



City of Westminster

# Committee Agenda

Title: **Licensing Sub-Committee (4)**

Meeting Date: **Thursday 15th March, 2018**

Time: **10.00 am**

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

Members: **Councillors:**

Jean Paul Floru (Chairman)  
Murad Gassanly  
Louise Hyams

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

**Note for Members:** Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the 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. STICKS 'N' SUSHI, 40 BEAK STREET, W1

(Pages 1 - 30)

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
1.	West End Ward / West End Cumulative Impact Area	Sticks 'N' Sushi, 40 Beak Street, W1	New Premises Licence	18/00457/LIPN

#### 2. FLESH & BUNS, 25-33 BERNERS STREET, W1

(Pages 31 - 62)

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
2.	West End Ward / Not in a Cumulative Impact Area	Flesh & Buns, Unit 1, Copyright Building, 25-33 Berners Street, W1	New Premises Licence	17/14890/LIPN

**3. KING'S COLLEGE LONDON- BUSH HOUSE (UNDERCROFT),  
BUSH HOUSE, 30 ALDWYCH, WC2**

**(Pages 63 -  
102)**

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
3.	St James's Ward / Not in a Cumulative Impact Area	King's College London-Bush House (Undercroft) Bush House, 30 Aldwych, WC2	New Premises Licence	17/14655/LIPN

**4. THE LANSDOWNE CLUB, 9 FITZMAURICE PLACE, W1**

**(Pages 103 -  
116)**

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
4.	West End Ward / Not in a Cumulative Impact Area	The Lansdowne Club, 9 Fitzmaurice Place, W1	New Premises Licence	18/00645/LIPN

**Stuart Love  
Chief Executive  
9 March 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:	15 March 2018
Licensing Ref No:	18/00457/LIPN - New Premises Licence
Title of Report:	Sticks 'N' Sushi 40 Beak Street London W1F 9RQ
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Yolanda Wade Senior Licensing Officer
Contact details	Telephone: 020 7641 1884 Email: <a href="mailto:ywade@westminster.gov.uk">ywade@westminster.gov.uk</a>

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	15 January 2018		
<b>Applicant:</b>	Sticks 'N' Sushi Uk Ltd		
<b>Premises:</b>	Sticks 'N' Sushi		
<b>Premises address:</b>	40 Beak Street London W1F 9RQ	<b>Ward:</b>	West End
		<b>Cumulative Impact Area:</b>	West End
<b>Premises description:</b>	The premises will operate as a sushi/yakitori restaurant on the basement and ground floor		
<b>Premises licence history:</b>	The application is for a new premises licence therefore a premises licence history does not exist.		
<b>Applicant submissions:</b>	<p>Sticks 'n' Sushi are a Danish company which specialises in Japanese sushi and yakitori with a Scandinavian twist.</p> <p>They have two premises in Westminster in the Victoria, Nova development and on Henrietta Street in Covent Garden.</p> <p>The Sticks 'n' Sushi in Covent Garden is (like these premises) in Westminster's West End stress area and trades also on two floors (basement and ground floor) with a maximum occupancy of 170.</p> <p>These premises will also trade in a new development on two floors with a maximum occupancy of 179.</p> <p>Planning permission has been granted for A3 use with a maximum occupancy limit for both floors of 179.</p> <p>The premises have been and will continue to be constructed of a high quality in all respects.</p> <p>Sticks 'n' Sushi have proved themselves to be a successful, reliable and responsible operator in Westminster; they are mindful that this is a new operation in Soho but are confident that this proposed application to core hours, with the model restaurant condition and a number of others agreed following a pre-consultation exercise will both promote the licensing objectives and not have an adverse impact on the existing stress area.</p>		

	Proposed conditions are incorporated in Appendix 3 of the report
<b>Plan</b>	Plans are available to view upon request to the Licensing Authority and they will be made available at Licensing Committee.

<b>1-B Proposed licensable activities and hours</b>							
<b>Late Night Refreshment:</b>				<b>Indoors, outdoors or both</b>			Indoors
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	23:00	23:00	23:00	23:00	23:00	23:00	
<b>End:</b>	23:30	23:30	23:30	23:30	00:00	00:00	
<b>Seasonal variations/ Non-standard timings:</b>			Sundays before a Bank Holiday Monday 23:00 - midnight.				

<b>Sale by retail of alcohol</b>				<b>On or off sales or both:</b>			Both
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	10:00	10:00	10:00	10:00	10:00	10:00	12:00
<b>End:</b>	23:30	23:30	23:30	23:30	00:00	00:00	22:30
<b>Seasonal variations/ Non-standard timings:</b>			Sundays before a Bank Holiday Monday 23:00 - midnight.				

<b>Hours premises are open to the public</b>							
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	10:00	10:00	10:00	10:00	10:00	10:00	12:00
<b>End:</b>	23:30	23:30	23:30	23:30	00:00	00:00	22:30
<b>Seasonal variations/ Non-standard timings:</b>			Sundays before a Bank Holiday Monday 23:00 - midnight.				

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	The Environmental Health Service
<b>Representative:</b>	Mr Dave Nevitt
<b>Received:</b>	9 <sup>th</sup> February 2018
<p>I wish to make Representations on the following grounds:</p> <p>Representation is made in relation to the application, as the proposals are likely to increase Public Nuisance and may impact upon Public Safety.</p>	
<b>Responsible Authority:</b>	The Metropolitan Police (withdrawn)
<b>Representative:</b>	PC Toby Janes
<b>Received:</b>	30 <sup>th</sup> January 2018
<p>With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, make a representation against the above application.</p> <p>The venue is situated in the West End cumulative impact area, a locality where there is traditionally high crime and disorder. We have concerns that this application will cause further policing problems in an already demanding area.</p> <p>A number of conditions have been offered in support of the application, these have been considered but do not fully address the concerns of Police.</p> <p>In addition to the conditions already offered, if the following condition is added to your operating schedule then Police will withdraw the representation.</p> <ul style="list-style-type: none"><li>• An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:<ol style="list-style-type: none"><li>(a) all crimes reported to the venue</li><li>(b) all ejections of patrons</li><li>(c) any complaints received concerning crime and disorder</li><li>(d) any incidents of disorder</li><li>(e) all seizures of drugs or offensive weapons</li><li>(f) any faults in the CCTV system</li></ol></li></ul>	



(g) any refusal of the sale of alcohol

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

If you have any questions please do not hesitate to contact me.

***On agreement by the applicant to the proposed additional incident log condition by The Police, the Police withdrew their representation to the application.***

## 2-B Other Persons

**Received:** 11<sup>th</sup> February 2018

I am extremely concerned that this restaurant has too big a capacity for a narrow street with very thin pavements and that the extended hours encouraging more late drinking will have a deleterious effect in a stress area where residents and businesses are already feeling the negative effect of the night time economy.

I object on grounds of public safety and cumulative impact. I would ask the panel note that this premises is located at the intersection of a narrow (one-way) street and an even narrower (one-way) lane with no pavement at all. Deliveries, staff, outside smoking, refuse build-up and collection, can simply not be accommodated. Any conditions that restrict the hours of operation and the amount of people entering and exiting the premises need to be seriously considered.

If the Council is minded to offer the license please can they ensure an adequate dispersal policy, with no on-street queuing (which is becoming the norm in Soho at busy time) and no on street smoking.

Beak Street already sees pedestrians (including push-chairs and wheelchairs) forced onto the road because of crowds outside restaurants and pubs, drinking, smoking and queuing. The Council needs to do what it can to prevent.

**Received:** 1<sup>st</sup> February 2018

Beak Street is a narrow street busy with traffic . 179 seats in the restaurant will noise and congestion on the street. Queuing on narrow pavements could ensue which compromise pedestrian safety.. There is no mention of smokers, taxis, ubers. or street control. This is a 'Resident sensitive' area with 40 new high end flats being built on the corner one minute away from the entrance and a smaller block opposite. Takeaway will cause litter and further congestion. Alcohol as take away in such a chaotic situation is unwise. I object to this licence on the grounds of Cumulative Impact, Public Nuisance and the health and safety of Immediate Soho Residents. I also note that the application is to the full extent of the City Council's 'core hours' set out in its Statement of Licensing Policy. Without sufficient clarification and reassurances on the issues I have raised, I can only conclude at this juncture that the terminal hour is too late. The applicant needs to demonstrate that the application does not add to cumulative impact. At present, I do not believe that the application reaches this threshold. Please contact us for a meeting

so all these issues can be aired.

**Received:**

2<sup>nd</sup> February 2018

Beak Street is a narrow street with narrow pavements, it is often extremely congested and the proposed usage would have a massive negative effect on its useability both to road traffic and pedestrians.

I object to this licence on the grounds of Cumulative Impact, Public Nuisance and the health and safety of Immediate Soho Residents.

**Received:**

22 Jan 2018

I object to the non-standard hours on Friday and Saturday as this will create additional noise and strain as customers leave the restaurant on an already busy street and contribute to my loss of amenity as a result.

**Received:**

2<sup>nd</sup> February 2018

I am objecting on grounds of public nuisance; public safety; and cumulative impact.

I do not believe that the applicant has fully understood the impact of conditions they are offering.

A 179 capacity (excluding staff) with an entrance facing my building deeply distresses me. The impact of noise nuisance, people smoking, safety of pedestrians pushed onto the road, taxi and uber pickups creating more congestion, deliveries where lorries already constantly reverse illegally down bridle lane with their warning sounds and flashing lights, will all make this part of the street unbearable. Previously the sight was occupied by a police building. Now the whole street, which was historically the quieter part of Soho, is going to be further altered for the worse.

In particular they are pushing the limit of core hours late at night and with no drinking up time specified.

They are proposing to enable takeaway both food and alcohol, limiting this to 11pm. This is far too late and will also inevitably result in more litter and noise outside my door if it is allowed at all.

There is a very narrow pavement with parts of Beak Street already unbearably crowded with people standing outside and across the road from patrons at the two pubs a few yards away from us, particularly when the weather is good. There is a real safety issue here as people will be forced to walk along the road.

There is little thought to how many people are allowed to smoke outside or loiter outside.

It certainly would make sense to impose a condition that people loitering outside the premises wait along bridle lane and not Beak Street. It would also be helpful if they would consider some dispersal policy.

To mitigate some of these concerns I would request the licensing authority review the maximum number of people, reduce the terminal hour, not allow takeaway and certainly no sale of alcohol for consumption off the premises. Perhaps a booking policy would be helpful and some dispersal policy.

I am really concerned for the safety of pedestrians. I am already facing difficulties pushing a push chair down this street and hope the licensing authority can set much

stronger conditions to mitigate my concerns.

Furthermore, can a condition be placed to ensure that the doors and windows are shut at all times except for ingress and maybe have an internal lobby door so that we don't hear the constant sound of music and noise as people leave. As I mentioned the door will be directly facing our building and it is going to have a dramatic impact to the quality of our life as we come and go with children. I will attached 2 photos of their proposed entrance on the corner of the building, taken from the street in front of my building and from my living room window to show you how I will be effected.

I would also like Richard Brown from the Licensing team at CAB (copied) to represent me at any future hearing.





**Received:**

2<sup>nd</sup> February 2018

I am writing to object to this application and fully support all the comments made by [REDACTED]. I also feel very strongly about this application and believe it will have an entirely negative impact on the local area.

One of my greatest concerns is the danger presented to pedestrians, as well as the additional risk for motorists attempting to navigate the local streets. As has been seen by the long term installation of scaffolding on this building, the access to pavements along Beak Street has been blocked for months - on one side by the works being undertaken on this building and on the other side by the overspill of patrons from the pub on the corner. This compromises the safety of pedestrians walking along the street - forcing them on to the roadway, which is a very busy thoroughfare. Once the building works stops, there will be patrons from this property loitering and blocking the pavement creating the same issues.

In addition, the area already suffers from an enormous number of intoxicated people walking on the street at all hours smoking and shouting. The volume of litter and vomit left every day is appalling.

Whilst this application is being considered, we are aware of a second large development near the corner of Beak and Lexington which will add to the numbers on the street late at night and so [REDACTED] concerns about a cumulative impact are factual not a potential concern





<b>Received:</b>	5 <sup>TH</sup> February 2018
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Beak Street is a narrow street busy with traffic . 179 seats in the restaurant will cause noise and congestion on the street. Queuing on narrow pavements could ensue which compromise pedestrian activity. There is no mention of smokers, taxis, ubers. or street control. This is a 'Resident sensitive' area with 40 new high end flats being built on the corner one minute away from the entrance and a smaller block opposite. Takeaway will cause litter and further congestion. Alcohol as take away in such a chaotic situation is unwise. I object to this licence on the grounds of Cumulative Impact, Public Nuisance and the health and safety of Immediate Soho Residents. I also note that the application is to the full extent of the City Council's 'core hours' set out in its Statement of Licensing Policy. Without sufficient clarification and reassurances on the issues I have raised, I can only conclude at this juncture that the terminal hour is too late. The applicant needs to demonstrate that the application does not add to cumulative impact. At present, I do not believe that the application reaches this threshold. Please contact us for a meeting so all these issues can be aired.

<b>Received:</b>	22 <sup>nd</sup> January 2018
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I object to the non-standard hours on Friday and Saturday as this will create additional noise and strain as customers leave the restaurant on an already busy street and contribute to my loss of amenity as a result.

<b>Received:</b>	23 <sup>rd</sup> January 2018
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I would like to make a comment regarding the Licence Application noted above for Sticks'n'Sushi at 40 Beak St, W1F9RQ.

I am strongly in favour of this application. Sticks'N'Sushi run very good quality restaurants. I live directly across the street from this site and I believe they will be a good asset for the local area

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy CIA1 applies:	(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.  (ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.
Policy HRS1 applies:	(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.  (ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.
Policy RNT2 applies:	Applications will be granted subject to other policies in this Statement and subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas.

### 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

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

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

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

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

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2017
<b>4</b>	Application Form	15 <sup>th</sup> January 2018
<b>5</b>	The Environmental Health Service- Representation	9 <sup>th</sup> February 2018
<b>6</b>	The Police Service- Representation (withdrawn)	30 <sup>th</sup> January 2018
<b>7</b>	Representation	1 <sup>st</sup> February 2018
<b>8</b>	Representation	11 <sup>th</sup> February 2018
<b>9</b>	Representation	2 <sup>nd</sup> February 2018
<b>10</b>	Representation	22 <sup>nd</sup> January 2018
<b>11</b>	Representation	2 <sup>nd</sup> February 2018
<b>12</b>	Representation	2 <sup>nd</sup> February 2018
<b>13</b>	Representation	5 <sup>th</sup> February 2018
<b>14</b>	Representation	22 <sup>nd</sup> January 2018
<b>15</b>	Support Comment	23 <sup>rd</sup> January 2018



**Applicant Supporting Documents**

Appendix 1

None received

## **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. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
13. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
14. No 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.
15. Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to a take-away meal.
16. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 179 persons.
17. No collections of waste or recycling materials (including bottles) from the premises shall take place between (23.00) and (08.00) on the following day.
18. 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.

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. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00.
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. No deliveries to the premises shall take place between (23.00) and (08.00) on the following day.
23. The premises shall only operate as a restaurant
  - (i) in which customers are shown to their table,
  - (ii) where the supply of alcohol is by waiter or waitress service only,
  - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
  - (iv) which do not provide any take away service of food or drink for immediate consumption,
  - (v) which do not provide any take away service of food or drink after 23.00, and
  - (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.
24. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.

### **Conditions proposed by the Police and agreed by the applicant**

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





Office Name: Dave Nevitt  
 Designation: EHO  
 Date: 13.12.2017  
 Contact number: 020 7641 3188  
 Email: [dnevitt@westminster.gov.uk](mailto:dnevitt@westminster.gov.uk)  
 Uniform Reference: 17/14224/PREAPM

Trading name of business and Address: <b>Stick &amp; Sushi, 40 Beak Street</b>		
Reference Number if Applicable: <b>17/14224/PREAPM</b>		
Licence: <b>N/A</b>	Applicant: <b>Mr. James Anderson</b>  J.Anderson@popall.co.uk	Stress Area: <b>WEST END</b>
Type of Business: <b>RESTAURANT</b>		
<p>Current timings: <b>NEW BUILD PREMISES UNDERGOING CONSTRUCTION, OPENING 2018.</b></p> <p>Current areas: <b>BMT &amp; GF</b></p> <p>Current activities: <b>N/A</b></p> <p><b><u>PROPOSED:</u></b></p> <p><i>'Sticks &amp; Sushi propose a new premises licence for basement and ground floor as per plans attached. They are respected sushi/yakitori restauranteurs and already operate on Henrietta Street in Covent Garden. The proposal is a restaurant operation subject to the usual conditions with a holding bar and core hours.'</i></p> <p>Floor plans Ref L100 were submitted with the application.</p> <p><b><u>EH COMMENTS &amp; ADVICE:</u></b></p> <p>A site meeting was held on 12.12.2017.</p> <p>The applicant would like to operate a restaurant <b><u>as defined by the City Council's Licensing Policy</u></b> (see Para 2.5.3 of the Policy).</p> <p>The location of the premises in the West End Cumulative Impact Area means that an application for a New Premises Licence will be subject to special policies, for example RNT2.</p> <p>The applicant is advised that an application for a <b><u>purely restaurant operation within the Core Hours</u></b> (Policy HRS1) would be the best course. Whilst the applicants have successfully operated similar premises in Covent Garden (Henrietta Street) and Victoria (Nova development), 40 Beak Street will be a <b><u>new operation</u></b> in this location</p>		

and there are a number of residents in fairly close proximity. The applicant is advised that HRS1 does allow some later hours on Sundays prior to Bank Holidays.

In light of the comments made in para 2.5.3 of the Policy about restaurant premises in Cumulative Impact Areas *'even in part'* operating as bars I recommend that the operation is subject to MC66 at all times. As discussed at the site meeting, there is enough flexibility in the application of MC66 and the understanding of 'ancillary' to allow customers to enjoy a drink before and after their meal.

It is understood that there will not be a take away service of food for immediate consumption.

'Off' Sales of alcohol will not be required.

It is understood that all activities are to be carried out inside the premises building and that it is not envisaged at this stage that there will be outside tables and chairs provided for patrons, although there may be smokers using the pavement outside. I recommend that the applicant gives some thought as to how smokers might be managed in a way that reduces the likelihood of nuisance to local residents.

The new-build premises will have good acoustic integrity with air-conditioning and non-opening glazing. There are offices located on the floors directly above.

The toilet provision for patrons shown on the drawings includes DDA/Accessible facilities and additional and separate staff facilities. The sanitary provision shown would support the proposed capacity of 180 patrons.

An application for a New Premises Licence will seek Sale of Alcohol for consumption 'On' the premises, and Late Night Refreshment.

An application for a New Premises Licence should be accompanied by a schedule of proposed Conditions drawn from our list of 'Model Conditions' as a starting point for detailed discussion/agreement during the Consultation process and at a Hearing of the Licensing Committee if required. I recommend that the following should be considered:

MC01 The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.

MC02 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.

MC12 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.

MC13 Loudspeakers shall not be located in the entrance lobby or outside the premises building.

MC21 Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

MC35 No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23.00) hours and (08.00) hours on the following day.

MC37 The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 180 persons.

MC43 No collections of waste or recycling materials (including bottles) from the premises shall take place between (23.00) and (08.00) on the following day.

MC47 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.

MC48 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.

MC56 There shall be no sales of hot food or hot drink for consumption off the premises after 23.00.

MC57 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.

MC65 No deliveries to the premises shall take place between (23.00) and (08.00) on the following day.

MC66 The premises shall only operate as a restaurant (i) in which customers are shown to their table, (ii) where the supply of alcohol is by waiter or waitress service only, (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery, (iv) which do not provide any take away service of food or drink for immediate consumption, (v) which do not provide any take away service of food or drink after 23.00, and (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the

consumption of alcohol by such persons is ancillary to taking such meals. Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

MC81 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.

**The police may seek additional Conditions following the application.**

**The applicant may also wish to consider the following permission:**

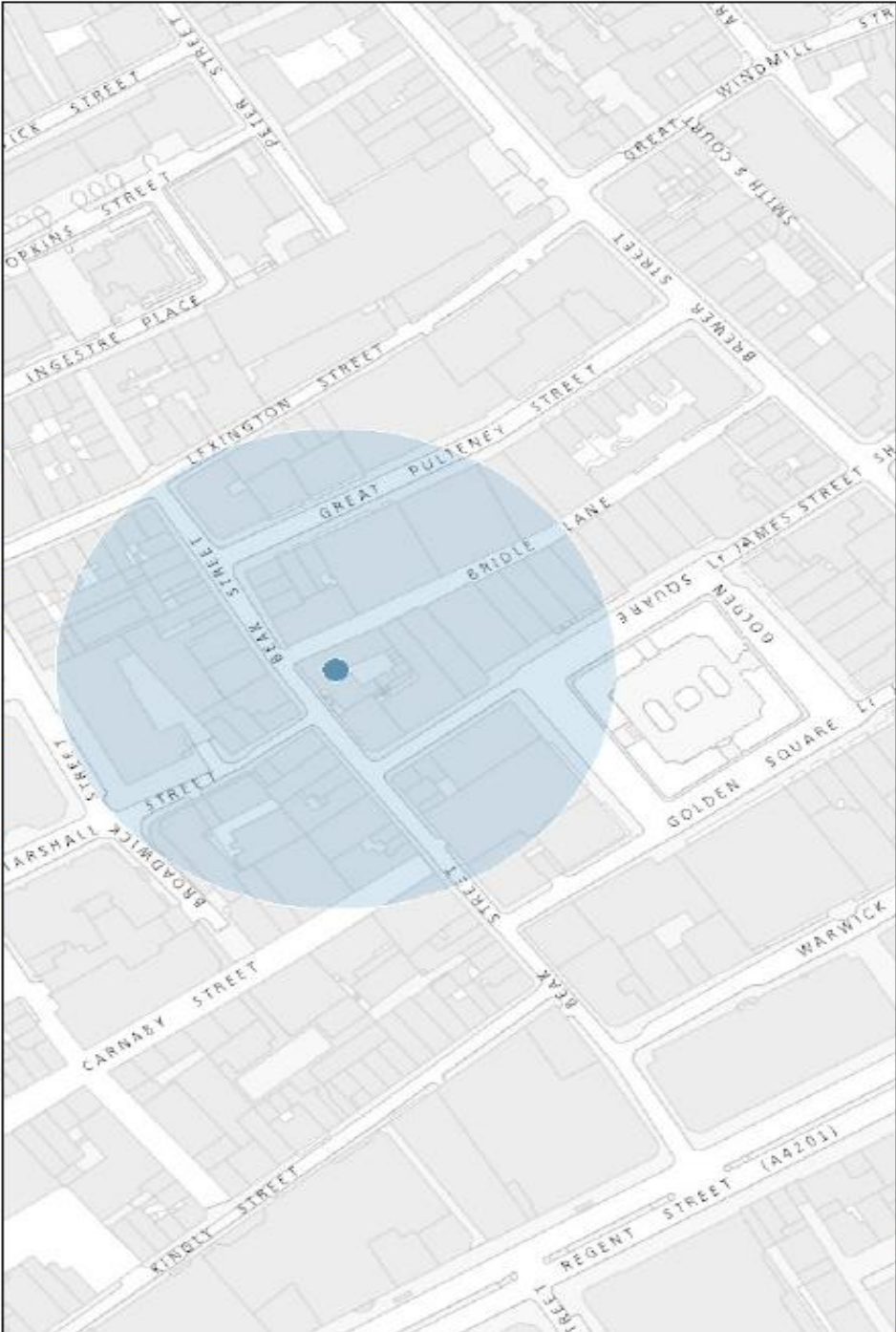
MC83 The premises may remain open for the sale of alcohol and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.

**A copy of the Pre-App Report will be sent to the District Surveyor, Alan Lynagh who may also have comments.**

**IF THE MATTER IS ADJUDICATED AT A HEARING OF THE LICENSING SUB CTEE THE APPLICATION WILL BE DETERMINED IN RELATION TO THE CITY COUNCIL'S LICENSING POLICY AND IT WILL BE FOR THE APPLICANT TO SHOW HOW THE LICENSING OBJECTIVES WILL BE PROMOTED.**

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

Sticks 'N' Sushi 40 Beak Street London



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March 7, 2018

Resident Count: 106



DISTANCE	OBJECTID	LicenceNumber	TradingName	Address	PremisesType	TimePeriod
20.93802636	5936	12/01708/LIPV	Vinoteca	53 - 55 Beak Street London	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
25.66341391	24683	17/07199/LIPN	Bob Bob Ricard (Shadow)	1 - 3 Upper James Street London W1F 9DE	Not Recorded	Monday to Saturday; 07:00 - 03:30   Sunday; 07:00 - 03:00
25.66341391	67915	16/01177/LIPDPS	Bob Bob Ricard	Basement And Ground Floor Part 1 - 3 Upper James Street London W1F 9DF	Restaurant	Monday to Saturday; 07:00 - 03:30   Sunday; 07:00 - 03:00   Sundays before Bank Holidays; 07:00 - 03:30
31.82501782	58345	17/06730/LIPN	Not Recorded	Basement And Ground Floor 61 - 63 Beak Street London W1F 9SL	Restaurant	Monday to Thursday; 10:00 - 00:00   Friday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 23:00

31.82501782	58360	15/11655/LIPT	Kazu Restaurants 1 Limited	Basement And Ground Floor 61 - 63 Beak Street London W1F 9SL	Restaurant	Monday to Saturday; 10:00 - 23:30   Sunday; 12:00 - 23:00
32.69084892	79787	14/00895/LIPDPS	Old Coffee House Public House	49 Beak Street London W1F 9SF	Pub or pub restaurant with lodge	Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00   Sunday; 12:00 - 23:00
34.53686412	82384	11/07263/LIPDPS	Sun & Thirteen Cantons	21 Great Pulteney Street London W1F 9NG	Pub or pub restaurant with lodge	Monday to Saturday; 10:00 - 23:30   Sunday; 12:00 - 23:00
35.53572109	58439	08/10747/LIPN	Regent News	Basement And Ground Floor 45 Beak Street London W1F 9SD	Shop	Monday to Friday; 06:30 - 20:00   Saturday to Sunday; 10:00 - 16:00
42.56618887	44821	16/08773/LIPT	Pizza Express	6 Upper James Street London W1F 9DQ	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00

43.48589689	5718	17/09677/LIPCH	Polpo	Ground Floor 41 - 43 Beak Street London W1F 9SB	Restaurant	Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00   Sunday; 12:00 - 23:00
45.6748867	44975	16/06672/LIPN	Fernandez & Wells	73 Beak Street London W1F 9SR	Cafe	Monday to Saturday; 08:00 - 23:30   Sunday; 10:00 - 22:00
51.15228721	68410	14/00346/LIPVM	Graphic Bar	Ground Floor 4 Golden Square London W1F 9HT	Public house or pub restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
52.56394483	58343	15/04973/LIPDPS	Ma Plucker	Basement And Ground Floor 75 Beak Street London W1F 9SS	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
62.46121486	45122	17/12533/LIPDPS	M & C Saatchi	36 Golden Square London W1F 9JX	Office	Monday to Sunday; 00:00 - 00:00
64.29357978	76300	15/02877/LIPDPS	Comptoir Libanais	59 Broadwick Street London W1F 9QH	Restaurant	Monday to Sunday; 08:00 - 23:00



69.6422609	58309	13/07955/LIPV	Fernandez And Wells	Basement And Ground Floor 43 Lexington Street London W1F 9AL	Cafe	Monday to Saturday; 08:00 - 23:30   Sunday; 08:00 - 22:00
70.59033049	83245	06/06413/WCCMAP	Mildred's Restaurant	45 Lexington Street London W1F 9AN	Restaurant	Monday to Saturday; 10:00 - 23:30   Sunday; 12:00 - 23:00
72.16424741	47689	17/05023/LIPN	Not Recorded	57 Broadwick Street London W1F 9QS	Restaurant	Monday to Thursday; 08:00 - 23:00   Friday to Saturday; 08:00 - 00:00   Sunday; 10:00 - 23:30   Sundays before Bank Holidays; 10:00 - 00:30

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Item No:	
Date:	15 March 2018
Licensing Ref No:	17/14890/LIPN - New Premises Licence
Title of Report:	Flesh & Buns 29-33 Berners Street London W1T 3AB
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:	Mrs Shannon Pring Senior Licensing Officer
Contact details	Telephone: 020 7641 3217 Email: spring3@westminster.gov.uk

# 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	19 December 2017		
<b>Applicant:</b>	Bone Daddies Ltd		
<b>Premises:</b>	Flesh & Buns		
<b>Premises address:</b>	Unit 1, Copyright Building, 25-33 Berners Street	<b>Ward:</b>	West End
		<b>Cumulative Impact Area:</b>	No
<b>Premises description:</b>	According to the application the premises will operate at ground level as a restaurant and bar with the sale of alcohol both on and off the premises.		
<b>Premises licence history:</b>	This is a new premises licence and therefore no history exists.		
<b>Applicant submissions:</b>	The applicant has proposed conditions as part of their operating schedule which is incorporated in Appendix 3 of the report.		
<b>Plans</b>	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							
<b>Regulated Entertainment:</b>				<b>Indoors, outdoors or both</b>			Indoors
<b>Playing of Recorded Music</b>							
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	10:00	10:00	10:00	10:00	10:00	10:00	12:00
<b>End:</b>	23:30	23:30	23:30	23:30	00:00	00:00	22:30
<b>Seasonal variations/ Non-standard timings:</b>			<ul style="list-style-type: none"> <li>- From the end of permitted hours on New Years' Eve to the start of permitted hours on New Years' Day.</li> <li>- Midnight on Sundays immediately before Bank Holiday Mondays.</li> </ul>				

<b>Late Night Refreshment:</b>				<b>Indoors, outdoors or both</b>			Indoors
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	23:00	23:00	23:00	23:00	23:00	23:00	
<b>End:</b>	23:30	23:30	23:30	23:30	00:00	00:00	
<b>Seasonal variations/ Non-standard timings:</b>			<ul style="list-style-type: none"> <li>- From the end of permitted hours on New Years' Eve to the start of permitted hours on New Years' Day.</li> <li>- Midnight on Sundays immediately before Bank Holiday Mondays.</li> </ul>				

<b>Sale by retail of alcohol</b>				<b>On or off sales or both:</b>			Both
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	10:00	10:00	10:00	10:00	10:00	10:00	12:00
<b>End:</b>	23:30	23:30	23:30	23:30	00:00	00:00	22:30
<b>Seasonal variations/ Non-standard timings:</b>			<ul style="list-style-type: none"> <li>- From the end of permitted hours on New Years' Eve to the start of permitted hours on New Years' Day.</li> <li>- Midnight on Sundays immediately before Bank Holiday Mondays.</li> </ul>				

<b>Hours premises are open to the public</b>							
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	10:00	10:00	10:00	10:00	10:00	10:00	10:00
<b>End:</b>	00:00	00:00	00:00	00:00	00:30	00:30	23:00
<b>Seasonal variations/ Non-standard timings:</b>			<ul style="list-style-type: none"> <li>- From the end of permitted hours on New Years' Eve to the start of permitted hours on New Years' Day.</li> <li>- 00:30 on Sundays immediately before Bank Holiday Mondays.</li> </ul>				

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Metropolitan Police Service ( <i>Withdrawn</i> )
<b>Representative:</b>	PC Sandy Russell
<b>Received:</b>	22 <sup>nd</sup> December 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><b><u>Further correspondence from the Applicant to the Police:</u></b></p> <p>The applicant's other Flesh &amp; Buns restaurant is located in Camden's Seven Dials Special Policy Area at: 41 Earlham Street WC2H 9LD</p> <p>Their licence at this site authorises bar use throughout (although it's mostly set up as a restaurant) with the similar hours proposed and a much higher overall capacity of 300.</p> <p><b><u>Further correspondence from the Police to the Applicant:</u></b></p> <p>I have conducted Crime Stat checks on the Camden venue. They show 2 thefts in 12 months which is great!</p> <p>I have also gone through the conditions proposed and find them acceptable.</p> <p><b><i>Following the correspondence between the Applicant and the Police, the Police have withdrawn their representation</i></b></p>	
<b>Responsible Authority:</b>	Environmental Health Consultation Team ( <i>Withdrawn</i> )
<b>Representative:</b>	Mr Ian Watson
<b>Received:</b>	15 <sup>th</sup> January 2018
<p>I refer to the application for a New Premises Licence.</p> <p>The applicant has submitted ground floor plans of the premises dated 21/11/17.</p> <p>This representation is based on the plans and operating schedule submitted.</p> <p><b>The applicant is seeking the following</b></p>	

1. To provide for the Supply of Alcohol 'On' and 'Off' the premises Monday to Thursday 10.00 and 23.30 hours, Friday and Saturday 10.00 to 00.00 hours and Sunday between 12.00 to 22.30 hours. New Year's Eve to New Year's Day. Sunday before Bank Holiday 12.00 to 00.00 hours.
2. To provide Late Night Refreshment 'Indoors' Monday to Thursday 23.00 to 23.30 hours, Friday and Saturday 23.00 to 00.00 hours. New Year's Eve to New Year's Day. Sunday before Bank Holiday 23.00 to 00.00 hours.
3. To provide Recorded Music 'Indoors' Monday to Thursday 10.00 and 23.30 hours, Friday and Saturday 10.00 to 00.00 hours and Sunday between 12.00 to 22.30 hours. New Year's Eve to New Year's Day. Sunday before Bank Holiday 12.00 to 00.00 hours.

**I wish to make the following representation**

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

The applicant has provided additional information with the application which is being addressed.

***The Environmental Health Service have withdrawn their representation as they are satisfied with the conditions proposed as part of the Applicant's operating schedule.***

<b>2-B Other Persons</b>	
<b>Received:</b>	16 <sup>th</sup> January 2018
We would like to see conditions that limits the premises to be use as a restaurant and model conditions MC 66, etc. Also like to see conditions for deliveries and waste disposal. We are happy to negotiate with applicant.	
<b>Received:</b>	16 <sup>th</sup> January 2018
We object to the proposal on the grounds that it will cause excessive noise and nuisance to people in the residential block immediately next door. We would expect that people will be in the street outside our front door late at night causing unreasonable disturbances as a result of a late night bar, and that the location is not suitable for this use.	
<b>Received:</b>	15 <sup>th</sup> January 2018
I object to the inclusion of a bar immediately next to our building (34-36 Berners Street). My building is residential and fully occupied, and the inclusion of a bar open	

until midnight and serving alcohol suggests there would be people spilling outside the entrance, drinking and smoking immediately underneath our windows, additionally causing considerably noise nuisance in what is a very quiet street at the moment. The entrance is immediately adjacent to our windows, there has never been a bar in such immediate proximity and I am concerned about noise, smoke, and safety.

***The resident also submitted a separate objection by email on 16 January 2018:***

I am following up my online comment objecting to this application by emailing you directly.

I object to the inclusion of a bar serving alcohol, with late opening hours and playing loud music, immediately next to our building (34-36 Berners Street).

My building is residential and fully occupied, and the inclusion of a bar open until midnight and serving alcohol suggests there would be people spilling outside the entrance, drinking and smoking immediately underneath our windows, additionally causing considerable noise nuisance in what is a very quiet street.

The entrance is immediately adjacent to our windows, there has never been a bar in such immediate proximity and I am concerned about noise, smoke, and safety. Berners Street has always been quiet itself, and there are plenty of bars and restaurants just around the corner.

Please do not allow Berners Street to be taken over by the exact same establishments that we have a multitude of already in the neighbourhood. This will not in any way add anything to the neighbourhood, and it will certainly take away considerably from the residents living in close proximity.

<b>Received:</b>	16 <sup>th</sup> January 2018
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I am and have been for many years the owner of Flat 1 , Berners Mansions , 34-36 Berners Street , London W1T 3 LU , a first floor flat in this Block of 10 residential flats.

I am emailing to object to the grant of the above licence in the adjacent building.

I have read and agree with the comments of Michael Poole for himself as the Flat 2 owner in his email of 14 January, and on behalf of the Block by virtue of our shared ownership of Berners M M Limited who have the Head lease .

Looking at the internet, Bone Daddies describes itself as a ..." rocking ramen joint..."

The Time Out review says that as you open the door you are met with .... " a barrage of belting rock guitar .....

I suggest that whilst this kind of operation may of course be suitable elsewhere, it is not appropriate in this location and urge you to reject the application for the reasons set out clearly in Mike Poole s comments.

<b>Received:</b>	16 <sup>th</sup> January 2018
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With reference to the new premises licence application to serve alcohol and play music until 23.30 and midnight, I strongly object to this licence being granted. I live in the adjoining building, Berners Mansions, which is a completely residential block and there are justified concerns about noise and nuisance.

There is already a bar opposite - The Greyhound cafe, now under new management which has a restaurant/bar outside which is noisy for about 8 months of the year, as well as a new bar in Pearson Square - Percy and Founders which causes a lot of noise at night at closing time when people leave. As well as the Sanderson Hotel which adds to traffic and late night activity. A fourth bar in such close proximity would be too much.

The playing of music is a particular concern, This once quiet corner of Fitzrovia has been blighted by development works for the last 10 years. The noise from ongoing building works been horrendous. We are now also faced with increased traffic noise as more and more cars come into the area at night, increased delivery lorries to all the new cafes and bars start from 5am (the articulated lorry that delivers to Pret a manger every night alone makes a huge amount of noise every single night at 8pm), we have taxi's and cars idling outside on weekend nights in connection with the hotel Sanderson, and also from the closing of Oxford Street which is going to force more traffic onto Mortimer Street at all times, the thought of a bar next door playing music is the final straw. It is currently the one noise we don't often have to contend with. I also think it will encourage the other bars to play loud music - I know in the past I've had to complain about Percy and Founders playing live music for which they don't have a license.

The developers plans should have put the bar area on the other side of Copyright House, which would then not have been sharing a party wall with a residential building.

Please have some consideration for the neighbours and deny this company an extended license and playing of music, it's such a shame that this area has been blighted by the unbearable levels of noise that have taken over the area, facilitated by the council with little concern for the effect on the residents.

<b>Received:</b>	15 <sup>th</sup> January 2018
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To whom it may concern

I object not to the granting of the licence but to the hours requested.

The area has a large number of residential buildings, adjacent (on corner), opposite and a few doors down towards Oxford street (several large and medium residential buildings). Some residential flats include the ground floor. When this building was being built we were told there would be an art gallery and maybe a restaurant which would close early.

The large number of expected customers leaving at midnight on a weekday (school nights) and later on the weekend changes the make up of the area. Where there were previously offices we now have recorded music and alcohol to the early hours.

I understand food makes nuisance and disturbance less likely however disturbance does still happen. As mentioned I am not against a licence but request the hours but reduced to 2200 on weekdays and Sundays and 2300 on weekends.

There will also be a large number of cars parked and taxis picking up customers and adding to late night congestion.

We all need to use the area and keep the balance. For some reason Berners Street and adjacent streets are attractive companies wishing late hours with alcohol when this was more so in established late night areas areas like Soho or Charlotte street.

I hope you understand our concerns.

<b>Received:</b>	31 <sup>st</sup> January 2018
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I am the owner of flat 2 in Berners Mansions, which is a building comprising 10 flats (2 flats per floor) with four shop units at ground floor level; the Copyright Building is a new development immediately next door that appears to be nearing completion.

I live in my flat which is my sole residence and my home, and is on the first floor above ground level. My entire living space and in particular my main living room/sitting room and my main bedroom are all "connected" to Unit 1, Copyright Building via a party wall. Unit 1 occupies the ground floor and basement immediately next door to my home.

I am providing a pdf with annotated photos that show the close proximity of Unit 1 to my home. The entrance to the Unit is very close indeed to my living room/sitting room window and to the window of my second bedroom.

What I am concerned about with this application is a significant loss to my residential amenity through the nuisance I expect will be caused by:

- o the sale of alcohol,
- o the noise associated with people entering and leaving the premises and chatting while loitering outside,
- o the noise and noxious fumes of people chatting while they are smoking outside on the pavement, and
- o the playing of recorded music.

The close proximity of the Unit to my flat means that noise and odours easily enter my flat through the windows. The noise from customers such as their chatting would adversely affect me considerably, especially if they have been consuming alcohol as they are more likely to be talking loudly or even shouting.

Noise from customers outside will be happening almost immediately underneath the window to my living space and will affect me greatly. This would be especially so on warm days and evenings when I am more likely to have my windows open, which is precisely when this sort of nuisance is more likely.

I have lived in my flat for the last 13+ years and throughout that time there has been little or no nuisance from the previous neighbouring building as it was an office. The shops below my flat are extremely quiet in the evenings and at weekends, which is when I am usually at home, as they are usually closed and do not serve alcohol. Any noise nuisance at such times so near to my home will therefore be very noticeable for me, especially later into the evening as people are further under the influence of alcohol. In fact the leases between the freeholder of Berners Mansions and the lessees prohibits the sale of alcohol in the building and I expect this exists to prevent

precisely the sort of nuisance I have described, given that Berners Mansions is predominantly a residential building.

I think that much of the nuisance I have described will be made even worse by the fact that the application is to operate as a bar and not solely as a restaurant. The amount of nuisance is also exacerbated by the lateness of the hours of operation requested each day, and especially the application to operate even later on Sundays before bank holidays and 24-hours at each new year - precisely when I, and the residents of the other flats in Berners Mansions, are more likely to be at home.

Finally, it also occurs to me that recorded music (especially the bass line) could well transmit through the fabric of the building into my home.

I therefore request that this application is rejected so as to prevent this nuisance and corresponding loss of my residential amenity.

Berniers Mansions – Main entrance

Flat 2 Berniers Mansions – Second Bedroom window

Flat 2 Berniers Mansions – Living Room/Sitting Room bay window

Entrance to Unit 1, Copyright Building



Flat 2 Berniers Mansions – Living Room/Sitting Room bay window

Entrance to Unit 1, Copyright Building



### 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.

### 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

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

<b>Report author:</b>	Mrs Shannon Pring Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 3217 Email: spring3@westminster.gov.uk

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

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

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
<b>4</b>	Application form	19 <sup>th</sup> December 2017
<b>5</b>	The Metropolitan Police Service <b>(Withdrawn)</b>	22 <sup>nd</sup> December 2017
<b>6</b>	Environmental Health Consultation Team <b>(Withdrawn)</b>	15 <sup>th</sup> January 2018
<b>7</b>	Representation	16 <sup>th</sup> January 2018
<b>8</b>	Representation	16 <sup>th</sup> January 2018
<b>9</b>	Representation	15 <sup>th</sup> January 2018
<b>10</b>	Representation	16 <sup>th</sup> January 2018
<b>11</b>	Representation	16 <sup>th</sup> January 2018
<b>12</b>	Representation	15 <sup>th</sup> January 2018
<b>13</b>	Representation	31 <sup>st</sup> January 2018

Example copy of letters sent to residents.



13 February 2018

Dear

**Application for a Premises Licence**

**Flesh & Buns Restaurant, Unit 1, 25-33 Berners Street, London W1**

Westminster Council have provided us with a copy of your representation in respect of our premises licence application. I would be most grateful for your consideration of this letter. I hope it will help to address your concerns and understand the scope of our proposals.

We have submitted a premises licence application following our landlord's successful application for restaurant planning permission. I hope to operate my Flesh & Buns restaurant concept at the premises. My company has operated an existing Flesh & Buns restaurant in Covent Garden since 2013. This restaurant operates alongside nearby local residents and I am proud of our complaint free record from our neighbours. Flesh & Buns was the first restaurant in London to specialise in Japanese gyoza steam buns. We offer Japanese food cooked to extremely high standards with excellent customer service.

The premises licence application reflects the restaurant use of the premises. Except for a small restaurant bar area, we have volunteered a condition requiring all alcohol to be sold to seated customers by waiter service alongside a table meal.

The proposed hours for licensable activities are consistent with Westminster's core hours and we have not proposed any regulated entertainment. In any event, we will have a lobby area to prevent noise outbreak. The landlord's planning approval also requires high levels of build quality and state of the art extract systems to prevent the risk of noise or odours causing local residents any nuisance.

In addition, the application proposes model licence conditions controlling smokers, prohibitions on outside drinking, strict delivery and waste refuse collection times and a condition protecting residents from the restaurant causing a nuisance. Please find enclosed copy of the proposed hours and conditions for your reference.

My company currently operates 8 other restaurants in London. All these restaurants have a complaint free record from local residents. I am committed to continuing this high standard of responsible and sympathetic management alongside local residents on Berners Street. I hope the restaurant will be popular with the local community and a valuable addition to the street.

Please do not hesitate to contact me if you would like to discuss your concerns further.

Thank you for your consideration of this letter.





Yours sincerely



**Flesh & Buns Unit 1 25-33 Berners Street London W1**

**Proposed Licensable Activities:**

	<b>Alcohol on &amp; off</b>	<b>Late Night Refreshment</b>	<b>Opening Hours</b>
<b>Sunday</b>	12.00 – 22.30	N/A	12.00 – 23.00
<b>Monday – Thursday</b>	10.00 – 23.30	23.00 – 23.30	10.00 – 00.00
<b>Friday &amp; Saturday</b>	10.00 – 00.00	23.00 – 00.00	10.00 – 00.30

- From the end of permitted hours on New Years' Eve to the start of permitted hours on New Years' Day
- Midnight on Sundays immediately before Bank Holiday Mondays

**Applicant:**

Bone Daddies Ltd

54 Cambridge Road, London, England, E11 2PN

08184277

**Description:**

Restaurant

**Proposed DPS:**

Dinah Meister



**Proposed Conditions:**

1. Save for the area hatched black on the plans, the supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
2. Save for the area hatched black on the plans, the supply of alcohol on the premises shall be by waiter or waitress service only.
3. 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.
4. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
5. There shall be no sales of alcohol for consumption off the premises after 23.00.
6. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00.
7. 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.
8. 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.
9. 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.
10. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.



11. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder
  - (d) any incidents of disorder
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service.
12. 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.
13. All windows and external doors shall be kept closed after 23:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
14. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
15. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises and that this area shall be swept and or washed and litter and sweeping collected and stored in accordance with the approved refuse storage arrangements by close of business.
16. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23.00) hours and (07.00) hours on the following day.
17. Except for deliveries of dairy, bakery products, fruit and vegetables, no deliveries to the premises shall take place between (23.00) and (07.00) on the following day.



18. No collections of waste or recycling materials (including bottles) from the premises shall take place between (23.00) and (07.00) on the following day.
19. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
20. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a sexual entertainment Venue Licence.
21. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
22. The number of persons permitted within the premises at any one time (excluding staff) shall not exceed [to be agreed with the Environmental Health Consultation Team and District Surveyor]
23. The Licence will have no effect until the works shown on the plans appended to the application (or subsequently substituted plans) have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.
24. Before the premises open to the public, the plans as deposited (or subsequently substituted plans) will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction, new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.



### specials

1/2 BUTTERMILK AND SHICHIMI-FRIED CHICKEN £13.7  
with BBQ mayonnaise  
BEEF SKEWERS £7.4  
pork fat, korean sauce  
SEABASS SASHIMI £9.8  
avocado, yuzu jelly

### snacks

CHIPS & DIPS (v) £6.4 rice crackers, avocado shiso, tomato jalapeño dip	EDAMAME (v) £4.6 sea salt or spicy	FRIED SQUID £8.8 japanese pepper, lime
	COD TEMPURA £9.5 green chilli mayo	

### raw

MIXED SASHIMI SET £14.1 tuna, salmon & yellowtail	SALMON SASHIMI £4.5 2 pieces	SPECIAL SASHIMI SET £22 salmon, tuna, yellowtail, shrimp, scallop
TUNA TATAKI £10 jalapeno ponzu, garlic chips	TUNA SASHIMI £6 2 pieces	BEEF TATAKI £7.4 walnut ponzu, yamagobo
YELLOWTAIL SASHIMI £11.3 lime soy, chilli coriander granita	YELLOWTAIL SASHIMI £6.5 2 pieces	SEAFOOD CEVICHE £7.2 citrus, chilli, cucumber
BUTTERFISH TATAKI £9.4	SCALLOP SASHIMI £9.9	

### rolls

SPICY TUNA ROLL £8.9 chives, chilli, pickle	CALIFORNIA ROLL £8.9 crab, avocado, cucumber, tobiko	AVOCADO MISO ROLL (v) £6.5 asparagus, pickled carrot, barley miso
SALMON AVOCADO ROLL £7.4 asparagus, daikon cress, yuzu mayo	TEMPURA SWEET POTATO ROLL £6.5 courgette, cucumber, shiso mayo	SELECTION OF ROLLS £22.4 salmon avocado, prawn tempura, spicy tuna
SOFTSHELL CRAB ROLL £9.2 jalapeño mayo, chives	PRAWN TEMPURA ROLL £8.3 yuzu mayo, avocado, tobiko	

### small dishes

KOREAN FRIED WINGS £7.4 spicy sour sauce, sesame	SOFTSHELL CRAB £9.9 jalapeño mayo	ROAST SWEETCORN (v) £6.7 lime butter, shichimi
CHICKEN YAKITORI £4.8 shichimi pepper	KALE & AVOCADO SALAD (v) £6.5 beansprouts, honey ponzu	GRILLED SCALLOPS £9 yuzu miso, jalapeño masago
TUNA TOSTADA £9 chilli mayo, spring onion	GRILLED BROCCOLI (v) £5.9 orange miso, sesame	

### rice etc.

SPICY BEEF HOT STONE RICE £9.2 mushrooms, sesame butter, corn, carrot, pickle, egg	VEGGIE HOT STONE RICE (v) £8.5 mushrooms, kimchee, carrot pickle, butter, egg	MISO SOUP £3.8
		STEAMED RICE (v) £3

### express menu

available every day until 6pm & after 10pm

2 COURSES + DRINK\* £22 / 3 COURSES + DRINK\* £24

#### small dishes

KOREAN FRIED WINGS  
spicy sour sauce, sesame  
MIXED SEAFOOD CEVICHE  
citrus, chilli, cucumber  
SALMON AVOCADO ROLL  
asparagus, daikon cress

#### flesh and buns

CRISPY PIGLET BELLY  
mustard miso (apple pickle)  
SALMON TERIYAKI  
lemon, sea salt (cucumber pickle)  
CRISPY DUCK LEG  
plum sauce (beetroot pickle)

#### dessert

SOBACHA CRÈME BRÛLÉE  
KINAKO DONUTS  
BONE DADDIES SUNDAE

*all flesh served with lettuce, cucumber, pickle & 2 buns per person*

### party flesh

served with a selection of pickles & sauces  
please allow 24 hours' notice

WHOLE CRISPY SUCKLING PIG roasted in sake, garlic & onion  
£280 serves 8-12 people

LAMB SHOULDER slow-cooked in homemade kimchee sauce  
£80 serves 3-5 people

### flesh and buns

AUS GRAIN-FED SIRLOIN STEAK (200g) bbq sauce (red onion & shiitake pickle)	£21.8	DUKE OF BERKSHIRE PORK KATSU curry sauce (red onion pickle)	£14.9	CRISPY DUCK LEG plum sauce (beetroot pickle)	£14.6
AUS GRAIN-FED RIBEYE STEAK (200g) bbq sauce (red onion & shiitake pickle)	£21.4	BRAISED OX CHEEK kimchee tare, coriander shiso sauce (shallot pickle)	£14.3	SALMON TERIYAKI lemon, sea salt (cucumber pickle)	£15.6
WAGYU RUMP STEAK (200g) korean dipping sauce (cucumber pickle)	£28	1/2 SPATCHCOCK CHICKEN spicy citrus miso (carrot pickle)	£14.2	MISO-GRILLED AUBERGINE (v) sweet miso, sesame (carrot pickle)	£9.9
CRISPY PIGLET BELLY mustard miso (apple pickle)	£15.2			PORTOBELLO MUSHROOMS (v) wasabi mayo (cabbage & tomato pickle)	£9.2

All flesh are served with lettuce & cucumber

BONE DADDIES HAND MADE BUNS, TWO FOR £2 *we recommend two per person*

### desserts

S'MORE passionfruit marshmallows, almond chocolate, graham crackers	£8	BONE DADDIES SUNDAE matcha ice cream, almonds, strawberries, blueberries, honeycomb	£7.2	YUZU TART white chocolate ice cream, chocolate mochi, sugared almonds	£7.2
SOBACHA CREME BRULEE poached pear, almond caramel	£6.8	CHOCOLATE FONDANT matcha ice cream	£7.2	KINAKO DONUTS black sugar custard	£7.2
MOCHI ICE CREAM ea. by 'Little Moon', selection of the day	£1.6	SORBET SELECTION fresh fruit selection of the day	£4		
MATCHA TIRAMISU green tea sponge, mascarpone, yuzu & Nikka syrup	£7.2	DESSERT PLATTER selection of desserts to share, regular or XXL	£22 / £40		

### tasting menu £40 per person

minimum 2 people  
must be selected by the entire table (vegetarian options available)

#### to start

CHIPS & DIPS (v) rice crackers, avocado shiso, tomato jalapeno dip & glass of Prosecco

#### raw & snacks

SALMON AVOCADO ROLL asparagus, daikon cress, yuzu mayo & TUNA TATAKI jalapeno ponzu, garlic chips

#### small dishes

FRIED SQUID japanese pepper, lime, KOREAN FRIED WINGS spicy sour sauce, sesame  
& GRILLED BROCCOLI orange miso, sesame

#### flesh and buns

CRISPY PIGLET BELLY mustard miso (apple pickle) & CRISPY DUCK LEG plum sauce (beetroot pickle)

served with 4 buns, lettuce & cucumber

#### dessert

S'MORES passionfruit marshmallows, almond chocolate, graham crackers

Our menu descriptions do not contain all ingredients. If you have a food intolerance or need information on allergens please ask

A discretionary service charge of 12.5% will be added to all bills

A 22p optional donation is added to all bills, which goes to support the work of Magic Breakfast

For more information on this charity's important work, please ask us

twitter @fleshandbuns



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.

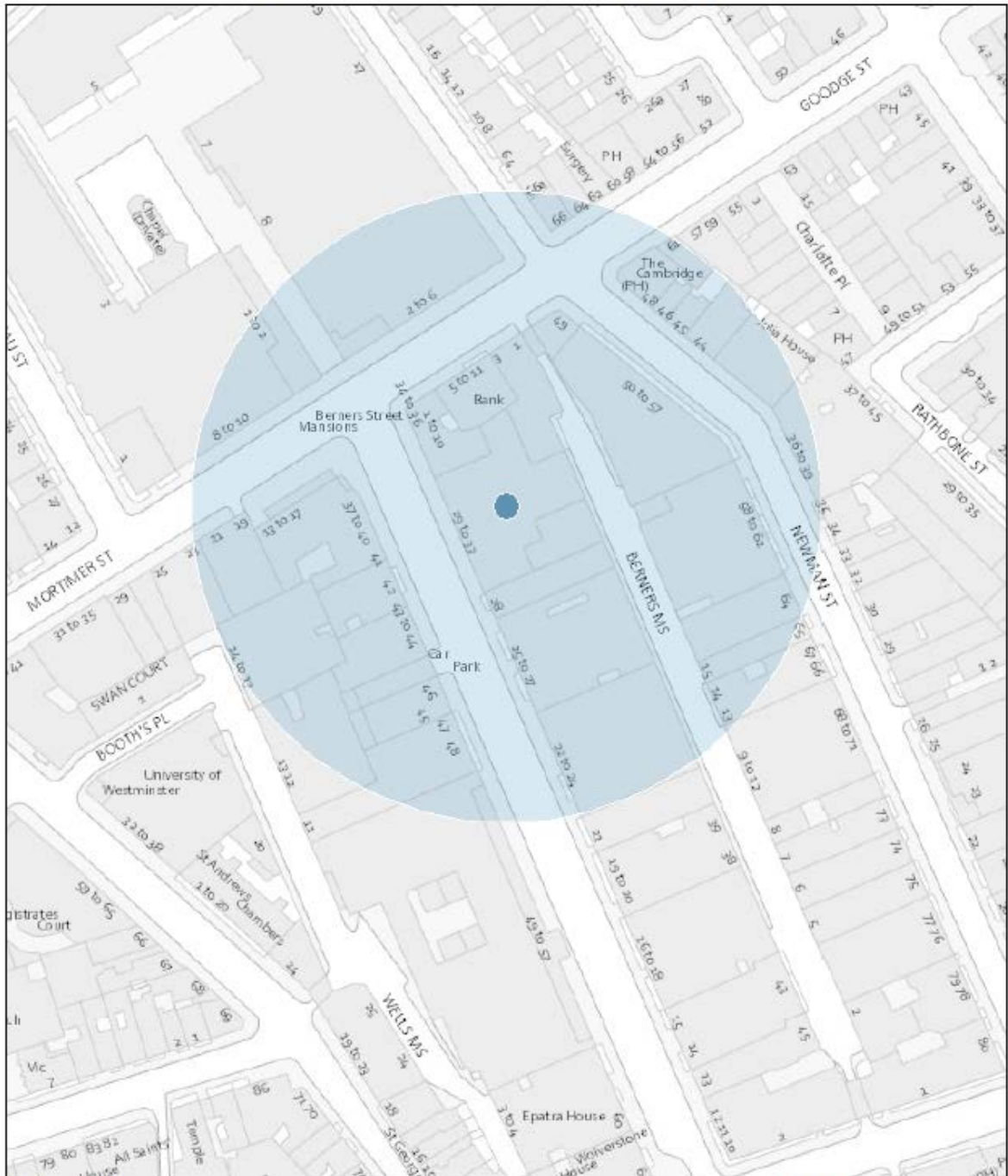
**Conditions proposed by Applicant that would form part of the operating schedule and agreed by the Police and Environmental Health Service.**

9. Save for the area hatched on the plans, the supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
10. Save for the area hatched on the plans, the supply of alcohol on the premises shall be by waiter or waitress service only.
11. 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.
12. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
13. There shall be no sales of alcohol for consumption off the premises after 23.00.
14. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00.
15. Substantial food and non-intoxicating beverages, including drinking water shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
16. 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.
17. 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.
18. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

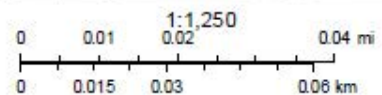
19. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder
  - (d) any incidents of disorder
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service.
20. 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.
21. All windows and external doors shall be kept closed after 23:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
22. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
23. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises and that this area shall be swept and or washed and litter and sweeping collected and stored in accordance with the approved refuse storage arrangements by close of business.
24. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23.00) hours and (07.00) hours on the following day.
25. Except for deliveries of dairy, bakery products, fruit and vegetables, no deliveries to the premises shall take place between (23.00) and (07.00) on the following day.
26. No collections of waste or recycling materials (including bottles) from the premises shall take place between (23.00) and (07.00) on the following day.

27. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
28. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a sexual entertainment Venue Licence.
29. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
30. The number of persons permitted within the premises at any one time (excluding staff) shall not exceed [to be agreed with the Environmental Health Consultation Team and District Surveyor]
31. The Licence will have no effect until the works shown on the plans appended to the application (or subsequently substituted plans) have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.
32. Before the premises open to the public, the plans as deposited (or subsequently substituted plans) will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction, new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.

Flesh & Buns - 25-33 Berners Street



March 6, 2018



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Resident Count: 47



DISTANCE	OBJECT ID	Licence Number	Trading Name	Address	Premises Type	Time Period
1.522358	66461	09/07501/LIPD	Copyright House	29-33 Berners Street London W1T 3AB	Restaurant	Monday to Saturday; 10:00 - 23:30   Sunday; 12:00 - 22:30
47.30883	66453	17/09593/LIPV	Greyhound Cafe	Basement And Ground Floor Newlands House 37 - 40 Berners Street London W1T 3NB	Restaurant	Monday to Saturday; 10:00 - 23:30   Sunday; 12:00 - 23:00
59.88995	36980	16/02928/LIPDPS	Latium Restaurant	Ground Floor 21 Berners Street London W1T 3LP	Restaurant	Monday to Saturday; 10:00 - 00:00   Sunday; 12:00 - 22:30
68.11728	1967	16/08432/LIPDPS	Dickie Fitz	47 - 48 Newman Street London W1T 1QQ	Pub or pub restaurant with lodge	Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00   Sunday; 12:00 - 23:00

68.117 28	1965	16/01044/ LIPVM	Newman Street Tavern	47 - 48 Newman Street London W1T 1QQ	Pub or pub restaurant with lodge	Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00   Sunday; 12:00 - 23:00
74.312 24	18006	15/07009/ LIPCH	The London Cocktail Club	Basement 61 Goodge Street London W1T 1TL	Wine bar	Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00   Sunday; 10:00 - 22:30   Sundays before Bank Holidays; 10:00 - 00:00

Item No:	
Date:	15 March 2018
Licensing Ref No:	17/14655/LIPN - New Premises Licence
Title of Report:	King's College London- Bush House (Undercroft) Bush House 30 Aldwych London WC2B 4BG
Report of:	Director of Public Protection and Licensing
Wards involved:	St James's
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Yolanda Wade Senior Licensing Officer
Contact details	Telephone: 020 7641 1884 Email: ywade@westminster.gov.uk

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	8 December 2017  The application was received on the 8 <sup>th</sup> December 2017 however became valid on 31 <sup>st</sup> January 2018 due to a failed Notice Check. A new RRD date was calculated to 26.02.2018 and the Responsible Authorities' representations updated accordingly.		
<b>Applicant:</b>	Kings College Student Union		
<b>Premises:</b>	King's College London- Bush House (Undercroft)		
<b>Premises address:</b>	Bush House 30 Aldwych London WC2B 4BG	<b>Ward:</b>	St James's
		<b>Cumulative Impact Area:</b>	None
<b>Premises description:</b>	According to the application, this is a new premises licence for the relocation of Kings College London Students Union into the Undercroft of Bush House. On commencement of use of the Undercroft the licence in respect of the Macadam Building will be surrendered. As a consequence there will be no overall increase in occupancy or additional licensed area within the Borough of Westminster. The premises will operate as multi-functional space in the day being used for events by the Students Union to support its daytime operation including the provision of food. During the evening and late night the premises will operate as bar/night club facility.		
<b>Premises licence history:</b>	This is a new application and therefore no premises licence history exist.  However the applicant has a premises licence for another site namely, the Macadam Building Students Union which is attached at Appendix 5 of the report.  Pre-application was given to the applicant regarding the development project of Bush House in 2017 (Appendix 6)		
<b>Applicant submissions:</b>	The applicant is Kings College London Students Union which is to take as part of Kings College Development of Bush House the Undercroft of the premises which will form the Students Union facility in replacement for that previously offered within the Macadam Building. It is intended that the Undercroft shall trade on a virtually identical basis to that of the Macadam Building Students Union. Within the Students Union there will be provision		

of food along with an open plan format which will allow the space to be used for a range of activities from daytime events through to a night club style operation.

During the daytime the premises will operate speed gates which will restrict access into the building, the predominant form of access through the speed gates being a member of the Students Union or College. These will operate between 8 a.m. and 8 p.m.

Thereafter control of points of entry will be risk assessed and if the premises is being operated for events then, door supervisors will be engaged based on a ratio of 1:100, such ratio to be amended if, the event is non controversial or considered to be of higher risk.

The layout is proposed in accordance with plan deposited with the Licensing Authority with this application being 1513/SK01903P3.

All licensable activities are to take place internally in the area outlined in red.

The submitted licensing hours sought for the premises in respect of on and off sales are as follows: Monday and Tuesday 10:00 until 01:00 hours  
Wednesday 10:00 until 02:30 hours  
Thursday 10:00 until 03:00 hours  
Friday and Saturday 10:00 until 03:30 hours  
Sunday 10:00 until 00:30 hours

The application seeks to obtain authorisation under the Licensing Act 2003 for the following activities.

- 1.To permit regulated entertainment.
- 2.To permit late night refreshment after 23:00 hours
- 3.To permit sale of alcohol and regulated entertainment on New Years Eve from 10:00 until 03:00 hours on the 2nd January thereby providing extended hours.
- 4.To permit the premises to open for licensable activities to show broadcast of televised sporting events of national or international importance outside normal operating hours as identified within the application such opening times for this purpose to be confirmed upon seven days prior notice in writing to the Metropolitan Police. The notification shall provide the opening times and the nature of the sporting event to be viewed.
- 5.Should the Annual Fresher's Ball be held on a Monday or Tuesday the sale of alcohol will be permitted

	<p>until 03:30 with recorded music until 4:00 hours. The premises to close at 04:30.</p> <p>The opening hours of the premises will be from 09:00 hours each day with closure 30 minutes after cessation of licensable activities.</p> <p>This site will be operated on the same principles as the current Students Union. That operation has been awarded the Gold Standard for Best Bar None for the last three years and it is not envisaged the change in location will impact upon the quality of supervision and control provided by the management team.</p> <p>Kings College London Students Union have operated many sites of a similar nature for a considerable period with an excellent track records and will transfer to the operation of the Undercroft all policies and protocols agreed and operated by them.</p>
<b>PLAN</b>	Plans are available to view upon request to the Licensing Authority and they will be made available at Licensing Committee.

<b>1-B Proposed licensable activities and hours</b>							
<b>Regulated Entertainment: Exhibition of a Film, Performance of a Play, Indoor Sporting Event, Live Music, Playing of Recorded Music, Performance of a Dance</b>				<b>Indoors, outdoors or both</b>			Indoors
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	10:00	10:00	10:00	10:00	10:00	10:00	10:00
<b>End:</b>	01:00	01:00	02:30	03:00	03:30	03:30	00:30
<b>Seasonal variations/ Non-standard timings:</b>		<p>To licensable activities when broadcasting international or national sporting events, 7 days notice will be given to the Police.</p> <p>To permit sale of alcohol and such regulated entertainment as authorised hereunder on New Year's Eve commencing to 10:00 until 03:00 hours on the 2<sup>nd</sup> January.</p> <p>In respect of the commencement of British Summertime the time for licensable hours to be extended by 1 hour to permit later closure.</p> <p>Should the annual Fresher's Ball be held on a Monday or Tuesday the sale of alcohol will be permitted until 03:30 with recorded music until 04:00 hours. The premises to close at 04:30.</p>					

<b>Late Night Refreshment:</b>				<b>Indoors, outdoors or both</b>			Indoors
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	23:00	23:00	23:00	23:00	23:00	23:00	23:00
<b>End:</b>	01:00	01:00	02:30	03:00	03:30	03:30	00:30
<b>Seasonal variations/ Non-standard timings:</b>		<p>To permit sale of alcohol and such regulated entertainment as authorised hereunder on New Year's Eve commencing t 10:00 until 03:00 hours on the 2<sup>nd</sup> January.</p> <p>In respect of the commencement of British Summertime the time for licensable hours to be extended by 1 hour to permit later closure.</p> <p>Should the annual Fresher's Ball be held on a Monday or Tuesday the sale of alcohol will be permitted until 03:30 with recorded music until 04:00 hours. The premises to</p>					

	close at 04:30.
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Sale by retail of alcohol				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
<b>Start:</b>	10:00	10:00	10:00	10:00	10:00	10:00	10:00
<b>End:</b>	01:00	01:00	02:30	03:00	03:30	03:30	00:30
<b>Seasonal variations/ Non-standard timings:</b>			<p>To permit sale of alcohol and such regulated entertainment as authorised hereunder on New Year's Eve commencing t 10:00 until 03:00 hours on the 2<sup>nd</sup> January.</p> <p>In respect of the commencement of British Summertime the time for licensable hours to be extended by 1 hour to permit later closure.</p> <p>Should the annual Fresher's Ball be held on a Monday or Tuesday the sale of alcohol will be permitted until 03:30 with recorded music until 04:00 hours. The premises to close at 04:30.</p>				

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
<b>Start:</b>	09:00	09:00	09:00	09:00	09:00	09:00	09:00
<b>End:</b>	01:30	01:30	03:00	03:30	04:00	04:00	01:00
<b>Seasonal variations/ Non-standard timings:</b>			<p>To permit sale of alcohol and such regulated entertainment as authorised hereunder on New Year's Eve commencing t 10:00 until 03:00 hours on the 2<sup>nd</sup> January.</p> <p>In respect of the commencement of British Summertime the time for licensable hours to be extended by 1 hour to permit later closure.</p> <p>Should the annual Fresher's Ball be held on a Monday or Tuesday the sale of alcohol will be permitted until 03:30 with recorded music until 04:00 hours. The premises to close at 04:30.</p> <p>The premises will close 30 minutes after the end of the non-standard timings.</p>				



## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	The Environmental Health Service
<b>Representative:</b>	Sally Fabbriatore
<b>Received:</b>	19 <sup>th</sup> February 2018

I refer to the application for a new Premises Licence for the above premises.

This representation is based on the Operating Schedule and the submitted plans, the Undercroft titled with the address and drawing number SK(01)903 rev P3 and dated 4/3/16.

The applicant is seeking the following in the Undercroft:

1. To allow the Supply of Alcohol both 'on and off' the premises Monday and Tuesday 10:00–01:00 hours, Wednesday 10:00–02:30 hours, Thursday 10:00–03:00 hours, Friday and Saturday 10:00 – 03:30 hours and Sunday 10:00-00:30 hours.
2. To allow Late Night Refreshment 'indoors' Monday and Tuesday 23:00–01:00 hours, Wednesday 23:00–02:30 hours, Thursday 23:00–03:00 hours, Friday and Saturday 23:00 – 03:30 hours and Sunday 23:00-00:30 hours.
3. To allow the provision of Regulated Entertainment of Plays, Films, Recorded Music, Live Music and Performance of Dance 'indoors' and indoor sporting events Monday and Tuesday 10:00–01:00 hours, Wednesday 10:00–02:30 hours, Thursday 10:00–03:00 hours, Friday and Saturday 10:00 – 03:30 hours and Sunday 10:00-00:30 hours.
4. To allow the above provisions from 10:00 hours on New Year's Eve to 03:00 hours on 2<sup>nd</sup> January.
5. To allow the above provisions for an extra hour on the commencement of British Summertime.
6. If the Annual Fresher's Ball falls on a Monday or Tuesday, the sale of alcohol shall be extended to 03:30hours and recorded music shall be extended to 04:00 hours.
7. To allow the above licensable activities when broadcasting international or national sporting events, 7 days notice will be given to the Police.

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

1. The provision of the Supply of Alcohol may cause an increase in Public Nuisance in the area, it may also impact on Public Safety.

2. The provision of Late Night Refreshment may cause an increase in Public Nuisance in the area.
3. The provision of Regulated Entertainment may cause an increase in Public Nuisance in the area and may impact on Public Safety.
4. The non-standard timings may cause an increase in Public Nuisance in the area.

The applicant has proposed conditions within the operating schedule which are being considered. Further conditions may be proposed by Environmental Health in order to help prevent Public Nuisance and protect Public Safety.

**The granting of the new Premises Licence as presented would have the likely effect of causing an increase in Public Nuisance in the area and may impact on Public Safety.**

<b>Responsible Authority:</b>	The Metropolitan Police
<b>Representative:</b>	PC Bryan Lewis
<b>Received:</b>	20 <sup>th</sup> February 2018

**Our objections relate to the following:**

- More information is required to properly assess this application
- Times applied for are beyond WCC core hours

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy HRS1 applies:	<p>Policy HRS1 applies:</p> <p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p>
Policy MD1 applies:	Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.
Policy PB1 applies:	Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.
Policy COMB1 applies:	<p>(i) Where a premises proposes to operate as a combined use premises applications will be considered on their merits with regard to each of the relevant policies e.g. Policies CD1, PS1, PN1 CH1 CIP1 and HRS1.</p> <p>(ii) The Licensing Authority will take into account the current and proposed use of the premises when considering what weight is to be given to the relevant uses and policies. It will take into account what is the primary use of the premises, if any, and which licensable activities are proposed outside the core hours (see policy HRS1).</p>

#### 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

<b>Appendix 1</b>	Applicant supporting documents
<b>Appendix 2</b>	Premises history
<b>Appendix 3</b>	Proposed conditions
<b>Appendix 4</b>	Copy of Licence 16/08900/LIPN – King College Student Union The Macadam Building
<b>Appendix 5</b>	Copy of Pre-App Report regarding Bush House Development
<b>Appendix 6</b>	Residential map and list of premises in the vicinity

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

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

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

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2017
<b>4</b>	Application Form	8 <sup>th</sup> December 2017
<b>5</b>	The Environmental Health Service Representation	19 <sup>th</sup> February 2018
<b>6</b>	The Metropolitan Police - Representation	20 <sup>th</sup> February 2018

**Applicant Supporting Documents**

Appendix 1

No supporting documents received

There is no licence or appeal history for the premises.

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

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

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

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

### **Mandatory Conditions**

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



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

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

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

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

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

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

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

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

Where -

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

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

9. 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 consistent with the operating schedule**

10. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
11. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. 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.
12. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
13. 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.
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 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 premises may remain open for the sale of alcohol and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.

16. On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01.00.
17. The number of persons permitted in the premises at any one time (including staff) shall not exceed (X) persons.
18. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
19. No licensable activities shall take place at the premises until the licensing authority are satisfied that the premises is constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association - Technical Standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition shall be removed from the licence by the licensing authority.
20. 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 1000, 30 June 2000, 16 January 2001 and 1 October 2001
21. Should the regulated entertainment of films be used for the presentation of films in a close seated format then the Students Union is to provide the Environmental Health Consultation Team 14 days notice in advance of the event and provide details of the risk assessment undertaken.
22. The campus is a no smoking area.
23. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device .
24. 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.
25. Loudspeakers shall not be located in the entrance lobby or outside the premises building.

26. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
27. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
28. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.
29. 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.
30. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
31. No collections of waste or recycling materials (including bottles) from the premises shall take place between (23.00) and (08.00) on the following day
32. A Challenge 21 proof of age scheme shall be operated at the premises where the only identification are recognised photographic identification cards, such as a driving licence, age card with the PASS Hologram.
33. Persons under the age of 16 will not be allowed to enter the premises after 19:00 unless attending a pre booked function or accompanied by an adult.
34. If any entertainment is provided for children or if an entertainment is provided at which the majority of persons attending are children, then, if the number of children attending the entertainment exceeds 100, it shall be the duty of the holder of the premises licence (or the holder of the club premises certificate):
  - (a) to station and keep stationed wherever necessary a sufficient number of adult attendants, properly instructed as to their duties, to prevent more children or other persons being admitted to the building, or to any part thereof, than the building or part can properly accommodate;
  - (b) to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof; and
  - (c) to take all other reasonable precautions for the safety of the children.

**Copy of licence for the Student Union for  
The Macadam Building**

Appendix 4



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

Schedule 12  
Part A

WARD: St James's  
UPRN: 100023433054

Premises licence

Regulation 33, 34

Premises licence number:

16/08900/LIPN

Original Reference:

16/08900/LIPN

**Part 1 – Premises details**

**Postal address of premises:**

Philosophy Bar - Kings College Student Union  
Surrey Street  
London  
WC2R 2NS

**Telephone Number:** n/a

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

Not applicable

**Licensable activities authorised by the licence:**

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

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

**Playing of Recorded Music**

Monday to Sunday: 10:00 to 10:00

To permit regulated entertainment until 01:00 on Friday, Saturday, Sunday and Monday at Bank Holiday Weekends and Christmas Eve,

**Late Night Refreshment**

Friday to Sunday: 23:00 to 01:00

The proposed hours to only apply during non-standard hours.

**Sale by Retail of Alcohol**

Monday to Sunday: 10:00 to 23:00

To permit the sale of alcohol until 01:00 on Friday, Saturday, Sunday and Monday at Bank Holiday Weekends and Christmas Eve. New Years Eve commencing at 10:00 until 01:00 on 2<sup>nd</sup> January.

**The opening hours of the premises:**

Monday to Sunday

10:00 to 23:30

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

On

**Part 2**

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

Kings College Student Union  
The Macadam Building  
Surrey Street  
London  
WC2R 2NS

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

05762196

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

**Name:** Lucia Giraud –Telme

*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:**

**Personal Licence Number** 13/15167/LAPR  
**Licensing Authority** London Borough of Newham

**Date:** 29.11.2016

**Signed:** pp



**Director - Public Protection and Licensing**

## Annex 1 – Mandatory conditions

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



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

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

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

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

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

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

Where -

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

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

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

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

## Annex 2 – Conditions consistent with the operating Schedule

9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the 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. 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, Valid Student Identity Card or proof of age card with the PASS Hologram.
12. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received
  - (d) any incidents of disorder
  - (e) any faults in the CCTV system.
  - (f) any visit by a relevant authority or emergency service.
13. 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.
14. In respect of all private functions and individual events, the need for SIA security staff be risk assessed and a documentary copy of the assessment be retained for a minimum of 28 days for inspection by the Responsible Authorities.
15. The provision of licensable activities are for use of students and staff of King's College and their bona fide guests or those persons attending a pre-booked function.
17. All waste is to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
18. No rubbish including bottles will be moved, removed or placed in outside areas between 2300 hours and 0800 hours.
19. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.

## Annex 2 – Conditions consistent with the operating Schedule

9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the 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. 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, Valid Student Identity Card or proof of age card with the PASS Hologram.
12. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received
  - (d) any incidents of disorder
  - (e) any faults in the CCTV system.
  - (f) any visit by a relevant authority or emergency service.
13. 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.
14. In respect of all private functions and individual events, the need for SIA security staff be risk assessed and a documentary copy of the assessment be retained for a minimum of 28 days for inspection by the Responsible Authorities.
15. The provision of licensable activities are for use of students and staff of King's College and their bona fide guests or those persons attending a pre-booked function.
17. All waste is to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
18. No rubbish including bottles will be moved, removed or placed in outside areas between 2300 hours and 0800 hours.
19. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.

20. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
21. No speakers shall be located in the entrance area.
22. Number of persons accommodated at any one time excluding staff shall not exceed 80 persons.
23. 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.
24. Alcoholic drinks may not be removed from the premises in open containers saved for consumption in external areas provided for that purpose.
25. Notices shall be displayed at all exits requesting the public to respect the needs of local residents the needs of the local residents and to leave the premises and area quietly.

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

None Held.

**Annex 4 – Plans**

Attached.



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

Schedule 12  
Part B

WARD: St James's  
UPRN: 100023433054

Premises licence  
summary

Regulation 33, 34

Premises licence number:

16/08900/LIPN

**Part 1 – Premises details**

**Postal address of premises:**

Philosophy Bar - Kings College Student Union  
The Macadam Building  
Surrey Street  
London  
WC2R 2NS

**Telephone Number:** n/a

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

Not applicable

**Licensable activities authorised by the licence:**

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

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

**Playing of Recorded Music**

Monday to Sunday: 10:00 to 10:00

To permit regulated entertainment until 01:00 on Friday, Saturday, Sunday and Monday at Bank Holiday Weekends and Christmas Eve,

**Late Night Refreshment**

Friday to Sunday: 23:00 to 01:00

The proposed hours to only apply during non-standard hours.

**Sale by Retail of Alcohol**

Monday to Sunday: 10:00 to 23:00

To permit the sale of alcohol until 01:00 on Friday, Saturday, Sunday and Monday at Bank Holiday Weekends and Christmas Eve. New Years Eve commencing at 10:00 until 01:00 on 2<sup>nd</sup> January.



**The opening hours of the premises:**  
Monday to Sunday 10:00 to 23:30

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

**Name and (registered) address of holder of premises licence:**  
Kings College Student Union  
The Macadam Building  
Surrey Street  
London  
WC2R 2NS

**Registered number of holder, for example company number, charity number (where applicable)**  
05762196

**Name of designated premises supervisor where the premises licence authorises for the supply of alcohol:**  
**Name:** Lucia Giraud – Teime

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

**Date:** 29.11.2016

**Signed:** pp   
Director - Public Protection and Licensing



City of Westminster

Officer Name: Nicola Curtis  
 Designation: Environmental Health Officer  
 Date: 5<sup>th</sup> June 2017  
 Contact number: 020 7641 3187  
 Email: ncurtis@westminster.gov.uk  
 Uniform Ref Number: 17/01343/PREAPM

Trading name of business and address: Bush House, 30 Aldwych, London, WC2B 4BG		
Reference Number if Applicable: 17/04591/PREAPM		
Licence: n/a		Cumulative Impact Area:  No
Type of Business: Higher Education		
<p><b>Pre application advice purpose:</b> Bush House has been acquired by King's College London (KCL) and is being renovated throughout. KCL intends to apply for a new premises licence to cover some parts of the building. Advice was sought on technical suitability of the premises and policy implications in advance of the appropriate application. A site meeting was held on the 11<sup>th</sup> May 2017 between John Iveson of KCL, and Nicola Curtis (Environmental Health Officer) and Alan Lynagh (District Surveyor). Premises are currently empty.</p> <p><b>Proposal:</b>                  The proposal is to licence the following areas for internal hospitality events and external hires:</p> <p><b>Central Block</b> – Ground Floor Arcade; 1<sup>st</sup> Floor (hospitality space); 4<sup>th</sup> Floor (hospitality space); 8<sup>th</sup> Floor (hospitality space – to include two terraces)</p> <p><b>North East Block</b> – 1<sup>st</sup> Floor (hospitality space)</p> <p>Alcohol sales within these areas would take place from temporary bars for each function, with the exception of the Ground Floor arcade 'cafe' area.</p> <p>The licensable activities to be requested are Supply of Alcohol for consumption 'on' the premises; Provision of Late Night Refreshment; and Provision of Regulated Entertainment (to comprise live and recorded music).</p> <p><b>Environmental Health Comments:</b></p> <p><b>Hours</b></p> <p>This advice is based on the applicant stating that the intention is to apply for 'core hours'; however as the premises are not situated in one of Westminster's Cumulative Impact Areas (CIA) the applicant could apply for longer hours if so required. Core hours for the requested activities are:</p> <p><u>Supply of Alcohol for Consumption 'on' the premises</u></p> <p>Friday and Saturday: 10:00 to midnight                  Sundays immediately prior to Bank Holidays: Midday to midnight</p>		

Other Sundays: Midday to 22:30  
Monday to Thursday: 10:00 to 23:30

Provision of Late Night Refreshment

Friday and Saturday: 23:00 to midnight  
Sundays immediately prior to Bank Holidays: 23:00 to midnight  
Monday to Thursday: 23:00 to 23:30

Provision of Regulated Entertainment

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

The applicant also wishes to apply for additional hours on New Year's Eve; the usual times requested for this are from the terminal hour for permitted hours on New Year's Eve to the commencement of permitted hours on New Year's Day.

**Public Nuisance and Public Safety**

To minimise nuisance it is advised that loud speakers should not be located within the external terrace areas or external to the building; neither should Regulated Entertainment take place on the terraces. It is advised that the use of the terraces should cease at 00.00 hours (midnight).

It was noted at the site visit that the guarding used as edge protection on the North and South terraces was constructed from 3 horizontal metal rails. If these areas are to be used in connection with licensable activities horizontal rails should be avoided or made inaccessible, and openings within the guarding should be such that a 100mm sphere cannot pass through.

**Licensing Policy:**

The premises are not located within any cumulative impact areas and therefore do not need to address cumulative impact. The premises neither fall into policy RNT1 as model condition 66 will not be proposed or Policy PB1 as the premises will not be used exclusively or primarily for the supply of alcohol. Therefore the application will need to satisfy the licensing objectives of Public Safety, Prevention of Public Nuisance, Crime and Disorder and Protection of Children from Harm and be determined on its merits.

**Operating Schedule**

The Operating Schedule of such an application should include the following conditions, to ensure that the licensing objectives of Public Safety, Prevention of Public Nuisance, Protection of Children from Harm and Prevention of Crime and Disorder are addressed:

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

available immediately upon the request of Police or authorised officer throughout the entire 31 day period.

2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
3. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the building as a higher education establishment.
4. Within the hospitality spaces (to include the ground floor arcade when used for functions), alcohol shall only be sold for consumption by KCL students, staff and their guests, or by persons attending a pre-booked and bona fide private function or event to which members of the public are not admitted. A register of persons attending the event shall be kept at the premises and made available for immediate inspection by police or an authorised officer of the Council.
5. Within the ground floor arcade café, alcohol shall only be sold for consumption by KCL students, staff and their guests, and substantial food and non-intoxicating beverages, including drinking water, shall be available.
6. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
7. Loudspeakers shall not be located outside the premises building or on either terrace.
8. No Regulated Entertainment shall be provided on either terrace.
9. The doors and windows both terraces shall be kept closed after 2300 except for the access and/or egress of persons.
10. The terraces shall not be used for Licensable Activities after 0000 hours.
11. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
12. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
13. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed: (Please see the detail in the District Surveyor section for capacity advice)

Central Block

- Ground Floor Arcade cafe TBC persons
- Ground Floor Arcade as a function space TBC persons
- 1<sup>st</sup> Floor hospitality space: (East Courtyard) 280-343 – West Courtyard – 120 Theatre TBC
- 4<sup>th</sup> Floor hospitality space: 110 Theatre – Function Space: TBC
- 8<sup>th</sup> Floor hospitality space South: 110-258 TBC
- 8<sup>th</sup> Floor hospitality space North: 110-258 TBC
- 8<sup>th</sup> Floor North Terrace: 120 TBC
- 8<sup>th</sup> Floor South Terrace: 120 TBC

North East Block

- 1<sup>st</sup> Floor hospitality space: TBC
14. 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.
  15. No deliveries to the premises shall take place between 23.00 and 08.00 on the following day.
  16. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
  17. 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.
  18. 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.
  19. No licensable activities shall take place at the premises until the licensing authority are satisfied that the premises is constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association – Technical Standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition shall be removed from the licence by the licensing authority.
  20. 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.
  21. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
  22. 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.
  23. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
  24. All emergency exit doors shall be available at all material times without the use of a key,



code, card or similar means.

25. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.
26. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
27. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.

#### **District Surveyor Comments**

In general it will be helpful to get an understanding of the proposed fire strategy for the premises so it is clear what principles are underlying the design. It was advised on site that BS9999 was the most likely standard that is being applied so confirmation of this would be helpful. In the comments below this has been assumed but the ADB approach with regard to capacity has also been detailed for reference purposes.

#### **Capacity and Proposed Means of Escape.**

##### **Eighth Floor**

It appears that there is another floor above eighth floor so would query the lack of lobbies to the main central staircase. This does appear to be the case on other floors so assume that the main central staircase would be lost in a fire situation. Therefore the capacities have been based on the remaining exits from the two function areas at this level.

The exits are 900mm wide so using a standard ADB approach this would equate to a capacity of 110 in each North and South Terrace. Applying a BS9999 approach and assuming a standard 4.1mm per person calculation this could increase to 219 in each terrace and upwards to 258 and 3.485mm per person was used. Allowable in BS9999 where a 15% reduction from 4.1mm is achievable based on an automatic fire alarm and detection system is installed.

The terraces both currently have two inward opening exit doors from the terrace side that are 1100mm wide. These are however close to each other so effectively could be deemed one exit. Applying a strict interpretation of codes and discounting one route the maximum capacity in these areas could be restricted to 60 people (inward opening door), however it is accepted that the terrace is an external space and as long as no risks are introduced onto the terrace (BBQ's, electrical equipment etc) it may be possible to assume you would have a flow through both doors and a capacity of 120 (60 x 2) is possible. The terrace can hold well over 400 people on floor space so consideration of the means of escape from this area may be worthwhile to increase this figure upwards.

The exit staircase appears to be 1100mm wide so it is recommended that the overall stair capacity is assessed and provided for our consideration also. It is however noted that there appears to be a reduction in the stair width to 950mm on the second flight down from the eight floor and the minimum stair width for a BS9999 approach is 1100mm. Can the staircase width throughout be confirmed for our consideration.

It is advised that suitable guarding is provided to the edges of the terrace and the railings are designed with vertical balustrades in line with building regulations. The existing horizontal bar design would not be appropriate for public use as it has the potential to be readily climbed upon. Furthermore the terraces should have suitable primary and secondary lighting and appropriate escape signage. In addition the area should have suitable sounders to ensure the fire detection and alarm system is heard from this area.

#### **Fourth Floor**

The fourth floor auditorium has approximately 100 seats and two exits at 900mm. Applying ADB this will allow 110 people so it is recommended this will be an appropriate figure for this area based on both the means of escape and the floor space factors.

The wider function space appears to be a flexible space but we would query the means of escape arrangements from the rear areas as the floor space would allow much higher figures to some areas than the means of escape design would support. Particular attention is drawn to the inward opening doors proposed as this limits capacity to 60 in the three separate rooms proposed. We suggest we discuss this area further at a separate meeting.

#### **First Floor – East Courtyard**

The main front exit at first floor level could it appears be fully discounted by a fire to the main doors into the foyer. This means the capacity of this space will be limited to the rear alternative exit capacity.

There are currently two 900mm exits leading back to a 1400mm stair. The stair capacity is therefore likely to be the limiting capacity factor. Under ADB the stair capacity would be 280 and under BS9999 it could be up to 343 if applying a 15% reduction under BS9999 for the fire alarm and detection system.

#### **First Floor – West Courtyard**

The auditorium capacity appears to be 120 and there are two 900mm doors to support this, which appears adequate. However both exits from the theatre appear to be signed back to the central main staircase exit. As previously mentioned if this route were discounted then it may be that patrons would need to be signed back to the rear alternative exit and it may be appropriate to sign one of the auditorium exits back to this stair.

The wider function space appears to be a flexible space but we would query what capacities are proposed for these areas and assume the central breakout area for example would be used in conjunction with the theatre? If there is a desire for a separate event in this area while the theatre is in use this may be difficult to support. We would recommend a separate meeting to discuss the capacities within these areas.

#### **Ground Floor – Arcade and Cafe**

The arcade area appears to be a flexible space but we would query what capacities are proposed for these areas and if there is a desire for each area to be used separately for licensable activity. The overall floor area is circa 300-325 sqm so floor space will support capacities in the region of 650. These may need to be reduced however due to the individual spaces and means of escape limitations. We would recommend a separate meeting to discuss the capacities within these areas. Discounting the main centre block exit the means of escape appear to support a substantial figure

circa 800 so it is likely the floor space limitation of circa 650 would apply. This will however need to be fully clarified at a separate meeting.

With regard to the café area this sits within the wider arcade area and is well served by numerous exit routes. The plan provided does not detail the seating layout or designated demise of the café area. If this can be provided we can advise further with regard to the acceptable capacity for this space.

#### **Ground Floor – Auditorium**

The auditorium at ground floor level currently appears to have 6 exits at 800mm. Applying ADB and discounting one this would equate to a maximum capacity of 300. However as you come through these exits if the central block exit is lost the remaining exit to the West side is a small 800mm door. This may restrict the capacity and we would recommend this is considered. On this basis we recommend a further meeting to discuss the capacity at this level to this area.

#### **General Fire/Public Safety Considerations to support any application**

We would recommend the points detailed below are also incorporated into the alterations proposed for the premises:

- Clarification on the cause and effect for the fire alarm system should be confirmed. Simultaneous is assumed but any details appreciated for further consideration.
- All protected exit routes to be provided with 30 minutes fire separation to other parts of the premises.
- All Fire doors protecting escape routes will be provided with intumescent strips and smoke seals and all fire doors will comply with the relevant provisions of Table B1 of ADB.
- Every escape route (other than those in ordinary use) will be marked by emergency exit signs complying with BS 5499: Part 1 and these will be located in accordance with the recommendations of BS 5499: Part 4
- Any sound equipment should be linked to cut out on operation of the fire alarm and detection system.

#### **Conclusions**

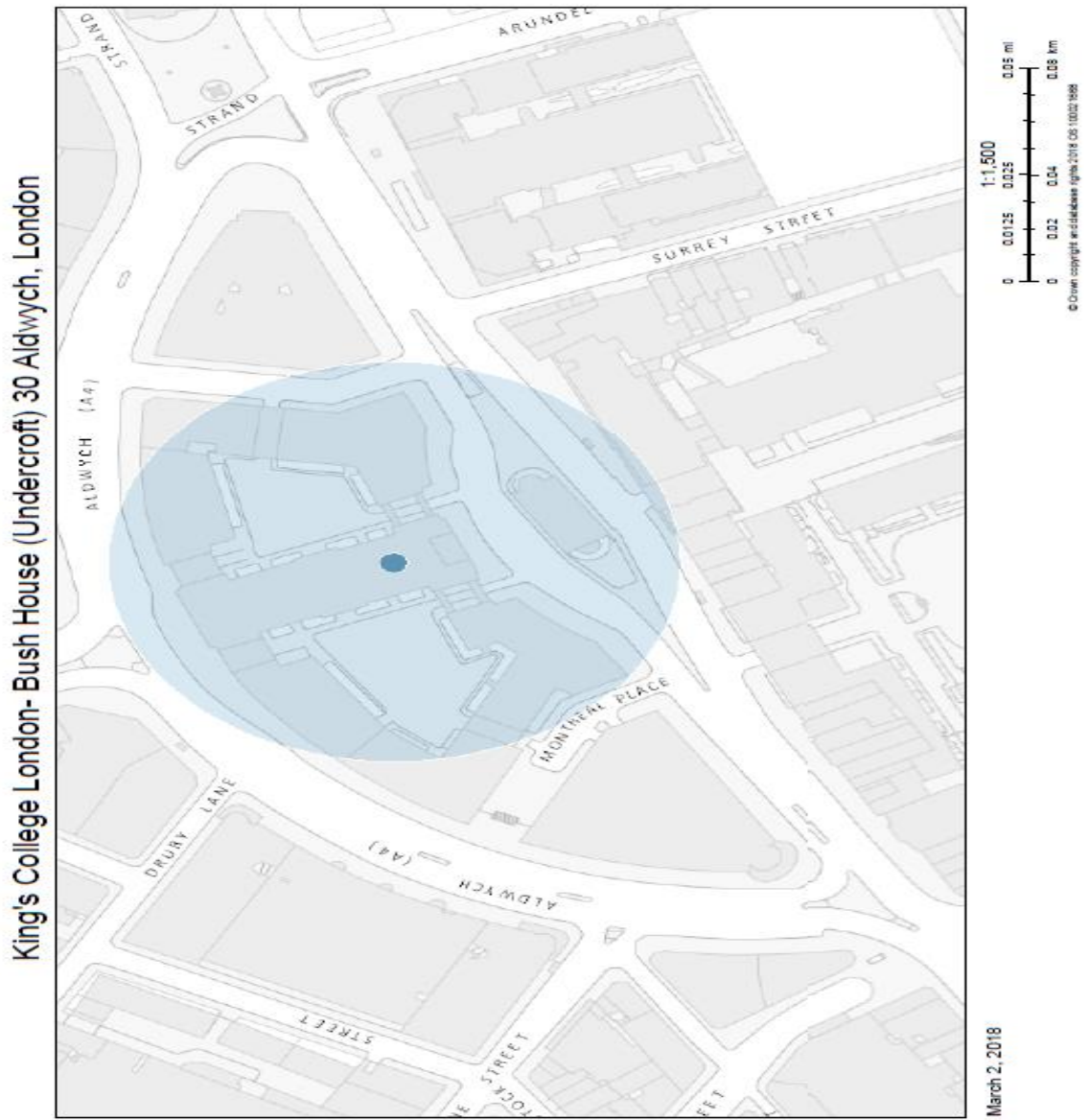
If my advice is incorporated into the respective applications, and model conditions are included then Westminster Licensing Policy will be met, and the licensing objectives of Public Safety, Prevention of Public Nuisance, Protection of Children from Harm and Prevention of Crime and Disorder will be addressed.

As part of the application process it is advised that the other responsible authorities will also need to assess the proposals and may wish to make additional comments.

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



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



**Resident Count: 0**

No licensed premises in the vicinity.

Item No:	
Date:	15 March 2018
Licensing Ref No:	18/00645/LIPN - New Premises Licence
Title of Report:	The Lansdowne Club 9 Fitzmaurice Place London W1J 5JD
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Mr Nick Nelson Senior Licensing Officer
Contact details	Telephone: 020 7641 3431 Email: nnelson@westminster.gov.uk

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	19 January 2018		
<b>Applicant:</b>	Fitzmaurice House Limited		
<b>Premises:</b>	The Lansdowne Club		
<b>Premises address:</b>	9 Fitzmaurice Place London W1J 5JD	<b>Ward:</b>	West End
		<b>Cumulative Impact Area:</b>	None
<b>Premises description:</b>	A private members' club established in 1935 permitting licensable activities from 07:00 – 01:00.		
<b>Premises licence history:</b>	The premises has held a Club Premises Certificate since 2005.		
<b>Applicant submissions:</b>	<p>According to the application, The Lansdowne Club is a private members' club established in 1935. The proposal is to continue to operate as a members' club, with the same hours and activities and as currently permitted, but under a premises licence so as to permit private functions for non-members to take place at the premises.</p> <p>The advice follows and is consistent with pre-application advice from Westminster City Council's Environmental Health Consultation Team (ref: 17/14433/PREAPM).</p> <p>The appended plans are those currently attached to the Club Premises Certificate and have been confirmed as acceptable for the purposes of this application by the Environmental Health Consultation Team.</p> <p>The applicant has proposed 14 conditions (please refer to <b>Appendix 4</b>) in order to promote the licensing objectives.</p>		

1-B Proposed licensable activities and hours							
<b>Performance of plays:</b>				<b>Indoors, outdoors or both</b>			Indoors
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	07:00	07:00	07:00	07:00	07:00	07:00	07:00
<b>End:</b>	01:00	01:00	01:00	01:00	01:00	01:00	01:00
<b>Seasonal variations/ Non-standard timings:</b>		<p>All licensable activities to be permitted 24 hours a day for residents and their bona fide guests.</p> <p>From the end of permitted hours on New Year's Eve until</p>					

	the start of permitted hours on New Year's Day.
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<b>Exhibition of films:</b>				<b>Indoors, outdoors or both</b>			Indoors
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	07:00	07:00	07:00	07:00	07:00	07:00	07:00
<b>End:</b>	01:00	01:00	01:00	01:00	01:00	01:00	01:00
<b>Seasonal variations/ Non-standard timings:</b>			All licensable activities to be permitted 24 hours a day for residents and their bona fide guests.				
			From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.				

<b>Indoor Sporting Events:</b>				<b>Indoors, outdoors or both</b>			Indoors
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	07:00	07:00	07:00	07:00	07:00	07:00	07:00
<b>End:</b>	01:00	01:00	01:00	01:00	01:00	01:00	01:00
<b>Seasonal variations/ Non-standard timings:</b>			All licensable activities to be permitted 24 hours a day for residents and their bona fide guests.				
			From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.				

<b>Live Music:</b>				<b>Indoors, outdoors or both</b>			Indoors
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	07:00	07:00	07:00	07:00	07:00	07:00	07:00
<b>End:</b>	01:00	01:00	01:00	01:00	01:00	01:00	01:00
<b>Seasonal variations/ Non-standard timings:</b>			All licensable activities to be permitted 24 hours a day for residents and their bona fide guests.				
			From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.				

<b>Recorded Music:</b>				<b>Indoors, outdoors or both</b>			Indoors
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	07:00	07:00	07:00	07:00	07:00	07:00	07:00
<b>End:</b>	01:00	01:00	01:00	01:00	01:00	01:00	01:00
<b>Seasonal variations/ Non-standard timings:</b>			All licensable activities to be permitted 24 hours a day for residents and their bona fide guests.				
			From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.				

<b>Late Night Refreshment:</b>				<b>Indoors, outdoors or both</b>			Indoors
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	23:00	23:00	23:00	23:00	23:00	23:00	23:00
<b>End:</b>	01:00	01:00	01:00	01:00	01:00	01:00	01:00
<b>Seasonal variations/ Non-standard timings:</b>		All licensable activities to be permitted 24 hours a day for residents and their bona fide guests.  From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.					

<b>Sale by retail of alcohol</b>				<b>On or off sales or both:</b>			Both
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	07:00	07:00	07:00	07:00	07:00	07:00	07:00
<b>End:</b>	01:00	01:00	01:00	01:00	01:00	01:00	01:00
<b>Seasonal variations/ Non-standard timings:</b>		All licensable activities to be permitted 24 hours a day for residents and their bona fide guests.  From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.					

<b>Hours premises are open to the public</b>							
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	00:00	00:00	00:00	00:00	00:00	00:00	00:00
<b>End:</b>	00:00	00:00	00:00	00:00	00:00	00:00	00:00
<b>Seasonal variations/ Non-standard timings:</b>		Premises may remain open 24 hours a day for residents and their bona fide guests.					
<b>Adult Entertainment:</b>		None.					

## 2. Representations

<b>2-A Responsible Authorities</b>	
<b>Responsible Authority:</b>	Environmental Health
<b>Representative:</b>	Mr Dave Nevitt
<b>Received:</b>	16 February 2018
Representation is made in relation to the application, as the proposals are likely to increase Public Nuisance and may impact upon Public Safety.	
<b>Responsible Authority:</b>	Metropolitan Police
<b>Representative:</b>	PC Caroline Cockshull

**Received:**

14 February 2018

I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be making a representation against this application.

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

We would like the following additional conditions attached to the Licence:

1. Patrons permitted to temporarily leave & re-enter the premises, eg to smoke, shall not be permitted to take drinks or glass containers with them.
2. The provision of alcohol is to be ancillary to food between 0700hrs & 1000hrs.
3. A legible list of members & their guests who have attended will be kept at reception for 31 days & shall be available by inspection by any of the relevant authorities. No person shall be admitted to membership of the premises without an interval of at least 48 hours between nomination or application for membership & admission. Members shall be able to identify their bona fide guests by name at all times.
4. The provision of SIA registered door supervisors for private pre booked events shall be subject to a written risk assessment, which shall be available for inspection by any of the relevant authorities upon request.

If the above conditions are agreed to then the Metropolitan Police will withdraw their objection.

### 3. Policy & Guidance

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

<b>Policy HRS1 applies</b>	(i) Applications for hours within the core hours 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 will be considered on their merits, subject to other relevant policies and with particular regard to the criteria specified.
<b>Policy PB1 applies</b>	Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.
<b>Policy MD1 applies</b>	It is the Licensing Authority's policy that applications will only be granted if the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.

## 4. Appendices

<b>Appendix 1</b>	Premises plans – available at Licensing Sub-Committee
<b>Appendix 2</b>	Applicant supporting documents - None
<b>Appendix 3</b>	Premises history
<b>Appendix 4</b>	Proposed conditions
<b>Appendix 5</b>	Residential map and list of premises in the vicinity

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

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

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

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2017
<b>4</b>	Application form	19 January 2018
<b>5</b>	Representation – Police	14 February 2018
<b>6</b>	Representation – Environmental Health	16 February 2018



### Licence & Appeal History

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
05/07041/LICCV Club premises certificate conversion & variation application	To convert the licence under the Licensing Act 2003	27.09.2005	Granted by Licensing Sub-Committee
13/06709/LICV Club premises certificate variation application	To vary the Club Premises Certificate to extend the area for licensable activities	25.10.2013	Granted under delegated authority
18/00645/LIPN New premises licence application	Current application		

**There is no appeal history**

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

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

At a hearing the licensing authority may, in addition, and having regard to any representations received, grant the licence subject to such conditions which are consistent with the operating schedule submitted by the applicant as part of their application, or alter or omit these conditions, or add any new condition to such extent as the licensing authority considers 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. Licensable activities shall only be available to members of the Lansdowne Club, their bona fide guests or those attending a pre-booked private function.

10. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
11. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. 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.
12. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
13. All windows and external doors shall be kept closed after or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
14. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
15. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
16. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
17. 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.
18. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
19. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
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.

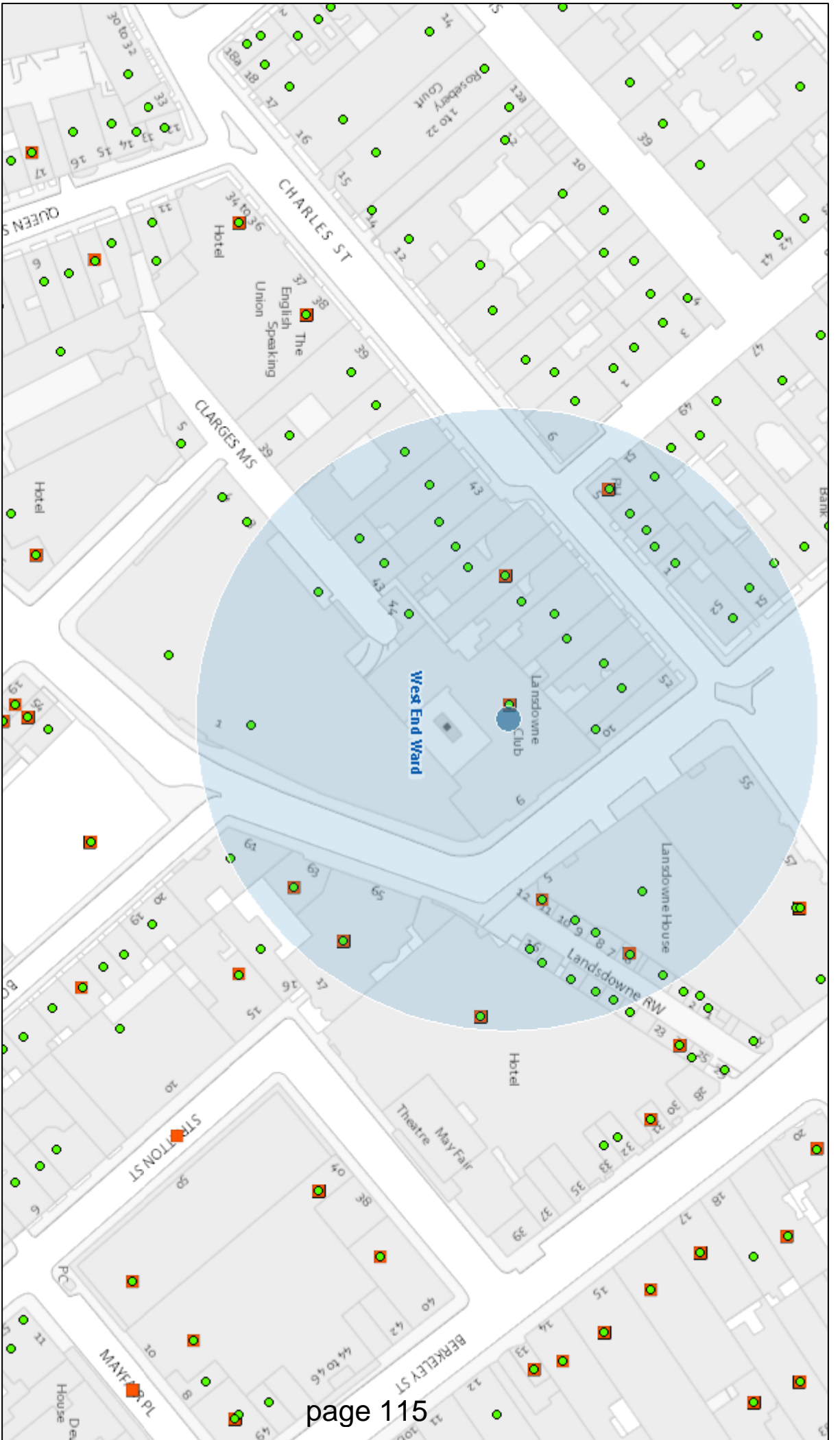
21. The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.
22. No licensable activities shall take place at the premises until the club premises certificate licence has been surrendered and is incapable of resurrection.

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

None.

### **Conditions proposed by the Police**

23. Patrons permitted to temporarily leave & re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
24. The provision of alcohol is to be ancillary to food between 0700hrs & 1000hrs.
25. A legible list of members & their guests who have attended will be kept at reception for 31 days & shall be available by inspection by any of the relevant authorities. No person shall be admitted to membership of the premises without an interval of at least 48 hours between nomination or application for membership & admission. Members shall be able to identify their bona fide guests by name at all times.
26. The provision of SIA registered door supervisors for private pre booked events shall be subject to a written risk assessment, which shall be available for inspection by any of the relevant authorities upon request.



March 7, 2018

-  Detailed Boundary
-  Property Mailing List
-  Ward Boundaries
-  Ward Labels

1:1,250

0 0.01 0.02 0.03 0.04 mi

0 0.015 0.03 0.06 km

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Distance	Licence Number	Trading Name	Address
3.41291	13/06709/LICV	The Lansdowne Club	Ground Floor 9 Fitzmaurice Place London W1J 5JD
34.40722	17/00408/LIPDPS	Mark's Club	Basement To Fifth Floor 46 Charles Street London W1J 5EJ
44.38228	13/10147/LIPN	Enoteca Guildhall	Basement And Ground Floor 11- 12 Lansdowne Row London W1J 6DY
60.49359	16/04858/LIPDPS	Footman	Running Footman 5 Charles Street London W1J 5DF
66.70337	16/06257/LIPV	Radisson Edwardian The Mayfair Hotel	17 Stratton Street London W1J 8LT
71.91312	17/04255/LIPVM	Palm Beach Casino	30 Berkeley Street London W1J 8EH