



City of Westminster

Committee Agenda

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

Meeting Date: **Thursday 26th July, 2018**

Time: **10.00 am**

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

Members: **Councillors:**

Murad Gassanly
Shamim Talukder
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, Kisi Smith-Charlemagne, Senior Committee and Governance Officer.

Email: kscharlemagne@westminster.gov.uk Tel: 020 7641 2783

Corporate Website: www.westminster.gov.uk

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

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To report any changes to the membership.

2. DECLARATIONS OF INTEREST

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

Licensing Applications for Determination

1. 7 DURWESTON STREET, LONDON, W1H 1EP

(Pages 1 - 20)

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
1.	Bryanston & Dorset Ward / not in Cumulative Impact Area	7 Durweston Street London W1H 1EP	New Premises Licence	18/05602/LIPN

2. GROUND FLOOR, CHARING CROSS ROAD, LONDON, WC2H 0DT

(Pages 21 - 40)

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
2.	West End Ward / West End	Ground Floor, Charing	New Premises Licence	18/06063/LIPN

	Cumulative Impact Area	Cross Road, London, WC2H 0DT		
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3. APOLLO VICTORIA THEATRE, 17 WILTON ROAD, LONDON, SW1V 1LG

(Pages 41 - 78)

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
3.	Warwick Ward /Not in Cumulative Impact Area	Apollo Victoria Theatre 17 Wilton Road London SW1V 1LG	Premises Licence Variation	18/06383/LIPV

**Stuart Love
Chief Executive
20 July 2018**

In considering applications for premises licences under the Licensing Act 2016, 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 2016.

GUIDANCE CONSIDERATIONS

The Licensing Authority is required to have regard to any guidance issued by the Secretary of State under the Licensing Act 2016.

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:	26 July 2018
Licensing Ref No:	18/05602/LIPN - New Premises Licence
Title of Report:	7 Durweston Street London W1H 1EP
Report of:	Director of Public Protection and Licensing
Wards involved:	Bryanston And Dorset Square
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Sam Eaton Senior Licensing Officer
Contact details	Telephone: 020 7641 2700 Email: seaton@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	16 May 2018		
Applicant:	Katlist Limited		
Premises:			
Premises address:	7 Durweston Street London W1H 1EP	Ward:	Bryanston & Dorset
		Cumulative Impact Area:	No.
Premises description:	According to the application the premises are looking to operate as an internet sales business supplying alcohol for consumption off the premises.		
Premises licence history:	There is no previous licence history for this premises.		
Applicant submissions:	Information has been circulated to all resident who have made a representation against the application. A copy of the information supplied can be found at Appendix 2 .		
Planning Comments:	The planning department have made comments regarding this application which can be found in Appendix 3 .		

1-B Proposed licensable activities and hours							
Sale by retail of alcohol				On or off sales or both:			Off the premises
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	08:00	08:00	08:00	08:00	08:00	10:00	10:00
End:	19:00	19:00	19:00	19:00	19:00	18:00	18:00
Seasonal variations/ Non-standard timings:			None.				

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	08:00	08:00	08:00	08:00	08:00	10:00	10:00
End:	19:00	19:00	19:00	19:00	19:00	18:00	18:00
Seasonal variations/ Non-standard timings:			None.				

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Service
Representative:	Ian Watson
Received:	12 th June 2018
<p>I refer to the application for a New Premises Licence for the above premises.</p> <p>The applicant has submitted a floor plan of the premises dated May 2018.</p> <p>This representation is based on the plans and operating schedule submitted.</p> <p>The applicant is seeking the following</p> <ol style="list-style-type: none">1. To provide for the Supply of Alcohol 'Off' the premises Monday to Friday between 08.00 and 19.00 hours, Saturday and Sunday between 10.00 to 18.00 hours. <p>I wish to make the following representation</p> <ol style="list-style-type: none">1. The hours requested for the Supply of Alcohol will have the likely effect of causing an increase in Public Nuisance within the area. <p>The applicant has provided conditions in support of the application but these do not address the licensing objective of prevention of public nuisance.</p> <p>A site visit will be required to fully assess the impact the application may have on the area.</p> <p>Should you wish to discuss the matter further please do not hesitate to contact me.</p> <p>The Environmental Health Service have proposed the following conditions which have been agreed by the applicant:</p> <ul style="list-style-type: none">• There shall be no advertising of the 'Off' sales of alcohol immediately outside the premises.• There shall be no direct sales of alcohol to the public on the premises.• Collections and deliveries of alcohol is permitted only between 08.00 hours and 19.00 hours Monday to Friday and 10.00 hours and 16.00 hours Saturday.• A direct telephone number for the designated premises supervisor shall be publicly available at all times the premises is open. This telephone number is to be made available to residents in the vicinity.	
Responsible Authority:	Metropolitan Police Service
Representative:	PC Bryan Lewis
Received:	7 June 2018
<p>Our objections relate to the following:</p> <p>There are insufficient conditions to promote the licensing objectives</p> <p>I can discuss this matter with you at a convenient time for us both.</p>	

2-B Other Persons			
Representation 1			
Status:	Maintained	In support or opposed:	Opposed
Received:	13 June 2018		
<p>I totally object to this Application.</p> <p>I live at Flat D, 37 York Street and my bedroom like most of my neighbours backs onto Durweston Street, so unacceptable traffic noise and pollution would be generated by delivery lorries and customers's cars, seven days a week. Unacceptable.</p> <p>The proposed site is in an extremely constricted space and surrounded by residential property. Traffic manoeuvres would cause noise, pollution and extreme congestion. Unacceptable.</p> <p>Veolia lorries use Durweston Street for collections from Marylebone Apartments. One of their lorries recently destroyed a large part of our railings at 37 York Street together with damage to the fabric of our building. I have asked Garnet Gordon at WCC to investigate the possibility of bollards on the east/west corners of the York Street entrance to Durweston Street but have had no response. The risk of further damage due to increased traffic flow is extremely worrying. Unacceptable.</p> <p>Has the proposed site been inspected by WCC?</p> <p>I confirm that I am willing to attend any hearing regarding this application.</p> <p>Please confirm that you have received this email.</p>			
Representation 2			
Status:	Maintained	In support or opposed:	Opposed
Received:	12 June 2018		
<p>I wish to make a representation to the Licensing Team in respect of the application from Katlist Limited and 7 Durweston Street London W1H 1EN dated 16 May 2018 I am an interested party under the legislation as I own a residential property in the Mews.</p> <p>I am very concerned that even though there are 9 licences premises in the immediate vicinity, and a total of 21 in the surrounding streets, an application is being considered for more. The others are in a main street, but this site is not only in a residential Mews but in the corner of a cul de sac. The Mews goes nowhere and this site is in the corner furthest from the entrance. It is not possible even to park there during the day.</p> <p>In addition, this location has been spilling out into the Mews with private parties and use of alcohol for some time. This has been a very unwelcome disruption to my Tenants to an otherwise peaceful place. Nobody has made complaints to Environmental Health in the interests of tolerating neighbours in their private activities.</p> <p>However, my main concern is that if this application is granted my current tenant who has a child will terminate their Tenancy as they will be seriously disrupted by any licences premises so close to their home. . I will then lose rent by a reduction in potential tenants that may consider taking the property.</p> <p>I have already received complaints from my current tenants about drinking and partying out in the Mews from this applicant premises. This is likely to increase if a Licence is approved coupled with parking congestion and noise in a Mews that has daytime parking restrictions and is formed as Cul de sac.</p> <p>I have owned my property for over 25 years and do not feel that the character of the Mews should now be so radically changed to the direct disadvantage to those residential owners that have been there far longer, within a predominantly residential area. The applicants</p>			

should either acquire an already Licensed premises in the surrounding streets, or make a fresh application on a Main Street rather than within the confines of a Mews which they have already informally abused.

Representation 3

Status:	Maintained	In support or opposed:	Opposed
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Received:	13 June 2018
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1. Description of the site:

Durweston Street is a mews of mainly Georgian construction that consists entirely of garages with living accommodation above. The proposed premises are the lower-ground-floor garage of No. 7 Durweston Street, also known as The Marylebone Apartments, the only modern building in the mews. A front-door at the east end of No. 7 gives access to flats above the shops that front Crawford Street. Access to its garage is at the back, through a wide opening (with a collapsible metal gate) in the north-west corner. The level area inside the opening is (I'm guessing) about 10 metres long by 6 metres deep, with a ramp that leads left, down to the garage. The applicant was unable to register the application on the Council's website under the address 7a Durweston Street, because 7a does not exist as a separate address. The west side of the mews consists of old garages (all in use), with flats above, these accessed by an external stairway and cat-walk. There are more garages with flats above on the east side. Through an arch on the east side, there's an inner yard – more garages – backing onto residential properties fronting Crawford Street, Gloucester Place and York Street. Number 8 Durweston Street (next to 39 York Street), which must once have been a stables with living quarters above, is now the two-storey offices of four businesses: one solicitor, one accountant, and two property-management companies.

2. The prevention of crime and disorder

Durweston Street has an entrenched problem day and night with on-street drinkers and rough sleepers, who like its seclusion, especially in the inner part, where the proposed off-licence would be located. The Application is for a shop selling alcohol seven days a week from 8 a.m. to 7 p.m. Monday to Friday, and from 10 a.m. to 6 p.m. at a weekend. The Applicant says that his shop would be an 'internet business' – but he is applying for general off-licensing terms and hours, and I don't see anything in the 2003 Licensing Act that would prevent the shop supplying customers who came in on foot and carried their drinks out into the mews, or that would prevent private drivers ordering on line, and turning up in their cars to collect. This is an unsuitable location for an off-licence.

3. Public safety

The road from York Street to Crawford Street runs down the east side of Durweston Street. There are kerbs to right and left of the roadway as it enters the mews, but these end where the individual garage doors begin. The roadway between the kerbs in and out of Durweston Street is only just wide enough for the wheelbase of an ordinary passenger car. Wider vehicles, including vans and large cars, must mount the kerbs. At present, the only wide vehicle required to enter Durweston Street is the Veolia rubbish truck – which has wiped out the railings outside 37 York Street more than once already. At the south end of Durweston Street, there is an iron bollard in the pavement which is bashed most days of the week. Any vehicle – large or small – entering Durweston Street must line up to drive in at an exact right-angle to the traffic on the busy main road. Approaching on the nearside, a vehicle must swing out into oncoming traffic to take this awkward turn. Drivers often misjudge it. Add in the nearly-non-existent pavements at either end of the mews, and no pavements at all once you're inside, and anyone on foot on Durweston Street is at serious risk of injury. Of course, the staff at No. 8 Durweston Street, and people with homes or garages in the mews come and go on foot, but the footfall is actually very much

higher than that would indicate. About 30,000 commuters use Marylebone Station every day, walking to and from their offices further south through the quieter parts of Marylebone. A high proportion of these pedestrians choose the route from the back of the Marylebone Old Town Hall down to Seymour Street, through the line of old mews lanes at the back of Gloucester Place. The traffic in Durweston Street is already dangerous. A delivery-based business would make it even more so.

4. Public nuisance

i) All the garages opening onto Durweston Street, apart from No. 7, are single garages with ancient pairs of huge wooden doors (each 120cms wide) that open into the roadway. The space outside each garage is already just enough to allow the vehicle kept there to get in and out, assuming the polite co-operation of adjoining tenants. The lay-out of the mews, and the single-yellow-lines around it, make it clear that the space between the garages is for momentary manoeuvring only. Indeed, given the number of pedestrians walking through, and local residents coming and going, there is no scope for anyone to hang about, whether on foot or in a vehicle. Garage-tenants often have to wait for a neighbour to get clear, before they can get their car in or out of their garage. Any vehicles servicing a business in the garage of No. 7 would obstruct the garages that line the east and west sides of the mews, causing great inconvenience and annoyance. This problem would be exacerbated by the lifting of controlled parking on single yellow lines in the evenings and at weekends. The scope for friction between legitimate stakeholders is great.

5. The protection of children from harm

The flats above the garages are all occupied, several of them by families with children. Space at this location is already so very tight, that vehicles associated with a delivery-business on this site would normally have to manoeuvre and/or idle for extended periods, to juggle space with other stake-holders. Given the well-acknowledged dangers to children’s brain and lung development caused by NO2 diesel pollution, it’s unreasonable to allow a delivery-based business into this extremely limited space. We already know that children would be adversely affected. Moreover, the additional coming and going, during the proposed long and troublesome commercial hours inside this very limited space would cause noise and disturbance to residents, including children. Children, who at present can come and go with a reasonable amount of supervision, would need to be escorted from their front doors, on account of the increase in traffic from a commercial enterprise in this location.

Conclusion

Durweston Street is a well-used local residential amenity with a huge amount of pedestrian through-traffic. The proposed business is a shop – selling alcohol - operating 7 days a week, and reliant on delivery vehicles. Apart from the noise and extra pollution from delivery-vehicles coming and going within this very tight space, and no doubt idling in the yard while they juggle space with other drivers, the proposed hours are an outrage. Why on earth should residents in this mews have to bear commercial delivery traffic from 8 a.m. to 7p.m. 5 days a week, and from 10 till 6 on a weekend? I earnestly ask you turn this Application down.

Representation 4			
Status:	Maintained	In support or opposed:	Opposed
Received:	13 June 2018		

I would like to register an objection to application 18/05602/LIPN for a license to sell alcohol on the following grounds:

1/ I am worried about the disturbance of constant traffic to/from the premises, whether that is deliveries or pick-ups. It is said on the application that it will be operating 7 days a week.

2/ There is no clear demarcation of where the alcohol will be stored on the plan submitted. The premises is very small for a an alcohol off-licence business which it is claimed will be operating 7 days a week - will deliveries be every day, multiple times a day, as well as pick-ups?

3/ I note that the person listed as responsible for oversight of these premises is only 23 years old - what experience or support he will have in doing this, and I am worried, that despite CCTV being available that the premises could easily become a target for crime. Also, will Mr Frederick Holt listed in the application be on site during all the opening times listed? Is this in line with employment legislation?

Also the street traffic has increased a lot in the last 2 years.

There is a health and safety issue in case of a fire or access for an ambulance to park in front for my front door has there is no pavement outside of my front door I step out on to the road has it is a mews , which was not meant for a lot traffic and only To use by residents to park there cars.

I was also sent a notification letter addressed to 'Development Site at 25-28 Durweston Street Garages. Can someone please tell me why this address is designated a 'Development Site'? There appear to be no current planning applications out for this, but have there been any in the past? Can you send me a link to them?

Representation 5

Status:	Maintained	In support or opposed:	Opposed
Received:	12 June 2018		

I act as managing agent for Speen Property Trust, the owner of the residential and garage properties at 9-29 Durweston St. My client objects to the application as the proposed use is not suited to the location. The width of the street and, in particular, the entrances at each end make it difficult for vehicles entering, exiting and turning. Delivery and customer vehicles will quite likely be van size or larger. Further, my client's properties suffer from people urinating in doorways and the ramp leading down to the courtyard. The street is frequented at all times of day and night by vagrants and an alcohol sales outlet will only make the problem worse.

Representation 6

Status:	Maintained	In support or opposed:	Opposed
Received:	11 June 2018		

As the owner of Flat B, 37 York Street, I object to this application on the grounds that

1. there is no requirement for such a facility in this residential area
2. there is plenty of available retail space nearby for such a facility if needed
3. it would have a material impact on traffic (deliveries) and noise in this residential area which would be detrimental to the nature of the area.

Representation 7

Status:	Maintained	In support or opposed:	Opposed
Received:	5 June 2018		

I completely object to have a warehouse style alcohol business in the mews behind my home. The mews street is not big enough to receive lorries or vans. The entrance is too narrow. We are the corner house to the mews. Also the hours will create a constant noise

disturbance in the mews when the area should be quiet. This disturbs those living near by like myself. I completely object.

Following the submissions sent to the interested parties on 11 July 2018 the following submission was made:

It's the deliveries I disagree with

Bottles make noise being moved as do delivery vans.

The st entrance is narrow and often our walls of our homes get scratched.

Mews echo sound ! So any deliveries are exaggerated !

So any business that takes large deliveries creates extra noise which is unacceptable to the quiet demise of living in and close by the premises. Especially bottles.

I am not in favour of this licence for this reason.

Representation 8

Status:	Maintained	In support or opposed:	Opposed
Received:	12 June 2018		

Please find attached my objections to the above subject matter application.

Please note that the on-line comments section for making comments is not working and an error pops up when you try to submit a comment. I am hopeful that there might be an extension of the deadline for comments due to this issue.

I would like to highlight that that part of the premises occupied by Katlist are located underneath my flat ie, my flat is on top of the garage occupied by the Applicant and currently there is a lot of noise due to early morning deliveries and weekend working. If the application is approved, the nose will only increase which would be unreasonable. This application will impact on privacy, traffic, road access and noise generated by the proposal.

I would be grateful if the case worker could contact me to clarify and discuss this application further. My mobile number is below.

Representation 9

Status:	Maintained	In support or opposed:	Opposed
Received:	11 June 2018		

I would like to object to this premise obtaining this license, on the basis of:

1. The prevention of crime and disorder - There is already a tendency for on-street drinking and boisterous behaviour due to the concealed public space provided by mews, this would only increase the problem.
2. Public safety: the narrow roads in mews mean that pedestrians always have to take care when walking, especially when large vehicles have to partially go over the pavement. The auto trader business on this same mews, already has cars constantly parked in the mews. This business is likely to attract more vehicles to Durweston street, increasing the dange to pedestrians.
3. The prevention of public nuisance: this is a yard with single garages at ground level (apart from the open garage space under No. 7), and living accommodation above. It is

completely unsuited to house a commercial operation with delivery vehicles coming and going 7 days a week from early till late. It would indeed be a public nuisance.

3. Policy & Guidance

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

Policy HRS1 applies:	(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy. (ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.
Policy OS1 applies:	Applications will generally be granted and reviews determined subject to the relevant criteria in Policies CD1, PS1, PN1 CH1 and HRS1 and other policies in this Statement.

4. Equality Implications

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

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

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

5. Appendices

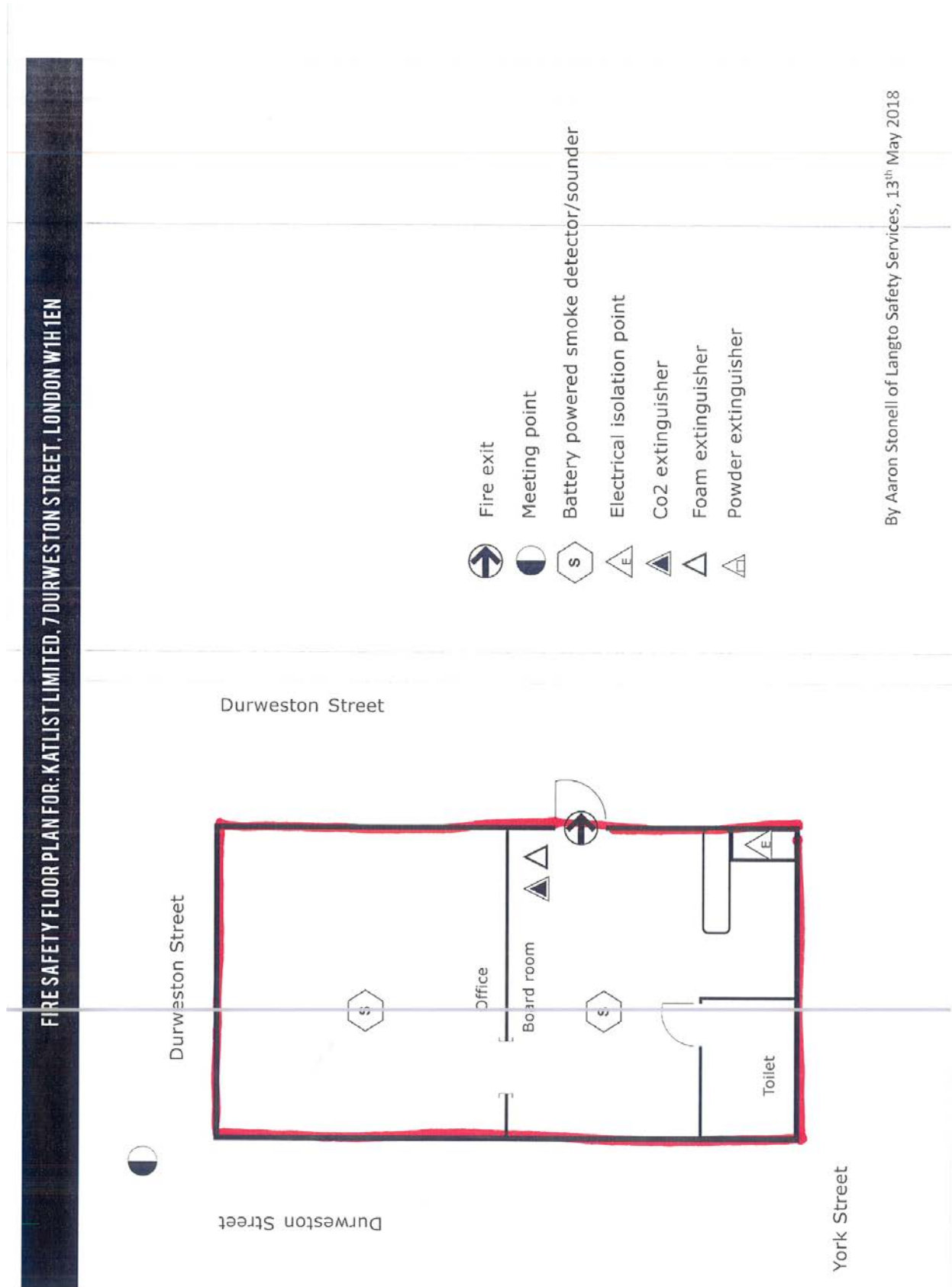
Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Planning comments
Appendix 4	Premises history
Appendix 5	Proposed conditions
Appendix 6	Residential map and list of premises in the vicinity

Report author:	Miss Sam Eaton Senior Licensing Officer
Contact:	Telephone: 020 7641 2700 Email: seaton@westminster.gov.uk

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

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Representation – Environmental Health Service	13 June 2018
5	Representation – Metropolitan Police Service	7 June 2018
6	Representation 1	13 June 2018
7	Representation 2	12 June 2018
8	Representation 3	13 June 2018
9	Representation 4	13 June 2018
10	Representation 5	12 June 2018
11	Representation 6	11 June 2018
12	Representation 7	5 June 2018
13	Representation 8	12 June 2018
14	Representation 9	11 June 2018



Applicant Supporting Documents

The applicant has supplied the following comments which have been passed to all interested parties:

Dear Resident,

We act for the applicant, Katlist Limited, who have recently applied for a new premises licence at the above premises, where they operate an internet sales business selling personalised bottles of alcohol at premium prices.

We have been forwarded copies of your representations from Westminster City Council's Licensing team. Having read them all, we would like to offer some clarification and address some of your concerns.

May we start by confirming the address of the premises. Although the application form states the address as 7a Durweston Street, we can confirm that the correct address is in fact **7 Durweston Street**. As Westminster City Council's online application system did not have a confirmed reference for 7 Durweston Street we had to apply for the application at the nearest address, 7a. The premises is in fact an office in a news of other offices and garages. This was made clear to WCC at the time of submission of the application and is found on the description on the application form as well. The correspondence we are receiving from WCC states the correct address so if there has been any administrative confusion on WCC's standardised letter to you we can only apologise, but that is out of our hands.

Our client's main business is that of a marketing company and they have been operating this company from this address for over four years. The introduction of personalised alcohol bottles is indeed a small addition to their already flourishing marketing agency. The client holds the UK agency rights for Ciroc (a wonderful French vodka) so all marketing for Ciroc in the UK must go through the client. The personalised bottles will be ordered online only, personalised on site and then taken to a distribution centre via their packaging partner.

The personalised bottles range in size with the classic 70cl being the most popular and affordable. The personalisation is done using a laser machine which is very quiet (almost silent) and with the machine only able to produce approximately 3 personalised bottles an hour, the process is extremely time consuming which keeps productivity levels at a low each day. The packaging partner is then called to pick up the orders from Durweston Street, take them away to be packed, and delivery of the item then takes place (not from the site). The only thing that happens on site is the printing. The packaging company collects the bottles to be shipped (once a day) from the premises, before 6pm each day (usually earlier) so as not to cause a nuisance to the local residents.

We can assure you that there will be no sort of wholesaling taking place with persons at the premises, in fact no public are permitted on the premises to purchase alcohol immediately; this premises shall not operate as a traditional off licence and there will be no sales of alcohol for immediate consumption of alcohol.

Although we have gone some way to describe the operation of this premises, we would also like to invite you to attend the premises, meet the applicant, discuss your concerns and see the operation first hand. We are very keen to build good relationships with you. If you would like to meet, please advise me of your availability over the next couple of weeks and we shall arrange a suitable time and date for all.

If you should have any further queries, please feel free to contact me directly.

Kind Regards,

Sumeet
LT Law

Planning Comments:

On 13th June 2018 the planning department contacted licensing with the comments:

I am writing to ensure that all concerned with the processing of this Premises Licence application, but especially the applicant, are made aware that the lawful use of the premises in planning terms is a Class B1 office. From the documents I have seen the applicant may be intending to use the premise as a Class A1 shop where members of the public can visit to purchase alcoholic goods - a use which does not have the benefit of planning permission. If this is correct and if the use commences without the benefit of planning permission, it is very likely that enforcement action under the planning acts would be considered for the cessation for the use.

The Licensing Service responded by forwarding the information supplied by the applicant:

We can confirm that the public will not be permitted to enter the premises to purchase alcohol directly; it will indeed be an internet based business only where orders are placed online and delivered to the customer.

Premises History

There is no licence or appeal history for the premises.

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

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

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

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

Mandatory Conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
5.
 - (i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
 - (ii) For the purposes of the condition set out in paragraph 5(i) above -

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

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

Where -

- (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- (iii). Where the permitted price given by Paragraph 5(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
 - (iv). (1) Sub-paragraph 5(iv)(2) below applies where the permitted price given by Paragraph 5(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
 - (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Conditions consistent with the operating schedule:

- 6. All sales of alcohol, for consumption off the premises, shall be ancillary to the use of the business as a warehouse and office.
- 7. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
- 8. Before the order is accepted, a declaration will be required from the person placing the order to confirm that they are over 18 years of age.

9. A condition of contract shall be in place between the premises licence holder and any third party delivery company that ID verification shall be required when orders are delivered. A Challenge 25 proof of age scheme shall be operated 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.
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. Notices shall be prominently displayed at all exits requesting delivery drivers to respect the needs of local residents and businesses and leave the area quietly.
13. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system, searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
14. 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.
15. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.

Conditions proposed by the Environmental Health Service and agreed by the applicant:

16. There shall be no advertising of the 'Off' sales of alcohol immediately outside the premises.
17. There shall be no direct sales of alcohol to the public on the premises.
18. Collections and deliveries of alcohol is permitted only between 08.00 hours and 19.00 hours Monday to Friday and 10.00 hours and 16.00 hours Saturday.
19. A direct telephone number for the designated premises supervisor shall be publicly available at all times the premises is open. This telephone number is to be made available to residents in the vicinity.

Residential Map and List of Premises in the Vicinity



Resident Count: 319

Premises within 75 metres of 7 Durweston Street

Licence Number	Trading Name	Address	Premises Type	Time Period
17/11841/LIPCH	Monkey And Me	Basement And Ground Floor 115 Crawford Street London W1H 2JF	Restaurant	Monday to Wednesday; 10:00 - 23:30 Monday to Saturday; 10:00 - 01:00 Friday to Saturday; 10:00 - 00:00 Sunday; 12:00 - 22:30 Sunday; 12:00 - 01:00
07/01520/WCCMAP	Monkey And Me	Basement And Ground Floor 115 Crawford Street London W1H 2JF	Restaurant	Monday to Wednesday; 10:00 - 23:30 Monday to Saturday; 10:00 - 01:00 Friday to Saturday; 10:00 - 00:00 Sunday; 12:00 - 01:00 Sunday; 12:00 - 22:30
14/07886/LIPT	Savoy Market	Ground Floor 116 Crawford Street London W1H 2JJ	Shop	Monday to Saturday; 08:00 - 23:00 Sunday; 10:00 - 22:30
15/01453/LIPDPS	Two Point Bar & Kitchen	26 Crawford Street London W1H 1LL	Pub or pub restaurant with lodge	Monday to Saturday; 10:00 - 23:30 Sunday; 12:00 - 23:00

Item No:	
Date:	26 July 2018
Licensing Ref No:	18/06063/LIPN - New Premises Licence
Title of Report:	Ground Floor 101 Charing Cross Road London WC2H 0DT
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			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	24 May 2018		
Applicant:	Gsm Catering Ltd		
Premises:			
Premises address:	Ground Floor 101 Charing Cross Road London WC2H 0DT	Ward:	West End
		Cumulative Impact Area:	West End
Premises description:	The premises operates as both a sit-in café and take away serving fish and chips, kebabs and pizzas.		
Premises licence history:	This is a new premises licence application and therefore the premises history does not exist.		
Applicant submissions:	There are no submissions from the applicant.		

1-B Proposed licensable activities and hours							
Late Night Refreshment:				Indoors, outdoors or both			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	23:00
End:	05:00	05:00	05:00	05:00	05:00	05:00	05:00
Seasonal variations/ Non-standard timings:			None				

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	07:00	07:00	07:00	07:00	07:00	07:00	07:00
End:	05:00	05:00	05:00	05:00	05:00	05:00	05:00
Seasonal variations/ Non-standard timings:			None				

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Licensing Authority
Representative:	Ms Daisy Gadd
Received:	11 June 2018
<p>I write in relation to the application submitted for a New Premises Licence for Ground Floor, 101 Charing Cross Road.</p> <p>As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011 the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the Licensing Objectives:</p> <ul style="list-style-type: none"> • Public Nuisance • Public Safety • Prevention of Crime & Disorder • Protection of Children from Harm <p>The application seeks to licence the following activity:</p> <ul style="list-style-type: none"> • Late night refreshment (both): Monday to Sunday: 23:00 to 05:00 <p>The premises is located within the West End Cumulative Impact Area and as such a number of policy points must be considered, namely CIP1, HRS1 and FFP2.</p> <p>Paragraph 2.5.18 of the Council's Statement of Licensing Policy 2016 states that "Fast food premises which are open after 23:00 can attract large groups of customers, many of whom have been consuming alcohol in pubs, bars, or night clubs sometimes some distance away". In respect of policy FFP2, it is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas unless they are applications to vary hours within the Core Hours under Policy HRS1. Therefore, as stated in paragraph 2.5.20 of the policy, "the Licensing Authority considers that the grant of variations or new licences for fast food premises in the Cumulative Impact Areas should be limited to exceptional circumstances." Examples of what may be considered an exception to policy can be found at paragraphs 2.4.3 to 2.4.13 of the Westminster Statement of Licensing Policy 2016.</p> <p>Further discussions will be held with the applicant prior to the hearing and any further submissions will be forwarded on for Members information.</p> <p>Please accept this as a formal representation.</p>	
Responsible Authority:	Environmental Health Service
Representative:	Mrs Sally Fabbricatore
Received:	29 June 2018
<p>I refer to the application for a new Premises Licence for the above premises.</p>	

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

This representation is based on the Operating Schedule and the submitted plans, ground floor titled with the address.

The applicant is seeking the following on the **ground floor**:

1. To allow Late Night Refreshment both 'indoors and outdoors' Monday-Sunday 23:00-05:00 hours.

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

1. The provision of Late Night Refreshment may cause an increase in Public Nuisance in the cumulative impact 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.

Clarification is required regarding the WC provision for customers. A WC is shown on the plan however the access to this is not clear.

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

Responsible Authority:	Metropolitan Police Service
Representative:	Caroline Cockshull
Received:	11 June 2018

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

The venue is situated within the Cumulative Impact Area. It is our belief that if granted the application would undermine the Licensing Objectives in relation to The Prevention of Crime and Disorder.

2-B Other Persons	
Name:	Covent Garden Community Association
Address and/or Residents Association:	42 Earlham Street Covent Garden London WC2H 9LA
Received:	24 June 2018

This representation is being made by the Covent Garden Community Association (CGCA). The CGCA is recognised by both Camden and Westminster as the Amenity Society for the Covent Garden area (defined as the area bounded by High Holborn, New Oxford Street, Charing Cross Road, St. Martin's Place, Northumberland Avenue, Victoria Embankment, Lancaster Place, Aldwych and Kingsway) and so represents the interests of those who live and work in this area.

The CGCA's Licensing Sub-committee is authorised by the Association to make Representations on any Licensing Applications which the Subcommittee believes may have an effect on local residents or other members of the community through likely impact on one or more of the Licensing Objectives. This authorisation was last renewed at a meeting of the Executive Committee of the CGCA on 5th December 2017.

The premises for which this application is being made are situated on Charing Cross Road. There are significant amounts of residential property on the East side of this part of Charing Cross Road, including Trentishoe Mansions which is about 25m from the premises and which is within the CGCA's area. A map showing residential accommodation in the vicinity is attached. This is not complete as we are not aware of the location of residents in Soho, to the West of Charing Cross Road.

Current Situation

The premises currently operate as "Cafeteria" providing both sit down and takeaway hot food. The premises have no licence for Late Night Refreshment, having applied for one in 2006 (06/04293/LIPN) which was refused and therefore ceases selling hot food at 23:00.

Proposed Licence

This is an application for a New Licence for Late Night Refreshment which would allow the premises to sell hot food for consumption on and off the premises until 05:00 on all days of the week. There is no proposal to serve alcohol and the application states that no alcohol will be allowed on the premises.

CGCA's View

The CGCA's view is that allowing the premises to operate as an LNR venue after 23:00 will harm the Licensing Objectives of the Prevention of Public Nuisance and Crime and Disorder. This is because fast food style operations, of which this is one, are very likely to attract people who have been drinking and will retain them within the Cumulative Impact Area, giving rise to an increase in public order and anti-social behaviour as well as adding to noise levels in the surrounding area.

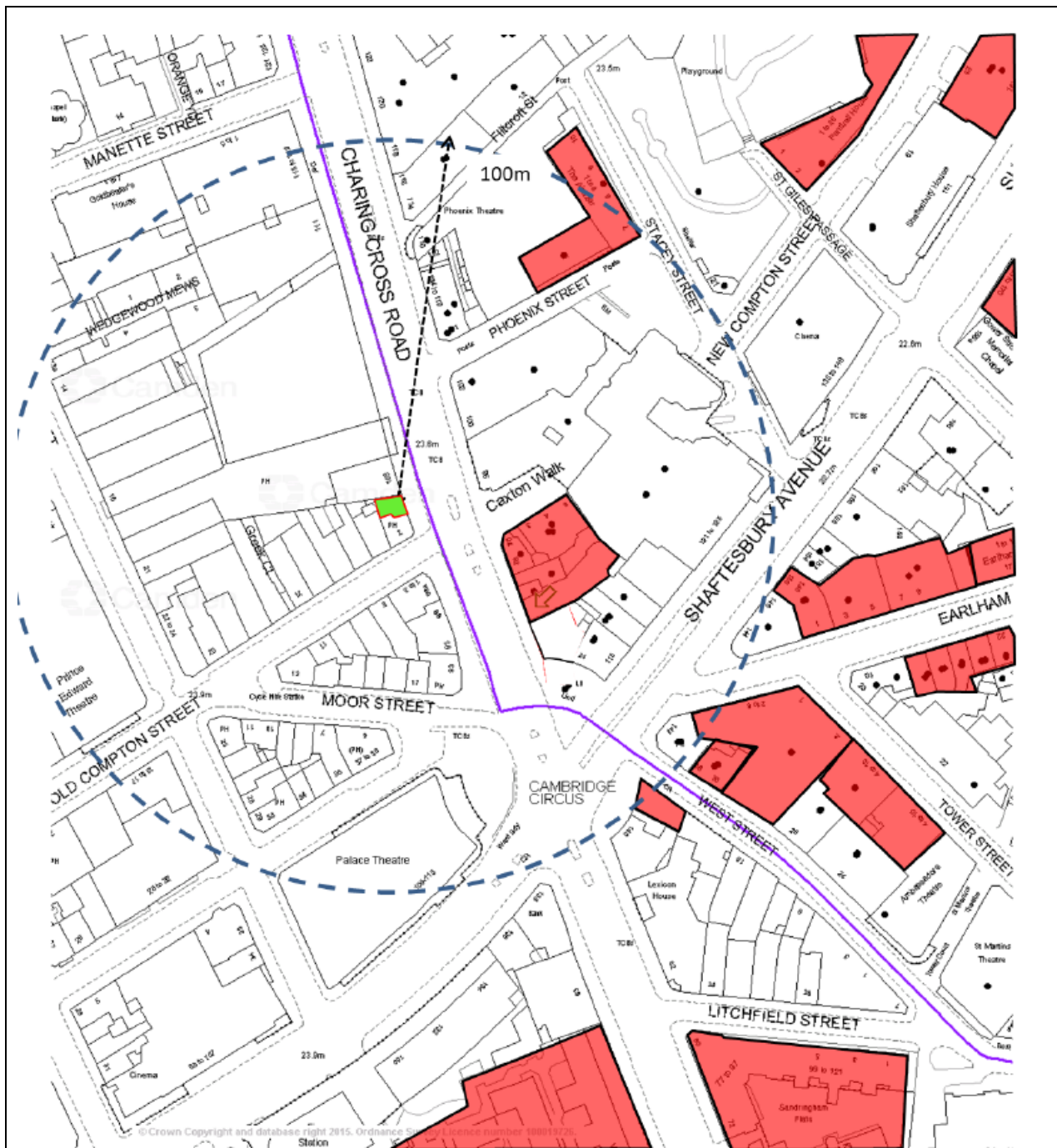
We note that Policy CIP1 states that:

(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.

We submit that this application falls within the fast food definition as it is not a traditional restaurant style use and the type of food on offer (fish and chips, kebabs and pizzas) is "fast food". It is also food which lends itself to take-away style eating. There is nothing within the application which would support this being exceptional in any way and we believe that it should therefore be refused.

Given the nature of this part of Charing Cross Road, which remains busy after 23:00, we believe that it **might** be possible to grant a limited extension but **only** to the hours within Policy HRS1.

However we believe that the consumption of food should be restricted to **on the premises only**.



Residential



101 CXR

NOTE

There is other residential within the area but we are not aware of the locations to the West of Charing Cross Road

Name:	The Soho Society
Address and/or Residents Association:	St Anne's Tower 55 Dean Street London W1D 6AF
Received:	28 June 2018

I write to make a relevant representation to the above application on behalf of The Soho

Society.

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

Application summary

The applicant seeks to extend the terminal hour for provision of Late Night Refreshment from the currently licensed 23.00 hours to 05.00 hours, seven nights per week.

The premises operate as a cafeteria selling hot food until 23.00 hours for consumption on or off the premises. They currently have no licence for Late Night Refreshment as their last application was refused in 2006 (06/04293/LIPN). They are located on the edge of Soho, nevertheless in a very active part of the West End Cumulative Impact Area, where noise levels already breach WHO, EU and Government guidelines. Given the residential concentration surrounding these premises, we are concerned that the applicant seeks a terminal operating hour each day that seriously contravenes Westminster's accepted core hours. Within 100 metres of the premises, the west (Soho) side of Charing Cross Road has residential accommodation just around the corner on Old Compton Street, as well as above Foyles Bookshop on Charing Cross Road, and more being constructed further along the road towards Manette Street, north of the premises. (The CGCA have supplied a map with their representation detailing residential accommodation on the east side of Charing Cross Road.) Whilst the premises are not licensed to sell alcohol, and the application explicitly states that no alcohol will be allowed on the premises, we consider that granting a licence for them to provide Late Night Refreshment from 23.00 until 05.00 every night of the week will aggravate public nuisance and possibly encourage crime and disorder in the immediate area.

Late night fast food operations attract people who have been drinking, retaining them in the West End Cumulative Impact Area rather than leaving them to disperse, thus leading to increased disorder, noise levels and general antisocial behaviour. We understand that the Soho Safer Neighbourhood Ward Panel has identified this particular stretch of Charing Cross Road as an active location for late-night recreational drug dealing and use, with the attendant impact of criminal and antisocial behaviour.

Licensing policy

We note that Licensing Policy CIP1 states: (i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy. As the premises self-defines as a "...café serving fish and chips, kebabs and pizzas" on the application, we believe it to be a fast food premises and see no reason why it should be considered exceptional to Policy.

This area has been identified by the Westminster City Council (2.4.1 of the Statement of Licensing Policy, as amended) as under stress because the cumulative effect of the concentration of late night and drink led premises and night cafes has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses.

The policies in relation to the stress areas are directed at the global and cumulative effects of licences on the area as a whole (2.4.5 of the policy). The policies are intended to be strict and will only be overridden in genuinely exceptional circumstances (2.4.2 of the policy). The growth in the entertainment industry in Soho has led to a marked deterioration in the quality of life and well-being of local residents and it has jeopardised the sustainability of the community.

Soho has a substantial residential community and many of these residents suffer from problems such as, but not limited to, high levels of noise nuisance, problems with waste, urinating and defecating in the streets, threats to public safety, anti-social behaviour, crime and disorder and the change in character of historic areas.

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

Given the nature of the premises, the hours sought, and late-night activity in the immediate environment, we respectfully urge the committee to refuse this application. Please let us know if any proposals are made to amend the application.

Resident representation 1

Received:	25 June 2018
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I am chair of the Soho Safer Neighbourhood Ward Panel, and I am also a resident of Soho. I would object to the granting of this late night refreshment licence on the grounds of prevention of public nuisance, prevention of crime and disorder and cumulative impact in the West End Cumulative Impact Area.

Also the application to serve food and refreshment until 5 am seven nights a week is way outside core hours.

It is also in an area which currently has a high level of drug dealing, drug abuse and associated antisocial behaviour.

I would ask that you refuse this application.

3. Policy & Guidance

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

<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. (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> <p><u>For premises for the provision of other licensable activities:</u></p> <p>Monday to Thursday: 09:00 to 23.30 Friday and Saturday: 09:00 to midnight Sundays: 09:00 to 22:30 Sundays immediately prior to Bank Holidays: 09:00 to midnight</p>
<p>Policy CIP1 applies</p>	<p>(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1. (ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.</p>
<p>Policy FFP2 applies</p>	<p>It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas, other than applications to vary hours within the Core Hours under Policy HRS1.</p>

4. Equality Implications

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

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

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

5. Appendices

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

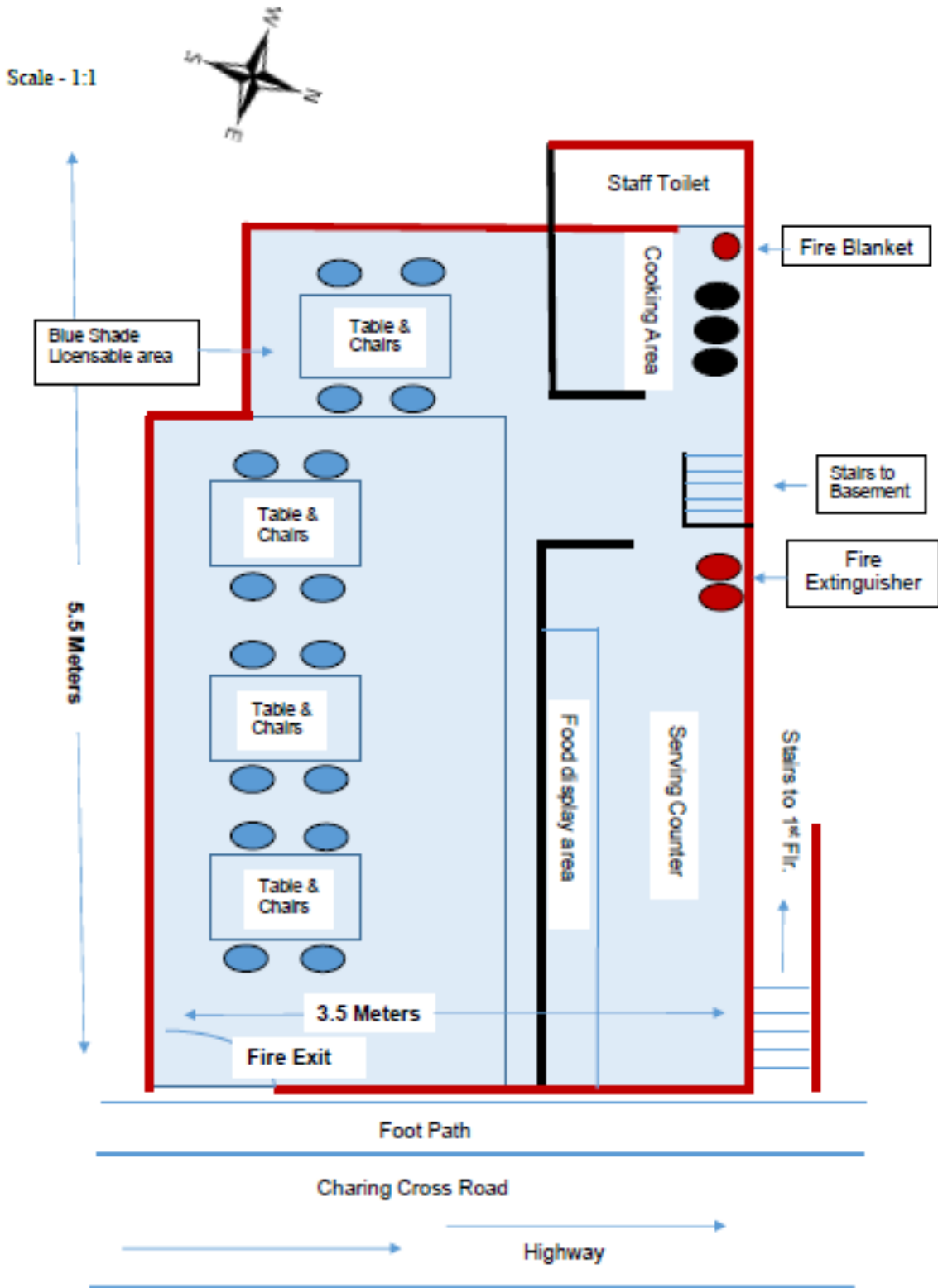
Report author:	Mrs Shannon Pring Senior Licensing Officer
Contact:	Telephone: 020 7641 3217 Email: spring3@westminster.gov.uk

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

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Licensing Authority representation	11 June 2018
5	Environmental Health Service representation	29 June 2018
6	Metropolitan Police Service representation	11 June 2018
7	Covent Garden Community Association representation	24 June 2018
8	Soho Society representation	28 June 2018
9	Resident representation	25 June 2018

101 Charing Cross Road – (Ground Floor)



There are no supporting documents from the applicant.

There is no licence or appeal history for the premises.

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

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

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

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

Conditions consistent with the operating schedule

1. Low background music played at the business to prevent noise nuisance.
2. No alcohol served or allowed into the business at any time to prevent crime and disorder.
3. Front door to be kept closed at night to prevent noise nuisance.
4. No music to be played outside of the business.
5. Notices to be displayed inside the business advised customers to respect local residents and prevent noise nuisance.

Amended condition proposed by Environmental Health

Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly. Notices shall also state that there is to be no loitering outside the premises after 23:00 hours.

6. Children to be accompanied by adults at all times

Conditions proposed by the Environmental Health

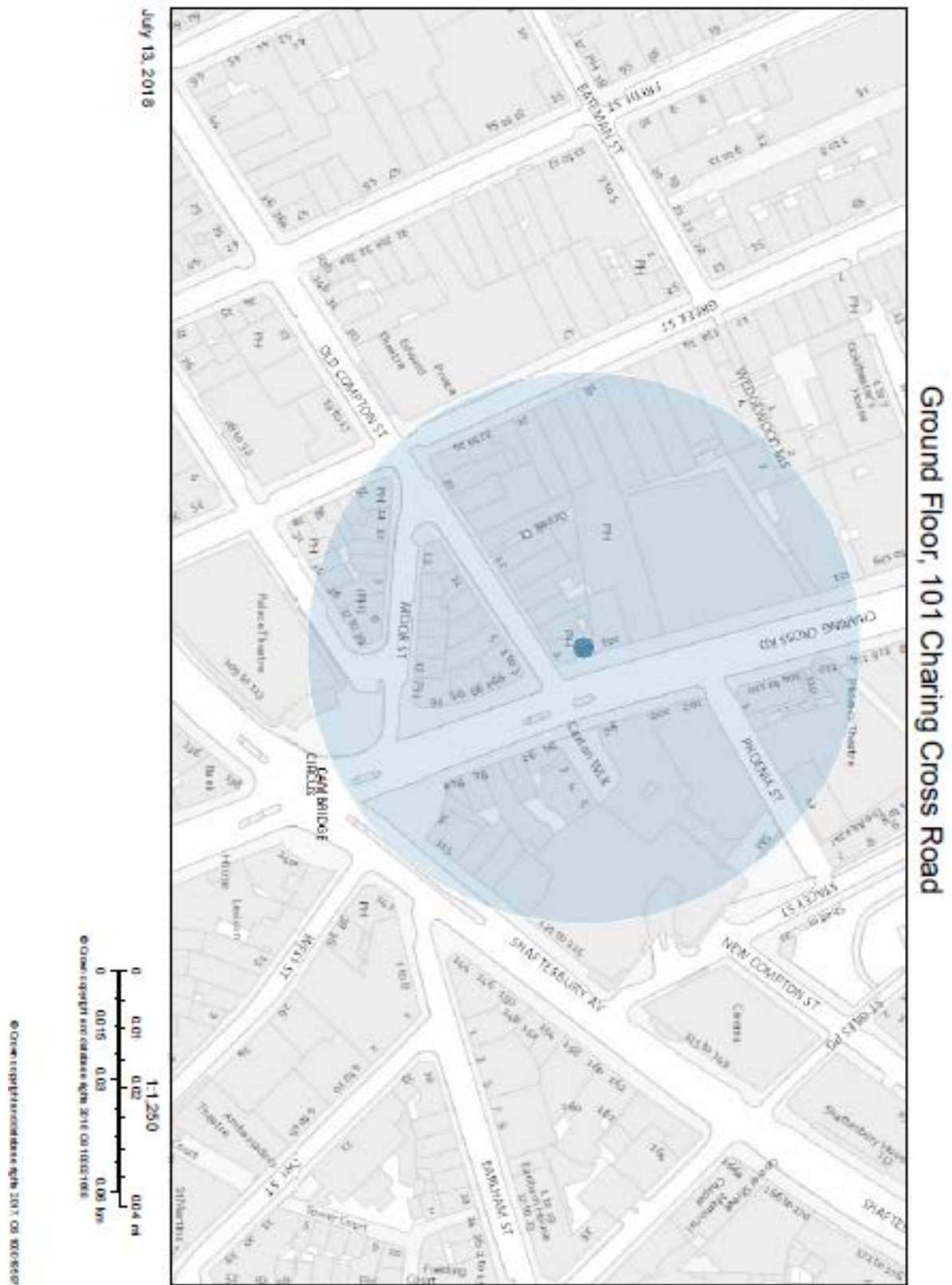
7. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
8. Deliveries to the premises shall only take place between 0700 and 2300 hours.
9. During the hours of operation ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that the aforementioned area shall be swept and or washed,

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

10. All waste is to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
11. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by staff so as to ensure that there is no public nuisance or obstruction to the public highway.
12. The number of seated persons inside the premises (excluding staff) shall not exceed 15 persons.

Conditions proposed by the Police

13. 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. Viewings of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
14. 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
15. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. 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) Any seizures of drugs or offensive weapons
 - f) Any faults in the CCTV system, searching equipment or scanning equipment
 - g) Any visits by a relevant authority or emergency service



Resident count: 49

Premises within 75 metres of Ground Floor, 101 Charing Cross Road

Licence Number	Trading Name	Address	Premises Type	Time Period
17/10767/LIPDPS	Compton Cross	Molly Moggs 2 Old Compton Street London W1D 4TA	Public house or pub restaurant	Friday to Saturday; 09:00 - 01:30 Sunday to Thursday; 09:00 - 00:30
14/07183/LIPDPS	Melanie Restaurant	Basement And Ground Floor 4 - 6 Old Compton Street London W1D 4TB	Restaurant	Monday to Saturday; 10:00 - 01:00 Sunday; 12:00 - 00:00
16/02606/LIPV	NY Fold	103 Charing Cross Road London WC2H 0DT	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
16/05199/LIPDPS	Piccolo Diavolo	Basement To First Floor 8 Old Compton Street London W1D 4TE	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
17/14665/LIPDPS	Temakinho	10 Old Compton Street London W1D 4TF	Restaurant	Monday to Saturday; 10:00 - 23:30 Sunday; 12:00 - 23:00
16/08954/LIPDPS	Swift	Basement And Ground Floor 12 Old Compton Street London W1D 4TQ	Public house or pub restaurant	Monday to Saturday; 09:00 - 00:30 Sunday; 12:00 - 23:00
14/06142/LIPN	Foyles Bookshop	107 Charing Cross Road London WC2H 0DT	Cafe within another property	Monday to Saturday; 09:00 - 23:00 Sunday; 10:00 - 22:30 Sundays before Bank Holidays; 10:00 - 23:00

16/10549/LIPDPS	Bar Termini	7 Old Compton Street London W1D 5JE	Wine bar	Monday to Thursday; 07:00 - 23:30 Friday to Saturday; 07:00 - 01:00 Sunday; 07:00 - 22:30 Sundays before Bank Holidays; 07:00 - 23:30
18/04275/LIPDPS	Shackfuyu	Basement And Ground Floor 14 Old Compton Street London W1D 4TH	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
13/01185/LIPVM	Montagu Pyke	Ground Floor 105 Charing Cross Road London WC2H 0DT	Public house or pub restaurant	Monday to Thursday; 07:00 - 23:30 Friday to Saturday; 07:00 - 00:00 Sunday; 07:00 - 22:50 Sundays before Bank Holidays; 07:00 - 00:00
16/09212/LIPDPS	The Cambridge Hotel	93 Charing Cross Road London WC2H 0DP	Public house or pub restaurant	Monday to Thursday; 07:00 - 23:30 Monday to Saturday; 07:00 - 00:30 Friday to Saturday; 07:00 - 00:00 Sunday; 07:00 - 00:00 Sunday; 07:00 - 22:50 Sundays before Bank Holidays; 07:00 - 00:00
17/04175/LIPDPS	La Bodega Negra	Basement And Ground Floor 16 Moor Street London W1D 5AP	Restaurant	Monday to Sunday; 00:00 - 00:00
14/07071/LIPDPS	Z Hotel	The Z Hotel Soho 17 Moor Street London W1D 5AP	Hotel, 4+ star or major chain	Monday to Sunday; 00:01 - 00:00

14/09011/LIPDPS	Eat Tokyo	16 Old Compton Street London W1D 4TL	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
17/14183/LIPVM	Eds Easy Diner	Basement And Ground Floor 12 Moor Street London W1D 5NG	Restaurant	Monday to Saturday; 09:00 - 00:30 Sunday; 09:00 - 00:00
16/02143/LIPRW	Patty & Bun	Basement And Ground Floor 18 Old Compton Street London W1D 4TN	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
17/13849/LIPT	La Porchetta Pizzeria & Pollo Bar	Basement And Ground Floor 20 Old Compton Street London W1D 4TW	Restaurant	Monday to Saturday; 11:00 - 00:30 Sunday; 11:00 - 00:00
17/14515/LIPDPS	Pizza Express	Basement And Ground Floor 20 Greek Street London W1D 4DU	Restaurant	Monday to Saturday; 10:00 - 01:30 Sunday; 12:00 - 00:00
14/03170/LIPVM	Londis	21 Greek Street London W1D 4DX	Shop	Monday to Sunday; 08:00 - 03:00
12/11305/LIPDPS	The Spice Of Life	37-39 Romilly Street London W1D 5NA	Pub or pub restaurant with lodge	Monday to Saturday; 09:00 - 23:30 Sunday; 09:00 - 23:00
17/12519/LIPV	The Spice Of Life	37-39 Romilly Street London W1D 5NA	Pub or pub restaurant with lodge	Monday to Thursday; 09:00 - 23:30 Friday to Saturday; 09:00 - 00:00 Sunday; 09:00 - 23:00
18/06245/LIPDPS	Bun House	23-24 Greek Street London W1D 4DZ	Restaurant	Monday to Sunday; 09:00 - 03:30

17/07375/LIPN	Zebrano	Basement And Ground Floor 18 Greek Street London W1D 4DS	Night clubs and discos	Monday to Saturday; 09:00 - 03:30 Sunday; 09:00 - 23:00 New Year's Eve; 00:00 - 00:00
14/11103/LIPVM	Zebrano	Basement And Ground Floor 18 Greek Street London W1D 4DS	Public house or pub restaurant	Monday to Saturday; 09:00 - 03:30 Sunday; 09:00 - 23:00
15/11904/LIPT	Restaurant	Basement And Ground Floor 8-9 Moor Street London W1D 5ND	Not Recorded	Monday to Thursday; 08:00 - 00:30 Friday to Saturday; 08:00 - 01:00 Sunday; 08:00 - 23:00
15/06143/LIPDPS	Three Greyhounds Public House	The Three Greyhounds Public House 25 Greek Street London W1D 5DD	Public house or pub restaurant	Monday to Thursday; 07:00 - 00:00 Friday to Saturday; 07:00 - 00:30 Sunday; 07:00 - 23:00 Sundays before Bank Holidays; 07:00 - 00:30
16/12862/LIPCH	Be At One	16-17 Greek Street London W1D 4DR	Night clubs and discos	Monday to Saturday; 09:00 - 06:00 Sunday; 09:00 - 00:00
16/08065/LIPDPS	Patara	Basement And Ground Floor 15 Greek Street London W1D 4DP	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
15/09795/LIPDPS	Restaurant	26 Greek Street London W1D 5DE	Restaurant	Monday to Thursday; 09:00 - 00:00 Friday to Saturday; 09:00 - 00:30 Sunday; 10:00 - 23:00

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City of Westminster

Licensing Sub-Committee Report

Agenda Item 3

Item No:	
Date:	26 July 2018
Licensing Ref No:	18/06383/LIPV - Premises Licence Variation
Title of Report:	Apollo Victoria Theatre 17 Wilton Road London SW1V 1LG
Report of:	Director of Public Protection and Licensing
Wards involved:	Warwick
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Sam Eaton Senior Licensing Officer
Contact details	Telephone: 020 7641 2700 Email: seaton@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	1 June 2018		
Applicant:	Ambassador Theatre Group (Venues) Ltd		
Premises:	Apollo Victoria Theatre		
Premises address:	17 Wilton Road	Ward:	Warwick
	London SW1V 1LG	Cumulative Impact Area:	No
Premises description:	The premises operate as a Theatre.		
Variation description:	<p>1. To remove the following conditions from the premises licence:</p> <ul style="list-style-type: none"> Condition 21 from Annex 2 which states "Any alcohol sold as described will be contained in non breakable vessels." Condition 28 from Annex 3 which states "Alcohol consumed in the auditorium is only to be done so in plastic glasses." <p>2. To amend the condition 37 from Annex 3 as follows: "The consumption of alcohol in the auditorium from glass drinking vessels will be risk assessed"</p>		
Premises licence history:	The premises currently holds a licence (ref: 16/05447/LIPVM) a full licence history can be found in Appendix 4.		
Applicant submissions:	None.		

1-B Current and proposed licensable activities, areas and hours						
Regulated Entertainment						
Boxing or Wrestling, Live Music, Performance of Plays:						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	09:00	00:00	No change		All public areas.	No change
Tuesday						
Wednesday						
Thursday						
Friday						
Saturday						
Sunday						
Seasonal variations:	Current:				Proposed:	
	None.				None.	
Non-standard timings:	Current:				Proposed:	
	On New Year's Eve the premises can remain open for the purpose of				No change	

	providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).	
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Performance of dance, Exhibition of Films, Anything of a similar description to Live Music, Recorded Music or performance of dance:

	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	09:00	00:00	No change		All public areas.	No change
Tuesday						
Wednesday						
Thursday						
Friday						
Saturday						
Sunday	Not licensed on Sunday's					
Seasonal variations:	Current:				Proposed:	
	None				No change	
Non-standard timings:	Current:				Proposed:	
	On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).				No change	

Anything of a similar description to Live Music or Recorded Music:

	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	Not Licensed					
Tuesday						
Wednesday						
Thursday						
Friday						
Saturday						
Sunday	09:00	00:00	No change		All public areas.	No change
Seasonal variations:	Current:				Proposed:	
	None				No change	
Non-standard timings:	Current:				Proposed:	
	On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment				No change	

	from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).					
Recorded Music:						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	Unrestricted		No change		All public areas. No change	
Tuesday						
Wednesday						
Thursday						
Friday						
Saturday						
Sunday						
Seasonal variations:	Current:				Proposed:	
	None				No change	
Non-standard timings:	Current:				Proposed:	
	On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).				No change	

Late night refreshment						
Indoors, outdoors or both			Current :			Proposed:
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00 00:00		No change		All public areas. No change	
Tuesday						
Wednesday						
Thursday						
Friday						
Saturday						
Sunday						
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	None				None	
	Current:				Proposed:	
	The terminal hour for late night refreshment on New Year's Eve is				No change	

	extended to 05:00 on New Year's Day.	
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Sale by Retail of Alcohol						
On or off sales		Current :			Proposed:	
		On and Off the Premises			No change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	23:00	No change		Within the red line shown on the plan.	No change
Tuesday						
Wednesday						
Thursday						
Friday						
Saturday						
Sunday	12:00	22:30				
Seasonal variations/ Non-standard timings:	Current:			Proposed:		
	None.			No change		
	None.			No change		

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	09:00	00:30	No change		Regulated Entertainment and Late Night Refreshment within any public area and Sale of Alcohol within the red line shown on the plan.	No change
Tuesday						
Wednesday						
Thursday						
Friday						
Saturday						
Sunday						
Seasonal variations/ Non-standard timings:	Current:			Proposed:		
	None.			No change		
	None.			No change		

1-D Conditions being varied, added or removed	
Condition	Proposed variation
21. Any alcohol sold as described will be contained in non breakable vessels.	To be deleted
28. Alcohol consumed in the auditorium is only to be done so in plastic glasses	To be deleted
37. Any alcohol sold will be contained in non breakable vessels.	To be varied as follows: The consumption of alcohol in the auditorium from glass drinking vessels will be risk assessed

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Service
Representative:	Anil Drayan
Received:	28 June 2018
<p>I refer to the application to vary the Premises Licence for the above premises.</p> <p>The applicant is seeking the following:</p> <ul style="list-style-type: none"> To remove the following conditions:- <ul style="list-style-type: none"> Annex 2 Condition 21 “Any alcohol sold as described will be contained in non breakable vessels. Annex 3 Conditions 28 “Alcohol consumed in the auditorium is only to be done so in plastic glasses” Condition 37 “Any alcohol sold will be contained in non breakable vessels. <p>And replace with:</p> <p>“The consumption of alcohol in the auditorium from glass drinking vessels will be risk assessed”</p> <p>I wish to make the following representation:</p> <ul style="list-style-type: none"> The proposed variation may lead to undermining of the Public Safety licensing objective <p>The applicant is requested to contact the undersigned to discuss the proposal and to arrange a site visit after which Environmental Health may propose additional conditions to allay its concerns.</p>	
Responsible Authority:	Metropolitan Police Service
Representative:	PC Cheryl Boon
Received:	5 June 2018
<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 at this stage in the process. It is our belief that if granted the application would undermine the Licensing Objectives with regards to the prevention of crime and disorder.</p> <p>There are insufficient details on the operating schedule</p>	

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy HRS1 applies:	(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy. (ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.
Policy PVC1 applies:	Applications will generally be granted and reviews determined, subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1.

4. Equality Implications

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

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

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

5. Appendices

Appendix 1	Premises Licence
Appendix 2	Premises plans
Appendix 3	Applicant supporting documents
Appendix 4	Premises history
Appendix 5	Proposed conditions
Appendix 6	Residential map and list of premises in the vicinity

Report author:	Miss Sam Eaton Senior Licensing Officer
Contact:	Telephone: 020 7641 2700 Email: seaton@westminster.gov.uk

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

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Representation – Environmental Health	28 June 2018
5	Representation – Metropolitan Police Service	5 June 2018

Premises Licence

The current premises licence (16/05447/LIPVM) is enclosed.



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

Premises licence

Regulation 33, 34

Premises licence number:

16/05447/LIPVM

Original Reference:

05/04669/LIPCV

Part 1 – Premises details

Postal address of premises:

Apollo Victoria Theatre
17 Wilton Road
London
SW1V 1LG

Telephone Number: 020 7834 6318

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Boxing or Wrestling
Performance of Dance
Exhibition of a Film
Performance of Live Music
Playing of Recorded Music
Anything of a similar description to Live Music or Recorded Music
Anything of a similar description to Live Music, Recorded Music or Performance of Dance
Performance of a Play
Late Night Refreshment
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit
Sale by Retail of Alcohol

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

Boxing or Wrestling

Monday to Sunday: 09:00 to 00:00

Performance of Dance

Monday to Saturday: 09:00 to 00:00

Exhibition of a Film

Monday to Saturday: 09:00 to 00:00

Performance of Live Music

Monday to Sunday: 09:00 to 00:00

Playing of Recorded Music

Unrestricted

Anything of a similar description to Live Music or Recorded Music

Sunday: 09:00 to 00:00

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

Monday to Saturday: 09:00 to 00:00

Performance of a Play

Monday to Sunday: 09:00 to 00:00

Late Night Refreshment

Monday to Sunday: 23:00 to 00:00

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

Sale by Retail of Alcohol

Monday to Saturday: 10:00 to 23:00

Sunday: 12:00 to 22:30

For times authorised for Christmas, New Year and Good Friday see conditions at Annex 1

The opening hours of the premises:

Monday to Sunday: 09:00 to 00:30

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

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

Part 2

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

Ambassador Theatre Group (Venues) Ltd
2nd Floor
Alexander House
55A- 61A Commercial Way
Woking
Surrey
GU21 6EJ
Business Phone Number : 01483 545 855

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

01444368

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

Name: Ms Aine O'Sullivan

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

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

Licence Number: 14023

Licensing Authority: London Borough Of Tower Hamlets

Date: 21st June 2016

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

Annex 1 – Mandatory conditions

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

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

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

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

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

- 8(ii) For the purposes of the condition set out in paragraph 8(i) above -
 - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$
 Where -
 - (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
 - (i) the holder of the premises licence,

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

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

Conditions relating to Regulated Entertainment

10. This licence is subject to all the former Rules of Management for Places of Public Entertainment licensed by Westminster City Council, in force from 4 September 1998 and incorporating amendments agreed by the Council on 25 October 1999, 30 June 2000, 16 January 2001 and 1 October 2001.
11. Notwithstanding the provisions of Rule of Management No. 6 the premises may be kept open for the purposes of this licence from 11.00pm to midnight every day of the week.
12. On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).
13. The automatic devices in connection with the downward system of ventilation and heating shall be regularly examined and tested by a competent person and the staff of the premises shall be conversant, as part of the fire drill, with the operation of the control.
14. Wheelchairs shall not be admitted to the premises except in accordance with the Council's letter of 1st February 1985, addressed to Apollo Theatre (Victoria) Limited and the number of wheelchairs permitted to remain in the auditorium at any one time shall not exceed five.

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

15. Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

- (a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10.00 to 23.00.
- (b) On Sundays, other than Christmas Day or New Year's Eve, 12.00 noon to 22.30.
- (c) On Good Friday, 12.00 to 22.30.
- (d) On Christmas Day, 12.00 to 15.00 and 17.00 to 22.30.
- (e) On New Year's Eve, except on a Sunday, 10.00 to 23.00.
- (f) On New Year's Eve on a Sunday, 12.00 to 22.30.
- (g) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, 00.00 midnight on 31st December).

NOTE - The above restrictions do not prohibit:

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

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

16. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:

- (a) He is the child of the holder of the premises licence.
- (b) He resides in the premises, but is not employed there.
- (c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
- (d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

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

17. 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.
18. This licence (or certificate) will be subject to any restrictions imposed on the use of the premises by any of the provisions contained in the former Cinematograph (Safety) Regulations 1955 as amended by the Cinematograph (Safety) Regulations 1958, the Cinematograph (Safety) Regulations 1965, the Cinematograph (Safety) (Amendment) Regulations 1976, the Cinematograph (Safety) (Amendment) Regulations 1982 and the Cinematograph (Safety) (Amendment) Regulations 2002.
19. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.

Annex 2 – Conditions consistent with the operating Schedule

20. The sale of alcohol by staff from trays to persons attending a ticketed event within the auditorium areas edged red on plans lodged with the application is limited to 30 minutes before the event commences and during interval(s) of the event.
21. Any alcohol sold as described will be contained in non breakable vessels.
22. Staff will supervise any queues of persons wishing to purchase alcohol sold as described.
23. If a person trying to purchase alcohol sold as described, looks to the member of staff selling the alcohol to be under the age of 21 then suitable photographic ID will be required and if none is available then the sale of alcohol will not proceed.
24. Persons who appear to be drunk will not be sold alcohol as described.
25. Any refusal to sell alcohol as described will be recorded in a refusals book.
26. All staff involved in the sale of alcohol as described will be fully trained in and conversant with the relevant law relating to the sale of alcohol.
27.
 - a) The cattle runs either side of the auditorium in the stalls must be kept clear for the purposes of means of escape and general circulation of persons around the premises.
 - b) The sale of alcohol in the cattle runs either side of the auditorium shall be by staff from trays or back packs to persons attending a ticketed event within the auditorium and is limited to 30 minutes before the event commences and during the interval(s) of the event.

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

28. Alcohol consumed in the auditorium is only to be done so in plastic glasses.
29. In the event of the premises providing boxing or wrestling entertainment, Westminster City Council shall be given 14 days prior notice.
30. The interim measures agreed with the LEFPA and the Environmental Health Consultation Team as detailed in the applicant Operational Statement sent to the Authority on 29.01.07 shall be maintained and operated for the limited period of 3 months from today's date, after which time the kiosk units at the rear of the stalls shall be enclosed to provide 30 minute fire safety protection.
31. There shall be no live refrigeration units within the bars at the rear of the stalls when the public are on the premises.
32. There shall be no storage of spirits other than in optic format in the bars at the rear of the stalls.
33. The provision of the bars and merchandise kiosks in the stalls shall be limited to the duration of the 'Wicked' show.
34. When a customer chooses to pay by credit card, he/she will be presented with an itemised bill upon final payment, showing details of all drinks and food purchased.
35. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
36. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.
37. Any alcohol sold will be contained in non breakable vessels.
38. A proof of age scheme, such as Challenge 21, shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.
39. Persons who appear to be drunk will not be sold alcohol.
40. Any refusal to sell alcohol will be recorded in a refusals book.

Annex 4 – Plans

Attached



Schedule 12
Part B

WARD: Warwick
UPRN: 100023340605

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

**Premises licence
summary**

Regulation 33, 34

Premises licence number:

16/05447/LIPVM

Part 1 – Premises details

Postal address of premises:

Apollo Victoria Theatre
17 Wilton Road
London
SW1V 1LG

Telephone Number: 020 7834 6318

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Boxing or Wrestling
Performance of Dance
Exhibition of a Film
Performance of Live Music
Playing of Recorded Music
Anything of a similar description to Live Music or Recorded Music
Anything of a similar description to Live Music, Recorded Music or Performance of Dance
Performance of a Play
Late Night Refreshment
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit
Sale by Retail of Alcohol

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

Boxing or Wrestling

Monday to Sunday: 09:00 to 00:00

Performance of Dance

Monday to Saturday: 09:00 to 00:00

Exhibition of a Film

Monday to Saturday: 09:00 to 00:00

Performance of Live Music

Monday to Sunday: 09:00 to 00:00

Playing of Recorded Music	Unrestricted
Anything of a similar description to Live Music or Recorded Music	
Sunday:	09:00 to 00:00
Anything of a similar description to Live Music, Recorded Music or Performance of Dance	
Monday to Saturday:	09:00 to 00:00
Performance of a Play	
Monday to Sunday:	09:00 to 00:00
Late Night Refreshment	
Monday to Sunday:	23:00 to 00:00
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit	Unrestricted
Sale by Retail of Alcohol	
Monday to Saturday:	10:00 to 23:00
Sunday:	12:00 to 22:30
<i>For times authorised for Christmas, New Year and Good Friday see conditions at Annex 1</i>	

The opening hours of the premises:	
Monday to Sunday:	09:00 to 00:30

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:	
Alcohol is supplied for consumption both on and off the Premises.	

Name and (registered) address of holder of premises licence:	
Ambassador Theatre Group (Venues) Ltd 2nd Floor Alexander House 55A- 61A Commercial Way Woking Surrey GU21 6EJ	

Registered number of holder, for example company number, charity number (where applicable)	
01444368	

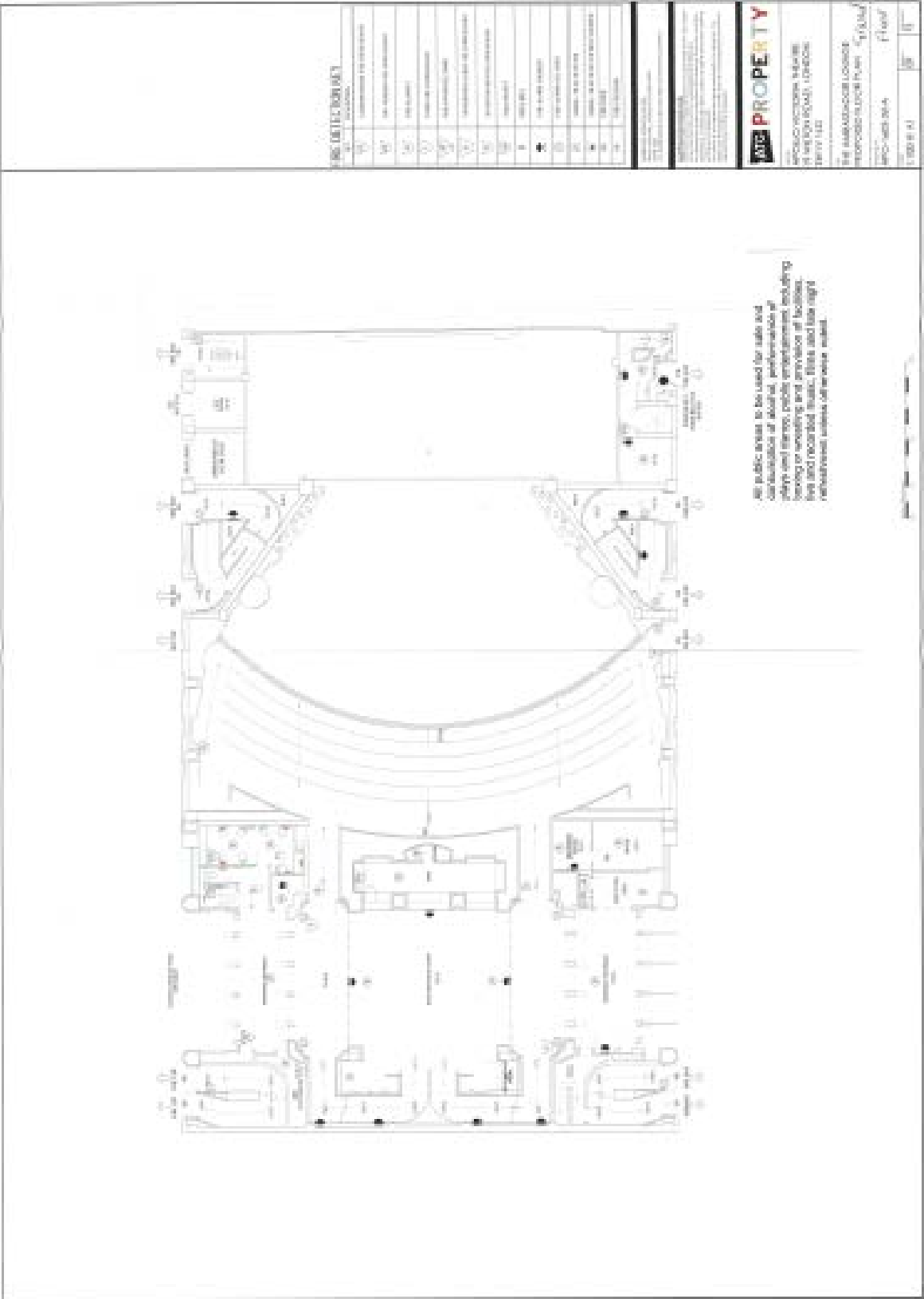
Name of designated premises supervisor where the premises licence authorises for the supply of alcohol:	
Name:	Ms Aine O'Sullivan

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

Restricted

Date: 21st June 2016

**This licence has been authorised by Miss Aisha George on behalf of the Director -
Public Protection and Licensing.**



KEY TO SYMBOLS

1	STAIRS TO UPPER FLOOR
2	STAIRS TO LOWER FLOOR
3	TOILET
4	CLOSET
5	STORAGE
6	MEETING ROOM
7	CONFERENCE ROOM
8	OFFICE
9	RECEPTION
10	COURTNEY
11	STAIRS
12	TOILETS
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492	OFFICE
493	RECEPTION
494	COURTNEY
495	STAIRS

Applicant Supporting Documents

None.

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
05/04669/LIPCV	Conversion Application	28.07.2005	Granted by Licensing Sub Committee
06/08482/WCCMAP	Master Licence	28.03.2007	Granted by Licensing Sub Committee
06/13586/LIPV	Variation Application	08.03.2007	Granted by Licensing Sub Committee
08/06652/LIPDPS	Application to vary the Designated Premises Supervisor	12.08.2008	Granted Under Delegated Authority
08/07672/LIPDPS	Application to vary the Designated Premises Supervisor	04.09.2008	Granted Under Delegated Authority
11/00494/LIPCH	Change of licensee details	04.03.2011	Granted Under Delegated Authority
11/06556/LIPV	Variation Application	02.08.2011	Granted Under Delegated Authority
11/07328/LIPDPS	Application to vary the Designated Premises Supervisor	02.08.2011	Granted Under Delegated Authority
12/01665/LIPVM	Minor Variation Application	24.04.2012	Granted Under Delegated Authority
12/04418/LIPDPS	Application to vary the Designated Premises Supervisor	08.06.2012	Granted Under Delegated Authority
12/07447/LIPV	Variation Application	17.10.2012	Granted Under Delegated Authority
13/09301/LIPDPS	Application to vary the Designated Premises Supervisor	14.01.2014	Granted Under Delegated Authority

14/02015/LIPV	Variation Application	23.04.2014	Granted Under Delegated Authority
16/03528/LIPDPS	Application to vary the Designated Premises Supervisor	25.05.2016	Granted Under Delegated Authority
16/05447/LIPVM	Minor Variation Application	14.06.2016	Granted Under Delegated Authority
18/06383/LIPV	Variation Application		To be determined.

There is no appeal history

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

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

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

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

Conditions: On Current Licence -

Mandatory:

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

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

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

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

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

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

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

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

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

Where -

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

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

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

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

Conditions relating to Regulated Entertainment

10. This licence is subject to all the former Rules of Management for Places of Public Entertainment licensed by Westminster City Council, in force from 4 September 1998 and incorporating amendments agreed by the Council on 25 October 1999, 30 June 2000, 16 January 2001 and 1 October 2001.
11. Notwithstanding the provisions of Rule of Management No. 6 the premises may be kept open for the purposes of this licence from 11.00pm to midnight every day of the week.
12. On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).
13. The automatic devices in connection with the downward system of ventilation and heating shall be regularly examined and tested by a competent person and the staff of the premises shall be conversant, as part of the fire drill, with the operation of the control.
14. Wheelchairs shall not be admitted to the premises except in accordance with the Council's letter of 1st February 1985, addressed to Apollo Theatre (Victoria) Limited and the number of wheelchairs permitted to remain in the auditorium at any one time shall not exceed five.

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

15. Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

- (a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10.00 to 23.00.
- (b) On Sundays, other than Christmas Day or New Year's Eve, 12.00 noon to 22.30.
- (c) On Good Friday, 12.00 to 22.30.
- (d) On Christmas Day, 12.00 to 15.00 and 17.00 to 22.30.
- (e) On New Year's Eve, except on a Sunday, 10.00 to 23.00.
- (f) On New Year's Eve on a Sunday, 12.00 to 22.30.
- (g) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, 00.00 midnight on 31st December).

NOTE - The above restrictions do not prohibit:

- (a) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (c) the sale of alcohol to a trader or registered club for the purposes of the trade or club;

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

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

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

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

17. 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.
18. This licence (or certificate) will be subject to any restrictions imposed on the use of the premises by any of the provisions contained in the former Cinematograph (Safety) Regulations 1955 as amended by the Cinematograph (Safety) Regulations 1958, the Cinematograph (Safety) Regulations 1965, the Cinematograph (Safety) (Amendment) Regulations 1976, the Cinematograph (Safety) (Amendment) Regulations 1982 and the Cinematograph (Safety) (Amendment) Regulations 2002.
19. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.

Annex 2 – Conditions consistent with the operating Schedule

20. The sale of alcohol by staff from trays to persons attending a ticketed event within the auditorium areas edged red on plans lodged with the application is limited to 30 minutes before the event commences and during interval(s) of the event.
21. Any alcohol sold as described will be contained in non breakable vessels.
(To be deleted)
22. Staff will supervise any queues of persons wishing to purchase alcohol sold as described.
23. If a person trying to purchase alcohol sold as described, looks to the member of staff selling the alcohol to be under the age of 21 then suitable photographic ID will be required and if none is available then the sale of alcohol will not proceed.
24. Persons who appear to be drunk will not be sold alcohol as described.
25. Any refusal to sell alcohol as described will be recorded in a refusals book.
26. All staff involved in the sale of alcohol as described will be fully trained in and conversant with the relevant law relating to the sale of alcohol.
27.
 - a) The cattle runs either side of the auditorium in the stalls must be kept clear for the purposes of means of escape and general circulation of persons around the premises.
 - b) The sale of alcohol in the cattle runs either side of the auditorium shall be by staff from trays or back packs to persons attending a ticketed event within the auditorium and is limited to 30 minutes before the event commences and during the interval(s) of the event.

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

28. Alcohol consumed in the auditorium is only to be done so in plastic glasses.
(To be deleted)
29. In the event of the premises providing boxing or wrestling entertainment, Westminster City Council shall be given 14 days prior notice.
30. The interim measures agreed with the LEFPA and the Environmental Health Consultation Team as detailed in the applicant Operational Statement sent to the Authority on 29.01.07 shall be maintained and operated for the limited period of 3 months from today's date, after which time the kiosk units at the rear of the stalls shall be enclosed to provide 30 minute fire safety protection.
31. There shall be no live refrigeration units within the bars at the rear of the stalls when the public are on the premises.
32. There shall be no storage of spirits other than in optic format in the bars at the rear of the stalls.
33. The provision of the bars and merchandise kiosks in the stalls shall be limited to the duration of the 'Wicked' show.

34. When a customer chooses to pay by credit card, he/she will be presented with an itemised bill upon final payment, showing details of all drinks and food purchased.
35. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
36. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.
37. Any alcohol sold will be contained in non breakable vessels.

To be amended to:

The consumption of alcohol in the auditorium from glass drinking vessels will be risk assessed.

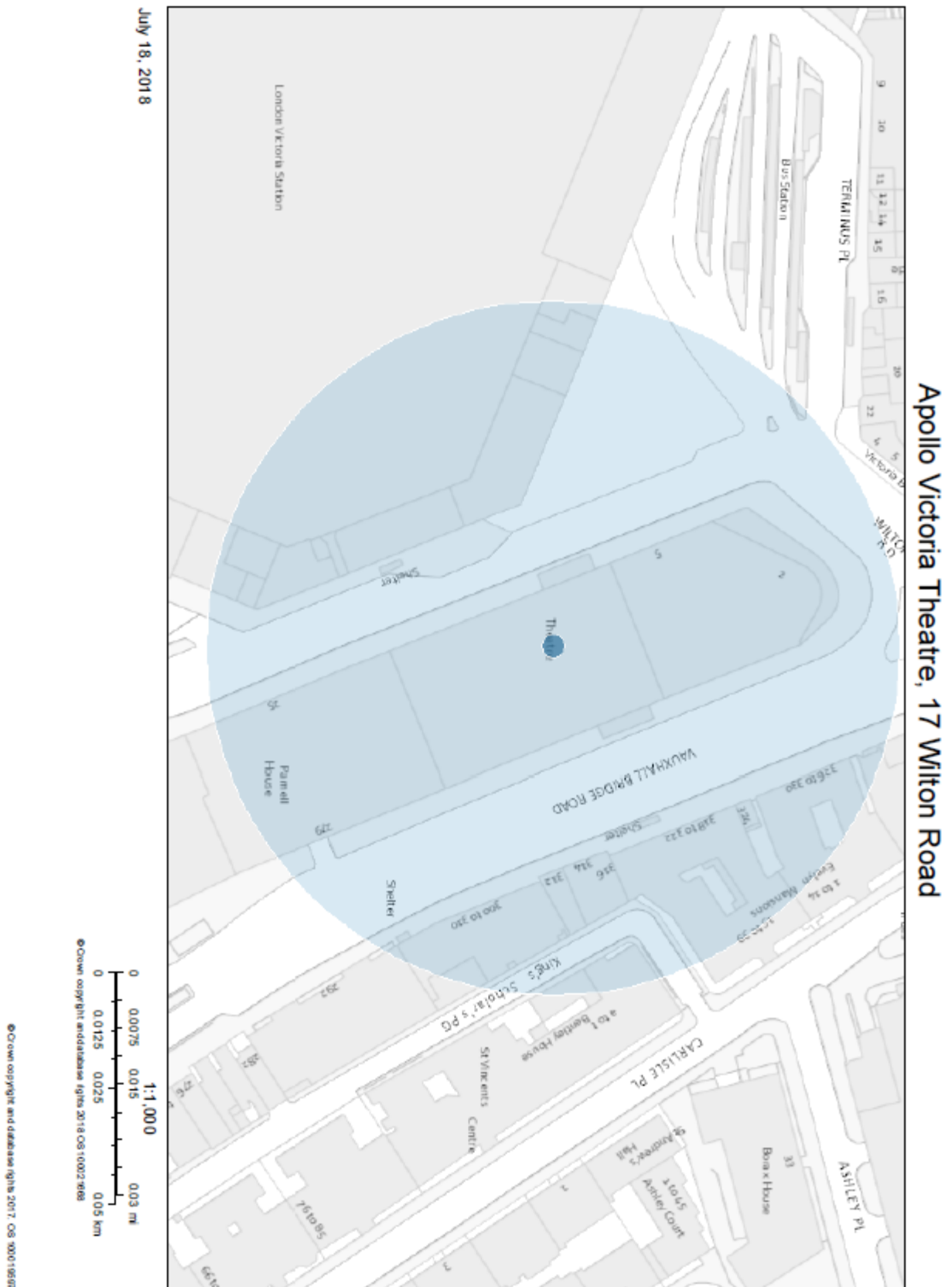
Proposed amendment by Environmental Health:

The consumption of drinks from glass vessels in the auditorium shall only be permitted after a suitable and sufficient Event Management Plan has been drawn up prior to each type of show or event. This must be made available on request to the Responsible Authorities and must contain, at least, information and assessments on the following aspects:

- i. Glass type used*
- ii. Audience and show profile*
- iii. Staffing arrangements*
- iv. Cleaning prior to and after show*
- v. Glass breakage policy*
- vi. Signed off by a member of management*

38. A proof of age scheme, such as Challenge 21, shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.
39. Persons who appear to be drunk will not be sold alcohol.
40. Any refusal to sell alcohol will be recorded in a refusals book.

Residential Map and List of Premises in the Vicinity



Resident Count: 130

Premises within 50 metres of: 17 Wilton Road			
p / n	Name of Premises	Premises Address	Licensed Hours
67711	Apollo Victoria Theatre	17 Wilton Road London SW1V 1LG	Monday to Sunday; 09:00 - 00:30
67729	Wrap City	318 Vauxhall Bridge Road London SW1V 1AA	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00

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