



City of Westminster

Committee Agenda

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

Meeting Date: **Thursday, 29 July 2021**

Time: **10.00 am**

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

Members: **Councillors:**

Murad Gassanly (Chairman)
Louise Hyams
Aziz Toki

If you require further information, please contact the Committee Officer, Cameron MacLean, Temporary Committee and Councillor Support Co-ordinator.

Email: cmaclean@westminster.gov.uk
Tel: **07814 998 037**
Corporate Website: www.westminster.gov.uk

Note for Members: Members are reminded that officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. Regarding Item 2, guidance on Declarations of Interests is included in the Code of Governance. If Members and Officers have any questions, they should contact the Director of Law before 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. 10 AM: HOME GROWN, 44 GREAT CUMBERLAND PLACE, LONDON W1H 7BS - APPLICATION FOR PREMISES LICENCE VARIATION

Pages

5 - 76

Ward CIA* SCZ**	Site Name & Address	Application Type	Licensing Reference No.
Bryanston & Dorset Square N/A N/A	Home Grown 44 Great Cumberland PI London W1H 7BS	Premises Licence Variation	21/03349/LIPV
*Cumulative Impact Area ** Special Consideration Zone			

This will be a virtual meeting. Members of the Public can view the live broadcast using the media links on the Council's website.

2. 2 PM: 52 LUPUS ST (GROUND FLOOR), LONDON SW1V 3EE - APPLICATION FOR NEW PREMISES LICENCE

77 - 118

Ward CIA* SCZ**	Site Name & Address	Application Type	Licensing Reference No.
Warwick	Ground Floor 52 Lupus Street	New Premises	21/01357/LIPN

N/A	London	Licence	
N/A	SW1V 3EE		
*Cumulative Impact Area			
** Special Consideration Zone			

This will be a virtual meeting. Members of the Public can view the live broadcast using the media links on the Council's website.

**Stuart Love
Chief Executive
21 July 2021**

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 January 2021.

Guidance Considerations

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

Core hours When Customers Are Permitted to Be on The Premises

Core hours, as set out in the Council's Statement of Licensing Policy 2021, are when customers are permitted to be on the Premises. The maximum opening hours permitted will not exceed the start time and terminal hour for each of the days where licensable activity is permitted.

Note: The core hours are for all licensable activities but if an application includes Late Night Refreshment, then the starting time for that licensable activity will be 11.00 pm.

1. Casinos

Up to 24 hours a day whilst Casino Gaming is permitted by a Premises Licence under the Gambling Act 2005.

2. Cinemas, Cultural Venues and Live Sporting Premises

Monday to Sunday: 09:00 hours to 24:00 hours

3. Hotels

Monday to Thursday: 09:00 hours to 23:30 hours

Friday and Saturday: 09:00 hours to 24:00 hours

Sunday: 09:00 hours to 22:30 hours

Sundays Immediately Prior To A Bank Holiday: 09:00 hours to 24:00 hours

Sale of alcohol to guests for consumption in hotel/guest rooms only: Anytime up to 24 hours

4. Off licences

Monday to Saturday: 08:00 hours to 23:00 hours

Sunday: 09:00 hours to 22:30 hours

5. Outdoor Spaces

Monday to Thursday: 09:00 hours to 23:30 hours

Friday and Saturday: 09:00 hours to 24:00 hours

Sunday: 09:00 hours to 22:30 hours

Sundays Immediately Prior To A Bank Holiday: 09:00 hours to 24:00 hours

6. Pubs and bars, Fast Food and Music and Dance venues

Monday to Thursday: 10:00 hours to 23:30 hours

Friday and Saturday: 10:00 hours to 24:00 hours

Sunday: 09:00 hours to 22:30 hours

Sundays Immediately Prior To A Bank Holiday: 12:00 hours to 24:00 hours

7. Qualifying Clubs

Monday to Thursday: 09:00 hours to 24:00 hours
Friday and Saturday: 09:00 hours to 24:00 hours
Sunday: 09:00 hours to 22:30 hours
Sundays Immediately Prior To A Bank Holiday: 09:00 hours to 24:00 hours

8. Restaurants

Monday to Thursday: 09:00 hours to 23:30 hours
Friday and Saturday: 09:00 hours to 24:00 hours
Sunday: 09:00 hours to 22:30 hours
Sundays Immediately Prior To A Bank Holiday: 09:00 hours to 24:00 hours

9. Sexual Entertainment Venues and Sex Cinemas

Monday to Thursday: 09:00 hours to 23:30 hours
Friday and Saturday: 09:00 hours to 24:00 hours
Sunday: 09:00 hours to 22:30 hours
Sundays Immediately Prior To A Bank Holiday: 09:00 hours to 24:00 hours

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1. 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.

2. 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.

3. 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 **5.00 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 **12 noon, 3 working days** before the hearing is due to take place. The Licensing email address is: licensing@westminster.gov.uk

4. Rules During Licensing Hearings

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

- 4.1. 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 no later than 12 noon on the Monday before the Thursday hearing is scheduled to take place.
- 4.2. 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.
- 4.3. All parties must only address the hearing when invited to do so by the Chairman.
- 4.4. All parties must keep their microphones on mute unless they are speaking. The Chairman has the ability to mute all parties’ microphones.

- 4.5. 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.
- 4.6. All parties are asked to keep their comments as succinct as possible.
- 4.7. 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.
- 4.8. 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.
- 4.9. 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.
- 4.10. When referring to the hearing papers, participants should give the page and paragraph number when appropriate.
- 4.11. The Chairman has the discretion to amend these rules in any given case where they consider it is appropriate to do so.

5. Procedure

- 5.1. 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.
- 5.2. The Chairman will confirm the procedure that the hearing will follow.
- 5.3. The Sub-Committee members and officers will be asked to declare any interests they may have and any other procedural business will be transacted.
- 5.4. 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
- 5.5. 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.
- 5.6. 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
- 5.7. 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.

- 5.8. 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.
- 5.9. 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
- 5.10. 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.
- 5.11. 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: 14 January 2021

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City of Westminster

	<h2>Licensing Sub-Committee Report</h2>
Item No:	
Date:	29 July 2021
Licensing Ref No:	21/03349/LIPV - Premises Licence Variation
Title of Report:	Home Grown 44 Great Cumberland Place London W1H 7BS
Report of:	Director of Public Protection and Licensing
Wards involved:	Bryanston And Dorset Square
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Kevin Jackaman Senior Licensing Officer
Contact details	Telephone: 020 7641 6500 Email: kjackaman@westminster.gov.uk

1.	Application		
1-A	Applicant and premises		
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	12 April 2021		
Applicant:	Home Grown Club Limited		
Premises:	Home Grown		
Premises address:	44 Great Cumberland Place London W1H 7BS	Ward:	Bryanston And Dorset Square
		Cumulative Impact Area:	None
		Special Consideration Zone:	None
Premises description:	The premises trade as a private members club with accompanying accommodation		
Variation description:	<p>1. Suspend the operation of conditions 51, 53 and 54 below until 30th September 2021</p> <p>51. Any external terrace areas may only be used for the consumption of alcohol on Fridays and Saturdays</p> <p>52. The supply of alcohol for consumption on the terrace must be by waiter or waitress service only;</p> <p>53. Any external terrace areas shall be vacated by 7pm save for persons using the area to smoke;</p> <p>54. No more than ten persons, excluding staff, shall be permitted on the first floor terrace at any one time.</p> <p>2. Insert a new condition</p> <p>"No more than 25 patrons (who shall be seated) may occupy the terrace between 11.00 and 22.00 on any day until 30th September 2021 when this condition shall cease to have effect."</p>		
Premises licence history:	The premises have had the benefit of a licence since 2012. A copy of the current premises licence (licence number 19/09266/LIPDPS) can be found at Appendix 1. A full licence history for the premises appears at appendix 3.		
Applicant submissions:	None		
Applicant amendments:	None		

1-B	Current and proposed licensable activities, areas and hours					
Regulated Entertainment						
Performance of live music						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	07:00	01:00	No change		Basement to fourth floor	No change
Tuesday	07:00	01:00				
Wednesday	07:00	01:00				
Thursday	07:00	01:00				
Friday	07:00	01:00				
Saturday	07:00	01:00				
Sunday	07:00	01:00				
Seasonal variations/ Non-standard timings:	Current: The hours for licensable activities may be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.				Proposed: No change	

Recorded music						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	07:00	01:00	No change		Basement to fourth floor	No change
Tuesday	07:00	01:00				
Wednesday	07:00	01:00				
Thursday	07:00	01:00				
Friday	07:00	01:00				
Saturday	07:00	01:00				
Sunday	07:00	01:00				
Seasonal variations/ Non-standard timings:	Current: The hours for licensable activities may be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.				Proposed: No change	

Late night refreshment						
Indoors, outdoors or both			Current :		Proposed:	
			Both		No change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	01:30	No change		Basement to fourth floor	No change
Tuesday	23:00	01:30				
Wednesday	23:00	01:30				
Thursday	23:00	01:30				
Friday	23:00	01:30				
Saturday	23:00	01:30				

Sunday	23:00	01:30			
Seasonal variations/ Non-standard timings:	Current:			Proposed:	
	The hours for licensable activities may be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.			No change	

Sale by Retail of Alcohol						
On or off sales			Current :		Proposed:	
			On and Off		No change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	07:00	01:00	No change		Basement to fourth floor	No change
Tuesday	07:00	01:00				
Wednesday	07:00	01:00				
Thursday	07:00	01:00				
Friday	07:00	01:00				
Saturday	07:00	01:00				
Sunday	07:00	01:00				
Seasonal variations/ Non-standard timings:	Current:			Proposed:		
	The hours for licensable activities may be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.			No change		

Sale by Retail of Alcohol (Residents and their guests)						
On or off sales			Current :		Proposed:	
			On and Off		No change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	00:00	00:00	No change		Basement to fourth floor	No change
Tuesday	00:00	00:00				
Wednesday	00:00	00:00				
Thursday	00:00	00:00				
Friday	00:00	00:00				
Saturday	00:00	00:00				
Sunday	00:00	00:00				
Seasonal variations/ Non-standard timings:	Current:			Proposed:		
	The hours for licensable activities may be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.			No change		

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	00:00	00:00	No change		Basement to fourth floor	No change
Tuesday	00:00	00:00				
Wednesday	00:00	00:00				
Thursday	00:00	00:00				
Friday	00:00	00:00				
Saturday	00:00	00:00				
Sunday	00:00	00:00				
Seasonal variations/ Non-standard timings:	Current: None				Proposed: No change	

1-C	Layout alteration
No change of layout is proposed	

1-D	Conditions being varied, added or removed
The applicant is seeking a suspension of the following conditions until 30th September 2021	
<p>51. Any external terrace areas may only be used for the consumption of alcohol on Fridays and Saturdays</p> <p>52. The supply of alcohol for consumption on the terrace must be by waiter or waitress service only;</p> <p>53. Any external terrace areas shall be vacated by 7pm save for persons using the area to smoke;</p> <p>54. No more than ten persons, excluding staff, shall be permitted on the first floor terrace at any one time.</p>	
The applicant is seeking the addition of the following condition	
No more than 25 patrons (who shall be seated) may occupy the terrace between 11.00 and 22.00 on any day until 30th September 2021 when this condition shall cease to have effect	
Adult entertainment:	Current position: None
	Proposed position: No change

2.	Representations
2-A	Responsible Authorities
Responsible Authority:	Environmental Health
Representative:	Dave Nevitt
Received:	10 May 2021

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.

I am concerned about the risk of an adverse impact on the nearby local residents from noise, especially late in the evening.

2-B		Other Persons	
Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED]	
Status:	valid	In support or opposed:	opposed
Received:	09 May 2021		
<p>Great Cumberland Place is quiet residential street as is the adjoining Brunswick Mews. Following several residents representations to the Ward Councillors we are objecting to the application for a licence variation 21/03349/LIPV at Home Grown Club as it will cause a public nuisance in this residential area.</p> <p>The noise created by giving permission to Home Grown customers to sit outside on a terrace will have a wide ranging "cauldron" effect due to the amplification created by the surrounding tall buildings. Therefore the noise would span a large number of residential properties across 6 streets. This variation is significantly contrary to the spirit of the original licensing conditions made in 2019 18/05022/LIPV and when planning permission was granted 2017. Currently all entertainment licences at this location are internal including next door at The Prince Akatoki Hotel (previously The Arch). The former New Cavendish Club (currently the Home Grown site) was also mainly internal. The Home Grown Club's business does not serve the local community unless one is a member of the Club.</p> <p>We all fully aware of the needs for businesses to reopen, which the Club is able to do on 17th May. Any additional external hospitality must be balanced against the needs of local residents. In this case, Councillors are of the opinion that needs of surrounding residents must be protected.</p>			
Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED]	
Status:	valid	In support or opposed:	opposed
Received:	29 April 2021		
<p>The terrace of the Home Grown club is connected to the back of my house and I am concerned with the high levels of noise and the echo effect at the back of the buildings which will be very disruptive for me and my family - especially with the COVID challenges of needing to work from home.</p> <p>In addition, during the summer months it gets hot in the home and we need to have back windows open and cigarette smoke travels into the house which is also disruptive. I am not supportive of this application.</p>			

Name:	[REDACTED]		
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]		
Status:	valid	In support or opposed:	opposed
Received:	30 April 2021		

The back of my property adjoins the terrace for which the Home Grown Club has made an application to vary its licence. The result of the changes that the club proposes would be that I would have a pub/club operating under my windows seven days a week from morning to night. It is not long since the original licence application was heard, when the decision taken at committee confirmed the planning restrictions which had been placed on the use of the terrace. The use of the terrace in the way now proposed would cause public nuisance, and affect the amenity of the many residential properties surrounding this terrace. Furthermore, the height of the buildings around the terrace means that sound echoes and so would affect properties as far away as Montagu Street. I hope that the Council continues to restrict activity on this terrace, so that we can enjoy the peace and quiet of our own homes

Name:	[REDACTED]		
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]		
Status:	valid	In support or opposed:	opposed
Received:	30 April 2021		

I oppose the variation of licence which would permit up to 25 people up to 10pm 7 days a week on their terrace. We have already suffered from noise pollution from the limited amount of people on the terrace, and also from the music system in their basement which manages to travel through multiple buildings.

By allowing this further variation, this would make life unbearable. There is a small group of courtyards which backs on to their Terrace, where noise travels very far. It's all residential around here, and it would be absolutely absurd should this change be allowed to happen. This will be a nuisance for many many residential premises. Home House have no right to operate in such a way in such a residential area, and should they be allowed to do so, I would find this extremely unacceptable and not in Keeping with the preservation of peaceful environments for your residential tenants. Home House should not have chosen such a location for their premises, with the intention of creating such a disturbance for the surrounding residential neighbours. Allowing up to 25 people on the terrace up to 10 p.m. seven days a week would be absolutely preposterous, and I am shocked that they would even suggest such a thing.

Name:	[REDACTED]		
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]		
Status:	valid	In support or opposed:	opposed
Received:	30 April 2021		

The Home Grown Club Terrace is immediately adjacent to a quiet residential street. The walls of the club and surrounding buildings enclose the space with the effect of amplifying all sounds emanating from the club.

We have young children who need to get a good night's sleep, particularly on school nights. As we approach summer with bedroom windows open, they will be significantly disturbed by

partying at the end of the street.

Many of us a also still working from home and do not need additional distractions.

If the club opened onto Great Cumberland Place, I would not object: I understand the business need to re-open. But the club is proposing having a loud entertainment space which essentially sits within Brunswick Mews from a noise perspective.

Name:	[REDACTED]		
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]		
Status:	valid	In support or opposed:	opposed
Received:	02 May 2021		

I object strongly to this application for a variation the grounds that it will cause public nuisance to me in my home and to the numerous residents surrounding this property. Having the terrace used for hospitality purposes would make my own (and others') properties unliveable, due to noise, primarily, but also due to smells,. When cigarettes are being smoked on the terrace , the smell emanates into my home.

We are disappointed that the Homegrown Club has applied for such a variation, when residents , and the adjoining hotel, made it clear, before they opened as a new club, that use of the terrace would affect the amenity for the residents of the surrounding properties - with noise pollution. The area at the back of the premises is totally residential and surrounded by high buildings - along Great Cumberland Place, George Street, Montagu Street and Upper Berkeley Street - and so noise within that area echoes around, affecting the back of these properties as well as the mews houses in Brunswick Mews and Montagu Mews South. With no other commercial activity in this area, it is normally very quiet and peaceful.

When the Homegrown Club was being considered for 44 Great Cumberland Place, we were promised by Home House and by The Portman Estate that it would be a business club, not a social club, which would respect the amenity and peaceful nature of this totally residential area. Opening the terrace to all day hospitality seven days a week is a very radical departure from that promise. If members of the Homegrown Club wish to dine or drink outside, there is the opportunity to do so at Home House.

We hope that the Council considers the adverse impact that this would have on the residents surrounding the terrace of 44 Great Cumberland Place, and rejects this application to vary the conditions that were considered so carefully by previous Licensing Committee

Name:	[REDACTED]		
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]		
Status:	valid	In support or opposed:	opposed
Received:	04 May 2021		

This is a residential area with many people with young children; the home already had parties (pre covid) late into the night that kept us and our children awake - this would make the situation significantly worse. this should not be allowed in this neighbourhood. In addition there is already an increase in anti social behaviour in this area and this will make the situation worse. Please reject this application

Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
Status:	valid	In support or opposed:	opposed
Received:	05 May 2021		

We refer to the Home Grown Club's application to vary their licence by suspending the operation of conditions 51, 53 and 54 until 30 September 2021 removing the following conditions:

- 51. Any external terrace areas may only be used for the consumption of alcohol on Fridays and Saturdays.
- 53. Any external terrace areas shall be vacated by 7pm save persons using the area to smoke.
- 54. No more than ten persons, excluding staff, shall be permitted on the first floor terrace at any one time.

The application also seeks to impose a new condition limiting the number of persons who may occupy the terrace to 25 persons (who must be seated) until 30 September 2021 when it is proposed the condition will cease to have effect.

The Home Grown Club adjoins a substantial number of residential flats. It also adjoins The Prince Akatoki Hotel, which is a luxury 5 star hotel with 82 guest rooms. We own and operate the business at The Prince Akatoki Hotel.

A substantial number of guest rooms at The Prince Akatoki Hotel overlook and are in close proximity to the external terrace located at the Home Grown Club. Conditions 51, 53 and 54 were imposed as conditions to the Home Grown Club's liquor licence to limit public nuisance (specifically noise) emanating from the Home Grown Club in order to minimize the substantial loss of amenity to adjoining premises. Conditions 51, 53 and 54 limit the hours, number of persons and use of the external terrace. They do not however limit the general hours of operation of the Home Grown Club nor prohibit patrons of the Home Grown Club from smoking on the terrace after 7pm.

We believe conditions 51, 53 and 54 are essential to ensure that people living in adjoining residential premises and staying at our hotel are able to reside in those premises without undue noise and nuisance emanating from the Home Grown Club during evening and early morning hours.

Any increase in existing limit on the number of patrons who may use the terrace at one time will inevitably result in a proportionate increase in the noise emanating from the terrace. Any change to the hours in which the external terrace may be used will result in substantial noise being generated from the terrace during those extended hours. The hours after 7pm are generally used by residents and guests of adjoining premises to either sleep or relax in their own premises. We believe that the existing hours of use of the external terrace at the Home Grown Club are reasonable and appropriate and that any variation of these hours will result in an undue burden and considerable public nuisance to adjoining residents and the guests of our hotel.

We also believe that the consumption of alcohol by persons on the external terrace should be limited to Fridays and Saturdays as the consumption of alcohol will inevitably result in people remaining on the terrace for longer periods substantially increasing noise emanating from these areas and Fridays and Saturdays are days when residents and hotel guests are more likely to be out until 7pm when they are likely to return home to relax in their homes and bedrooms.

The Prince Akatoki Hotel has received limited complaints regarding noise emanating from the Home Grown Club's existing operations. The Prince Akatoki Hotel believes that altering the conditions on the Home Grown Club's external terrace as proposed in the variation application would result in a substantial loss of amenity for its guests and adjoining residents and have a substantial detrimental impact on those guests and residents.

We accordingly respectfully request that Council reject the application from the Home Grown Club.

Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED] [REDACTED] [REDACTED]	
Status:	valid	In support or opposed:	opposed
Received:	06 May 2021		

I live in a property which is close to the terrace of the HomeGrown Club. It is quiet at the rear of our properties and the use of the terrace in the way proposed under the variation of the licence would cause public nuisance and affect residential amenity.

I am working from home and the noise would have a bad impact on daily living, never mention the noise continuing into the evening. I hope that the variation application will be rejected

Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED] [REDACTED] [REDACTED]	
Status:	valid	In support or opposed:	opposed
Received:	06 May 2021		

I object to the proposal which will impact on my quiet enjoyment of my property which is adjacent to the business club, having people standing and drinking in the terrace with loud talk because of the drinking, and smoking will upset me family life.

I do not support your proposal

Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED] [REDACTED] [REDACTED]	
Status:	valid	In support or opposed:	opposed
Received:	06 May 2021		

I am living on the 2nd floor of a building neighbored with the venue - [REDACTED]. Terrace of a venue in question is at the level of my yard window. I fully understand the eagerness to create ambience for clients, however, it is wise in order to avoid conflicts to take into consideration interests of your neighborhood.

Under opening hours described in the license application, I expect that in case of license's approval, it would not be easy anymore to relax in the evening hours at apartments I am living in. Loud conversations are very common on terraces if access is available until late hours; my interests therefore were not taken into account properly.

I strongly object against the matter in question on the basis of opening hours and access of guests to terrace in late evening hours and during the night.

Name:

[REDACTED]

Address and/or Residents Association:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Status:

valid

In support or opposed:

opposed

Received:

06 May 2021

I object the proposal as it will impact the quite of my property that is in front of the business club. Especially now that we are all working remotely I cannot accept the noise of people who are drinking, eating and smoking everyday for the entire day 7 days per week. It will massively impact my daily life, in terms of productivity during the day and possibility to rest and relax during the weekends.

Name:

[REDACTED]

Address and/or Residents Association:

[REDACTED]
[REDACTED]
[REDACTED]

Status:

valid

In support or opposed:

opposed

Received:

06 May 2021

I live in a nearby property to the terrace where it is proposed that restaurant and bar activities are offered most of the day and evening seven days a week. This would be very disruptive as my bedroom overlooks this terrace. I am a teacher and I have been running on-line classes from my bedroom during the day until early evening. The noise from the terrace would cause major problems for me.

Please reject this application on the grounds of public nuisance.

Name:

[REDACTED]

Address and/or Residents Association:

[REDACTED]
[REDACTED]
[REDACTED]

Status:

valid

In support or opposed:

opposed

Received:

07 May 2021

I own the property at [REDACTED]
Home Grown Club, 44 Great Cumberland Place, is on the corner of the Mews
The proposed bar/terrace is over the Mews itself, and not the main road
The Club exists for corporate clients having a jolly away day/night (it has accomodation on the premises)
In my experience to date, the Club owners are not at all interested in the quality of this residential and peaceful neighbourhood
In the 36 years I have lived in the Mews, there has never been a commercial enterprice with an outdoor venue
It will impact negatively on the well being, peacefulness, and peace of mind of the residents of this Mews, including myself
I object most strongly to the application for a licence for an outdoor bar/terrace

Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED] [REDACTED] [REDACTED]	
Status:	valid	In support or opposed:	opposed
Received:	07 May		

I'm writing to raise my concerns as to the application to extend the opening hours and days of the terrace at the Home Grown Club on 44 Great Cumberland Place. I and my family have lived in Brunswick Mews for seven years. One of the nice things about the location is that while it is central Marylebone, it remains quiet. The noise from the Home Grown Terrace will filter down the mews and be a nuisance. I know that it will as I lived in the Mews during the updating of that site and construction caused significant noise that travelled. I wake very early for work daily and noise on all evenings of the week would make it very difficult to live in the Mews. It would be a significant change in the nature of the area. Certainly a 10pm opening is too late, and seven nights a week is simply not reasonable. It will change the neighbourhood. The current limits to the weekend afternoons / early evenings only seem reasonable given the residential nature of Great Cumberland Place and surroundings streets. There are no other commercial premises offering services outside nearby. Thank you for considering my comments.

Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
Status:	valid	In support or opposed:	opposed
Received:	09 May 2021		

I object the proposal which will impact on my life.
I lived in such a place.
That was a nightmare.
Every day after work, instead of resting in my apartment, I experienced a drama.
People sat or stood drinking and smoking while talking loudly.
It was all mentally unbearable.
During the lockdown, when the place was closed, it was possible to live normally. At that time, I was looking for a new, peaceful and friendly place to live. I found it on Upper Berkeley Street.
I'm just finishing up arranging.
I am happy here and I cannot imagine a similar situation outside my windows, so I say absolutely NO.

I do not support your proposal.

Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED] [REDACTED] [REDACTED]	
Status:	valid	In support or opposed:	opposed
Received:	10 May 2021		

Dear Sir,

We are writing with regard to the application from the Home Grown Club ("the Club") - located at 44 Great Cumberland Place on the corners of Upper Berkeley Street and Brunswick Mews - for a variation of its license (application reference 21/03349/LIPV).

We are a family of three, including a 2 year old toddler and we live at [REDACTED] as direct neighbours to the Club.

We are strongly opposed to the Home Grown Club's application and we are herewith objecting to it for the following reasons.

The use of the Home Grown Club's terrace, which backs on to Upper Berkeley Street and Brunswick Mews, is restricted by the Club's current license. The variation they have applied for would permit up to 25 people meeting, drinking, eating and smoking on their terrace between 11am and 10pm seven days a week.

We are seriously concerned about the impact this will have, with high levels of noise, having hospitality activity all day, every day, with the echo effect at the back of our house which will be inevitably very disruptive:

1. Our toddler has his bedroom at the back side of our house, only few meters away from the Club's terrace. He would be seriously deprived of his sleep in the event you would grant the variation of the Club's license.
2. I, his father, need to work from home every weekday, and at times over the weekend, including in the evening. This includes participating in about six video conferences per day. I would be seriously deprived of working effectively in the event you would grant the variation of the Club's license.
3. We have a little terrace at the backside of our house, just below the Club's terrace. We would no longer be able to enjoy the piece and quiet of our terrace in the event you would grant the variation of the Club's license, leave alone the risk that our toddler, who plays with his toys on the terrace during summer, is hit by objects - including glass and cigarettes - due to either carelessness of guests and personnel of the Club or wind. We are truly worried in this respect as - in the past - we have already found small objects on the terrace, occasionally.
4. All three of us suffer from allergies and conditions affecting the respiratory system. Constant exposure to smoke from guests of the Club smoking on the latter's terrace - all day long - risk seriously deteriorating our comfort and health in the event you would grant the variation of the Club's license. Please note that - on several occasions - we had to complain to the Club that members of their staff were smoking right in front of our house (and using parts of the Mews as place where to spend their breaks from work).

Please allow us to insist that the Club does not appear to provide any service to the local community; the Club's remit is for visiting corporate events, inevitably amounting to noisy away-days.

Please take also into account that we had issues with noise from the club in the past, and we complained on several occasions. It goes without saying that we would be happy to share with you relevant email exchanges with the Club of 2019.

We are also concerned that guests of the Club sitting on the terrace would have a direct view on our houses in both Upper Berkeley Street and Brunswick Mews, having a considerable negative impact on our security.

Against this background, and based on the grave concerns we have that, if the variation of the Club's license were granted, the currently truly residential character of our neighbourhood here in Brunswick Mews would cease to exist, we are asking you most politely to reject the application of the Home Grown Club. You can rest assured that this would be in the very interest of the people living in this part of Marylebone, enjoying a neighbourhood built on respect for each other and the quiet and peace this enables.

We are looking forward to your support and decision.

Name:	[REDACTED]		
Address and/or Residents Association:	[REDACTED]		
Status:	valid	In support or opposed:	opposed
Received:	10 May 2021		

THIS REPRESENTATION is made by the Marylebone Association, which is recognised by Westminster as the Amenity Society for the Marylebone Area south of Marylebone Road and so represents the interests of those who live and work in this area.

We are writing to oppose the application by Home Grown Club 21/03349/LIPV as we believe that if granted it will be contrary to Westminster Policy PN1.

We are supportive of the need for the hospitality and entertainments sectors to recover from the effects of the Covid lockdown. However, the licensing authority needs to balance the needs of business with the needs of residents and other businesses who live and operate in the surrounding area.

This can be a difficult balance to get right which has caused the Association some debate. In order to resolve this we have followed the guidelines set out in the position document from the West End Community Network of which we are a member: The Licensing Act 2003 Applications for Later Hours for COVID recovery (attached).

In brief, the document states that the Licensing Objectives as set out in the Licensing Act 2003 are there to protect residents and others from harm and nuisance. There is no requirement within licensing legislation to promote the profitability or otherwise of businesses but there is a requirement for the Licensing Authority to have due regard to the 4 licensing objectives when considering the granting or extension of a license whether on a full time or temporary basis.

It follows that the only circumstance under which an Application should be granted is if the Council is convinced that the licensing objectives will be positively promoted, as required by the legislation. In this case the level and number of objections from residents and business lead the Association to believe that local amenity will be harmed if the application is granted, even on the temporary basis requested.

The Association therefore objects to the application as set out.

Name:	[REDACTED]		
Address and/or Residents Association:	[REDACTED]		
Status:	valid	In support or opposed:	support
Received:	17 April 2021		

I've no connection to the club but as a neighbour I fully support anything that can be done to help our local businesses.

Name:	[REDACTED]		
Address and/or Residents Association:	[REDACTED]		
Status:	valid	In support or opposed:	support

Received:	07 May 2021		
<p>I am writing on behalf of the Baker Street Quarter Partnership (BakerStreetQ) to express our support for the proposal by Home Grown for a temporary variation of their trading hours within their outdoor courtyard area until 30 September 2021.</p> <p>BakerStreetQ is a Business Improvement District, established in 2013. We are a not-for-profit company directed by and funded by 165 local member businesses for the betterment of the area for those working here, running businesses here, and for the wider community following annually agreed programmes.</p> <p>The area we represent includes a range of hospitality and leisure businesses which collectively play a prominent role in helping to underpin the economic, cultural and social vitality and attractiveness of the area. In the context of 2020-21's health pandemic, an outdoor dining offer has developed from a 'nice to have' into a business necessity, allowing customers to maintain social distancing in open air spaces, while going some way to maintaining the economic viability of the hospitality trade in Westminster. Our surveys show that people will continue to feel more comfortable socialising outside for the foreseeable future, making a viable outdoor space a business necessity, at least until the weather begins to cool!</p> <p>Outdoor dining amenity is also key to attracting the footfall represented by the office community back to the area - which is in turn important in sustaining the wider retail offer. The top three elements office workers are looking forward to when they choose to be in the office centre around eating out and socialising. Our discussions with local residents over 2020 have also indicated strong support for local hospitality and a desire to see them remaining operational as a key amenity in the area.</p> <p>We have worked closely with Home Grown since they opened and with Home House as a founding member of the BID for over ten years and would like to note their contributions to the wider area. Through Home House, their funding of our services includes our street team patrols of the area (7 days a week 7am-11pm). Through this team, we gather information on issues in the area relating to anti-social behaviour, waste, environmental issues, crime and any premises not properly managing the same. We have observed Home Grown to be managed to a high standard. Home Grown has also supported our local community/giving programmes. They have proactively sought to employ local people with their recruitment events in Church Street prior to the launch of Home Grown for example. We know the team to spend considerable time and effort engaging with the local community, in particular their direct residential neighbours. Of course we are conscious that outdoor dining, while vital to the viability of hospitality businesses and the economic health of the area, must also be balanced with the comfort of local residents.</p> <p>We feel the proposed extension to outdoor evening trading for a temporary period coupled with the strong management regime provides this balance.</p> <p>I therefore encourage Westminster to approve this license extension.</p>			
Name:	[REDACTED]		
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]		
Status:	valid	In support or opposed:	support
Received:	10 May 2021		
<p>I am writing on behalf of the Marble Arch London BID to express our support for the proposal by Home Grown for a temporary variation of their trading hours within their outdoor courtyard until 30 September 2021.</p> <p>Established in 2016, Marble Arch London BID is a not-for-profit company funded by 200 member businesses for the improvement of the area.</p>			

The area's hospitality businesses play a prominent role in creating a vibrant leisure and cultural hub with a historic significance that makes it one of London's most attractive places. In the context of the Covid-19 pandemic, outdoor space has become a lifeline for many hospitality businesses in London. It not only allows customers to maintain social distancing in open air spaces, but also helps maintain the economic viability of the hospitality trade in Westminster.

A strong outdoor dining offer will also be essential to attracting the office community back to the area. Our discussions with our office-based members show that what they have missed the most while working from home is eating out and socialising with colleagues.

Local residents have also shown strong support for hospitality businesses in 2020, shopping and dining locally to ensure the survival of much valued assets and amenities.

We have worked closely with Home Grown since they opened in our BID area and have been impressed by the team's commitment to the local community, spending considerable time and effort engaging with their residential neighbours, recruiting locally and supporting fledgling start-ups in Westminster.

While outdoor dining will be crucial to the survival of hospitality businesses this Summer, we are aware that the comfort of local residents is also a priority. We believe the proposed extension to outdoor evening trading for a temporary period combined with the high standard of management from Home Grown provides the right balance

3.	Policy & Guidance
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The following policies within the City Of Westminster Statement of Licensing Policy apply:

Policy HRS1 applies	<p>A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:</p> <ol style="list-style-type: none"> 1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm. 2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation. 3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed. 4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises. 5. The proposed hours when any music, including incidental music, will be played. 6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises. 7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity. 8. Whether customers and staff have adequate access to public
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	<p>transport when arriving at and leaving the premises, especially at night.</p> <p>9. The capacity of the premises.</p> <p>10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation.</p> <p>11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.</p> <p>12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.</p> <p>13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.</p> <p>14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.</p>
<p>Policy COMB1 applies</p>	<p>A. Applications outside the West End Cumulative Impact Zone for premises that propose to operate as a 'combined use premises' will be considered on their merits and subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities for the relevant use being within the council's Core Hours Policy HRS1. 3. The applicant has taken account of the Special Consideration Zone policy SCZ1 if the premises are located within a designated zone. <p>B. Applications inside the West End Cumulative Impact Zones for premises that propose to operate as a 'combined use premises' will be considered on their merits and subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities for the relevant premises use being within the council's Core Hours Policy HRS1. 3. The applicant demonstrating that they will not add to cumulative impact within the Cumulative Impact Zone. <p>C. When considering what weight is to be given to the relevant uses and policies the Licensing Authority will take into account:</p> <ol style="list-style-type: none"> 1. Whether it will undermine the licensing objectives. 2. The current and proposed use of the premises. 3. When those uses will take place. 4. What the primary use of the premises is or the uses that will take place in different parts of that premises. 5. Whether there would normally be a presumption to refuse an application for that use if it was operating as that premises type and not a combined use premises. 6. Whether the hours sought for the all or parts of the premises are

	<p>within or outside the Core Hours.</p> <p>D. The Licensing Authority will take into account, when considering the application, the relevant considerations from each of the appropriate premises uses policies within this statement</p> <p>E. For the purpose of this policy a Combined Use Premises means premises which require a premises licence and where there is more than one premises use, and where the uses are not dependent on/ or part of the other uses i.e. are not ancillary to the other uses</p>
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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
Appendix 1	Premises licence 19/09266/LIPDPS
Appendix 2	Applicant supporting documents
Appendix 3	Supporting documents from the Marylebone Association
Appendix 4	Supporting documents from [REDACTED]
Appendix 5	Premises history
Appendix 6	Proposed conditions
Appendix 7	Residential map and list of premises in the vicinity

Report author:	Kevin Jackaman Senior Licensing Officer
Contact:	Telephone: 0207 641 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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Environmental Health Representation	10 May 2021
5	Interested Party Representation (1)	09 May 2021
6	Interested Party Representation (2)	29 April 2021
7	Interested Party Representation (3)	30 April 2021
8	Interested Party Representation (4)	30 April 2021
9	Interested Party Representation (5)	30 April 2021
10	Interested Party Representation (6)	02 May 2021
11	Interested Party Representation (7)	04 May 2021
12	Interested Party Representation (8)	05 May 2021
13	Interested Party Representation (9)	06 May 2021
14	Interested Party Representation (10)	06 May 2021
15	Interested Party Representation (11)	06 May 2021
16	Interested Party Representation (12)	06 May 2021
17	Interested Party Representation (13)	06 May 2021
18	Interested Party Representation (14)	07 May 2021
19	Interested Party Representation (15)	07 May 2021
20	Interested Party Representation (16)	09 May 2021
21	Interested Party Representation (17)	10 May 2021
22	Interested Party Representation (18)	10 May 2021
23	Interested Party Representation (19)	17 April 2021
24	Interested Party Representation (20)	07 May 2021
25	Interested Party Representation (21)	10 May 2021



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

**Schedule 12
Part A**

**WARD: Bryanston And
Dorset Square
UPRN: 010033599938**

Premises licence

Regulation 33, 34

Premises licence number:

19/09266/LIPDPS

Original Reference:

12/03933/LIPN

Part 1 – Premises details

Postal address of premises:

Home Grown
44 Great Cumberland Place
London
W1H 7BS

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

Monday to Sunday: 07:00 to 01:00

Playing of Recorded Music

Monday to Sunday: 07:00 to 01:00

Late Night Refreshment

Monday to Sunday: 23:00 to 01:30

Sale by Retail of Alcohol

Monday to Sunday: 00:00 to 00:00 (Residents and their guests)
Monday to Sunday: 07:00 to 01:00

For times authorised for New Year see conditions at Annex 3

The opening hours of the premises:

Monday to Sunday 00:00 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:

Home Grown Club Limited
44 Great Cumberland Place
London
W1H 7BS

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

08254409

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

Name: Andrew Richardson

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: 0009980
Licensing Authority: Stratford-on-Avon District Council

Date: 1 August 2019

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

Annex 1 – Mandatory conditions

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

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

7. The responsible person must ensure that—

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

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

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

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

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

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

Where -

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

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

Annex 2 – Conditions consistent with the operating Schedule

9. There shall be no consumption of alcohol in the light well.
10. The number of persons accommodated at any one time, (excluding staff) shall not exceed:
 - Basement - 150 persons
 - Ground -200 persons
 - First Floor -150 persons

With no more than 409 persons across these floors at any one time (this does not include the hotel bedrooms).

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

11. Licensable activities may not be provided other than to:
 - i. Members (and their bone fide guests) of the Home Grown Club as defined in the Home Grown Club Rules. Any changes to these rules must be notified to the Police and Licensing Authority.
 - ii. Persons attending pre-booked private events, a record of which will be kept on site for a minimum period of 31 days after the event, and made available on request to authorised officers from the Police and Council. The record shall include the details of the organiser, type of event, number of people, timings and date.
 - iii. Persons using the bedroom facilities and their bona fide guests.
12. Licensable activities are not permitted on any external terrace or light well.
13. Regulated entertainment shall only be permitted in the following rooms:
 - Basement: Event Room - Montagu Suite, Montagu Lounge
 - Ground Floor: Georgian, Blandford, The Restaurant, The Study Café, The Seymour Room
 - First floor: Salon, Secret Salon, The Unicorn Bar, The Club Room / Lounge, Portman Room / Lounge”
14. Arrangements will be made to ensure that any capacity limit set for the premises can be properly monitored. Information regarding the capacity should be given to an authorised officer on request.
15. Substantial food and non-intoxicating beverages shall be available throughout the permitted hours in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
16. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
17. With the exception of residents and their bona fide guests, no alcohol shall be consumed more than 30 minutes after the permitted hours for the supply of alcohol.
18. The provision of alcohol shall be ancillary to food between 07:00 and 10:00 hours for non-residents.
19. No drinks shall be consumed outside the premises nor glasses/bottles removed from the premises by patrons when leaving, save for off sales in sealed containers, and patrons using the terrace.
20. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
21. All windows and external doors to areas where regulated entertainment is permitted shall be kept closed at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
22. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
23. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.

24. 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.
25. No deliveries shall be made to the premises between 23:00 and 08:00 hours.
26. 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.
27. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
28. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0800 hours.
29. The pavement from the building line to the kerb edge immediately outside the premises, including gutter / channel at its junction with the kerb edge, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
30. A sound limiting device located in a separate and remote lockable cabinet from the volume control shall be fitted to any musical amplification system and set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service to ensure that no noise nuisance is caused to local residents. The operational panel of the noise limiter shall then be secured to the satisfaction of officer from the Environmental Health Service. The keys securing the noise limiter cabinet shall be held by the licence holder or authorised manager only, and shall not be accessed by any other person. The limiter shall not be altered without prior agreement with the Environmental Health Service.
31. The approved arrangements at the premises, including means of escape provisions, emergency warning and emergency equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
32. 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.
33. All exit doors shall be available at all material times without the use of a key, code, card or similar means.
34. All emergency doors will be maintained effectively self-closing, and not held open other than by an approved device.
35. The edge of the treads of steps and stairways shall be maintained so as to be conspicuous.
36. Only hangings, curtains, upholstery and temporary decorations, complying with the relevant British (or where appropriate European) Standard shall be used. Where necessary these shall be periodically tested for flame resistance and re-treated as necessary.
37. Curtains and hangings shall be arranged so as not to obstruct safety signs other emergency equipment.
38. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 7 days prior notice being given to Westminster City Council Consultation Team where consent has not previously been given:

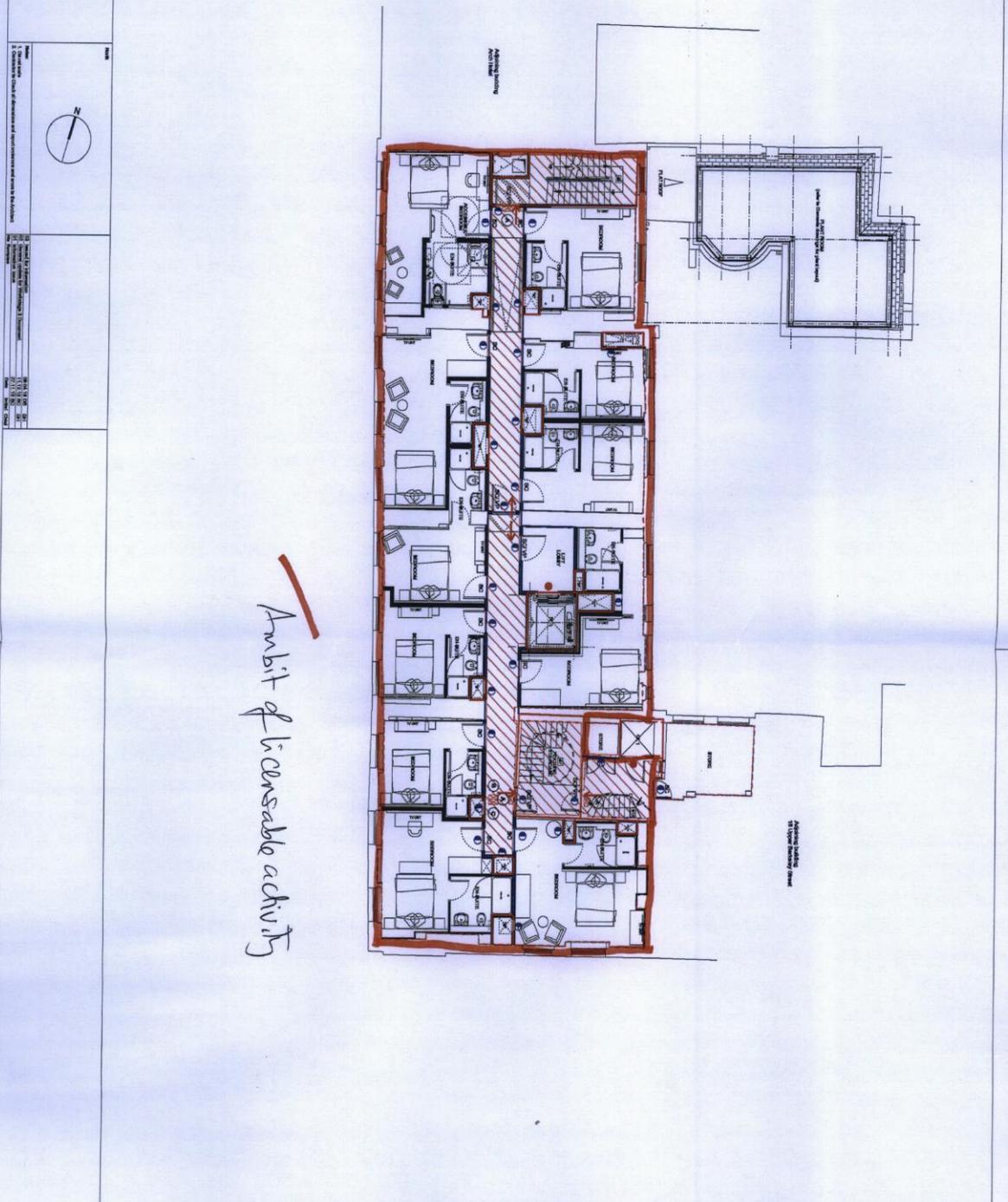
- a. dry ice and cryogenic fog;
 - b. smoke machines and fog generators;
 - c. pyrotechnics including fire works;
 - d. firearms;
 - e. lasers;
 - f. explosives and highly flammable substances;
 - g. real flame;
 - h. strobe lighting.
39. No person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased.
- NOTE: (1) This rule does not apply to exhibitions given under the provisions of Section 2(1A) and 5 of the Hypnotism Act 1952.
40. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
- (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received regards crime and disorder
 - (d) any incidents of disorder
 - (e) seizures of drugs or offensive weapons
 - (f) any refusal of the sale of alcohol
 - (g) any visit by a relevant authority or emergency service.
41. The certificates listed below shall be submitted to Westminster City Council Consultation Team upon written request:
- a. Any emergency lighting battery or system
 - b. Any electrical installation
 - c. Any fire alarm system.
42. A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log 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.
43. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
44. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
45. No entertainment, performance, service, or exhibition involving nudity or sexual stimulation which would come within the definition of a sex establishment in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the

Greater London Council (General Powers) Act 1986 (whether or not locally adopted), shall be provided.

46. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except in the guest bedrooms.
47. A proof of age scheme, such as Challenge 21, shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.
48. 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 in the vicinity.
49. As soon as possible, and in any event within 1 month from the grant of this licence, the premises shall join the local pubwatch, clubwatch or other local crime reduction scheme approved by the police, and local radio scheme if available.
50. The hours for licensable activities may be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
51. Any external terrace areas may only be used for the consumption of alcohol on Fridays and Saturdays;
52. The supply of alcohol for consumption on the terrace must be by waiter or waitress service only;
53. Any external terrace areas shall be vacated by 7pm save for persons using the area to smoke;
54. No more than ten persons, excluding staff, shall be permitted on the first floor terrace at any one time.
55. There shall be no access to any external terrace before 10:00 Monday to Sunday.

Annex 4 – Plans

Attached



Ambit of licensable activity

Key

- ▲ First Exit (Ground floor only)
- ▲ Fire Uniqueness Zone
- Occupancy - Public Areas
- Disabled refuge
- ☒ Fire Signage
- Ⓜ Make All Emergency Escape Routes Accessible
- Ⓜ TPOA
- Ⓜ TPOB
- Ⓜ TPOC
- Ⓜ TPOD
- Ⓜ TPOE

Fire Compartment Rating Key (assumed rating for rating work)

- 1 Hour
- 12 Hour

Exit width

- 1.1m clear width (typ)
- 1.2m clear width (typ)

Door Fire Rating Key

- 1 hour fire resistance with intumescent & smoke seals
- 120 minute fire resistance with intumescent & smoke seals
- 1 hour fire resistance
- VP - Vision Panel
- SC - Self-Closing
- Window Fire Rating Key
- 200 mm glass (typ) & intumescent

It is assumed that unless stated walls are to provide fire resistance for the minimum wall fire rating. Fire resistance is assumed to be provided to achieve required performance.

- Prohibited glassless corridor
- Refer to Window Schedule for fire performance (rating & radiation requirements)

Lighting Key

- Areas used for self-orientation
- Areas used for general illumination
- Areas used for provision of low light
- Public conveniences
- Point of sale - alcohol
- Kitchen facility
- Egypus (access coded) from this premises
- Access to this premises

EPR
 44-46 Great Cumberland Place
 London W1W 7AA
 Tel: 020 7734 2000
 Fax: 020 7734 2001
 Email: info@epri.co.uk
 Website: www.epri.co.uk

10280-1-01-0004-Z02 03



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

Schedule 12
Part B

**WARD: Bryanston And
Dorset Square
UPRN: 010033599938**

**Premises licence
summary**

Regulation 33, 34

Premises licence number:

19/09266/LIPDPS

Part 1 – Premises details

Postal address of premises:

Home Grown
44 Great Cumberland Place
London
W1H 7BS

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

Monday to Sunday: 07:00 to 01:00

Playing of Recorded Music

Monday to Sunday: 07:00 to 01:00

Late Night Refreshment

Monday to Sunday: 23:00 to 01:30

Sale by Retail of Alcohol

Monday to Sunday: 00:00 to 00:00 (Residents and their guests)
Monday to Sunday: 07:00 to 01:00

For times authorised for New Year see conditions at Annex 3

The opening hours of the premises:

Monday to Sunday 00:00 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:

Home Grown Club Limited
44 Great Cumberland Place
London
W1H 7BS

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

08254409

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

Name: Andrew Richardson

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

Restricted

Date: 1 August 2019

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

Terrace photographs









**West End Community Network
Position regarding Licensing Act 2003 Applications for Later Hours for COVID recovery**

This document has been prepared by the Licensing Sub-Committees of the Amenity Societies in the West End which are members of the West End Community Network. It gives our views on applications to extend, for a temporary period, the hours of Licensable Activities in the period beyond the Core Hours of WCC's Statement of Licensing Policy. It is anticipated that WCC will see large numbers of such applications in the coming months. It is relevant to all applications whether or not the stated intention is to help the business to recover from the financial impact of COVID19. It applies whether the existing hours are Core Hours or later.

We recognise that there has been huge financial damage to the hospitality industry during the pandemic and we are generally supportive of measures which allow businesses to resume trading in the period until lockdown ends (assumed to be 21/6/21).

We believe that beyond this date businesses will be able to trade in much the same way that they did pre-COVID19. Variations to the licence to allow later trading are a way to increase income for the premises. The argument most commonly used to justify these requests is that it is needed so that the business can survive. We do **not** agree that the need for business to survive financially outweighs the health, well-being and sleep of residents in the West End, particularly in the context of the findings of WCC's recent Cumulative Impact Assessment.

If the grant of an extension to hours is likely to give rise to harm to the Licensing Objectives then the Council should refuse it on this basis, in line with the relevant Policies contained within the Council's Statement of Licensing Policy (SoLP), which was published in January 2021. This position is supported by the Licensing Act 2003 and the S182 Guidance. Neither the SoLP or the S182 Guidance provide for **any** circumstance, exceptional or otherwise, which would permit an Application to be granted if the Licensing Objectives would be harmed.

It follows that the **only** circumstance under which the Application should be granted is if the Council is convinced that the licensing objectives will be positively promoted, as required by the legislation.. It is the role of the Applicant to persuade you that this is the case. If Statutory Authorities or Interested Parties, including ourselves, disagree with this then it is up to the Council to weigh the arguments and make its decision. However to grant you need to be convinced that the Licensing Objectives will be **promoted**.

The current Statement of Licensing Policy was drawn up during the COVID19 period. In the Foreword to the Policy it states that:

The Licensing Authority's proposed revisions to the Statement of Licensing Policy will enable the hospitality and entertainment sectors to plan for the short and medium term, whilst maintaining the necessary protections for our residents and promoting the licensing objectives as a whole.

We believe that this is an important statement about the balance that the SoLP and LA2003 seek to maintain. Allowing businesses to plan **and** maintain the necessary protection for residents as well as supporting the licensing objectives. We are very concerned that granting even temporary extensions of hours will fail to provide this protection and will fail to support the licensing objectives.

The SoLP recognises the need for balance, even in the case of COVID19 recovery. For example the reason for Policy SCZ1 makes clear that *'The Licensing Authority is supportive of the hospitality and entertainment sectors' need to recover from the impact of COVID-19. However, it needs to balance the needs of businesses, the residents who live and operate in the local area and its duty under the Licensing Act 2003.'*¹

The Licensing Objectives include the Prevention of Public Nuisance and the Prevention of Crime and Disorder. These are the Objectives on which later hours are most likely to have an impact.

The SoLP makes clear in the section on Licensing Strategy that *'The Licensing Authority must have regard to these licensing objectives in carrying out its licensing functions under the Licensing Act 2003.'* The Strategy also states that the Council *'may make exceptions to its own policies where it is appropriate to do so in order to promote the licensing objectives'*. Our conclusion from this is that the SoLP makes the Licensing Objectives the focus and any decision to deviate from the Policies should only be made to promote the Licensing Objectives. There is no other reason suggested for deviating from the Policies.

As far as we are aware allowing business to gain more income is not and has never been a Licensing Objective. The S182 Guidance states that *'There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times.'*² It is therefore our view that extending hours in order to support business is contrary both to guidance and the SoLP UNLESS it can be done whilst promoting the Licensing Objectives.

We also note that in the section of the SoLP on how to use the Policy it is made clear that Interested Parties and Responsible Authorities **must** only make representations based on issues which relate to the Licensing Objectives.

*When making a representation with regards to an application (either in opposition to or in support) responsible authorities and other parties must only address the likely effect of the grant/variation of the premises licence on the promotion of the licensing objectives and the relevant policies that apply. Representations cannot be based on issues that do not relate to the licensing objectives, such as moral grounds or whether the premises does not have the benefit of planning permission.*³

If Interested Parties and Responsible Authorities must limit themselves to the issues which relate to the Licensing Objectives we believe it follows that the argument for granting an application must also relate to whether or not it promotes the four Licensing Objectives and not to other issues.

We note that in a different context, regarding the "need" for Licensed Premises, the S182 Guidance says the following:

*"Need" concerns the commercial demand for another pub or restaurant or hotel and is a matter for the planning authority and for the market. This is not a matter for a licensing authority in discharging its licensing functions or for its statement of licensing policy.*⁴

¹ SoLP Para D 39

² S182 Guidance Para 1.4

³ SoLP p 7

⁴ S182 Guidance Para 14.19

If the need for new premises should be left to the market then we believe that it is a reasonable argument that the success, or otherwise, of the existing licensed premises should also be left to the market. Even if the Government or the Local Authority believe that there is a market failure this does not justify a deviation from the requirement to support the Licensing Objectives.

In those cases where the hours can be extended without any risk to the Licensing Objectives then it is of course reasonable that an extension may be granted and applicants are always welcome to argue this. However this is not usually the argument put forward. The argument, implied or explicit, is that the risk of harm to the Licensing Objectives is justified by the need for income

The SoLP sets out a number of tests for Licence Applications to enable it to fulfil its duty under LA2003 to promote the licensing objectives. These are separated into those related to the licensing objectives, those related to hours, those related to type of premises and those related to location. We will consider the relevant ones in turn.

Hours and Licensing Objectives Policies

In considering any application WCC's SoLP Policy HRS1 requires the Council to consider the effect of later opening on compliance with the requirements of the other Policies, especially in this case PN1 and CD1. The arguments for limiting hours because of the impacts of Public Nuisance and Crime and Disorder impact are well rehearsed and will not be repeated here. It is however also worth considering the mechanism by which later opening provides a financial benefit to the applicant.

Like all businesses the applicant has fixed costs (rent, rates, maintenance) and variable costs (staff, drink, food). Opening later does not impact the fixed costs and so makes sense only if the income received increases by more than the variable costs. In the later hours being discussed, most of the additional income will come from increased consumption of alcohol. This is a combination of customers already at the premises drinking more, or more customers coming to the premises to drink during the extended hours. Having later hours in order to allow customers to consume drinks they would have purchased anyway during the existing hours has no benefit to the applicant. This is not a reason to permit longer hours.

Our view is that taking steps to increase the income from these sources **increases** the risk of Public Nuisance and Crime and Disorder occurring in the vicinity of the premises. This contravenes the SoLP and fails to support the objectives of LA2003. The reasons are as follows:

- Customers drinking a larger quantity of alcohol will be less likely to be in control of their behaviour when they leave the premises. This gives rise to noise in the street, both in the vicinity and as they leave the area. It also increases the risk of disorder through drunken behaviour. They are also more likely to become victims of crime.
- New customers who come to the premises in order to consume alcohol during the extended hours, which are after 23:30, are likely to have come from another premises where they have been drinking already. Despite the requirement not to serve alcohol to those who are already inebriated they will usually be served, after all the only reason for opening later is to sell more

alcohol, and this will give rise to the same issues as for customers who remain at the premises and drink more.

- The other group of customers are those who come to the venue during the extended hours, or because of the extended hours from another event and are not already under the influence of alcohol, for example from theatre, concert or a dinner. The impact of these customers is the additional noise nuisance from their arrival and especially their departure at times after the premises would normally have been closed and the surrounding area would have been quiet.

Our view is that as we are discussing applications to extend hours beyond the existing Core Hours this last group of customers will only be a small proportion of the total. A 'last entry' condition is therefore of no comfort. Most people will already have been consuming alcohol and will come to or remain at the premises with extended hours to continue drinking. They will consume more alcohol and are more likely to give rise to issues as they leave the premises.

Policy PN1 makes clear that the Council's criteria when granting a licence is *'the potential for nuisance associated with the style, characteristics and activities of the business to be carried out at the premises and the potential steps which would be taken to reduce the risk of nuisance occurring. This will particularly apply in areas of residential accommodation and where there is residential accommodation in proximity of the premises'*.

In most of the West End there is residential accommodation in the vicinity of the premises and so this is a particular concern. The activities of the premises which are most likely during the later hours are the sale of alcohol and there are very few, if any, steps which can be taken to minimise and control *'noise from customers arriving at the premises.... and departing from it including noise and other nuisance caused by customers' transportation and how dispersal is managed.'* Which is one of the elements which need to be considered under PN1. The approach of CD1 is similar to this.

The reasons for HRS1 make clear that *'Core hours are an essential element to ensure businesses can operate for a reasonable period whilst protecting the impact on the licensing objectives.'*⁵ It goes on to state that *'The consideration of hours of operation will be in the context of the particular circumstances of each application and the licensing objectives. The hours at which noise may occur and disturbance of residents' rest, relaxation and sleep will be of particular concern.'*⁶ In our view it follows that the grant of an application where it is likely to disturb the sleep of residents fails this test.

Location-based Policies

The Policies to be considered are those related to Cumulative Impact (CIP1 and SCZ1). Unlike the policies noted above these Policies do allow for a grant contrary to Policy to be made but only in genuinely exceptional circumstances (in Cumulative Impact Areas), and we have seen this argued for applications for extensions of hours made in the Cumulative Impact Areas. The reason given is: many licenced businesses have closed and will not reopen, so the area will no longer suffer from Cumulative Impact, so the reason for the Policy no longer applies.

⁵ SoLP Para E2

⁶ SoLP Para E10

The provision of alfresco tables and chairs which has been facilitated by the Council has already allowed many businesses to reopen, albeit outside only. Certainly, in some areas the cumulative impact is, if anything, greater than before. The long-term impact on the level of cumulative impact is unclear. Even if some businesses do not reopen it is likely that others will take their place. We do not accept that the reason for the Cumulative Impact policies has suddenly vanished due to COVID19.

CIP1 allows the Council to grant an exception and sets out how this will be considered. It states that: *'in considering whether a particular case is exceptional, the Licensing Authority will consider the reasons underlying the West End Cumulative Impact Zone special policy and the relevant premises use policies when considering applications.'*⁷

Our view is that the need, for financial reasons, to allow premises to open later in the CIZ is not related to the reasons underlying the Policy. The only 'related' reason would be that it is no longer an area suffering from Cumulative Impact. We cannot see this now, and so the grant of an extension for this reason would be premature.

Within the SCZ's there is not a presumption to refuse the grant. However the Policy requires that *"In addition to meeting the other policies within this statement, applications within a designated Special Consideration Zone should demonstrate that they have taken account of the issues particular to the Zone"*. In all SCZ's the issues which need to be taken into account mainly occur at night. It follows that any application to extend hours is likely to make these issues worse. Our view is that any extension of hours in the SCZ should therefore be refused unless the applicant is able to demonstrate that the Licensing Objectives will be promoted.

In summary our position is as follows.

- Applications for later hours are intended to provide premises with a higher income by allowing them to sell more alcohol than they would otherwise sell, or at least as much alcohol as before but at a later hour.
- The alcohol consumed by customers at the later hours **will** result in harm the Licensing Objectives, especially related to Public Nuisance and Crime and Disorder in the surrounding area, which contains significant amounts of residential property.
- There is no justification in the SoLP or the S182 Guidance to support a view that harm to the licensing objectives is outweighed by the financial benefits to the business.
- Applicants are welcome to argue that later hours can be granted whilst still promoting the Licensing Objectives, but unless they persuade the Licensing Authority to agree with them then their Application should be refused.

⁷ SoLP Para D12

From: [REDACTED]
To: [Jackaman, Kevin: WCC](#)
Subject: FW: Licensing Application 21/03349/LIPV
Date: 17 May 2021 10:30:19
Attachments: [New Cavendish Club 2015 decision.doc](#)

Dear Sirs

Further to my objection to the variation application for the licence for 44 Great Cumberland Place, I am attaching some additional, relevant information in support of my objection.

1) the Licensing decision made in February 2016 and

2) photographs of the small outdoor terrace behind No 15 Upper Berkeley St and the small residential terrace behind No 14 illustrating their close proximity to the terrace of No 44

The six flats at No 16 do not have a terrace but the building / their bedrooms are immediately in front of the club's terrace. The large air-conditioning plant and smokers' ashtray perched on it are in the centre of the Club's terrace and more plant is housed in the structure to the North behind the hanging slate elevation. Immediately to the North / West are the bedrooms of the Prince Akatoki Hotel and to the west are the residential areas of Brunswick Mews, Montagu Mews South and Montagu Street

I hope you will find this information helpful.

Yours faithfully

[REDACTED]

LICENSING SUB-COMMITTEE No. 4

Thursday 4th February 2016

Membership: Councillor Jean-Paul Floru (Chairman), Councillor Jan Prendergast and Councillor Murad Gassanly

Legal Adviser: Barry Panto
Policy Adviser: Chris Wroe
Committee Officer: Tristan Fieldsend
Presenting Officer: Steve Rowe

Relevant Representations: Environmental Health, Marylebone Association and 2 local residents.

Present: Mr Craig Bayliss (Solicitor, Representing the Applicant), Mr Andrew Richardson (Applicant), Mr Dave Nevitt (Environmental Health), Mr Richard Brown (Solicitor, Citizens Advice Bureau Licensing Advice Project, representing Marylebone Association), Michael Bolt (Marylebone Association) and Heather Acton (local resident).

New Cavendish Club, 44 Great Cumberland Place, W1 15/11137/LIPV					
1.	Performance of Live Music and Recorded Music				
	<table><thead><tr><th><u>Current</u></th><th><u>Proposed</u></th></tr></thead><tbody><tr><td>Basement, Ground and 1st Floor</td><td>To add 1st Floor Terrace</td></tr></tbody></table>	<u>Current</u>	<u>Proposed</u>	Basement, Ground and 1 st Floor	To add 1 st Floor Terrace
<u>Current</u>	<u>Proposed</u>				
Basement, Ground and 1 st Floor	To add 1 st Floor Terrace				
	Amendments to application advised at hearing: None				
	Decision (including reasons if different from those set out in report): The Sub-Committee granted the revised application, subject to conditions as set out below (see reasons for decision in Section 4).				
2.	Late Night Refreshment				
	<table><thead><tr><th><u>Current</u></th><th><u>Proposed</u></th></tr></thead><tbody><tr><td>Basement, Ground and 1st Floor</td><td>To add 1st Floor Terrace</td></tr></tbody></table>	<u>Current</u>	<u>Proposed</u>	Basement, Ground and 1 st Floor	To add 1 st Floor Terrace
<u>Current</u>	<u>Proposed</u>				
Basement, Ground and 1 st Floor	To add 1 st Floor Terrace				
	Amendments to application advised at hearing: None				

	Decision (including reasons if different from those set out in report): The Sub-Committee granted the revised application, subject to conditions as set out below (see reasons for decision in Section 4).	
3.	Sale by Retail of Alcohol	
	<u>Current</u> Basement, Ground and 1 st Floor	<u>Proposed</u> To add 1 st Floor Terrace
	Amendments to application advised at hearing: None	
	Decision (including reasons if different from those set out in report): The Sub-Committee granted the revised application, subject to conditions as set out below (see reasons for decision in Section 4).	
4.	Opening Hours	
	<u>Current</u> Basement, Ground and 1 st Floor	<u>Proposed</u> To add 1 st Floor Terrace
	Amendments to application advised at hearing: None	
	Decision (including reasons if different from those set out in report): The Sub-Committee considered an application by Quintillion Restaurants Ltd for a variation of a premises licence in respect of the New Cavendish Club. The Licensing Officer provided an outline of the application to the Sub-Committee. All parties were invited to make representations to the Sub-Committee in relation to the application. The parties responded to members' questions and were given an opportunity to ask questions of each other. The Sub-Committee's Legal Advisor clarified the position of Heather Acton who was objecting to the application as a local resident and not in her capacity as a councillor. Heather Acton declared that she had a disclosable pecuniary interest in the matter as she lived in the property that was situated immediately next to the premises concerned. As the Sub-Committee would retire to make its decision the applicant confirmed that they were satisfied for Heather Acton to	

remain in the meeting during the public debate so that she could give evidence in support of her representation and answer questions. This was also permitted by Standing Order 69.

Mr Bayliss, representing the applicant, explained that the building was currently derelict and Quintillion Restaurants Ltd wanted to invest significant sums of money into renovating it and turning it into a private members club with no access to the general public.

The primary reason for requesting a variation of a premises licence was to clarify an error on Condition 18 which should have referred to the first and not ground floor terrace. The applicant also proposed two extra conditions requiring the first floor terrace to be vacated by 22:00 with the sale of alcohol on the terrace by waiter waitress service only. The Sub-Committee noted that these conditions would introduce restrictions on the use of the terrace which currently did not exist.

Environmental Health raised concerns over the proximity of residents to the application as it was an area of high residential use. Several residences overlooked the terrace and these properties would be affected by the extra noise generated by patrons using the terrace. Further clarity was requested regarding the number of patrons having access to the terrace, designated smoking areas, noise mitigation measures and the operational activities involved with cleaning the terrace.

Mr Bayliss confirmed that it was being proposed by the applicant to utilise a variety of noise prevention measures to address key resident concerns. These included erecting substantial screening, noise absorbent materials, planting plus the addition of proposed extra conditions. Smoking would also be restricted to a designated ground floor area and it was expected that the cleaning of the terrace would be completed by 22:15.

Mr Brown, from Westminster Citizens Advice Bureau and representing the Marylebone Association, advised that the residents' main concerns were over the increased intensity of use and the associated problems with noise and smoking.

Mr Bolt advised that the Marylebone Association now amended its original representation and advised that it rejected the application in its entirety due to the high residential intensity of the area and the effect the application would have on residents.

Heather Acton confirmed that discussions had taken place with the applicant over concerns the impact of the application would have on residents, of particular concern was the extra noise generated by patrons using the terrace. Heather Acton confirmed that the renovation of the building was welcomed however requested that if the application be granted conditions limiting the use of the terrace be imposed.

Mr Bayliss highlighted the applicant's successful track record in running

members only clubs which contained open terrace areas and the steps undertaken to ensure any impact on local residents was minimised to an acceptable level. Clarification that the smoking area would be located on the ground floor, noise abatement measures would be introduced and ensuring the terrace was vacated by 22:00 provided for a suitable compromise.

The Sub-Committee considered the application and considered that as the terrace was in an area of high residential use conditions limiting the use of the terrace to Fridays and Saturdays, requiring it to be vacated by 7pm and only permitting ten people, excluding staff, from using the terrace at any one time would limit the impact on nearby residents. It was noted that Heather Acton had conceded that it might be acceptable to use the terrace up until 22.00 on Friday and Saturday but the decision was taken to reflect the concern of all local residents who might be affected. The terrace was situated in the middle of a residential block and was not considered suitable for licensable activities at all. Consumption of alcohol on that terrace would also be likely to cause a nuisance to local residents but it was decided to make a small concession for consumption on Friday and Saturday until 7 pm.

The Sub-Committee therefore agreed the variation, subject to the modification of Condition 18 to read "Licensable activities are not permitted on any external terrace" and the introduction of the following additional conditions:

- i) Any external terrace areas may only be used for the consumption of alcohol on Fridays and Saturdays;
- ii) Any external terrace areas shall be vacated by 7pm save for persons using the area to smoke;
- iii) No more than ten persons, excluding staff, shall be permitted on the first floor terrace at any one time;
- iv) There shall be no access to any external terrace before 10:00 Monday to Sunday; and
- v) Model Condition 82.

5. Conditions Being Varied, Added or Removed

1. Condition 18 of the Premises Licence	Remove (it provides that licensable activities are not permitted on the ground floor terrace and the applicant states that such a terrace does not exist).
2. To add a new condition	The 1 st Floor Terrace shall be vacated by 22:00
3. To add a new condition	The supply of alcohol on the terrace shall be by waiter waitress service only

Amendments to application advised at hearing:

None

	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted the revised application, subject to conditions as set out below (see reasons for decision in Section 4). Condition 18 was amended rather than being removed. It was decided that the first floor terrace had to be vacated by 7pm save for persons using the area to smoke. It was agreed that the supply of alcohol for consumption on the terrace had to be by waiter or waitress service only.</p>

Conditions attached to the Licence	
<u>Mandatory Conditions</u>	
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.	<p>(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.</p> <p>(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—</p> <p>(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;</p> <p style="padding-left: 40px;">(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</p> <p style="padding-left: 40px;">(ii) drink as much alcohol as possible (whether within a time limit or otherwise);</p> <p>(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;</p> <p>(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;</p> <p>(d) selling or supplying alcohol in association with promotional posters or flyers on,</p>

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 Attached After a Hearing by the Licensing Authority

9. Licensable activities may not be provided other than to:
- I. Members (and their bone fide guests) of the New Cavendish Club as defined in the New Cavendish Club Rules. Any changes to these rules must be notified to the Police and Licensing Authority.
 - II. Persons attending pre-booked private events, a record of which will be kept on site for a minimum period of 31 days after the event, and made available on request to authorised officers from the Police and Council. The record shall include the details of the organiser, type of event, number of people, timings and date.
10. Regulated Entertainment shall only be permitted in the areas listed in condition 11 of this licence.
11. The number of persons permitted on the premises at any one time (excluding staff) shall not exceed 320 persons (excluding Staff). With no more than the number listed below in each room;
- The Portman Room - 35 persons
 - The Bar (including Lounge) - 60 persons
 - The Library - 25 persons
 - Silence Room - 10 persons
 - The Cumberland Room - 60 persons
 - Sample Suite - 40 persons
 - The Centenary Suite - 90 persons
12. Arrangements will be made to ensure that any capacity limit set for the premises can be properly monitored. Information regarding the capacity should be given to an authorised officer on request.
13. Substantial food and non-intoxicating beverages shall be available throughout the permitted hours in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
14. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
15. With the exception of residents and their bona fide guests, no alcohol shall be consumed more than 30 minutes after the permitted hours for the supply of alcohol.
16. The provision of alcohol shall be ancillary to food between 07:00 and 10:00 hours for non-residents.
17. Licensable activities are not permitted on any external terrace.
18. No drinks shall be consumed outside the premises nor glasses/bottles removed from the premises by patrons when leaving, save for off sales in sealed containers, and patrons using the terrace.
19. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
20. All windows and external doors to areas where regulated entertainment is permitted shall be kept closed at any time when regulated entertainment takes place, except for the immediate access and egress of persons.

21. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
22. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
23. 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.
24. No deliveries shall be made to the premises between 23:00 and 08:00 hours.
25. 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.
26. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
27. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0800 hours.
28. The pavement from the building line to the kerb edge immediately outside the premises, including gutter / channel at its junction with the kerb edge, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
29. A sound limiting device located in a separate and remote lockable cabinet from the volume control shall be fitted to any musical amplification system and set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service to ensure that no noise nuisance is caused to local residents. The operational panel of the noise limiter shall then be secured to the satisfaction of officer from the Environmental Health Service. The keys securing the noise limiter cabinet shall be held by the licence holder or authorised manager only, and shall not be accessed by any other person. The limiter shall not be altered without prior agreement with the Environmental Health Service.
30. The approved arrangements at the premises, including means of escape provisions, emergency warning and emergency equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
31. 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.
32. All exit doors shall be available at all material times without the use of a key, code, card or similar means.
33. All emergency doors will be maintained effectively self-closing, and not held open other than by an approved device.
34. The edge of the treads of steps and stairways shall be maintained so as to be conspicuous.

35. Only hangings, curtains, upholstery and temporary decorations, complying with the relevant British (or where appropriate European) Standard shall be used. Where necessary these shall be periodically tested for flame resistance and re-treated as necessary.
36. Curtains and hangings shall be arranged so as not to obstruct safety signs other emergency equipment.
37. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 7 days prior notice being given to Westminster City Council Consultation Team where consent has not previously been given:
 - a. dry ice and cryogenic fog;
 - b. smoke machines and fog generators;
 - c. pyrotechnics including fire works;
 - d. firearms;
 - e. lasers;
 - f. explosives and highly flammable substances;
 - g. real flame;
 - h. strobe lighting.
38. No person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased.

NOTE: (1) This rule does not apply to exhibitions given under the provisions of Section 2(1A) and 5 of the Hypnotism Act 1952.
39. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received regards crime and disorder
 - (d) any incidents of disorder
 - (e) seizures of drugs or offensive weapons
 - (f) any refusal of the sale of alcohol
 - (g) any visit by a relevant authority or emergency service.
40. The certificates listed below shall be submitted to Westminster City Council Consultation Team upon written request:
 - a. Any emergency lighting battery or system
 - b. Any electrical installation
 - c. Any fire alarm system.
41. A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log 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.
42. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and

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

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 are open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
44. No entertainment, performance, service, or exhibition involving nudity or sexual stimulation which would come within the definition of a sex establishment in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Greater London Council (General Powers) Act 1986 (whether or not locally adopted), shall be provided.
45. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except in the guest bedrooms.
46. A proof of age scheme, such as Challenge 21, shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.
47. 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 in the vicinity.
48. As soon as possible, and in any event within 1 month from the grant of this licence, the premises shall join the local pubwatch, clubwatch or other local crime reduction scheme approved by the police, and local radio scheme if available.
49. The hours for licensable activities may be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
50. Any external terrace areas may only be used for the consumption of alcohol on Fridays and Saturdays;
51. The supply of alcohol for consumption on the terrace must be by waiter or waitress service only;
52. Any external terrace areas shall be vacated by 7pm save for persons using the area to smoke;
53. No more than ten persons, excluding staff, shall be permitted on the first floor terrace at any one time;
54. There shall be no access to any external terrace before 10:00 Monday to Sunday;
55. The variation of this premises licence (14/05076/LIPT) will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the licence by the licensing authority.





Licence & Appeal History

Application	Details of Application	Date Determined	Decision
12/03933/LIPN	New premises Licence	05.07.2012	Granted by Licensing Sub Committee
12/06155/LIPDPS	Variation of DPS	30.07.2012	Granted under delegated authority
14/05076/LIPT	Transfer - New Cavendish Club to The Portman Estate Nominees (one) Ltd	09.07.2014	Granted under delegated authority
15/11098/LIPT	Transfer - The Portman Estate Nominees (one) Ltd to Quintillion Restaurants Ltd	17.02.2016	Granted under delegated authority
15/11109/LIPDPS	Variation of DPS	17.02.2016	Granted under delegated authority
15/11137/LIPV	Variation of the premises licence – removal of conditions	04.02.2016	Granted by Licensing Sub Committee
18/05022/LIPV	Full variation – change of layout and amendment of conditions	26.06.2018	Granted under delegated authority
19/03422/LIPDPS	Variation of DPS	07.06.2019	Granted under delegated authority
19/04555/LIPVM	Minor variation – Amend conditions	10.05.2019	Refused under delegated authority
19/06287/LIPVM	Minor variation – Amend conditions	10.06.2019	Granted under delegated authority
19/09266/LIPDPS	Variation of DPS	01.08.2019	Granted under delegated authority

There is no appeal history

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

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

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

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

Conditions: On Current Licence -

Mandatory:

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

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

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

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

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

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

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

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

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

Where -

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

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

Annex 2 – Conditions consistent with the operating Schedule

9. There shall be no consumption of alcohol in the light well.

10. The number of persons accommodated at any one time, (excluding staff) shall not exceed:
 - Basement - 150 persons
 - Ground -200 persons
 - First Floor -150 persons

With no more than 409 persons across these floors at any one time (this does not include the hotel bedrooms).

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

11. Licensable activities may not be provided other than to:
 - i. Members (and their bona fide guests) of the Home Grown Club as defined in the Home Grown Club Rules. Any changes to these rules must be notified to the Police and Licensing Authority.
 - ii. Persons attending pre-booked private events, a record of which will be kept on site for a minimum period of 31 days after the event, and made available on request to authorised officers from the Police and Council. The record shall include the details of the organiser, type of event, number of people, timings and date.
 - iii. Persons using the bedroom facilities and their bona fide guests.
12. Licensable activities are not permitted on any external terrace or light well.
13. Regulated entertainment shall only be permitted in the following rooms:
 - Basement: Event Room - Montagu Suite, Montagu Lounge
 - Ground Floor: Georgian, Blandford, The Restaurant, The Study Café, The Seymour Room
 - First floor: Salon, Secret Salon, The Unicorn Bar, The Club Room / Lounge, Portman Room / Lounge”
14. Arrangements will be made to ensure that any capacity limit set for the premises can be properly monitored. Information regarding the capacity should be given to an authorised officer on request.
15. Substantial food and non-intoxicating beverages shall be available throughout the permitted hours in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
16. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
17. With the exception of residents and their bona fide guests, no alcohol shall be consumed more than 30 minutes after the permitted hours for the supply of alcohol.
18. The provision of alcohol shall be ancillary to food between 07:00 and 10:00 hours for non-residents.
19. No drinks shall be consumed outside the premises nor glasses/bottles removed from the premises by patrons when leaving, save for off sales in sealed containers, and patrons using the terrace.
20. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
21. All windows and external doors to areas where regulated entertainment is permitted shall be kept closed at any time when regulated entertainment takes place, except for the immediate access and egress of persons.

22. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
23. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
24. 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.
25. No deliveries shall be made to the premises between 23:00 and 08:00 hours.
26. 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.
27. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
28. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0800 hours.
29. The pavement from the building line to the kerb edge immediately outside the premises, including gutter / channel at its junction with the kerb edge, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
30. A sound limiting device located in a separate and remote lockable cabinet from the volume control shall be fitted to any musical amplification system and set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service to ensure that no noise nuisance is caused to local residents. The operational panel of the noise limiter shall then be secured to the satisfaction of officer from the Environmental Health Service. The keys securing the noise limiter cabinet shall be held by the licence holder or authorised manager only, and shall not be accessed by any other person. The limiter shall not be altered without prior agreement with the Environmental Health Service.
31. The approved arrangements at the premises, including means of escape provisions, emergency warning and emergency equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
32. 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.
33. All exit doors shall be available at all material times without the use of a key, code, card or similar means.
34. All emergency doors will be maintained effectively self-closing, and not held open other than by an approved device.
35. The edge of the treads of steps and stairways shall be maintained so as to be conspicuous.
36. Only hangings, curtains, upholstery and temporary decorations, complying with the relevant British (or where appropriate European) Standard shall be used. Where

necessary these shall be periodically tested for flame resistance and re-treated as necessary.

37. Curtains and hangings shall be arranged so as not to obstruct safety signs other emergency equipment.
38. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 7 days prior notice being given to Westminster City Council Consultation Team where consent has not previously been given.
 - a. dry ice and cryogenic fog;
 - b. smoke machines and fog generators;
 - c. pyrotechnics including fire works;
 - d. firearms;
 - e. lasers;
 - f. explosives and highly flammable substances;
 - g. real flame;
 - h. strobe lighting.
39. No person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased.

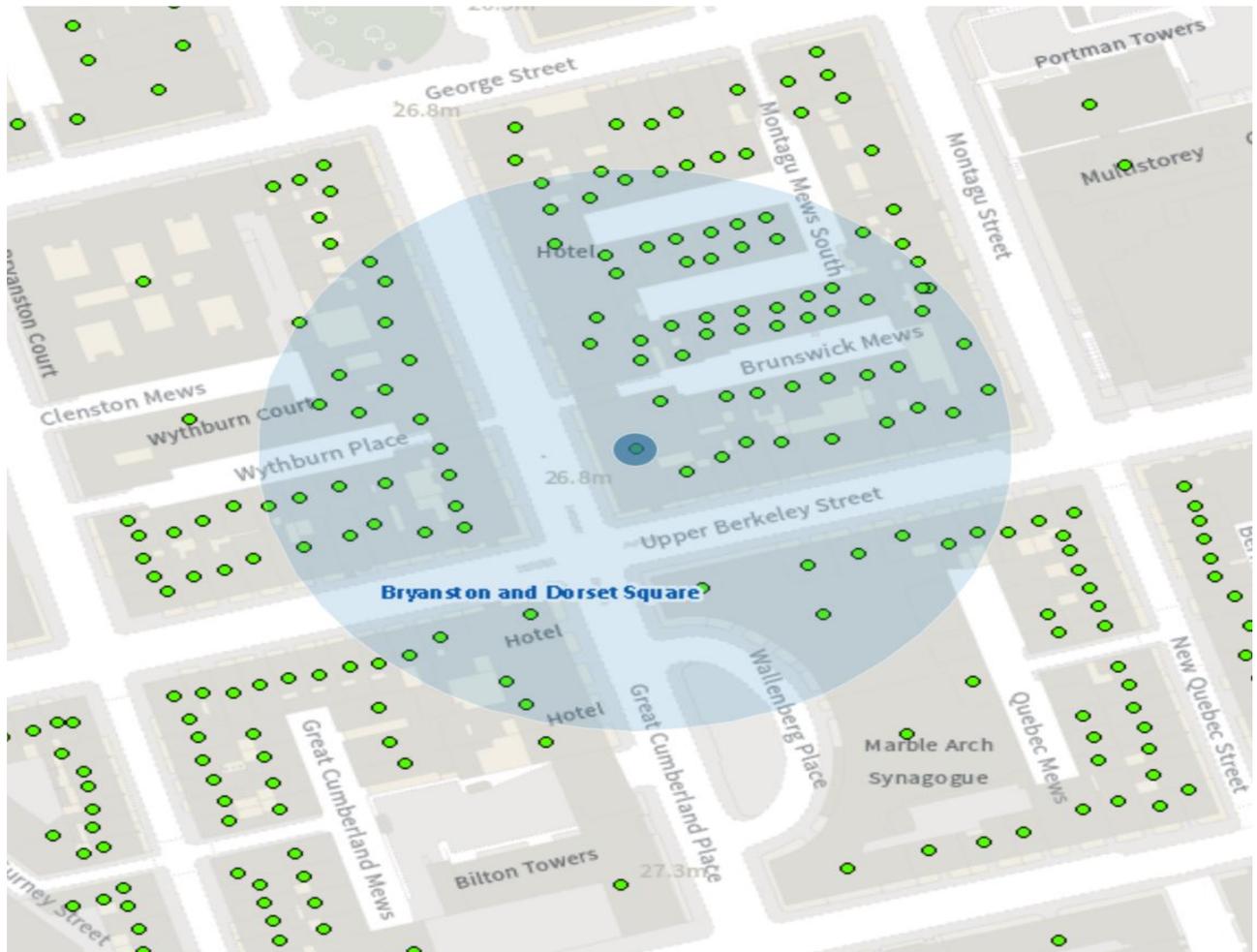
NOTE: (1) This rule does not apply to exhibitions given under the provisions of Section 2(1A) and 5 of the Hypnotism Act 1952.
40. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received regards crime and disorder
 - (d) any incidents of disorder
 - (e) seizures of drugs or offensive weapons
 - (f) any refusal of the sale of alcohol
 - (g) any visit by a relevant authority or emergency service.
41. The certificates listed below shall be submitted to Westminster City Council Consultation Team upon written request:
 - a. Any emergency lighting battery or system
 - b. Any electrical installation
 - c. Any fire alarm system.
42. A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log 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.
43. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping.

Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.

44. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
45. No entertainment, performance, service, or exhibition involving nudity or sexual stimulation which would come within the definition of a sex establishment in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Greater London Council (General Powers) Act 1986 (whether or not locally adopted), shall be provided.
46. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except in the guest bedrooms.
47. A proof of age scheme, such as Challenge 21, shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.
48. 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 in the vicinity.
49. As soon as possible, and in any event within 1 month from the grant of this licence, the premises shall join the local pubwatch, clubwatch or other local crime reduction scheme approved by the police, and local radio scheme if available.
50. The hours for licensable activities may be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
51. Any external terrace areas may only be used for the consumption of alcohol on Fridays and Saturdays;
52. The supply of alcohol for consumption on the terrace must be by waiter or waitress service only;
53. Any external terrace areas shall be vacated by 7pm save for persons using the area to smoke;
54. No more than ten persons, excluding staff, shall be permitted on the first floor terrace at any one time.
55. There shall be no access to any external terrace before 10:00 Monday to Sunday.

The applicant is proposing the following additional condition

56. No more than 25 patrons (who shall be seated) may occupy the terrace between 11.00 and 22.00 on any day until 30th September 2021 when this condition shall cease to have effect.



Resident Count: 202

Licensed premises with 75m of 44 Great Cumberland Place, London				
Licence Number	Trading Name	Address	Premises Type	Time Period
18/15173/LIPDPS	The Arch	50 Great Cumberland Place London W1H 7FD	Hotel, 4+ star or major chain	Monday to Sunday; 00:00 - 00:00
17/05074/LIPDPS	Shaftesbury Suites Marble Arch	41 Great Cumberland Place London W1H 7LG	Hotel, 4+ star or major chain	Monday to Sunday; 00:00 - 00:00
17/05077/LIPDPS	Montcalm Hotel And Grand Ballroom	2 Wallenberg Place City Of Westminster London W1H 7TN	Hotel, 4+ star or major chain	Monday to Sunday; 00:00 - 00:00
17/05081/LIPDPS	The Marble Arch By Montcalm London	31 Great Cumberland Place London W1H 7TA	Restaurant	Monday to Sunday; 00:00 - 00:00

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City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	29 July 2021
Licensing Ref No:	21/01357/LIPN - New Premises Licence
Title of Report:	Ground Floor 52 Lupus Street London SW1V 3EE
Report of:	Director of Public Protection and Licensing
Wards involved:	Warwick
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Karyn Abbott Senior Licensing Officer
Contact details	Telephone: 07866 019698 Email: kabbott@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	25 February 2021		
Applicant:	Merano Ltd T/a Brewhouse		
Premises address:	Ground Floor 52 Lupus Street London SW1V 3EE	Ward:	Warwick
		Cumulative Impact Area:	None
		Special Consideration Zone:	None
Premises description:	According to the application form, the premises proposes to operate as a coffee shop.		
Premises licence history:	This is a new premises licence application and therefore no premises licence history exists. The premises have had the benefit of Temporary Event Notices. Full details of these applications can be found at Appendix 3 .		
Applicant submissions:	None		

1-B Proposed licensable activities and hours							
Sale by retail of alcohol				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	11:00	11:00	11:00	11:00	11:00	11:00	11:00
End:	23:00	23:00	23:00	23:00	23:00	23:00	21:00
Seasonal variations/ Non-standard timings:			None				

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	08:00	08:00	08:00	08:00	08:00	08:00	08:00
End:	23:00	23:00	23:00	23:00	23:00	23:00	21:00
Seasonal variations/ Non-standard timings:			None				
Adult Entertainment:			None				

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Metropolitan Police Service
Representative:	PC Cheryl Boon
Received:	16 March 2021
<p>Application for a New Premises Licence Brewhouse Ground Floor 52 Lupus Street SW1V 3EE 21/01357/LIPN</p> <p>With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, are making a representation against this application.</p> <p>The venue is situated outside the Cumulative Impact Area and Special Consideration Zones but it is our belief that if granted the application would undermine the Licensing Objectives in relation to The Prevention of Crime and disorder.</p> <p>I would like to propose the following conditions that if agreed to would be added to any future operating schedule:</p> <ol style="list-style-type: none">1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance. 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.2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police Officer or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.3. The consumption of alcohol on the premises shall only be to persons seated at table. Food will be available throughout the trading period.4. The supply of alcohol for consumption on the premises shall be by Server, Waiter or Waitress service only.5. 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.6. 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 Hologram7. 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.

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

9. 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.

10. There shall be no self-service of Alcohol.

11. Sales of alcohol for consumption off the premises shall be in sealed containers only, save for any external seating area shown on the plan.

12. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables and ancillary to their meal.

Please let me know whether you are willing to agree to the conditions that Police are proposing as this may enable us to withdraw our representation. If you have any questions about any of the above then do not hesitate to contact me.

Conditions were amended and agreed between the applicant and the Metropolitan Police Service and can be found at Appendix 4.

Responsible Authority:	Environmental Health Service
Representative:	Maxwell Koduah
Received:	14 April 2021

Ground Floor, 52 Lupus Street, London, SW1V 3EE

I refer to the application for a new Premises Licence number for the above-mentioned premises. 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 2021.

The applicant is seeking to supply alcohol for consumption "on & off" the premises Monday to Saturday 11:00 to 23:00 hours and Sunday 11:00 – 21:00 hours

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

1. The supply alcohol and 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 area

As presented, the application 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.

Conditions were amended and agreed between the applicant and Environmental Health Service and can be found at Appendix 4.

2-B Other Persons	
Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]
Received:	17 March 2021
Dear Committee As a local resident of 40 years I would like to object to this extension of licence for alcohol. The Prevention of Public Nuisance We live in [REDACTED] immediately opposite to the premises being considered. Our quiet street is a natural 'cut through' for people walking between Lupus St and the residential area in Churchill gardens. When people come out of drinking establishments they tend to speak and shout loudly and our road serves almost as a barometer of the numbers of drunk people. they linger in our road because it's a cul de sac and on a warm evening a pleasant place to hang around. People who have not been drinking speak naturally more quietly so it's no problem if they stand and chat. the issue is purely about consumption of alcohol.	
Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]
Received:	18 March 2021
I object to the granting of the Licence as a resident of a flat at [REDACTED] due to: 1. Public nuisance: the parade closes around 6pm to give residents a respite from noise and public nuisance. This will affect residents mental health and peaceful enjoyment of their homes due to music and increase of nuisance till late at night 2. Proximity of several schools. Granting of such Licence will not protect children from harm. 3. Closeness of tables near the private entrance to the flats will threaten the safety of the residents. 4. Granting of such licence will increase crime and disorder 5. Smoking of clients will affect the health of the residents of the flats above with open windows As such I object to the granting of the Licence Please confirm	
Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]
Received:	18 March 2021
I object to the granting of the Licence as an owner of a flat at [REDACTED] for the following reasons: 1. Proximity of several schools. Granting of such Licence will not protect children from harm. 2. Public nuisance: the parade closes around 6pm to give residents a respite from noise and public nuisance. This will affect residents mental health and peaceful enjoyment of their homes due to music and increase of nuisance till late at night 3. Granting of such licence will increase	

crime and disorder 4. Closeness of tables near the private entrance to the flats will threaten the safety of the residents.
 5. Smoking of clients will affect the health of the residents of the flats above.
 As such I object to granting such a Licence.

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Received:	18 March 2021

I object to the granting of the Licence as a resident of a flat at [REDACTED] due to:

1. Public nuisance: the parade closes around 6pm to give residents a respite from noise and public nuisance. This application will affect residents and their peaceful enjoyment of their homes due to music and increase of nuisance and smell till late at night
2. Proximity of several schools
3. Closeness of tables near the private entrance to the flats and crowding of a narrow pavement close to a busy junction and road crossing in both a NS and EW direction
4. Granting of such licence is likely to give rise to unruly behaviour on occasion
5. Smoking of clients will affect the residents of the flats above with open windows
6. This is just another attempt to gain permission for licensed premises with extended opening hours contrary to the wishes and well being of local residents. This application should be refused as have been earlier applications have been

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]
Received:	19 March 2021

I am writing regarding the new application which will affect residents in [REDACTED], which is for Brewhouse, at the corner of Lupus St & St George's Drive.
 I object to the plan to serve alcohol on and off the premises from 11 am - 11 pm Mon -Sat plus 11 am - 9 pm Sundays; the general trading which would commence at 8 am onwards for 7 days a week. The proposal to have background music; tables & chairs outside on both sides of the premises, along Lupus St & St George's Drive.
 If allowed this application, would probably change the nature of the retail parade substantially & it will also have an impact for residents in Neate House too, in terms of the late hours, noise, lighting and possible smoking. It's guessed that it will be especially difficult to open windows etc during late Spring through to Autumn. If drinking is allowed outside on the pavement till late, general public safety may also be affected.
 Yours sincerely,

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Received:	19 March 2021

I live in [REDACTED]. I write to oppose the external use of pavements by Brewhouse, at the corner of Lupus St and St George's Drive.
 The serving of alcohol and sound of music outside, plus smoking will cause considerable

unpleasantness for residents.

At the moment we already have groups of standing coffee drinkers outside the Portuguese Deli below my flat. Their voices are clearly audible indoors.

Music and alcohol may be very tempting for the teenagers who pass by from school every day.

Please restrict this new development to indoor premises only.

Sincerely

Further correspondence received: I wrote to you earlier and now realise I made a serious error. With so many weeks of isolation and quiet I had completely forgotten one important fact about Neate House: that internally noise travels appallingly. Whenever someone has a party the whole block suffers. If the Brewhouse plays music loudly it will definitely disturb us all.

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]
Received:	19 March 2021

This application, for an alcohol licence to run seven days a week, mostly up to 11pm, is grossly out of proportion with the nature of the premises and its neighbours and way beyond anything that was suggested as intention when permission was first granted for the former shop to trade as a cafe.

We live in [REDACTED] the Brewhouse and are not at all opposed to commercial activities on our ground floor, plainly they're the lifeblood of Westminster. But the peaceful enjoyment of our homes will certainly be adversely affected if this licence and, especially, those hours, are allowed to go ahead.

As tables and chairs would be placed outside the likelihood is that people will sit there smoking producing a direct nuisance and hazard for the flats above with windows open, as they need to be for much of the year. There is also the obvious possibility of disorder outside our front door with alcohol involved. You have no right to inflict this upon us.

I suspect the owner may have asked for excessively long licensing hours so that he/she can be seen to make a concession by offering slightly reduced hours and thereby hoping to win the sympathy of the council.

The council must make an extra effort to counsel the views of immediate neighbours before it comes to any decision about this application.

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]
Received:	19 March 2021

I own a flat on the [REDACTED] and I wish to register my strong objection to this application to permit the consumption of alcohol in this establishment on the grounds of residential amenity. These include the detrimental effects on the amenity of residents in Lupus St and St George's Drive of noise and a threat to public safety. In addition, to approve this would be entirely inconsistent with previous licensing and planning decisions, both historical and very recent.

Permitting the retail outlet in 52 Lupus St to operate effectively as a cafe/wine bar/ pub would be detrimental to what is a residential block of flats and be a radical departure from previous practice in the parade of shops. The premises have previously operated as a small supermarket (for a number of decades), a chemist and then a cafe. While the previous supermarket operated as an off-licence, the consumption of alcohol has never been permitted in the previous outlets or in the parade. Moreover, the proposed opening hours (from 8am to 11pm) are completely at

variance with previous practice and the other retail outlets. This application is further offensive since in proposing outside tables it infringes on a public right of way. Although it is understandable that because of Covid, this restriction has been temporarily relaxed, this application appears to propose a permanent loss of public amenity. This section of Lupus is very quiet and is mainly residential, as the recent (4 November 2019) planning decision (see below) confirmed, and if the business is allowed to operate as requested, it will entirely alter the character of the street.

All residents (and particularly those on the first floor) will be affected by noise from raised voices (inevitable when people have consumed alcohol) and by tobacco smoke from customers on outside tables. This will be particularly unpleasant from Spring and Summer in the evenings when residents need to open their windows to mitigate heat.

Undoubtedly there will also be noise (including background music) carrying from the retail premises themselves disturbing residents late at night.

The issue of public safety is also relevant. The opening hours will extend to 11pm, which means that residents may well be faced with intimidatory gatherings in the street late at night around their entrances on returning home. This is naturally of special concern to the elderly and to women.

With regards the protection of children there are 3 local schools nearby as well as a nursery. The proposal contravenes several policies of the Council, CS31 where the Council undertakes to reduce noise pollution, a particular problem within its boundaries. It Policy CS10 protects Pimlico residents against major shifts in the residential character. The operating hours proposed will mark a radical change in character because all other outlets close in the evening.

To permit this development would reverse decisions of Westminster's Licensing and Planning Committees in response to previous applications regarding this site. The Committee should note that a proposal regarding the same premises for extended hours was rejected by the Planning Inspectorate on grounds of residential amenity on 4 November 2019. Moreover, The very recent decision on the application of the neighbouring Portuguese delicatessen, Delicias, allowed an off-licence only, banning the consumption of alcohol on outdoor tables and restricting the hours of operation (Monday to Saturday closing at 8pm, and on Sunday at 6pm).

I ask that the Licensing Committee reject this application in its entirety.

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Received:	23 March 2021

Please see below my comments for the licensing application at Brewhouse on Lupus Street. I would be very grateful if these comments could be taken into consideration.

Kind regards,

[REDACTED]

I am a resident in the [REDACTED] the premises and am very concerned by this licensing application, and wish to object. The application is for the sale of alcohol on the premises, trading up to 11pm with seating both inside & outside on the pavement. The application if granted would permit the premises to operate essentially as a pub or wine-bar and if granted it would entirely change the nature & ambience of the neighbourhood. It would cause problems in terms of public nuisance, public safety and the protection of children, and would be seriously detrimental to residential amenity.

If granted, the proposals would cause a clear divergence in operation for the parade. This part of Lupus Street is mainly residential & is generally quiet in the evenings. The valued retail parade of shops under Neate House includes a carpet shop, florist, glass shop & recently a delicatessen. Of these, none is licensed for on-site sale of alcohol and as far as I know there has been no on-site sale of alcohol previously. Earlier on this site, there was a café, a few years

before, there was a pharmacy trading and before that, there was a supermarket which traded quietly - it had an off-licence, but no alcohol was served. Delicias the delicatessen further along the parade has recently been granted an off-licence, but on-site alcohol consumption is not allowed.

The hours are also concerning, and are entirely out of step with the rest of the parade. Most of the shops close at around 6pm; the delicatessen has been allowed to trade until 8pm but tables & chairs must be taken in at 6pm.

In terms of public nuisance, the proposals would certainly lead to an increase in noise for local residents. There would be noise from customers drinking at tables inside the premises & also from background music - this would undoubtedly cause noise issues for residents in the block above - Neate House is a 1950s build & has no sound insulation. There would also be noise from customers drinking outside - whether seated or standing - no indication appears to be given on the limit of customers & tables outside. The late hours will make it difficult for residents to sleep, and the noise from voices and music will certainly make it very difficult for residents living above and neighbours opposite to open windows during the Spring - Autumn period. There will probably also be noise from clearing up operations post 11 pm.

Furthermore, if the premises are open till late, the lighting outside & inside will cause a nuisance in terms of light pollution for residents opposite. Smoking from customers seated or standing outside will also cause a nuisance. There may also be a nuisance to the neighbourhood from increased litter from customers outside.

While the hours are up to 9pm on Sunday (rather than 11pm) they are still late, and this means that residents have no respite on any day.

It should also be noted that although the plans show outside seating, both on Lupus Street and St George's Drive, the pavement area is a 'deemed highway' on the grounds of being in public use for more than 20 years.

There are also issues for public safety: for example, the operation may result in large groups gathering outside, which could be a problem for local residents. Large groups, especially late in the evening, may become disorderly and anti-social, and could cause residents, especially the elderly or women, returning home in the evening to feel threatened. It should be noted that one of the doors to the block of flats is close to where tables & chairs would be positioned.

In terms of the protection of children, application site is close to three local schools and a nursery. It is also in a family residential area.

The application is also for the sale of alcohol off-site, but there are already a number of outlets up & down the street where alcohol is sold. I do not think a further outlet will help, and the increased availability of alcohol could lead to anti-social behaviour and disorder.

While this is a licensing matter, I believe that residential amenity is still relevant in this case.

Recently, a planning application (18/10574/FULL) was refused, and in November 2019, an appeal (APP/X5990/W/19/3234214) for the application on the same premises was refused on the grounds of adverse residential amenity. Residential amenity will be seriously affected if these proposals are allowed to proceed. I feel it is important that local residents should be able to enjoy the amenity of their homes, whether to work at home, or to relax, or sleep.

For these reasons I strongly object to this application and hope that the Council will listen to these concerns and refuse permission for these proposals completely.

Name:	████████████████████
Address and/or Residents Association:	████████████████████ ████████████████████ ████████████████████ ████████████████████
Received:	23 March 2021

I am a local resident ██████████ the premises & wish to object on the grounds of public nuisance - especially noise from customers inside & seated or standing outside the premises) & from background music. The section of the street is mainly residential & generally quiet in the evenings. There will also be a public nuisance to local residents from light pollution from the

operation & from increased litter on the streets. I also wish to object on the grounds of public safety - the operation could cause large groups outside and antisocial behaviour on the street. The late hours & increased availability of alcohol from on-site & off-site sales could also lead to anti-social behaviour. The late hours up to 11pm are completely out of step with the rest of the retail parade & will give no respite to local residents. I also wish to object on the grounds of protection of children - there are 3 local schools nearby & a nursery. Residential amenity will be seriously affected if these proposals are allowed to proceed. It is important that local residents should be able to enjoy the amenity of their homes, whether to work at home, or to relax, or sleep. For these reasons I strongly object to this application and hope that the Council will listen to these concerns and refuse permission for these proposals entirely.

Name:	██████████
Address and/or Residents Association:	██████████ ██████████ ██████████ ██████████
Received:	24 March 2021

I strenuously object to this application which would, if approved, transform a modest daytime cafe into a day and night public house, which would be entirely to the detriment of neighbours, myself included.

This licence would entirely change the nature of what has always been a predominantly residential area. The other shops adjacent to Brewhouse (carpet fitters, florist, glazier, delicatessen) all close by 6pm, allowing residents to enjoy a peaceful evening.

Serving alcohol until 23h six days a week and until 9pm on a Sunday, particularly with extensive outdoor seating (which of course will increase post Covid) will be noisy, intrusive and can lead to anti-social nuisance. There are enough problems with violence already (a stabbing incident happened only last week further along the same street) without alcohol on tap 12 hours per day. I therefore ask the Council to reject this application.

Name:	██████████
Address and/or Residents Association:	██████████ ████████████████████ ██████████ ██████████
Received:	25 March 2021

I am a nearby resident of Brewhouse and I wholly object to this application for the following reasons:

- I have been a resident of ██████████ since 2000 and chose it because of the quiet and predominantly home-based occupation. We have already had an ongoing noise issue with Delicias in Lupus Street since it moved into its location in November. Adding yet more noise, especially into the evenings is yet another deterioration of our well being, peace and although difficult to prove - the value of our homes.
- Brewhouse has already placed tables and chairs outside their shop which takes up what is already a narrow amount of footpath on what is a very busy corner/intersection with significantly more road traffic than what it was as recently as a couple of years ago. Since the embankment has been narrowed down, a lot of traffic now comes through the St Georges Drive and Lupus Street routes. Particularly when customers of Brewhouse have push chairs, children and move the tables and chairs further out, it creates significant risk for them and those who use the footpath. With lock-down in particular the amount of foot traffic concentrated in that area has been much higher.
- Increased smoking and the likelihood of rowdier conversation and customers if an alcohol

licence is permitted will be felt by nearby residents, even more so in warmer months when they wish to open windows.

- the playing of music really would be an unacceptable externality cost that we as residents would have to bare.

- Brewhouse has never shown its internal space to be over run so I fail to understand why they should be expanding when they can't even fill what they have. They might think outdoor seating and alcohol service will increase their business, but I seriously doubt it will increase their margins to a material extent. Yet the impact and cost to us as residents would be material.

I know other residents have similar views, so I hope that WCC will seriously re-consider

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Received:	26 March 2021

My concern about this application relates largely to the issue of public nuisance. Given the residential nature of [REDACTED] a license for alcohol, background music and outdoor seating will cause a nuisance to the residents of Neate House, to their guests and to the public using the busy pavement outside Neate House.

Plainly the risks to public safety will be increased if an area which is currently residential and quiet, despite being a busy thoroughfare, becomes an area where drinkers gather, parties are held and the thoroughfare is obstructed.

It is difficult to see how a license is compatible with the nature Neate House. I trust therefore that you will turn down this application.

I am writing to object in the strongest possible terms to the new application by the Brewhouse, for a license to serve alcohol from the shop in Neate House on the corner of Lupus St & St George's Drive.

It would be wholly inappropriate for this shop which is below a block of residential flats to be permitted to sell alcohol, have background music or outside seating.

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]
Received:	29 March 2021

I object strongly to this application. It appears that the applicant wishes to run the premises effectively as a bar or public house. I would make the following observations:

- The hours applied for are antisocial (till 11pm Monday to Saturday, 9pm on Sundays) and are wholly inappropriate for a quiet residential block).

- The hours applied for are out of keeping with the current, much shorter trading hours of the premises currently, and of other premises in the building.

- The nature of this business will demonstrably cause noise and physical intimidation to residents of Neate House, as the residents' entrance is immediately adjoining the premises.
- The premises are within c.100m of two schools, and a public library where school age children congregate on a regular basis. Consumption of alcohol in view of these institutions would not be compatible with the 2003 Act's objective of protecting children from harm.
- The premises appear to have contravened licensing requirements by selling alcohol without a licence as recently as this year. The applicant is therefore not a fit person to be entrusted to execute the conditions of a licence.
- The undertakings being proposed by the applicant to manage risks are generic in nature and it is not clear that they have specific plans to execute them.

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

Received:	31 March 2021
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Public Safety

Selling alcohol all day from 11 am to 11 pm will mean the place could be operated as a pub or bar. Intoxicated patrons late at night will be a frightening presence for residents of Neate House and anyone who passes by. I live opposite and the prospect of all-day drinking and the inevitable anti-social behaviour is a menacing prospect for any residents living close to the premises.

Prevention of Crime and Disorder

Wherever there is alcohol there is violence and aggression. This is a Local Area Shopping street and is residential on both sides of the street. The granting of an on-license would set a dangerous precedent for this street which is very quiet in the evenings.

The Protection of Children from Harm

The idea of children passing drinkers at outdoor seating is unsavoury. There are two primary schools and a large academy in close proximity to the premises. The children pass by this shop every day on their way to and from school. This should not be permitted.

Public Nuisance

Where to begin on this one! The shop is directly beneath a block of 12 residential flats with windows only a few feet above the pavement. The applicant wishes to place outdoor seating beneath these residential windows. Noise and smoking will deprive residents of the right to open their windows. Packing up at night is likely to be noisy and carry on after closing time. Any nuisance on the Neate House parade will also affect residents in the terrace opposite. The shop will open at 8 am and trade until 11 pm which is a total of 15 hours of nuisance. Music is also intended to be played. This will deprive residents of the rest and relaxation they are entitled to. Lights inside the shop will show through the very large windows at night and intrude into other properties.

The prospect of a bar or pub operating in this residential area is appalling. I wish to object in the strongest terms. Please do not grant an on-license in this case.

Name:	[REDACTED]
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Address and/or Residents Association:	[REDACTED]
Received:	1 April 2021
<p>Dear Westminster Licencing Team</p> <p>Further to the below, I wish to draw attention to specific details of the application that illustrate additional cause for concern and that subsequently constitute grounds for its rejection:</p> <p>The plans show an outside area on both frontages of the premises to be considered part of the 'licensed premises' and so an 'on' sale not an 'off' sale area.</p> <p>The proposed hours of operation are therefore of great concern given the aforementioned family residential nature of the area. The proposal addresses sales as well as off sales and there is a distinct lack of detail about the outside areas and where will off sales be consumed.</p> <p>There is no precedent for an 'on sales' operation at the site and it is likely to be a precursor for a public nuisance in this residential area, promote crime and disorder by the gathering of intoxicated individuals on the street nearby and cause public harm.</p> <p>Regards</p> <p>01/04/2021 9:14 PM This area is a quiet, family neighbourhood with a distinctive peaceful, residential character, which is the reason many individuals and families have chosen to move to and raise a family here. It is located at the end of a wholly residential street.</p> <p>There are no late night licenced premises nearby. This would be completely out of character and harmful nuisance to local residents in terms of noise, large groups of people and rowdy behaviour. There is a risk Intoxicated individuals would loiter in the vicinity and cause a public nuisance.</p> <p>At the heart of the local community, the longstanding neighbouring public institutions include the local library, nursery school, primary and secondary school. The sale of alcohol at this location would set a bad example to children and young people who frequent this area with the likelihood of causing them harm.</p> <p>It is also in close proximity to the community GP surgery and pharmacy, which serves the community including individuals being treated for alcohol abuse-related conditions. There is sheltered accommodation for some of these individuals very close by on St George's Drive. Their safety and wellbeing would be put at risk.</p> <p>The safety of this family area is a major concern for residents in light of the recent increase of crime, including a stabbing on this very street, just a few weeks ago, and other violent crime in the vicinity. The promotion and consumption of alcohol, and the encouragement of people to gather while intoxicated would serve to increase crime and disorder at a sensitive time for the community.</p> <p>To summarise, I believe licencing this premises would:</p> <ul style="list-style-type: none"> - Create a grave public nuisance - Promote crime and disorder - Be a risk to public safety - Be a threat to children and young people <p>The business is currently operating as a popular cafe serving the community and I wish the owners all the best with this.</p>	
Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED]
Received:	5 April 2021
<p>The Brewhouse is situated on the corner of Lupus Street and St Georges Drive, within the Pimlico Conservation area. This residential area is characterised by rows of terraced stucco-fronted housing, providing a peaceful and harmonious environment for its denizens.</p>	

Name:	████████████████████
Address and/or Residents Association:	████████████████████ ██████████ ██████████
Received:	15 April 2021

I am writing regarding the above application as a concerned neighbour from ██████████, ██████████.

The licence has previously been rejected for these premises and the circumstances have not changed. This is a quiet residential neighbourhood ideal for families with kids and licensing these premises will undermine the quiet and safety of the area particularly since the owners have requested outdoor service.

In any case, these premises are directly opposite Pimlico primary and secondary academies as well as a nursery. A licensed premises so close to children would set a bad example and may incite teenagers to drinking. To protect children it is best if these premises remain a friendly neighbourhood cafe.

Here are my representations against the objectives:

1. Prevention of crime and disorder/ 2. promotion of public safety

- Venue is asking for late licensing hours and outdoor service, which would result in drunk and disorderly conduct in the area. This would add to the current uptick in violent crime on Lupus street and surrounding area.

3. Prevention of public nuisance

- Venue is asking for late hours and outdoor service, which would result in drunk people congregating outside and talking in loud voices as is common around pubs. This is a quiet residential neighbourhood with period windows, so the noise would be a nuisance to the local residents.

4. Protection of children from harm

The venue is directly opposite Pimlico Academy and Primary School, Eton Square Nursery and Churchill Garden Primary Academy. Children congregate close to the venue and pass it on the way to Tesco when going for a snack. Having a licensed venue so close would be a bad example for the children and may encourage them to drink alcohol. Further large groups of drunks would intimidate and potentially harass the pupils.

Kind regards,

████████████████████

- Prevention of crime and disorder,
- 2. Promotion of public safety,
- 3. Prevention of public nuisance, and
- 4. The protection of children from harm

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Received:	15 April 2021
<p>The Application is incomplete. The Applicant has failed to supply an Operating Statement and a plan of any interior and exterior seating and the number of covers proposed. No Noise Impact Assessment has been provided. The percentage of alcohol sales on and off the premises is not stated. Will the sale of coffee be ancillary to the sale of alcohol? This information must be supplied before an informed decision can be made.</p> <p>PREVENTION OF CRIME AND DISORDER</p> <p>There is a realistic expectation that a business selling alcohol for consumption on and off the premises throughout the day from 11 am until 11 pm at night will be conducive to rowdy and anti-social behaviour. The Application shows that the business could be operated as a pub or a bar. The Applicant imagines his staff can control the behaviour of inebriated patrons late at night. Recent history shows off-licenses along Lupus Street i.e. Wine Rack and Tesco have both had problems with customers when refused service. The solution is not to exacerbate the matter by granting an on-license.</p> <p>PUBLIC SAFETY</p> <p>As the evening progresses, inebriated patrons seated both indoors and outdoors or standing or seated on the public pavement will be intimidating for passers-by and residents of Neate House entering and leaving Flat nos:1-6 through the door abutting the premises. A coffee shop does not attract the same type of customer that an all-day drinking hole will do. On the Companies House website the Applicant's occupation is stated to be 'publican'. Therefore it is clear that Brewhouse is not merely a coffee shop but will be operated with full license to trade as a pub or bar with all the accompanying problems. This tallies with the Applicant's previous track-record operating chains of vodka bars and pubs.</p> <p>PROTECTION OF CHILDREN FROM HARM</p> <p>There is a serious absence of information here. The Applicant states that the business is a coffee shop but he requires both an on-license and an off-license for the sale of alcohol. Parents and children currently patronise the coffee shop - so at what time of day will alcohol commence to be sold and children be excluded from the premises? How is this possible with an all-day on-license?</p> <p>The shop is situated in close proximity to two primary schools: Pimlico Primary and Churchill Gardens Primary Academy in addition to Pimlico Academy. These are all within a few hundred yards of the premises. Primary School children pass the shop when walking to and from school. The sight of drinkers at outside tables is not an acceptable example for young children to witness on a daily basis.</p> <p>PUBLIC NUISANCE</p> <p>Residents are anxious to ensure the Committee pays particular attention to the following and to the Statement of Licensing Policy 2021 at PN1 which requires relevant considerations to be paid regarding nuisance where there is residential accommodation in proximity of the premises. See</p>	

PN1 (1) (2) (3) and Appendix 11.

This business will operate directly beneath and opposite residential properties. Lupus Street is very quiet in the evenings as noted by the Appeals Inspector in the recent APP/X5990/W/19/3234214 – Cafe de Borek, 52 Lupus Street which intended to trade from 10 am to 10 pm:

'Noise and Odour

17. There are residential properties directly above and opposite the appeal premises and during my site visit, I did not note any evening or late night uses in the immediate vicinity. Although situated on a fairly busy road I would therefore expect pedestrian and vehicular activity to reduce and the area to be quieter throughout the evening.

18. Noise is likely to result from customers arriving at and departing from the appeal premises, talking and possibly congregating in groups on the footway outside. In addition, noise may well arise from staff legitimately engaged in activities such as clearing away and locking up the premises at closing time. Such noise will occur directly beneath the windows of the upper floor flats and in close proximity to other neighbouring residential properties. This will be more intrusive in the evening when background noise levels are likely to be lower. Residents have a reasonable expectation that their living accommodation should be quieter at this time: indeed, I note representations from neighbours in this regard.

19. For the reasons set out above I conclude that the development has a harmful effect on the living conditions of the occupants of neighbouring residential properties with regard to noise and local environmental quality.

24. The current use of the appeal premises may well provide a valuable community and social facility for all its customers. However, the adverse impacts set out above outweigh any such benefits.'

Neate House is not sound-insulated and cannot withstand the inevitable noise nuisance the granting of an on-license will cause. 'Background music' is proposed which will increase public chatter as the evening proceeds. Smoking beneath residential windows is an environmental health issue which will prevent residents above from opening their windows.

These windows are only a few feet above pavement level. The pavement seating on the Lupus Street and St George's Drive sides of Neate House completely surrounds both sides of the corner flat directly above so that the resident has nowhere to go to escape the noise and smoke rising from beneath. (Photos pages 5 & 6).

The Applicant has placed 6 tables with 3 chairs each on Lupus St and 3 tables with 3 chairs on St George's Drive and with the 25 he proposes inside the shop this makes a total of 52 seats. (Photos pages 5 & 6). This overwhelms the area and is an eyesore in the Pimlico Conservation Area to the detriment of residential amenity and the surrounding neighbourhood.

The proposed pavement seating will cause an obstruction on the public highway and is not at the required 1.8 m distance from the kerb. Patrons frequently reposition the seats. (Photo page 7). It is too close to pinch points at a 20 mph traffic speed sign, a lamp standard and to two Pelican crossings. These are used by primary school children who will pass patrons drinking on the pavement. (Photos pages 8 & 9). The previous lessee introduced such seating and received an WCC Enforcement Notice to remove it.

The Applicant lays claim to the forecourt of the premises but under Section 31 of the Highways Act 1980 it has been in uninterrupted public use for over 40 years and is therefore deemed highway.

The premises are surrounded by floor-to-ceiling glass windows on both Lupus St and St George's Drive. The light spill late at night will be of particular nuisance to residents in the terrace immediately opposite where there are living rooms and children's bedrooms.

The new Delicias delicatessen only two doors away at 58-60 Lupus St has (with residents' strong opposition) been granted an off-license to trade until 20:00 hrs with conditions that no alcohol may be consumed on the premises or on the forecourt and pavement seating must be removed by 18:00 hrs and fascia lights turned off. There is no justification for an exception in this case.

What happens on the Neate House parade has the disadvantage of being audible, visible and inescapable for the residents in the terrace opposite. This is due to the windows of pavement level commercial units being face-to-face with pavement level residential windows immediately opposite. A situation which does not exist in any other section of Lupus Street.

This Local Area Shopping Centre is largely residential. This proposal will totally change the tone and character of the neighbourhood to its detriment and is harmful to residents.

The policy to support the local economy has overlooked the need to protect local residents who since the introduction of Use Class E have become an irrelevance in their own homes.

I therefore request that this application is **REFUSED**.





Further submissions received from the Interested Party on 25th April 2021.

Further to my email and attachment submitted on April 14th 2021 in objection to the above application (acknowledged April 15th) I am submitting further material following current

developments at the Applicant's premises.

PREVENTION OF CRIME AND DISORDER

The photograph on page 3 shows that the tables and chairs formerly situated on St George's Drive have been relocated on to Lupus Street and there are now 9 tables and 18 chairs crammed onto the pavement causing severe overcrowding. The Applicant has no pavement license and this was reported as long ago as August 19th 2020.

Lupus Street is not a designated area for the temporary relaxation of outdoor hospitality seating during the Covid emergency.

It is the Applicant's intention to provide alcoholic drink both indoors and outdoors and the proximity of patrons so closely packed is an invitation to anti-social behaviour.

PUBLIC SAFETY

The photograph on page 4 shows that Brewhouse customers are using the public highway to park bicycles against the Pelican Crossing preventing public access to the push-button control panel. This is a serious concern for public safety.

The photograph on page 5 shows that table service is in progress and the waitress is using the public highway to reach the tables. This is a health and safety issue as liquids are being served and this is causing an obstruction to passers-by. If an on-license is granted this will become a matter for serious concern when alcohol is served.

PUBLIC NUISANCE

The conversations and mobile calls of customers seated outside the premises can be clearly heard from within my property. This is an inescapable nuisance and alcohol will encourage patrons to talk over each other thus depriving residents of the quiet they are entitled to expect during the evenings.

Please refuse this application.





Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED]
Received:	15 April 2021

[REDACTED] object to this licensing application, as submitted, for ON and OFF Sales of alcohol.

[REDACTED] is an umbrella company representing c16 individual Residents Associations wholly located within Pimlico, and is recognised and respected as a formal, official "Consultee" body.

It is rare for [REDACTED] to comment on a licensing application, but we are doing so exceptionally on account of severe concerns about the loss of residential amenity to the block of flats immediately above the premises and other impacts.

In summary we believe that granting a licence for ON and OFF sales, except for very limited shop hours, could result in a bar/pub with outside tables and evening drinking under and adjacent to residential units with a substantial loss of amenity to those residents who expect the ground floor to be occupied by shops.

Included in this representation are references to the Council's Statement of Licensing Policy, 2021 (SoLP).

The licence, if granted as applied for, will **not** promote the 4 licensing objectives of:

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

Location
Pimlico is widely acknowledged to be primarily residential area in nature in Westminster with a "village" feel.

The ground floor, 52 Lupus Street, is the last shop unit to the East within the linear “Lupus Street Local Shopping Centre” located on the North side of Lupus Street. This short parade of shops, 52-62 Lupus Street has 3 floors of residential apartments above, Neate House, with residential immediately adjacent on St George’s Drive and opposite from basement upwards. Neate House is expressly listed in the Pimlico Conservation Audit document as an “unlisted building of merit”. See Appendix.

As a non-core frontage within a “local shopping centre” it ranks next to the bottom of the Town Centre Hierarchy retail space as set out in Westminster’s City Plan (sitting immediately above the lowest category – individual corner shops).

52 Lupus Street lies within Pimlico CAZ (non Core frontage) and is wholly situated within the Pimlico Conservation Area. See Maps within the Appendix.

No 52 is a corner property at the busy junction of Claverton Street, Lupus Street with a return frontage on St George’s Drive, opposite Pimlico Academy and Pimlico Primary School and adjacent to two busy Pelican crossings (St George’s Drive and Lupus Street).

It is simply the wrong location for an alcoholic establishment.

Background. Licensing & Planning History

For many years, the unit was a convenience store, a local corner shop, closed August 2014. Then the ground floor became Gees Chemist (2014-2017) and most recently a “shop” trading as Café de Borek (Sept 2018 – Nov 2019).

The current occupiers trading as Brewhouse opened August 2020.

The basement is currently occupied by a Physiotherapy practice.

The current occupier and licence applicant is Merano Ltd t/a Brewhouse, incorporated 31/1/2018 with Mr Gary Hibberd as sole registered director according to Companies House.

It is a coffee shop. According to their website, the trading hours are from 8am – 6pm daily, however Instagram and their own Brewhouse website has the coffee shop closing at 4.30pm.

Licensing History

As a local corner convenience shop (closed August 2014), the premises benefitted from an **off sales alcohol licence only**, as ancillary to the sale of usual corner shop goods.

Most Recent Planning History

Although the recent revision of the Use Class Order has propelled this unit into the new Use Class E, allowing the operation of the premises as a café, the past planning decisions – all refused : 2 at WCC planning committee hearings AND on appeal by the Appeals Inspectorate (25/11/2019), remain relevant due to the explained reasons for refusal.

18/10574/FULL. Use of Ground Floor as sandwich bar and café (Sui Generis) (Retrospective). Dated 14/12/2018. Refused.

This decision was appealed to the Planning Inspectorate.

Reference 19/00748/TPREF. Appeal Dismissed.

Reasons for this dismissed appeal were:

- 1) Land Use (revisions to the Use Class Order have made this reason “redundant”)
- 2) **Impact on residential amenity. Still relevant. Refer to extract from Planning Inspectorates decision in appendices.**

18/02472/FULL. Use of Ground Floor as a mixed retail/restaurant use (Sui Generis) with new ducting at the rear and retractable awnings to the front and side elevation”. Dated 27/3/2018 Refused at committee hearing.

18/02473/ADV. Display of 3 no. Externally illuminated fascia signs. 27/3/2018.
Permitted. (But not implemented).

The Application

As it is written, the licence application, if granted, would permit the premises to operate as a pub/wine bar/drinking establishment ON and OFF premises. (Notwithstanding necessary planning permission – change of use from Use Class E to “Sui generis”)

The applicants, Merano Ltd, wish for both **ON and OFF alcohol sales from 11am to 11pm daily** (until 9pm on Sunday) and **include the use of an outside area for tables and chairs for drinking alcohol.**

The application is deficient in detail.

The following reports must be provided by the applicant for consideration in accordance with WCC SoLP:

- Operational Schedule & Statement
- Waste Management Plan/Schedule
- Inside seating plan (stated 25 covers)
- Outside seating plan (in accordance with WCC guidelines), currently operating 26 covers.
- Acoustic/noise report
- Policy to protect children from harm
- Policy to protect residential amenity

No reference is made to the “type” of alcohol to be sold or served. No mention of type of containers, draught? ABV?

It appears that either an “on” or “off” premises licence (or both) for this coffee shop/café UNTIL 11PM will result in an “alcohol led premises” rather than a business with an ancillary offering of alcohol.

It should be noted that according to the Brewhouse (Pimlico) Facebook page, the premises is referred to as a bar.

Reasons for Objection

Public Safety

The location of the café is wholly unsuitable for an on premises licence. The positioning and use of the public highway for tables and chairs so close to two pelican crossings and other street furniture will cause an obstruction to pedestrians. No plan is provided. In particular no measurement is given regarding the close 20mph speed sign (within 1.8m), the street light and Pelican crossings. These Pelican crossings are regularly used by primary school children in their classes, in pairs, escorted by their teachers.

The premises are directly below, opposite and adjacent to residential units.

No plan is provided illustrating the extent of the pavement that will be used, nor the number of proposed covers nor where the tables and chairs will be stored overnight.

The applicant includes an extract from the Land Registry in order to illustrate a “private forecourt” with the clear intention to use it for the consumption of alcohol.

The applicant has placed 9 tables with 26 chairs outside the premises. (During Coronavirus pandemic). This is excessive and may be considered overcrowding with the potential for crime and disorder, public safety issues etc.

Deemed Highway

However, this area is considered “deemed highway” under S31 Highways Act 1980 as it has been used and accessed by the public for well in excess of 20 years.

The use of the outside area and placement of tables and chairs has the potential to block the access to the Neate house apartments on the upper floors and obstruct any emergency evacuation (against. PS1). Indeed the Land Registry plan submitted actually includes the entrance to Flats 1-6 Neate House!

Prevention of Crime and Disorder

Any consumption of alcohol, especially later into the evening/night has the acknowledged potential to lead to an increase in crime and disorder. Of the c370 crimes committed in February 2021, within 0.5 of a mile, over half related to anti-social behaviour.

Licensing Hours

The hours applied for are excessive, until 11pm. Similar to pub opening hours. The proposed hours are significantly at odds with the coffee shop/café actual trading hours.

All the shops in this parade, including the application premises, close at 6pm at the latest. Therefore this application is against **HRS1 (E14) “Applicants are encouraged not to apply for later hours than they will in fact trade.”**

Protection of Children from Harm

No operating schedule is provided nor any policy supplied to protect children from harm.

It is inappropriate to have an **all day** drinking establishment so close to 3 schools in a residential area. Two schools, Pimlico Academy and Pimlico Primary are immediately opposite the premises with Churchill Gardens Primary Academy a stones throw away. See Map.

As mentioned above, the two adjacent Pelican crossings are used by primary school children, in pairs, in “crocodile” formation supervised by their teachers. (See photos)

Children will be exposed to potentially increasingly rowdy noisy customers outside, drinking and smoking all day. See photos.

The licence, as applied for, could result in a premises that “morphs” into a bar (alcohol led premises) later in the day. There is no policy provided to protect children eg a time when, say under 16s will not be permitted at the premises. (Contrary to CH1 and COMB1).

Public Nuisance

This application fails to promote the prevention of public nuisance. Policy PN1 is a key consideration.

“The potential for nuisance associated with the style, characteristics and activities of the business to be carried on at the premises and the potential steps which could be taken to reduce the risk of nuisance occurring. This will particularly apply in areas of residential accommodation and where there is residential accommodation in the proximity of the premises.”

The application fails to illustrate and promote/comply with SoLP PN1 (C14, C15, C16, C17, C18, C22)

The applicant has failed to provide any plan/policy to protect residential amenity and avoid public nuisance.

Waste Management/Recycling/Service Plan

There is NO waste/recycling operational statement included in this application.

Imagine the noise of glass bottles being thrown into a metal bin in a residential area at 11.15pm!

Waste collection and recycling collection has the potential to cause a nuisance. There are no proposed conditions, so does the applicant intend to use the City Council waste service?

Operating Schedule

None provided. Is this a Shop? Café? Restaurant? Bar? Pub?

The licence application as it stands would mean the premises could operate as an all day

drinking establishment with 25 covers inside with a further 26 outside.

Environment & Noise

No acoustic/noise report is provided. However such a report should accompany this application.

See Licensing Policy, Appendix 11. (5)

“All applicants must provide a statement demonstrating how they do or do not comply with the following criteria. A noise report will not usually be required where all the following criteria are met”.

The following stipulated criteria is NOT met.

(D) There are no noise sensitive properties above below adjacent opposite in the proximity of the premises or otherwise likely to be affected.”

The premises are situated immediately below residential accommodation “Neate House” with more residential properties opposite and adjacent. Therefore classed as “noise sensitive properties”.

Local residents have a reasonable expectation (and a legal right) of “quiet enjoyment”.

In Summer 2018, the then occupants of this shop placed tables and chairs outside. This resulted in many complaints of both noise and customers/staff smoking outside with residents unable to open their windows due to “second hand” smoke. These complaints are documented in the planning sub-committee reports and actioned by local Councillors. The placement of tables and chairs outside the premises was refused by WCC.

The potential for noise nuisance and negative impact on residential amenity was highlighted by the independent Planning Appeals Inspectorate in the written report dated 25/11/2019. The impact on residential amenity was one of the reasons why the appeal was dismissed. Extract attached. Reference 19/00748/TPREF.

In addition to general chatter/mobile phone usage and smoking nuisance, the applicant also wishes to play “background music”. This also will create noise nuisance. Neate House has no sound insulation and noise will be transmitted through the fabric of the building.

Off Premises Alcohol Sales

Pimlico [REDACTED] fail to understand how off licence sales of alcohol can be ancillary to a coffee shop.

There are numerous shops within the Lupus Street Local Shopping Centre, including a Tesco Metro, a mini supermarket and delicatessens where it is possible to purchase alcohol “off premises”. All alcohol sales are ancillary to their main business.

The most recent licensing decision (at WCC Committee hearing), in January 2021 relates to 58-60 Lupus Street, a delicatessen, just a couple of doors down from this premises application. An “off” premises only licence was granted until 8pm (as ancillary use) with strict conditions.

All tables and chairs (permission granted but limited to 4 tables and 8 chairs) to be removed from outside and stored inside by 6pm.

All external lights to be turned off by 6pm.

No noise/vibration nuisance to residents.

These conditions were imposed to protect residential amenity and residents well being.

Conclusion

This residential location is totally unsuited for either an on or off premises licence.

The resulting nuisance will totally change this parade of non core frontage and severely impact on residential amenity.

A premises licence may turn this coffee shop into a bar.
Please refuse this application.

Name:

[REDACTED]

Address and/or Residents Association:

[REDACTED]
[REDACTED]
[REDACTED]

Received:

15 April 2021

I am writing in relation to a representation in respect of a new premise license application under The Licensing Act 2003, Applicant Merano Ltd T/a Brewhouse at the location Ground Floor, 52 Lupus Street, London SW1.

Granting a license for this premises will not promote licensing objectives, particularly, the prevention of public nuisance, the prevention of crime and disorder, public safety, and the protection of children from harm.

52 Lupus Street lies within the Councils Cumulative Impact Area and enabling the premise to sell alcohol would be totally detrimental to its aims and objectives. The application proposes that alcohol will be sold for consumption both on and off the premises between 11 am -11 pm Monday - Saturday and 11 am - 9 pm Sunday. This would provide a further source of alcohol within an area already so heavily populated with licensed premises.

My children in the past year, have witnessed a customer urinating on a tree opposite and on two occasions resisting arrest, both of which had to be restrained on the pavement outside the premises. They even saw customers punch the manager of the premises in the face. This is all without alcohol involved. The people frequenting this business do not know how to behave and are not aware of their actions.

The area surrounding the premises is quiet and residential (especially during the evening) and the noise from customers arriving or leaving is likely to have a negative impact, not to mention when alcohol consumption is introduced.

There is also the issue with the lack of detail regarding the outside areas and whether or not they are included within the 'on' licensed area. There is also no mention as to the capacity, whether people would need to eat or whether smoking would be permitted. Due to the proximity of residents opposite the proposed outside areas, this is likely to further impact the local residents throughout the daytime and into the evening.

Residents in this area already suffer noise nuisance and antisocial behaviour at all hours of the day and night and it is unacceptable to expect them to continue to do so.

As with the issues relating to the proposals of 'off' sale of alcohol and the hours, there is a further likely effect as to the protection of children from harm. There is a school close by and children walk around the area.

Ultimately, under the current proposal, the premises could operate as a bar. A previous owner of the premises had an 'off' licence which did not cause any additional problems; however, I think that this was because the owners were aware of their responsibilities and acted responsibly. There are now plenty of premises with 'off' licences and there is no need for a further one in Lupus Street.

If the granting of an off license did not encourage licensing 'creep', it might be acceptable, but I must point out the absence of meaningful conditions proposed in the application to mitigate concerns and address the obvious issues of the proximity of residential properties.

3. Policy & Guidance

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

Policy HRS1 applies

- A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.
- B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:
1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm.
 2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation.
 3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed.
 4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.
 5. The proposed hours when any music, including incidental music, will be played.
 6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises.
 7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.
 8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.
 9. The capacity of the premises.
 10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation.
 11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.
 12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.
 13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.
 14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation

	<p>applications.</p> <p>C. For the purpose of Clauses A and B above, the Core Hours for this application for each premises use type as defined within this policy are:</p> <p>8. Restaurants Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am.</p> <p>D. Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.</p> <p>E. For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement.</p>
<p>Policy RTN1 applies</p>	<p>A. Applications outside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities being within the council's Core Hours Policy HRS1. 3. The applicant has taken account of the Special Consideration Zones Policy SCZ1 if the premises are located within a designated zone. 4. The application and operation of the venue meeting the definition of a restaurant as per Clause C. <p>B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities are within the council's Core Hours Policy HRS1. 3. The applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone. 4. The application and operation of the venue meeting the definition of a restaurant as per Clause C. <p>C. For the purposes of this policy a restaurant is defined as:</p> <ol style="list-style-type: none"> 1. A premises in which customers are shown to their table or the customer will select a table themselves to which food is either served to them or they have collected themselves. 2. Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at a table. 3. Which do not provide any takeaway service of food and/or drink for immediate consumption. 4. Where alcohol 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 alcohol by such persons is ancillary to taking such meals. 5. The sale and consumption of alcohol prior to such meals may be in a bar area but must also be ancillary to the taking of such meal.

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

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

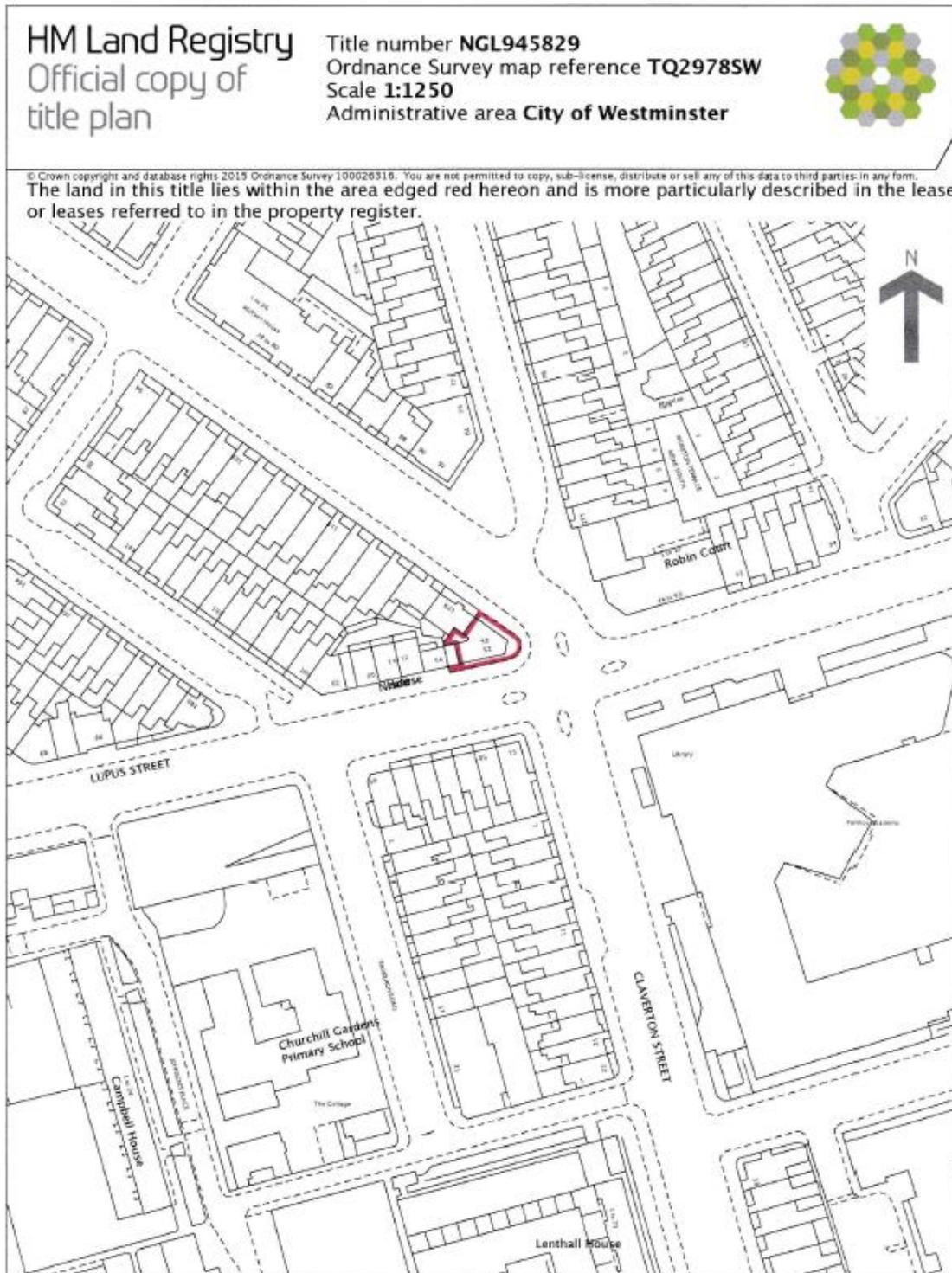
Report author:	Karyn Abbott Senior Licensing Officer
Contact:	Telephone: 07866 019698 Email: kabbott@westminster.gov.uk

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

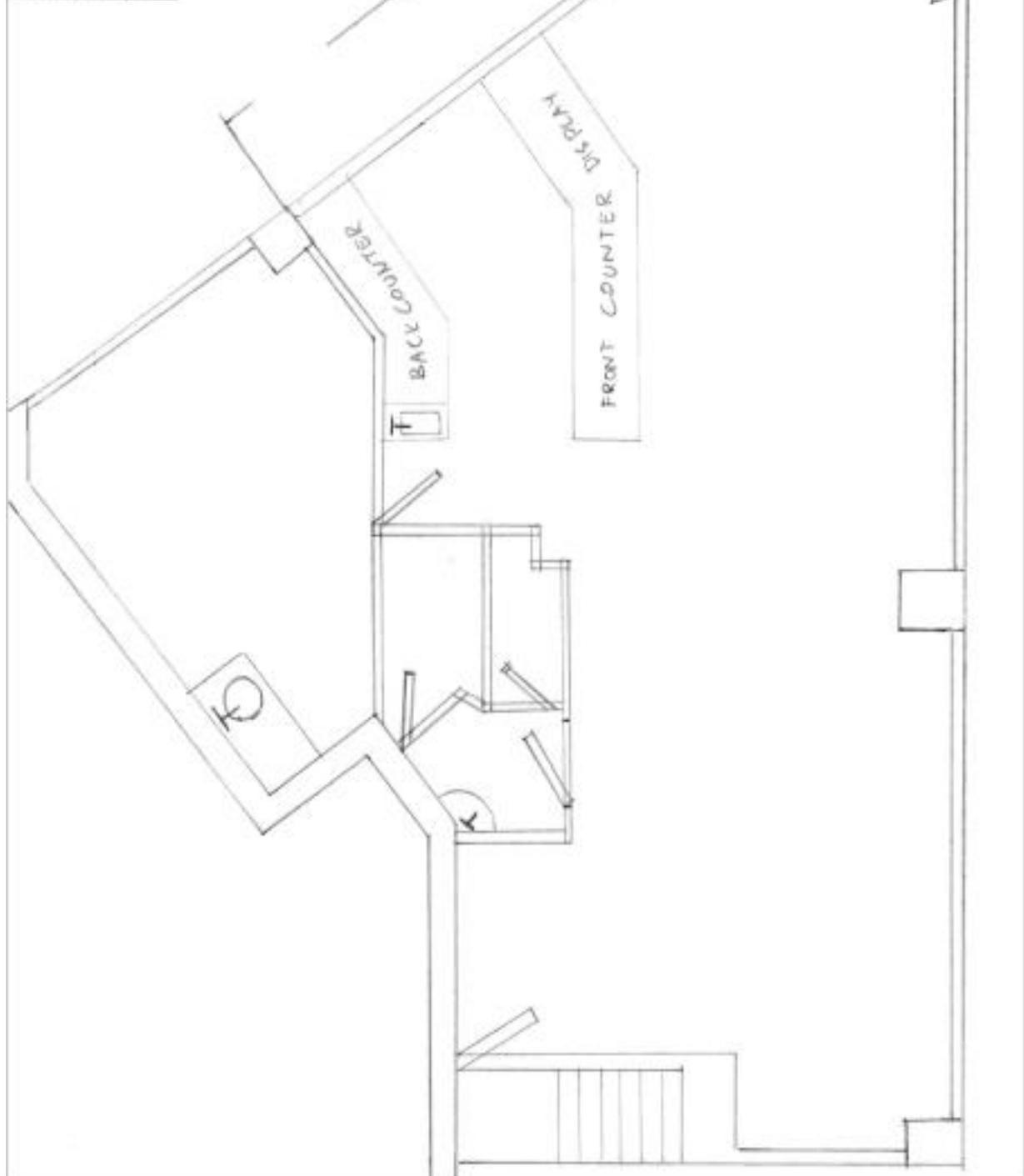
Background Documents – Local Government (Access to Information) Act 1972

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Metropolitan Police Service	16 ^h March 2021
5	Environmental Health Service	14 th April 2021
6	Representation 1	17 ^h March 2021
7	Representation 2	18 ^h March 2021
8	Representation 3	18 ^h March 2021
9	Representation 4	18 ^h March 2021
10	Representation 5	19 ^h March 2021
11	Representation 6	19 ^h March 2021

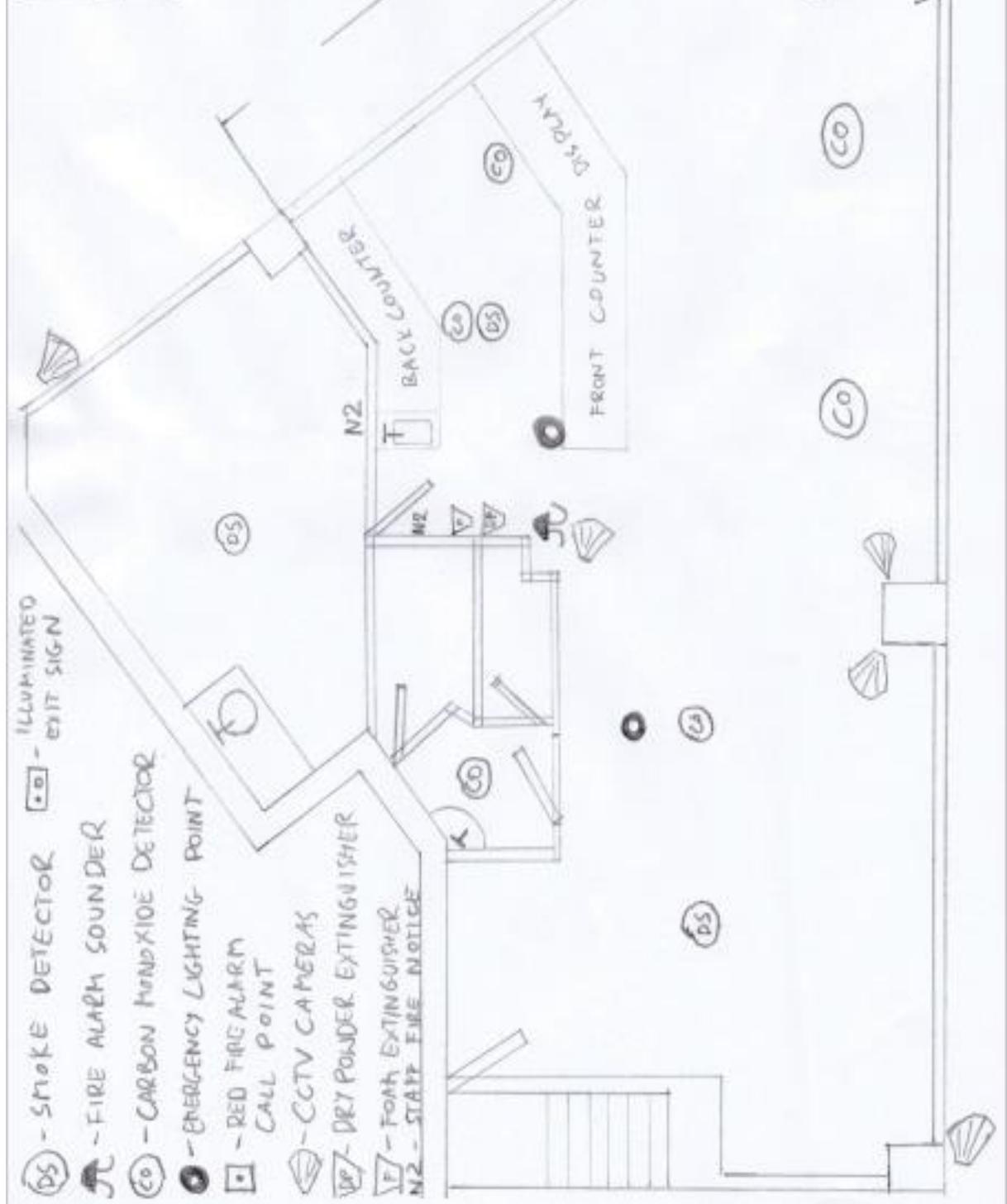
12	Representation 7	19 ^h March 2021
13	Representation 8	19 ^h March 2021
14	Representation 9	23 rd March 2021
15	Representation 10	23 rd March 2021
16	Representation 11	24 ^h March 2021
17	Representation 12	25 ^h March 2021
18	Representation 13	26 ^h March 2021
19	Representation 14	29 ^h March 2021
20	Representation 15	31 st March 2021
21	Representation 16	1 st April 2021
22	Representation 17	5 th April 2021
23	Representation 18	12 th April 2021
24	Representation 19	15 th April 2021
25	Representation 20	15 th April 2021
26	Representation 21	15 th April 2021
27	Representation 22	15 th April 2021



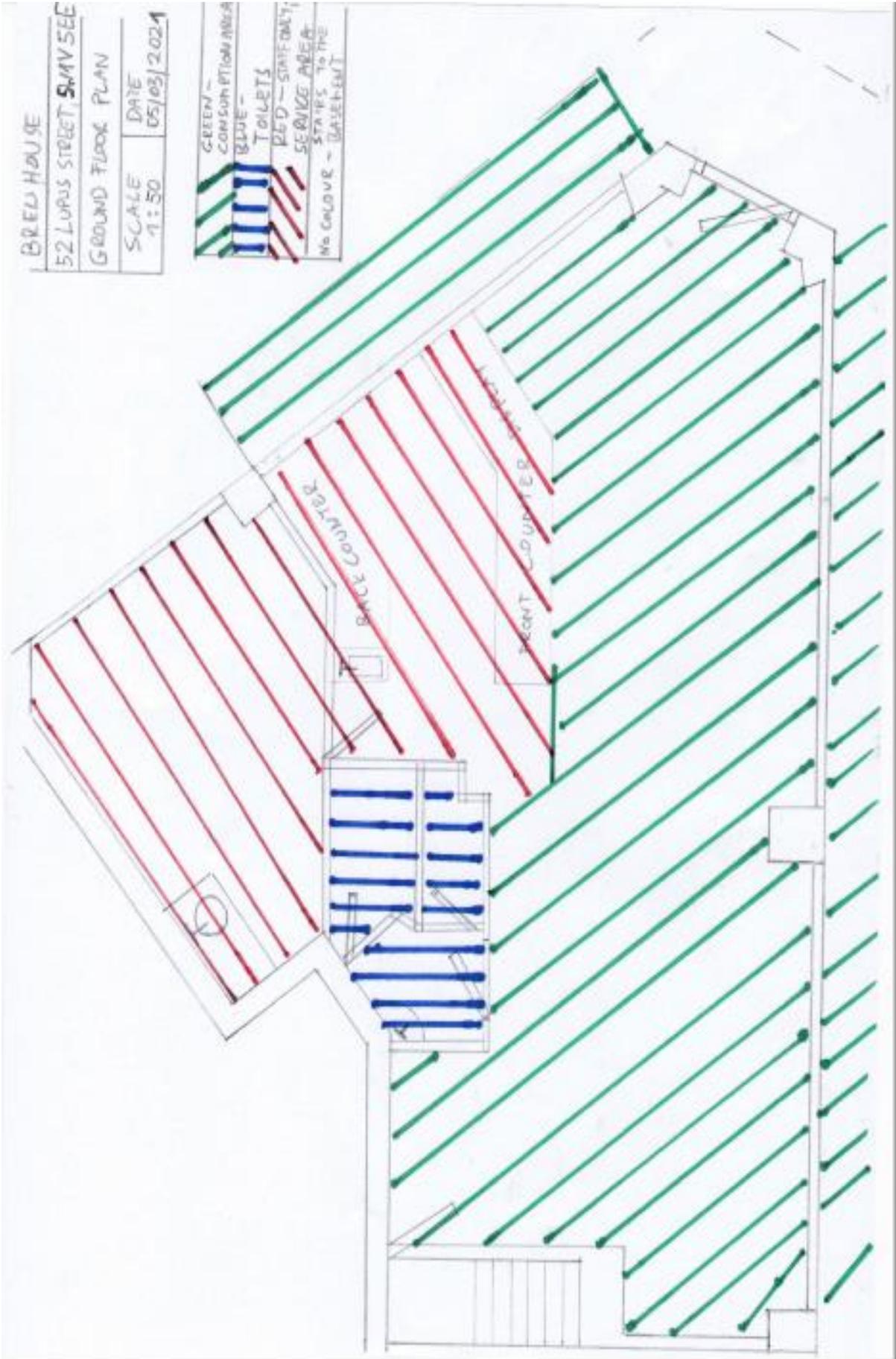
Brew House
52 Lorus Street, SMV SEE
GROUND FLOOR PLAN
SCALE 1:50
DATE 05/03/2021



BREW HOUSE
 52 LUPUS STREET SMV SEE
 GROUND FLOOR PLAN
 SCALE 1:50 DATE 05/03/2024



- (DS) - SMOKE DETECTOR
- (A) - ILLUMINATED EXIT SIGN
- (A) - FIRE ALARM SOUNDER
- (CO) - CARBON MONOXIDE DETECTOR
- (E) - EMERGENCY LIGHTING POINT
- (R) - RED FIRE ALARM CALL POINT
- (C) - CCTV CAMERAS
- (D) - DRY POWDER EXTINGUISHER
- (F) - FOAM EXTINGUISHER
- (N2) - STAFF FIRE NOTICE



Applicant Supporting Documents

Appendix 2

None

Premises History**Appendix 3**

There is no appeal history.

Temporary Event Notices

Application	Details of Application	Date Determined	Decision
20/11201/LITENP	Temporary Event Notice	5 December 2020	Notice Granted
20/11203/LITENP	Temporary Event Notice	17 December 2021	Notice Granted

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

None

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

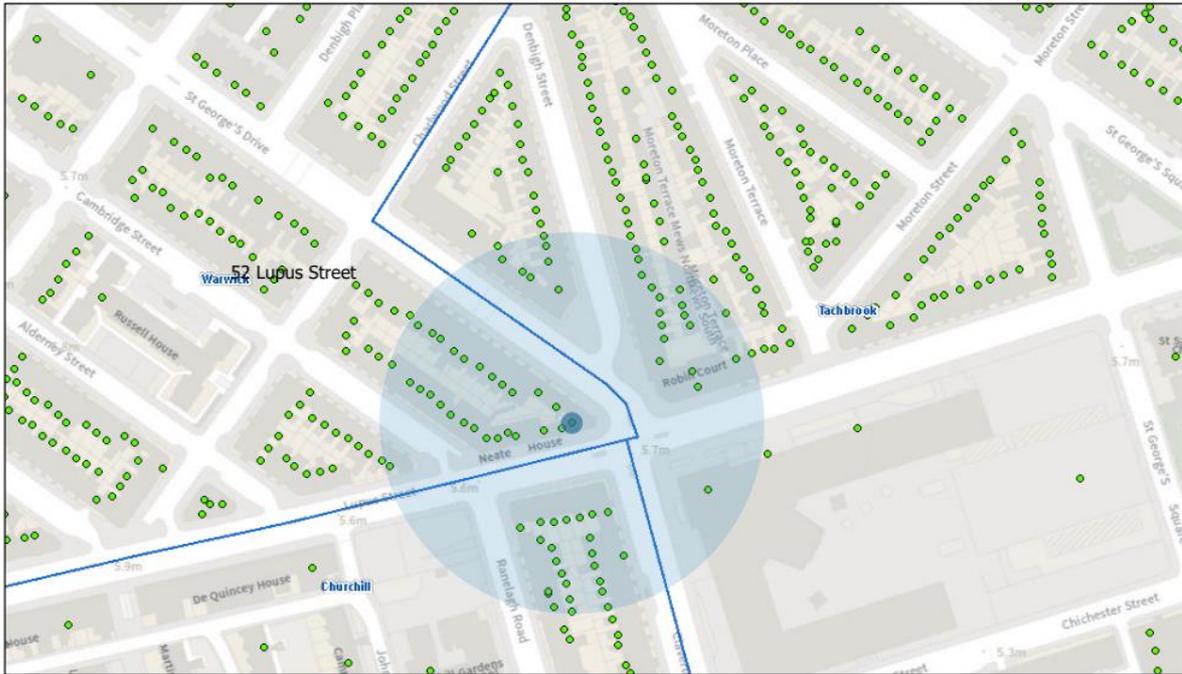
9. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance
10. The sale and supply of alcohol for consumption off the premises shall be restricted to alcohol consumed by persons who are seated in an area appropriately authorised for the use of tables and chairs on the highway and bona fide and where the consumption of alcohol by such persons is ancillary to food/snack, and where the supply of alcohol is by waiter or waitress service only
11. All outside tables and chairs shall be rendered unusable by **20.00** hours each day
12. 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
13. Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, the licence holder shall ensure that all alcohol within the premises (including alcohol behind the counter) is secured in a locked store room or behind locked grilles, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff
14. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times
15. The number of persons permitted in the premises, excluding the outside area, at any one time (excluding staff) shall not exceed 30 persons
16. The supply of alcohol shall be by waiter or waitress service only
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. 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

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

19. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance. 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.
20. 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 Officer or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

21. The consumption of alcohol on the premises shall only be to persons seated at table. Food will be available throughout the trading period.
22. The supply of alcohol for consumption on the premises shall be by Server, Waiter or Waitress service only.
23. 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.
24. 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
25. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system, searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
26. Notices shall be prominently displayed at all exits and the outside smoking area requesting patrons to respect the needs of local residents and leave the area quietly.
27. 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.
28. There shall be no self-service of Alcohol.
29. Sales of alcohol for consumption off the premises shall be in sealed containers only, save for any external seating area shown on the plan.
30. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables and ancillary to their meal.

52 Lupus Street, London, SW1V 3EE



Resident Count = 311

Licensed premises within 75 metres of 52 Lupus Street				
Licence Number	Trading Name	Address	Premises Type	Time Period
20/08598/LIPN	Not Recorded	58 - 60 Lupus Street London SW1V 3EE	Food store	Monday; 08:00 - 22:00 Tuesday; 08:00 - 22:00 Wednesday; 08:00 - 22:00 Thursday; 08:00 - 22:00 Friday; 08:00 - 22:00 Saturday; 08:00 - 22:00 Sunday; 09:00 - 22:00