



City of Westminster

# Committee Agenda

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

Meeting Date: **Wednesday, 11 August 2021**

Time: **10.00 am**

Venue: **This will be a Virtual Meeting**

Members: **Councillors:**

Karen Scarborough (Chairman)  
Jacqui Wilkinson  
Maggie Carman

If you require further information, please contact the Committee Officer, Cameron MacLean, Temporary Senior Committee & Governance Officer.

**Email:** [cmaclean@westminster.gov.uk](mailto:cmaclean@westminster.gov.uk)  
**Tel:** 07814 998 037  
**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. 10 AM: 61-63 SHAFTESBURY AVE, LONDON W1D 6LG – APPLICATION FOR A NEW PREMISES LICENCE

Pages

5 - 62

Ward CIA* SCZ**	Site Name & Address	Application Type	Licensing Reference No.
West End West End N/A	61-63 Shaftesbury Ave, London W1D 6LG	New Premises Licence	21/02839/LIPN
*Cumulative Impact Area ** Special Consideration Zone			

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

#### 2. 3 PM: 36-40 RUPERT ST, LONDON W1D 6DN – APPLICATION FOR A NEW PREMISES LICENCE

63 - 106

Ward CIA* SCZ**	Site Name & Address	Application Type	Licensing Reference No.
St James's West End N/A	36-40 Rupert St London W1D 6DN	New Premises Licence	21/03388/LIPN

\*Cumulative Impact Area  
\*\* Special Consideration Zone

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

**Stuart Love  
Chief Executive  
3 August 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

This page is intentionally left blank

## 1. Procedure for Virtual Hearings Held Under the Licensing Act 2003

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

## 2. Accessing Virtual Hearings

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

## 3. Final Submissions Before the Hearing

The parties (or their representatives) should use their best endeavours to ensure that all of their final submissions have been made so as to be included in the Sub-Committee report (typically no later than **5.00 pm, 5 working days** before the Sub-Committee hearing). This means by 5pm on the Thursday, the week before the Sub-Committee hearing is due to take place. Final submissions should set out the key points, policies and conditions that a party wishes the Sub-Committee to take account of in determining the application.

Any final submissions that a party wishes to make, (that have not been submitted so as to have been included in the report), must be submitted to the Licensing Service by **12 noon, 3 working days** before the hearing is due to take place. The Licensing email address is: [licensing@westminster.gov.uk](mailto:licensing@westminster.gov.uk)

## 4. Rules During Licensing Hearings

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

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

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

## **5. Procedure**

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

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

**Dated: 14 January 2021**

This page is intentionally left blank



City of Westminster

## Licensing Sub-Committee Report

Item No:

Date:

11 August 2021

Licensing Ref No:

21/02839/LIPN - New Premises Licence

Title of Report:

61 - 63 Shaftesbury Avenue  
London  
W1D 6LG

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: [kabbott@westminster.gov.uk](mailto:kabbott@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>	31 March 2021		
<b>Applicant:</b>	Ccl Shaftesbury Holdings (London) Ltd		
<b>Premises address:</b>	61 - 63 Shaftesbury Avenue London W1D 6LG	<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 private members club. This application is for a time limited licence for two years from the date its granted with the final date given by the Licensing Sub-Committee upon grant of the premises licence.		
<b>Premises licence history:</b>	<p>The premises currently has the benefit of a premises licence (21/00439/LIPT) which permits the following licensable activities and operating hours.</p> <p><b>Exhibition of Film</b> Monday to Sunday 10:00 to 01:00</p> <p>Non-standard Timings: From the end of trade on New Year's Eve to the start of trade on New Year's Day.</p> <p><b>Late Night Refreshment</b> Monday to Saturday 23:00 to 01:30 Sunday 23:00 to 01:00</p> <p>Non-standard Timings: From 23:00 on New Year's Eve to 05:00 on New Year's Day.</p> <p><b>Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit:</b> Unrestricted</p> <p><b>Sale of Retail of Alcohol</b> Monday to Saturday 10:00 to 01:00 Sunday 10:00 to 00:30</p> <p>Non-standard Timings: From the end of trade on New Year's Eve to the start of trade on New Year's Day.</p> <p><b>Opening hours of the premises:</b> Monday to Saturday 08:00 to 01:30 Sunday 08:00 to 01:00</p> <p><b>A copy of the premises licence is attached as appendix 3.</b></p>		
<b>Applicant submissions:</b>	The applicant has provided a description document which can be found at <b>Appendix 2.</b>		

1-B Proposed licensable activities and hours							
<b>Films:</b>				<b>Indoors, outdoors or both</b>			Indoors
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	23:00	23:00	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	01:00
<b>Seasonal variations/ Non-standard timings:</b>			From the end of permitted hours on New Year's Day to the start of permitted hours on New Year's Day e.g. from 03:00 (or 01:00 if a Sunday) until 10:00				

<b>Live 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>	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	01:00
<b>Seasonal variations/ Non-standard timings:</b>			From the end of permitted hours on New Year's Day to the start of permitted hours on New Year's Day e.g. from 03:00 (or 01:00 if a Sunday) until 10:00				

<b>Recorded Music:</b>				<b>Indoors, outdoors or both</b>			Indoors
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	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	01:00
<b>Seasonal variations/ Non-standard timings:</b>			From the end of permitted hours on New Year's Day to the start of permitted hours on New Year's Day e.g. from 03:00 (or 01:00 if a Sunday) until 10:00				

<b>Performance of Dance:</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	23:00
<b>End:</b>	03:00	03:00	03:00	03:00	03:00	03:00	01:00
<b>Seasonal variations/ Non-standard timings:</b>			From the end of permitted hours on New Year's Day to the start of permitted hours on New Year's Day e.g. from 03:00 (or 01:00 if a Sunday) until 10:00				

<b>Anything of a similar description to that falling with (e), (f) or (g):</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	23:00
<b>End:</b>	03:00	03:00	03:00	03:00	03:00	03:00	01:00
<b>Seasonal variations/ Non-standard timings:</b>			From the end of permitted hours on New Year's Day to the start of permitted hours on New Year's Day e.g. from 03:00 (or 01:00 if a Sunday) until 10:00				

<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	23:00
<b>End:</b>	03:30	03:30	03:30	03:30	03:30	03:30	01:00
<b>Seasonal variations/ Non-standard timings:</b>		From the end of permitted hours on New Year's Day to the start of permitted hours on New Year's Day e.g. from 03:00 (or 01:00 if a Sunday) until 10:00					

<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	10:00
<b>End:</b>	03:00	03:00	03:30	03:30	03:30	03:30	01:00
<b>Seasonal variations/ Non-standard timings:</b>		From the end of permitted hours on New Year's Day to the start of permitted hours on New Year's Day e.g. from 03:00 (or 01:00 if a Sunday) until 10:00					

<b>Hours premises are open to the public</b>							
<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	08:00
<b>End:</b>	03:30	03:30	03:30	03:30	03:30	03:30	01:30
<b>Seasonal variations/ Non-standard timings:</b>		From the end of permitted hours on New Year's Day to the start of permitted hours on New Year's Day e.g. from 03:00 (or 01:00 if a Sunday) until 08:00					
<b>Adult Entertainment:</b>		None					

## 2. Representations

<b>2-A Responsible Authorities</b>	
<b>Responsible Authority:</b>	Licensing Authority
<b>Representative:</b>	Michelle Steward
<b>Received:</b>	12 <sup>th</sup> April 2021
Dear Sirs	
I write in relation to the application submitted for a new premises licence for Century Club 61 - 63 Shaftesbury Avenue London W1D 6LG.	
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:	
<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:

**Time Limited 31<sup>st</sup> December 2023 and seeks to increase the terminal hour for the following licensable activities:**

- 1. The sale of alcohol from 10:00 until 03:00 the day following Monday to Saturday and from 10:00 until 01:00 the day following on Sunday;**
- 2. The provision of late night refreshment from 23:00 until 03:30 the day following Monday to Saturday and from 23:00 until 01:30 the day following on Sunday; and**
- 3. The provision of regulated entertainment from 23:00 until 03:00 the day following Monday to Saturday and from 23:0 until 01:00 the day following on Sunday.**

The Licensing Authority notes that the existing licence 21/00439/LIPT will not be surrendered and that if this application is granted, the licence 21/00439/LIPT will sit in the background until such time as the time limited licence expires. Namely, two years from the grant of the application.

The premises is located within the West End Cumulative Impact Area and as such various policy points must be considered, namely QUC1, HRS1 and CIP1.

#### **Qualifying Club Policy QUC1**

A. Applications outside the West End Cumulative Zones 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 taken account of the Special Consideration Zone Policy SCZ1 if the premises are located within a designated area.
4. The application and operation of the venue meeting the definition for a Qualifying Club as per Clause C.

B. Applications within the West End Cumulative Impact Zones may 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 for a Qualifying Club as per Clause C.

C. For the purpose of this policy a Qualifying Club for the sale of alcohol for members and guests will meet the requirements of the general conditions in section 62, and the additional conditions in Section 64 of the Licensing Act 2003.

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

Westminster City Council's Core Hours are as follows:

#### **Supply of Alcohol On the Premises**

Monday to Thursday 10:00 to 23:30

Friday to Saturday 10:00 to 00:00

Sunday 12:00 to 22:30

#### **Other Licensable activities**

Monday to Thursday 09:00 to 23:30

Friday to Saturday 09:00 to 00:00

Sunday: 09:00 to 22:30

It is noted from the additional information provided with the application that the applicant has offered the following conditions and these are welcomed by the Licensing Authority:

**Phased Dispersal**

1. To assist with dispersal the following areas of the Premises shall close at the following times:

*First floor 00:00 Monday to Sunday*

*Second floor 01:00 Monday to Sunday*

*Third floor 02:00 Monday to Saturday (01:00 on Sunday)*

*Fourth floor 03:00 Monday to Saturday (01:00 on Sunday)*

*The Premises as a whole shall close at 03:30 the day following Monday to Saturday and 01:30 the day following on Sunday (new condition)*

2. To support dispersal from the Premises the Premises Licence Holder shall devise, implement and maintain a Dispersal Policy. A copy of the Policy shall be kept at the Premises and made available to Responsible Authority Officers on request (**new condition**)

**Quiet Marshals**

3. To assist with dispersal from the Premises the Premises Licence Holder shall designate a suitable number of staff members as Quiet Marshals and they shall be tasked with ensuring patrons leave the area swiftly and quietly (**new condition**)

The Licensing Authority seeks further submissions regarding the increase of the terminal hour in the cumulative impact area:

- Please provide a copy of the applicant's Noise and Dispersal 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 QUC1, HRS1 and CIP1.

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 from the applicant in due course.

<b>Responsible Authority:</b>	Metropolitan Police Service
<b>Representative:</b>	PC Adam Deweltz
<b>Received:</b>	14 <sup>th</sup> April 2021

**RE: Premises Licence Application for 61 - 63 Shaftesbury Avenue, London, W1D 6LG.**

With reference to the above, I am writing to inform you that the Metropolitan Police, as a responsible authority, are making a representation against this application.

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

Would it be possible to discuss the application in full detail please? Do you have any availability next week?

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

<b>Responsible Authority:</b>	Environmental Health Service
<b>Representative:</b>	Anil Drayan
<b>Received:</b>	27 <sup>th</sup> April 2021

Representation is made as the proposal may lead to an increase in Public Nuisance in the area which is in the West End Cumulative Impact Zone.

**2-B Other Persons**

<b>Name:</b>	[REDACTED]		
<b>Address and/or Residents Association:</b>	[REDACTED]		
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Support
<b>Received:</b>	27 <sup>th</sup> April 2021		

To whom it may concern,

I write to make representation in support of application 21/02839/LIPN, as an interested party and as a member of Century Club.

I have been a member of Century Club for approximately six years. I chose to become a member of Century Club because of its location, its outstanding reputation, the welcoming nature of the members and staff, and the programme of events the club curates and hosts. When I joined, I had to meet with the Head of Membership, complete an application, have my membership proposed by an existing member and have my membership approved by a committee. It is quite clear to me that Century carefully vets each application for membership to ensure that the spirit of the Club is maintained, and to ensure that the membership is right for the Club as well as for the individual. The Club really does know it's members, which is part of its appeal – I would say I'm on first name terms with the whole of the management and most of the staff!

At the same time, I am very clear on the Club Rules, which are there for the benefit of everyone. I have found the behaviour of members to be exceptional, as we all know we are expected to uphold the highest standards of the Club we are part of. As many of us work or live nearby, the Club is part of our neighbourhood, and therefore members are particularly courteous to and mindful of local residents and the surrounding area.

I work as a management consultant with a varying range of clients. Therefore, my work takes me across London (and beyond), so having a "base" in central London is essential for my work. It means that I have somewhere to base myself that is more comfortable and accessible than a coffee shop in another part of town, and particularly useful as I have clients based around Soho. A huge appeal is that one can always get a table! I'm very aware that Century Club is focussed on the member experience rather than having a venue full to capacity. There is immense value in being a member of a Club that is never over-subscribed nor always at its maximum capacity. Century Club is also vital for meeting with clients and suppliers at an accessible location, as well as hosting business meetings and business entertaining. In fact, my clients and contacts based in the City much prefer to get out of the City and meet in Soho, because of the lure and

exclusivity of Century Club. The Club also helps to facilitate networking between members, which is incredibly useful.

As well as the business benefit, I, course, benefit from my membership on a social level. The vibrancy of the Club makes it a perfect (and my most preferred) venue to socialise – with friends and with other members. The calm, relaxed atmosphere makes it feel like home from home. I also benefit from the rich events programme hosted by the club, which ranges from a board games evening, to a supper club, film screenings, and theatre outings.

The flexibility to mix business and social interests in one place is also a big benefit. There have many days when I have spent the whole day and evening in the club – perhaps hosting a business breakfast, various meetings, a working lunch, and a light dinner and drinks on the roof in the evening. Having such a self-contained unit where one can choose a room/space to suit ones mood or occasion as it changes through the day, without having to leave the Club, is most useful!

I find the membership base of the club to be creative, cultured, and arty. Such members don't work in a regular pattern or way. Therefore, having a Club which has the flexibility to open longer to cater for our varying schedules has real advantage. I feel the Club opening later makes it even more accessible to its members, which is something we would all benefit from. I also really value how safe the Club feels. This is in terms of the physical security of the venue and that the Club is behind a closed door, but also in knowing that members are vetted and observe their obligations of their membership. As a member of the LGBT community, it feels like somewhere I can relax, feel at home, and feel safe.

I know the Club takes the responsibilities and obligations of its license very seriously, and I have always found the management and staff to be extremely professional in this respect. I note the additional measures that have been proposed as part of this application with regards the prevention of public nuisance. I think these measures reflect the point I made above, that the spirit of the Club is to create a "home from home", which by its nature is courteous to its neighbours. The measures seem entirely pragmatic, and I have no doubt that while being enforced by the Club, will be fully respected by members.

Ultimately, I believe Century Club is a cultural and creative hub, which serves the needs of its members, and serves them very well. From my perspective it's not a late-night bar or nightclub nor somewhere where one goes to "party". It's somewhere where we can work, enjoy entertainment, socialise with likeminded people, and have a conversation without having to shout over music. As members, I believe we all feel a commitment to this Club, to its success, and to it further meeting our needs of flexibility and accessibility.

<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Support
<b>Received:</b>	28 <sup>th</sup> April 2021		

My name is [REDACTED] and I am the Co-Founder [REDACTED] company based at [REDACTED], very close to the Century Club. I understand that the Century Club has applied to extend their license till 3am. As a business owner with an office close to the club and who uses the club regularly I would like to support their application and plans to extend their licensing hours. I've been a member of the club for 15 years and have never seen any problems or public nuisance or any crime involved with the club. If anything they are the safest and best run club in London!

I hope you can extend their license and I'm positive that the Century Club will do everything possible to make this work.

<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association</b>		[REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support of opposed:</b>	Support
<b>Received:</b>	28 <sup>th</sup> April 2021		
<p>I've been walked through Century Club's application for an extended opening hours Licence, and I would like to add my support for this venture!</p> <p>I've been a member at the club now since 2014 and I often entertain and meet my clients at the club &amp; one of the unique features/selling points for me is that no one knows it's even there, both visually outside and certainly from a noise perspective, in what is a lively and vibrant part of Soho.</p> <p>Century Club is my office space in London on a weekly basis outside of these Covid-19 times. I can honestly endorse, the professionalism of the management, staff and the clientele of its members &amp; guests make it a safe and always pleasant place to visit.</p> <p>Based on my points above, I fully support Century Club in this application for an extended Licence and have full confidence in them doing everything possible to ensure there is no disturbance for the local residence and the area in general.</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>	Support
<b>Received:</b>	28 <sup>th</sup> April 2021		
<p>With regards to the licence for Century Club's extended opening hours, I would like to add my support for this venture. I see it as a positive enrichment to Soho, in keeping with the tone of the local environment.</p> <p>Century Club acts as a creative and cultural hub attracting a range of members - a high proportion of those work and live in the immediate vicinity. Century actively supports the local community through its relationships with local businesses, organisations and residents. The nature of the clientele and the professionalism of the management and door staff always make Century Club a safe and pleasant place to visit.</p> <p>I feel reassured by the steps taken to ensure members inside the premises enjoy themselves and when they leave, Century Club does everything possible to ensure there is no disturbance.</p>			
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association</b>		[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Support
<b>Received:</b>	28 <sup>th</sup> April 2021		
<p>I write with regards to the licence for Century Club's extended opening hours, we would like to add our support.</p> <p>Century Club acts as a creative and cultural hub attracting a range of members living close by and out of town. I know the team at Century actively supports the local community through its relationships with local businesses, organisations and residents. The nature of the clientele and the professionalism of the management and door staff always make Century Club a safe and pleasant place to visit.</p>			

I feel reassured by the steps taken to ensure members inside the premises enjoy themselves and when they leave, Century Club does everything possible to ensure there is no disturbance and would be a valuable addition.

<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association</b>		[REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Support
<b>Received:</b>	28 <sup>th</sup> April 2021		

Regarding the license for Century Club's extended opening hours, I would offer my wholehearted support to this being granted. It would be a much-needed addition to the Club's member's experience and a definite boon to the area.

Century Club is a first class destination for those in the creative sectors and attracts a diverse range of members, many of whom work and live in the Soho area. The Club is a nerve centre for those involved in arts, design and tech and is visited by some high profile and quite famous guests from both sides of the Atlantic as well as other international hot spots. The Club also actively supports the local community through its relationships with local businesses, organisations and residents and has an unrivalled reputation for its clientele and professionalism for service. It is always an extremely pleasurable venue to visit and enjoy food and drink in upmarket surroundings.

Guests are always impressed and keen to return as they feel completely safe and well cared for in such a central London location. As a member of the club for at least a decade I see this proposal as a vital contribution to the area's culture for many years to come.

<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>	Support
<b>Received:</b>	28 <sup>th</sup> April 2021		

I am writing in relation to the licensing application for The Century Club at 61-63 Shaftesbury Avenue. I understand the Century Club has recently applied for a new premises license to regularise the licensing position, so as to extend their licensable operation hours until 3am. I also understand that the new license application allows the conditions on the license to be updated, to meet the Council's current requirements, which I support as a local resident.

As a resident of Dean Street, which is in close proximity to the Club, I am fully supportive of their plans and feel content this this won't have a negative effect on myself or my neighbors. Century Club has, to date, made an exceptional effort to prevent public nuisance, increase public safety, and limit crime and disorder to my knowledge. They never have any disruptive guests and are welcoming to myself. I fully support a new premises license at the venue. Century club also carefully vets its members, so it's unlikely that they'll have problem guests. It isn't known as a drinking establishment; its more of a relaxed club, with food served all day and a calm atmosphere.

The terms of the application have been fully explained to me, and I have no questions or concerns with any of them.

<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association</b>		[REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Support
<b>Received:</b>	28 <sup>th</sup> April 2021		
<p>I'm writing in regards to the licence for Century Club's extended opening hours, as I live and work nearby the club , I can't see any issues or problems with extending the opening hours at all</p> <p>In Fact Century Club has always supported the local community through its relationships with local businesses, organisations and residents like me</p> <p>Throw out the years, the management and all of the staff at Century club, has always been professional and well organized and I always feel comfortable, safe and looked after</p> <p>I have no doubts that the team at Century will do everything possible to ensure there is no disturbance when any of their members leaving the venue.</p>			
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association</b>		[REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Support
<b>Received:</b>	28 <sup>th</sup> April 2021		
<p>As a founding member of Century Club and as the founder of two businesses based in the heart of Soho I write in support of Century Club's application for extended opening hours. This extension is now particularly important in view of the devastation wreaked on the hospitality sector during the pandemic. The Club is ideally located on a major road, mostly surrounded by theatres, businesses and with little residential development in the vicinity and therefore extended opening will not have a detrimental effect on the environment. Century Club is a long-established (20 years this year) creative and cultural hub attracting a range of members, most of whom work and live in London. Century actively supports the local community through its relationships with local businesses, organisations and residents. The Club carefully vets its members and it is a Club that is used for private events only. It is not a public entertainment or drinking establishment. Food is served all day and it is used by many business people in the course of their work because it is a calm and professional place to be. The nature of the clientele and the professionalism of the management and door staff should reassure you that Century Club does everything possible to ensure there is no disturbance when people the leave the Club, whatever the hour of the day or night.</p>			
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association</b>		[REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Support
<b>Received:</b>	28 <sup>th</sup> April 2021		
<p>As a long term member of Century Club I plead for your acceptance for their extension of their licensing.</p> <p>The Brand Cartel services clients of all sizes and industries with online marketing and advertising, we employ 36 staff members and they rely on us for survival. Especially during these difficult times where our industry has taken a massive knock due to COVID-19. Business overall has dwindled and to be honest without the previous networking opportunities that</p>			

Century Club has provided, relating to direct clients, we wouldn't have been able to support half those staff numbers today.  
 An extension to Century Club's licence will only increase the availability for smaller and medium businesses to network and create more business opportunities. This is without even knowing the positive ripple effect that this may have further down the line for the greater good of London's commerce.  
 All my direct dealings with the establishment have been of utter professionalism and the environment and ethics the club honors is the very reason why I've remained a valued member for such a long time. I would therefore like to recommend them for the license extension for that very reason.

<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>	Support
<b>Received:</b>	28 <sup>th</sup> April 2021		

I'm writing in support of Century Club's request to extended their opening their hours, something I see as a positive benefit for our local community in Soho.  
 My colleagues and I have enjoyed many events, meetings and occasions at Century Club which we view as a safe and inclusive space, with great programming and hospitality.  
 I've never felt it to be a venue that causes any disturbance for the neighbourhood, quite the opposite am always amazed at how self-contained their events are and would welcome extended opening hours in giving those of us who work in hospitality more freedom to enjoy their facilities at flexible times.

<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>	Support
<b>Received:</b>	28 <sup>th</sup> April 2021		

With regards to the licence for Century Club's extended opening hours, as an events agency based in Soho we would like to add out support for this venture. Having worked with Century for many years this would be a great asset to have longer hours as this is one of the only downfalls of the current venue.  
 We book events at least several times a month within Century's spaces with the majority of clients being from the media and creative industries and feel that the extension of hours will be extremely welcomed.  
 The management team at Century run a very tight ship and we know that they will take every step to ensure that if this is granted there won't be any disturbance when members and guests leave.

<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association</b>		[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Support
<b>Received:</b>	28 <sup>th</sup> April 2021		

With regards to the licence for Century Club's extended opening hours, I would like to add my name to the list in terms of support for the petition. I see the establishment as a key venue in Soho, and more importantly for those who live and work in the area.

Century has an incredible crowd of members, diverse, colourful and energetic, it's a great representation of Soho itself, and the lineup and curation of events there is fantastic for the area, providing high quality entertainment, food & beverage and service for its members. As a fellow hospitality professional in the area, I have nothing but good words for the team there. On a personal level I've always felt safe and seen first hand the measures they have in place to ensure there is sufficient aftercare on leaving the venue and that everything possible is done to ensure no disturbance to the residents or nearby community when its members leave.

<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>	28 <sup>th</sup> April 2021		

Dear Licensing Team,

After several attempts I have given up on trying to submit a comment to the application 21/02839/LIPN via your website.

I object to the proposed extension of hours until 3am at the Century Club, due (under normal circumstances) to the repeated noise disturbance I have experienced in the past from music played in this venue. The problems have not been consistent or prolonged, but tend to occur particularly late at night 11-am 1am on Fridays / Saturdays when the bassline of music which is frequently audible, but bearable, suddenly increases ( as if someone has opened a window on the club). A further disturbance in the past has been on weekend afternoons when what appear to be private hires of the club are taking place. The volume of music is most audible across St Anne's Gardens disturbing the gardens, the flats opposite on Old Compton St and around St Anne's Tower (Chancel Court) and my own apartment off to the side on Dean St, where it is not unusual for the volume/ frequency of the music to cause my windows to vibrate.

The venue's large windows, retractable roof and open terraces, facing residential properties, make an extension of their hours inappropriate.

<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association</b>		[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	28 <sup>th</sup> April 2021		

We write to make a relevant representation to the above application on behalf of [REDACTED]

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

About [REDACTED]

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

### **Application summary**

#### **New Premises Licence**

**Sale of alcohol: Mon-Tues: 10:00 - 03:00. Weds-Sat: 10:00 - 03:30. Sun: 10:00 - 01:00**

**Late night refreshment: Mon-Sat: 23:00 - 03:30. Sun: 23:00 - 01:00**

**Exhibition of films: Mon-Tues: 23:00 - 03:00. Wed - Sat: 10:00 - 03:00. Sun: 10:00 - 01:00**

**Live music/Recorded music/Anything similar/ Performance of dance: Mon-Sat: 23:00 - 03:00. Sun: 23:00 - 01:00**

**Opening hours: Mon-Sat: 08:00 - 03:30. Sun: 08:00 - 01:30**

The applicant (CCL Shaftesbury Holdings (London) Ltd) seeks the above on a **time-limited** basis for a period of 24 months from the date of grant (if granted) of this licence.

#### **New set of conditions**

The applicant proposes a number of conditions in particular;

- **Phased dispersal:** to assist with dispersal the cowlng areas of the Premises shall close at the following times: **First floor 00:00 Monday to Sunday. Second floor 01:00 Monday to Sunday. Third floor 02:00 Monday to Saturday (01:00 on Sunday). Fourth floor 03:00 Monday to Saturday (01:00 on Sunday).**
- The Premises as a whole shall close at 03:30 the day following Monday to Saturday and 01:30 the day following on Sunday.
- **Capacity:** 1st floor 125, 2nd 220, 3rd 150, 4th 150. No more than **550 persons** at anyone time.
- The Premises Licence shall commence on XX/XX/XXXX and shall cease to have effect on XX/XX/XXXX twenty-four months from the date of grant of the Premises Licence.

#### **Current Licence 21/00439/LIPT**

**Sale of alcohol: Mon-Sat: 10:00 - 01:00. Sun: 10:00 - 00:30**

**Late night refreshment: Mon-Sat: 23:00 - 03:30. Sun: 23:00 - 01:00**

**Exhibition of films: Mon-Sun: 10:00 - 01:00**

**Recorded music: Mon-Sun: 10:00 - 01:00**

**Opening hours: Mon-Sat: 08:00 - 01:30. Sun: 08:00 - 01:00**

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

**Capacity** per floor as proposed, no more than 550 persons

#### **The [REDACTED] Position**

- **Time limited extensions:** the [REDACTED] fully recognises the financial difficulties all businesses have suffered over the past year and we have generally been supportive of measures to help local businesses recover. This application seeks to extend the licence for a period of two years until 2023. The reason for the extension is not stated. However, this is the latest in a series of applications to extend hours in Soho on a time limited basis and we are concerned this trend will continue as a mechanism to support business recovery post COVID, see Appendix 1, the West End Community Network position on applications for later hours for COVID recovery. The year on year increase in licensed premises and especially those granted with later hours has resulted in a deterioration and reduction in residential amenity. Protecting residential amenity is the key aim of the Licensing Objectives and this is supported by the new Statement of Licensing Policy 2021 which states in its Foreward to Policy Section, *'The licensing authorities proposed revisions to the statement of licensing policy will enable the hospitality and entertainment sectors to plan for the short and medium term, whilst maintaining the necessary protection for our residents and promoting the licensing objective as a whole.'*

- **Soho and COVID:** Soho has quickly recovered to pre-COVID times, the success of the AI Fresco 2020 scheme has been replicated with even more people coming into the area since the recent reopening on the 12 April 2021. Photographs following the reopening taken on 17 April can testify to the huge numbers of people eating and drinking on the streets (Appendix 2). Chaos ensued, there being a complete lack of social distancing with large numbers queuing (not distanced) for tables which were tightly packed together, others were wandering around vertically drinking with alcohol sold from bars and shops. It cannot be said Soho is suffering from low footfall. This situation will deteriorate further when hospitality and entertainment venues open up in May and June with premises being able to open to their full licensing hours. The experience of that weekend resulted in the Police authorising a Section 35 Dispersal Order in Soho and the Strand, *'A section 35 dispersal has been authorised from 13:00 hours the 24 April 2021 until 07:00 hours the 26 April 2021 by Insp Jackson. The areas affected are essentially the area of Soho and the Strand. This is due to an increase in antisocial behaviour connected with licensed premises over recent weeks. This has come in the form of intoxicated groups urinating in the street, staging street party style gatherings. Other linked groups are targeting visitors with fraudulent activity, stealing from or otherwise harassment.'*
- Overall the 2020 summer scheme had a negative impact on residents who reported a significant increase in noise and general disturbance. A recent survey by the Soho Society asking residents about their experience of this scheme highlighted issues with street noise disturbing sleep, and some saying they were considering moving out of Soho (the full survey results can be found in Appendix 3). The high level of cumulative impact described within the Cumulative Impact Assessment 2020 will swiftly return with people flocking to Soho in an attempt to return to a normal life. The impact on residents will be huge, any extensions to licences will, in our view, increase cumulative impact and harm the Licensing Objectives.
- **Operating Schedule;** Although the applicant provides two supporting documents one setting out new conditions to promote the licensing objectives and another with a description of the application they fail to describe the full range of facilities available at the private members' club. This is disappointing considering the new Statement of Licensing Policy 2021 clearly highlights this particular issue, the document states (Applicants p.6) ... *'applicants should include as much detail as possible in the operating schedule to enable responsible authorities and other parties to understand the operation of the venue.'* This has not happened in this case, it places us and residents at a disadvantage in not being able to fully address the potential impact of this application on the licensing objectives.
- We reviewed the Club's website and then contacted the applicant requesting further information on the operational use of every floor and the Top Terrace and Cigar Terrace, we note the 4th floor Roof Terrace has a retractable roof. The applicant confirmed the Top and Cigar terraces do not form part of the application, in relation to floor use they confirmed there was no proposal to change the way in which the Club currently operates, floor use is described as follows; **1st floor; tap room, meetings, breakfast, lunch, dinner/cocktails. 2nd floor; piano bar, events, live music. 2nd floor; club room, events, meetings, breakfast, lunch, dinner/cocktails. 3rd floor; green room, events space. 4th floor; meetings, breakfast, lunch, dinner, cocktails. 4th floor annexe; private dining.**
- **Night time economy;** Soho is at the forefront of the late-night economy in Westminster with its numerous restaurants, bars and entertainment establishments. The area is densely populated at night with people out on the streets, resulting in high levels of noise / disturbance, crime and disorder and antisocial behaviour. In Soho between **01:00 - 03:00 there are 107 licensed premises, capacity information being available for 91 premises gives a total of 18,305.** Of the **107, 59 premises hold a 1am licence, with a capacity of 9,104 for 44 premises.** To the extend hours even for a time limited period cannot be justified it will add to cumulative impact in the West End Cumulative Impact Zone, there are no exceptional circumstances in this case.

## Statement of Licensing Policy 2021

This application seeks to extend the licensable activity within the West End Cumulative Impact Zone, as presented it is contrary to the Core Hours Policy HRS1, Pubs & Bars Policy PB1, Music and Dance and Dance Premises MD1, Restaurants RTN1, Cumulative Impact Policy CIP1.

- **Hours Policy HRS1**; this policy is clear, E2 states, *‘Core hours are an essential element to ensure businesses can operate for a reasonable period whilst protecting the impact on the licensing objectives.’* In our view core hours for a cocktail bar is a ‘reasonable period’ anything beyond this in Soho will harm the licensing objectives. It goes on to state at E10, *‘The consideration of hours of operation will be in the context of the particular circumstances of each application and the licensing objectives. The hours at which noise may occur and disturbance of residence rest, relaxation and sleep will be of particular concern.’* We are in no doubt that a new 3am licence will impact residents as described and in so doing will fail to comply with this and other policies the Council must consider on the effect of later opening hours in particular PN1, A. *‘The Licensing Authority will not grant applications that do not promote the prevention of public nuisance licensing objective,’* similarly CD1, ... *‘and will not grant applications that do not promote the prevention of crime and disorder licensing objective,’* this application fails both tests.
- **Public Houses and Bars Policy PB1 and Music and Dance Premises MD1**; it is the Licensing Authority’s policy to refuse applications within the West End Cumulative Impact Zone other than to, *‘1. Applications to vary the existing licence hours within the council’s Core Hours Policy HRS1, 2. Applications to seek to vary the existing licence so as to reduce the overall capacity of the premises.’* It goes on, under the reasons for this 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.’* This new application seeks to extend its hours until 3am, the proposed phased dispersal condition will result in **an additional 300 people in Soho until 2am which then reduces to 150 until 3am.** This cannot be classed as a reduction in capacity, it is an increase in the number of people on the premises past the existing 1am licence. The Council’s own policy clearly highlights the negative impact of bars and music and dance venues on residents, we’ve also shown there to be a large concentration of late night premises in this area. In our view this application fails these tests.
- **Restaurants RTN1**; the applicant has to meet the requirements of CD1 and PN1, and to demonstrate they will not add to cumulative impact within the Cumulative Impact Zone, as described above the application fails these tests.
- **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 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 9 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.’*** (our emphasis). It also highlights the impact of bars in an area, F82 stating, *‘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. As described above Soho is now open for business and thriving, and we have no doubt that cumulative impact will return to pre-COVID levels, which is significantly higher than any other area in Westminster. The evidence from the Cumulative Impact Assessment 2020 presented in the Statement of Licensing Policy, D6, 'supported further policy restriction on applications, as they would likely to add to cumulative impact,' however the impact of COVID-19 has resulted in the Licensing Authority deciding not to implement greater restrictions at this stage, but this may change.

- We have provided information on the number of late-night licences in Soho and the impact on residents since the reopening of the hospitality sector in April, coupled with the evidence we provide under the Licensing Objectives. All indicate refusal of this application unless the applicant can demonstrate genuinely exceptional circumstances. In our view the applicant has failed to present a case demonstrating exceptional circumstances and therefore the application should be refused.

### **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 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. As evidenced above criminal activity associated with the large number of late-night venues and the numbers of people on the streets results in high levels of serious crime. In Soho the majority of robberies take place late at night, people are targeted as they leave late night venues which is evidenced by the crime figures. Drug dealing is a particular problem, groups of dealers congregate to sell drugs and specifically target people as they leave premises, there are more dealers in the area at night than during the day, this is directly linked to the large number of late night venues which creates the drug market.

This application if successful will only increase crime and disorder and fail to promote this licensing objective.

#### **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.'*

Due to the high number of late night licences in Soho, residents 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 residents living near St Anne's Gardens, including flats on Old Compton Street that back on to this area have experienced noise disturbance from these premises most Friday and Saturday nights, in the form of a throbbing bass causing windows to vibrate, bursts of noise (not voices) around midnight / 1am described as if a window has been opened and then closed which appears to originate from the Green Room. This floor is proposing a closure time of 2am. We note the Club has partnered with Innerplace, and reviewing their websites it states the Club has a bespoke nightclub which maybe the cause of this disturbance. We remain concerned that residents will be disturbed by the operation of these premises and by intoxicated people leaving the premises late at night having been given the opportunity to extend and increase their alcohol consumption by an additional 1 to 2 hours.

#### **Public Safety PS1**

Under this objective the applicant needs to *'... demonstrate that the public will be safe within and in the vicinity of the premises,'* and goes on to state *'Crime, disorder and antisocial behaviour inside and in the vicinity of licensed premises may threaten public safety and affect perceptions of public safety.'* Drunk and highly intoxicated people on the streets late at night are very vulnerable requiring support and to prevent them from becoming victims of crime. To help people who become vulnerable on a night out, Westminster City Council with the LGBT foundation has established the Soho Angels. As the Committee will know, these are group of volunteers who work on Friday and Saturday nights between 10pm and 5am helping vulnerable

or distressed people on a night out. They work with St John Ambulance who provide medical assistance at an eight-bedded night hub in St. Anne's Church on Dean Street. In their first year of operation they helped over 1,200 people, with medical assistance being given to 230 cases of which 80 were classed as serious incidents, and 40 crimes were reported. This is further evidence of the impact of the high number of late night uses and large numbers of people out on the streets such that a dedicated team of volunteers is required to help the vulnerable, keeping them safe from harm. However, due to the current COVID-19 restrictions this service has ceased, we would expect it to resume post 21st June following the ending of all legal limits on social contact.

### **In summary**

The application proposes a time-limited new premises licence with a terminal hour of 3am until 2023, as evidenced throughout this representation the application fails all policy tests, it will fail to promote the Licensing Objectives and increase cumulative impact and therefore it should be refused

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

Yours faithfully,

Licensing Committee  
██████████

### **Appendices**

**Appendix 1:** West End Community Network, Position regarding Licensing Act 2003 Applications for Later Hours for COVID recovery

**Appendix 2:** Photographs Old Compton St, 17th April 2021

**Appendix 3:** Soho Society Residents' Survey March 2021

**Appendix 1: West End Community Network, Position regarding Licensing Act 2003 Applications for Later Hours for COVID recovery**

#### **West End Community Network**

#### **Position regarding Licensing Act 2003 Applications for Later Hours for COVID recovery**

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

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

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

If the grant of an extension to hours is likely to give rise to harm to the Licensing Objectives then the Council should refuse it on this basis, in line with the relevant Policies contained within the

Council's Statement of Licensing Policy (SoLP), which was published in January 2021. This position is supported by the Licensing Act 2003 and the S182 Guidance. Neither the SoLP or the S182 Guidance provide for **any** circumstance, exceptional or otherwise, which would permit an Application to be granted if the Licensing Objectives would be harmed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Hours and Licensing Objectives Policies**

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

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

Our view is that taking steps to increase the income from these sources **increases** the risk of

Public Nuisance and Crime and Disorder occurring in the vicinity of the premises. This contravenes the SoLP and fails to support the objectives of LA2003. The reasons are as follows:

- Customers drinking a larger quantity of alcohol will be less likely to be in control of their behaviour when they leave the premises. This gives rise to noise in the street, both in the vicinity and as they leave the area. It also increases the risk of disorder through drunken behaviour. They are also more likely to become victims of crime.
- New customers who come to the premises in order to consume alcohol during the extended hours, which are after 23:30, are likely to have come from another premises where they have been drinking already. Despite the requirement not to serve alcohol to those who are already inebriated they will usually be served, after all the only reason for opening later is to sell more alcohol, and this will give rise to the same issues as for customers who remain at the premises and drink more.
- The other group of customers are those who come to the venue during the extended hours, or because of the extended hours from another event and are not already under the influence of alcohol, for example from theatre, concert or a dinner. The impact of these customers is the additional noise nuisance from their arrival and especially their departure at times after the premises would normally have been closed and the surrounding area would have been quiet.

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

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

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

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

### **Location-based Policies**

The Policies to be considered are those related to Cumulative Impact (CIP1 and SCZ1). Unlike

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

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

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

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

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

In summary our position is as follows.

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

**Appendix 2: Photographs Old Compton St, 17 April, 20:50hrs**



**Appendix 3: ██████████ Residents' Survey March 2021**

**██████████ Residents' Survey**

**Key Points from AI Fresco Survey in 2021**

The survey ran from 1 March 2021 until 29 March 2021 and asked Soho residents about their experience of the AI Fresco dining scheme in 2020. An invitation to complete the survey was sent to 1,929 people - members of the Society and all subscribers to the Society's newsletter - on 1 March 2021.

133 residents responded with 72 saying that they lived on a street that was closed under the

scheme in 2020. Responses suggested that many respondents were long term Soho residents. On average the respondents had lived in Soho for around 15 years. 15 respondents have lived in Soho for more than 30 years.

57 were long leasehold or freehold owners and 70 were tenants of which 24 were Soho Housing Association tenants.

28 respondents said they had children under 18 living with them in the household some or all of the time.

19 respondents on closed streets had children under 18 living with them some or all of the time.

When asked to think back on their experience of AI Fresco 2020

- 10 reported that the street noise woke their children
- 38 reported they were commonly unable to sleep, get to sleep or had their sleep disturbed
- 26 that they had problems working at home because of the noise
- 109 reported access problems on foot or by car
- 36 reported that they didn't feel safe in the street where they lived because of the crowds and the police losing control of the situation
- 62 reported they didn't feel safe because there was no social distancing
- 48 reported they didn't go out because of the scheme
- 44 reported that as a resident they were considering moving out of Soho because of this scheme - late night noise makes it impossible to live here any more

The AL Fresco Scheme for Soho in 2021 will see the same streets closed from 12 April 2021 to 30 September 2021 and will likely have a greater adverse impact on residents as the end time will be 11pm not 10pm as happened when the curfew was in effect last year. Also there is a risk of more drunken behaviour as there will be no requirement to serve a meal with the alcohol service.

29 March 2021

### 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 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</li> </ol>

	<p>home safely.</p> <p>12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.</p> <p>13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.</p> <p>14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.</p> <p>C. For the purpose of Clauses A and B above, the Core Hours for this application for each premises use type as defined within this policy are:</p> <p><b>6. Pubs and bars, Fast Food and Music and Dance venues</b>  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</p>
<p><b>Policy PB1 applies</b></p>	<p>A. Applications outside the West End Cumulative 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 applicant has taken account of the Special Consideration Zones policy SCZ1 if the premises are located within a designated zone.</li> <li>4. The application and operation of the venue meet the definition of a Public House or Bar in Clause D.</li> </ol> <p>B. It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone other than:</p> <ol style="list-style-type: none"> <li>1. Applications to vary the existing licence hours within the council's Core Hours Policy HRS1.</li> <li>2. Applications that seek to vary the existing licence so as to reduce the overall capacity of the premises.</li> </ol> <p>C. The applications referred to in Clause B1 and B2 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, and/or,</li> <li>2. The application and operation of the venue continuing to meet the definition of a Public House or Bar in Clause D.</li> </ol> <p>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.</p>

#### 4. Equality Implications

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

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

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

#### 5. Appendices

<b>Appendix 1</b>	Premises 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: kabbott@westminster.gov.uk

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

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

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2021
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
<b>4</b>	Licensing Authority	12 <sup>th</sup> April 2021
<b>5</b>	Metropolitan Police Service	14 <sup>th</sup> April 2021
<b>6</b>	Environmental Health Service	27 <sup>th</sup> April 2021
<b>7</b>	Representation 1	28 <sup>th</sup> April 2021
<b>8</b>	Representation 2	28 <sup>th</sup> April 2021
<b>9</b>	Representation 3	28 <sup>th</sup> April 2021
<b>10</b>	Representation 4	28 <sup>th</sup> April 2021
<b>11</b>	Representation 5	28 <sup>th</sup> April 2021
<b>12</b>	Representation 6	28 <sup>th</sup> April 2021
<b>13</b>	Representation 7	28 <sup>th</sup> April 2021
<b>14</b>	Representation 8	28 <sup>th</sup> April 2021
<b>15</b>	Representation 9	28 <sup>th</sup> April 2021
<b>16</b>	Representation 10	28 <sup>th</sup> April 2021
<b>17</b>	Representation 11	28 <sup>th</sup> April 2021
<b>18</b>	Representation 12	28 <sup>th</sup> April 2021
<b>19</b>	Representation 13	28 <sup>th</sup> April 2021
<b>20</b>	Representation 14	28 <sup>th</sup> April 2021
<b>21</b>	Representation 15	28 <sup>th</sup> April 2021



**Description**

\* - The date given above, 31<sup>st</sup> December 2023 is a long-stop date. The applicant (CCL Shaftesbury Holdings (London) Ltd) requests that this premises licence run for a period of twenty-four (24) months from the date that the application is granted. The final date to be confirmed by the Licensing Authority upon grant of the premises licence.

This is an application for a new, time-limited premises licence for an existing private members' club (The Century Club) located at 61 - 63 Shaftesbury Avenue, London W1D 6LG.

The Premises' benefits from an existing Premises Licence (PL No. 21/00439/LIPT) ("the Existing Premises Licence") which permits the following:

1. The sale of alcohol from 10:00 until 01:00 the day following Monday to Saturday and from 10:00 until 00:30 the day following on Sunday;
2. The provision of late night refreshment from 23:00 until 01:30 the day following Monday to Saturday and from 23:00 until 01:00 the day following on Sunday;
3. The provision of regulated entertainment (films and recorded music from 10:00 until 01:00 the day following Monday to Saturday and from 10:00 until 00:30 the day following on Sunday.

The opening hours of the premises are 08:00 until 01:30 the day following Monday to Saturday and 08:00 until 01:00 the day following on Sunday.

The applicant (CCL Shaftesbury Holdings (London) Ltd) seeks the following on a time-limited basis for a period of twenty-four (24) months ("the Time-Limited Premises Licence) from the date of grant (if granted) of this licence:

1. The sale of alcohol from 10:00 until 03:00 the day following Monday to Saturday and from 10:00 until 01:00 the day following on Sunday;
2. The provision of late night refreshment from 23:00 until 03:30 the day following Monday to Saturday and from 23:00 until 01:30 the day following on Sunday; and
3. The provision of regulated entertainment from 23:00 until 03:00 the day following Monday to Saturday and from 23:0 until 01:00 the day following on Sunday.

The opening hours of the premises will be 08:00 until 03:30 the day following Monday to Saturday and 08:00 until 01:30 the day following on Sunday.

The Existing Premises Licence benefits from a non-standard timing on New Year's Eve and this is replicated within this application.

The premises is set over a number of floors and the applicant kindly asks that you refer to the plans of the premises submitted with this application for more information regarding the layout of the premises. The layout has not changed from the layout of the Existing Premises Licence.

The Existing Premises Licence is subject to thirty-four (34) conditions, thirty-two (32) of which have been replicated within this application. The applicant also offers a number of additional conditions to further promote the four licensing objectives and in view of Westminster's statement of licensing policy. The two (2) conditions that have not been replicated have been omitted because they are no longer relevant.

Any party with any queries regarding this application is invited to contact the applicant's licensing solicitor, Luke Elford, who will be happy to discuss the application with them.

## Temporary Event Notices

Application	Details of Application	Date Determined	Decision
18/02149/LITENP	Temporary Event Notice	1 March 2018	Notice Granted
18/05557/LITENP	Temporary Event Notice	22 May 2018	Notice Granted
18/09461/LITENP	Temporary Event Notice	17 August 2018	Notice Granted
18/09463/LITENP	Temporary Event Notice	17 August 2018	Notice Granted
18/09718/LITENP	Temporary Event Notice	19 November 2018	Notice Granted
18/10396/LITENP	Temporary Event Notice	19 November 2018	Notice Granted
18/11886/LITENP	Temporary Event Notice	27 November 2018	Notice Granted

## Licensing Act 2003 History

Application	Details of Application	Date Determined	Decision
16/07960/LIPN	<p>New Premises Licence Application</p> <p><b>Exhibition of Film</b> Monday to Sunday 10:00 to 01:00</p> <p>Non-standard Timings: From the end of trade on New Year's Eve to the start of trade on New Year's Day.</p> <p><b>Late Night Refreshment</b> Monday to Saturday 23:00 to 01:30 Sunday 23:00 to 01:00</p> <p>Non-standard Timings: From 23:00 on New Year's Eve to 05:00 on New Year's Day.</p> <p><b>Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit:</b> Unrestricted</p> <p><b>Sale of Retail of Alcohol</b> Monday to Saturday 10:00 to 01:00 Sunday 10:00 to 00:30</p> <p>Non-standard Timings: From</p>	21 September 2016	Granted under Delegated Authority

	<p>the end of trade on New Year's Eve to the start of trade on New Year's Day.</p> <p><b>Opening hours of the premises:</b>  Monday to Saturday 08:00 to 01:30  Sunday 08:00 to 01:00</p>		
17/12226/LIPRW	Premises Licence - Removal of Works	31 October 2017	Granted under Delegated Authority
18/03894/LIPV	Premises Licence Variation – To increase terminal hour for all licensable activities on Thursday, Friday and Saturday to 03:00. Opening hours extended until 03:30. To amend conditions	19 July 2018	Refused at Licensing Sub-Committee
18/11887/LIPDPS	Premises Licence Change of DPS	18 September 2019	Granted under Delegated Authority
20/11694/LIPDPS	Premises Licence Change of DPS	11 January 2021	Granted under Delegated Authority
21/00439/LIPT	Transfer of Premises Licence Holder from Century Club Limited to CCL Shaftesbury Holdings (London) Ltd	3 February 2021	Granted under Delegated Authority

**There is no appeal history**

Premises Licence 21/00439LIPT



Schedule 12  
Part A

WARD: West End  
UPRN: 010033555123

**City of Westminster**

64 Victoria Street, London, SW1E 6QP

Premises licence

Regulation 33, 34

Premises licence number:

21/00439/LIPT

Original Reference:

16/07960/LIPN

**Part 1 – Premises details**

**Postal address of premises:**

Century Club  
61 - 63 Shaftesbury Avenue  
London  
W1D 6LG

**Telephone Number:** Not Supplied

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

Not applicable

**Licensable activities authorised by the licence:**

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

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

**Exhibition of a Film**

Monday to Sunday: 10:00 to 01:00

Non-standard Timings: From the end of trade on New Year's Eve to the start of trade on New Year's Day.

**Playing of Recorded Music**

Monday to Sunday: 10:00 to 01:00

Non-standard Timings: From the end of trade on New Year's Eve to the start of trade on New Year's Day.

**Late Night Refreshment**

Monday to Saturday: 23:00 to 01:30

Sunday: 23:00 to 01:00

Non-standard Timings: From 23:00 on New Year's Eve to 05:00 on New Year's Day.

**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 01:00  
Sunday: 10:00 to 00:30  
Non-standard Timings: From the end of trade on New Year's Eve to the start of trade on New Year's Day.

**The opening hours of the premises:**  
Monday to Saturday: 08:00 to 01:30  
Sunday: 08:00 to 01:00

**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:**  
CCL Shaftesbury Holdings (London) Ltd  
61-63 Shaftesbury Avenue  
London  
W1D 6LD

**Registered number of holder, for example company number, charity number (where applicable)**  
13135204

**Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:**  
**Name:** Ronald Holmberg  
*Please note: It is the policy of the Licensing Authority not to display the address details of a designated premises supervisor.*

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:**  
**Licence Number:** PERS-LIC-1960  
**Licensing Authority:** London Borough Of Camden

**Date:** 3 February 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.

9. Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.

## Annex 2 – Conditions consistent with the operating Schedule

10. Alcohol may only be sold for consumption by (a) members of a private club and their bona fide guests, not exceeding 4 guests per member, and / or (b) by persons attending any private pre-booked event, by invitation only, organised by a member with a guest list provided in advance which will be retained for a period of 31 days following the event and be made available for inspection by the relevant authorities
11. No person shall be admitted to membership of the private club or be entitled to take advantage of any of the privileges of membership without an interval of at least 48 hours between their nomination or application for membership and their admission.
12. A list of the names and addresses of members of the Club shall be kept on the premises at all times together with a book showing the names and dates of attendance of any guests introduced by members. Both the list and the book shall be produced on demand for inspection by the police or an authorised officer of the Council.
13. Members of the private club operated at the premises must comply with the membership rules, a current version of which must be kept on the premises at all times and be made available for immediate inspection by the responsible authorities
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 accommodated at any one time, (excluding staff) shall not exceed:
  - First Floor - 125 persons.
  - Second Floor - 220 persons.
  - Third Floor - 150 persons.
  - Fourth Floor - 150 persons
  - With no more than 550 persons on the premises at any one time.
16. There shall be no sales of hot food or hot drink for consumption off the premises after 23:00.
17. There shall be no sales of alcohol for consumption off the premises after 23:00.
18. 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 or proof of age card with the PASS Hologram.
19. 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.
20. 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.
21. 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.
22. Loudspeakers shall not be located in the entrance lobby or outside the premises building.

23. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, Premises Management so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
24. All windows shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place.
25. All sales of alcohol for consumption 'Off the premises shall be in sealed containers only, and shall not be consumed on the premises.
26. 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.
27. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. 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.
28. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder
  - (d) any incidents of disorder
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system or searching equipment or scanning equipment
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service.
29. 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.
30. 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.
31. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
32. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
33. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.

34. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
35. 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.
36. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
37. Flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby properties, save insofar as they are necessary for the prevention of crime.
38. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23:00 and 08:00 on the following day.
39. Private entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit may be provided on an unrestricted basis.
40. The premises may remain open for the sale of alcohol, regulated entertainment and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.
41. On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01.00.
42. 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.
43. 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 upon request.
44. Waiter / waitress service shall be available throughout the whole of the premises.

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

None





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

Schedule 12  
Part B

WARD: West End  
UPRN: 010033555123

Premises licence  
summary

Regulation 33, 34

Premises licence number:

21/00439/LIPT

**Part 1 – Premises details**

**Postal address of premises:**

Century Club  
61 - 63 Shaftesbury Avenue  
London  
W1D 6LG

**Telephone Number:** Not Supplied

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

Not applicable

**Licensable activities authorised by the licence:**

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

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

**Exhibition of a Film**

Monday to Sunday: 10:00 to 01:00  
Non-standard Timings: From the end of trade on New Year's Eve to the start of trade on New Year's Day.

**Playing of Recorded Music**

Monday to Sunday: 10:00 to 01:00  
Non-standard Timings: From the end of trade on New Year's Eve to the start of trade on New Year's Day.

**Late Night Refreshment**

Monday to Saturday: 23:00 to 01:30  
Sunday: 23:00 to 01:00  
Non-standard Timings: From 23:00 on New Year's Eve to 05:00 on New Year's Day.

**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 01:00

Sunday: 10:00 to 00:30

Non-standard Timings: From the end of trade on New Year's Eve to the start of trade on New Year's Day.

**The opening hours of the premises:**

Monday to Saturday: 08:00 to 01:30

Sunday: 08:00 to 01:00

**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:**CCL Shaftesbury Holdings (London) Ltd  
61-63 Shaftesbury Avenue  
London  
W1D 6LD**Registered number of holder, for example company number, charity number (where applicable)**

13135204

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

Name: Ronald Holmberg

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

Restricted

Date: 3 February 2021

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

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

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

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

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

**Mandatory Conditions**

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

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

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

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

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

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

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -
 
$$P = D + (D \times V)$$
 Where -
  - (i) P is the permitted price,
  - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
  - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
  - (i) the holder of the premises licence,
  - (ii) the designated premises supervisor (if any) in respect of such a licence, or
  - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

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

- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

9. Admission of children to the premises must be restricted in accordance with film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.

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

- 10. This Premises Licence shall be particular to CCL Shaftesbury Holdings (London) Ltd and shall not be transferred.
- 11. The Licensable Activities authorised by this Premises Licence shall only be provided by Century Club Ltd.

12. This Premises Licence shall commence on XX/XX/XXXX and shall cease to have effect on XX/XX/XXXX twenty-four (24) months from the date of grant of the Premises Licence.
13. Licensable Activities may only be provided to:
  - a) Members of the Club and their bona fide guests (not exceeding 4 guest per member); and/or
  - b) Persons attending a pre-booked private function organised by a Member or the Club, for which a guest list shall be provided in advance and retained for a period of 31 days after the event and made available to Responsible Authority Offices on request
14. No person shall be admitted to membership of the Club or be entitled to take advantage of the privileges of membership without an interval of at least 48 hours between their nomination or application for membership and their admission.
15. A list of the names and addresses of the members of the Club shall be kept on the Premises at all times together with a book showing the names and dates of the attendance of any guests introduced by members. Both the list and the book shall be made available to a Responsible Authority Officer on request.
16. Members of the Club operated at the Premises must comply with the membership rules, a current version of which must be kept on the Premises at all times and be made available to a Responsible Authority Officer on request.
17. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
18. There shall be no sales of hot food or hot drink for consumption off the premises after 23:00.
19. There shall be no sales of alcohol for consumption off the premises after 23:00.
20. All sales of alcohol for consumption off the premises shall be in sealed containers and shall not be consumed on the premises.
21. On the morning that Greenwich Mean Time (GMT) changes to British Summer Time (BST) one hour will be added to the terminal hour for any Licensable Activities and to the closing time for the Premises where the existing terminal hour for Licensable Activities and/or closing time for the Premises is after 01:00.
22. 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 readily available to customers who will be encouraged to use such services.
23. Customers waiting for taxis shall be encouraged to wait inside the Premises until their vehicle arrives.
24. A direct telephone number for the manager at the Premises shall be publicly available at times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity upon request.
25. Waiter/waitress service shall be available throughout the whole of the Premises.
26. From 23:00 daily the Premises Licence Holder shall designate a member of staff responsible for customer welfare.

27. The Premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the Premises is open for Licensable Activities and during all times when customers remain on the Premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of a Responsible Authority Officer throughout the entire 31 day period.
28. A staff member from the Premises who is conversant with the operation of the CCTV system shall be on the Premises at all times when the Premises are open. This staff member must be able to provide Responsible Authority Officers copies of recent CCTV images or data with the absolute minimum of delay when requested.
29. An incident log shall be kept at the Premises and made available on request to a Responsible Authority Officer, which will record the following:
  - a) all crimes reported to the venue
  - b) all ejections of patrons
  - c) any complaints received concerning crime and disorder
  - d) any incidents of disorder
  - e) all seizures of drugs or offensive weapons
  - f) any faults in the CCTV system or searching equipment or scanning equipment
  - g) any refusal of the sale of alcohol
  - h) any visit by a Responsible Authority or Emergency Service
30. To assist with dispersal the following areas of the Premises shall close at the following times:

First floor 00:00 Monday to Sunday  
Second floor 01:00 Monday to Sunday  
Third floor 02:00 Monday to Saturday (01:00 on Sunday)  
Fourth floor 03:00 Monday to Saturday (01:00 on Sunday)

The Premises as a whole shall close at 03:30 the day following Monday to Saturday and 01:30 the day following on Sunday
31. To support dispersal from the Premises the Premises Licence Holder shall devise, implement and maintain a Dispersal Policy. A copy of the Policy shall be kept at the Premises and made available to Responsible Authority Officers on request.
32. To assist with dispersal from the Premises the Premises Licence Holder shall designate a suitable number of staff members as Quiet Marshals and they shall be tasked with ensuring patrons leave the area swiftly and quietly.
33. 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.
34. No noise generate 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.
35. Loudspeakers shall not be located in the entrance lobby or outside the Premises building.
36. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental

Health Service, Premises Management so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of an authorised officer of 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 additional sound generating equipment shall be used on the Premises without being routed through the sound limiter device.

37. All windows shall be kept closed after 21:00 hours or at any time when Regulated Entertainment takes place.
38. During the hours of operation of the premises, the licence holder shall ensure that 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. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and local businesses and leave the area quietly.
40. Flashing or particularly bright lights on or outside the Premises shall not cause a nuisance to nearby properties, save insofar as they are necessary for the prevention of crime.
41. No waste or recyclable materials, including bottles, shall be moved, removed from, or placed in outside areas between 23:00 and 08:00 on the following day.
42. The number of persons accommodated at any one time (excluding staff) shall not exceed
  - First floor - 125 persons
  - Second floor - 220 persons
  - Third floor - 150 persons
  - Fourth floor - 150 persons

With no more than 550 persons on the premises at any one time. This condition is subject to and shall change (downward only) with the phased dispersal condition expressed above.
43. The approved arrangement 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.
44. The means of escape provided for the Premises shall be maintained unobstructed , free of tip hazards, be immediately available and clearly identifiable in accordance with the plans provided.
45. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
46. All emergency exit doors shall be maintained effectively self-closing and not held open other than by an approved device.
47. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.

48. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
49. A Challenge 25 proof of age scheme shall be operated at the Premises where the only acceptable form of identification shall be recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS hologram.
50. There shall be no striptease, nudity or performance amounting to Relevant Entertainment and all persons shall be decently attired at all times except when the Premises is operating under the authority of a Sexual Entertainment Venue (SEV) Licence.

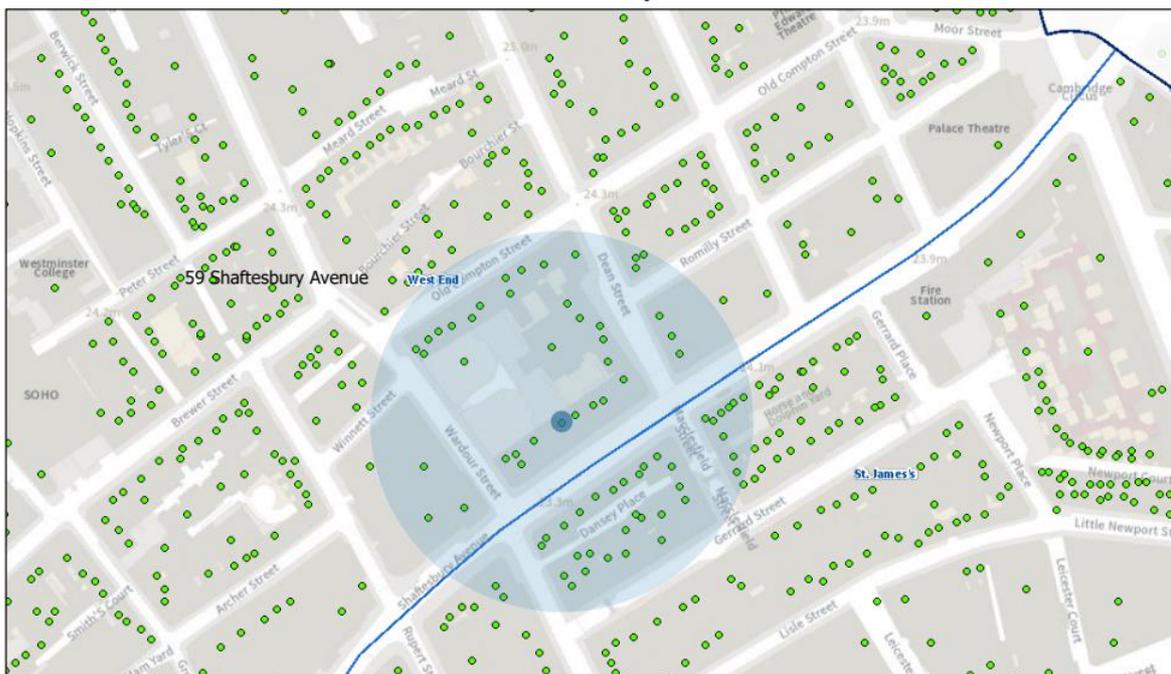
**Conditions proposed by the Police and agreed by the applicant so as to form part of the operating schedule.**

51. The Premises Licence Holder shall employ a minimum of two (2) SIA licensed door supervisors from 20:00 until 30 minutes after the premises closes on Thursday, Friday and Saturday evenings.
52. The Premises Licence Holder shall risk assess the need for additional SIA Licensed Door Supervisors/SIA Licensed Door Supervisors at other times based on a documented risk assessment. A copy of the risk assessment shall be kept at the Premises and produced to Responsible Authority Officers on request.
53. At any time that this time-limited Premises Licence is valid and in effect, existing Premises Licence Number 18/11887/LIPDPS shall not apply to and shall not be used by the Premises Licence Holder.

**Conditions proposed by the Environmental Health**

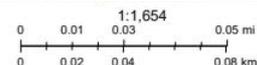
None

**61 - 63 Shaftesbury Avenue**



22/07/2021, 10:37:39

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



Resident Count = 119

<b>Licensed premises within 75 metres of 61-63 Shaftesbury Avenue</b>				
<b>Licence Number</b>	<b>Trading Name</b>	<b>Address</b>	<b>Premises Type</b>	<b>Time Period</b>
20/04536/LIPT	Bella Italia	63 Shaftesbury Avenue London W1D 6LQ	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
21/00439/LIPT	Century Club	61 - 63 Shaftesbury Avenue London W1D 6LG	Club or institution	Sunday; 08:00 - 01:00   Monday to Saturday; 08:00 - 01:30
18/08305/LIPN	Not Recorded	Ground Floor 65 Shaftesbury Avenue London W1D 6LD	Restaurant	Sunday; 12:00 - 22:30   Monday to Saturday; 12:00 - 23:00
15/03006/LIPN	Yoshino	59 Shaftesbury Avenue London W1D 6LF	Restaurant	Monday to Sunday; 11:00 - 00:00
17/03088/LIPVM	The Piccadilly London Soho	69 Shaftesbury Avenue London W1D 6EX	Hotel, 3 star or under	Monday to Sunday; 00:00 - 00:00
21/02732/LIPVM	Sefardi	53 Shaftesbury Avenue London W1D 6LB	Not Recorded	Monday; 10:00 - 00:30   Tuesday; 10:00 - 00:30

				Wednesday; 10:00 - 00:30   Thursday; 10:00 - 00:30   Friday; 10:00 - 00:30   Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
20/04624/LIPVM	Preto	71-73 Shaftesbury Avenue London W1D 6LN	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
18/05198/LIPCH	Little Lamb	Basement And Ground Floor 72 Shaftesbury Avenue London W1D 6NA	Restaurant	Monday to Sunday; 10:00 - 23:30
16/04273/LIPCHT	Pho & Bun	76 - 78 Shaftesbury Avenue London W1D 6NG	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
20/04458/LIPT	Longji	68 - 70 Shaftesbury Avenue London W1D 6LY	Restaurant	Sunday; 11:00 - 04:00   Monday to Saturday; 10:00 - 04:00
18/15565/LIPRW	Olle Restaurant	Basement And Ground Floor 84-88 Shaftesbury Avenue London W1D 6NH	Restaurant	Sunday; 12:00 - 23:00   Monday to Thursday; 10:00 - 00:00   Friday to Saturday; 10:00 - 00:30   Sundays before Bank Holidays; 12:00 - 00:00
20/05973/LIPT	Shuang Shuang	64 Shaftesbury Avenue London W1D 6LU	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   Sunday; 12:00 - 00:00
17/10882/LIPT	Rasa Sayang Restaurant	5 Macclesfield Street London W1D 6AY	Restaurant	Sunday; 11:00 - 23:30   Monday to Saturday; 11:00 - 00:00
20/09847/LIPN	Ruyi Chinese Restaurant	18 Gerrard Street London W1D 6JF	Not Recorded	Sunday; 10:00 - 22:30   Monday to Thursday; 08:00 - 23:30   Friday to Saturday; 08:00 -

				00:00   Sundays before Bank Holidays; 12:00 - 00:00
20/07900/LIPDPS	Le Hanoi	4 Macclesfield Street London W1D 6AX	Restaurant	Sunday; 12:00 - 23:00   Monday to Saturday; 10:00 - 23:30
15/11567/LIPDPS	Dumplings' Legend	Basement To First Floor 15 - 16 Gerrard Street London W1D 6JB	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 03:00
18/03805/LIPDPS	Opium Dim Sum Parlour	Ground Floor Entrance And Second Floor To Fourth Floor 15 - 16 Gerrard Street London W1D 6JB	Leisure (other)	Sunday; 12:00 - 00:00   Monday to Saturday; 12:00 - 03:00
19/12735/LIPDPS	Lotus Garden	Basement To First Floor 15 - 16 Gerrard Street London W1D 6JB	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
08/11517/LIPD	Gerry's Club	Basement 52-53 Dean Street London W1D 5BJ	Club or institution	Sunday; 12:00 - 23:00   Monday to Saturday; 10:00 - 03:30
20/10736/LIPCH	Comptons Of Soho Public House	51 - 53 Old Compton Street London W1D 6HN	Public house or pub restaurant	Sunday; 12:00 - 23:00   Monday to Thursday; 10:00 - 00:00   Friday to Saturday; 10:00 - 00:30   Sundays before Bank Holidays; 12:00 - 00:30
06/07153/WCCMAP	Crispin's Food & Wine	90 - 92 Shaftesbury Avenue London W1D 5EA	Shop	Monday to Sunday; 08:00 - 05:00
16/07026/LIPCH	Golden Lion Public House	51 Dean Street London W1D 5BH	Public house or pub restaurant	Sunday; 07:00 - 00:00   Sunday; 07:00 - 23:00   Monday to Thursday; 07:00 - 23:30   Monday to Saturday; 07:00 - 00:30   Friday to Saturday; 07:00 - 00:00
15/04586/LIPDPS	Vietnamese Restaurant	36 Wardour Street London W1D 6QT	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
16/10458/LIPVM	Plum Valley	20 Gerrard Street London W1D 6JQ	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
20/09110/LIPDPS	Sondheim Theatre	The Sondheim Theatre	Theatre	Monday to Sunday; 09:00 - 00:00

		Shaftesbury Avenue London W1D 6BA		
20/09026/LIPDPS	Poppies Fish & Chips	55-59 Old Compton Street London W1D 6HP	Cafe	Sunday; 09:00 - 01:00   Monday to Saturday; 09:00 - 01:30
17/03204/LIPDPS	Kowloon Restaurant	Basement And Ground Floor Gerrard Mansions 21 - 22 Gerrard Street London W1D 6JH	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
06/05841/WCCMAP	Camisa & Son	Basement And Ground Floor 61 Old Compton Street London W1D 6HS	Shop	Sunday; 10:00 - 22:30   Monday to Saturday; 08:00 - 23:00
19/00878/LIPT	Camisa & Son	Basement And Ground Floor 61 Old Compton Street London W1D 6HS	Shop	Sunday; 10:00 - 22:30   Monday to Saturday; 08:00 - 23:00
18/01928/LIPDPS	Hipchips	49 Old Compton Street London W1D 6HL	Restaurant	Sunday; 12:00 - 20:00   Monday to Saturday; 12:00 - 23:00
16/06186/LIPN	Viet Food	34-36 Wardour Street London	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
13/02742/LIPDPS	Cafe Espana	Basement To First Floor 63 Old Compton Street London W1D 6HT	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
20/05763/LIPV	Maoz	43 Old Compton Street London W1D 6HG	Restaurant	Sunday; 11:00 - 00:00   Monday to Thursday; 11:00 - 01:00   Friday to Saturday; 11:00 - 02:00
09/06572/LIPN	Amorino	41 Old Compton Street London W1D 6HF	Restaurant	Sunday; 12:00 - 23:00   Monday to Saturday; 12:00 - 01:00
20/09046/LIPVM	De Hems Public House	11 Macclesfield Street London W1D 5BW	Pub or pub restaurant with lodge	Monday; 07:00 - 00:30   Tuesday; 07:00 - 00:30   Wednesday; 07:00 - 00:30   Thursday; 07:00 - 00:30   Friday; 07:00 - 00:30   Sunday; 07:00 - 00:00
21/05153/LIPVM	Macellaio RC	39 - 45 Shaftesbury Avenue London W1D 6LA	Restaurant	Monday; 08:00 - 00:00   Tuesday; 08:00 - 00:00   Wednesday; 08:00 - 00:00   Thursday;

				08:00 - 00:00   Friday; 08:00 - 00:30   Saturday; 08:00 - 00:30   Sunday; 08:00 - 23:00
20/05564/LIPT	Cafe Monico	39 - 45 Shaftesbury Avenue London W1D 6LA	Not Recorded	Monday; 08:00 - 00:00   Tuesday; 08:00 - 00:00   Wednesday; 08:00 - 00:00   Thursday; 08:00 - 00:00   Friday; 08:00 - 00:30   Saturday; 08:00 - 00:30   Sunday; 08:00 - 23:00
18/04298/LIPDPS	Smack Soho	Kemble House 58 Dean Street London W1D 6AL	Cafe	Monday to Saturday; 12:00 - 22:00
17/14216/LIPDPS	Maitre Choux	60 Dean Street London W1D 6AW	Cafe	Sunday; 12:00 - 22:30   Monday to Saturday; 10:00 - 23:00
16/00056/LIPCH	&Pasta	60 Dean Street London W1D 6AW	Cafe	Sunday; 07:00 - 23:00   Monday to Thursday; 07:00 - 00:00   Friday to Saturday; 07:00 - 00:30
19/07471/LIPVM	Monga Fried Chicken	Basement And Ground Floor 12 Macclesfield Street London W1D 5BP	Restaurant	Sunday; 12:00 - 01:00   Monday to Saturday; 10:00 - 01:00
09/06680/LIPVM	French House Public House	49 Dean Street London W1D 5BG	Public house or pub restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
17/14772/LIPN	The Shan State	100 - 102 Shaftesbury Avenue London W1D 5EE	Restaurant	Monday to Sunday; 12:00 - 23:30
21/01613/LIPDPS	Gold Mine Restaurant	45 Wardour Street London W1D 6PZ	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
20/04250/LIPDPS	Le Relais De Venise L'Entrecote	50 Dean Street London W1D 5BQ	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 09:00 - 03:30

This page is intentionally left blank

Item No:	
Date:	11 August 2021
Licensing Ref No:	21/03388/LIPN - New Premises Licence
Title of Report:	36 - 40 Rupert Street London W1D 6DN
Report of:	Director of Public Protection and Licensing
Wards involved:	St James's
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Michelle Steward Senior Licensing Officer
Contact details	Telephone: 0207 641 6500 Email: msteward1@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>	12 April 2021		
<b>Applicant:</b>	Hovarda Uk Limited		
<b>Premises:</b>			
<b>Premises address:</b>	36 - 40 Rupert Street London W1D 6DN	<b>Ward:</b>	St James's Ward
		<b>Cumulative Impact Area:</b>	West End
		<b>Special Consideration Zone:</b>	None
<b>Premises description:</b>	This is a new premises licence application and according to the application, the premises is to operate as a restaurant.		
<b>Premises licence history:</b>	The premises has held a premises licence since 2005 and the current licence numbered 19/15030/LIPDPS can be seen at <b>Appendix 3</b> of this report together with a full licence history.		
<b>Applicant submissions:</b>	There are no submissions from the applicant.		
<b>Applicant amendments:</b>	There have been no amendments made to the application.		

<b>1-B</b>	<b>Proposed licensable activities and hours</b>						
<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	12:00
<b>End:</b>	02:30	02:30	02:30	02:30	02:30	02:30	02:30
<b>Seasonal variations/ Non-standard timings:</b>		All licensable activities shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. An additional hour to the standard and non-standard times on the day when British Summertime commences.					

<b>Live Music, Recorded Music and Anything of a similar description to that falling within (e), (f) or (g)</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	12:00
<b>End:</b>	02:30	02:30	02:30	02:30	02:30	02:30	02:30
<b>Seasonal variations/ Non-standard timings:</b>		All licensable activities shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. An additional hour to the standard and non-standard times on the day when British Summertime commences.					

Sale by retail of alcohol				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
<b>Start:</b>	10:00	10:00	10:00	10:00	10:00	10:00	12:00
<b>End:</b>	02:30	02:30	02:30	02:30	02:30	02:30	02:30
<b>Seasonal variations/ Non-standard timings:</b>		All licensable activities shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. An additional hour to the standard and non-standard times on the day when British Summertime commences.					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
<b>Start:</b>	08:00	08:00	08:00	08:00	08:00	08:00	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>		All licensable activities shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. An additional hour to the standard and non-standard times on the day when British Summertime commences.					

<b>2.</b>	<b>Representations</b>
<b>2-A</b>	<b>Responsible Authorities</b>
<b>Responsible Authority:</b>	Environmental Health Service
<b>Representative:</b>	Maxwell Koduah
<b>Received:</b>	26 April 2021
<p>I refer to the new premise licence application for the above-mentioned premises. The premises is located within the West End Cumulative Impact Area. I have considered the information that you have provided within and accompanying this application. I have also considered the proposed variation in line with the relevant policies within the Councils Statement of Licensing Policy dated January 2021.</p> <p>The applicant is seeking the following licensable activities:</p> <ol style="list-style-type: none"> <li>Performance of Live Music indoors at the following times: Monday to Saturday: 10:00 to 02:30 hours Sunday: 12:00 to 02:30 hours When British Summertime commences: 10:00 to 03:30 hours From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day</li> <li>Playing of Recorded Music indoors at the following times: Monday to Saturday: 10:00 to 02:30 hours Sunday: 12:00 to 02:30 hours When British Summertime commences: 10:00 to 03:30 hours From the end of permitted hours on New Year's Eve to the start of permitted hours on New</li> </ol>	

Year's Day

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

Monday to Saturday: 10:00 to 02:30 hours

Sunday: 12:00 to 02:30 hours

When British Summertime commences: 10:00 to 03:30 hours

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

4. Provision of Late-Night Refreshment "indoors" & "outdoors" at the following times

Monday to Sunday: 23:00 to 02:30 hours

When British Summertime commences: 23:00 to 03:30 hours

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

5. Supply of alcohol for consumption "on" & "off" the premises at the following times

Monday to Saturday: 10:00 to 02:30 hours

Sunday: 12:00 to 02:30 hours

When British Summertime commences: 10:00 to 03:30 hours

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

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

1. The hours requested to perform live music have the likely effect of causing an increase in Public Nuisance and within the West End Cumulative Impact area
2. The hours requested to play recorded music have the likely effect of causing an increase in Public Nuisance and within the West End Cumulative Impact area
3. The hours requested for regulated entertainment have the likely effect of causing an increase in Public Nuisance and within the West End Cumulative Impact area
4. The hours requested to provide late night refreshment have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the West End Cumulative Impact area
5. The supply of alcohol and hours requested to supply alcohol have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the West End Cumulative Impact area

There is a licence ref. 19/15030/LIPDPS in issue for the premises. Longer hours for the same licensable activities are been sought by this application. The public nuisance and public safety implication for longer hours will be discussed further with application.

The premises have been presented as a restaurant and therefore restaurant conditions shall be discussed further with applicant.

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

<b>Responsible Authority:</b>	Metropolitan Police Service
<b>Representative:</b>	PC Dave Morgan
<b>Received:</b>	26 April 2021
<p>With reference to the above, I am writing to inform you that the Metropolitan Police Service as a Responsible Authority are <b>objecting</b> to this application as it is our belief that if granted, the application would undermine the Licencing Objectives.</p> <p>The venue is situated within the West End Cumulative Impact Zone, a locality where there is traditionally high crime and disorder and we have concerns that this application will cause further policing problems in an already demanding area.</p> <p>The hours sought are beyond those on the existing licence (19/15030/LIPDPS) and they exceed the Westminster Councils Core Hours policy.</p> <p>There is also insufficient detail within operating schedule and the proposed conditions to fully promote the Licensing Objectives.</p> <p>It is for the applicant to demonstrate that this application will not add to the cumulative impact problems already experienced in this area.</p> <p>It is for the above reasons that we are objecting.</p> <p>I will be in contact with you shortly to discuss the application, but in the meantime, if you wish to contact myself, please email me at <a href="mailto:dmorgan@westminster.gov.uk">dmorgan@westminster.gov.uk</a>.</p>	

<b>Responsible Authority:</b>	Licensing Authority
<b>Representative:</b>	Jessica Donovan
<b>Received:</b>	10 May 2021

I write in relation to the application submitted for a new premises licence for Hovarda, 36 - 40 Rupert Street, London, W1D 6DN

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

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

The application seeks the following:

**Live Music**

Monday to Saturday 10:00-02:30

Sunday 12:00-02:30

All licensable activities shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. An additional hour to the standard and non-standard

times on the day when British Summertime commences.

**Recorded Music**

Monday to Saturday 10:00-02:30

Sunday 12:00-02:30

All licensable activities shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. An additional hour to the standard and non-standard

times on the day when British Summertime commences.

**Anything of a similar description to that falling within (e), (f) or (g)**

Monday to Saturday 10:00-02:30

Sunday 12:00-02:30

All licensable activities shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. An additional hour to the standard and non-standard

times on the day when British Summertime commences.

**Late Night Refreshment (Indoors and outdoors)**

Monday to Sunday 23:00-02:30

All licensable activities shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. An additional hour to the standard and non-standard

times on the day when British Summertime commences.

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

Monday to Saturday 10:00-02:30

Sunday 12:00-02:30

All licensable activities shall be extended from the end of permitted hours on New Year's Eve to

the start of permitted hours on New Year's Day. An additional hour to the standard and non-standard times on the day when British Summertime commences.

**Hours premises are open to the public**

Monday to Saturday 08:00-03:00

Sunday 10:00-03:00

Opening hours shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. An additional hour to the standard and non-standard times on the day when British Summertime commences.

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

Policy RTN1 (B) 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 Licensing Authority note that the applicant has proposed the following condition:

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.

However, The Licensing Authority encourages the applicant to consider MC66 in order to bring it in line with RTN1:

In the area hatched black, The premises shall only operate as a restaurant,

- (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) which do not provide any takeaway service of food or drink for immediate consumption off the premises,
  - (v) 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.

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.

This application falls within the PB1 Policy and the applicant will have to demonstrate exceptional circumstances to allow to depart from the Policy.

The Licensing Authority note that the application falls outside of Westminster core hours for Pubs and Bars and Restaurants

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 Core hours for restaurants are:

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.

In paragraph F102 the policy states 'The Licensing Authority is particularly concerned that restaurant premises within the West End Cumulative Impact Zone do not, even in part, come to operate as bars and particularly not as "vertical drinking" premises where customers consume alcohol standing throughout the evening. Submission has been made that not every individual in a group may wish to eat but should not be prevented from accompanying diners and having a drink. The Licensing Authority, however, is not minded to relax conditions for restaurants where alcohol may only be consumed by persons as an ancillary to their substantial table meal. However, it will prioritise its enforcement efforts at preventing a change of character of the premises towards bar use.'

The Licensing Authority would like the applicant to provide further submissions as to how the non-hatched area is to be operated and controlled, i.e. will the proposed area operate by way of a bar with vertical drinking?

The Licensing Authority note that the premises has the benefit of a premises licence 19/15030/LIPDPS. It is noted that this application seeks longer hours for the same licensable activities. The Licensing Authority require the application to provide submissions as to how the extension of hours will not add to cumulative impact in the West End Cumulative impact Zone.

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

No licensable activities shall take place at the premises until premises licence **19/15030/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 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 and RTN1.

Please accept this as a formal representation.

3.	<b>Policy &amp; Guidance</b>
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> <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</li> </ol>

	<p>are expected to be covered by Temporary Event Notices or variation applications.</p> <p><b>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><b>Policy CIP1 applies:</b></p>	<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</p>
<p><b>Policy RTN1 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 applicant has taken account of the Special Consideration Zones Policy SCZ1 if the premises are located within a designated zone.</li> <li>4. 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 applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone.</li> <li>4. 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.</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.

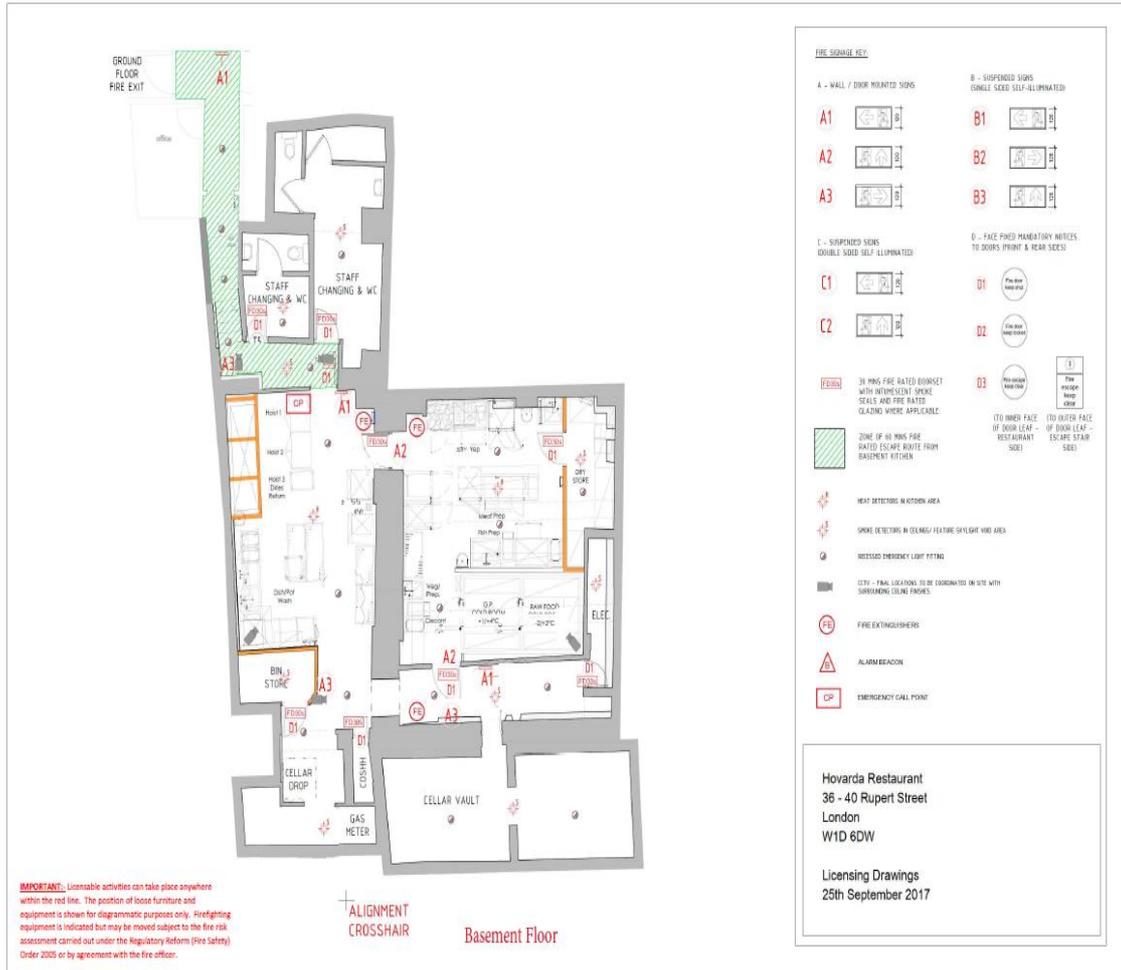
<b>5.</b>	<b>Appendices</b>
<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents
<b>Appendix 3</b>	Premises Licence and history
<b>Appendix 4</b>	Proposed conditions
<b>Appendix 5</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Michelle Steward Senior Licensing Officer
<b>Contact:</b>	Telephone: 0207 641 6500 Email: msteward1@westminster.gov.uk

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

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

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2021
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
<b>4</b>	Environmental Health Service Representation	26 April 2021
<b>5</b>	Metropolitan Police Service Representation	28 April 2021
<b>6</b>	Licensing Authority Representation	10 May 2021







There are no submissions from the applicant.



Schedule 12  
Part A

WARD: St James's  
UPRN: 010033583306

# City of Westminster

64 Victoria Street, London, SW1E 6QP

## Premises licence

Regulation 33, 34

**Premises licence number:**

19/15030/LIPDPS

**Original Reference:**

05/04977/LIPCV

### Part 1 – Premises details

**Postal address of premises:**

Hovarda  
36 - 40 Rupert Street  
London  
W1D 6DN

**Telephone Number:** Not Supplied

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

Not applicable

**Licensable activities authorised by the licence:**

Performance of Live Music  
Playing of Recorded Music  
Late Night Refreshment  
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 Live Music**

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

**Playing of Recorded Music**

Unrestricted

**Late Night Refreshment**

Monday to Saturday: 23:00 to 01:30  
Sunday: 23:00 to 01:00

**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 01:00

Sunday:

12:00 to 00:30

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

**The opening hours of the premises:**

**The opening hours of the premises:**

Monday to Saturday

10:00 to 01:30

Sunday

12:00 to 01:00

**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:**

Hovarda UK Limited  
5th Floor  
89 New Bond Street  
London  
W1S 1DA

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

10404701

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

**Name:** Natasha Maria Powell

*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:** 21932

**Licensing Authority:** London Borough Of Tower Hamlets

**Date:** 11 December 2019

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

## Annex 1 – Mandatory conditions

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

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

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

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

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

- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- (iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- (iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

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

#### Conditions for Sale of Alcohol

- 9. 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.
- 10. 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.
- 11. 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 preceding 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 are 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 which reproduce the effect of any restriction imposed on the use of the premises by specified enactment

- 13. (i) Alcohol shall not be sold or supplied except during permitted hours.  
In this condition, permitted hours means:
  - (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).
- (ii) Alcohol may be sold or supplied for one hour following the hours set out above and on Christmas day, between 15:00 and 19:00 to persons taking table meals in the premises

in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes or in other parts of the premises the hours set out above shall continue to apply.

- (iii) (a) Alcohol may be sold or supplied until 01:00 in the morning following weekdays and 00:30 in the morning following Sundays to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by that person in that part of the premises as an ancillary to his meal.
- (b) The alcohol must be sold or supplied at a time before (i) the provision of entertainment by persons present and performing or (ii) the provision of substantial refreshment, has ended. For other purposes or in other parts of the premises the hours set out above shall continue to apply.
- (c) This condition does not authorise any sale or supply to any person admitted to the premises either after midnight or less than half an hour before the entertainment is due to end, except in accordance with condition 8 (ii) above.

NOTE - The above restrictions do not prohibit:

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

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

- 14. The terminal hour for Late Night Refreshment on New Years Eve is extended to 05:00 on New Year's Day.

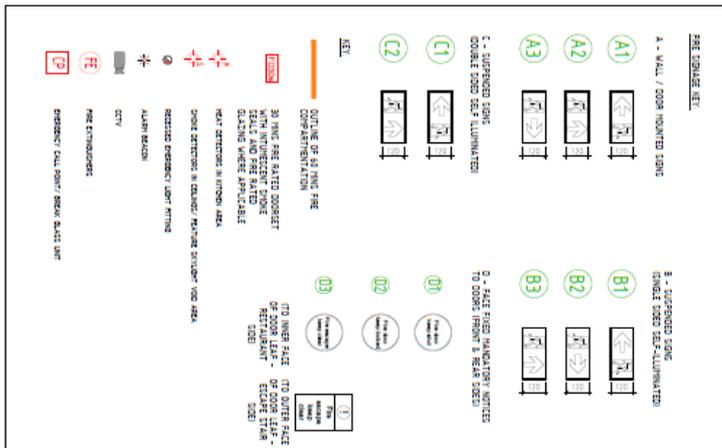
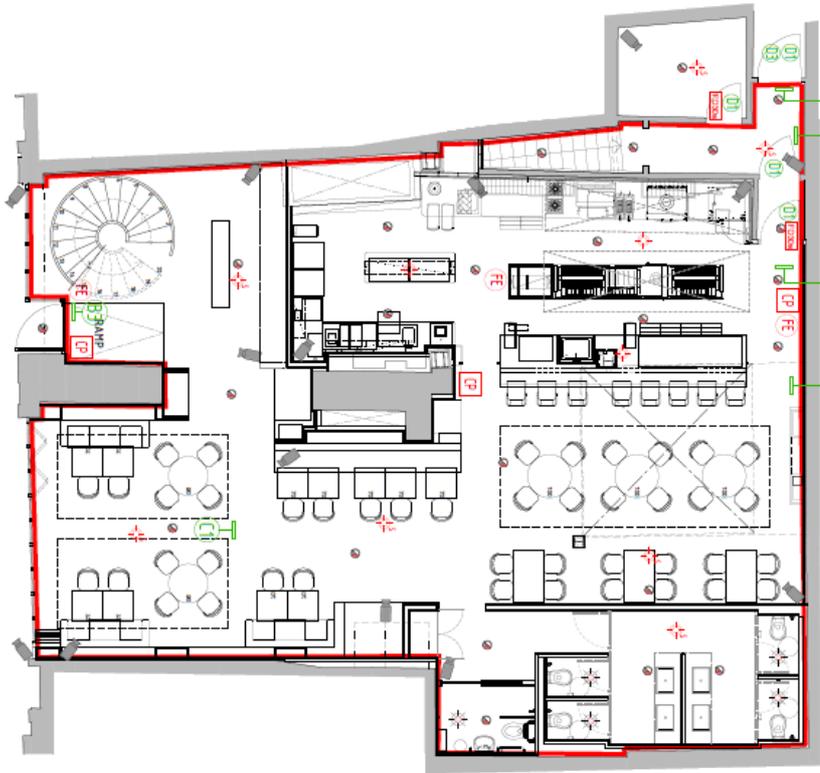
## **Annex 2 – Conditions consistent with the operating Schedule**

15. Any electrical socket outlets providing power for the live music shall be protected by a residual current device (RCD) of 30 milliamps sensitivity, complying with British Standard Specification 4293:1993.
16. No noise shall emanate from the premises, nor vibration be transmitted through the structure of the premises which give rise to nuisance.
17. The maximum number of persons permitted on the first floor of the premises (excluding staff) shall not exceed 110 persons

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

None

Annex 4 – Plans



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

**GENERAL NOTE:**

1. The above drawings are intended to be used in conjunction with the relevant Building Regulations and other applicable legislation. It is the responsibility of the client to ensure that the drawings are used in accordance with the relevant legislation and that all necessary permissions are obtained.

Client		271 Redwood Road, Davenport, VT, USA	
Project		Good Food Society	
Site		Horwath - Rupert Street	
Drawing		Restaurant Fit Out	
Date		24.03.19	
Scale		1:100 (A4)	
Author		Diverse	
Check		Diverse	
Drawn		Diverse	
Project No.		21146	
Drawing No.		775-01	
Revision		-	





# City of Westminster

64 Victoria Street, London, SW1E 6QP

## Premises licence summary

Regulation 33, 34

Premises licence number:

19/15030/LIPDPS

### Part 1 – Premises details

#### Postal address of premises:

Hovarda  
36 - 40 Rupert Street  
London  
W1D 6DN

Telephone Number: Not Supplied

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

Not applicable

#### Licensable activities authorised by the licence:

Performance of Live Music  
Playing of Recorded Music  
Late Night Refreshment  
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 Live Music

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

##### Playing of Recorded Music

Unrestricted

##### Late Night Refreshment

Monday to Saturday: 23:00 to 01:30  
Sunday: 23:00 to 01:00

**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 01:00  
Sunday: 12:00 to 00:30

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

**The opening hours of the premises:**

Monday to Saturday	10:00 to 01:30
Sunday	12:00 to 01:00

**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:**

Hovarda UK Limited  
5th Floor  
89 New Bond Street  
London  
W1S 1DA

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

10404701

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

**Name:** Natasha Maria Powell

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

Restricted

**Date:** 11 December 2019

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

### Licence & Appeal History

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
05/04977/LIPCV	Conversion of the Licence under the Licensing Act 2003	Granted under Delegated Authority	29 October 2005
05/12897/LIPDPS	Application to vary the Designated Premises Supervisor	Granted under Delegated Authority	19 December 2005
06/02095/LIPDPS	Application to vary the Designated Premises Supervisor	Granted under Delegated Authority	24 March 2006
06/10017/LIPDPS	Application to vary the Designated Premises Supervisor	Granted under Delegated Authority	18 October 2006
07/01475/LIPDPS	Application to vary the Designated Premises Supervisor	Granted under Delegated Authority	19 February 2007
07/04068/LIPV	Application to Vary the Premises Licence – Change of Layout	Granted under Delegated Authority	29 June 2007
07/06180/LIPDPS	Application to vary the Designated Premises Supervisor	Granted under Delegated Authority	29 June 2007
07/07804/LIPV	Application to Vary the Premises Licence – to add Live Music	Granted under Delegated Authority	07 September 2007
07/10739/LIPDPS	Application to vary the Designated Premises Supervisor	Granted under Delegated Authority	06 November 2007
09/07447/LIPDPS	Application to vary the Designated Premises Supervisor	Granted under Delegated Authority	10 November 2009
10/07680/LIPT	Application to transfer the Premises Licence - Alley Way Limited	Granted under Delegated Authority	15 October 2010
10/07681/LIPDPS	Application to vary the Designated Premises Supervisor	Granted under Delegated Authority	08 November 2010
13/09245/LIPT	Application to transfer the Premises Licence - Shaftesbury Chinatown Limited	Granted under Delegated Authority	31 December 2013

13/09755/LIPT	Application to transfer the Premises Licence - Bar Property Holdings Shaftesbury Limited	Granted under Delegated Authority	31 December 2013
13/09765/LIPDPS	Application to vary the Designated Premises Supervisor	Granted under Delegated Authority	13 January 2014
14/02716/LIPV	Application to Vary the Premises Licence – to vary the layout	Granted under Delegated Authority	19 May 2014
17/02175/LIPT	Application to transfer the Premises Licence - Hovarda UK Limited	Granted under Delegated Authority	10 May 2017
17/02924/LIPDPS	Application to vary the Designated Premises Supervisor	Granted under Delegated Authority	10 May 2017
17/11200/LIPVM	Minor Variation Application	Granted under Delegated Authority	24 October 2017
18/00746/LIPDPS	Application to vary the Designated Premises Supervisor	Granted under Delegated Authority	07 March 2018
19/00198/LIPDPS	Application to vary the Designated Premises Supervisor	Granted under Delegated Authority	26 February 2019
19/04264/LIPVM	Minor Variation Application - vary the layout of the premises	Granted under Delegated Authority	02 May 2019
19/15030/LIPDPS	Application to vary the Designated Premises Supervisor	Granted under Delegated Authority	11 December 2019

There is no licence or appeal history for the premises.

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

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

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

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

### Mandatory Conditions

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

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

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

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

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

## Conditions consistent with the operating schedule

9. 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.
10. 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.
11. 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 preceding 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 are 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 terminal hour for Late Night Refreshment on New Years Eve is extended to 05:00 on New Year's Day.
14. Any electrical socket outlets providing power for the live music shall be protected by a residual current device (RCD) of 30 milliamps sensitivity, complying with British Standard Specification 4293:1993.
15. No noise shall emanate from the premises, nor vibration be transmitted through the structure of the premises which give rise to nuisance.
16. The maximum number of persons permitted on the first floor of the premises (excluding staff) shall not exceed 110 persons.
17. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
18. 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.
19. 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.
20. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
21. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
22. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.

23. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements
24. No licensable activities shall take place 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.

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

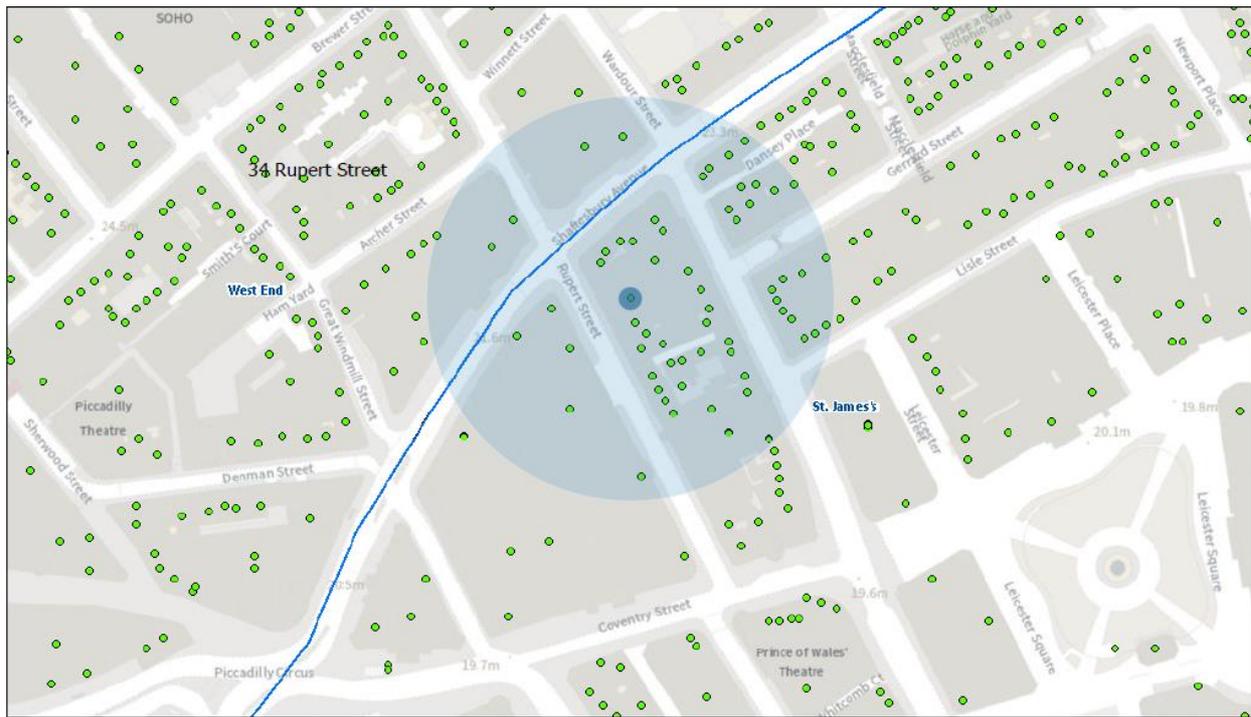
25. In the area hatched black, The premises shall only operate as a restaurant,
  - (i) in which customers are shown to their table or the customer will select a table themselves,
  - (ii) where the supply of alcohol is by waiter or waitress service only,
  - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table,
  - (iv) which do not provide any takeaway service of food or drink for immediate consumption off the premises,
  - (v) 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.
26. No licensable activities shall take place at the premises until premises licence **19/15030/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

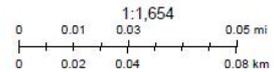
#### **Conditions proposed by the Police**

None



06/07/2021 14:37:02

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



Resident Count: 56

<b>Licensed Premises within 75 metres of 36-40 Rupert Street, London, W1D 6DN</b>				
<b>Licence Number</b>	<b>Trading Name</b>	<b>Address</b>	<b>Premises Type</b>	<b>Time Period</b>
19/15030/LIPDPS	Hovarda	36 - 40 Rupert Street London W1D 6DN	Restaurant	Not Recorded; XXXX - XXXX
14/01354/LIPVM	The Palomar	34 Rupert Street London W1D 6DN	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
17/03149/LIPCHT	XU	30 Rupert Street London W1D 6DL	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 01:30
14/01871/LIPDPS	Wong Kei Restaurant	41-43 Wardour Street London W1D 6PY	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
15/04805/LIPDPS	Caffe Concerto	50 Shaftesbury	Cafe	Monday to Sunday; 08:00

		Avenue London W1D 6LW		- 23:30
19/11416/LIPV	Thai Tho Soho	42 Rupert Street London W1D 6DP	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
18/04102/LIPDPS	Blue Posts Public House	28 Rupert Street London W1D 6DJ	Restaurant	Sunday; 12:00 - 23:00   Monday to Thursday; 10:00 - 23:30   Thursday to Friday; 10:00 - 00:00
18/02894/LIPDPS	Blue Posts Public House	28 Rupert Street London W1D 6DJ	Public house or pub restaurant	Sunday; 12:00 - 23:00   Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00
06/12437/WCCMAP	C & R Cafe Restaurant	3-4 Rupert Court London W1D 6DY	Shop	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
16/00578/LIPDPS	MW Buffet	58-60 Shaftesbury Avenue London W1D 6LS	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
17/14804/LIPV	Young Cheng Restaurant	39 Wardour Street London W1D 6PX	Restaurant	Sunday; 12:00 - 23:00   Monday to Saturday; 10:00 - 23:30
20/09645/LIPDPS	ONeills Public House	33 Wardour Street London W1D 6PU	Public house or pub restaurant	Sunday; 08:00 - 02:00   Monday to Tuesday; 08:00 - 02:30   Wednesday to Saturday; 08:00 - 03:30   Sundays

				before Bank Holidays; 08:00 - 02:30
21/01613/LIPDPS	Gold Mine Restaurant	45 Wardour Street London W1D 6PZ	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
14/10567/LIPVM	Fratelli La Bufala	40 Shaftesbury Avenue London W1D 7ER	Restaurant	Monday to Sunday; 09:00 - 01:00
16/02850/LIPDPS	Bar Rumba	Ground Floor Unit 17d Trocadero 13 Coventry Street London W1D 7ER	Restaurant	Sunday; 09:00 - 03:30   Monday to Saturday; 09:00 - 06:00
07/10675/WCCMAP	Sunrise Cafe And News	Ground Floor 31 Wardour Street London W1D 6PT	Shop	Sunday; 10:00 - 05:00   Monday to Saturday; 08:00 - 05:00
20/10928/LIPN	Not Recorded	29 Wardour Street London W1D 6PS	Not Recorded	Sunday; 10:00 - 00:00   Monday to Saturday; 10:00 - 00:30
19/12736/LIPDPS	Hungs Chinese Restaurant	Ground Floor To Second Floor 27 Wardour Street London W1D 6PR	Restaurant	Sunday; 12:00 - 04:30   Monday to Saturday; 10:00 - 04:30
18/16233/LIPN	Not Recorded	Unit 34B Trocadero 19 Rupert Street London W1D 7PN	Restaurant	Sunday; 10:00 - 00:00   Monday to Saturday; 10:00 - 01:30
20/03213/LIPT	Bubba Gump Shrimp Co.	Basement To First Floor Unit 75 Trocadero 13 Coventry Street London W1D 7AB	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
20/00949/LIPDPS	Not Recorded	Unit 29 Trocadero 13 Coventry Street London W1D 7AB	Not Recorded	Monday to Sunday; 00:00 - 00:00

19/07844/LIPN	United Chip, Unit 34a, The Trocodero	19A Rupert Street London W1D 6DF	Restaurant	Sunday; 12:00 - 22:30   Monday to Thursday; 11:00 - 23:30   Friday to Saturday; 11:00 - 00:00
20/06989/LIPV	Platinum Lace Gentlemans Club	Unit 33 Trocodero 13 Coventry Street London W1D 7AB	Night clubs and discos	Monday; 15:00 - 06:30   Tuesday; 15:00 - 06:30   Wednesday; 15:00 - 06:30   Thursday; 15:00 - 06:30   Friday; 15:00 - 06:30   Saturday; 15:00 - 06:30   Sunday; 15:00 - 03:30
19/00522/LIPDPS	Not Recorded	Unit 34B Trocodero 19 Rupert Street London W1D 7PN	Not Recorded	Sunday; 10:00 - 00:00   Monday to Saturday; 10:00 - 00:30
20/01462/LIPDPS	HaiDiLao	Units 4 And 5 Trocodero 13 Coventry Street London W1D 7AB	Restaurant	Sunday; 08:00 - 23:00   Tuesday to Thursday; 08:00 - 00:00   Friday to Saturday; 08:00 - 00:30   Sundays before Bank Holidays; 08:00 - 00:30
19/03860/LIPDPS	Four Seasons	23 Wardour Street London W1D 6PW	Restaurant	Sunday; 12:00 - 05:00   Monday to Saturday; 10:00 - 05:00
16/06186/LIPN	Viet Food	34-36 Wardour Street London	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
15/04586/LIPDPS	Vietnamese Restaurant	36 Wardour Street London W1D 6QT	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30

21/03508/LIPCH	Heritage	18 Rupert Street London W1D 6DD	Restaurant	Monday; 10:00 - 01:00   Tuesday; 10:00 - 01:00   Wednesday; 10:00 - 01:00   Thursday; 10:00 - 01:30   Friday; 10:00 - 01:30   Saturday; 10:00 - 01:30   Sunday; 12:00 - 00:00
20/02226/LIPDPS	Morden & Lea	17 Wardour Street London W1D 6PJ	Restaurant	Sunday; 12:00 - 00:00   Monday to Wednesday; 10:00 - 00:30   Thursday to Saturday; 10:00 - 01:30
20/00408/LIPDPS	Heritage	18 Rupert Street London W1D 6DD	Restaurant	Sunday; 12:00 - 00:00   Monday to Wednesday; 10:00 - 00:30   Thursday to Saturday; 10:00 - 01:30
06/12381/WCCMAP	Cafe T.P.T.	21 Wardour Street London W1D 6PN	Restaurant	Sunday; 12:00 - 01:00   Monday to Saturday; 10:00 - 01:00
06/13240/WCCMAP	Mr Wu Restaurant	28 Wardour Street London W1D 6QN	Restaurant	Monday to Sunday; 11:00 - 00:00
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
19/17177/LIPT	Old Town 97	19 Wardour Street London W1D 6PL	Restaurant	Sunday; 12:00 - 04:00   Monday to Saturday; 10:00 - 04:00

20/05973/LIPT	Shuang Shuang	64 Shaftesbury Avenue London W1D 6LU	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   Sunday; 12:00 - 00:00
17/03204/LIPDPS	Kowloon Restaurant	Basement And Ground Floor Gerrard Mansions 21 - 22 Gerrard Street London W1D 6JH	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
15/03177/LIPDPS	Gerrard's Corner	25 Gerrard Street London W1D 6JL	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
20/05564/LIPT	Cafe Monico	39 - 45 Shaftesbury Avenue London W1D 6LA	Not Recorded	Monday; 08:00 - 00:00   Tuesday; 08:00 - 00:00   Wednesday; 08:00 - 00:00   Thursday; 08:00 - 00:00   Friday; 08:00 - 00:30   Saturday; 08:00 - 00:30   Sunday; 08:00 - 23:00
21/05153/LIPVM	Macellaio RC	39 - 45 Shaftesbury Avenue London W1D 6LA	Restaurant	Monday; 08:00 - 00:00   Tuesday; 08:00 - 00:00   Wednesday; 08:00 - 00:00   Thursday; 08:00 - 00:00   Friday; 08:00 - 00:30   Saturday; 08:00 - 00:30   Sunday; 08:00 - 23:00
16/10204/LIPV	London Jade Garden	15 Wardour Street London W1D 6PH	Restaurant	Sunday; 12:00 - 23:00   Monday to Thursday; 10:00 - 00:00

				Friday to Saturday; 10:00 - 00:30
19/09537/LIPDPS	Waxy O'Connor's	Basement And Ground Floor 14 - 16 Rupert Street London W1D 6DD	Public house or pub restaurant	Sunday; 12:00 - 23:00   Sunday; 12:00 - 00:00   Monday to Thursday; 10:00 - 23:30   Monday to Saturday; 10:00 - 00:30   Friday to Saturday; 10:00 - 00:00   Sundays before Bank Holidays; 12:00 - 00:00
20/03201/LIPN	Orient London	15 Wardour Street London W1D 6PH	Restaurant	Monday; 10:00 - 00:30   Tuesday; 10:00 - 00:30   Wednesday; 10:00 - 00:30   Thursday; 10:00 - 00:30   Friday; 10:00 - 00:30   Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
20/05666/LIPT	Ichi Buns (22-22A)	22A Wardour Street London W1D 6QQ	Restaurant	Sunday; 12:00 - 02:00   Sunday; 12:00 - 23:00   Monday to Thursday; 10:00 - 00:00   Monday to Saturday; 10:00 - 02:00   Friday to Saturday; 10:00 - 00:30   Sundays before Bank Holidays; 12:00 - 00:00
19/12509/LIPDPS	London Chinatown Restaurant	27 Gerrard Street London W1D 6JN	Restaurant	Sunday; 12:00 - 23:00   Monday to Saturday; 10:00 - 23:30

19/09529/LIPDPS	Waxy's Little Sister	20 Wardour Street London W1D 6QG	Public house or pub restaurant	Sunday; 12:00 - 22:50   Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00
16/10458/LIPVM	Plum Valley	20 Gerrard Street London W1D 6JQ	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
11/01048/LIPDPS	Little Korea Ltd	2 - 3 Lisle Street London WC2H 7BG	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
20/04458/LIPT	Longji	68 - 70 Shaftesbury Avenue London W1D 6LY	Restaurant	Sunday; 11:00 - 04:00   Monday to Saturday; 10:00 - 04:00
06/04892/WCCMAP	Misato Restaurant	11 Wardour Street London W1D 6PG	Restaurant	Monday to Sunday; 11:00 - 00:00
19/03757/LIPVM	Sugar	First Floor And Second Floor 11 Wardour Street London W1D 6PG	Club or institution	Monday; 09:00 - 03:30   Tuesday; 09:00 - 03:30   Wednesday; 09:00 - 03:30   Thursday; 09:00 - 03:30   Friday; 09:00 - 06:00   Saturday; 09:00 - 06:00   Sunday; 09:00 - 23:00   Monday to Thursday; 09:00 - 03:30   Friday to Saturday; 09:00 - 06:00
14/01226/LIPT	Golden Dragon Restaurant	28 - 29 Gerrard Street London	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
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