



City of Westminster

# Committee Agenda

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

Meeting Date: **Thursday 11 November 2021**

Time: **10.00 am**

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

Members: **Councillors:**

Karen Scarborough (Chairman)  
Heather Acton  
Aicha Less

Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda. Admission to the public gallery is via a visitor's pass which is available from the main ground floor reception at 64 Victoria Street from 9.00am. If you have a disability and require any special assistance, please contact the Committee Officer (details listed below) in advance of the meeting.

If you require further information, please contact the Committee Officer, Sarah Craddock, Committee and Councillor Support Co-ordinator.

**Email: [scraddock@westminster.gov.uk](mailto:scraddock@westminster.gov.uk) Tel: 0779098018**  
**Corporate Website: [www.westminster.gov.uk](http://www.westminster.gov.uk)**

**Note for Members:** Members are reminded that officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. 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. PLAYHOUSE THEATRE, NORTHUMBERLAND AVENUE, WC2N 5DE

(Pages 1 - 62)

Ward CIA* SCZ**	Site Name & Address	Application Type	Licensing Reference No.
St James  None*  West End**	Playhouse Theatre, Northumberland Avenue, WC2N 5DE	Variation to the Premises Licence	21/10146/LIPV
*Cumulative Impact Area ** Special Consideration Zone			

#### 2. 22 GREAT WINDMILL STREET, W1D 7LD

(Pages 63 - 92)

Ward CIA* SCZ**	Site Name & Address	Application Type	Licensing Reference No.
West End  West End *  None**	22 Great Windmill Street, W1D 7LD	New Premises Licence	21/06791/LIPN
*Cumulative Impact Area ** Special Consideration Zone			

**3. TROCADERO HOTEL, SKY BAR AND LOUNGE, 13 COVENTRY STREET, W1D 7DH**

**(Pages 93 - 160)**

Ward CIA* SCZ**	Site Name & Address	Application Type	Licensing Reference No.
St James West End* None**	Trocadero, Sky Bar and Lounge, 13 Coventry Street, W1D 7DH	New Premises Licence	21/06624/LIPN
*Cumulative Impact Area ** Special Consideration Zone			

**4. RAPHA, 85 BREWER STREET, W1F 9ZN**

**(Pages 161 - 192)**

Ward CIA* SCZ**	Site Name & Address	Application Type	Licensing Reference No.
West End West End* None**	Rapha, 85 Brewer Street, W1F 9ZN	New Premises Licence	21/04119/LIPN
*Cumulative Impact Area ** Special Consideration Zone			

**5. GROUND FLOOR, 11 BERKELEY STREET, W1J 8DS**

**(Pages 193 - 228)**

Ward CIA* SCZ**	Site Name & Address	Application Type	Licensing Reference No.
West End None* Mayfair**	Ground Floor, 11 Berkeley Street, W1J 8DS	New Premises Licence	21/06202/LIPN
*Cumulative Impact Area ** Special Consideration Zone			

**Stuart Love  
Chief Executive  
4 November 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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City of Westminster

# Licensing Sub-Committee Report

## Agenda Item 1.

Item No:	
Date:	11 November 2021
Licensing Ref No:	21/10146/LIPV - Premises Licence Variation
Title of Report:	Playhouse Theatre Northumberland Avenue London WC2N 5DE
Report of:	Director of Public Protection and Licensing
Wards involved:	St James's
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Jessica Donovan Senior Licensing Officer
Contact details	Telephone: 020 7641 6500 Email: <a href="mailto:jdonovan@westminster.gov.uk">jdonovan@westminster.gov.uk</a>

## 1. Application

<b>1-A</b>	<b>Applicant and premises</b>		
<b>Application Type:</b>	Variation of a Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	23 September 2021		
<b>Applicant:</b>	Playhouse Theatre Limited		
<b>Premises:</b>	Playhouse Theatre		
<b>Premises address:</b>	Northumberland Avenue London WC2N 5DE	<b>Ward:</b>	St James's
		<b>Cumulative Impact Area:</b>	None
		<b>Special Consideration Zone:</b>	West End
<b>Premises description:</b>	The premises currently operate as a theatre.		
<b>Variation description:</b>	<p>This application seeks the following:</p> <ul style="list-style-type: none"> <li>To vary the layout and design of the premises in accordance with the plans found at <b>Appendix 1</b>, to now reconfigure the internal layout of the premises to reflect but not limited to: change in auditorium layout at each level, including the repositioning of stage on ground floor, resulting in an overall decrease in capacity of the venue; at basement level repositioning of bar and redefined hospitality space; at ground floor level utilisation of the established stage door entrance for customers on Craven Street and repositioning of bar; and, at second floor level, repositioning of bar and new mobile concession points. Locations of fire safety and other safety equipment subject to change in accordance with the requirements of the responsible authorities or following a risk assessment.</li> <li>To remove condition 18 and 26</li> <li>To add an additional condition</li> </ul>		
<b>Premises licence history:</b>	The premises has had the benefit of a premises licence since 2005. The current premises licence (21/00332/LIPDPS) can be viewed at <b>Appendix 3</b> of this report along with the premises history.		
<b>Applicant submissions:</b>	During the consultation period, The applicant provided mediation letters and responses for the interested parties. A copy of the letters can be found at <b>Appendix 2</b> .		
<b>Applicant amendments:</b>	None		

<b>1-B</b>	<b>Current and proposed licensable activities, areas and hours</b>					
<b>Regulated Entertainment</b>						
<b>Playing of Recorded Music</b>						
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Licensable Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	00:00	00:00	No change		Ground floor, Basement, First floor, Second floor & Third floor	No change
<b>Tuesday</b>	00:00	00:00				
<b>Wednesday</b>	00:00	00:00				
<b>Thursday</b>	00:00	00:00				
<b>Friday</b>	00:00	00:00				
<b>Saturday</b>	00:00	00:00				
<b>Sunday</b>	00:00	00:00				
<b>Seasonal Variations/ Non-standard timings:</b>	<b>Current:</b>				<b>Proposed:</b>	
	N/A				N/A	

<b>Private Entertainment consisting of dancing, music or other entertainment of a like kind of consideration and with a view to profit</b>						
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Licensable Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	00:00	00:00	No change		Ground floor, Basement, First floor, Second floor & Third floor	No change
<b>Tuesday</b>	00:00	00:00				
<b>Wednesday</b>	00:00	00:00				
<b>Thursday</b>	00:00	00:00				
<b>Friday</b>	00:00	00:00				
<b>Saturday</b>	00:00	00:00				
<b>Sunday</b>	00:00	00:00				
<b>Seasonal Variations/ Non-standard timings:</b>	<b>Current:</b>				<b>Proposed:</b>	
	N/A				N/A	

Performance of a play						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	09:00	02:00	No change		Ground floor, Basement, First floor, Second floor & Third floor	No change
Tuesday	09:00	02:00				
Wednesday	09:00	02:00				
Thursday	09:00	02:00				
Friday	09:00	02:00				
Saturday	09:00	02:00				
Sunday	14:00	02:00				
Seasonal variations/ Non-standard timings:	<b>Current:</b>				<b>Proposed:</b>	
	Please see condition 10.				No change	

Late night refreshment						
Indoors, outdoors or both			Current :		Proposed:	
			Indoors		No change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	02:00	No change		Ground floor, Basement, First floor, Second floor & Third floor	No change
Tuesday	23:00	02:00				
Wednesday	23:00	02:00				
Thursday	23:00	02:00				
Friday	23:00	02:00				
Saturday	23:00	02:00				
Sunday	23:00	02:00				
Seasonal variations/ Non-standard timings:	<b>Current:</b>				<b>Proposed:</b>	
	Please see condition 24.				No change	

Sale by Retail of Alcohol						
On or off sales			Current :		Proposed:	
			Both		No change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	23:00	No change		Ground floor, Basement, First floor, Second floor & Third floor	No change
Tuesday	10:00	23:00				
Wednesday	10:00	23:00				
Thursday	10:00	23:00				
Friday	10:00	23:00				
Saturday	10:00	23:00				
Sunday	12:00	22:30				
Seasonal variations/ Non-standard timings:	<b>Current:</b>				<b>Proposed:</b>	
	Please see condition 21.				No change	

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	09:00	02:00	No change		Ground floor, Basement, First floor, Second floor & Third floor	No change
Tuesday	09:00	02:00				
Wednesday	09:00	02:00				
Thursday	09:00	02:00				
Friday	09:00	02:00				
Saturday	09:00	02:00				
Sunday	12:00	02:00				
<b>Seasonal variations/ Non-standard timings:</b>		<b>Current:</b> Please see condition 21, 24 & 10.			<b>Proposed:</b> No change	

1-C	Layout alteration
<p>To vary the layout and design of the premises in accordance with the submitted plans, to reconfigure the internal layout of the premises to reflect but not limited to: change in auditorium layout at each level, including the repositioning of stage on ground floor, resulting in an overall decrease in capacity of the venue; at basement level repositioning of bar and redefined hospitality space; at ground floor level utilisation of the established stage door entrance for customers on Craven Street and repositioning of bar; and, at second floor level, repositioning of bar and new mobile concession points. Locations of fire safety and other safety equipment subject to change in accordance with the requirements of the responsible authorities or following a risk assessment.</p>	

1-D	Conditions proposed to be removed
<p>18. In the area hatched black on the deposited plan intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal.</p>	
<p>26. Any alcohol sold as described in condition 25 shall be contained in non breakable vessels.</p>	

1-E	Conditions proposed to be added
<ul style="list-style-type: none"> <li>The use of glass drinking vessels within the auditoria shall be risk assessed.</li> </ul>	

## 2. Representations

2-A	Responsible Authorities
<b>Responsible Authority:</b>	Metropolitan Police Service ( <i>Withdrawn 28 October 2021</i> )
<b>Representative:</b>	PC Nicole Sondh
<b>Received:</b>	08 October 2021
<p>I am writing with reference to the above application for which I am in receipt of.</p> <p>The Metropolitan Police are making a representation against this application in respect of the licensing objectives in the Prevention of Crime and Disorder and in the Protection of Children from Harm. There is little detail in the operating schedule as to how the bar area will operate considering the ancillary condition has been applied to be removed.</p> <p>Are you able to confirm whether the bar area will be open to the public or will it just be solely for those attending a ticketed performance?</p> <p>When will the bar be open? Will it only be open during performances or will it be open continuously?</p> <p>In light of the changes applied for I am also proposing the following conditions in support of the licensing objectives;</p> <ol style="list-style-type: none"><li>1. (a) The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team.</li><li>(b) All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.</li><li>(c) 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.</li><li>(d) All recordings shall be stored for a minimum period of 31 days with date and time stamping.</li><li>(e) Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.</li></ol> <ol style="list-style-type: none"><li>2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.</li></ol> <ol style="list-style-type: none"><li>3. The sale of alcohol for alcohol on the premises shall be ancillary to those attending a ticketed performance.</li></ol> <p>Please let me know if you agree to the above conditions or would like to discuss them further.</p> <p><b>Following agreement of conditions with the applicant, The Metropolitan Police Service withdrew their representation on 28 October 2021.</b></p>	

<b>Responsible Authority:</b>	Environmental Health Service
<b>Representative:</b>	Anil Drayan
<b>Received:</b>	19 October 2021

Representations are made as the proposals may undermine the Licensing Objectives of Public Nuisance and Public Safety.

Environmental Health has however provisionally agreed the following conditions with the applicant to be added to the operating schedule:

- i. Use of the stage door entrance by customers shall cease by no later than 1930 hours
- ii. Except for in an emergency the stage door entrance shall not be used by customers as an exit route at anytime
- iii. Use of the stage door entrance by customers shall cease at the end of the Cabaret production run
- iv. Queuing by customers will only be permitted along the Playhouse façade and along Embankment Place
- v. There shall be staff stationed externally to manage any queues along Craven Street; access to/from Aria House is not blocked; and at closing time to encourage customers not to congregate and not to use Craven Street as a route away from the premises
- vi. Reduction in customer capacity from 819 to 635 for the duration of the Cabaret production run.
- vii. All supplies of alcohol and drinks for consumption within the theatre auditoria shall be in nonglass containers unless the use of glass in the auditoria has been risk assessed and signed-off by management - a copy of the risk assessment is to be kept on the premises and made available for inspection by the responsible authorities on request. The risk assessment is to be reviewed at least annually
- viii. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Premises Licence. If there are minor changes to the layout during the refurbishment new plans shall be submitted to the Licensing Service when requesting removal of this condition.
- ix. Displaying notices at each entrance and exit reminding customers that they are in a residential area and to respect the interests of local residents
- x. Display notices at all exits advising customers that drinks may not be removed from the theatre
- xi. That from 15 minutes before entrance on Craven Street opens until at least 30 minutes after the performance ends there shall be at least one member of door security stationed on Craven Street whose duties shall include monitoring and control of the queue
- xii. That an email address and contact number for the theatre shall be made available to local residents

<b>2-B</b>	<b>Other Persons</b>		
<b>Name:</b>	[REDACTED]		
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]		
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	11 October 2021		
Please make sure that there is security provision outside the stage door exit on Craven Street to ensure that no-one is loitering outside on the street before/during/after the performance.			
<b>Name:</b>	[REDACTED]		
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]		
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	07 October 2021		
<p>I have reviewed the Application to Vary a Premises Licence for the Playhouse Theatre and am against the following items within the application:</p> <p>I am against varying the layout and design of the premises at ground floor level utilisation of the established stage door entrance for customers on Craven Street for the following reasons:</p> <ol style="list-style-type: none"> <li>1. [REDACTED] and already experience noise nuisance and litter from the large crowds that gather around the stage door entrance on Craven Street after a show. The crowds are poorly controlled by the Playhouse Theatre and sometimes stretch and gather [REDACTED] [REDACTED]</li> <li>2. Craven Street is a small and historical street that was not intended for large gatherings, queues and crowds.</li> <li>3. Accordingly, by allowing the utilisation of the Craven Street stage door entrance for customers, we will now increase the amount of people, noise and litter that will exist on Craven Street and create an even larger nuisance for the local residents.</li> <li>4. Moreover, I would request better crowd control and procedures, and more staff to be provided by the Playhouse Theatre to prevent crowds, noise and litter after a popular show as customers gather at the stage door entrance to see the departing actors.</li> </ol> <p>I am against removing condition 18 for the following reasons:</p> <ol style="list-style-type: none"> <li>1. The Playhouse Theatre should be primarily a theatre where customers can enjoy alcoholic beverages with their food.</li> <li>2. Accordingly, the Playhouse Theatre should not be turned into a place that is increasing alcohol consumption by its customers.</li> <li>3. Any increased alcohol consumption will only result in more disorderly exiting of customers from the theatre, more noise and more litter for the residents on Craven Street.</li> </ol> <p><b>Response from interested party to the mediation email on 21 October 2021:</b></p> <p>I am instructed on behalf of the licences holders at the above and have been sent the representation that you have submitted in relation to this matter.</p> <p>I have set out below my clients responses to the issues that you have raised which I hope are helpful and set some context to the application, and what is proposed.</p> <p>The application has been brought about primarily by the requirement to seek approval of the</p>			

change of layout of the premises from a traditional theatre style to theatre in the round for the forthcoming production of Cabaret. This will result in an overall decrease in the capacity of the theatre by about 25% (from 819 to 635)

In so far as the concerns raised about the sale of alcohol is concerned, the primary function of the premises will remain as that of a theatre. The condition that we are seeking to remove is one which is perhaps more appropriately attached to a restaurant and not that of a theatre hence the reason for seeking to remove it. Please be assured that there is no intention on my clients part to change the primary function of the venue. It will remain as a theatre. **I object to the change in alcohol licencing. I do not support more alcohol being sold to customers which is what will happen if customers have the right to buy alcohol without a table meal. More alcohol consumption without food will lead to more public disorder and noise nuisance which the residents on and around Craven Street already are greatly impacted by.**

My clients (and I) recently met with officers from Westminster City Council on site and a number of conditions have been proposed/agreed. These are set out below. Whilst these go beyond the concerns that you have raised I have set these out in their entirety for the sake of completeness and transparency. They do, however specifically address the concerns that you have raised about the use of Craven Street as a entrance to the theatre for the duration of the run of Cabaret at The Playhouse.

1. Use of the stage door entrance by customers shall cease by no later than 1930 **This condition should apply to both entrances as was indicated on the planning application.**
2. Except for in an emergency the stage door entrance shall not be used by customers as an exit route at anytime
3. Use of the stage door entrance by customers shall cease at the end of the Cabaret production run **How long will the production run?**
4. Queuing by customers will only be permitted along the Playhouse façade and along Embankment Place

**The "Playhouse facade" is a vague term. In the planning application, the applicant indicated in blue two queuing areas. I would want to see the areas marked in blue as the only places where patrons can queue. However, there is a wider point, not answered by the applicant: they have not demonstrated that the holding areas will be adequate for the number of patrons entering the venue and the rate at which they can credibly do so within the hour before the performance start. Any demonstration of the adequacy of the arrangements would need to take into account not just the flow of patrons in an ideal world, but the reality of people turning up outside their appointed 15 minute slot and of people congregating outside the theatre before performances - which in my experience has always happened. I do not believe that the arrangements are demonstrated to be sufficient to prevent Craven Street becoming congested and unduly noisy**

5. There shall be staff stationed externally to manage
  - (a) any queues along Craven Street;
  - (b) ensure access to/from Aria House is not blocked; and

(c) at closing time to encourage customers not to congregate and not to use Craven Street as a route away from the premises **Encouraging customers is too weak and insufficient to prevent congregation. I encourage the applicant to incorporate a better strategy for dealing with congregation.**

6. Reduction in customer capacity from 819 to 635 for the duration of the Cabaret production run.
7. All supplies of alcohol and drinks for consumption within the theatre auditoria shall be in non-glass containers unless the use of glass in the auditoria has been risk assessed and signed-off by management - a copy of the risk assessment is to be kept on the premises and made available for inspection by the responsible authorities on request. The risk assessment is to be reviewed at least annually
8. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Premises Licence. If there are minor changes to the layout during the refurbishment new plans shall be submitted to the Licensing Service when requesting removal of this condition.

In addition to the above, and to further address the concerns that have been raised, my clients will commit to the following additional conditions being added to the licence and applying for the duration of the Cabaret run

1. Displaying notices at each entrance and exit reminding customers that they are in a residential area and to respect the interests of local residents
2. Display notices at all exits advising customers that drinks may not be removed from the theatre. **Notices are insufficient and staff should also be present to prevent taking drinks outside.**
3. That from 15 minutes before the entrance on Craven Street opens until at least 30 minutes after the performance ends there shall be at least one member of door security stationed on Craven Street whose duties shall include monitoring and control of the queue

**The applicant has not demonstrated that 30 minutes after the end of the performance is long enough for the monitoring of departing patrons. Customers may arrive more than 15 minutes before the entrances open. Accordingly, the applicant should be required to have staff in place for as long as there are customers outside the theatre.**

4. That an email address and contact number for the theatre shall be made available to local residents

If you are able to confirm that you are able to withdraw your representation on the basis of the above 12 additional conditions I would be grateful if you could please let me know, copying in Jessica Donovan, the licensing officer at Westminster City Council who is dealing with the application. Her email address is [jdonovan@westminster.gov.uk](mailto:jdonovan@westminster.gov.uk)

I am more than happy to discuss this matter with you should you wish. You now have my email address and my contact numbers (mobile is best XXXXXXXXXX)

I look forward to hearing from you.			
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association</b>		[REDACTED]	
<b>Status:</b>	Valid	<b>In support of opposed:</b>	Opposed
<b>Received:</b>	09 October 2021		
<p>We have reviewed the application to vary a Premises Licence for the Playhouse Theatre and wish to object to the amendment to the licence on the following grounds:-</p> <ol style="list-style-type: none"> <li>1. [REDACTED], and already experience regular noise nuisance from people gathering nearby before and after theatre performances. Reducing the restrictions on alcoholic drinks will only exacerbate this problem, creating the potential for people to stand outside the theatre and drink both before and after performances. The only way to prevent this is to retain the current condition relating to drinking in conjunction with a meal at a table.</li> <li>2. Craven Street is a quiet residential street with narrow footpaths. Unfortunately, it still has traffic flowing through it, including very significant lorry traffic relating to bin emptying, servicing the hotel, and providing services to Embankment Place. The lorries exiting the service road from 1 Embankment Place do so throughout the night at speed, right beside Entrance 2 shown on the ground floor plan then passing Entrance 1. Any increase in pedestrians on the narrow footpaths in this area presents a very high risk, both to people queuing / entering / exiting the theatre and to local residents who might be forced to walk along the road to avoid them. People should not be able to purchase alcohol on the premises and potentially stand outside on the pavements to drink, or even gather on the pavements outside. Any change to the licence must be accompanied by a condition preventing lorries leaving 1 Embankment Place outside normal day time working hours otherwise accidents will happen.</li> <li>3. Any change to the licence must ensure the Playhouse Theatre has staff tasked to manage customers and actively prevent crowds and queues outside the theatre both before and after performances. In particular, crowds do gather to meet popular actors and this should be contained within the theatre building, both from a noise nuisance and health and safety perspective. Appropriate signage would be required to point out the rules to theatre goers.</li> <li>4. We were not advised of the planning application to make changes to the theatre, but would have objected to it had we been aware.</li> </ol>			
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association</b>		[REDACTED]	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	12 October 2021		
<p>In response to the Application by the Playhouse Theatre Limited to vary a Premise Licence under the Licensing Act 2003, I write both as a [REDACTED], as someone who very much enjoys going to the theatre and supporting the Arts in a variety of ways, and as someone who believes in building and maintaining ties across local community.</p> <p>I have serious concerns that this application requests permission for <b>opening hours of the premises at up to 0200hrs daily, where alcohol is to be supplied for consumption both on and off the premises.</b></p> <p>The main concerns are the potential for noise levels, as well as the potential for drunken, disorderly behaviour and its wider ramifications, to our street and its residents.</p>			

Craven Street is a residential street, which includes families spanning several generations within a household, several with young children, ranging from infancy to pre-school and school-going ages. Quite a number of us have long working hours spanning both weekdays and weekends, so value home as a quiet sanctuary at the end of the day.

Craven Street is surrounded by tall buildings with hard surfaces, and as such, voices and noises on the street itself have a potential to echo up and down the street. [REDACTED]  
[REDACTED] we are considerate to each other of this.

In the decades that [REDACTED] and neighbourhood, we have had some very considerate neighbouring businesses in the immediate area that operate in the evenings and late into the night, that have helped to ensure that any noise and ramifications of serving alcohol on their premises late into the night and early hours of the morning to not have a negative impact on the neighbourhood.

Here are some ideas that I hope are useful. They are based on constructive mechanisms put in place by various neighbourhood commercial venues that have previously worked well:

**1. Keeping the bulk of the noise generated contained within their premises, not outside**

**2. Employing several designated Security Officers clearly recognisable in uniform.**

This serves for several purposes - noise, crowd control, and to curb potentially difficult situations.

In the very few occasions when noise levels have risen above a certain level, or especially if it was felt that a drunken / disorderly scene was erupting, local residents have been able to have a quiet word with these immediately available officers, who have been incredibly responsive to curb the level of noise or any area of concern.

Previously in any case, these officers will have been seen to be handling the case without any real need for local residents for having to get involved.

**3. Having a physical barrier set up to stop any of the premises' patrons from accessing the residential part of Craven Street**

This has been very useful to prevent any litter from being left on our doorsteps.

In years gone by, before these mechanisms were put in place, patrons of neighbouring venues would leave plastic cups, food packaging, together with spillages and unfortunately bodily excrements on doorsteps, on the street, and down the [REDACTED].

This is clearly undesirable and we would not wish for the applicants of this licence to have to be approached to fund such cleaning up acts.

**4. Reducing the impact of taxi, minicab and other pickups on Craven Street itself.**

This has been a useful step to reducing noise and levels of pollution on our residential street.

When pick-ups of patrons of large venues were previously allowed on our street, it was noticed that these vehicles would either idle on the street, or leave their windows down with loud music playing. It sometimes became very awkward for residents having to ask these individuals to turn their engines and music down.

This is an example of when Security Officers have previously been very quick to act to approach such vehicles to help curb noise levels.

One of the large venues nearby also put up a sign on one of their physical barriers explicitly informing its patrons that there are not to be any minicab pickups on Craven Street.

Previously, when premises shut at the end of a production, this was less of an issue, as this was within reasonable hours, so any potential noise was kept to a very short window frame. Clearly, a proposed extension of the opening hours to 0200hrs with changes to alcohol licensing to include consumption outdoors poses a very different pattern, and becomes an area of concern.

**5. Having a clear signposting system, channelling patrons in a particular direction**

One suggestion might be that the Playhouse theatre have a security officer stationed at the top of Northumberland Street (which has commercial property), before it turns into Cornerhouse Street, diverting any proposed minicab / taxi / pickup vehicles away from the residential street which is Craven Street.

Previously, when premises shut at the end of a production, less an issue, as this was within reasonable hours, so any potential noise was kept to a very short window frame. Clearly, an extension of the opening hours to 0200hrs poses a very different pattern.

**6. Having a readily contactable Designated Individual for residents to contact for troubleshooting purposes should an urgent or immediate situation arise needing tended to.**

This could form part of a safety net mechanism, which we hope we will not have to call upon. However, no resident wishes to have to approach the council or police when matters can be resolved in a cordial fashion with a go-between liaison individual.

These links formed can really help us work together to build on a local community across businesses and residents. I hope you will take time to ponder over my points and take them into consideration.

<b>Name:</b>	[REDACTED]		
<b>Address and/or Residents Association</b>	[REDACTED] [REDACTED] [REDACTED]		
<b>Status:</b>	Valid	<b>In support of opposed:</b>	Opposed
<b>Received:</b>	11 October 2021		

[REDACTED] to the Playhouse Theatre. [REDACTED]  
[REDACTED]

I have often experienced noise from people exiting the theatre at night, especially when they gather round the stage door. I've not seen the theatre doing much, if anything, to manage this. The theatre's proposals will only make things worse for me and my neighbours. Over the time I have lived here, the theatre has at times caused noise during building works - and has been doing so recently. So I don't believe that the theatre will control its customers unless it is made to.

I have read the objection sent to you by [REDACTED] on 8th October 2021 and I agree with him. His email is copied below for your reference.

<b>Name:</b>	[REDACTED]		
<b>Address and/or Residents Association</b>	[REDACTED] [REDACTED] [REDACTED]		
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	08 October 2021		

[REDACTED] the Stage Door, the proposed new "Entrance 2" of the Playhouse Theatre.

I object to the application on the grounds of concern about public nuisance. I am concerned at the congestion in Craven St and noise and other nuisances for [REDACTED] which will result from the change of the layout and the use of "Entrance 2" as described in the Licence Application. I do so for the reasons set out below. Inclusion by Westminster City Council of the remedies suggested below (in bold) as licence conditions will go some way to mitigating my

concerns.

By way of context, since the end of Covid restrictions the incidence of late-night anti-social behaviour in Craven Street has increased markedly relative to before the pandemic. This behaviour takes the form of shouting and rowdy behaviour, littering, and public urination and vomiting on the pavement, [REDACTED]. While the recovery of the West End post covid is to be welcomed, I feel very strongly that the Council must do much more to prevent this recovery from impairing the residents' quality of life. Proper regard for residents when the Theatre re-opens will be vital to preventing any worsening of the current nuisances.

The strength of my feelings about this matter is compounded by the past conduct of the Applicant, which causes me to doubt its respect for the legitimate interests of residents. My concern relates to the Theatre's historic failure to manage its patrons and how it manages the noise arising from building work.

Before the pandemic, crowds of patrons would often gather at the stage door, waiting for actors to leave the building. This led to overcrowding of the pavement, which as noted below is narrow at this point, and to noise disturbance for residents. I have only seen the Applicant attempt to keep order outside the stage door in order to protect a celebrity - never to minimise the impact on residents.

Furthermore, recent works at the Theatre have caused avoidable noise nuisance - for example: at 2300 last night (night of 7th October 2021), work was still ongoing on the metal structures being erected in the theatre; and last Sunday work was undertaken outdoors for most of the day until I complained. In both cases this noise was clearly audible from my home and very intrusive. I am told that the Council sanctioned audible work outside the usual permitted hours, but it seems to me that the Council and the Applicant are too ready to prioritise the convenience of businesses over the legitimate interests of residents.

Detailed reasons for my objection:

1. According to documents from the planning application, up to 627 patrons will be entering the building through the two entrances. Assuming equal use of the two entrances, if there is to be no build-up of patrons the time-slot system means processing 5 people per entrance per minute (ie 627 divided by 2 entrances, divided by the 60 minutes in the four 15-minute time slots). The Applicant has not demonstrated that this rate of clearance is credible, bearing in mind that bag- and ticket-checks will be undertaken at Entrances 1 and 2 and that those entering at Entrance 2 will walk down steep steps, which is unlikely to be conducive to rapid clearance.

2. The Entrance 2 holding area (marked in blue on the plan provided by the Applicant during the planning application) is approx. 1m wide and a maximum of 9m long. If each patron takes up 50cm<sup>2</sup> that equates to a capacity of 18 people (ie c3.5 minutes' worth of people). I consider it unrealistic to expect that the capacity of the holding area will be adequate for the control of the number of patrons likely to be queuing. Furthermore, the handling plan does not take into account people who arrive before their allocated time, or miss it. So I do not believe that the plan for handling arrivals will prevent uncontrolled, anti-social congestion on the Craven St pavement outside the theatre and outside the nearby homes. The only place for people to congregate in a way that will mitigate nuisance for [REDACTED] residents and for people passing through is outside the front of the theatre where the pavement is wider. The Applicant should therefore be required as binding conditions of the licence to ensure that a) the Applicant directs those patrons not queuing in the areas marked in blue on the plan to a designated area at the front of the theatre subject to the control of Theatre staff and b) the Applicant prevents patrons from congregating elsewhere. Among other things, this will require more staff than allowed for in the Applicant's operational plan.

3. The Applicant's operational plan (holding areas in blue, prohibition on smoking in the holding area, staff configuration, prevention of vehicular drop-off/pick-up) should be a binding condition of the licence.

4. I am very concerned that patrons may leave the theatre via Entrances 1 and 2 causing late night congestion, noise and worse, especially if the Applicant is licensed to sell alcohol other than for consumption with food, and for consumption off the premises. If relevant to the consideration of this application, I therefore oppose the licensing of the premises for the sale of alcohol other than for consumption on the premises with food. In any event I oppose the use of Entrances 1 and 2 for the egress of patrons at any time. During its planning application the Applicant represented that the only egress will be via the main doors at the front of the building. I therefore wish to see a binding condition as follows: "Entrances 1 and 2 as marked on the approved plans shall only be used for ingress of patrons prior to a performance or event. They shall not be used for egress during an interval or at the end of a performance or event".

5. In order to help ensure that the Theatre prevents nuisance (eg congestion, noise, disorderly conduct etc) arising from the use of Entrances 1 and 2, I wish to see the following binding conditions: a) " Signs shall be prominently displayed outside the Theatre, reminding patrons that Craven Street is a residential area and requiring them to conduct themselves appropriately"; and b) "A direct telephone number and email address for the duty manager at the premises shall be publicly available at all times the premises is open. This telephone number and email address are to be made available to residents and businesses in the vicinity."

Comments arising from my review of the the Planning Application:

A. I note from the Delegated Report (Case No 21/03108/FULL, report completed 17th May 2021) that the officer stated on p5: "the agent has clarified that the existing stage door is already used by patrons and was there when the flats [REDACTED] were built". I wish to state for the record that as a [REDACTED] I have never observed the stage door being used by patrons, and if it has been so used it cannot possibly have been for the ingress or egress of patrons in anywhere near the volume now proposed by the applicant. Officers will note that the houses in Craven St pre-date the theatre by some 100 years, so any argument relying on the pre-existence of the Stage Door is flawed. I contest this point strongly and wish to ensure that this "clarification" is not relied upon by the Theatre or council officers in the present or any future planning or licensing applications by the Theatre.

B. I also note a reference in the Delegated Report to the use of the Stage Door by disabled people. Given the fact that the door only gives onto a steep staircase, I strongly doubt the viability of the Stage Door as an entrance/exit for disabled people, and challenge any present or future application that relies on this point.

<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association</b>		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support of opposed:</b>	Opposed
<b>Received:</b>	12 October 2021		

We act as agents on behalf [REDACTED]  
[REDACTED] We wish to raise an objection with regard the above application. Our reasons for objection are as follows:

1. The licence: it permits Late Night Refreshment from Monday to Sunday 23:00 to 02:00 and the sale by retail of alcohol up to 23:00 (Monday to Saturday) and 22:30 (Sunday). The opening hours of the premises are up to 02:00 Monday to Sunday. Alcohol is supplied for consumption both on and off the Premises. Thus, it is to be expected that people will be able to buy drinks in the theatre and stand outside to drink them, as well as queueing to enter and congregating outside after performances. This will have a negative effect on residents and their amenities.

2. Entrance 2 (ie the former stage door point B in the photo), is just by the service road (Hungerford Lane), in front of Aria House (point C in the photo- a residential property), and a few feet away from [REDACTED]

██████████ - ie very close to homes on the street

3. The pavement outside Entrance 2 is very narrow and is curved (ie reduced) at the point where the lane joins the street, so that the capacity of the pavement is extremely limited, whether people are queuing for access, enjoying a drink etc, or leaving. On the occasions when big name actor have been playing at the theatre, the area round the stage door has been packed, to the point where the crowd filled the entire width of the street and extended to at least ██████████

4. There is no provision in the application so that proprietors are committed to do anything to prevent noise and crowd nuisance outside the theatre, most especially at Entrance 2. It would seem that the stage door should be use as a public entrance/exit but if that cannot be stopped, preventative measures should in our opinion include: having security staff posted at the entrances, especially entrance 2 during times when patrons are outside; signage at and outside the entrances notifying patrons that they are in a residential street and should respect the residents; and contact details should be necessary to complain about nuisances.

All of these issues will have a negative effect on residents and their amenities.

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<b>Policy HRS1 applies</b>	<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"><li>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.</li><li>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.</li><li>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.</li><li>4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.</li><li>5. The proposed hours when any music, including incidental music, will be played.</li><li>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.</li><li>7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.</li><li>8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.</li><li>9. The capacity of the premises.</li><li>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.</li><li>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.</li><li>12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period</li></ol>

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 applications.

C. For the purpose of Clauses A and B above, the Core Hours for applications for each premises use type as defined within this policy are:

**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: 9am to Midnight.

**3. Delivery Centres**

Monday to Saturday: 8am to 11pm.

Sunday: 9am to 10.30pm.

**4. Hotels**

Monday to Thursday: 9am to 11.30pm.

Friday and Saturday: 9am to Midnight.

Sunday: 9am to 10.30pm.

Sundays immediately prior to a bank holiday: 9am to Midnight.

For the sale of alcohol to guests for consumption in

hotel/guest rooms only: Anytime up to 24 hours.

**5. Outdoor Spaces**

Monday to Thursday: 9am to 11.30pm.

Friday and Saturday: 9am to Midnight.

Sunday: 9am to 10.30pm.

Sundays immediately prior to a bank holiday: 9am to Midnight.

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

Monday to Thursday: 10am to 11.30pm.

Friday and Saturday: 10am to Midnight.

Sunday: Midday to 10.30pm.

Sundays immediately prior to a bank holiday: Midday to Midnight.

**7. Qualifying Clubs**

Monday to Thursday 9am to 11.30pm

Friday and Saturday 9am to Midnight

Sunday: 9am to 10.30pm

Sunday immediately prior to a bank holiday: 9am to Midnight.

	<p><b>8. Restaurants</b>  Monday to Thursday: 9am to 11.30pm.  Friday and Saturday: 9am to Midnight.  Sunday: 9am to 10.30pm.  Sundays immediately prior to a bank holiday: 9am to Midnight.</p> <p><b>9. Sexual Entertainment Venues and Sex Cinemas</b>  Monday to Thursday: 9am to 11.30pm.  Friday and Saturday: 9am to Midnight.  Sunday: 9am to 10.30pm.  Sundays immediately prior to a bank holiday: 9am to Midnight.</p> <p><b>10a. Shops (all licensable activities that are provided as ancillary to the primary use of the premises as a shop except the off sale of alcohol)</b>  Monday to Thursday: 9am to 11.30pm.  Friday and Saturday: 9am to Midnight.  Sunday: 9am to 10.30pm.  Sundays immediately prior to a bank holiday: 9am to Midnight.</p> <p><b>10b. Shops (off-sales of alcohol where it forms either the ancillary or primary use of the premises)</b>  Monday to Saturday: 8am to 11pm.  Sunday: 9am to 10.30pm.</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>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 11pm.</p>
<p><b>Policy CCSOS1 (A) applies</b></p>	<p>A. Applications outside the West End Cumulative Zones will generally be granted subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</li> <li>2. The hours for licensable activities are within the council's Core Hours Policy HRS1.</li> <li>3. The operation of any delivery services for alcohol and/or late-night refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.</li> <li>4. The applicant has clearly demonstrated that the sale by retail of alcohol and late-night refreshment will be ancillary to the venue's primary function as a cinemas, cultural and live sporting venues and outdoor space.</li> <li>5. The applicant has taken account of the Special Consideration Zone Policy SCZ1 if the premises are located within a designated</li> </ol>

	<p>area.</p> <p>6. The application and operation of the venue meeting the definition for a cinema, cultural venue, live sporting premises or outdoor space as per Clause C.</p> <p>B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</li> <li>2. The hours for licensable activities are within the council's Core Hours Policy HRS1.</li> <li>3. The operation of any delivery services for alcohol and/or late-night refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.</li> <li>4. The applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone.</li> <li>5. The applicant has clearly demonstrated that the sale by retail of alcohol and late-night refreshment will be ancillary to the venue's primary function as a cinema, cultural venue, live sporting premises or outdoor space.</li> <li>6. The sale by retail of alcohol and/or late-night refreshment after 11pm is limited to customer, patrons or members of the audience who will or have made use of the primary function of the venue as a cinema, cultural venue or live sporting premises.</li> <li>7. The application and operation of the venue meeting the definition for a cinema, cultural venue, live sporting premises or outdoor space as per Clause C.</li> </ol> <p>C. For the purposes of this policy the primary function of a cinema, cultural venue and live sporting premises is defined as:</p> <ol style="list-style-type: none"> <li><b>1. Cinema</b></li> </ol> <p>For the exhibition of feature or shorts films to an audience.</p> <ol style="list-style-type: none"> <li><b>2. Cultural Venues</b></li> </ol> <ol style="list-style-type: none"> <li>a. Theatres: for the performance of plays, dramatic or other entertainment performances to an audience.</li> <li>b. Performance Venues: for a live performance in front of an audience which may include concert halls, comedy clubs or similar performances venues.</li> <li>c. Cultural Uses: for the exhibition of art (e.g. galleries), a museum,</li> </ol>
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	<p>or historical building/site that is open for visitors to visit on payment.</p> <p><b>3. Live sporting premises: the premises or the use to which the licence is intended for</b></p> <p>a. Live sporting events in the form of boxing and wrestling which takes place either inside or outside in the presence of an audience.</p> <p>b. Live sporting events that are licensable as they are being held within a building where the sport and audience are accommodated wholly or partly inside that building.</p> <p>c. Live sporting events that will take place outside a building, where the live sporting event is not a licensable activity but other licensable activities, are provided ancillary to that live sporting event.</p> <p><b>4. Outdoor space</b></p> <p>The use of an outdoor space for licensable activities and other purposes as part of or ancillary to an event, small to large concerts, national significant musical concert or events (e.g. Hyde Park), Mayoral or council organised events and seasonal activities (e.g. Christmas market or Winter Wonderland).</p> <p>5. For the purposes of C1 to C3 above:</p> <p>a. The sale of alcohol and late-night refreshment must be an ancillary function to the primary purpose of the venue.</p> <p>b. An audience may include either invited guests, members of that venue or associated organisation or members of the public who have purchased a ticket or not.</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

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

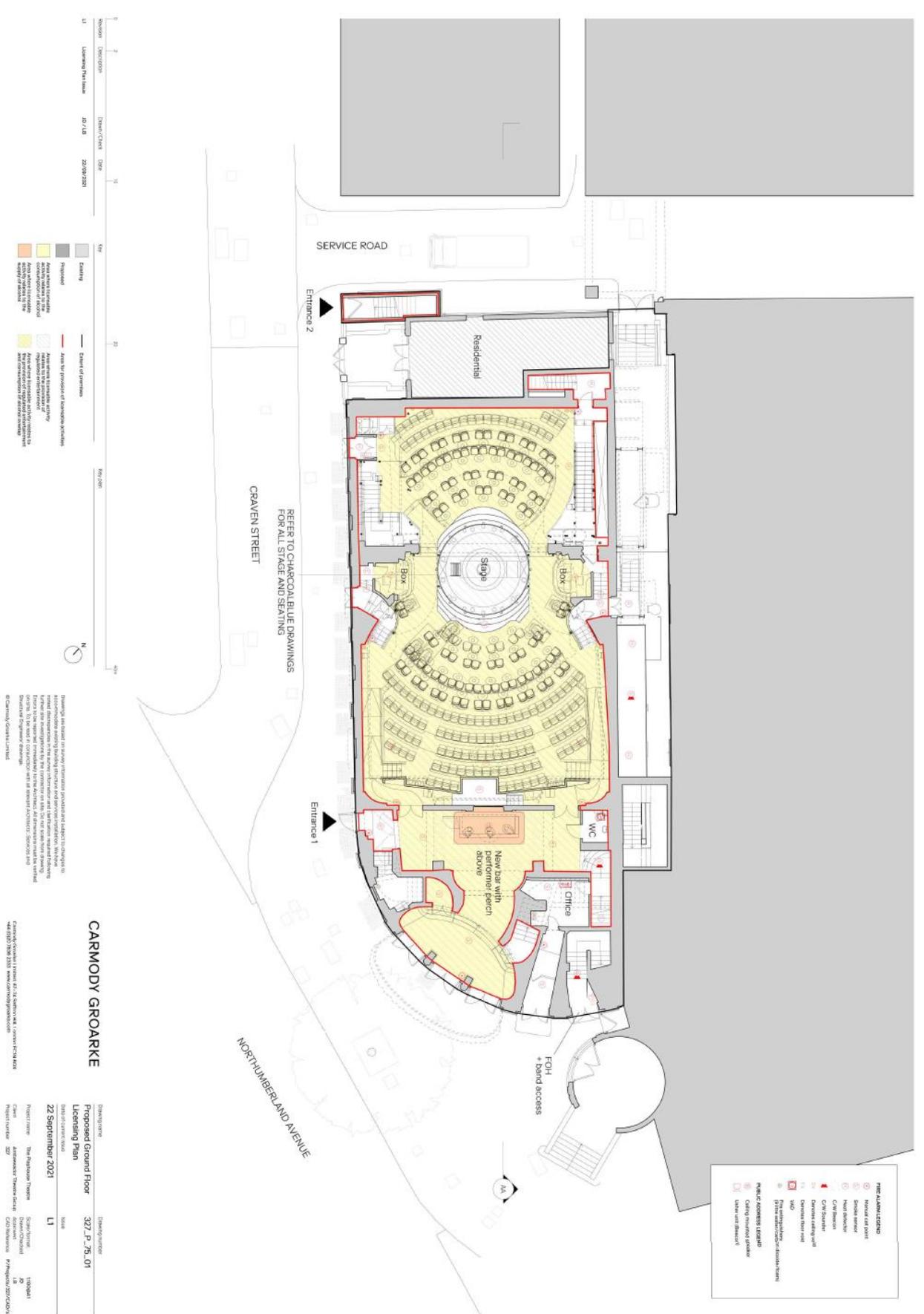
<b>Report author:</b>	Miss Jessica Donovan Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 6500 Email: <a href="mailto:jdonovan@westminster.gov.uk">jdonovan@westminster.gov.uk</a>

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

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

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	01 October 2021
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
<b>4</b>	Metropolitan Police Service ( <i>Withdrawn 28 October 2021</i> )	08 October 2021
<b>5</b>	Environmental Health Service	19 October 2021
<b>6</b>	Interested Party 1	11 October 2021
<b>7</b>	Interested Party 2	07 October 2021
<b>8</b>	Interested Party 3	09 October 2021
<b>9</b>	Interested Party 4	12 October 2021
<b>10</b>	Interested Party 5	11 October 2021
<b>11</b>	Interested Party 6	08 October 2021
<b>12</b>	Interested Party 7	12 October 2021











Mediation letter to interested parties

Dear [REDACTED]

**Playhouse Theatre – Application for variation of premises licence**

I am instructed on behalf of the licences holders at the above and have been sent the representation that you have submitted in relation to this matter. I have also seen the representation of [REDACTED] that you refer to in your letter.

I have set out below my clients responses to the issues that you have raised which I hope are helpful and set some context to the application, and what is proposed.

The application has been brought about primarily by the requirement to seek approval of the change of layout of the premises from a traditional theatre style to theatre in the round for the forthcoming production of Cabaret. This will result in an overall decrease in the capacity of the theatre by about 25% (from 819 to 635)

In so far as the point raised about the sale of alcohol is concerned, the primary function of the premises will remain as that of a theatre. The condition that my clients are seeking to remove is one which is perhaps more appropriately attached to a restaurant and not that of a theatre hence the reason for seeking to remove it. Please be assured that there is no intention on my clients part to change the primary function of the venue. It will remain as a theatre.

My clients (and I) recently met with officers from Westminster City Council on site and a number of conditions have been proposed/agreed. These are set out below. These specifically deal with a number of the points made in the rep from [REDACTED], particularly in relation to entrance 2 being used for access only (save in the event of an emergency), the displaying of signs reminding patrons that Craven Street is a residential area and the provision of a direct number and email address for the theatre.

Whilst the proposed conditions go beyond the concerns that you have raised I have set these out in their entirety for the sake of completeness and transparency.

1. Use of the stage door entrance by customers shall cease by no later than 1930
2. Except for in an emergency the stage door entrance shall not be used by customers as an exit route at anytime
3. Use of the stage door entrance by customers shall cease at the end of the Cabaret production run
4. Queuing by customers will only be permitted along the Playhouse façade and along Embankment Place
5. There shall be staff stationed externally to manage
  - (a) any queues along Craven Street;
  - (b) ensure access to/from Aria House is not blocked; and
  - (c) at closing time to encourage customers not to congregate and not to use Craven Street as a route away from the premises

6. Reduction in customer capacity from 819 to 635 for the duration of the Cabaret production run.
7. All supplies of alcohol and drinks for consumption within the theatre auditoria shall be in non-glass containers unless the use of glass in the auditoria has been risk assessed and signed-off by management - a copy of the risk assessment is to be kept on the premises and made available for inspection by the responsible authorities on request. The risk assessment is to be reviewed at least annually
8. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Premises Licence. If there are minor changes to the layout during the refurbishment new plans shall be submitted to the Licensing Service when requesting removal of this condition.

In addition to the above, and to further address the concerns that have been raised, my clients will commit to the following additional conditions being added to the licence and applying for the duration of the Cabaret run

1. Displaying notices at each entrance and exit reminding customers that they are in a residential area and to respect the interests of local residents
2. Display notices at all exits advising customers that drinks may not be removed from the theatre
3. That from 15 minutes before the entrance on Craven Street opens until at least 30 minutes after the performance ends there shall be at least one member of door security stationed on Craven Street whose duties shall include monitoring and control of the queue
4. That an email address and contact number for the theatre shall be made available to local residents

If you are able to confirm that you are able to withdraw your representation on the basis of the above 12 additional conditions I would be grateful if you could please let me know, copying in Jessica Donovan, the licensing officer at Westminster City Council who is dealing with the application. Her email address is [jdovonan@westminster.gov.uk](mailto:jdovonan@westminster.gov.uk)

I am more than happy to discuss this matter with you should you wish. You now have my email address and my contact numbers (mobile is bes [REDACTED]).

I look forward to hearing from you.

With best wishes

With best wishes

Ewen Macgregor  
Partner  
For TLT LLP

**Applicant's second mediation letter to interested parties**



Dear 

**Playhouse Theatre – Licence Variation Application**

I understand that you have made a representation to the variation application in relation to the Playhouse Theatre. I am aware that our solicitor has written to you on the mitigation measures that the theatre proposes to put in place, but I wanted to engage directly with you.

I hope the formal response from our solicitor has given you the assurance that your concerns have been heard, and that the subsequent mitigation measures and conditions we have confirmed and offered attend to any concern you may have about the proposed variation.

Please feel free to email or call me if you have any questions or thoughts you'd like to share. My personal number is 07979 533769 and my email address is [AndrewRawlinson@theambassadors.com](mailto:AndrewRawlinson@theambassadors.com)

I look forward to hearing from you.

Yours sincerely



Andrew Rawlinson  
Director – London & West End Theatres

## Applicant's response to interested party 2



1 November 2021

Dear 

### **Playhouse Theatre – Licence Variation Application**

Thank you for taking the time to respond to the email that was sent to you, via Westminster City Council Licensing, from our solicitor.

I wanted to engage with you directly to address some of the issues raised in your response.

Please be assured that the primary purpose of the Playhouse has been, and will remain, that of a theatre. We have been able to agree a condition with the police that **“the licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as a theatre”** to ensure that this remains the case.

We sincerely hope that the production of Cabaret will be a success but, at the present time, I am unable to confirm how long the show will run.

When patrons book tickets, so as to manage customer flow, they will be told at what time they should arrive and which entrance to use. Staff and security will be stationed outside to manage the queues (which will run along the side of the theatre, down towards Embankment Place), carry out COVID tests, and bag searches. In so far as the use of Craven Street is concerned, we aim to have all patrons in the theatre by no later than 7.30pm.

There are, inevitably, occasions when, for whatever reason, someone may arrive late to the theatre and, in these circumstances, we would use the entrance on Craven Street nearest Northumberland Avenue. All egress at the end of the show will be from the main doors on Northumberland Avenue.

These are all matters that we will, of course, keep under continual review.

I can confirm that, in addition to notices being placed at exits, staff will also be present to advise customers that they cannot remove drinks from the premises.

This is a procedure that is adopted in our other theatres, and we will amend the condition in line with your comments so that it reads as follows:

Staff will be stationed at exits and notices displayed advising customers that drinks may not be removed from the theatre

#### **THE AMBASSADOR THEATRE GROUP LIMITED**

Please reply to 115 Shaftesbury Avenue, London WC2H 8AF  
Registered Office 2<sup>nd</sup> Floor Alexander House Woking Surrey GU21 6EJ Registered in England and Wales Company Number 02671052

I am more than happy to discuss these matters further with you. Please feel free to email or call me if you have any questions or thoughts you'd like to share. My personal number is 07979 533769 and my email address is [AndrewRawlinson@theambassadors.com](mailto:AndrewRawlinson@theambassadors.com)

I look forward to hearing from you.

Yours sincerely



Andrew Rawlinson  
**Director – London & West End Theatres**



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

Schedule 12  
Part A

WARD: St James's  
UPRN: 100023432701

Premises licence

Regulation 33, 34

Premises licence  
number:

21/00332/LIPDPS

Original Reference:

05/04733/LIPC

**Part 1 – Premises details**

**Postal address of premises:**

Playhouse Theatre  
Northumberland Avenue  
London  
WC2N 5DE

**Telephone Number:** 0207 925 7740

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

Not applicable

**Licensable activities authorised by the licence:**

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

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

**Playing of Recorded Music** Unrestricted

**Performance of a Play**  
Monday to Saturday: 09:00 to 02:00  
Sunday: 14:00 to 02:00

**Late Night Refreshment**  
Monday to Sunday: 23:00 to 02:00

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

**Sale by Retail of Alcohol**

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

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

**The opening hours of the premises:**

Monday to Saturday: 09:00 to 02:00  
Sunday: 12:00 to 02:00

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

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

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

Playhouse Theatre Limited  
2nd Floor Alexander House  
Church Path  
Woking  
Surrey  
GU21 6EJ

Electronic Mail : [siminacioroianu@theambassadors.com](mailto:siminacioroianu@theambassadors.com)

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

04510126

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

**Name:** Michael Anthony Bond

***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:** ZO/N101ALY/1

**Licensing Authority:** London Borough Of Waltham Forest

**Date:** 29 January 2021

**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.

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

Conditions relating to regulated entertainment

9. This licence is subject to all the former Rules of Management for Places of Public Entertainment licensed by Westminster City Council, in force from 4 September 1998 and incorporating amendments agreed by the Council on 25 October 1999, 30 June 2000, 16 January 2001 and 1 October 2001.
10. On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).
11. Notwithstanding the provisions of Rule of Management No. 6 the premises may remain open for the purposes of this licence from 11pm on each of the days Sunday to Saturday to 2am on the day following,
12. No alterations shall be carried out to the escape staircase to Hungerford Lane or the exit ways therefore without the prior approval of the Council.
13. An attendant shall be on duty in the vicinity of the cloakroom area during the whole time the premises are in use.
14. The number of persons accommodated at any one time (excluding staff) in the theatre shall not exceed 819.

15. The number of persons permitted to stand shall not exceed the following: stalls 12 Dress Circle 7 Upper Circle 14
16. Standing within the auditorium shall be restricted to the rear cross gangways only.
17. Permanent, adequately illuminated notices must be provided to the rear stalls, Dress Circle and Upper Circle so as to clearly indicate the maximum number of standing persons allowed at each level of the auditorium

#### Conditions for Sale of Alcohol

18. In the area hatched black on the deposited plan intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal.
19. Substantial food and non-intoxicating beverages shall be equally available throughout the permitted hours.
20. Persons entering the premises after 11pm shall not have intoxicating liquor sold or supplied to them except for: a) persons who have paid or had paid on their behalf an entrance fee for any show at the premises or any bona fide guests of such a person; b) artistes or persons employed at the premises; c) persons attending a private function on the premises.

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

21. Alcohol shall not be sold or supplied except during permitted hours.
  - (a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10.00 to 23.00.
  - (b) On Sundays, other than Christmas Day or New Year's Eve, 12.00 noon to 22.30.
  - (c) On Good Friday, 12.00 to 22.30.
  - (d) On Christmas Day, 12.00 to 15.00 and 19.00 to 22.30.
  - (e) On New Year's Eve, except on a Sunday, 10.00 to 23.00.
  - (f) On New Year's Eve on a Sunday, 12.00 to 22.30.
  - (g) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, 00.00 midnight on 31st December).

#### NOTE - The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking table meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (d) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;

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

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

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

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

23. If any entertainment is provided for children or if an entertainment is provided at which the majority of persons attending are children, then, if the number of children attending the entertainment exceeds 100, it shall be the duty of the holder of the premises licence (or the holder of the club premises certificate):
- (a) to station and keep stationed wherever necessary a sufficient number of adult attendants, properly instructed as to their duties, to prevent more children or other persons being admitted to the building, or to any part thereof, than the building or part can properly accommodate,
  - (b) to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof, and
  - (c) to take all other reasonable precautions for the safety of the children.

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

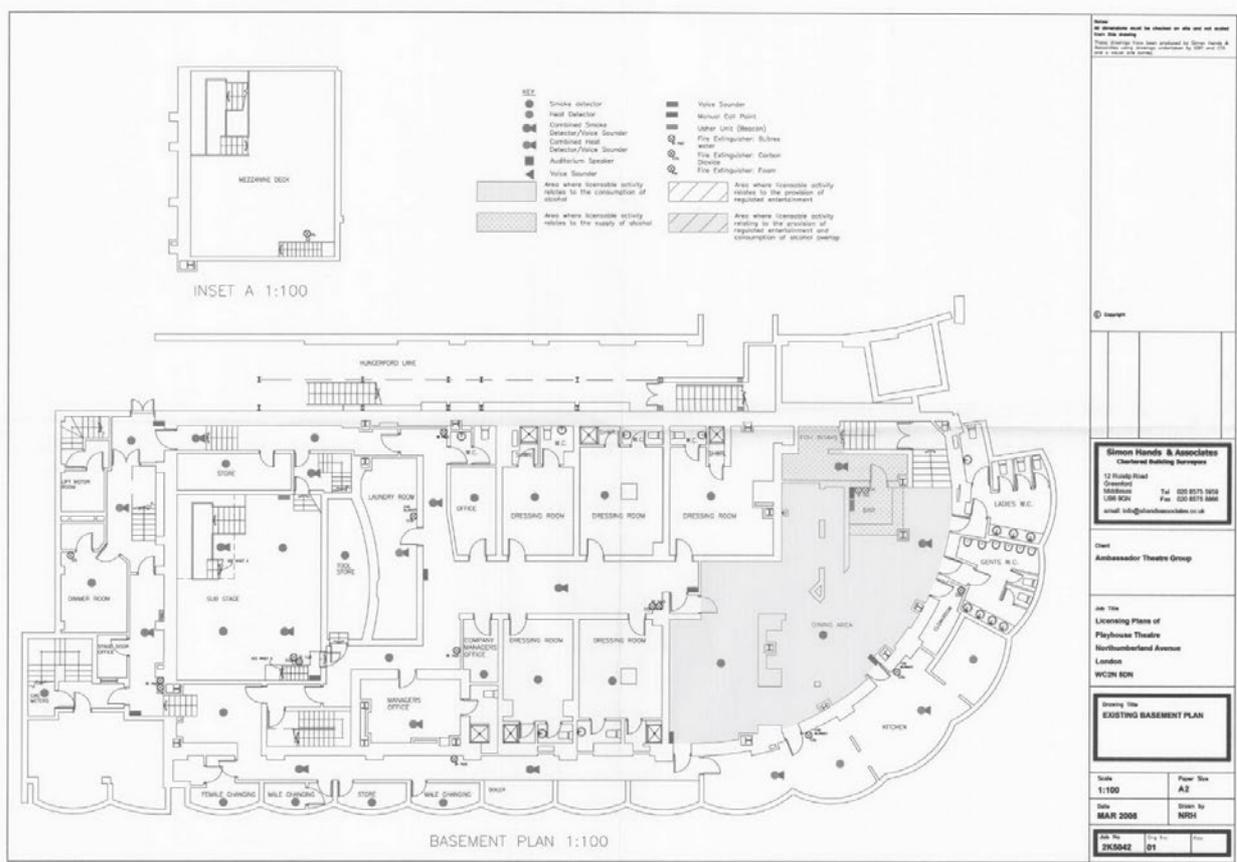
## **Annex 2 – Conditions consistent with the operating Schedule**

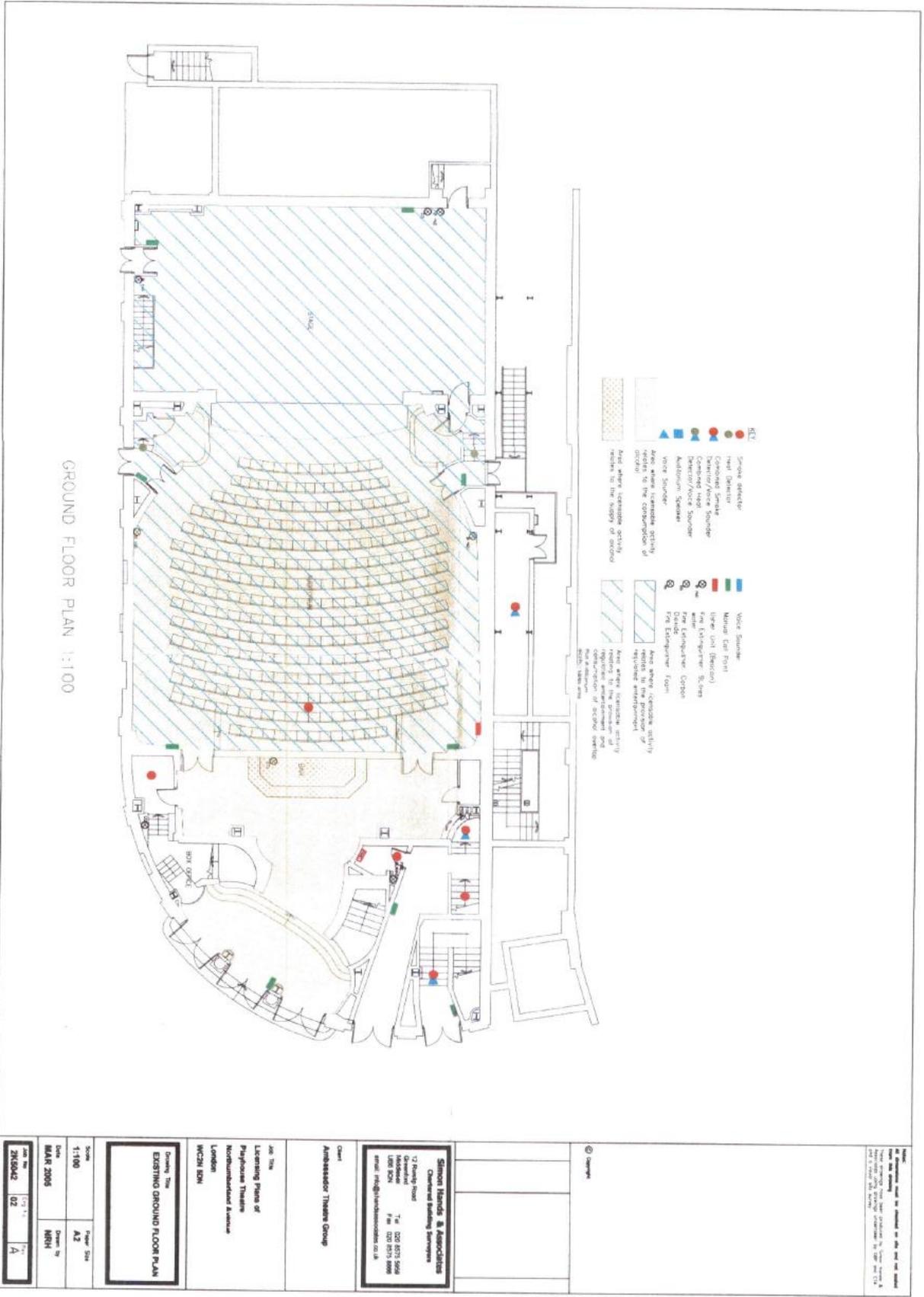
25. The sale of alcohol by staff from trays to persons attending a ticketed event within the auditorium areas as hatched blue and coloured yellow on plans lodged with the application is limited to the period of 30 minutes before the event commences and during interval(s) of the event.
26. Any alcohol sold as described in condition 25 shall be contained in non breakable vessels.
27. Staff shall supervise any queues of persons wishing to purchase alcohol sold as described in condition 25.
28. If a person trying to purchase alcohol as described in condition 25 looks under 21 years of age, suitable photographic ID shall be requested, and if none available then the sale of alcohol shall not proceed.
29. Persons who appear to be drunk shall not be sold alcohol as described in condition
30. Any refusal to sell alcohol as described in condition 25 shall be recorded in the refusals book.
31. All staff involved in the sale of alcohol as described in condition 25 shall be fully trained in and conversant with the relevant law relating to the sale of alcohol.

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

None

# Annex 4 – Plans





GROUND FLOOR PLAN 1:100

- KEY**
- Smoke detector
  - Heat Detector
  - Commode Smoker
  - Detector/Voice Sounder
  - Detector/Voice Sounder
  - Detector/Voice Sounder
  - Auditorium Speaker
  - Voice Sounder
  - Voice Sounder
  - Manual Call Point (over and Backed)
  - Fire Extinguisher 3kg
  - Fire Extinguisher 9kg
  - Fire Extinguisher 20kg
  - Fire Extinguisher 40kg
  - Fire Extinguisher 50kg
  - Fire Extinguisher 60kg
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  - Fire Extinguisher 1000kg

<p>Simon Hands &amp; Associates          Chartered Building Surveyors          7 Albany Road          London W22 3JX          T: 020 8751 5998          F: 020 8751 5999          email: info@simonhands.co.uk</p>		<p>Client:          Ambassador Theatre Group</p>
<p>Joe Tins          Licensing Plans of          Psychiatric Theatres          Northumberland Avenue          London          WC2N 3BN</p>		<p>Drawing Title:          EXISTING GROUND FLOOR PLAN</p>
<p>Scale:          1:100</p>	<p>Page Size:          A2</p>	<p>Date:          MAR 2005</p>
<p>Job No:          ZNE043 02</p>	<p>Drawn by:          NHH</p>	<p>Rev:          A</p>



- Smoke detector  
● Heat Detector  
● Detector/Voice Sounder  
● Combined Heat Sounder  
● Audiotone Speaker  
● Voice Sounder  
● Area where (detectable activity) is not regulated  
● Area where (detectable activity) is not regulated (activity is not regulated to the supply of oxygen)
- Voice Sounder  
■ Vehicle Call Point  
■ Fire Extinguisher  
■ Fire Extinguisher Sign  
■ Fire Extinguisher Cabinet  
■ Fire Extinguisher  
■ Area where (detectable activity) is not regulated (activity is not regulated to the supply of oxygen)
- Fire Extinguisher  
■ Fire Extinguisher Sign  
■ Fire Extinguisher Cabinet  
■ Area where (detectable activity) is not regulated (activity is not regulated to the supply of oxygen)

FIRST FLOOR PLAN 1:100

This document shall be retained as the 'as built' record of the fire alarm system. It shall be kept for the life of the building. It shall be available to the Fire Authority and the Fire and Rescue Authority. It shall be available to the Fire and Rescue Authority. It shall be available to the Fire and Rescue Authority.

**Simon Hanks & Associates**  
 Chartered building surveyors  
 12 Market Street  
 London E1 1BB  
 Tel: 020 8575 5000  
 Fax: 020 8575 5001  
 Email: info@shandassociates.co.uk

Client:  
**Amberley Theatre Group**

Job Title:  
 Licensing Plans of  
 Playhouse Theatre  
 Northumberland Avenue  
 London  
 WC2N 8BN

Drawing Title:  
**EXISTING FIRST FLOOR PLAN**

Scale:	1:100	Project Size:	A3
Date:	MAY 2005	Drawn By:	MMN
Drawn By:	MMN	Checked By:	MMN
Drawn No:	2K004	Sheet No.:	7







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

Schedule 12  
Part B

WARD: St James's  
UPRN: 100023432701

Premises licence  
summary

Regulation 33, 34

Premises licence  
number:

21/00332/LIPDPS

Part 1 – Premises details

Postal address of premises:

Playhouse Theatre  
Northumberland Avenue  
London  
WC2N 5DE

Telephone Number: 0207 925 7740

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

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

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

<b>Playing of Recorded Music</b>	Unrestricted
<b>Performance of a Play</b>	
Monday to Saturday:	09:00 to 02:00
Sunday:	14:00 to 02:00
<b>Late Night Refreshment</b>	
Monday to Sunday:	23:00 to 02:00
<b>Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit</b>	Unrestricted

**Sale by Retail of Alcohol**

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

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

**The opening hours of the premises:**

Monday to Saturday: 09:00 to 02:00  
Sunday: 12:00 to 02:00

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

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

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

Playhouse Theatre Limited  
2nd Floor Alexander House  
Church Path  
Woking  
Surrey  
GU21 6EJ

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

04510126

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

Name: Michael Anthony Bond

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

Restricted

Date: 29 January 2021

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

### Licence & Appeal History

Application	Details of Application	Date Determined	Decision
05/04733/LIPC	Conversion licence	31.07.2005	Granted Under Delegated Authority
06/08509/WCCMAP	Master licence	31.07.2005	Granted Under Delegated Authority
09/08091/LIPVM	Minor Variation:  To include live music, performance of dance and facilities for providing live music and dancing (facilities limited to those for performances of dance and not for dancing patrons) Monday to Saturday 09:00 to 02:00 and Sunday 14:00 to 02:00.	09.11.2009	Refused
10/04883/LIPDPS	Application to Vary the Designated Premises Supervisor	22.07.2010	Granted Under Delegated Authority
11/00548/LIPCH	Change of details	02.02.2011	Granted Under Delegated Authority
11/01745/LIPDPS	Application to Vary the Designated Premises Supervisor	25.03.2011	Granted Under Delegated Authority
11/06615/LIPV	Variation application:  To allow the sale of alcohol by staff from trays to persons attending a ticketed event within the auditorium areas as hatched blue and coloured yellow on plans lodged with the application with the restriction that the sale of alcohol as described is limited to the period 30 minutes before the	08.08.2011	Granted Under Delegated Authority

	event commences and during intervals of the event.		
11/09915/LIPDPS	Application to Vary the Designated Premises Supervisor	21.10.2011	Granted Under Delegated Authority
14/02806/LIPDPS	Application to Vary the Designated Premises Supervisor	25.04.2014	Granted Under Delegated Authority
16/03131/LIPDPS	Application to Vary the Designated Premises Supervisor	14.04.2016	Granted Under Delegated Authority
17/07010/LIPDPS	Application to Vary the Designated Premises Supervisor	24.09.2017	Granted Under Delegated Authority
17/08425/LIPVM	Minor Variation:  To amend the plan relating to the Dress Circle Bar on the second floor to show slight change in the bar shape and to amend the plan for the Upper Circle Bar on the third floor to show relocation of the bar from the upper right corner to the bottom left corner.	11.08.2017	Granted Under Delegated Authority
18/03107/LIPVM	Minor Variation:  To vary the plans to remove seats from the stalls and extend the stage out into the auditorium	11.04.2018	Granted Under Delegated Authority
18/07154/LIPDPS	Application to Vary the Designated Premises Supervisor	04.07.2018	Granted Under Delegated Authority
18/13702/LIPVM	Minor Variation:  To change the layout plan for the ground floor to reflect normal seating configuration within the auditorium.	04.12.2018	Granted Under Delegated Authority

18/13788/LIPDPS	Application to Vary the Designated Premises Supervisor	03.01.2019	Granted Under Delegated Authority
19/02308/LIPVM	Minor Variation: To change the layout plan for the ground floor to reflect the new stalls layout for the production of Fiddler on the Roof to make way for a catwalk (leading from the back of the auditorium) onto the stage. The dress circle boxes will also be altered to seat 9 patrons per box.		Granted Under Delegated Authority
19/14664/LIPVM	Minor Variation: To change the layout of the ground floor.	25.11.2019	Granted Under Delegated Authority
21/00332/LIPDPS	Application to Vary the Designated Premises Supervisor	29.01.2021	Granted Under Delegated Authority

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
21/10205/LITENP	Temporary Event Notice	30.09.2021	Event allowed to proceed

**There is no appeal history**

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

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

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

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

**Conditions: On Current Licence -**

**Mandatory:**

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

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

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

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

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

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

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

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

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

Where -

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

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

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

#### Conditions relating to regulated entertainment

9. This licence is subject to all the former Rules of Management for Places of Public Entertainment licensed by Westminster City Council, in force from 4 September 1998 and incorporating amendments agreed by the Council on 25 October 1999, 30 June 2000, 16 January 2001 and 1 October 2001.
10. On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).
11. Notwithstanding the provisions of Rule of Management No. 6 the premises may remain open for the purposes of this licence from 11pm on each of the days Sunday to Saturday to 2am on the day following,
12. No alterations shall be carried out to the escape staircase to Hungerford Lane or the exit ways therefore without the prior approval of the Council.
13. An attendant shall be on duty in the vicinity of the cloakroom area during the whole time the premises are in use.
14. The number of persons accommodated at any one time (excluding staff) in the theatre shall not exceed 819.
15. The number of persons permitted to stand shall not exceed the following: stalls 12 Dress Circle 7 Upper Circle 14
16. Standing within the auditorium shall be restricted to the rear cross gangways only.
17. Permanent, adequately illuminated notices must be provided to the rear stalls, Dress Circle and Upper Circle so as to clearly indicate the maximum number of standing persons allowed at each level of the auditorium

#### Conditions for Sale of Alcohol

18. In the area hatched black on the deposited plan intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal.

**Condition 18 is proposed to be removed by the applicant.**

19. Substantial food and non-intoxicating beverages shall be equally available throughout the permitted hours.
20. Persons entering the premises after 11pm shall not have intoxicating liquor sold or supplied to them except for: a) persons who have paid or had paid on their behalf an entrance fee for any show at the premises or any bona fide guests of such a person; b) artistes or persons employed at the premises; c) persons attending a private function on the premises.

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

21. Alcohol shall not be sold or supplied except during permitted hours.
- (a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10.00 to 23.00.
  - (b) On Sundays, other than Christmas Day or New Year's Eve, 12.00 noon to 22.30.
  - (c) On Good Friday, 12.00 to 22.30.
  - (d) On Christmas Day, 12.00 to 15.00 and 19.00 to 22.30.
  - (e) On New Year's Eve, except on a Sunday, 10.00 to 23.00.
  - (f) On New Year's Eve on a Sunday, 12.00 to 22.30.
  - (g) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, 00.00 midnight on 31st December).

NOTE - The above restrictions do not prohibit:

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

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

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

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

23. If any entertainment is provided for children or if an entertainment is provided at which the majority of persons attending are children, then, if the number of children attending the entertainment exceeds 100, it shall be the duty of the holder of the premises licence (or the holder of the club premises certificate):
- (a) to station and keep stationed wherever necessary a sufficient number of adult attendants, properly instructed as to their duties, to prevent more children or other persons being admitted to the building, or to any part thereof, than the building or part can properly accommodate,
  - (b) to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof, and
  - (c) to take all other reasonable precautions for the safety of the children.
24. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.

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

25. The sale of alcohol by staff from trays to persons attending a ticketed event within the auditorium areas as hatched blue and coloured yellow on plans lodged with the application is limited to the period of 30 minutes before the event commences and during interval(s) of the event.
26. Any alcohol sold as described in condition 25 shall be contained in non breakable vessels.
- Condition 26 is proposed to be removed by the applicant.**
27. Staff shall supervise any queues of persons wishing to purchase alcohol sold as described in condition 25.
28. If a person trying to purchase alcohol as described in condition 25 looks under 21 years of age, suitable photographic ID shall be requested, and if none available then the sale of alcohol shall not proceed.
29. Persons who appear to be drunk shall not be sold alcohol as described in condition

30. Any refusal to sell alcohol as described in condition 25 shall be recorded in the refusals book.
31. All staff involved in the sale of alcohol as described in condition 25 shall be fully trained in and conversant with the relevant law relating to the sale of alcohol.

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

None

#### **Conditions proposed to be added by the applicant.**

32. The use of glass drinking vessels within the auditoria shall be risk assessed.

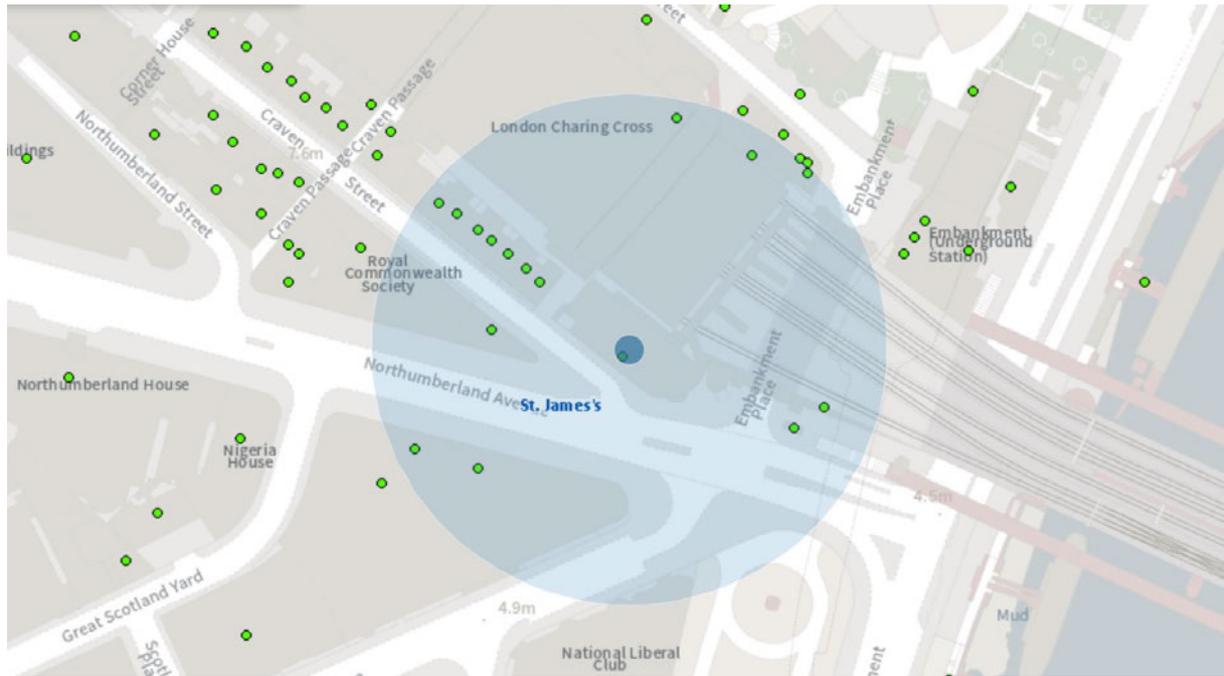
#### **Conditions proposed by the Metropolitan Police Service and agreed with the applicant so as to form part of the operating schedule.**

33. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as a theatre.
34.
  - (a) The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team.
  - (b) All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.
  - (c) 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.
  - (d) All recordings shall be stored for a minimum period of 31 days with date and time stamping.
  - (e) Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
35. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

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

36. Use of the stage door entrance by customers shall cease by no later than 1930 hours.
37. Except for in an emergency the stage door entrance shall not be used by customers as an exit route at anytime.
38. Use of the stage door entrance by customers shall cease at the end of the Cabaret production run.
39. Queuing by customers will only be permitted along the Playhouse façade and along Embankment Place.
40. There shall be staff stationed externally to manage any queues along Craven Street; access to/from Aria House is not blocked; and at closing time to encourage customers not to congregate and not to use Craven Street as a route away from the premises.
41. Reduction in customer capacity from 819 to 635 for the duration of the Cabaret production run.

42. All supplies of alcohol and drinks for consumption within the theatre auditoria shall be in nonglass containers unless the use of glass in the auditoria has been risk assessed and signed-off by management - a copy of the risk assessment is to be kept on the premises and made available for inspection by the responsible authorities on request. The risk assessment is to be reviewed at least annually.
43. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Premises Licence. If there are minor changes to the layout during the refurbishment new plans shall be submitted to the Licensing Service when requesting removal of this condition.
44. Displaying notices at each entrance and exit reminding customers that they are in a residential area and to respect the interests of local residents.
45. Display notices at all exits advising customers that drinks may not be removed from the theatre.
46. That from 15 minutes before entrance on Craven Street opens until at least 30 minutes after the performance ends there shall be at least one member of door security stationed on Craven Street whose duties shall include monitoring and control of the queue
47. That an email address and contact number for the theatre shall be made available to local residents.



Resident count: 46

<b>Licensed premises within 75 Metres of Playhouse Theatre, Northumberland Avenue, London, WC2N 5DE</b>				
<b>Licence Number</b>	<b>Trading Name</b>	<b>Address</b>	<b>Premises Type</b>	<b>Time Period</b>
21/00332/LIPDPS	Playhouse Theatre	Playhouse Theatre Northumberland Avenue London WC2N 5DE	Theatre	Sunday; 12:00 - 02:00   Monday to Saturday; 09:00 - 02:00
14/09115/LIPN	Nero Express	Subway Strand/Charing Cross Station London	Kiosk within another property	Monday to Sunday; 00:00 - 23:59
13/04058/LIPN	Subway	19-20 Embankment Place London WC2N 6NN	Restaurant	Thursday to Saturday; 06:00 - 06:00   Sunday to Wednesday; 06:00 - 02:00   New Year's Eve; 00:00 - 00:00



City of Westminster

# Licensing Sub-Committee Report

Item No:	
Date:	11 November 2021
Licensing Ref No:	21/06791/LIPN - New Premises Licence
Title of Report:	22 Great Windmill Street London W1D 7LD
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Karyn Abbott Senior Licensing Officer
Contact details	Telephone: 07866 019698 Email: <a href="mailto:kabbott@westminster.gov.uk">kabbott@westminster.gov.uk</a>

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	8 July 2021		
<b>Applicant:</b>	The Thin White Duke Ltd		
<b>Premises address:</b>	22 Great Windmill Street London W1D 7LD	<b>Ward:</b>	West End
		<b>Cumulative Impact Area:</b>	West End
		<b>Special Consideration Zone:</b>	None
<b>Premises description:</b>	According to the application form, the premises proposes to operate as a Café.		
<b>Premises licence history:</b>	This is a new premises licence application and therefore no premises licence history exists. The premises have had the benefit of Temporary Event Notices and can be found at <b>Appendix 3</b> .		
<b>Applicant submissions:</b>	The applicant has provided a letter to residents which can be found at <b>Appendix 2</b> .		

1-B Proposed licensable activities and hours							
<b>Late Night Refreshment:</b>				<b>Indoors, outdoors or both</b>			Indoors
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	23:00	23:00	23:00	23:00	23:00	23:00	N/A
<b>End:</b>	23:30	23:30	23:30	23:30	00:00	00:00	N/A
<b>Seasonal variations/ Non-standard timings:</b>		From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. On Sundays prior to bank holidays 23:00 – 00:00					

<b>Sale by retail of alcohol</b>				<b>On or off sales or both:</b>			Both
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	09:00	09:00	09:00	09:00	09:00	09:00	09:00
<b>End:</b>	23:30	23:30	23:30	23:30	00:00	00:00	22:30
<b>Seasonal variations/ Non-standard timings:</b>		From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. On Sundays prior to bank holidays 09:00 – 00:00					

Hours premises are open to the public							
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	09:00	09:00	09:00	09:00	09:00	09:00	09:00
<b>End:</b>	23:30	23:30	23:30	23:30	00:00	00:00	22:30
<b>Seasonal variations/ Non-standard timings:</b>		From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. On Sundays prior to bank holidays 09:00 – 00:00					
<b>Adult Entertainment:</b>		None					

## 2. Representations

### 2-A Responsible Authorities

<b>Responsible Authority:</b>	Licensing Authority
<b>Representative:</b>	Jessica Donovan
<b>Received:</b>	28 July 2021

Dear Sirs

I write in relation to the application submitted for a new premises licence for 22 Great Windmill Street, London, W1D 7LD.

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

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

#### **Late Night Refreshment**

Monday to Thursday: 23:00 to 23:30

Friday to Saturday: 23:00 to 00:00

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. On Sundays prior to bank holidays 23:00 – 00:00

#### **Retail sale of alcohol (On and Off sales)**

Monday to Thursday: 09:00 to 23:30

Friday to Saturday: 09:00 to 00:00

Sunday: 09:00 to 22:30

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. On Sundays prior to bank holidays 09:00 – 00:00

#### **Hours premises are open to the public**

Monday to Thursday: 09:00 to 23:30

Friday to Saturday: 09:00 to 00:00

Sunday: 09:00 to 22:30

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. On Sundays prior to bank holidays 09:00 – 00:00

The premises is located within the West End Cumulative Impact Area and as such various policy points must be considered, namely CIP1, HRS1, PB1 and RTN1.

The Licensing Authority note that the application falls within Westminster's core hours and the intended use of the premises is a Café. As part of the operating schedule the applicant has proposed the following condition:

1. Notwithstanding condition 1, alcohol may be supplied and consumed prior to 9pm without a substantial table meal to persons seated and served by waiter/waitress.

This part of the operating schedule before 9pm falls within Westminster's PB1 Policy as there is no ancillary nature to the Sale by Retail of Alcohol.

Westminster's PB1 (B) policy states:

B. It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone other than:

1. Applications to vary the existing licence hours within the council's Core Hours Policy HRS1.
2. Applications that seek to vary the existing licence so as to reduce the overall capacity of the premises.

D. For the purposes of this policy a Public House or Bar is defined as a premises, or part of a premises that's primary use is the sale or supply of alcohol for consumption on those premises and/or for consumption off the premises for consumption outside the venue.

The Licensing Authority encourages the applicant to provide further submissions as to how the cafe will operate before 9pm and whether there is any limitation to the specific types of alcohol on sale.

As stated above this part of the operating schedule does fall within Westminster's PB1 policy and the applicant will need to demonstrate exceptional circumstances to allow the application to depart from policy.

The Licensing Authority also note in the operating schedule the applicant has proposed the below condition bringing this part of the application after 9pm in line with Westminster's RTN1 policy:

1. The premises shall only operate as a café:
  - (i) in which customers are shown to their table or the customer will select a table themselves,
  - (ii) where the supply of alcohol is by waiter or waitress service only,
  - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table,
  - (iv) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

For the purpose of this condition 'Substantial Table Meal' means – a meal such as might be expected to be served as the main midday or main evening meal, or as a main course at either such meal and is eaten by a person seated at a table, or at a counter or other structure which serves the purposes of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure servicing the purposes of a table.

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

Westminster's RTN1 (B) Policy states;

B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to:

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.

C. For the purposes of this policy a restaurant is defined as:

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.

The applicant has applied for the sale by retail of alcohol both on and off the premises. The Licensing Authority would encourage the applicant to provide further submissions as to the proposed operation of the 'off sales' from the premises, and how this is intended to be operated and controlled from the premises to ensure that there is no adverse impact within the West End Cumulative Impact Zone. The Licensing Authority would propose model condition 17 as follows;

1. There shall be no sales of alcohol for consumption off the premises after 23.00 hours

The Licensing Authority require the applicant to provide submissions as to how the operation of the premises will not add to cumulative impact in the West End cumulative impact Zone, in accordance with policy CIP1.

Please accept this as a formal representation.

**A condition was agreed between the applicant and the Licensing Authority. This condition can be found at Appendix 4.**

<b>Responsible Authority:</b>	Metropolitan Police Service
<b>Representative:</b>	PC Bryan Lewis
<b>Received:</b>	3 August 2021

With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, is objecting to this application as it is our belief that if granted this application would undermine the Licensing Objectives.

The venue is located in the West End Cumulative Impact Area, a locality where there is traditionally high levels of crime and disorder. We have concerns that this application will cause further policing problems in an already demanding area.

Also the application is contradictory, in that conditions state alcohol will only be sold to persons seated and by waiter waitress, combined with the provision of off sales, beyond core hours. Insufficient conditions proposed to deal with off sales.

I am happy to discuss how this application may be progressed.

<b>Responsible Authority:</b>	Environmental Health Service
<b>Representative:</b>	Anil Drayan
<b>Received:</b>	5 August 2021

**I refer to the application for a new Premises Licence for the above premises which is located in the West End Cumulative Impact Zone**

The applicant has submitted plans of the premises showing the Ground Floor, ref: Licensing Drawing 0.2, dated 29/6/21.

**The following licensing activities are being sought:**

1. Provision of Late-Night Refreshment 'Indoors' on Monday to Thursday from 23:00 to 23:30 hours and Friday and Saturday from 23:00 to 00:00. Also from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day and On Sundays prior to bank holidays 23:00 – 00:00
2. Supply of Alcohol 'On' and 'Off' the premises Monday to Thursday from 09:00 to 23:30 hours, Friday and Saturday from 09:00 to 00:00 and Sunday from 09:00 to 22:30. Also from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day and On Sundays prior to bank holidays 09:00 – 00:00

**I wish to make the following representations based on the plans and operating schedule submitted:**

1. Provision of Late Night Refreshment and for the hours requested may have the effect of increasing Public Nuisance in the Area.
2. The Supply of Alcohol and for the hours requested may have the effect of increasing Public Nuisance in the Area.

**Environmental Health also makes the following further comments:**

- Some conditions have been offered in the operating schedule and these are under consideration as to whether they there are sufficient to allay Environmental Health concerns.
- It is unclear from the application if the premises have already been constructed for the proposed use. Nevertheless, it will need to be inspected for Public Safety by Environmental Health prior to commencement of any licensable activities.
- The food preparation/cooking facilities will also need to be assessed in order to evaluate whether Public Nuisance may arise from cooking odour and/or noise from the operation of any plant and machinery.
- The standard of the party-wall sound insulation will also need to be assessed for the prevention of internal transfer of noise through the building fabric which may affect other users within the building block.
- The provision of sanitary accommodation for a public capacity over 25 must be at least in line with the guidance set out in British Standard 6465 and, where necessary, separate facilities for staff in compliance with guidance to Food Hygiene legislation.
- The Council has recently revised its Statement of Licensing Policy which is available on the Council's website. One of the new requirements under the Policy is that licensed premises must demonstrate achieving compliance with policy CH1 (Protection of Children from Harm, see page 36 of Policy). Free advice on achieving this can be found at:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/419604/What\\_to\\_do\\_if\\_you\\_re\\_worried\\_a\\_child\\_is\\_being\\_abused.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/419604/What_to_do_if_you_re_worried_a_child_is_being_abused.pdf)

The applicant is therefore requested to contact the undersigned to discuss the above issues and arrange a site visit after which Environmental Health may propose additional conditions for the proposed use.

2-B Other Persons	
<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	3 August 2021
<p>This premises is located within the overall structure of Soho Parish School. It shares party walls with the school's classrooms.</p> <p>As part of the designated West End Stress Area, Soho has the highest number of licensed premises in the UK. We do not think another licensed premises, specifically next to the only school in Soho, is needed or is desirable.</p> <p>This is a brand new premises licence, not changes to an existing licence. The previous tenant, Soho Radio, operated brilliantly without selling alcohol and contributed positively to the school and neighbourhood community.</p> <p>The Thin White Duke is simply yet another bar/restaurant. Soho has c.500 licensed premises. This is proliferation.</p> <p>Parents have to stand in a queue in the street right outside this premises to drop-off and pick up their children. There are after school clubs that operate till 6pm. We already have drinkers standing outside the two pubs nearby. Kids and parents don't need more drinkers and smokers to navigate right outside our school.</p> <p>Noise - we know from 27 years of living in Soho that it is nigh on impossible for bars and restaurants to consistently keep the noise from music and their patrons within reasonable limits. It's hard to see how the Thin White Duke and their patrons are not going to create noise for the school. Particularly if there are plans for a terrace (? it's not clear on the submitted plan?).</p> <p>We do not support this new premises licence application.</p>	
<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	4 August 2021
<p>We write to make a relevant representation to the above application on behalf of The Soho Society.</p> <p>The Soho Society objects to this application as it is currently presented, on the grounds of prevention of crime and disorder, prevention of public nuisance, public safety and cumulative impact in the West End Cumulative Impact Area.</p> <p>About The Soho Society</p> <p>The Soho Society is a charitable company limited by guarantee established in 1972. The society is a recognised amenity group and was formed to make Soho a better place to live, work or visit by preserving and enhancing the area's existing diversity of character and uses, and by improving its facilities, amenities and environment. In particular, the society supports the Westminster City Council's policies, including the cumulative impact policy, as set out in the Statement of Licensing Policy.</p>	

### **Application summary**

#### **New premises licence**

**Sale of Alcohol: Mon-Thurs:** 09:00 - 23:30. **Fri-Sat:** 09:00 - 00:00 **Sun:** 09:00-22:30

**Late night refreshment: Mon-Thurs:** 23:00 - 23:30. **Fri-Sat:** 23:00 - 00:00

**Opening hours: Mon-Thurs:** 09:00 - 23:30. **Fri-Sat:** 09:00 - 00:00 **Sun:** 09:00-22:30

#### **Additional information**

Café in the West End CIZ.

#### **Relevant proposed conditions**

**Condition 1;** premises shall only operate as a café: (i) customers are shown to a table, (ii) the supply of alcohol is by waiter service, (iii) substantial table meals are prepared on the premises and consumed at the table, (iv) alcohol shall not be sold or supplied, otherwise than for consumption by persons seated in the premises and taking substantial table meals, and provided always that the consumption of alcohol is ancillary to taking such meals.

**Condition 2;** notwithstanding condition 1, alcohol may be supplied and consumed prior to 9pm without a substantial table meal to persons seated and served by waiter/waitress service.

**Condition 13;** all sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.

**Condition 19;** no licensable activities shall take place at the premises until the premises has been assessed by the EHCT, at which time this condition shall be removed, any such capacity will not exceed 30 persons (excluding staff) at any time.

#### **The Soho Society's Position**

- **The application:** states these premises will operate as a café providing tables meals, however they also seek to permit the supply of alcohol prior to 9pm without a substantial table meal to persons seated, and to provide the sale of alcohol off the premises in sealed containers and not to be consumed on the premises. We object to this application, we are concerned this café is seeking to sell alcohol without food for the vast majority of its opening hours 9am - 9pm which will fundamentally change the nature of the café and turn into a bar in the West End Cumulative Impact Zone, its also proposing to include off sales. If granted this application will fail to promote the licensing objectives of the prevention of crime and disorder and public nuisance and increase cumulative impact in the West End Cumulative Impact Zone.
- **Licensed premises:** Soho has a huge number of food and beverage premises with over 200 restaurants, 72 cafés, 39 bars, 46 pubs and 31 clubs (including members clubs). It is also at the forefront of the evening and night time economy in Westminster, and after midnight Soho is saturated with late night premises, between 1am to 6am there are 126 licensed premises with a capacity of over 20,400. Soho is open 24 hours where alcohol is readily available, the area cannot accommodate another bar selling alcohol from 9am to 9pm, or an off licence until core hours.

#### **Statement of Licensing Policy 2021**

This application as presented is contrary to the Pubs & Bars Policy PB1, and Cumulative Impact Policy CIP1.

- **Public Houses and Bars Policy PB1;** it is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone other than, '1. Applications to vary the existing licence hours within the council's Core Hours Policy HRS1, 2. Applications to seek to vary the existing license so as to reduce the overall capacity of the premises.' The policy also states an exception may be permitted to applications no later than 9pm, if they meet other policies in the statement which include CD1 and PN1. It goes on, under the reasons for

this Policy, F10 states, ‘... *Premises that primarily serve alcohol, with or without the provision of any ancillary playing of music, can give rise to public nuisance for residents and other businesses, particularly with there is a concentration of such premises. This is principally due to noise from the premises and from patrons when they leave. Pubs and bars present opportunities for crime and they can also give rise to disorder.*’ The council’s own policy clearly highlights the negative impact of pubs and bars on residents. In our view there is no exception in this case, it will fail to promote the licensing objectives CD1 and PN1 and should be rejected on these grounds.

- **Cumulative Impact Policy CIP1**; this area has been identified by the Westminster City Council as under stress because of the cumulative effect of the concentration of late night and drink led premises and night cafes has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses. The Cumulative Impact Assessment 2020 highlights the cumulative impact in the West End Zone, 1(p.9) stating, ‘*The rate of incidence per square kilometre here, as well as the rate of license premises per square kilometre, was approximately nine times than the borough average rate. For crimes in particular, the rate was 10–13 times higher between 6pm – 6am compared to the borough’s average.*’ In relation to the impact of bars in an area, F82 states, ‘*among specific premises types assessed within the CIA, pubs and bars were one of the top licensed premises operation types that were most significantly aligned with incidents in their proximity.*’
- The policies in relation to the cumulative impact zone are directed at the global and cumulative effects of licences on the area as a whole (D16. of the policy). The policy provides an assumption to refuse pubs and bars, music and dance venues and fast food premises, the policies are intended to be strict and will only be overridden in genuinely exceptional circumstances (D.11 of the policy). The growth in the number of licensed premises in Soho has led to a marked deterioration in the quality of life and well-being of local residents and it has jeopardised the sustainability of the community. Soho has a substantial residential community and many of these residents suffer from problems such as, but not limited to, high levels of noise nuisance, problems with waste, urinating and defecating in the streets, threats to public safety, anti-social behaviour, crime and disorder and the change in character of this historic area.

### **The Licensing Objectives**

The Statement of Licensing Policy 2021 or Section 182 Guidance does not provide for any circumstance, including exceptional or otherwise, which would permit an application to be granted if the licensing objectives were harmed. We now consider the impact of this application on these objectives.

### **Prevention of Crime and Disorder - CD1**

Under this Policy the criteria applied is, ‘*whether the premises make or will make a significant contribution to levels of crime and disorder, and whether the operating schedule is based on an adequate risk assessment, undertaken by the applicant, which takes account of all the relevant considerations below to reduce the likelihood of crime and disorder occurring as a result of the grant of the application.*’

The recently published Cumulative Impact Assessment 2020 presents overwhelming evidence of the year on year increase in cumulative impact in the West End Zone 1, ***it highlights the rate of crime as 10 - 13 times higher between 6pm - 6am compared to the borough average.*** It goes on to detail the number and types of crimes in the West End,

- **Public realm crimes:** (serious violence, robberies, theft and drug offences), alcohol-related callouts incidents, anti-social behaviour and demands on services were prevalent in Westminster between 2017 and 2019, among the highest in London and the country. All incidents observed concentrated in the West End many occurring in the evening and at night as well as weekends.

- **Total incident type 2017-2019:** serious violent crimes Night, 795 - proportion of Borough's incidents (31%). **Robberies Night, 2237 (33%). Theft and Handling Night, 24,407 (33%). Drug Offences Night, 1529 (40%).** Noise Complaints Night, 1389 (16%). Reactive Waste Management, 6630 (10%). Ambulance call outs to locations of licensed premises, 5353 (22%). Anti-Social behaviour on transport Night, 592 (13%), Anti-Social behaviour MPS, 9662 (16%). **Total = 50,594.**
- **Data description of incidents in 2017-2019** found all incident categories observed varied both in space and time. Many occurred in the evening and at night and on weekends when alcohol related activities typically peak. Incidents were primarily concentrated in the West End where licensed premises are disproportionately concentrated.
- **Robberies:** clustered within the West End, Charing Cross, Oxford Street in the evening and night.
- **Serious violent crimes:** recorded between **6pm and 6am** concentrated overwhelmingly in the West End.
- **Drug related crimes:** Westminster recorded the highest volume of drug offences of any borough between 2017-2019. Half of crimes were reported (48%) in the evening and night time. Drug related crimes between **6pm - 6am** were significantly clustered in and around the West End to varying degrees.
- **Theft and Handling:** most common crime type in the borough, in the evening and night they are particularly concentrated in the West End and along Oxford Street.

For residents living in Soho the findings of the Cumulative Impact Assessment is unsurprising, Soho transforms in the evening and night-time into an area which feels very unsafe and where levels of crime and disorder are high. As evidenced above criminal activity associated with the large number of venues and the large numbers of people on the streets (including following the lifting of COVID restrictions) results in high levels of serious crime.

To add another premises functioning as a bar and an off licence in area already saturated will only increase crime and disorder and fail to promote the licensing objectives.

#### **Prevention of Public Nuisance Policy PN1**

Under this Policy the criteria applied states, *'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 a nuisance occurring. This will particularly apply in areas of residential accommodation and where there is residential accommodation in the proximity of the premises.'*

Residents live along the length of Gt. Windmill St and already suffer from late night noise, disturbance (pedicabs playing loud music, waiting taxis) anti-social behaviour including street fouling and high levels of crime and disorder from the existing number of licensed premises in the area. We are particularly concerned that these residents will be disturbed by intoxicated people leaving these premises.

#### **In summary**

The application proposes a new bar and off licence in the West End Cumulative Impact Zone in our view this application if granted will fail to support the licensing objectives and increase cumulative impact.

Please do not hesitate to contact us if you require any further information.

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	5 August 2021

I would like to object to the planned works on the above application as the premises in question that are part of my residential home should not be used as a restaurant as the premises as far as my research has found does not hold a liquor license and should not be granted one for change of use.

i quote from Mr Almonte " a members only recording studio in the basement' this is not mentioned on the application

Points 8-9 indicate that a substantial meal will be prepared and served on the premises with no fumes, steam and odours being emitted from the premises. I live in the townhouse which shares the ground floor and my home occupies all of the above floors.

I can't see how this is going to be achieved as fumes, steam and odours rise. We Have logged many complaints to Westminster council with regards to the noise and smell of smoke coming from the premises from the last occupants.

Point 10: Regardless of signs being prominently displayed at all exits once patrons have been drinking these signs are ignored. We have video evidence of antisocial behaviour taking place on the street from the many venues that are already there.

Point 11 states that no noise will be generated from the premises by either equipment or patrons, again this seems a huge statement to make regardless of the acoustic test that the applicant wishes to perform. Also I have correspondence from Mr Almonte stating that they will be holding occasional concerts on the premises.

Point 15: As far as i am aware the collection of rubbish and recycling takes place in the early hours and this point has been worded in a manner to counteract them stating there will be no removal from the premises of said items between 2300 and 0800 hours. This needs further clarification.

Point 16: same as above

point 18: Once patrons are outside the premises smoking or making phone calls the noise rising up to my home is out of the control of the venue, smoke rises and voices become louder once alcohol is consumed, and I don't wish to have my windows closed during the proposed opening hours plus i have 2 terraces one on the front and one on the back that i will not be able to enjoy.

My [REDACTED] of the premises and people standing outside smoking is unacceptable. I have venues all around me and enjoy the vibrancy the area offers. I object to this application as the venue will be the basement and ground floor of my building. This will be detrimental to both my daughters and my own mental health and quality of living and does not offer anything that the area does not already have.

### 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 applications.

	<p>C. For the purpose of Clauses A and B above, the Core Hours for applications for each premises use type as defined within this policy are:</p> <p><b>8. Restaurants</b>  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><b>Policy RNT1 applies</b></p>	<p>A. Applications outside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</li> <li>2. The hours for licensable activities being within the council's Core Hours Policy HRS1.</li> <li>3. The operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.</li> <li>4. The applicant has taken account of the Special Consideration Zones Policy SCZ1 if the premises are located within a designated zone.</li> <li>5. The application and operation of the venue meeting the definition of a restaurant as per Clause C.</li> </ol> <p>B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</li> <li>2. The hours for licensable activities are within the council's Core Hours Policy HRS1.</li> <li>3. The operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.</li> <li>4. The applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone.</li> <li>5. The application and operation of the venue meeting the definition of a restaurant as per Clause C.</li> </ol> <p>C. For the purposes of this policy a restaurant is defined as:</p> <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>3. Which do not provide any takeaway service of food and/or drink for immediate consumption, except if provided via an ancillary delivery service to customers at their residential or workplace address.</li> <li>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.</li> <li>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.</li> </ol>

#### 4. Equality Implications

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

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

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

#### 5. Appendices

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

<b>Report author:</b>	Karyn Abbott Senior Licensing Officer
<b>Contact:</b>	Telephone: 07866 019698 Email: <a href="mailto:kabbott@westminster.gov.uk">kabbott@westminster.gov.uk</a>

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

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

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	October 2021
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
<b>4</b>	Licensing Authority	28 July 2021
<b>5</b>	Metropolitan Police Service	3 August 2021
<b>6</b>	Environmental Health Service	5 August 2021
<b>7</b>	Representation 1	3 August 2021
<b>8</b>	Representation 2	4 August 2021
<b>9</b>	Representation 3	5 August 2021



**From:** [Alun Thomas](#)  
**To:** [Meloyan, Emanuela: WCC](#)  
**Subject:** Re: Public Representations - 21/06791/LIPN 22 Great Windmill Street W1D 7LD  
**Date:** 07 September 2021 11:58:41  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[Re 22 Gt Windmill St CIA Police objection 3Aul21 2106971.msg](#)  
[Re 2106791LIPN- 22 Great Windmill Street London W1D 7LD.msg](#)  
[Response Letter\[2\].pages](#)  
[Fwd 22 Great Windmill Street - Thin White Duke.msg](#)

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Hi Emanuela

Please find attached e mails to:

1. The Police
2. The Licensing Authority
3. The 3 interested parties, including Mr Murray below:

Hello Mr. Murray,

My name is Giovanni Almonte and I am the director of the business coming soon to 22 Great Windmill Street. I have received a copy of your objections to our receiving an alcohol license from the Westminster City Council. I understand your concern and hope to further clarify our aims for the business.

We do not intend to open a "bar". The Thin White Duke is primarily a hub for producers and recording artist. It is designed to function as a social setting for creatives to meet, eat, drink, share and collaborate. The cafe/restaurant portion is complementary to this purpose and ensures that we support the studio financially as our membership based model is unprecedented and a risk.

Because this is a recording studio, sound isolation is critical so our objectives and building strategies differ substantially from those of a "bar" or typical "restaurant". We have to ensure our studios enable controlled acoustic environments for our clients.

We respect our neighbours and understand the need for a safe environment. I assure you there will not be antisocial behaviour during school hours or otherwise from our customers. We are a very high end concept which itself does the most to curb bad behaviour but in addition alcohol is ancillary and complimentary to our main products which are the studios, coffee and food.

My fiancé Sasha and I moved into Soho several months ago to be near our business and have intentions of entering our future offspring into SoHo Parish as well if we can. Soho is our permanent home and we love the amount of creativity and options available to us and our family. We intend to elevate the offerings in Soho with all of our businesses, not downgrade them.

I would also like to impress upon you just how small our venue is. The ground floor measures a total of 320sq feet. That is the total size of our cafe/restaurant which includes 2 bathrooms. We have an estimated max seating capacity of 20-30 people.

Sasha and I would love to invite you to talk over in person any concerns you might have and show you our business model in detail which we think is truly unique, special and elevating.

Thank you for your time Mr. Murray.

Sincerely,

Giovanni Almonte  
07515 538 864

No reply has been received yet as far as I am aware.

Alun

There is no appeal history for the premises.

**Temporary Event Notices**

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
18/02002/LITENP	Temporary Event Notice	6 <sup>th</sup> March 2018	Notice Granted
18/02003/LITENP	Temporary Event Notice	6 <sup>th</sup> March 2018	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**

9. The premises shall only operate as a café:
- (i) in which customers are shown to their table or the customer will select a table themselves,

- (ii) where the supply of alcohol is by waiter or waitress service only,
- (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table,
- (iv) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

For the purpose of this condition 'Substantial Table Meal' means – a meal such as might be expected to be served as the main midday or main evening meal, or as a main course at either such meal and is eaten by a person seated at a table, or at a counter or other structure which serves the purposes of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure servicing the purposes of a table.

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

10. Notwithstanding condition 1, alcohol may be supplied and consumed prior to 9pm without a substantial table meal to persons seated and served by waiter/waitress.
11.
  - (a) The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team.
  - (b) All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.
  - (c) 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.
  - (d) All recordings shall be stored for a minimum period of 31 days with date and time stamping.
  - (e) Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
12. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
13. The premises licence holder shall ensure that the management team register and successfully complete the nationally recognised counter terrorism training product referred to as ACT eLearning package or can demonstrate that the ACT eLearning product has been successfully completed within the preceding 12 months and that all staff employed by or at the premises complete the ACT eLearning within a reasonable period not exceeding 3 months from the day they start their employment.
14. 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.

15. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
16. 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.
17. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
18. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
19. 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.
20. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number and/or is to be made available to residents and businesses in the vicinity.
21. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.
22. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
23. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between (23.00) hours and (08.00) hours on the following day unless collections are arranged during the times for the Council's own commercial waste collection service for the street.
24. No collections of waste or recycling materials (including bottles) from the premises shall take place between (23.00) and (08.00) hours on the following day unless collections are arranged during the times for the Council's own commercial waste collection service for the street.
25. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
26. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke or make a phone call, shall not be permitted to take glass containers with them.
27. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority but any such capacity will not exceed 30 persons (excluding staff) at any time.
28. No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity

so determined.

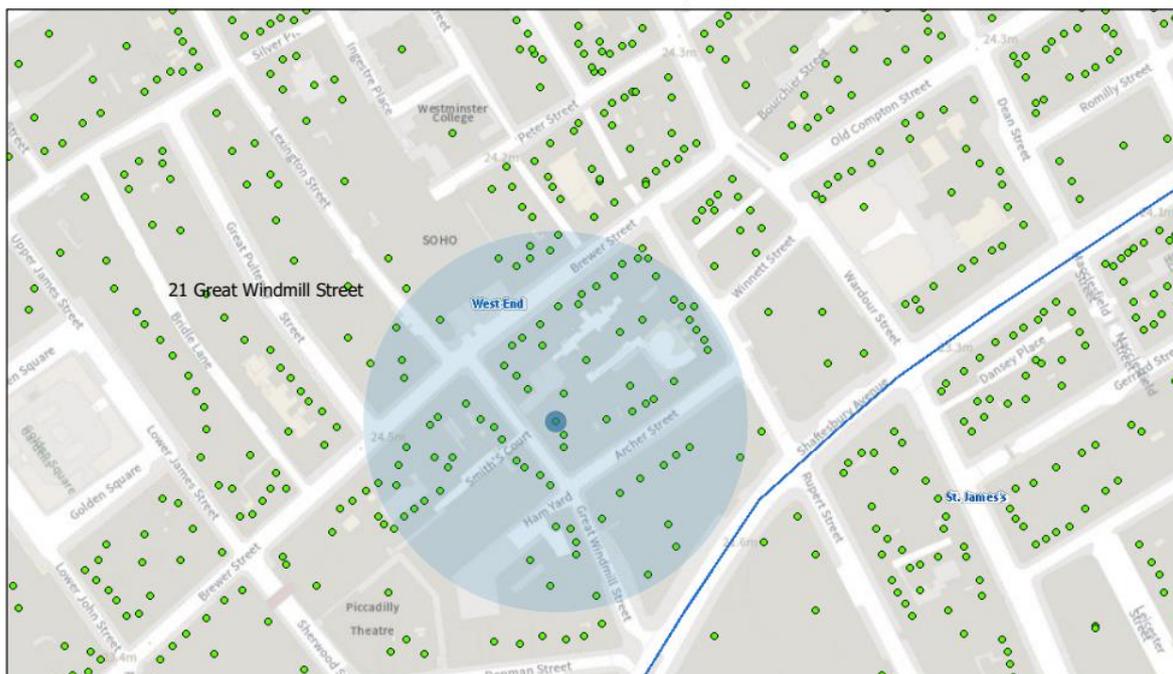
**Conditions proposed by the Licensing Authority and agreed by the applicant so as to form part of the operating schedule.**

29. There shall be no sales of alcohol for consumption off the premises after 23.00 hours

**Conditions proposed by the Environmental Health**

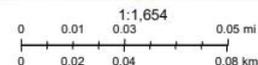
None

22 Great Windmill Street, London



27/10/2021, 08:23:23

- Property Mailing List
- Ward Labels
- Borough Boundary - Mask
- Borough Boundary - Detailed
- Ward Boundaries



**Resident Count = 225**

<b>Licensed premises within 75 metres of 22 Great Windmill Street, London</b>				
<b>Licence Number</b>	<b>Trading Name</b>	<b>Address</b>	<b>Premises Type</b>	<b>Time Period</b>
18/11379/LIPT	Not Recorded	21 Great Windmill Street London W1D 7LB	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
20/11365/LIPCH	Be At One	20 Great Windmill Street London W1D 7LA	Public house or pub restaurant	Sunday; 10:00 - 22:50   Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00
17/02349/LIPDPS	Soju Restaurant	32 Great Windmill Street London W1D 7LR	Restaurant	Sunday; 12:00 - 22:30   Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00
15/02567/LIPVM	Blacklock	25 Great Windmill Street London W1D 7LH	Restaurant	Sunday; 12:00 - 22:30   Monday to Saturday; 10:00 - 23:30
20/08988/LIPDPS	Duke Of Argyll	37 Brewer Street	Public house or	Sunday; 12:00 -

	Public House	London W1F 0RY	pub restaurant	23:00   Monday to Saturday; 10:00 - 23:30
20/07627/LIPDPS	Bocca Di Lupo	Basement And Ground Floor 12 Archer Street London W1D 7BB	Restaurant	Monday; 07:30 - 00:00   Tuesday; 07:30 - 00:00   Wednesday; 07:30 - 00:00   Thursday; 07:30 - 00:00   Friday; 07:30 - 00:00   Sunday; 11:00 - 23:30
17/09357/LIPN	Fiorucci	39-43 Brewer Street London W1F 9UD	Shop	Saturday to Sunday; 08:00 - 20:00
19/04243/LIPVM	Archer Street	Basement And Ground Floors 3 - 4 Archer Street London W1D 7AP	Night clubs and discos	Monday; 09:00 - 01:30   Tuesday; 09:00 - 01:30   Wednesday; 09:00 - 01:30   Thursday; 09:00 - 01:30   Friday; 09:00 - 01:30   Saturday; 09:00 - 01:30   Sunday; 09:00 - 23:00   Sundays before Bank Holidays; 09:00 - 00:00
16/08679/LIPT	The Lyric Public House	37 Great Windmill Street London W1D 7LT	Public house or pub restaurant	Sunday; 12:00 - 22:30   Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00
14/08609/LIDPSR	The Lyric Public House	37 Great Windmill Street London W1D 7LT	Public house or pub restaurant	Sunday; 12:00 - 22:30   Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00   Sundays before Bank Holidays; 12:00 - 00:00
21/07347/LIPDPS	The Windmill	17 - 19 Great Windmill Street London W1D 7JZ	Night clubs and discos	Monday; 09:00 - 05:30   Tuesday; 09:00 - 05:30   Wednesday; 09:00 - 05:30   Thursday; 09:00 - 05:30   Friday; 09:00 - 05:30   Sunday; 09:00 - 03:00
19/00196/LIPN	Not Recorded	17 - 19 Great Windmill Street London W1D 7JZ	Sexual Entertainment Venue	Sunday; 09:00 - 03:00   Monday to Saturday; 09:00 - 05:30
21/07346/LIPDPS	The Windmill	17 - 19 Great	Theatre	Sunday; 09:00 -

		Windmill Street London W1D 7JZ		03:00   Monday to Saturday; 09:00 - 05:30
21/04777/LIPDPS	West End Metro	Ground Floor 38 Great Windmill Street London W1D 7LU	Shop	Monday; 07:00 - 02:00   Tuesday; 07:00 - 02:00   Wednesday; 07:00 - 02:00   Thursday; 07:00 - 02:00   Friday; 07:00 - 02:00   Saturday; 07:00 - 02:00   Sunday; 07:00 - 02:00
19/11333/LIPVM	El Camion	25-27 Brewer Street London W1F 0RR	Restaurant	Monday; 09:00 - 03:30   Tuesday; 09:00 - 03:30   Wednesday; 09:00 - 03:30   Thursday; 09:00 - 03:30   Friday; 09:00 - 03:30   Saturday; 09:00 - 03:30   Sunday; 12:00 - 23:00
14/07220/LIPN	(Restaurant)	Basement And Ground Floor 39 Great Windmill Street London W1D 7LX	Restaurant	Sunday; 11:00 - 00:00   Monday to Saturday; 11:00 - 01:00
17/12283/LIPT	Damson & Co	21 Brewer Street London W1F 0RL	Restaurant	Monday to Sunday; 08:00 - 21:45   Sundays before Bank Holidays; 08:00 - 00:00
19/14625/LIPVM	The Yard Bar	57 Rupert Street London W1D 7PL	Wine bar	Monday; 10:00 - 23:30   Tuesday; 10:00 - 23:30   Wednesday; 10:00 - 23:30   Thursday; 10:00 - 23:30   Friday; 10:00 - 00:00   Saturday; 10:00 - 00:00   Sunday; 12:00 - 23:00   Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00
19/09651/LIPN	Not Recorded	57 Rupert Street London W1D 7PL	Wine bar	Sunday; 12:00 - 23:00   Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00
20/03711/LIPV	Olives N' Mezze Mediterranean Kitchen	Basement And Ground Floor 40 Great Windmill Street London W1D	Restaurant	Monday; 08:00 - 02:00   Tuesday; 08:00 - 02:00   Wednesday; 08:00 -

		7LY		02:00   Thursday; 08:00 - 02:00   Friday; 08:00 - 02:00   Saturday; 08:00 - 02:00   Sunday; 09:00 - 02:00
18/06468/LIPDPS	Gelupo	7 Archer Street London W1D 7AU	Cafe	Tuesday to Saturday; 11:00 - 01:00   Sunday to Wednesday; 11:00 - 23:00
19/13655/LIPDPS	Ham Yard Hotel	Ham Yard Hotel 1 Ham Yard London W1D 7DT	Hotel, 4+ star or major chain	Monday to Sunday 00:00 to 00:00
15/12078/LIPDPS	Engawa	2 Ham Yard London W1D 7DT	Restaurant	Sunday; 12:00 - 22:30   Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00
21/06902/LIPDPS	Bills	36 Brewer Street London W1F 9TA	Cafe	Sunday; 10:00 - 00:00   Monday to Saturday; 10:00 - 00:30
21/03810/LIPN	Not Recorded	28 Brewer Street London W1F 0SR	Restaurant	Monday; 10:00 - 00:30   Tuesday; 10:00 - 00:30   Wednesday; 10:00 - 00:30   Thursday; 10:00 - 00:30   Friday; 10:00 - 00:30   Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
18/10483/LIPDPS	Janetira Eat Thai	28 Brewer Street London W1F 0SR	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
10/06471/LIPRW	Scoop Fine talian Gelato	53 Brewer Street London W1F 9UY	Shop	Monday to Sunday; 11:00 - 22:00   Monday to Sunday; 10:00 - 02:00
19/03516/LIPDPS	White Horse Public House	45 Rupert Street London W1D 7PB	Pub or pub restaurant with odge	Sunday; 12:00 - 23:00   Monday to Saturday; 10:00 - 23:30
20/08801/LIPV	Bubbleology	49 Rupert Street London W1D 7PF	Shop (large)	Sunday; 12:00 - 22:30   Monday to Thursday; 11:00 - 23:30   Friday to Saturday; 11:00 - 00:00   Sundays before Bank Holidays; 12:00 - 00:00
06/06238/WCCMAP	Rupert Supermarket	55 Rupert Street London W1D 7PJ	Shop	Sunday; 10:00 - 22:30   Monday to

				Saturday; 08:00 - 23:00
16/10909/LIPDPS	Lils	53 Rupert Street London W1D 7PH	Restaurant	Friday; 07:00 - 00:00   Saturday; 08:00 - 00:00   Sunday; 08:00 - 22:30   Monday to Thursday; 07:00 - 23:00   Sundays before Bank Holidays; 08:00 - 00:00
18/16069/LIPDPS	Glasshouse Stores Public House	55 Brewer Street London W1F 9UJ	Public house or pub restaurant	Sunday; 12:00 - 23:00   Monday to Saturday; 10:00 - 23:30
21/08073/LIPDPS	Adanami	30 Brewer Street London W1F 0SS	Recording Studio	Monday to Sunday; 09:00 - 00:00
20/05587/LIPT	Paradise Ldn	61 Rupert Street London W1D 7PW	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 01:30
20/08767/LIPT	Chilango	24 Brewer Street London W1F 0SN	Restaurant	Saturday; 10:00 - 00:00   Sunday; 12:00 - 22:30   Monday to Friday; 10:00 - 23:00
17/15045/LIPDPS	Sophies	42 - 44 Great Windmill Street London W1D 7ND	Restaurant	Sunday; 09:00 - 23:00   Monday to Saturday; 09:00 - 01:30
18/16199/LIPVM	Shaftesbury Food And Wine	Ground Floor Unit 2 Avenue House 25 - 27 Shaftesbury Avenue London W1D 7EQ	Shop	Monday; 00:00 - 00:00   Tuesday; 00:00 - 00:00   Wednesday; 00:00 - 00:00   Thursday; 00:00 - 00:00   Friday; 00:00 - 00:00   Saturday; 00:00 - 00:00   Sunday; 00:00 - 00:00
21/09347/LIPVM	Lyric Theatre	Avenue House 25-27 Shaftesbury Avenue London W1D 7EG	Theatre	Monday; 09:00 - 00:00   Tuesday; 09:00 - 00:00   Wednesday; 09:00 - 00:00   Thursday; 09:00 - 00:00   Friday; 09:00 - 00:00   Saturday; 09:00 - 00:00   Sunday; 09:00 - 00:00
16/06157/LIPT	McDonald's	Ground Floor Right And Basement Avenue House 25 - 27 Shaftesbury Avenue London W1D 7EQ	Restaurant	Sunday; 05:00 - 23:00   Monday to Thursday; 05:00 - 00:00   Friday to Saturday; 05:00 - 01:00
20/06574/LIPV	Cutter And	20 Brewer Street	Shop (large)	Monday; 09:30 -

	Squidge	London W1F 0SJ		21:00   Tuesday; 09:30 - 21:00   Wednesday; 09:30 - 21:00   Thursday; 09:30 - 22:00   Friday; 09:30 - 23:00   Saturday; 10:00 - 23:00   Sunday; 11:00 - 21:30
20/09205/LIPVM	Apollo Theatre	Apollo Theatre 31 - 33 Shaftesbury Avenue London W1D 7EZ	Theatre	Monday; 09:00 - 00:00   Tuesday; 09:00 - 00:00   Wednesday; 09:00 - 00:00   Thursday; 09:00 - 00:00   Friday; 09:00 - 00:00   Saturday; 09:00 - 00:00   Sunday; 09:00 - 00:00



City of Westminster

Item No:	
Date:	11 November 2021
Licensing Ref No:	21/06624/LIPN - New Premises Licence
Title of Report:	Trocadero Hotel - Sky Bar & Lounge Trocadero 13 Coventry Street London W1D 7DH
Report of:	Director of Public Protection and Licensing
Wards involved:	St James's
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Kevin Jackaman Senior Licensing Officer
Contact details	Telephone: 020 7641 6500 Email: kjackaman@westminster.gov.uk

<b>1.</b>	<b>Application</b>		
<b>1-A</b>	<b>Applicant and premises</b>		
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	2 July 2021		
<b>Applicant:</b>	Trocadero (London) Hotel Ltd & Tao Group Operating Llc		
<b>Premises:</b>	Trocadero Hotel - Sky Bar & Lounge		
<b>Premises address:</b>	Trocadero 13 Coventry Street London W1D 7DH	<b>Ward:</b>	St James's
		<b>Cumulative Impact Area:</b>	West End
		<b>Special Consideration Zone:</b>	None
<b>Premises description:</b>	This premises intends to operate as a hotel with bar, restaurant and entertainment facilities. The 12th floor is proposed to operate as a lounge bar and restaurant. The 13th floor is sought to incorporate an entertainment space with a separate private booking space room.		
<b>Premises licence history:</b>	This premises currently has the benefit of a premises licence (reference 18/00656/LIPN) which was granted in April 2018. A copy of this premises licence can be found at Appendix 2. A full licence history of the premises appears at Appendix 3 of the report.		
<b>Applicant submissions:</b>	<p>The Sky Bar &amp; Lounge will be located on the 12th and 13th floors. A 729 bed hotel will be located on the lower floors. The main entrance will be on Rupert Street, with egress after midnight via an exit leading on to Shaftesbury Avenue. Group floor lifts will provide direct access to the 12th and 13th floors, which are not visible from the street. The entrance on Rupert Street will lead into a large lobby which will be utilized as a holding area to greet customers.</p> <p>The 12th floor will operate as a lounge bar and restaurant. There will be no area set aside and reserved for dining. Customers will be able to dine throughout the space and be served via waiter / waitress service. There will be an external terrace.</p> <p>The 13th floor will incorporate an entertainment / clubspace and a separate function room / private booking space which will host a variety of events from diners, private functions such as wedding receptions, christening, birthday parties, meetings, conferences, training events and the like.</p> <p>The first applicant is the landlord of the building and the second applicant is the proposed operator. Tao Group operate many businesses in the USA, and the brochure submitted with the application provides examples of the premises they operate. They also own Hakkason, which have sites in Hanway Place and Mayfair</p>		
<b>Applicant amendments:</b>	None		

<b>1-B</b>	<b>Proposed licensable activities and hours</b>						
<b>Live music:</b>				<b>Indoors, outdoors or both</b>			Both
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	10:00	10:00	10:00	10:00	10:00	10:00	10:00
<b>End:</b>	03:00	03:00	03:00	03:00	03:00	03:00	03:00
<b>Seasonal variations/ Non-standard timings:</b>			On the morning of British Summertime the terminal hour shall be extended by one hour. Hotel residents and guests – 24 hours (subject to licence conditions)				

<b>Recorded music:</b>				<b>Indoors, outdoors or both</b>			Both
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	10:00	10:00	10:00	10:00	10:00	10:00	10:00
<b>End:</b>	03:00	03:00	03:00	03:00	03:00	03:00	03:00
<b>Seasonal variations/ Non-standard timings:</b>			On the morning of British Summertime the terminal hour shall be extended by one hour. Hotel residents and guests – 24 hours (subject to licence conditions)				

<b>Performance of dance:</b>				<b>Indoors, outdoors or both</b>			Both
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	10:00	10:00	10:00	10:00	10:00	10:00	10:00
<b>End:</b>	03:00	03:00	03:00	03:00	03:00	03:00	03:00
<b>Seasonal variations/ Non-standard timings:</b>			On the morning of British Summertime the terminal hour shall be extended by one hour. Hotel residents and guests – 24 hours (subject to licence conditions)				

<b>Late Night Refreshment:</b>				<b>Indoors, outdoors or both</b>			Both
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	23:00	23:00	23:00	23:00	23:00	23:00	23:00
<b>End:</b>	03:00	03:00	03:00	03:00	03:00	03:00	03:00
<b>Seasonal variations/ Non-standard timings:</b>			On the morning of British Summertime the terminal hour shall be extended by one hour. The hotel residents and guests 23:00 until 05:00 (subject to the licence conditions).				

<b>Sale by retail of alcohol</b>				<b>On or off sales or both:</b>			Both
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	10:00	10:00	10:00	010:00	10:00	10:00	10:00
<b>End:</b>	03:00	03:00	03:00	03:00	03:00	03:00	03:00
<b>Seasonal variations/ Non-standard timings:</b>			On the morning of British Summertime the terminal hour shall be extended by one hour. The hotel residents and guests 23:00 until 05:00 (subject to the licence conditions).				

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

<b>2.</b>	<b>Representations</b>
<b>2-A</b>	<b>Responsible Authorities</b>
<b>Responsible Authority:</b>	Metropolitan Police Service
<b>Representative:</b>	Bryan Lewis
<b>Received:</b>	28 July 2021
<p>With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, is objecting to this application as it is our belief that if granted this application would undermine the Licensing Objectives.</p> <p>The venue is located in the West End Cumulative Impact Area, a locality where there is traditionally high levels of crime and disorder. We have concerns that this application will cause further policing problems in an already demanding area.</p> <p>I will give consideration as to what steps should be taken by the applicant to provide suitable reassurance</p>	
<b>Responsible Authority:</b>	Environmental Health
<b>Representative:</b>	Ian Watson
<b>Received:</b>	29 July 2021
<p>I refer to the application for a New Premises Licence.</p> <p><b>The premises are located within the West End Cumulative Impact Zone as stated in the City of Westminster's Statement of Licensing Policy.</b></p> <p>The applicant has submitted floor plans of the premises. This representation is based on the plans and operating schedule submitted. The applicant is seeking the following</p> <ol style="list-style-type: none"> <li>1. To provide for the Supply of Alcohol 'On' and 'Off' the premises Monday to Sunday between 10.00 to 03.00 hours. Additional hour for British summer time. Unrestricted for hotel residents and their bona fide guests.</li> <li>2. To provide Late Night Refreshment 'Indoors' and 'Outdoors' Monday to Sunday between 23.00 to 03.00 hours. Additional hour for British summer time. 23.00 to 05.00 hours for hotel residents and their bona fide guests.</li> <li>3. To provide regulated entertainment 'indoors' and 'Outdoors' comprising <ul style="list-style-type: none"> <li>• Live Music</li> <li>• Recorded Music</li> </ul> </li> </ol>	

- Performance of Dance (indoors only)

Monday to Sunday between 10.00 to 03.00 hours. Additional hour for British summer time. Unrestricted for hotel residents and their bona fide guests.

I wish to make the following representation

1. The hours requested for the Supply of Alcohol will have the likely effect of causing an increase in Public Nuisance within the West End CIZ.
2. The hours requested to permit the provision of late-night refreshment will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the West End CIZ.
3. The hours requested to permit the provision of regulated entertainment will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the West End CIZ.

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

<b>Responsible Authority:</b>	Licensing Authority
<b>Representative:</b>	Michelle Steward
<b>Received:</b>	29 July 2021

Dear Sirs,

I write in relation to the application submitted for a new Premises Licence for the following premises:

**21/06624/LIPN - Trocadero Hotel - Sky Bar & Restaurant, Trocadero, 13 Coventry Street, London**

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

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

This application seeks the following:

**Supply of Alcohol:**

Monday to Sunday 10:00 to 03:00

Non Standard timings: On the morning of British Summertime the terminal hour shall be extended by 1 hour.

24 hours for Hotel Guests

**Provision of Late Night Refreshment:**

Mon to Sunday 23:00 to 03:00

Non Standard timings On the morning of British Summertime the terminal hour shall be extended by 1 hour.

23:00 to 05:00 for Hotel Guests

**Provision of regulated entertainment – comprising of live music, recorded music & performances of dance.**

Monday to Sunday 10:00 to 03:00

Non Standard timings On the morning of British Summertime the terminal hour shall be extended by 1 hour.

24 hours for Hotel Guests

The premises is located within the West End Cumulative Impact zone and as such, a number of policy points must be considered, namely CIP1, HRS1, MD1, and PB1.

In the opening paragraphs of the Council's Cumulative Impact Policy CIP1, it is stated that "It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone for pubs and bars, fast food premises, and music and dancing and similar entertainment, other than applications to vary the hours within core hours under policy HRS1, and/or vary the licence to reduce the overall capacity of the premises."

The applicant has stated that the proposed style of operation for the premises is to operate as a lounge bar and restaurant.

It is noted that this application has been made in the same terms as the previous refused application which was determined by the Licensing Sub-Committee on the 22 April 2021.

The Committee stated the following: "*The Premises intends to operate as a hotel with bar, restaurant and entertainment facilities and is located within the St James's Ward and West End Cumulative Impact Zone. The Committee has a duty to consider the application on its individual merits and took into account all of the committee papers, supplementary submissions made by the Applicant and the oral evidence given by all parties during the hearing in its determination of the matter*

*The Committee, however, was not persuaded by the Applicant that an exceptional to policy had been proven and that the application would not add to negative cumulative in the West End Cumulative Impact Zone leading to the undermining of the licensing objectives in particular the public nuisance public safety and crime and disorder licensing objectives.*

*The Committee decided that the Applicant had not provided sufficient reasons as to why the granting of the application would promote the licensing objectives and therefore **refused** the application"*

There will be no specific area set aside for dining. Customers will be able to order food and eat throughout the whole 12th floor space but there is no ancillary requirement for alcohol to be consumed with a table meal. There will be an external customer terrace which sits between the 12th and 13th floor and the 13th floor will incorporate a club and an entertainment space together with a separate private booking space room. The applicant has also stated that there will be waiter and waitress service available on the 12th floor, but not that all sales of alcohol and food will be served via waiter/waitress.

As the applicant has stated there will be no specific area set aside for dining, the Council's Public Houses and Bars Policy PB1 must be considered.

### **Policy PB1**

It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone other than

- 1) Applications to vary the existing licence hours within the council's Core Hours Policy HRS1.
2. Applications that seek to vary the existing licence so as to reduce the overall capacity of the premises."

Policy F80 states "premises that primarily serve alcohol, with or without the provision of any ancillary playing of music, can give rise to public nuisance for residents and other businesses, particularly where there is a concentration of such premises. This is principally due to noise from the premises and from patrons when they leave. Pubs and bars present opportunities for crime and they can also give rise to disorder."

It is also stated in policy point F81 that a “particular concern within the West End Cumulative Impact Zone where there are substantial numbers of licensed premises within a confined area. Premises that primarily sell alcohol are likely to have a greater risk of impacting the licensing objectives”.

Policy point F82 states “There has over the years been a growth in the number of premises that operate within the West End Cumulative Impact Zone. In the past some of these have been to primarily serve alcohol, resulting in or adding to cumulative impact. Among specific premises types assessed within the 2020 Cumulative Impact Assessment, pubs and bars were one of the top licensed premises operation types that were most significantly aligned with incidents in their proximity. It also identified that new pubs and bars will increase the number of incidents in and around the area where the premises are located.”

Policy point F83 states “If the premises, to which the application relates is located within the West End Cumulative Impact Zone it is likely to add to the cumulative stress in that area. On this basis, the Licensing Authority considers that the grant of variations or new licences for pubs and bars in the West End Cumulative Impact Zone should be limited to exceptional circumstances.”

The applicant has stated that the sales of alcohol on the 13th floor will be ancillary to music and dancing and substantial refreshment in the Clubroom, and to pre-booked, ticketed events and functions in the Flex Event Space. As a result, policy MD1 will need to be considered in relation to the 13th floor. Whilst Music and dance venues are an important part of London’s entertainment offer, the provision of music and dancing, especially with loud amplified music, and the large numbers of people attending venues and congregating outside them, can lead to concerns over public nuisance and in some cases crime and disorder.

Policy point F50 states “There is particular concern within the West End Cumulative Impact Zone... Music and dance venues are typically among the last to close their doors, while incidents of cumulative impact tend to concentrate late at night. On this basis the Licensing Authority considers that the grant of variations or new licences for premises offering facilities for music and dancing in the West End Cumulative Impact Zone should be limited to exceptional circumstances.”

Furthermore, policy point F52 states “Applicants will be required to demonstrate how the proposal will truly be an exception to this policy. The requirement to demonstrate an exception to this policy is necessarily high. The Licensing Authority will not consider a case to be exceptional merely on the grounds that the premises have been or will be operated within the terms of the conditions on the licence, or that are or will be generally well managed because of the reputation or good character of the licence holder or operator. This is expected in the conduct of all licensed premises.”

As part of this application, it is noted that the applicant has proposed the following exception to Policy and to surrender the following premises licences:

*57. The applicants contend that this application can be treated as an exception to policy upon the basis of the following:*

*(a) Premises Licence 15/02410/LIPT relating to 1-4 Leicester Square (which the first applicant previously offered to surrender when Licence 18/00656/LIPN was granted), together with Licence 18/00656/LIPN, will be surrendered subject to the grant of this application;*

*(b) Premises Licence 20/03425/LIPDPS relating to the Rainforest Cafe at 20-24 Shaftesbury Avenue will be surrendered by the first applicant, subject to the grant of the linked application described below (58a) and the satisfaction of works conditions relating to this application and the application described at 58(a);*

*(c) The capacity for the Piccadilly Institute stated within Premises Licences 19/09064/LIPN and 21/04481/LIPDPS shall be reduced by 380 as a result of the linked application described below (58b).*

The Licensing Authority comments as follows:

*15/02410/LIPT – this licence is held by a Company, Central London Investments Limited, that is not named or linked to this application.*

*20/03425/LIPDPS – has two years outstanding annual fees and is at the risk of being suspended should the debt remain outstanding. Please arrange for this debt to be cleared. Please contact the Licensing Team [licensing@westminster.gov.uk](mailto:licensing@westminster.gov.uk).*

***Therefore the applicant will have to demonstrate exceptional circumstances to allow to depart from the Policy.***

Under policy CD1 of the Council’s Statement of Licensing Policy 2021, applicant’s are encouraged to undertake a terrorism threat risk assessment that ensures that any security-related vulnerabilities have been identified, and reasonable, and proportionate steps (in keeping with the size and nature of the operation), have been taken to reduce the risk from a terrorist attack. Further support to the applicant can be found at pages 27-29 and 126-133 of the policy.

The Licensing Authority’s policies, in relation to the Cumulative Impact Areas, are directed at the global and cumulative effects of licences on the area as a whole. The Licensing Authority encourages the applicant to provide further submissions as to how the premises will not add to cumulative impact in the cumulative impact area, as per policy CIP1, HRS1, MD1, and PB1.

The Licensing Authority encourages the applicant to provide further submissions as how if granted, this licence will not add to cumulative impact.

The applicant will need to satisfy the concerns of the Licensing Authority by demonstrating that the application will not add to cumulative impact if granted. It will be for Licensing Sub-Committee Members to determine this application, given its location within the West End Cumulative Impact area and the proposed hours of operation. The Licensing Authority looks forward to receiving further submissions from the applicant in due course.

Please accept this as a formal representation.

<b>3.</b>	<b>Policy &amp; Guidance</b>
The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<b>Policy CIP1 applies</b>	<p>A. It is the Licensing Authority’s policy to refuse applications within the West End Cumulative Impact Zone for: pubs and bars, fast food premises, and music and dancing and similar entertainment, other than applications to:</p> <ol style="list-style-type: none"> <li>1. Vary the hours within Core Hours under Policy HRS1, and/or</li> <li>2. Vary the licence to reduce the overall capacity of the premises.</li> </ol> <p>C. Applications for other premises types within the West End Cumulative Impact Zones will be subject to other policies within this statement and must demonstrate that they will not add to cumulative impact.</p> <p>D. For the purposes of this policy the premises types referred to in Clause A are defined within the relevant premises use policies within this statement.</p>

<p><b>Policy HRS1 applies</b></p>	<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"> <li>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.</li> <li>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.</li> <li>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.</li> <li>4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.</li> <li>5. The proposed hours when any music, including incidental music, will be played.</li> <li>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.</li> <li>7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.</li> <li>8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.</li> <li>9. The capacity of the premises.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>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.</li> </ol> <p>C. For the purpose of Clauses A and B above, the Core Hours for applications for each premises use type as defined within this policy are:</p>
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	<p>1. Casinos Up to 24 hours a day whilst casino gaming is permitted by a premises licence under the Gambling Act 2005.</p> <p>2. Cinemas, Cultural Venues and Live Sporting Premises Monday to Sunday: 9am to Midnight.</p> <p>3. Delivery Centres Monday to Saturday: 8am to 11pm. Sunday: 9am to 10.30pm.</p> <p>4. Hotels Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to Midnight. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to Midnight. For the sale of alcohol to guests for consumption in hotel/guest rooms only: Anytime up to 24 hours.</p> <p>5. Outdoor Spaces Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to Midnight. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to Midnight.</p> <p>6. Pubs and bars, Fast Food and Music and Dance venues Monday to Thursday: 10am to 11.30pm. Friday and Saturday: 10am to Midnight. Sunday: Midday to 10.30pm. Sundays immediately prior to a bank holiday: Midday to Midnight.</p> <p>7. Qualifying Clubs Monday to Thursday 9am to 11.30pm Friday and Saturday 9am to Midnight Sunday: 9am to 10.30pm Sunday immediately prior to a bank holiday: 9am to Midnight.</p> <p>8. Restaurants Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to Midnight. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to Midnight.</p> <p>9. Sexual Entertainment Venues and Sex Cinemas Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to Midnight. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to Midnight.</p> <p>10a. Shops (all licensable activities that are provided as ancillary to the primary use of the premises as a shop except the off sale of alcohol) Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to Midnight. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to Midnight.</p> <p>10b. Shops (off-sales of alcohol where it forms either the ancillary or primary use of the premises) Monday to Saturday: 8am to 11pm. Sunday: 9am to 10.30pm.</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>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 11pm.</p>
<p><b>Policy COMB1(B) applies</b></p>	<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"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</li> <li>2. The hours for licensable activities for the relevant premises use being within the council's Core Hours Policy HRS1.</li> <li>3. The operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.</li> <li>4. The applicant demonstrating that they will not add to cumulative impact within the Cumulative Impact Zone.</li> </ol>

	<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"> <li>1. Whether it will undermine the licensing objectives.</li> <li>2. The current and proposed use of the premises.</li> <li>3. When those uses will take place.</li> <li>4. What the primary use of the premises is or the uses that will take place in different parts of that premises.</li> <li>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.</li> <li>6. Whether the hours sought for the all or parts of the premises are within or outside the Core Hours.</li> </ol> <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.

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

<b>Report author:</b>	Kevin Jackaman Senior Licensing Officer
<b>Contact:</b>	Telephone: 0207 641 6500 Email: kjackman@westminster.gov.uk

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

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

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	October 2021
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
<b>4</b>	Metropolitan Police representation	28 July 2021
<b>5</b>	Environmental Health representation	29 July 2021
<b>6</b>	Licensing Authority representation	19 July 201









# OUR LOCATIONS



# NEW YORK



TAO GROUP HOSPITALITY - LONDON TROCADERO

# LAS VEGAS



BEAUTY & ESSEX



TAO ASIAN BISTRO



LAVO ITALIAN RESTAURANT

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# SINGAPORE



KOMA



MARQUEE



LAVO ITALIAN RESTAURANT & ROOFTOP BAR



AVENUE LOUNGE



KOMA



MARQUEE



LAVO ITALIAN RESTAURANT & ROOFTOP BAR



AVENUE LOUNGE

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## ADDITIONAL LOCATIONS



TAO CHICAGO

AVENUE LOS ANGELES

MARQUEE SYDNEY

TAO GROUP HOSPITALITY - LONDON TROCADERO

## LONDON ENTERTAINMENT



**CAMDEN TOWN**  
Eccentric Shops line the square and alternative art and live music flood the streets.

**SOHO**  
A historic epicenter of London's entertainment with a promiscuous reputation.

**PICADILLY CIRCUS**  
A famous intersection to congregate before shopping or heading out for a night on the town at various theaters and nearby entertainment hubs.

**HACKNEY**  
Trendy hot spot with many up and coming clubs and music venues.

**SHOREDICH**  
An artsy area with fashionable clubs and a variety of hipster eateries.

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# LONDON TROCADERO

The London Trocadero dates back to the 19th century but remains relevant at the heart of London's entertainment. Its variety of shopping centers and entertainment venues attract visitors locally and globally. Tao would add a brand new landmark to rejuvenate the already buzzing environment.



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## LEVEL 1



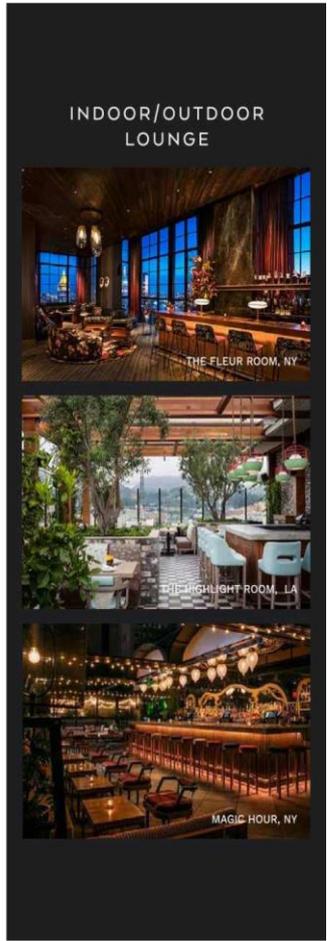
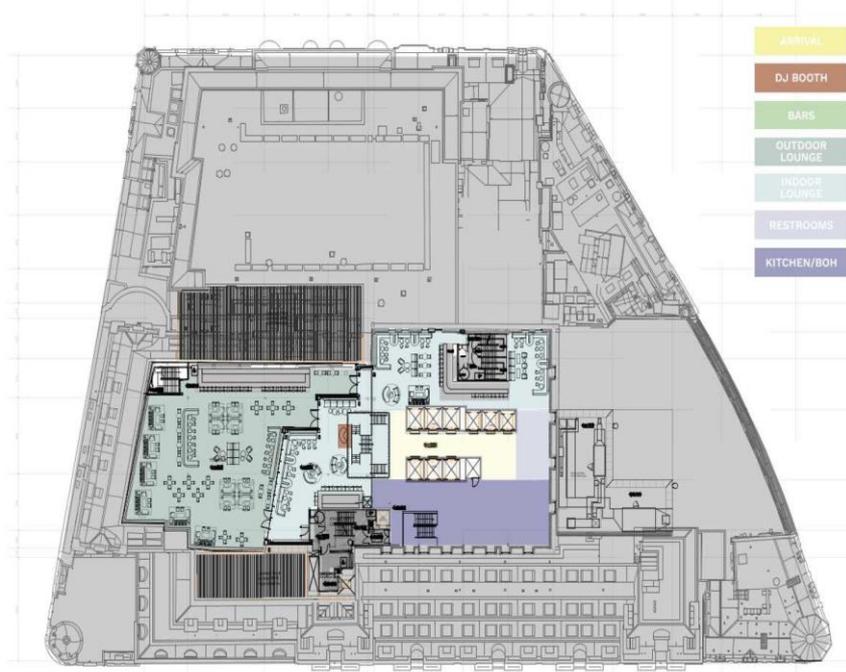
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### STATEMENT ENTRIES



# LEVEL 12



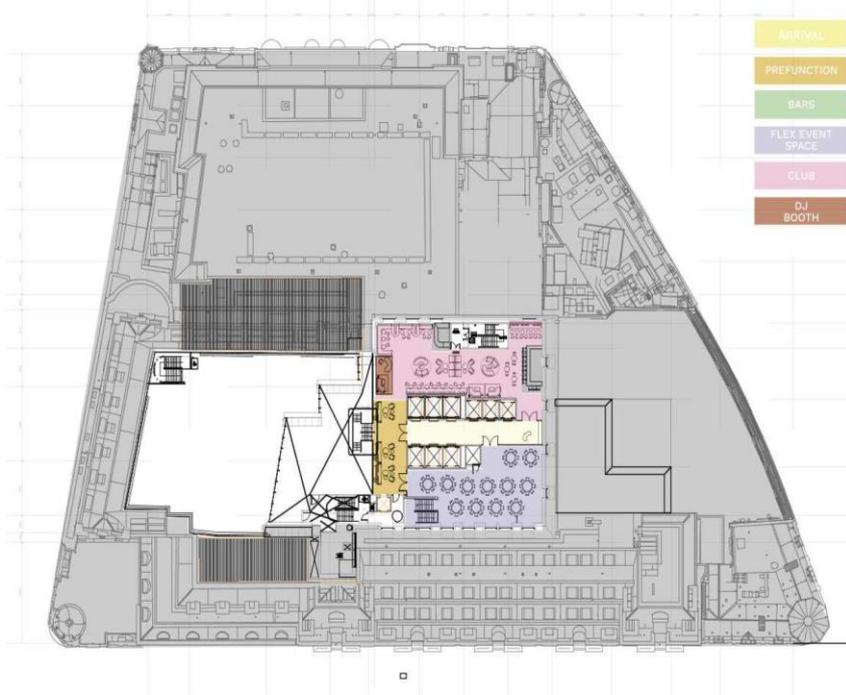
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# LEVEL 12 INSPIRATION



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# LEVEL 13



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## CLUB & EVENT SPACE



# LEVEL 13 INSPIRATION



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# rockwellgroup

## OUR STORY

Based in downtown New York with an office in Madrid and Los Angeles, we specialize in a wide array of work from luxury hospitality, cultural, and healthcare projects, to educational, product, and set design. A combination of interactive technology, handmade objects, custom fixtures and furniture create environments that seamlessly integrate technology, craftsmanship and design.

Crafting a unique strategy and individual narrative concept for each project is fundamental to Rockwell Group's successful design approach. From the big picture to the smallest detail, the story informs and drives the design.

## OUR SERVICES

- Architecture
- Interior Design
- Custom FF&E Design
- Set Design
- Product Design
- Event Design
- Exhibit Design
- Interactive Design
- Strategy
- Branding

## ROCKWELL GROUP LAB

The LAB explores the intersection of physical space and the digital world. Here, immersive environments come to life through a collaborative approach—as designers, strategists, creative coders, and technologists the LAB tells stories and creates places, activities, and events that bring people together.

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**Trocadero, Sky Bar & Restaurant, 7-14 Coventry Street,  
W1D Dispersal Policy**

The Dispersal Procedure is designed to create a harmonious relationship between the venue its guests and its neighbors. In an effort to make the maximum contribution by exercising pro-active measures as customers leave the premises to move customers away from the exit points and its immediate area in such a way as to cause minimum disturbance or nuisance to neighbors, both residential and business, and to make the minimum impact upon the neighborhood in relation to potential nuisance, antisocial behavior and crime.

The Dispersal Procedure is subject to review and will address problems and concerns if they are identified in order to establish a permanent solution to the reduction or elimination of any behavioral or procedural operation.

**Liaison with Neighbours**

Should there be a need, a committee which comprises of representatives of the premises and residential neighbors, along with other persons as appropriate, will be established.

Nearby residents and business owners shall be provided with the contact details for the premises and its management where they are requested along with instructions for how to reach a live representative of the venue during all operational hours.

**End of Evening Operational Policies**

The premises will use volume levels, type of music played and variation of lighting levels to encourage the gradual dispersal of customers during the last part of trading and during the drink-up period.

The door supervisors and other staff shall be trained to politely encourage customers to leave gradually to discourage a mass exodus. Access to the lifts from the 13<sup>th</sup> and 12<sup>th</sup> floor will be managed at all times but in particular during the last part of trading to support the gradual dispersal of customers.

Customers exiting the lifts on the ground floor prior to midnight shall be directed to leave the premises via the Rupert Street entrance.

Customers exiting after midnight shall be directed to leave via the Shaftesbury Avenue exit.

**Notices at Exit**

Highly visible notices will be displayed at all exits requesting customers to respect the needs of local residents and businesses and leave the area quietly.

**Door Supervisors**

Door Supervisors shall -



- encourage customers to drink-up and progress to the exit throughout the latter part of drinking-up time;
- remind customers where necessary to leave quietly;
- ensure the removal of all bottles and glasses from any customer who attempts to leave the premises carrying one;
- encourage customers not to assemble outside the premises and discourage street entertainers and beggars outside the premises;
- direct customers to wait inside the premises if waiting for a taxi and assist taxi's that are summoned.

Management shall provide effective control over photographers in the area of the premises.

Management will also regularly host re-training for all door supervisors and ensure that any new hires receive proper training prior to working at the venue.

**Queuing**

At the busiest trading times – [normally a Wednesday or a Saturday evening] – the following key measures will be employed:

- Sufficient door staff will be deployed outside the premises on Rupert Street to ensure proper and efficient management of any queue which may form outside the premises;
- If a queue starts to form outside the premises then (subject to admission to the premises being allowed via Rupert Street entrance after midnight) the operators shall secure the use of the retail unit adjacent to the entrance lobby and shall incorporate this area as an extended lobby area for guests to queue inside the premises lobby;
- If needed to preserve adequate passing space for pedestrians, temporary barriers shall be used outside the premises;
- Management will liaise with EH and Police to ensure that they are satisfied with the operation of said queuing system.

**Hackney Carriage/Private Hire Cars Arrangement**

The premises will enter into an agreement with one black taxi firm and one executive hire firm to provide transport for customers, with contact numbers made readily available to customers. Management shall use its best endeavors to ensure that both firms comply with the following measures when collecting and delivering customers to and from the premises:

- Taxi and car drivers shall not sound their horns or leave their vehicles to collect customers from the premises after 23:00 except in an emergency.
- Taxi and car drivers shall not double park their vehicle outside the premises;
- Management shall ensure that a member of staff employed at the premises is responsible for supervising and overseeing the allocation of taxi vehicles to customers leaving the premises;
- Management shall use all reasonable endeavors to prevent the use of unlicensed taxis by customers leaving the premises;

Door Supervisors will assist in helping the right customer to the right car. Customers will be able to wait inside the premises while they wait for a taxi.

**Licence offered for surrender as part of licence granted for the Trocadero 12th and 13th floor – 15/02410/LIPT**



**City of Westminster**

64 Victoria Street, London, SW1E 6QP

Schedule 12  
Part A

WARD: St James's  
UPRN: 010033537369

Premises licence

Regulation 33, 34

<b>Premises licence number:</b>	15/02410/LIPT
<b>Original Reference:</b>	06/00699/LIPT

**Part 1 – Premises details**

<b>Postal address of premises:</b>  One London Third Floor To Fifth Floor 1-4 Leicester Square London WC2H 7NA
<b>Telephone Number:</b>

<b>Where the licence is time limited, the dates:</b>  Not applicable
--

<b>Licensable activities authorised by the licence:</b>  Performance of Dance Exhibition of a Film Performance of Live Music Playing of Recorded Music Anything of a similar description to Live Music, Recorded Music or Performance of Dance Performance of a Play Late Night Refreshment Sale by Retail of Alcohol
--

<b>The times the licence authorises the carrying out of licensable activities:</b>	
<b>Performance of Dance</b> Monday to Sunday:	09:00 to 03:00
<b>Exhibition of a Film</b> Monday to Sunday:	09:00 to 03:00
<b>Performance of Live Music</b> Monday to Sunday:	09:00 to 03:00
<b>Playing of Recorded Music</b> Monday to Sunday:	09:00 to 03:00
<b>Anything of a similar description to Live Music, Recorded Music or Performance of Dance</b> Monday to Sunday:	09:00 to 03:00

**Performance of a Play**

Monday to Saturday: 09:00 to 23:00  
Sunday: 12:00 to 22:30

**Late Night Refreshment**

Monday to Sunday: 23:30 to 03:30

**Sale by Retail of Alcohol**

Monday to Sunday: 10:00 to 03:00

**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 on the Premises.

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

Central London Investments Limited  
13 Peel Road  
Douglas  
Isle Of Man  
IM1 4LR  
C/O LT Law  
18 Soho Square  
London  
W1D 3QL  
*Electronic Mail : C- lana@ltlaw.co.uk*  
*Business Phone Number : C- 020 3755 5138*

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

000593V

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

**Name:** Chase McGuinness

**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:**

<b>Licence Number:</b> BOP_M005760 <b>Licensing Authority:</b> Poole Borough Council
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**Date:** \_\_\_\_\_22 October 2015\_\_\_\_\_

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

## Annex 1 – Mandatory conditions

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

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

7. The responsible person must ensure that –

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

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

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

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

## Annex 2 – Conditions consistent with the operating Schedule

11. All drinking vessels used in the venue shall be polycarbonate. All alcohol in glass bottles are to be decanted into polycarbonate containers or polycarbonate carafes prior to being served, with the exception of champagne or bottles of spirits with a minimum size of 70cl supplied by waiter/waitress service to tables. Staff shall clear all empty champagne and spirit bottles promptly from the tables. Customers shall not be permitted to leave their table carrying any such glass bottles or drink directly from the bottle.
12. Notwithstanding condition 11 above, with the written agreement of the Westminster Licensing Police, a copy of which will be held at the premises reception, glass drinking vessels may be used for private or pre-booked events within the lounge/club area.
13. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received
  - (d) any incidents of disorder
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system or searching equipment or scanning equipment
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service
14. An up to date record of all names, badge numbers and times worked of all door supervisors will be maintained daily and made available on request to the Metropolitan Police and the Licensing Authority.
15. "All external promotions shall be notified to the Metropolitan Police Service and a form 696 completed and submitted within 14 days prior to the event, or such less time as agreed with the Police from time to time. When carrying out the risk assessment for the event and holding the event the venue will take into account any reasonable advice received from the Westminster Police Licensing Team and the central Clubs/Promoters Police Team who receive the form 696 (or their equivalent) and upon a reasonable request by Police the venue will not run the event.
16. All security employed at the premises shall wear yellow high viz jackets or tabards  
No alcohol shall be consumed outside the premises nor glasses/glass bottles removed from the premises by patrons when leaving.
17. (a). There shall be an electronic search arch installed and every patron entering the premises when in use under this licence shall pass through the search arch.  
  
Notwithstanding (a) with the written agreement of the Westminster Licensing Police, a copy of which will be held at the premises reception specifying the event and any time restrictions, patrons may enter the premises without passing through the search arch.
18. (a) That all customers entering the premises after 21:00 will have their ID scanned on entry.  
  
(b) Notwithstanding (a) with the written agreement of the Westminster Licensing Police for specified event/s, a copy of which will be held at the premises reception patrons may be admitted at the managers discretion without ID being scanned and recorded, and that a legible record of these peoples names shall be retained on the premises for inspection by the licensing authority and police for a period of 31 days.

The name of the manager authorising the entrance without scanning will also be recorded.

19. Whilst the premises are open to the public the CCTV shall be monitored continuously by a dedicated officer with a Level 2 Award in CCTV Operations (Public Space Surveillance).

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

20. This licence is subject to all the former Rules of Management for Places of Public Entertainment licensed by Westminster City Council, in force from 4 September 1998 and incorporating amendments agreed by the Council on 25 October 1999, 30 June 2000, 16 January 2001 and 1 October 2001
21. Notwithstanding the provisions of Rule of Management No. 6 the premises may remain open for the purposes of this licence from 11pm on each of the days Sunday to Saturday to 3am on the day following.
22. The existing sound system shall not be altered or modified without the approval of the Environmental Health Officer.
23. A noise limiter located in a separate and remote lockable cabinet from the volume control must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service's Community Protection Department so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured to the satisfaction of officers from the Environmental Health Service. The keys securing the noise limiter cabinet shall be held by the applicant only, and shall not be accessed by any other person. The limiter shall not be altered without prior agreement with the Environmental Health Service.
24. A sound limiter device shall be fitted to the sound system shall be set to the levels agreed by the Environmental Health Officer. The operational panel shall then be secured and the system will not be altered without the approval of the Environmental Health Officer.
25. No additional sound generation equipment shall be used on the premises without being routed through the sound limiter device.
26. Whenever queuing by customers waiting to enter the premises takes place, that part of the highway shall be swept as often as is necessary to ensure that the area is clean and tidy, and litter and sweepings collected, stored and disposed of in accordance with the approved refuse storage and disposal arrangements.
27. At the close of business each day the premises are open for business, the licensee shall ensure that the highway immediately outside the premises is swept and litter and sweepings collected, stored and disposed of in accordance with the approved refuse storage and disposal arrangements.
28. Queues outside the premises shall be organised by registered door supervisors so that patrons stand no more than two abreast and do not block the pavement or obstruct the entrance or exit to any premises.
29. Loudspeakers shall not be located at or near the entrance to the premises.
30. There shall be suitable and sufficient drug testing equipment available for use by staff.
31. The last hour of trade on each night shall be a winding down period during which:
  - o Subdued music shall be played.
  - o Lighting shall be turned up.
  - o Soft drinks, hot drinks and food shall be available. Hot drinks and water shall be free.
  - o A taxi service shall be available.
  - o Announcements regarding the service shall be made.
  - o Notices concerning the service shall be posted throughout the premises.

32. Door staff shall use reasonable endeavours to encourage customers to keep good order after they leave the premises
33. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
34. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.
35. There shall be no payment made by or on behalf of the licensees to any person for bringing customers to the premises directly off the street.
36. No nudity and all persons on the premises to be decently attired.
37. Substantial food and suitable beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.
38. The maximum numbers of persons accommodated at any one time at the premises (excluding staff) shall not exceed;

In Total over all floors - maximum 1000 persons

The maximum numbers of persons accommodated at any one time per floor shall not exceed;

3rd floor - 387 persons

4th floor - 354

5th floor - 259 persons

39. A daily log is to be maintained to ensure that any capacity limit set for the various floors and the overall capacity of the premises is recorded hourly and can be properly monitored. Information regarding the authorised officer will be given to an authorised officer or Police Officer on request.
40. At all times the premises are used under this licence the door staff shall be registered by the Security Industry Authority as appropriate and shall consist of a door supervisor outside the entrance, two members of staff (male or female) conducting/supervising searches, staff on the floor of the licensed area and a supervisor of the door supervisors.
41. The last hours or trade on each night shall be a winding down period during which subdued music shall be played.
42. If any entertainment is provided for children or if an entertainment is provided at which the majority of persons attending are children, then, if the number of children attending the entertainment exceeds 100, it shall be the duty of the holder of the premises licence (or the holder of the club premises certificate):
  - (a) to station and keep stationed wherever necessary a sufficient number of adult attendants, properly instructed as to their duties, to prevent more children or other persons being admitted to the building, or to any part thereof, than the building or part can properly accommodate,

- (b) to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof, and
  - (c) to take all other reasonable precautions for the safety of the children.
- 43. The sale of intoxicating liquor shall be ancillary to the provision of music and dancing and substantial refreshment.
- 44. Alcohol may only be sold for consumption on the premises.
- 45. For the last 30 minutes of trade on each day alcohol shall not be sold.
- 46. A proof of age scheme (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. In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:
  - (a) The Police (and where appropriate, the London Ambulance Service) are called without delay, using emergency telephone number 999;
  - (b) All measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the Police;
  - (c) As is reasonably practicable, the crime scene is preserved so as to enable a full forensic investigation to be carried out by the Police; and
  - (d) Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises."

'Serious assault' includes (but is not limited to) any assault in which emergency medical treatment is required and any assault in which a weapon is used.

- 48. The premises shall ensure that they are members of the local pubwatch or other local crime reduction scheme approved by the police, as well as the local radio scheme.

**Annex 4 – Plans**

Attached



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

**Premises licence  
summary**

Regulation 33, 34

**Premises licence number:**

15/02410/LIPT

**Part 1 – Premises details**

**Postal address of premises:**

One London  
Third Floor To Fifth Floor  
1-4 Leicester Square  
London  
WC2H 7NA

**Telephone Number:**

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

Not applicable

**Licensable activities authorised by the licence:**

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

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

**Performance of Dance**

Monday to Sunday: 09:00 to 03:00

**Exhibition of a Film**

Monday to Sunday: 09:00 to 03:00

**Performance of Live Music**

Monday to Sunday: 09:00 to 03:00

**Playing of Recorded Music**

Monday to Sunday: 09:00 to 03:00

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

Monday to Sunday: 09:00 to 03:00

**Performance of a Play**

Monday to Saturday: 09:00 to 23:00  
Sunday: 12:00 to 22:30

**Late Night Refreshment**

Monday to Sunday: 23:30 to 03:30

**Sale by Retail of Alcohol**

Monday to Sunday: 10:00 to 03:00

**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 on the Premises.

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

Central London Investments Limited  
13 Peel Road  
Douglas  
Isle Of Man  
IM1 4LR  
C/O LT Law  
18 Soho Square  
London  
W1D 3QL

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

000593V

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

**Name:** Chase McGuinness

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

Restricted

**Date:** \_\_\_\_\_ 22 October 2015 \_\_\_\_\_

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

**Licence offered for surrender as part of licence granted for the Trocadero 12th and 13th floor – 20/03425/LIPDPS**



**City of Westminster**

64 Victoria Street, London, SW1E 6QP

Schedule 12  
Part A

WARD: St James's  
UPRN: 100023472818

Premises licence

Regulation 33, 34

Premises licence number:

20/03425/LIPDPS

Original Reference:

05/02759/LIPCV

**Part 1 – Premises details**

**Postal address of premises:**

Rainforest Cafe  
20-24 Shaftesbury Avenue  
London  
W1D 7EU

**Telephone Number:**

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

Not applicable

**Licensable activities authorised by the licence:**

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

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

**Performance of Dance**

Monday to Sunday: 09:00 to 03:00

**Performance of Live Music**

Monday to Sunday: 09:00 to 03:00

**Playing of Recorded Music**

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

Monday to Sunday: 09:00 to 03:00

**Late Night Refreshment**

Monday to Saturday: 23:00 to 03:30  
Sunday: 23:00 to 03:00

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

**Sale by Retail of Alcohol**

Monday to Saturday: 10:00 to 03:00

Sunday: 12:00 to 22:30

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

**The opening hours of the premises:**

Monday to Saturday: 09:00 to 03:30  
Sunday: 09:00 to 03:00

**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:**

Trocadero (London) Hotel Limited  
16 Babmaes Street  
London  
SW1Y 6HD

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

09162589

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

**Name:** Daphne D'alesio

*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:** 870530  
**Licensing Authority:** London Borough of Southwark

**Date:** 7<sup>th</sup> May 2020

**Signed:**

pp



This licence has been authorised by Karyn Abbott 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.

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

**Conditions related to Regulated Entertainment:**

9. This licence is subject to all the former Rules of Management for Places of Public Entertainment licensed by Westminster City Council, in force from 4 September 1998 and incorporating amendments agreed by the Council on 25 October 1999, 30 June 2000, 16 January 2001 and 1 October 2001.
10. On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).
11. Notwithstanding the provisions of Rule of Management No. 6 the premises may remain open for the purposes of this licence from 23:00 on each of the days Sunday to Saturday to 03:00 on the day following.
12. An attendant shall be stationed in the shop the whole time that the premises are open to the public.
13. The number of persons accommodated at any one time (excluding staff) shall not exceed: Basement - 470; Sub-Basement - 150.

**Conditions Relating to the Sale of Alcohol**

14. Substantial food and suitable beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.

15. No gaming otherwise than by machines authorised under part III, Gaming Act, 1968.
16. No striptease, no nudity and all persons on the premises to be decently attired.
17. There shall be no payment made by or on behalf of the licensees to any person for bringing customers to the premises.

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

Monday to Saturday

18. (a) Subject to the following paragraphs, the permitted hours on weekdays shall commence at 10:00 (12.00 on Christmas Day and Good Friday) and extend until 03:00 on the morning following, except that -
  - (i) the permitted hours shall end at 00:00 midnight on any day on which music and dancing is not provided after midnight; and
  - (ii) on any day that music and dancing end between 00:00 midnight and 03:00, the permitted hours shall end when the music and dancing end;
- (b) In relation to the morning on which summer time begins, paragraph (a) of this condition shall have effect with the substitution of references to 04:00 for references to 03:00.
- (c) The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.
- (d) The permitted hours on New Year's Eve will extend to the start of permitted hours on the following day, or if there are no permitted hours on 1 January, to 00.00 on New Year's Eve.

NOTE - The above restrictions do not prohibit:

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

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

Sunday

19. Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours.

In this condition, permitted hours means:

- (a) On Sundays, other than Christmas Day or New Year's Eve, 12.00 noon to 22.30.
- (b) On Christmas Day, 12.00 to 15.00 and 19.00 to 22.30.
- (c) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, 00.00 midnight on 31st December).

NOTE - The above restrictions do not prohibit:

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

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

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

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

21. If any entertainment is provided for children or if an entertainment is provided at which the majority of persons attending are children, then, if the number of children attending the entertainment exceeds 100, it shall be the duty of the holder of the premises licence (or the holder of the club premises certificate):

- (a) to station and keep stationed wherever necessary a sufficient number of adult attendants, properly instructed as to their duties, to prevent more children or other persons being admitted to the building, or to any part thereof, than the building or part can properly accommodate,
  - (b) to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof, and
  - (c) to take all other reasonable precautions for the safety of children.
22. The terminal hour for late night refreshment on New Year's Eve is extended to 05.00 on New Year's Day.

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

None

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

23. When a customer chooses to pay by credit card, he/she will be presented with an itemised bill upon final payment, showing details of all drinks and food purchased.







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

Schedule 12  
Part B

**WARD: St James's**  
**UPRN: 100023472818**

**Premises licence  
summary**

Regulation 33, 34

**Premises licence number:**

20/03425/LIPDPS

**Part 1 – Premises details**

**Postal address of premises:**

Rainforest Cafe  
20-24 Shaftesbury Avenue  
London  
W1D 7EU

**Telephone Number:**

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

Not applicable

**Licensable activities authorised by the licence:**

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

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

**Performance of Dance**

Monday to Sunday: 09:00 to 03:00

**Performance of Live Music**

Monday to Sunday: 09:00 to 03:00

**Playing of Recorded Music**

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

Monday to Sunday: 09:00 to 03:00

**Late Night Refreshment**

Monday to Saturday: 23:00 to 03:30

Sunday: 23:00 to 03:00

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

**Sale by Retail of Alcohol**

Monday to Saturday: 10:00 to 03:00  
Sunday: 12:00 to 22:30

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

**The opening hours of the premises:**

Monday to Saturday: 09:00 to 03:30  
Sunday: 09:00 to 03:00

**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:**

Trocadero (London) Hotel Limited  
16 Babmaes Street  
London  
SW1Y 6HD

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

09162589

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

**Name:** Daphne D'alesio

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

Restricted

**Date:** 7<sup>th</sup> May 2020

**Signed:**

pp



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

**Licence & Appeal History**

<b>Licence Number</b>	<b>Application</b>	<b>Date of Decision</b>	<b>Decision</b>
18/00656/LIPN	Application for new premises	18.08.2005	Granted at Licensing Sub-Committee
20/12016/LIPN	Application for new premises	22.04.2021	Refused at Licensing Sub-Committee

There is no appeal history for the premises.

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

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

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

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

**Mandatory Conditions**

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

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

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

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

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

## **Conditions consistent with the operating schedule**

10. There shall be no sales of hot food or hot drink for consumption 'off' the premises after 23:00 hours except to hotel residents and their bona fide guests.
11. The maximum number of persons permitted on the premises at any one time (excluding staff) shall not exceed:
  - a. 12th floor xxx persons;
  - b. 13th floor xxx persons.

With no more than 1000 persons at any one time.
12. (a) On the 12th floor, seating shall be provided internally and on the terrace for a minimum of 70% of those that can be accommodated in that area. Waiter/waitress service shall be available to all customers seated throughout the 12th floor.  
  
(b) On the 13th floor, the sale of alcohol shall be ancillary to music and dancing and substantial refreshment within the Clubroom and, within the Flex Event Space it shall be ancillary to pre-booked or ticketed events and/or functions and dining.
13. Where permitted to use the entrance on Rupert Street for admission to the premises beyond midnight and until the terminal hours for admissions then the area hatched green (on the right of Rupert Street entrance lobby) shall be secured as an overflow holding area that can be used by management and the door team to increase the available space for customers to queue internally whilst waiting for admission to the 12th and 13th floors.
14. There shall be no facilities for dancing on the 12th floor, including the roof terrace.
15. For any pre-booked event or occasion involving a licensable activity when a guest list is in operation, only a Director of the managing company, the Premises Licence Holder, the Designated Premises Supervisor or the Duty Manager will be authorised to add additional names to the guest list. Any additions less than 48 hours before the pre-booked event or occasion must be legibly entered on the list and signed for by the Director, the Premises Licence Holder, the Designated Premises Supervisor or the Duty Manager. This list will be kept for a period of 28 days following the event and will be made available immediately for inspection upon request by a Police Officer or authorised Council Officer.
16. All windows and external doors leading to the 12th floor roof terrace shall be kept closed after 23:00 hours, except for the immediate access and egress of persons.
17. Admission to the 12th and 13th floor licensed areas from the street by members of the public shall only be via the ground floor Sky Bar lift lobby
18. No alcohol shall be consumed by customers more than 30 minutes after the permitted terminal hour for the supply of alcohol. (This shall not apply to hotel residents and their bona fide guests).

### **The Metropolitan Police have proposed the following amended condition**

No alcohol shall be consumed by customers more than 30 minutes after the permitted terminal hour for the supply of alcohol. (This shall not apply to hotel residents and their bona fide guests). Guests limited to 5

19. (a) From 21:00 hours a minimum of 2 door staff shall be on duty in the ground floor lobby area and a minimum of 1 on duty on the 12th and 13th floors whilst open to the public (excludes hotel residents and bona fide guests) for licensable activities. This shall be increased to a ratio of 1:75 (or part thereof) from 22:00 hours on the 12th and 13th floors until those areas are closed to the public for licensable activities.  
(b) Prior to 21:00 hours, the need for door staff shall be determined by risk assessment carried out by the DPS.  
(c) On any occasion prior to 21:00 hours where the premises are open to the public and no door staff are on duty then a member of staff shall be on duty in the ground floor lobby area to meet and greet customers.
20. At least one member of door staff deployed to the ground floor and to each floor (12th and 13th) from 21:00 hours (as required by condition 10) shall wear a Body Worn Video Camera capable of recording audio and video in any light condition as per the minimum requirements of the Westminster Police Licensing Team. All recordings for BWV 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 authorized officers throughout the preceding 31 day period.
21. When Body Worn Video systems are in use then they will be deployed immediately during any verbal altercation or use of force by any member of staff.

**The Metropolitan Police have proposed the following amended condition**

When Body Worn Video systems are in use then they will be deployed immediately during any verbal altercation or use of force by any member of staff. All ejections shall be recorded on BWV

22. All staff engaged in the use of Body Worn Video shall receive relevant training to ensure they are confident in its use. A record will be kept on the premises of which staff have been trained. This record will be available to the relevant authority for inspection upon request and shall be retained for a minimum of 12 months.
23. (a) The premises shall install and maintain a comprehensive CCTV and Body Worn Video system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points, lifts (internal area) and lift areas will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.  
  
(b) The CCTV system shall provide coverage of the external area outside all public entrances. It shall provide coverage of queues to enter the premises and designated smoking areas, customer search areas and vehicle drop off areas by the entrances
24. 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 premise is open for licensable activities. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested (including where applicable any Body Worn Video system) subject to Data Protection requirements.
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 subject to Data Protection

requirements. 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) any faults in the CCTV or Body Worn Video system,
- f) any refusal of the sale of alcohol,
- g) any visit by a relevant authority or emergency service.

**The Metropolitan Police have proposed the following amended condition**

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 subject to Data Protection requirements. 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) any faults in the CCTV or Body Worn Video system, search wands
- f) any refusal of the sale of alcohol,
- g) any visit by a relevant authority or emergency service.
- h) all seizures of drugs or offensive weapons

- 26. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport, military ID, biometric resident permit or proof of age card with the PASS Hologram.
- 27. 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.
- 28. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
- 29. (a) Loudspeakers shall not be located in the ground floor entrance lobby unless there is a sound lobby, or outside the premises building.  
(b) On the 12th floor external terrace, live music (which does not involve percussion) shall be permitted until 22:00 hours and recorded music permitted until 00:00 hours. Live music, (including percussion) and recorded music shall however be permitted beyond these times and until 03:00 hours if the external terrace is enclosed with a retractable roof to the satisfaction of EH.

30. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under a Sexual Entertainment Venue Licence.
31. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
32. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
33. 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.
34. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
35. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
36. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
37. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
38. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
39. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 08.00 hours on the following day.
40. With the exception of fresh produce, no deliveries to the premises shall take place between 23:00 hours and 08:00 hours the following day.
41. 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.
42. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by SIA trained personnel so as to ensure that there is no public nuisance or obstruction to the public highway.
43. There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises directly off the street.
44. Any events which are not pre booked private or corporate events but are externally promoted events shall be risk assessed. A documented risk assessment will be completed 10 days prior to the event and retained for a minimum of 31 days afterwards and be made immediately available for viewing by the Responsible Authorities upon request. When carrying out the risk assessment for the event and holding the event, the premises will take into account any reasonable advice received from the Metropolitan Police.

45. A representative of the premises licence holder shall attend the local Pub watch meetings.
46. There shall be No entry/Re-entry (excluding persons exiting to smoke) to the premises after 02:00 hours on each day.
47. An attendant shall be on duty in the cloakroom during the whole time that it is in use.
48. (a) An attendant shall be on duty in the male and female toilets areas (within the licensed area) from 21:00 hours daily until the premises are closed to the public (excluding hotel residents and bona fide guests).  
(b) Attendants shall be equipped with a means of alerting security without delay, e.g, radio, BWV, or personal alarm which shall be kept on their person.
49. No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public.
50. (a) All drinking vessels used in the venue shall be made from a sustainable material other than glass. All drinks in glass bottles are to be decanted into non glass containers or non-glass carafes prior to being served, with the exception of champagne, wine or bottles of spirits with a minimum size of 70 CL supplied by way of waiter/waitress service to tables. Staff shall clear all empty champagne and spirit bottles promptly from the table. Customers shall not be permitted to leave their table carrying any such glass bottle or drink directly from the bottle.  
(b) Notwithstanding the above, with the written agreement of Westminster Licensing Police, a copy of which will be held at the premises reception, glass drinking vessels made be used for private or pre booked events within the function room on the 13th floor.

**The Metropolitan Police have proposed the following amended condition**

- (a) After midnight, all drinking vessels used in the venue shall be made from a sustainable material other than glass. All drinks in glass bottles are to be decanted into non glass containers or non-glass carafes prior to being served, with the exception of champagne, wine or bottles of spirits with a minimum size of 70 CL supplied by way of waiter/waitress service to tables. Staff shall clear all empty champagne and spirit bottles promptly from the table. Customers shall not be permitted to leave their table carrying any such glass bottle or drink directly from the bottle.
51. From 23:00 hours, a full pat-down search of all entrants and bag search, shall be conducted by properly trained security staff of the appropriate gender. Searching will be supplemented using two functional metal detecting wands. All searches will be covered by the premises CCTV system. Prior to 23:00 hours, searching shall be based on a risk assessment by designated security staff.
52. After 21:00 hours, designated queuing and smoking area shall be enclosed within appropriate barriers to ensure that the footway is kept clear and constantly monitored by security personnel and/or staff.

**The Metropolitan Police have proposed the following amended condition**

After 21:00 hours, designated queuing and smoking area shall be enclosed within appropriate barriers to ensure that the footway is kept clear and constantly monitored by security personnel and/or staff. There shall be a limit of 12 smokers at any one time

53. In the event that an assault involving an injury or of a sexual nature is committed on the premises (or appears to have been committed), the management will immediately ensure that:
- a. the Police (and, where appropriate, the London Ambulance Service) are called without delay;
  - b. all measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the Police;
  - c. the crime scene is preserved so as to ensure a full forensic investigation to be carried out by the Police;

such other measures are taken (as appropriate) to fully protect the safety of all persons on the premises.

54. Where the premises are open for the sale of alcohol for consumption on the premises (other than hotel residents and bona fide guests) then from 22:00 hours a personal licence holder shall be on duty.
55. When not in use for licensable activities but accessible to customer after 22:00 hours for smoking then the designated smoking areas on the 12th floor terrace shall be monitored by at least one door supervisor and shall be covered by the venue's CCTV system.

**The Metropolitan Police have proposed the following amended condition**

When accessible to customer after 22:00 hours for smoking then the designated smoking areas on the 12<sup>th</sup> floor terrace shall be monitored by at least one door supervisor and shall be covered by the venue's CCTV system

56. After 22:00, all security engaged outside the entrance to the premises, or supervising or controlling queues outside the premises, shall wear high visibility yellow jackets or vests. Security staff shall display their SIA licence at all times when on duty. At the commencement of duty, all security personnel must have their names and licence number logged with date and time. Names must be legible and appropriate for a legal document. The log shall be made available for inspection of the Responsible Authorities upon request and be retained for a minimum of 31 days.
57. After 22:00, registered door supervisors shall ensure that the specified capacities are adhered to at all material times. Before 22:00 registered door supervisors and / or staff shall ensure that the specified capacities are adhered to at all material times. A daily log is to be maintained to ensure that any capacity limit set is recorded hourly and can be properly monitored. Information regarding the capacity will be given to an authorised officer or police officer on request
58. A traffic marshal shall be employed by management from 22:00 on Friday, Saturday and any other time deemed necessary by the premises licence Holder. They shall remain on duty until all customers have left the immediate vicinity of the premises to ensure, as far as reasonably practicable, there is no obstruction on Rupert St in the immediate vicinity of the premises from customers or vehicles linked to the premises. The Traffic Marshal shall wear a high visibility jacket of a different colour to those worn by SIA door staff and marked 'traffic marshal' to be clearly identifiable in this role and equipped with a radio link to security.
59. (a) SIA door staff shall from midnight until the premises are closed to the public (plus 30 minutes), monitor Rupert Street and Shaftesbury Avenue to encourage the quiet dispersal of customers.  
(b) Designated street marshals and noise control officers will be deployed as identified from time to time, from midnight.

60. Customer facing front of house staff shall receive at least basic training in Conflict Management provided by a qualified source. Training records for such staff shall be kept on the premises and provided to the Responsible Authorities for viewing upon request.
61. (a) After 21:00 hours, the lift lobby area on the ground floor shall be monitored by at least one SIA door supervisor who shall direct patrons into lifts which are designated for use by the 12th and 13th floors. Those lifts will have CCTV cameras fitted within the lifts.  
(b) During high-risk times as identified by the premises licence holder, door staff shall ride in the lifts with guests.  
(c) Upon disembarking, there will be a reception area to greet patrons on the 12th and 13th floors before they are directed to the relevant area of the premises.
62. The premises licence holder shall ensure that the management team register and successfully complete the nationally recognised counter terrorism training product referred to as ACT eLearning package or can demonstrate that the ACT eLearning product has been successfully completed within the preceding 12 months and that all front of house staff employed by or at the premises complete the ACT eLearning within a reasonable period not exceeding 3 months from the day they start their employment.
63. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.
64. Before the premises open to the public the plans as deposited will be checked by the Police and Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority. This condition shall be removed by the Licensing Team once satisfied.
65. No licensable activities shall take place at the premises until the capacity of the 12th and 13th floors have been determined by the Environmental Health Consultation Team and the Licensing Authority has replaced this condition on the licence with a condition detailing the capacity so determined.
66. The applicants contend that this application can be treated as an exception to policy upon the basis of the following:
  - (a) Premises Licence 15/02410/LIPT relating to 1-4 Leicester Square (which the first applicant previously offered to surrender when Licence 18/00656/LIPN was granted), together with Licence 18/00656/LIPN, will be surrendered subject to the grant of this application;
  - (b) Premises Licence 20/03425/LIPDPS relating to the Rainforest Cafe at 20-24 Shaftesbury Avenue will be surrendered by the first applicant, subject to the grant of the linked application described below (58a) and the satisfaction of works conditions relating to this application and the application described at 58(a);
  - (c) The capacity for the Piccadilly Institute stated within Premises Licences 19/09064/LIPN and 21/04481/LIPDPS shall be reduced by 380 as a result of the linked application described below (58b).
67. To support the exception to policy argument, the below linked applications will be submitted following the grant of this licence application:
  - (a) New Premises Licence application for the Rainforest Café at 20-24 Shaftesbury Avenue authorising the use of the premises as a restaurant (with a holding bar) until midnight;
  - (b) Two minor variation applications to reduce the capacity for the Piccadilly Institute by 380 persons.

Conditions 57 and 58 above to be removed upon satisfaction of the works conditions at 54 to 56 above, and to a works condition which will be incorporated in the application referred to at Condition 58 (a).

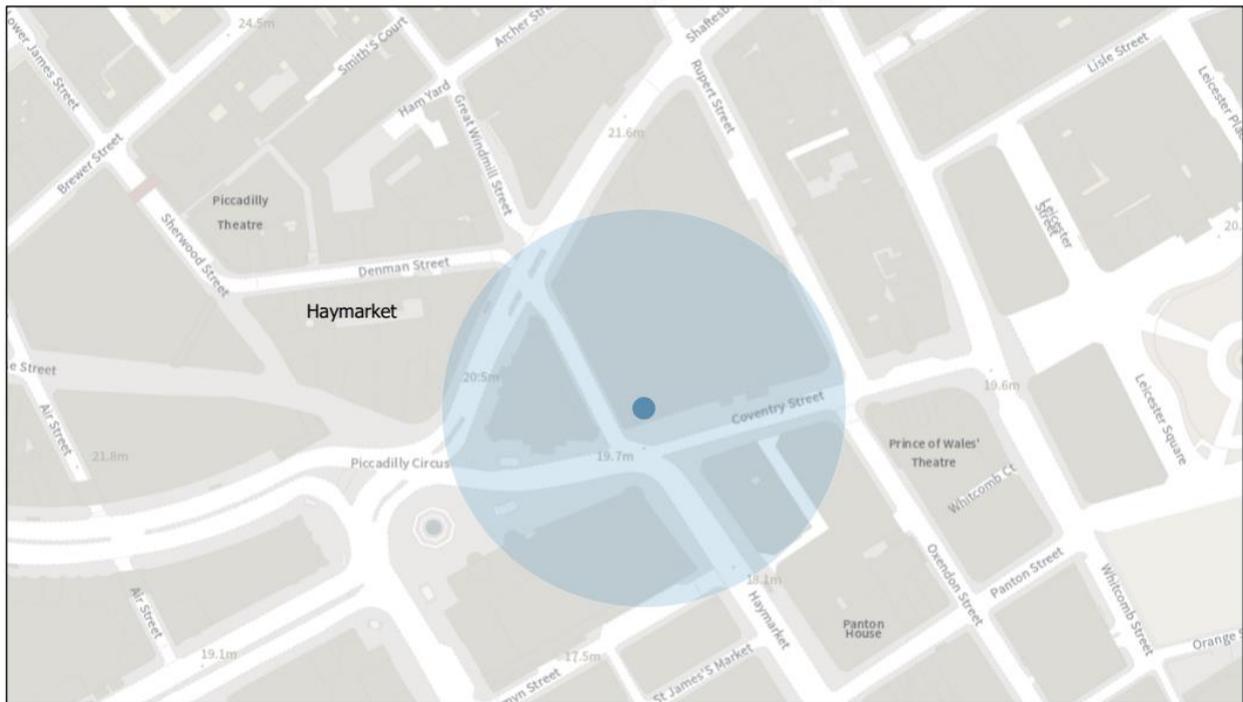
### **Conditions proposed by the Environmental Health**

**None**

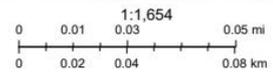
### **Conditions proposed by the Police**

68. A copy of the dispersal policy shall be available on the premises for inspection
69. (a) After 23:00 hours, all customers entering the premises shall have their ID scanned on entry, save for when a biometric scanning system is in place. The details recorded shall include a live facial image capture of the customer and capture the photographic identification produced. The details recorded by the ID scanner system shall be made available to the Police and the local authority upon request.
- (b) The requirement in (a) above is subject to the following exceptions, namely that a maximum number of **(25)** guests per night may be admitted at the Managers discretion without necessarily photo ID being scanned and recorded. The admission of such guests however shall be in accordance with the following procedure:
- (i) The DPS shall approve in writing the names of a maximum of three managers other than him/herself who are authorised to sign in such guests.
- (ii) A legible record (the signing in sheet) of those guest's name shall be retained on the premises for inspection by the licensing authority and Police for a minimum period of 31 days. The name of the DPS approved manager authorising the admission will also be recorded by that manager,
- (iii) Guests shall be required to produce some form of ID such as a bank card (or emailed electronic photo ID) and ID scan entry with a live photo shall be created.
- (iv) Where there are appropriate reasons for a guest not to be able to produce ID and be subject to ID scan, the Approved Manager may still permit entry. In such circumstance he shall also record the reasons for this in the signing in sheet.
- (c) Notwithstanding (a) above, patrons who are attending a pre-booked private event at the premises do not need to have their ID Scanned on entry and instead a written guest list shall be held at reception for the event, and will be retained for 31 days after the event for inspection by the police and responsible authorities upon request.

**Trocadero Hotel - Sky Bar & Lounge**



08/04/2021, 11:51:46



Resident count = 27

<b><u>Licensed Premises within 75 metres of the Trocadero Hotel - Sky Bar &amp; Lounge</u></b>			
<b>Licence Number</b>	<b>Trading Name</b>	<b>Address</b>	<b>Time Period</b>
18/00656/LIPN	Trocadero Hotel/Sky Bar & Restaurant	Trocadero 13 Coventry Street London W1D 7DH	Monday to Sunday; 00:00 - 00:00
20/07563/LIPDPS	Five Guys	Trocadero 13 Coventry Street London W1D 7DH	Sunday; 10:00 - 22:30   Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00
17/08106/LIPN	Unit 4 - Happy Bar And Grill	Trocadero 13 Coventry Street London W1D 7DH	Sunday; 08:00 - 22:30   Monday to Thursday; 08:00 - 23:30   Friday to Saturday; 08:00 - 00:00
20/02784/LIPCH	Picturehouse Central	Trocadero 13 Coventry Street London W1D 7DH	Monday to Sunday; 00:00 - 23:59

18/12412/LIPN	Not Recorded	The London Pavillion 1 Piccadilly London W1J 0DA	Monday to Sunday; 10:00 - 00:30
15/03210/LIPDPS	Ripley's Believe It Or Not!	The London Pavillion 1 Piccadilly London W1J 0DA	Monday to Sunday; 10:00 - 00:00
20/09885/LIPDPS	Not Recorded	Ground Floor Unit G2 The London Pavillion 1 Piccadilly London W1J 0DA	Monday to Sunday; 00:00 - 00:00
20/07366/LIPCH	Aberdeen Steak House	21-22 Coventry Street London W1D 7AE	Sunday; 10:00 - 00:00   Monday to Saturday; 10:00 - 01:00   Sundays before Bank Holidays; 10:00 - 01:00
20/09323/LIPDPS	Hard Rock Cafe	Criterion Building 225-229 Piccadilly London W1J 9HR	Friday to Saturday; 10:00 - 02:30   Sunday to Thursday; 10:00 - 01:30
19/05762/LIPDPS	Hard Rock Cafe	Criterion Building 225-229 Piccadilly London W1J 9HR	Friday to Saturday; 10:00 - 02:30   Sunday to Thursday; 10:00 - 01:30
20/02193/LIPRW	Happy Bar & Grill	25-29 Coventry Street London W1D 7AG	Sunday; 12:00 - 00:30   Monday to Saturday; 10:00 - 01:30   Sundays before Bank Holidays; 12:00 - 01:00
19/16538/LIPDPS	Rainforest Cafe	20-24 Shaftesbury Avenue London W1D 7EU	Monday to Sunday; 09:00 - 04:00
20/09511/LIPDPS	Crystal Maze	20-24 Shaftesbury Avenue London W1D 7EU	Monday to Sunday; 09:00 - 04:00
20/03425/LIPDPS	Rainforest Cafe	20-24 Shaftesbury Avenue London W1D 7EU	Sunday; 09:00 - 03:00   Monday to Saturday; 09:00 - 03:30
17/02769/LIPDPS	The Comedy Store	Ground Floor Right Haymarket House 1A Oxendon Street London SW1Y 4EE	Sunday; 09:00 - 01:00   Monday to Saturday; 09:00 - 05:00

19/11154/LIPV	Criterion Brasserie	224 Piccadilly London W1J 9HP	Monday; 10:00 - 05:00   Tuesday; 10:00 - 05:00   Wednesday; 10:00 - 05:00   Thursday; 10:00 - 05:00   Friday; 10:00 - 05:00   Saturday; 10:00 - 05:00   Sunday; 12:00 - 05:00
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City of Westminster

# Licensing Sub-Committee Report

Item No:

Date:

Licensing Ref No:

Title of Report:

Report of:

Wards involved:

Policy context:

Financial summary:

Report Author:

Contact details

11 November 2021

21/04119/LIPN - New Premises Licence

Rapha  
85 Brewer Street  
London  
W1F 9ZN

Director of Public Protection and Licensing

West End

City of Westminster Statement of Licensing Policy

None

Roxsana Haq  
Senior Licensing Officer

Telephone: 020 7641 6500  
Email: rhaq@westminster.gov.uk

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	28 April 2021		
<b>Applicant:</b>	Rapha Racing Limited		
<b>Premises:</b>	Rapha		
<b>Premises address:</b>	85 Brewer Street London W1F 9ZN	<b>Ward:</b>	West End
		<b>Cumulative Impact Area:</b>	West End
		<b>Special Consideration Zone:</b>	None
<b>Premises description:</b>	According to the application the premises is a cycling clothing store with a busy cafe.		
<b>Premises licence history:</b>	The premises has had the benefit of a premises licence since 2013. The current premises licence 18/08331/LIPDPS is attached at <b>Appendix 3</b> of this report.		
<b>Applicant submissions:</b>	<p>As part of the application form, the applicant provided the following information:</p> <p><i>“The store acts as a social hub for the London cycling community, where they are able to have coffee or brunch at the start and finish of rides, watch live racing on the tv and attend evening events.</i></p> <p><i>The main emphasis will be on coffee, homemade cakes and breakfast/lunch meals during the day, with the option of beers, natural wines and a small list of spirits for early evenings weekends and events</i></p> <p><i>It is proposed that the on-sales licence be supplemented by off-sales with regard to bottles of natural wine for consumption at home.</i></p> <p><i>The current Licence will be surrendered on satisfactory grant of the new application.”</i></p>		

1-B Proposed licensable activities and hours							
<b>Sale by retail of Alcohol:</b>				<b>On or off sales or both</b>			Both
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	12:00	12:00	12:00	12:00	12:00	12:00	12:00
<b>End:</b>	22:00	22:00	22:00	22:00	22:00	22:00	22:00
<b>Seasonal variations/ Non-standard timings:</b>			N/A				

Hours premises are open to the public							
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	08:00	08:00	08:00	08:00	08:00	08:00	10:00
<b>End:</b>	22:00	22:00	22:00	22:00	22:00	22:00	22:00
<b>Seasonal variations/ Non-standard timings:</b>			N/A				
<b>Adult Entertainment:</b>			None				

## 2. Representations

<b>2-A</b>	<b>Responsible Authorities</b>
<b>Responsible Authority:</b>	Environmental Health Service
<b>Representative:</b>	Dave Nevitt
<b>Received:</b>	12 May 2021
<p>I wish to make Representations on the following grounds:</p> <p>Representation is made in relation to the application, as the proposals are likely to increase the risk of Public Nuisance.</p> <p>I am concerned that what is sought may have the likely effect of adding to Cumulative Impact in the West End Cumulative Impact Area.</p>	
<b>Responsible Authority:</b>	Metropolitan Police Service
<b>Representative:</b>	PC Bryan Lewis
<b>Received:</b>	29 <sup>th</sup> May 2021
<p><b><u>Re: New premises licence application for 85 Brewer Street, W1F</u></b>  <b><u>Police objection; Premises located in the West End Cumulative Impact Area</u></b></p> <p>With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, is objecting to this application as it is our belief that if granted this application would undermine the Licensing Objectives.</p> <p>The venue is located in the West End Cumulative Impact Area, a locality where there is traditionally high levels of crime and disorder. We have concerns that this application will cause further policing problems in an already demanding area.</p> <p>I will propose a list of licence conditions to support the prevention of crime and disorder licensing objective and forward them to you for your consideration.</p>	
<b>Responsible Authority:</b>	Licensing Authority
<b>Representative:</b>	Jessica Donovan
<b>Received:</b>	7 <sup>th</sup> June 2021
<p>Dear Sirs</p> <p>I write in relation to the application submitted for a new premises licence for Rapha, 85 Brewer Street, London, W1F 9ZN</p> <p>As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011, the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the four Licensing Objectives:</p> <ul style="list-style-type: none"> <li>• Public Nuisance</li> <li>• Prevention of Crime &amp; Disorder</li> <li>• Public Safety</li> <li>• Protection of children from harm</li> </ul>	

The application seeks the following:

**Retail Sale of Alcohol (On and Off sales)**

12:00 to 22:00 Monday to Sunday

**Hours premises are open to the public**

08:00 to 22:00 Monday to Sunday

The premises are located within the West End Cumulative Impact Area and as such various policy points must be considered, namely CIP1, HRS1, PB1 and RTN1.

Policy PB1(B) states

B. It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone other than:

1. Applications to vary the existing licence hours within the council's Core Hours Policy HRS1.
2. Applications that seek to vary the existing licence so as to reduce the overall capacity of the premises.

D. For the purposes of this policy a Public House or Bar is defined as a premises, or part of a premises that's primary use is the sale or supply of alcohol for consumption on those premises and/or for consumption off the premises for consumption outside the venue.

The Licensing Authority note that the application falls within Westminster core hours for Pubs and bars.

The Core hours for Pubs and Bars are:

Monday to Thursday: 10am to 11.30pm.

Friday and Saturday: 10am to 12am.

Sunday: 9am to 10.30pm.

Sundays immediately prior to a bank holiday: 12pm to 12am.

The Licensing Authority encourages the applicant to provide further submissions on how the supply of alcohol will be controlled and monitored i.e. will the premises operate with waiter/waitress service and seated taking a table meal.

The Licensing Authority would encourage the applicant to consider model conditions 38 and 39 so that it goes in some way to bringing the application in line with Westminster's RTN1 policy.

MC38. The supply of alcohol at the premises shall only be to a person seated taking a substantial table meal there and for consumption by such a person as ancillary to their meal. For the purpose of this condition a "Substantial Table Meal" means – a meal such as might be expected to be served as the main midday or main evening meal, or as a main course at either such meal and is eaten by a person seated at a table, or at a counter or other structure which serves the purposes of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure servicing the purposes of a table.

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

The Licensing Authority notes that it is proposed that the on-sales licence be supplemented by off-sales with regard to bottles of natural wine for consumption at home.

The Licensing Authority would encourage the applicant to consider model condition MC17.

MC17. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.

The Licensing Authority note that the premises has the benefit of a premises licence 18/08331/LIPDPS. It is noted that this applicant has confirmed that the existing licence will be surrendered subject to the grant of this application. The existing licence benefits from slightly different hours compared to the current application as shown below. The Licensing Authority require the applicant to provide submissions as to how the change of hours and the addition of off sales will not add to cumulative impact in the West End Cumulative impact zone.

**Sale by Retail of Alcohol (On sales)**

Monday to Sunday: 10:00 to 21:00 (From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day).

Monday to Saturday: 10:00 to 23:00 (For persons attending a pre booked function)

Sunday: 10:00 to 22:00 (For persons attending a pre booked function)

**The opening hours of the premises:**

Monday to Sunday: 08:00 to 21:00

The Licensing Authority also encourages the applicant to consider MC61 which states:

"No licensable activities shall take place at the premises until premises licence 18/08331/LIPDPS (or such other number subsequently issued for the premises) has been surrendered and is incapable of resurrection".

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

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

Please accept this as a formal representation.

<b>2-B</b>	<b>Other Persons</b>		
<b>Name:</b>	[REDACTED]		
<b>Address and/or Residents Association:</b>	[REDACTED]		
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	7th June 2021		
<b>Reference: 21/04119/LIPN: Rapha Racing, 85, Brewer St, W1F 9ZN</b>			
We write to make a relevant representation to the above application on behalf of The Soho Society.			
The Soho Society objects to this application as it is currently presented, on the grounds of prevention of crime and disorder and prevention of public nuisance and cumulative impact in the West End Cumulative Impact Area.			
<b>About The Soho Society</b>			
The Soho Society is a charitable company limited by guarantee established in 1972. The society is a recognised amenity group and was formed to make Soho a better place to live, work or visit by preserving and enhancing the area's existing diversity of character and uses, and by improving its facilities, amenities and environment. In particular, the society supports the Westminster City Council's policies, including the cumulative impact policy, as set out in the Statement of Licensing Policy 2021.			
<b>Application summary</b>			
<b>New Premises Licence</b>			
<ul style="list-style-type: none"> <li>• A cycling clothing store with a busy cafe. Breakfast / lunch options of beers, natural wines and small list of spirits for early evening weekend events.</li> <li>• Propose the on-sale licence is supplemented by off-sales with regards to bottles of natural wine for consumption at home.</li> <li>• The old licence will be surrendered on satisfactory grant of the new application.</li> </ul>			
<b>Supply of Alcohol: Mon - Sun: 12:00-22:00</b>			
<b>Hours open to the public: Mon-Sat: 08:00-22:00. Sun: 10:00 - 22:00</b>			

## Current licence

**Supply of Alcohol: Mon - Sun: 10:00 - 21:00**

**Pre-booked function: Mon - Sun: 10:00 - 23:00. Sun: 10:00-22:00**

**Hours open to the public: Mon-Sun: 08:00-21:00. Sun: 10:00 - 22:00**

## The Soho Society's Position

- The application seeks to extend the terminal hour for the supply of alcohol from 21:00 to 22:00 and include off sales of natural wines. The Society does not object to the extension of alcohol by one hour to 22:00. However, we do object to a clothing store with an ancillary cafe providing off sales, thereby creating an off-licence for the sale of alcohol. We are further concerned that in time the offer could expand to include a full range of other alcoholic beverages.
- There are a number of other retail shops, convenience stores, newsagents, small food shops and supermarkets all selling alcohol in the area and in our view adding another outlet cannot be justified.

## Statement of Licensing Policy 2021

- **Cumulative Impact Policy CIP1**; this area has been identified by the Westminster City Council as under stress because the cumulative effect of the concentration of late night and drink led premises and night cafes has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses. The Cumulative Impact Assessment 2020 highlights the cumulative impact in West End Zone 1 (p9) stating, *'The rate of incidents per square kilometre observed here, as well as the rate of licensed premises per square kilometre, was approximately nine times than the borough's average rate. For crimes in particular, the rate was 10 -13 times higher between 6pm - 6am compared to the borough average.'* In relation to this application the applicant must demonstrate they will not add to cumulative impact.
- The policies in relation to the cumulative impact zone are directed at the global and cumulative effects of licences on the area as a whole (D16. of the policy). The growth in the number of licensed premises in Soho has led to a marked deterioration in the quality of life and wellbeing of local residents and it has jeopardised the sustainability of the community. Soho has a substantial residential community and many of these residents suffer from problems such as, but not limited to, high levels of noise nuisance, problems with waste, urinating and defecating in the streets, threats to public safety, anti-social behaviour, crime and disorder and the change in character of this historic area.

## The Licensing Objectives

The Statement of Licensing Policy 2021 or Section 183 Guidance does not provide for any circumstance, exceptional or otherwise, which would permit an application to be granted if the licensing objectives were harmed. We now consider the impact of this application on these objectives.

## Prevention of Crime and Disorder CD1

Under this Policy the criteria applied is, *'whether the premises make or will make a significant contribution to levels of crime and disorder, and whether the operating schedule is based on an adequate risk assessment, undertaken by the applicant, which takes account of all the relevant considerations below to reduce the likelihood of crime and disorder occurring as a result of the grant of the application.'*

The recently published Cumulative Impact Assessment 2020 presents overwhelming evidence of the year on year increase in cumulative impact in the West End Zone 1, **it highlights the rate of crime as 10 - 13 times higher between 6pm - 6am compared to the borough average.** It goes on to detail the number and types of crimes in the West End,

- **Public realm crimes:** (serious violence, robberies, theft and drug offences), alcohol-related callouts incidents, anti-social behaviour and demands on services were prevalent in Westminster between 2017 and 2019, among the highest in London and the country. All incidents observed concentrated in the West End many occurring in the evening and at night

as well as weekends.

- **Total incident type 2017-2019:** serious violent crimes Night, 795 - proportion of Borough's incidents (31%). **Robberies Night, 2237 (33%). Theft and Handling Night, 24,407 (33%). Drug Offences Night, 1529 (40%).** Noise Complaints Night, 1389 (16%). Reactive Waste Management, 6630 (10%). Ambulance call outs to locations of licensed premises, 5353 (22%). Anti-Social behaviour on transport Night, 592 (13%), Anti-Social behaviour MPS, 9662 (16%). **Total = 50,594.**
- **Data description of incidents in 2017-2019** found all incident categories observed varied both in space and time. Many occurred in the evening and at night and on weekends when alcohol related activities typically peak. Incidents were primarily concentrated in the West End where licensed premises are disproportionately concentrated.
- **Robberies:** clustered within the West End, Charing Cross, Oxford Street in the evening and night.
- **Serious violent crimes:** recorded between **6pm and 6am** concentrated overwhelmingly in the West End.
- **Drug related crimes:** Westminster recorded the highest volume of drug offences of any borough between 2017-2019. Half of crimes were reported (48%) in the evening and night time. Drug related crimes between **6pm - 6am** were significantly clustered in and around the West End to varying degrees.
- **Theft and Handling:** most common crime type in the borough, in the evening and night they are particularly concentrated in the West End and along Oxford Street.

For residents living in Soho the findings of the Cumulative Impact Assessment are unsurprising, Soho transforms in the evening and night-time into an area which feels very unsafe and where levels of crime and disorder are high. Theft from person is a particular problem, as is drug dealing, Dealers congregate to sell drugs in the evening and specifically target people as they leave premises.

#### **Prevention of Public Nuisance Policy PN1**

Under this Policy the criteria applied states, *'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 a nuisance occurring. This will particularly apply in areas of residential accommodation and where there is residential accommodation in the proximity of the premises.'*

We believe residents may suffer from noise and disturbance by people buying alcohol from these premises and drinking it on the streets. Since the removal of a number of COVID restrictions in April and May Soho has seen large numbers of people buying alcohol from shops and sitting on pavements or in doorways to consumed it. This behaviour was rarely seen pre-COVID. Seemingly, it is a change in behaviour and an unforeseen consequence of the pandemic.

#### **In summary**

The application proposes a new off sales licence in the cumulative impact area, we believe it will fail to promote the licensing objectives and add to cumulative impact.

### 3. Policy & Guidance

The following policies within the City of Westminster Statement of Licensing Policy apply:	
<b>Policy CIP1 applies</b>	<p>A. It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone for: pubs and bars, fast food premises, and music and dancing and similar entertainment, other than applications to:</p> <ol style="list-style-type: none"> <li>1. Vary the hours within Core Hours under Policy HRS1, and/or</li> <li>2. Vary the licence to reduce the overall capacity of the premises.</li> </ol> <p>C. Applications for other premises types within the West End Cumulative Impact Zones will be subject to other policies within this statement and must demonstrate that they will not add to cumulative impact.</p> <p>D. For the purposes of this policy the premises types referred to in Clause A are defined within the relevant premises use policies within this statement.</p>
<b>Policy RNT1 applies</b>	<p>A. Applications outside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</li> <li>2. The hours for licensable activities being within the council's Core Hours Policy HRS1.</li> <li>3. The operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.</li> <li>4. The applicant has taken account of the Special Consideration Zones Policy SCZ1 if the premises are located within a designated zone.</li> <li>5. The application and operation of the venue meeting the definition of a restaurant as per Clause C.</li> </ol> <p>B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</li> <li>2. The hours for licensable activities are within the council's Core Hours Policy HRS1.</li> <li>3. The operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.</li> <li>4. The applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone.</li> <li>5. The application and operation of the venue meeting the definition of a restaurant as per Clause C.</li> </ol> <p>C. For the purposes of this policy a restaurant is defined as:</p> <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>3. Which do not provide any takeaway service of food and/or drink for immediate consumption, except if provided via an ancillary delivery service to customers at their residential or workplace address.</li> <li>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</li> </ol>

	<p>of alcohol by such persons is ancillary to taking such meals.</p> <p>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.</p>
<p><b>Policy HRS1 applies</b></p>	<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"> <li>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.</li> <li>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.</li> <li>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.</li> <li>4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.</li> <li>5. The proposed hours when any music, including incidental music, will be played.</li> <li>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.</li> <li>7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.</li> <li>8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.</li> <li>9. The capacity of the premises.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>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.</li> </ol>

	<p>C. For the purpose of Clauses A and B above, the Core Hours for applications for each premises use type as defined within this policy are:</p> <p><b>8. Restaurants</b>  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>
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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

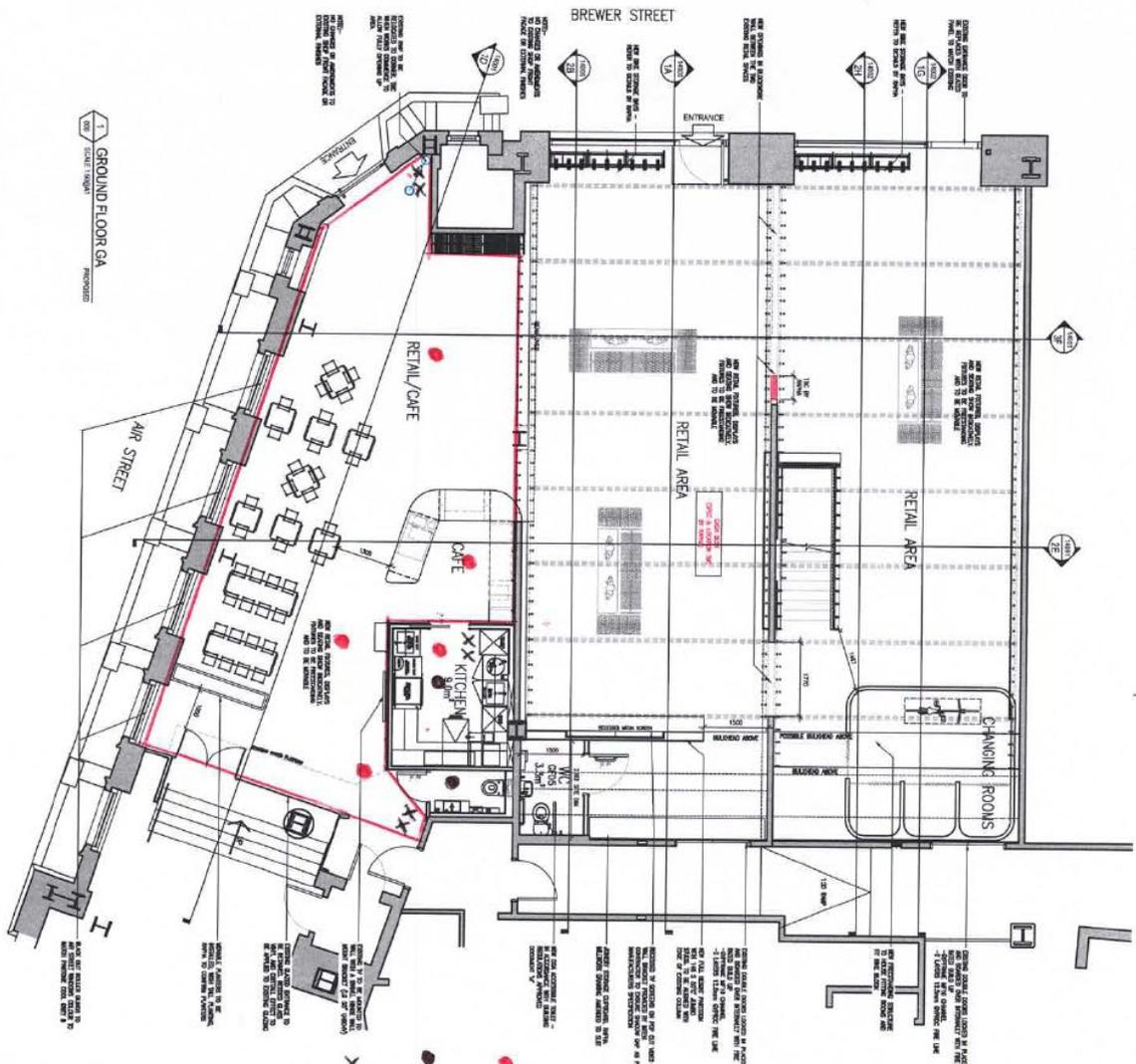
<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents
<b>Appendix 3</b>	Existing Premises Licence
<b>Appendix 4</b>	Premises history
<b>Appendix 5</b>	Proposed conditions
<b>Appendix 6</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Roxsana Haq Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 6500 Email: rhaq@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	1 <sup>st</sup> October 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Environmental Health Representation	12 <sup>th</sup> May 2021
5	Metropolitan Police Service	29 <sup>th</sup> May 2021
6	Licensing Authority Representation	7 <sup>th</sup> June 2021
7	Interested Party Representation 1	7 <sup>th</sup> June 2021



GROUND FLOOR GA  
PROPOSED

● CCTV POINT CAMERA  
● Smoke/Heat Detection  
● FIRE EXTINGUISHER CO2 + FOAM



**ISSUED FOR INFORMATION**

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RAYPHA LONDON  
83 BREWER STREET  
LONDON W1F 9ZN

PROPOSED  
GENERAL ARRANGEMENT  
GROUND FLOOR

IDA ARCHITECTURE

LONDON  
51 RAY PHILIPSON  
100 RAY PHILIPSON  
100 RAY PHILIPSON

PROJECT NO.	1874	DATE	13/06/11	SCALE	1:500
CLIENT	310/10/20/08	MAN.	MB	DATE	13/06/11

1874-IDL-VA-GF-DR-A-10000 [5/40]

**Applicant Supporting Documents**

**Appendix 2**

There are no submissions from the applicant.



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

Schedule 12  
Part A

WARD: West End  
UPRN: 010033616658

Premises licence

Regulation 33, 34

Premises licence number:	18/08331/LIPDPS
Original Reference:	13/00833/LIPN

**Part 1 – Premises details**

**Postal address of premises:**

Rapha Racing  
85 Brewer Street  
London  
W1F 9ZN

**Telephone Number:** Not supplied

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

Not applicable

**Licensable activities authorised by the licence:**

Sale by Retail of Alcohol

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

**Sale by Retail of Alcohol**

Monday to Sunday:	10:00 to 21:00 (From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.)
Monday to Saturday: pre booked function)	10:00 to 23:00 (For persons attending a
Sunday: pre booked function)	10:00 to 22:00 (For persons attending a

**The opening hours of the premises:**

Monday to Sunday: 08:00 to 21:00

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

Alcohol is supplied for consumption on the Premises.

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

Rapha Racing Ltd  
Imperial Works  
Perren Street  
London  
NW5 3ED

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

04849594

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

**Name:** Russell Ashford

*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:** 18/07446/LIPERS  
**Licensing Authority:** City Of Westminster Council

**Date:** 9 August 2018

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

## Annex 1 – Mandatory conditions

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

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

7. The responsible person must ensure that—

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

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

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

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

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

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

Where -

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

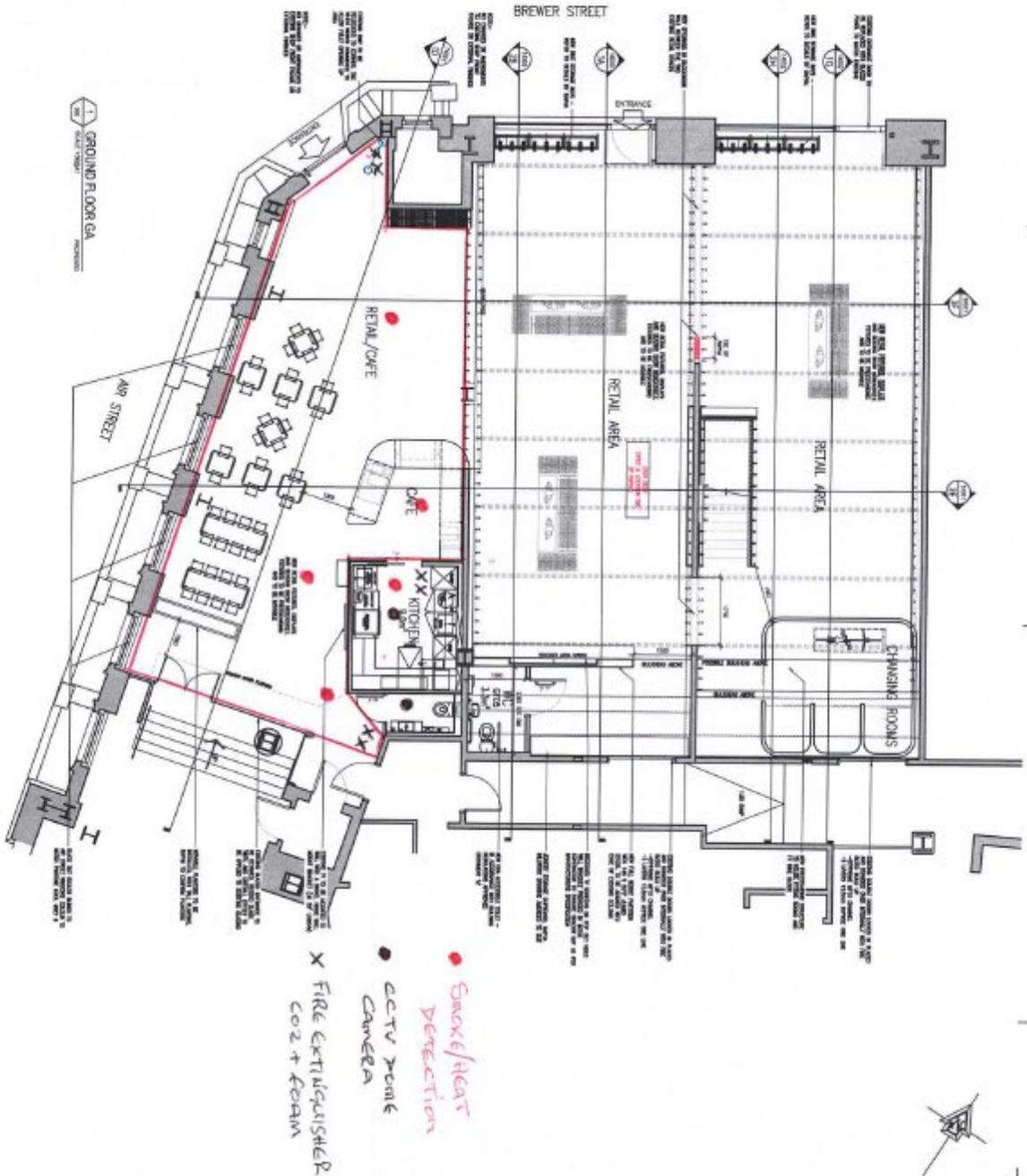
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
  - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate,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

Annex 2 – Conditions consistent with the operating Schedule

None

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

9. 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.
10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
11. 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.
12. 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 are open.
13. Before 21:00 the supply of alcohol at the premises shall only be to a person who shall consume the alcohol whilst seated and taking a table meal there and for consumption by such a person as ancillary to their meal.
14. 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.
15. The number of persons seated within the hatched area of the premises as detailed on the plan C409A at any one time shall not exceed 40 persons (excluding staff).
16. Before 21:00 alcohol will only be supplied and consumed in the area hatched black on the plan deposited with the licence application (and attached to this licence).
17. The use of the hatched area shall be ancillary to the use of the premises as a whole as a retail shop.
18. After 21:00 the supply of alcohol shall only be to a person attending a pre- booked function.
19. No draft beers shall be sold at the premises.
20. No events booked by external promoters shall be permitted to take place on the premises.



NOTES  
 ISSUED FOR INFORMATION

THE ARCHITECT HAS BEEN ADVISED BY THE LOCAL AUTHORITY THAT THE PROPOSED DEVELOPMENT IS SUBJECT TO A PLANNING APPLICATION FOR A CHANGE OF USE CLASSIFICATION FROM B1 (BUSINESS) TO B1A (BUSINESS AND HOTELS). THE ARCHITECT HAS BEEN ADVISED THAT THE LOCAL AUTHORITY IS CURRENTLY REVIEWING THE APPLICATION AND HAS REQUESTED THE ARCHITECT TO PROVIDE A STATEMENT OF SUPPORT FOR THE PROPOSED DEVELOPMENT. THE ARCHITECT HAS BEEN ADVISED THAT THE LOCAL AUTHORITY IS CURRENTLY REVIEWING THE APPLICATION AND HAS REQUESTED THE ARCHITECT TO PROVIDE A STATEMENT OF SUPPORT FOR THE PROPOSED DEVELOPMENT.



1074 1500/01 2001/02/03 04 05 06 07 08 09 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000

PROPOSED GENERAL ARRANGEMENT GROUND FLOOR

RAPIHA ARCHITECTURE

RAPIHA LONDON  
 66 BREWER STREET  
 LONDON W1F 9ZN

1074 1500/01 2001/02/03 04 05 06 07 08 09 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000



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

Schedule 12  
Part B

WARD: West End  
UPRN: 010033616658

Premises licence  
summary

Regulation 33, 34

Premises licence number:

18/08331/LIPDPS

**Part 1 – Premises details**

**Postal address of premises:**

Rapha Racing  
85 Brewer Street  
London  
W1F 9ZN

**Telephone Number:** Not supplied

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

Not applicable

**Licensable activities authorised by the licence:**

Sale by Retail of Alcohol

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

**Sale by Retail of Alcohol**

Monday to Sunday: 10:00 to 21:00 (From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.)

Monday to Saturday: 10:00 to 23:00 (For persons attending a pre booked function)

Sunday: 10:00 to 22:00 (For persons attending a pre booked function)

**The opening hours of the premises:**

Monday to Sunday: 08:00 to 21:00

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

Alcohol is supplied for consumption on the Premises.

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

Rapha Racing Ltd  
Imperial Works  
Perren Street  
London  
NW5 3ED

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

04849594

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

**Name:** Russell Ashford

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

Restricted

**Date:** 9 August 2018

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

**Temporary Event Notices**

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
19/02196/LITENP	Temporary Event Notice	21 March 2019	Notice Granted
19/02200/LITENP	Temporary Event Notice	21 March 2019	Notice Granted
19/02202/LITENP	Temporary Event Notice	21 March 2019	Notice Granted
19/02203/LITENP	Temporary Event Notice	28 February 2019	Notice Granted
19/02811/LITENP	Temporary Event Notice	6 June 2019	Notice Granted
19/04738/LITENP	Temporary Event Notice	3 May 2019	Notice Granted
19/07446/LITENP	Temporary Event Notice	25 June 2019	Notice Granted
19/07619/LITENP	Temporary Event Notice	28 June 2019	Notice Granted
19/08080/LITENP	Temporary Event Notice	9 July 2019	Notice Granted
19/08078/LITENP	Temporary Event Notice	9 July 2019	Notice Granted
19/08079/LITENP	Temporary Event Notice	9 July 2019	Notice Granted
19/12805/LITENP	Temporary Event Notice	10 October 2019	Notice Granted
19/15197/LITENP	Temporary Event Notice	22 November 2019	Notice Granted
20/00215/LITENP	Temporary Event Notice	13 January 2020	Notice Granted
20/00963/LITENP	Temporary Event Notice	3 February 2020	Notice Granted
20/01113/LITENP	Temporary Event Notice	31 January 2020	Notice Granted
20/02781/LITENP	Temporary Event Notice	19 March 2020	Notice Granted
21/03577/LITENP	Temporary Event Notice	21 April 2021	Notice Granted
21/04219/LITENP	Temporary Event Notice	12 May 2021	Notice Granted
21/04221/LITENP	Temporary Event Notice	12 May 2021	Notice Granted
21/05572/LITENP	Temporary Event Notice	17 June 2021	Notice Granted
21/05807/LITENP	Temporary Event Notice	24 June 2021	Notice Granted
21/05809/LITENP	Temporary Event Notice	24 June 2021	Notice Granted
21/05810/LITENP	Temporary Event Notice	24 June 2021	Notice Granted
21/06013/LITENP	Temporary Event Notice	5 July 2021	Notice Granted
21/08369/LITENP	Temporary Event	25 August 2021	Notice Granted

	Notice		
21/08742/LITENP	Temporary Event Notice	6 September 2021	Notice Granted
21/09947/LITENP	Temporary Event Notice	27 September 2021	Notice Granted
21/09948/LITENP	Temporary Event Notice	27 September 2021	Notice Granted
21/09950/LITENP	Temporary Event Notice	27 September 2021	Notice Granted

### Licensing Act 2003 History

Application	Details of Application	Date Determined	Decision
12/05543/LIPN	New Premises Licence Application <b>Sale by Retail of Alcohol - On Premises</b> Monday to Saturday 10:00 to 20:00 Sunday 10:00 to 18:00	23 August 2012	Granted by Licensing Sub Committee
12/08688/LIPDPS	Premises Licence Change of DPS	14 December 2012	Granted under Delegated Authority

**\*\*Licence 12/08688/LIPDPS was Surrendered 4<sup>th</sup> April 2013\*\***

Application	Details of Application	Date Determined	Decision
13/00833/LIPN	New Premises Licence Application - <b>Sale by Retail of Alcohol - On Premises</b> Monday to Sunday 10:00 to 21:00	4 April 2013	Granted by Licensing Sub Committee
14/00489/LIPV	Premises Licence Variation - Amend layout of premises Amend condition 13 to add words "Save that up to 12 persons may be permitted to be supplied alcohol without food." Amend condition 15 to read "The number of persons seated in the hatched areas of the premises as detailed on the plan number C409A at any time shall not exceed 40 persons (excluding staff)."	20 March 2014	Granted in Part by Licensing Sub Committee
15/01055/LIPDPS	Premises Licence Change of DPS	6 October 2015	Granted under Delegated Authority
16/01915/LIPDPS	Premises Licence Change of DPS	3 March 2016	Granted under Delegated Authority
18/08331/LIPDPS	Premises Licence Change of DPS	21 September 2018	Granted under Delegated Authority

**There is no appeal history**

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

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

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

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

**Mandatory Conditions**

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

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

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

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

### **Conditions consistent with the operating schedule**

9. A 2 Dome Camera CCTV system is in place covering all public areas of the premises enabling frontal identification of every person entering in any light condition
10. The CCTV system shall continuously record whilst the premises is open for licensable activities and during all times when customers remain on the premises
11. All recordings will be stored for a minimum of 31 days with time and date stamping and can be accessed and downloaded immediately when requested by the police or other authorised officer.
12. There will always be at least one person present whilst the premises is open to the public who is able to operate and download images from the CCTV
13. An incident log shall be kept at the premises, and made available on request to the police or an authorised officer of the Licensing Authority
14. No glass / glass bottles will be taken from the premises. The tables on premises will be regularly cleared of empty bottles and glasses.
15. All refuse will be disposed of in an appropriate manner, staff will be instructed to maintain all external areas in a clean and presentable manner at all times.
16. Notices will be displayed asking patrons to leave the premises quietly and to have respect for local residents.
17. Staff shall monitor customers smoking outside the premises on a regular basis and ensure patrons do not cause a public nuisance.
18. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of ID are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS hologram The premises will operate a “No ID, No Sale” policy at all times for persons who look under 25.
19. A record shall be kept detailing all refused sale of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale.
20. Staff will be trained in the understanding of this policy and training records maintained for inspection if requested by the police or any other responsible authority sale. The record shall be available for inspection at the premises, by the police or an authorised officer of the Council at all times whilst the premises is open.

### **Conditions proposed by the Licensing Authority but not yet agreed with the applicant**

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

For the purpose of this condition a “Substantial Table Meal” means – a meal such as might be expected to be served as the main midday or main evening meal, or as a main course at either such meal and is eaten by a person seated at a table, or at a counter or other structure which serves the purposes of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure servicing the purposes of a table.

22. The supply of alcohol shall be by waiter or waitress service only.
23. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
23. No licensable activities shall take place at the premises until premises licence *18/08331/LIPDPS* (or such other number subsequently issued for the premises) has been surrendered and is incapable of resurrection”.

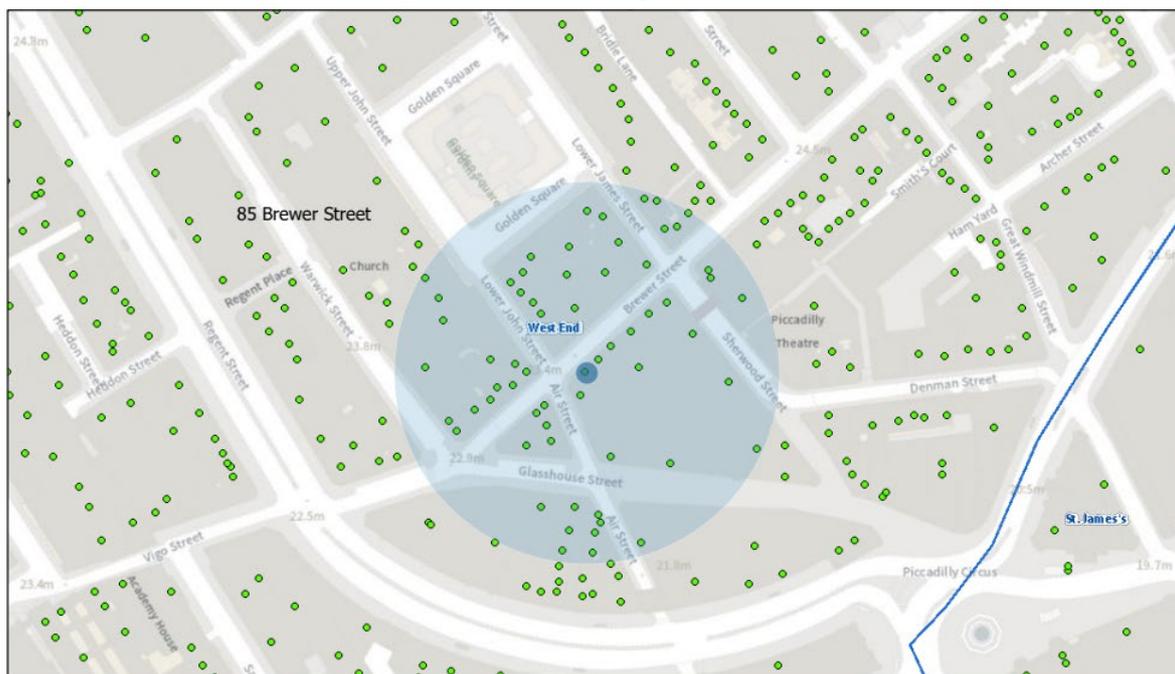
**Conditions proposed by the Environmental Health**

None

**Conditions proposed by the Police**

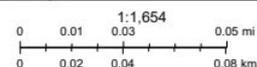
None

85 Brewer Street, London



29/10/2021, 11:58:00

- Property Mailing List
- Ward Labels
- Borough Boundary - Mask
- Borough Boundary - Detailed
- Ward Boundaries



**Resident Count: 28**

Licensed premises within 75 metres of 85 Brewer Street, London				
Licence Number	Trading Name	Address	Premises Type	Time Period
18/08331/LIPDPS	Rapha Racing	85 Brewer Street London W1F 9ZN	Shop	Monday to Sunday; 08:00 - 21:00
06/06182/WCCMAP	Kulu Kulu Sushi	76 Brewer Street London W1F 9TX	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
19/09763/LIPCH	Kare Kurry	19 Air Street London W1B 5AG	Restaurant	Sunday; 10:00 - 22:30   Monday to Saturday; 08:00 - 23:00
18/09020/LIPCHT	Nala Restaurant	Basement North And Ground Floor North 1 Lower John Street London W1F 9DT	Restaurant	Monday to Sunday; 08:00 - 23:00
09/00851/LIPCHT	One Stop Food & Wine	Ground Floor 1 Lower John Street London W1F 9DT	Shop	Sunday; 10:00 - 22:30   Monday to Saturday; 08:00 - 23:00
14/02198/LIPDPS	The Source Cafe	78 Brewer Street London W1F 9TY	Cafe	Friday to Saturday; 08:00 - 02:30

				Sunday to Thursday; 08:00 - 02:00
20/08393/LIPDPS	I Conte Restaurant	Ground Floor 17 Air Street London W1B 5AF	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
21/01342/LIPT	Prezzo	Ground Floor 36 - 38 Glasshouse Street London W1B 5DL	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
20/10513/LIPDPS	Wholefoods	20 Glasshouse Street London W1B 5AR	Shop	Saturday; 09:00 - 22:30   Sunday; 12:00 - 18:30   Monday to Friday; 07:30 - 22:30
08/11314/LIPD	Rice Wine Shop	82 Brewer Street London W1F 9UA	Shop	Sunday; 10:00 - 22:30   Monday to Saturday; 08:00 - 23:00
16/00994/LIPRW	The Glassblower Public House	The Glass Blower 42 Glasshouse Street London W1B 5DW	Public house or pub restaurant	Sunday; 07:00 - 22:50   Sunday; 07:00 - 00:00   Monday to Thursday; 07:00 - 23:30   Monday to Saturday; 07:00 - 00:30   Friday to Saturday; 07:00 - 00:00   Sundays before Bank Holidays; 07:00 - 00:00
21/05304/LIPCH	Honest Burgers	84 Brewer Street London W1F 9UB	Restaurant	Sunday; 12:00 - 00:00   Sunday; 12:00 - 01:00   Monday to Saturday; 10:00 - 03:30   Monday to Saturday; 09:00 - 03:30
21/00924/LIPV	Mash Brewer Street Limited	77 Brewer Street London W1F 9ZN	Restaurant	Monday to Sunday; 11:30 - 01:30
18/07205/LIPDPS	The Crown	The Crown 64 Brewer Street London W1F 9TP	Public house or pub restaurant	Sunday; 07:00 - 23:00   Monday to Thursday; 07:00 - 23:30   Friday to Saturday; 07:00 - 00:00   Sundays before Bank Holidays; 07:00 - 00:00
20/10521/LIPCH	The Warwick	1-2 Warwick Street London W1B 5LR	Restaurant	Sunday; 09:00 - 01:00   Monday to Thursday; 09:00 - 03:30   Friday to Saturday; 09:00 - 04:00   Sundays before Bank Holidays; 09:00 -

				03:30
20/05824/LIPT	So Japanese	3-4 Warwick Street London W1B 5LS	Restaurant	Sunday; 12:00 - 23:30   Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00   Sundays before Bank Holidays; 12:00 - 00:00
20/05638/LIPN	Marian Goodman Gallery	5 - 8 Lower John Street London W1F 9DY	Museums & Art Galleries	Monday to Sunday; 10:00 - 18:00
19/03264/LIPDPS	Nordic Bakery	14A Golden Square London W1F 9JG	Not Recorded	Saturday; 10:00 - 19:00   Sunday; 12:00 - 19:00   Monday to Friday; 10:00 - 20:00
19/09593/LIPDPS	Cafe Royal Hotel	8 Air Street London W1B 5AB	Hotel, 4+ star or major chain	Monday to Sunday 00:00 to 00:00
18/01098/LIPV	Cafe Royal Hotel	8 Air Street London W1B 5AB	Hotel, 4+ star or major chain	Monday to Sunday 00:00 to 00:00
16/14006/LIPRW	Kiln	58 Brewer Street London W1F 9TL	Restaurant	Sunday; 12:00 - 22:30   Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00

# Licensing Sub-Committee Report

## Agenda Item 5.

Item No:	
Date:	11 November 2021
Licensing Ref No:	21/06202/LIPN - New Premises Licence
Title of Report:	Ground Floor 11 Berkeley Street London W1J 8DS
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Jessica Donovan Senior Licensing Officer
Contact details	Telephone: 020 7641 6500 Email: Jdonovan@westminster.gov.uk

## 1. Application

<b>1-A</b>	<b>Applicant and premises</b>		
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	24 June 2021		
<b>Applicant:</b>	11 Berkeley Street No 2 Ltd		
<b>Premises address:</b>	Ground Floor 11 Berkeley Street London W1J 8DS	<b>Ward:</b>	West End
		<b>Cumulative Impact Area:</b>	None
		<b>Special Consideration Zone:</b>	Mayfair
<b>Premises description:</b>	According to the application, this new premises licence application is made as Shadow licence on behalf of the freeholder of the building for licence number 16/01829/LIPN.		
<b>Premises licence history:</b>	The premises has had the benefit of a premises licence since 2016. The current premises licence (21/11127/LIPVM) can be viewed at <b>Appendix 3</b> of this report along with the premises history.		
<b>Applicant submissions:</b>	During consultation, the applicant provided a mediation email for the interested parties.		
<b>Applicant amendments:</b>	None		

<b>1-B</b>	<b>Proposed licensable activities and hours</b>						
<b>Late Night Refreshment:</b>				<b>Indoors, outdoors or both</b>			Indoors
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	23:00	23:00	23:00	23:00	23:00	23:00	N/A
<b>End:</b>	23:30	23:30	23:30	23:30	00:00	00:00	N/A
<b>Seasonal variations/ Non-standard timings:</b>			Sundays before Bank Holidays: 23:00 to 00:00.				

<b>Playing of recorded music:</b>				<b>Indoors, outdoors or both</b>			Indoors
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	09:00	09:00	09:00	09:00	09:00	09:00	09:00
<b>End:</b>	23:30	23:30	23:30	23:30	00:00	00:00	23:30
<b>Seasonal variations/ Non-standard timings:</b>			Sundays before Bank Holidays: 09:00 to 00:00.				

<b>Sale by retail of alcohol</b>				<b>On or off sales or both:</b>			Both
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	10:00	10:00	10:00	10:00	10:00	10:00	12:00
<b>End:</b>	23:30	23:30	23:30	23:30	00:00	00:00	22:30
<b>Seasonal variations/ Non-standard timings:</b>			Sundays before Bank Holidays: 10:00 to 00:00.				

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	09:00	09:00	09:00	09:00	09:00	09:00	09:00
End:	23:30	23:30	23:30	23:30	00:00	00:00	22:30
Seasonal variations/ Non-standard timings:		Sundays before Bank Holidays: 09:00 to 00:00.					

## 2. Representations

2-A	Responsible Authorities
Responsible Authority:	Environmental Health Service ( <i>Withdrawn 29 July 2021</i> )
Representative:	Ian Watson
Received:	22 July 2021

I refer to the application for a New Premises Licence.

The applicant has submitted floor plans of the premises.

This representation is based on the plans and operating schedule submitted.

The applicant is seeking the following

1. To provide for the Supply of Alcohol 'On' and 'Off' the premises Monday to Thursday 10.00 to 23.30 hours, Friday and Saturday between 10.00 and 00.00 hours and Sunday between 12.00 to 22.30 hours. Sunday before Bank Holiday 10.00 to 00.00 hours.
2. To provide Late Night Refreshment 'Indoors' Monday to Thursday 23.00 to 23.30 hours Friday to Saturday 23.00 to 00.00 hours. Sunday before Bank Holiday 23.00 to 00.00 hours.
3. To provide recorded music 'Indoors' Sunday to Thursday between 09.00 and 23.30 hours and Friday to Saturday 09.00 to 00.00 hours. Sunday before Bank Holiday 09.00 to 00.00 hours.

I wish to make the following representation

1. The hours requested for the Supply of Alcohol will have the likely effect of causing an increase in Public Nuisance within the SC Zone.
2. The hours requested to permit the provision of late-night refreshment will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the SC Zone.
3. The hours requested to permit the provision of regulated entertainment will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the SC Zone.

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

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

**Following further investigation, The Environmental Health Service withdrew their representation on 29 July 2021.**

<b>2-B</b>	<b>Other Persons</b>		
<b>Name:</b>	[REDACTED]		
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]		
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	22 July 2021		
<p>[REDACTED] [REDACTED]</p> <p>I would like to object to the license application as this is a residential premise that overlooks very closely to 11 Berkeley Street. The amount of noise make it unbearable to live in my own home and with new license i believe the amount of nice pollution would persist. The noise pollution impacts the quality of my work and well-being.</p> <p>With the addition of the license, this will definitely mean more noise, music and potential for late night issues.</p> <p>I would hate to be constantly complaining with noise and music issues and so I would need to insist on not going ahead with filing of the license.</p> <p>Having a licensed premise serving alcohol so close to a residential building should not be allowed. Also with the current amoutn of bars and building work on [REDACTED], I fear this street is getting overcrowded, unsafe and out of control. There needs to be some control to allowing so many new premises, restaurants and bars.</p> <p>Happy to answer any other questions and I appreciate your consideration to my comment as a loyal resident for over 7 years [REDACTED] that barely objects to these requests.</p> <p><b>Response from the interested party following the mediation email on 19 August 2021:</b></p> <p>I object this license. This place at 11 Berkeley street cause serious negative impact for the well-being of the neighbourhood and people who live nearby.</p>			
<b>Name:</b>	[REDACTED]		
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED] [REDACTED]		
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	21 July 2021		
<p>[REDACTED] [REDACTED]</p> <p>I would like to object to the license application as this is a residential premise that overlooks very closely to 11 Berkeley Street.</p> <p>In fact, [REDACTED] I can see the windows of 11 Berkeley Street. I already can hear a lot of building work and so I'm worried about the noise levels operating just as a restaurant.</p> <p>With the addition of the license, this will definitely mean more noise, music and potential for late</p>			

night issues.

████████████████████ to 11 Berkeley Street ██████████  
██████ so this poses a concern to me. I also have a conservatory with glass roofs that will definitely overhear the restaurant.

I would hate to be constantly complaining with noise and music issues and so I would need to insist on not going ahead with filing of the license.

Having a licensed premise serving alcohol so close to a residential building should not be allowed. Also with the current amount of bars and building work on ██████████, I fear this street is getting overcrowded, unsafe and out of control. There needs to be some control to allowing so many new premises, restaurants and bars.

In just a short span of a street, we have hotels, casinos, several restaurants, bars so adding more is not fair for the residents of the street who pay a lot in local tax and in property value.

Happy to answer any other questions and I appreciate your consideration to my comment as a loyal resident for over 7 years ██████████ that barely objects to these requests.

**Response from the interested party following the mediation email on 01 September 2021:**

Thanks for reaching out on the 11 Berkeley Street licence.

The issue I have is based on a few things:

1) The premises have had many issues to date with not obeying rules. ██████████  
██████████ have called Westminster about building work on Sunday. We even spoke to the building site manager and while they promised to stop, it still continued. It even got to a point where they spoke in Russian to each other saying 'ignore the neighbours and continue working' with some rude remarks. Not realising my neighbour ██████████ speaks Russian and understood this.

This has made me severely worried about the professionally and legality of the works.

2) We've objected many years ago to the premise and we never had our voice heard. We made it clear that there are so much building work on this small street with countless restaurants, coffee shops, hotels, casino, clubs - it's truly making living on this street quite a nightmare as we feel as residences we don't have our voices heard. Then to my surprise they started works and I didn't realise it was still going ahead years later.

3) I know now work is going ahead and that's fine but all I request now is to limit hours of operation when opening to considerable times. My fear with alcohol serving alongside late night music is that it essentially is a recipe for a club-like situation. I can foresee loud music, crowded footfall ██████████ and more headaches to come. ██████████  
11 Berkeley Street where I hear drilling very loudly so I worry for when music will be played I will hear this when I sleep around 10pm. On that note, I do hope sufficient sound proofing will be done to avoid any further complaints too when operating.

Happy to jump on a call and discuss further but would love if the residences interest will be considered and helped in finding a mutually agreeable solution to this.

As you can imagine Berkeley Street is becoming quite overly populated and construction work a bit out of hand so just trying to voice our concerns as residences.

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<b>Policy HRS1 applies</b>	<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"> <li>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.</li> <li>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.</li> <li>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.</li> <li>4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.</li> <li>5. The proposed hours when any music, including incidental music, will be played.</li> <li>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.</li> <li>7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.</li> <li>8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.</li> <li>9. The capacity of the premises.</li> <li>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.</li> <li>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.</li> <li>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.</li> </ol>

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 applications.

C. For the purpose of Clauses A and B above, the Core Hours for applications for each premises use type as defined within this policy are:

**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: 9am to Midnight.

**3. Delivery Centres**

Monday to Saturday: 8am to 11pm.

Sunday: 9am to 10.30pm.

**4. Hotels**

Monday to Thursday: 9am to 11.30pm.

Friday and Saturday: 9am to Midnight.

Sunday: 9am to 10.30pm.

Sundays immediately prior to a bank holiday: 9am to Midnight.

For the sale of alcohol to guests for consumption in hotel/guest rooms only: Anytime up to 24 hours.

**5. Outdoor Spaces**

Monday to Thursday: 9am to 11.30pm.

Friday and Saturday: 9am to Midnight.

Sunday: 9am to 10.30pm.

Sundays immediately prior to a bank holiday: 9am to Midnight.

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

Monday to Thursday: 10am to 11.30pm.

Friday and Saturday: 10am to Midnight.

Sunday: Midday to 10.30pm.

Sundays immediately prior to a bank holiday: Midday to Midnight.

**7. Qualifying Clubs**

Monday to Thursday 9am to 11.30pm

Friday and Saturday 9am to Midnight

Sunday: 9am to 10.30pm

Sunday immediately prior to a bank holiday: 9am to Midnight.

**8. Restaurants**

	<p>Monday to Thursday: 9am to 11.30pm.  Friday and Saturday: 9am to Midnight.  Sunday: 9am to 10.30pm.  Sundays immediately prior to a bank holiday: 9am to Midnight.</p> <p><b>9. Sexual Entertainment Venues and Sex Cinemas</b>  Monday to Thursday: 9am to 11.30pm.  Friday and Saturday: 9am to Midnight.  Sunday: 9am to 10.30pm.  Sundays immediately prior to a bank holiday: 9am to Midnight.</p> <p><b>10a. Shops (all licensable activities that are provided as ancillary to the primary use of the premises as a shop except the off sale of alcohol)</b>  Monday to Thursday: 9am to 11.30pm.  Friday and Saturday: 9am to Midnight.  Sunday: 9am to 10.30pm.  Sundays immediately prior to a bank holiday: 9am to Midnight.</p> <p><b>10b. Shops (off-sales of alcohol where it forms either the ancillary or primary use of the premises)</b>  Monday to Saturday: 8am to 11pm.  Sunday: 9am to 10.30pm.</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>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 11pm.</p>
<p><b>Policy RNT1 (A) applies</b></p>	<p>A. Applications outside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</li> <li>2. The hours for licensable activities being within the council's Core Hours Policy HRS1.</li> <li>3. The operation of any delivery services for alcohol and/or late night refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.</li> <li>4. The applicant has taken account of the Special Consideration Zones Policy SCZ1 if the premises are located within a designated zone.</li> <li>5. The application and operation of the venue meeting the definition of a restaurant as per Clause C.</li> </ol> <p>B. Applications inside the West End Cumulative Impact Zone will</p>

	<p>generally be granted subject to:</p> <ol style="list-style-type: none"> <li>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</li> <li>2. The hours for licensable activities are within the council's Core Hours Policy HRS1.</li> <li>3. The operation of any delivery services for alcohol and/or late night refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.</li> <li>4. The applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone.</li> <li>5. The application and operation of the venue meeting the definition of a restaurant as per Clause C.</li> </ol> <p>C. For the purposes of this policy a restaurant is defined as:</p> <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>3. Which do not provide any takeaway service of food and/or drink for immediate consumption, except if provided via an ancillary delivery service to customers at their residential or workplace address.</li> <li>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.</li> <li>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.</li> </ol>
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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

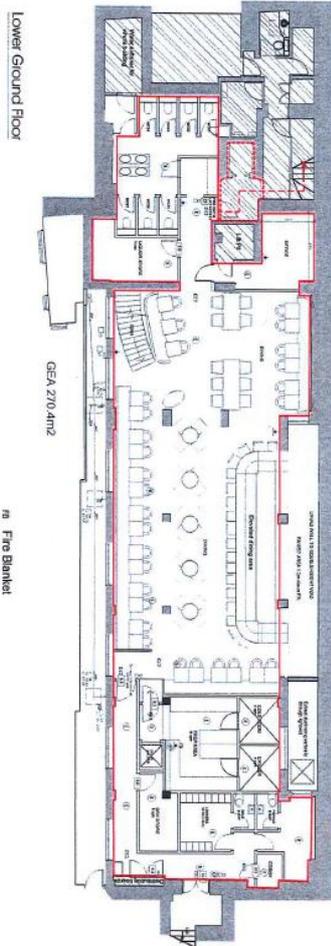
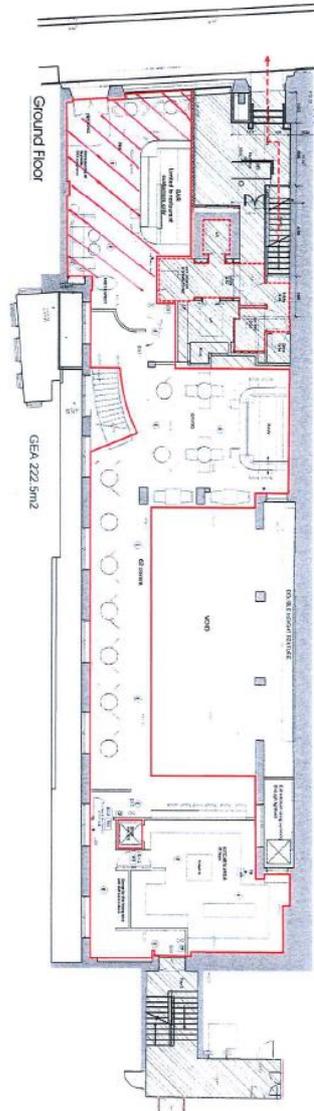
<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents
<b>Appendix 3</b>	Current premises licence and Premises history
<b>Appendix 4</b>	Proposed conditions
<b>Appendix 5</b>	Residential map and list of premises in the vicinity

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

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

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

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	01 October 2021
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
<b>4</b>	Environmental Health Service ( <i>Withdrawn 29 July 2021</i> )	22 July 2021
<b>5</b>	Interested Party 1	22 July 2021
<b>6</b>	Interested Party 2	21 July 2021



- FB Fire Blanket
- 2kg CO2 fire extinguisher
- 9 Lite foam extinguisher
- E Emergency lighting
- CP Call Point
- S Sander
- S11 Fire door keep closed sign to both sides of door
- RA2 Recessed exit luminaire for 3 Hr-maintained operation with running man legend - white trim
- EA2 Wall mounted exit luminaire for 3 Hr-maintained operation with running man legend - white trim

NOTES:  
 New fire detection system installed to current regulations and BS5839 1 2002. Linked to the Landlords fire alarm system.

Product:  
 11 Berkeley Street  
 London  
 Fire plan 2  
 DATE: 2015  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 2921-111  
**Frankindesign**  
 The Coach House, 26 High Street, Newbury, Berkshire, RG14 2AA  
 01344 470000  
 01344 470001  
 www.frankindesign.co.uk

FRANKINDESIGN  
 2015

**Mediation email to interested parties**

I am the solicitor representing the applicant for this licence

You appear to be under the impression that this is a new licence for the premises.

It is not.

The premises already has a licence in exactly the same terms as the one applied for here and has had the licence since 2016.

The application to which you have objected is called a “shadow licence” and is simply an application to protect the position of the landlord and is in identical terms to the licence that Westminster has already issued.

If this application is granted it does not affect the position that you are already in as the premises are already licensed.

I should be happy to answer any questions you have regarding this process. Please feel free to contact me at [cbaylis@kingsleynapley.co.uk](mailto:cbaylis@kingsleynapley.co.uk) or on 07738 037319.

I would hope that now you are in possession of all the facts and you know there is already a licence there in identical terms, you feel able to withdraw your objections.

Craig Baylis



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

**Schedule 12**  
**Part A**

<b>WARD: West End</b> <b>UPRN: 100023473522</b>
--

**Premises licence**

Regulation 33, 34

**Premises licence number:**

21/11127/LIPVM

**Original Reference:**

16/01829/LIPN

**Part 1 – Premises details**

**Postal address of premises:**

Raw And BBQ  
 11 Berkeley Street  
 London  
 W1J 8DS

**Telephone Number:** Not Supplied

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

Not applicable

**Licensable activities authorised by the licence:**

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

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

**Playing of Recorded Music**

Monday to Thursday:	09:00 to 23:30
Friday to Saturday:	09:00 to 00:00
Sunday:	09:00 to 23:30
Sundays before Bank Holidays:	09:00 to 00:00

**Late Night Refreshment**

Monday to Thursday:	23:00 to 23:30
Friday to Saturday:	23:00 to 00:00
Sundays before Bank Holidays:	23:00 to 00:00

**Sale by Retail of Alcohol**

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

Sundays before Bank Holidays: 10:00 to 00:00

**The opening hours of the premises:**

Monday to Thursday: 09:00 to 23:30  
Friday to Saturday: 09:00 to 00:00  
Sunday: 09:00 to 22:30  
Sundays before Bank Holidays: 09:00 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:**

11 Berkeley Street Limited  
4 Broad Street  
Teddington  
TW11 8RF

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

12430535

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

**Name:** Mr Keiran Terry

***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:** Z01N1710AC/1

**Licensing Authority:** London Borough Of Wandsworth

**Date:** 26 October 2021

**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.
- (ii) For the purposes of the condition set out in paragraph 8(i) above -
  - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
  - (b) "permitted price" is the price found by applying the formula -
 
$$P = D + (D \times V)$$
 Where -
    - (i) P is the permitted price,
    - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

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

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

None

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

10. The premises shall operate as a restaurant:
  - i) In which customers are shown to their table
  - ii) Where the supply of alcohol is by waiter or waitress service only,
  - iii) Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
  - iv) Which do not provide any take away service of food or drink for immediate consumption,
  - v) Which do not provide any take away service of food or drink after 23:00, and
  - vi) Where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking a substantial table meal there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

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

11. Notwithstanding condition 10 above, alcohol may be sold to and consumed by up to a maximum of 25 persons in the holding bar area hatched red on the plan, prior to and after their meal.
12. At least 1 SIA licensed door supervisor shall be on duty at the entrance of the premises at all times whilst it is open for business.
13. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
14. A staff member from the Premises who is conversant with the operation of the CCTV system shall be on the Premises at all times when the Premises is open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
15. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
16. 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 any visit by a relevant authority or emergency service.
  - (h) any visit by a relevant authority or emergency service.

17. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
18. 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.
19. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
20. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
21. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 4 persons at any one time.
22. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke shall not be permitted to take drinks or glass containers with them.
23. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
24. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
25. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23:00 and 08:00 hours on the following day.
26. Deliveries to the premises shall only take place between the hours of 07:30 and 12:00 (midday) Monday to Saturday and between 09:00 and 12:00 Sundays and Bank Holidays.
27. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises and that this area shall be swept and or washed and litter and sweeping collected and stored in accordance with the approved refuse storage arrangements by close of business.
28. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
29. No person on behalf of the premises or on behalf of a person carrying or attempting to carry on a licensable activity shall cause, permit, employ or allow, directly or indirectly, whether on payment or otherwise, any person(s) to importune, solicit or tout members of the public on any public highway within the specified area outlined below for the purpose of bringing customers to the premises. The distribution of leaflets or similar promotional

material is also prohibited within the specified area.  
For the purpose of this section, 'Directly' means:- employ, have control of or instruct.  
'Indirectly' means allowing / permitting the service of or through a third party.  
'Specified' Area' means the area encompassed within (insert name of boundary roads.)

30. The number of persons permitted within the premises at any one time (excluding staff) shall not exceed:
  - Basement [x - to be determined by the Environmental Health Consultation Team]
  - Ground floor [x - to be determined by the Environmental Health Consultation Team]Subject to an overall maximum of 175 persons at any one time.
31. The Licence will have no effect until the works shown on the plans appended to the application (or as subsequently amended) have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.
32. Patrons permitted to temporarily leave and then re-enter the premises to smoke shall be restricted to the designated smoking area as defined on the licensed plan.
33. Support shall be given to the Berkeley Street monitoring scheme that may exist including a material financial contribution to any paid for enforcement scheme.
34. 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.
35. 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. If the manager changes then the name and contact number shall be distributed as soon as possible.
36. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.
37. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.





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

Schedule 12  
Part B

WARD: West End  
UPRN: 100023473522

Premises licence  
summary

Regulation 33, 34

Premises licence  
number:

21/11127/LIPVM

Part 1 – Premises details

Postal address of premises:

Raw And BBQ  
11 Berkeley Street  
London  
W1J 8DS

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

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

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

**Playing of Recorded Music**

Monday to Thursday:	09:00 to 23:30
Friday to Saturday:	09:00 to 00:00
Sunday:	09:00 to 23:30
Sundays before Bank Holidays:	09:00 to 00:00

**Late Night Refreshment**

Monday to Thursday:	23:00 to 23:30
Friday to Saturday:	23:00 to 00:00
Sundays before Bank Holidays:	23:00 to 00:00

**Sale by Retail of Alcohol**

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

**The opening hours of the premises:**

Monday to Thursday:	09:00 to 23:30
Friday to Saturday:	09:00 to 00:00
Sunday:	09:00 to 22:30
Sundays before Bank Holidays:	09:00 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:**

11 Berkeley Street Limited  
4 Broad Street  
Teddington  
TW11 8RF

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

12430535

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

Name: Mr Keiran Terry

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

Restricted

Date: 26 October 2021

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

## Premises History

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
16/01829/LIPN	New premises licence	21.04.2016	Granted by Licensing Sub-Committee
21/06277/LIPT	Transfer application: 11 Berkeley Street Limited	22.07.2021	Granted under delegated Authority
21/11127/LIPVM	Minor Variation:  1. Amend layout of front bar/bakery area  2. Rearrange seating at rear ground floor, infill void but maintain existing capacity  3. Rearrange toilet layout in basement  4. Remove basement bar counter and rearrange basement seating layout	26.10.2021	Granted under delegated Authority
21/11855/LIPDPS	Application to vary the designated premises supervisor	Awaiting determination	Awaiting determination

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 necessary for the promotion of the licensing objectives.

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

**Mandatory Conditions**

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

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

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

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

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

## Conditions consistent with the operating schedule

10. The premises shall operate as a restaurant:
- i) In which customers are shown to their table
  - ii) Where the supply of alcohol is by waiter or waitress service only,
  - iii) Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
  - iv) Which do not provide any take away service of food or drink for immediate consumption,
  - v) Which do not provide any take away service of food or drink after 23:00, and
  - vi) Where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking a substantial table meal there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

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

11. Notwithstanding condition 10 above, alcohol may be sold to and consumed by up to a maximum of 25 persons in the holding bar area hatched red on the plan, prior to and after their meal.
12. At least 1 SIA licensed door supervisor shall be on duty at the entrance of the premises at all times whilst it is open for business.
13. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
14. A staff member from the Premises who is conversant with the operation of the CCTV system shall be on the Premises at all times when the Premises is open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
15. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
16. 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 any visit by a relevant authority or emergency service.
  - (h) any visit by a relevant authority or emergency service.

17. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
18. 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.
19. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
20. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
21. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 4 persons at any one time.
22. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke shall not be permitted to take drinks or glass containers with them.
23. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
24. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
25. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23:00 and 08:00 hours on the following day.
26. Deliveries to the premises shall only take place between the hours of 07:30 and 12:00 (midday) Monday to Saturday and between 09:00 and 12:00 Sundays and Bank Holidays.
27. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises and that this area shall be swept and or washed and litter and sweeping collected and stored in accordance with the approved refuse storage arrangements by close of business.
28. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
29. No person on behalf of the premises or on behalf of a person carrying or attempting to carry on a licensable activity shall cause, permit, employ or allow, directly or indirectly, whether on payment or otherwise, any person(s) to importune, solicit or tout members of the public on any public highway within the specified area outlined below for the purpose

of bringing customers to the premises. The distribution of leaflets or similar promotional material is also prohibited within the specified area.

For the purpose of this section,

'Directly' means:- employ, have control of or instruct.

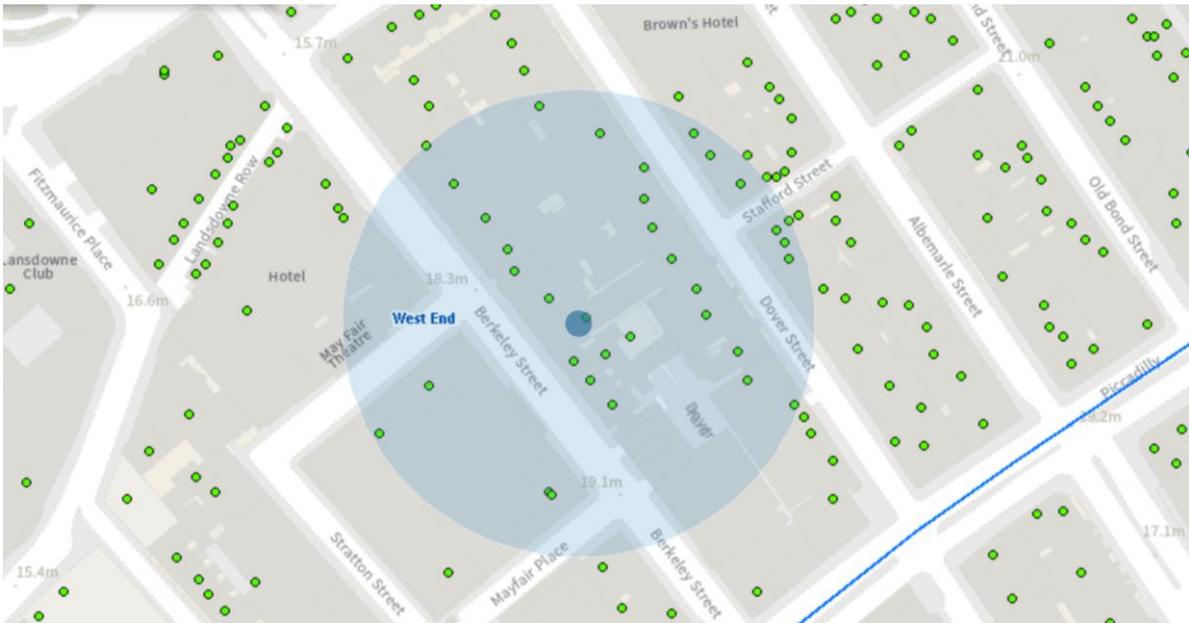
'Indirectly' means allowing / permitting the service of or through a third party.

'Specified' Area' means the area encompassed within (insert name of boundary roads.)

30. The number of persons permitted within the premises at any one time (excluding staff) shall not exceed:
  - o Basement [x - to be determined by the Environmental Health Consultation Team]
  - o Ground floor [x - to be determined by the Environmental Health Consultation Team]Subject to an overall maximum of 175 persons at any one time.
31. The Licence will have no effect until the works shown on the plans appended to the application (or as subsequently amended) have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.
32. Patrons permitted to temporarily leave and then re-enter the premises to smoke shall be restricted to the designated smoking area as defined on the licensed plan.
33. The front window of the premises shall be opaque.
34. Support shall be given to the Berkeley Street monitoring scheme that may exist including a material financial contribution to any paid for enforcement scheme.
35. 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.
36. 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. If the manager changes then the name and contact number shall be distributed as soon as possible.
37. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.
38. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.

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

39. The shadow licence will not take effect when the current licence is in operation.



Resident count: 49

Licensed premises within 75 metres of 11 Berkeley Street, London, W1J 8DS				
Licence Number	Trading Name	Address	Premises Type	Time Period
21/11127/LIPVM	Raw And BBQ	11 Berkeley Street London W1J 8DS	Restaurant	Sunday; 09:00 - 22:30   Monday to Thursday; 09:00 - 23:30   Friday to Saturday; 09:00 - 00:00   Sundays before Bank Holidays; 09:00 - 00:00
21/06314/LIPVM	The Arts Club	Basement To First Floor 40 Dover Street London W1S 4NP	Club or institution	Monday; 00:00 - 00:00   Tuesday; 00:00 - 00:00   Wednesday; 00:00 - 00:00   Thursday; 00:00 - 00:00   Friday; 00:00 - 00:00   Saturday; 00:00 - 00:00   Sunday; 00:00 - 00:00
12/07557/LIPDPS	The Arts Club	Basement To First Floor 40 Dover Street London W1S 4NP	Club or institution	Monday to Sunday; 00:00 - 00:00   Monday to Sunday; 08:30 - 03:30
20/04244/LIPVM	Luxx	15 - 16 Berkeley Street London W1J 8DY	Restaurant	Monday; 09:00 - 03:30   Tuesday; 09:00 - 03:30   Wednesday; 09:00 - 03:30   Thursday; 09:00 - 03:30   Friday; 09:00 - 03:30   Saturday; 09:00 - 03:30   Sunday; 12:00 - 23:00
20/02729/PREAPM	Not Recorded	Basement To Second Floor 15 Berkeley Street	Not Recorded	

		London W1J 8DY		
20/11958/LIPVM	Il Borro	Ground Floor 15 Berkeley Street London W1J 8DY	Restaurant	Monday; 09:00 - 02:30   Tuesday; 09:00 - 02:30   Wednesday; 09:00 - 02:30   Thursday; 09:00 - 02:30   Friday; 09:00 - 02:30   Sunday; 12:00 - 00:00
16/00681/LIPV	Novikov	50A Berkeley Street London W1J 8HA	Office	Monday to Sunday; 07:00 - 02:00
20/03366/LIPT	Holiday Inn Mayfair	3 Berkeley Street London W1J 8NE	Hotel, 4+ star or major chain	Monday to Sunday; 00:00 - 00:00
21/06047/LIPCH	Bagatelle	Basement And Ground Floor Dover House 34 Dover Street London W1S 4NG	Restaurant	Monday; 09:00 - 01:00   Tuesday; 09:00 - 01:00   Wednesday; 09:00 - 01:00   Thursday; 09:00 - 01:00   Friday; 09:00 - 01:00   Saturday; 09:00 - 01:00   Sunday; 09:00 - 00:30
19/01609/LIPV	Sainsburys Local	38 Stratton Street London W1J 8LT	Food store	Monday; 07:30 - 05:00   Tuesday; 07:30 - 05:00   Wednesday; 07:30 - 05:00   Thursday; 07:30 - 05:00   Friday; 07:30 - 05:00   Saturday; 07:30 - 05:00   Sunday; 07:30 - 05:00
20/07486/LIPDPS	Park Chinois	Basement And Ground Floor 17 Berkeley Street London W1J	Restaurant	Sunday; 10:00 - 00:00   Monday to Saturday; 08:00 - 02:00

		8EA		
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