date:	8 February 2018
Licensing Ref No:	17/13639/LIPN - New Premises Licence
Title of Report:	Wework Lower ground to seventh floor 119 Marylebone Road London NW1 5PU
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 Daisy Gadd Senior Licensing Officer
Contact details	Telephone: 020 7641 2737 Email: dgadd@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	17 November 2017		
Applicant:	119 Marylebone Road Tenant Limited		
Premises:	Wework		
Premises address:	Lower ground to seventh floor 119 Marylebone Road London NW1 5PU	Ward:	Bryanston And Dorset Square
		Cumulative Impact Area:	None
Premises description:	According to the application, the premises will operate as an office space with provision for refreshment facilities to designated office users and their bona fide guests.		
Premises licence history:	This is a new premises licence and therefore no history exists.		
Applicant submissions:	None		
Plans:	Plans are available to view upon request to the Licensing Authority and they will be made available at Licensing Committee.		

1-B Proposed licensable activities and hours							
Sale by retail of alcohol				On or off sales or both:			On
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	12:00	12:00	12:00	12:00	12:00	12:00	12:00
End:	23:00	23:00	23:00	23:00	23:00	23:00	23:00
Seasonal variations/ Non-standard timings:		None					

Opening hours of the premises							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	00:00	00:00	00:00	00:00	00:00	00:00	00:00
End:	00:00	00:00	00:00	00:00	00:00	00:00	00:00
Important information:		These premises are not open to the public.					
Seasonal variations/ Non-standard timings:		None					
Adult Entertainment:		None					

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Metropolitan Police Service (withdrawn)
Representative:	PC Sandy Russell
Received:	30 November 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. Although the venue is situated outside of Westminster's Cumulative Impact Area; it is our belief that if granted the application would undermine the Licensing Objectives.</p> <p>Below are the propose police conditions, please consider them and let me know as soon as possible if your client would be willing to agree to them. Your client's agreement may enable us to withdraw our representation.</p> <ol style="list-style-type: none">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. Outside of the hours authorised for the sale of alcohol 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.4. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.5. 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:<ol style="list-style-type: none">(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. The supply of alcohol shall only be to the WeWork group of companies and their employees or their bona fide guests.
7. The licensable activities provided at the premises shall be ancillary to the main function of the premises as offices
8. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
9. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol
10. SIA accredited staff will be provided when the premises are authorised to sell alcohol.

I look forward to hearing from you.

Following the agreement of the above mentioned conditions, except condition 3 which has been removed by the Metropolitan Police Service, this representation has been withdrawn.

2-B Other Persons

Received: 25 November 2017

The location of these premises applying for a license is adjacent to a quite residential street and therefore a totally inappropriate place to site a drinking establishment open until very late at night.

There is no shortage of nearby public houses, an hotel opposite, plus the late night bar in Marylebone station, the popular Globe public house by Baker Street station etc so the public is well served with places to drink.

I live in a house metres from this address as do other families with small children. I do not want the disruption associated with late night departures, taxis being hailed, raised voices, people spilling out onto the pavements etc.

The building was used as offices and should continue to be so in the future. The application to provide a drinking establishment is doubtless driven by the newly refurbish London Business School and is a blatant opportunistic venture to make money at expense of the local residents and I urge you to reject this application.

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 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. Equality Implications

The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary, section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

5. 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 Daisy Gadd
Contact:	Telephone: 020 7641 2737 Email: dgadd@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	April 2017
4	Representation Metropolitan Police Service	30 November 2017
5	Representation resident	25 November 2017

Applicant Supporting Documents

Appendix 1

None submitted

Premises History

Appendix 2

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. Outside of the hours authorised for the sale of alcohol and whilst the premises are open, the licence holder shall ensure that all alcohol within the premises which is dispensed by the licence holder is secured so as to prevent access to alcohol by both members and staff.
10. SIA staff are provided to patrol all areas of the premises and to ensure good order is maintained at all times in the working environment.

Conditions proposed by the Police and agreed with the applicant and so as to be incorporated within the operating schedule

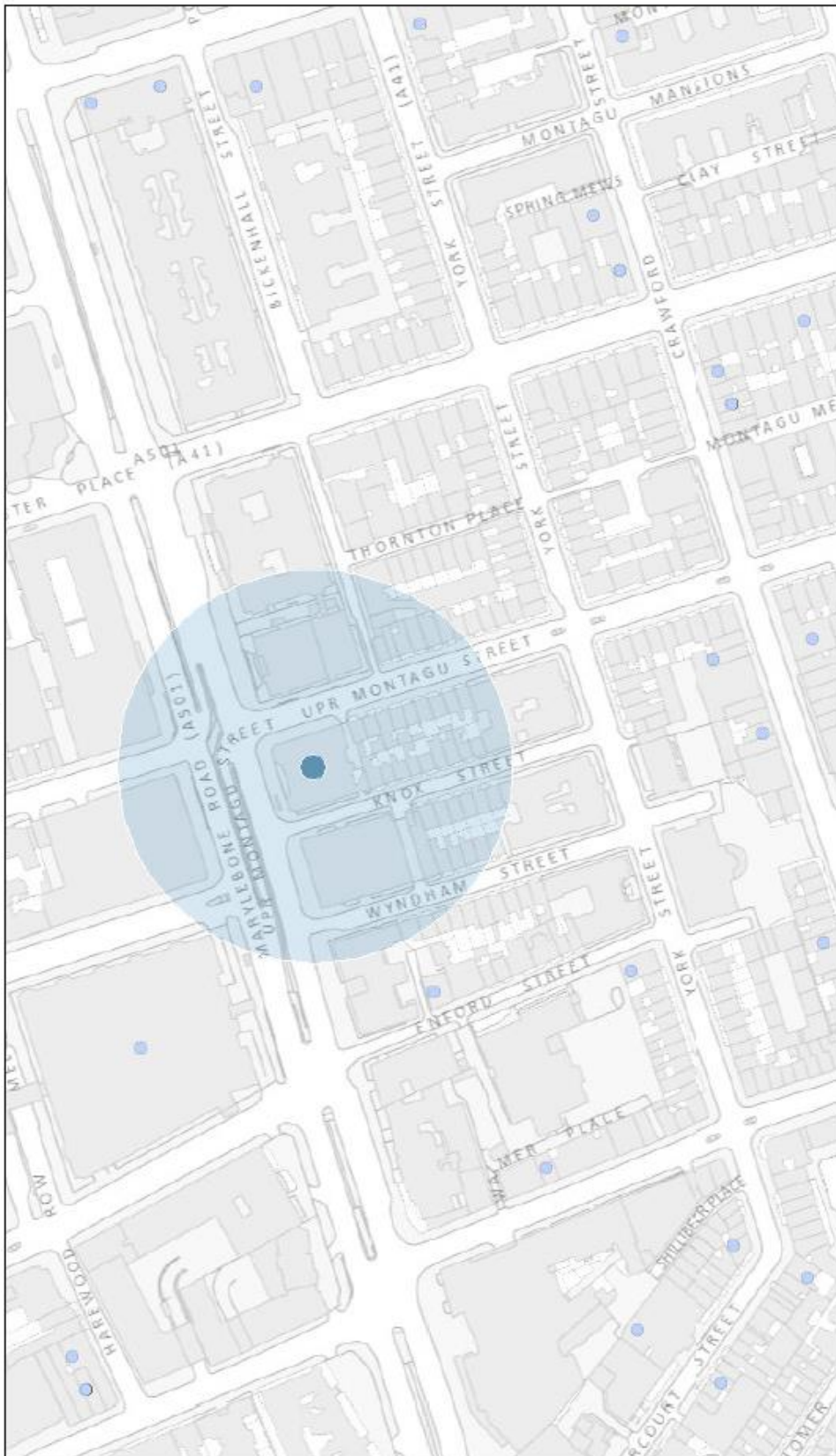
11. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually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

14. 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.
15. The supply of alcohol shall only be to the WeWork group of companies and their employees or their bona fide guests.
16. The licensable activities provided at the premises shall be ancillary to the main function of the premises as offices.
17. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
18. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
19. SIA accredited staff will be provided when the premises are authorised to sell alcohol.

Conditions proposed by the Environmental Health and agreed with the applicant and so as to be incorporated within the operating schedule

20. 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.

WeWork 119 Marylebone Road



Resident count = 134



City of Westminster

Licensing Sub-Committee Report

Agenda Item 3

Item No:	
Date:	8 February 2018
Licensing Ref No:	17/13196/LIPV - Premises Licence Variation
Title of Report:	Everyman Baker Street Ground Left 96-98 Baker Street London W1U 6TJ
Report of:	Director of Public Protection and Licensing
Wards involved:	Marylebone High Street
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Daisy Gadd Senior Licensing Officer
Contact details	Telephone: 020 7641 2737 Email: dgadd@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	13 November 2017		
Applicant:	Everyman Media Limited		
Premises:	Everyman Baker Street		
Premises address:	Ground Left 96-98 Baker Street London W1U 6TJ	Ward:	Marylebone High Street
		Cumulative Impact Area:	None
Premises description:	The premises currently operates as a cinema		
Variation description:	The proposed variation is to remove condition 26 of Annex 2 which reads "all drinking receptacles used at the premises are to be plastic or polycarbonate".		
Premises licence history:	The premises has been licensed since 2005. The full details of the premises licence history can be found at Appendix 2 of the report.		
Applicant submissions:	None		
Plans:	Plans are available to view upon request to the Licensing Authority and they will be made available at Licensing Committee.		

1-B Current and proposed licensable activities, areas and hours					
Regulated Entertainment					
Exhibition of films					
	Current Hours		Proposed Hours		Licensable Area
	Start:	End:	Start:	End:	
Monday	09:00	00:00	No change		No change
Tuesday	09:00	00:00			
Wednesday	09:00	00:00			
Thursday	09:00	01:00			
Friday	09:00	02:00			
Saturday	09:00	02:00			
Sunday	09:00	00:00			
Seasonal variations:	Current:			Proposed:	
	On New Years Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Years Eve to the time when regulated entertainment can commence on New Years Day (or until midnight on New Years Eve where no regulated entertainment takes place on New Years Day).			No change	

Playing of recorded music					
	Current Hours		Proposed Hours		Licensable Area
	Start:	End:	Start:	End:	
Monday	Unrestricted		No change		No change
Tuesday					
Wednesday					
Thursday					
Friday					
Saturday					
Sunday					
Seasonal variations/ Non-standard timings:	Current: On New Years Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Years Eve to the time when regulated entertainment can commence on New Years Day (or until midnight on New Years Eve where no regulated entertainment takes place on New Years Day).			Proposed: No change	

Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit					
	Current Hours		Proposed Hours		Licensable Area
	Start:	End:	Start:	End:	
Monday	Unrestricted		No change		No change
Tuesday					
Wednesday					
Thursday					
Friday					
Saturday					
Sunday					
Seasonal variations/ Non-standard timings:	Current: On New Years Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Years Eve to the time when regulated entertainment can commence on New Years Day (or until midnight on New Years Eve where no regulated entertainment takes place on New Years Day).			Proposed: No change	

Late night refreshment					
Indoors, outdoors or both	Current :				Proposed:
	Indoors				No change
	Current Hours		Proposed Hours		Licensable Area
	Start:	End:	Start:	End:	
Monday	23:00	00:00	No change		No change
Tuesday	23:00	00:00			
Wednesday	23:00	00:00			
Thursday	23:00	01:00			
Friday	23:00	02:00			
Saturday	23:00	02:00			
Sunday	23:00	00:00			
Seasonal variations/ Non-standard timings:	Current: The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 New Year's Day.			Proposed: No change	

Sale by Retail of Alcohol					
On or off sales			Current :		Proposed:
			Both		No change
	Current Hours		Proposed Hours		Licensable Area
	Start:	End:	Start:	End:	
Monday	10:00	23:30	No change		No change
Tuesday	10:00	23:30			
Wednesday	10:00	23:30			
Thursday	10:00	23:30			
Friday	10:00	00:00			
Saturday	10:00	00:00			
Sunday	12:00	22:30			
Seasonal variations/ Non-standard timings:	Current:			Proposed:	
	Sundays before Bank Holidays: 12:00 to 00:00			No change	
	From the end of permitted hours on 31 st December to start of permitted hours on 1 st January.			No change	

Hours premises are open to the public					
	Current Hours		Proposed Hours		Premises Area
	Start:	End:	Start:	End:	
Monday	09:00	00:00	No change		No change
Tuesday	09:00	00:00			
Wednesday	09:00	00:00			
Thursday	09:00	01:00			
Friday	09:00	02:00			
Saturday	09:00	02:00			
Sunday	09:00	00:00			
Seasonal variations/ Non-standard timings:	Current:			Proposed:	
	From the end of permitted hours on 31 st December to start of permitted hours on 1 st January.			No change	

1-C Layout alteration
There is no proposed change to the layout of the premises.

1-D Conditions removed		
Condition	Proposed variation	
Condition 26		
All drinking receptables used at the premises are to be plastic or polycarbonate.		
Adult entertainment:	Current position:	Proposed position:
	None	No change

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Consultation Team (withdrawn)
Representative:	Ms Ayesha Bolton
Received:	11 December 2017
<p>I refer to the application for variation of Premises Licence for the above premises This representation is based on the application and operating schedule submitted. The applicant is seeking the following:</p> <ol style="list-style-type: none"> To remove condition number 26: "All drinking receptacles used at the premises are to be plastic or polycarbonate". <p>I wish to make the following representation.</p> <ol style="list-style-type: none"> This variation will have the likely effect of causing an increase in Public Nuisance within the area and may impact on Public Safety. <p>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.</p> <p>Environmental Health have withdrawn their representation</p>	

2-B Other Persons

Received: 17 November 2017

I object on Health & Safety grounds. Drinks are frequently taken through to be consumed whilst viewing a film in conditions where the ambient light level is extremely low much of the time. It is inevitable that some of the glasses will occasionally get broken creating a hazard for anyone unaware of their presence. I and the public will be safer if the drinking receptacles are of plastic or polycarbonate.

3. Policy & Guidance

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

Policy PVC1 applies:	Applications will generally be granted and reviews determined, subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1.
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4. Equality Implications

The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary, section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

5. 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	Existing premises licence

Report author:	Miss Daisy Gadd Senior Licensing Officer
Contact:	Telephone: 020 7641 2737 Email: dgadd@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	April 2017
4	Representation Environmental Health	11 December 2017
5	Representation resident	17 November 2017

Applicant Supporting Documents

Appendix 1

None submitted

Licence & Appeal History

Application	Details of Application	Decision	Date Determined
05/08296/LIPC	Conversion Application	Granted Under Delegated Authority	17.09.2005
06/10591/WCCMAP	Master licence created		17.09.2005
08/05423/LIPD	Duplicate Application	Granted Under Delegated Authority	25.06.2008
08/05875/LIPDPS	Application to Vary the Designated Premises Supervisor	Granted Under Delegated Authority	31.07.2008
09/08474/LIPV	Variation Application	Granted Under Delegated Authority	04.12.2009
10/00899/LIPDPS	Application to Vary the Designated Premises Supervisor	Granted Under Delegated Authority	28.04.2010
10/04797/LIPCH	Application to change a detail on a licence	Granted Under Delegated Authority	12.08.2010
15/03736/LIPT	Transfer Application	Granted Under Delegated Authority	30.05.2015
16/06289/LIPDPS	Application to Vary the Designated Premises Supervisor	Granted Under Delegated Authority	05.07.2016
16/08226/LIPVM	Minor Variation Application	Granted Under Delegated Authority	10.09.2016

There is no appeal history

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

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

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

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

Conditions: On Current Licence -

Mandatory:

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

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

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

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

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

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

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

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

Where -

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

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

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

Conditions relating to regulated entertainment

10. This licence is subject to all the former Rules of Management for Places of Public Entertainment licensed by Westminster City Council, in force from 4 September 1998 and incorporating amendments agreed by the Council on 25 October 1999, 30 June 2000, 16 January 2001 and 1 October 2001.
11. On New Years Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Years Eve to the time when regulated entertainment can commence on New Years Day (or until midnight on New Years Eve where no regulated entertainment takes place on New Years Day).
12. Notwithstanding the provisions of Rule of Management No. 6, the premises may be kept open for the purposes of this licence: (a) from 11pm to midnight on Sunday to Wednesday; (b) from midnight on Thursday to 1am on the day following; (c) from midnight on each Friday and Saturday to 2am on the days following.
13. When films are exhibited in the 'Restricted 18' category the additional special conditions for 'Club' cinemas shall be observed.
14. An attendant to be present on the premises, at all times, for the purposes of supervising the auditorium.
15. Intoxicating liquor only to be sold to persons gaining admission by ticket.
16. No external advertisement of the licensed facilities.

17. No direct access from the street to any bar.
18. Non-intoxicating beverages including drinking water to be available at all times throughout the licensed area
19. This licence granted subject to there being no change of the use of the premises than that of a cinema.

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

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

Annex 2 – Conditions consistent with the operating Schedule

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

The Police and applicant have agreed to amend condition 21 to read as the following:

The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. The auditoriums and 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 are open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.

The Police and applicant have agreed to amend condition 22 to read as the following:

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 proof of age scheme, such as Challenge 21, shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.
24. A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises are open.

The Police and applicant have agreed to amend condition 24 to read as the following:

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.
25. The rear fire escape of the premises shall only be used for emergency access and egress.
 26. All drinking receptacles used at the premises are to be plastic or polycarbonate.
- The applicant has proposed to remove condition 26.**
27. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which give rise to a nuisance.
 28. Notices will be prominently displayed at the ground floors exits requesting the public to respect the needs of local residents and to leave the premises and area quietly.
 29. No unauthorised advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) is inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or is distributed to the public, that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services.
 30. Any alcohol sold for consumption off the premises shall be in sealed containers and shall form part of a film promotional package.
 31. Sale of alcohol is permitted from the end of permitted hours on 31st December to start of permitted hours on 1st January.

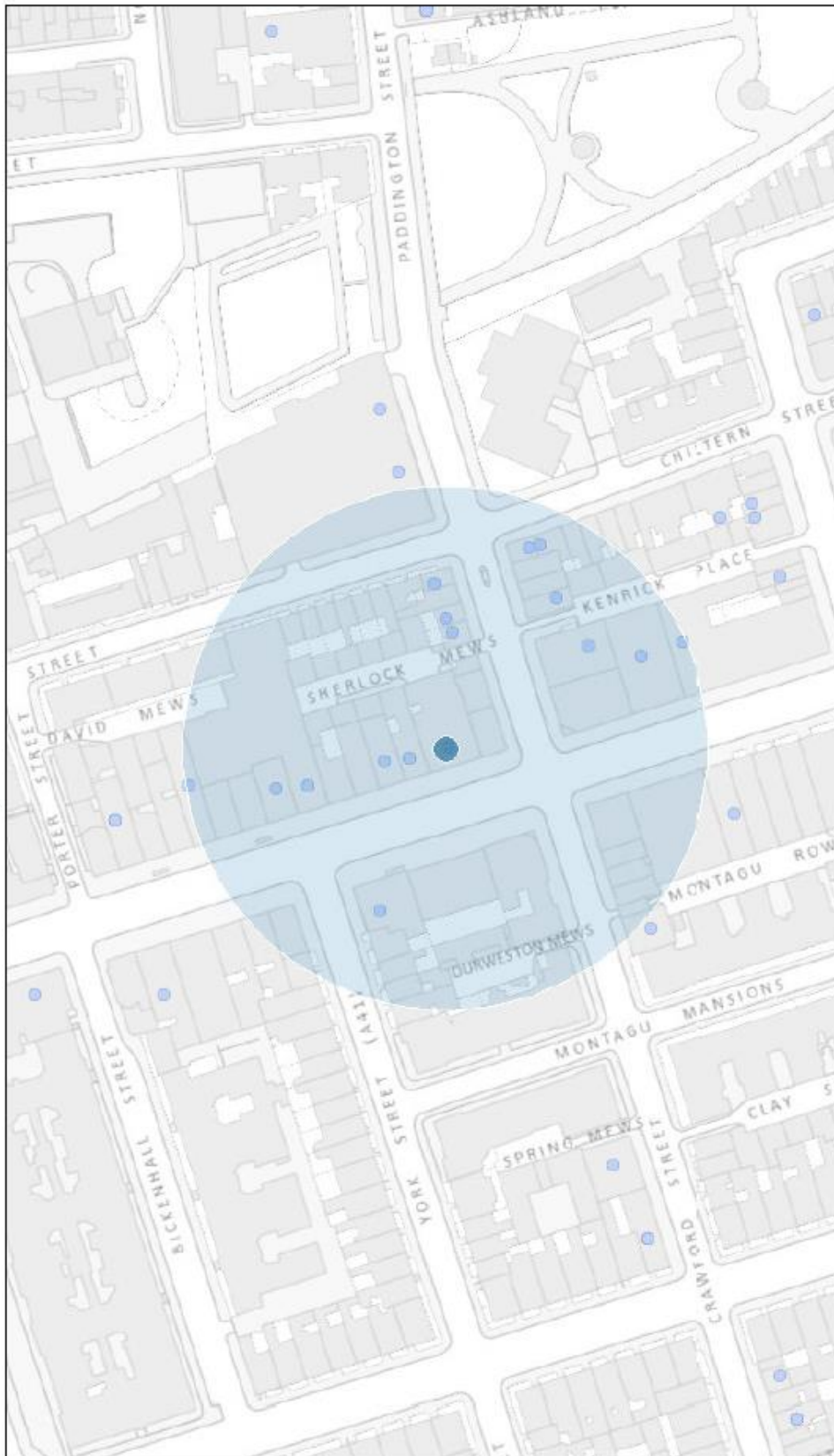
Annex 3 – Conditions attached after a hearing by the licensing authority

None

Conditions proposed by the Police and agreed by the applicant and so as to be incorporated within the operating schedule

32. The auditorium shall be checked by a member of staff 30 minutes whilst they are in use.
33. The licensable activities authorised by the licence and provided at the premises shall be ancillary to the main function of the premises as a cinema.

Everyman Cinema



Resident count = 147

Licence Number	Trading Name	Address	Premises Type	Time Period
16/082226/LIPVM	Everyman Baker Street	Ground Left 96-98 Baker Street London W1U 6TJ	Cinema	Thursday: 09:00 - 01:00 Friday to Saturday: 09:00 - 02:00 Sunday to Wednesday: 09:00 - 00:00
17/06004/LIPDP	Bella Italia	Basement And Ground Floor 100 Baker Street London W1U 6TW	Restaurant	Monday to Saturday: 10:00 - 00:30 Sunday: 10:00 - 00:00
16/04002/LIPDP	Gourmet Burger Kitchen	102 Baker Street London W1U 6TL	Restaurant	Monday to Thursday: 10:00 - 23:00 Friday to Saturday: 10:00 - 23:30 Sunday: 12:00 - 23:00
09/09022/LIPD	Casa Becci	Ground Floor 32 Paddington Street London W1U 4HE	Restaurant	Monday to Saturday: 10:00 - 00:30 Sunday: 12:00 - 00:00
16/07420/LIPN	Honest Burgers	31 Paddington Street London W1U 4HD	Restaurant	Monday to Saturday: 10:00 - 23:30 Sunday: 10:00 - 23:00 Sundays before Bank Holidays: 10:00 - 23:30
16/14111/LIPDP	Sherlock Holmes Hotel	108 Baker Street London W1U 6LU	Hotel, 4+ star or major chain	Friday to Saturday: 10:00 - 01:30 Sunday to Thursday: 10:00 - 00:30
17/02929/LIPDP	AD Food Wine	Basement And Ground Floor 29 Paddington Street London W1U 4HA	Shop	Monday to Saturday: 08:00 - 23:00 Sunday: 10:00 - 22:30
16/04186/LIPDP	Tesco Express	110-112 Baker Street London W1U 6TP	Shop (large)	Monday to Saturday: 08:00 - 23:00 Sunday: 10:00 - 22:30
17/14366/LIPDP	Chipotle Mexican Grill	Basement And Ground Floor Caparo House 101-103 Baker Street London W1U 6HQ	Restaurant	Monday to Saturday: 11:00 - 23:30 Sunday: 11:00 - 22:30 Bank Holiday: 11:00 - 23:00
16/03601/LIPDP	Zizzi	35-38 Paddington Street London W1U 4HQ	Restaurant	Monday to Saturday: 10:00 - 00:30 Sunday: 12:00 - 00:00
14/10659/LIPDP	Ohisama	Basement And Ground Floor 39 Paddington Street London W1U 4HH	Restaurant	Monday to Thursday: 10:00 - 00:00 Friday to Saturday: 10:00 - 00:30 Sunday: 10:00 - 23:00 Sundays before Bank Holidays: 10:00 - 00:30
15/01460/LIPN	Publicis Groupe	Ground Floor 84 Baker Street London W1U 6TG	Office	Monday to Sunday: 00:00 - 00:00
09/06785/LIPV	Fabeis	67 Chiltern Street London W1U 6NJ	Shop	Monday to Saturday: 08:00 - 00:00 Sunday: 10:00 - 22:30
14/10787/LIPN	Blamford's Cafe-Restaurant	65 Chiltern Street London W1U 6NH	Cafe	Monday to Friday: 07:30 - 00:00 Saturday to Sunday: 09:00 - 00:00
16/12468/LIPDP	Sainsbury's	116A Baker Street London W1U 6TS	Shop (large)	Monday to Sunday: 00:00 - 00:00
17/02300/LIPN	Bombayrithto	74 Baker Street London W1U 6TB	Restaurant	Monday to Saturday: 10:00 - 23:00 Sunday: 10:00 - 22:30



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

Schedule 12
Part A

WARD: Marylebone High Street
UPRN: 010033555305

Premises licence

Regulation 33, 34

Premises licence number:

16/08226/LIPVM

Original Reference:

05/08296/LIPC

Part 1 – Premises details

Postal address of premises:

Everyman Baker Street
Ground Left
96-98 Baker Street
London
W1U 6TJ

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

Sunday to Wednesday: 09:00 to 00:00
Friday to Saturday: 09:00 to 02:00
Thursday: 09:00 to 01:00

Playing of Recorded Music

Unrestricted

Late Night Refreshment

Sunday to Wednesday: 23:00 to 00:00
Friday to Saturday: 23:00 to 02:00
Thursday: 23:00 to 01:00

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

Sale by Retail of Alcohol

Monday to Thursday: 10:00 to 23:30

Friday to Saturday:	10:00 to 00:00
Sunday:	12:00 to 22:30
Sundays before Bank Holidays:	12:00 to 00:00
Non-standard Timings: No change- from the end of permitted hours on 31st December to start of permitted hours on 1st January.	
<i>For times authorised for Christmas, New Year and Good Friday see conditions at Annex 1</i>	

The opening hours of the premises:	
Sunday to Wednesday:	09:00 to 00:00
Friday to Saturday:	09:00 to 02:00
Thursday:	09:00 to 01:00

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

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

Part 2

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

Everyman Media Limited
 Studio 4
 2 Downshire Hill
 London
 NW3 1NR
 Telephone Number : C/o 020 3755 5138

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

03883018

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

Name: Dorota Rita Ochocka

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: 20171
Licensing Authority: London Borough Of Tower Hamlets

Date: 17th January 2017

This licence has been authorised by Miss Yolanda Wade on behalf of the Director -
Public Protection and Licensing.

Annex 1 – Mandatory conditions

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

- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the 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 reproducing the effect of conditions subject to which the relevant existing licences have effect

Conditions relating to regulated entertainment

10. This licence is subject to all the former Rules of Management for Places of Public Entertainment licensed by Westminster City Council, in force from 4 September 1998 and incorporating amendments agreed by the Council on 25 October 1999, 30 June 2000, 16 January 2001 and 1 October 2001.
11. On New Years Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Years Eve to the time when regulated entertainment can commence on New Years Day (or until midnight on New Years Eve where no regulated entertainment takes place on New Years Day).
12. Notwithstanding the provisions of Rule of Management No. 6, the premises may be kept open for the purposes of this licence: (a) from 11pm to midnight on Sunday to Wednesday; (b) from midnight on Thursday to 1am on the day following; (c) from midnight on each Friday and Saturday to 2am on the days following.
13. When films are exhibited in the 'Restricted 18' category the additional special conditions for 'Club' cinemas shall be observed.
14. An attendant to be present on the premises, at all times, for the purposes of supervising the auditorium.
15. Intoxicating liquor only to be sold to persons gaining admission by ticket.

16. No external advertisement of the licensed facilities.
17. No direct access from the street to any bar.
18. Non-intoxicating beverages including drinking water to be available at all times throughout the licensed area
19. This licence granted subject to there being no change of the use of the premises than that of a cinema.

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

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

Annex 2 – Conditions consistent with the operating Schedule

21. The venue shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the venue is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 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 are open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
23. A proof of age scheme, such as Challenge 21, shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.
24. A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises are open.
25. The rear fire escape of the premises shall only be used for emergency access and egress.
26. All drinking receptacles used at the premises are to be plastic or polycarbonate.
27. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which give rise to a nuisance.
28. Notices will be prominently displayed at the ground floors exits requesting the public to respect the needs of local residents and to leave the premises and area quietly.
29. No unauthorised advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) is inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or is distributed to the public, that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services.
30. Any alcohol sold for consumption off the premises shall be in sealed containers and shall form part of a film promotional package.
31. Sale of alcohol is permitted from the end of permitted hours on 31st December to start of permitted hours on 1st January.

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

None



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

Schedule 12
Part B

Premises licence
summary

WARD: Marylebone High
Street
UPRN: 010033555305

Regulation 33, 34

Premises licence number:

16/08226/LIPVM

Part 1 – Premises details

Postal address of premises:

Everyman Baker Street
Ground Left
96-98 Baker Street
London
W1U 6TJ

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

Sunday to Wednesday:	09:00 to 00:00
Friday to Saturday:	09:00 to 02:00
Thursday:	09:00 to 01:00

Playing of Recorded Music

Unrestricted

Late Night Refreshment

Sunday to Wednesday:	23:00 to 00:00
Friday to Saturday:	23:00 to 02:00
Thursday:	23:00 to 01:00

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

Sale by Retail of Alcohol

Monday to Thursday:	10:00 to 23:30
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Friday to Saturday:	10:00 to 00:00
Sunday:	12:00 to 22:30
Sundays before Bank Holidays:	12:00 to 00:00
Non-standard Timings: No change- from the end of permitted hours on 31st December to start of permitted hours on 1st January.	
<i>For times authorised for Christmas, New Year and Good Friday see conditions at Annex 1</i>	

The opening hours of the premises:	
Sunday to Wednesday:	09:00 to 00:00
Friday to Saturday:	09:00 to 02:00
Thursday:	09:00 to 01:00

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

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

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

Everyman Media Limited
 Studio 4
 2 Downshire Hill
 London
 NW3 1NR

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

03883018

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

Name: Dorota Rita Ochocka

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

Restricted

Date: 17th January 2017

This licence has been authorised by Miss Yolanda Wade on behalf of the Director - Public Protection and Licensing.

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