



City of Westminster

Committee Agenda

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

Meeting Date: **Thursday 24th October, 2019**

Time: **10.00 am**

Venue: **Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP**

Members: **Councillors:**

Heather Acton (Chairman)
Margot Bright
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 64 Victoria Street 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 the existence and nature of any pecuniary interests or any other significant interest in matters on this agenda.

Licensing Applications for Determination

1. THE ADMIRAL DUNCAN PUBLIC HOUSE, 54 OLD COMPTON STREET, LONDON, W1D 4UD

(Pages 1 - 46)

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
1.	West End Ward / West End Cumulative Impact Area	The Admiral Duncan Public House, 54 Old Compton Street, London, W1D 4UD	New Premises Licence	19/09810/LIPN

2. 1 IRVING STREET, LONDON, WC2H 7AT

(Pages 47 - 70)

App No	Ward / Cumulative Impact Area	Site Name and	Application	Licensing Reference Number
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		Address		
2.	St James's Ward / West End Cumulative Impact Area	1 Irving Street, London, WC2H 7AT	New Premises Licence	19/08807/LIPN

3. MCDONALD'S, COMMUNICATIONS HOUSE, LEICESTER SQUARE, LONDON, WC2H 7LT

**(Pages 71 -
104)**

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
3.	St James's Ward / West End Cumulative Impact Area	McDonal d's, Communi cations House, Leicester Square, London, WC2H 7LT	Variation of Premises Licence	19/10353/LIPV

**Stuart Love
Chief Executive
18 October 2019**

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.

Item No:	
Date:	24 October 2019
Licensing Ref No:	19/09810/LIPN - New Premises Licence
Title of Report:	The Admiral Duncan Public House 54 Old Compton Street London W1D 4UD
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: 020 7641 1872 Email: msteward1@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	8 August 2019		
Applicant:	Stonegate Pub Company Limited		
Premises:	The Admiral Duncan Public House		
Premises address:	54 Old Compton Street London W1D 4UD	Ward:	West End
		Cumulative Impact Area:	West End
Premises description:	According to the application form, this is an application for a premises licence operating as a public house.		
Premises licence history:	Although this is a new premises licence application, the premises has had the benefit of a premises licence since 2005. The current premises licence 17/06945/LIPDPS is attached at Appendix 3 of the report together with a full licence history. If the Licensing Sub-Committee are minded to grant the application, the applicant has confirmed that licence 17/06945/LIPDPS will be surrendered.		
Applicant submissions:	Submissions from the applicant can be seen at Appendix 2.		

1-B Proposed licensable activities and hours							
Late Night Refreshment:				Indoors, outdoors or both:			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	
End:	03:00	03:00	03:00	03:00	03:00	03:00	
Seasonal variations/ Non-standard timings:			The terminal hour to be 03:00 hours the following day on Bank Holiday Sundays, New Year's Eve and Christmas Eve. An additional hour to the terminal hour on the day that British Summertime commences.				

Provision of films, live music, recorded music, performance of dance and anything of a similar description				Indoors, outdoors or both:			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	12:00
End:	03:00	03:00	03:00	03:00	03:00	03:00	22:30
Seasonal variations/ Non-standard timings:			The terminal hour to be 03:00 hours the following day on Bank Holiday Sundays, New Year's Eve and Christmas Eve. An additional hour to the terminal hour on the day that British Summertime commences.				

Sale by retail of alcohol				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	12:00
End:	03:00	03:00	03:00	03:00	03:00	03:00	22:30
Seasonal variations/ Non-standard timings:			<p>The terminal hour to be 03:00 hours the following day on Bank Holiday Sundays, New Year's Eve and Christmas Eve.</p> <p>An additional hour to the terminal hour on the day that British Summertime commences.</p>				

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	12:00
End:	03:30	03:30	03:30	03:30	03:30	03:30	23:00
Seasonal variations/ Non-standard timings:			<p>The terminal hour to be 03:00 hours the following day on Bank Holiday Sundays, New Year's Eve and Christmas Eve.</p> <p>An additional hour to the terminal hour on the day that British Summertime commences.</p>				

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Metropolitan Police Service
Representative:	PC Bryan Lewis
Received:	3 September 2019
<p>With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, is objecting to this application as it is our belief that if granted this application would undermine the Licensing Objectives.</p> <p>The venue is located in the West End Cumulative Impact Area, a locality where there is traditionally high levels of crime and disorder. We have concerns that this application will cause further policing problems in an already demanding area.</p>	
Responsible Authority:	Environmental Health Service
Representative:	Ian Watson
Received:	4 September 2019
<p>I refer to the application for a New Premises Licence for the above premises.</p> <p>The premises are located within the West End Cumulative Impact Area as stated in the City of Westminster's Statement of Licensing Policy.</p> <p>The applicant has submitted floor plans of the premises.</p> <p>This representation is based on the plans and operating schedule submitted.</p> <p>The applicant is seeking the following</p> <p>1. To provide for the Supply of Alcohol 'On' and 'Off' the premises Monday to Saturday between 10.00 and 03.00 hours and Sunday between 12.00 to 22.30 hours. British summertime additional hour, Bank Holiday Sundays, Christmas Eve and New Year's Eve till 03.00 hours.</p>	

2. To provide Late Night Refreshment 'Indoors' Monday to Saturday between 23.00 and 03.00 hours. British summertime additional hour, Bank Holiday Sundays, Christmas Eve and New Year's Eve till 03.00 hours.

3. To provide regulated entertainment 'Indoors' comprising

- Films
- Live Music
- Recorded Music
- Performance of Dance
- Anything of a similar description to Live Music, Recorded Music and Performance of Dance

Monday to Saturday between 10.00 and 03.00 hours and Sunday between 12.00 to 22.30 hours. British summertime additional hour, Bank Holiday Sundays, Christmas Eve and New Year's Eve till 03.00 hours.

I wish to make the following representation

1. The hours requested for the Supply of Alcohol will have the likely effect of causing an increase in Public Nuisance within the West End CIA.
2. The hours requested to permit the provision of Late Night Refreshment will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the West End CIA.
3. The hours requested to permit the provision of regulated entertainment will have the likely effect of causing an increase in Public Nuisance within the West End CIA.

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

Responsible Authority:	Licensing Authority
Representative:	Karyn Abbott
Received:	3 September 2019

I write in relation to the application submitted for a new premises licence for 54 Old Compton Street, London W1D 4UD.

As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011, the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the four Licensing Objectives:

- Public Nuisance
- Prevention of Crime & Disorder
- Public Safety
- Protection of children from harm

The application seeks the following:

- **Films, Live and Recorded Music Performance of Dance, Anything of a similar description to that falling within (e), (f) or (g) - Indoors**
Monday to Saturday 10:00 to 03:00
Sunday 12:00 to 22:30

Non Standard Timings:

The terminal hour to be 03:00 hours the following day on Bank Holiday Sundays, New Years Eve and Christmas Eve.

An additional hour to the terminal hour on the day that British Summertime commences.

- **Late Night Refreshment**
Monday to Saturday 23:00 to 03:00

- **Supply of Alcohol On and Off Premises**
Monday to Saturday 10:00 to 03:00
Sunday 12:00 to 22:30

Non Standard Timings:

The terminal hour to be 03:00 hours the following day on Bank Holiday Sundays, New Years Eve and Christmas Eve.

An additional hour to the terminal hour on the day that British Summertime commences.

- **Opening Hours to Public**
Monday to Saturday 10:00 to 03:30
Sunday 12:00 to 23:00

Non Standard Timings:

The terminal hour to be 03:00 hours the following day on Bank Holiday Sundays, New Years Eve and Christmas Eve.

An additional hour to the terminal hour on the day that British Summertime commences.

The premises is located within the West End Cumulative Impact Area and as such various policy points must be considered, namely CIP1, HRS1, PVC2, MD2 and PB2.

Although the premises are currently licensed (Licence no. 17/06945/LIPDPS) the applicant has applied for a new application. As such, the operating hours applied for licensable activities currently fall outside of Westminster's core hours. For premises for the supply of alcohol for consumption on and off the premises and other licensable activities, the Licensing Authority encourage that the applicant reduce the hours to be within Westminster's Core hours;

Supply of Alcohol On and Off the Premises

Monday to Thursday 10:00 to 23:30
Friday to Saturday 10:00 to 00:00
Sunday 12:00 to 22:30

Other Licensable activities

Monday to Thursday 09:00 to 23:30
Friday to Saturday 09:00 to 00:00
Sunday: 09:00 to 22:30

The application as it currently stands falls within Westminster's MD2 and PB2 Policy. It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas other than applications to vary hours within Core Hours under Policy HRS1. Paragraphs 2.5.23 and 2.5.48 states that the Licensing Authority considers that new applications for pubs and bars plus premises offering facilities for music and dancing in the Cumulative Impact Areas should be refused save where an applicant can demonstrate exceptional circumstances.

With regard to Policy PB2 the Licensing Authority note that after the hours of 23:30 hours Monday to Thursday and midnight Friday and Saturday the premises will only provide the sale by retail of alcohol and licensable activities when live staged cabaret performances are taking place. Further, the applicants have proposed additional conditions that restrict licensable activities after these times to the operation of Stonegate Pub Company Limited. Therefore, before these times of 23:30 hours Monday to Thursday and midnight Friday and Saturday,

however it should be noted that on the current licence the applicants are able to operate as a bar between the hours of Monday to Thursday 10:00 to 23:30, Friday to Saturday 10:00 to 00:00 and Sunday 12:00 to 22:30.

The Licensing Authority makes reference to Policy MD2 due to the proposed operation of the premises which could allow audience participation (through dancing) when performances are taking place.

The Environmental Health Service (in their Pre-Application advice 19/01580/PREAPM), have suggested that a condition be attached to any licence that may be granted.

1. Public dancing will not be permitted on the premises beyond 23:30 hours Monday to Thursday and midnight Friday and Saturday.

Should the applicant agree the condition above the Licensing Authority feel that this will detach the operation from MD2 and bring it more in line with Policy PVC2.

The Councils Policy under PVC2 states 'Applications will be granted subject to other policies, provided it is demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas.'

Paragraph 2.5.33 states, 'The policies apply to a wide range of premises including theatres, cinemas, concert halls and other performance venues providing regulated entertainment. Bars are a normal feature of performance venues, but they should be ancillary to the overall use of the premises as a performance venue. The hours of the operation of the bar will usually be those related to the times the premises are open for performances and should not extend later than the hours of performances. Any more general use of these bars in Cumulative Impact Areas will only be granted as an exception to policy which will have to be argued for on grounds that it will not add to cumulative impact in the Cumulative Impact Areas.'

Finally, as mentioned above the premises currently benefit from licence 17/06945/LIPDPS. As part of the proposed operating schedule this will be surrendered should this application be granted. The Licensing Authority would therefore suggest the following condition be added to the licence:

MC62 – No licensable activities shall take place at the premises until premises licence 17/06945/LIPDPS (or such other number subsequently issued for the premises) has been surrendered and is incapable of resurrection.

The Licensing Authority looks forward to receiving further submissions from the applicant in due course.

2-B Other Persons	
Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Received:	5 September 2019
<p>Thank you for the notification of an application for a new premises license for the above public house. As a long-time 91 year old [REDACTED], I wish to object on the following grounds: The noise level is already very loud particularly from late in the evening onward when the comperes and the cabaret artistes' microphones are being used during performances. So much</p>	

so that I cannot hear my television or radio even if I turn my volume control up. I feel therefore that if a new license is granted for a further 3 or 4 hours until (as I understand) 3.00 am, it would be a quite unreasonable situation for me, the disturbance from the customers leaving usually continuing for at least another hour outside their door until they have dispersed.

Please see Appendix 4 for photographs that accompanied this representation.

Name:	██████████
Address and/or Residents Association:	██████████ ██████████ ██████████
Received:	4 September 2019

I write with reference to your letter dated 9th August 2019 regarding Notification of a New Premises Licence Application for The Admiral Duncan Public House, 54 Old Compton St.

I live directly opposite the Admiral Duncan Pub and I strongly object to any alteration to their current Licence in any form including any extension of opening hours or any change their existing licence as it currently stands.

I have often had cause to call the Westminster Noise Team with regard to the noise levels coming from the Admiral Duncan Pub when they have live acts on the small stage in the Pub and the noise levels of their PA system. When they have live entertainment inside the pub (mostly drag performers) the singing and the compère's announcements are actually deafening! This is a regular occurrence and it is an enormous relief when the pub closes and I strongly object to any extension of their pub licensing hours.

I understand that it is part of their licensing requirements to keep the doors at the front of the pub closed but very often even with the doors closed when there is a live performance the PA system is extremely loud and it feels like the acts performing in the pub are actually performing right here with me in my living room!

I have ██████████ but my flat is actually ██████████, since 1983. I used to know the previous landlords / managers of the pub and had a good relationship with them and they were extremely helpful and always said if the music or entertainment was too loud just give them a call and they would remind staff to turn down the music and shut the doors.

I used to have a very good relationship with the previous manager ██████████ (who has since very sadly passed away) and he was always very understanding with regards the fact that their were people living opposite the pub and was extremely community minded and always made sure the music and entertainment was kept at reason

Name:	██████████
Address and/or Residents Association:	██████████ ██████████ ██████████
Received:	29 August 2019

My objection to this application stems from my living and working standard office hours in central London. The noise and disturbance from such a late license will - and this will, on past experience, extend well beyond the 3am close time - cause sleep deprivation and harm to the many residents ██████████.

SoHo is a diverse and vibrant community that welcomes many visitors but I urge the licensing

Committee to attend to the needs of its permanent residents when considering this new license application.

Name:	██████████
Address and/or Residents Association:	██████████ ██████████ ██████████ ██████████ ██████████
Received:	5 September 2019

We write to make a relevant representation to the above application on behalf of ██████████
██████████

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

About The Soho Society

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

Application summary
New premises licence.

Sale of Alcohol / Live Music / Recorded Music/ Performance Dance (staff and performers) / Anything Similar / Films
Mon to Sat: 10.00 - 03.00
Sun: 12.00 to 22.30

Late Night Refreshment
Mon to Sat: 23.00 to 03.00
Hours open to the public
Mon to Sat: 10.00 to 03.30
Sun: 12.00 to 23.00

Current Licence
Pub with cabaret within core hours

The application
We acknowledge the premises is a well-regarded LGBT venue, and we are aware that many have recently closed due to financial and market pressures. However, the application is for a new 3am licence with a closing hour of 3.30am and capacity of 125. The hours sought and capacity of the venue will definitely add to cumulative impact, fail to support the licensing objectives and have a detrimental impact on local residents and the surrounding area. Furthermore, the application is contrary to a number of policies, HRS1, PB2, CIP1 and we also include MD2 due to the range of entertainment applied for. It is our view there are no genuinely exceptional circumstances to policy in this case.

Old Compton Street is a vibrant and diverse street offering a range of mixed uses, the predominant ones being restaurants, residential accommodation, retail shops, bars and pubs. It

attracts large numbers of people during the daytime but even higher numbers at night due to the large number of evening / late licences in the street, and in the surrounding streets of Wardour Street, Dean Street, Frith Street and Greek Street. We believe this area has the highest concentration of late-night licensed venues in Soho and Westminster, with Old Compton Street being possibly the most saturated (in terms of licensed premises) in the entire West End Cumulative Impact Area. At night Old Compton Street transforms in nature, as recently witnessed by members of the Soho Society Licensing Committee. The street becomes the central social 'venue' in the neighbourhood where large numbers of people gather outside the bars and restaurants or simply spend time walking through. It is therefore extremely noisy and this is compounded by numbers of pedicabs (at least 8 witnessed on a recent weekend night) parked in the street and blaring out loud music, thus creating a significant noise nuisance. This late-night ambient cacophony is further compounded by music escaping from bars with open doors. As evidence we submit photographs and a video of Old Compton Street taken on 1st September between 00.45 - 01.15.

Additionally, as the Committee will no doubt be aware, large numbers of people on the streets at night attract criminal activity. There are more drug dealers in Old Compton Street and the surrounding streets at night than are ever seen during daytime. On our recent walk-about we saw four positioning themselves on the corner of Old Compton Street and Dean Street, with others positioned in Frith and Greek Street waiting for people to leave venues in order to sell drugs. Some people were clearly vulnerable due to intoxication and / or drug use, thus becoming easy targets for robbers and thieves. It is well known that gangs are also present at night, loitering outside late night venues waiting for people to leave in order to rob them (see prevention of crime and disorder below). We also note that all of this is occurring without any visible police presence or apparent law enforcement. Late night Old Compton Street and the surrounding area transforms itself into a loud and noisy venue where people are enjoying themselves, but alongside this there is a sinister environment, fuelled by the night time economy and led by drug dealers and other criminal elements intent on capitalising on the vulnerabilities of people on a night out. This is of course not good for Westminster as the last memory any victim will have of an otherwise enjoyable night out is being targeted in this way.

In the middle of this mayhem we must not forget that the street is highly residential, with a number of domestic properties directly opposite the Admiral Duncan. These residents already suffer from noise nuisance with the sheer numbers of people on the street, including the pedicabs playing loud music, the presence of drug dealers and others. Therefore, to add an additional late-night venue with a capacity of 125 to a street already saturated with late night uses, will add negatively to the cumulative impact and will very likely facilitate an increase in crime and disorder and public nuisance.

The Licensing Objectives

In relation to the licensing objectives our concerns are as follows.

Prevention of crime and disorder

Criminal activity associated with the night time economy / venues and large numbers of people on the streets results in high levels of serious crime. In Soho the majority of robberies take place at night with people being targeted as they leave venues, which is evidenced by the crime figures. Recent figures for Soho highlight a huge increase in robberies, 111 robberies took place within the four-month period from Nov - Feb 2017/18, and for the same period in 2018/19 the figure was 266, a very significant increase of 140%. Figures for theft from person also show a similar increase - 401 for the same period in 2017/18 to 1,028 in 2018/19, an alarming increase of 156%.

Criminal activity is not limited to robberies at night. Drug dealers are also in the area targeting people. Old Compton Street and the surrounding streets, including Dean Street is a drug dealing hotspot especially at night. Dealers are seen in this area daily, with an increase in numbers from the early evening until the early hours of the morning, and they openly approach people on a night out. Drug dealers are in Soho late at night as there is a huge market for

drugs which is linked to the number and late terminal hours of licensed venues.

We are in no doubt that a new late night licence in an area already saturated will attract criminal elements and result in an increase in crime and disorder.

Prevention of public nuisance

Large numbers of people being discharged from the venue into the surrounding area will have a detrimental impact on residential amenity. Residents are already disturbed by noise from people loitering in the street, drug dealers, taxis and pedicabs. We believe this type of disturbance, nuisance and antisocial behaviour will increase if this application is granted.

Licensing Policy - Cumulative Impact

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

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

This is an application for what is effectively a new late-night entertainment venue, capacity of 125 in the West End Cumulative Impact area, with residents living opposite and around the premises, and levels of crime, disorder and public nuisance on the increase in the neighbourhood. This application if granted will undoubtedly add negatively to cumulative impact in Soho.

For the reasons we have set out, we believe that granting this application would fail to promote the licensing objectives of prevention of public nuisance, prevention of crime and disorder and add to the cumulative impact in the West End Cumulative Impact Area. Furthermore, it is contrary to a number of policies and, in our view, there are no genuinely exceptional circumstances to policy in this case. We respectfully urge the Licensing Sub-Committee to reject this application.

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Received:	5 September 2019

On behalf of myself and the Soho Safer Neighbourhood Ward Panel (which I chair), I would like to object to this application on the grounds of prevention of crime and disorder, prevention of public nuisance and cumulative impact in the West End Cumulative Impact Area.

The Admiral Duncan is a long established LGBT venue. Old Compton Street already has many late night venues. However, this particular part of the street (Wardour to Dean Streets) is home to a large number of residents - there are two blocks of flats opposite, which house some elderly residents, with one late night venue, Balan'a restaurant.

There are also high levels of crime (robbery) in this particular part of Soho, particularly between the hours of midnight and 4 am, with vulnerable people being particularly targeted.

It is also an area that has a high level of drug dealing and related antisocial behaviour.

In addition, areas with late night licences attract pedicabs, looking for customers. While they are waiting for premises to empty they have a tendency to play loud music and generally cause a nuisance.

As I say, this particular part of the street is home to large numbers of residents, and this licence should not be granted, as I do not believe they have probed 'exceptional circumstances'.

Please do not hesitate to contact me if I can be of further assistance.

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy HRS1 applies	<p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p> <p><u>For premises for the supply of alcohol for consumption on the premises:</u> 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><u>For premises for the supply of alcohol for consumption off the premises:</u> Monday to Saturday: 08:00 to 23:00 Sundays: 10:00 to 22:30</p> <p><u>For premises for the provision of other licensable activities:</u> 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>
Policy CIP1 applies	<p>(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.</p> <p>(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.</p>
Policy 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

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

Report author:	Michelle Steward Senior Licensing Officer
Contact:	Telephone: 020 7641 1872 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 January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Metropolitan Police Service	3 September 2019
5	Licensing Authority	3 September 2019
6	Environmental Health Service	4 September 2019
7	Representation 1	29 August 2019
8	Representation 2	4 September 2019
9	Representation 3	5 September 2019
10	Representation 4	5 September 2019
11	Representation 5	5 September 2019

Stonegate have owned and operated the Admiral Duncan since 2015. The premises has a long and proud history as an institution in the heart of Soho. It has operated as a pub for nearly 200 years, and is a prominent premises in the LGBT+ community.

The Admiral Duncan has the benefit of an existing premises licence, number 17/06945/LIPDPS. The existing premises licence permits the sale of alcohol from 10am to 11.30pm, Monday to Thursday, to midnight on Friday and Saturday and from 12 noon to 10.30pm on Sunday. Opening and other licensable activities are permitted to that terminal hour. In addition, the licence permits an extension of hours on a number of non standard timings, including Bank Holidays and the Saints Days.

The existing premises licence is subject to a number of conditions, many of which are outdated, duplicate other legislation and are unenforceable.

This New Premises Licence Application does not propose any change to the existing start time for hours of operation on any day of the week under the existing licence. The application does seek permission for licensable activities to continue until 03:00 hours the following day on Mondays to Saturdays inclusive, with opening permitted for 30 minutes. There is no change sought to the permitted hours on Sundays, save for the addition of 30 minutes dispersal time. Non standard timings are sought only for Bank Holiday Sundays, Christmas Eve and New Year's Eve and British Summertime.

The purpose of the application is to allow the premises to use the additional hours to provide entertainment for its existing and loyal customer base. The premises currently operates cabaret entertainment seven days a week and has done successfully for a number of years. That is the primary purpose of many customers' visits. Entertainment spend has increased in the region of £60,000 in the past three years. The purpose of the application is to allow the premises to continue to offer cabaret for longer.

Our customers want to continue their night in a safe and comfortable environment, rather than leave and go to another premises. Extending the terminal hour will prevent double migration of customers leaving our premises and then another premises later on. Keeping our customers with us means that they are in a safe, controlled and supervised environment and allows for a gradual dispersal which can be managed and contained.

This new premises licence application has also been submitted to update the premises licence conditions to ensure that they are suitable for the style of operation at the premises. As this is a New Premises Licence Application we have taken the opportunity to replace the existing operating schedule, which is outdated in parts, and offer an updated bespoke operating schedule to the hours proposed which has been drawn up following pre-consultation with the relevant officers of the Council. New conditions are offered which bolster the operating schedule ensuring it is robust, clear, appropriate and enforceable.

We have considered the impact of the new premises licence application and in particular note that the premises fall within Westminster City Council's West End Stress Area. Steps have been taken to ensure that the application and proposed operation will continue to promote the licensing objectives without adding to the cumulative impact of the area. In particular, the application proposes a set of conditions which ensure any later hours are operated ancillary to the use of the premises as an entertainment venue and additionally are only operated by Stonegate Pub Company.

The applicant has very carefully considered Westminster's Statement of Licensing Policy. They note that high priority is given to greater diversity of entertainment (para 1.3), which this application seeks to do by linking the use of the premises as an entertainment venue.

A comprehensive operating plan will be implemented should the application be granted. We have undertaken formal pre consultation with the Environmental Health officer prior to submission of the application. The comments raised have been taken into account in putting together this application. Stonegate are committed to partnership working and wish to engage with the responsible authorities at all times.

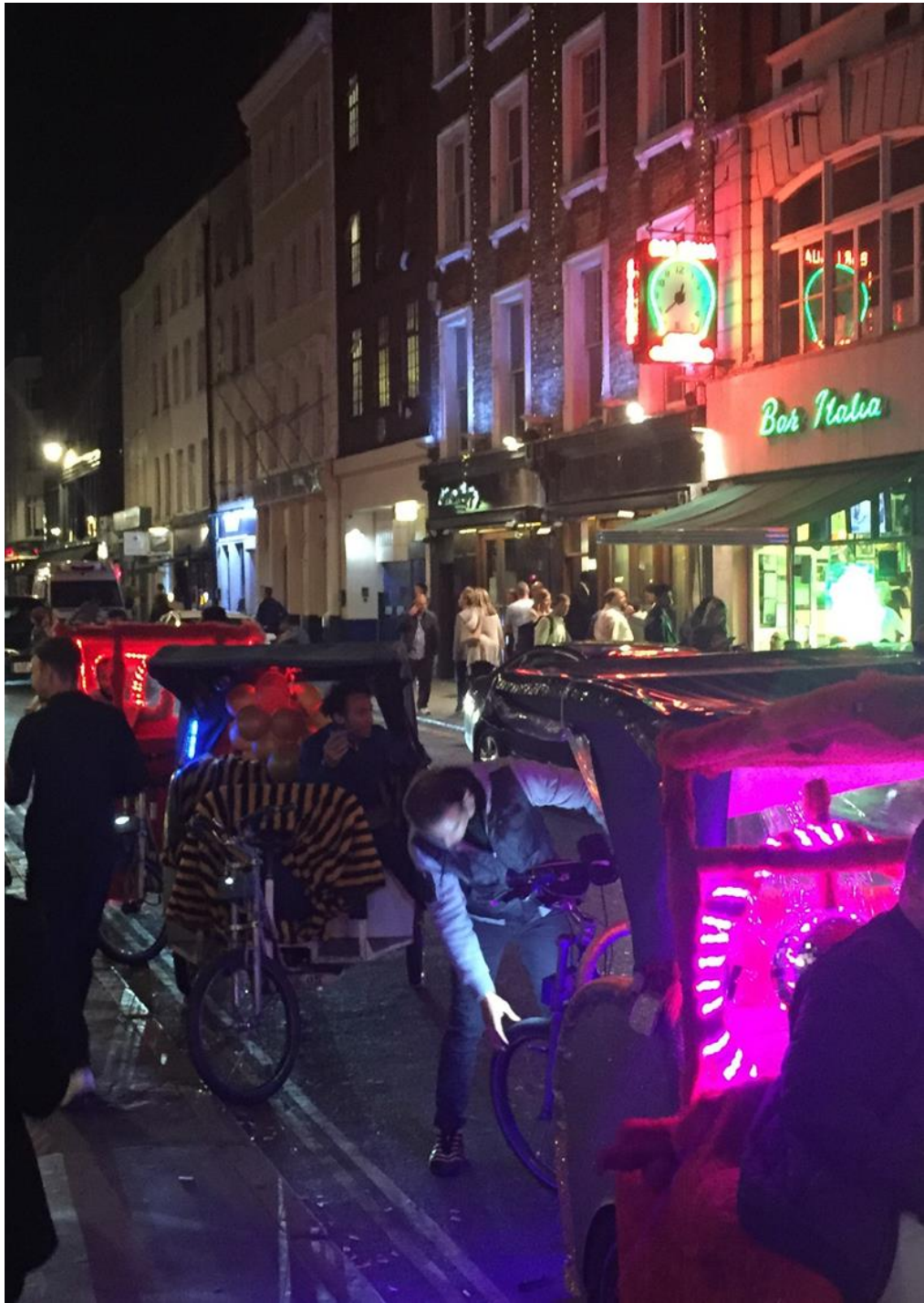
Stonegate Pub Company Limited have in place an extensive licensing manual detailing both company policies appropriate across the whole estate, along with procedures in place at a local level to ensure the premises operates to the highest standard and promotes the licensing objectives. These include policies regarding social responsibility and underage sales which promote responsible drinking and discourage drunkenness as well as procedures to prevent crime and disorder and public nuisance.

In the event that this new premises licence is granted as applied for or in an acceptable form, the intention will be to surrender the existing premises licence number 17/06945/LIPDPS. Stonegate are an experienced operator of LGBT+ premises in both Westminster and nationally. In particular, they operate the following sites in Westminster alongside the Admiral Duncan: Comptons, Rupert Street, Duke of Wellington, Village and Halfway II Heaven, where later hours were obtained in 2012 and have been successfully operated since.

Considering the above, we believe that the New Premises Licence Application will not have an adverse impact on the licensing objectives, nor will it add to the cumulative impact of the area, and the applicant believes that the measures proposed in the bespoke operating schedule, along with the existing measures in place, will ensure the premises continue to promote the licensing objectives.











Schedule 12
Part A

WARD: West End
UPRN: 100023472371

City of Westminster

64 Victoria Street, London, SW1E 6QP

Premises licence

Regulation 33, 34

Premises licence number:

17/06945/LIPDPS

Original Reference:

05/09750/LIPN

Part 1 – Premises details

Postal address of premises:

Admiral Duncan Public House
54 Old Compton Street
London
W1D 4UD

Telephone Number: 020 7437 5300

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

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

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

Performance of Live Music

Monday to Thursday: 10:00 to 23:30
Friday to Saturday: 10:00 to 00:00
Sunday: 12:00 to 22:30

Non-standard Timings: See conditions 29 and 30

Playing of Recorded Music

Monday to Thursday: 10:00 to 23:30
Friday to Saturday: 10:00 to 00:00
Sunday: 12:00 to 22:30

Non-standard Timings: See conditions 29 and 30

Late Night Refreshment

Monday to Thursday: 23:00 to 23:30
Friday to Saturday: 23:00 to 00:00

Non-standard Timings: See conditions 29 and 30

Sale by Retail of Alcohol

Monday to Thursday: 10:00 to 23:30

Friday to Saturday: 10:00 to 00:00
Sunday: 12:00 to 22:30
Non-standard Timings: See conditions 29 and 30

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

The opening hours of the premises:

Monday to Thursday: 10:00 to 23:30
Friday to Saturday: 10:00 to 00:00
Sunday: 12:00 to 22:30

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

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

Part 2

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

Stonegate Pub Co Ltd
Porter Tun House
500 Capability Green
Luton
LU1 3LS
Electronic Mail : risk.support@stonegatepubs.com

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

FC029833

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

Name: Karl Nixon

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: Pers-Lic/285
Licensing Authority: London Borough Of Croydon

Date: _____ 7 July 2017 _____

This licence has been authorised by Miss Susan Patterson 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.

Annex 2 – Conditions consistent with the operating Schedule

None

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

9. Children under the age of 18 shall not be allowed to play on Section 34 permitted AWP machine.
10. Children shall not be allowed in the area immediately to the bar servery.
11. Entertainment offered shall be suitable for young persons when children are allowed on the premises.
12. Children shall be supervised by the accompanying adult.
13. A recognised proof of age policy shall be enforced.
14. There shall be a no smoking area on the premises.
15. The licensee shall enforce a zero tolerance towards illegal drugs.
16. Disc jockey (if used on any night) shall ask customers to leave quietly.
17. All instances of crime and disorder shall be reported to the police and shall be kept in an incident logbook.
18. Free drinking water shall be available.
19. Members of staff shall carry out additional internal and external patrols to limit noise pollution when entertainment is being offered within the premises.
20. Notices shall be displayed asking customers to respect neighbours in the area when leaving the premises.
21. Soft drinks and non-alcoholic refreshment shall be available when the premises stayed open for an extended period between the cessation of the supply of alcohol and the closure of the premises.
22. Suitable beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.
23. A sound limiting device shall be fitted to the musical amplification system and set in agreement with and to the satisfaction of the Environmental Health Division of Westminster City Council. The operational panel shall then be secured and the system not be altered without prior agreement with the Environmental Health Division.
24. The folding doors to the Old Compton Street elevation shall be closed when musical entertainment is taking place.
25. A CCTV system shall be installed, maintained, operated as reasonably specified by the Metropolitan Police Crime and Prevention Officer. Information will be retained and be retrievable for at least a period of 31 days.
26. Suitable beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.
27. Live music shall be limited to a maximum of two performers and bona fide private events.
28. Any entertainment, performance, service or exhibition involving nudity or sexual stimulation which would come within the definition of a sex establishment in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Greater London Council (General Powers) Act 1986, (whether or not locally adopted), shall not be provided. This condition does not apply to any entertainment that is an integral part of a licensed performance of a play.
29. On statutory bank holiday weekend periods (Friday, Saturday, Sunday and Monday) and for the Thursday before Good Friday and for Christmas Eve, the terminal hour for the sale of alcohol,

regulated entertainment and late night refreshment will be extended by one hour for licensable activities. This does not include Bank Holiday Mondays where the following day is a working day.

30. On St. David's Day, St. Patrick's Day, St George's Day, and St Andrew's Day, the terminal hour for the sale of alcohol, regulated entertainment and late night refreshment will be extended by one hour, with seven days notice of any event given to the police and the police have the right to veto any event.

Annex 4 – Plans

Attached



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

**Premises licence
summary**

Regulation 33, 34

Premises licence number:

17/06945/LIPDPS

Part 1 – Premises details

Postal address of premises:

Admiral Duncan Public House
54 Old Compton Street
London
W1D 4UD

Telephone Number: 020 7437 5300

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

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

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

Performance of Live Music

Monday to Thursday: 10:00 to 23:30
Friday to Saturday: 10:00 to 00:00
Sunday: 12:00 to 22:30

Non-standard Timings: See conditions 29 and 30

Playing of Recorded Music

Monday to Thursday: 10:00 to 23:30
Friday to Saturday: 10:00 to 00:00
Sunday: 12:00 to 22:30

Non-standard Timings: See conditions 29 and 30

Late Night Refreshment

Monday to Thursday: 23:00 to 23:30
Friday to Saturday: 23:00 to 00:00

Non-standard Timings: See conditions 29 and 30

Sale by Retail of Alcohol

Monday to Thursday: 10:00 to 23:30
Friday to Saturday: 10:00 to 00:00
Sunday: 12:00 to 22:30

Non-standard Timings: See conditions 29 and 30

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

The opening hours of the premises:

Monday to Thursday:	10:00 to 23:30
Friday to Saturday:	10:00 to 00:00
Sunday:	12:00 to 22:30

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

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

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

Stonegate Pub Co Ltd
Porter Tun House
500 Capability Green
Luton
LU1 3LS

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

FC029833

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

Name: Karl Nixon

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

Date: _____ 7 July 2017 _____

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

Licence and Appeal History

Application	Details of Application	Date Determined	Decision
05/09750/LIPN	Application for a new Premises Licence	23 November 2005	Granted under delegated authority
05/13215/LIPDPS	Application to vary the Designated Premises Supervisor	08 December 2005	Granted under delegated authority
05/13469/LIPT	Application to transfer the Premises Licence	07 December 2005	Granted under delegated authority
08/08772/LIPT	Application to transfer the Premises Licence	07 October 2008	Granted under delegated authority
13/03855/LIPDPS	Application to vary the Designated Premises Supervisor	19 July 2013	Granted under delegated authority
13/04834/LIPDPS	Application to vary the Designated Premises Supervisor	19 July 2013	Granted under delegated authority
15/08418/LIPT	Application to transfer the Premises Licence	14 October 2015	Granted under delegated authority
17/05521/LIPDPS	Application to vary the Designated Premises Supervisor	26 June 2017	Granted under delegated authority
17/06945/LIPDPS	Application to vary the Designated Premises Supervisor	07 July 2017	Granted under delegated authority

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

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

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

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

Mandatory Conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or

less in a manner which carries a significant risk of undermining a licensing objective;

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

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

- 8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 8(ii) For the purposes of the condition set out in paragraph 8(i) above -
- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -
- $$P = D + (D \times V)$$
- Where -
- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Conditions consistent with the operating schedule

9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light

condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.

10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
11. Where the premises trade for sale of alcohol beyond 23.30 hours Monday to Thursday and midnight Friday and Saturday the premises shall employ a minimum of 1 door supervisor from 21:00 hours until close.
12. Where the premises trade for sale of alcohol beyond 23.30 hours Monday to Thursday and midnight Friday and Saturday, a personal licence holder will be on duty from 23:00 hours, save for in exceptional or unforeseen circumstances.
13. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - a. all crimes reported to the venue
 - b. all ejections of patrons
 - c. any complaints received concerning crime and disorder
 - d. any incidents of disorder
 - e. all seizures of drugs or offensive weapons
 - f. any faults in the CCTV system
 - g. any visit by a relevant authority or emergency service.
14. The licensable activities authorised by this premises licence can only be carried out by Stonegate Pub Company Limited beyond 23:30 hours Monday to Thursday and beyond 00:00 hours Friday and Saturday.
15. The hours for licensable activities shall end at 23.30 hours Monday to Thursday and midnight Friday and Saturday when live staged cabaret entertainment is not provided after these hours.
16. After 23.30 hours Monday to Thursday and midnight Friday and Saturday the supply of alcohol shall be ancillary to the provision of live staged cabaret entertainment.
17. Notices shall be displayed asking customers to respect neighbours in the area when leaving the premises.
18. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, Premises Management so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.

19. All windows and external doors shall be kept closed after 23:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
20. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open.
21. No waste or recyclable materials, including bottles, shall be moved, removed or placed in outside areas between 23.00 hours and 08.00 hours.
22. 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.
23. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
24. Door supervisors shall ask customers to leave quietly.
25. After 23.00 hours 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.
26. There shall be no sales of alcohol for consumption off the premises after 23.00 hours.
27. The premises licence holder shall ensure that any patrons smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
28. 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.
29. 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.
30. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.

Conditions proposed by the Licensing Authority so as to form part of the operating schedule:

31. No licensable activities shall take place at the premises until premises licence 17/06945/LIPDPS (or such other number subsequently issued for the premises) has been surrendered and is incapable of resurrection.

Conditions proposed by the Police

None

Conditions proposed by Environmental Health

None



Resident Count within 75 metres of the premises: 176

Premises within 75 metres of The Admiral Duncan Public House, 54 Old Compton Street, London, W1D 4UD				
LicenceNumber	TradingName	Address	PremisesType	TimePeriod
17/06945/LIPDPS	Admiral Duncan Public House	54 Old Compton Street London W1D 4UD	Public house or pub restaurant	Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sunday; 12:00 - 22:30
19/01788/LIPDPS	Tuk Tuk	Basement And Ground Floor 56 Old Compton Street London W1D 4UE	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
12/03653/LIPDPS	Tonkotsu	Basement To First Floor 63 Dean Street London W1D 4QG	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
16/09064/LIPVM	Wok On Fire	43 Old Compton Street London W1D 6HG	Restaurant	Monday to Thursday; 11:00 - 01:00 Friday to Saturday;

				11:00 - 02:00 Sunday; 11:00 - 00:00
09/06572/LIPN	Amorino	41 Old Compton Street London W1D 6HF	Restaurant	Monday to Saturday; 12:00 - 01:00 Sunday; 12:00 - 23:00
17/14216/LIPDPS	Maitre Choux	60 Dean Street London W1D 6AW	Cafe	Monday to Saturday; 10:00 - 23:00 Sunday; 12:00 - 22:30
16/00056/LIPCH	&Pasta	60 Dean Street London W1D 6AW	Cafe	Monday to Thursday; 07:00 - 00:00 Friday to Saturday; 07:00 - 00:30 Sunday; 07:00 - 23:00
18/04298/LIPDPS	Smack Soho	Kemble House 58 Dean Street London W1D 6AL	Cafe	Monday to Saturday; 12:00 - 22:00
19/10598/LIPT	Smack Soho	Kemble House 58 Dean Street London W1D 6AL	Cafe	Monday to Saturday; 12:00 - 22:00
17/08963/LIPN	Rambla	64 Dean Street London W1D 4QQ	Restaurant	Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 23:00
18/01928/LIPDPS	Hipchips	49 Old Compton Street London W1D 6HL	Restaurant	Monday to Saturday; 12:00 - 23:00 Sunday; 12:00 - 20:00
18/02207/LIPDPS	Balans Restaurant	Ground Floor 60 - 62 Old Compton Street London W1D 4UG	Restaurant	Monday; 09:00 - 03:30 Tuesday to Sunday; 09:00 - 05:00
17/02012/LIPVM	Leggero (formerly La Polenteria)	64 Old Compton Street London W1D 4TL	Cafe	Monday to Thursday; 07:30 - 23:30 Friday; 07:30 - 00:00 Saturday;

				08:00 - 00:00 Sunday; 08:00 - 23:00
16/00095/LIPDPS	Compton News	48 Old Compton Street London W1D 4UA	Shop	Monday to Saturday; 07:00 - 01:00 Sunday; 08:00 - 22:00
14/00825/LIPDPS	Pulcinella Restaurant	Basement To First Floor 37 Old Compton Street London W1D 5JY	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
18/04716/LIPDPS	Rosas	Ground Floor And Basement 48 Dean Street London W1D 5BF	Shop	Monday to Saturday; 10:00 - 23:30 Sunday; 12:00 - 23:00
16/05700/LIPDPS	Patisserie Valerie	44 Old Compton Street London W1D 4TY	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
18/13002/LIPVM	Comptons Of Soho Public House	51 - 53 Old Compton Street London W1D 6HN	Public house or pub restaurant	Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 23:00 Sundays before Bank Holidays; 12:00 - 00:30
12/03560/LIPV	Selva Food & Wine	68 Old Compton Street London W1D 4UJ	Shop	Monday to Sunday; 00:00 - 00:00
09/06680/LIPVM	French House Public House	49 Dean Street London W1D 5BG	Public house or pub restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
17/14701/LIPCH	Cay Tre (Soho)	42 - 43 Dean Street London W1D 4PZ	Restaurant	Monday to Sunday; 09:30 - 01:30
17/00253/LIPVM	The Groucho Club	44-45 Dean Street London W1D 4QB	Club or institution	Monday to Saturday; 09:00 - 02:30 Sunday; 12:00

				- 00:00
18/00946/LIPDPS	Blacks	Basement To First Floor 67 Dean Street London W1D 4QH	Club or institution	Monday to Saturday; 10:00 - 01:30 Sunday; 12:00 - 01:00
08/09144/LIPD	The Vintage House	Basement And Ground Floor 42 Old Compton Street London W1D 4LR	Shop	Monday to Saturday; 08:00 - 23:00 Sunday; 10:00 - 22:30
18/02552/LIPV	Soho Whisky Club	First Floor 42 Old Compton Street London W1D 4TX	Wine bar	Monday; 10:00 - 23:00 Tuesday; 10:00 - 23:00 Wednesday; 10:00 - 23:00 Thursday; 10:00 - 23:00 Friday; 10:00 - 00:00 Saturday; 10:00 - 00:00 Sunday; 10:00 - 22:00
17/04816/LIPDPS	Le Relais De Venise L'Entrecote	50 Dean Street London W1D 5BQ	Restaurant	Monday to Saturday; 09:00 - 03:30 Sunday; 12:00 - 00:00
13/04926/LIPDPS	Herman Ze German	Basement And Ground Floor 33 Old Compton Street London W1D 5JU	Restaurant	Monday to Thursday; 11:00 - 23:30 Friday to Saturday; 11:00 - 00:00 Sunday; 11:00 - 22:30
19/00635/LIPN	Jackson & Rye	56 Wardour Street London W1D 4JG	Restaurant	Monday to Saturday; 08:00 - 00:30 Sunday; 08:00 - 00:00
18/09942/LIPDPS	Jackson + Rye	56 Wardour Street London W1D 4JG	Restaurant	Monday to Saturday; 08:00 - 00:30 Sunday; 08:00 - 00:00

11/08882/LIPDPS	Duck Soup	Basement And Ground Floor 41 Dean Street London W1D 4PY	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
12/02725/LIPDPS	Gauthier At Lindsay House	21 Romilly Street London W1D 5AF	Restaurant	Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sunday; 10:00 - 22:30
16/07760/LIPDPS	Poppies Fish Chips	55-59 Old Compton Street London W1D 6HP	Cafe	Monday to Saturday; 09:00 - 01:30 Sunday; 09:00 - 01:00
17/01943/LIPDPS	Tuscan Delicatessen	Basement And Ground Floor 72 Old Compton Street London W1D 4UN	Cafe	Monday to Sunday; 10:00 - 00:30
13/04147/LIPDPS	40 Dean Street	40 Dean Street London W1D 4PX	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
19/00878/LIPT	I Camisa & Son	Basement And Ground Floor 61 Old Compton Street London W1D 6HS	Shop	Monday to Saturday; 08:00 - 23:00 Sunday; 10:00 - 22:30
06/05841/WCCMAP	I Camisa & Son	Basement And Ground Floor 61 Old Compton Street London W1D 6HS	Shop	Monday to Saturday; 08:00 - 23:00 Sunday; 10:00 - 22:30
18/14814/LIPDPS	Belgo	29 - 31 Old Compton Street London W1D 5JS	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
06/05560/WCCMAP	Gerry's Wine & Spirits	74-76 Old Compton Street London W1D 4UW	Shop	Monday to Saturday; 08:00 - 23:00 Sunday; 10:00 - 22:30

11/02308/LIPDPS	Prix Fixe Brasserie	Basement And Ground Floor 39 Dean Street London W1D 4PU	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
16/09678/LIPV	Pepe Italian Street Food	Basement And Ground Floor 27 Old Compton Street London W1D 5JP	Restaurant	Monday to Wednesday; 08:00 - 00:30 Thursday to Saturday; 08:00 - 03:00 Sunday; 10:00 - 00:00
13/02742/LIPDPS	Cafe Espana	Basement To First Floor 63 Old Compton Street London W1D 6HT	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
18/08872/LIPDPS	Assa	23 Romilly Street London W1D 5AQ	Club or institution	Monday to Saturday; 10:00 - 00:30 Monday to Saturday; 10:00 - 23:30 Sunday; 12:00 - 00:00 Sunday; 12:00 - 23:00
16/07026/LIPCH	Golden Lion Public House	51 Dean Street London W1D 5BH	Public house or pub restaurant	Monday to Thursday; 07:00 - 23:30 Monday to Saturday; 07:00 - 00:30 Friday to Saturday; 07:00 - 00:00 Sunday; 07:00 - 23:00 Sunday; 07:00 - 00:00
18/01551/LIPDPS	Muriels Kitchen	36 Old Compton Street London W1D 4US	Restaurant	Monday to Sunday; 07:00 - 01:30
06/12560/WCCMAP	The Delhi Brasserie	44 Frith Street London W1D 4SB	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00

19/02423/LIPDPS	Sushi Eatery	Basement And Ground Floor 40 Frith Street London W1D 5LN	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
11/01841/LIPDPS	Ronnie Scott's Jazz Club	Basement And Ground Floor And Part First Floor 47 Frith Street London W1D 4HT	Night clubs and discos	Monday to Saturday; 09:00 - 03:30 Sunday; 09:00 - 00:30
19/03302/LIPDPS	BA Shan Restaurant	24 Romilly Street London W1D 5AH	Restaurant	Monday to Saturday; 12:00 - 00:00 Sunday; 12:00 - 23:30
18/03962/LIPDPS	Burger & Lobster	36 - 38 Dean Street London W1D 3TE	Restaurant	Monday to Thursday; 10:00 - 00:30 Friday to Saturday; 10:00 - 01:00 Sunday; 12:00 - 23:00 Sundays before Bank Holidays; 12:00 - 00:30
18/10183/LIPDPS	ZIMA Russian Street Food And Bar	45 Frith Street London W1D 4SD	Restaurant	Monday to Saturday; 10:00 - 01:00 Sunday; 12:00 - 00:00
18/07653/LIPDPS	Freedom	Basement And Ground Floor National House 60 - 66 Wardour Street London W1F 0TA	Restaurant	Monday to Saturday; 09:00 - 03:30 Sunday; 09:00 - 00:00
16/11472/LIPN	Starbucks	Ground Floor National House 60 - 66 Wardour Street London W1F 0TA	Restaurant	Monday to Thursday; 23:00 - 23:30 Friday to Saturday; 23:00 - 00:00
17/14358/LIPDPS	Not Recorded	39 Frith Street London W1D 5LL	Cafe	Monday to Sunday; 06:00 - 03:00

17/01437/LIPVM	Caffe Nero	Ground Floor 43 Frith Street London W1D 4SA	Cafe	Thursday to Saturday; 23:00 - 04:00 Sunday to Wednesday; 23:00 - 02:00
08/11517/LIPD	Gerry's Club	Basement 52-53 Dean Street London W1D 5BJ	Club or institution	Monday to Saturday; 10:00 - 03:30 Sunday; 12:00 - 23:00

Item No:	
Date:	24 October 2019
Licensing Ref No:	19/08807/LIPN - New Premises Licence
Title of Report:	1 Irving Street London WC2H 7AT
Report of:	Director of Public Protection and Licensing
Wards involved:	St James's
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Kevin Jackaman Senior Licensing Officer
Contact details	Telephone: 020 7641 8094 Email: kjackaman@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	18 July 2019		
Applicant:	Ahmad Chahine		
Premises address:	1 Irving Street London WC2H 7AT	Ward:	St James's
		Cumulative Impact Area:	West End
Premises description:	According to the application form the premises intend to trade as a bistro restaurant		
Premises licence history:	This is an application for a new premises licence and therefore has no licence history.		
Applicant submissions:	<p>The business will operate as a small bistro with a maximum of 40 covers inside and at the outside tables and chairs. The sale of alcohol will be ancillary to food and full restaurant conditions are offered. The area of the outside tables and chairs is "delineated by red lines" as it is to be included for the sale of alcohol for consumption on the premises."</p> <p>There is no request for off sales. The permitted and opening hours requested are within Westminster council's hours policy HRS1. A full list of robust conditions are offered to promote the licensing objectives and prevent any increase in negative cumulative impact.</p> <p>We submit that taking the above into account the premises can be exempted from the CIZ policy under WCC policy RNT2.</p> <p>Following consultation, the applicant reduced the terminal hour for licensable activities from 23:30 to 23:00 Monday to Thursday, and the start time for the sale of alcohol on a Sunday to 12:00</p>		

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

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

Sale by retail of alcohol				On or off sales or both:			On the premises
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	12:00
End:	23:00	23:00	23:00	23:00	00:00	00:00	22:00
Seasonal variations/ Non-standard timings:			None				

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	08:00	08:00	08:00	08:00	08:00	08:00	08:00
End:	23:30	23:30	23:30	23:30	00:30	00:30	22:00
Seasonal variations/ Non-standard timings:			None				
Adult Entertainment:			None				

2. Representations

2-A Responsible Authorities																									
Responsible Authority:	Licensing Authority																								
Representative:	Angela Seaward																								
Received:	19 August 2019																								
<p>I write in relation to the application submitted for a new premises licence for 1 Irving Street, London, WC2H 7AT</p> <p>As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011, the Licensing Authority has considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the four Licensing Objectives:</p> <ul style="list-style-type: none"> • Public Nuisance • Prevention of Crime & Disorder • Public Safety • Protection of Children from harm <p>The application seeks the following Licensable Activities:</p> <table> <tr> <td>Recorded Music:</td> <td>Monday to Thursday:</td> <td>23:00 – 23:30</td> </tr> <tr> <td></td> <td>Friday to Saturday:</td> <td>23:00 – 00:00</td> </tr> <tr> <td>Late Night Refreshment:</td> <td>Monday to Thursday:</td> <td>23:00 – 23:30</td> </tr> <tr> <td></td> <td>Friday to Saturday:</td> <td>23:00 – 00:00</td> </tr> <tr> <td>Retail by Sale of Alcohol On and off the premises:</td> <td>Monday to Thursday:</td> <td>10:00 – 23:30</td> </tr> <tr> <td></td> <td>Friday to Saturday:</td> <td>10:00 – 00:00</td> </tr> <tr> <td></td> <td>Sunday:</td> <td>10:00 – 22:30</td> </tr> <tr> <td>Opening Hours</td> <td>Monday to Thursday:</td> <td>08:00 – 23:30</td> </tr> </table>		Recorded Music:	Monday to Thursday:	23:00 – 23:30		Friday to Saturday:	23:00 – 00:00	Late Night Refreshment:	Monday to Thursday:	23:00 – 23:30		Friday to Saturday:	23:00 – 00:00	Retail by Sale of Alcohol On and off the premises:	Monday to Thursday:	10:00 – 23:30		Friday to Saturday:	10:00 – 00:00		Sunday:	10:00 – 22:30	Opening Hours	Monday to Thursday:	08:00 – 23:30
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	Sunday:	10:00 – 22:30																							
Opening Hours	Monday to Thursday:	08:00 – 23:30																							

Friday to Saturday: 08:00 – 00:30
Sunday: 08:00 – 22:30

At present, the hours applied for licensable activities currently fall outside of Westminster's core hours. For premises for the supply of alcohol for consumption on and off the premises, Westminster's core hours are as follows:

Monday to Thursday: 10:00 – 23:30
Friday and Saturday: 10:00 – 00:00
Sunday: 12:00 to 22:30

The Licensing Authority would encourage the applicant to consider reducing the Sunday commencement hours for licensable activities to be in line with those of Westminster's Core Hours Policy, HRS1. It is also noted that unlike Friday to Saturday there is no drink up time allocated for Sunday to Thursday. Paragraph 2.3.6 of the Council's statement of licensing policy states the licensing authority will consider closing times and appropriate conditions. The benefits of "winding down" periods are very widely recognised as helping to reduce crime and disorder and public nuisance. Could you advise me how the premises proposes to manage the terminal hour for licensable activities from Sunday to Thursday nights bearing in mind in that in its current form all customers would have to be off the premises at the same time as purchasing alcohol.

The application proposes to operate the premises as a restaurant, therefore in order to be fully compliant with RNT2 of which it is policy to grant applications subject to other policies. The Licensing Authority would propose model condition Model Condition 66, which reads.

The premises shall only operate as a restaurant

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

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

Please accept this as a formal representation and I look forward to receiving any further submissions.

Responsible Authority:	Metropolitan Police Service (withdrawn)
Representative:	Adam Deweltz
Received:	21 August 2019 (withdrawn 3 September 2019)

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

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

I have been through the operating schedule and note the conditions contained. Police would require the following conditions to be added to the Premises Licence. If these can be agreed, the Police would be in a position to withdraw their representation:

- 1) *The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.*
- 2) *A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.*
- 3) *The premises shall only operate as a restaurant*
 - (i) *in which customers are shown to their table,*
 - (ii) *where the supply of alcohol is by waiter or waitress service only,*
 - (iii) *which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,*
 - (iv) *which do not provide any take away service of food or drink for immediate consumption,*
 - (v) *which do not provide any take away service of food or drink after 23.00, and*
 - (vi) *where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.*

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

- 4) *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.*
- 5) *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.*

I am content with all other conditions submitted.

In relation to your hours on Sunday, can you please bring the start time to **12:00** hours to reflect Westminster's Core Hours Policy.

Following agreement of the conditions proposed, the Metropolitan Police Service withdrew their representation on 3 September 2019

2-B Other Persons	
Name:	██████████
Address and/or Residents Association:	████████████████████
Received:	3 September 2019
<p>By this document I object to the grant of the requested Licence for the following reasons:</p> <ol style="list-style-type: none"> 1. The existing planning use of the premises is that of a sandwich bar. There is no existing licence to allow alcohol to be purchased or consumed on the premises or within the curtilage of the outside area and which I understand has planning use for 4 tables only and 16 chairs with a restriction for use only by the sandwich bar customers and who primarily are takeaway customers. As I shall explain hereafter the planning use has been breached for a very lengthy period of time by the present applicant 2. The Application envisages the joinder of the premises at ! Irving Street with the premises at 2/3 Irving Street and hence full service dining facilities will be provided to the "customers" who are accommodated at number 1 but who will not be purchasing food from No:1. Hence there will be a breach of the existing planning consent in respect of both 1 and 2/3 Irving Street as well as a breach of the existing Licence for 2/3 Irving Street relating to the sale of and consumption of alcohol. 3. The proposed use of the toilet facilities at No; 2/3 by customers of No:1 will overload and exhaust the toilet facilities at No: 2/3 and which is a health and safety issue. No: 2/3 cannot possibly cope with such an overload! 4. The proposed sale of alcohol at No:1 is simply not viable. There are no toilet facilities at No: 1 and what is being sought is to turn these premises into a virtual Public House and as there is miniscule interior room for customers and who will congregate outside the premises and spill onto the pavement and obstruct the Irving Street thoroughfare and which is an important conduit between Leicester Square and Charing Cross Road and which ought not to be blocked (see my subsequent comments). 5. Since the present Applicant has taken control over No: 1 the premises have effectively ceased to operate as a sandwich bar and have become effectively joined to 2/3 as a visual inspection and the new signage shows. As a result, customers seated at the tables outside No 1 are served meals from the kitchen at 2/3 Irving Street and which itself is in breach of the restricted planning consent at 2/3 and which does not allow full scale cooking at No: 2/3. This planning breach is currently being considered by the Planning Enforcement Officers of Westminster. Complaints have also been made to Westminster concerning the illegal extraction system at No 2/3 and which is creating a nuisance by way of smoke and smell to the whole area. Enforcement letters have been sent to the Applicant but at the date hereof have not been complied with. Westminster have been requested to take enforcements proceedings via the court. Accordingly, the Applicant cannot expect to succeed on tis present Application whilst seriously in breach of existing planning consents and in respect of the Licence at No:2/3. 6. Of further concern is the fact that alcohol is being sold in particular at weekends to mainly young and possibly underage customers in the late evening and who congregate [outside No 1 and generally creating a nuisance by their unruly and noisy behaviour. Shisha (and unfortunately cannabis) is in common use in particular at these late hours. No enforcement action has to my knowledge been taken by Westminster to curb or prevent these continuing and ongoing breaches of planning and licencing and which result from the Applicant's continuing breaches. <p>COMMENTS ON APPLICANT'S PROPOSED CONDITIONS</p>	

A) GENERAL

Please see 6 above. The applicant is not running the existing business in a responsible manner and remains in breach of existing planning and licensing regulations

CIZ STATEMENT

There is no existing planning consent for use as a "Bistro". There is insufficient space available to allow any business other than a sandwich bar or similar operation. No cooking is allowed at the premises. The Applicant is disingenuous when he makes this assertion.

There is only room outside for 4 tables and 16 chairs. The sale of alcohol should be prohibited at these premises. Alcohol is presently sold from No: 2/3 for consumption "off" the No: 2/3 premises to

customers who are seated at the tables outside No:1 and who then spill out into the street and on drinking mainly in Irving Street/Leicester Square.

B) PREVENTION OF CRIME AND DISORDER

1. Westminster are invited to carry out surveillance at No: 1 and No: 2/3 to ascertain the present breaches of planning and licensing. I have no confidence that such condition will be imposed or observed by the Applicant.

2. If alcohol is ordered and not followed up by a meal, then this merely encourages the continuation of what is now taking place at the premises.

3. This is a simple "get out" and invites and encourages "off" sales as there will be no monitoring thereof and will lead to the rowdy behaviour already referred to.

4. Customers will take their alcoholic drinks outside and consume them there and hence this condition is simply not understood if the intention is to allow table sales only.

5. Without a total restriction of the sale of alcohol these "off" sales will not be prevented.

6. The plan does not provide the location of the camera points or the precise areas to be covered by the CCTV images. It also does not indicate any designated point for internal observation/immediate download of the camera images. It is noted that no daily log will be kept.

7. There is no indication of where image storage will be maintained. Ensuring that recordings are being made should be effected on a daily basis by somebody of managerial status. Challenge 25 is not in use at the moment or if it is it is being demonstrably ignored by the Applicant and his staff. Many under-age alcohol drinkers are observed on a regular basis consuming alcohol outside No: 1 in particular at weekends.

8. Noted

9. The display places of these notices are not set out on the plan

C) PUBLIC SAFETY

The proposal for 40 covers is imply unmanageable when linked with the non-existence of toilet facilities. This may result in customers having no alternative other than to seek to urinate in public places.

N:1 has insufficient facilities to service 40 customers with food. The emphasis will be in sales of alcohol. The potential obstruction of pedestrians in Irving Street which is a very busy thoroughfare will create potential safety problems.

D) PREVENTION OF PUBLIC NUISANCE

1. The grant of a licence to sell alcohol on or off the premises will result in an immediate breach of this condition.
2. This nuisance will take place and as opposed to prevention thereof bearing in mind that the Applicant has already anticipated the situation he will have to confront and is indicating what the cure will be.
- 4
3. There will be a consistent mess throughout licensing hours, and which will spill out into Irving Street. A final sweep at closing indicates the admission of such nuisance.
4. Noted.
5. Noted.
6. This suggest that customers will be inebriated.

E) PROTECTION OF CHILDREN FROM HARM

At the moment the Applicant does not discourage underage drinkers who purchase and consume alcohol and who congregate outside the premises and in Irving Street/Leicester Square. The grant of a Licence is unlikely to curb these occurrences but will allow the same to increase

CONCLUSION

The grant of a licence to allow alcohol to be sold at these premises either "On" or "Off" or even to be consumed at the premises or outside the premises at the tables and chairs should not be allowed for the reasons set out above.

3. Policy & Guidance

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

Policy CP1 applies	<p>(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.</p> <p>(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.</p>
Policy HRS1 applies	<p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p> <p><u>For premises for the supply of alcohol for consumption on the premises:</u> 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><u>For premises for the provision of other licensable activities:</u> 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>
Policy RNT2 applies	<p>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</p>

4. Equality Implications

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

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

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

5. Appendices

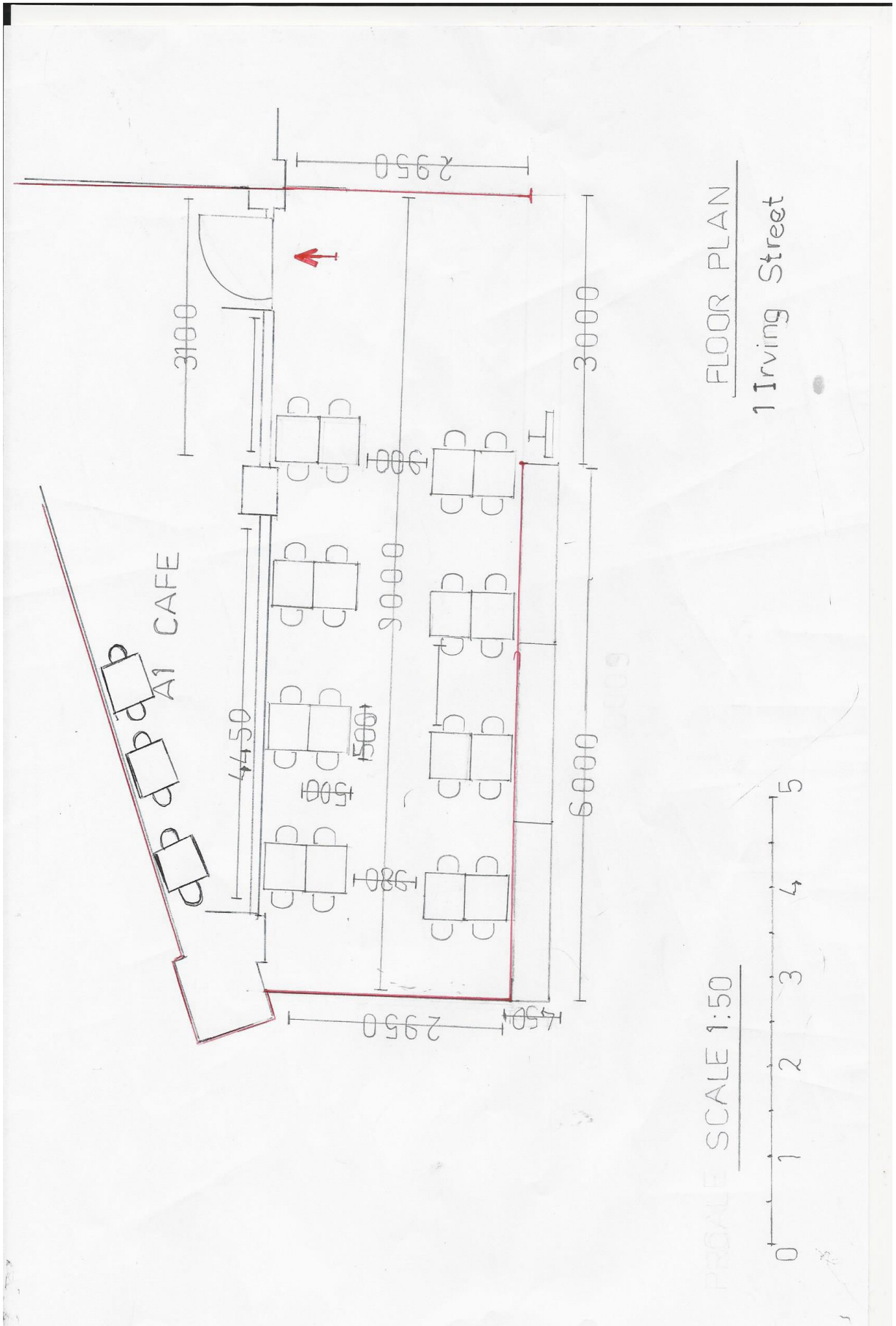
Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

Report author:	Kevin Jackaman Senior Licensing Officer
Contact:	Telephone: 020 7641 8094 Email: kjackaman@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 2019
4	Licensing Authority Representation	19 August 2019
5	Metropolitan Police Service Representation	21 August 2019 (withdrawn 3 September 2019)
6	Interested Party Representation	3 September 2019



Applicant Supporting Documents

Appendix 2

None submitted

Application	Details of Application	Date Determined	Decision
19/07404/STTCF	Tables and Chairs	19.06.2019	Granted under delegated authority
Temporary Event Notices	Date of Event	Activities/Hours	Decision
19/06369/LITENP	07.06.2019 to 09.06.2019	Regulated entertainment, Late night refreshment and Sale of alcohol	Event permitted
19/06375/LITENP	14.06.2019 to 16.06.2019	Regulated entertainment, Late night refreshment and Sale of alcohol	Event permitted
19/06599/LITENP	21.06.2019 to 23.06.2019	Regulated entertainment, Late night refreshment and Sale of alcohol	Event permitted
19/07012/LITENP	05.07.2019 to 06.07.2019	Regulated entertainment, Late night refreshment and Sale of alcohol	Event permitted
19/07016/LITENP	12.07.2019 to 13.07.2019	Regulated entertainment, Late night refreshment and Sale of alcohol	Event permitted
19/06975/LITENP	28.06.2019 to 29.06.2019	Regulated entertainment, Late night refreshment and Sale of alcohol	Event permitted
19/07300/LITENP	19.07.2019 to 20.07.2019	Regulated entertainment, Late night refreshment and Sale of alcohol	Event permitted
19/07682/LITENP	29.06.2019 to 30.06.2019	Regulated entertainment, Late night refreshment and Sale of alcohol	Event permitted
19/09070/LITENP	03.08.2019	Regulated entertainment, Late night refreshment and Sale of alcohol	Event permitted
19/09340/LITENP	10.08.2019	Regulated entertainment, Late night refreshment and Sale of alcohol	Event permitted
19/09666/LITENP	17.08.2019	Regulated entertainment, Late night refreshment	Event permitted

		and Sale of alcohol	
19/10032/LITENP	24.08.2019	Regulated entertainment, Late night refreshment and Sale of alcohol	Event permitted
19/10366/LITENP	31.08.2019	Regulated entertainment, Late night refreshment and Sale of alcohol	Event permitted
19/10748/LITEN	07.09.2019	Regulated entertainment, Late night refreshment and Sale of alcohol	Event permitted

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

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

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

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

Mandatory Conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or

less in a manner which carries a significant risk of undermining a licensing objective;

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

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

- 8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 8(ii) For the purposes of the condition set out in paragraph 8(i) above -
- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -
- $$P = D + (D \times V)$$
- Where -
- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Conditions consistent with the operating schedule

9. The premises will operate strictly as a restaurant with the sale of alcohol only being permitted to customers taking a substantial table meal, seated at a table and with service by waiting staff only.

10. Customers consuming a table meal may be permitted to drink alcohol before, during or after their meal.
11. Customers will be permitted to take home a sealed part consumed bottle of wine.
12. There will be no sale or consumption of alcohol permitted at the bar.
13. Customers collecting a take away meal will not be permitted to buy alcohol.
14. CCTV covering the interior & exterior of the restaurant including the outside tables & chairs will be installed and be kept operational at all times the premises are open to the public. It shall be capable of taking a head & shoulders shot of persons entering the premises, be capable of storing images for a minimum of 31 days and a member of staff trained & capable of downloading images shall be on duty at all times the premises are open to the public. Images shall be provided to the police or authorised officers on request.
15. On a minimum daily basis staff shall check that the CCTV system is operational and the date & time print correctly set and on a minimum weekly basis staff shall check that images are being recorded and stored for a minimum of 31 days and can be instantly downloaded.
16. Front of house / waiting staff will receive training for their role on induction & refresher training every 6 months. Written training records will be kept for all staff.
17. Notices will be prominently displayed by the entry/exit door, on the outside area and servery advising customers:
 - That CCTV and challenge 25 are in operation;
 - Advising customers of the provisions of the licensing act regarding underage & proxy sales;
 - Asking customers to respect nearby residents, to leave quietly and not loiter outside the restaurant;
 - That no drinks, glasses or bottles may be taken beyond the outside tables and chairs area or when the area is closed from the restaurant at any time;
 - Asking smokers to dispose of cigarette butts responsibly.
18. A fire risk assessment and emergency plan will be prepared & regularly reviewed. Staff will be given appropriate fire safety training
19. No drinks, glasses or bottles will be permitted to be taken beyond the outside tables and chairs area or when the area is closed from the restaurant at any time.
20. Management & staff will monitor the outside of the restaurant including the conduct of customers outside smoking. A suitable container will be provided for cigarette ends and be regularly emptied.
21. The restaurant front will be kept tidy at all times and shall be swept at close.
22. No deliveries will be received or glass removed between 20.00 and 08.00.
23. A phone number will be displayed for residents to contact management with any concerns. Details of any complaints and the outcome will be recorded in the incident book.
24. A local cab office number will be displayed & staff will call a cab for departing customers on request

25. 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.
26. All refusals of service will be recorded in the incident book (refusals section) and will be made available to the police or authorised officers on request.
27. Waiting staff will be trained on induction and be given refresher training at six monthly intervals in the operation of challenge 25. Training will include identifying persons under 25, making a challenge, acceptable proof of age and checking it, making and recording a refusal, not serving intoxicated persons, avoiding conflict, responsible alcohol retailing & safeguarding children.
28. No child or young person under 18 will be permitted to consume alcohol on the premises at any time.
29. No unaccompanied children will be permitted on the premises after 19.00

Conditions proposed by the Environmental Health Service and agreed by the applicant so as to form part of the operating schedule

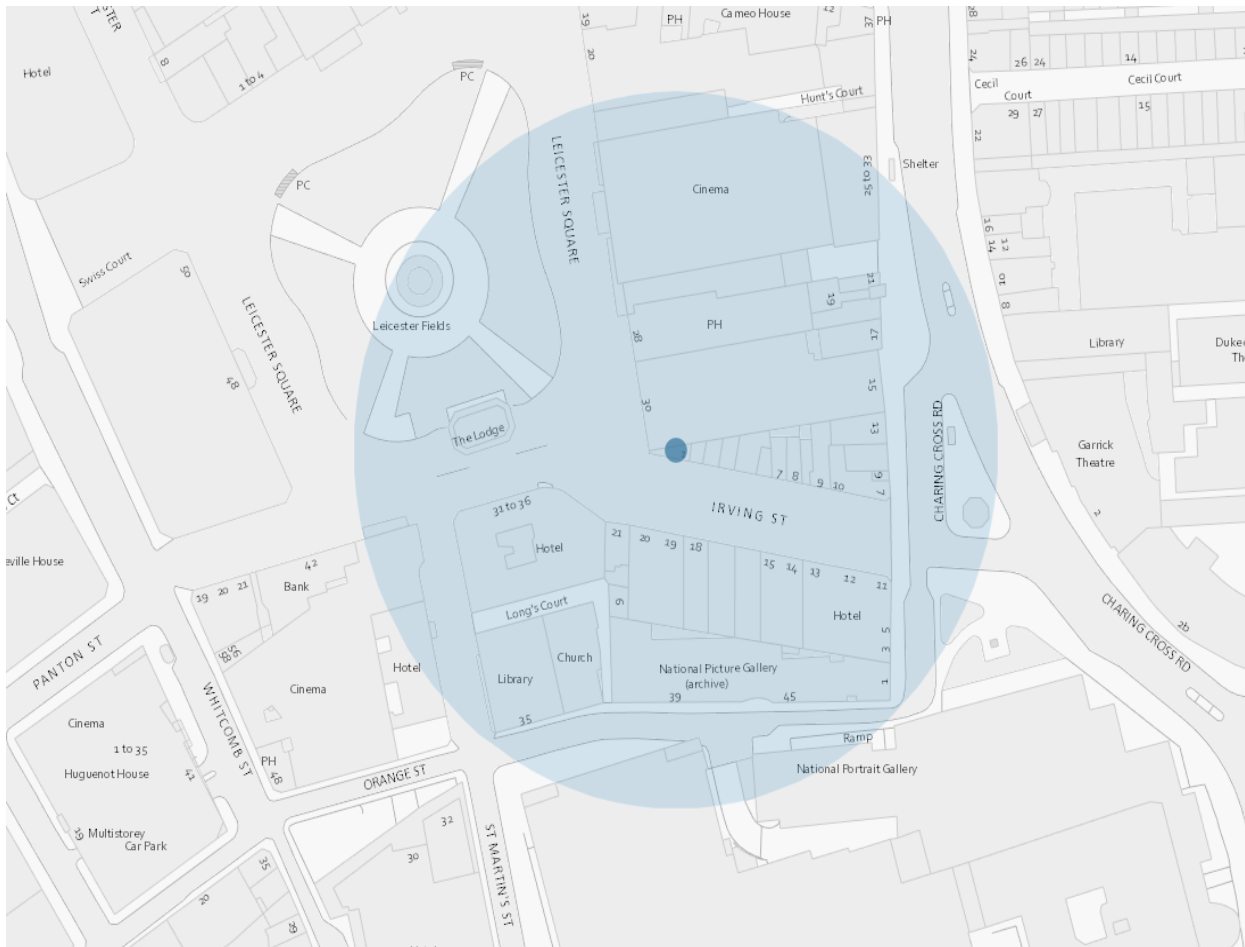
30. Customers of Number 1 Irving Street must be allowed to use the toilets free of charge at the adjoining Number 2/3 Irving Street. The toilets at Number 2/3 shall be available for use at all times when Number 1 is open for business

Conditions proposed by the Police and agreed by the applicant so as to form part of the operating schedule

31. 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.
32. 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.
33. The premises shall only operate as a restaurant
 - (i) in which customers are shown to their table,
 - (ii) where the supply of alcohol is by waiter or waitress service only,
 - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
 - (iv) which do not provide any take away service of food or drink for immediate consumption,
 - (v) which do not provide any take away service of food or drink after 23.00, and
 - (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

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

34. 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.



Resident count: 16

Licensed premises within 75 metres of 1 Irving Street

19/02589/LIPDPS	Stephanos Cafe La Chandelle	2-3 Irving Street London WC2H 7AT	Restaurant	Monday to Saturday; 08:00 - 00:30 Sunday; 08:00 - 00:00
18/05674/LIPDPS	Global Radio	29-30 Leicester Square London WC2H 7LA	Office	Monday to Friday; 07:00 - 00:00
19/10149/LIPVM	TGI Fridays	29-30 Leicester Square London WC2H 7LA	Not Recorded	Monday; 09:00 - 01:30 Tuesday; 09:00 - 01:30 Wednesday; 09:00 - 01:30 Thursday; 09:00 - 01:30 Friday; 09:00 - 01:30 Sunday; 09:00 - 01:00 Sundays before Bank

				Holidays; 09:00 - 01:30
19/04918/LIPVM	Il Padrino	6-7 Irving Street London WC2H 7AT	Not Recorded	Monday; 10:00 - 05:00 Tuesday; 10:00 - 05:00 Wednesday; 10:00 - 05:00 Thursday; 10:00 - 05:00 Friday; 10:00 - 05:00 Sunday; 11:00 - 01:30
19/11943/LIPDPS	Club Storm	28A Leicester Square London WC2H 7LE	Night clubs and discos	Monday; 09:00 - 03:30 Monday to Wednesday; 09:00 - 03:30 Tuesday; 09:00 - 03:30 Wednesday; 09:00 - 03:30 Thursday; 09:00 - 03:30 Thursday to Saturday; 09:00 - 06:00 Friday; 09:00 - 03:30 Saturday; 09:00 - 03:30 Sunday; 09:00 - 01:00
18/07437/LIPVM	Moon Under Water	28 Leicester Square London WC2H 7LE	Public house or pub restaurant	Monday to Thursday; 07:00 - 23:30 Friday to Saturday; 07:00 - 00:00 Sunday; 07:00 - 22:50 Sundays before Bank Holidays; 07:00 - 00:00
18/14488/LIPT	Wox	8 Irving Street London WC2H 7AT	Cafe	Monday to Saturday; 23:00 - 05:00
18/09424/LIPDPS	Garfunkels Restaurants	Ground Floor 19 - 20 Irving Street London WC2H 7RR	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
18/14963/LIPDPS	MOD Pizza	17 - 18 Irving Street London WC2H 7AU	Restaurant	Monday to Saturday; 07:00 - 00:30 Sunday; 07:00 - 00:00 Christmas Eve; 07:00 - 02:30

				New Year's Eve; 07:00 - 07:00
18/09120/LIPDPS	Radisson Hampshire Hotel	31-36 Leicester Square London WC2H 7LH	Hotel, 4+ star or major chain	Monday to Sunday; 00:01 - 00:00
17/09529/LIPN	Not Recorded	Basement And Ground Floor 16 Irving Street London WC2H 7AU	Restaurant	Monday to Saturday; 07:00 - 01:00 Sunday; 07:00 - 00:00 Christmas Eve; 07:00 - 02:30 New Year's Eve; 07:00 - 07:00
10/05756/LIPN	Pompidou	9A Irving Street London WC2H 7AT	Cafe	Monday to Saturday; 07:00 - 23:30 Sunday; 09:00 - 23:00
06/12648/WCCMAC	Beefsteak Club	Basement To First Floor 9 Irving Street London WC2H 7AH	Club or institution	Monday to Friday; 13:00 - 15:00 Monday to Friday; 17:30 - 23:30
17/12395/LIPVM	Not Recorded	9A Irving Street London WC2H 7AT	Cafe	Monday to Saturday; 08:00 - 23:30 Sunday; 08:00 - 23:00
18/09520/LIPDPS	Bella Italia	10 Irving Street London WC2H 7AT	Restaurant	Monday to Saturday; 09:00 - 01:00 Sunday; 09:00 - 00:00 Sundays before Bank Holidays; 09:00 - 01:00
19/00179/LIPT	The Halal Guys	Basement And Ground Floor 14-15 Irving Street London WC2H 7AU	Restaurant	Monday to Saturday; 10:00 - 23:30 Sunday; 23:30 - 23:00
17/00808/LIPDPS	Wagamama	14A Irving Street London WC2H 7AF	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
18/01279/LIPDPS	Saravana Bhavan	17 Charing Cross Road London WC2H 0EP	Restaurant	Monday to Sunday; 10:00 - 00:30
19/11008/LIPVM	Odeon Cinema	24 - 27	Cinema	Monday to

		Leicester Square London WC2H 7JY		Sunday; 00:00 - 00:00
19/05778/LIPCH	Odeon Cinema	24 - 27 Leicester Square London WC2H 7JY	Cinema	Monday to Sunday; 00:00 - 00:00
16/00395/LIPT	Maharaja Of India	19A Charing Cross Road London WC2H 0ET	Restaurant	Monday to Saturday; 10:00 - 23:30 Sunday; 12:00 - 23:00
19/01132/LIPVM	Steak & Co	Ground Floor 3 - 5 Charing Cross Road London WC2H 0HA	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
18/12523/LIPT	Assembly Hotel	Basement And Ground Floor Part Alhambra House 27 - 31 Charing Cross Road London WC2H 0AU	Hotel, 3 star or under	Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 01:00 Sunday; 10:00 - 22:30
06/05390/WCCMAP	Leicester Square Gardens	Open Space At Leicester Square London WC2H 7LE	Park / Open Space	Monday to Saturday; 07:30 - 22:30 Sunday; 08:00 - 22:30
15/07167/LIPDPS	Bella Italia	22 Leicester Square London	Restaurant	Monday to Saturday; 09:00 - 01:00 Sunday; 09:00 - 00:00 Sundays before Bank Holidays; 09:00 - 01:00

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City of Westminster

Licensing Sub-Committee Report

Agenda Item 3

Item No:	<input type="text"/>
Date:	<input type="text"/>
Licensing Ref No:	19/10353/LIPV - Premises Licence Variation
Title of Report:	McDonald's Communications House 48 Leicester Square London WC2H 7LT
Report of:	Director of Public Protection and Licensing
Wards involved:	St James's
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Michelle Steward Senior Licensing Officer
Contact details	Telephone: 020 7641 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:	15 August 2019		
Applicant:	Capital Arches Group Limited		
Premises:	McDonald's		
Premises address:	Communications House 48 Leicester Square London WC2H 7LT	Ward:	St James's
		Cumulative Impact Area:	West End
Premises description:	The premises currently operates as a fast food franchise, offering hot food and non-alcoholic beverages for immediate consumption with dining facilities located on ground and mezzanine floors or for consumption off the premises. The basement level consists of staff and back of house areas.		
Variation description:	<p>The premises currently have a premises licence which allows for the provision of late night refreshment on Mondays to Sundays from 23:00 to 03:00.</p> <p>This variation seeks to extend the opening hours and the provision of late night refreshment on Mondays to Sundays from 03:00 to 05:00.</p>		
Premises licence history:	The premises has had the benefit of a premises licence since 2013. The current premises licence 16/10259/LIPVM is attached at Appendix 3 together with a full licence history.		
Applicant submissions:	There are no submissions from the applicant.		

1-B Current and proposed licensable activities, areas and hours						
Regulated Entertainment						
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	03:00	23:00	05:00	Ground and Mezzanine Floors	No Change
Tuesday	23:00	03:00	23:00	05:00		
Wednesday	23:00	03:00	23:00	05:00		
Thursday	23:00	03:00	23:00	05:00		
Friday	23:00	03:00	23:00	05:00		
Saturday	23:00	03:00	23:00	05:00		
Sunday	23:00	03:00	23:00	05:00		
Seasonal variations/ Non-standard timings:	Current: One additional hour to standard timings on the day British Summertime commences.				Proposed: None	

Hours premises are open to the public

	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	05:00	03:00	05:00	05:00	Ground and Mezzanine Floors	No Change
Tuesday	05:00	03:00	05:00	05:00		
Wednesday	05:00	03:00	05:00	05:00		
Thursday	05:00	03:00	05:00	05:00		
Friday	05:00	03:00	05:00	05:00		
Saturday	05:00	03:00	05:00	05:00		
Sunday	05:00	03:00	05:00	05:00		
Seasonal variations/ Non-standard timings:	Current: One additional hour to standard timings on the day British Summertime commences.				Proposed: None	

1-C Layout alteration
There are no changes to layout sought by way of this application.

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Metropolitan Police Service
Representative:	PC Bryan Lewis
Received:	11 September 2019
<p>With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, is objecting to this application as it is our belief that if granted this application would undermine the Licensing Objectives.</p> <p>The venue is located in the West End Cumulative Impact Area, a locality where there is traditionally high levels of crime and disorder. We have concerns that this application will cause further policing problems in an already demanding area.</p> <p>Correspondence from the applicant to the Metropolitan Police Service dated 15 October in respect of the conditions proposed by the Metropolitan Police Service:</p> <p>Good evening. Further to our telephone conversation earlier today and with reference to your proposed Conditions, as per your letter of the 8th October. I would like to clarify and suggest the following:</p> <p>In respect to the proposed Condition 10. The matter of being able to dine-in through the licensable period is of particular importance to us, for the following summary reasons:</p> <ul style="list-style-type: none"> • Providing a 'business as usual' approach to the restaurant operation, which we believe will have a positive impact on delivering consistent customer experience, hospitality, safety, security and resilience • Maintains the potential refuge, respite and welfare opportunity for young and potential vulnerable persons during the night time, in line with our commitments to our WAVE (Welfare & Vulnerability Engagement) training as well as our involvement with Best Bar None and the Mayor of London's Women's Night 	

Safety Charter, to which Capital Arches Group is a signatory

- It will avoid the conflict that can often be experienced with the handling of customer complaints when disappointment is expressed over the unavailability of toilet facilities or a place to sit down to eat & drink. The handling of such complaints can also lead to the distraction of the Guards and Managers from other important duties in relation to the management of the Licence
- An increase in take away purchased will increase the potential for an increase in litter, which would be inconsistent with other areas of the Council's Licensing Policy
- There is also the increased potential for unmanaged disorder away from the premises, and the controls there within, e.g. CCTV, Incident Logs, SIA Licenced Guarding etc.

I also summarised our involvement as a member of HoLBA and the "My Local Bobby" (MLB) initiative. This is providing an on-street presence of licenced security patrolling Leicester Square. This has been in place since April and we expect, as the result of additional funding by a number of businesses on Leicester Square, including ourselves, patrols to very soon be provided throughout the licensable hours. The MLB initiative is having a noticeable and positive impact on recorded crime in the area and we expect it to only improve. The MLB Team will be working closely with our own Security Guards to provide an enhanced approach to security throughout the whole area and throughout the night.

My view is that there are pros and cons for both off only and on/off sales. We have had branches of McDonalds that have become meeting places for youths, gangs, and people who might prey on them. I have emailed Lara for her opinion.

In respect to the other Conditions you have proposed:

Condition 1 is very similar to the existing Condition 2 on the Premise Licence The proposed condition includes the wording "...as per the minimum requirements of the Westminster Police Licensing Team.", which is not part of the existing Condition. So we are sure, can you please elaborate on what this means please?

This is a model condition from the WCC basket of model conditions. It has gone on numerous licences with no further mention of it. It simply means the CCTV system shall provide good evidential quality images. Rarely a problem in McDonald's as the lighting inside is always good. An example of this requirement might be where an operator has an incident in an area where there is no camera. We may request one is installed. An operator might say in response to this, 'well we have only had one incident in this area, so why do we need another camera?' That is why we must have the final say on the standard of CCTV.

The Condition goes on to read, "Viewing of recordings shall be made available immediately upon the request of Police...", currently the existing Condition reads "...shall be made without any unreasonable delay when requested..." While not wanting to be pedantic would it be possible to retain the existing wording? The existing wording was created in conjunction with Westminster Police Licensing

This is a model condition and not specially drafted for McDonald's. It avoids the 'well we don't think we are being unreasonable' discussion

There is no issue with the rest of the proposed wording.

Again in Condition 2, the wording "without any unreasonable delay when requested" (which is the existing Condition 3) is proposed to be changed to "with the absolute minimum of delay when requested". We do not expect to unnecessarily delay the supply of CCTV footage but we would rather any provision is reasonable rather than strictly immediate, given all of the potential circumstances that can arise within our restaurants at any time, and upon the attendance of the

Police.

Another model condition. Again to avoid the what is reasonable / unreasonable? And who defines it.

There are no issues with your proposed Condition 3

In respect to Condition 4 I would suggest that 2 SIA Licenced Door Supervisors Sunday – Thursday and 3 on Friday & Saturday as a minimum would be sufficient. This is what we currently provide on a voluntary basis and we believe to be sufficient. We have not received any representation from any enforcement agencies since we have been operating such to contrary.

I've done many night duty licensing visits to the Strand McDonalds and I have witnessed how 4 or 5 Security personnel, are essential to maintain order; particularly with queuing taking place. Also for safety reasons, Security should be in pairs (within sight of each other) for their personal safety and safe escort / restraint duties.

There are no issues with your proposed Condition 5

Regarding Condition 6, further to our discussion earlier can I suggest the following wording: "There shall be a dedicated and uniformed toilet attendant on duty at the premises throughout the licensable hours, and they shall be equipped with a radio or panic alarm, in accordance with the restaurants toilet supervision procedures." This will then allow some flexibility during the lower footfall periods. I suggest this on the basis that since November 2016 we are unaware of an incident of violence & disorder that has warranted the attention of the Police during the licensable hours, since the restaurant opened

That would defeat the object. I don't think there are any downtimes during licensable hours; only relatively speaking. Our priority is prevention and as we have discussed, the toilet layout in this branch is less than ideal.

There are no issues with your proposed Condition 7

For Condition 8, I would suggest the following wording: "All managerial staff shall receive a recognised Conflict Management Training Course, prior to working licensable hours. Such staff shall sign to the effect they have received this training and records should be made available to the Responsible Authorities upon request." I suggest this as all of our Managers are required to attend a Conflict Resolution Course, provided by an accredited external provider, (Maybo Ltd), as a perquisite of working the licensable hours. The Managers are responsible for the supervision and safety of all employees on duty and in doing so they are supported by licensed Door Supervisors, who's presence will be also be required by a Condition.

The likelihood is the first member of staff to deal with circumstances that might lead to conflict are Security and /or counter staff. A manager will often only become involved when a dispute is underway.

There are no issues with your proposed Condition 9

I hope that the above is helpful, but please do not hesitate to contact me if there is anything further you would like to discuss. As ever I am more than happy to meet with you if that would be beneficial.

To summarise I cannot agree to your suggested amendments save possibly for the take away only condition, which I am seeking advice on.

As referenced earlier we would much prefer to agree a mutually satisfactory position prior to the Hearing on the 24th October; rather than potentially enter into discussions at the Hearing that could be seen as contrary to the partnership approach we believe we have sort to create and maintain over a number of years. In doing so we do not seek to devalue the purpose of the Hearing, as its importance in achieving a reasonable and suitable outcome to our application through that forum.

Further correspondence from the applicant to the Metropolitan Police Service dated 16 October 2016:

Thank you for your feedback.

We wait your further feedback on your proposed take away only Condition.

I would reiterate the point made when we spoke yesterday that the proposed Conditions as they stand are disproportionate to the known risk associated with the operation of the venue. Capital Arches Group Ltd are committed to working in partnership with all enforcement agencies, and in particular the MPS and City of Westminster in this matter, as we have done for the last 3 years in the area of Premises Licensing throughout the Borough. On this basis we are absolutely happy to compromises in the pursuit of a mutually satisfactory position. Your current position does not suggest compromise. However we are hopeful we can achieve such, as we are ultimately both seeking the same thing, i.e. positively affecting crime & disorder within the night time economy throughout the borough. If the wording I have suggested is not suitable to you, could we meet and try and agree wording that would be acceptable?

I would like to clarify that the use of “reasonable” protects both parties, in itself is not an unreasonable phrase to have, (and was agreed to by Westminster), and is subject to legal definition

We are not comfortable with the comparison with the restaurant at 34-35 Strand when considering SIA numbers. The locations of these 2 restaurants offer up 2 differing sets of challenges. Not least in that The Strand is far busier. We have voluntary provided 3 SIA Guards as a minimum on Friday and Saturdays at Leicester Square, including approx. 35 weekend TENS over the last 3 years will no crime directly associated with the management of the licence reported to us. We would also note that we provide guarding arrangements at 34-35 Strand in excess of what is required by the Conditions of the Premises Licence, as we recognise the need to be continually dynamic in the provision of all complementary controls measures in the successful management of licensable hours.

Responsible Authority:	Environmental Health Service
Representative:	Maxwell Owusu Koduah
Received:	6 September 2019

I refer to the application to vary the Premises Licence number for the above-mentioned premises 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 licensable activities in line with the relevant policies within the Council’s Statement of Licensing Policy dated January 2016.

Applicant seeks to extend the provision of Late-Night Refreshment “Indoors & outdoor” Monday to Sunday from 03:00 hours to 05:00 hours.

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:

Extending the provision of Late-Night Refreshment by two hours throughout the week would have the likely effect of causing an increase in Public Nuisance and may affect Public Safety

within the West End Cumulative Impact Area

There is one additional hour to the standard timing on the day British Summer Time commences. Please confirm if this application seeks to give this up.

It is my view that, as presented, the application does not fully address the concerns of Environmental Health. Additional conditions may be proposed.

The applicant is asked to contact the undersigned to discuss the application and its wider implication on the licensing objectives of Public Nuisance and Public Safety.

Responsible Authority:	Licensing Authority
Representative:	Karyn Abbott
Received:	10 September 2019

I write in relation to the application submitted for a variation of the premises licence for 48 Leicester Square, London.

As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011, the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the four Licensing Objectives:

- Public Nuisance
- Prevention of Crime & Disorder
- Public Safety
- Protection of children from harm

The application seeks the following variations:

The proposed variation is to extend the opening hours and provision of late-night refreshment on Mondays to Sundays from 03:00 to 05:00.

The premises is located within the West End Cumulative Impact Area and as such various policy points must be considered, namely CIP1, HRS1 and FFP2.

This application falls within Westminster's FFP2 Policy. It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas, other than applications to vary hours within Core Hours under HSR1.

Paragraph 2.5.20 states The Council are particularly concerned in the Cumulative Impact Areas where there are high concentrations of fast food premises in addition to other licensed premises. On this basis and because the attraction and retention of people by the premises mitigates against their rapid dispersal from the cumulative impact areas, the Licensing Authority considers that the grant of variations for fast food premises in the Cumulative Impact Areas should be limited to exceptional circumstances.

Paragraph 2.4.5 states, The Licensing Authority's policies, in relation to the Cumulative Impact Areas, are directed at the global and cumulative effects of licences on the area as a whole. The Licensing Authority encourages the applicant to provide further submissions as to how the premises will not add to cumulative impact in the cumulative impact area, as per policy CIP1 and submit further explanation on their exceptional circumstance for why the licence should be granted.

Unless the applicant can satisfy the concerns of the Licensing Authority by demonstrating that the application will not add to cumulative impact if granted, it will be for Licensing Sub-Committee Members to determine this application, given its location within the West End

Cumulative Impact area.

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy CIP1 applies	<p>(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.</p> <p>(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.</p>
Policy HRS1 applies	<p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p> <p><u>For premises for the supply of alcohol for consumption on the premises:</u> 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><u>For premises for the supply of alcohol for consumption off the premises:</u> Monday to Saturday: 08:00 to 23:00 Sundays: 10:00 to 22:30</p> <p><u>For premises for the provision of other licensable activities:</u> 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>
Policy FFP2 applies	<p>It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas, other than applications to vary hours within the Core Hours under Policy HRS1.</p>

4. Equality Implications

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

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

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

4. Appendices

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

Report author:	Michelle Steward Senior Licensing Officer
Contact:	Telephone: 020 7641 1872 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	Metropolitan Police Service Representation	11 September 2019
5	Environmental Health Service Representation	6 September 2019
6	Licensing Authority Representation	10 September 2019

There are no supporting documents from the applicant.

RESTRICTED (when complete)

MG 11 (T)

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of Lara SHARP..... URN: [] [] [] []

Age if under 18 Over 18..... (if over 18 insert 'over 18') Occupation: Police Officer.....

This statement (consisting of 2..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: [Signature] 2018AW..... Date: 03/10/2019.....

Tick if witness evidence is visually recorded [] (supply witness details on rear)

I am the above named person and I am employed by the Metropolitan Police Service as the Dedicated Ward Officer for West End and Chinatown, 2018AW. My role requires me to know and understand the crime footprint of the area, including anti-social behaviour trends. I am making this statement in relation to the license extension request made by McDonald's, 48 LEICESTER SQUARE, London WC2H 7LU. As I understand it the restaurant seeks to extend trading hours between Monday-Sunday from the current time of 03:00hrs to the new time of 05:00hrs indefinitely. I am making the recommendation that the extension be opposed, the reasons for which I set out below which are based on my professional opinion and experience.

Part of my job as a Dedicated Ward Officer is to ensure that crime is prevented as far as possible. Much of this work involves developing design-out crime opportunities and working with businesses to support them in implementing them. LEICESTER SQUARE is a busy an iconic tourist destination in the heart of our capital. Due to the high daily footfall it is paramount that it remains a safe and welcoming space for all visitors. The extended trading hours requested by McDonald's will predominantly be to service individuals who have stayed out late to enjoy the West Ends night time economy. These individuals will undoubtedly be intoxicated and seeking late-night sustenance. It is my understanding that, as is true with other McDonald's restaurants which stay open for the above mentioned reason, that no seating is available inside at this time and customers are encouraged to purchase food and then exit immediately. However, due to the nature of the LEICESTER SQUARE with its perimeter seating area, I anticipate this will encourage more individuals to remain in the square to eat their food. Having conducted night duty patrols in the square on many occasions, I have seen such behaviour occur and been involved in disrupting alcohol-fuelled aggression, disagreements and quarrels.

Crime is not random: it converges in time and space where opportunities arise. I strongly believe that if McDonald's remains open for two further hours until 05:00hrs, this will encourage more intoxicated individuals into the square and encourage them to hang around for longer when they may have previously gone home. I anticipate increased crowds of frolicking and noisy individuals will disturb the area for nearby residents and likely leave more litter and other mess to be cleared up. I predict that congregating individuals, who have consumed alcohol, will cause an increase in the crime rate for the area.

The West End has experienced a rise in robberies over the past twelve (12) months. Compared with 2018, the figures have more than doubled, when looking at a month-by-month comparison. These robberies are predominantly occurring between the hours of 23:00hrs and 04:00hrs and often in areas where people are queuing or congregating to attend a night-time economy venue (as per MET recorded crime figures). Offenders

Signature: [Signature] 2018AW..... Signature witnessed by:

2006/07(1): MG 11(T)

RESTRICTED (when complete)

Continuation of Statement of Lara SHARP

mainly target intoxicated victims with threats which force them to hand over money or other expensive items, like watches or phones. If McDonald's remains open this will provide more opportunity for these offences to take place and a relative playground for would-be offenders. Particularly as there are some dark corners of the square and many egress points for delinquents to make good their escape.

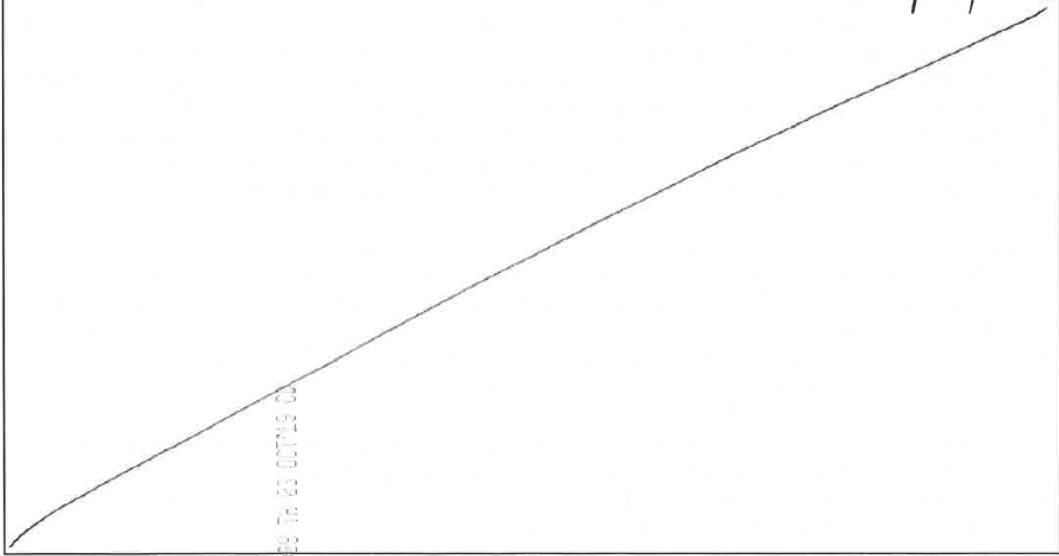
The majority of licensed premises in LEICESTER SQUARE close at 12:00hrs. I believe it is unnecessary for McDonald's to remain open for two (2) further hours as this will encourage people to enter or re-enter LEICESTER SQUARE when they may have left already. McDonald's is already able to service late-night customers until 03:00hrs. It could be argued that it already encourages people to remain in the square into the early hours of the morning: between 12:00hrs and 03:00hrs, when robbery is at its highest.

Additionally, not only is this license extension highly likely to inadvertently produce more crime, it would also be the product of an increase in anti-social behaviour. LEICESTER SQUARE and the surrounding environment is tended to by Westminster City Council (WCC) and The Heart of London Business Alliance (HOLBA) who have a shared and vested interest in the area and those who visit it. The good upkeep of the square is paramount to the pleasant look and feel of the place. Evidently more people would enter the square to purchase food and soft beverages and thus will cause an increase in litter in the square discarded by careless intoxicated customers. This in turn will increase the workload for the above partner agencies, and the police.

In summation, I oppose this license extension because, in my professional opinion, I do not believe it will bring a positive contribution to the area. Crime increases as the density of people increases; thus extending the trading hours of McDonald's will absolutely bring more people into LEICESTER SQUARE at unsociable hours. My job requires me to reduce and prevent crime in my ward at all costs and by opposing this license I believe I am taking the appropriate and responsible action required of me as a police officer.

I am willing to take questions on the evidence I have given and present it personally at a hearing, should this be required. This statement was completed at West End Central police station on 03rd October 2019 at 12:05hrs.

L Sharp 2018AW



Signature: *L Sharp 2018AW* Signature witnessed by: _____

2003(1)



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

Schedule 12
Part A

WARD: St James's
UPRN: 100023431523

Premises licence

Regulation 33, 34

Premises licence number:	16/10259/LIPVM
Original Reference:	13/08191/LIPN

Part 1 – Premises details

Postal address of premises:

McDonald's
Communications House
48 Leicester Square
London
WC2H 7LT

Telephone Number: Not Stated

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 Sunday: 23:00 to 03:00
Non-standard Timings: One additional hour to standard timing on the day British Summer Time commences.

The opening hours of the premises:

Monday to Sunday: 05:00 to 03:00

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

N/A

Part 2

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

Capital Arches Group Limited
5th Floor
112 High Holborn,
London
WC1V 6JS

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

10139149

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:

17 February 2017

Signed:

pp



Director - Public Protection and Licensing



Annex 1 – Mandatory conditions

None

Annex 2 – Conditions consistent with the operating Schedule

1. The number of persons accommodated at any one time (excluding staff) shall not exceed:

Ground Floor - 220 persons
Basement - 150 persons

With no more than 220 persons at any one time.
2. The premises shall install and maintain a comprehensive CCTV system. All public 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 without any unreasonable delay when requested by Police or authorised officer throughout the preceding 31 day period.
3. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data without any unreasonable delay when requested.
4. 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
5. No drinks shall be served in glass containers at any time.
6. 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.
7. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
8. Male, female and disabled toilets shall be made available to customers at any time when the premises is open for trading, other than in circumstances where essential maintenance is required.

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

None



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

Schedule 12
Part B

WARD: St James's
UPRN: 100023431523

Premises licence
summary

Regulation 33, 34

Premises licence number:

16/10259/LIPVM

Part 1 – Premises details

Postal address of premises:

McDonald's
Communications House
48 Leicester Square
London
WC2H 7LT

Telephone Number: Not Stated

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 Sunday:

23:00 to 03:00

Non-standard Timings:

One additional hour to standard timing on
the day British Summer Time commences.

The opening hours of the premises:

Monday to Sunday:

05:00 to 03:00

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

Not applicable

Name and (registered) address of holder of premises licence:
Capital Arches Group Limited
5th Floor
112 High Holborn,
London
WC1V 6JS

Registered number of holder, for example company number, charity number (where applicable)
10139149

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol:
Not applicable

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

Date: 17 February 2017



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

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
13/08191/LIPN	Application for a new premises licence	10 December 2013	Granted under delegated authority
16/04270/LIPVM	Application for a minor variation	16 May 2016	Granted under delegated authority
16/08141/LIPT	Application to transfer the premises licence	16 August 2016	Granted under delegated authority
16/10259/LIPVM	Application for a minor variation	10 December 2016	Granted under delegated authority
18/13812/LITENN	Temporary Event Notice	13 November 2018	Notice granted

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:

None

Annex 2 – Conditions consistent with the operating Schedule

1. The number of persons accommodated at any one time (excluding staff) shall not exceed:
Ground Floor - 220 persons
Basement - 150 persons

With no more than 220 persons at any one time.

2. The premises shall install and maintain a comprehensive CCTV system. All public 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 without any unreasonable delay when requested by Police or authorised officer throughout the preceding 31 day period.
3. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data without any unreasonable delay when requested.
4. 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
5. No drinks shall be served in glass containers at any time.

6. 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.
7. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
8. Male, female and disabled toilets shall be made available to customers at any time when the premises is open for trading, other than in circumstances where essential maintenance is required.

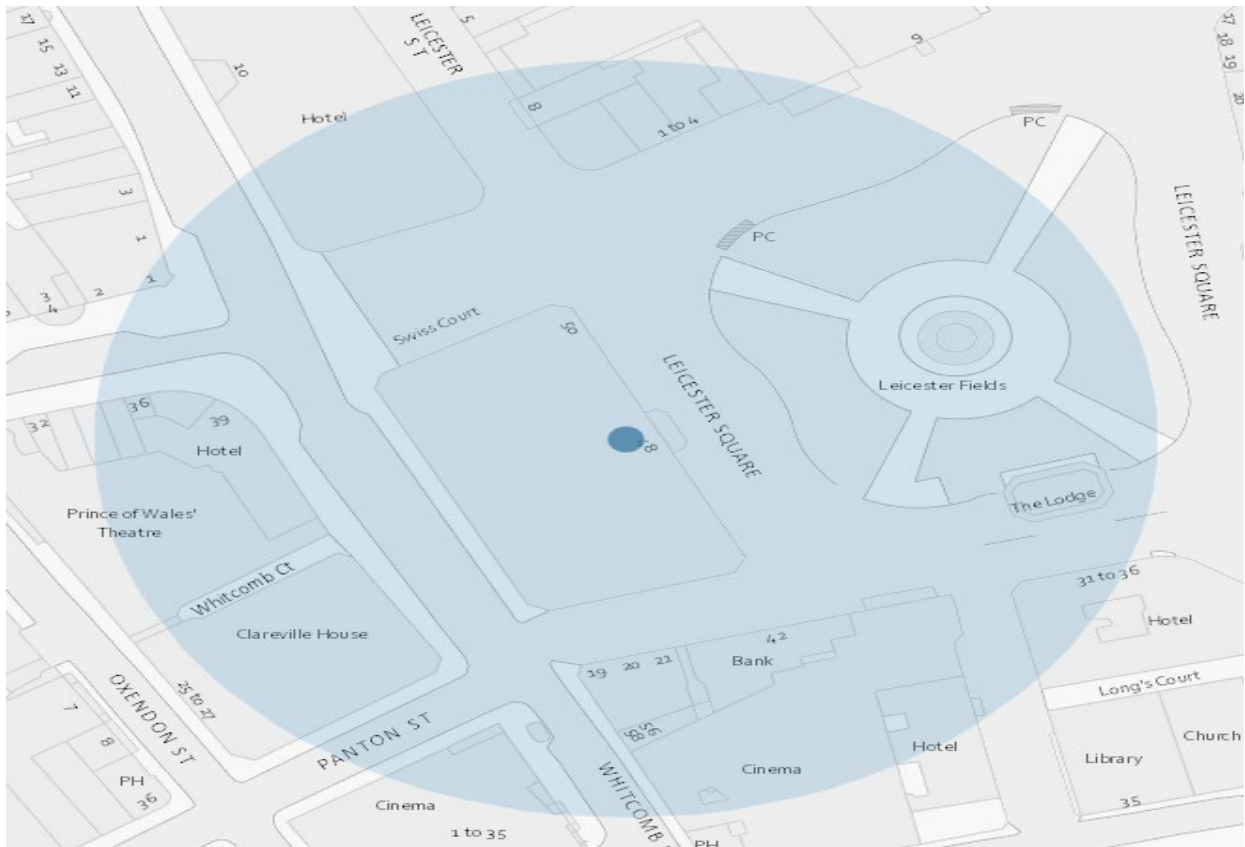
Annex 3 – Conditions attached after a hearing by the licensing authority

None

Conditions proposed by the Metropolitan Police Service so as to form part of the operating schedule

9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside 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. 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:
 - i. all crimes reported to the venue
 - ii. all ejections of patrons
 - iii. any complaints received concerning crime and disorder
 - iv. any incidents of disorder
 - v. any faults in the CCTV system, searching equipment or scanning equipment.
 - vi. any refusal of the sale of alcohol
 - vii. any visit by a relevant authority or emergency service.
12. There shall be a minimum of two SIA licensed door staff on duty during licensable hours from Sunday to Thursday and a minimum of four SIA licensed door staff on duty during licensable hours on Fridays and Saturdays. Security staff shall wear yellow hi viz upper clothing tops and display their SIA licenses at all times.
13. All SIA licensed door staff shall be equipped with and trained in the use of body worn video. BWV recordings shall be retained for 31 days and made available to the Police upon request.

14. There shall be a uniformed toilet attendant on duty in the toilet area during licensable hours, who shall be equipped with a radio or panic alarm.
15. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.
16. All front of house staff shall receive a recognised Conflict Management Training course, prior to working licensable hours. Staff shall sign to the effect they have received this training and records should be made available to the responsible Authorities upon request.
17. As soon as possible, and in any event within one month from the grant of this licence, the premises shall join the local Pubwatch or other local crime reduction scheme approved by the police, and local radio scheme if available.
18. From 0300 – 0500 hours the premises shall operate as a takeaway service only, with no consumption of food on the premises.



Resident Count: 4

Licensed Premises within 75 metres of McDonalds, Communications House, 48 Leicester Square, London, WC2H 7LT				
Licence Number	Trading Name	Address	Premises Type	Time Period
19/09062/LIPDPS	All Bar One	Concession Communications House 48 Leicester Square London WC2H 7LT	Wine bar	Monday to Thursday; 07:00 - 23:30 Friday to Saturday; 07:00 - 00:00 Sunday; 07:00 - 22:50 Sundays before Bank Holidays; 07:00 - 00:00
16/10259/LIPVM	McDonald's	Development Site At 5 Swiss Court And 48 Leicester Square London	Restaurant	Monday to Sunday; 05:00 - 03:00

18/07579/LIPV	Unit 1A 4 Swiss Court, Leicester Square.	Development Site At 5 Swiss Court And 48 Leicester Square London	Restaurant	Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sunday; 12:00 - 22:30 Sundays before Bank Holidays; 12:00 - 00:00
19/07574/LIPDPS	Leicester Square Area	Leicester Square London WC2H 7LE	Park / Open Space	Monday to Sunday; 00:00 - 00:00
16/08044/LIPN	Leicester Square Gardens	Leicester Square London WC2H 7LE	Theatre	Monday to Thursday; 12:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sunday; 10:00 - 23:00
18/08316/LIPDPS	Studio 88	Clareville House 47 Whitcomb Street London WC2H 7DH	Night clubs and discos	Monday to Tuesday; 09:00 - 01:30 Wednesday; 09:00 - 03:30 Thursday to Saturday; 09:00 - 02:30 Sunday; 12:00 - 00:00
18/09315/LIPN	Studio 88 (Shadow Licence)	Sub-Basement, Basement Part And Ground Floor Part Clareville House 47 Whitcomb Street London WC2H 7DH	Miscellaneous	Monday to Tuesday; 09:00 - 01:30 Wednesday; 09:00 - 02:30 Thursday to Saturday; 09:00 - 03:30 Sunday; 12:00 - 00:00
06/05390/WCCMAP	Leicester Square Gardens	Open Space At Leicester Square London WC2H 7LE	Park / Open Space	Monday to Saturday; 07:30 - 22:30 Sunday; 08:00 - 22:30

19/00064/LIPDPS	Thistle Piccadilly Hotel	39 Coventry Street London W1D 6BZ	Hotel, 4+ star or major chain	Monday to Saturday; 10:00 - 00:30 Monday to Saturday; 10:00 - 23:30 Sunday; 12:00 - 00:00 Sunday; 12:00 - 23:00
18/08099/LIPDPS	Busaba	32 - 34 Panton Street London SW1Y 4EA	Night clubs and discos	Friday to Saturday; 10:00 - 01:00 Sunday to Thursday; 10:00 - 00:30
18/11484/LIPDPS	Hotel Indigo	1-4 Leicester Square London WC2H 7NA	Hotel, 3 star or under	Monday to Sunday; 00:00 - 00:00
15/02410/LIPT	One London	Third Floor To Fifth Floor 1-4 Leicester Square London WC2H 7NA	Night clubs and discos	Monday to Sunday; 00:00 - 00:00
14/11478/LIDPSR	The Penthouse London	Sixth Floor To Eighth Floor 1-4 Leicester Square London WC2H 7NA	Night clubs and discos	Monday to Saturday; 09:00 - 03:30 Sunday; 09:00 - 01:00
17/08333/LIPDPS	Prince Of Wales Theatre	31 Coventry Street London W1D 6AS	Theatre	Monday to Sunday; 09:00 - 00:00

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