



City of Westminster

# Committee Agenda

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

Meeting Date: **Thursday 2nd August, 2018**

Time: **10.00 am**

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

Members: **Councillors:**

Karen Scarborough  
Louise Hyams  
Rita Begum



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

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



**An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact the Committee Officer, Kisi Smith-Charlemagne, Senior Committee and Governance Officer.**

**Email: [kscharlemagne@westminster.gov.uk](mailto:kscharlemagne@westminster.gov.uk) Tel: 020 7641 2783**

**Corporate Website: [www.westminster.gov.uk](http://www.westminster.gov.uk)**

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

## AGENDA

### PART 1 (IN PUBLIC)

#### 1. MEMBERSHIP

To report any changes to the membership.

#### 2. DECLARATIONS OF INTEREST

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

#### Licensing Applications for Determination

#### 1. LONDON ZOO, OUTER CIRCLE, REGENTS PARK, LONDON, NW1 4RY

(Pages 1 - 56)

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
1.	Regent's Park Ward / not in Cumulative Impact Area	London Zoo, Outer Circle, Regents Park, London, NW1 4RY	Premises Licence Variation	18/05443/LIPV

#### 2. MEGA FOOD, 330 HARROW ROAD, LONDON, W9 2HP

(Pages 57 - 86)

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
2.	Westbourne Ward / not in	Mega Food, 330 Harrow	New Premises Licence	18/06172/LIPN

	Cumulative Impact Area	Road, London, W9 2HP		
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**3. FOXLOW, 8-10 LOWER JAMES STREET, LONDON, W1F 9EL**

**(Pages 87 - 120)**

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
3.	West End Ward / West End Cumulative Impact Area	Foxlow, 8-10 Lower James Street, London, W1F 9EL	Premises Licence Variation	18/06624/LIPV

**4. SOHO THEATRE, BASEMENT AND GROUND FLOOR, 21 DEAN STREET, LONDON, W1D 3NE**

**(Pages 121 - 154)**

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
4.	West End Ward / West End Cumulative Impact Area	Soho Theatre, Basement And Ground Floor, 21 Dean Street, London, W1D 3NE	Premises Licence Variation	18/06728/LIPV

**Stuart Love  
Chief Executive  
27 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.



City of Westminster

# Licensing Sub-Committee Report

Agenda Item 1

Item No:	
Date:	2 August 2018
Licensing Ref No:	18/05443/LIPV - Premises Licence Variation
Title of Report:	London Zoo Outer Circle Regents Park London NW1 4RY
Report of:	Director of Public Protection and Licensing
Wards involved:	Regent's Park
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Mrs Shannon Pring Senior Licensing Officer
Contact details	Telephone: 020 7641 3217 Email: spring3@westminster.gov.uk

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	Variation of a Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	14 May 2018		
<b>Applicant:</b>	Zoo Enterprises Limited		
<b>Premises:</b>	London Zoo		
<b>Premises address:</b>	London Zoo Outer Circle Regents Park London	<b>Ward:</b>	Regent's Park
		<b>Cumulative Impact Area:</b>	No
<b>Premises description:</b>	The premises currently operates as a zoological park within Regent's Park.		
<b>Variation description:</b>	<p>The application seeks to vary condition 43 to remove the restrictions on the number of outside events attended by more than 1000 persons after 6pm.</p> <p>If granted this will remove the current restriction which only allows up to 10 events per calendar year with a maximum capacity of 5000 persons per event.</p>		
<b>Premises licence history:</b>	The premises currently benefits from a premises licence (16/05727/LIPCH). The full details of the premises history can be found at Appendix 3.		
<b>Applicant submissions:</b>	The applicant's submissions can be found at Appendix 2.		

1-B Current and proposed licensable activities, areas and hours						
Regulated Entertainment						
Exhibition of films, Performance of Dance, Performance of Live Music, Playing of Recorded Music, Performance of a Play and Anything if a similar description.						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	08:00	02:00	No change		Whole premises	No change
Tuesday						
Wednesday						
Thursday						
Friday						
Saturday						
Sunday						
<b>Non-standard timings:</b>	<b>Current:</b> New Years Eve From 08:00 to 08:00 on New Years Day.				<b>Proposed:</b> No change	

Late night refreshment						
Indoors, outdoors or both		Current :			Proposed:	
		Both			No change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	02:00	No change		Whole premises	No change
Tuesday						
Wednesday						
Thursday						
Friday						
Saturday						
Sunday						
<b>Non-standard timings:</b>	<b>Current:</b> New Years Eve From 08:00 to 08:00 on New Years Day.				<b>Proposed:</b> No change	

Sale by Retail of Alcohol						
On or off sales		Current :			Proposed:	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	08:00	02:00	No change		Whole premises	No change
Tuesday						
Wednesday						
Thursday						
Friday						
Saturday						
Sunday						
<b>Non-standard timings:</b>	<b>Current:</b> New Years Eve From 08:00 to 08:00 on New Years Day.				<b>Proposed:</b> No change	

Hours premises are open to the public							
		Current Hours		Proposed Hours		Premises Area	
		Start:	End:	Start:	End:	Current:	Proposed:
Monday	07:00	03:00	No change		Whole premises	No change	
Tuesday							
Wednesday							
Thursday							
Friday							
Saturday							
Sunday							
<b>Non-standard timings:</b>	<b>Current:</b> New Years Eve From 08:00 to 08:00 on New Years Day.				<b>Proposed:</b> No change		

<b>1-C</b>	<b>Layout alteration</b>
None	

<b>1-D</b>		<b>Conditions being varied, added or removed</b>
<b>Condition</b>	<b>Proposed variation</b>	
<u>Condition 43:</u> After 18:00 the provision of licensable activity at outside events attended by more than 1000 persons shall be limited to no more than 10 events per calendar year and have a maximum capacity of 5000 persons excluding staff at any one time.	<u>Condition 43:</u> After 18:00 the provision of licensable activity at outside events attended by more than 1000 persons shall be subject to consultation with the licensing authority.	

**2. Representations**

<b>2-A</b>		<b>Responsible Authorities</b>
<b>Responsible Authority:</b>	Environmental Health Service	
<b>Representative:</b>	Mrs Sally Fabbricatore	
<b>Received:</b>	03 July 2018	

I refer to the application for variation of a Premises Licence (16/05727/LIPCH), issued under the Licensing Act 2003.

This representation is based on the Operating Schedule and the current plans.

The applicant is seeking to amend condition 43 from the current wording *'After 18:00 the provision of licensable activity at outside events attended by more than 1000 persons shall be limited to no more than 10 events per calendar year and have a maximum capacity of 5000 persons excluding staff at any one time.'* to *"After 18:00 the provision of licensable activity at outside events attended by more than 1000 persons shall be subject to consultation with the licensing authority"*

**I wish to make the following representations in relation to the above application:**

The amendment to condition 43 may have the likely effect of causing an increase in Public Nuisance in the area and may impact on Public Safety.

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



<b>Responsible Authority:</b>	Metropolitan Police Service
<b>Representative:</b>	PC Reaz Guerra
<b>Received:</b>	05 June 2018

With reference to the above application I am writing to inform you that the Police, as a Responsible Authority, object to your application for the transfer of this Premises Licence as it is our belief that if granted the application would undermine the Crime Prevention and protection of children from harm objectives.

The application seeks to amend condition 43, from the current wording *'After 18:00 the provision of licensable activity at outside events attended by more than 1000 persons shall be limited to no more than 10 events per calendar year and have a maximum capacity of 5000 persons excluding staff at any one time.'* to *"After 18:00 the provision of licensable activity at outside events attended by more than 1000 persons shall be subject to consultation with the licensing authority"*

It is our belief that if granted the application could undermine the Crime Prevention and protection of children from harm licensing objectives.

<b>2-B</b>	<b>Other Persons</b>
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<b>In support or opposed:</b>	Opposed
<b>Received:</b>	02 July 2018

As one of the local councillors for the Camden Town with Primrose Hill ward which abuts the border with Westminster, I am writing to ask for clarification of the proposed change to Clause 43. As this is written in the application it is very confusing as it doesn't state how many other days the applicant is planning to have events. It could be 365 days a year, or when the event's organiser chooses. This oversight is very concerning, and I am asking for clarification as to the actual proposals. In consultation with the licensing authority, is not consultation with the community, who will be on the front line of the noise breakout, and have their sleep disturbed at 3-4am by the time the staff finally leave after the event. Also workers and schoolchildren who have to get up early to start their day will feel the impact, if the events are frequently held.

The health of the animals can also be adversely affected.

<b>In support or opposed:</b>	Opposed
<b>Received:</b>	11 June 2018

There will there be more noise and more traffic in the neighbourhood whose peace and tranquility is more than valuable to all those who live here - I live across the road from the Zoo.

But I also have great concern for the welfare of the animals. Their sense of noise and smell is very different to ours so that loud music , and crowds of people partying and eating food whose smells might be offensive to the animals , are going to disturb the scant peace they have at the moment. They cannot escape to quiet corners away from what they might perceive as a threat . So increasing the number of parties and events throughout the year is inevitably going to add to their distress .

Zoos are inappropriate places for wild animals , but whatever welfare is offered to them should be the priority of the zoo. Increasing the number of nights it become available for parties is increasing the risk to that welfare.

<b>In support or opposed:</b>	Opposed
<b>Received:</b>	06 June 2018
<p>I object to changing the premises licence to one that is potentially open ended. I believe that it is unkind to keep animals in unnatural and cramped conditions. Late night events further disturb and disrupt any daily rhythm that the animals have. They are living beings and should not be treated as a relentless source of entertainment to generate income.</p> <p>I believe the animals should come first. Do not make it possible for there to be more frequent late night events.</p>	
<b>In support or opposed:</b>	Opposed
<b>Received:</b>	02 July 2018
<p>I am writing on behalf of the Freehold Company of Ormonde Terrace, a block of 70 apartments situated at the (bottom) South West corner of Primrose Hill Park. The Freehold Company, having consulted with its Leaseholders, does not have an objection in principle to the requested License variation, but, given Ormonde Terrace's location as one of the nearest apartment blocks to the Zoo, requests that meaningful noise tests are conducted in order to reassure us that no event would take place that would cause any significant noise nuisance.</p> <p>The tests would presumably need to involve the creation of noise levels to be expected from the kind of events that might take place, in the area(s) of the Zoo where the events are likely to take place, with sound levels measured at the bottom of Primrose Hill, including the South West corner, and near Ormonde Terrace itself.</p>	
<b>In support or opposed:</b>	Opposed
<b>Received:</b>	05 July 2018
<p>We act on behalf of Twenty Three Prince Albert Road (Management) Limited, who in turn represent the interests of 12 residential flats on Prince Albert Road, in the immediate vicinity of London Zoo.</p> <p>Our client is aware of the variation application (158/05443/LIPV) in respect of the premises licence for London Zoo. Our client has instructed us to submit this representation objecting to the variation application on their behalf.</p> <p>Our client submits that if their application is granted it would adversely affect the licensing objectives, in particular the prevention of public nuisance, the prevention of crime and disorder, public safety and the protection of children from harm.</p> <p>The application seeks to amend condition 43 on the premises licence relating to "outside events".</p> <p>Existing condition 43 imposes the following restrictions on outside events attended by more than 1,000 persons after 18:00 hours:</p> <ol style="list-style-type: none"> <li>1. No more than 10 events in a calendar year; and</li> <li>2. A maximum capacity of 5,000 persons excluding staff at any one time.</li> </ol> <p>If the application is granted in its current form, then the above restrictions would be removed and the premises would be permitted to hold an unlimited number of outside events attended by more than 5,000 guests.</p>	

The existing operation of the outside events to which condition 43 relates creates a nuisance for my client, the residents of 23 Prince Albert Road. The noise generated by the events, especially the music, is very loud and continues late into the night. The events are clearly audible from all parts of the residential properties, not just those facing the zoo.

Although our client is disturbed by the current operation of events and is aware that condition 21 on the premises licence states that "no noise generated from the provision of licensable activities on the premises... shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance", the existing events are tolerated by our client in the spirit of partnership. Our client's tolerance is tempered by the fact that the events can only happen up to 10 times a year and the capacity is never more than 5,000 people.

Given that our client is already compromising the peaceful enjoyment of their homes as a result of the outside events that currently take place, our client submits that it would be unreasonable for any more events to take place at the premises, or for the capacity of these events to increase.

Our client notes the applicant's proposal within the application to work proactively with the local residents during the planning of events. However the residents are disappointed that no attempt was made to consult with them prior to the submission of this application, especially given the significant alterations proposed.

Furthermore, we wrote to the applicant on behalf of our client on 5th June 2018 inviting the applicant to withdraw their applications and consult with our client on the proposed variations prior to another application being submitted. The applicant responded on 7th June 2018 stating that they would not be withdrawing the application and did not make an attempt to discuss the application further with our client. We subsequently wrote to the applicant on 21st June 2018 and on 29th June 2018 the applicant responded with an invitation to meet with them. A meeting has been scheduled on 12 July 2018. You will find enclosed to this letter a copy of our correspondence to London Zoo and their responses.

Our client did not receive any information leaflet regarding the application referred to in the Zoo's letter of 7th June nor were they made aware of any meeting on 9th May 2018. For the avoidance of doubt, we do not accept that the correspondence from London Zoo in any way mitigates against the adverse impact that this application will have if granted in its current form.

Our client has noted the following additional steps the applicant proposes to take, as detailed in section M of the application:-

- A customer dispersal policy to be put in place to minimise noise disturbance as customers leave the premises.
- The display of notices close to the exit of the venue, requesting customers to leave the premises quickly and quietly.
- Staff and contractors who depart late at night when events have ceased, will be instructed to conduct themselves in such a manner as to avoid causing disturbance to nearby residents.
- Customers will not be allowed to exit the venue with alcohol they have purchased on the premises.

Our client will request copies of the noise management plan and dispersal policy to further understand how the applicant proposes to improve on the current operation of outside events to reduce the negative impact on residents.

In addition to the concerns outlined above our client submits that the proposed amendment to condition 43 would render the condition vague and unenforceable.

If the application is granted in its current form then the premises could potentially operate large scale events until 02:00am seven nights a week by simply "consulting with the Licensing Authority". The proposed condition as drafted does not provide the Licensing Authority with the power to stop an event from taking place where they have concerns following consultation with the Licence Holder. Given the nature and location of the applicant's premises, our client believes it would be unacceptable for the premises to be able to host these events unrestricted.

Furthermore, our client submits that the potential increase in the number of large scale events hotel at the premises would compromise the primary use of the premises as a zoological park and the fact that any licensable activities should be incidental to that use, as required under conditions 12 on the premises licence.

In light of the above, our client submits that if this application is granted it will adversely affect the licensing objectives and therefore, the application should be refused.

As a result of our client not being provided with the relevant documentation referred to in this application nor having had an opportunity to understand how the Responsible Authorities view the application, our client fully reserves their position to raise additional matters at Committee.

Mr C Webb  
Ivy Cottage  
54 Grove Road  
Chertsey  
Surrey  
KT16 9DL

Date: 05 June 2018  
Our ref: CE/RTO/L12284-1  
Doc Ref: 2146447641  
Your ref:  
E-mail: c.eames@popall.co.uk  
Direct line: 0203 859 7750

**By email and post**

Dear Sir,

## **London Zoo – Application to Vary Premises Licence**

We act on behalf of [REDACTED] who in turn represent the interests of 12 residential flats [REDACTED], in the immediate vicinity of London Zoo.

Our client is aware of the variation application (reference number 18/05443/LIPV) in respect of the premises licence for London Zoo.

We have reviewed the application that has been submitted along with the public notice and we note that there are some deficiencies within the application. In particular the notice has the incorrect correspondence address for Westminster City Council and further we consider that the Operating Schedule is ambiguous and provides insufficient information for our client to understand the nature and extent of the application.

On first reading, we note that Condition 43 of the premises licence imposes restrictions on use for outside events attended by more than 1000 persons after 18:00 to:

1. No more than 10 events in a calendar year; and
2. A maximum capacity of 5000 persons excluding staff at any one time.

If the application were to be granted in its current form, then the above restrictions would be removed in totality and the premises would be permitted to hold an unlimited number of outside events attended by more than 5000 guests.

Our client, the residents of [REDACTED] are disappointed that no attempt was made to consult with them prior to the submission of the application given the significant alterations proposed. In light of the lack of pre consultation and our opinion regarding the deficiencies of the application, we would request that you immediately withdraw the

Partners • James R D Anderson Ltd • Nlok Aron Ltd • Graeme Oushion Ltd • Clare Eames Ltd • Andy Grimsey Ltd • Lisa Inzani Ltd  
Lisa Shankay Ltd • Jonathan M Smith Ltd • Associates • Hannah Price • Sarah Taylor  
The Stanley Building, 7 Pancras Square, London N1C 4AG • T 0203 859 7760 • W popall.co.uk  
Principal Office in Nottingham

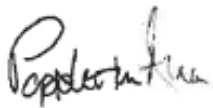
Authorised and Regulated by the Solicitors Regulation Authority (SRA no. 78244)

application with a view to meeting with our client as part of a pre consultation process prior to any further application being submitted.

Our client does suffer from public nuisance disturbances in relation to the events that currently take place at London Zoo and has serious concerns regarding any amendments to the licence. However in the spirit of partnership, our client would be willing to explore how the licence could be amended, albeit it not to the extent proposed, in such a way that would promote the Licensing Objectives and ensure that our client is not adversely impacted.

We would be grateful if you could contact the Solicitor dealing with this matter, Clare Eames on 020 3859 7750 or 07866 436 464 to confirm that you will withdraw your application this week. Once we have received notification from Westminster City Council that the application has been withdrawn, as indicated, we would be willing to arrange a meeting with you. Alternatively, if you are not minded to withdraw the application then we are instructed to submit a representation in relation to the application which would include legal submissions surrounding deficiencies within the application.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Poppleston Allen', written in a cursive style.

Poppleston Allen

By email only to: [c.eames@popall.co.uk](mailto:c.eames@popall.co.uk)

7<sup>th</sup> June 2018

Dear Ms Eames,

**London Zoo – Application to Vary Premises Licence**

Thank you for your letter to my colleague Chris Webb dated 5<sup>th</sup> June 2018 which has been passed to me due to the legal elements within it. I have now had the chance to consider your points and to discuss them with relevant colleagues here.

I can see that your client has a number of concerns with the recent variation application we have submitted. I consider that these can be summarised as follows:

- technical deficiencies in the notice due to incorrect correspondence address for Westminster City Council;
- ambiguities in the Operating Schedule; and
- concern that we would be able to hold an unlimited number of events each year, all of which could potentially have over 5,000 people in attendance.

Before responding to these specific concerns, it may be of assistance to outline the process we have followed in submitting this application. We had 3,000 information leaflets distributed to local residents (including those at [REDACTED]) inviting them to a meeting on 9<sup>th</sup> May to discuss the proposed winter event this year. We understand that front desks in some blocks of flats did not permit direct distribution to letterboxes but instead retained leaflets themselves for onward distribution to residents. We also then followed the Council's usual process for this type of application, including using its standard template notice (available to download from its website).

In terms of the specific concerns you have raised (using the order above for ease of reference):

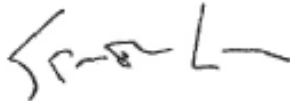
- we used the template notice provided by Westminster City Council. Therefore, if the address in it is incorrect, then this is something that would need to be amended on their template and is not something that we typed in to the application ourselves;
- in the section of the application regarding the Operating Schedule, the form asks us to write in where the effect of the application being granted would be to amend what is in our existing Operating Schedule. In this particular case, it is only condition 43 that we are seeking to amend and, as a result, much of the Operating Schedule has been left blank. Section L states that we are asking for 'clause' 43 to be amended and the wording of the proposed variation is set out at page 2 of the form. Section M then sets out further details of how we propose to consult with the licensing authority for any event for over 1,000 people, to work alongside key stakeholders for the event management plan, and to also work proactively with local residents. It also then details our

proposals to prevent crime and disorder, manage public safety, prevent public nuisance, and protect children from harm; and

- if the amendment is accepted as submitted then we would be required to consult with the licensing authority for any outside event planned to be attended by more than 1,000 people. It is therefore not a blanket permission, either in terms of the overall number of events in any one year or in terms of the number of attendees. We consider that this, along with the proposed mitigations set out at Section M of the application form will prevent any potential abuse by us of the change to condition 43 (if it is granted in its current form).

As a result of the above we are not looking to withdraw our application this week as requested and therefore will leave it to you to discuss with your client whether or not you wish to submit a representation and, if so, on what grounds.

Yours sincerely



**Simon Lee**  
**Head of Legal, Governance, and Risk Management**  
Direct dial: +44 (0)20 7449 6479  
Email: [Simon.Lee@zsl.org](mailto:Simon.Lee@zsl.org)



Mr Simon Lee  
Head of Legal, Governance and Risk Management  
Regent's Park  
London  
NW1 4RY

Date: 21 June 2018  
Our ref: CE/RTO/L12284-1  
Doc Ref: 2148460990  
Your ref:  
E-mail: c.eames@popall.co.uk  
Direct line: 0203 859 7750

Dear Mr Lee

**London Zoo – Application to Vary Premises Licence**

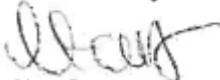
I write further to my letter of 5<sup>th</sup> June 2018 and your response dated 7<sup>th</sup> June 2018 in relation to the above variation application.

In view of Westminster City Council requiring the consultation period to be restarted, I once again request a meeting with you and my clients in order to discuss the variation application.

I have spoken to other parties who have shown interest in the application, including a local Ward Councillor who was not aware of the application, along with other members of the local community.

I look forward to hearing from you.

Yours sincerely



Clare Eames  
**Poppleston Allen**

## David Inzani

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**From:** Simon Lee <Simon.Lee@zsl.org>  
**Sent:** 22 June 2018 09:14  
**To:** Clare Eames  
**Subject:** RE: [EXT]: London Zoo - Application to Vary Premises Licence

Dear Ms Eames,

Thank you for your letter. I have discussed with the relevant colleagues here and they would be happy to meet with you. To this end, I will pass on your contact details to the colleague who has been asked to coordinate the relevant diaries. If you have any queries in the meantime, please let me know.

Yours sincerely

Simon

**Simon Lee**  
**Head of Legal, Governance, and Risk Management**  
Zoological Society of London  
Regent's Park  
London NW1 4RY  
Direct dial: +44 (0)20 7449 6479  
Email: [Simon.Lee@zsl.org](mailto:Simon.Lee@zsl.org)

[www.zsl.org](http://www.zsl.org)

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**From:** Clare Eames [<mailto:C.Eames@popall.co.uk>]  
**Sent:** 21 June 2018 10:33  
**To:** Simon Lee  
**Subject:** [EXT]: London Zoo - Application to Vary Premises Licence  
**Importance:** High

Dear Mr Lee

Please find attached correspondence for your information.

Yours sincerely

Clare

Clare Eames | Partner

**Poppleston Allen**

E: [C.Eames@popall.co.uk](mailto:C.Eames@popall.co.uk) | T: 0203 859 7750 | M: 07868 438 464 | W: [www.popall.co.uk](http://www.popall.co.uk)

London Office: The Stanley Building, 7 Pancras Square, London, N1C 4AG

**David Inzani**

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**From:** Kathryn Allix <Kathryn.Allix@zsl.org>  
**Sent:** 29 June 2018 10:31  
**To:** Clare Eames  
**Subject:** London Zoo - Application to Vary Premises Licence

Good morning Clare,

Further to your email correspondence with Simon Lee I have been asked to arrange a meeting between yourselves and ZSL.

We'll try to be as flexible as possible with regards to dates so would you mind letting me have your availability? Please also let me know who would be attending.

I'm unsure where the meeting is to take place but we can certainly host if you wish to come to the zoo?

I look forward to hearing from you.

Kind regards,  
Kat

**Kathryn Allix**  
Commercial and Communications Administrator &  
PA to the Commercial and Communications Director

Zoological Society of London  
Regent's Park, London NW1 4RY  
Telephone: 020 7449 6363

**ZOOLOGICAL SOCIETY OF LONDON**  
Let's Work for Wildlife  
[www.zsl.org](http://www.zsl.org)  
Registered Charity no 208728



The Zoological Society of London is incorporated by Royal Charter  
Principal Office England. Company Number RC000749  
Registered address:  
Regent's Park, London, England NW1 4RY  
Registered Charity in England and Wales no. 208728

3.

**Policy & Guidance**

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<b>Policy HRS1 applies:</b>	<p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p>
<b>Policy PB1 applies:</b>	Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.
<b>Policy MD1 applies:</b>	Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.
<b>Policy COMB1 applies:</b>	<p>(i) Where a premises proposes to operate as a combined use premises applications will be considered on their merits with regard to each of the relevant policies e.g. Policies CD1, PS1, PN1 CH1 CIP1 and HRS1.</p> <p>(ii) The Licensing Authority will take into account the current and proposed use of the premises when considering what weight is to be given to the relevant uses and policies. It will take into account what is the primary use of the premises, if any, and which licensable activities are proposed outside the core hours (see policy HRS1).</p> <p>(iii) It will consider any premises which include any pub or bar use or provide facilities for fast food and drink or for music and dancing primarily under the policies specific to those uses e.g. PB1&amp;PB2, FFP1 &amp; FFP2, MD1 &amp; MD2.</p>

#### 4. Equality Implications

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

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

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

#### 5. Appendices

<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents
<b>Appendix 3</b>	Existing Premises Licence - 16/05727/LIPCH
<b>Appendix 4</b>	Premises history
<b>Appendix 5</b>	Proposed conditions
<b>Appendix 6</b>	Residential map and list of premises in the vicinity

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

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

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

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
<b>4</b>	Environmental Health Service	03 July 2018
<b>5</b>	Metropolitan Police Service	05 June 2018
<b>6</b>	Cllr Pat Callghan representation	02 July 2018
<b>7</b>	Resident representation 1	11 June 2018
<b>8</b>	Resident representation 2	06 June 2018
<b>9</b>	Resident representation 3	02 July 2018
<b>10</b>	Resident representation 4	05 July 2018



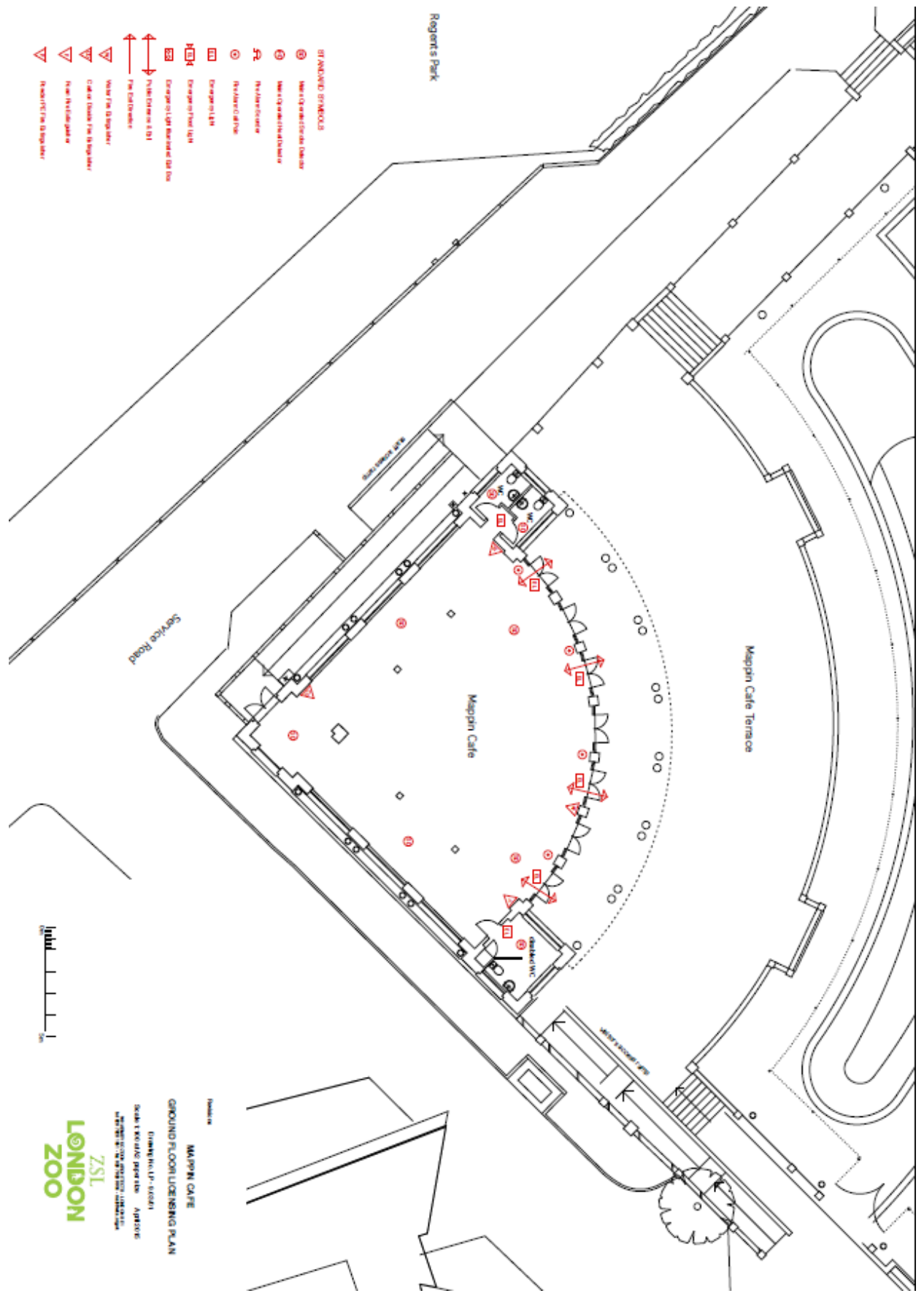








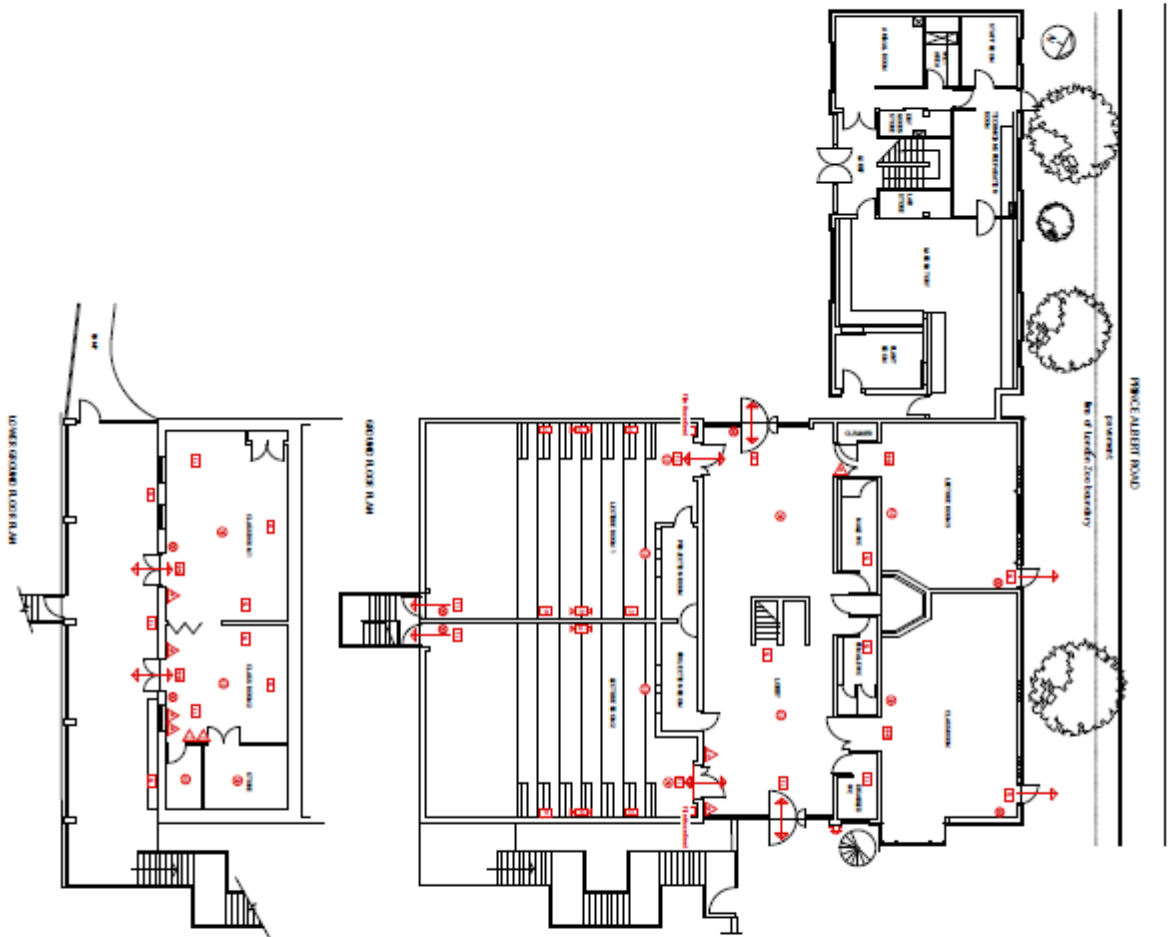




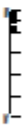








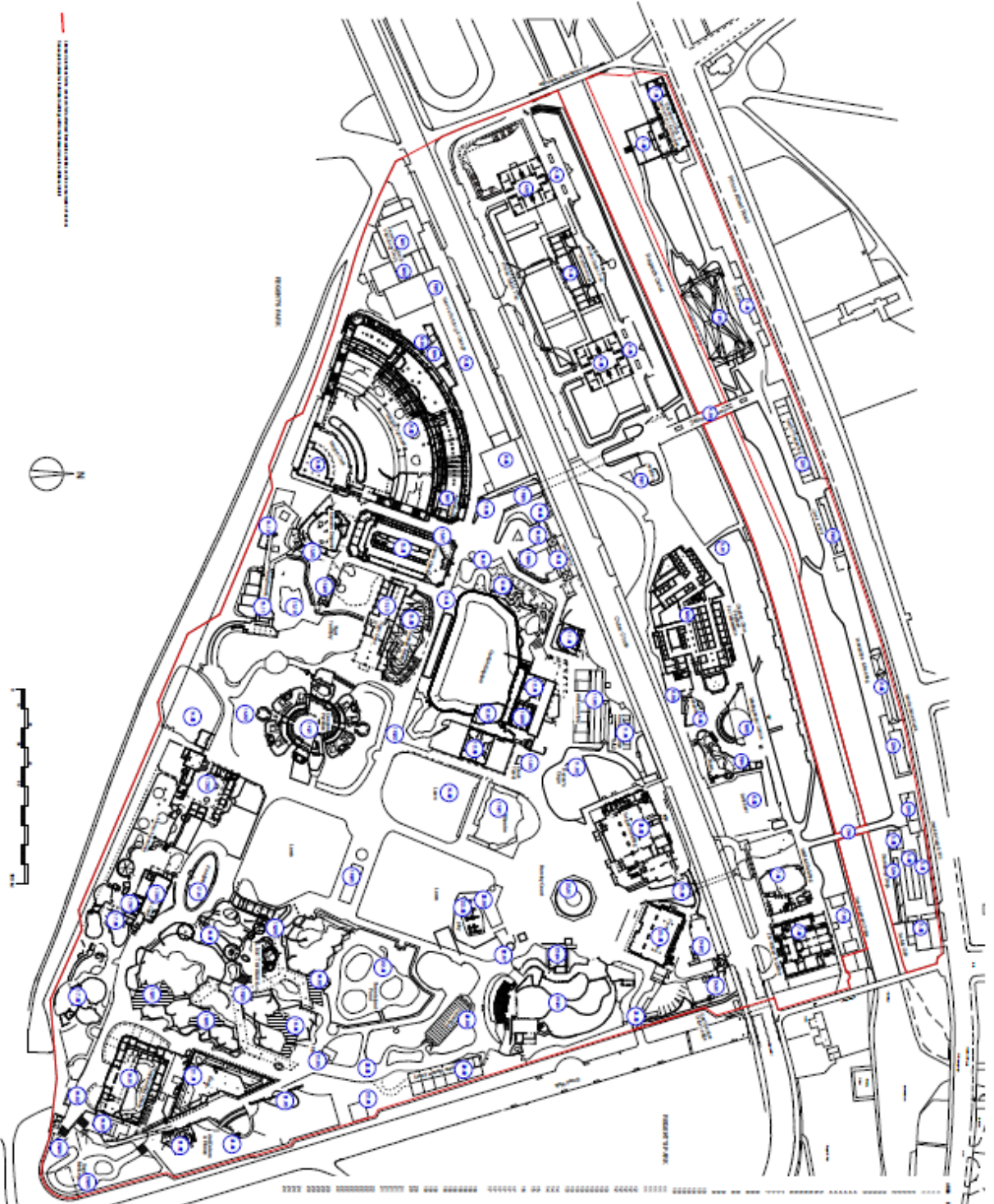
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EDUCATION CENTRE  
LONDON ZOO  
ZSL  
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EDUCATION CENTRE  
LONDON ZOO  
ZSL







— PERIMETER OF THE ZOO



NO.	DESCRIPTION
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2	ENCLOSURE 2
3	ENCLOSURE 3
4	ENCLOSURE 4
5	ENCLOSURE 5
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**ZSL**  
**LONDON ZOO**  
 AN ANIMALS' CARE AND RESEARCH TRUST  
 100, ZOO LANE, LONDON, SE16 5PU  
 TEL: 020 7375 3333 WWW.ZSL.ZOO.CO.UK

LONDON ZOO - LICENCE SITE PLAN  
 DRAWING NO. LSP 101  
 March 2015

The applicant has provided the additional steps that they intend to take to promote the licensing objectives:

**a) General – all four licensing objectives**

- ZSL to work in consultation with the licensing authority in the planning of events for over 1,000 persons.
- ZSL to submit formal proposals to the licencing authority for new events over 1,000 persons.
- ZSL to work alongside key stakeholders such as the Local Licensing Authority, Police, Fire and Royal Parks to develop a comprehensive event management plan demonstrating clear mitigations intended to uphold the four licensing objectives.
- ZSL to work proactively with local residents during the planning of events.

**b) The prevention of crime and disorder**

- Security systems to be put in place, including the hiring of specialist security and stewarding teams to manage visitors at events.
- Comprehensive event management plan and risk assessment to be completed for events by the licence holder.
- Events to be appropriately managed for capacities to prevent overcrowding. The capacity is to be set below the total number that can be safely accommodated on site.
- Search and removal policies to be put in place to minimise the opportunity for drugs and weapons to be brought into the premises.
- Events where there is the sale of alcohol, ZSL shall be socially responsibly and not in any way encourage excessive drinking. Challenge 21 scheme to be put in place at events to prevent underage drinking.

**c) Public Safety**

- Comprehensive event management plan and risk assessment to be completed for events by the licence holder.
- Event management plan and risk assessment to include emergency management and evacuation procedures in the event of fire, bomb threats or suspect packages and animal escapes.
- Adequate first aid provisions to be provided for the scale of event.
- Security and stewarding staff to be fully briefed in providing customers with safe options for travelling home. Information should include access to licensed taxi cabs and the location of taxi ranks and public transport facilities.
- Stewards to assist with helping visitors safely exit the venue and cross the Outer Circle road.

**d) The prevention of public nuisance**

- A noise management policy to be put in place that sets out measures to prevent sound impacts on the zoos living collections as well as overspill from the premises.

- Staff and contractors who depart late at night when events have ceased, will be instructed to conduct themselves in such a manner as to avoid causing disturbance to nearby residents.
- A customer dispersal policy to be put in place to minimise noise disturbance as customers leave the premises.
- Security and stewards to be fully briefed in providing customers with clear directions to public transport.
- The display of notices close to the exit of the venue, requesting customers leave the premises quickly and quietly.
- Customers will not be allowed to exit the venue with alcohol they have purchased on the premises.

**e) The protection of children from harm**

- Children and young adults under the age of 16, only to be admitted onto the premises during events with a responsible adult.
- Challenge 21 scheme to be put in place at event bars to prevent underage drinking.
- ZSL's Safeguarding policy to be adhered to during events.

Current Premises Licence - 16/05727/LIPCH



# City of Westminster

64 Victoria Street, London, SW1E 6QP

## Premises licence

Regulation 33, 34

**Premises licence number:**

16/05727/LIPCH

**Original Reference:**

15/04108/LIPN

### Part 1 – Premises details

**Postal address of premises:**

London Zoo  
Outer Circle  
Regents Park  
London  
NW1 4RY

**Telephone Number:** Not supplied

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

Not applicable

**Licensable activities authorised by the licence:**

Performance of Dance  
Exhibition of a Film  
Performance of Live Music  
Playing of Recorded Music  
Anything of a similar description to Live Music, Recorded Music or Performance of Dance  
Performance of a Play  
Late Night Refreshment  
Sale by Retail of Alcohol

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

**Performance of Dance**

Monday to Sunday: 08:00 to 02:00  
Non-standard Timings: In addition :New Years Eve From 08:00 to 08:00 on New Years Day

**Exhibition of a Film**

Monday to Sunday: 08:00 to 02:00  
Non-standard Timings: In addition :New Years Eve From 08:00 to 08:00 on New Years Day

**Performance of Live Music**

Monday to Sunday: 08:00 to 02:00  
Non-standard Timings: In addition :New Years Eve From 08:00 to 08:00 on New Years Day

**Playing of Recorded Music**

Monday to Sunday: 08:00 to 02:00  
Non-standard Timings: In addition :New Years Eve From 08:00 to 08:00 on New Years Day

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

Monday to Sunday: 08:00 to 02:00  
Non-standard Timings: In addition :New Years Eve From 08:00 to 08:00 on New Years Day

**Performance of a Play**

Monday to Sunday: 08:00 to 02:00  
Non-standard Timings: In addition :New Years Eve From 08:00 to 08:00 on New Years Day

**Late Night Refreshment**

Monday to Sunday: 23:00 to 02:00  
Non-standard Timings: In addition : New Years Eve From 23:00 to 05:00 on New Years Day

**Sale by Retail of Alcohol**

Monday to Saturday: 08:00 to 02:00  
Sunday: 08:00 to 01:00  
Non-standard Timings: In addition :New Years Eve From 08:00 to 08:00 on New Years Day

**The opening hours of the premises:**

Monday to Saturday: 07:00 to 03:00  
Sunday: 07:00 to 02:00

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

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

**Part 2**

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

Zoo Enterprises Limited  
London Zoo  
Outer Circle  
Regents Park  
London  
NW1 4RY  
*Electronic Mail : Chris.webb@zsl.org*  
*Business Phone Number : 07975 233 142*  
*Business Phone Number : +44 020 7449 6375*

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

01178687

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

**Name:** Mr Christopher Webb

***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:** PA107349

**Licensing Authority:** Royal Borough Of Windsor And Maidenhead

**Date:** 6<sup>th</sup> June 2016

**This licence has been authorised by Miss Heidi Lawrance 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.
- (ii) For the purposes of the condition set out in paragraph 8(i) above -
  - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
  - (b) "permitted price" is the price found by applying the formula -
 
$$P = D + (D \times V)$$

Where -

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

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

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

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

10. All staff will be provided with training in relation to the licensing objectives that are commensurate with their duties. This will include the individual's responsibilities, age verification and licensing offences, as appropriate. Details of the training will be recorded in a personnel file or log book and will be refreshed at regular intervals.
11. No licensable activities shall be undertaken on the Outer Circle under the terms of this licence.
12. The primary use of the premises shall be a Zoological Park and any licensable activity shall be incidental to this use.
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. Viewing 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 are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
15. An incident log shall be kept at the premises and made available on request to an authorised officer of the Council or the Police which will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder
  - (d) any incidents of disorder
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults identified in the CCTV system
  - (g) any refusal of the sale of alcohol.
16. After 18.00 hours at least one Personal Licence Holder shall be present during the whole time alcohol is sold.
17. After 18.00 hours all licensable activities shall only be provided to members of the Zoological Society of London or for pre-booked functions only.
18. After 22.00 hours all licensable activities in the outdoor areas shall cease, including the consumption of alcohol, except in the following buildings: Regent Building (1st Floor [Prince Albert], Mezzanine and Roof Terrace, Ground Floor), Mappin Café (Ground Floor) , Nuffield Building (Ground Floor and Mezzanine) and Education Centre (Ground Floor) and their associated terraces.
19. No alcohol purchased on site shall be removed from site, with the exception of alcoholic gifts in a sealed container for consumption off site.
20. There shall be no self-service of alcohol except in the restaurant of the Regent Building.
21. No noise generated from the provision of licensable activities on the premises, or by 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.

22. Licensable activities and the consumption of alcohol are permitted in the outdoor areas and those buildings listed below.
- o Regent Building 1st floor (Prince Albert) - 300
  - o Regent Building Mezzanine and roof terrace - 300
  - o Regent Building ground floor - 500
  - o Mappin Café ground floor - 200
  - o Bugs Building (includes ground and lower ground) - 350
  - o Blackburn Pavilion ground floor - 150
  - o Reptile House ground floor (includes Kiosk) - 300
  - o Aquarium ground floor - 500
  - o Clore Building ground floor - 80
  - o Nuffield Building ground floor and mezzanine - 300
  - o Education Centre ground floor - 200
23. Emergency and primary lighting shall be provided throughout the means of escape routes in the absence of adequate daylight.
24. All parts of the licensed area intended to be used in the absence of adequate daylight and all essential safety signage shall be suitably illuminated.
25. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
26. 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.
27. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
28. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.
29. Any special effects or mechanical installations used for a licensable activity shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used upon 10 days prior written notice being given to the Licensing Authority and clearance by the London Fire and Emergency Planning authority and the Environmental Health Consultation Team, Westminster City Council:
- a. Dry ice and cryogenic fog
  - b. Smoke machines and fog generators
  - c. Pyrotechnics including fireworks
  - d. Firearms
  - e. lasers
  - f. explosives and highly flammable substances
  - g. Real flame
  - h. Strobe lighting.
30. Sufficient staff shall be engaged to ensure that the public can be evacuated from any building being used for a licensable activity in the case of an emergency.
31. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
32. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.

33. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
34. Emergency exits and entrances to the event area must be kept clear at all times and must be provided with clearly visible signage.
35. Flashing or particularly bright lights used in conjunction with a licensable activity on or outside the premises or used in events shall not cause a nuisance to nearby properties (save insofar as they are necessary for the prevention of crime or public safety).
36. The certificates listed below shall be submitted to the Licensing Authority upon written request:
  - a. Any emergency lighting battery or system
  - b. Any electrical installation
  - c. Any emergency warning system
37. All staff engaged in supervising or controlling queues outside the entrance to the licensed premises shall wear high visibility jackets or vest.
38. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
39. Unless the premises are operating under the benefit of a Sexual Entertainment Venue licence there shall be no striptease, no nudity and all persons to be decently attired at all times.
40. Unless otherwise agreed in writing with the Licensing Authority, and except at private or pre-booked events or intended as a gift for another person, the sale of alcohol in glassware shall be limited to the Regent Building and this shall not be taken outside of this building. All alcoholic drinks in all other areas shall be served in vessels or containers of polycarbonate or other shatterproof material.
41. All doors and windows of buildings shall be kept closed after 22.00 hours when used for a licensable activity, except for immediate access and egress.
42. The current Event Management Plan for the premises shall be made available to the Police and an authorised Council Officer on request.
43. After 18:00 the provision of licensable activities at outside events attended by more than 1000 persons shall be limited to no more than 10 events per calendar year and have a maximum capacity of 5000 persons excluding staff at any one time.
44. No licensable activities shall take place at the premises until the current premises licence [13/09950/LIPDPS] has been surrendered.

**Annex 4 – Plans**

Attached



Schedule 12  
Part B

WARD: Regent's Park  
UPRN: 010033539882

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

**Premises licence  
summary**

Regulation 33, 34

**Premises licence number:**

16/05727/LIPCH

**Part 1 – Premises details**

**Postal address of premises:**

London Zoo  
Outer Circle  
Regents Park  
London  
NW1 4RY

**Telephone Number:** Not supplied

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

Not applicable

**Licensable activities authorised by the licence:**

Performance of Dance  
Exhibition of a Film  
Performance of Live Music  
Playing of Recorded Music  
Anything of a similar description to Live Music, Recorded Music or Performance of Dance  
Performance of a Play  
Late Night Refreshment  
Sale by Retail of Alcohol

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

**Performance of Dance**

Monday to Sunday: 08:00 to 02:00  
Non-standard Timings: In addition :New Years Eve From 08:00 to 08:00 on New Years Day

**Exhibition of a Film**

Monday to Sunday: 08:00 to 02:00  
Non-standard Timings: In addition :New Years Eve From 08:00 to 08:00 on New Years Day

**Performance of Live Music**

Monday to Sunday: 08:00 to 02:00  
Non-standard Timings: In addition :New Years Eve From 08:00 to 08:00 on New Years Day



**Playing of Recorded Music**

Monday to Sunday: 08:00 to 02:00  
Non-standard Timings: In addition :New Years Eve From 08:00 to 08:00 on New Years Day

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

Monday to Sunday: 08:00 to 02:00  
Non-standard Timings: In addition :New Years Eve From 08:00 to 08:00 on New Years Day

**Performance of a Play**

Monday to Sunday: 08:00 to 02:00  
Non-standard Timings: In addition :New Years Eve From 08:00 to 08:00 on New Years Day

**Late Night Refreshment**

Monday to Sunday: 23:00 to 02:00  
Non-standard Timings: In addition : New Years Eve From 23:00 to 05:00 on New Years Day

**Sale by Retail of Alcohol**

Monday to Saturday: 08:00 to 02:00  
Sunday: 08:00 to 01:00  
Non-standard Timings: In addition :New Years Eve From 08:00 to 08:00 on New Years Day

**The opening hours of the premises:**

Monday to Saturday: 07:00 to 03:00  
Sunday: 07:00 to 02:00

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

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

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

Zoo Enterprises Limited  
London Zoo  
Outer Circle  
Regents Park  
London  
NW1 4RY

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

01178687

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

**Name:** Mr Christopher Webb

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

Restricted

**Date:** 6<sup>th</sup> June 2016

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

## Appendix 4

### Licence & Appeal History

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
15/04108/LIPN	Application for a new premises licence	05/11/2015	Granted by Licensing Sub-Committee
16/02121/LIPDPS	Application to vary the designated premises supervisor	10/03/2016	Granted under delegated authority
16/04354/LIPVM	Application for a minor variation	24/05/2016	Refused under delegated authority
16/05727/LIPCH	Application to change the premises licence holder details	06/06/2016	Granted under delegated authority
18/05443/LIPV	Current application		

**There is no appeal history**

<b>Application</b>	<b>Duration of event</b>	<b>Date Determined</b>	<b>Decision</b>
16/04741/LITENP	18:00 – 22:00 on 15 July 2016	27/05/2016	Event allowed to proceed
16/04739/LITENP	18:00 – 22:00 on 03 June 2016	20/05/2016	Event allowed to proceed
16/04729/LITENP	18:00 – 22:00 on 08 July 2016	18/05/2016	Event allowed to proceed
16/04717/LITENP	18:00 – 22:00 on 01 July 2016	18/05/2016	Event allowed to proceed
16/04713/LITENP	18:00 – 22:00 on 24 June 2016	18/05/2016	Event allowed to proceed
16/04709/LITENP	18:00 – 22:00 on 17 June 2016	18.05.2016	Event allowed to proceed
16/04702/LITENP	18:00 – 22:00 on 10 June 2016	18.05.2016	Event allowed to proceed
16/03424/LITENN	18:00 – 22:00 on 18 May 2016	19.04.2016	Event allowed to proceed

*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.

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

None

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

10. All staff will be provided with training in relation to the licensing objectives that are commensurate with their duties. This will include the individual's responsibilities, age verification and licensing offences, as appropriate. Details of the training will be recorded in a personnel file or log book and will be refreshed at regular intervals.
11. No licensable activities shall be undertaken on the Outer Circle under the terms of this licence.
12. The primary use of the premises shall be a Zoological Park and any licensable activity shall be incidental to this use.
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. Viewing 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 are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
15. An incident log shall be kept at the premises and made available on request to an authorised officer of the Council or the Police which will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder
  - (d) any incidents of disorder
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults identified in the CCTV system
  - (g) any refusal of the sale of alcohol.
16. After 18.00 hours at least one Personal Licence Holder shall be present during the whole time alcohol is sold.
17. After 18.00 hours all licensable activities shall only be provided to members of the Zoological Society of London or for pre-booked functions only.
18. After 22.00 hours all licensable activities in the outdoor areas shall cease, including the consumption of alcohol, except in the following buildings: Regent Building (1st Floor [Prince Albert], Mezzanine and Roof Terrace, Ground Floor), Mappin Café (Ground Floor) , Nuffield Building (Ground Floor and Mezzanine) and Education Centre (Ground Floor) and their associated terraces.
19. No alcohol purchased on site shall be removed from site, with the exception of alcoholic gifts in a sealed container for consumption off site.
20. There shall be no self-service of alcohol except in the restaurant of the Regent Building.

21. No noise generated from the provision of licensable activities on the premises, or by 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.
22. Licensable activities and the consumption of alcohol are permitted in the outdoor areas and those buildings listed below.
  - o Regent Building 1st floor (Prince Albert) - 300
  - o Regent Building Mezzanine and roof terrace - 300
  - o Regent Building ground floor - 500
  - o Mappin Café ground floor - 200
  - o Bugs Building (includes ground and lower ground) - 350
  - o Blackburn Pavilion ground floor - 150
  - o Reptile House ground floor (includes Kiosk) - 300
  - o Aquarium ground floor - 500
  - o Clore Building ground floor - 80
  - o Nuffield Building ground floor and mezzanine - 300
  - o Education Centre ground floor - 200
23. Emergency and primary lighting shall be provided throughout the means of escape routes in the absence of adequate daylight.
24. All parts of the licensed area intended to be used in the absence of adequate daylight and all essential safety signage shall be suitably illuminated.
25. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
26. 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.
27. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
28. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.
29. Any special effects or mechanical installations used for a licensable activity shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used upon 10 days prior written notice being given to the Licensing Authority and clearance by the London Fire and Emergency Planning authority and the Environmental Health Consultation Team, Westminster City Council:
  - a. Dry ice and cryogenic fog
  - b. Smoke machines and fog generators
  - c. Pyrotechnics including fireworks
  - d. Firearms
  - e. lasers
  - f. explosives and highly flammable substances
  - g. Real flame
  - h. Strobe lighting.



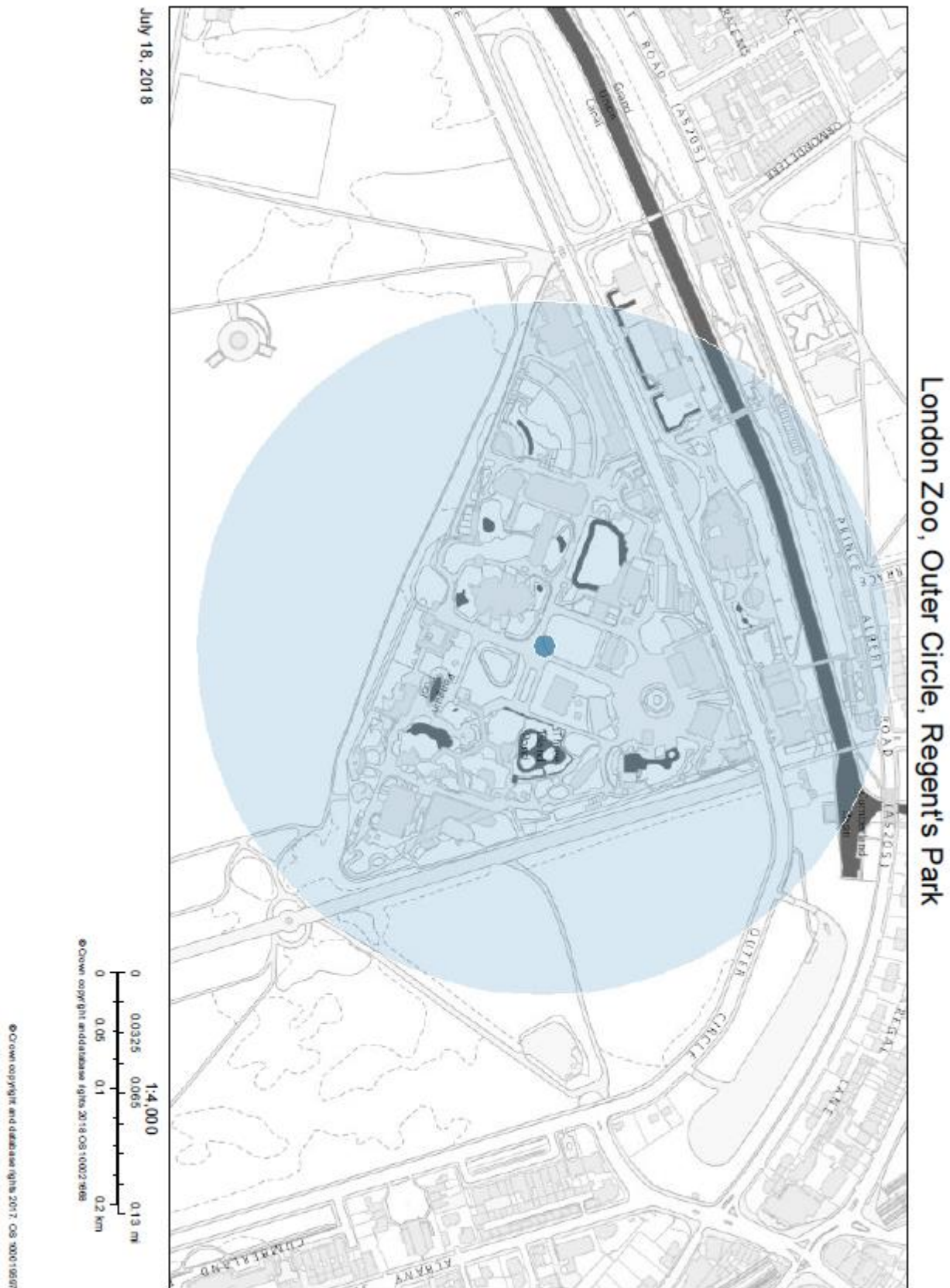
30. Sufficient staff shall be engaged to ensure that the public can be evacuated from any building being used for a licensable activity in the case of an emergency.
31. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
32. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
33. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
34. Emergency exits and entrances to the event area must be kept clear at all times and must be provided with clearly visible signage.
35. Flashing or particularly bright lights used in conjunction with a licensable activity on or outside the premises or used in events shall not cause a nuisance to nearby properties (save insofar as they are necessary for the prevention of crime or public safety).
36. The certificates listed below shall be submitted to the Licensing Authority upon written request:
  - a. Any emergency lighting battery or system
  - b. Any electrical installation
  - c. Any emergency warning system
37. All staff engaged in supervising or controlling queues outside the entrance to the licensed premises shall wear high visibility jackets or vest.
38. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
39. Unless the premises are operating under the benefit of a Sexual Entertainment Venue licence there shall be no striptease, no nudity and all persons to be decently attired at all times.
40. Unless otherwise agreed in writing with the Licensing Authority, and except at private or pre-booked events or intended as a gift for another person, the sale of alcohol in glassware shall be limited to the Regent Building and this shall not be taken outside of this building. All alcoholic drinks in all other areas shall be served in vessels or containers of polycarbonate or other shatterproof material.
41. All doors and windows of buildings shall be kept closed after 22.00 hours when used for a licensable activity, except for immediate access and egress.
42. The current Event Management Plan for the premises shall be made available to the Police and an authorised Council Officer on request.
43. After 18:00 the provision of licensable activities at outside events attended by more than 1000 persons shall be limited to no more than 10 events per calendar year and have a maximum capacity of 5000 persons excluding staff at any one time.

**Applicant's proposed amendment of Condition 43:**

After 18:00 the provision of licensable activity at outside events attended by more than 1000 persons shall be subject to consultation with the licensing authority.

44. No licensable activities shall take place at the premises until the current premises licence [13/09950/LIPDPS] has been surrendered.

***(To be removed)***



Resident count: 1

**Premises within 300 metres of London Zoo, Outer Circle, Regent's Park**

<b>Licence Number</b>	<b>Trading Name</b>	<b>Address</b>	<b>Premises Type</b>	<b>Time Period</b>
17/10887/ LIPDPS	Regents Park	Concession 1 Outer Circle Regents Park London NW1 4RY	Park / Open Space	Monday to Sunday; 05:00 - 22:30

Item No:	
Date:	2 August 2018
Licensing Ref No:	18/06172/LIPN - New Premises Licence
Title of Report:	Mega Food 330 Harrow Road London W9 2HP
Report of:	Director of Public Protection and Licensing
Wards involved:	Westbourne
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: <a href="mailto:seaton@westminster.gov.uk">seaton@westminster.gov.uk</a>

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	25 May 2018		
<b>Applicant:</b>	Mega Foods Ltd		
<b>Premises:</b>	Mega Food		
<b>Premises address:</b>	330 Harrow Road London W9 2HP	<b>Ward:</b>	Westbourne
		<b>Cumulative Impact Area:</b>	None
<b>Premises description:</b>	The application form describes the premises as a Chicken Valley store providing fast food.		
<b>Premises licence history:</b>	<p>The premises has been previously licensed under reference 14/04957/LIPT. A copy of the licence can be found in <b>Appendix 4</b>.</p> <p>The corporate licence holder was dissolved on 12 January 2016. The Licensing Authority was not aware of this and the licence holder continued to pay annual fee's. In May 2018, when the Licensing Authority became aware that the company had been dissolved it notified the company that was operating the premises that the licence had effectively lapsed. That company has now submitted the new application.</p> <p>A full licence history can be found in <b>Appendix 3</b>.</p>		
<b>Applicant submissions:</b>	None.		
<b>Note:</b>	<p>The applicant has amended the application as follows:</p> <ul style="list-style-type: none"> <li>• The terminal hour for Late Night Refreshment on Saturday has been reduced from 01:11 to 01:00.</li> <li>• The opening hours have been amended from 24 hour opening to 11:00 to 01:00 on the following day.</li> <li>• The non-standard timings have been withdrawn.</li> </ul>		

1-B Proposed licensable activities and hours							
<b>Late Night Refreshment:</b>				<b>Indoors, outdoors or both</b>			Indoors
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	23:00	23:00	23:00	23:00	23:00	23:00	23:00
<b>End:</b>	01:00	01:00	01:00	01:00	01:00	01:11	01:00
<b>Seasonal variations/ Non-standard timings:</b>				<p>Religious celebrations such as Christmas Eve, Christmas, Easter, Hanuka, Ramadan, Eid we would like to stay open until 4:00am. <b>(withdrawn)</b></p> <p>UK bank holidays we would like to stay open until 4:00am <b>(withdrawn)</b></p>			

**Application amended as follows:**

<b>Late Night Refreshment:</b>				<b>Indoors, outdoors or both</b>			Indoors
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	23:00	23:00	23:00	23:00	23:00	23:00	23:00
<b>End:</b>	01:00	01:00	01:00	01:00	01:00	01:00	01:00
<b>Seasonal variations/ Non-standard timings:</b>		None.					

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

**Application amended as follows:**

<b>Hours premises are open to the public</b>							
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	11:00	11:00	11:00	11:00	11:00	11:00	11:00
<b>End:</b>	01:00	01:00	01:00	01:00	01:00	01:00	01:00
<b>Seasonal variations/ Non-standard timings:</b>		None.					

**2. Representations**

<b>2-A Responsible Authorities</b>	
<b>Responsible Authority:</b>	Environmental Health Service ( <b>withdrawn</b> )
<b>Representative:</b>	Maxwell Owusu Koduah
<b>Received:</b>	19 June 2018
<p>I refer to the application for a New Premises Licence number for the above premises. I have considered the information that you have provided within and accompanying this application including plan of ground floor by submitted in support of the application. I have also considered the application in line with the relevant policies within the Councils Statement of Licensing Policy dated January 2016.</p> <p><b>The applicant is seeking the following licensable activities:</b></p> <p>1. Provision of late night refreshment “Indoors” at the following times:  Monday to Sunday from 23:00 – 01:00 hours  Bank holiday: 23:00 – 04:00 hours  Religious celebrations – 23:00 to 04:00 hours</p> <p><b>Following consideration of the application and how it may affect the Licensing Objectives and meeting the requirements of the Council’s Statement of Licensing Policy I wish to make the following representations:</b></p> <p>1. The hours requested to provide late night refreshment may have the likely effect of</p>	

increasing Public Nuisance and impact on Public Safety within the area

The plan submitted in support of the application does not provide all the required information. An updated plan(s) that show the extent of the boundary of the building, fixed structures (including furniture) and the basement floor where the public toilet is located will have to be submitted.

The hours requested for non-standard trading hours makes reference to religious celebrations such as: Christmas Eve, Christmas, Easter, Hanuka, Ramadan, Eid. This is too general as religious celebrations are not limited to the few examples mentioned in the application. Therefore further information is required to confirm what is being sought.

The applicant has provided some conditions in support of the application which are being considered but given the presence of residence in the immediate vicinity, these conditions do not fully address the concerns of Environmental Health. Additional conditions may be brought forward for your consideration.

From 23:00 to 01:00 hours, the premises is likely to attract large groups of customers many of whom may have been consuming alcohol in pubs, bars or night clubs sometimes some distance away. This will increase the risk of public nuisance arising from noise and littering. As presented, the application will therefore increase the risk of Public Nuisance and impact on Public Safety within the area.

Should you wish to discuss the matter further please do not hesitate to contact me.

***The applicant responded to the Environmental Health Service on 2 July 2018 as follows:***

I am writing in response to the representation made by a Mr Maxwell Owusu Koduah from the Environmental Health consultation team. For your convenience, I have attached his report with this letter. I feel that it is important for me to respond to his representation in order for our application to be judged in a fair manner. For your convenience, I have highlighted in RED his analysis and continued to write our response below it.

1. **The plan submitted in support of the application does not provide all the required information. An updated plan(s) that show the extent of the boundary of the building, fixed structures (including furniture) and the basement floor where the public toilet is located will have to be submitted.** Please, could you advise me on how I can go about providing an updated plan for your convenience? must it be from an official body or can I create one myself to submit?
2. **The hours requested for non-standard trading hours makes reference to religious celebrations.** We would like to officially withdraw these requested hours as it has complicated our application, we are now simply seeking to keep the premises open from 23:00-01:00 from Monday to Sunday.
3. **The applicant has provided some conditions in support of the application which are being considered but given the presence of residence in the immediate vicinity, these conditions do not fully address the concerns of Environmental Health. Additional conditions may be brought forward for your consideration.** In regards to this statement, We are always willing to cooperate and implement suggestions to further eliminate environmental risks. Thus, please advise us with other measures we ought to take, apart from the ones provided on our application, to ensure environmental Health is



sustained.

4. From 23:00 to 01:00 hours, the premises is likely to attract large groups of customers many of whom may have been consuming alcohol in pubs, bars or nightclubs sometimes some distance away. This will increase the risk of public nuisance arising from noise and littering. As presented, the application will, therefore, increase the risk of Public Nuisance and impact on Public Safety within the area.

In regards to this statement, we acknowledge that licensed premises of all types can potentially cause public nuisance from litter and waste. No doubt uncontrolled litter, waste and street fouling is unsightly and can lead to the cause of offensive odour, may attract rats and insects and cause public health issues as well as tarnish our business reputation. We are also aware and understand that by allowing our premises to remain open from 23:00-01:00 the potential for such anti-social behaviour is much greater. However, we have implemented effective plans to help reduce the risk of Public Nuisance which can have an impact on Public Safety. For example:

- When we serve our customers we ensure there are enough storage facilities for waste to prevent any overspill from containers. We have fully contained and lockable bins which can be thoroughly cleaned and kept away or screened from public areas.
- We constantly reduce packaging to a minimum and recycle bottles, cans and other waste wherever possible. We keep recycling material separate from the non-recyclable material which enables us to our local recycling centre.
- We have previously set up a litter control plan to assess the scale of the litter problem and carry out litter patrols ourselves on a regular basis. We have created a timetable for employees whereby they collect litter around the premises and separate recyclable material from a non-recyclable material. This ensures we are effective and consistent with our litter control plan.
- We encourage customers to dispose of litter responsibly using posters inside premises and on bins.

We are aware that the Noise Act 1996 deals with night-time noise between 2300 hrs - 0700hrs and according to this Act the local authority must appoint an officer who will take reasonable steps to investigate complaints between these hours. However, we would like to remind you that our premises have been granted a license to serve between 23:00-01:00 prior to our new application and it has never had any complaints made against it in regards to antisocial behaviour or noise. When our premises was open from 23:00-01:00 we only had regular customers from around the area visit our shop. This is mainly because the area our premises is located in does not attract people who may potentially be drunk or violent during the hours of 23:00-01:00. We create relationships with our customers and so many of them are well known to us and we have plans set in place for prevention of crime and noise that may cause harm to local residents. Furthermore, we are prepared to hire a security guard to reduce the risk of crime, nuisance and noise if needs be, however, we have never had any problems with our customers and we highly doubt that our services being open until 01:00 will increase the risk of public nuisance, because it was not the case in previous years when we were granted a licence for our premises to stay open until 01:00.

We take pride in our business being one which sustains all appropriate measures to ensure no harm is brought to the environment, our customers, the local residents or anyone else our

services may effect. We are open and willing to comply with any suggestions you may have or make to ensure that our premises do not cause public nuisance which may cause harm to the public safety of our local residents.

I hope this has helped with the judgment of our application and I look forward to hearing from you soon.

***The Licensing Service responded on 2 July 2018 as follows:***

I write in respect of points 1 and 2 in your letter of response to Environmental Health's representation to your application.

In respect of point 1, you do not have to obtain a plan from a professional company, you can create your own plan; however you must ensure that the plan that you provide includes all of the requirements as set out by Mr Koduah.

In regards to point 2, I will update the application to reflect that you are withdrawing the request for seasonal opening times for religious events.

I will also forward your response to Mr Koduah for him to respond to the remaining points.

***The Environmental Health Service have proposed the following conditions:***

1. After 23:00 hours, the number of persons permitted in the premises at any one time (excluding staff) shall not exceed 10 persons
2. Notices shall be prominently displayed at exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
3. 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
4. The external door shall be kept closed after 23:00 hours except for the immediate access and egress of persons
5. No deliveries to the premises shall take place between 23.00 hours and 08.00 hours on the following day
6. All waste is to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
7. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 08.00 hours on the following day
8. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 hours and 08.00 hours on the following day.
9. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business
10. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.

**On 20<sup>th</sup> July 2018 the applicant agreed the conditions proposed by Environmental Health and subsequently the representation was withdrawn.**

<b>Responsible Authority:</b>	Metropolitan Police Service
<b>Representative:</b>	PC Reaz Guerra
<b>Received:</b>	18 June 2018

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 as it is our belief that if granted the application would undermine the Prevention of Crime and Disorder and Protection of children from harm objectives.

The hours sought exceed Westminster's Core Hours Policy.

There is insufficient detail within the operating schedule to promote the Licensing Objectives.

An officer from this unit will be in contact with you shortly to discuss the application. However it is for the applicant to prove that this application will not add to the problems already experienced in this area.

It is for these reasons that we are objecting to the application.

Should you wish to discuss the matter further please contact PC Reaz Guerra on **0207 641 1709** or via email, [rquerra@westminster.gov.uk](mailto:rquerra@westminster.gov.uk).

***The Metropolitan Police Service have proposed the following conditions:***

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
3. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder
  - (d) any incidents of disorder
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system,
  - (g) any visit by a relevant authority or emergency service.
4. No drinks shall be served in glass containers at any time.

<b>2-B Other Persons</b>	
<b>Received:</b>	8 June 2018
Every day and night I can hear outside the window the smell of food and the sounds!	

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<b>Policy HRS1 applies:</b>	<ul style="list-style-type: none"> <li>(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.</li> <li>(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.</li> </ul>
<b>Policy FFP1 applies:</b>	Applications will only be granted if it can be demonstrated that the proposal meets 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.

#### 4. Appendices

<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents
<b>Appendix 3</b>	Premises history
<b>Appendix 4</b>	Lapsed Licence - 14/04957/LIPT
<b>Appendix 5</b>	Proposed conditions
<b>Appendix 6</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Miss Sam Eaton Senior Licensing Officer
<b>Contact:</b>	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.**

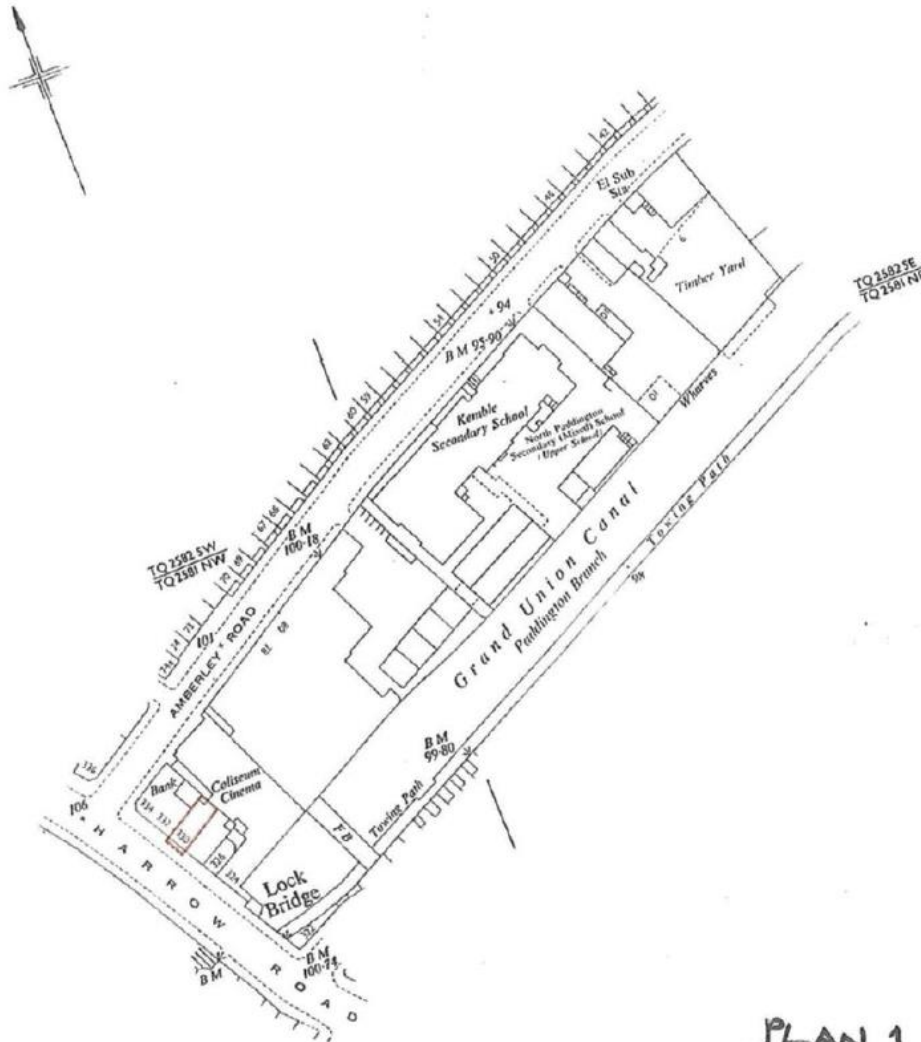
#### **Background Documents – Local Government (Access to Information) Act 1972**

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
<b>4</b>	Representation – Environmental Health Service	19 June 2018
<b>5</b>	Representation – Metropolitan Police Service	18 June 2018
<b>6</b>	Representation	8 June 2018

Premises Plans

<b>H.M. LAND REGISTRY</b>		TITLE NUMBER		
		260605		
ORDNANCE SURVEY PLAN REFERENCE	COUNTY	SHEET	NATIONAL GRID	SECTION
	GREATER LONDON		TQ 2582	Z
Scale: 1/1250		© Crown copyright 1970. Old Reference LN VI 48 L		

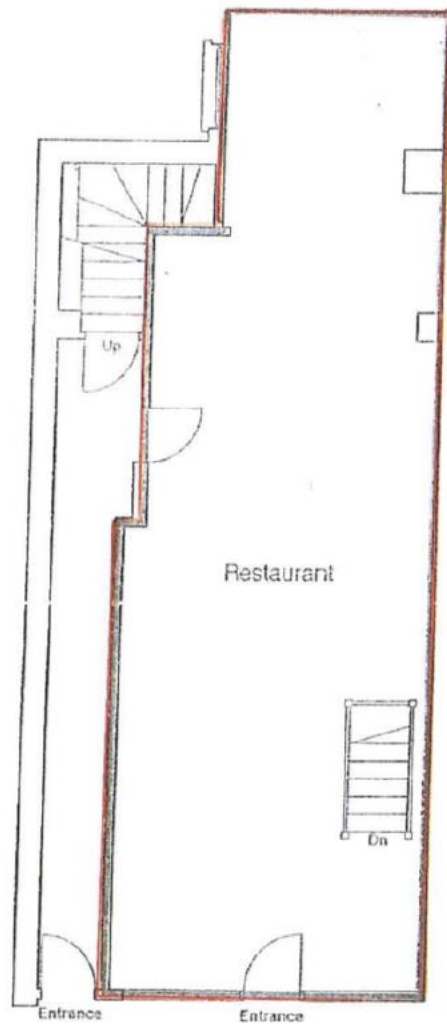
CITY OF WESTMINSTER



PLAN 1



330 Harrow Road



PLAN 2

330 Harrow Road	
London W9	
Ground Floor Plan	
Scale 1:100	Date 15/02/2001
Drawn by M. J. H. 0112/01/00 030	

Applicant Supporting Documents

None.



## Premises History

The premises were previously licensed under reference 14/04957/LIPT.

<b>Application</b>	<b>Details of Application</b>	<b>Decision</b>	<b>Date Determined</b>
10/01826/LIPN	New Premises Licence	13.05.2010	Granted under Delegated Authority
14/04957/LIPT	Transfer of Premises Licence	16.07.2014 to R&G London Limited	Granted under Delegated Authority

The corporate licence holder was dissolved on 12 January 2016. The Licensing Authority was not aware of this and the licence holder continued to pay annual fee's. In May 2018, when the Licensing Authority became aware that the company had been dissolved it notified the company that was operating the premises that the licence had effectively lapsed. That company has now submitted the new application.

Lapsed Premises Licence – 14/04957/LIPT.



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

**Premises licence**

Regulation 33, 34

<b>Premises licence number:</b>	14/04957/LIPT
<b>Original Reference:</b>	10/01826/LIPN

**Part 1 – Premises details**

**Postal address of premises:**

Chicken Valley  
330 Harrow Road  
London  
W9 2HP

**Telephone Number:** Not Supplied

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

Not applicable

**Licensable activities authorised by the licence:**

Late Night Refreshment

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

**Late Night Refreshment**

Monday to Saturday:	23:00 to 01:00
Sunday:	23:00 to 00:00

**The opening hours of the premises:**

Monday to Saturday:	09:00 to 01:00
Sunday:	09:00 to 00:00

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

Not Applicable

**Part 2**

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

R & G London Limited  
330 Harrow Road  
London  
W9 2HP  
*Electronic Mail : sunny.manocha@ymail.com*  
*Telephone Number : 02072895571*

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

09011618

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

Not Applicable

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

Not Applicable

**Date:** 16<sup>th</sup> July 2014

**Signed:** pp  
Operational Director - Premises Management

**Annex 1 – Mandatory conditions**

None

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

1. The maximum number of persons seated inside the premises at any one time shall be 10 (excluding staff).
2. The venue shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the venue is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
3. Notices shall be prominently displayed at exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
4. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
5. All entrance doors to be kept closed except for immediate access and egress of persons after 23:00 hours.
6. No deliveries of stock are to be received between 23:00 hours and 08:00 hours.
7. No rubbish including bottles will be moved, removed or placed in outside areas between 23:00 hours and 08:00hours.
8. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, is swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
9. The highway and public spaces in the vicinity of the premises are kept free of litter from the premises at all material times to the satisfaction of the Council.
10. All waste is to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

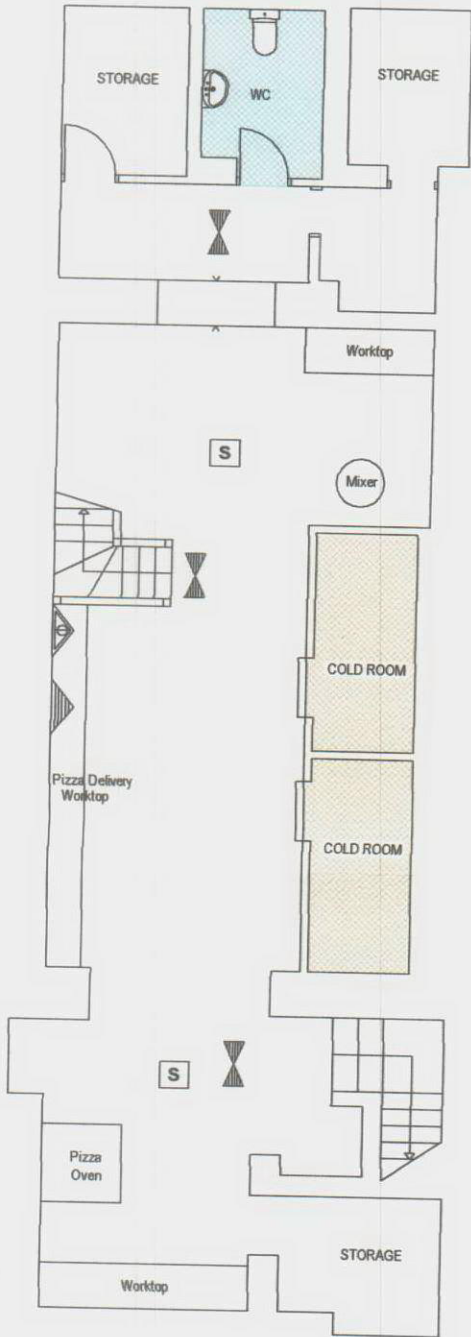
**Annex 3 – Conditions attached after a hearing by the licensing authority**

None

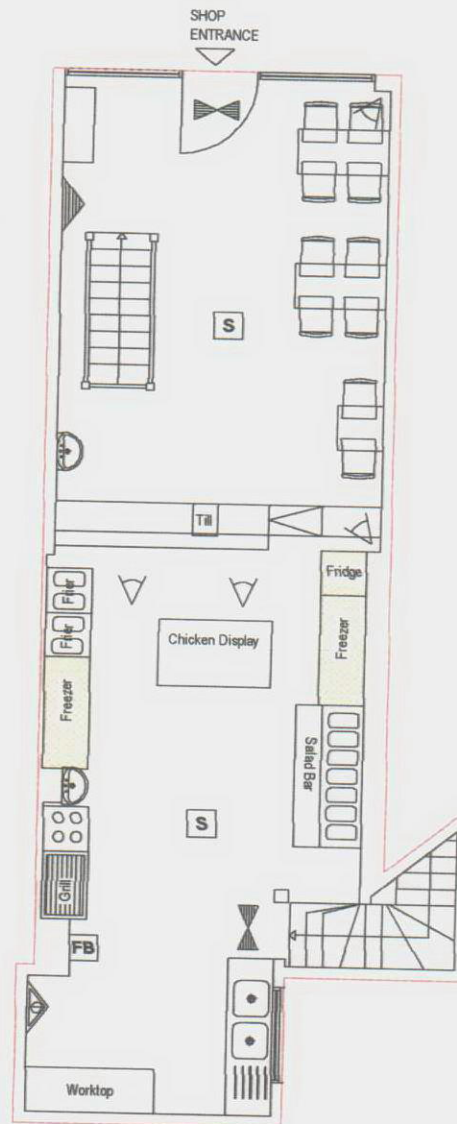
**Annex 4 – Plans**

Attached





BASEMENT



GROUND FLOOR PLAN

**LEGEND**

- COLD ROOM
- WC AREA
- FRIDGES
- AMBIT OF LICENSED PREMISES
- SAFETY LIGHTS
- SMOKE DETECTOR
- CCTV
- POWDER FIRE EXTINGUISHER
- FOAM FIRE EXTINGUISHER
- FIRE BLANKET

CHICKEN VALLEY

330 HARROW ROAD W9 2HF

**PROPOSED GROUND FLOOR**

SCALE : 1/100@A4

DATE : 10/03/10

REF. NO : E100310

ACT 2003  
90 Green Lanes LONDON  
N16 9EJ



Schedule 12  
Part B

WARD: Westbourne  
UPRN: 100023513165

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

**Premises licence  
summary**

Regulation 33, 34

**Premises licence number:**

14/04957/LIPT

**Part 1 – Premises details**

**Postal address of premises:**

Chicken Valley  
330 Harrow Road  
London  
W9 2HP

**Telephone Number:** Not Supplied

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

Not applicable

**Licensable activities authorised by the licence:**

Late Night Refreshment

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

**Late Night Refreshment**

Monday to Saturday: 23:00 to 01:00

Sunday: 23:00 to 00:00

**The opening hours of the premises:**

Monday to Saturday: 09:00 to 01:00

Sunday: 09:00 to 00:00

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

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

R & G London Limited  
330 Harrow Road  
London  
W9 2HP

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

09011618

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

Not Supplied

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

Restricted

**Date:** 16<sup>th</sup> July 2014

**Signed:** pp  
Operational Director - Premises Management

## 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

None.

### Conditions consistent with the operating schedule

1. Roller metal exterior window shutter will be maintained to ensure that shop front is safe and secure at all times.
2. CCTV System installed to monitor entrances, exits, and other parts of the premises.

#### ***Alternate conditions proposed by the Metropolitan Police Service:***

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

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

3. A clear and legible notice outside the premises indicating the normal hours under the terms of the premises licence during which licensee activities are permitted.
4. Clear and conspicuous notices warning of potential criminal activity, such as theft, that may target customers will be displayed

5. The premises licence holder will ensure that staff are well trained in asking customers to use premises in an orderly and respectful manner and prevent drinking
6. The premises licence holder will ensure that internal and external lighting will be fixed to promote the public safety objective.
7. The premises licence holder will ensure that all staff are well trained to adherence to environmental health requirements.
8. A log book or recording system shall be kept upon the premises in which shall be entered particulars of inspections made; those required to be made by statute, and information compiled to comply with any public safety condition attached to the premises licence that requires the recording of such information. The log book shall be kept available for inspection when required by persons authorised by the Licensing Act 2003 or associated legislation.
9. All parts of the premises and all fittings and apparatus therein, door fastenings and notices, lighting, heating, electrical, air condition, sanitary accommodation and other installations, will be maintained at all times in good order and in a safe condition.
10. Noise reduction measures to address the public nuisance objective. Prominent, clear and legible notices will be displayed at the exit requesting the public to respect the needs of nearby residents and to leave the premises and the area quietly.

***Alternate condition proposed by the Environmental Health Service:***

*Notices shall be prominently displayed at exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.*

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

***Alternate condition proposed by the Environmental Health Service:***

*No deliveries to the premises shall take place between 23.00 hours and 08.00 hours on the following day.*

12. Customers will be asked not to stand around loudly talking in the street outside the premises.
13. Customers will not be admitted to premises above opening hours.
14. The movement of bins and rubbish outside the premises will be kept to a minimum after 11.00pm.

***Alternate condition proposed by the Environmental Health Service:***

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

15. All the details provided in Training Record Book available the retail unit. Log Book will be kept upon the premises all the time.
16. The premises licence holder will ensure that when they serve customers they will ensure there are enough storage facilities for waste to prevent any overspill from containers. The premises licence holder will further ensure that they have fully contained and

lockable bins which can be thoroughly cleaned and kept away or screened from public areas.

17. We constantly reduce packaging to a minimum and recycle bottles, cans and other waste wherever possible. We keep recycling material separate from the non-recyclable material which enables us to our local recycling centre.
18. We have previously set up a litter control plan to assess the scale of the litter problem and carry out litter patrols ourselves on a regular basis. We have created a timetable for employees whereby they collect litter around the premises and separate recyclable material from a non-recyclable material. This ensures we are effective and consistent with our litter control plan.

***Alternate condition proposed by the Environmental Health Service and agreed with the applicant:***

*During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.*

19. We encourage customers to dispose of litter responsibly using posters inside premises and on bins.

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

20. After 23:00 hours, the number of persons permitted in the premises at any one time (excluding staff) shall not exceed 10 persons.
21. 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.
22. The external door shall be kept closed after 23:00 hours except for the immediate access and egress of persons.
23. All waste is to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
24. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 hours and 08.00 hours on the following day.
25. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.

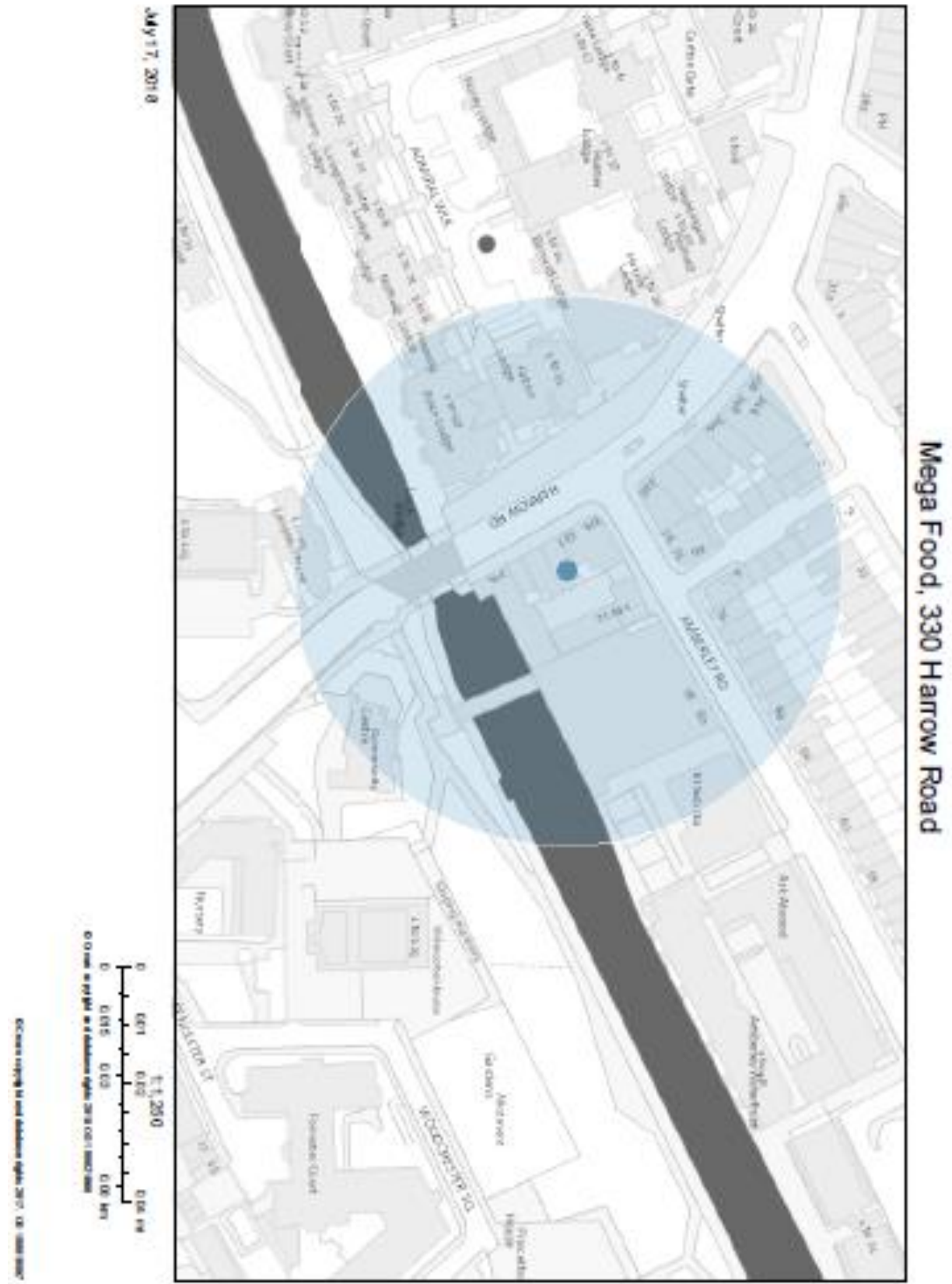
**Conditions proposed by the Police**

26. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
  - (a) all crimes reported to the venue

- (b) all ejections of patrons
- (c) any complaints received concerning crime and disorder
- (d) any incidents of disorder
- (e) all seizures of drugs or offensive weapons
- (f) any faults in the CCTV system,
- (g) any visit by a relevant authority or emergency service.

4. No drinks shall be served in glass containers at any time.

Residential Map and List of Premises in the Vicinity



Resident count: 65



<b>Premises within 50 metres of: Mega Food, 330 Harrow Road</b>			
<b>Ref</b>	<b>Name of Premises</b>	<b>Premises Address</b>	<b>Licensed Hours</b>
10/02152/LIPT	Blue Ginger	Basement And Ground Floor 328 Harrow Road London W9 2HP	Monday to Sunday; 17:00 - 23:45
14/05016/LIPDPS	London Food And Wine	Ground Floor 336 Harrow Road London W9 2HP	Monday to Sunday; 06:00 - 01:00
17/04735/LIPDPS	The Gourmet Oriental	Basement And Ground Floor 338 Harrow Road London W9 2HP	Monday to Saturday; 12:00 - 00:00 Sunday; 12:30 - 23:30
07/00852/WCCMAP	West 9 Food & Stores	Basement And Ground Floor 350 Harrow Road London W9 2HP	Monday to Saturday; 08:00 - 23:00 Sunday; 10:00 - 22:30

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City of Westminster

# Licensing Sub-Committee Report

## Agenda Item 3

Item No:	
Date:	2 August 2018
Licensing Ref No:	18/06624/LIPV - Premises Licence Variation
Title of Report:	Foxlow 8-10 Lower James Street London W1F 9EL
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Mrs Shannon Pring Senior Licensing Officer
Contact details	Telephone: 020 7641 3217 Email: spring3@westminster.gov.uk

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	Variation of a Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	6 June 2018		
<b>Applicant:</b>	Foxlow Restaurants Limited		
<b>Premises:</b>	Foxlow		
<b>Premises address:</b>	8-10 Lower James Street London W1F 9EL	<b>Ward:</b>	West End
		<b>Cumulative Impact Area:</b>	West End
<b>Premises description:</b>	The premises has operated as a restaurant since 2016.		
<b>Variation description:</b>	<p>The variation seeks to:</p> <ol style="list-style-type: none"> <li>1. Permit the sale of alcohol for consumption off the premises to allow for alcohol to be supplied with meals ordered for delivery.</li> <li>2. Amend condition 21 to permit 12 people to consumer alcohol without a table meal in the bar area until 9pm.</li> <li>3. Add a number of conditions to support the above variation.</li> </ol> <p>No other changes to the permitted hours, activities or conditions are sought or implied.</p>		
<b>Premises licence history:</b>	The premises currently benefits from a premises licence (17/02305/LIPV). The full premises licence history can be found at Appendix 4.		
<b>Applicant submissions:</b>	There are no submissions from the Applicant.		
<b>Current planning permission:</b>	The premises current benefits from planning permission (15/05861/FULL). The planning permits Erection of a single storey roof extension at fifth floor level and fourth floor extensions for office use (B1) and the use of part of the basement and ground floors as a restaurant (A3); installation of a high level extract duct at the rear of the property and a new shopfront.		

1-B Current and proposed licensable activities, areas and hours							
Late night refreshment							
Indoors, outdoors or both			Current :		Proposed:		
			Indoors		No change		
	Current Hours		Proposed Hours		Licensable Area		
	Start:	End:	Start:	End:	Current:	Proposed:	
Monday	23:00	23:30	No change		Ground floor		No change
Tuesday							
Wednesday							
Thursday							
Friday	23:00	00:30					
Saturday							
Sunday	N/A	N/A					
Seasonal variations:	Current:				Proposed:		
	The premises may remain open for the sale of alcohol and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.				No change		

Sale by Retail of Alcohol							
On or off sales			Current :		Proposed:		
			On sales		Both		
	Current Hours		Proposed Hours		Licensable Area		
	Start:	End:	Start:	End:	Current:	Proposed:	
Monday	08:00	23:30	No change		Ground Floor		No change
Tuesday							
Wednesday							
Thursday							
Friday	08:00	00:30					
Saturday							
Sunday	10:00	22:30					
Seasonal variations:	Current:				Proposed:		
	The premises may remain open for the sale of alcohol and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.				No change		

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
<b>Monday</b>	08:00	23:30	No change	Ground Floor	No change	
<b>Tuesday</b>						
<b>Wednesday</b>						
<b>Thursday</b>						
<b>Friday</b>	08:00	00:30				
<b>Saturday</b>						
<b>Sunday</b>	10:00	22:30				
<b>Seasonal variations:</b>	<b>Current:</b> The premises may remain open for the sale of alcohol and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.				<b>Proposed:</b> No change	

1-C Layout alteration
None

1-D1 Conditions being varied	
Condition	Proposed variation
<p><u>Condition 21 currently reads:</u></p> <p>The premises shall only operate as a restaurant:</p> <p>a) in which customers are shown to their table,</p> <p>b) where the supply of alcohol is by waiter or waitress service only,</p> <p>c) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,</p> <p>d) which do not provide any take away service of food or drink for immediate consumption,</p> <p>e) which do not provide any take away service of food or drink after 23.00, and</p> <p>f) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.</p> <p>Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.</p>	<p><u>Condition 21 be amended to read:</u></p> <p>Save for the area hatched black on the plan the premises shall only operate as a restaurant:</p> <p>a) in which customers are shown to their table,</p> <p>b) where the supply of alcohol is by waiter or waitress service only,</p> <p>c) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,</p> <p>d) which do not provide any take away service of food or drink for immediate consumption,</p> <p>e) which do not provide any take away service of food or drink after 23.00, and</p> <p>f) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.</p> <p>Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.</p>

<b>1-D2 Conditions being added</b>
<b>Condition</b>
Sales of alcohol for consumption off the premises shall: (a) only be supplied ancillary to food; (b) only be supplied by courier service; and (c) only be in sealed containers.
Sales of alcohol for consumption off the premises shall cease at 11pm.
In the area hatched black on the plan a maximum of 12 customers may consume alcohol until 9pm.

## 2. Representations

<b>2-A Responsible Authorities</b>	
<b>Responsible Authority:</b>	Licensing Authority
<b>Representative:</b>	Ms Daisy Gadd
<b>Received:</b>	22 June 2018
<p>I write in relation to the application submitted for a variation of the premises licence for Foxlow, situated at 8-10 Lower James Street.</p> <p>As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2003 the Licensing Authority has considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the Licensing Objectives:</p> <ul style="list-style-type: none"> <li>• Public Nuisance</li> <li>• Prevention of Crime &amp; Disorder</li> <li>• Public Safety</li> <li>• Protection of Children from Harm</li> </ul> <p>The application seeks the following variations:</p> <ul style="list-style-type: none"> <li>• To permit the sale of alcohol off the premises to allow for alcohol to be supplied with meals ordered for delivery. The following conditions have been proposed by the applicant: <ul style="list-style-type: none"> <li>○ Sales of alcohol for consumption off the premises shall: <ul style="list-style-type: none"> <li>a) Only be supplied ancillary to food;</li> <li>b) Only be supplied by courier service; and</li> <li>c) Only be in sealed containers.</li> </ul> </li> <li>○ Sales of alcohol for consumption off the premises shall cease at 11pm.</li> </ul> </li> <li>• To permit a small number of people to be able to consume alcohol without a meal in the bar area hatched black on the plan. The following conditions have been proposed: <ul style="list-style-type: none"> <li>○ Save for the area hatched black on the plan the premises shall only operate as a restaurant: <ul style="list-style-type: none"> <li>a) In which customers are shown to their table,</li> <li>b) Where the supply of alcohol is by waiter or waitress service only,</li> <li>c) Which provide food in the form of substantial table meals that are prepared on</li> </ul> </li> </ul> </li> </ul>	

the premises and are served and consumed at the table using non-disposable crockery,

- d) Which do not provide any take away service of food or drink for immediate consumption,
- e) Which do not provide any take away service of food or drink after 23:00, and
- f) Where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

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

- o In the area hatched black on the plan a maximum of 12 customers may consume alcohol until 9pm.

The premises is within the West End Cumulative Impact Area and as such a number of policy points must be considered, namely CIP1, PB2, RNT2 and PN1.

Firstly, the Licensing Authority believes that there is insufficient information contained within the application that sets out how the licensee will reduce the impact of public nuisance from the contracted delivery drivers. The Licensing Authority requires the following additional information to fully consider the likely impact on the Licensing Objectives:

- a) What controls will the licensee have in place to ensure that public nuisance is not created via the delivery service? The licensee should consider the potential public nuisance caused by the gathering of delivery drivers outside the premises, littering and vehicle noise.
- b) How will the licensee control delivery drivers employed by a third party under the delivery contract if they are found to be causing public nuisance?
- c) What measures will the licensee provide to mitigate any risk of increase public nuisance to residents in the area?

The Licensing Authority is concerned that adding the delivery element to the operation of the premises is likely to cause public nuisance in the local area and will subsequently add to cumulative impact in the cumulative impact areas. The Licensing Authority looks forward to receiving the information requested above.

Secondly, the Licensing Authority has concerns to the aspect of the application that seeks to permit 12 customers to consume alcohol in the area hatched black on the plan until 9pm without restriction. At present, the premises must operate in accordance with the Council's model condition 66 which relates to the entire licensable area of the premises. The Licensing Authority are concerned that removing the ancillary nature to which the supply of alcohol is permitted in the area hatched black on the plan may lead to increased vertical drinking which the licence does not currently permit. Furthermore, paragraph 2.5.3 of the Council's Statement of Licensing Policy 2016 states that "The council is particularly concerned that restaurant premises in the cumulative impact areas do not, even in part, come to operate as bars and particularly not as "vertical drinking" premises where customers consume alcohol standing throughout the evening".

Further discussion will be held with the applicants prior to the hearing and any further submissions will be forwarded on for Members information.

Please accept this as a formal representation.



<b>Responsible Authority:</b>	Environmental Health Service
<b>Representative:</b>	Mr Maxwell Owusu Koduah
<b>Received:</b>	27 June 2018

I refer to the application for the variation of the Premises Licence for the above mentioned premises. These premises are located within the West End Cumulative Impact area. I have considered the information that you have provided within and accompanying this application. I have also considered the proposed variation in line with the relevant policies within the Councils Statement of Licensing Policy dated January 2016.

**The licensee is seeking to vary their licence to:**

**1. Permit the sale of alcohol for consumption off the premises subject to two conditions:**

- a. That sales of alcohol for consumption off the premises shall:
  - Only be supplied ancillary to food;
  - Only be supplied by courier service; and
  - Only be in sealed containers.
- b. Sales of alcohol for consumption off the premises shall cease at 11pm.

**2. Amend condition 21 of premises licence 17/02305/LIPV so that it reads:**

“Save for the area hatched black on the plan the premises shall only operate as a restaurant:

- a) in which customers are shown to their table
- b) where the supply of alcohol is by waiter or waitress service only
- c) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery
- d) which do not provide any take away service of food or drink for immediate consumption
- e) which do not provide any take away service of food or drink after 23.00, and f) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.
- f) Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.”

**3. To permit up to 12 persons to consume alcohol without a table meal until 9pm in the area hatched black**

**Following consideration of the application and how it may affect the Licensing Objectives and meeting the requirements of the Council’s Statement of Licensing Policy I wish to make the following representations:**

1. To permit off sale of alcohol via courier service may have the likely effect of increasing Public Nuisance and impact on Public Safety within the West End Cumulative Impact area
2. To relax the restaurant condition by amending condition 12 may have the likely effect of increasing Public Nuisance and impact on Public Safety within the West End Cumulative Impact area
3. To permit 12 persons to consume alcohol without a table meal may have the likely effect of increasing Public Nuisance and impact Public Safety within the West End Cumulative Impact area.

As applied, the application raises the following concerns:

1. The arrival, departure and congregation of delivery drivers may create public nuisance that may affect those living near the premises.
2. Congestion of the pavement and/or the roadway arising from delivery services may impede reasonable access and therefore create a Public nuisance and impact on public safety within the immediate vicinity.
3. The licensee has not provided any information and how it will ensure that the operation of delivery from the premises will be controlled to prevent any impact on the licensing objectives
4. There is a need for further information on how the age verification will be undertaken to ensure that those who have ordered alcohol are over 18.

The applicant has provided additional conditions in support of the application. These are being considered but they do not fully address the concerns of Environmental Health. Additional conditions may be proposed.

It is my view that there is insufficient information to address the concerns that I have raised above within and accompanying this application. As such if further information is not forthcoming, the granting of this variation as presented would have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the West End Cumulative Impact area.

Please be advised that condition 23 of premises licence re. 17/02305/LIPV is a works condition that is yet to be removed and therefore the premises licence being varied is not yet in force. Please take the necessary steps to have the works condition removed.

On 24th July 2018 the Environmental Health Service proposed the following condition:

1. In the area hatched black on the plan the premises, the supply of alcohol shall be by waiter/waitress service and to seated customers only.

The Environmental Health Service also supplied the committee decision from 2<sup>nd</sup> June 2018 to support their comments. This can be found in Appendix

## 2-B Other Persons

<b>Status:</b>	Neutral
<b>Received:</b>	26 June 2018

Thanks to contact from the solicitors to residents before posting this Application and listening to resident response, concerns have been resolved.

Residents like this way of working.

### 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 CIP1 applies:	(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.  (ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.
Policy RNT2 applies:	Applications will be granted subject to other policies in this Statement and subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas.
Policy PB2 applies:	It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas other than applications to vary hours within the Core Hours under Policy HRS1.

### 4. Equality Implications

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

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

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

#### 4. Appendices

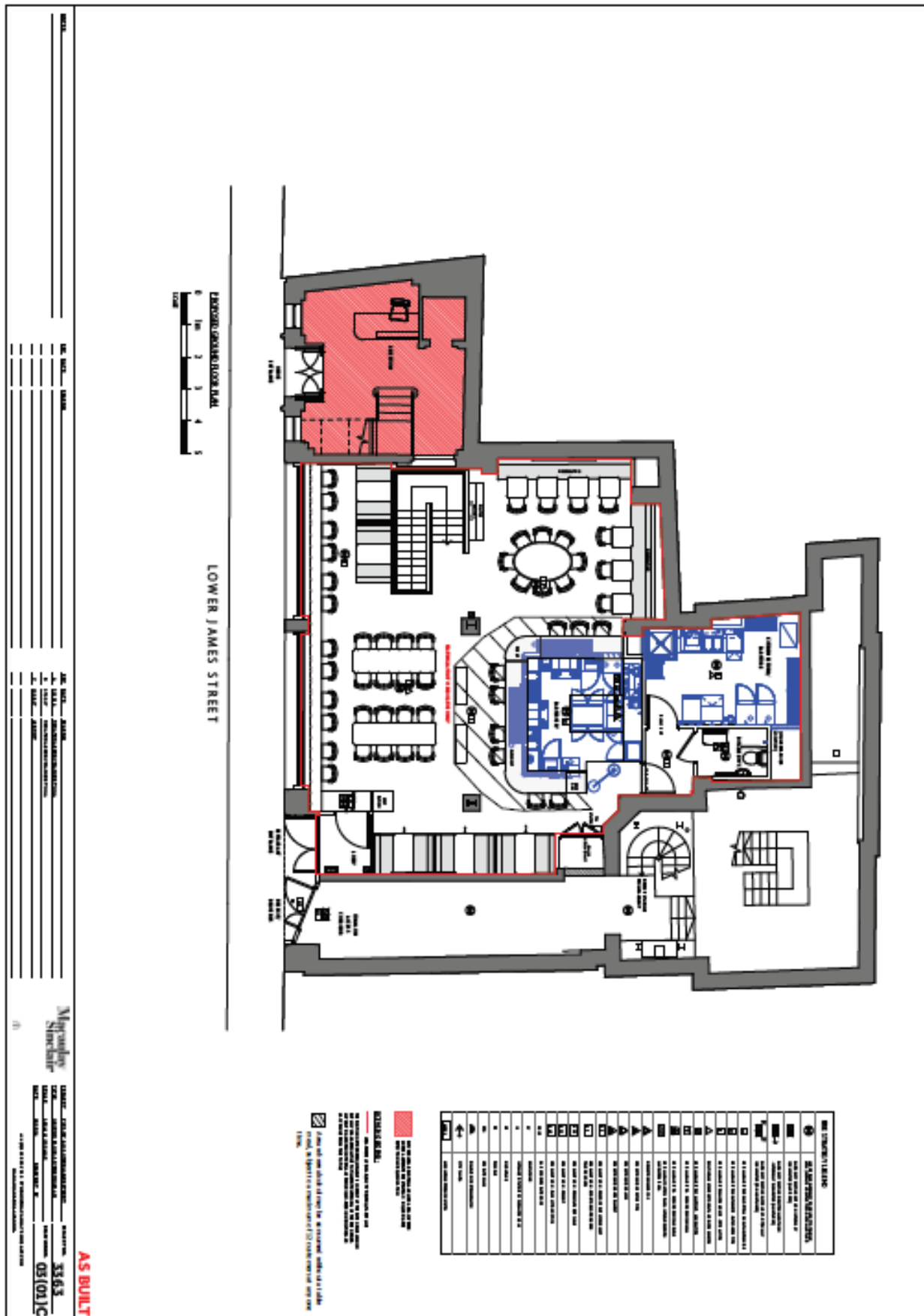
<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents
<b>Appendix 3</b>	Committee decision from 2 <sup>nd</sup> June 2016
<b>Appendix 4</b>	Premises history
<b>Appendix 5</b>	Proposed conditions
<b>Appendix 6</b>	Residential map and list of premises in the vicinity

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

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

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

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
<b>4</b>	Licensing Authority	22 June 2018
<b>5</b>	Environmental Health Service	27 June 2018
<b>6</b>	Resident – Neutral representation	26 June 2018



There are no submissions from the applicant.

Licensing Sub Committee decision dated 6 June 2016

- 16/03177/LIPN

**LICENSING SUB-COMMITTEE No. 5**

*Thursday 2nd June 2016*

Membership: Councillor Angela Harvey (Chairman), Councillor Peter Freeman and Councillor Aziz Toki

Legal Adviser: Barry Panto  
Policy Adviser: Chris Wroe  
Committee Officer: Jonathan Deacon  
Presenting Officer: Ola Owojori

Relevant Representations: Environmental Health, 2 Ward Councillors, 1 Residents' Association and 7 x local residents.

Present: Mr Thomas O'Maoileoin (Solicitor, representing the Applicant), Mr Richard Cowell (Applicant Company), Ms Sally Thomas (Environmental Health), Mr Richard Brown ((Solicitor, Citizens Advice Bureau Licensing Advice Project – representing Mrs Liz Callingham) and Mrs Liz Callingham (local resident, on behalf of Upper John Street and Beak Street residents)

<b>Foxlow, 8-10 Lower James Street, W1 16/03177/LIPN</b>	
<b>1.</b>	<b>Late Night Refreshment (Indoor)</b>
	Monday to Thursday: 23:00 to 23:30 Friday to Saturday: 23:00 to 00:00
	Amendments to application advised at hearing:  None.
	Decision (including reasons if different from those set out in report):  The Sub-Committee had received an additional representation from Councillor Church who had e-mailed Members directly. The Chairman informed those present that it was accepted that representations needed to be sent to the Case Officer in the Licensing Team and not sent directly to Members. They would therefore be disregarding the additional correspondence. It was also noted that the representation was sent outside the time limits for representations to be taken into consideration. Mr O'Maoileoin, who had been advised of this e-mail the evening before along with the other parties to the hearing, stated that he appreciated that these things happened but there were protocols to follow. He had been concerned that it would have been a reason for one of the parties to take the matter further should they be unhappy with the outcome of the hearing. He accepted the Sub-Committee's clear statement that it would wholly disregard the additional correspondence.



Mr O'Maoileoin stated that this was one of a number of premises the Underdog restaurant chain had opened in London. They owned the Hawksmoor and Foxlow restaurants which specialised in being British steakhouses. The Applicant, having taken into account the representations objecting to the application, had decided to amend it. The proposed hours were now within the Council's Core Hours policy. Recorded music had been withdrawn with only background music being played. There was also no longer the intention to operate a bar at 8-10 Lower James Street. It was Mr O'Maoileoin's submission that due to Foxlow being a restaurant, the hours proposed and the conditions being offered, the application would not add to cumulative impact.

Mr O'Maoileoin stated that his client was content to make a commitment that all deliveries would not take place before 08:00. The Underdog Chain had experience of owning premises which promoted the licensing objectives in Westminster, including the Hawksmoor restaurants located in the West End Cumulative Impact Areas. He referred to the capacity of 125 being approved by the Council's Planning Committee. In response to the concerns raised by residents in their written representations, Mr O'Maoileoin made the points that any issues with the Crown pub in Lower James Street should be raised in another forum. Customers would not have any issues dispersing from the area given the access to public transport in Regent Street and Piccadilly Circus.

Mr O'Maoileoin addressed the Sub-Committee on the Council's policy and the licensing objectives. He referred to the Council's policy in respect of restaurants that they tended to cause less issues including as a result of alcohol being ancillary to substantial table meals and customers sitting down. In terms of the licensing objectives, the Police having seen the amendments to the application by the Applicant had withdrawn their representation and did not have any concerns about crime and disorder at the premises. Mr O'Maoileoin stated that the premises did not plan to open until October or November 2016 and would be reliant on Environmental Health's approval of public safety works before it was able to do so. No issues had been raised about protecting children from harm. In terms of preventing public nuisance, only background music would be played. Conditions had been agreed by the Applicant that there would be no drinking outside the premises and the number of smokers outside would be limited to a maximum of five at any one time.

The Sub-Committee asked Mr O'Maoileoin what was envisaged in applying for off-sales. He replied that his client had only included off-sales in the application in order that customers were permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal. Mr Wroe stated in response that the Council's policy position on this was this was an accepted part of the model restaurant condition MC66 and was distinct from off-sales. Mr O'Maoileoin informed the Sub-Committee that he was therefore content for off-sales to be formally withdrawn.

Ms Thomas for Environmental Health advised the Sub-Committee that as a result of the application being amended, she had no further concerns regarding the application. The restaurant would now be operating within Core Hours and

the conditions proposed minimised the potential for public nuisance and promoted public safety. She had maintained her representation to assist the Sub-Committee. She added that there were sufficient toilets proposed to cater for a capacity of 125. Should the Sub-Committee be minded to grant the application, there was the option to finalise the capacity during Environmental Health's inspection. This would not exceed 125 persons.

Mrs Callingham expressed concerns that all applications for licensed premises in the locality over recent years had appeared to be granted. These, she stated, had added to cumulative impact and disturbance due to deliveries through the night. Cumulative impact was a top priority for local residents. Residents did not see why a new licence for a large restaurant should be considered. She emphasised that the Applicant had initially applied for late night hours and bar use. Residents were concerned that as other restaurants in the chain already ran to later hours and had bar use that a variation to the premises licence would be requested if it was granted.

Mr Brown also spoke on Mrs Callingham's behalf. He responded to Mr O'Maoileoin's comments. He stated that being permitted planning permission did not compel the Sub-Committee to grant the licensing application. He referred to deliveries taking place until 23:00 hours. Customers dispersing would pass local residents including those in Golden Square. Mr Brown made the point that in relation to the Council's policy, the restaurant was in keeping with RNT2 in the West End Cumulative Impact Area. Applications would only be granted subject to the cumulative impact policy. The Applicant needed to demonstrate that the application would not add to cumulative impact. This was difficult to do as there were already a large number of licensed premises in the area. Adding a 125 capacity Mr Brown believed would inevitably add to the potential for public nuisance. More people would be attracted into the area later at night as a result of the application and the introduction of the night tube would accentuate this. It was Mrs Callingham's submission that the bath had been filled beyond capacity and had overflowed. The only way to resolve this was to turn off the tap. Mr Brown added that if the application was granted it could always be permitted a reduced terminal hour.

Mrs Callingham also referred to deliveries taking place outside her flat at 05:00 recently. She had concerns about security at Kingly Court which often had its gates open at night. Companies were delivering there throughout the night and there did not appear to be any control over this.

The Sub-Committee asked those present about the proposed hours for deliveries. Mr O'Maoileoin replied that his client was content to limit deliveries from 08:00 to 20:00 as an example to other premises. He could not give a commitment to the same hours for the collection of waste because this was dependent on Council collection times. Mr Cowell made the point that bottles would not be taken outside after 23:00.

Members of the Sub-Committee in reaching their decision took into account all admissible evidence. The Sub-Committee noted the Applicant's amendments to the application including the proposed hours being within Core Hours and the

	<p>removal of bar use, recorded music and off-sales. Conditions had also been proposed, including those which limited smokers outside to a maximum of five at any one time and limited deliveries to 08:00 to 20:00. The Sub-Committee was satisfied that the Applicant had taken the necessary and appropriate steps to promote the licensing objectives so as to ensure that the licensable activities would not add to cumulative impact. Members appreciated the difficulty that the Applicant had regarding waste collections but asked that all options be investigated to operate an earlier terminal hour which would benefit neighbours.</p> <p>Members fully appreciated the reasons for the case made by local residents regarding the dripping tap analogy but did not consider that it was reasonable to decide that all applications for licensed premises should be refused in the locality no matter what was being proposed by the Applicant.</p> <p>The Sub-Committee also attached a condition to the licence proposed by the Applicant that a contact number for the manager of the premises be made available to local residents and businesses (model condition 24). Model condition 90 was attached that no licensable activities would take place at the premises until the capacity of the premises had been determined by the Environmental Health Consultation Team and the licensing authority had replaced this condition on the licence with a condition detailing the capacity so determined. The capacity would not exceed 125 persons excluding staff.</p>						
<b>2.</b>	<b>Sale by retail of alcohol (On and Off)</b>						
	<table border="0"> <tr> <td>Monday to Thursday:</td> <td>10:00 to 23:30</td> </tr> <tr> <td>Friday to Saturday:</td> <td>10:00 to 00:00</td> </tr> <tr> <td>Sunday:</td> <td>12:00 to 22:30</td> </tr> </table>	Monday to Thursday:	10:00 to 23:30	Friday to Saturday:	10:00 to 00:00	Sunday:	12:00 to 22:30
Monday to Thursday:	10:00 to 23:30						
Friday to Saturday:	10:00 to 00:00						
Sunday:	12:00 to 22:30						
	<p>Amendments to application advised at hearing:</p> <p>Mr O'Maoileoin clarified during the hearing that his client had only included off-sales in the application in order that customers were permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal. Mr Wroe stated in response that the Council's policy position on this was this was an accepted part of the model restaurant condition MC66 and was distinct from off-sales. Mr O'Maoileoin informed the Sub-Committee that he was therefore content for off-sales to be formally withdrawn.</p>						
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the proposed hours for on-sales (see reasons for decision in Section 1).</p>						
<b>3.</b>	<b>Opening Hours</b>						
	<table border="0"> <tr> <td>Monday to Thursday:</td> <td>10:00 to 23:30</td> </tr> <tr> <td>Friday to Saturday:</td> <td>10:00 to 00:00</td> </tr> </table>	Monday to Thursday:	10:00 to 23:30	Friday to Saturday:	10:00 to 00:00		
Monday to Thursday:	10:00 to 23:30						
Friday to Saturday:	10:00 to 00:00						

	Sunday: 12:00 to 22:30
	Amendments to application advised at hearing:  None.
	Decision (including reasons if different from those set out in report):  Granted, subject to conditions as set out below.
<b>4.</b>	<b>Seasonal Variations</b>
	<u>Late Night Refreshment (Indoor), Sale by retail of alcohol (On and Off) and Opening Hours</u>  To extend from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.
	Amendments to application advised at hearing:  The applicant had indicated that off-sales were withdrawn from the application on the understanding that customers taking from the premises part consumed and resealed bottles of wine supplied ancillary to their meal was not considered to be an off-sale.
	Decision (including reasons if different from those set out in report):  Granted, subject to conditions as set out below.

<b>Conditions attached to the Licence</b>	
<b><u>Mandatory Conditions</u></b>	
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.

### **Additional Conditions**

- 9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
- 10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
- 11. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
- 12. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

13. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
14. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
15. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 08.00 hours on the following day.
16. No licensable activities shall take place at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined. The capacity shall not exceed 125 persons excluding staff.
17. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 08.00 on the following day.
18. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
19. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
  - a) all crimes reported to the venue
  - b) all ejections of patrons
  - c) any complaints received concerning crime and disorder
  - d) any incidents of disorder
  - e) all seizures of drugs or offensive weapons
  - f) any faults in the CCTV system
  - g) any refusal of the sale of alcohol
  - h) any visit by a relevant authority or emergency service.
20. No deliveries to the premises shall take place between 20.00 and 08.00 on the following day.
21. The premises shall only operate as a restaurant:
  - a) in which customers are shown to their table,
  - b) where the supply of alcohol is by waiter or waitress service only,
  - c) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
  - d) which do not provide any take away service of food or drink for immediate consumption,
  - e) which do not provide any take away service of food or drink after 23.00, and
  - f) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

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



22. The premises may remain open for the sale of alcohol and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.
23. No licensable activities shall take place at the premises until the licensing authority are satisfied that the premises is constructed or altered in accordance with the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition shall be removed from the licence by the licensing authority.
24. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
25. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 5 persons at any one time.
26. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.

## Licence &amp; Appeal History

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
16/03177/LIPN	Application for a new premises licence	02/06/2016	Granted by Licensing Sub-Committee
17/02305/LIPV	Application for a variation of a premises licence	03/05/2017	Granted by Licensing Sub-Committee
18/06624/LIPV	Current application		

**There is no appeal history**

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

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

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

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

**Conditions: On Current Licence -**

**Mandatory:**

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

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

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

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

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

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

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

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

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

Where -

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

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

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

None

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

9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
11. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
12. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
13. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
14. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
15. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 08.00 hours on the following day.
16. No licensable activities shall take place at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined. The capacity shall not exceed 125 persons excluding staff.
17. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 08.00 on the following day.
18. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
19. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
  - a) all crimes reported to the venue
  - b) all ejections of patrons
  - c) any complaints received concerning crime and disorder
  - d) any incidents of disorder
  - e) all seizures of drugs or offensive weapons
  - f) any faults in the CCTV system
  - g) any refusal of the sale of alcohol
  - h) any visit by a relevant authority or emergency service.

20. No deliveries to the premises shall take place between 20.00 and 08.00 on the following day.
21. The premises shall only operate as a restaurant:
- a) in which customers are shown to their table,
  - b) where the supply of alcohol is by waiter or waitress service only,
  - c) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
  - d) which do not provide any take away service of food or drink for immediate consumption,
  - e) which do not provide any take away service of food or drink after 23.00, and
  - f) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

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

**Proposed variation of condition 21:**

Save for the area hatched black on the plan the premises shall only operate as a restaurant:

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

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

***Additional condition proposed:***

***Condition 21 above is subject to a further condition that:***

“In the area hatched black on the plan a maximum of 12 customers may consume alcohol until 9pm.”

22. The premises may remain open for the sale of alcohol and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.
23. No licensable activities shall take place at the premises until the licensing authority are satisfied that the premises is constructed or altered in accordance with the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition shall be removed from the licence by the licensing authority.

24. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
25. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 5 persons at any one time.
26. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
27. On Fridays and Saturdays there shall be no new entries after midnight.
28. On Fridays and Saturdays the area immediately outside the restaurant shall be monitored by staff so as to ensure that customers leave quietly.

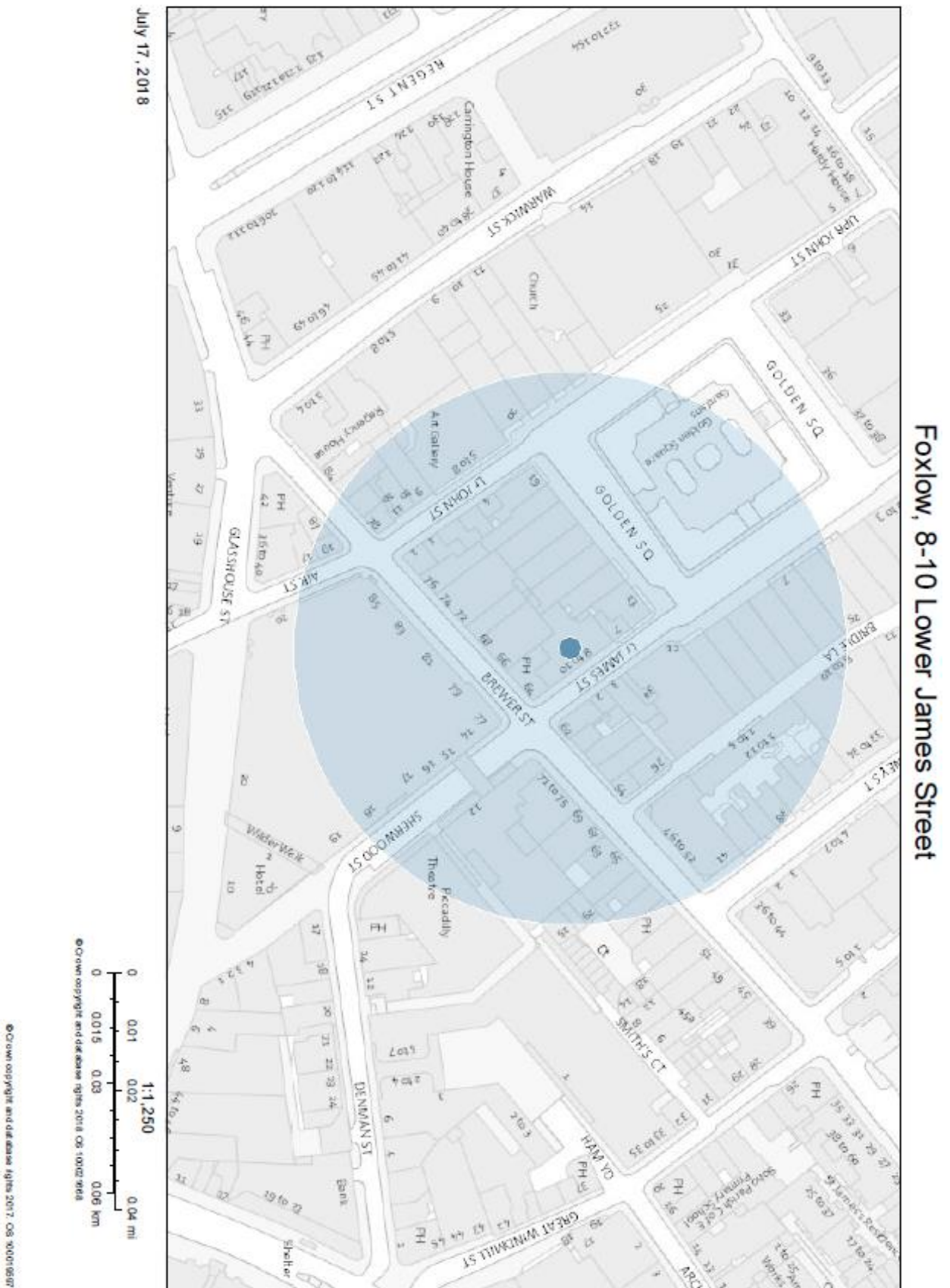
**Conditions proposed by the applicant to form part of the operating schedule:**

29. Sales of alcohol for consumption off the premises shall:
  - (a) only be supplied ancillary to food;
  - (b) only be supplied by courier service; and
  - (c) only be in sealed containers.
30. Sales of alcohol for consumption off the premises shall cease at 11pm.

***Proposed Environmental Health Condition:***

31. In the area hatched black on the plan the premises, the supply of alcohol shall be by waiter/waitress service and to seated customers only.





Resident count: 70

**Premises in the vicinity of 8-10 Lower James Street**

<b>Licence Number</b>	<b>Trading Name</b>	<b>Address</b>	<b>Premises Type</b>	<b>Time Period</b>
17/02305/LIPV	Foxlow	8-10 Lower James Street London W1F 9EL	Restaurant	Monday to Thursday; 08:00 - 23:30   Friday to Saturday; 08:00 - 00:30   Sunday; 10:00 - 22:30
17/01783/LIPDPS	HIX	66-68 Brewer Street London W1F 9TP	Restaurant	Monday to Sunday; 07:00 - 01:00
18/02940/LIPDPS	Crown	The Crown 64 Brewer Street London W1F 9TP	Public house or pub restaurant	Monday to Thursday; 07:00 - 23:30   Friday to Saturday; 07:00 - 00:00   Sunday; 07:00 - 23:00   Sundays before Bank Holidays; 07:00 - 00:00
17/06137/LIPVM	Diageo Plc - 6th Floor Bar	12 Golden Square London W1F 9JE	Office	Monday to Sunday; 00:00 - 00:00
16/14006/LIPRW	Kiln	58 Brewer Street London W1F 9TL	Restaurant	Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00   Sunday; 12:00 - 22:30
16/06782/LIPVM	Kiln	58 Brewer Street London W1F 9TL	Restaurant	Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00   Sunday; 12:00 - 22:30
17/07042/LIPDPS	Mash Brewer Street Limited	77 Brewer Street London W1F 9ZN	Restaurant	Monday to Sunday; 11:30 - 01:30
17/14352/LIPT	Ten Ten Tei Restaurant	Ground Floor 56 Brewer Street London W1F 9TJ	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
06/06182/WCCMAP	Kulu Kulu Sushi	76 Brewer Street London W1F 9TX	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
14/00911/LIPDPS	Lingo Japanese Restaurant	Basement North And Ground Floor North 1 Lower John Street London W1F 9DT	Restaurant	Monday to Sunday; 08:00 - 23:00
09/00851/LIPCHT	One Stop Food & Wine	Ground Floor 1 Lower John	Shop	Monday to Saturday; 08:00 -

		Street London W1F 9DT		23:00   Sunday; 10:00 - 22:30
16/01915/LIPDPS	Rapha Racing	85 Brewer Street London W1F 9ZN	Shop	Monday to Sunday; 08:00 - 21:00
06/04520/WCCMAP	Nine Golden Square Restaurant	Basement And Ground Floor 9 Golden Square London W1F 9HZ	Restaurant	Monday to Saturday; 10:00 - 01:30   Sunday; 12:00 - 00:00
06/07013/WCCMAP	Arigato	48-50 Brewer Street London W1F 9TG	Shop	Monday to Saturday; 08:00 - 23:00   Sunday; 10:00 - 22:30
16/13460/LIPVM	Mele E Pere	46-52 Brewer Street London W1F 9TF	Restaurant	Monday to Saturday; 08:00 - 00:00   Sunday; 08:00 - 22:30
14/02198/LIPDPS	The Source Cafe	78 Brewer Street London W1F 9TY	Cafe	Friday to Saturday; 08:00 - 02:30   Sunday to Thursday; 08:00 - 02:00
06/05475/WCCMAP	Taro Kaz Restaurant	61 Brewer Street London W1F 0RH	Restaurant	Monday to Saturday; 09:00 - 01:00   Sunday; 09:00 - 00:00
06/06662/WCCMAP	Ganache Chocolatier	Ground Floor 80 Brewer Street London W1F 9TZ	Shop	Monday to Sunday; 09:00 - 03:00
17/09822/LIPCH	Shoryu Go	19 Air Street London W1B 5AG	Restaurant	Monday to Saturday; 08:00 - 23:00   Sunday; 10:00 - 22:30
08/11314/LIPD	Rice Wine Shop	82 Brewer Street London W1F 9UA	Shop	Monday to Saturday; 08:00 - 23:00   Sunday; 10:00 - 22:30

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City of Westminster

# Licensing Sub-Committee Report

## Agenda Item 4

Item No:	
Date:	2 August 2018
Licensing Ref No:	18/06728/LIPV - Premises Licence Variation
Title of Report:	Soho Theatre Basement And Ground Floor 21 Dean Street London
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Sam Eaton Senior Licensing Officer
Contact details	Telephone: 020 7641 2700 Email: <a href="mailto:seaton@westminster.gov.uk">seaton@westminster.gov.uk</a>

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	Variation of a Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	8 June 2018		
<b>Applicant:</b>	Soho Theatre Company Limited		
<b>Premises:</b>	Soho Theatre		
<b>Premises address:</b>	Basement And Ground Floor 21 Dean Street London W1D 3NE	<b>Ward:</b>	West End
		<b>Cumulative Impact Area:</b>	West End
<b>Premises description:</b>	The applicant states the premises are a Theatre.		
<b>Variation description:</b>	<p>The applicant is looking to vary the premises licence as follows:</p> <ol style="list-style-type: none"> <li>To amend condition 15 so that it applies after core hours rather than after 23:00.</li> </ol> <p>The proposed amendment to condition 15 will read as follows:</p> <p><i>“Alcohol shall not be supplied on the ground floor on any day after Core Hours unless it is ancillary to a table meal, except to patrons of the Soho Theatre, staff or performers employed at the theatre, their bona fide guests and registered friends of the Soho Theatre and their bona fide guests.</i></p> <p><i>Core Hours means :</i>  <i>23:30 Monday to Thursday;</i>  <i>00:00 Friday, Saturday and Sundays before bank holidays; and</i>  <i>22:30 on Sunday”</i></p>		
<b>Premises licence history:</b>	The premises has been licence since December 2010. A copy of the premises licence, ref: 17/07232/LIPDPS can be found at <b>Appendix 2</b> . A full licensing history is provided at <b>Appendix 4</b> .		
<b>Applicant submissions:</b>	None.		

1-B Current and proposed licensable activities, areas and hours						
Regulated Entertainment						
Performance of Dance, Exhibition of films, Performance of Live Music, Playing of Recorded Music and Performance of Play:						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	01:00	No change		The area outline red on the premises plans	No change
Tuesday						
Wednesday						
Thursday						
Friday						
Saturday						
Sunday	12:00	00:30				
Seasonal variations:	Current:				Proposed:	
	None.				No Change	
Non-standard timings:	Current:				Proposed:	
	None.				No Change.	

Late night refreshment						
Indoors, outdoors or both			Current :		Proposed:	
			Indoors		No change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	02:30	No change		The area outline red on the premises plans	No change
Tuesday						
Wednesday						
Thursday						
Friday						
Saturday						
Sunday	23:00	01:00				
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	None.				No change	
	Current:				Proposed:	
	None.				No change	

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	10:30	02:00	No change		The area outline red on the premises plans	No change
Tuesday						
Wednesday						
Thursday						
Friday						
Saturday						
Sunday	12:00	00:30				
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	None.				No change	
	The hours for sale of alcohol may be extended from the start of permitted hours on New Year's Eve to the finish time on New Year's Day.				No change	

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	02:30	No Change		The area outline red on the premises plans	No change
Tuesday						
Wednesday						
Thursday						
Friday						
Saturday						
Sunday	12:00	01:00				
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	None				No change	
	None				No change	

1-C Conditions being varied, added or removed	
Condition	Proposed variation
Alcohol shall not be supplied on the ground floor on any day after 23:00 unless it is ancillary to a table meal, except to patrons of the Soho Theatre, staff or performers employed at the theatre, their bona fide guests and registered friends of the Soho Theatre and their bona fide guests.	Alcohol shall not be supplied on the ground floor on any day after Core Hours unless it is ancillary to a table meal, except to patrons of the Soho Theatre, staff or performers employed at the theatre, their bona fide guests and registered friends of the Soho Theatre and their bona fide guests. Core Hours means : 23:30 Monday to Thursday; 00:00 Friday, Saturday and Sundays before bank holidays; and 22:30 on Sunday



## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Environmental Health Service
<b>Representative:</b>	Sally Fabbricatore
<b>Received:</b>	2 <sup>nd</sup> July 2018
<p>I refer to the application for variation of a Premises Licence (17/07232/LIPDPS), issued under the Licensing Act 2003.</p> <p><b>The premises are situated in the West End Cumulative Impact Area as stated in City of Westminster's Statement of Licensing Policy.</b></p> <p>This representation is based on the Operating Schedule, no plan has been submitted.</p> <p>The applicant is seeking the following on the <b>ground floor</b>:</p> <p>1. To amend condition15 from:</p> <p><i>Alcohol shall not be supplied on the ground floor on any day after 23:00 unless it is ancillary to a table meal, except to patrons of the Soho Theatre, staff or performers employed at the theatre, their bona fide guests and registered friends of the Soho Theatre and their bona fide guests.</i></p> <p>To</p> <p>Alcohol shall not be supplied on the ground floor on any day after Core Hours unless it is ancillary to a table meal, except to patrons of the Soho Theatre, staff or performers employed at the theatre, their bona fide guests and registered friends of the Soho Theatre and their bona fide guests.</p> <p>Core Hours means:            23:30 Monday to Thursday;            00:00 Friday, Saturday and Sundays before bank holidays; and            22:30 on Sunday</p> <p>I wish to make the following representation in relation to the above application:</p> <p>1. The increase in hours for the bar use may cause an increase in Public Nuisance in the cumulative impact area.</p> <p>Should you wish to discuss the matter further please do not hesitate to contact me.</p>	
<b>Responsible Authority:</b>	Metropolitan Police Service ( <b>Withdrawn</b> )
<b>Representative:</b>	PC Cheryl Boon
<b>Received:</b>	25 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 application process. The venue is situated inside Westminster's Cumulative Impact Area, however it is our belief that if granted the application would undermine the Licensing Objectives with regards to the prevention of crime and disorder.</p>	

I have looked through the application. Overall it is agreeable but there is one conditions that we require, this is as follows:

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.

Please let me know whether your client is willing to agree to the one condition police are proposing as this may enable us to withdraw our representation.

**On 25 June 2018 the applicant proposed the amended condition as detailed below:**

The condition is agreed save for scanning and searching equipment - i.e.

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

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

**On 25 June 2018 the police agreed the amended version of the condition and subsequently the representation was withdrawn.**

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<b>Policy HRS1 applies</b>	(i) Applications for hours within the core hours 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.
<b>Policy CIP1 applies:</b>	(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for 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.
<b>Policy PVC2 applies:</b>	Applications will be granted subject to other policies in this Statement, provided it is demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas.
<b>Policy PB2 applies:</b>	It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas other than applications to vary hours within the Core Hours under Policy HRS1.

### 4. Equality Implications

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

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

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

## 5. Appendices

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

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

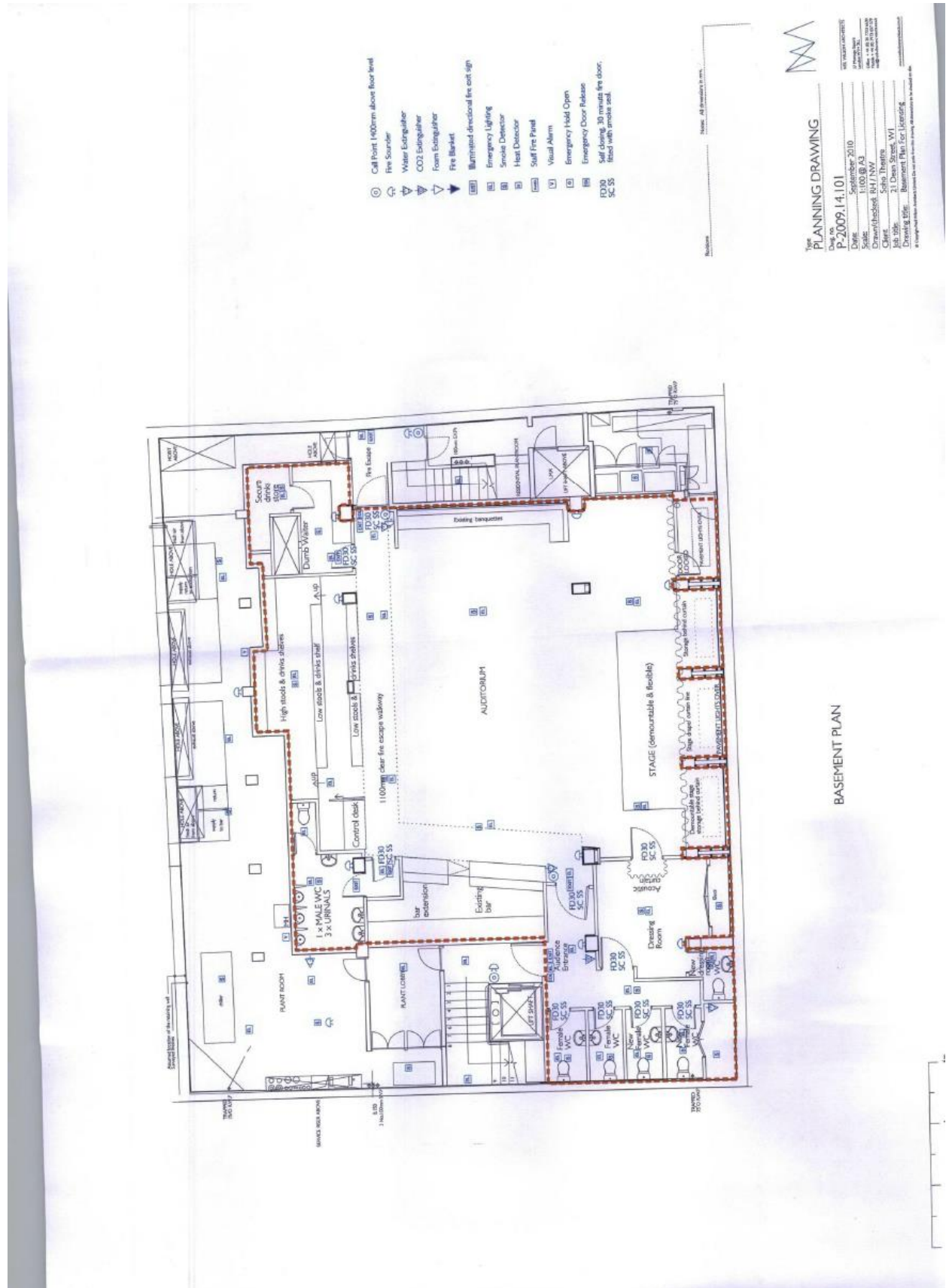
**If you have any queries about this report or wish to inspect one of the background papers please contact the report author.**

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

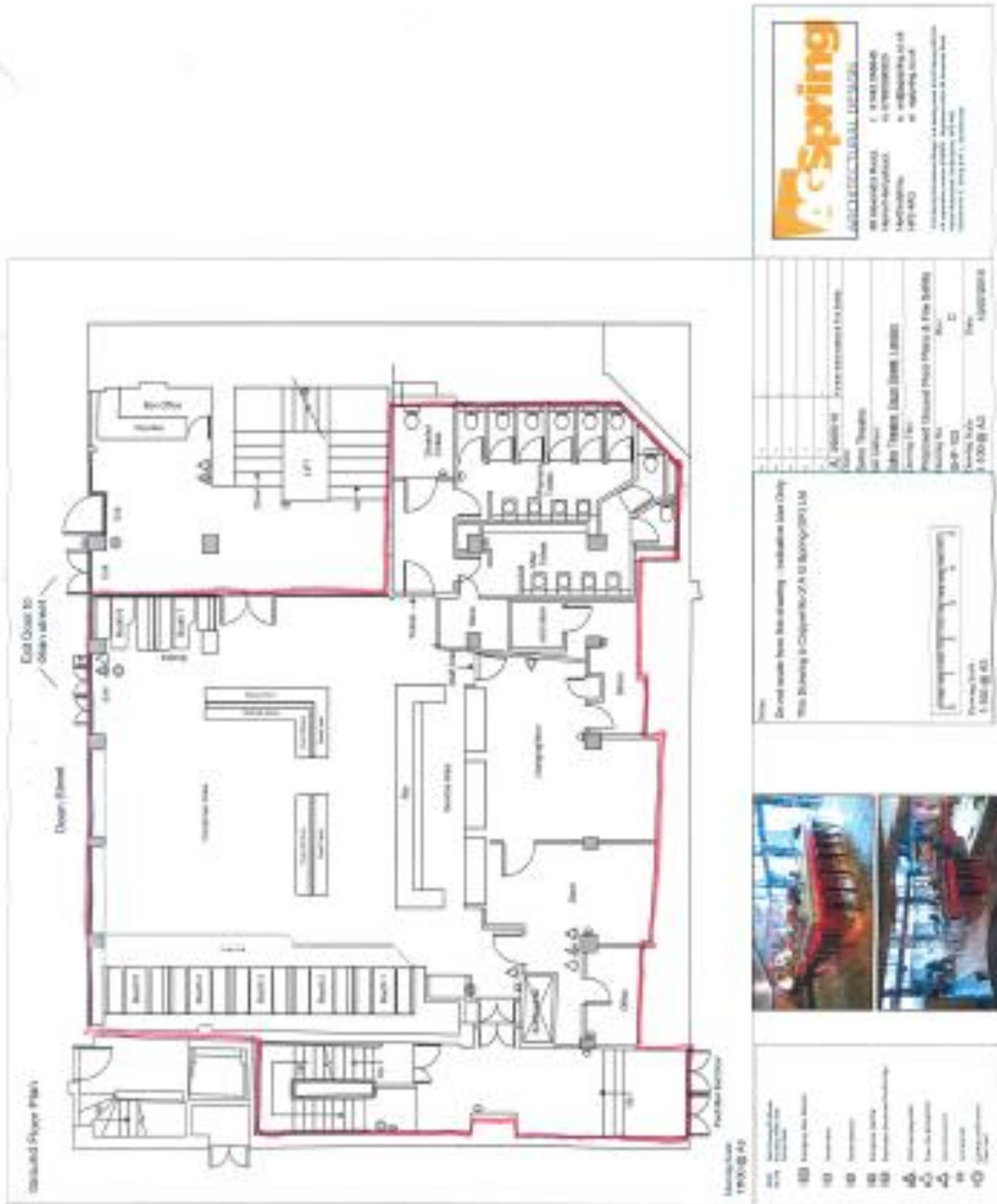
<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
<b>4</b>	Representation – Environmental Health Service	2 <sup>nd</sup> July 2018
<b>5</b>	Representation – Metropolitan Police Service <b>(Withdrawn)</b>	25 <sup>th</sup> June 2018

Premises Plans

Basement:



Ground Floor:



Premises Licence

- Ref: 17/07232/LIPDPS



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

**Premises licence**

Regulation 33, 34

**Premises licence number:**

17/07232/LIPDPS

**Original Reference:**

10/07989/LIPN

**Part 1 – Premises details**

**Postal address of premises:**

Soho Theatre  
Basement and Ground Floor  
21 Dean Street  
London  
W1D 3NE

**Telephone Number:** Not Supplied

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

Not applicable

**Licensable activities authorised by the licence:**

Performance of Dance  
Exhibition of a Film  
Performance of Live Music  
Playing of Recorded Music  
Performance of a Play  
Late Night Refreshment  
Sale by Retail of Alcohol

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

**Performance of Dance**

Monday to Saturday: 10:00 to 01:00  
Sunday: 12:00 to 00:30

**Exhibition of a Film**

Monday to Saturday: 10:00 to 01:00  
Sunday: 12:00 to 00:30

**Performance of Live Music**

Monday to Saturday: 10:00 to 01:00  
Sunday: 12:00 to 00:30

**Playing of Recorded Music**

Monday to Saturday: 10:00 to 01:00  
Sunday: 12:00 to 00:30



**Performance of a Play**

Monday to Saturday: 10:00 to 01:00  
Sunday: 12:00 to 00:30

**Late Night Refreshment**

Monday to Saturday: 23:00 to 02:30  
Sunday: 23:00 to 01:00

**Sale by Retail of Alcohol**

Monday to Saturday: 10:30 to 02:00  
Sunday: 12:00 to 00:30

**The opening hours of the premises:**

Monday to Saturday: 10:00 to 02:30  
Sunday: 12:00 to 01:00

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

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

**Part 2****Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:**

Soho Theatre Company Limited  
21 Dean Street  
London  
W1D 3NE

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

01151823

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

Name: Simon Barfoot

*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: 16/06322/LIPERS  
Licensing Authority: City of Westminster Council

**Date: 24 September 2017**

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

## Annex 1 – Mandatory conditions

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

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

7. The responsible person must ensure that—

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

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

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

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

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

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

Where -

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

- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
    - (i) the holder of the premises licence,
    - (ii) the designated premises supervisor (if any) in respect of such a licence, or
    - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
  - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
  - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
9. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.
10. 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.

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

11. On any night that the premises remains open after 23:00, one SIA registered door supervisor will be provided after 23:30 on Monday to Thursday, after 00:00 on Friday, Saturday and Sundays before Bank Holiday and after 22:30 on Sunday until the premises close.

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

12. 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.
13. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
14. The supply of alcohol in the basement shall be ancillary to the regulated entertainment taking place there.
15. Alcohol shall not be supplied on the ground floor on any day after 23:00 unless it is ancillary to a table meal, except to patrons of the Soho Theatre, staff or performers employed at the theatre, their bona fide guests and registered friends of the Soho Theatre and their bona fide guests.
16. There will be no admission to persons under the age of 18 if performances are taking place involving adult content. The licensee will provide appropriately trained staff in order to monitor the age of persons entering the performance area in these circumstances.
17. When such a performance is advertised, appropriate warnings will be provided in promotional literature, on the company's website and at the performance itself.
18. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
19. The number of persons accommodated in the basement at any one time (excluding staff) shall not exceed: Basement 150 persons.
20. Substantial food shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
21. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given.
  - dry ice and cryogenic fog
  - smoke machines and fog generators
  - pyrotechnics including fireworks
  - firearms
  - lasers
  - explosives and highly flammable substances.
  - real flame.
  - strobe lighting.
22. No person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which

susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased.

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

23. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
24. The hours for sale of alcohol may be extended from the start of permitted hours on New Year's Eve to the finish time on New Year's Day.



**Annex 4 – Plans**

Attached



Schedule 12  
Part B

WARD: West End  
UPRN: 010033533190

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

**Premises licence  
summary**

Regulation 33, 34

**Premises licence number:**

17/07232/LIPDPS

**Part 1 – Premises details**

**Postal address of premises:**

Soho Theatre  
Basement And Ground Floor  
21 Dean Street  
London  
W1D 3NE

**Telephone Number:** Not Supplied

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

Not applicable

**Licensable activities authorised by the licence:**

Performance of Dance  
Exhibition of a Film  
Performance of Live Music  
Playing of Recorded Music  
Performance of a Play  
Late Night Refreshment  
Sale by Retail of Alcohol

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

**Performance of Dance**

Monday to Saturday: 10:00 to 01:00  
Sunday: 12:00 to 00:30

**Exhibition of a Film**

Monday to Saturday: 10:00 to 01:00  
Sunday: 12:00 to 00:30

**Performance of Live Music**

Monday to Saturday: 10:00 to 01:00  
Sunday: 12:00 to 00:30

**Playing of Recorded Music**

Monday to Saturday: 10:00 to 01:00  
Sunday: 12:00 to 00:30

**Performance of a Play**

Monday to Saturday:	10:00 to 01:00
Sunday:	12:00 to 00:30
<b>Late Night Refreshment</b>	
Monday to Saturday:	23:00 to 02:30
Sunday:	23:00 to 01:00
<b>Sale by Retail of Alcohol</b>	
Monday to Saturday:	10:30 to 02:00
Sunday:	12:00 to 00:30

<b>The opening hours of the premises:</b>	
Monday to Saturday:	10:00 to 02:30
Sunday:	12:00 to 01:00

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

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

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

Soho Theatre Company Limited  
21 Dean Street  
London  
W1D 3NE

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

01151823

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

**Name:** Simon Barfoot

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

Restricted

**Date:** 24 September 2017

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

Applicant Supporting Documents

None.

## Licence &amp; Appeal History

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
05/06987/LIPCV	Conversion Variation Application	30.09.2005	Granted by Licensing Sub Committee
06/06410/LIPDPS	Application to Vary the Designated Premises Supervisor	26.07.2006	Granted under delegated authority
06/06850/LIPV	Application to vary the Premises Licence	14.09.2006	Granted under delegated authority
06/13461/LIAN	Interim Authority Notice	19.12.2006	Granted under delegated authority
07/00433/LIPDPS	Application to Vary the Designated Premises Supervisor	31.01.2007	Granted under delegated authority
07/01876/LIPT	Application to Transfer the Premises Licence	21.03.2007	Granted under delegated authority
06/07092/WCCMAP	Master Licence	12.09.2007	Granted under delegated authority
07/04050/LIPV	Application to vary the Premises Licence	21.06.2007	Granted under delegated authority
07/08126/LIPDPS	Application to Vary the Designated Premises Supervisor	19.09.2007	Granted under delegated authority
08/05234/LIPDPS	Application to Vary the Designated Premises Supervisor	16.06.2008	Granted under delegated authority
09/03771/LIPDPS	Application to Vary the Designated Premises Supervisor	10.07.2009	Granted under delegated authority
09/09140/LIPDPS	Application to Vary the Designated Premises Supervisor	20.01.2010	Granted under delegated authority

10/07989/LIPN	Application for a New Premises Licence	02.12.2010	Granted by Licensing Sub Committee
10/08726/LIPVM	Application for a Minor Variation	22.11.2010	Granted under delegated authority
10/09293/LIPVM	Application for a Minor Variation	03.12.2010	Granted under delegated authority
10/09620/LIPRW	Removal of Works condition	03.12.2010	Granted under delegated authority
10/10535/LIPRW	Removal of Works condition	05.01.2011	Granted under delegated authority <b>Licence surrendered on 20.02.2012</b>
11/01915/LIPVM	Application for a Minor Variation	25.03.2011	Granted under delegated authority
13/10085/LIPVM	Application for a Minor Variation	07.01.2014	Granted under delegated authority
15/04686/LIPV	Application to vary the Premises Licence	03.09.2015	Refused by Licensing Sub Committee
15/05082/LIPVM	Application for a Minor Variation	16.07.2015	Granted under delegated authority
15/06247/LIPVM	Application for a Minor Variation	13.08.2015	Granted under delegated authority
17/07232/LIPDPS	Application to Vary the Designated Premises Supervisor	24.09.2017	Granted under delegated authority
18/06728/LIPV	Application to vary the Premises Licence		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. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

10. 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.

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

11. On any night that the premises remains open after 23:00, one SIA registered door supervisor will be provided after 23:30 on Monday to Thursday, after 00:00 on Friday, Saturday and Sundays before Bank Holiday and after 22:30 on Sunday until the premises close.

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

12. 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.
13. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
14. The supply of alcohol in the basement shall be ancillary to the regulated entertainment taking place there.
15. Alcohol shall not be supplied on the ground floor on any day after 23:00 unless it is ancillary to a table meal, except to patrons of the Soho Theatre, staff or performers employed at the theatre, their bona fide guests and registered friends of the Soho Theatre and their bona fide guests.

#### ***Proposed to be amended as follows:***

*Alcohol shall not be supplied on the ground floor on any day after Core Hours unless it is ancillary to a table meal, except to patrons of the Soho Theatre, staff or performers employed at the theatre, their bona fide guests and registered friends of the Soho Theatre and their bona fide guests.*

*Core Hours means:*

*23:30 Monday to Thursday;*

*00:00 Friday, Saturday and Sundays before bank holidays; and*

*22:30 on Sunday*

16. There will be no admission to persons under the age of 18 if performances are taking place involving adult content. The licensee will provide appropriately trained staff in order to monitor the age of persons entering the performance area in these circumstances.
17. When such a performance is advertised, appropriate warnings will be provided in promotional literature, on the company's website and at the performance itself.

18. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
19. The number of persons accommodated in the basement at any one time (excluding staff) shall not exceed: Basement 150 persons.
20. Substantial food shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
21. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given.
  - dry ice and cryogenic fog
  - smoke machines and fog generators
  - pyrotechnics including fireworks
  - firearms
  - lasers
  - explosives and highly flammable substances.
  - real flame.
  - strobe lighting.
22. No person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased.

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

23. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
24. The hours for sale of alcohol may be extended from the start of permitted hours on New Year's Eve to the finish time on New Year's Day.

**Conditions proposed by the Metropolitan Police Service and agreed by the applicant:**

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

Residential Map and List of Premises in the Vicinity



Resident Count: 94

<b>Premises within 50 metres of: Mega Food, 330 Harrow Road</b>			
<b>Reference Number</b>	<b>Name of Premises</b>	<b>Premises Address</b>	<b>Licensed Hours</b>
17/07232/LIPDPS	Soho Theatre	Basement And Ground Floor 21 Dean Street London W1D 3NE	Monday to Saturday; 10:00 - 02:30 Sunday; 12:00 - 01:00
16/09805/LIPDPS	Soho Theatre Company	First Floor To Second Floor 21 Dean Street London W1D 3NE	Monday to Saturday; 09:00 - 00:00 Sunday; 12:00 - 23:30 Bank Holiday; 14:00 - 23:30
17/14397/LIPT	Firezza	Ground Floor Townsend House 22 - 25 Dean Street London W1D 3RY	Monday to Saturday; 07:00 - 01:00 Sunday; 09:00 - 00:00
18/01213/LIPDPS	Wagamama	81 Dean Street London W1D 3SW	Monday to Thursday; 08:00 - 00:00 Friday to Saturday; 08:00 - 00:30 Sunday; 08:00 - 23:00 Sundays before Bank Holidays; 08:00 - 00:30
17/08562/LIPDPS	Flavour Bastard	63 - 64 Frith Street London W1D 3JW	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
17/09349/LIPRW	Circa	Basement And Ground Floor 62 Frith Street London W1D 3JN	Monday to Sunday; 11:00 - 01:00
08/04012/LIPV	Leonis Quo Vadis	26 Dean Street London W1D 3LL	Monday to Saturday; 09:00 - 02:30 Sunday; 09:00 - 00:00
16/08358/LIPT	Barrafina Quo Vadis	26 Dean Street London W1D 3LL	Monday to Saturday; 09:00 - 02:30 Sunday; 09:00 - 00:00
15/10763/LIPCHT	Billy And The Chicks	27 - 28 St Anne's Court London W1F 0BN	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
16/10652/LIPDPS	D.H Stores Ltd	Ground Floor 88 Dean Street London W1D 3ST	Monday to Saturday; 08:00 - 23:00 Sunday; 10:00 - 22:30
18/02283/LIPDPS	Pizza Pilgrims	11 Dean Street London W1D 3RP	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
16/09372/LIPCH	The Red Fort	Basement And Ground Floor 77 Dean Street London W1D 3SH	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
17/03785/LIPDPS	Zelman Meats	2 St Anne's Court London W1F 0AZ	Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00   Sunday; 12:00 - 22:30
16/11522/LIPDPS	Nellie Dean Public House	89 Dean Street London W1D 3SU	Monday to Saturday; 10:00 - 23:30   Sunday; 12:00 - 23:00

18/01285/LIPDPS	Hazlitts Hotel	6 Frith Street London W1D 3JA	Monday to Saturday; 10:00 - 23:30 Sunday; 12:00 - 23:00
15/03179/LIPDPS	Vanity Bar And Nightclub	Basement To First Floor 4 Carlisle Street London W1D 3BJ	Monday to Saturday; 09:00 - 03:30 Sunday; 09:00 - 01:00
09/07575/LIPV	Sunset Strip	Basement To First Floor 30 Dean Street London W1D 3SA	Monday to Saturday; 09:00 - 01:30 Sunday; 09:00 - 00:00
17/04162/LIPDPS	Soho Dean Street	76 Dean Street London W1D 3SQ	Monday to Sunday: 07:00 to 01:00
17/15059/LIPN	Salon 64	14 Bateman Street London W1D 3AG	Monday; 08:00 - 22:30 Tuesday; 08:00 - 22:30 Wednesday; 08:00 - 22:30 Thursday; 08:00 - 22:30 Friday; 08:00 - 22:30 Saturday; 08:00 - 22:30
16/07867/LIPN	Frith Street Hotel	56-57 Frith Street London W1D 3JG	Monday to Saturday; 07:00 - 23:30 Monday to Sunday; 00:00 - 00:00 Sunday; 08:00 - 00:00 Sundays before Bank Holidays; 12:00 - 23:30 New Year's Eve; 00:00 - 00:00
17/04895/LIPDPS	Mimi's	56-57 Frith Street London W1D 3JG	Monday to Saturday; 07:00 - 23:30 Sunday; 07:00 - 23:00 Sundays before Bank Holidays; 07:00 - 23:30
16/13602/LIPV	Pix	16 Bateman Street London W1D 3AH	Monday to Thursday; 11:00 - 23:30 Friday to Saturday; 11:00 - 00:00 Sunday; 12:00 - 22:30 New Year's Eve; 12:00 - 00:00