



City of Westminster

Committee Agenda

Title: **Licensing Sub-Committee (2)**

Meeting Date: **Thursday 22nd November, 2018**

Time: **10.00 am**

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

Members: **Councillors:**

Tim Mitchell (Chairman)
Peter Freeman
Aziz Toki

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

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



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

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

Corporate Website: www.westminster.gov.uk

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

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To report any changes to the membership.

2. DECLARATIONS OF INTEREST

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

Licensing Applications for Determination

1. ROAST RESTAURANT GROUP, BASEMENT AND GROUND FLOOR, 94 GREAT PORTLAND STREET, LONDON, W1W 7NU

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
1.	West End Ward/ West End Cumulative Impact Area	Roast Restaurant Group Basement and Ground Floor, 94 Great Portland Street, London, W1W 7NU	New Premises Licence	18/07245/LIPN

**2. BILLY AND THE CHICKS, 27-28 ST ANNE'S COURT,
LONDON, W1F 0BN**

(Pages 1 - 30)

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
2.	West End Ward/ West End Cumulative Impact Area	Billy and the Chicks 27-28 St Anne's Court, London, W1F 0BN	New Licence Variation	18/11821/LIPV

**Stuart Love
Chief Executive
16 November 2018**

In considering applications for premises licences under the Licensing Act 2003, the sub-committee is advised of the following:

POLICY CONSIDERATIONS

The Licensing Sub-Committee is required to have regard to the City of Westminster statement of Licensing Policy, effective from 7th January 2016.

GUIDANCE CONSIDERATIONS

The Licensing Sub-Committee is required to have regard to any guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003. The most recent version was published in April 2018.

CORE HOURS WHEN CUSTOMERS ARE PERMITTED TO BE ON THE PREMISES (As set out in the Council's Statement of Licensing Policy 2016)

- 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 2

Item No:	
Date:	22 November 2018
Licensing Ref No:	18/11821/LIPV - Premises Licence Variation
Title of Report:	Billy And The Chicks 27 - 28 St Anne's Court London W1F 0BN
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:	Michelle Steward Senior Licensing Officer
Contact details	Telephone: 0207 641 1872 Email: msteward1@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	5 October 2018		
Applicant:	Bowls London Limited		
Premises:	Billy And The Chicks		
Premises address:	27 - 28 St Anne's Court London W1F 0BN	Ward:	West End
		Cumulative Impact Area:	West End
Premises description:	This premises currently operates as a restaurant/takeaway.		
Variation description:	<p>The variation proposes to:</p> <ol style="list-style-type: none"> 1. Authorise the sale/supply of alcohol for consumption off the premises during the current authorised hours to permit the supply of alcohol in the external seating area as delineated by a broken red line on the attached plans. The supply of alcohol for consumption off the premises is also proposed to authorise alcohol sales ancillary to takeaway meals. 2. Update the layout of the premises in accordance with the enclosed plans. 		
Premises licence history:	The premises has been licensed since 16 August 2005. Full details can be found at Appendix 3 of this report.		
Applicant submissions:	None		

1-B Current and proposed licensable activities, areas and hours						
Regulated Entertainment						
Playing of Recorded Music						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	00:00	00:00	No Change		Ground Floor	No Change
Tuesday	00:00	00:00				
Wednesday	00:00	00:00				
Thursday	00:00	00:00				
Friday	00:00	00:00				
Saturday	00:00	00:00				
Sunday	00:00	00:00				
Seasonal variations: Non-standard timings:	Current: None					

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

	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	00:00	00:00	No Change		Ground Floor	No Change
Tuesday	00:00	00:00				
Wednesday	00:00	00:00				
Thursday	00:00	00:00				
Friday	00:00	00:00				
Saturday	00:00	00:00				
Sunday	00:00	00:00				
Seasonal variations/ Non-standard timings:	Current: None				Proposed: No Change	

Late night refreshment

Indoors, outdoors or both	Current :				Proposed:	
					Both	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	00:30	No Change		Ground Floor	No Change
Tuesday	23:00	00:30				
Wednesday	23:00	00:30				
Thursday	23:00	00:30				
Friday	23:00	00:30				
Saturday	23:00	00:30				
Sunday	23:00	00:00				
Seasonal variations/ Non-standard timings:	Current: The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.				Proposed: No Change	

Sale by Retail of Alcohol						
On or off sales			Current :		Proposed:	
			On		Off	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	00:00	No Change		Ground Floor	Ground Floor and external seating area
Tuesday	10:00	00:00				
Wednesday	10:00	00:00				
Thursday	10:00	00:00				
Friday	10:00	00:00				
Saturday	10:00	00:00				
Sunday	12:00	23:30				
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	(a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 10.00 to 00.00 (b) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12.00 to 23:30 (c) On Christmas Day: 12.00 to 22.30 (d) On New Year's Eve, except on a Sunday, 10.00 to 00.00 (e) On New Year's Eve on a Sunday, 12.00 to 23.30 (f) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).				No Change.	

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	00:30	No Change		Ground Floor	No Change
Tuesday	10:00	00:30				
Wednesday	10:00	00:30				
Thursday	10:00	00:30				
Friday	10:00	00:30				
Saturday	10:00	00:30				
Sunday	12:00	00:00				
Seasonal variations/ Non-standard timings:	Current: None				Proposed: On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.	

1-C Layout alteration
<p>Changes include:</p> <p>Basement</p> <ul style="list-style-type: none"> • Redesign of WC layout <p>Ground Floor</p> <ul style="list-style-type: none"> • Addition of fixed bar counter to front of premises • Removal of bar to rear of premises

1-D Conditions being added		
Condition		
<p>Authorise the sale/supply of alcohol for consumption off the premises during the current authorised hours to permit the supply of alcohol in the external seating area as delineated by a broken red line on the attached plans.</p> <p>The supply of alcohol for consumption off the premises is also proposed to authorise alcohol sales ancillary to takeaway meals.</p>		
Adult entertainment:	Current position:	Proposed position:
	None	No Change

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health
Representative:	Mr Dave Nevitt
Received:	2 November 2018

I wish to make Representations on the following grounds:

Representation is made in relation to the application, as the proposals are likely to increase the risk of Public Nuisance and may impact upon Public Safety.

Environmental Health and Police COMMENTS AND PROPOSED CONDITIONS

Following a site visit

16th October 2018

No objection is made to the application to vary the layout of the premises.

The Issued Licence (Ref: 18/10896/LIPT) includes a Condition (No. 9) which means that the premises must operate as a restaurant, where alcohol is ancillary to a table meal. The applicant is advised to seek clarification about the proposed use of the external area immediately outside the front of the premises. It may be that Planning Approval is required for the placement of outside tables and chairs and an additional 'tables and chairs' Licence may be required for such use.

During the site meeting the Police recommended that the applicant give consideration to CCTV coverage of the proposed external seating area, even if this was from the inside and through the glazing of the shopfront.

Sales of alcohol for consumption off the premises should cease at 2300hrs as should take away food and/or deliveries. Outside tables and chairs should be rendered unusable or brought inside by 2300hrs.

The applicant is advised to ensure that there is suitable and sufficient sound insulation between the Licensed premises and the residential dwelling on the First Floor directly above so as to ensure that no nuisance is caused to the occupiers above. I note that Recorded Music is currently 'Unrestricted' by the Issued Licence and in this regard the applicant is advised to ensure that the noise control arrangements are sufficient so as to ensure that occupiers of adjoin residential dwellings do not suffer nuisance from the playing of amplified music at the premises, including from possible structure-borne sound energy.

There are currently some valid Representations from local residents in relation to this application. In the event that the matter is adjudicated at a Hearing of the Licensing Sub Committee it is likely that EH will maintain a Representation in order to assist the Committee in making its decision.

In addition to the Conditions proposed in the Operating Schedule, the following Conditions are proposed:

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

MC02 A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

MC12 No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

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

MC16 There shall be no sales of alcohol for consumption off the premises after (23.00).

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

MC34 All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

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

MC47 A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

MC48 A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.

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

MC81 No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which

time this condition shall be removed from the Licence by the licensing authority.

Responsible Authority: Metropolitan Police Service

Representative: PC Caroline Cockshull

Received: 16 October 2018

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

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

The venue is situated in the West End cumulative impact area, a locality where there is traditionally high crime and disorder, and we have concerns that this application will cause further policing problems in an already demanding area.

Following our site visit today, we will, in conjunction with Westminster City Council Environmental Health Department, be in touch shortly with conditions we would want to see attached to the operating schedule. If these are agreed to then the Police may be able to withdraw their objection.

2-B Other Persons

Name: [REDACTED]

Address and/or Residents Association:
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Status: Valid **In support or opposed:** Opposed

Received: 2 November 2018

I am a disabled resident of [REDACTED], have been for over thirty years. Due to health issues I take a number of medication, my mobility is quite limited. Never in my wildest dreams when moving here would I have thought the amount of applications for hotels being built, scaring the beautiful historic builds and what Soho is all about. During the last twenty years there has been an influx of new builds [hotels] and "restaurants/cafe/bar, applying for new applications [light cosmetic] work

THE OBJECTION

When this particular premises was trading under the name of, Billy and the Chicks, their, total disregard for towards neighbours. My flat looks outwards this particular premises.

1. "Licence cart-blanch", own large portion walk way (St. Anne's Court)
2. Alcohol -sold to customers who took of premises

3. Outside seating attracts, lots of pigeons (eat off the table)
- 4 Live music being played (not in the licence?)
5. Seating attracts those taking class A drugs,
6. Evening comes, already large group of people hovering around, by 20-00pm group of twenty five outside both smoking, drinking, regularly, go on till way past midnight!
7. I recollect one evening attracted a group of "musicians", instruments, drum, guitar, trumpet loud singing, "simulated a disco", staff took no action

STRONGLY OBJECT "NEW LICENCE"

1. "Staying open till 00:30am NO
 - a. Will attract too many "customers,who would normally not stop",
 - b. alcohol will be brought
2. Noise level increase
3. Litter=increase
4. Selling alcohol =written too
5. NO TO TAKE AWAY "restricting those sales in sealed containers, ancillary,takeaway food purchases:"
6. NO to alcohol being bought then off premises," (b) restricted to alcohol consumed in the external", NEED TO BE CLEARER
7. NO- extension of Alcohol "licence",
8. NO-all night live music
9. NO-Monday to Friday 11-00pm

Name:	[REDACTED]		
Address and/or Residents Association	[REDACTED]		
Status:	Valid	In support of opposed:	Opposed
Received:	29 October 2018		

I strongly object to this license made by 27-28 St Anne's Court on the grounds that it wholly unacceptable in this location.

We have historically had issue with restaurants along St. Anne's Court and the noise and disruption that they cause to the residents who live here. The nature of the narrow walkway acts as an echo chamber, so all noise generated from people bounces up between the buildings and causes great disruption so those living above it.

For these premises to then be offering take-away food AND alcohol, and basically acting as an off-license and inviting people to be hanging around eating and drinking is totally impermissible!

St. Anne's Court has unfortunately been a meeting point for drug addicts and drunks for years and we cannot have such premises inviting even more of this anti-social behaviour to our doorsteps.

We also have an ongoing issue with rubbish along St. Anne's Court as there are no litter bins. Regularly wrappers from the previous proprietor (Billy and the Chicks) would be found dumped outside our front door. Not only making it very dirty and smelly, and seemingly an open invitation for others to dump more rubbish there, but also attracting

mice and rats.

I also have an issue with the requested hours of opening as 12:30 AM is not viable or considerate with residents living above and opposite them. I have a young son, who's bedroom opens onto St. Anne's Court, and it is unacceptable to have this restaurant running until that late hour.

I, and the other residents of Clarion House are very worried about this proposed license and will be seeking legal representation.

Name:	[REDACTED]		
Address and/or Residents Association	[REDACTED] [REDACTED] [REDACTED] [REDACTED]		
Status:	Valid	In support or opposed:	Opposed
Received:	31 October 2018		

I'm writing to express my objections for the late licence of this venue proposal due to the noise nuisance and disruption it will cause to myself and my neighbours, many of whom are elderly or with young children.

Please strongly consider my objection and that of my neighbours, especially as in the past we've had a history of disruption from drunk punters, noise and rubbish outside our main door located one st Anne's Court.

Name:	[REDACTED]		
Address and/or Residents Association	[REDACTED] [REDACTED] [REDACTED]		
Status:	Valid	In support or opposed:	Opposed
Received:	31 October 2018		

This proposal will have a seriously detrimental impact on the lives of residents opposite. There are 21 social housing flats opposite (many with housebound elderly and disabled residents) on what is currently a relatively quiet walkway. The narrowness of the space between the restaurant and the flats funnels noise.

A licence such as applied for will lead to drinking and takeaways which will certainly lead to noise and disturbance.

The extension of the licence so late will lead to noise late into the night, indeed into the early hours.

Name:	[REDACTED]		
Address and/or Residents Association	[REDACTED] [REDACTED] [REDACTED]		
Status:	Valid	In support or opposed:	Opposed
Received:	13 October 2018		

I wish to strongly object to these premises being granted a licence for alcohol to be consumed off the premises or outside of premises for the following reasons: Our bedroom windows are slightly to the left of the premises on the opposite side of St

Anne's Court, as residents of [REDACTED] know from bitter experience of a bar situated in St Anne's Court in the past the noise from drinkers is intolerable and causes disturbances and problems sleeping. St Anne's Court is a narrow court and any noise just ricochets around the court bouncing off the buildings. There are plenty of bars in surrounding streets where drinking is allowed outside on the public streets and despite the best efforts of the bars to control the area in which drinking is allowed drinkers still obstruct the pavements. St Anne's Court is quite narrow and if drinkers were to be allowed to drink outside of the premises half the court would be blocked if uncontrolled. Clarion House is a block of 22 flats with elderly residents and residents with small children. I strongly object to this application on the grounds of noise and obstruction to the highway.

Name:		[REDACTED]	
Address and/or Residents Association		[REDACTED] [REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	31 October 2018		

I write to object to the variation in the licence of the above premises. I object to the selling of alcohol off-site and to serving alcohol at tables in the narrow alley.

I live in the residential block across from the premises. The alley has been plagued with anti-social behaviour including begging, rough sleeping and drug dealing, all of which can make it a very intimidating place at night.

I feel that the music from Billy and the Chicks/Bowls and availability of alcohol over the counter so late at night will make this worse and attract more noise and disturbance to the area.

Name:		[REDACTED]	
Address and/or Residents Association		[REDACTED] [REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	1 November 2018		

I write to object to the variation of the licence 18/11821/LIPV for Billy and The Chicks/BOWLS at 27 St. Anne's Crt W1F 0BN, for both the sale of alcohol offsite with takeaway food late night and to the serving of alcohol at outside tables in St. Anne's Court.

St. Anne's Court is a busy alley connecting Wardour Street with Dean Street. I live in the apartments at [REDACTED] St. Anne's Court, above Zelman's Restaurant. This is half way down the alley on the opposite side to Billys/BOWLS. The alley is also the main route to the supermarket and local shops for residents including families and seniors. During the day it also attracts vulnerable people who beg and sleep rough. Some have sheltered in a tent on the paving stones often for weeks at a time. The alley has a long history of problems with drug dealing and anti-social behaviour.

At night the alley is badly lit. It has a number of partly hidden areas including behind steps, in corners and alcoves and in particular on steps at the side entrance to GHD at

82 Dean Street, across from the main door of BOWLS Restaurant. Revellers and younger tourists already use those steps to drink take-away beers & cider bought elsewhere and smoke marijuana in the evenings especially at weekends and bank holidays. Others dealing or using heavier drugs including crack and heroin arrive later and stay into the small hours almost every night. The atmosphere in the alley after dark can be very intimidating.

Staff at Zelman's Restaurant say they find drug users passed out in their doorways and regularly discover needles stashed in the plants under their windows but have struggled to find a way to work with the Police to regularly clear the area. Zelman's at No 2 does not allow off-sales and neither did Tostado's when it was at No. 16 and there is a concern that granting these licence variations would set a precedent.

A licence for off-sales of Alcohol with outside drinking until midnight Mon-Sat and 11:30 on Sunday together with music would allow locals no respite and would attract yet more people, noise and crime to this narrow alley and harm the local licensing objectives.

The noise alone from people in the alley has been an issue for residents in the past when music from The Revolution Bar as was and noise from customers at Zelman's when it's windows are open, cause distress. The narrow walls in the alley act as an amplifier affecting the 12 flats on 3 floors at Clarion House, whose rear windows open directly onto the Court.

Dean Street will shortly be a main entrance & exit for Crossrail which expects to bring tens of thousands more people per week passing through Soho making for greater crowds and disruption.

Name:		[REDACTED]	
Address and/or Residents Association		[REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	30 October 2018		
<p>St Anne's Court is a very small street with the majority of windows looking in to the mentioned premises being bedrooms of elderly and children.</p> <p>Already there is an unacceptable level of noise coming from the restaurant underneath the flats, to add outside seating and a possible line of customers is a terrifying prospect for all residents.</p> <p>The licence request is also too late as it is in such close proximity to many vulnerable peoples bedroom windows, and the fall out after closing will be very disruptive to residents ability to comfortably enjoy their homes.</p>			
Name:		[REDACTED]	
Address and/or Residents Association		[REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	15 October 2018		
<p>i strongly object to this licence. historically, as local residents who live on st. annes ct, we have no end of suffering from alcohol and drugs on this pedestrianised courtway, also the terrible noise that emanates from this type of premises.</p>			

we successfully opposed similar applications made by zelmans and even that has been an uphill battle to maintain. takeaway food and alcohol is unacceptable in this courtway that struggles to keep clean of both litter and drunks and drug addicts. this is the enviroment the dealers thrive in with groups of people drinking outside and in groups. i oppose and the residents of clarion house will be lseeking legal representation.

3. Policy & Guidance

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

<p>Policy CIP1 applies</p>	<p>(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.</p> <p>(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.</p>
<p>Policy HRS1 applies:</p>	<p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p> <p>For premises for the supply of alcohol for consumption on the premises: Monday to Thursday: 10:00 to 23:30 Friday and Saturday: 10:00 to midnight Sundays immediately prior to Bank Holidays: Midday to midnight Other Sundays: Midday to 22:30</p> <p>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</p> <p>For premises for the provision of other licensable activities: Monday to Thursday: 09:00 to 23.30 Friday and Saturday: 09:00 to midnight Sundays immediately prior to Bank Holidays: 09:00 to midnight Other Sundays: 09:00 to 22:30</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.

4. Appendices

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

Report author:	Michelle Steward Senior Licensing Officer
Contact:	Telephone: Email: msteward1@westminster.gov.uk

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

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Environmental Health Representation	2 nd November 2018
5	Metropolitan Police	16 th October 2018
6	Representation 1	2 nd November 2018
7	Representation 2	29 th October 2018

8	Representation 3	31 st October 2018
9	Representation 4	31 st October 2018
10	Representation 5	13 th October 2018
11	Representation 6	31 st October 2018
12	Representation 7	31 st October 2018
13	Representation 8	1 st November 2018
14	Representation 9	15 th October 2018

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Applicant Supporting Documents

Appendix 2

None

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
06/06548/WCCMAP	Master Licence		
13/04944/LIPDPS	Application to Vary the Designated Premises Supervisor	24.07.2013	Granted under Delegated Authority
15/09637/LIPT	Application to Transfer the Premises Licence	14.12.2015	Granted under Delegated Authority
15/10688/LIPDPS	Application to Vary the Designated Premises Supervisor	14.12.2015	Granted under Delegated Authority
18/10896/LIPT	Application to Transfer the Premises Licence	01.10.2018	Granted under Delegated Authority

There is no appeal history

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

When determining an application 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.

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

Conditions related to the Sale of Alcohol

9. Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal.
10. Suitable beverages other than intoxicating liquor (including drinking water) shall be equally available with or otherwise as an ancillary to meals served in the licensed premises.

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

Alcohol may be sold or supplied:

- (a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 10.00 to 00.00
- (b) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12.00 to 23:30
- (c) On Christmas Day: 12.00 to 22.30
- (d) On New Year's Eve, except on a Sunday, 10.00 to 00.00
- (e) On New Year's Eve on a Sunday, 12.00 to 23.30
- (f) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

The above restrictions do not prohibit:

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

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

11. Alcohol shall not be sold or supplied unless the premises have been structurally and bona fide used, or intended to be used, for the purposes of habitually providing the customary main meal at midday or in the evening, or both, for the accommodation of persons frequenting the premises.
12. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.

Annex 2 – Conditions consistent with the operating Schedule

13. Authorise the sale/supply of alcohol for consumption off the premises during the current authorised hours to permit the supply of alcohol in the external seating area as delineated by a broken red line on the attached plans. The supply of alcohol for consumption off the premises is also proposed to authorise alcohol sales ancillary to takeaway meals.
14. 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.
15. 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.
16. 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.
17. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
18. There shall be no sales of alcohol for consumption off the premises after (23.00).
19. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
20. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

21. 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.
22. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
23. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
24. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00.
25. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.
26. Authorise the sale/supply of alcohol for consumption off the premises during the current authorised hours to permit the supply of alcohol in the external seating area as delineated by a broken red line on the attached plans. The supply of alcohol for consumption off the premises is also proposed to authorise alcohol sales ancillary to takeaway meals.

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

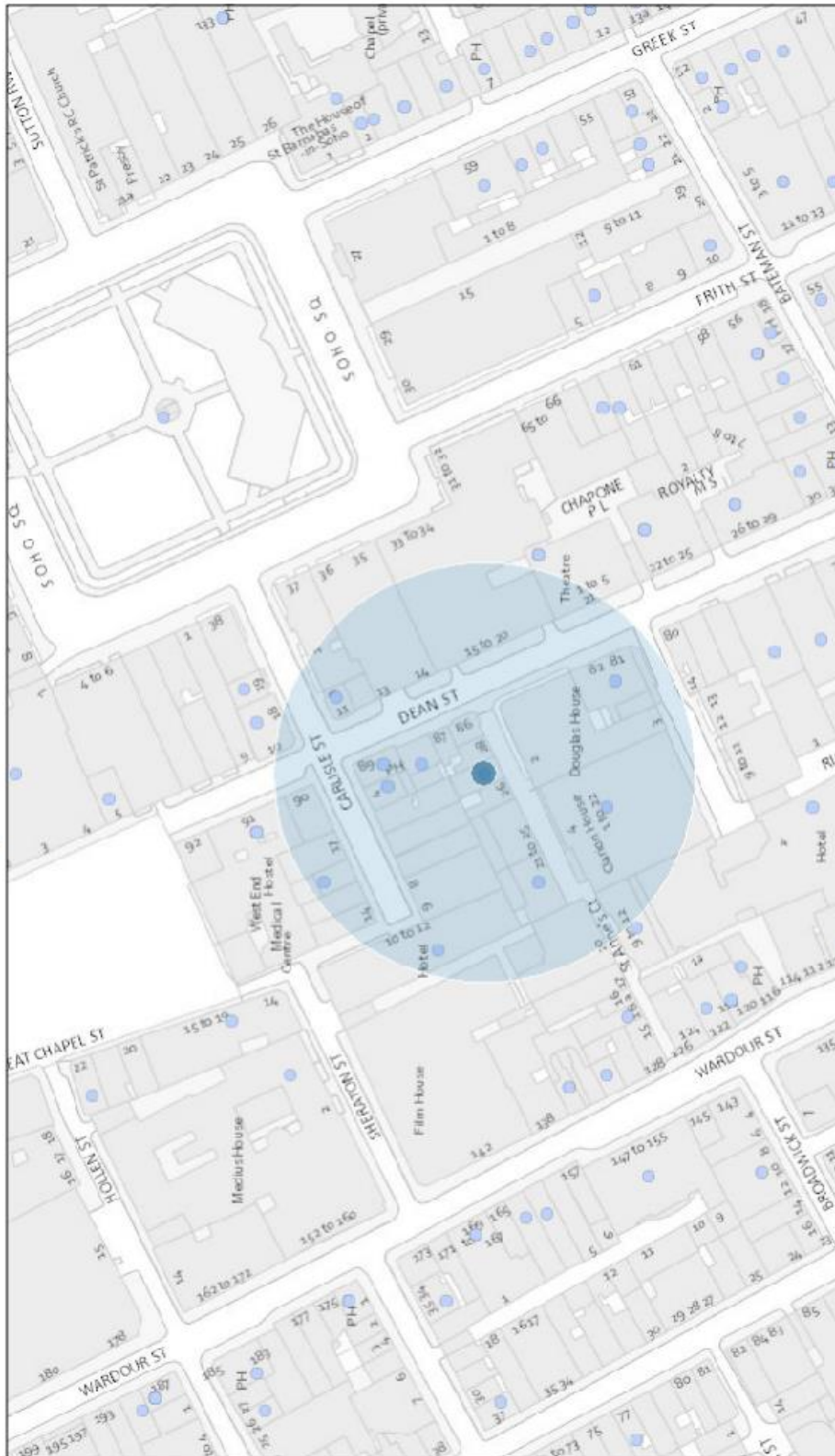
None

Conditions proposed by Environmental Health and the Metropolitan Police Service:

27. 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.
28. 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.

29. 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.
30. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
31. There shall be no sales of alcohol for consumption off the premises after (23.00).
32. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
33. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
34. 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.
35. 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.
36. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
37. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00.
38. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.

Billy and The Chicks



Resident count = 50

Licence Number	Trading Name	Address	Premises Type	Time Period
18/10896/LIPT	Billy And The Chicks	27 - 28 St Anne's Court London W1F 0BN	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
16/10652/LIPDPS	D.H Stores Ltd	Ground Floor 88 Dean Street London W1D 3ST	Shop	Monday to Saturday; 08:00 - 23:00 Sunday; 10:00 - 22:30
15/03179/LIPDPS	Vanity Bar And Nightclub	Basement To First Floor 4 Carlisle Street London W1D 3BJ	Night clubs and discos	Monday to Saturday; 09:00 - 03:30 Sunday; 09:00 - 01:00
16/11522/LIPDPS	Nellie Dean Public House	89 Dean Street London W1D 3SU	Public house or pub restaurant	Monday to Saturday; 10:00 - 23:30 Sunday; 12:00 - 23:00
16/07970/LIPDPS	Heart Magazine UK, The Good Housekeeping Institute	21-25 St Anne's Court London W1F 0BJ	Miscellaneous	Monday to Sunday; 00:00 - 00:00

17/03785/LIPDPS	Zelman Meats	2 St Anne's Court London W1F 0AZ	Restaurant	Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sunday; 12:00 - 22:30
18/01213/LIPDPS	Wagamama	81 Dean Street London W1D 3SW	Restaurant	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
18/02283/LIPDPS	Pizza Pilgrims	11 Dean Street London W1D 3RP	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
17/00953/LIPDPS	The Nadler Soho	The Nadler Soho 10 - 12 Carlisle Street London W1D 3BR	Hotel, 3 star or under	Monday to Sunday; 00:00 - 00:00

18/03688/LIPCHT	Club 16	16 Carlisle Street London W1D 3BT	Office	Monday to Thursday; 08:00 - 23:30 Friday to Saturday; 08:00 - 00:00 Sunday; 08:00 - 22:30
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