HEARING TO BE CONDUCTED UNDER THE TERMS OF THE LICENSING ACT 2003



Committee Agenda

City of Westminster

Title:	Licensing Sub-Committee (2)
Meeting Date:	Thursday 15 December 2022
Time:	10.00 am
Venue:	This meeting will be held on MS TEAMS.
Members:	Councillors:
	Maggie Carman (Chair) Concia Albert Caroline Sargent
	If you require further information, please contact the Committee Officer, Sarah Craddock, Committee and Councillor Co-ordinator.
	Email: scraddock@westminster.gov.uk Tel: 07790980186 Corporate Website: <u>www.westminster.gov.uk</u>

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. AIRE ANCIENT BATHS LONDON, 2-3 ROBERT STREET, WC2N 6BH

Ward CIA* SCZ**	Site Name & Address	Applicat ion Type	Licensing Reference No.		
St James's	Aire Ancient	Variation	22/06449/LIPV		
None*	Baths London, 2-3 Robert	to the Premises			
West End	Street,	Licence			
Buffer **	WC2N 6BH				
*Cumulative Impact Area ** Special Consideration Zone					

2. GUINEA, 30-32 BRUTON PLACE, W1J 6NL

Ward CIA* SCZ**	Site Name & Address	Application Type	Licensing Reference No.
West End None* None**	Guinea, 30-32 Bruton Place, W1J 6NL	New Premises Licence	22/09389/LIPN
*Cumulative I ** Special Co	mpact Area nsideration Zone		

Stuart Love Chief Executive 7 December 2022 (Pages 31 - 74)

(Pages 1 - 30)

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

08:00 hours to 23:00 hours

09:00 hours to 22:30 hours

3. Hotels

4.

	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
-	Off licences	

Monday to Saturday: Sunday:

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:	12:00 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

Agenda Item 1.



City of Westminster

Item	No:
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Date:

Licensing Ref No:

Title of Report:

Licensing Sub-Committee Report

15 December 2022

22/06449/LIPV - Premises Licence Variation

Aire Ancient Baths London 2 - 3 Robert Street London WC2N 6BH

Director of Public Protection and Licensing

St James's

City of Westminster Statement of Licensing Policy

None

Jessica Donovan Senior Licensing Officer

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

Report of:

Wards involved:

Policy context:

Financial summary:

Report Author:

Contact details

1. Application

1-A Applicant and premises				
Application Type:	Variation of a Premises Licence, Licensing Act 2003			
Application received date:	28 June 2022			
Applicant:	Aire Ancient Baths London L	td		
Premises:	Aire Ancient Baths London			
Premises address:	2 - 3 Robert Street Ward: St James's London			
	WC2N 6BH	Cumulative Impact Area:	None	
	SpecialWest EndConsiderationBufferZone:			
Premises description:	The premises currently operates as a spa providing massages, spa baths and other treatments. Alcoholic beverages (wine and champagne) are served to users of the facility who have selected this option as part of a pre-paid package or chosen to add drinks to their treatment on the day.			
Variation description:	 This application seeks to the following: To vary the hours for Recorded Music, the Sale by Retail of Alcohol and the opening hours from 10:00 to 22:00 Monday to Thursday to 10:00 to 00:00. 			
Premises licence history:	The premises have had the benefit of a premises licence since 2021. A copy of the current premises licence (22/02403/LIDPSR) can be found at Appendix 2 of this report. Please see Appendix 3 for the full licence history.			
Applicant submissions:	There are no supporting documents from the applicant.			
Applicant amendments:	None			

1-B Current and proposed licensable activities, areas and hours

Regulated Entertainment

Recorded Music

		rent urs	-	osed urs	Licensable Area		
	Start:	End:	Start:	End:	Currer	nt:	Proposed:
Monday	10:00	22:00	10:00	00:00	Mezza	nine,	No change
Tuesday	10:00	22:00	10:00	00:00	Basem	nent 1,	_
Wednesday	10:00	22:00	10:00	00:00	Basement 2,		
Thursday	10:00	22:00	10:00	00:00	Ground floor &		
Friday	10:00	00:00	10:00	00:00	First floor		
Saturday	10:00	00:00	10:00	00:00			
Sunday	10:00	00:00	10:00	00:00			
Seasonal	Curr	ent:				Proposed:	
Variations/ Non-standard timings:	None	e				No change	

Sale by Retail of Alcohol							
On or off sales			Current :		Pro	Proposed:	
			On sales			No	change
	Current		Proposed Licensab		Licensable	Area	
	Но	Hours		Hours			
	Start:	End:	Start:	End:	Current:		Proposed:
Monday	10:00	22:00	10:00	00:00	Mezzanine,		No change
Tuesday	10:00	22:00	10:00	00:00	Basement 1	,	
Wednesday	10:00	22:00	10:00	00:00	Basement 2	2,	
Thursday	10:00	22:00	10:00	00:00	Ground floo	or &	
Friday	10:00	00:00	10:00	00:00	First floor		
Saturday	10:00	00:00	10:00	00:00			
Sunday	10:00	00:00	10:00	00:00			
Seasonal	Curr	ent:			Pro	posed:	
variations/	None	е —			No	change	
Non-standard						-	
timings:							

Hours premises are open to the public							
	Current				Premis	remises Area	
	Hours		Hours				
	Start:	End:	Start:	End:	Currer	nt:	Proposed:
Monday	10:00	22:00	10:00	00:00	Mezza	nine,	No change
Tuesday	10:00	22:00	10:00	00:00	Basem	nent 1,	
Wednesday	10:00	22:00	10:00	00:00	Basem	nent 2,	
Thursday	10:00	22:00	10:00	00:00	Ground	d floor &	
Friday	10:00	00:00	10:00	00:00	First flo	oor	
Saturday	10:00	00:00	10:00	00:00			
Sunday	10:00	00:00	10:00	00:00			
Seasonal	Curr	ent:				Proposed:	
variations/	None	Э				No change	
Non-standard timings:							

2-B Other Persons					
Name:					
Address and/or Residents Association:					
Status:	Valid	In support or opposed:	Opposed		
Received:	01 August 2022				
The shop, Aire Ancient Baths, is supposed to be a health spa facility. My family don't see why they need to sell alcohol or to gain any loud music license. Robert Street has no other retail shops, it has always been the quiet corner of John Adam Street. The Gordon's Bar nearby, the Theodore Bullfrog on John Adam Street, and the Retro Bar on the edge of John Adam Street have brought a lot of noise in the evening, particularly during Fridays and Saturdays. We do not wish the Baths to attract more drinking crowd in the area. Your understanding will be greatly appreciated. Thank you Name: Address and/or Residents Association:					
Status:	Valid	In support or opposed:	Opposed		
Received:	01 August 2022				
 We live right by this Bath shop. This is the core part of the Adelphi Conservation area that has always been quiet and almost shop-free. The creation of this retail service shop is already an exceptional case to our understanding. We object to allow it to sell alcohol because it may change the kind and volume of crowd/ traffic that it attracts. In ~100 feet of the Bath shop, there is already a Retro Bar (George Court/John Adam Street) which creates loud noise when they are busy. George Court is a narrow alley, somehow the noise can be kept a bit inside the alley. But Robert Street, where the Bath shop is situated, is a much wider and open street. Once the shop is allowed to sell alcohol, the shop can't control their customers from hanging around their shop front and making noise. Therefore, we strongly object this application. Thank you 					

3. Policy & Guidance

Policy SCZ1 Applies A. In addition to meeting the other policie applications within a designated Special demonstrate that they have taken account the Zone, in question as identified within Impact Assessment, and should set out measures in relation to those issues with B. For the purpose of Clause A, the desise Special Consideration Zones are: • West End Buffer • Queensway/Bayswater • Edgware Road	Consideration Zone should int of the issues particular to the 2020 Cumulative any proposed mitigation hin their operating schedule.
Special Consideration Zones are: • West End Buffer • Queensway/Bayswater	ignated
East Covent Garden	
• Mayfair • Victoria	
 Victoria Policy HRS1 applies A. Applications within the core hours set generally be granted for the relevant prebeing contrary to other policies in the States. Applications for hours outside the core C will be considered on their merits, sub policies, and with particular regard to the 1. The demonstration of compliance in the CD1, PS1, PN1 and CH1 associated with of the grant of a licence for later or earlied disorder, public safety, public nuisance a from harm. If the application is located within a Sp they have demonstrated that they have to issues identified in that area and provide 3. Whether there is residential accommon the premises that would likely be adverse being open or carrying out operations at 4. The proposed hours of the licensable customers will be permitted to remain or 5. The proposed hours of the licensable customers will be played. The hours when customers will be allooutside the premises or be within open a premises. The exapting hours of licensable activit of the premises (if any) and hours of lice vicinity. Whether customers and staff have ad transport when arriving at and leaving the night. The capacity of the premises. The ticensing objectives than other and bars are higher risk than theatres, c and sporting venues due to the nature of 1. The Licensing Authority will take into the measures proposed for a 'winding down 	mises uses, subject to not atement of Licensing Policy. e hours set out in Clause ject to other relevant e following: he requirements of policies th the likelihood of the effect er hours on crime and and the protection of children becial Consideration Zone taken account of the ed adequate mitigation. becau Consideration Zone taken account of the adadequate mitigation. becau cours proposed. activities and when in the premises. including incidental music, bewed to take food or drink areas which form part of the ties and the past operation ensable premises in the lequate access to public he premises, especially at me venues are more likely to ers; for example, pubs inemas and other cultural f the operation. b account the active

	arrangements for people to be collected from the premises to travel home safely.
	 12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises. 13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives. 14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.
	C. For the purpose of Clauses A and B above, the Core Hours for applications for each premises use type as defined within this policy
	are: 1. Casinos: Up to 24 hours a day whilst casino gaming is permitted by a premises licence under the Gambling Act 2005. 2. Cinemas, Cultural Venues and Live Sporting Premises: Monday to Sunday: 9am to 12am
	3. Hotels: 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. For the sale of alcohol to guests for consumption in hotel/guest rooms only:
	Anytime up to 24 hours. 4. Off licences: Monday to Saturday: 8am to 11pm. Sunday: 9am to 10.30pm.
	5. Outdoor Spaces: 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.
	6. Pubs and bars, Fast Food and Music and Dance venues: 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. 7. Qualifying Clubs: Monday to Thursday: 9am to 12am Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am.
	8. Restaurants: Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am.
	 Sexual Entertainment Venues and Sex Cinemas: 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.
	D. Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.
	E. For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement.
Policy SHP1 applies	A. Applications for a shop outside the West End Cumulative Impact

 Zone will generally be granted subject to: The application meeting the requirements of policies CD1, PS1, PN1 and CH1. The hours for licensable activities are within the council's Core Hours Policy HRS1. The operation of any delivery services for alcohol meeting the council's Ancillary Alcohol and/or Latenight Refreshment Delivery Service Policy DEL1. The applicant having taken account of the Special Consideration Zone Policy SCZ1 if the premises are located within a designated zone. The application and operation of the venue meeting the definition of a shop in Clause C. Applications for a shop inside the West End Cumulative Impact Zone will be considered on their own merits and subject to: The application meeting the requirements of policies CD1, PS1, PN1 and CH1. The hours for licensable activities are within the council's Core Hours Policy HRS1. The operation of any delivery services for alcohol meeting the council's Ancillary Alcohol and/or Latenight Refreshment Delivery Service Policy DEL1. The applicatin for any delivery services for alcohol meeting the council's Core Hours Policy HRS1. The operation of any delivery services for alcohol meeting the council's Ancillary Alcohol and/or Latenight Refreshment Delivery Service Policy DEL1.
 PN1 and CH1. 2. The hours for licensable activities are within the council's Core Hours Policy HRS1. 3. The operation of any delivery services for alcohol meeting the council's Ancillary Alcohol and/or Latenight Refreshment Delivery Service Policy DEL1. 4. The applicant having taken account of the Special Consideration Zone Policy SCZ1 if the premises are located within a designated zone. 5. The application and operation of the venue meeting the definition of a shop in Clause C. B. Applications for a shop inside the West End Cumulative Impact Zone will be considered on their own merits and 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 operation of any delivery services for alcohol meeting the council's Ancillary Alcohol and/or Latenight Refreshment Delivery Service Policy DEL1. 4. The applicant having demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone.
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 B. Applications for a shop inside the West End Cumulative Impact Zone will be considered on their own merits and 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 operation of any delivery services for alcohol meeting the council's Ancillary Alcohol and/or Latenight Refreshment Delivery Service Policy DEL1. 4. The applicant having demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone.
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 council's Ancillary Alcohol and/or Latenight Refreshment Delivery Service Policy DEL1. 4. The applicant having demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone.
cumulative impact within the Cumulative Impact Zone.
5. The application and operation of the venue meeting the definition of a shop in Clause C.
C. For the purposes of this policy:
1. A shop is defined as a stall, vehicle, vessel, temporary structure,
building or part of a stall, vehicle, vessel, temporary structure or
building where the primary activity is the sale of goods or services to customers upon payment.
2. The licensable activities for the sale of alcohol for consumption on
the premises, regulated entertainment and/or late night refreshment
must be ancillary to the primary use of the premises as a shop.
3. The licensable activity of the sale of alcohol for consumption off
the premises must be an ancillary function to the primary use of the
premises unless that primary use is to sell alcohol for consumption
off the premises, e.g. a traditional off licence.

4. Equality Implications

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

(a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and

(c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

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

5. Appendices

Appendix 1	Applicant supporting documents
Appendix 2	Existing premises licence 22/02403/LIDPSR
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

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

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

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	01 October 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Interested party 1 representation	01 August 2022
5	Interested party 2 representation	01 August 2022

Applicant Supporting Documents

There are no supporting documents from the applicant.

Existing premises licence 22/02403/LIDPSR

Appendix 2

2005	Schedule 12 Part A	WARD: St James's UPRN: 100023611795	
City of Westminster 64 Victoria Street, London, SW1E 6QP	Premises licence	Regulation 33, 34	
Premises licence number:	22/02403/L	LIDPSR	

Original	Reference:

21/05748/LIPN

Part 1 – Premises details

Postal address of premises:
Aire Ancient Baths London 2 - 3 Robert Street London WC2N 6BH
Telephone Number: Not supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Playing of Recorded Music Sale by Retail of Alcohol

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

Playing of Recorded Music Monday to Thursday: 10:00 to 22:00 Friday to Sunday: 10:00 to 00:00

Sale by Retail of Alcohol

Monday to Thursday: 10:00 to 22:00 Friday to Sunday: 10:00 to 00:00

The opening hours of the premises:

Monday to Thursday: 10:00 to 22:00 Friday to Sunday: 10:00 to 00:00

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

Alcohol is supplied for consumption on the Premises.

Part 2

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

Aire Ancient Baths London Ltd Wells House 80 Upper Street London England N1 0NU

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

10612826

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

Name:

None

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: N/A Licensing Authority: N/A

Date: 9th March 2022

This licence has been authorised by Abigail Mugisa 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: ¹/₂ 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+(DxV)

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
- V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

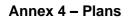
- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which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

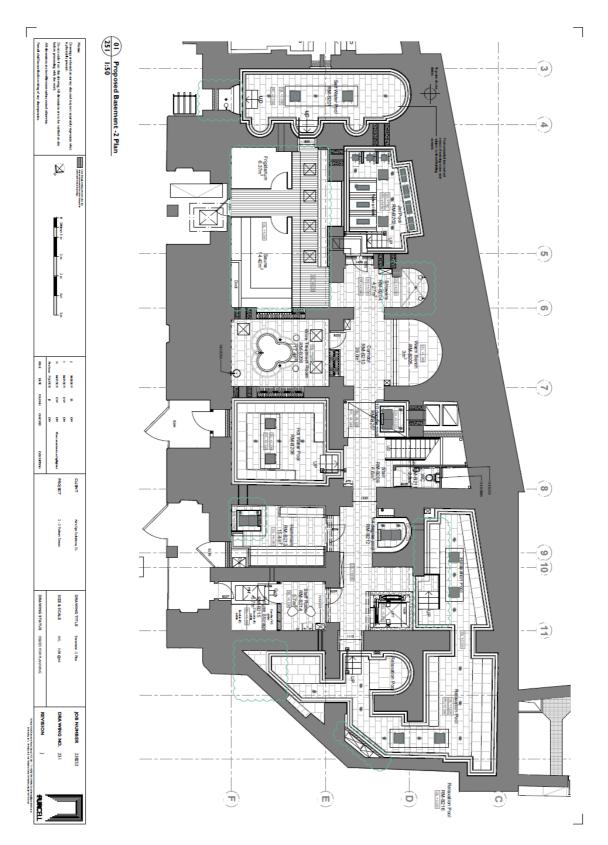
Annex 2 – Conditions consistent with the operating Schedule

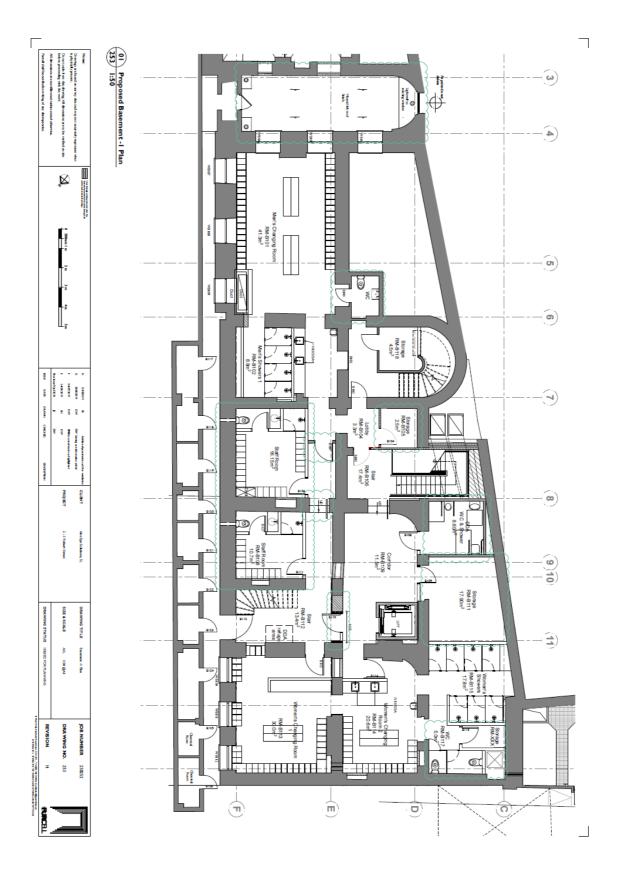
- 9. The supply of alcohol will always be ancillary to a pre-booked spa experience or ordered on the day ancillary to a treatment.
- 10. All alcoholic drinks served within the spa area will be in polycarbonate or plastic containers.
- 11. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram

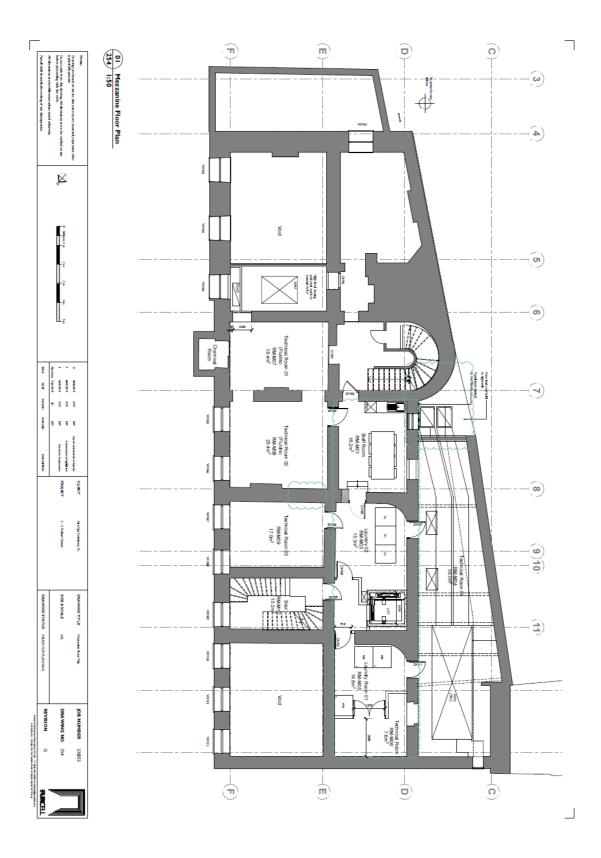
Annex 3 – Conditions attached after a hearing by the licensing authority

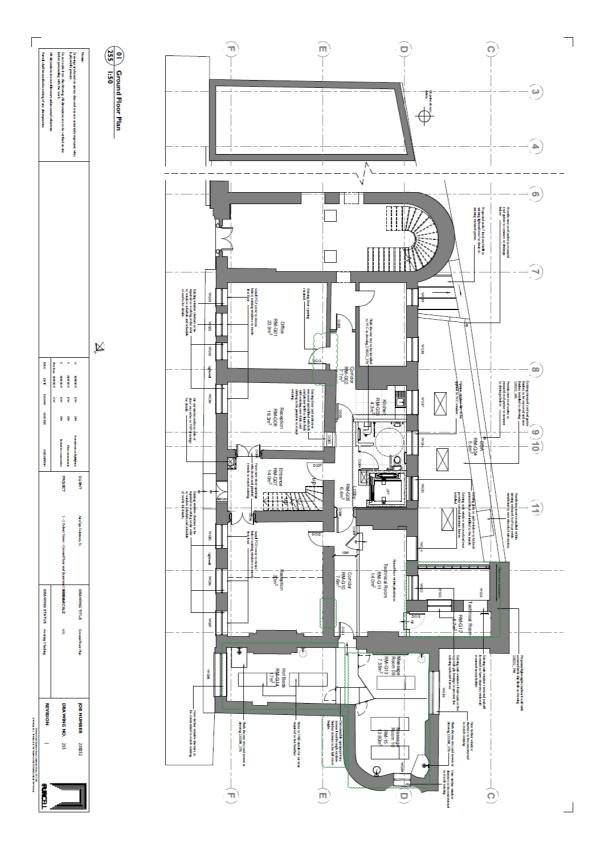
None





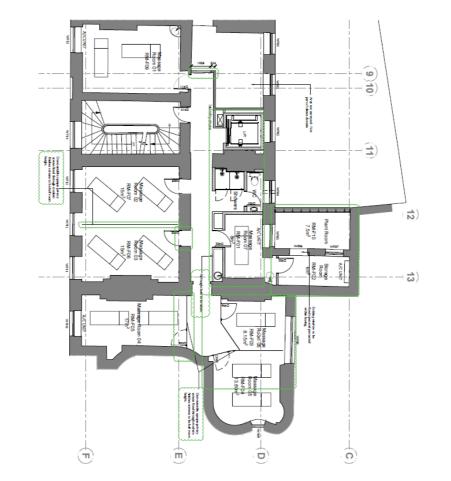












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Schedule 12 Part B WARD: St James's UPRN: 100023611795

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

Premises licence summary

Regulation 33, 34

Premises licence	22/02403/LIDPSR
number:	

Part 1 – Premises details

Postal address of premises:

Aire Ancient Baths London 2 - 3 Robert Street London WC2N 6BH

Telephone Number: Not supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Playing of Recorded Music Sale by Retail of Alcohol

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

Playing of Recorded Music

Monday to Thursday: 10:00 to 22:00 Friday to Sunday: 10:00 to 00:00

Sale by Retail of Alcohol Monday to Thursday: 10:00 to 22:00 Friday to Sunday: 10:00 to 00:00

The opening hours of the premises:

Monday to Thursday:10:00 to 22:00Frida to Sunday:10:00 to 00:00

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

Alcohol is supplied for consumption on the Premises.

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

Aire Ancient Baths London Ltd Wells House 80 Upper Street London England N1 0NU

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

10612826

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

Name:

None

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

Restricted

Date: 9th March 2022

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

Licence history

Appendix 3

Application	Details of Application	Date Determined	Decision
21/05748/LIPN	New premises licence	21.07.2021	Granted under Delegated Authority
22/02403/LIDPSR	Removal of a Designated Premises Supervisor	09.03.2022	Granted under Delegated Authority

Temporary Event Notices

Application	Details of Application	Date Determined	Decision
21/05930/LITENP	Temporary Event Notice	24.06.2021	Event allowed to proceed
21/06233/LITENP	Temporary Event Notice	01.07.2021	Event allowed to proceed
21/06533/LITENP	Temporary Event Notice	12.07.2021	Event allowed to proceed

There is no appeal history

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

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

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

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

Conditions: On Current Licence -

Mandatory:

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

or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
- 5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
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 - (i) beer or cider: ¹/₂ 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.

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

P = D+(DxV)

Where -

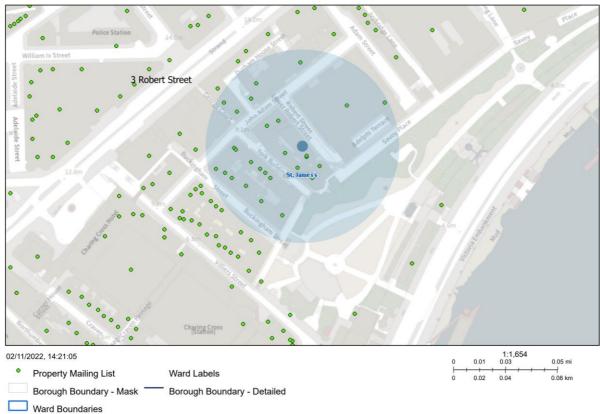
- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the 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.
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 - (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the operating Schedule

- 9. The supply of alcohol will always be ancillary to a pre-booked spa experience or ordered on the day ancillary to a treatment.
- 10. All alcoholic drinks served within the spa area will be in polycarbonate or plastic containers.
- 11. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

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

None



Aire Ancient Baths London, 2 - 3 Robert Street, London, WC2N 6BH

Resident count: 163

Licensed premises within 75 metres of Aire Ancient Baths London, 2 - 3 Robert Street, London, WC2N 6BH							
Licence Number	Trading Name	Address	Premises Type	Time Period			
21/01852/LIPN	Not Recorded	2 - 3 Robert Street London WC2N 6BH	Miscellaneous	Monday to Friday; 09:00 - 17:00			
22/02403/LIDPSR	Aire Ancient Baths London	2 - 3 Robert Street London WC2N 6BH	Special Treatment - Low risk premises	Monday; 10:00 - 22:00 Tuesday; 10:00 - 22:00 Wednesday; 10:00 - 22:00 Thursday; 10:00 - 22:00 Friday; 10:00 - 00:00 Saturday; 10:00 - 00:00 Sunday; 10:00 - 00:00			
22/02606/LIPDPS	Smith & Wollensky	The Adelphi 1- 11 John Adam Street London WC2N 6HT	Restaurant	Monday; 07:00 - 23:30 Tuesday; 07:00 - 23:30 Wednesday; 07:00 - 23:30 Thursday; 07:00 - 23:30 Friday; 07:00 - 00:00 Saturday; 07:00 - 00:00 Sunday; 07:00 - 22:30			
18/07773/LIPN	Royal Society Of Arts	Royal Society Of Arts 8 John Adam Street London WC2N 6EZ	Office	Monday to Sunday; 08:00 - 22:00			
20/10533/LIPCH	Retro Bar	2 George Court London WC2N 6HH	Public house or pub restaurant	Sunday; 12:00 - 23:00 Monday to Saturday; 10:00 - 23:30			

Agenda Item 2.



Item No:

Date:

Licensing Ref No:

Title of Report:

Licensing Sub-Committee Report

15 December 2022

22/09389/LIPN - New Premises Licence

Guinea 30-32 Bruton Place London W1J 6NL

Director of Public Protection and Licensing

West End

City of Westminster Statement of Licensing Policy

None

Roxsana Haq Senior Licensing Officer

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

Wards involved:

Report of:

Policy context:

Financial summary:

Report Author:

Contact details

1.	Application						
1-A	Applicant and premises						
Applic	ation Type:	New Premises Licence, Lic	ensing Act 2003				
Applic	ation received date:	4 October 2022					
Applic	ant:	Young & Co's Brewery Plc					
Premis	ses:	Guinea					
Premis	ses address:	30-32 Bruton Place London	Ward:	West End			
		W1J 6NL	Cumulative Impact Area:	None			
			Special Consideration Zone:	None			
Premis	ses description:	The premises operates as a traditional pub and restaurant situated in Mayfair. This application is a new licence application to extend the Guinea into the neighbouring premises.					
Premis	ses licence history:	The premises at number 30 Bruton Place has had the benefit of a premises licence since at least September 2005. The current premises licence (22/07754/LIPDPS) can be viewed at Appendix 3.					
Applic	ant submissions:	As part of the application the applicant has provided the following information: "The Guinea operation will not change and will merely be an extension of the floor space to offer additional area for dining. A pre-application meeting has been undertaken and recommendations implemented from the report".					
Applic	Applicant amendments: None.						

1-B P	Proposed licensable activities and hours							
Late Night Refreshment:				Indoors, outdoors or both			Indoors	
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun	
Start:	23:00	23:00 23:00		23:00	23:00	23:00	N/A	
End:	23:30	23:30	23:30	23:30	00:00	00:00	N/A	
Seasonal variations/ Non-standard timings: Sundays immediate From the end of pe start of permitted he				rmitted hour	s on New Ye	ar's Eve th		

Sale by retail of alcohol			On or off sales or both:			Both	
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	12:00
End:	23:30	23:30	23:30	23:30	00:00	00:00	22:30
Seasonal variations/ Non-standard timings: Sundays immediately prior to a Bank Holiday midday to midnight. From the end of permitted hours on New Year's Eve through to the start of permitted hours on New Year's Day.							

Recorded Music				Indoors, outdoors or both:			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	12:00
End:	23:30	23:30	23:30	23:30	00:00	00:00	22:30
Seasonal Non-stand	variations/ ard timings	: From t	he end of pe	ely prior to a ermitted hours ours on New	s on New Ye	ar's Eve th	o midnight. rough to the

Films				Indoors, outdoors or both:			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	12:00
End:	23:30	23:30	23:30	23:30	00:00	00:00	22:30
Seasonal Non-stand	variations/ ard timings	: From t	he end of pe	ely prior to a rmitted hours ours on New	s on New Ye	ar's Eve th	o midnight. rough to the

Hours prei	Hours premises are open to the public							
Day:	Mon	Tues	5	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00)	10:00	10:00	10:00	10:00	10:00
End:	00:00	00:00)	00:00	00:00	00:30	00:30	23:00
Seasonal variations/ Non- standard timings:			Fro	om the end o	of permitted l	to a Bank He hours on Nev nitted hours o	w Year's Eve	9
Adult Entertainment:			No	ne				

2. Represen	tations		
2-A Responsi	ble Authorities		
Responsible Authority:	Environmental Health Consultation Team		
Representative:	Mr Ian Watson		
Received:	31 October 2022		
I refer to the applic	ation for a New Premises Licence.		
The applicant has	submitted floor plans of the premises.		
This representation	n is based on the plans and operating schedule submitted.		
The applicant is se	eking the following		
Monday to Thu Friday and Sat Sunday betwee Sunday prior to 2. To provide Late Monday to Thu Friday and Sat NYE to NYD. S 3. To provide reg • Films • Record Monday to Th Friday and Sat Sunday betwee	the Supply of Alcohol 'On' and 'Off' the premises ursday 10.00 to 23.30 hours, urday between 10.00 and 00.00 hours and en 12.00 to 22.30 hours. NYE to NYD. b Bank Holiday Monday 12.00 to 00.00 hours. e Night Refreshment 'Indoors' ursday 23.00 to 23.30 hours, urday between 23.00 and 00.00 hours. Sunday prior to Bank Holiday Monday 23.00 to 00.00 hours. ulated entertainment 'Indoors' comprising ed Music ursday 10.00 to 23.30 hours, turday between 10.00 and 00.00 hours and ten 12.00 to 22.30 hours. Sunday prior to Bank Holiday Monday 12.00 to 00.00 hours.		
I wish to make the	following representation		
 The hours requested for the Supply of Alcohol will have the likely effect of causing increase in Public Nuisance within the area. The hours requested to permit the provision of late-night refreshment will have the like effect of causing an increase in Public Nuisance and impact on Public Safety within t area. The hours requested to permit the provision of regulated entertainment will have the like effect of causing an increase in Public Nuisance and impact on Public Safety within t area. 			
The applicant has	provided additional information with the application which is being addressed.		
Should you wish to	o discuss the matter further please do not hesitate to contact me.		
Ian Watson Senior Practitioner	Environmental Health (Licensing)		

	Other Per	sons			
Name:					
Address	and/or Re	sidents Association:			
Status:		Valid	In support or opposed:	Opposed	
Receive	d:	27 October 2022			
Further to your email I write with my concerns about the Guinea Grill's proposed extension of premises. As a tenant of 4 commercial properties in Bruton Place I am alarmed at the drinkers allowed to flood into the street in front of the Pub. These people block the street to pedestrians and cars, make a huge noise, break glass on the road and in general create an atmosphere very different to the one landlord Astrea, led me to believe they wanted for the place. I am also disgusted by the mess left behind at the end of an evening (someone had defecated by the bins opposite the pub last week) and the rows of full rubbish bins, rubbish bags, and empty beer barrels that are lined up next to my premises 27 Bruton Place 27 Bruton Place will be a Michelin starred restaurant and my clients will certainly not wish to se such a scrappy and uncared for environment. I have been obliged by Westminster Council to build refrigerated and enclosed bin storage for my restaurant which we have built at great expense in one of my other properties, Sirin Labs. How can Guinea be allowed to leave their rubbish in full view for more than a year? I would like to see the landlord and Council intervene to ensure that The Guinea adhere to guidance that reduces the numbers of drinkers on the street and forces them to treat their wast in the same way I have been asked to.					
		sidents Association			
Status:		Valid	In support of opposed:	Opposed	
Receive		28 October 2022			
In my opinion, the applicant has (by virtue of having opened an additional premises opposite side of Bruton Street) already expanded its operations to an inappropriate current application seeks to make an unsatisfactory and unbalanced situation even unreasonable to expect local residents to continue to tolerate this number of drinker consequent noise and nuisance, in this residential street. If in any doubt, please tak					
opposite current a unreasor consequ	side of Brut pplication s nable to exp ent noise ar	on Street) already expa eeks to make an unsatis ect local residents to co ad nuisance, in this resid	nded its operations to an inappr sfactory and unbalanced situatio ntinue to tolerate this number of lential street . If in any doubt, ple	opriate degree. The n even worse. It is drinkers, with	
opposite current a unreasor consequ down Bru	side of Brut pplication s nable to exp ent noise ar	on Street) already expa eeks to make an unsatis ect local residents to co	nded its operations to an inappr sfactory and unbalanced situatio ntinue to tolerate this number of lential street . If in any doubt, ple	opriate degree. The n even worse. It is drinkers, with	
opposite current a unreasor consequ down Bru Name:	side of Brut pplication s nable to exp ent noise ar uton Street o	on Street) already expa eeks to make an unsatis ect local residents to co ad nuisance, in this resid	nded its operations to an inappr sfactory and unbalanced situatio ntinue to tolerate this number of lential street . If in any doubt, ple	opriate degree. The n even worse. It is drinkers, with	
opposite current a unreasor consequ down Bru Name:	side of Brut pplication s nable to exp ent noise ar uton Street o	on Street) already expa eeks to make an unsatis ect local residents to co nd nuisance, in this resid on any weekday evening	nded its operations to an inappr sfactory and unbalanced situatio ntinue to tolerate this number of lential street . If in any doubt, ple	opriate degree. The n even worse. It is drinkers, with	
opposite current a unreasor consequ down Bru Name: Address Status: Receive	side of Brut pplication s nable to exp ent noise ar uton Street of and/or Res d:	on Street) already expa eeks to make an unsatis ect local residents to co ad nuisance, in this resid on any weekday evening sidents Association Valid 30 October 2022	nded its operations to an inappr sfactory and unbalanced situatio ntinue to tolerate this number of lential street . If in any doubt, pla 3.	opriate degree. The n even worse. It is drinkers, with ease take a walk	

Name:			
Address and/or Reside	nts Association:		
Status:	Valid	In support or opposed:	Opposed
Received:	25 October 2022		

We are instructed by **Example 1** to make a representation against the application for grant of a new premises licence made by Young & Co's Brewery Plc for Guinea, 30 – 32 Bruton Place, London W1J 6NL.

	the first solo restaurant of Michelin-starred
chef , opening later this year.	

Nuisance in the external area

Our client's prevailing concern arising from the application is an increase in public nuisance and crime and disorder. The new licence plans indicate a vast increase in size of licensable area as compared to existing and, as a direct result of that, there will be a corresponding increase in number of customers both within and outside the Premises, with the inevitable outcome of increased disturbance arising, in particular, from the use of the external area which is almost opposite our client's new restaurant.

As an existing neighbour, our client has already witnessed and experienced the encroachment of customers from the Guinea onto its property and nuisance caused by those using the external area, including defecation.

Whilst the application has offered a condition that there shall be no *drinking* outside the premises after 23:00 daily, this is wholly insufficient to deal with the noise, disturbance and nuisance caused by customers outside of the premises.

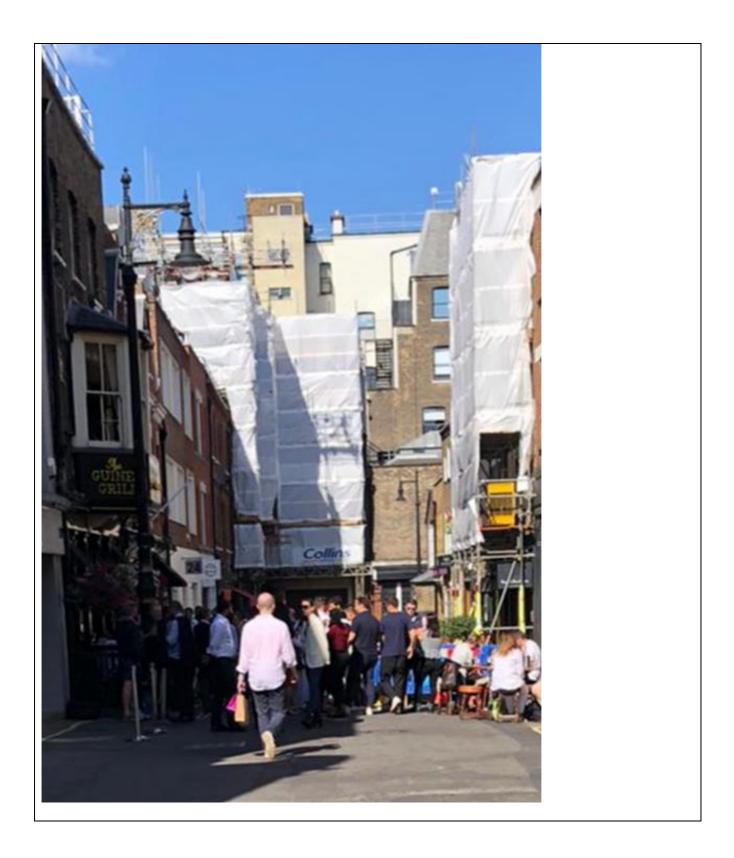
Furthermore, as drafted, the condition does not prevent customers from *being* in the area at any time, nor does it restrict the numbers of customers permitted to be in the area and the area they occupy. These are key factors relative to the promotion of the licensing objectives and the Council's policies and it is disappointing that the Applicant has not seen fit to address them.

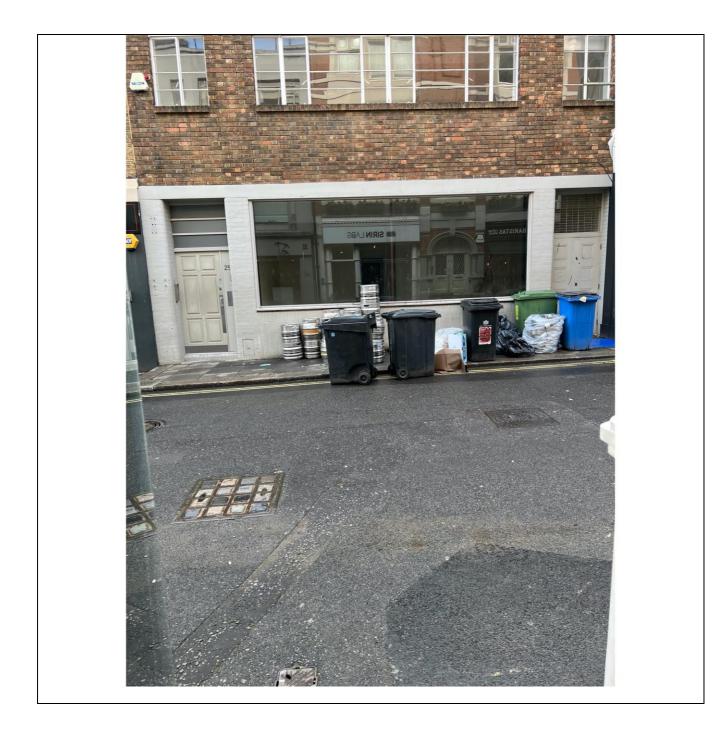
Additional nuisance concerns

Our client is also considered about noise and disturbance arising from the waste collections from the Premises and late night/early morning deliveries to the Premises. The increased licensable area will add to the increased waste at the premises. Insufficient conditions have been offered to mitigate the likely disturbance from this.

Photographs of some examples are attached.

We should be grateful if this letter can be placed before the Licensing Sub-Committee when determining this application. Please keep us informed of the progress of this application.





Report of Observations

at

The Guinea Grill, 30 Bruton Place, London W1J 6NL.

by

Adrian Studd, Independent Licensing Consultant.

Section 1. Introduction. Section 2. Summary of Expertise. Section 3. Observations. Section 4. Conclusion from Observations. Section 5. New Licence application. Section 6. Conclusion and Recommendations.

1. Introduction.

- 1.1 Thomas & Thomas Partners LLP have instructed me to conduct observations at the Guinea Grill, 30, Bruton Place, Mayfair, W1 on behalf of the premises is a public house and restaurant that is popular with locals and tourists and gets very busy in the late afternoon and evening with the after-work crowd. I understand that many customers are outside and drinking in the road, and outside nearby premises, causing obstruction to the road and to the nearby premises.
- 1.2 Apparently, this has become more of an issue in recent months, obstructing access to other premises and to traffic using the road and it is having a negative impact on the area and existing businesses. I am informed that a new business that will open opposite at 27 Bruton Place is already experiencing problems with access and the same operator will also be using number 26 Bruton place for staff facilities and has a licence for a test kitchen at number 44 a short way along the road. At

present access to all these premises is often very difficult due to customers standing outside and drinking who can become abusive if they are asked to move.

2. <u>Summary of expertise – Adrian Studd.</u>

- 2.1 I retired from the police service on 2nd November 2012 having completed 31 years exemplary service with the Metropolitan Police in London. Between January 2012 and my retirement, I was employed as the Chief Inspector in charge of licensing for the London Olympic Games 2012. In this role, I headed up a team of officers with responsibility for supervision of licensing compliance at all the Olympic venues, including the Olympic Park. In addition, I was responsible for ensuring that any associated events were properly licensed, sufficiently staffed and operated in accordance with the licensing legislation and best practice to ensure the safe and effective delivery of the Olympic Games.
- 2.2 In addition to leading my team, I visited and worked with both the Olympic Park management and many other venues, reviewing their policies and procedures, and ensuring that the Games were delivered safely and securely. The success of this operation not only protected the reputation of the MPS but provided positive benefits for the profile of the MPS and the United Kingdom. I was awarded an Assistant Commissioners Commendation for this work.
- 2.3 Prior to this role, between Jan 2002 and January 2012, I was employed first as an Inspector and then as a Chief Inspector on the MPS Clubs and Vice Unit (Now SCD9 Serious and Organised crime command). My responsibilities over this period focussed on licensing and included day to day supervision of the licensing team that had a London wide remit to support the Boroughs with licensing activity.
- 2.4 Providing both Overt and Covert support for policing problem licensed premises across London, my team worked with premises when licensing issues were identified, to address these problems using action plans in order to raise their standards. Where this failed, I would support the Boroughs with evidence for use at review hearings if required. I devised and implemented the MPS strategy 'Safe

and Sound' which sought to improve the safety of customers at licensed premises by reducing violent and other crime, in particular gun crime and the most serious violence. I also developed the Promoters Forum and risk assessment process, and together these initiatives contributed to an overall reduction in violence in London of 5% and of the most serious violence and gun crime at licensed premises by 20% whilst I was there.

- 2.5 From 2004 until 2008, my role included representing the MPS and ACPO licensing lead both in London and Nationally. In this role, I developed key partnerships with industry, NGOs, and Government departments to improve the standards at licensed premises. I sat on the BII working party and helped develop the national training for Door Supervisors and worked with the SIA to successfully introduce the new regime within London. I sat on several Government working parties and worked closely with the alcohol harm reduction team on identifying best practice and ensuring this was used both within London and nationally by police and local authorities.
- 2.6 I was involved with Best Bar None for several years and successfully helped several boroughs to implement the initiative. I was a trained Purple Flag and Best Bar none assessor and, until my retirement, I sat on the Board for Best Bar None in the Royal Borough of Kensington and Chelsea. For the last five years of my service, I was in charge of licensing for the Notting Hill Carnival, the largest street carnival in Europe. During this time, I contributed to a reduction in violence overall at the Carnival and delivered increased seizures of illegal alcohol, reduction of unlicensed alcohol sales and a reduction in alcohol related violence. In addition to the above, I have attended many internal MPS training and qualification courses, and I am trained in conducting health and safety risk assessments and hold the National Certificate for Licensing Practitioners, issued by the British Institute of Inn keeping (BII).
- 2.7 Since my retirement I have worked as an expert licensing consultant providing independent advice for premises requiring a local authority licence. I have

provided evidence gathering services and advice to a broad range of licensed premises on a variety of issues, including crime and disorder, noise and nuisance, cumulative impact, sexual entertainment, street drinking, rough sleepers, age related products, betting and gaming and planning. This work has involved premises that benefit from licences for activities such as alcohol on and off licences, betting premises licences, SEV licences and late-night refreshment. I have provided expert witness evidence at both local authority and appeal court hearings.

3. Observations.

- 3.1 I conducted observations at the premises on Wednesday 9th November 2022 arriving initially at about 12.45 hours in the afternoon. The premises was quiet at this time with no customers outside. There were rope barriers outside the premises on the edge of the small forecourt area that is covered with green Astro-turf type material.
- 3.2 This forecourt area is about a metre or so deep and extends along the front of the premises, although the area shown and crosshatched on the existing plan of the premises as 'outdoor drinking area' appears to be much deeper and, as drawn, extends more than halfway across the Bruton Place road. This area is omitted from the plan for the new application.
- 3.3 The premises next door to The Guinea Grill, number 26 Bruton Place, is called Les Platanes and appears to be currently closed. Outside this premises, on the public highway, is a 'counter' that I later observed being used by Guinea Grill customers to stand around and place drinks on.



Image showing Guinea Grill in background with rope barriers outside and 'counter' placed in road outside Les Platanes next door.

- 3.4 Next door on the other side at 32 Bruton Place is currently an art gallery. This premises is subject of a new licence application from Young & Co's Brewery Plc to extend the restaurant facilities at The Guinea to make one premises, 30-32, Bruton Place. This application will greatly increase the restaurant facilities but does not increase the bar size or capacity.
- 3.5 I returned to the premises at about 17.00 hours. The weather was mild for November, but it was still a chilly autumnal day, and I did not expect to see the crowds outside that had apparently been experienced during the warmer summer months. I was surprised to find a large number of customers, mainly male, outside the premises drinking and out in the road. The 'counter' in the road was being used for drinks, as were the forecourts and windowsills of surrounding premises.



Outside Guinea Grill, 17.45 hours on 9/11/22.

- 3.6 At times, the road was completely blocked by these customers, mainly men, standing drinking and chatting. Bruton Place was fortunately not very busy with traffic and is a one-way road, however on occasion the traffic was brought to a standstill by the crowds and had to thread its way through the drinkers, sometimes sounding the horn to warn them and encourage them to move. This causes inconvenience to road users and danger to those standing in the road drinking who are sometimes reluctant to move.
- 3.7 Pedestrians also had to thread their way through which can be difficult and intimidating for older people, lone women and all female groups. There are residential properties above the ground floor retail and licensed premises, so residents also have to make their way through these drinking groups. I did not see any emergency vehicles attempting to get through the crowd, but this would inevitably have been difficult, time consuming and potentially dangerous had they needed to.
- 3.8 I went into the premises via the bar entrance which is to the right-hand side of the building. The bar room is small and the bar itself dominates the room leaving very little room for customers. There are a couple of tables in the window which were occupied and the whole bar was very crowded with customers drinking and those seeking to be served and attempting to turn and leave with their drinks.
- 3.9 It is clear that a considerable proportion of the premises is given over to the restaurant service with restaurant areas on the ground floor and private dining

rooms on the first floor leaving little room for the bar customers. The current plans for increasing the restaurant facilities does not include increasing the bar size.

- 3.10 The male toilet for bar customers is accessed along a narrow area past the serving bar and on the right. The toilet is small with three urinals, so close together it is difficult for more than two to be used at the same time, and a single cubicle. The toilet facility seemed wholly inadequate for the number of male drinkers using the premises.
- 3.11 The crowds outside remained all evening. Walking around the vicinity I observed discarded glasses on windowsills of nearby premises and occasional pieces of broken glass in the road where a glass had been dropped and broken. I observed a male, dressed in suit trousers and a waistcoat with long grey hair in a ponytail, walking around and clearing up empty glasses that had been left discarded, but no attempt was made to move customers from the road or manage them in any way. I did not see any door supervisors at the premises.



Outside Guinea Grill, 20.03 hours on 9/11/22.

3.12 During the evening I could see evidence of urination in nearby doorways and quiet corners, this is unsurprising given the number of male customers and limited toilet facilities available to them in the premises. I left the area at about 20.30 hours and there was still a considerable number of people outside and drinking in the road.

4. Conclusions from observations.

- 4.1 I spoke to two of the business operators in Bruton Place on the 9th of November 2022. Both gave similar accounts of the problems that they had observed, and both stated that the problems had got significantly worse over recent months. During the summer in particular the road was often impassable for traffic and, as the evening wore on and the customers drank more, some became abusive when asked to move to allow traffic past. Public urination, and worse, is a problem in the street.
- 4.2 According to the licensing register, the DPS was until 15th August 2022, Oisin Rogers. Since that time, the DPS has been Cristiano Pellizzari.
- 4.3 While the operation of a successful licensed premises relies on all its staff it is undeniable that the DPS plays a key role, and this is reflected in the legislation. It is made clear that it is this individual who has responsibility under the Licensing Act for *day to day running* of the premises.
- 4.4 The Guinea Grill currently has an application to WCC to substantially increase the size of the premises by taking over the building next door at number 32. This application will increase the restaurant space available significantly at the premises but not the space for bar customers or bar toilet facilities. With additional customers coming to the premises and drinking before and/or after a meal or even without a meal the current problems will undoubtably get even worse. It also significantly increases the frontage of the premises, hence a further intensification of where customers can stand and drink outside.

5. <u>New application.</u>

5.1 The new application to increase the size of the premises does not acknowledge the issues currently caused or propose any measures to mitigate them:

"This application is a new licence application to extend the Guinea into the neighbouring premises. The Guinea operation will not change and will be merely an extension of the floor space to offer additional area for dining.

A pre-application meeting has been undertaken with Ian Watson, Licensing Officer, and recommendations implemented from the following report.

Young's contend that this will improve the premises in terms of its ability to cater for more customers, not just tourists but people passing buy and local businesspeople and residents.

Young's are extremely experienced at operating close to local residents and are aware of course of the presence of these in the nearby buildings along Bruton Place.

The Guinea, if the application is granted, will continue to be a popular and wellrun establishment offering the finest quality steaks and beers and ales to the local Mayfair community.

The Applicant is confident that this can be done in a way that will promote the licensing objectives."

- 5.2 Paragraph 1 makes it clear that the intention is to increase the size for dining only and not make any additional provision for existing, and new, bar customers. This will only exacerbate the existing problems the premises causes.
- 5.3 Paragraph 4 refers to the nearby residents but makes no reference to how they are considered by the premises. My understanding is that most are unhappy with the current operation, and this will only get worse.
- 5.4 The last paragraph states the applicants confidence that the larger premises will promote the licensing objectives. The existing premises currently fails to promote the licensing objectives in the way that it causes public nuisance, compromises the safety of its customers standing in the road and encourages crime and disorder through failing to provide adequate facilities for its customers and failing to properly manage them.

6. <u>Conclusion and Recommendations.</u>

- 6.1 The existing issues will be made worse if the application is granted and the premises is allowed to expand its capacity with no improvement in the day to day running of the premises and management of the public space outside.
- 6.2 The use of conditions should be considered in order to ensure that the premises is run in a manner that does not negatively impact on the vicinity and promotes the licensing objectives, these could include:
 - Use of door supervisors during the busy afternoon and evening periods.
 - Limit the number of customers who are permitted to drink outside at any one time to a number than can be accommodated on the frontage of the premises without obstructing the road and using other premises frontage.
 - Limit the times and areas where customers can drink outside.

• Ensure no furniture is placed on the road or public space, such as the existing 'counter' that encourages customers to stand around outside drinking in the public space.

Adrian Studd, Independent Licensing Consultant, 15/11/2022.

3. Policy & Gui	B. Policy & Guidance					
The following policies v	The following policies within the City Of Westminster Statement of Licensing Policy apply:					
Public Houses and Bars Policy PB1 applies	 A. Applications outside the West End Cumulative 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 being within the council's Core Hours Policy HRS1. 3. The operation of any delivery services for alcohol and/or late-night refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1. 4. The applicant has taken account of the Special Consideration Zones policy SCZ1 if the premises are located within a designated zone. 5. The application and operation of the venue meet the definition of a Public House or Bar in Clause D. C. The applications referred to in Clause B1 and B2 will generally be granted subject to: The operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or, The applications referred to in Clause B1 and B2 will generally be granted subject to: The application meeting the requirements of policies CD1, PS1, PN1 and CH1, and/or, The operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1. D. For the purposes of this policy a Public House or Bar is defined as a 					
Hours Policy HRS1 applies	 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. A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy. B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following: 					
	 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. 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. 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. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises. 					

 5. The proposed hours when any music, including incidental music, will be played. 6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises. 7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises, especially at night. 8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night. 9. The capacity of the premises. 10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation. 11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises cases a suitable period of time before customers are required to leave the premises. 13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives. 14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to real to plan accordingly. The consideration of applications for later hours are generally granted for preceding Sundays will take into account that later hours are used to be aveced by Temporary Event Notices or variation applications. C. For the purpose of Clauses A and B above, the Core Hours for applications for each premises use type as defined within this policy are: 6. Pubs and bars, Fast Food and Music and Dance venues Monday to Thursday: 10am to 11.30pm. Friday and Saturday: 10am to 11.30pm. Friday	
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4. Equality Implications

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

(a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and

(c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

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

5.	Appendi	ces
Appendi	x 1	Premises plans
Appendi	x 2	Applicant supporting documents
Appendi	x 3	Environmental Health supporting evidence
Appendi	x 4	Premises history
Appendi	x 5	Proposed conditions
Appendi	x 6	Residential map and list of premises in the vicinity

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

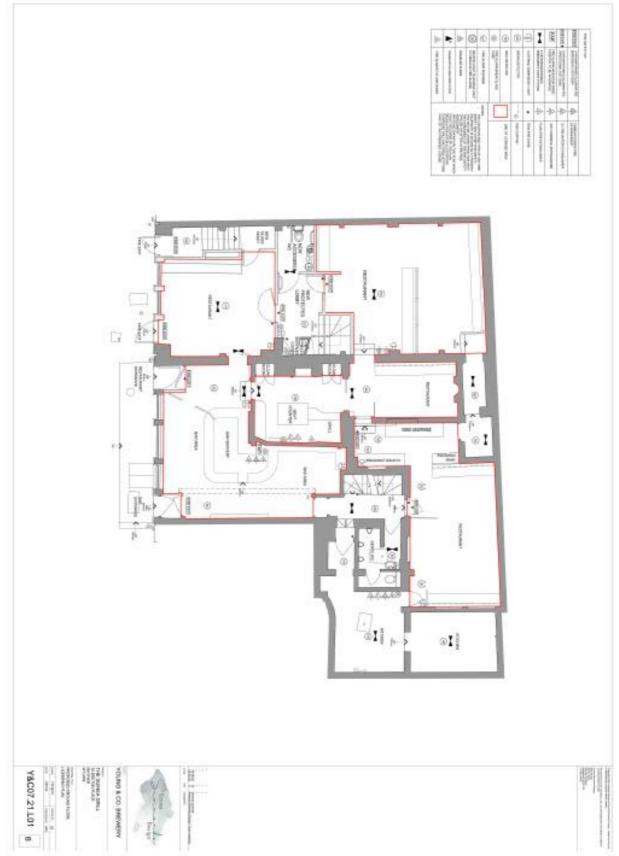
Background Documents – Local Government (Access to Information) Act 1972

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	01 October 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Environmental Health Service	31 October 2022
5	Interested Party 1	27 October 2022
6	Interested Party 2	28 October 2022
7	Interested Party 3	30 October 2022
8	Interested Party 4	25 October 2022

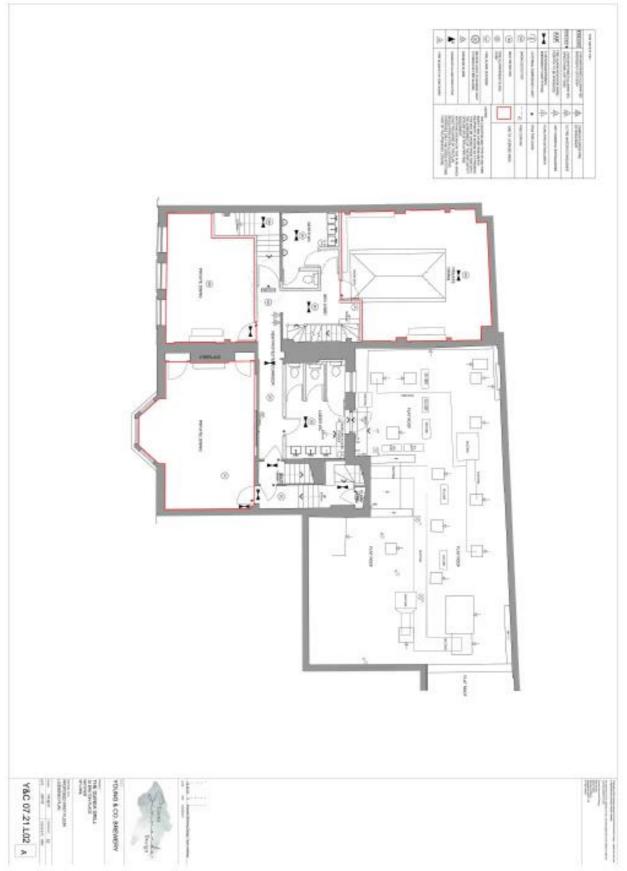
Premises Plans

Appendix 1

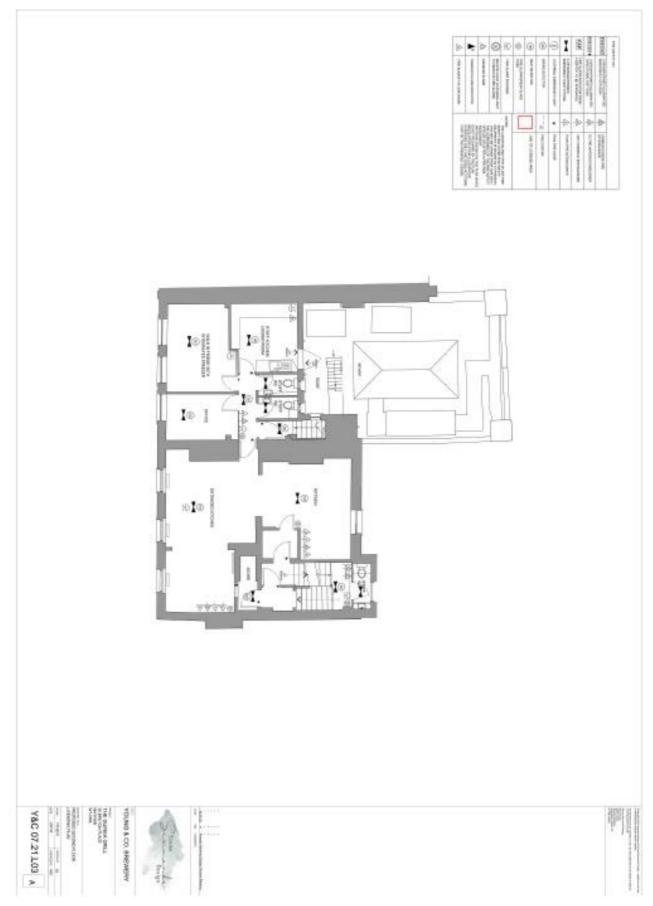
Proposed ground floor plan



Proposed first floor plan



Proposed second floor plan



There are no supporting documents from the applicant.

Appendix 3

CITY OF WESTMINSTER MEMORANDUM

то	Licensing Officer
REFERENCE	22/09389/LIPN
FROM REFERENCE	EH Consultation Team
BEING DEALT WI	H BY lan Watson (iwatson@westminster.gov.uk)

DATE

7th December 2022

The Licensing Act 2003

30 Bruton Place, W1

I refer to the application for a New Premises Licence.

The following is a history of complaints or adverse visits to the premises since 2018.

Thursday 27th September 2018 @ 23.24 hours. Loud screaming and shouting outside the pub. Customer contacted @ 23.43 hours and message left. Premises visited @ 00.30 hours and area was quiet.

Thursday 15th November 2018 @ 23.15 hours. People screaming and shouting outside the pub. Customer contacted @ 23.50 hours and number not recognised. Premises visited @ 23.55 hours and all quiet.

Thursday 22nd November 2018 @ 23.02 hours. Loud shouting in the street. Customer contacted @ 23.27 hours and message left to call back if problem continues.

Saturday 23rd February 2019 @ 00.05 hours. Lots of screaming and shouting outside the pub. Customer contacted @ 00.20 hours and no answer on phone. Premises visited @ 01.30 hours and all quiet at time of visit.

Sunday 19th September 2021 @ 20.55 hours. Pro-active visit and about 15 tables and 3 chairs place on different locations on the PH. I spoke to the Manager, Barbara and asked to see their street trading licence. She informed me that she doesn't know where it is and the general manager was away. She asked me to come back the next day or on Monday.

I then advised her that the T&C's should not be placed on PH if they do not have a street trading licence. Further check on uniform seems to suggest that the venue does not have a street trading licence.

Ian Watson Senior Practitioner Environmental Health (Licensing)

Premises History

Appendix 4

Current issued licence



Schedule 12 Part A WARD: West End UPRN: 100023473696

City of Westminster

64 Victoria Street, London, SW1E 6QP

Premises licence

Regulation 33, 34

Premises licence number:

22/07754/LIPDPS

Original Reference:

05/06169/LIPCV

Part 1 – Premises details

Postal address of premises:

Guinea 30 Bruton Place London W1J 6NL

Telephone Number: 020 7409 1728

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 Saturday: 08:30 to 00:00 (Rear Room Restaurant) 08:30 to 23:00 (Rear Room Restaurant) Sunday: Non-standard Timings: N/A Unrestricted **Playing of Recorded Music** Non-standard Timings: N/A Late Night Refreshment Monday to Saturday: 23:00 to 01:00 (Rear Room Restaurant and Board Room (Upstairs Function Room)) Sunday: 23:00 to 00:00 (Rear Room Restaurant and Board Room (Upstairs Function Room)) Non-standard Timings: N/A Monday to Saturday 23:00 to 23:30 (Front/Public Bar)

Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit Unrestricted Non-standard Timings: N/A

Sale by Retail of Alcohol

Monday to Saturday: Room (Upstairs Function Room)) Monday to Saturday: Sunday: Sunday: Room (Upstairs Function Room)) Non-standard Timings: N/A 08:30 to 00:30 (Rear Room Restaurant and Board

10:00 to 23:30 (Front/Public Bar) 10:00 to 23:00 (Front/Public Bar) 10:00 to 23:30 (Rear Room Restaurant and Board

For times authorised for New Year see conditions at Annex 2

The opening hours of the premises:

Rear Room Restaurant and Board Room (Upstairs Function Room)			
Monday to Saturday:	08:00 to 01:00		
Sunday:	08:00 to 00:00		
Front/Public Bar			
Monday to Saturday:	10:00 to 00:00		
Sunday:	10:00 to 23:30		

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

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

Part 2

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

Young's & Co. Brewery Plc Copper House 5 Garratt Lane London SW18 4AQ

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

00032762

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

Name: Cristiano Pellizzari

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:2011-01432-LAPERLicensing Authority:London Borough of Hammersmith & FulhamDate:10 November 2022

This licence has been authorised by Jessica Donovan 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 + (DxV)

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.

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

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

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

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

Annex 2 – Conditions consistent with the operating Schedule

- 12. The regulated entertainment of films shall be ancillary to the supply of alcohol and the provision of table meals.
- 13. Persons are not to remain on the forecourt after 23:00 hours.
- 14. The supply of alcohol in Rear Room Restaurant/Board Room (Upstairs Function room) between the hours of 08:30 and 10:00, and after 23:00, shall be ancillary to the provision of table meals.
- 15. The maximum permitted accommodation in the first floor Board Room (function room) shall be 28.
- 16. The permitted hours for sale and supply of alcohol is:
 - Front/Public Bar
 - Monday to Saturday 10:00 to 23:30
- (b) Sunday 10:00 to 23:00

(a)

Rear Room Restaurant/Board Room (Upstairs Function room)

- (d) Monday to Saturday 08:30 to 00:30
- (e) Sunday 10:00 to 23:30
- (f) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, 00.00 midnight on 31st December).

NOTE - The above restrictions do not prohibit:

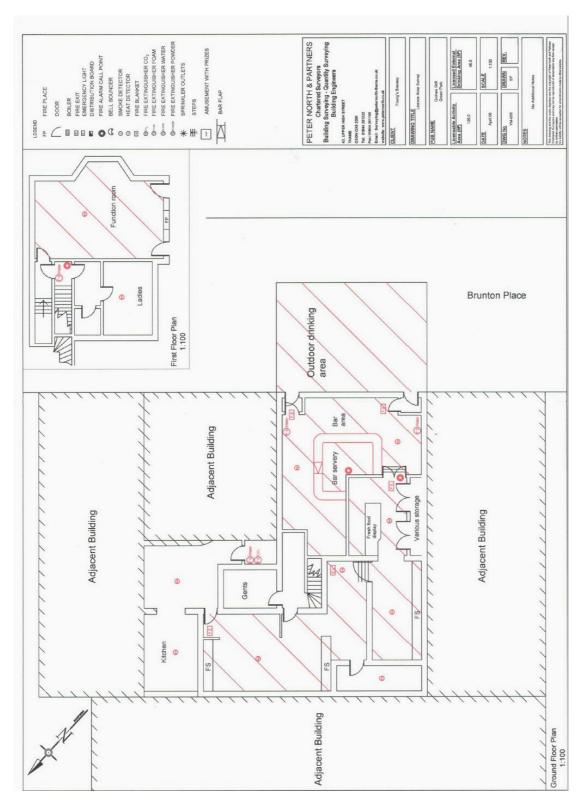
- (a) during the first thirty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first thirty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) during the first thirty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

page 63

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

None





Schedule 12 Part B

WARD: West End UPRN: 100023473696

Premises licence summary

Regulation 33, 34

Premises licence number:

22/07754/LIPDPS

Part 1 – Premises details

Postal address of premises:

Guinea 30 Bruton Place London W1J 6NL

Telephone Number: 020 7409 1728

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 Saturday: Sunday: Non-standard Timings: N/A	08:30 to 00:00 (Rear Room Restaurant) 08:30 to 23:00 (Rear Room Restaurant)			
Playing of Recorded Music Non-standard Timings: N/A	Unrestricted			
Late Night Refreshment Monday to Saturday: Room (Upstairs Function Room) Sunday: Room (Upstairs Function Room) Non-standard Timings: N/A	23:00 to 01:00 (Rear Room Restaurant and Board 23:00 to 00:00 (Rear Room Restaurant and Board			
Monday to Saturday	23:00 to 23:30 (Front/Public Bar)			
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profitUnrestrictedNon-standard Timings: N/AV/A				

Sale by Retail of AlcoholMonday to Saturday:08:30Room (Upstairs Function Room)10:00Monday to Saturday:10:00Sunday:10:00Sunday:10:00Non-standard Timings: N/A10:00

08:30 to 00:30 (Rear Room Restaurant and Board

10:00 to 23:30 (Front/Public Bar) 10:00 to 23:00 (Front/Public Bar) 10:00 to 23:30 (Rear Room Restaurant and Board

For times authorised for New Year see conditions at Annex 2

The opening hours of the premises:

Rear Room Restaurant and Board Room (Upstairs Function Room)			
Monday to Saturday:	08:00 to 01:00		
Sunday:	08:00 to 00:00		
Front/Public Bar			
Monday to Saturday:	10:00 to 00:00		
Sunday:	10:00 to 23:30		

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

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

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

Young's & Co. Brewery Plc Copper House 5 Garratt Lane London SW18 4AQ

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

00032762

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

Name: Cristiano Pellizzari

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

Restricted

Date: 10 November 2022

This licence has been authorised by Jessica Donovan 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: $\frac{1}{2}$ 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.

page 69

- 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+(DxV)

Where -

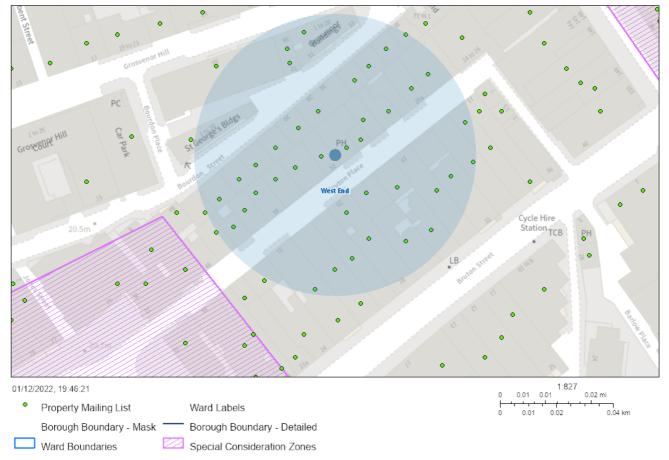
- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the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

Conditions consistent with the operating schedule

- 9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
- 10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises 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.
- 11. A Challenge 21 or Challenge 25 scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as driving licence, military ID card, passport or proof of age card with the PASS Hologram.
- 12. 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 regarding crime and disorder
 - (d) any incidents of disorder
 - (e) any faults in the CCTV system
 - (f) any refusal of the sale of alcohol
 - (g) any visit by a relevant authority or emergency service
- 13. 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.
- 14. There shall be no drinking outside the premises after 23.00 hours daily.
- 15. 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.
- 16. 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.
- 17. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
- 18. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
- 19. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

- 20. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
- 21. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
- 22. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
- 23. 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.
- 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.
- 25. No licensable activities shall take at the premises until the capacity of the first floor premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined.
- 26. Before the premises open to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.

Appendix 5



30-32 Bruton Place London W1J 6NL

Resident Count: 103

Licenced premises within 75 metres of 30-32 Bruton Place London W1J 6NL					
Licence Number	Trading Name	Address	Premises Type	Time Period	
22/07754/LIPDPS	Guinea	30 Bruton Place London W1J 6NL	Public house or pub restaurant	Sunday; 08:00 - 00:00 Sunday; 10:00 - 23:30 Monday to Saturday; 10:00 - 00:00 Monday to Saturday; 08:00 - 01:00	
19/03055/LIPDPS	Les Platanes	Ground Floor 26 Bruton Place London W1J 6NG	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30	

22/07756/LIPDPS	Guinea Express	23 Bruton Place London W1J 6ND	Restaurant	Sunday; 12:00 - 22:30 Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00
21/11580/LIPN	Tila Bruton Deli	38 Bruton Place London W1J 6NX	Food store	Sunday; 09:00 - 21:00 Monday to Saturday; 08:00 - 21:00
21/01825/LIPN	Tila London	27 Bruton Place London W1J 6NQ	Restaurant	Sunday; 08:00 - 23:00 Monday to Saturday; 08:00 - 00:00
13/05749/LIPV	Bellamy's	18-18A Bruton Place London W1J 6LY	Restaurant	Sunday; 10:00 - 00:00 Monday to Saturday; 08:00 - 00:30
22/07929/LIPN	Lucore	44 Bruton Place London W1J 6PB	Restaurant	Sunday; 08:30 - 22:30 Monday to Thursday; 08:30 - 23:30 Friday to Saturday; 08:30 - 00:00
22/04423/LIPN	Lali	Ground Floor 33 Bruton Place London W1J 6NN	Cafe	Monday to Sunday; 08:00 - 23:00
20/01027/LIPT	Umu Restaurant	14 - 16 Bruton Place London W1J 6LX	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
21/12229/LIPN	Tosi Gorgonzola Bar	Ground Floor Flat 46 Bruton Place London W1J 6PD	Wine bar	Sunday; 10:00 - 22:30 Monday to Thursday; 09:00 - 23:30 Friday to Saturday; 09:00 - 00:00