



City of Westminster

Committee Agenda

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

Meeting Date: **Thursday 1 June 2023**

Time: **10.00 am**

Venue: **This meeting will be held on MS TEAMS**

Members: **Councillors:**
Angela Piddock (Chair)
Md Shamsed Chowdhury
Jacqui Wilkinson

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: www.westminster.gov.uk

Note for Members: Members are reminded that officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. Regarding Item 2, guidance on Declarations of Interests is included in the Code of Governance. If Members and Officers have any questions, they should contact the Director of Law before the meeting please.

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To report any changes to the membership.

2. DECLARATIONS OF INTEREST

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

Licensing Applications for Determination

1. DUKE OF ARGYLL PUBLIC HOUSE, 37 BREWER STREET, W1F 0RY

(Pages 1 - 46)

Ward CIA* SCZ**	Site Name & Address	Application Type	Licensing Reference No.
West End * None ** None	Duke of Argyll Public House 37 Brewer Street W1F 0RY	Premises Licence Variation	23/01986/LIPV
*Cumulative Impact Area ** Special Consideration Zone			

2. 80 DUKE STREET, LONDON, W1K 6JG

(Pages 47 - 66)

Ward CIA* SCZ**	Site Name & Address	Application Type	Licensing Reference No.
West End * None ** None	80 Duke Street London W1K 6JG	New Premises Licence	23/01711/LIPN
*Cumulative Impact Area ** Special Consideration Zone			

**3. UNITS 1 & 2, ZIG ZAG BUILDING, 70 VICTORIA STREET,
SW1E 6SQ**

(Pages 67 - 92)

Ward CIA* SCZ**	Site Name & Address	Application Type	Licensing Reference No.
St James's * None ** None	Units 1 & 2 Zig Zag Building 70 Victoria Street SW1E 6SQ	New Premises Licence	23/01746/LIPN
*Cumulative Impact Area ** Special Consideration Zone			

**Stuart Love
Chief Executive
24 May 2023**

In considering applications for Premises Licences under the Licensing Act 2003, the Sub Committee is advised of the following:

Policy Considerations

The Licensing Sub-Committee is required to have regard to the City of Westminster statement of Licensing Policy, effective from January 2021.

Guidance Considerations

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

Core hours When Customers Are Permitted to Be on The Premises

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

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

1. Casinos

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

2. Cinemas, Cultural Venues and Live Sporting Premises

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

3. Hotels

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

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

Sunday: 09:00 hours to 22:30 hours

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

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

4. Off licences

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

Sunday: 09:00 hours to 22:30 hours

5. Outdoor Spaces

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

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

Sunday: 09:00 hours to 22:30 hours

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

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

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

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

Sunday: 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

Procedure for virtual hearings held under the Licensing Act 2003

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

Accessing virtual hearings

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

Final Submissions before the Hearing

The parties (or their representatives) should use their best endeavours to ensure that all of their final submissions have been made so as to be included in the Sub-Committee report (typically **no later, than 5.pm, 5 working days** before the Sub-Committee hearing). This means by 5pm on the Thursday, the week before the Sub-Committee hearing is due to take place. Final submissions should set out the key points, policies and conditions that a party wishes the Sub-Committee to take account of in determining the application. Any final submissions that a party wishes to make, (that have not been submitted so as to have been included in the report), **must** be submitted to the Licensing Service by **no later than 12 noon 3 working days** before the hearing is due to take place. The Licensing email address is: Licensing@westminster.gov.uk.

Rules during Licensing Hearings

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

- All parties wishing to participate in the hearing **must** register their wish to participate in the hearing and provide their email addresses to the **Licensing Service at Licensing@westminster.gov.uk** no later than **12 noon on the Monday before** the Thursday hearing is scheduled to take place.
- All parties **should join the virtual hearing at least 15 minutes before the advertised start time** to ensure they are ready to start at the advertised start time. After the advertised start time has passed no registered parties will be allowed to join, except in exceptional circumstances, when permitted by the Chairman, as this could disrupt the meeting.
- All parties must only address the hearing when invited to do so by the Chairman.
- All parties must keep their microphones on mute unless they are speaking. The Chairman has the ability to mute all parties’ microphones.
- If a party wishes to interject, they should put their name in the messaging field. The chairman has the discretion to invite the party to make their comment at an appropriate stage in the hearing.
- All parties are asked to keep their comments as succinct as possible.

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

Procedure

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

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

Dated 15 April 2020



City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	1 June 2023
Licensing Ref No:	23/01986/LIPV - Premises Licence Variation
Title of Report:	Duke Of Argyll Public House 37 Brewer Street London W1F 0RY
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Jessica Donovan Senior Licensing Officer
Contact details	Telephone: 020 7641 6500 Email: Jdonovan@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	29 March 2023		
Applicant:	Samuel Smith (Southern)		
Premises:	Duke Of Argyll Public House		
Premises address:	37 Brewer Street London W1F 0RY	Ward:	West End
		Cumulative Impact Area:	West End
		Special Consideration Zone:	None
Premises description:	The premises currently operate as a public house.		
Variation description:	This variation seeks the following: <ul style="list-style-type: none"> To vary the terminal hour for Late Night Refreshment, the Retail Sale of Alcohol and the opening hours to 00:00 on Friday and Saturdays. 		
Premises licence history:	The premises has had the benefit of a premises licence since 2015. The current premises licence (20/08988/LIPDPS) can be viewed at Appendix 2 of this report along with the history at Appendix 3 .		
Applicant submissions:	There are no supporting documents from the applicant.		
Applicant amendments:	None		

1-B Current and proposed licensable activities, areas and hours						
Late night refreshment						
Indoors, outdoors or both		Current :			Proposed:	
		Indoors			No change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	23:30	23:00	23:30	Basement, Ground floor, First floor, Second floor, Third floor and Fourth floor	No change
Tuesday	23:00	23:30	23:00	23:30		
Wednesday	23:00	23:30	23:00	23:30		
Thursday	23:00	23:30	23:00	23:30		
Friday	23:00	23:30	23:00	00:00		
Saturday	23:00	23:30	23:00	00:00		
Sunday	23:00	23:30	23:00	23:30		
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.				No change	

Sale by Retail of Alcohol						
On or off sales			Current :		Proposed:	
			Both		No change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	23:00	10:00	23:00	Basement, Ground floor, First floor, Second floor, Third floor and Fourth floor	No change
Tuesday	10:00	23:00	10:00	23:00		
Wednesday	10:00	23:00	10:00	23:00		
Thursday	10:00	23:00	10:00	23:00		
Friday	10:00	23:00	10:00	00:00		
Saturday	10:00	23:00	10:00	00:00		
Sunday	12:00	22:30	12:00	22:30		
Seasonal variations/ Non-standard timings:		Current:			Proposed:	
		From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.			No change	

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	23:30	10:00	23:30	Basement, Ground floor, First floor, Second floor, Third floor and Fourth floor	No change
Tuesday	10:00	23:30	10:00	23:30		
Wednesday	10:00	23:30	10:00	23:30		
Thursday	10:00	23:30	10:00	23:30		
Friday	10:00	23:30	10:00	00:00		
Saturday	10:00	23:30	10:00	00:00		
Sunday	12:00	23:00	12:00	23:00		
Seasonal variations/ Non-standard timings:		Current:			Proposed:	
		From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.			No change	

1-C Layout alteration
There are no proposed changes to the layout.

2. Representations

2-A Responsible Authorities	
Responsible Authority:	The Licensing Authority
Representative:	Karyn Abbott
Received:	25 April 2023

I write in relation to the application submitted for a variation of the premises licence for 37 Brewer Street, London, W1F 0RY.

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

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

The application seeks to vary the following:

The Duke of Argyll Public House is a traditional Samuel Smith pub. This application is to increase the permitted hours to Core Hours. Whilst the pub is located within the West End Cumulative Impact Zone the policy to refuse a variation of hours does not apply when they are within the Core Hours.

The applicant is not aware that the pub is associated with any crime and disorder or public nuisance and hence considers that the existing conditions will uphold the licensing objectives, but would be happy to consider any further conditions suggested by the statutory authorities or interested parties.

This application is to allow all licensable activities (including opening hours) on Friday and Saturday until 00:00 hours. No other changes are sought.

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

Policy PB1(B) states

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

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

C. The applications referred to in Clause B1 and B2 will generally be granted subject to:

1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1, and/or,
2. 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.
3. The application and operation of the venue continuing to meet the definition of a Public House or Bar in Clause D.

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

The Licensing Authority note that the proposed variation falls within Westminster's core hours for Pubs and Bars.

The Core hours for Pubs and Bars are:
Monday to Thursday: 10am to 11.30pm.
Friday and Saturday: 10am to Midnight.
Sunday: Midday to 10.30pm.
Sundays immediately prior to a bank holiday: Midday to Midnight.

The Licensing Authority encourages the applicant to provide further submissions as to how the increase in terminal hours for Friday and Saturday evenings will not add to cumulative impact in the West End cumulative impact area, in accordance with policy CIP1.

The Licensing Authority would like submissions from applicant in regard to the above questions so the application can be assessed further against any further relevant policy considerations.

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

Please accept this as a formal representation.

Responsible Authority:	Environmental Health Service
Representative:	Anil Drayan
Received:	26 April 2023

I refer to the application to vary the Premises Licence, 20/08988/LIPDPS, for the above premises which is located in the West End Cumulative Impact Zone.

The following variations are being sought:

1. Increase the hours for the Supply of Alcohol 'On' and 'Off' the premises from 23:00 to 00:00 hours on Friday and Saturday.
2. Increase the hours for Provision of Late-Night Refreshment 'Indoors' from 23:30 to 00:00 hours on Friday and Saturday.

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

1. The proposed increase in hours for the Supply of Alcohol 'On' and 'Off' the premises may lead to an increase in Public Nuisance in the area.
2. The proposed increase in hours for Provision of Late-Night Refreshment may lead to an increase in Public Nuisance in the area

Environmental Health also makes the following further comments:

- No additional conditions have been offered as part of this variation
- The last update of Westminster's Statement of Licensing Policy (see on the Council's website) requires licensed premises to demonstrate compliance with policy CH1, Protection of Children from Harm. Minimum criteria and free advice on complying can be found on page 37 of the Policy.
- A premises history check of Environmental Health records shows the current operation of the premises has not resulted in relevant adverse impacts being reported to it.

The applicant is therefore requested to contact the undersigned to discuss possible additional conditions that may be appropriate.

Responsible Authority:	Metropolitan Police Service
Representative:	PC Tom Stewart
Received:	26 April 2023

I am writing on behalf of the Chief Officer of Police for the Metropolitan Police Service ("The Police") to make representations in respect of a variation application for **The Duke of Argyll, 37 Brewer Street - 23/01986/LIPV** as it is likely to undermine the licensing objective: The prevention of crime and disorder and adversely effect cumulative impact within the West End.

The application seeks the following:

Allow all licensable activities (including opening hours) on Friday and Saturday until 00:00 hours.

The premises is located at 37 Brewer Street, which is within the West End Cumulative Impact Zone ("CIZ") and is subject to Westminster's Cumulative Impact Policy ("CIP1"). Whilst there is not a presumption to refuse an application to extend hours to within 'Core Hours', for such premises types, the applicant must be able to demonstrate that the increase in hours will not undermine any of the licensing objectives, nor add to existing cumulative impact.

Due to the location of the premises within the CIZ, the Police have concerns that the extra hour of alcohol consumption may add to existing crime and ASB within the immediate area.

If the sub committee were minded to grant this application, the police would respectfully request that the sale of alcohol is reduced to 23:30. With a closing time of 00:00, this would allow for a 'drinking up period' and help to reduce the levels of intoxication as well as assist with the dispersal of customers.

Submitted respectfully for your consideration.

2-B Other Persons			
Name:	[REDACTED]		
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]		
Status:	Valid	In support or opposed:	Opposed
Received:	10 April 2023		

I wish to object to this application for an extension of hours for the following reasons: Noise - increasingly a problem for residents. More disturbed sleep. Car doors slamming as patrons leave premises. Screaming/shouting. Pedicabs with boom boxes. Drug dealers hanging around in cars with loud music playing outside venues late at night. Street urination and vomiting. Anti-social drunken behaviour eg: graffiti and vandalism. Cumulative effect of increased alcohol licences. There have recently been examples of violence in the area, including stabbings in Greek Street.

Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	26 April 2023		
<p>As this pub has deliveries on Sunday from the brewery generally after closing. I would like to know if this would make their deliveries even later due to their later opening hours & therefore causing a disturbance of noise.</p> <p>[REDACTED] & this has happened previously on several occasions where the delivery has been quite late (around midnight) & woken myself & others in the apartment building that I live in.</p>			
Name:		[REDACTED]	
Address and/or Residents Association		[REDACTED]	
Status:	Valid	In support of opposed:	Opposed
Received:	14 April 2023		
<p>We write to make a relevant representation to the above application on behalf of [REDACTED] [REDACTED]</p> <p>About [REDACTED]</p> <p>[REDACTED] is a charitable company limited by guarantee established in 1972. [REDACTED] is a recognised amenity group and was formed to make Soho a better place to live, work or visit by preserving and enhancing the area's existing diversity of character and uses, and by improving its facilities, amenities and environment.</p> <p>Application Summary Variation Premises Licence Public house covering the ground and first floor.</p> <p>Alcohol:. Friday - Saturday: 10:00 - 00:00 Late Night Refreshment : Friday - Saturday: 23:00 - 00:00 Opening Hours: Mon - Thurs: 10:00 - 23:30. Fri - Sat: 12:00 - 00:00. Sun: 12:00 - 23:00</p> <p>Current Licence Alcohol:. Monday - Saturday : 10:00 - 23:00 Late Night Refreshment : Monday - Saturday: 23:00 - 23:30 Opening Hours: Monday - Saturday : 10:00 - 23:30. Sunday: 12:00 - 23:00 Capacity : 60 Maximum number on the 1st floor. The ground floor capacity is unknown.</p> <p>Representation We object to this application to extend the operating hours of this public house to midnight on Friday and Saturday, this being a full hour past their current licensed hours of 11pm, this extension will fail to promote the licensing objectives and increase cumulative impact in the West End Cumulative Impact Zone.</p> <p>The premises is within Soho an area at the heart of the West End's entertainment district, with its 478 licensed premises which includes a large proportion being late night 119 (25%) licensed with a terminal hour between 1am - 6am and a capacity of 22,480. There are over 200</p>			

restaurants, 39 bars, 46 pubs, 31 clubs (including members clubs) and entertainment premises, the area is densely populated at night with people on a night out creating loud levels of noise causing disturbance, alongside increasing crime rates, disorder and anti-social behaviour.

The applicant acknowledges the pub is situated within the West End Cumulative Impact Zone and highlights the Pubs and Bars Policy PB1 which states the policy is to refuse a variation of hours but it does not apply when they are within core hours. However, the applicant still has to demonstrate that there will be no increase in cumulative impact and promote the licensing objectives. We find it difficult to believe how a pub operating to midnight on Friday and Saturday, the busiest nights of the week in Soho, will not increase cumulative impact.

We are extremely concerned regarding the current off sales provision which will allow patrons to stand outside drinking on the street until midnight. The additional hour will also result in more people being retained for longer in the area, a concern and raised within Cumulative Impact Policy,

D5 states, *'The retention of people late at night contributes to cumulative impact.'*

Considering the high and increasing crime rates in the area and the noise disturbance already experienced by residents who live on this street, it is clear this application should be refused.

Residents

There are real concerns amongst residents about the ever increasing numbers of licensed premises, they have been subjected to noise disturbance and anti-social behaviour that is beyond acceptable levels. They are disturbed by the late night activity as people walk by either shouting, screaming or arguing, noise from pedicabs, car doors slamming and horns honking.

This pub is situated in an area with a large number of residential properties on Brewer Street and Gt. Windmill Street. We know residents living on [REDACTED] are disturbed by the late night activity as people walk by either shouting, screaming or arguing, noise from pedicabs, car doors slamming, horns honking, drug dealers in cars playing thumping bass music from sound systems. Residents are also subjected to anti-social behaviour with people vomiting and urinating in the street and in their doorways.

Residents are also disturbed even if an establishment is not located directly on their street, as patrons usually intoxicated leave premises and either carry on their night out in Soho or as they make their way home making a noise and disturbing residents along the way.

With all of the above it is unsurprising residents experience sleep disturbance, a recent survey conducted by [REDACTED] confirms that residents are disturbed by noise at night and this is having a negative impact on their lives. 87 people responded of which 78 are Soho residents with ages spread fairly evenly from 22 to 80, 59% having lived in Soho for more than 10 years.

When asked about disturbed sleep; 24% of respondents have their sleep disturbed 7 nights a week, 16% 5 or 6 nights a week and 19% 3 or 4 nights a week.

Furthermore, 64% of respondents agreed that noise nuisance from increased commercial activity at night is the most serious problem impacting Soho residents quality of life.

62% of respondents agreed that the council should not grant any extensions of hours for premises in Soho.

60% of respondents agreed that noise nuisance and sleep deprivation is adversely impacting my health and the health of the people they live with.

46% of respondents agreed that noise nuisance is so bad that they have considered moving away from Soho.

The full survey can be found in **Appendix 1**.

Crime and Disorder

The Cumulative Impact Assessment 2020 presents overwhelming evidence of the year on year increase in cumulative impact in the West End Zone 1, **it highlights the rate of crime as 10 - 13 times higher between 6pm - 6am compared to the borough average**. The level of crime, disorder and anti social behaviour continues to be a huge problem in Soho, the crime figures are high and increasing. The recent police crime report for December 2022 highlights Soho as having the highest number of robberies, overall knife crime and violence against the person compared to other areas within the CIZ. The Committee will be aware of another recent serious incident on Greek Street where two police officers were stabbed which appears to be linked to the drugs trade, this follows on from another serious incident in the same street where a man was seriously injured.

These incidents confirm what residents already know that Soho is unsafe at night. Public safety is a huge concern and has been for a long time, the large number of licensed premises plus the numbers of people out on the streets at night attracts criminal gangs, which in turn results in high levels of crime and disorder creating a very unsafe environment for the public.

In Soho the majority of robberies take place at night, people are targeted as they leave venues. Alongside the robberies and assaults drug dealing is a huge problem with groups of dealers congregating to sell drugs to people as they leave premises or as they pass by. There are more dealers in the area at night than during the day, this is directly linked to the large number of venues and people which creates the drugs market. Pickpockets also operate in the area, they are a part of a well organised criminal group who arrive in a van at night and disperse into Soho before returning to be driven away.

It is well known that intoxicated people become victims of crime, their vulnerability being exploited by gangs or individuals who are in Soho explicitly to target them. We believe patrons leaving this pub at night will be at high risk of becoming victims of crime.

Cumulative Impact Policy CIP1

This area has been identified by the Westminster City Council as under stress because the cumulative effect of the concentration of late night and drink led premises and night cafes has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses. The evidence presented in the Cumulative Impact Assessment 2020 is overwhelming, it describes the high level of cumulative impact in the West End Zone between 2017-2019. It concludes that,

'After consideration of the cumulative impact assessment it is the Licensing Authority's view that the number of premises licences in the West End, are such that it is likely granting further types of licences or varying existing licences would be inconsistent with the authority's duty to promote the licensing objectives. The granting of licences for certain types of operation that are likely to add to Cumulative Impact within these areas would not be consistent with the Licensing Authority's duty under the Licensing Act 2003.'
(p.19) ***(Our emphasis)***

This evidence supported further policy restrictions in the West End, however, the impact of COVID-19 resulted in the Licensing Authority deciding not to implement greater restrictions at this stage, but it may in the lifetime of the policy if footfall moves toward pre-March 2020 levels (D1). Soho is fully open for business and thriving, our observation is Soho attracts more people now than at pre-COVID times.

The policies in relation to the cumulative impact zone are directed at the global and cumulative effects of licences on the area as a whole (D16. of the policy).

D23. ***The proximity of residential accommodation is a general consideration with regard to the prevention of public nuisance.*** It goes on, ***The nature of cumulative impact is that it is cumulative and affects not only the immediate vicinity of the premises, but the wider area; thus the number of people visiting the premises, the nature of licensable activities and the lateness of operations have an impact on an area as a whole, irrespective of whether or not there is residential accommodation in proximity to the premises.*** (our emphasis)

It is important to note the policy relates to the global effects of alcohol licences in the whole impact zone and not just a part of it.

We acknowledge the Pubs and Bars Policy PB1 allows for this variation to the existing licence, but the applicant still has to demonstrate they will not increase cumulative impact, in our view they have failed to do so.

In summary

Any increase in hours of a public house in the West End Cumulative Impact Zone will fail to promote the licensing objectives and increase cumulative impact.

Yours faithfully,

Licensing Committee

██████████

Appendix 1 : ██████████ Sleep Survey Results

Appendix 1 : ██████████ Sleep Survey Results - 31 October 2022

The survey conducted by ██████████ confirms that residents are disturbed by noise at night and this is having a negative impact on their lives.

87 people have responded of which 78 are Soho residents with ages spread fairly evenly from 22 to 80.

59% have lived in Soho more than 10 years

26% between 3 and 10 years

6% between 1 and 3 years and

9% have lived here less than a year

42% own their homes

20% are Soho Housing Association and the rest tenants with other landlords

10 respondents have children living at home with them

58% have double glazing

37% single glazing

5% have triple glazing

24% of respondents have their sleep disturbed 7 nights a week

16% of respondents have their sleep disturbed 5 or 6 nights a week

19% of respondents have their sleep disturbed 3 or 4 nights a week

19% of respondents have their sleep disturbed once or twice a week

20% do not have a problem with environmental noise pollution

Topping the list in September was people drinking in the street with 54 mentions, then pedicabs with 51, waste collections at 48, construction noise 36 and car horns 33 and deliveries at 25.

Other noise sources identified were air conditioning, motorbikes revving, building alarms and music from licensed venues. The most common identified problem at 42% of respondents was people drinking and shouting in the street.

64% of respondents agreed that noise nuisance from increased commercial activity at night is the most serious problem impacting Soho residents quality of life

46% of respondents agreed that noise nuisance is so bad that they have considered moving away from Soho

60% of respondents agreed that noise nuisance and sleep deprivation is adversely impacting my health and the health of the people they live with.

67% of respondents agreed that the council should base its noise policy on the World Health Organisation guidelines

64% of respondents agreed that our ward councillors should make this their priority during the next four years

69% of respondents agreed that during the time I have lived in Soho noise pollution has got significantly worse

73% of respondents agreed that if noise limits are being exceeded the council should consider reviewing existing alcohol licences

72% of respondents agreed that the council should install electronic noise monitoring in Soho

56% of respondents agreed that the council should not grant additional premises licence for the sale of alcohol in Soho.

62% of respondents agreed that the council should not grant any extensions of hours for premises in Soho

68% of respondents agreed that the council should renew its noise strategy as a matter of urgency

Many respondents made additional comments:-

I left Soho 4 years ago. After 20 years, the noise & air pollution finally broke me. Like the frog in the pan of water with the heat gradually turned up, it took me a while to realise that it wasn't me going soft, it was the significant degradation of the environment around me. Since moved out of my flat, several other tenants have moved in & swiftly out again citing sleep disruption & excessive night noise as their reason for leaving. The flat is now used as an office rather than as residential.

I am disappointed that another restaurant unit is going to be let on Hopkins Street by Shaftesbury when the residents already have an enormous amount of noise from the existing restaurants. No doubt they will also want an alcohol license, which will increase the noise and disturb residents even more.

[REDACTED], I find it extremely exhausting not able to have rest at night, Screams and noise of drunk people every night, The Landlord WCC does not want to change the windows to a double glazing nor allow tenants to pay privately for windows to be upgraded. Noise at home, lack of sleep, and concentration in the day time. I have a hand held noise monitor, I recorded noise levels of 97db outside the pub at the corner of Broadwick and Berwick Streets.

More consideration needs to be given to residents from councillors, people visiting the area and local businesses in particular those who serve alcohol and have late night licences. Decisions such as granting planning and licence applications should not be made by people who do not live in the area and are therefore not impacted by the decision making.

Very difficult to get the local authority to understand and take complaints seriously. Officers often helpful but then the case goes to committee and they always seem to rule in favour of the

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy CIP1 applies	<p>A. It is the Licensing Authority’s policy to refuse applications within the West End Cumulative Impact Zone for: pubs and bars, fast food premises, and music and dancing and similar entertainment, other than applications to:</p> <ol style="list-style-type: none"> 1. Vary the hours within Core Hours under Policy HRS1, and/or 2. Vary the licence to reduce the overall capacity of the premises. <p>C. Applications for other premises types within the West End Cumulative Impact Zones will be subject to other policies within this statement and must demonstrate that they will not add to cumulative impact.</p> <p>D. For the purposes of this policy the premises types referred to in Clause A are defined within the relevant premises use policies within this statement.</p>
Policy HRS1 applies	<p>A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:</p> <ol style="list-style-type: none"> 1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm. 2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation. 3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed. 4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises. 5. The proposed hours when any music, including incidental music, will be played. 6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises. 7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity. 8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night. 9. The capacity of the premises. 10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural

and sporting venues due to the nature of the operation.

11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.

12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.

13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.

14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.

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.
9. **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 PB1 applies	<p>A. Applications outside the West End Cumulative Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities being within the council's Core Hours Policy HRS1. 3. The 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. 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. <p>B. It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone other than:</p> <ol style="list-style-type: none"> 1. Applications to vary the existing licence hours within the council's Core Hours Policy HRS1. 2. Applications that seek to vary the existing licence so as to reduce the overall capacity of the premises. <p>C. The applications referred to in Clause B1 and B2 will generally be granted subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1, and/or, 2. 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. 3. The application and operation of the venue continuing to meet the definition of a Public House or Bar in Clause D. <p>D. For the purposes of this policy a Public House or Bar is defined as a premises, or part of a premises that's primary use is the sale or supply of alcohol for consumption on those premises and/or for consumption off the premises for consumption outside the venue.</p>

4. Equality Implications

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

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

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

5. Appendices

Appendix 1	Applicant supporting documents
Appendix 2	Existing premises licence 20/08988/LIPDPS
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	December 2022
4	The Licensing Authority representation	25 April 2023
5	Environmental Health Service representation	26 April 2023
6	Metropolitan Police Service representation	26 April 2023
7	Interested party 1 representation	10 April 2023
8	Interested party 2 representation	26 April 2023
9	Interested party 3 representation	14 April 2023

There are no supporting documents from the applicant.



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

**Schedule 12
Part A**

**WARD: West End
UPRN: 100022728595**

Premises licence

Regulation 33, 34

**Premises licence
number:**

20/08988/LIPDPS

Original Reference:

15/02349/LIPN

Part 1 – Premises details

Postal address of premises:

Duke of Argyll Public House
37 Brewer Street
London
W1F 0RY

Telephone Number: 020 7437 6819

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Late Night Refreshment
Sale by Retail of Alcohol

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

Late Night Refreshment

Monday to Saturday: 23:00 to 23:30

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

Sale by Retail of Alcohol

Monday to Saturday: 10:00 to 23:00

Sunday: 12:00 to 22:30

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

The opening hours of the premises:

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

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

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

Part 2

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

Samuel Smith (Southern)
The Old Brewery
Tadcaster
North Yorkshire
LS24 9SB

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

01345661

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

Name: Stavros Samarentsis

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: 19/04147/LIPERS
Licensing Authority: City of Westminster Council

Date: 19 May 2023

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 -

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

Where -

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

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

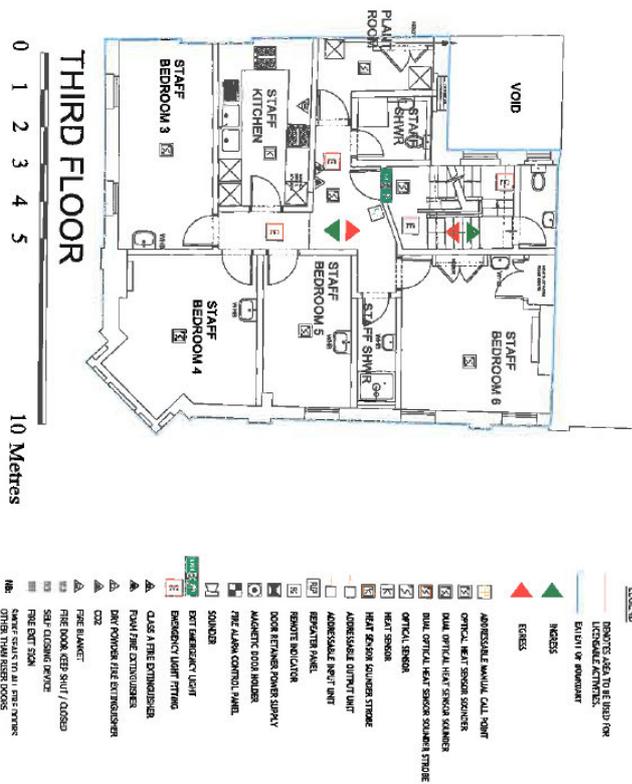
Annex 2 – Conditions consistent with the operating Schedule

None

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

9. A designated taxi number shall be available.
10. A proof of age scheme, such as Challenge 21, shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.
11. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to nuisance.
12. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
13. 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.
14. There shall be no striptease or nudity, and all persons shall be decently attired at all times.
15. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
16. Deliveries and bottle collections shall not be undertaken between the hours of 22:00 and 07:00.
17. The maximum number of persons accommodated in the first floor at any one time shall not exceed 60 persons (excluding staff)
18. Substantial food and non-intoxicating beverages, including drinking water, shall be available until 22:00 in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
19. Except in an emergency, customers will not use the entrance / exit door situated immediately next to number 25 Great Wimpole Street.
20. A notice shall be prominently displayed on the premises so that it can be read from outside the premises to the effect that customers must not drink or smoke in front of or obstruct any residential doorways.

PROPOSED



- LEGEND**
- ROOMS TO BE BUD FOR LICENSABLE ACTIVITIES
 - EXISTING ROOMS
 - EXISTING
 - EXISTING
 - ADDRESSABLE MANUAL CALL POINT
 - OPTICAL HEAT SMOKE SENSOR
 - DUAL OPTICAL HEAT SMOKE SENSOR
 - DUAL OPTICAL HEAT SMOKE SENSOR STROBE
 - OPTICAL SENSOR
 - HEAT SENSOR
 - HEAT SMOKE SMOKE SMOKE
 - ADDRESSABLE OPTIC THERMIST
 - ADDRESSABLE POINT DETECT
 - REPEATER PANEL
 - REMOTE INDICATOR
 - DOOR RELEASER POWER SUPPLY
 - MAGNETIC DOOR HOLDER
 - FIRE ALARM CONTROL PANEL
 - SOUNDER
 - PORT EMERGENCY LIGHT
 - EMERGENCY LIGHT FITTING
 - CLASS A FIRE EXTINGUISHER
 - FLAMMABLE LIQUID EXTINGUISHER
 - DRY POWDER FIRE EXTINGUISHER
 - CO2
 - FIRE EXTINGUISHER
 - FIRE HOSE REEL SUIT / COUSCO
 - SELF-CLOSING DOOR
 - FIRE EXIT SIGN
 - CHARGE SIGN TO ALL FIRE EXITS OTHER THAN GREEN DOORS

<p>PROJECT INFORMATION</p> <p>PROJECT NAME: 31 Old Burlington Street, London W1S 3AW</p> <p>CLIENT: Andrew & Boyd Consultants Limited</p> <p>DATE: 15/01/15</p> <p>SCALE: 1:50 @ A1</p> <p>DATE: MAY 2015</p> <p>PROJECT NO: A</p> <p>DATE: LIC006</p>	<p>REVISION A - 08.02.2017</p> <p>AMENDMENTS TO PLAN</p> <p>LAYOUT TO REVISED SCHEME</p>
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City of Westminster
64 Victoria Street, London,
SW1E 6QP

Schedule 12
Part B

Premises licence
summary

WARD: West End
UPRN: 100022728595

Regulation 33, 34

Premises licence
number:

20/08988/LIPDPS

Part 1 – Premises details

Postal address of premises:

Duke of Argyll Public House
37 Brewer Street
London
W1F 0RY

Telephone Number: 020 7437 6819

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Late Night Refreshment
Sale by Retail of Alcohol

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

Late Night Refreshment

Monday to Saturday: 23:00 to 23:30

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

Sale by Retail of Alcohol

Monday to Saturday: 10:00 to 23:00

Sunday: 12:00 to 22:30

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

The opening hours of the premises:

Monday to Saturday: 10:00 to 23:30

Sunday: 12:00 to 23:00

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

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

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

Samuel Smith (Southern)
The Old Brewery
Tadcaster
North Yorkshire
LS24 9SB

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

01345661

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

Name: Stavros Samarentsis

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

Restricted

Date: 19 May 2023

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

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
15/02349/LIPN	<p>New premises licence</p> <p>Late Night Refreshment Monday to Saturday: 23:00 to 23:30</p> <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p> <p>Sale by Retail of Alcohol Monday to Saturday: 10:00 to 23:00 Sunday: 12:00 to 22:30</p> <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p>	11.06.2015	Granted at Licensing Sub-Committee
16/00070/LIPV	<p>Application to vary the premises licence:</p> <p>To vary the layout of the ground and first floor</p>	18.05.2016	Granted under Delegated Authority
17/02573/LIPVM	<p>Minor variation application:</p> <p>To vary the layout of the ground and first floor</p>	27.03.2017	Granted under Delegated Authority
17/12672/LIPDPS	<p>Application to vary the Designated Premises Supervisor</p>	18.12.2017	Granted under Delegated Authority
18/02447/LIPT	<p>Transfer application: Thomas Jeffrey Paget to Thomas Jeffrey Paget</p>	09.05.2018	Granted under Delegated Authority
19/03491/LIPDPS	<p>Application to vary the Designated Premises Supervisor</p>	14.06.2019	Granted under Delegated Authority

20/07422/LIPDPS	Application to vary the Designated Premises Supervisor	16.09.2020	Granted under Delegated Authority
20/08988/LIPDPS	Application to vary the Designated Premises Supervisor	19.10.2020	Granted under Delegated Authority

There is no appeal or Temporary Event Notice history

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

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

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

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

Conditions: On Current Licence -

Mandatory:

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

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

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

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

premises in a capacity that which enables him to prevent the supply of alcohol.

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

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

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

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

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

Where -

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

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

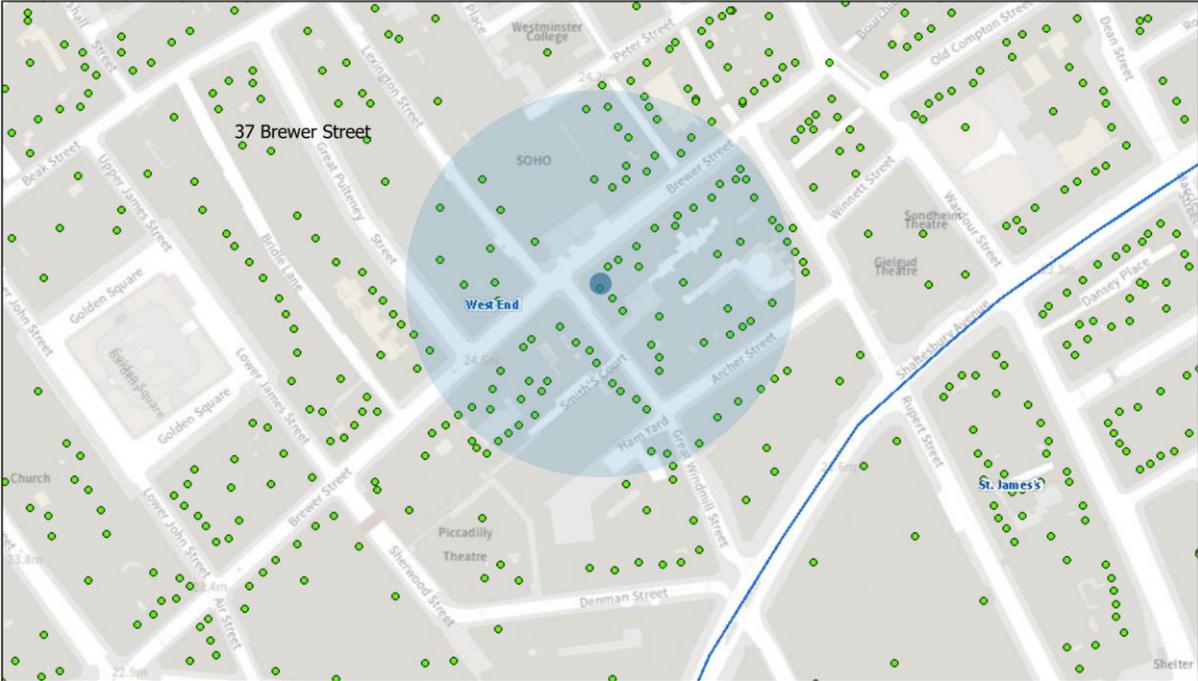
Annex 2 – Conditions consistent with the operating Schedule

None

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

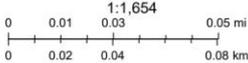
9. A designated taxi number shall be available.
10. A proof of age scheme, such as Challenge 21, shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.
11. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to nuisance.
12. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
13. 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.
14. There shall be no striptease or nudity, and all persons shall be decently attired at all times.
15. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
16. Deliveries and bottle collections shall not be undertaken between the hours of 22:00 and 07:00.
17. The maximum number of persons accommodated in the first floor at any one time shall not exceed 60 persons (excluding staff)
18. Substantial food and non-intoxicating beverages, including drinking water, shall be available until 22:00 in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
19. Except in an emergency, customers will not use the entrance / exit door situated immediately next to number 25 Great Wimpole Street.
20. A notice shall be prominently displayed on the premises so that it can be read from outside the premises to the effect that customers must not drink or smoke in front of or obstruct any residential doorways.

Duke Of Argyll Public House, 37 Brewer Street, London, W1F 0RY



16/05/2023, 09:36:21

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



Resident count: 235

Licensed premises within 75 metres of Duke Of Argyll Public House, 37 Brewer Street, London, W1F 0RY				
Licence Number	Trading Name	Address	Premises Type	Time Period
20/08988/LIPDPS	Duke Of Argyll Public House	37 Brewer Street London W1F 0RY	Public house or pub restaurant	Sunday; 12:00 - 23:00 Monday to Saturday; 10:00 - 23:30
15/02567/LIPVM	Blacklock	25 Great Windmill Street London W1D 7LH	Restaurant	Sunday; 12:00 - 22:30 Monday to Saturday; 10:00 - 23:30
17/09357/LIPN	Fiorucci	39-43 Brewer Street London W1F 9UD	Shop	Saturday to Sunday; 08:00 - 20:00
22/11095/LIPVM	El Camion	25-27 Brewer Street London W1F 0RR	Restaurant	Monday; 09:00 - 03:30 Tuesday; 09:00 - 03:30 Wednesday; 09:00 - 03:30 Thursday; 09:00 - 03:30 Friday; 09:00 - 03:30 Saturday; 09:00 - 03:30 Sunday; 12:00 - 23:00
23/00869/LIPRW	Bantof Co	31 Great Windmill Street London W1D 7LP	Restaurant	Sunday; 08:00 - 22:30 Monday to Saturday; 08:00 - 00:00
22/02238/LIPRW	Thin White Duke	22 Great Windmill Street London W1D 7LD	Cafe within another property	Sunday; 09:00 - 22:30 Monday to Thursday; 09:00 - 23:30 Friday to Saturday; 09:00 - 00:00
22/07815/LIPT	Not Recorded	21 Great Windmill Street London	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday;

		W1D 7LB		10:00 - 00:30
22/12095/LIPDPS	Not Recorded	28 Brewer Street London W1F 0SR	Restaurant	Monday; 10:00 - 00:30 Tuesday; 10:00 - 00:30 Wednesday; 10:00 - 00:30 Thursday; 10:00 - 00:30 Friday; 10:00 - 00:30 Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
21/03810/LIPN	Not Recorded	28 Brewer Street London W1F 0SR	Restaurant	Monday; 10:00 - 00:30 Tuesday; 10:00 - 00:30 Wednesday; 10:00 - 00:30 Thursday; 10:00 - 00:30 Friday; 10:00 - 00:30 Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
18/10483/LIPDPS	Janetira Eat Thai	28 Brewer Street London W1F 0SR	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
17/02349/LIPDPS	Soju Restaurant	32 Great Windmill Street London W1D 7LR	Restaurant	Sunday; 12:00 - 22:30 Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00
23/01607/LIPRW	CheeMc	32 Great Windmill Street London W1D 7LR	Restaurant	Sunday; 09:00 - 23:00 Monday to Thursday; 09:00 - 00:00 Friday to Saturday; 09:00 - 00:30 Sundays before Bank Holidays; 09:00 - 00:30
17/12283/LIPT	Damson & Co	21 Brewer Street London	Restaurant	Monday to Sunday; 08:00 - 21:45

		W1F 0RL		Sundays before Bank Holidays; 08:00 - 00:00
22/11964/LIPDPS	Bills	36 Brewer Street London W1F 9TA	Cafe	Monday; 10:00 - 00:30 Tuesday; 10:00 - 00:30 Wednesday; 10:00 - 00:30 Thursday; 10:00 - 00:30 Friday; 10:00 - 00:30 Sunday; 10:00 - 00:00
23/00443/LIPCH	Kissaten	30 Brewer Street London W1F 0SS	Recording Studio	Monday to Sunday; 09:00 - 00:00
22/01978/LIPN	Shadow Licence	20 Great Windmill Street London W1D 7LA	Not Recorded	Monday; 10:00 - 23:30 Tuesday; 10:00 - 23:30 Wednesday; 10:00 - 23:30 Thursday; 10:00 - 23:30 Friday; 10:00 - 00:00 Saturday; 10:00 - 00:00 Sunday; 12:00 - 22:50
22/01460/LIPDPS	Be At One	20 Great Windmill Street London W1D 7LA	Public house or pub restaurant	Sunday; 10:00 - 22:50 Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00
23/01291/LIPDPS	Chilango	24 Brewer Street London W1F 0SN	Restaurant	Saturday; 10:00 - 00:00 Sunday; 12:00 - 22:30 Monday to Friday; 10:00 - 23:00
23/00335/LIPDPS	Bocca Di Lupo	Basement And Ground Floor 12 Archer Street London W1D 7BB	Restaurant	Sunday; 11:00 - 23:30 Monday to Friday; 07:30 - 00:00

20/06574/LIPV	Cutter And Squidge	20 Brewer Street London W1F 0SJ	Shop (large)	Monday; 09:30 - 21:00 Tuesday; 09:30 - 21:00 Wednesday; 09:30 - 21:00 Thursday; 09:30 - 22:00 Friday; 09:30 - 23:00 Saturday; 10:00 - 23:00 Sunday; 11:00 - 21:30
19/09651/LIPN	Not Recorded	57 Rupert Street London W1D 7PL	Wine bar	Sunday; 12:00 - 23:00 Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00
19/14625/LIPVM	The Yard Bar	57 Rupert Street London W1D 7PL	Wine bar	Monday; 10:00 - 23:30 Tuesday; 10:00 - 23:30 Wednesday; 10:00 - 23:30 Thursday; 10:00 - 23:30 Friday; 10:00 - 00:00 Saturday; 10:00 - 00:00 Sunday; 12:00 - 23:00 Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00
16/01124/LIPDPS	Wagamama	10A Lexington Street London W1F 0LD	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
21/06245/LIPVM	Lina Stores	18 Brewer Street London W1F 0SH	Shop	Monday to Sunday; 00:00 - 00:00
22/12118/LIPDPS	Glasshouse Stores Public House	55 Brewer Street London W1F 9UJ	Public house or pub restaurant	Sunday; 12:00 - 23:00 Monday to Saturday; 10:00 - 23:30

21/14420/LIPDPS	Randall & Aubin	16 Brewer Street London W1F 0SQ	Cafe	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
22/02447/LIPDPS	Yalla Yalla	Basement And Ground Floor 1 Green's Court London W1F 0HA	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
20/05587/LIPT	Paradise Ldn	61 Rupert Street London W1D 7PW	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 01:30
16/08679/LIPT	The Lyric Public House	37 Great Windmill Street London W1D 7LT	Public house or pub restaurant	Sunday; 12:00 - 22:30 Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00
14/08609/LIDPSR	The Lyric Public House	37 Great Windmill Street London W1D 7LT	Public house or pub restaurant	Sunday; 12:00 - 22:30 Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sundays before Bank Holidays; 12:00 - 00:00
22/09173/LIPDPS	Archer Street	3 - 4 Archer Street London W1D 7AP	Night clubs and discos	Sunday; 09:00 - 23:00 Monday to Saturday; 09:00 - 01:30 Sundays before Bank Holidays; 09:00 - 00:00
06/06238/WCCMAP	Rupert Supermarket	55 Rupert Street London W1D 7PJ	Shop	Sunday; 10:00 - 22:30 Monday to Saturday; 08:00 - 23:00
21/04777/LIPDPS	West End Metro	Ground Floor 38 Great Windmill Street London	Shop	Sunday; 07:00 - 02:00 Monday to Saturday; 07:00 - 02:00

		W1D 7LU		
16/10909/LIPDPS	Lils	53 Rupert Street London W1D 7PH	Restaurant	Friday; 07:00 - 00:00 Saturday; 08:00 - 00:00 Sunday; 08:00 - 22:30 Monday to Thursday; 07:00 - 23:00 Sundays before Bank Holidays; 08:00 - 00:00
22/07837/LIPV	The Windmill	17 - 19 Great Windmill Street London W1D 7JZ	Theatre	Monday; 09:00 - 05:30 Tuesday; 09:00 - 05:30 Wednesday; 09:00 - 05:30 Thursday; 09:00 - 05:30 Friday; 09:00 - 05:30 Saturday; 09:00 - 05:30 Sunday; 09:00 - 03:00
21/14637/LIPV	Not Recorded	17 - 19 Great Windmill Street London W1D 7JZ	Sexual Entertainment Venue	Monday; 09:00 - 05:30 Tuesday; 09:00 - 05:30 Wednesday; 09:00 - 05:30 Thursday; 09:00 - 05:30 Friday; 09:00 - 05:30 Saturday; 09:00 - 05:30 Sunday; 09:00 - 03:00

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City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	01 June 2023
Licensing Ref No:	23/01711/LIPN - New Premises Licence
Title of Report:	80 Duke Street London W1K 6JG
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Emanuela Meloyan
Contact details	Telephone: 020 7641 6500 Email: emeloyan@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	17 March 2023		
Applicant:	Maryool Lease Limited		
Premises:	Maryool		
Premises address:	80 Duke Street London W1K 6JG	Ward:	West End
		Cumulative Impact Area:	None
		Special Consideration Zone:	None
Premises description:	According to the application premises intend to operate as a Lebanese restaurant. The premises also provide take away meals.		
Premises licence history:	This is an application for a new premises licence and no premises history exists.		
Applicant submissions:	None		
Applicant amendments:	During consultation amended conditions were proposed by the Metropolitan Police which were agreed by the applicant and on that basis, the Police did not submit a formal representation. The agreed conditions appear at Appendix 4		

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

Sale by retail of alcohol				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	09:00	09:00	09:00	09:00	09:00	09:00	09:00
End:	00:00	00:00	00:00	00:00	00:00	00:00	00:00
Seasonal variations/ Non-standard timings:		From end of permitted hours on New Years Eve to the start of permitted hours on New Years Day					

Recorded Music				Indoors, outdoors or both:			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	09:00	09:00	09:00	09:00	09:00	09:00	09:00
End:	00:00	00:00	00:00	00:00	00:00	00:00	00:00
Seasonal variations/ Non-standard timings:		From end of permitted hours on New Years Eve to the start of permitted hours on New Years Day					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	09:00	09:00	09:00	09:00	09:00	09:00	09:00
End:	00:30	00:30	00:30	00:30	00:30	00:30	00:30
Seasonal variations/ Non-standard timings:	From end of permitted hours on New Years Eve to the start of permitted hours on New Years Day						
Adult Entertainment:	None						

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Service
Representative:	Ayesha Bolton
Received:	14 April 2023
<p>I refer to the application for a new Premises Licence for the above premises. This representation is based on the plans and operating schedule submitted.</p> <p>The applicant is seeking the following:</p> <ol style="list-style-type: none"> 1. To provide Regulated Entertainment of Recorded Music indoors only from Monday to Sunday 09.00 to 00.00 hours and on New Year's Eve to New Year's Day. 2. To provide Late Night Refreshment both indoors and outdoors from Monday to Sunday from 23.00 to 00.00 hours and on New Year's Eve to New Year's Day. 3. To provide Supply of Alcohol both On and Off the premises from Monday to Sunday from 09.00 to 00.00 hours and on New Year's Eve to New Year's Day. <p>I wish to make the following representation:</p> <ol style="list-style-type: none"> 1. The provision and the hours requested for Regulated Entertainment of Recorded Music will have the likely effect of causing an increase in Public Nuisance within the area. 2. The provision and the hours requested for Late Night Refreshment will have the likely effect of causing an increase in Public Nuisance within the area. 3. The provision and the hours requested for Supply of Alcohol will have the likely effect of causing an increase in Public Nuisance within the area and may impact on Public Safety. <p>The granting of the application as presented would have the likely effect of causing an increase in Public Nuisance and may impact on Public Safety within the area. Should you wish to discuss the matter further please do not hesitate to contact me.</p>	

2-B Other Persons	
Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED]
Received:	24 March 2023
<p>I am objecting to the grant of this application because the premises is in a mixed residential & commercial area, located where noise from the premises and it's servicing will cause noise nuisance to residents nearby and in the area.</p>	

but there seems to be no useful purpose served by the applicant seeking looser licensing conditions than those laid down by planning when the more restrictive conditions apply.

Planning condition 13 states " You must not sell any take-away food or drink on the premises"

Planning condition 15 states " No delivery services shall be operated in association with the restaurant hereby approved including deliveries by any independent delivery service operators".

Planning condition 17 states "Customers shall not be permitted within the premises....after 24.00 hours on Monday to Saturday....and after 22.30 on Sundays, bank holidays and public holidays"

Planning condition 18 states " You must not allow more than 150 customers into the property at any one time"

Planning condition 19 states " All windows to the restaurant shall be kept fully closed all times that customers are on the premises and all restaurant doors shall be kept closed at all times except for the purpose of access and egress"

Planning condition 22 states " With the exception of local authority waste collections, all restaurant servicing must take place between 07.00 and 19.00 hours. servicing includes loading and unloading goods from vehicles and putting rubbish outside the premises."

In all cases detailed reasons are given for these conditions. Unless changed they will continue to apply anyway and we feel that it is justified to include all or similarly worded ones in this licensing application.

3. Policy & Guidance

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

Policy HRS1 applies

- A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.
- B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:
 1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm.
 2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation.
 3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed.
 4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.
 5. The proposed hours when any music, including incidental music, will be played.
 6. The hours when customers will be allowed to take food or

	<p>drink outside the premises or be within open areas which form part of the premises.</p> <ol style="list-style-type: none"> 7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity. 8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night. 9. The capacity of the premises. 10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation. 11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely. 12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises. 13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives. 14. Specific days for non-standard hours should be identified and 15. justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications. <p>C. For the purpose of Clauses A and B above, the Core Hours for applications for each premises use type as defined within this policy are:</p> <p>10a. Shops (all licensable activities that are provided as ancillary to the primary use of the premises as a shop except the off sale of alcohol)</p> <ul style="list-style-type: none"> - Monday to Thursday: 9am to 11.30pm. - Friday and Saturday: 9am to Midnight. - Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to Midnight. <p>10b. Shops (off-sales of alcohol where it forms either the ancillary or primary use of the premises) Monday to Saturday: 8am to 11pm. Sunday: 9am to 10.30pm.</p> <p>D. Core hours are when customers are permitted to be on the</p>
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	<p>premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.</p>
<p>Policy RTN1 applies</p>	<p>A. Applications outside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities being within the council's Core Hours Policy HRS1. 3. The applicant has taken account of the Special Consideration Zones Policy SCZ1 if the premises are located within a designated zone. 4. The application and operation of the venue meeting the definition of a restaurant as per Clause C. <p>B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities are within the council's Core Hours Policy HRS1. 3. The applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone. 4. The application and operation of the venue meeting the definition of a restaurant as per Clause C. <p>C. For the purposes of this policy a restaurant is defined as:</p> <ol style="list-style-type: none"> 1. A premises in which customers are shown to their table or the customer will select a table themselves to which food is either served to them or they have collected themselves. 2. Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at a table. 3. Which do not provide any takeaway service of food and/or drink for immediate consumption. 4. Where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals. <p>5. The sale and consumption of alcohol prior to such meals may be in a bar area but must also be ancillary to the taking of such meal.</p>

4. Equality Implications

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

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

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

5. Appendices

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

Report author:	Emanuela Meloyan
Contact:	Telephone: 020 7641 6500 Email: emeloyan@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.

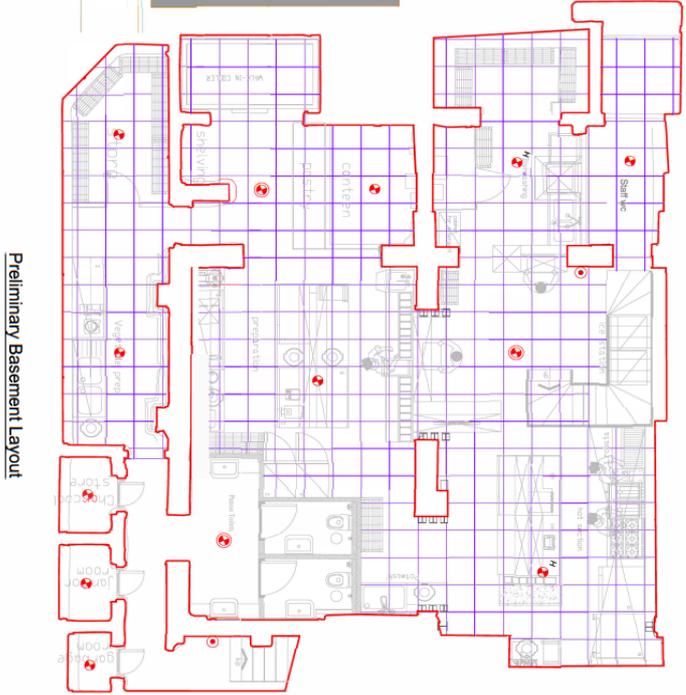
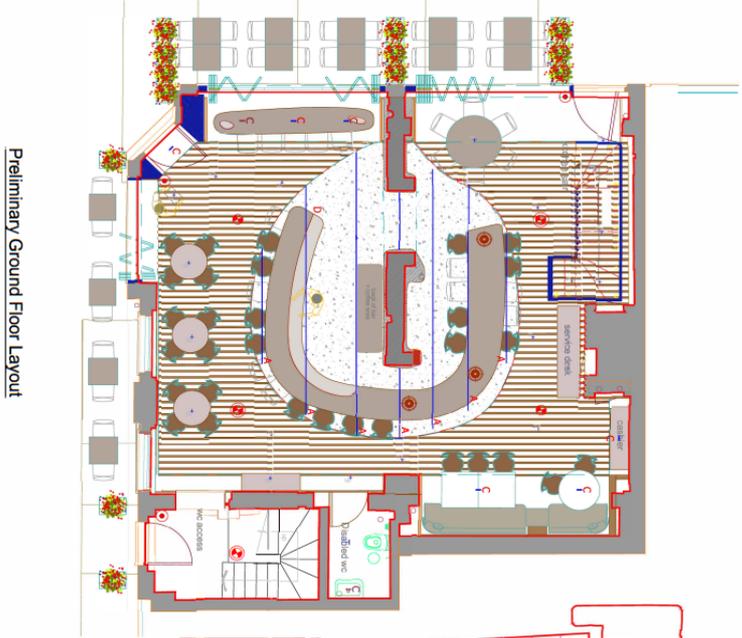
Background Documents – Local Government (Access to Information) Act 1972

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	October 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	December 2022
4	Environmental Health Service	14 April 2023
5	Interested Party representation (1)	24 March 2023
6	Interested Party representation (2)	11 April 2023

- General Notes**
- licensable activities take place within the red line
 - Loose furniture is indicative only
 - Fire equipment may be changed in accordance with the FRA or on the advice of a fire officer

Preliminary Fire Alarm Layout

	FIRE ALARM MANUAL CALL POINT
	SMOKE DETECTOR
	SMOKE DETECTOR C/W SOUNDER BASE
	HEAT DETECTOR



Applicant Supporting Documents

Appendix 2

None

Premises History

Appendix 3

There is no licence or appeal history for the premises.

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

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

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

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

Mandatory Conditions

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

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

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

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

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

Conditions proposed by the applicant.

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

The Metropolitan Police have proposed an amended condition which has been agreed by the applicant so as to form part of 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 outside seating areas shall be covered by the CCTV at the premises. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested
11. 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
12. All windows and external doors shall be kept closed after (23:00) hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
13. There shall be no sales of alcohol for consumption off the premises after (23.00).
14. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00.
15. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
16. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
17. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity
18. No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined.

19. All sales of alcohol for consumption on the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
20. All sales of alcohol for consumption off the premises shall be either:
 - (a) in sealed containers and shall not be consumed on the premises and shall only be supplied with, and ancillary to a take-away meal Or for delivery (either by phone or online) to a bona fide address and the customer shall be reminded that the premises operate a challenge 25 policy. Customers will be asked to provide ID on delivery if they look younger than 25. Restaurant staff will notify the delivery drivers if an order contains alcohol and/or
 - (b) restricted to alcohol consumed by persons who are seated in an area appropriately authorised for the use of tables and chairs on the highway and where the supply of alcohol is by waiter or waitress service only.
21. Notwithstanding condition (20), alcohol may be supplied and consumed prior to their meal in the bar area (designated on the plan), by up to a maximum at any one time, of 10 persons dining at the premises.

The Metropolitan Police have proposed an amended condition which has been agreed by the applicant so as to form part of the operating schedule.

21. Notwithstanding condition (20), alcohol may be supplied and consumed to seated patrons prior to their meal in the bar area (designated on the plan), by up to a maximum at any one time, of 10 persons dining at the premises.
22. The supply of alcohol shall be by waiter or waitress service only including by bar staff if seated at the bar.
23. 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.
24. 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.
25. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
26. An incident log shall be kept at the premises and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following: (a) all crimes reported to the venue (b) all ejections of patrons (c) any complaints received concerning crime and disorder (d) any incidents of disorder (e) all seizures of drugs or offensive weapons (f) any faults in the CCTV system, searching equipment or scanning equipment (g) any refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service.
27. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
28. No deliveries to the premises shall take place between (23.00) and (06.00) on the

following day.

29. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
30. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
31. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
32. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
33. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
34. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.
35. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment
36. The premises may remain open for the regulated entertainment, sale of alcohol and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.
37. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.
38. 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.

Conditions proposed by the Environmental Health Service not agreed by the applicant.

39. 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.
40. The premises licence holder shall ensure that any patrons smoking outside the premises do so in an orderly manner to ensure that there is no public nuisance or obstruction of the public highway.
41. All tables and chairs shall be removed from the outside area by (23.00) each day.
42. Deliveries of food shall only be made to a bonafide residential or business addresses.
43. The premises Licence Holder shall ensure that riders/drivers will be instructed not to

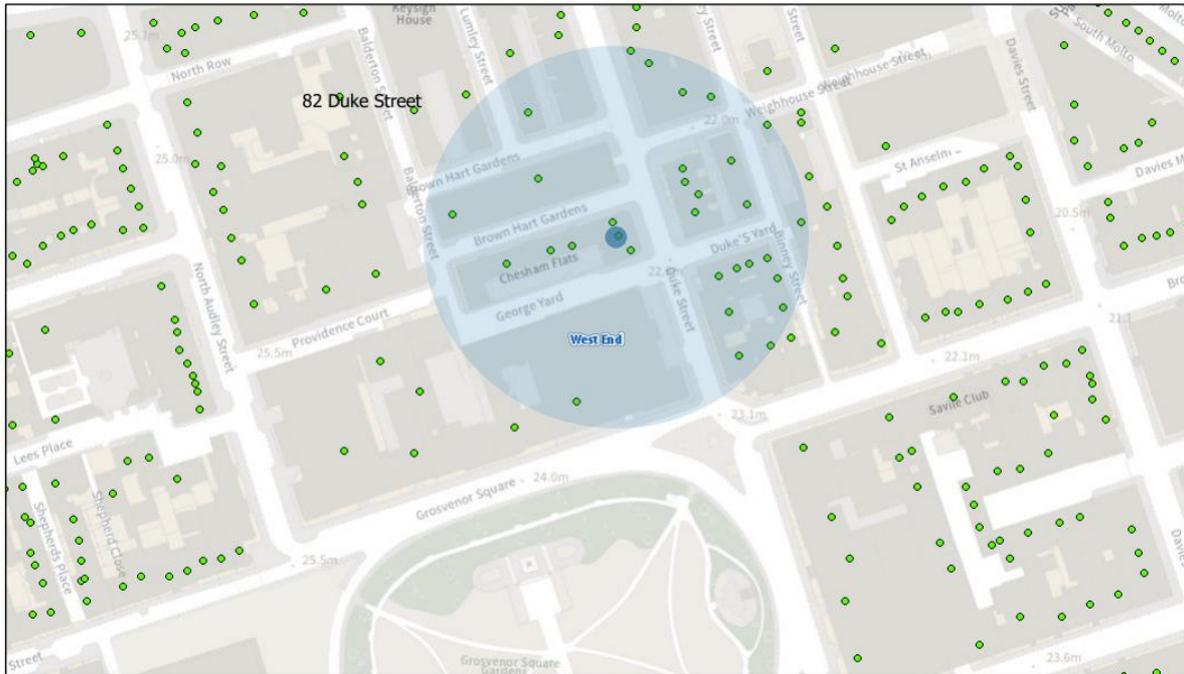
loiter in the vicinity of residential premises.

44. The premises Licence Holder shall ensure that riders/drivers will not be permitted to congregate in the immediate vicinity of the premises.
45. The premises Licence Holder shall ensure that riders/drivers will not be permitted to smoke in the immediate vicinity of the premises
46. Delivery drivers/riders shall be given clear written instructions to use their vehicles in a responsible manner so as not to cause a nuisance to any residents or generally outside of the licenced premises.
47. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
48. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 08.00 hours on the following day.
49. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 08.00 on the following day.
50. No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined.

Conditions proposed by Interested Party 1 not agreed by applicant.

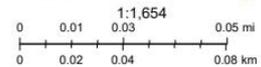
51. No movement of goods or other items or substances outside the premises between 9pm and 7.30am.
52. No deliveries and no servicing at the premises between 9pm and 7.30am.
53. Other than WCC services, there will be no waste/recycling collections at the premises between 8am and 5pm

80 Duke Street, London, W1K 6JG



11/05/2023, 10:53:28

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



Resident Count: 149

Licensed premises within 75m of 80 Duke Street, London, W1K 6JG				
Licence Number	Trading Name	Address	Premises Type	Time Period
23/02555/LIPVM	Barley Mow	82 Duke Street London W1K 6JG	Public house	Monday to Thursday – 08:00 – 23:30; Friday to Saturday – 08:00 – 00:00; Sunday – 08:00 – 22:30
06/06191/WCCMAP	West One Food Fayre	85 Duke Street London W1K 5PG	Shop	Monday to Saturday – 08:00 – 23:00; Sunday – 10:00 – 22:30
22/09397/LIPT	Garden Cafe	Brown Hart Gardens London	Cafe	Monday to Saturday – 08:00 – 20:00; Sunday – 10:00 – 20:00

22/03054/LIPDPS	Lucky Cat	10 - 13 Grosvenor Square London W1K 5AE	Restaurant	Monday to Sunday – 10:00 – 03:30
21/08440/LIPN	Lomar Hotel (Shadow Licence)	10 - 13 Grosvenor Square London W1K 5AE	Hotel	Monday to Sunday – 10:00 – 03:00
20/03534/LIPN	Marriot Hotel	Marriot Hotel 84 - 86 Duke Street London W1K 6JP	Hotel	Monday to Sunday – 00:00 – 00:00
21/07856/LIPDPS	Plants By DE	18 - 20 Weighhouse Street London W1K 5LU	Cafe	Monday to Saturday – 10:00 – 22:00; Sunday – 12:00 – 18:00

Licensing Sub-Committee Report



City of Westminster

Item No:	
Date:	1 June 2023
Licensing Ref No:	23/01746/LIPN - New Premises Licence
Title of Report:	Units 1 And 2 Zig Zag Building 70 Victoria Street London SW1E 6SQ
Report of:	Director of Public Protection and Licensing
Wards involved:	St James's
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Angela Lynch Senior Licensing Officer
Contact details	Telephone: 020 7641 6500 Email: aseaward@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	20 March 2023		
Applicant:	Ls Zig Zag Limited		
Premises:	Units 1 And 2		
Premises address:	Zig Zag Building 70 Victoria Street London SW1E 6SQ	Ward:	St James
		Cumulative Impact Area:	None
		Special Consideration Zone:	None
Premises description:	The premises intends to operate as a Bowling Centre with associated leisure and entertainment facilities together with a bar and food facilities. This is for pre-booked and walk in customers.		
Premises licence history:	This is an application for a new premises licence and therefore no premises licence history exists.		
Applicant submissions:	The applicant has provided further submission in response to each interested party. These can be found at Appendix 2		
Applicant amendments:	Following consultation with the Metropolitan Police Service the applicant has agreed to reduce the hours for the Sale by Retail of Alcohol and the terminal hour for Late Night Refreshment, as shown at 1B.		

1-B 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:		None					

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:		None					

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	11:00
End:	00:00	00:00	00:00	00:00	01:00	01:00	22:30
Seasonal variations/ Non-standard timings:		None					

Live 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	11:00
End:	00:00	00:00	00:00	00:00	01:00	01:00	22:30
Seasonal variations/ Non-standard timings:		None					

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	11:00
End:	00:00	00:00	00:00	00:00	01:00	01:00	22:30
Seasonal variations/ Non-standard timings:		None					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	11:00
End:	00:00	00:00	00:00	00:00	01:00	01:00	22:30
Seasonal variations/ Non-standard timings:		None					
Adult Entertainment:		None					

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Service
Representative:	Sally Fabbricatore
Received:	14 th April 2023

I refer to the application for a new Premises Licence for the above premises.

This representation is based on the Operating Schedule and the submitted plans for the first floor (drawing number 2211041), ground floor (drawing number 2211031) and basement (drawing number 2211021), which are all titled with the address.

The applicant is seeking the following on the **first floor, ground floor and basement:**

1. To allow the Supply of Alcohol 'on and off' the premises Monday to Thursday 10:00-00:00 hours, Friday and Saturday 10:00-01:00 hours and Sunday 11:00-22:30 hours.
2. To allow the provision of Late Night Refreshment 'indoors' Monday to Thursday 23:00-00:00 hours and Friday and Saturday 23:00-01:00 hours.
3. To allow the provision of Films, Recorded Music and Live Music 'indoors' Monday to Thursday 10:00-00:00 hours, Friday and Saturday 10:00-01:00 hours and Sunday 11:00-22:30 hours.

I wish to make the following representation in relation to the above application:

1. The provision of the Supply of Alcohol may cause an increase in Public Nuisance in the area, it may also impact on Public Safety.
2. The provision of Late Night Refreshment may cause an increase in Public Nuisance in the area, it may also impact on Public Safety.
3. The provision of Films, Recorded Music and Live Music may cause an increase in Public Nuisance in the area, it may also impact on Public Safety.

Further information has been provided, including proposed conditions. Further conditions may be proposed by Environmental Health in order to protect the Licensing Objectives.

Responsible Authority:	Metropolitan Police Service – Withdrawn 17th May 2023
Representative:	PC Reaz Guerra
Received:	29 th March 2023

With reference to the above applications, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, are objecting to this application as it is our belief there are exceptional that if granted the application would undermine the Prevention of Crime and Disorder Licensing Objective.

The hours sought exceed Westminster's core hours policy.

The premises is situated within the Victoria Special Consideration Zone.

It is for these reasons that we object to this application.

Following the agreement of hours with the applicant, the Metropolitan Police withdrew their representation on 17th May 2023.

2-B Other Persons	
Name:	██████████ (Withdrawn 19.5.2023)
Address and/or Residents Association:	██████████ ██████████ ██████████
Received:	15 ^h April 2023
<p>This application is for opening hours beyond those set in Core Hours in The Statement of Licensing Policy 2021 and as such should be refused.</p> <p>Pubs, restaurants and all licensed premises should comply with the Core Hours established in the Statement of Licensing Policy to avoid issues of Public Nuisance.</p> <p>In addition once the hours have been set to Core Hours for all activities there should be an express provision in any license the prohibits the emanation of sound from any source from the inside of the premises to the surrounding external streets / neighbourhood.</p> <p>Following submissions received by the applicant on 17th May 2023 the Interested Party has withdrawn their representation on 19th May 2023. Additional submissions can be seen at <i>Appendix 2</i></p>	

Name:	██████████
Address and/or Residents Association:	██████████ ██████████ ██████████ ██████████
Received:	13 ^h April 2023
<p>Regarding point 4 in the applicant's statement: It is surely not possible to determine in advance how customers will use these premises. While the applicant asserts that the 'primary use of the premises shall be as a bowling alley' it is also noted that 'alcohol may be served to those not participating in bowling'. Thus there can be no certainty that the premises may not be used predominantly as a site to sell alcohol.</p> <p>2. Regarding point 5 in the applicant's statement: The applicant asserts that 'the majority of those using the premises for licensable activities will have pre-booked in advance'. This appears to suggest that there will be limits on the numbers using the premises for 'licensable activities'. However, the applicant appears to contradict this view by admitting that 'walk in guests may use the premises and its facilities'.</p> <p>3. Regarding point 6 in the applicant's statement: The applicant states that 'any off sales of alcohol shall be limited only to such sales for consumption in any external seating area. This raises two issues: (a) how will such limits be determined? (b) where are the 'external seating areas' expected to be located.</p> <p>4. Regarding point 13 in the applicant's statement: The applicant claims that 'no noise generated on the premises or by associated plant and equipment nor vibration' will be 'transmitted through the structure of the premises which gives rise to any nuisance'. However, the applicant gives no indication as to how this avoidance of nuisance will be avoided.</p> <p>5. It would seem that what is being proposed, under the guise of an entertainment facility is another drinking and eating establishment of which Victoria already has many.</p>	

3. Policy & Guidance

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

	<p>are expected to be covered by Temporary Event Notices or variation applications.</p> <p>C. For the purpose of Clauses A and B above, the Core Hours for applications for each premises use type as defined within this policy are:</p> <p>Cinemas, Cultural Venues and Live Sporting Premises Monday to Sunday: 9am to Midnight</p> <p>D. Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.</p> <p>E. For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement.</p>
Policy COMB1 applies	<p>A. Applications outside the West End Cumulative Impact Zone for premises that propose to operate as a 'combined use premises' will be considered on their merits and subject to: 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities for the relevant use being within the council's Core Hours Policy HRS1. 3. The 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. 4. The applicant has taken account of the Special Consideration Zone policy SCZ1 if the premises are located within a designated zone.</p>

4. Equality Implications

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

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

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

5. Appendices

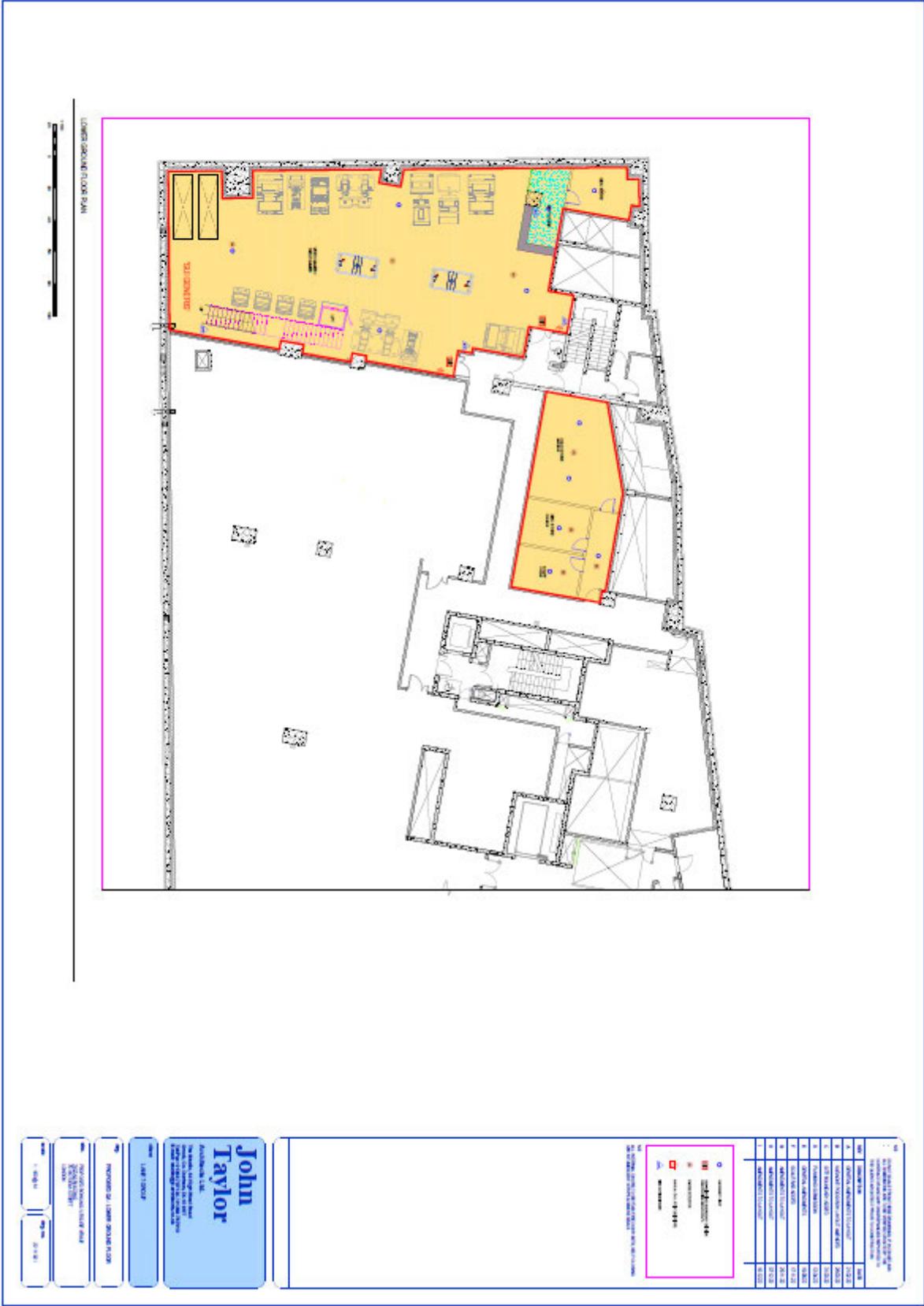
Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

Report author:	Ms Angela Lynch Senior Licensing Officer
Contact:	Telephone: 0207 641 6500 Email: aseaward@westminster.gov.uk

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

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	1 st October 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	December 2022
4	Environmental Health Service	14 th April 2023
5	Metropolitan Police Service – withdrawn 17 May 2023	29 th March 2023
6	Interested Party 1 – withdrawn 19 May 2023	15 th April 2023
7	Interested Party 2	13 th April 2023



Response to Interested Party 1 received 17.05.2023

██████████,

Further to the earlier email. The applicant's representative has asked the Licensing Service to provide you with the following information for your consideration.

'In terms of the sound attenuation point, the following may be helpful for ██████████ :

We undertook pre-application advice and Mr Nevitt from environmental health attended and had input into the proposed conditions

We also met with Sally Fabbriatore who is dealing with the application for environmental health and walked her round the building and went through the conditions

The landlord has other tenants in the building and therefore also needs to ensure that they are not disturbed

Land Sec believes as a landlord it regulates its tenants well and responsibly so if a licence is granted and once the tenant then starts to operate Land Sec will also wish to ensure that there is no disturbance to the area

There are certain conditions we offered with the application that seem to address the concern which I have set out below

12. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.

13. 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.

Condition 12 means that the EHO must visit to make sure the premises have been built properly and as per the plans.

Condition 13 seems to directly address the point in that the condition prevents noise from the premises per se or through the structure being emitted which gives rise to a nuisance and this is based on the WCC model conditions. As such, I believe that the safeguards Mr Freeman are looking for (including a condition) are in place.'

The Applicant's representative has confirmed they are more than happy to meet with you or to speak to you if that would assist in helping to understand the application and what is proposed. You can contact the solicitor using the following email address ██████████ or alternatively if you are happy for us we can provide them with your email address.

If the above information satisfies your concerns and you wish to withdraw please let us know.

Response received from Interested party 1 on 19.05.2023

Thank you for your clarification, with this and the maintenance of Core Hours we have no further objections.

Response to Interested Party 2 received 17.05.2023.

██████████,

Further to the earlier email. The applicant's representative has asked the Licensing Service to provide you with the following information for your consideration.

'The operator has a number of other sites which are already operating and thus we understand how the premises will operate. This use is also reflected both in the planning consent and the proposed agreed form of lease to be granted to the operator if and when a licence is granted. As such, the condition reflects those other obligations and if the premises were to be used in the way suggested as opposed to as a bowling alley with other activities ancillary to it then enforcement action could be taken. These are not uncommon conditions to see for certain types of use so should provide the protection suggested whilst allowing a little flexibility to the operator without allowing the premises to turn into something of an entirely different character/nature. Land Sec also believes it has a good reputation as a responsible landlord which pro-actively manages its tenants.

The point being the design of the premises is for "competitive socialising" activities where the majority of those using will have pre-booked their session. However, some people may also be able to walk into the venue on an ad hoc basis and if the leisure activities are not fully booked, book them on arrival and use them. The bar and food facilities are designed and linked to the main activities being provided so the operator will want to fully utilise them (the capital cost of the equipment alone for those activities is c.£1.5m which the operator would not invest if it wanted to use the premises in a different way). There is similar concept in the NOVA development involving darts instead of bowling (Flight Club) which operates in a very large unit with a large outside terrace and this does not cause any issues or problems as far as I am aware.

The external area is expected to be on the Victoria Street frontage (other units in the Zig Zag building at ground floor already have such areas) and part of that area will require a tables and chairs licence from WCC to be applied for by the operator, as it is on public highway, (which if granted will have limits and controls place upon it – including in respect of hours) with any private land being used on the same basis. This is a very common restriction to see imposed for such areas and not difficult to operate. I am happy to discuss this further if needed. The off sales condition is worded as it is to prevent people being able to buy alcohol from the premises and then take it away.

This will be in part due to the fit out works being undertaken by the operator/tenant but also how the operator manages the site and its operation (it has several other existing operations and it is understood these do not cause problems or issues). The wording is very clear and enforceable and should the operator not comply with it appropriate enforcement action could be taken. This condition was discussed with the environmental health team too. It is a condition drawn from the WCC model conditions. Land Sec also has other tenants in the building including office based tenants and needs to ensure that these are not disturbed. It is also the landlord for the NOVA development which has two residential elements and over 12 units that sell alcohol and do so without causing noise and disturbance. There is a dedicated security team employed by Land Sec for the building who will intervene in the highly unlikely event that this is required.

The capital investment in the equipment and the other existing operations that Lane 7 have suggest this will not be the case and the conditions proposed in the licence application and included within the planning consent mean that this simply cannot be the case in practice (without those conditions being formally varied).'

The Applicant's representative has confirmed they are more than happy to meet with you or to speak to you if that would assist in helping to understand the application and what is proposed. You can contact the solicitor using the following email address [REDACTED] or alternatively if you are happy for us we can provide them with your email address.

If the above information satisfies your concerns and you wish to withdraw please let us know.

Response from Interested Party 2 18th May 2023

Thank you for your email. We find the applicant's response inadequate and do not wish to withdraw. We confirm that we will be participating in the meeting on 1st June
Kind regards

There is no licence or appeal history for the premises.

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

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

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

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

Mandatory Conditions

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

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

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

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

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

10. CCTV condition:
 - a. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team.
 - b. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.
 - c. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance.
 - d. All recordings shall be stored for a minimum period of 31 days with date and time stamping.
 - e. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
11. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
12. There shall be a Challenge 25 age verification policy in place in relation to the sale and supply of alcohol and suitable training shall have be provided to those involved in the sale or supply of alcohol.
13. The primary use of the premises shall be as a bowling alley with ancillary/associated leisure and entertainment, food and bar facilities and the provision of the licensable activity of provision of the sale and supply of alcohol shall be ancillary to that overall use (and acknowledging that alcohol may be served to those not participating in bowling).
14. The majority of those using the premises for licensable activities will have pre-booked in advance (albeit walk in guests may use the premises and its facilities).
15. Any off sales of alcohol shall be limited only to such sales for consumption in any external seating area.
16. There shall be no u18s admitted to the premises after 9pm.
17. The venue shall employ a dedicated receptionist to greet guests on arrival.
18. Waiter/Waitress service shall be available for the sale and supply of alcohol and food throughout the premises.
19. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke or make a phone call, shall not be permitted to take alcohol with them.
20. An incident log (whether in digital or physical form) shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue;
 - (b) all ejections of patrons;
 - (c) any complaints received concerning crime and disorder;
 - (d) any incidents of disorder;
 - (e) all seizures of drugs or offensive weapons;

- (f) any faults in the CCTV system, searching equipment or scanning equipment;
- (g) any refusal of the sale of alcohol; and
- (h) any visit by a relevant authority or emergency service.

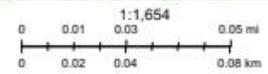
- 21. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.
- 22. No noise generated on the premises, or by 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.
- 23. Other than when using the dedicated Zig Zag Building refuse collection areas and systems, no collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 08.00 hours on the following day.
- 24. Other than when using the dedicated Zig Zag Building delivery area and system, no deliveries to the premises shall take place between 23.00 and 08.00 hours on the following day.

Units 1 & 2, Zig Zag Building, 70 Victoria Street, London, SW1E 6SQ



17/05/2023, 14:32:56

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



Resident Count 21

**Licensed premises with 75 metres of Units 1 & 2 Zig Zag Building 70 Victoria Street
London SW1E 6SQ**

Licence Number	Trading Name	Address	Premises Type	Time Period
23/01716/LIPDPS	Browns Hotel	33 Albemarle Street London W1S 4BP	Hotel, 4+ star or major chain	Monday to Sunday; 00:00 - 00:00
18/16058/LIPT	Casa Di Stefano	20 Dover Street London W1S 4LU	Restaurant	Sunday; 12:00 - 00:00 Monday to Wednesday; 10:00 - 00:30 Thursday to Saturday; 10:00 - 01:30
20/06616/LIPN	Not Recorded	Basement And Ground Floor 16 Albemarle Street London W1S 4HW	Not Recorded	Sunday; 12:00 - 00:30 Monday to Saturday; 10:00 - 01:00
21/05441/LIPCHT	Bar Des Pres	Basement And Ground Floor 16 Albemarle Street London W1S 4HW	Restaurant	Sunday; 12:00 - 00:30 Monday to Saturday; 10:00 - 01:00
21/04706/LIPT	Casa Di Stefano	19 - 20 Dover Street London W1S 4LU	Restaurant	Sunday; 12:00 - 00:00 Monday to Wednesday; 10:00 - 00:30 Thursday to Saturday; 10:00 - 01:30
22/00847/LIPDPS	It Restaurant	Hereditable House 28-29 Dover Street London W1S 4NA	Restaurant	Monday; 07:00 - 00:30 Tuesday; 07:00 - 00:30 Wednesday; 07:00 - 00:30 Thursday; 07:00 - 00:30 Friday; 07:00 - 01:30 Saturday; 07:00 - 01:30 Sunday; 07:00 - 00:30
21/03306/LIPCH	Shadow Licence	Hereditable House 28-29 Dover Street London W1S 4NA	Premises Licence - Shadow Licence	Monday; 07:00 - 00:30 Tuesday; 07:00 - 00:30 Wednesday; 07:00 - 00:30 Thursday; 07:00 - 00:30

				Friday; 07:00 - 01:30 Saturday; 07:00 - 01:30 Sunday; 07:00 - 00:30
22/11495/LIPDPS	Petrocchi Restaurant & Bar	Ground Floor 36 Albemarle Street London W1S 4JE	Restaurant	Sunday; 08:00 - 23:30 Monday to Saturday; 07:00 - 00:00
12/03422/LIPDPS	Albemarle Club	Lower Ground Floor 36 Albemarle Street London W1S 4JE	Club or institution	Monday to Sunday; 09:00 - 06:00
22/09404/LIPDPS	Not Recorded	Basement Front And Ground Floor 27 Albemarle Street London W1S 4HZ	Restaurant	Sunday; 08:00 - 22:30 Monday to Saturday; 09:00 - 01:00
14/00563/LIPT	Europa Restaurant	Basement And Ground Floor 37 Albemarle Street London W1S 4JF	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
20/07485/LIPDPS	(Restaurant)	Ground Floor 33 Dover Street London W1S 4NF	Public house or pub restaurant	Saturday; 08:00 - 03:00 Sunday; 10:00 - 23:30 Monday to Friday; 07:00 - 03:00 Sundays before Bank Holidays; 10:00 - 01:00
17/08546/LIPV	Aubaine	Part Basement And Ground Floor North 31 Dover Street London W1S 4ND	Restaurant	Sunday; 12:00 - 00:30 Monday to Saturday; 10:00 - 01:30
23/02498/LIPDPS	Chucs Bar & Grill	30B Dover Street London W1S 4NB	Restaurant	Sunday; 07:00 - 23:00 Monday to Thursday; 07:00 - 00:00 Friday to Saturday; 07:00 - 00:30 Sundays before Bank Holidays; 07:00 - 00:00

23/00933/LIPDPS	Bagatelle	Basement And Ground Floor Dover House 34 Dover Street London W1S 4NG	Restaurant	Monday; 09:00 - 01:00 Tuesday; 09:00 - 01:00 Wednesday; 09:00 - 01:00 Thursday; 09:00 - 01:00 Friday; 09:00 - 01:00 Saturday; 09:00 - 01:00 Sunday; 09:00 - 00:30
15/08436/LIPN	Sumosan	26B Albemarle Street London W1S 4HY	Restaurant	Sunday; 12:00 - 23:00 Monday to Saturday; 09:00 - 01:30
22/01058/LIPDPS	Isabel Mayfair	26B - 26C Albemarle Street London W1S 4HY	Not Recorded	Sunday; 08:00 - 23:00 Monday to Saturday; 08:00 - 02:30
08/09265/LIPDPS	D K N Y	27 Old Bond Street London W1S 4QE	Shop	Thursday; 10:30 - 19:00 Sunday; 12:00 - 18:00 Monday to Wednesday; 10:30 - 18:30 Friday to Saturday; 10:30 - 18:30
23/00257/LIPDPS	Lusin Restaurant	16 - 17 Hay Hill London W1J 8NY	Restaurant	Monday to Sunday; 11:00 - 23:00
22/06003/LIPN	Lusin Restaurant	16 - 17 Hay Hill London W1J 8NY	Restaurant	Monday to Sunday; 11:00 - 23:00
22/11419/LIPN	Not Recorded	Cardinal House 39-40 Albemarle Street London W1S 4JQ	Not Recorded	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 01:30
22/04939/LIPT	Babbo Restaurant	Ground Floor Cardinal House 39 - 40 Albemarle Street London W1S 4JQ	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 01:30
17/00492/LIPN	Stafford Food News & Wine	Stafford House 5 Stafford Street London W1S 4RR	Food store	Monday to Sunday; 07:00 - 23:00

09/06623/LIPN	Le Petit Cafe	5A Stafford Street London W1S 4RR	Cafe	Saturday; 08:00 - 20:00 Monday to Friday; 06:00 - 20:00
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