



City of Westminster

# Committee Agenda

Title: **Licensing Sub-Committee (3)**

Meeting Date: **Thursday 23rd July, 2020**

Time: **10.00 am**

Venue: **This will be a virtual meeting**

Members: **Councillors:**

Jacqui Wilkinson (Chairman)  
Barbara Arzymanow  
Aicha Less

**This will be a virtual meeting and members of the public can view the live broadcast by accessing the links on the council's website.**



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

**Email: [kscharlemagne@westminster.gov.uk](mailto:kscharlemagne@westminster.gov.uk)  
Tel: 07817054613  
Corporate Website: [www.westminster.gov.uk](http://www.westminster.gov.uk)**

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

## AGENDA

### PART 1 (IN PUBLIC)

#### 1. MEMBERSHIP

To report any changes to the membership.

#### 2. DECLARATIONS OF INTEREST

To receive declarations by Members and Officers of the existence and nature of any pecuniary interests or any other significant interest in matters on this agenda.

#### Licensing Applications for Determination

#### 1. HARD ROCK CAFÉ, CRITERION BUILDING, 25-229 PICCADILLY, LONDON<, W1J 9HR

(Pages 5 - 44)

App No	Ward / Cumulative Impact Area	Site Name and Address	App Type	Licensing Ref No.
1.	St James's Ward / West End Cumulative Impact Area	Hard Rock Café Criterion Building 225-229 Piccadilly London W1J 9HR	New Premises Licence	20/04144/LIPN

#### 2. DIRTY BONES, GROUND FLOOR, 4 DENMAN STREET, LONDON, W1D 7HJ

(Pages 45 - 82)

<u>App</u> No	Ward / Cumulative Impact Area	Site Name and Address	App Type	Licensing Ref No.
2.	West End Ward/ West End Cumulative Impact Area	Dirty Bones Ground Floor 14 Denman Street London W1D 7HJ	Premises Licence Variation	20/03768/LIPV

**3. MR FOGG'S TAVERN, 58 ST MARTIN'S LANE, LONDON, WC2N 4EA**

**(Pages 83 -  
152)**

<u>App</u> No	Ward / Cumulative Impact Area	Site Name and Address	App Type	Licensing Ref No.
3.	St James's Ward/ West End Cumulative Impact Area	Mr Fogg's Tavern 58 St Martin's Lane London WC2N 4EA	New Premises Licence	20/04235/LIPN

**Stuart Love  
Chief Executive  
17 July 2020**

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 7<sup>th</sup> 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.

## **Procedure for virtual hearings held under the Licensing Act 2003**

The purpose of this procedure is to clarify how the Licensing Sub-Committee (“the Sub-Committee”) will conduct virtual licensing hearings made under the Licensing Act 2003 (as amended) and for licensing applications under other regimes. All hearings are conducted with due regard to the Council’s Constitution, relevant legislation and case law, regulations and guidance.

### **Accessing virtual hearings**

Virtual Licensing Sub-Committee hearings will be held on Microsoft Teams as a live Teams event. Each application will be dealt with by a separate Teams meeting. All applicants, responsible authorities and other persons (who have submitted a valid representation) (collectively called “Parties”) will be provided with a link to the meeting beforehand. **Only these parties will be able to participate in the hearing** (together with their adviser) provided they have registered, in advance, with the Licensing Authority, as specified below. A link for the general public to watch the meeting will be available on the Council’s website.

### **Final Submissions before the Hearing**

The parties (or their representatives) should use their best endeavours to ensure that all of their final submissions have been made so as to be included in the Sub-Committee report (typically **no later, than 5.pm, 5 working days** before the Sub-Committee hearing). This means by 5pm on the Thursday, the week before the Sub-Committee hearing is due to take place. Final submissions should set out the key points, policies and conditions that a party wishes the Sub-Committee to take account of in determining the application.

Any final submissions that a party wishes to make, (that have not been submitted so as to have been included in the report), **must** be submitted to the Licensing Service by **no later than 12 noon 3 working days** before the hearing is due to take place. The Licensing email address is: [Licensing@westminster.gov.uk](mailto:Licensing@westminster.gov.uk).

### **Rules during Licensing Hearings**

The following rules must be followed by all parties to ensure the virtual hearing can progress as successfully as possible:

- All parties wishing to participate in the hearing **must** register their wish to participate in the hearing and provide their email addresses to the **Licensing Service at [Licensing@westminster.gov.uk](mailto:Licensing@westminster.gov.uk)** no later than **12 noon on the Monday** before the Thursday hearing is scheduled to take place.
- All parties **should join the virtual hearing at least 15 minutes before the advertised start time** to ensure they are ready to start at the advertised start time. After the advertised start time has passed no registered parties will be allowed to join, except in exceptional circumstances, when permitted by the Chairman, as this could disrupt the meeting.
- All parties must only address the hearing when invited to do so by the Chairman.
- All parties must keep their microphones on mute unless they are speaking. The Chairman has the ability to mute all parties’ microphones.

- If a party wishes to interject, they should put their name in the messaging field. The chairman has the discretion to invite the party to make their comment at an appropriate stage in the hearing.
- All parties are asked to keep their comments as succinct as possible.
- If a party has a question for another party, this must be addressed to the Chairman who will have the discretion to ask the relevant party to respond.
- Parties wishing to make suggestions as to the conditions that may be imposed in the event of the application being granted should do so by reference to the schedule of proposed conditions set out in the Conditions Schedule annexed to the committee papers. In so doing, they should use the same numbering in that schedule. This is to ensure that there is ease of referencing the conditions by all the parties.
- To ensure the smooth running of hearings, a time limit will be placed on each party's submissions. This time limit must be adhered to but the Chairman has the flexibility to amend the time limit when it is considered appropriate to do so.
- When referring to the hearing papers, participants should give the page and paragraph number when appropriate.
- The Chairman has the discretion to amend these rules in any given case where they consider it is appropriate to do so.

### Procedure

1. The Chairman will open the meeting and introduce the members of the Sub-Committee and the other officers attending with the members, including the legal adviser, policy adviser and committee officer.
2. The Chairman will confirm the procedure that the hearing will follow.
3. The Sub-Committee members and officers will be asked to declare any interests they may have and any other procedural business will be transacted.
4. The presenting officer from the licensing service will introduce the application, giving a brief description of the application and introducing all the Parties in attendance for each application
5. Each party who has registered to speak, will be invited to make their representations and will be allowed **a maximum of 10 minutes each**. In order to ensure that the hearing is fair to all parties and is conducted in an orderly manner, the Chairman has the discretion to extend this time limit where it is appropriate for the determination of the application.
6. Parties will normally speak in the following order, (the order may change for other types of licensing applications):
  - a. The applicant
  - b. Responsible authorities
  - c. Other persons
7. The Chairman has the right to grant each party the opportunity to ask questions of each other for the purposes of clarification only where it is appropriate to do so. The Sub-Committee members will then be able to ask questions of the parties.

8. The legal adviser and/or policy officer may ask questions of the parties as they consider appropriate, including in relation to the conditions which should be attached to the application if the Sub-Committee is minded to grant the application.
9. Each party will have an opportunity to make a short closing submission each (not introducing any new evidence or case law) of no more than **5 minutes each**, in the following order:
  - a. Responsible authorities
  - b. Other persons
  - c. The applicant
10. The Chairman shall then **close the meeting** and all parties will leave the meeting. A Decision will not be announced at the end of the hearing unless there is a legal requirement to do so.
11. The Sub-Committee will deliberate in closed session and all parties will be advised of the outcome in a written Summary Decision. Unless otherwise required or permitted by Regulations, summary decisions will be made within a period of five working days of the last day of the hearing. The written summary of the decision (“Summary Decision”) will be sent to all the parties as soon as possible after the Decision has been made. The full Decision, setting out the reasons for the Decision, (Formal Notification) will be sent to the parties as soon as possible thereafter. The time limit for appealing will not commence until the Formal Notification has been sent to the parties.

Dated 15 April 2020

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Item No:	
Date:	23 July 2020
Licensing Ref No:	20/04144/LIPN - New Premises Licence
Title of Report:	Hard Rock Café Criterion Building 225-229 Piccadilly London W1J 9HR
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 6500 Email: msteward1@westminster.gov.uk

1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	22 May 2020		
<b>Applicant:</b>	Hard Rock Cafe (UK) Limited		
<b>Premises:</b>	Hard Rock Café		
<b>Premises address:</b>	Criterion Building 225-229 Piccadilly London W1J 9HR	<b>Ward:</b>	St James's
		<b>Cumulative Impact Area:</b>	West End
<b>Premises description:</b>	<p>The premises currently operates as a restaurant under number 19/05762/LIPDPS:</p> <p>This application is for a new premises to permit the following:</p> <ul style="list-style-type: none"> <li>• permit 65 patrons to consume alcohol in the bar area without having to take a table meal in the restaurant;</li> <li>• reduce the terminal hour for the sale of alcohol in the bar area from 00.30 Sunday to Thursday and 01.30 Friday and Saturday (22.30 on Sunday, 23.00 Monday to Thursday and midnight Friday and Saturday); and</li> <li>• to limit the number of patrons being permitted to queue to 40 persons.</li> </ul> <p>The applicant sought pre-application advice from Environmental Health and should the new licence be granted the applicant has confirmed that the licence Formal pre-application advice was sought from Mr Dave Nevitt of Environmental Health and, if the new application is granted the applicant has confirmed that the licence numbered 19/05762/LIPDPS will be surrendered.</p>		
<b>Premises licence history:</b>	The premises has been licensed since 2017 and a copy of the current premises licence 19/05762/LIPDPS can be seen at <b>Appendix 3</b> of this report together with the full licence history.		
<b>Applicant submissions:</b>	The applicant provided a Dispersal Policy which can be seen at <b>Appendix 2</b> of this report.		

1-B Proposed licensable activities and hours							
Late Night Refreshment:				Indoors, outdoors or both			Indoors Only
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	23:00
End:	01:00	01:00	01:00	01:00	02:00	02:00	01:00
Seasonal variations/ Non-standard timings:			From the end of permitted hours on New Years Eve until the start of permitted hours on New Years day.				

Live and Recorded Music:				Indoors, outdoors or both			Indoors Only
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	10:00
End:	01:00	01:00	01:00	01:00	02:00	02:00	01:00
Seasonal variations/ Non-standard timings:			From the end of permitted hours on New Years Eve until the start of permitted hours on New Years day.				

Sale by retail of alcohol				On or off sales or both:			Indoors Only
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	10:00
End:	00:30	00:30	00:30	00:30	01:30	01:30	00:30
Seasonal variations/ Non-standard timings:			From the end of permitted hours on New Years Eve until the start of permitted hours on New Years day.				

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	10:00
End:	01:30	01:30	01:30	01:30	02:30	02:30	01:30
Seasonal variations/ Non-standard timings:			From the end of permitted hours on New Years Eve until the start of permitted hours on New Years day.				

## 2. Representations

2-A Responsible Authorities	
Responsible Authority:	Metropolitan Police Service ( <i>Withdrawn 16 June 2020</i> )
Representative:	PC Adam Deweltz
Received:	1 June 2020
With reference to the above, 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 could undermine the Licensing Objectives in relation to The Prevention of Crime and Disorder.

I have been through the operating schedule and I am satisfied that the conditions contained will assist the operators in promoting the licensing objectives. However, I would like following condition agreed. 65 people drinking in the basement bar area without food (table meal), could cause issues relating to crime and disorder and obtaining evidence is paramount for any Police investigation.

1) At least 2 SIA door supervisors on duty at the premises shall be equipped with Body Worn Video, capable of recording audio and video in any light condition as per the minimum requirements of the Westminster Police Licensing Team. 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 preceding 31 day period. BWV must be activated at an early stage during any incident involving conflict.

**On the 16 June 2020, the applicant agreed for the above condition to be added to the operating schedule and the Metropolitan Police Service withdrew their representation.**

<b>Responsible Authority:</b>	Environmental Health Service
<b>Representative:</b>	Mr Dave Nevitt
<b>Received:</b>	17 June 2020

I wish to make Representations on the following grounds:

Representation is made in relation to the application, as the proposals are likely to increase the risk of Public Nuisance.

The premises is located in the West End Cumulative Impact Area.

<b>Responsible Authority:</b>	Licensing Authority
<b>Representative:</b>	Karyn Abbott
<b>Received:</b>	18 June 2020

I write in relation to the application submitted for a new premises licence for Criterion Building, 225-229 Piccadilly London, W1J 9HR.

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:

- Live Music, Recorded Music – Indoors
- Sunday to Thursday 10:00 to 01:00  
Friday to Saturday 10:00 to 02:00

Non Standard Timings:

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

- Late Night Refreshment Indoors  
Sunday to Thursday 23:00 to 01:00  
Friday to Saturday 23:00 to 02:00

Non Standard Timings:

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

- Supply of Alcohol On Premises  
Sunday to Thursday 10:00 to 00:30  
Friday to Saturday 10:00 to 01:30

Non Standard Timings:

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

- Opening Hours to Public  
Sunday to Thursday 10:00 to 01:30  
Friday to Saturday 10:00 to 02:00

Non Standard Timings:

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

The premises is located within the West End Cumulative Impact Area and as such various policy points must be considered, namely CIP1, HRS1, PB2 and RNT2.

The Licensing Authority notes that the premises are currently licensed (19/05762/LIPDPS) and the applicant has applied for a new application with the same hours. As such, the operating hours applied for licensable activities currently fall outside of Westminster's core hours under HRS1 Policy.

The Licensing Authority note that the applicant has proposed on the plans a green hatched area in the Basement. As part of the application, the applicant proposed the following condition:

Notwithstanding the condition below (MC66 restaurant condition), alcohol may be supplied and consumed in the basement bar area (designated on the plan in green hatching) by up to a maximum of 65 persons at any one time from 10:00 to midnight on Friday and Saturday, and from 10:00 to 23:00hrs on Monday to Thursday, and 10:00 to 22:30hrs on Sunday."

In paragraph 2.5.3 the policy states 'The Council is particularly concerned that restaurant premises in the cumulative impact areas do not, even in part, come to operate as bars and particularly not as "vertical drinking" premises where customers consume alcohol standing throughout the evening. The council, however, is not minded to relax conditions for restaurants where alcohol may only be consumed by persons as an ancillary to their substantial table meal.

Within the current premises licence the applicant has the below condition which only allows a maximum of 42 persons with the alcohol supplied prior or post to a meal.

Notwithstanding condition 37, alcohol may be supplied and consumed immediately prior or post their meal at the premises in the bar area (designated on the plan), by up to a maximum at any one time, of 42 persons.

The new application proposes a maximum of 65 persons and there is no ancillary nature for the alcohol. The Licensing Authority would like the applicant to provide further submissions as to how the 65 persons with no ancillary nature to a meal will not add to cumulative impact in the West End cumulative impact area.

The Licensing Authority would also like the applicant to provide further submissions as to how the green hatched area is to be operated and controlled, i.e. will the proposed area operate by way of waiter/waitress service, be seated or as a bar with vertical drinking?

The green hatched area of the application currently falls within Westminster's PB2 Policy. In paragraph 2.5.23 the Licensing Authority considers that the grant of new licences for pubs and bars in the Cumulative Impact Areas should be limited to exceptional circumstances.

The Licensing Authority notes that the applicant has proposed condition 27 below of the operating schedule which is model condition 66 this will bring the rest of the basement that's not in the green hatched area in line with Westminster's RNT2 Policy.

27. The licensed premises in the basement 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.

The Licensing Authority would like further submission as to why the applicant has proposed condition 16 below as the application is for 'on sales' and there is no outside area within the licence demise?

16. All outside tables and chairs shall be rendered unusable by 22:00 each day.

As previously mentioned the premises currently benefits from a separate premises licence (19/05762/LIPDPS). The Licensing Authority note the applicant has proposed to surrender this licence and would propose the applicant consider model condition 62 as follows;

1. No licensable activities shall take place at the premises until premises 19/05762/LIPDPS (or such other number subsequently issued for the premises) has been surrendered [and is incapable of resurrection].

The Licensing Authority would like confirmation whether the applicant is agreeable to the above proposed conditions to be able to assess any further relevant policy considerations.

The Licensing Authority encourages the applicant to provide further submissions as to how the premises will not add to cumulative impact in the West End cumulative impact area, in accordance with policy CIP1.

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

Please accept this as a formal representation.

### 3. Policy & Guidance

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

<b>Policy CIP1 applies:</b>	<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>
<b>Policy HRS1 applies:</b>	<p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p> <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>
<b>Policy PB2 applies:</b>	<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>
<b>Policy RNT2 applies:</b>	<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. Appendices

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

<b>Report author:</b>	Michelle Steward Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 6500 Email: msteward1@westminster.gov.uk

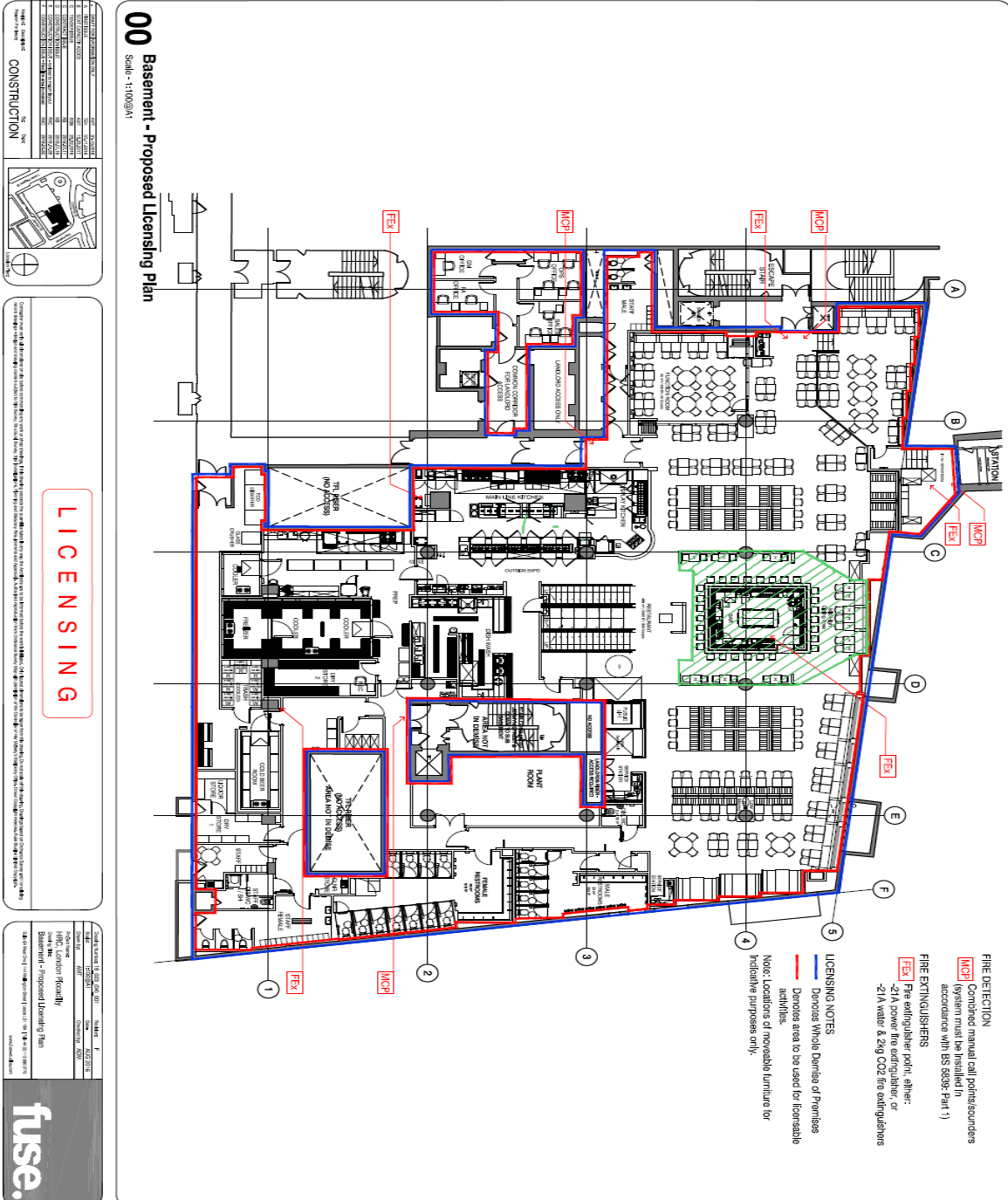
**If you have any queries about this report or wish to inspect one of the background papers please contact the report author.**

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

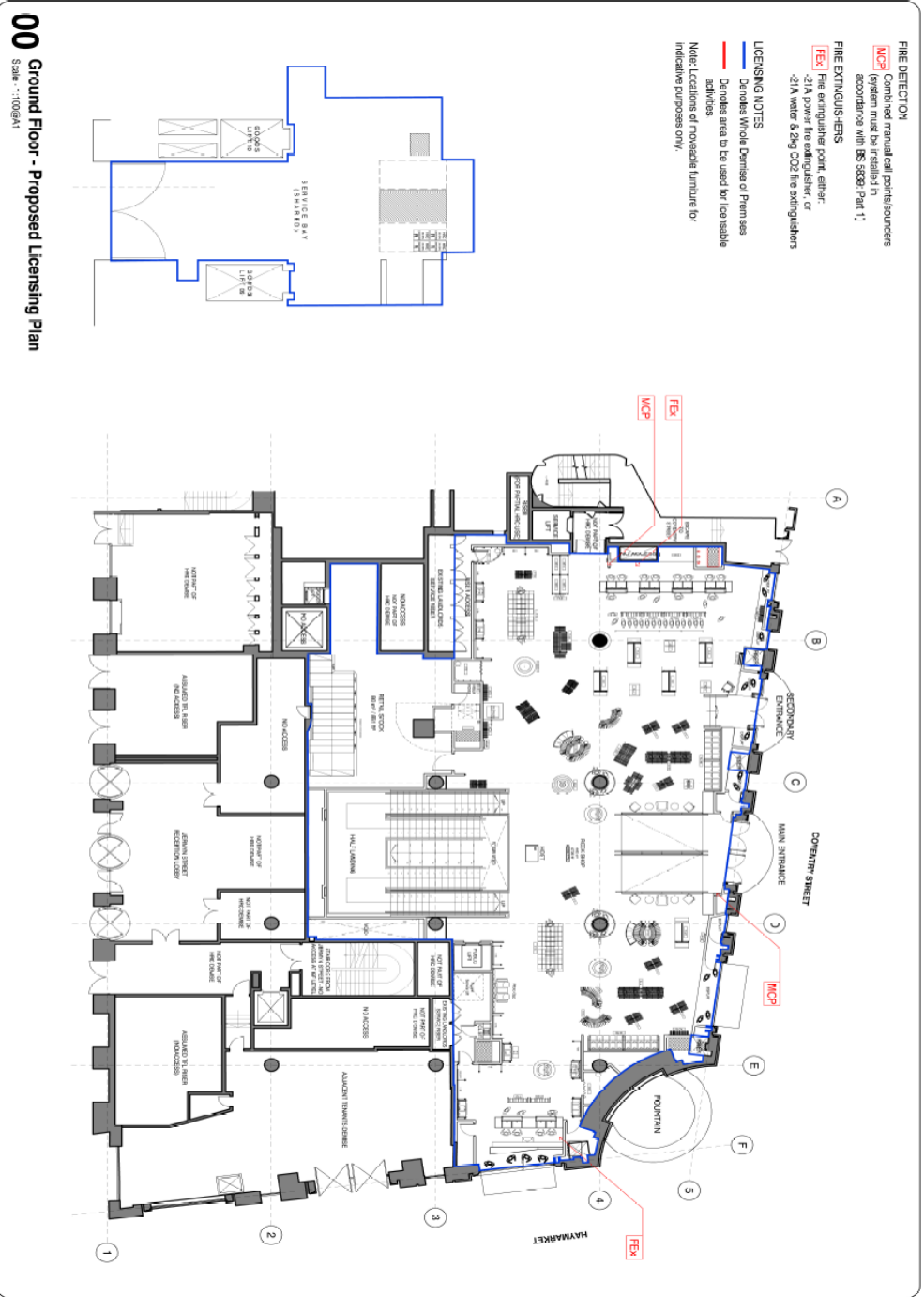
<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
<b>4</b>	Metropolitan Police Service <b>(Withdrawn)</b>	1 June 2020
<b>5</b>	Environmental Health Service	17 June 2020
<b>6</b>	Licensing Authority	18 June 2020



Basement Plan



**Ground Floor**



**FIRE DETECTION**

Combi and manual call points/sounders  
 MCP system must be installed in accordance with BS 5839 Part 1;

**FIRE EXTINGUISHERS**

FE: Fire extinguisher point, either:  
 -21A power fire extinguisher, or  
 -21A water & 2kg CO2 fire extinguishers

**LICENSING NOTES**

Derivates Whole Derivates of Premises  
 Derivates area to be used for licensable activities  
 Note: Locations of movable furniture for indicative purposes only.

**00 Ground Floor - Proposed Licensing Plan**  
 Scale: 1:1000A1

NO.	DESCRIPTION	DATE	BY	FOR
1.	ISSUED FOR APPROVAL	21.11.2024	...	...
2.	REVISED FOR APPROVAL	21.11.2024	...	...
3.	REVISED FOR APPROVAL	21.11.2024	...	...
4.	REVISED FOR APPROVAL	21.11.2024	...	...
5.	REVISED FOR APPROVAL	21.11.2024	...	...
6.	REVISED FOR APPROVAL	21.11.2024	...	...
7.	REVISED FOR APPROVAL	21.11.2024	...	...
8.	REVISED FOR APPROVAL	21.11.2024	...	...
9.	REVISED FOR APPROVAL	21.11.2024	...	...
10.	REVISED FOR APPROVAL	21.11.2024	...	...

**CONSTRUCTION**

**LICENSING**

Construction Area: Indicated by dashed lines. Furniture: Indicated by small icons. The plan shows various rooms including 'RESTROOMS', 'LIFT', 'RECEPTION', 'BAR', 'KITCHEN', 'STAIRS', and 'OFFICES'. A blue line traces a path through the building, likely representing a fire escape route. Red boxes labeled 'FEU' and 'MCP' are placed at various points along this path.

Client: **fuse.**  
 Project: **00 Ground Floor - Proposed Licensing Plan**  
 Date: 21.11.2024  
 Scale: 1:1000A1



# Dispersal policy for Hard Rock Café Piccadilly

SDR Security Ltd

SDR Security Ltd

## **DISPERSAL POLICY**

### **1. PURPOSE**

This policy is designed to provide guidance for the management and employees and set out the terms for the dispersal of customers from the premises.

The purpose of this policy is to set out the reasonable steps the premises will undertake to prevent unnecessary avoidable disturbance to residents, services and other businesses operating in the vicinity of the premises.

It is the stated intention of the premises to operate in a manner which causes the minimum impact from noise nuisance and anti-social behaviour from our customers to neighbours and other members of the public.

To this end all relevant staff will be trained in this policy and other appropriate skills to achieve an orderly and safe dispersal from the premises.

All staff are compelled by their contract of employment to comply with and actively implement this dispersal policy; where their job role includes these responsibilities.

It is the responsibility of the Designated Premises Supervisor to ensure that this policy is enforced at the premises and to regularly update the policy to meet the requirements of the business.

### **2. LOCAL CO-OPERATION**

The premises will work in co-operation, where appropriate, with other premises in the area to ensure that local policies are co-ordinated.

The premises will, where practicable, work in partnership with Responsible Authorities through Pubwatch or similar partnership group to share information and best practice.

Where reasonably possible, the Premises will actively enrol in schemes such as area wide joint-radio systems, with the Police or other Responsible Authorities.

### **3. DISPERSAL**

The dispersal shall take place through the front door(s) of the premises onto **Coventry Street**.

Allocation of staff in the last 30 minutes prior to closing will be reviewed, to ensure that the collecting of glasses and the clearing of other waste is prioritised; this provides a message to customers that the premises is in the process of closing and encourages them to finish their drinks and prepare for departure.

#### **Action Points:**

- Physical distancing measures are enforced having regard to current advice issued by Public Health England and the Government.
- At the end of the evening, encourage patrons to disperse gradually and to leave the area quietly.

- Ensure adequate signage is available at each exit asking to respect the social distancing, to leave quietly and not to congregate outside or in the local area, direct patron's attention to these signs as they leave.
- Remove drinks and glass vessels from patrons as they leave to ensure no glass leave the premises.

#### 4. DOOR SUPERVISORS

Door Supervisors Licensed by the Security Industry Authority will be employed by the premises based upon the risk assessment carried out in relation to the following factors:

- ❖ Size of the venue
- ❖ Expected attendance
- ❖ Type of event taking place
- ❖ Location of the premises
- ❖ Time of year
- ❖ Special occasion (New Year, Halloween, Local Festivals etc.)
- ❖ Premises Licence Conditions

Door Supervisors will be tasked with:

- Management of the Queue to Enter the Premises. **This will be limited to 40 persons maximum at all times**

Door supervisors will be fully briefed so they can communicate all the safety measures, answer any questions patrons have regarding social distancing, the premises has in place and/or refer them to the relevant person or point of information.

Provide a safe queue management, ensuring that physical distancing is observed (having regard to current advice issued by Public Health England and the Government), that includes themselves and all customers.

Door supervisors are to align customers and provide queue guidance supported by A-frame posters highlighting the distancing rule; they are to calmly bring waiting time tension down.

They will use clicker counters to ensure the number of patrons in the queue **does not exceed 40**, whilst the 2 meters physical distance between patrons are maintained. They will also ensure that the premises capacity limit is not breached. Any persons who exceed the 40 maximum will be asked to disperse from the area and not congregate or else they will be prohibited from entering the premises.

Door supervisors will make sure that care is taken so the outside queue takes a safe route, away from vehicles and making sure that emergency exits are not obstructed.

They will monitor to ensure the behaviour of those queuing is conducive with the entry policy. Any person who does not respect all the safety guidelines /appears to be drunk / intoxicated will, where possible, be removed from the queue prior to them reaching the front.

While monitoring the queue the Door Supervisor should remove alcohol from anyone consuming while queuing or if they are unwilling to give up their alcohol remove them from the queue and advise, they will be refused entry as a result.

Door Supervisors must seek to control the noise from any person queuing outside the premises in order to reduce the potential for noise to disturb people living and working in the local community. This is achieved by politely reminding customers that anyone not complying with the request will be refused entry to the premises.

- Dispersal from the Premises.

During the 'soft closure' period and once the premises is closed, the Door Supervisors shall assist with the dispersal of customers from the area. The purpose of an effective dispersal is to ensure that patrons leave the area quickly, quietly and in an orderly manner.

The most effective approach to dispersal is to be friendly and helpful.

People loitering may be doing so because they are unable to decide or easily access the information they require. Many patrons will move on if they can be helped to achieve one of the following :

- ☐ How to get home
- ☐ Where they can go to next

By providing this information it can encourage them to leave the immediate area more quickly.

Give them options, and offer assistance:

- ☐ Call a local taxi
- ☐ Provide information on local bus / train / underground routes
- ☐ Help to locate their friends
- ☐ Call someone for them

- Door Supervisors will be easily identifiable.

The law requires Door Supervisors to display their SIA Licence, however the use of a clear uniform or high visibility jacket will provide greater awareness of their presence.

#### **Action Points:**

Door Supervisors can expedite the dispersal of patrons with their actions both at closing time and throughout the night by:

- Enforcing any applicable safety measures (i.e. Physical distancing).
- Controlling the level of intoxication of patrons throughout the night and acting appropriately when people become intoxicated. **[Recommendation]** Anyone who becomes too intoxicated to be served at the bar, shall be removed from the premises.
- Prevent re-entry after **22:30**.

- Encourage patrons to leave gradually via the appropriate exits at the end of the night; try and avoid large numbers of patrons all leaving at the same time.
- Provide information about the transport options from the premises.
- Remove drinks and glasses and bottles from those leaving the premises
- Remind people who are leaving to do so quietly and direct their attention to the signs displayed
- Ask patrons not to assemble or loiter outside the premises once they have left; politely reminding people who do not comply that they may be refused entrance in the future if they fail to disperse.

#### **5. SIGNAGE & LIGHTING**

The following signs will be displayed at the premises:

- Signs highlighting the Entry Requirement of the Premises
- Signs requesting patrons to Leave Quietly and Respect the Neighbours
- Signs to inform patrons that drinks may not leave the premises at any time.

These signs are to be displayed prominently at every public entrance and exit from the premises.

#### **6. TRANSPORT**

In order to facilitate the dispersal of patrons from the premises, patrons will be provided with information on the various means of transport available from the premises:

- Taxi & Taxi Ranks – The premises shall display the number(s) of a local taxi company and the location of any taxi rank located in the proximity of the premises. The local taxi company whose numbers are displayed will be contacted to advise them of the location of the premises and informed of the appropriate collection point.
- Local & Night Bus Services
- Underground
- Main Line Trains
- Car parks.

Door Supervisors will be aware of patrons venturing into the street / road as they leave the premises and control this in order to promote Public Safety and prevent the potential for accidents and injuries.

## **7. SMOKING AREAS**

The Premises operates a controlled smoking area at **Coventry Street**.

The smoking area is specifically for smokers and no drinks, glasses or bottles are permitted in this area. Once patrons have finished smoking, they should be directed back inside the premises to reduce the noise generated outside the premises.

The smoking area will be closed 30 minutes prior to the closure of the premises and at the same time the bar is closed.

The closing of the smoking area at this time will aid dispersal and prevent confusion between those in the smoking area and those leaving the premises. It will also mean that anyone wishing to smoke must leave the premises and no re-entry is permitted after this time.

## **8. CONTROLLING CUSTOMERS & PREVENTING LOITERING**

There are several solutions already described earlier in the policy on strategies which will help move people away from the premises and disperse them. However, additional consideration can be given to the following:

- Making announcements
- Lighting
- Notices and signage
- Staff allocation
- Staff should be aware when leaving after their shift, where background noise may no longer drown them out, staff can be a source of nuisance themselves.



## Current Premises Licence



Schedule 12  
Part A

WARD: St James's  
UPRN: 010033548628

## City of Westminster

64 Victoria Street, London, SW1E 6QP

Premises licence

Regulation 33, 34

Premises licence number:

19/05762/LIPDPS

Original Reference:

17/04470/LIPN

### Part 1 – Premises details

**Postal address of premises:**

Hard Rock Cafe  
Criterion Building  
225-229 Piccadilly  
London  
W1J 9HR

**Telephone Number:** Not Supplied

**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**

Sunday to Thursday: 10:00 to 01:00  
Friday to Saturday: 10:00 to 02:00

**Playing of Recorded Music**

Sunday to Thursday: 10:00 to 01:00  
Friday to Saturday: 10:00 to 02:00

**Late Night Refreshment**

Sunday to Thursday: 23:00 to 01:00  
Friday to Saturday: 23:00 to 02:00

**Sale by Retail of Alcohol**

Sunday to Thursday: 10:00 to 00:30  
Friday to Saturday: 10:00 to 01:30

**Non-standard Timings:** From the end of permitted hours on new years eve until the start of permitted hours of new years day.

**The opening hours of the premises:**

Sunday to Thursday: 10:00 to 01:30  
Friday to Saturday: 10:00 to 02:30

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

Alcohol is supplied for consumption on the Premises.

**Part 2**

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

Hard Rock Cafe (UK) Limited  
Cannon Place  
78 Cannon Street  
London  
EC4N 6AF

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

01924059

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

**Name:** Desmond Addis

*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:** H05448  
**Licensing Authority:** London Borough Of Hounslow

**Date:** 1 July 2019

This licence has been authorised by Angela Seaward on behalf of the Director - Public Protection and Licensing.

## Annex 1 – Mandatory conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
  - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
    - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
    - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
    - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
    - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6.
  - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
  - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
  - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

- (a) a holographic mark, or
- (b) an ultraviolet feature.

7. The responsible person must ensure that—

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

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

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

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

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

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

Where -

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

- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
9. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

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

None.

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

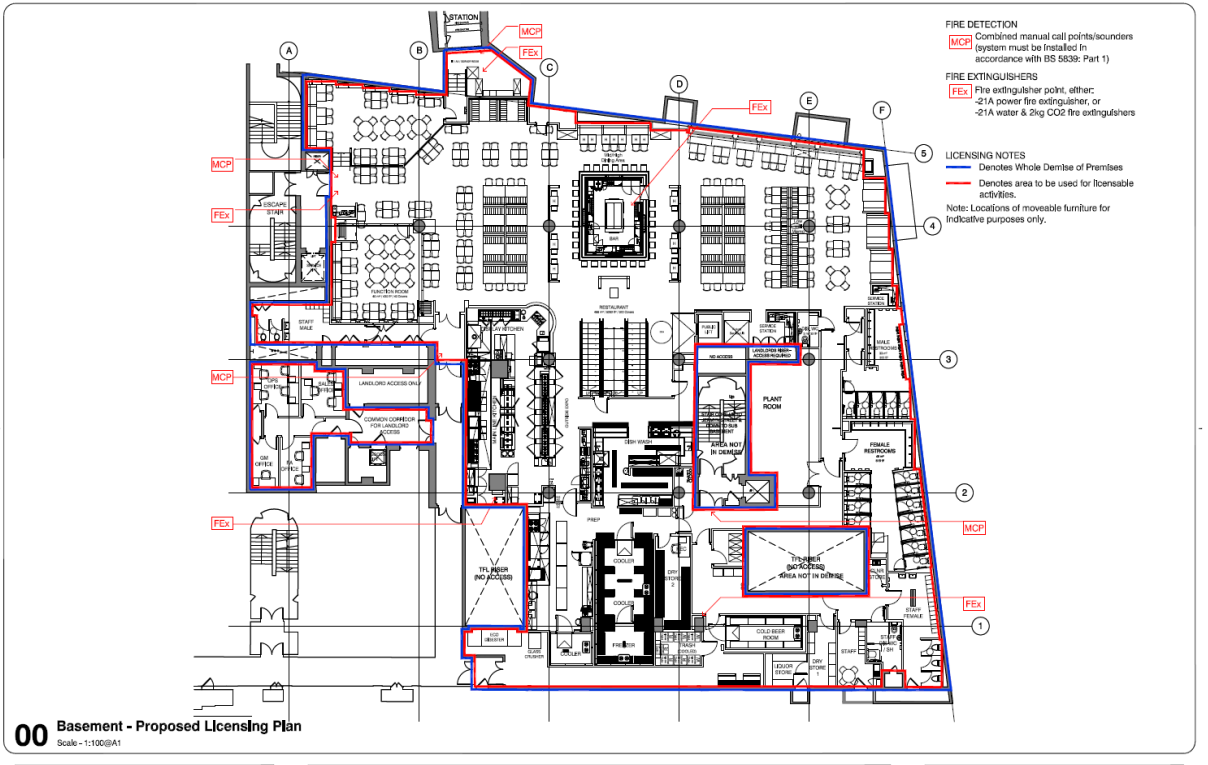
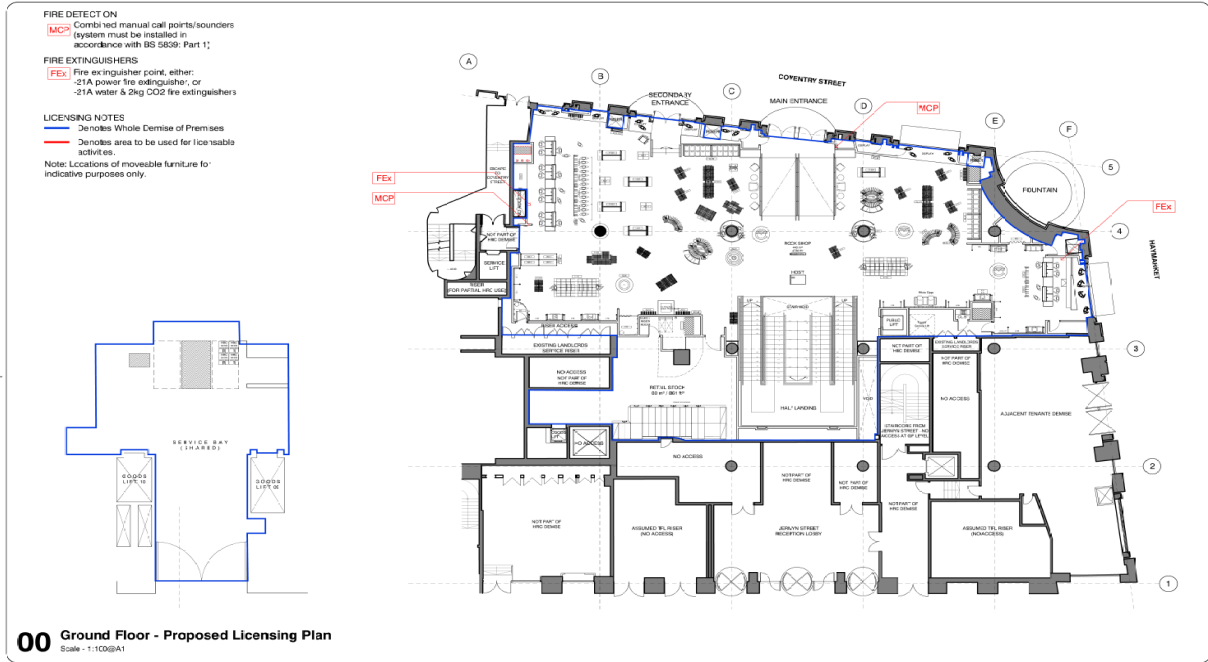
10. The Premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of police or authorised officer throughout the entire 31 day period.
11. A staff member from the Premises who is conversant with the operation of the CCTV system shall be on the Premises at all times when the Premises is open. This staff member must be able to provide to Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
12. There shall be a personal licence holder on duty on the premises at all times when the Premises are authorised to sell alcohol.
13. A minimum of 2 SIA licensed door supervisors shall be on duty at the premises from 18:00 until close, and a minimum of 4 door supervisors shall be on duty from 22:00.
14. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Services. 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.
15. 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.
16. All outside tables and chairs shall be rendered unusable by 22:00 each day.
17. There shall be no admittance or re-admittance to the premises after 01.00 except for patrons permitted to temporarily leave the premises to smoke.
18. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
19. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
20. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity and advertised near the entrance doors of the premises in letters of at least two inches tall.
21. There shall be no self-service of spirits on the premises, save for spirit mixtures less than 5.5% ABV.
22. At all times there shall be promotion of non-alcoholic drinks.
23. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23:00 hours and 08:00 hours on the following day.

24. The number of persons permitted in the licensed premises at any one time (including staff) shall not exceed 419 persons, reducing to 300 persons at midnight and 200 persons at 01:00 hours.
25. The last entry time to the premises on any given night shall be at least one hour before it closes.
26. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
27. Waiter or waitress service shall always be available in the licensed Premises.
28. There shall be no striptease or nudity, and all persons shall be decently attired at all times.
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. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the Premises by the police or an authorised officer of the City Council at all times whilst the Premises is open.
31. 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 refusal of the sale of alcohol; and
  - g) any visit by a relevant authority or emergency service.
32. Whenever there is a queue outside the premises, it shall be supervised by a minimum of one door supervisor wearing a company branded uniform which will incorporate an element of 'hi vis' and displaying their SIA Licence.'
33. The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.
34. The premises licence shall not be transferrable save to subsidiaries or group companies of Hard Rock Café (UK) Limited.
35. Notwithstanding condition 37, alcohol may be supplied and consumed immediately prior or post their meal at the premises in the bar area (designated on the plan), by up to a maximum at any one time, of 42 persons.
36. The Premises shall only operate as a restaurant:
  - a) in which customers are shown to their table;
  - b) where the supply of alcohol is by waiter or waitress service only;
  - c) which provide food in the form of substantial table meals that are prepared on the Premises and are served and consumed at the table using non disposable crockery;
  - d) which do not provide any take away service of food or drink for immediate consumption;
  - e) which do not provide any take away service of food or drink after 23:00; and



- f) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.
- 37. Licensable activities and the consumption of alcohol shall only be carried on in the basement of the premises.
- 38. The licensee shall operate a written dispersal policy for a period of 45 minutes before the premises closes on any given night. All staff shall receive training and refresher training in the policy. A copy of the most recent version of the policy shall be retained on the premises at all times and shall be produced for immediate inspection at the request of any licensing inspector or police officer.

# Annex 4 – Plans





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

Schedule 12  
Part B

WARD: St James's  
UPRN: 010033548628

Premises licence  
summary

Regulation 33, 34

Premises licence number:

19/05762/LIPDPS

**Part 1 – Premises details**

**Postal address of premises:**

Hard Rock Cafe  
Criterion Building  
225-229 Piccadilly  
London  
W1J 9HR

**Telephone Number:** Not Supplied

**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**

Sunday to Thursday: 10:00 to 01:00  
Friday to Saturday: 10:00 to 02:00

**Playing of Recorded Music**

Sunday to Thursday: 10:00 to 01:00  
Friday to Saturday: 10:00 to 02:00

**Late Night Refreshment**

Sunday to Thursday: 23:00 to 01:00  
Friday to Saturday: 23:00 to 02:00

**Sale by Retail of Alcohol**

Sunday to Thursday: 10:00 to 00:30  
Friday to Saturday: 10:00 to 01:30

**Non-standard Timings:** From the end of permitted hours on new years eve until the start of permitted hours of new years day.

**The opening hours of the premises:**

Sunday to Thursday: 10:00 to 01:30  
Friday to Saturday: 10:00 to 02:30

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

Alcohol is supplied for consumption on the Premises.

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

Hard Rock Cafe (UK) Limited  
Cannon Place  
78 Cannon Street  
London  
EC4N 6AF

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

01924059

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

**Name:** Desmond Addis

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

Restricted

**Date:** 1 July 2019

**This licence has been authorised by Angela Seaward on behalf of the Director - Public Protection and Licensing.**

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
17/04470/LIPN	Application for a New Premises Licence	29 June 2017	Granted at Licensing Sub-Committee
17/10437/LIPCH	Change of Premises Licence Holder Details	5 March 2018	Granted under delegated authority
19/04971/LIPV	Application to Vary the Premises Licence	17 June 2019	Granted under delegated authority
19/05762/LIPDPS	Application to vary the Designated Premises Supervisor	1 July 2019	Granted under delegated authority

There is no appeal history for the premises.

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

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

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

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

### Mandatory Conditions

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

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

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

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

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

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

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

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

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

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

Where -

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

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



## Conditions consistent with the operating schedule

9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of police or authorised officer throughout the entire 31 day period.
10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
11. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
12. A minimum of 2 SIA licensed door supervisors shall be on duty at the premises from 18:00 until close, and a minimum of 4 door supervisors shall be on duty from 22:00.
13. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Services. 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.
14. 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.
15. All outside tables and chairs shall be rendered unusable by 22:00 each day.
16. There shall be no admittance or re-admittance to the premises after 01:00 except for patrons permitted to temporarily leave the premises to smoke.
17. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
18. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
19. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity and advertised near the entrance doors of the premises in letters of at least two inches tall.

20. There shall be no self-service of spirits on the premises, save for spirit mixtures less than 5.5% ABV.
21. At all times there shall be promotion of non-alcoholic drinks.
22. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23:00 hours and 08:00 hours on the following day.
23. The number of persons permitted in the licenced premises at any one time (including staff) shall not exceed 419 persons, reducing to 300 persons at midnight and 200 persons at 01:00 hours.
24. The last entry time to the premises on any given night shall be at least one hour before it closes.
25. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
26. Waiter or waitress service shall always be available in the licensed Premises.
27. There shall be no striptease or nudity, and all persons shall be decently attired at all times.
28. 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.
29. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premise is open.
30. 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 refusal of the sale of alcohol; and
  - g) Any visit by a relevant authority or emergency service.
31. Whenever there is a queue outside the premises, it shall be supervised by a minimum of one door supervisor wearing a company branded uniform which will incorporate an element of 'hi vis' and displaying their SIA licence. No more than 40 persons are permitted to be in the queue outside the premises at any one time.
32. The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.

33. The premises licence shall not be transferrable save to subsidiaries or group companies of Hard Rock Café (UK) Limited.
34. Notwithstanding the condition below (MC66 restaurant condition), alcohol may be supplied and consumed in the basement bar area (designated on the plan in green hatching) by up to a maximum of 65 persons at any one time from 10:00 to midnight on Friday and Saturday, and from 10:00 to 23:00hrs on Monday to Thursday, and 10:00 to 22:30hrs on Sunday.”
35. The licensed premises in the basement 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.
36. Licensable activities and the consumption of alcohol shall only be carried on in the basement of the premises.
37. The licensee shall operate a written dispersal policy for a period of 45 minutes before the premises closes on any given night. All staff shall receive training and refresher training in the policy. A copy of the most recent version of the policy shall be retained on the premises at all times and shall be produced for immediate inspection at the request of any licensing inspector or police officer.

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

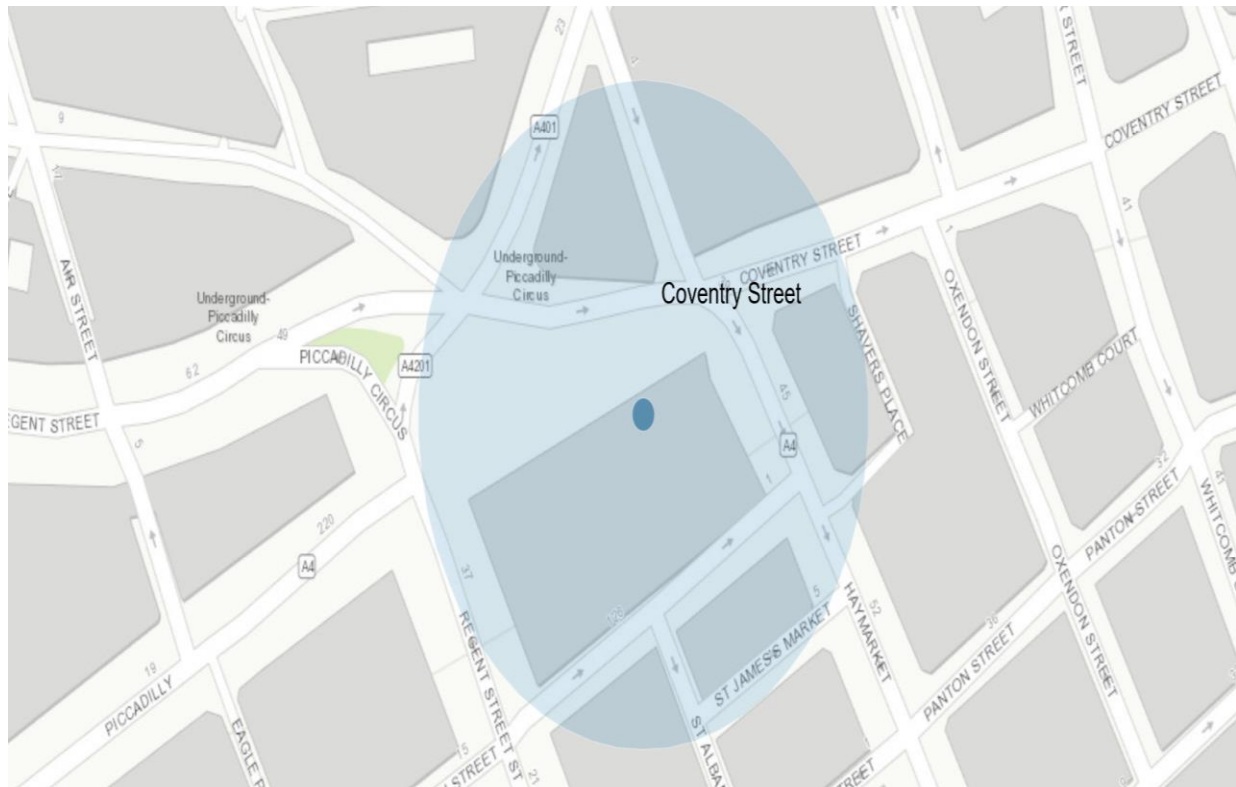
38. At least 2 SIA door supervisors on duty at the premises shall be equipped with Body Worn Video, capable of recording audio and video in any light condition as per the minimum requirements of the Westminster Police Licensing Team. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period. BWV must be activated at an early stage during any incident involving conflict.

**Conditions proposed by the Licensing Authority and agreed by the applicant so as to form part of the operating schedule:**

39. No licensable activities shall take place at the premises until premises 19/05762/LIPDPS (or such other number subsequently issued for the premises) has been surrendered [and is incapable of resurrection].

**Conditions proposed by the Environmental Health**

None



Resident Count: 33

Licensed Premises within 75 metres of the Hard Rock Café, Criterion Building, 225-229 Piccadilly, London, W1J 9HR				
Licence Number	Trading Name	Address	Premises Type	Time Period
19/05762/LIPDPS	Hard Rock Cafe	Criterion Building 225-229 Piccadilly London W1J 9HR	Restaurant	Friday to Saturday; 10:00 - 02:30   Sunday to Thursday; 10:00 - 01:30
19/11154/LIPV	Criterion Brasserie	224 Piccadilly London W1J 9HP	Restaurant	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   Saturday; 10:00 - 05:00   Sunday; 12:00 - 05:00

19/03453/LIPCH	Criterion Theatre	2 Jermyn Street London SW1Y 4XA	Theatre	Friday to Saturday; 09:00 - 02:00   Sunday to Thursday; 09:00 - 00:00
18/12412/LIPN	Not Recorded	The London Pavillion 1 Piccadilly London W1J 0DA	Not Recorded	Monday to Sunday; 10:00 - 00:30
15/03210/LIPDPS	Ripley's Believe It Or Not!	The London Pavillion 1 Piccadilly London W1J 0DA	Amusement Arcade	Monday to Sunday; 10:00 - 00:00
19/14513/LIPT	Not Recorded	Ground Floor Unit G2 The London Pavillion 1 Piccadilly London W1J 0DA	Not Recorded	Monday; 00:00 - XXXX   Tuesday; 00:00 - XXXX   Wednesday; 00:00 - XXXX   Thursday; 00:00 - XXXX   Friday; 00:00 - XXXX   Saturday; 00:00 - XXXX   Sunday; 00:00 - XXXX
12/03809/LIPVM	Aberdeen Steak House	21-22 Coventry Street London W1D 7AE	Restaurant	Monday to Saturday; 10:00 - 01:00   Sunday; 10:00 - 00:00   Sundays before Bank Holidays; 10:00 - 01:00
15/04802/LIPDPS	Caffe Concerto	45 Haymarket London SW1Y 4SE	Cafe	Monday to Sunday; 08:00 - 23:30
20/00565/LIPCH	Urban Tea Rooms St Jamess Unit 2A	St James's Market London	Cafe	Monday to Thursday; 07:00 - 00:00   Friday to Saturday; 07:00 - 00:30   Sunday; 09:00 - 23:00
17/13227/LIPDPS	1	St James's Market London	Office	Saturday to Sunday; 00:00 - 00:00

16/14122/LIPN	Ikoyi	St James's Market London	Restaurant	Monday to Thursday; 10:00 - 00:00   Friday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 23:00
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# Licensing Sub-Committee Report

## Agenda Item 2

Item No:	
Date:	23 July 2020
Licensing Ref No:	20/03768/LIPV - Premises Licence Variation
Title of Report:	Dirty Bones Ground Floor 14 Denman Street London W1D 7HJ
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:	Kevin Jackaman Senior Licensing Officer
Contact details	Telephone: 0207 641 8094 Email: kjackaman@westminster.gov.uk

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	Variation of a Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	4 May 2020		
<b>Applicant:</b>	Db Denman Ltd		
<b>Premises:</b>	Dirty Bones		
<b>Premises address:</b>	Ground Floor 14 Denman Street London W1D 7HJ	<b>Ward:</b>	West End
		<b>Cumulative Impact Area:</b>	West End
<b>Premises description:</b>	The premises currently operates as an American restaurant and cocktail bar		
<b>Variation description:</b>	<p>To vary the existing premises licence so as to-</p> <ol style="list-style-type: none"> <li>1. Vary the terminal hour for the sale of alcohol to 01:00 Monday to Saturday, subject to remaining ancillary to table meal (no change Sunday)</li> <li>2. Vary the terminal hour for late night refreshment and closing to 01:30 Monday to Saturday (no change Sunday); and</li> <li>3. Remove conditions 9 and embedded restrictions at 12-14, with retention of New Year's Eve permission.</li> </ol>		
<b>Premises licence history:</b>	The premises have had the benefit of a premises licence since September 2005. The current premises licence reference is 19/16055/LIPVM a copy of which appears at Appendix 2 of this report. Please see Appendix 5 of the report for a full licence history.		
<b>Applicant submissions:</b>	None		

1-B Current and proposed licensable activities, areas and hours						
<b>Regulated Entertainment</b>						
<b>Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit</b>						
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Licensable Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	Unrestricted		No change		Ground floor	No change
<b>Tuesday</b>						
<b>Wednesday</b>						
<b>Thursday</b>						
<b>Friday</b>						
<b>Saturday</b>						
<b>Sunday</b>						
<b>Seasonal</b>	<b>Current:</b>				<b>Proposed:</b>	

Variations/Non-standard timings:	None	No change
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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	00:30	23:00	01:30	Ground floor	No change
Tuesday	23:00	00:30	23:00	01:30		
Wednesday	23:0	00:30	23:00	01:30		
Thursday	23:00	00:30	23:00	01:30		
Friday	23:00	00:30	23:00	01:30		
Saturday	23:00	00:30	23:00	01:30		
Sunday	23:00	00:00	No change			
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.				From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.	

Sale by Retail of Alcohol						
On or off sales			Current :		Proposed:	
			On and off the premises		No change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	00:00	10:00	01:00	Ground floor	No change
Tuesday	10:00	00:00	10:00	01:00		
Wednesday	10:00	00:00	10:00	01:00		
Thursday	10:00	00:00	10:00	01:00		
Friday	10:00	00:00	10:00	01:00		
Saturday	10:00	00:00	10:00	01:00		
Sunday	12:00	23:30	No change			
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).				From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.	

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	00:30	10:00	01:30	Ground floor	No change
Tuesday	10:00	00:30	10:00	01:30		
Wednesday	10:00	00:30	10:00	01:30		

<b>Thursday</b>	10:00	00:30	10:00	01:30		
<b>Friday</b>	10:00	00:30	10:00	01:30		
<b>Saturday</b>	10:00	00:30	10:00	01:30		
<b>Sunday</b>	12:00	00:00	No change			
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>				<b>Proposed:</b>	
	None				No change	

<b>1-C Layout alteration</b>
No change of layout is proposed

<b>1-D Conditions being removed</b>
<b>Condition</b>
9. There shall be no bar.
<p>12. (i) Alcohol may be sold or supplied:</p> <p>(a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10:00 to 23:00</p> <p>(b) On Sundays, other than Christmas Day or New Year's Eve, 12:00 to 22:30</p> <p>(c) On Good Friday, 12:00 to 22:30</p> <p>(d) On Christmas Day, 12:00 to 15:00 and 19:00 to 22:30</p> <p>(e) On New Year's Eve, except on a Sunday, 10:00 to 23:00</p> <p>(f) On New Year's Eve on a Sunday, 12:00 to 22:30</p> <p>(g) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).</p> <p>(ii) Alcohol may be sold or supplied for one hour following the hours set out above to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes or in other parts of the premises the hours set out above shall continue to apply.</p>
<p>13. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:</p> <p>(a) He is the child of the holder of the premises licence.</p> <p>(b) He resides in the premises, but is not employed there.</p> <p>(c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.</p> <p>(d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.</p> <p>In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.</p> <p>NOTE - The above restrictions do not prohibit:</p> <p>(a) during the first thirty minutes after the above hours the consumption of the alcohol on the premises;</p> <p>(b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;</p> <p>(c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking table meals there if the alcohol was supplied for consumption as ancillary to the meals;</p>

(d) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;

(e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;

(f) the sale of alcohol to a trader or registered club for the purposes of the trade or club;

(g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;

(h) the taking of alcohol from the premises by a person residing there;

(i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;

(j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

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

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

14. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.

Adult entertainment:	Current position:	Proposed position:
	None	No change

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Licensing Authority
<b>Representative:</b>	Angela Seaward
<b>Received:</b>	1 June 2020
<p>Dear Sirs</p> <p>I write in relation to the application submitted for a variation of the premises licence, Dirty Bones, 14 Denman Street, London, W1D 7HJ</p> <p>As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011, the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the four Licensing Objectives:</p> <ul style="list-style-type: none"> <li>• Public Nuisance</li> <li>• Prevention of Crime &amp; Disorder</li> <li>• Public Safety</li> <li>• Protection of children from harm</li> </ul> <p>The application seeks the following variations:</p>	

- Vary the terminal hour for the sale of alcohol to 01:00 Monday to Saturday, subject to remaining ancillary to table meal (no change Sunday);
- Vary the terminal hour for late night refreshment and closing to 01:30 Monday to Saturday (no change Sunday); and
- Remove conditions 9 and embedded restrictions at 12-14, with retention of NYE permission.

The application is currently considered under policy HRS1, CIP1, RNT2 and PB2

At present the premises already operates outside of the core hours and has done since the licence was converted in 2005. Westminster's Core Hours Policy HRS1 states that "Applications for hours outside the core hours set out below in this policy will be considered on their merits".

Paragraph 2.3.3 advises that the council wishes to see a less alcohol led and a more diverse range and variety of entertainment available later at night, and will allow for greater flexibility to those premises that add to a more varied offer of entertainment and cultural activity. The premises currently operates as restaurant and according to the plan has the provision of a bar, as the variation wishes to remove the condition which prohibits a bar within the premises the licensing authority encourages the applicant to provide further submission in relation to the intended use of the bar.

The premises currently operates as a restaurant, paragraph 2.5.3 states that a restaurant is defined as premises (i) in which customers are shown to their table, (ii) 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, (iii) which do not provide any take away service of food or drink for immediate consumption, and (iv) where intoxicating liquor shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of intoxicating liquor by such persons is ancillary to taking such meals.

Therefore the licensing authority proposes the following model conditions so that the premises can be considered inline with policy RNT2.

MC38 - The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.

MC39 - The supply of alcohol shall be by waiter or waitress service only.

The licensing authority also encourages the applicant to provide further submission to advise if there is any facility for takeaways as the premises currently benefits from sale of alcohol on and off the premises. The applicant is encouraged to also consider model condition 16; There shall be no sales of alcohol for consumption off the premises after (23.00).

Please accept this email as a formal representation.

<b>Responsible Authority:</b>	Environmental Health Service
<b>Representative:</b>	Maxwell Koduah
<b>Received:</b>	18 May

I refer to the variation application for the above-mentioned premises. The premises is 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 application in line with the relevant policies within the Councils Statement of Licensing Policy dated January 2016.

The applicant is seeking the following variation:

1) Increase the terminal hours for the provision of late-night refreshment from 00:30 hours to 01:30 hours Monday to Saturday

2. Increase the terminal hours for the supply of alcohol from 00:00 hours (midnight) to 01:00 hours Monday to Saturday

3. Remove condition 9 which reads  
There shall be no bar

4. Remove conditions 12 & 13 which read:

12. (i) Alcohol may be sold or supplied:

(a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10:00 to 23:00

(b) On Sundays, other than Christmas Day or New Year's Eve, 12:00 to 22:30

(c) On Good Friday, 12:00 to 22:30

(d) On Christmas Day, 12:00 to 15:00 and 19:00 to 22:30

(e) On New Year's Eve, except on a Sunday, 10:00 to 23:00

(f) On New Year's Eve on a Sunday, 12:00 to 22:30

(g) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

(ii) Alcohol may be sold or supplied for one hour following the hours set out above to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes or in other parts of the premises the hours set out above shall continue to apply.

NOTE - The above restrictions do not prohibit:

(a) during the first thirty minutes after the above hours the consumption of the alcohol on the premises;

(b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;

(c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking table meals there if the alcohol was supplied for consumption as ancillary to the meals;

(d) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;

(e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;

(f) the sale of alcohol to a trader or registered club for the purposes of the trade or club;

(g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;

(h) the taking of alcohol from the premises by a person residing there;

(i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;

(j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

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

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

(a) He is the child of the holder of the premises licence.

(b) He resides in the premises, but is not employed there.

(c) He is in the bar solely for the purpose of passing to or from some part of the premises which

is not a bar and to or from which there is no other convenient means of access or egress.  
(d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

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

**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 representation:**

1. The hours requested to provide Late-Night Refreshment may have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the West End Cumulative Impact area
2. The hours requested to supply alcohol may have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the West End Cumulative Impact area
3. Removing the "no bar" condition without an alternative safeguard within the licence may have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the West End Cumulative Impact area
4. Removing public nuisance and public safety safeguards embedded within conditions 12 to 14 may have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the West End Cumulative Impact area

It is my view that, as presented, the application may have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the West End Cumulative Impact area

The applicant is asked to contact the undersigned to discuss the application further to ensure minimal public nuisance and public safety risks and following this, additional conditions may be recommended by Environmental Health to support the licensing objectives Prevention of Public Nuisance and Public Safety

<b>Responsible Authority:</b>	Metropolitan Police Service ( <b>withdrawn</b> )
<b>Representative:</b>	Dave Morgan
<b>Received:</b>	26 May 2020

With regards the above application, 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 and it is our belief that if granted, the application would undermine the Licensing Objectives in relation to The Prevention of Crime and Disorder.

The operating hours sought for licensable activities fall outside of Westminster's core hours and I would encourage that the applicant reduce the hours to fall within Westminster's Core hours.

Also, although I am not adverse to removing the conditions you have requested (Conditions 9, 12, 13 and 14), I would like to see certain model conditions not currently present to be included (or replaced) in order to help promote the Licensing Objectives..

These are:



1. MC66 (To replace conditions 10 and 11).

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.

2. MC01

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

3. MC02

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

4. MC16

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

5. MC17

All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.

6. MC47

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

7. MC49

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

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received concerning crime and disorder

- (d) any incidents of disorder (e) all seizures of drugs or offensive weapons
- (f) any faults in the CCTV system, searching equipment or scanning equipment
- (g) any refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service.

If the above conditions are agreed, I would be willing to withdraw my representation.

**Following agreement of the above conations, the Metropolitan Police Service withdrew their representation on 4 June 2020**

2-B Other Persons			
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	2 June 2020		
<p>We write to make a relevant representation to the above application on behalf of [REDACTED] [REDACTED]</p> <p>[REDACTED] objects to this application as it is currently presented, on the grounds of prevention of crime and disorder, prevention of public nuisance, public safety and cumulative impact in the West End Cumulative Impact Area.</p> <p><b>About [REDACTED]</b></p> <p>[REDACTED] 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.</p> <p><b>Application summary</b></p> <p>Premises variation; to vary the existing premises licence,</p> <ol style="list-style-type: none"> <li>1. Vary the terminal hour for the sale of alcohol to 01:00 Mon to Sat, subject to remaining ancillary to table meal (no change Sunday)</li> <li>2. Vary the terminal hour for late night refreshment and closing to 01:30 Mon to Sat (no change Sunday) : and</li> <li>3. Remove conditions 9 and embedded restrictions at 12 - 14, with retention of NYE permission.</li> </ol> <p><b>Current licence</b></p> <p>Sale of alcohol: Mon-Sat: 10:00 - 00:00. Sun: 12:00 - 23:30            Late night refreshment: Mon - Sat: 23:00 - 00:30. Sun: 23:00 - 00:00            Opening hours: Mon-Sat: 10:00 - 00:30. Sun: 12:00 - 00:00            Capacity: from the GF plan 56</p> <p><b>The application</b></p> <p>We object to this application on the following grounds,</p> <ul style="list-style-type: none"> <li>• It seeks to extend the terminal hour to 01:30 six days a week, this being outside core hours - policies CIP1, HRS1 and RNT2 apply. These premises will be attractive to people who have</li> </ul>			

been drinking at bars and nightclubs which goes directly against CIA policies. The applicant needs to demonstrate how they will promote the licensing objectives and not add to cumulative impact.

- We also note the applicant has applied for the removal of condition 9, which states, '**there shall be no bar.**' The application fails to provide any additional information as to the reason for the removal of this condition. The existing plan shows a bar counter with four seats, is the aim to create a new bar? We would welcome further information on this point.
- We are further surprised that the applicant feels a new terminal hour of 01:30 requires no further measures than a core hours licence.
- Soho is at the forefront of the late-night economy in Westminster with its numerous restaurants, bars and entertainment establishments. The area is densely populated at night with people drinking on the street, creating loud levels of noise, causing disturbance and anti-social behaviour. In Soho between **01:00 - 02:30 there are 75 licensed premises** for the sale of alcohol in Soho, **\*capacity for 49 of these premises is 13,371**. This figure would have been higher as there were 15 licences where capacity was not recorded. This application, if granted, will add an additional 01:30 licence to this already large number. We believe this addition cannot be justified and will add to cumulative impact. (\*capacity taken from premises licences).
- Residents already suffer from late night noise, disturbance, anti-social behaviour and increased crime and disorder from the existing number of licensed premises in Soho. In our view this application will fail to promote these objectives - see Licensing Objectives below.
- This is the latest in a series of applications for significantly extended hours in Soho and are concerned this trend will continue as the result of the effect of COVID-19 on the hospitality industry. Whilst we acknowledge the difficulties for restaurants, bars, cinemas and theatres, the Statement of Licensing Policy 2016 remains the same, and we also maintain our position that there needs to be a balance between the late night economy and residential amenity. We consider this balance has for some time been in favour of late night premises which in turn has led to a deterioration and reduction in residential amenity. The view of the Soho Society is that the way for Soho to thrive post COVID-19 is for rents and rates to fall rather than by extending licences.

### **The Licensing Objectives**

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

#### **Prevention of crime and disorder**

Criminal activity associated with the late-night 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 late at night. People are targeted as they leave late night venues which is evidenced by the crime figure. Figures for Soho highlight a huge increase in robberies, \* 111 robberies took place within the four-month period from Nov - Feb 2017/18, for the same period in 2018/19 the figure was 266 an 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, a significant increase of 156%. (\*Source; Police UK data).

Criminal activity is not limited to robberies at night. Drug dealers are also in the area targeting people. Dealers are seen in this area daily, with an increase in numbers from the early evening until late into the night, 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 customers leaving a restaurant at 01:30 in this area will attract criminal elements and result in an increase in crime and disorder.

### **Prevention of public nuisance**

This is a residential area and residents will be disturbed from customers leaving these premises at 01:30, it will add to public nuisance and anti-social behaviour and have a detrimental impact on residential amenity. Residents are already disturbed by noise from people loitering in the street, drug dealers, taxis and pedicabs.

### **Public Safety**

Under the objective PS1, the applicant needs to '*... demonstrate that the public will be safe within and in the vicinity of the premises,*' and goes on to state '*Crime, disorder and antisocial behaviour inside and in the vicinity of licensed premises may threaten public safety and affect perceptions of public safety.*' Drunk and highly intoxicated people on the streets late at night are very vulnerable requiring support and to prevent them from becoming victims of crime. To help people who become vulnerable on a night out Westminster City Council with the LGBT foundation has established the Soho Angels. As the Committee are no doubt aware, these are a group of volunteers who work on Friday and Saturday nights between 10pm and 5am helping vulnerable or distressed people on a night out. They work with St. John Ambulance who provide medical assistance at an 8 bedded night hub in St. Anne's Church on Dean Street. In their first year of operation they helped over 1,200 people, medical assistance was given in 230 cases, of which 80 were classed as serious incidents, and 40 crimes were reported. This is further evidence of the impact of the high number of late night uses and large number of people out on the streets, such that a dedicated team of volunteers is required to help the vulnerable, keeping them safe from harm.

### **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, anti-social behaviour, crime and disorder and the change in character of historic areas.

The application proposes to ***add an additional late night licence with a capacity of 56 to the existing 75 01:00 - 02:30 licensed premises, capacity for 49 of these premises being 13,371.*** Any increase in the number of people on the streets late at night will add to cumulative impact in the West End CIA.

### **Conclusion**

We believe another late night premises which closes at 01:30 would fail to promote the licensing objectives of the prevention of crime and disorder, prevention of public nuisance and public safety and will add negatively to cumulative impact. Considering all the issues raised within this representation we respectfully request this application is rejected.

## **3. Policy & Guidance**

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

<b>Policy CP1 applies</b>	<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>
<b>Policy HRS1 applies</b>	<p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p> <p><u>For premises for the supply of alcohol for consumption on the premises:</u></p> <p>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></p> <p>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>
<b>Policy RNT2 applies</b>	<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>
<b>Policy PB2 applies</b>	<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, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

#### 5. Appendices

<b>Appendix 1</b>	Premises licence 19/16055/LIPVM
<b>Appendix 2</b>	Applicant supporting documents
<b>Appendix 3</b>	Premises history
<b>Appendix 4</b>	Proposed conditions
<b>Appendix 5</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Kevin Jackaman Senior Licensing Officer
<b>Contact:</b>	Telephone: 0207 614 6500 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**

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
<b>4</b>	Licensing Authority Representation	1 June 2020
<b>5</b>	Environmental Health Service Representation	18 May 2020
<b>6</b>	Metropolitan Police Service Representation <b>(Withdrawn 4 June 2020)</b>	26 May 2020
<b>7</b>	Interested Party Representation	2 June 2020



Schedule 12  
Part A

WARD: West End  
UPRN: 100023601810

## City of Westminster

64 Victoria Street, London, SW1E 6QP

Premises licence

Regulation 33, 34

Premises licence number:

19/16055/LIPVM

Original Reference:

05/09176/LIPC

### Part 1 – Premises details

#### Postal address of premises:

Ground Floor  
14 Denman Street  
London  
W1D 7HJ

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

Not applicable

#### Licensable activities authorised by the licence:

Playing of Recorded Music  
Late Night Refreshment  
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit  
Sale by Retail of Alcohol

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

**Playing of Recorded Music** Unrestricted

#### Late Night Refreshment

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

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

#### Sale by Retail of Alcohol

Monday to Saturday: 10:00 to 00:00  
Sunday: 12:00 to 23:30

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

#### The opening hours of the premises:

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

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

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

**Part 2**

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

Db Denman Ltd  
Finsgate  
5-7 Cranwood Street  
London  
EC1V 9EE

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

10488055

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

**Name:** Jamie Timothy Sulkin

*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:** 2005/04179/LAPER  
**Licensing Authority:** London Borough of Hammersmith & Fulham

**Date:** 16 Dfecember 2019

This licence has been authorised by Kevin Jackaman 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 shall take all reasonable steps to 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children;
    - (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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
    - (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;
    - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on;
      - (i) the outcome of a race, competition or other event or process, or
      - (ii) the likelihood of anything occurring or not occurring;
    - (e) 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.
5. The responsible person shall ensure that no alcohol is dispensed 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).
6. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

7. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- (2) 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 a holographic mark.

8. The responsible person shall 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; and
- (b) customers are made aware of the availability of these measures.

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.

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

Conditions for the Sale of Alcohol

9. There shall be no bar.
10. The licence is to be used for restaurant purposes only.
11. The sale and supply and consumption of intoxicating liquor shall be restricted to persons partaking of a substantial meal on the premises.

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

Permitted hours for the Sale of Alcohol

12. (i) Alcohol may be sold or supplied:
- (a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10:00 to 23:00
  - (b) On Sundays, other than Christmas Day or New Year's Eve, 12:00 to 22:30
  - (c) On Good Friday, 12:00 to 22:30
  - (d) On Christmas Day, 12:00 to 15:00 and 19:00 to 22:30
  - (e) On New Year's Eve, except on a Sunday, 10:00 to 23:00
  - (f) On New Year's Eve on a Sunday, 12:00 to 22:30
  - (g) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

- (ii) Alcohol may be sold or supplied for one hour following the hours set out above to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes or in other parts of the premises the hours set out above shall continue to apply.

NOTE - The above restrictions do not prohibit:

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

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

- 13. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:
  - (a) He is the child of the holder of the premises licence.
  - (b) He resides in the premises, but is not employed there.
  - (c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.

- (d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

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

- 14. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.

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

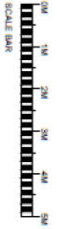
None

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

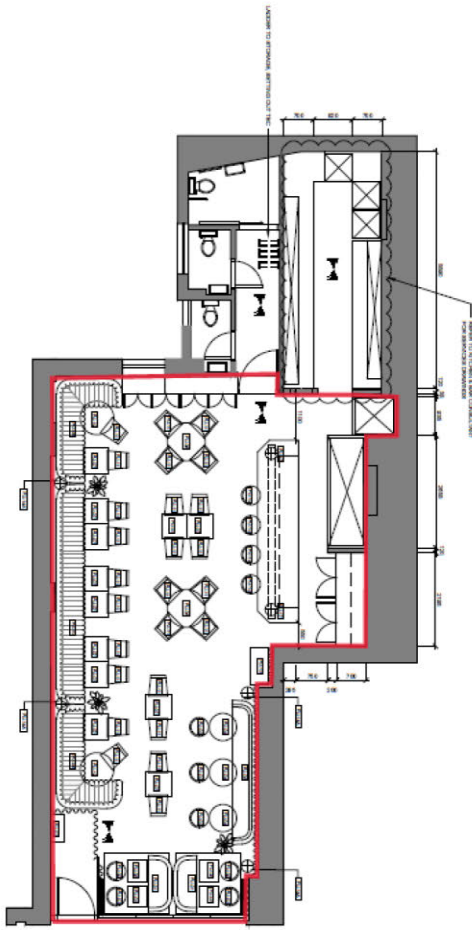
None

# Annex 4 – Plans

SCALE  
 1:50  
 1:100  
 1:200



GA-01 | FURNITURE & SETTING OUT PLAN  
 SCALE: 1:50



PROJECT REF : 14 DIRTY BONES  
 ADDRESS : DENMAN ST  
 POST CODE : WID 7HJ

TITLE  
 FURNITURE & SETTING OUT PLAN  
 Date 11/12/06 Scale 1:50@A1  
 DWG NO Rev  
 GA-01 A  
 Paper Size A1

REVISION NOTES

Rev	Date	Comment
A	15.12.16	FIRST ISSUE

ISSUED FOR DESIGN INTENT



Schedule 12  
Part B

WARD: West End  
UPRN: 100023601810

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

**Premises licence  
summary**

Regulation 33, 34

**Premises licence number:**

19/16055/LIPVM

**Part 1 – Premises details**

**Postal address of premises:**

Clockjack Oven  
Ground Floor  
14 Denman Street  
London  
W1D 7HJ

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

Not applicable

**Licensable activities authorised by the licence:**

Playing of Recorded Music  
Late Night Refreshment  
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit  
Sale by Retail of Alcohol

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

**Playing of Recorded Music** Unrestricted

**Late Night Refreshment**  
Monday to Saturday: 23:00 to 00:30  
Sunday: 23:00 to 00:00

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

**Sale by Retail of Alcohol**  
Monday to Saturday: 10:00 to 00:00  
Sunday: 12:00 to 23:30

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



**The opening hours of the premises:**

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

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

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

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

Db Denman Ltd  
Finsgate  
5-7 Cranwood Street  
London  
EC1V 9EE

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

10488055

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

**Name:** Sulkin Jamie Timothy

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

Restricted

**Date:** 16 December 2019

**This licence has been authorised by Kevin Jackaman on behalf of the Director - Public Protection and Licensing.**

None

## Licence &amp; Appeal History

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
05/09176/LIPC	Conversion	25.09.2005	Granted under delegated authority
06/05835/WCCMAP	Master licence	25.09.2005	Granted under delegated authority
08/05198/LIPDPS	Variation of designated premises supervisor	13.06.2008	Granted under delegated authority
09/09420/LIPDPS	Variation of designated premises supervisor	03.12.2009	Granted under delegated authority
12/02294/LIPT	Transfer of premises licence – FSN Restaurant Ltd to Piccadilly Spice Ltd	02.04.2012	Granted under delegated authority
12/09152/LIPT	Transfer of premises licence – Piccadilly Spice Ltd to Wishbone Investments Ltd	05.11.2012	Granted under delegated authority
12/09136/LIPVM	Minor variation of premises licence – change of layout	05.11.2012	Granted under delegated authority
12/09157/LIPDPS	Variation of designated premises supervisor	05.11.2012	Granted under delegated authority
16/01944/LIPDPS	Variation of designated premises supervisor	03.03.2016	Granted under delegated authority
16/07975/LIPDPS	Variation of designated premises supervisor	02.09.2016	Granted under delegated authority
17/09664/LIPT	Transfer of premises licence – Wishbone Investments Ltd to DB Denman Ltd	20.09.2017	Granted under delegated authority
17/09757/LIPDPS	Variation of designated premises supervisor	20.09.2017	Granted under delegated authority

19/16055/LIPVM	Minor variation of premises licence – change of layout	16.12.2019	Granted under delegated authority
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### Temporary Event Notices

Temporary Event Notices	Date of Event	Activities/Hours	Decision
19/15523/LITENP	07.12.2019	Regulated entertainment, late night refreshment and supply of alcohol 00:00 to 01:00	Event permitted
19/15903/LITENP	13.12.2019 to 14.12,2019	Regulated entertainment, late night refreshment and supply of alcohol 00:00 to 01:00	Event permitted

**There is no appeal history**

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

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

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

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

**Conditions: On Current Licence -**

**Mandatory:**

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

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

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

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

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

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

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

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

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

Where -

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

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

#### **Conditions for the sale of alcohol**

9. There shall be no bar.

10. The licence is to be used for restaurant purposes only.
11. The sale and supply and consumption of intoxicating liquor shall be restricted to persons partaking of a substantial meal on the premises.

**The applicant has agreed to replace conditions 9 and 10 with the model restaurant condition proposed below at condition 15**

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

**Permitted hours for the Sale of Alcohol**

12. (i) Alcohol may be sold or supplied:
  - (a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10:00 to 23:00
  - (b) On Sundays, other than Christmas Day or New Year's Eve, 12:00 to 22:30
  - (c) On Good Friday, 12:00 to 22:30
  - (d) On Christmas Day, 12:00 to 15:00 and 19:00 to 22:30
  - (e) On New Year's Eve, except on a Sunday, 10:00 to 23:00
  - (f) On New Year's Eve on a Sunday, 12:00 to 22:30
  - (g) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).
- (ii) Alcohol may be sold or supplied for one hour following the hours set out above to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes or in other parts of the premises the hours set out above shall continue to apply.

NOTE - The above restrictions do not prohibit:

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



- (j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

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

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

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

- 14. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.

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

None

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

None

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

- 15. 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.

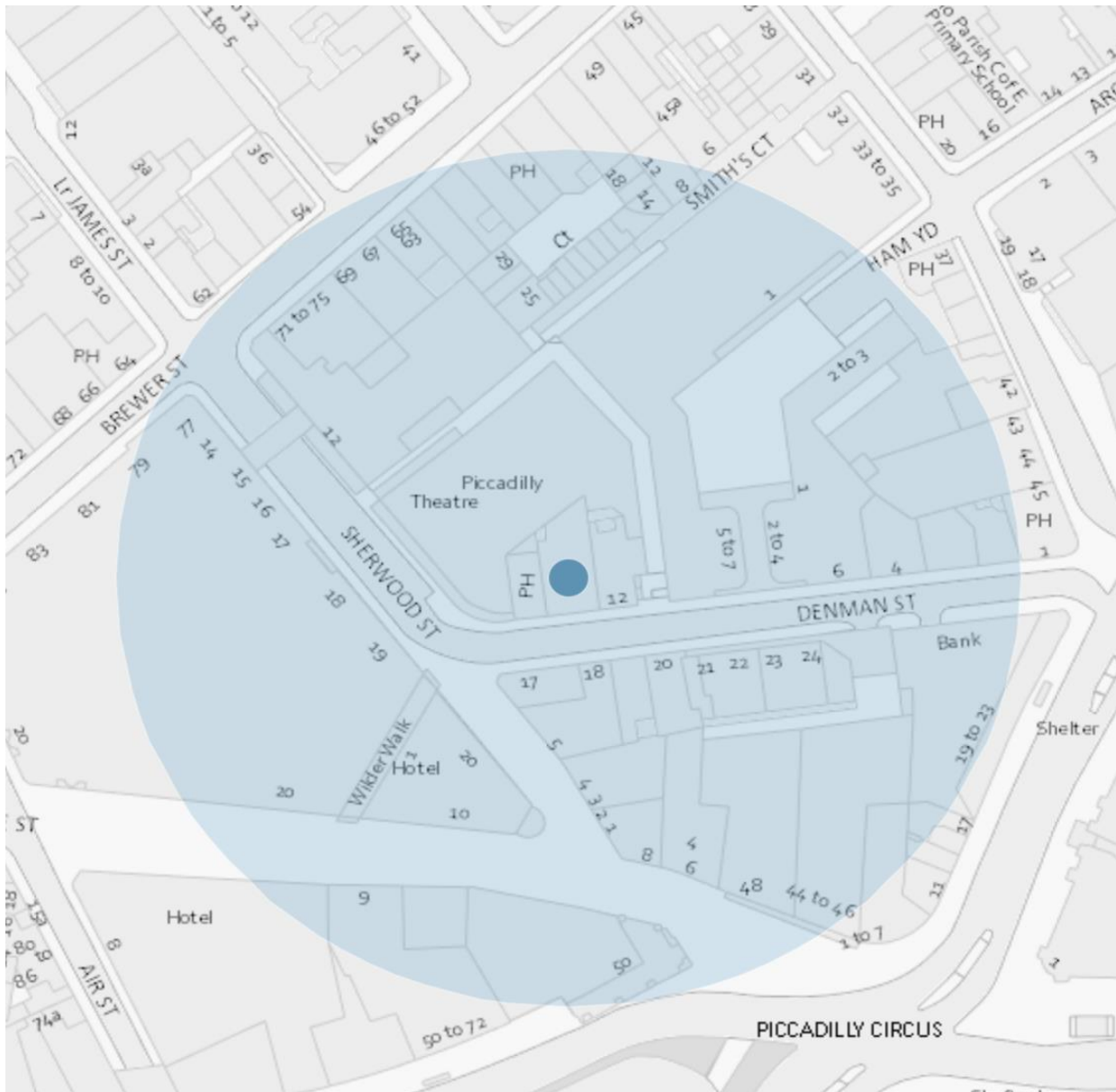
Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

16. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
17. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
18. There shall be no sales of alcohol for consumption off the premises after (23.00).
19. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
20. 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.
21. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder
  - (d) any incidents of disorder
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system, searching equipment or scanning equipment
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service

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

22. 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
23. There shall be no sales of alcohol for consumption off the premises after 23.00 hours.
24. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises
25. 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
26. 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

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



Resident count: 58

Licensed premises within 75m of 14 Denman Street, London, W1				
Licence Number	Trading Name	Address	Premises Type	Time Period
11/11032/LIPDPS	The Queen's Head	15 Denman Street London W1D 7HN	Public house or pub restaurant	Monday to Sunday; 10:00 - 00:00
20/02638/LIPT	Masters Club	Basement 12 - 14 Denman Street London W1D 7HL	Night clubs and discos	Monday to Saturday; 09:00 - 03:30   Sunday; 09:00 - 23:00

16/09243/LIPV	Kricket Soho	12-14 Denman Street London W1D 7HJ	Restaurant	Monday to Saturday; 10:00 - 23:30   Sunday; 12:00 - 23:00
19/07875/LIPT	Jamies Italian	17 Denman Street London W1D 7HW	Restaurant	Monday to Thursday; 08:00 - 00:00   Friday to Saturday; 08:00 - 00:30   Sunday; 08:00 - 23:30   Sundays before Bank Holidays; 12:00 - 00:00
17/09980/LIPVM	Piccadilly Theatre	Piccadilly Theatre Denman Street London W1D 7DY	Theatre	Monday to Friday; 09:00 - 04:00   Saturday to Sunday; 09:00 - 03:00
20/00217/LIPDPS	Brasserie Zedel	20 Sherwood Street London W1F 7ED	Restaurant	Monday to Sunday; 08:00 - 01:00
10/03172/LIPN	Kim's Mart	24-25 Denman Street London W1D 7HS	Shop (large)	Monday to Sunday; 09:00 - 22:00
20/01636/LIPT	Jewel Piccadilly	Basement And Ground Floor And Part First Floor 4 - 6 Glasshouse Street London W1B 5DQ	Restaurant	Monday to Saturday; 09:00 - 01:30   Sunday; 09:00 - 01:00
18/12780/LIPDPS	The Velvet Rooms	Part First Floor To Fifth Floor 4 - 6 Glasshouse Street London W1B 5DQ	Restaurant	Monday to Saturday; 09:00 - 00:30   Sunday; 12:00 - 00:00
20/03926/LIPCH	Chilli Shaker Indian Cuisine	4 Denman Street London W1D 7HD	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
15/12078/LIPDPS	Engawa	2 Ham Yard London W1D 7DT	Restaurant	Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00   Sunday; 12:00 - 22:30

19/13655/LIPDPS	Ham Yard Hotel	Ham Yard Hotel 1 Ham Yard London W1D 7DT	Hotel, 4+ star or major chain	Not Recorded; XXXX - XXXX
06/05475/WCCMAP	Taro Kaz Restaurant	61 Brewer Street London W1F 9UW	Restaurant	Monday to Saturday; 09:00 - 01:00   Sunday; 09:00 - 00:00
19/09769/LIPCH	Japan Centre	19 Shaftesbury Avenue London W1D 7ED	Shop	Monday to Saturday; 08:00 - 23:30   Sunday; 12:00 - 23:00
18/16069/LIPDPS	Glasshouse Stores Public House	55 Brewer Street London W1F 9UJ	Public house or pub restaurant	Monday to Saturday; 10:00 - 23:30   Sunday; 12:00 - 23:00
19/09766/LIPCH	Shoryu Soho	2-3 Denman Street London W1D 7HA	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
19/15758/LIPT	Mash Brewer Street Limited	77 Brewer Street London W1F 9ZN	Restaurant	Monday to Sunday; 11:30 - 01:30

Item No:	
Date:	23 July 2020
Licensing Ref No:	20/04235/LIPN - New Premises Licence
Title of Report:	Mr Fogg's Tavern 58 St Martin's Lane London WC2N 4EA
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:	Jessica Donovan Senior Licensing Officer
Contact details	Telephone: 020 7641 6500 Email: Jdonovan@westminster.gov.uk

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	28 May 2020		
<b>Applicant:</b>	St Martin's Lane Bar Ltd		
<b>Premises:</b>	Mr Fogg's Tavern		
<b>Premises address:</b>	58 St Martin's Lane London WC2N 4EA	<b>Ward:</b>	St James's
		<b>Cumulative Impact Area:</b>	West End
<b>Premises description:</b>	This is an application for a new premises licence which intends to operate as Lounge and Bar.		
<b>Premises licence history:</b>	The premises have had the benefit of a licence, Licence number 19/07667/LIPDPS from 2005 which is still currently in place. A copy of the licence can be found at <b>Appendix 3</b> . The premises have also had the benefit of a number of Temporary Event Notices.		
<b>Applicant submissions:</b>	There are submissions from the applicant at <b>Appendix 2</b> of this report.		

1-B Proposed licensable activities and hours							
<b>Films:</b>				<b>Indoors, outdoors or both</b>			Indoors
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	10:00	10:00	10:00	10:00	10:00	10:00	12:00
<b>End:</b>	01:00	01:00	01:00	01:00	01:00	01:00	00:00
<b>Seasonal variations/ Non-standard timings:</b>		All licensable activities shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.					

<b>Recorded Music:</b>				<b>Indoors, outdoors or both</b>			Indoors
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	10:00	10:00	10:00	10:00	10:00	10:00	12:00
<b>End:</b>	01:00	01:00	01:00	01:00	01:00	01:00	00:00
<b>Seasonal variations/ Non-standard timings:</b>		All licensable activities shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.					

<b>Late Night Refreshment:</b>				<b>Indoors, outdoors or both</b>			Both
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	23:00	23:00	23:00	23:00	23:00	23:00	23:00
<b>End:</b>	01:00	01:00	01:00	01:00	01:00	01:00	00:00
<b>Seasonal variations/ Non-standard timings:</b>		All licensable activities shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.					



Sale by retail of alcohol				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
<b>Start:</b>	10:00	10:00	10:00	10:00	10:00	10:00	12:00
<b>End:</b>	01:00	01:00	01:00	01:00	01:00	01:00	00:00
<b>Seasonal variations/ Non-standard timings:</b>			All licensable activities shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.				

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
<b>Start:</b>	10:00	10:00	10:00	10:00	10:00	10:00	12:00
<b>End:</b>	01:30	01:30	01:30	01:30	01:30	01:30	00:30
<b>Seasonal variations/ Non-standard timings:</b>			All opening hours shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.				

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Licensing Authority
<b>Representative:</b>	Angela Seaward
<b>Received:</b>	25 June 2020
<p>I write in relation to the application submitted for a new premises licence for 58 St Martin's Lane, London, WC2N 4EA</p> <p>As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011, the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the four Licensing Objectives:</p> <ul style="list-style-type: none"><li>• Public Nuisance</li><li>• Prevention of Crime &amp; Disorder</li><li>• Public Safety</li><li>• Protection of children from harm</li></ul> <p>The application seeks the following:</p> <ul style="list-style-type: none"><li>• <b>Films &amp; Recorded Music</b> Monday to Saturday 10:00 to 01:00 Sunday 12:00 to 00:00</li><li>• <b>Late Night Refreshment</b> Monday to Saturday 23:00 to 01:00 Sunday 23:00 to 00:00</li><li>• <b>Supply of Alcohol On Premises</b> Monday to Saturday 10:00 to 01:00 Sunday 12:00 to 00:00</li><li>• <b>Opening Hours to Public</b> Monday to Saturday 10:00 to 01:30 Sunday 12:00 to 00:30</li></ul> <p>The premises is located within the West End Cumulative Impact Area and as such various policy points must be considered, namely CIP1, HRS1 and PB2.</p> <p>At present, the operating hours applied for licensable activities currently fall outside of Westminster's core hours. Paragraph 2.3.2 states that Policy HRS1 is not a policy to refuse applications for hours longer than the core hours and consideration will in all cases be given to the individual merits of an application. Where a proposal is made to operate outside these core hours each application will be considered on its merits against the criteria as set out in paragraph (ii) that applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other policies stated within the Westminster licensing policy.</p> <p><b>Supply of Alcohol On the Premises</b> Monday to Thursday 10:00 to 23:30 Friday to Saturday 10:00 to 00:00</p>	

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

It is the intention to generally grant licences or variations to licences where the hours when customers are permitted to be on the premises are within the 'core hours' as set out in Policy HRS1, therefore the licensing authority would encourage the applicant too consider reducing the licensable activities to be within these hours.

The premises intends to operate as a Lounge wine bar and with no ancillary use so will be considered under policy PB2. 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. Paragraph 2.5.23 advises that the licensing authority considers the grant of variations and new licences for pubs and bars in the cumulative impact area should be limited to exceptional circumstances.

The licensing authority notes the proposed condition 18 which states 'On the first floor, the Service of alcohol shall only be by waiter/waitress service'. paragraph 1.3 advises that the council wishes to discourage drunkenness and to encourage the provision of more seating in premises which serve alcohol for people to sit and enjoy a drink and order food by table service, in place of open bar space which caters for high volume vertical drinking. Therefore the licensing authority encourages the applicant to provide further submissions on how they intend to operate the ground floor and detail how their operation is exception to a policy that is to refuse.

Currently the premises benefits from a premises licence number 19/07667/LIPDPS, the licensing authority encourage the applicant to consider model condition 62, which reads;

- No licensable activities shall take place at the premises until premises licence 19/07667/LIPDPS (or such other number subsequently issued for the premises) has been surrendered [and is incapable of resurrection].

Currently the current premises licence is within Westminster's core hours for the ground floor and therefore the licensing authority encourage the applicant to provide further submission on how the increase to hours will not be contrary to policy.

The Licensing Authority looks forward to receiving further submissions from the applicant in due course and it will be for the Licensing Sub-Committee to determine whether the applicant has demonstrated any exceptional circumstances that would allow to depart from policy.

Please accept this as a formal representation.

<b>Responsible Authority:</b>	Environmental Health Service
<b>Representative:</b>	Maxwell Owusu Koduah
<b>Received:</b>	15 June 2020

I refer to the application for a new Premises Licence number for the above-mentioned premises. The premises is 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 application in line with the relevant policies within the Councils Statement of

Licensing Policy dated January 2016.

The applicant is seeking to:

**1. Exhibition of films “indoors” at the following times**

Monday to Saturday: 10:00 to 01:00 hours

Sunday: 12:00 to 00:00 hours

New Year’s Eve to the start of permitted hours on New Year’s Day.

**2. Playing of recorded music “indoors” at the following times**

Monday to Saturday: 10:00 to 01:00 hours

Sunday: 12:00 to 00:00 hours

New Year’s Eve to the start of permitted hours on New Year’s Day.

**3. Provide late night refreshment “indoors & outdoors” at the following times:**

Monday to Saturday 23:00 to 01:00 hours

Sundays: 23:00 to 00:00 hours

New Year’s Eve to the start of permitted hours on New Year’s Day.

**4. Supply of alcohol for consumption “on & off” the premises at the following times**

Monday to Saturday 10:00 to 01:00 hours

Sundays: 12:00 to 00:00 hours

New Year’s Eve to the start of permitted hours on New Year’s Day.

**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 representation:**

The hours requested to exhibit films may have the likely effect of causing an increase in Public Nuisance within the West End Cumulative Impact area

The hours requested to play recorded music may cause an increase in Public Nuisance within the West End Cumulative Impact area

The provision of late-night refreshment and the hours requested may have the likely effect of causing an increase in Public Nuisance may affect Public Safety within the West End Cumulative Impact area

The supply of alcohol and the hours requested to supply alcohol may have the likely effect of causing an increase in Public Nuisance may affect Public Safety within the West End Cumulative Impact area

It is my view that there is insufficient information to address the concerns of Environmental Health and the granting of this application as presented would have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the area

Applicant is asked to contact the undersigned for further discussion and following this, additional conditions may be recommended by Environmental Health to support the licensing objectives Prevention of Public Nuisance and Public Safety

Please contact me if you wish to discuss this further.

<b>Responsible Authority:</b>	Metropolitan Police Service ( <i>Withdrawn 14 July 2020</i> )
<b>Representative:</b>	PC Brian Hunter
<b>Received:</b>	16 June 2020

I am in receipt of the above application and its attached operating schedule of proposed conditions, We the Metropolitan Police as a responsible authority are making a representation against it

The venue is situated within the Cumulative Impact Area. It is our believe that if granted the application would undermine the Licensing Objectives in relation to the prevention of crime and disorder.

The hours requested are outside policy, and some of the conditions proposed are not the model conditions, for clarity I have listed below the conditions we would like placed onto the premises Licence should it be granted, should these be agreed I may be in a position to withdraw my representation.

- The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
- A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
- A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
- An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder
  - (d) any incidents of disorder
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system, searching equipment or scanning equipment
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service.
- There shall be a minimum of (2) SIA licensed door supervisors after 9pm until 30 mins past close on Thursday, Friday and Saturday. At all other times the management must complete a written risk assessment to be kept at the venue and made available on request of Police or authorised officials from Westminster City Council.
- All staff engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility yellow jackets or vests.

I look forward to your response in due course.

**Following agreement of additional conditions, the Metropolitan Police withdrew their representation on 14 July 2020**

2-B Other Persons			
Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	24 June 2020		
<p>The [REDACTED] objects to this application as it will add to public nuisance because for the later hours.</p> <p>This is a new application which would have the effect of extending the licence of these premises so that the sale of alcohol is permitted to 01:00 Monday to Saturday and 00:00 on Sunday with the premises closing 30 minutes later. It also permits recorded music, films and LNR to the same times.</p> <p>The current licence for the premises allows the sale of alcohol to core hours on the ground floor and basement and 00:00 on the 1st floor except Sundays, which is 23:30.</p> <p>The existing Licence is a converted pre-LA2003 licence and doesn't include Model Conditions. The applicant has proposed 27 model conditions to be included in the Licence.</p> <p>The [REDACTED] view that if this licence is granted as applied for then it will add to Public Nuisance and Crime and Disorder both directly and by adding to the issues already present in the Cumulative Impact Special Policy Area.</p> <p>The Applicant has previously applied for these hours for the 1st floor of the premises only. The [REDACTED] view was that with some additional conditions this would be acceptable as the number of customers is limited and the sale would be by table service to seated customers only with a last entry time of midnight. However the Licensing Committee refused the application. The applicant is now asking that the <b>whole premises</b> is able to operate to this time and that whilst they offer a seated customer condition on the 1st floor no such condition is offered in the remainder of the premises.</p> <p>The ground floor and basement of this premise is a pub operating under a converted pub licence. There is no requirement that customers are seated. The sale of alcohol is for consumption on and off the premises. Alcohol does not need to be ancillary to food and there is no requirement for door supervision other than one proposed to apply only on Thursday to Saturday nights, even though the whole premises is proposed to be able to remain open until 01:30 on all other nights of the week. We do not believe that a pub can be expected to operate until 01:30 without having an impact on residents in the vicinity through the generation of public nuisance.</p> <p>With regard to the first floor our view is, as before, the extended hours are acceptable with a few additional conditions to those offered in the application:</p> <p>Last entry to the 1st floor should be 00:00 There should be no external queue for entry after 17:00</p> <p>For the ground floor our view is that the request to extend the time beyond Core Hours is not acceptable. Whilst we recognise that the applicant is an experienced and well regarded operator of the premises this alone is not sufficient to justify this substantial extension to the hours for the sale of alcohol.</p>			

If despite this the Licensing Panel is inclined to grant some or all of the requested additional period for the ground floor and basement we would ask for the following conditions to be included on the Licence.

1. No off-sales are permitted after 23:00
2. After 23:00 customers are only permitted to go outside to smoke and may not take drinks with them.
3. After 23:30 alcohol may only be sold for consumption by seated customers
4. The licence only has effect whilst the premises are trading as "'olde-worlde" style Victorian tavern with welcoming publicans and friendly waiters and waitresses unspoilt by modernity." - *This is description given in the previous application.*

We wish to be clear that our position remains that the extension of hours on the ground floor should be refused. We are offering these additional conditions as a way of mitigating some, but not all, of the impact of any extension of hours on the ground floor, should the panel be minded to grant this.

We hope that this representation is clear and ask that you advise us well in advance of any meeting at which this application will be discussed.

<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	21 June 2020		

I object to the proposal to extend the opening hours beyond the current permitted hours which conform to the Council's very welcome "core hours" policy. It took a long time to establish that policy which has made a great difference to improve the lives of local residents.

Large number of local residents.

I have been surprised (during the clapping and banging on pans on previous Thursdays to express support and gratitude to NHS workers) by the large number of residents now living in [REDACTED]. [REDACTED] I had not realised just how much residential accommodation there has been developed during recent years. [REDACTED] Charing Cross Mansions stretch through from Charing Cross Road along both sides of Cecil Court (and also along St. Martin's Court in the case of Charing Cross Mansions). Flats face immediately opposite Mr. Fogg's Tavern. There are residents in Goodwin's Court and Talbot House and above the Salisbury public house and above offices on both sides of St. Martin's Lane and in New Row. [REDACTED]

Existing problems tolerable but change would be unacceptable.

Mr.Fogg's Tavern is generally a well-run public house. One incident about a year ago there was a very noisy disco with a DJ who used many vulgar swear words which were audible in my flat. Fortunately this only happened once. However, their smoking policy Condition 19, apparently permits smokers to take their drinks into the street when they leave the premises to smoke. The behaviour of smoker/drinkers can be noisy and boisterous. So long as the present opening hours are maintained I can live with the disturbance knowing it will not last long and I can get some sleep.

Likely early morning disturbance as customers leave the premises.

Condition 19 in the application Dispersal can only control behaviour in the immediate vicinity of

the premises. It cannot control boisterous (and anti-social) behaviour as people walk to all night buses in Charing Cross and to late night tube trains at Leicester Square. The proposed condition on restricting delivery hours is most welcome - if it is enforced.

Any breach of current policy control will have a "domino" effect.

My fear is that if the "core hours" are breached in this application then other licensed premises (of which there are several in St. Martin's Lane and surrounding streets) will make similar applications and it would be commercially unfair to deny them. Allow one extension and the whole "core hours" policy will be finished.

Attempt to compensate for commercial difficulties following pandemic.

I expect that many businesses are in difficulties following the restrictions in trade during the covid-19 virus pandemic. It was inevitable that they would wish to extend their trading hours to compensate for recent loss of profits. I am sympathetic to their problems but the current proposal is not acceptable. A temporary permission for tables and chairs outside the premises might be acceptable but the pavements outside Mr. Fogg's are too narrow and motorised street traffic is busy at all times.

A final plea to maintain the current control.

Balancing the interests of local businesses and local residents is a difficult choice for the licensing authorities. The "core hours" policy was courageous and made a welcome difference. I hope that the present situation will be preserved.

<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association</b>		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support of opposed:</b>	Opposed
<b>Received:</b>	16 June 2020		

I support extending the hours for Mr. Phoggs Tavern for recorded music and films and the sale of alcohol / refreshments, BUT only until 12 midnight on Sundays through Thursday evenings (1am is okay for Fridays and Saturdays).

St. Martins Lane and New Row have numerous residents [REDACTED]. The noise from people departing the tavern at 1am will impact residents as sounds echo between the tall buildings. As a city dweller, we expect a degree of noise but would like to limit this during the week where people have to work the next day.



### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<b>Policy CIP1 applies</b>	<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>
<b>Policy HRS1 applies</b>	<p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p> <p><b>For premises for the supply of alcohol for consumption on the premises:</b>  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><b>For premises for the supply of alcohol for consumption off the premises:</b>  Monday to Saturday: 08:00 to 23:00  Sundays: 10:00 to 22:30</p> <p><b>For premises for the provision of other licensable activities:</b>  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>
<b>Policy PB2 applies</b>	<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, Marriages and Civil Partnerships, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

#### 5. Appendices

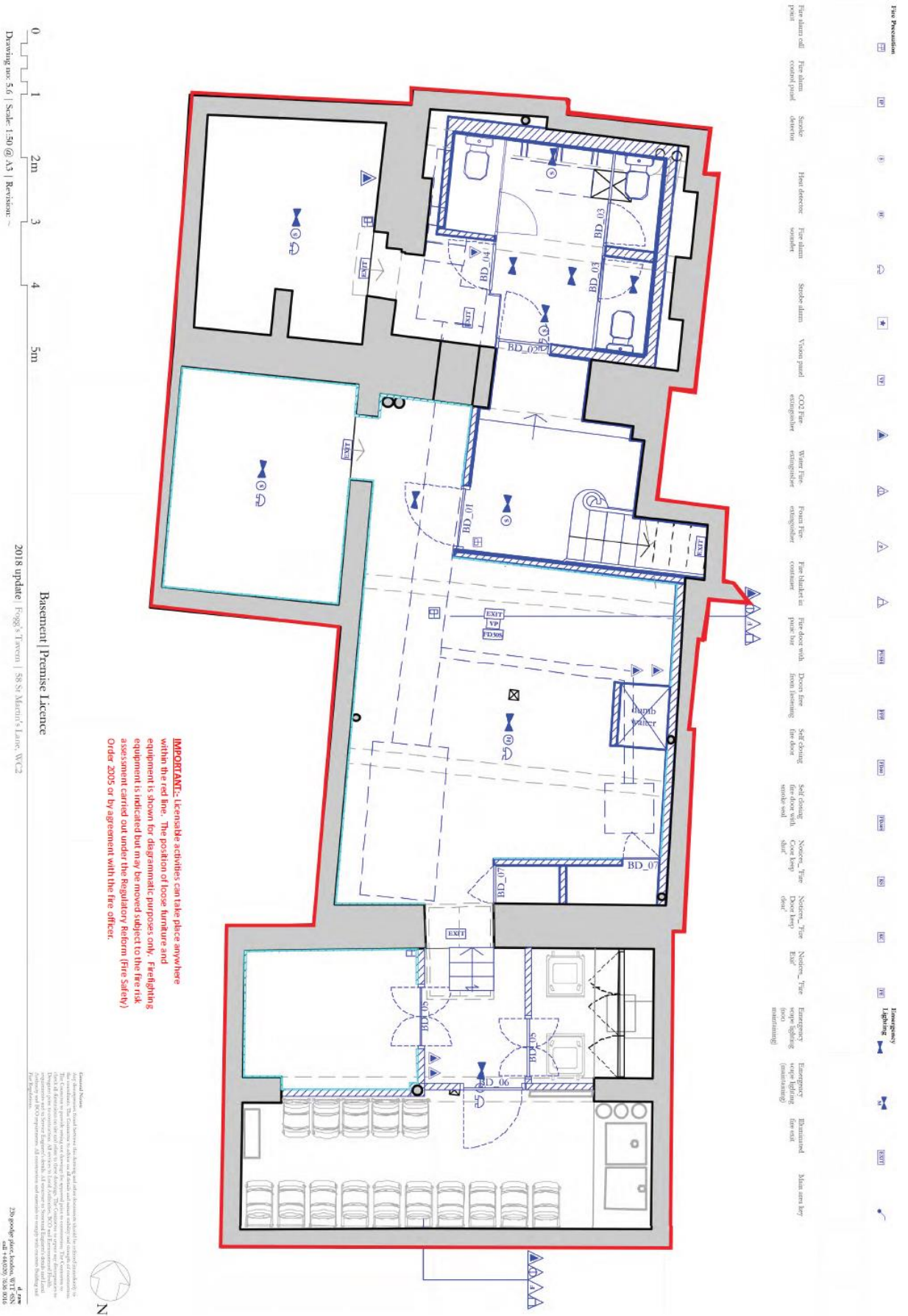
<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents
<b>Appendix 3</b>	Current premises licence and premises history
<b>Appendix 4</b>	Proposed conditions
<b>Appendix 5</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Jessica Donovan Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 6500 Email: Jdonovan@westminster.gov.uk

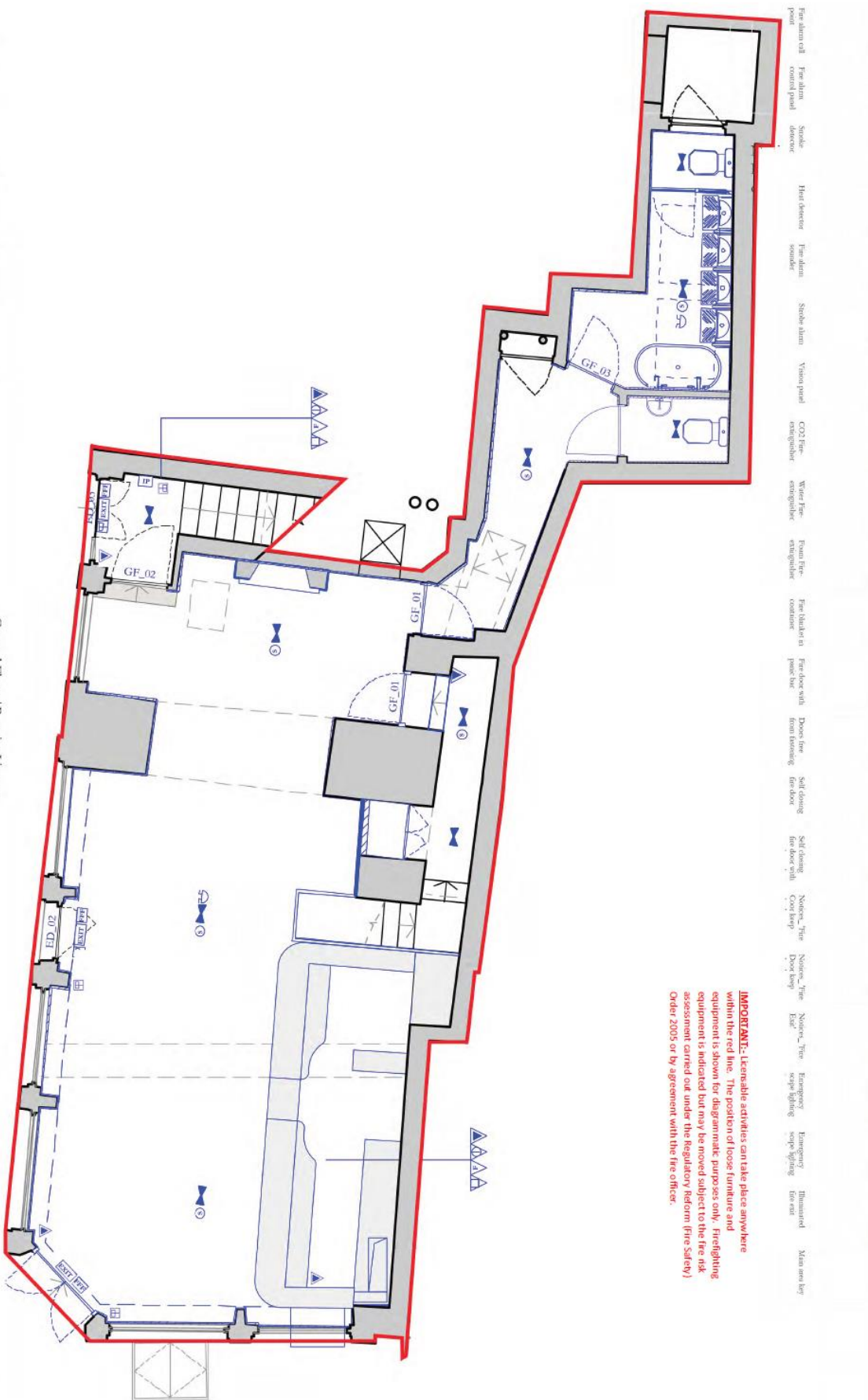
If you have any queries about this report or wish to inspect one of the background papers please contact the report author.

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

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
<b>4</b>	Licensing Authority representation	25 June 2020
<b>5</b>	Environmental Health Service representation	15 June 2020
<b>6</b>	Metropolitan Police representation ( <b><i>Withdrawn 14 July 2020</i></b> )	16 June 2020
<b>7</b>	Resident representation 1	24 June 2020
<b>8</b>	Resident representation 2	21 June 2020
<b>9</b>	Resident representation 3	16 June 2020



- Fire Prevention
- Fire alarm control panel
- Smoke detector
- Heat detector
- Fire alarm sounder
- Smoke alarm
- Visual panel
- CO2 fire extinguisher
- Water fire extinguisher
- From fire extinguisher
- Fire blanket container
- Fire door with panic bar
- Door fire from bursting
- Self closing fire door
- Self closing fire door with
- Noise fire door keep
- Noise fire door keep
- Noise fire door keep
- Emergency escape lighting
- Emergency escape lighting
- Emergency escape lighting
- Man over board



**IMPORTANT:** Licenseable activities can take place anywhere within the red line. The position of loose furniture and equipment is shown for diagrammatic purposes only. Firefighting equipment is indicated but may be moved subject to the fire risk assessment carried out under the Regulatory Reform (Fire Safety) Order 2005 or by agreement with the fire officer.

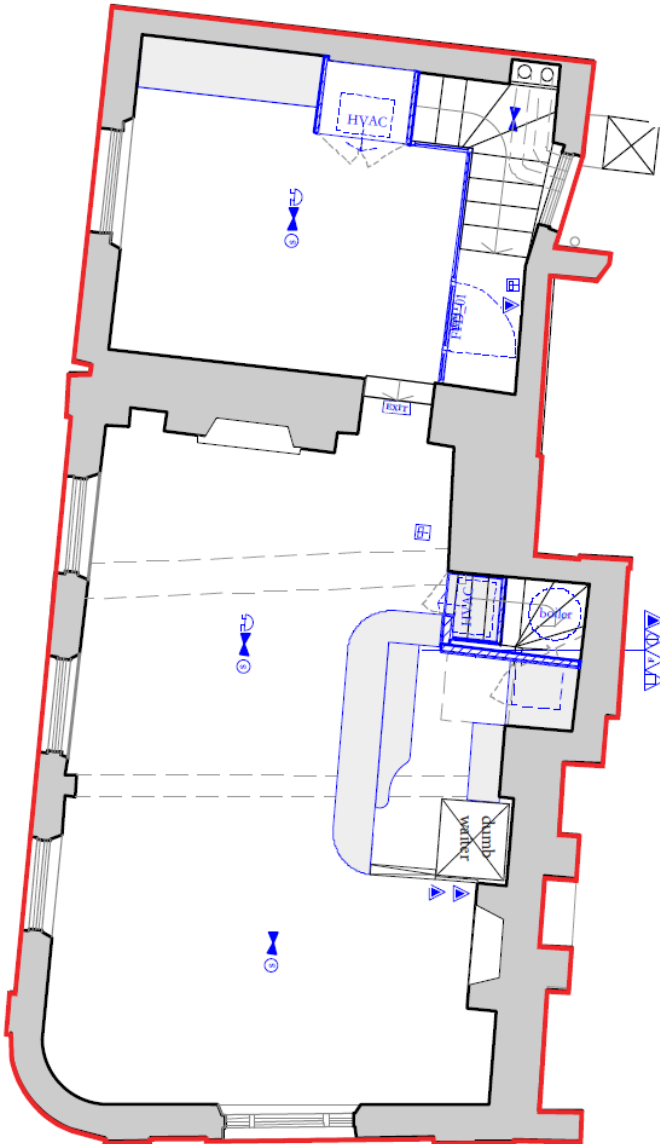
0 1 2m 3 4 5m  
 Drawing no: 6.61 Scale: 1:50 @ A3 Revision: -

Ground Floor | Premise Licence  
 2018 update | Fogge's Tavern | 58 St Martin's Lane, WC2

29poodle@bt.com  
 4 new  
 Email: info@fire.com  
 www.fire.com

- The Protection
- Fire alarm call control panel
  - Fire alarm control panel
  - Smoke detector
  - Heat detector
  - Fire alarm siren
  - Smoke alarm
  - Vision panel
  - CO2 fire extinguisher
  - Wet fire extinguisher
  - Foam fire extinguisher
  - Fire blanket in case
  - Fire door with panic bar
  - Drop fire extinguisher
  - Self-closing fire door
  - Self-closing fire door with smoke seal
  - Notice fire door keep clear
  - Notice fire door keep clear
  - Notice fire door keep clear
  - Emergency escape lighting (on maintenance)
  - Emergency escape lighting (maintaining)
  - Illuminated fire exit
  - Manual key

**IMPORTANT:** Usable activities can take place anywhere within the red line. The position of loose furniture and equipment is shown for diagrammatic purposes only. Firefighting assessment is indicated but may be moved subject to the fire risk assessment carried out under the Regulatory Reform (Fire Safety) Order 2005 or by agreement with the fire officer.





Mr Fogg's Tavern, 58 St Martins Lane, London,  
WC2E 9HH  
PRESENTATION TO LICENSING COMMITTEE

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## PROPOSED CONCEPT

Located on the corner of New Row and St. Martin's Lane, Mr Fogg's Tavern lies in the heart of theatre-land. Left by Fogg's late Aunt Gertrude to her loyal housekeeper Fanny McGee, her home has been transformed into a haven for art-lovers and theatre-folk to enjoy a selection of snacks and delicious tipples. Patrons can marvel at the walls and ceilings bedecked with an eccentric array of memorabilia and can now enjoy drinks in an extended outdoor seating area.







## OTHER MR FOGG'S VENUES

### Society of Exploration





**MR FOGG'S RESIDENCE IN MAYFAIR:**



# Pictures of Mr Fogg's properties before Mr Fogg has taken residency



# THE STAFF





# EVENTS/TALKS

Mr Fogg's Explorer Series has been running for a number of years and seen the likes of Sir Ranulph Fiennes, Bear Grylls, The Tempest Two, Bill Colegrave, Robert Swan OBE, Simon Reeve, The Turner Twins and many more give talks.



# SAMPLE DRINKS MENUS FROM THE VARIOUS MR FOGG'S VENUES



## REQUIRED BEHAVIOUR OF ALL THOSE ENTERING THESE DOORS:

- I. All ranks shall be left outside; similarly, hats - and particularly swords - are not to be carried beyond the Reception Hall.
- II. Orders of procedure and haughtiness shall be left at the doors.
- III. Be merry, but neither spoil nor break anything.
- IV. Be seated, stand or walk as best pleases you, but at all times be respectful of others.
- V. Speak with moderation and not too loudly, so that others have neither an earache nor headache.
- VI. Argue without anger, discuss with passion, but never aim to have the last word.
- VII. Do not sigh or yawn, neither bore nor fatigue others.
- VIII. Agree to partake in any innocent entertainment suggested by others.
- IX. Eat well of good things, but drink in relative moderation so that each should be able to always find his legs upon leaving these doors.
- X. You are guests in my private abode. What goes in one ear should go out the other before departing my residence.

-4-

-5-

## ODYSSEYS

- GROUP LIBATIONS -

*"Whilst journeying and exploring the farthest corners of this Earth, I have always sought out little pleasures from these moments to remind me of the adventure."*  
P.J. Fogg, Esq.



### - No 1 - THE GLOBE OF 1873 (FOR 8 PEOPLE) - £120

ZANZIBAR / SPICY AROMATIC EXOTIC  
Enthralled by hearing of my around the world in 80 days adventure, Sultan Majid bin Said of Zanzibar summoned me to his palace and presented me with this celebration of my exploits.  
Belvedere Pink Grapefruit vodka, berry-infused Imperia vodka, Mozart Dry chocolate liqueur, raspberry paric, homemade sugar syrup, fresh lime juice, cranberry & pomegranate juice, topped up with Moët & Chandon Brut Impérial N.V. champagne.

-6-

### - No 2 - THE PRONOUNCED VOWEL

(FOR 4 PEOPLE) - £60

COLOMBIA / SWEET FRUITY SHARP  
It is of the utmost importance that even after considerable imbibing, one continues to articulate!  
Colombia Treasure gin, Cointreau Noir liqueur, fresh lime juice, pineapple juice, passion fruit juice, orange syrup, mint leaves & caster sugar.



### - No 3 - THE ROYAL COFFEE MAKER (FOR 2 PEOPLE) - £90

NEWFOUNDLAND / WOODY RICH BITTER  
A gift given to Queen Victoria whilst on a tour of Britain's oldest colony. Such mechanical sorcery had never been seen by her Majesty's eyes - prepare to marvel at all its wonder!  
Hennessy V.S. cognac, Bulleit Rye whiskey, Luxardo Maraschino cherry liqueur, chocolate bitters, homemade sugar syrup, a cocoa and tea blend & a mascarpone foam on top.



### - No 4 - THE BOTANIST'S FOUNTAIN (FOR 6 PEOPLE) - £105

SCOTLAND / FRESH LIGHT DELICATE  
Inspired by a truly majestic waterfall I came across on the Isle of Islay during a summer excursion - truly beguiling!  
The Botanist gin, Roots Mastiba liqueur, white wine & elderflower cordial, with apple, lychee & fresh lime juices.



A DISCRETIONARY 18% VODKA ORANGE PULP IS ADDED TO ALL LIBATIONS

-7-

# AROUND THE WORLD & BACK AGAIN

Cocktails from the Four Corners

## JUNIPERUS COMMUNIS

GIN - THE COMMON JUNIPER

### №5 Chemistry & Optics - £16

ITALY / SPICY AROMATIC EXOTIC / STIRRED  
Vibrant chemistry between these enigmatic elements leaves a feast for the eyes and a sensation for the tastebuds. Salut!  
Fishers gin, Mancino Rosso Amarantho vermouth & Cynar artichoke liqueur.

### №6 Jungle Sling - £15

BRAZIL / SWEET FRUITY SHARP / SHAKEN  
On a particularly scorching day in the Amazon jungle, I escaped the midday heat by seeking refuge under a giant kapok tree with an exceptional bottle of gin and some local bananas – the Jungle Sling was born.  
Bombay Sapphire gin, Luxardo Sangue Morlacco cherry liqueur, Benedictine herbal liqueur, banana purée, pineapple juice, fresh lemon juice & homemade sugar syrup, topped up with soda water.

### №7 Passepartout - £13

ENGLAND / FRESH LIGHT DELICATE / SHAKEN  
A dedication to my loyal and handsome man-servant.  
Hendrick's gin, fresh cucumber, fresh lemon juice, sugar, egg white & black pepper.

### №8 A Maiden's Blush - £13

NEW ZEALAND / SWEET FRUITY SHARP / SHAKEN  
The most beguiling blush of all was that of this Antipodean maiden.  
Bombay Sapphire gin, raspberry jam, fresh lemon juice, caster sugar & a drop of Pernod absinthe.

-8-

## THE FOUR SEASONS EXPERIENCE

- VIVALDI NEGRONI -



### №77 - SPRING - £16

USA / WOODY RICH BITTER / CHERRY BARREL AGED  
"Hath put a spirit of youth in everything,"  
Mount Gay X.O. rum, Martini Riserva Speciale Rubino vermouth & Campari aperitif.



### №78 - SUMMER - £16

USA / WOODY RICH BITTER / ACACIA BARREL AGED  
"But thy eternal summer shall not fade  
Nor lose possession of that fair thou ow'st."  
Star of Bombay gin, Martini Riserva Speciale Rubino vermouth & Campari aperitif.



### №79 - AUTUMN - £16

USA / WOODY RICH BITTER / CHESTNUT BARREL AGED  
"When yellow leaves, or none, or few,  
do hang upon those boughs which  
shake against the cold."  
Alpuz San Andres mezzol, Martini Riserva Speciale Rubino vermouth & Campari aperitif.



### №80 - WINTER - £16

USA / WOODY RICH BITTER / OAK BARREL AGED  
"Thou know'st, winter tames man,  
woman, and beast."  
Woodford Reserve Rye whiskey, Martini Riserva Speciale Rubino vermouth & Campari aperitif.

SAMPLE ALL FOUR COCKTAILS,  
THE VIVALDI NEGRONI EXPERIENCE

- £18 -

50ml of each

-24-

- GIN -

### №9 1840 - £13

ENGLAND / FRESH LIGHT DELICATE / SHAKEN  
A particular favourite of my good friend, The Duchess of Bedford, this delightful concoction can be found at fashionable afternoon teas around The Empire, such as my very own Topsy Treat! Earl Grey-infused Bombay Sapphire gin, Cointreau orange liqueur, peach liqueur, fresh lemon juice, orange marmalade & homemade sugar syrup.

### №10 The Cape of Good Hope - £15

SOUTH AFRICA / SPICY AROMATIC EXOTIC / SHAKEN  
My favourite shoulder-dwelling drapery amongst my outdoor attire hails from a Camp's Bay tailor and always brings me luck!  
Star of Bombay gin, pear purée, fresh rosemary, homemade lavender syrup, fresh lemon juice & egg white, topped up with soda water.

### №11 The Wild Lady - £14

THAILAND / SPICY AROMATIC EXOTIC / SHAKEN  
A raucous Bangkok rendez-vous with a mesmerising madam from Meadellin meant that come the break of dawn this recipe for rosality was all that remained.  
Porcini mushroom-infused Colombian Ortoadoxy gin, homemade saffron syrup, egg white & fresh lemon juice.

### №12 Elskling - £14

NORWAY / FRESH LIGHT DELICATE / SHAKEN  
Whilst speeding across the icy landscapes via husky sled, it transpires that to arrest these cuddly beasts, one must refer to them as 'sweetheart' in their native tongue – most peculiar.  
Hendrick's gin, St-Germain elderflower liqueur, cloudy apple juice, fresh lime juice, homemade sugar syrup & peach bitters.

### №13 The Royal Martini - £14

PORTUGAL / WOODY RICH BITTER / STIRRED  
Infamous roisterer and god friend, Carlos I of Portugal always possessed a proclivity for the finer ingredients.  
Tanqueray No. TEN gin, Pican Amer aperitif, Kirsch aperitif, homemade elderberry and port syrup, fresh lemon juice & chocolate bitters.

### №14 Inspector Fix's Fix - £13

ENGLAND / FRESH LIGHT DELICATE / SHAKEN  
The tenacious but often-humiliated Inspector Fix once confided in me this remedy for making it through the detecting day.  
Bombay Sapphire gin, jalapeño-infused Martini Extra Dry vermouth, mandarin purée, fresh lemon juice, fresh sage & homemade rosemary syrup.

A DISCREETLY BLENDED SWEET ORANGE WILL BE ADDED TO ALL TROUQUERS

-9-



## MR. FOGG'S VIRGIN HAREM

Seriously scrumptious sipping sans spirits

### BERRY STRAIGHT & NARROW £8

One will not be wobbling home after an evening sipping upon this fine concoction. "Honesty constable, I have been drinking!"

Raspberry & blackberry purée, cranberry juice, fresh mint, cinnamon syrup & fresh lime juice, topped up with ginger ale.

### YOUNG VICTORIA £8

When asked her poison, the fresh-faced monarch gazed shyly down at the floor and muttered "I'm afraid I'm drinking!"

Seedlip Spice 94, pear purée, fresh lemon juice, homemade ginger syrup & cloudy apple juice.

### TEETOTAL TIPPLE £8

We agree to abstain, forever! Or just from time to time, depending on the company kept.

Seedlip Garden 108, fresh lime juice, fresh cucumber, cloudy apple juice, elderflower cordial, homemade dill syrup & egg white.

### MY LASS'S MOLASSES £8

Tropical nectar sweet enough for my Indian wife, a memory of warmer climes.

Blackberry & banana purée, pineapple juice, pomegranate juice, caramel syrup & fresh lime juice.

A DISCREETLY BLENDED SWEET ORANGE WILL BE ADDED TO ALL TROUQUERS

-25-

# SAMPLE FOOD MENUS



## BILL OF FARE

### Mr Fogg's weekday menu



The Tickled Pink Goat  
Bittersweet and delicious £8

Cabrillo Blanco tequila, Aperol and lemon juice,  
with grapefruit and rhubarb bitters, topped with soda

### HORS D'OEUVRES

Brown Cornish crab on sourdough with preserved lemon & chilli £8

Watercress & chicory salad with walnut, stilton & vinaigrette [v] £7 / £10

Quail egg & smoked haddock croquettes with tartare sauce £7

Jerusalem artichoke soup with truffle buttered toast [v] £7

British charcuterie with bread, chutneys & pickles £15

Smoked sausages with braising liquor & mustard £6

Smoked Mackerel & horseradish pâté £9

Crispy pig's ears & apple cyder sauce £6



### MEAT & GAME

Dedham Vale beef, suet pastry & home smoked  
Dingley Dell bacon pie with mashed pots,  
buttered greens & braising liquor £12

Roast Guinea fowl with watercress, chicory & apple salad,  
brandy dressing £13

Roast sandwich of the day £8.5



### FISH

Steamed Dorset mussels, herbs, white wine  
& spiced sausage with crusty bread £10

Sloe gin cured salmon, quail egg, green bean & watercress salad  
with a lemon & dill dressing £11

Fish Pie with buttered greens and carrots £12  
[for two £22]



### MARKET

Winter vegetable stew [v] £10

Wild mushroom, chestnut, red wine & juniper shortcrust pie  
with mashed potatoes, buttered greens & a cream wine sauce [v] £12



### SIDES

Beef dripping roast potatoes & braising liquor £5

Glazed baby carrots [v] £4

Buttered greens [v] £4



*The chef crafts  
delightful treats in the  
kitchen on a daily basis.  
Please be aware that this  
is purely a representation  
of what you might  
expect upon visiting  
the Tavern!*

A discretionary 10% service charge will be added to all transactions. All items include VAT at 20%. All items subject to availability.  
Please make staff aware of any allergies you might have. We shall do our best to provide you with suitable food but we cannot guarantee  
that our offering will be allergen free. All dishes may contain nuts. Menu content and prices are liable to change.



# BILL OF FARE

## Mr Fogg's Sunday menu



Mr Fogg's restorative Gin Mary  
*Smokey, spicy & good for the soul* £10

Beetroot-infused Hendrick's gin with lemon  
a splash of tawny port and tavern secret mary mix



### HORS D'OEUVRES

Smoked sausages with braising liquor & mustard £6

Quail egg & smoked haddock croquettes with tartare sauce £7

British charcuterie with bread, chutneys & pickles £15

Smoked Mackerel & horseradish pâté £9

Jerusalem artichoke soup with truffle buttered toast [v] £7

Watercress & chicory salad with walnut, stilton & vinaigrette [v] £7 / £10



### PIES

Dedham Vale beef, suet pastry & home  
smoked Dingley Dell bacon pie  
with mashed pots, buttered  
greens & braising liquor £12

Fish Pie with buttered greens  
& carrots £12

Fish pie for two £22

Wild mushroom, chestnut, red wine  
& juniper shortcrust pie with  
mashed potatoes, buttered greens  
& a cream wine sauce [v] £12



### ROASTS

*All served with Yorkshire pudding,  
beef dripping roast potatoes,  
roasted vegetables & buttered greens*

Dingley Dell pork belly,  
crackling & baked apple £15

Dedham Vale Rib of beef, Yorkshire  
pudding with horseradish cream  
& meat liquor £15

Whole pot roast Guinea fowl,  
apple & brandy cream sauce.  
For two £35



### OTHERS

Sloe gin cured salmon, quail egg,  
green bean & watercress salad with  
a lemon and dill dressing £11

Winter vegetable stew [v] £10

Crispy pig's ears  
& apple cyder sauce £6



### SIDES

Yorkshire pudding £3

Beef dripping  
roast potatoes £5

Buttered greens £4

Watercress salad £4

*The chef crafts  
delightful treats in the  
kitchen on a daily basis.  
Please be aware that this  
is purely a representation  
of what you might  
expect upon visiting  
the Tavern!*

A discretionary 10% service charge will be added to all transactions. All items include VAT at 10%. All items subject to availability. Please make staff aware of any allergies you might have. We shall do our best to provide you with suitable food but we cannot guarantee that our offering will be allergen free. All dishes may contain nuts. Menu content and prices are liable to change.



**THE FOOD**



**HIGH TEA**



# PRESS

# PRESS

## The Telegraph



"Gilkes and Stirling specialise in creating weird and wonderful concept bars."

## BuzzFeed



"Mr Fogg's is a grown-up cocktail bar that still has a sense of fun."

## THE NUDGE



"A bi-level funhouse overflowing with interesting objects from Phileas Fogg's travels."

## London Evening Standard



"Londoners will be able to drink on the Tube for the first time since the alcohol ban after an underground venue once used as an air raid shelter was turned into a Forties-themed bar."

## MONEYWEEK



"Now there are more bars trying to copy that style, but back then we were the first in London." – Charlie

## GQ



"London's best concept bar just got bigger, with the arrival of a new two-floor Cahoots outpost opposite the original site on Kingly Street. The fastidious commitment to the post-war London Underground theme was always impressive, but the Soho underbelly's expansion to include a Ticket Hall and Control Room makes it outright remarkable, bringing a texture and verisimilitude that have turned Cahoots into something of a cinematic universe."

## BBC



"The days of complacency are over. Just being able to open a bar and serve any old drink and expect it to do well is increasingly hard now, you've got to offer something more." – Charlie

## Time Out London



"Enjoy seven courses of Italian deliciousness in a 'hedonistic underworld' created by the minds behind Cahoots."

## MailOnline



"Top London cocktail bar frequented by Sir David Attenborough reveals how to make tipples inspired by intrepid travels."

## METRO



"Bunga , an all-singing, all-dancing Italian bar, brings its Mediterranean mischief to SW11."

## MAYFAIR TIMES



"While the Fogg's brand is very British. I think the sense of travel and the global nature of Phileas Fogg opens up a lot of possibilities."

## VANITY FAIR



"It's difficult to resist its conversation-starting blend of 'illicit' cocktails, live swing and post-war London spirit, but now there's even more reason to linger."



# AWARDS

## RECENT AWARD WINS

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Best Digital Campaign 2020  
(Cahoots)



Bar Group of the Year 2019  
(Inception Group)



Best Marketing Campaign 2019  
(Mr Fogg's)



Best Social Media Presence of the  
Year 2020  
(Inception Group)



Best Pub Concept 2019  
(Mr Fogg's)



Best New Pub/Bar Site 2020  
(Cahoots Ticket Hall & Control Room)



Best Pub of the Year 2019  
(Mr Fogg's Tavern)



Best Use of Video 2020  
(Cahoots)



Best Late Night Operator 2020  
(Inception Group)



## DISPERSAL POLICY

This Dispersal Policy has been implemented to assist in the promotion of the four licensing objectives, in particular crime and disorder, public nuisance and public safety. This document is subject to change from time to time as it is a working best practices document that may change through discussions with interested parties and more specifically with our neighbours.

1. Management are aware of the potential for neighbourhood noise and disturbance at the time that customers leave at closing time. Management have agreed to implement a written dispersal policy to move customers from the premises and the immediate vicinity in such a way so as to cause minimum disturbance or nuisance to neighbours. Every effort will be made to minimise any potential nuisance and it will be the responsibility of all members of staff to support this policy.

### Winding-down Period

2. Management have put into place an effective "wind-down" procedure in order to facilitate prompt closure of the premises and orderly dispersal pattern by customers.
3. At closing additional staff are directed to work in the customer areas near the front entrance. Customers are informed that the premises are about to close and are directed towards the nearest exit.
4. Given the style of the business there is a gradual departure of customers and the premises are frequently not at capacity at closing time.
5. Internal lighting levels will be increased during the last 30 minutes of trading.
6. The winding down period outlined above ensures that customers disperse gradually prior to cessation of trade.
7. We are proud of our building and the area we work in. We will endeavour to keep the area clean and attractive for our patrons and our neighbours. This means dealing with debris outside our frontage that may have nothing to do with us but in the interests of maintaining good standards in the area we will still clear it up.

### Door Supervisors

8. When applicable, door supervisors shall be maintained until the premises are

closed and shall be in position early enough in the evening to ensure that procedures for promoting public safety and preventing public nuisance are effective

9. Mr Fogg's Taverns registered Butlers who are SIA registered are to assist in the dispersal of customers.
10. Mr Fogg's Butlers are trained to know:-
  - (a) where the nearest mode of public transport is
  - (b) details of taxis and a number is available at the reception
  - (c) general local knowledge so that if customers decide to move on the door staff can help them with directions.
11. Mr Fogg's Butlers are assigned key roles and these are split between supervising the dispersal and general control of the vicinity.
12. They are easily identifiable in striking uniforms and before each night there will be a team briefing to allocate the roles.
13. There is an end of night team meeting to discuss any ways that the premises may improve the dispersal of patrons and any actions points are added into each supervisors job cards.
14. They will be trained to direct customers on departure to transport links away from local residents.

#### Notices

15. Notices shall be displayed at customer exits and in prominent positions requesting that patrons respect the needs of local residents and leave the premises and area quietly.
16. All employees are given appropriate instructions and training to encourage customers to leave the premises and the area quietly.

#### Incident Reports

17. All incidents of crime or disorder or nuisance are to be reported by the designated premises supervisor or responsible member of staff.
18. The licence holder shall ensure that the details of all complaints are recorded in an occurrence book.
19. When required, Mr Fogg's staff shall be in place at the exits to wish customers farewell and ask them to leave quietly and shall answer any questions regarding transport availability.
20. Mr Fogg's do not tolerate departing customers congregating outside of the premises.

21. Mr Fogg's Butlers should at all times be aware of activity outside of the premises and endeavour by their presence to minimise bad behaviour. They should be aware of potential areas of difficulty (nearby residences) and provide a presence in those places to minimise potential problems.
  
22. Whilst carrying out their legitimate duties outside of the premises all staff are trained not to behave in a manner likely to disturb the neighbourhood, conversation and laughter must be quiet and any communication is usually digital through an earpiece



## **OUTDOOR MANAGEMENT AND SMOKING POLICY**

This smoking policy has been created to assist in promoting the four licensing objectives. This smoking policy can be changed from time to time following best practice improvements and any recommendations that are approved by Mr Fogg's Tavern. All members of staff must make sure that they are familiar with the terms of this policy.

1. Smoking is not permitted within any part of Mr Fogg's Tavern.
2. Customers who are from within the premises and wish to smoke should be directed to the agreed designated smoking area. This area is to be known as the designated smoking area for the premises.
3. The door attendant(s)/door supervisor(s) or daytime staff on duty shall be in charge of monitoring the designated smoking area and any external area in general.
4. After 11pm, If the designated area is full, a member of staff should ask the customer to wait within the premises until a space becomes available.
5. The smoking area should be cleaned regularly, and ashtrays emptied.
6. Customers should be reminded to respect our neighbours and to keep conversations to a minimum.
7. The door attendant(s)/door supervisor(s) on duty shall keep a log of any person causing any disturbance or nuisance whether or not that person is a customer.
8. The door attendant(s)/door supervisor(s) on duty shall assist in trying to keep any noise disturbances/incidents from the designated smoking area as well as in the immediate vicinity of the premises to a minimum.



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

Schedule 12  
Part A

**WARD: St James's**  
**UPRN: 010033547527**

**Premises licence**

Regulation 33, 34

**Premises licence number:**

19/07667/LIPDPS

**Original Reference:**

05/04864/LIPCV

**Part 1 – Premises details**

**Postal address of premises:**

Mr Foggs Tavern  
58 St Martin's Lane  
London  
WC2N 4E

**Telephone Number:** 020 7581 3992

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

Not applicable

**Licensable activities authorised by the licence:**

Exhibition of a Film  
Indoor Sporting Event  
Playing of Recorded Music  
Late Night Refreshment  
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit  
Sale by Retail of Alcohol

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

**Exhibition of a Film**

Monday to Thursday: 10:00 to 23:30  
Friday to Saturday: 10:00 to 00:00  
Sunday: 12:00 to 22:30  
Sundays before Bank Holidays: 12:00 to 00:00

**Indoor Sporting Event**

Monday to Thursday: 10:00 to 23:30  
Friday to Saturday: 10:00 to 00:00  
Sunday: 12:00 to 22:30  
Sundays before Bank Holidays: 12:00 to 00:00

**Playing of Recorded Music**

Unrestricted

**Late Night Refreshment**

Sunday to Friday:	23:00 to 00:30 (First Floor)
Monday to Thursday:	23:00 to 23:30
Friday to Saturday:	23:00 to 00:00
Saturday:	23:00 to 00:00
Sunday:	23:00 to 00:00 (First Floor)
Sundays before Bank Holidays:	23:00 to 00:00

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

**Sale by Retail of Alcohol**

Monday to Saturday:	10:00 to 00:00 (First Floor)
Monday to Thursday:	10:00 to 23:30
Friday to Saturday:	10:00 to 00:00
Sunday:	12:00 to 22:30
Sunday:	12:00 to 23:30 (First Floor)
Sundays before Bank Holidays:	12:00 to 00:00

**The opening hours of the premises:**

Monday to Saturday:	10:00 to 00:30
Monday to Thursday:	10:00 to 23:30
Friday to Saturday:	10:00 to 00:00
Sunday:	12:00 to 22:50
Sunday:	12:00 to 00:00
Sundays before Bank Holidays:	12:00 to 00:00

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

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

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

St Martin's Lane Bar Ltd  
1st Floor  
66 -71 Wilton Road  
London  
SW1V 1DE

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

9286688

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

**Name:** Germain Paul Herve Sebode

**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:** 27290

**Licensing Authority:** London Borough of Tower Hamlet

**Date:** 05 February 2020

**This licence has been authorised by Ms Emanuela Meloyan on behalf of the Director - Public Protection and Licensing.**



## Annex 1 – Mandatory conditions

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

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

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

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

- 8. (i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- (ii) For the purposes of the condition set out in paragraph 8(i) above -
  - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
  - (b) "permitted price" is the price found by applying the formula -
 
$$P = D + (D \times V)$$
 Where -
    - (i) P is the permitted price,
    - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
    - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
  - (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
    - (i) the holder of the premises licence,
    - (ii) the designated premises supervisor (if any) in respect of such a licence, or

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

Conditions which reproduce the effect of any restriction imposed on the use of the premises by specified enactments.
- 10. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.

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

11. The number of persons permitted on the first floor of the premises at any one time (excluding staff) shall not exceed 50 persons.
12. The variation (14/04183/LIPV) will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.

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

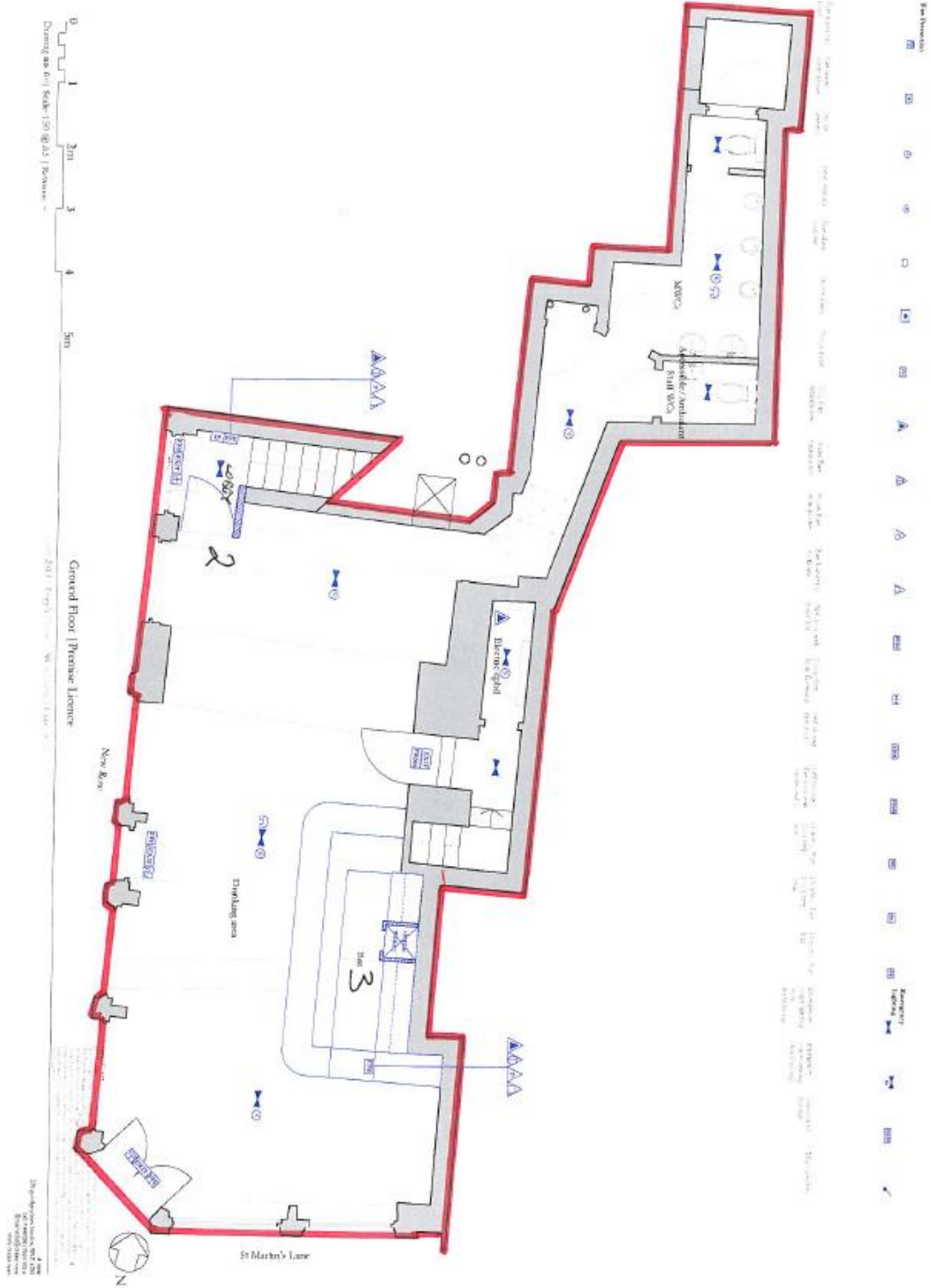
13. Hours for licensable activities (sale and supply of alcohol, late night refreshment, films and indoor sporting events) shall be 10:00 to 23:30 Monday to Thursday, 10:00 to 12 midnight Friday and Saturday, 12:00 noon to 22:30 on Sunday (12 noon to 12 midnight on Sundays immediately prior to Bank Holidays).
14. Customers to be off the premises by 23:30 Monday to Thursday, 12:00 midnight on Friday, Saturday and Sundays immediately prior to a Bank Holiday, and by 22:50 on other Sundays.
15. In addition to the above hours, the supply of alcohol for consumption on the premises is permitted to customers taking table meals on the First Floor until 12 midnight on Monday to Saturday and until 23:30 on Sunday, with 30 minutes drinking up time thereafter.
16. The above restrictions do not prohibit: (Notes A - C First Floor Only)
  - (a) during the first thirty minutes after the above hours the consumption of the alcohol on the premises;
  - (b) during the first thirty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
  - (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking table meals there if the alcohol was supplied for consumption as ancillary to the meals;
  - (d) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
  - (e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
  - (f) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
  - (g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
  - (h) the taking of alcohol from the premises by a person residing there;
  - (i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
  - (j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

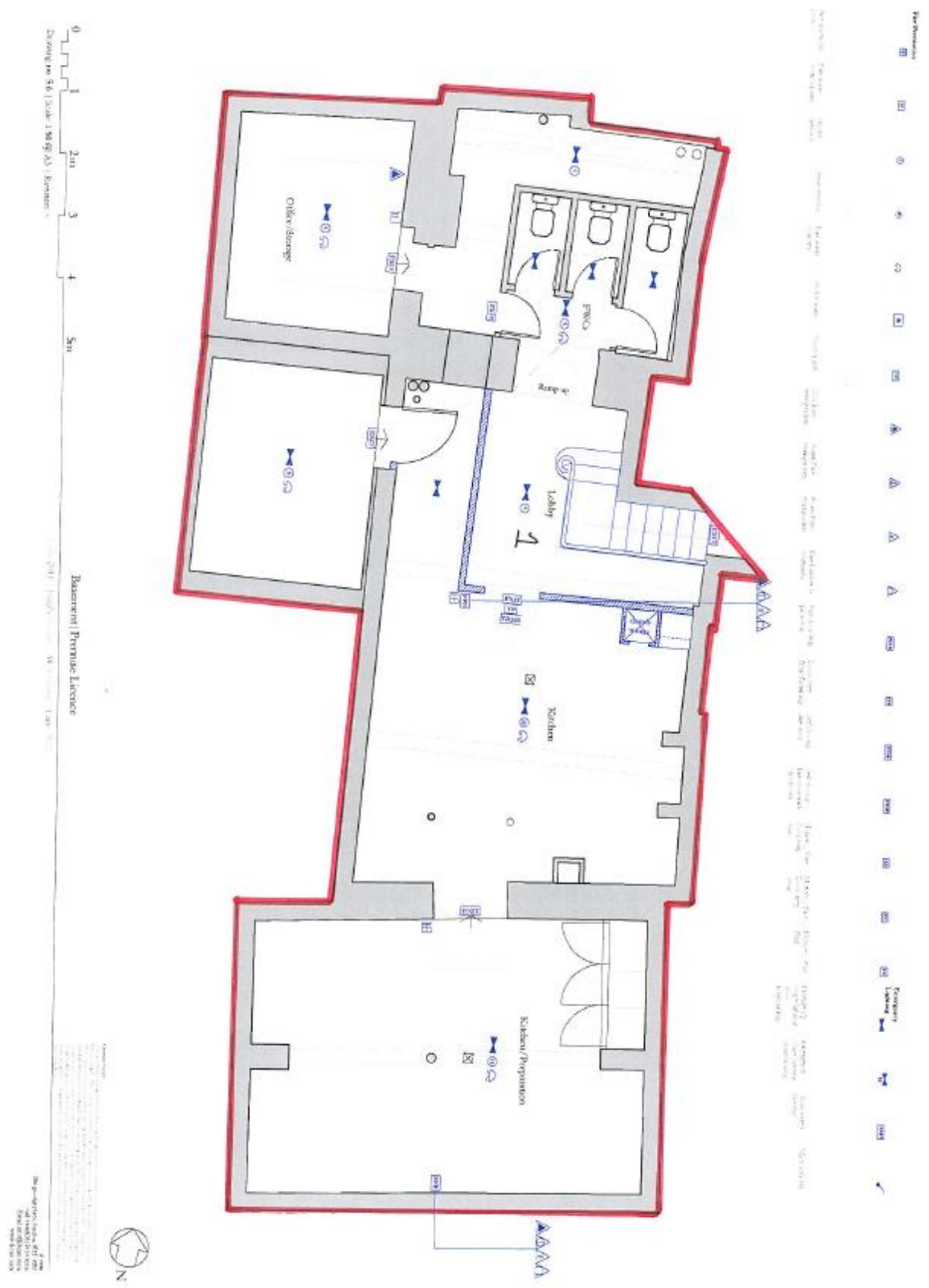
In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.

17. Sale of Alcohol is permitted on New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, 00.00 midnight on 31st December).
18. Credit card sales to be allowed, subject to the proviso that customers are to be presented with an itemised bill.

19. All persons under the age of 14 shall be accompanied at all times by an adult. No person under 14 shall be allowed to remain in the bar area after 21:00 (21:30 if taking a table meal accompanied by an adult).

# Annex 4 – Plans











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

Schedule 12  
Part B

WARD: St James's  
UPRN: 010033547527

Premises licence  
summary

Regulation 33, 34

Premises licence  
number:

19/07667/LIPDPS

Part 1 – Premises details

Postal address of premises:

Mr Foggs Tavern  
58 St Martin's Lane  
London  
WC2N 4EA

Telephone Number: 020 7581 3992

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Exhibition of a Film  
Indoor Sporting Event  
Playing of Recorded Music  
Late Night Refreshment  
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit  
Sale by Retail of Alcohol

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

**Exhibition of a Film**

Monday to Thursday:	10:00 to 23:30
Friday to Saturday:	10:00 to 00:00
Sunday:	12:00 to 22:30
Sundays before Bank Holidays:	12:00 to 00:00

**Indoor Sporting Event**

Monday to Thursday:	10:00 to 23:30
Friday to Saturday:	10:00 to 00:00
Sunday:	12:00 to 22:30
Sundays before Bank Holidays:	12:00 to 00:00

**Playing of Recorded Music**

Unrestricted

**Late Night Refreshment**

Sunday to Friday:	23:00 to 00:30 (First Floor)
Monday to Thursday:	23:00 to 23:30
Friday to Saturday:	23:00 to 00:00
Saturday:	23:00 to 00:00
Sunday:	23:00 to 00:00 (First Floor)
Sundays before Bank Holidays:	23:00 to 00:00

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

**Sale by Retail of Alcohol**

Monday to Saturday:	10:00 to 00:00 (First Floor)
Monday to Thursday:	10:00 to 23:30
Friday to Saturday:	10:00 to 00:00
Sunday:	12:00 to 22:30
Sunday:	12:00 to 23:30 (First Floor)
Sundays before Bank Holidays:	12:00 to 00:00

**The opening hours of the premises:**

Monday to Saturday:	10:00 to 00:30
Monday to Thursday:	10:00 to 23:30
Friday to Saturday:	10:00 to 00:00
Sunday:	12:00 to 22:50
Sunday:	12:00 to 00:00
Sundays before Bank Holidays:	12:00 to 00:00

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

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

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

St Martin's Lane Bar Ltd  
1st Floor  
66 -71 Wilton Road  
London  
SW1V 1DE

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

9286688

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

Name: Germain Paul Herve Sebode

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

Restricted

**Date: 05 February 2020**

**This licence has been authorised by Ms Emanuela Meloyan on behalf of the Director - Public Protection and Licensing.**

## Premises History

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
05/04864/LIPCV	Conversion Licence	09.08.2005	Granted Under Delegated Authority
05/12974/LIPDPS	Application to Vary the Designated Premises Supervisor	13.12.2005	Granted Under Delegated Authority
06/10200/LIPT	Transfer application	16.11.2006	Granted Under Delegated Authority
06/08032/WCCMAP	Master Licence	16.11.2006	Granted Under Delegated Authority
09/09004/LIPVM	Minor Variation application	02.12.2009	Granted Under Delegated Authority
11/01431/LIPRW	Removal of works condition	10.03.2011	Granted Under Delegated Authority
11/09176/LIPT	Transfer application	26.10.2011	Granted Under Delegated Authority
11/10504/LIPT	Transfer application	16.11.2011	Granted Under Delegated Authority
11/11333/LIPDPS	Application to Vary the Designated Premises Supervisor	13.02.2012	Granted Under Delegated Authority
14/02341/LIPT	Transfer application	13.05.2014	Granted Under Delegated Authority
14/04183/LIPV	Variation application	10.07.2014	Granted Under Delegated Authority
15/00629/LIPT	Transfer application	31.03.2015	Granted Under Delegated Authority
15/01507/LIPVM	Minor Variation application	20.03.2015	Granted Under Delegated Authority
15/08663/LIPDPS	Application to Vary the Designated Premises Supervisor	23.10.2015	Granted Under Delegated Authority
16/02281/LIPDPS	Application to Vary the Designated Premises Supervisor	31.03.2016	Granted Under Delegated Authority
16/08551/LIPDPS	Application to Vary the Designated Premises Supervisor	29.09.2016	Granted Under Delegated Authority
17/03026/LIPDPS	Application to Vary the Designated Premises Supervisor	29.06.2017	Granted Under Delegated Authority
18/02495/LIPCH	Change of licensee details	06.03.2018	Granted Under Delegated Authority
18/05796/LIPDPS	Application to Vary the Designated Premises Supervisor	04.06.2018	Granted Under Delegated Authority
18/07471/LIPCHT	Change of trading name	24.06.2018	Granted Under Delegated Authority
19/01117/LIPDPS	Application to Vary the Designated Premises Supervisor	13.05.2019	Granted Under Delegated Authority
19/07667/LIPDPS	Application to Vary	05.02.2020	Granted Under

	the Designated Premises Supervisor		Delegated Authority
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<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
18/02332/LITENP	Temporary Event Notice	21.03.2018	Event allowed to proceed
18/03766/LITENP	Temporary Event Notice	16.04.2018	Event allowed to proceed
18/03768/LITENP	Temporary Event Notice	16.04.2018	Event allowed to proceed
18/08620/LITENP	Temporary Event Notice	31.07.2018	Event allowed to proceed
18/13813/LITENP	Temporary Event Notice	19.11.2018	Event allowed to proceed
18/13814/LITENP	Temporary Event Notice	19.11.2018	Event allowed to proceed
18/13815/LITENP	Temporary Event Notice	18.12.2018	Event allowed to proceed
18/13817/LITENP	Temporary Event Notice	02.01.2019	Event allowed to proceed
18/14147/LITENP	Temporary Event Notice	16.11.2018	Event refused
18/14751/LITENP	Temporary Event Notice	18.12.2018	Event allowed to proceed
19/03075/LITENP	Temporary Event Notice	10.06.2019	Event allowed to proceed
19/03086/LITENP	Temporary Event Notice	20.03.2019	Event allowed to proceed
19/03222/LITENP	Temporary Event Notice	10.06.2019	Event allowed to proceed
19/08390/LITENP	Temporary Event Notice	16.07.2019	Event allowed to proceed
19/15587/LITENP	Temporary Event Notice	03.12.2019	Event allowed to proceed
19/15588/LITENP	Temporary Event Notice	03.12.2019	Event allowed to proceed
19/15591/LITENP	Temporary Event Notice	02.12.2019	Event allowed to proceed
20/02749/LITENP	Temporary Event Notice	19.03.2020	Event allowed to proceed

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

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

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

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

**Mandatory Conditions**

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

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

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

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



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

10. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

**Conditions consistent with the operating schedule**

11. The maximum number of persons permitted on the first floor of the premises at any one time shall not exceed 50 persons (excluding staff).
12. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
13. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
14. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
15. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
16. Unless the premises are operating under the benefit of a Sexual Entertainment Venue licence there shall be no striptease, no nudity and all persons to be decently attired at all times.
17. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
18. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly
19. The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.
20. The provision of films shall be incidental to other licensable activities and there shall be no cinema style showing of films.
21. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing should be either non-combustible or be of durably or inherently flame-retarded fabric
22. The hours for licensable activities and opening times may be extended from the end of permitted hours on New Year's Eve to the beginning of the permitted hours on New Year's Day.
23. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised so as to ensure that there is no public nuisance or obstruction to the public highway. A written queuing policy shall be in place and a kept for inspection at the premises. This policy will control people entering the premises so as to cause minimal impact on the area.
24. On the first floor, the service of alcohol shall only be by waiter/waitress service.

25. A dispersal policy shall be implemented which directs customers away from nearby residential premises as quickly and swiftly as possible. The Policy shall include the requirement that when the premises are open after Midnight an additional member of staff shall be available on the ground floor to ensure that this happens. The Licence Holder will consult with local residents and the Licensing Authority on this Policy and is required to meet their reasonable requirements.
26. A Smoking policy shall be implemented which will ensure they cause minimal impact on the local area. Such policy shall be available for inspection.
27. All windows shall be kept closed after 23.00 hours, or at any time when regulated entertainment takes place.
28. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
29. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
30. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means
31. No deliveries to the premises shall take place between 8pm and 08:00am hours on the following day.
32. 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.

#### **Conditions proposed by the Licensing Authority**

33. No licensable activities shall take place at the premises until premises licence 19/07667/LIPDPS (or such other number subsequently issued for the premises) has been surrendered [and is incapable of resurrection].

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

34. There shall be no sales of alcohol for consumption off the premises after 23.00 hours.
35. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.
36. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00 hours.
37. There shall be no admittance or re-admittance to the premises after 23:30 hours Monday to Thursday; midnight on Friday & Saturday and 22:30 hours on Sunday.

38. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
39. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
40. 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.
41. After 23:30 hours on Monday to Thursday; 00:00 hours (midnight) on Friday & Saturday and 22:30 hours on Sunday, the supply of alcohol on the 1st floor shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.

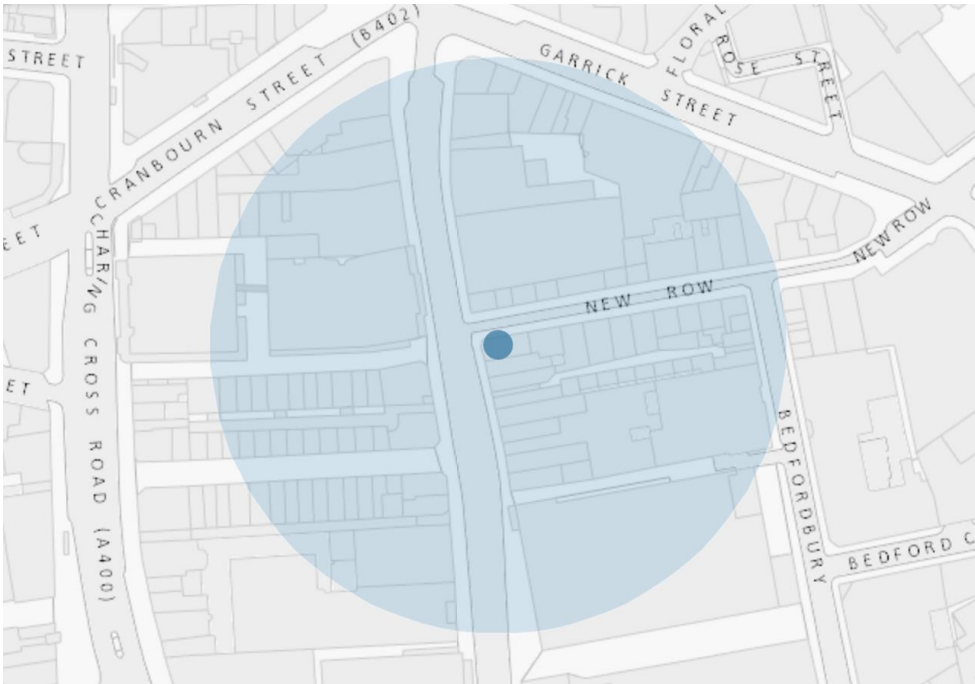
**Conditions proposed by the Metropolitan Police Service and agreed with the applicant so as to form part of the operating schedule.**

42. 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.
43. 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.
44. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
45. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder
  - (d) any incidents of disorder
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system, searching equipment or scanning equipment
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service.
46. There shall be a minimum of (2) SIA licensed door supervisors after 10pm until 30 mins past close on Thursday, Friday and Saturday. At all other times the management must complete a written risk assessment to be kept at the venue and made available on request of Police or authorised officials from Westminster City Council.

47. All staff engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility yellow jackets or vests or distinctive uniform that is easily identifiable (eg butlers uniform/top hat/tails). SIA must wear the approved SIA registered identification.

**Conditions proposed by [REDACTED]**

48. After 23:30 alcohol may only be sold for consumption by seated customers.
49. The licence only has effect whilst the premises are trading as "'olde-worlde" style Victorian tavern with welcoming publicans and friendly waiters and waitresses unspoilt by modernity.
50. Last entry to the 1st floor should be 00:00
51. There should be no external queue for entry after 17:00



Resident Count: 140

<b>Licensed premises within 75 Metres of 58 St Martin's Lane, London, WC2N 4EA</b>				
<b>Licence Number</b>	<b>Trading Name</b>	<b>Address</b>	<b>Premises Type</b>	<b>Time Period</b>
19/07667/LIPDPS	Mr Fogg's Tavern	58 St Martin's Lane London WC2N 4EA	Public house or pub restaurant	Monday to Thursday; 10:00 - 23:30   Monday to Saturday; 10:00 - 00:30   Friday to Saturday; 10:00 - 00:00   Sunday; 12:00 - 00:00   Sunday; 12:00 - 22:50   Sundays before Bank Holidays; 12:00 - 00:00
19/01117/LIPDPS	Mr Fogg's Tavern	58 St Martin's Lane London WC2N 4EA	Public house or pub restaurant	Monday to Thursday; 10:00 - 23:30   Monday to Saturday; 10:00 - 00:30   Friday to Saturday; 10:00 - 00:00   Sunday; 12:00 - 22:50   Sunday; 12:00 - 00:00   Sundays before Bank Holidays; 12:00 - 00:00
16/03143/LIPDPS	Pepe Restaurant	57 St Martin's Lane London WC2N 4EA	Restaurant	Monday to Thursday; 11:00 - 00:00   Friday to Saturday; 11:00 - 01:00   Sunday; 11:00 - 22:30   Sundays before Bank Holidays; 11:00 - 00:00
18/11225/LIPCH	Pepe Restaurant	57 St Martin's Lane London WC2N 4EA	Restaurant	Monday to Thursday; 11:00 - 00:00   Friday to Saturday;

				11:00 - 01:00   Sunday; 11:00 - 22:30   Sundays before Bank Holidays; 11:00 - 00:00
18/03513/LIPN	Not Recorded	Basement And Ground Floor Part 59 St Martin's Lane London WC2N 4JS	Shop	Monday to Sunday; 07:30 - 20:00
16/05363/LIPCH	The Real Greek	54 St Martin's Lane London WC2N 4EA	Public house or pub restaurant	Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00   Sunday; 12:00 - 23:00
17/09446/LIPT	Cafe Nuvo	4 New Row London WC2N 4LH	Restaurant	Monday to Sunday; 08:00 - 23:00
20/01056/LIPDPS	The Salisbury Public House	The Salisbury Public House 90 St Martin's Lane London WC2N 4AP	Public house or pub restaurant	Monday to Wednesday; 07:00 - 00:00   Monday to Thursday; 07:00 - 23:30   Thursday; 07:00 - 00:30   Friday to Saturday; 07:00 - 00:00   Friday to Saturday; 07:00 - 01:00   Sunday; 07:00 - 23:30   Sunday; 07:00 - 22:30
19/16019/LIPDPS	Chipotle Mexican Grill	92-93 St Martin's Lane London WC2N 4AP	Restaurant	Monday to Saturday; 10:00 - 23:30   Sunday; 12:00 - 23:00
19/11593/LIPDPS	Cote	Ground Floor 51 St Martin's Lane London WC2N 4EA	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
06/08049/WCCMAP	Grand Indian 1 Restaurant	6 New Row London WC2N 4LH	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00



17/02033/LIPVM	Noel Coward Theatre	Noel Coward Theatre 85-89 St Martin's Lane London WC2N 4AU	Theatre	Monday to Sunday; 09:00 - 01:00
19/09509/LIPDPS	Not Recorded	7 New Row London WC2N 4LH	Restaurant	Monday to Saturday; 08:00 - 23:00   Sunday; 08:00 - 22:30
18/13918/LIPDPS	The Alchemist	Garrick House 63 - 66 St Martin's Lane London WC2N 4JS	Restaurant	Monday to Saturday; 09:00 - 00:30   Sunday; 09:00 - 00:00   Sundays before Bank Holidays; 09:00 - 00:30
19/02152/LIPDPS	Browns Restaurant	82-84 St Martin's Lane London WC2N 4AG	Restaurant	Monday to Sunday; 08:00 - 00:00   Thursday to Saturday; 08:00 - 01:30   Sunday to Wednesday; 08:00 - 00:30
06/08897/WCCMAP	Giovanni's Restaurant	10 Goodwin's Court London WC2N 4LL	Restaurant	Monday to Saturday; 18:00 - 00:30   Monday to Saturday; 10:00 - 15:00   Sunday; 18:00 - 00:00   Sunday; 12:00 - 15:00
18/13283/LIPCH	Giovanni's Restaurant	10 Goodwin's Court London WC2N 4LL	Restaurant	Monday to Saturday; 10:00 - 15:00   Monday to Saturday; 18:00 - 00:30   Sunday; 12:00 - 15:00   Sunday; 18:00 - 00:00
14/06349/LICV	Garrick Club	15 Garrick Street London WC2E 9AY	Club or institution	Monday to Sunday; 07:00 - 01:30
19/14626/LIPVM	McDonald's	68 - 69 St Martin's Lane London	Restaurant	Friday to Saturday; 05:00 - 01:00

		WC2N 4JS		Sunday to Thursday; 05:00 - 00:00
19/00506/LIPDPS	The Flying Pie, Ground Floor	10 New Row London WC2N 4LH	Not Recorded	Monday to Saturday; 10:00 - 23:00   Sunday; 12:00 - 22:30
20/02257/LIPCH	St Martins Lane Hotel	Ground Floor 42 - 49 St Martin's Lane London WC2N 4ER	Hotel, 4+ star or major chain	Monday; 00:00 - 00:00   Tuesday; 00:00 - 00:00   Wednesday; 00:00 - 00:00   Thursday; 00:00 - 00:00   Friday; 00:00 - 00:00   Saturday; 00:00 - 00:00   Sunday; 00:00 - 00:00
18/00776/LIPDPS	J Sheekey	28-32 St Martin's Court London WC2N 4AL	Restaurant	Monday to Saturday; 10:00 - 01:30   Sunday; 12:00 - 00:00
20/01977/LIPDPS	Pizza Express	Basement And Ground Floor 80 - 81 St Martin's Lane London WC2N 4AA	Pub or pub restaurant with lodge	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
20/02380/LIPVM	Simurgh	17 Garrick Street London WC2E 9BL	Restaurant	Monday; 10:00 - 00:30   Tuesday; 10:00 - 00:30   Wednesday; 10:00 - 00:30   Thursday; 10:00 - 00:30   Friday; 10:00 - 00:30   Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
20/03303/LIPT	Benitos Hat	Ground 19 New Row London WC2N 4LA	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
20/00766/LIPCH	Pizza Pilgrims	23 Garrick Street London WC2E 9AX	Restaurant	Monday to Thursday; 10:00 - 23:30   Friday to Saturday;

				10:00 - 00:00   Sunday; 12:00 - 22:30
19/01127/LIPVM	Steak & Co	Ground Floor 79 St Martin's Lane London WC2N 4AA	Restaurant	Monday to Saturday; 10:00 - 23:30   Sunday; 12:00 - 23:00
17/13829/LIPDPS	Bella Italia	70 St Martin's Lane London WC2N 4JS	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00

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