



City of Westminster

Committee Agenda

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

Meeting Date: **Thursday 13 July 2023**

Time: **10.00 am**

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

Members: **Councillors:**

Angela Piddock (Chair)
Concia Albert
Louise Hyams

Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda.

Admission to the public gallery is via a visitor's pass which is available from the main ground floor reception at 64 Victoria Street from 9.30am.

If you have a disability and require any special assistance, please contact the Committee Officer (details listed below) in advance of the meeting.

An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter.

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. WOK AND FIRE, 33 HAYMARKET, LONDON

(Pages 1 - 36)

Ward CIA* SCZ**	Site Name & Address	Application Type	Licensing Reference No.
St James's * West End ** None	Wok and Fire 33 Haymarket London	New Premises Licence	23/01516/LIPN
*Cumulative Impact Area ** Special Consideration Zone			

2. KING HENRY VIII HOTEL, 23 LEINSTER GARDENS, W2 3AN**(Pages 37 - 58)**

Ward CIA* SCZ**	Site Name & Address	Application Type	Licensing Reference No.
Lancaster Gate * None ** None	King Henry VIII Hotel 23 Leinster Gardens W2 3AN	New Premises Licence	23/02649/LIPN
*Cumulative Impact Area ** Special Consideration Zone			

3. THE ST JOHN'S WOOD GENERAL STORE, 17 ST JOHN'S WOOD HIGH STREET, NW8 7NG**(Pages 59 - 82)**

Ward CIA* SCZ**	Site Name & Address	Application Type	Licensing Reference No.
Regent's Park * None ** None	The St John's Wood General Store 17 St John's Wood High Street NW8 7NG	New Premises Licence	23/03022/LIPN
*Cumulative Impact Area ** Special Consideration Zone			

4. CLEMENCE, 46 SHEPHERD MARKET, W1J 7QS

**(Pages 83 -
116)**

Ward CIA* SCZ**	Site Name & Address	Application Type	Licensing Reference No.
West End * None ** None	Clemence 46 Shepherd Market W1J 7QS	Premises Licence Variation	23/02937/LIPV
*Cumulative Impact Area ** Special Consideration Zone			

**Stuart Love
Chief Executive
5 July 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



City of Westminster

Licensing Sub-Committee Report

Item No:

Date:

Licensing Ref No:

Title of Report:

Report of:

Wards involved:

Policy context:

Financial summary:

Report Author:

Contact details

13 July 2023

23/01516/LIPN - New Premises Licence

Wok And Fire
33 Haymarket
London

Director of Public Protection and Licensing

St James's

City of Westminster Statement of Licensing Policy

None

Roxsana Haq
Senior Licensing Officer

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

1.	Application		
1-A	Applicant and premises		
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	13 March 2023		
Applicant:	WF Piccadilly Ltd		
Premises:	Wok And Fire		
Premises address:	33 Haymarket London	Ward:	St James's
		Cumulative Impact Area:	West End
		Special Consideration Zone:	None
Premises description:	The premises operates as a noodle restaurant and takeaway.		
Premises licence history:	This is a new premises application and therefore no Premises Licence history exists. However, the premises has had the benefit of some Temporary Event Notices, a history of which can be found at Appendix 3.		
Applicant submissions:	According to the application form there will be no late-night refreshment on the premises and no delivery of food from the premises after 23:00. Therefore, the late-night refreshment will be for takeaway customer only. Furthermore, on Fridays and Saturdays from 9pm there will be one licensed door supervisor on duty. The applicant has provided a report by [REDACTED] - Independent Licensing Consultant. This can be seen at Appendix 2.		
Applicant amendments:	None.		

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	23:00
End:	01:00	01:00	01:00	01:00	01:00	01:00	01:00
Seasonal variations/ Non-standard timings:			None.				

Hours premises are open to the public.							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	11:00	11:00	11:00	11:00	11:00	11:00	12:00
End:	01:30	01:30	01:30	01:30	01:30	01:30	01:30
Seasonal variations/ Non-standard timings:			None.				
Adult Entertainment:			None.				

2.	Representations
2-A	Responsible Authorities
Responsible Authority:	Licensing Authority
Representative:	Karyn Abbott
Received:	5 April 2023

Dear Sirs

I write in relation to the application submitted for a new premises licence for 33 Haymarket, London.

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

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

The application seeks the following:

Late Night Refreshment

Monday to Sunday 23:00 to 01:00

Opening Hours to Public

Monday to Sunday 11:00 to 01:30

The premises is located within the West End Cumulative Impact Area and as such various policy points must be considered, namely CIP1, HSR1 and FFP1.

At present, the operating hours applied for Late Night refreshment currently fall outside of Westminster's core hours under Policy HRS1. The Licensing Authority encourage that the applicant reduces the hours to be within Westminster's Core hours.

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

Monday to Thursday: 10am to 11.30pm.

Friday and Saturday: 10am to Midnight.

Sunday: Midday to 10.30pm.

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

The Licensing Authority note that the applicant has proposed that the operation of the premises is a noodle restaurant and takeaway where the late night refreshment is on a takeaway basis only. Due to the nature of the premises this application falls within Westminster's FFP1 (b, c, d) Policy that 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, and/or,
 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.
 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 Fast Food Premises in Clause D.
- D. For the purposes of this policy a Fast Food Premises is defined as:
1. A premises that provides late night refreshment, either by way of fast food over a counter, via a self-seating basis or take away for immediate consumption.
 2. Food and drink are:
 - a. Available on the premises for self-selection.
 - b. Prepared on the premises.
 - c. Cooked or produced off the premises but brought to that premises in advance of its sale to customers.
 3. The food and drink are provided in pre-sealed or open disposable packaging which is intended for immediate consumption.
 4. A fast-food premises can provide a delivery service as part of its operation, however that service must be ancillary to the main function of the premises as defined within sub-clauses D,1 to D,3 above.

The Licensing Authority has concerns regarding this premises and encourages the applicant to provide further submissions on how this will be operated and controlled to have no adverse impact on the cumulative impact area.

Paragraph F56 states; Fast food premises which are open after 11pm can attract large groups of customers, many of whom have been consuming alcohol in pubs, bars, or night clubs sometimes some distance away. The congregation of people around these premises leads to additional noise and disturbance and further congestion in the area. Although premises which serve cold food and drink are not subject to licensing and may stay open all night, they are not so attractive to people who have been drinking as those providing hot food and drink. The council considers that the addition of hot fast food and hot drink adds to the attractiveness of premises to people who have been drinking and who are more likely to be involved in anti-social behaviour.

Paragraph F59 goes on to say. Applications within the West End Cumulative Impact Zone, where there is a presumption to refuse under this policy will be expected to demonstrate why their application should be permitted as an exception to this policy.

The Licensing Authority may call on the council's city inspectors as a witness as the premises has been found on two occasions to be trading without a licence. An email to the licence holder from Ms Stefania Rumble, City Inspector has been attached as appendix A. She has highlighted that on two occasions the premises was open beyond 23:00 and was selling late night refreshment.

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

Therefore, it is a decision for the Licensing Sub-Committee to determine whether the applicant has demonstrated any exceptional circumstances that would allow to depart from policy.

Please accept this as a formal representation.

Responsible Authority:	Environmental Health Service
Representative:	Sally Fabbricatore
Received:	14 April 2023

Wok and Fire, 33 Haymarket, London, SW1Y

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

This representation is based on the Operating Schedule and the submitted plans, for the ground floor (drawing number 003) and the basement (004) both dated March 2022.

The applicant is seeking the following on the **ground floor**, to allow Late Night Refreshment both 'indoors' Monday to Sunday 23:00-01:00 hours.

I wish to make the following representation in relation to the above application, the provision of and proposed hours for Late Night Refreshment may cause an increase in Public Nuisance in the cumulative impact zone and may impact on Public Safety.

Further information has been provided, which is being considered, but further conditions may be proposed by Environmental Health in order to protect the Licensing Objectives.

The granting of the Premises Licence as presented would have the likely effect of causing an increase in Public Nuisance in the cumulative impact zone and may impact on Public Safety.

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

Responsible Authority:	Metropolitan Police Service
Representative:	PC Tom Stewart
Received:	11 April 2023

23/01516/LIPN – Wok and Fire, 33 Haymarket, London

Dear Westminster Licensing Service,

I am writing on behalf of the Chief Officer of Police for the Metropolitan Police Service ("The Police") to make representations opposing the grant of a new premises licence application for Wok and Fire, 33 Haymarket, London.

The Application

1. The application seeks the following licensable activities and opening hours:

Late Night Refreshment

Monday to Sunday 23:00 to 01:00

Opening Hours to Public

Monday to Sunday 11:00 to 01:30

The Police representation

2. The Police believe that if this application were to be granted, it would likely undermine the Licensing Objective "The prevention of crime and disorder" and lead to an increase in cumulative impact within the West End Cumulative Impact Zone ("CIZ").

Statement of Licensing Policy

3. This premises falls within the Fast Food Premises Policy (“FFP1”). The premises is located within the West End CIZ and the proposed licensable hours exceed those of the Core Hours Policy for Pubs and bars, Fast Food and Music and Dance venues which are as follows:

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.

4. As such it is Licensing Authority’s policy to refuse this application. This policy is intended to be strict and will only be overridden in genuinely exceptional circumstances.

5. Paragraph F56 of Westminster’s Statement of Licensing Policy (“SLP”) states: “Fast food premises which are open after 11pm can attract large groups of customers, many of whom have been consuming alcohol in pubs, bars, or night clubs sometimes some distance away. The congregation of people around these premises leads to additional noise and disturbance and further congestion in the area... The council considers that the addition of hot fast food and hot drink adds to the attractiveness of premises to people who have been drinking and who are more likely to be involved in anti-social behaviour”.

6. Fast food premises can lead to the retention of people, and in particular, intoxicated people within the West End area. These people are more likely to be involved in crime, either as a suspect or victim. The SLP at paragraph F58 states “These issues are of particular concern within the West End Cumulative Impact Zone where there are high concentrations of fast food premises in addition to other licensed premises. On this basis and because the attraction and retention of people by the premises mitigates against their rapid dispersal from the cumulative impact areas, the Licensing Authority considers that the grant of variations or new licences for fast food premises in the Cumulative Impact Areas should be limited to exceptional circumstances”.

7. Paragraph F59 states “Applications within the West End Cumulative Impact Zone, where there is a presumption to refuse under this policy will be expected to demonstrate why their application should be permitted as an exception to this policy”. The Police note that the applicant has offered a condition to ensure that a SIA registered security/door supervisor shall be on duty at the premises from 9pm. Whilst this may help to address any issues related directly with the premises, it is unlikely to mitigate the effect that the premises will have on cumulative impact within the West End CIZ. The Police submit that the applicant has not demonstrated why their application should be considered an exception to policy.

8. Paragraph D16 of the SLP states “The Licensing Authority’s policy, in relation to the West End Cumulative Impact Zone, is directed at the global and cumulative effects of licences on the area as a whole (emphasis added). Therefore, a case is most unlikely to be considered exceptional unless it is directed at the underlying reason for having the policy. Exceptions to the West End Cumulative Impact Zone policy to refuse certain types of applications must be for genuinely exceptional reasons (emphasis added)”.

9. It is the police’s submission that the underlying reasons for the having the Cumulative Impact Policy (“CIP1”) is due to the significant levels of crime, disorder and anti-social behaviour within the West End. Current levels of alcohol related assaults, sexual assaults and robberies are higher now than they were when the Cumulative Impact Assessment was undertaken in 2020. The peak times of these crimes are between 00:00 to 5am Friday to Saturday (trading days). If the application were to be granted, the effect would be to retain and slow the dispersal of potentially intoxicated people out of the West End at a time when crime levels are at a peak. Please see appendix 1 for recent crime statistics for the West End (compared with the borough as a whole) and appendix 2 for a breakdown on what day and time the crimes are committed.

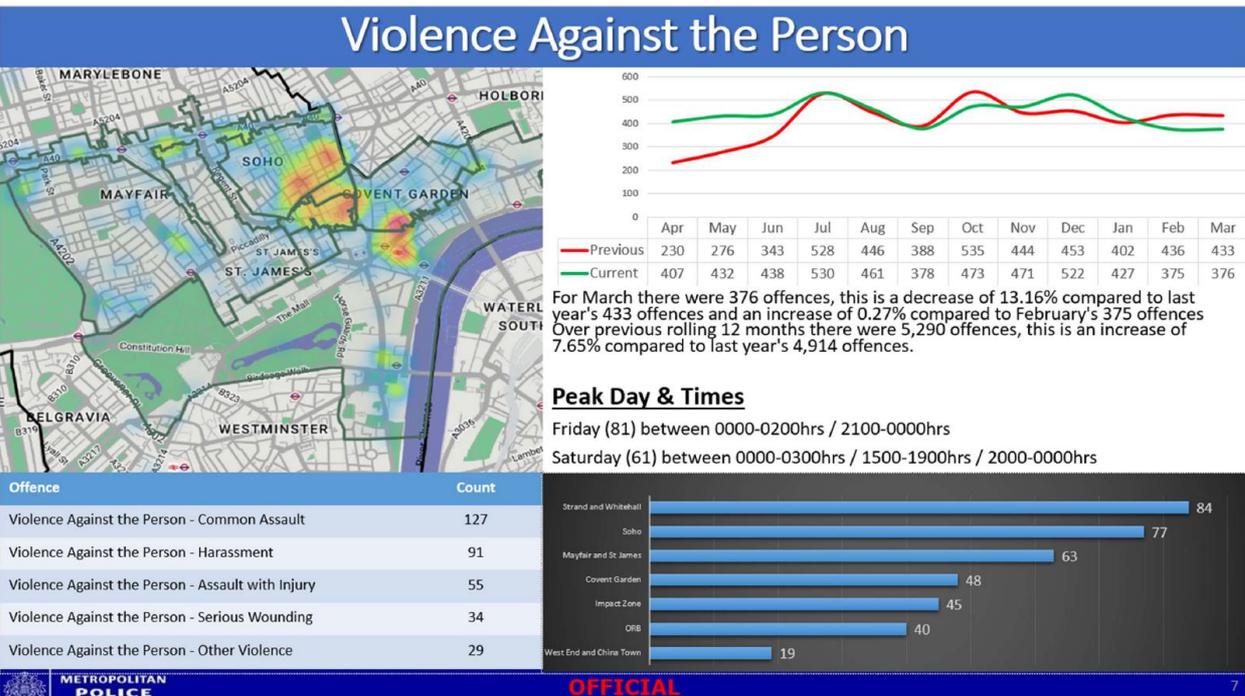
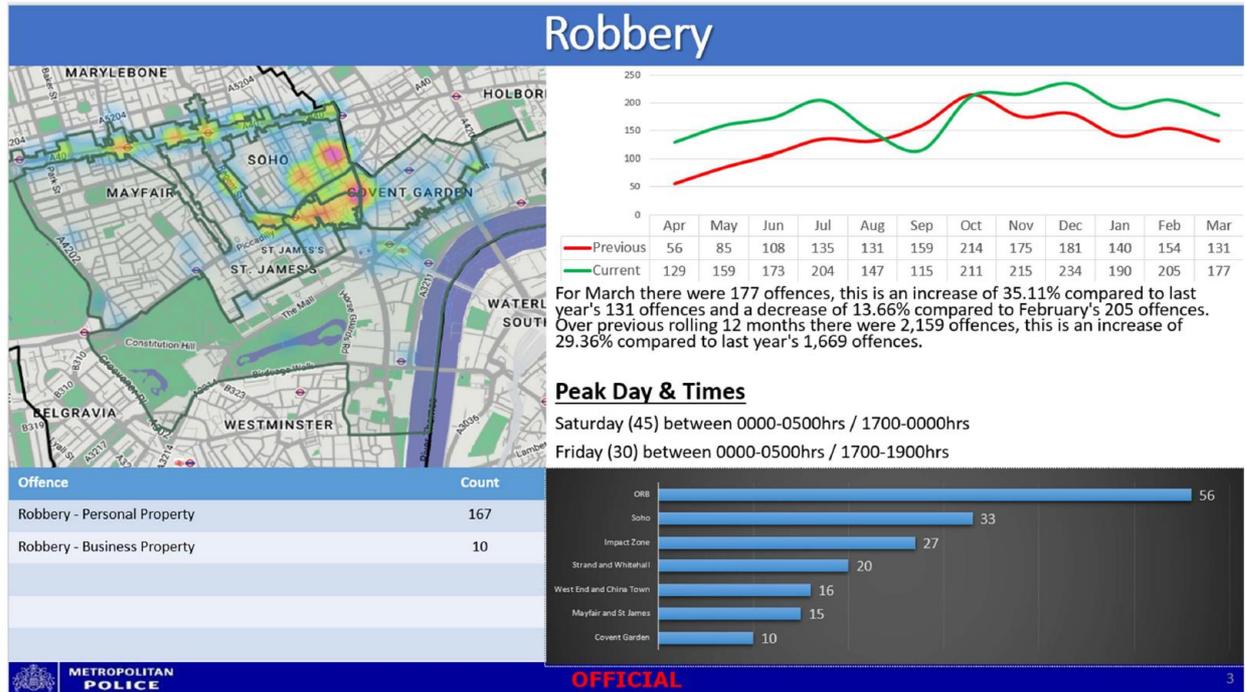
10. Further to the above, it has come to the Police’s attention that Westminster City Inspectors have witnessed on 2 separate occasions, the premises selling hot food after 23:00 without

authorisation. This calls into question the applicant's ability to operate lawfully and promote the licensing objectives should this premises licence be granted.

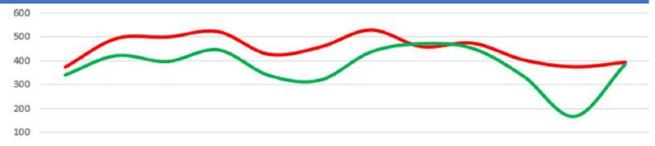
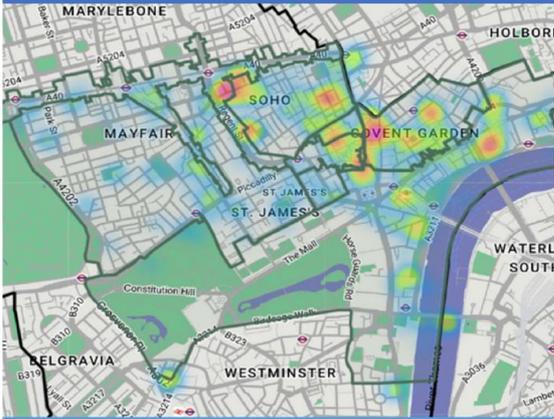
Pc Tom Stewart
Westminster Police Licensing Team

Appendix 1 – Crime statistics – March 2023

West End - Robbery, Violence against the person and ASB



Anti Social Behaviour



	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
Previous	374	493	499	522	427	457	529	459	474	404	375	394
Current	340	421	396	445	338	318	436	471	451	335	167	385

For March there were 385 reports, this is a decrease of 2.28% compared to last year's 394 reports and an increase of 130.54% compared to February's 167 reports. Over previous rolling 12 months there were 4,503 reports, this is a decrease of 16.72% compared to last year's 5,407 reports.

Peak Day & Times

Wednesday (69) between 0200-0300hrs / 1000-1500hrs

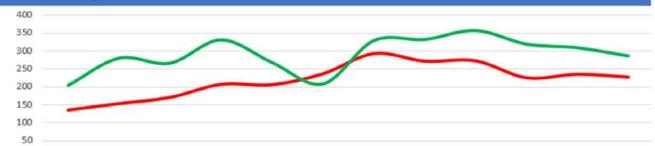
Friday (59) between 2000-2200hrs

Category	Count
Environmental	5
Nuisance	370
Personal	13



Whole of Westminster – Robbery and Violence against the person

Robbery



	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
Previous	136	154	171	207	206	236	292	271	272	225	235	227
Current	205	281	267	332	269	209	330	333	358	320	310	287

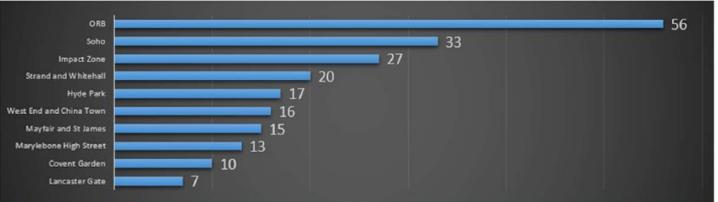
For March there were 287 offences, this is an increase of 26.43% compared to last year's 227 offences and a decrease of 7.42% compared to February's 310 offences. Over previous rolling 12 months there were 3,501 offences, this is an increase of 33.02% compared to last year's 2,632 offences.

Peak Day & Times

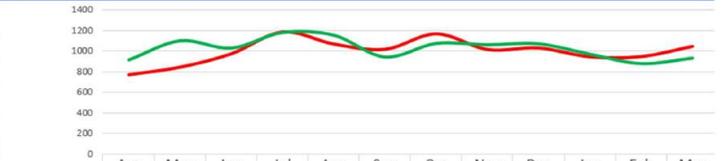
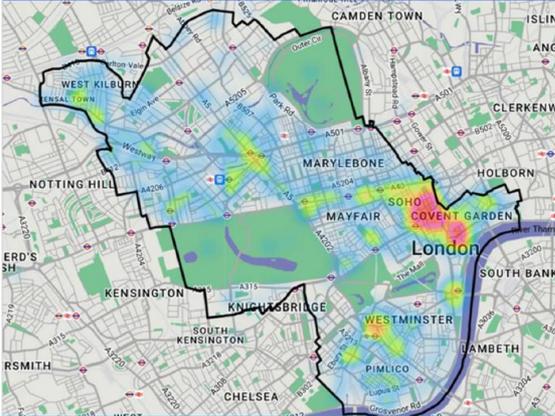
Saturday (63) between 0000-0400hrs / 1700-2300hrs

Friday (48) between 0000-0200hrs / 1700-2000hrs

Offence	Count
Robbery - Personal Property	266
Robbery - Business Property	21



Violence Against the Person



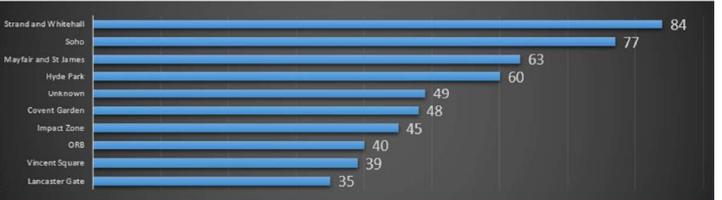
For March there were 934 offences, this is a decrease of 10.88% compared to last year's 1,048 offences and an increase of 5.90% compared to February's 882 offences. Over previous rolling 12 months there were 12,320 offences, this is an increase of 2.29% compared to last year's 12,044 offences.

Peak Day & Times

Friday (186) between 0000-0100hrs / 1400-1600hrs

Wednesday (155) between 0000-0100hrs / 1200-1300hrs

Offence	Count
Violence Against the Person - Harassment	345
Violence Against the Person - Common Assault	271
Violence Against the Person - Assault with Injury	175
Violence Against the Person - Other Violence	64
Violence Against the Person - Serious Wounding	63



3.	Policy & Guidance
The following policies within the City of Westminster Statement of Licensing Policy apply:	
Cumulative Impact Policy CIP1 applies.	<p>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>
Hours 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.

	<p>11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.</p> <p>12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.</p> <p>13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.</p> <p>14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.</p> <p>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 style="padding-left: 40px;">6. Pubs and bars, Fast Food and Music and Dance venues Monday to Thursday: 10am to 11.30pm. Friday and Saturday: 10am to Midnight. Sunday: Midday to 10.30pm. Sundays immediately prior to a bank holiday: Midday to Midnight.</p> <p>D. Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.</p> <p>E. For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement.</p> <p>Note: The core hours are for all licensable activities but if an application includes late night refreshment, then the starting time for that licensable activity will be 11pm.</p>
<p>Fast Food Policy FFP1 Applies</p>	<p>A. Applications outside the West End Cumulative Zones 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 operation of any delivery services for alcohol and/or late night refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1. 4. The applicant has taken account of the Special Consideration Zones Policy SCZ1 if the premises are located within a designated zone. 5. The application and operation of the venue meet the definition of a fast food premises 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, and/or, 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. 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 Fast Food Premises in Clause D. <p>D. For the purposes of this policy a Fast Food Premises is defined as:</p> <ol style="list-style-type: none"> 1. A premises that provides late night refreshment, either by way of fast food over a counter, via a self-seating basis or take away for immediate consumption. 2. Food and drink are: <ol style="list-style-type: none"> a. Available on the premises for self-selection. b. Prepared on the premises. c. Cooked or produced off the premises but brought to that premises in advance of its sale to customers. 3. The food and drink are provided in pre-sealed or open disposable packaging which is intended for immediate consumption. 4. A fast-food premises can provide a delivery service as part of its operation, however that service must be ancillary to the main function of the premises as defined within sub-clauses D,1 to D,3 above.
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4. Equality Implications

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

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

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

5.	Appendices
Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Licensing Authority – further submissions
Appendix 5	Proposed conditions
Appendix 6	Residential map and list of premises in the vicinity

Report author:	Roxsana Haq Senior Licensing Officer
Contact:	Telephone: 020 7641 6500 Email: rhaq@westminster.gov.uk

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

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	October 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	December 2022
4	Licensing Authority representation	5 April 2023
5	Environmental Health representation	14 April 2023
6	Metropolitan Police representation	11 April 2023

Report of Observations

at

Wok and Fire, 33 Haymarket

By

[REDACTED], Independent Licensing Consultant.

Introduction.

1. David Dadds of Dadds LLP has instructed me to conduct observations at the above premises and in the Haymarket/Piccadilly Circus area in order to consider the potential impact of the application to extend the hours permitted to provide hot food at Wok and Fire, 33 Haymarket, from 23.00 hours to 01.00 hours. The premises currently remains open until 01.00 hours but food at ambient temperature only is available from 23.00 hours.

Summary of Expertise – [REDACTED]

2. I retired from the police service on 2nd November 2012 having completed 31 years exemplary service with the Metropolitan Police in London. Between January 2012 and my retirement, I was employed as the Chief Inspector in charge of licensing for the London Olympic Games 2012. In this role I headed up a team of officers with responsibility for supervision of licensing compliance at all the Olympic venues, including the Olympic Park. In addition, I was responsible for ensuring that any associated events were properly licensed, sufficiently staffed and operated in accordance with the licensing legislation and best practice to ensure the safe and effective delivery of the Olympic Games. In addition to leading my team I visited and worked with both the Olympic Park management and many other venues, reviewing

their policies and procedures and ensuring that the Games were delivered safely and securely. The success of this operation not only protected the reputation of the MPS but provided positive benefits for the profile of the MPS and the United Kingdom. I have been awarded an Assistant Commissioners Commendation for this work.

3. Prior to this role, between Jan 2002 and January 2012, I was employed first as an Inspector and then as a Chief Inspector on the MPS Clubs and Vice Unit (Now SCD9 Serious and Organised crime command). My responsibilities over this period focussed on licensing and included day to day supervision of the licensing team that had a London wide remit to support the Boroughs with licensing activity. Providing both Overt and Covert support for policing problem licensed premises across London. My team worked with premises when licensing issues were identified to address these problems through the use of action plans in order to raise their standards. Where this failed, I would support the Boroughs with evidence for use at review hearings if required.
4. I devised and implemented the MPS strategy 'Safe and Sound' which sought to improve the safety of customers at licensed premises by reducing violent and other crime, in particular gun crime and the most serious violence. I also developed the Promoters Forum and risk assessment process, together these initiatives contributed to an overall reduction in violence in London of 5% and of the most serious violence and gun crime at licensed premises by 20% whilst I was there.
5. From 2004 until 2008 my role included representing the MPS and ACPO licensing lead both in London and nationally. In this role I developed key partnerships with industry, NGOs and Government departments in order to improve the standards at licensed premises. I sat on the British Institute of Innkeeping working party and helped develop the national training for Door Supervisors. I worked with the national regulator the Security Industry Authority to successfully introduce the new regime under the Private Security Industry Act 2001 within London. I sat on Government working parties and worked closely with the alcohol harm reduction team on identifying best practice and ensuring this was used both within London and nationally by police and local

authorities. I worked with Government on the drafting of SEV legislation and gave evidence to the House of Commons Select Committee in 2009 on the impact of premises providing sexual entertainment.

6. I was involved with Best Bar None, a national voluntary scheme of accreditation for safe licensed premises, for a number of years and successfully helped a number of boroughs implement the initiative. I was a trained Best Bar none assessor and until my retirement sat on the Board for Best Bar None in the Royal Borough of Kensington and Chelsea. I was also a trained assessor for Purple Flag, the national voluntary awards scheme for safe, diverse and accessible town centres. For the five years prior to my retirement, I was responsible for licensing of the Notting Hill Carnival, the largest street carnival in Europe. During this time, I contributed to a reduction in violence overall at the Carnival and delivered increased seizures of illegal alcohol, reduction of unlicensed alcohol sales and a reduction in alcohol related violence. In addition to the above I attended internal MPS training and qualification courses, I am trained in conducting health and safety risk assessments and hold the National Certificate for Licensing Practitioners, issued by the British Institute of Inn keeping.

7. Following my retirement, I established 'Clubsafe Services Ltd' to provide independent compliance support and advice for premises and events requiring a local authority licence. Since then, I have provided evidence gathering services, advice and support to a broad range of licensed premises on a variety of issues, including crime and disorder, street drinking, rough sleepers and age-related product issues. I have also provided support to bars and shops at events such as Nottinghill Carnival and provided support and advice for high profile clubs such as Fabric in London. This work has involved premises that benefit from a variety of local authority licences including alcohol on and off licences, betting premises licences and late-night refreshment. I regularly provide expert independent witness evidence at both local authority and appeal court hearings.

Observations.

8. I conducted observations at the premises and in the vicinity on Friday 21st April 2023 from 22.00 hours until about 01.30 hours. The premises is a small noodle restaurant and takeaway located at 33 Haymarket which is towards the north end of Haymarket within the West End CIZ. The pavement area in front of the premises is wide and at this time of the evening, despite it being very busy in Piccadilly with the Eid celebrations, the footfall was light in the vicinity of the premises.

9. There are no similar premises in the vicinity, there is an Angus steakhouse restaurant on the corner of Haymarket with Piccadilly with the Hard Rock café opposite this, both operate as fairly expensive restaurants and close at 00.00 hours. A short way south of Wok and Fire is Tiger Tiger nightclub. On my arrival Tiger Tiger was quiet with just a few customers arriving. They had barriers set up outside the entrance on the pavement in which they searched and ID checked customers and a short way further south Tiger Tiger had set up a smoking area, again with barriers set out halfway across the pavement. Although substantial areas the pavement here is wide enough that they did not impact on pedestrians using the pavement.

10. I conducted observations on Wok and Fire and in the Piccadilly and Haymarket area during the evening. The premises had a slow and steady customer flow both using the restaurant facilities and take-away. The food offering is healthy and quick serve noodles or rice with a choice of meat or vegetables and sauce. It is modestly priced and appeals to the budget and health conscious. At no time did I see more than about 8 to 10 people at the premises, either eating in or collecting take-away. There was no queuing outside the premises and customers arriving and leaving did so quickly and quietly.

11. The premises is currently licensed for hot food until 23.00 hours. At 23.40 I went into the premises posing as a customer. There was one other customer present at this time. I asked for a noodle dish from the menu. The male behind the counter told me

that he was not able to sell hot food but that he had cold food in the form of salads and sushi style dishes available that I declined.

12. From about 00.00 hours Tiger Tiger started getting busier with customers queuing behind the barriers and also using the smoking area. This had no impact on Wok and Fire which was open and had a small number of customers arriving and leaving but had no impact on the area.
13. The nearest access point for the night tube is about 100 metres away, across Haymarket in Piccadilly, by the Shaftesbury Memorial Fountain. Wok and Fire has no impact on the station and will not do so if this application is permitted. There is no parking outside the premises, and I did not see any customers access the premises from vehicles. All arrived and left on foot.
14. By 00.00 most of the local bars and public houses had finished alcohol sales and customers start to leave and access public transport away from the area. Haymarket remained fairly quiet for pedestrians with Piccadilly busier as customers accessed the station via the 24-hour access at the Shaftesbury Memorial Fountain and also accessed late bus services. Wok and Fire remained fairly quiet and had no impact. Tiger Tiger became busier but again Wok and Fire had no impact on this.
15. In my experience people leaving alcohol led bars and pubs are tempted by fast food such as Pizza, burgers and kebabs and are not interested in noodle, rice and vegetable dishes. This is supported by my observations where I saw no difference in the number of type of customers going to Wok and Fire before or after 00.00 hours. I understand that the premises has operated selling hot food to 01.00 hours on previous occasions by virtue of a TEN and on these occasions has caused no issues.
16. Wok and Fire remained open until about 01.00 hours. By this time Tiger Tiger was in full swing but despite the barriers across half of the pavement it had no impact on the pedestrian traffic which was light. Tiger Tiger remains open until 03.00 hours, two hours after the time applied for in this application and leaving customers from Tiger Tiger will not be able to access food from Wok and Fire. The number of people

accessing the transport infrastructure declined after most of the nearby alcohol and food premises had closed and I left the area soon after by about 01.30 hours.

Conclusion.

17. Wok and Fire is located away from the main Piccadilly Circus in Haymarket and the pavement is wide and evening/night-time footfall lower. As demonstrated by Tiger Tiger the pavement here is wide enough to be restricted by 50% and still have no impact on pedestrians. Even in the unlikely event that customers have to wait outside Wok and Fire briefly there would be no impact on pedestrians or traffic in the vicinity.
18. The main 24-hour tube access is about 100 yards away in Piccadilly, convenient for customers but unaffected by the operation of the premises. The style of operation and the food supplied is not that which appeals to those customers leaving alcohol led premises, such as bars and clubs, who are attracted to food such as Pizza, burgers and kebabs.
19. The premises currently operates without causing any additional crime and disorder or nuisance until 01.00 (providing cold food after 23.00) and has operated in the same manner selling hot noodles until 01.00 by virtue of Temporary Event Notices. I am confident that if this application is permitted the premises can sell hot food until 01.00 hours without adding to the Cumulative Impact in the area. If considered necessary an SIA door supervisor could be employed after 21.00 hours to manage access to the premises.


Independent Licensing Consultant,

25/04/2023.

Temporary Event Notice History

Application	Details of Application	Date of event	Decision
22/11929/LITENN	Temporary Event Notice Late night refreshment	06.01.2023 to 11.01.2023	Event allowed to proceed
22/11906/LITENN	Temporary Event Notice Late night refreshment	31.12.2022 to 04.01.2023	Event allowed to proceed
22/11813/LITENN	Temporary Event Notice Late night refreshment	24.12.2022 to 28.12.2022	Event allowed to proceed

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: All [REDACTED] 23/01516/LIPN
Date: 02 April 2023 20:25:43
Attachments: [image001.png](#)

Dear Mr [REDACTED]

Following our telephone conversation early this morning at approximately 00:40 hours on Sunday 2nd of April 2023, can I please remind you no sale of hot food or hot drinks are allowed to be sold after the hours of 23:00 without a Late Night Refreshment Licence.

I have now witnessed the sale of hot food after the hours of 23:00 on two separate occasions on two different days this week.

Your current application for a Late Night Refreshment Licence 23/01516/LIPN is still in the process and has not yet been granted.

Can you relay this information to all staff until the licence has been obtained.

Regards

[REDACTED]
City Inspector
Central Team (2)
Public Protection and Licensing

City of Westminster
15th Floor Westminster City Hall
64 Victoria Street
London
SW1E 6QP

Email: [REDACTED]



Statement of: [REDACTED]

Age of witness:
(if over 18 enter "over 18")

"Over 18 years"

Occupation of Witness:

City Inspector

Address:

Westminster City Hall
64 Victoria Street
London
S1WE 6QP

This statement, consisting of 2page(s) each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signed, [REDACTED]

.....

Dated: 16th June 2023

I am a City Inspector employed by Westminster City Council in the Public Protection and Licensing Department, 15th Floor, City Hall, 64 Victoria Street, SW1E 6QP. I am authorised to enter and inspect premises, make enquires, and to exercise the functions and powers as contained under the provisions of the Licensing Act 2003.

Wok and Fire 33 Haymarket, London SW1Y 4HA, did not obtain a current late night refreshment licence at the time observations were carried out on the premises. I was aware the premises did not have a licence as I carried out the inspection of their Notice Check as part of their application for a late night refreshment licence under the Licensing Act 2003. The requirements for the Notice Check were not met and therefore the notice failed inspection. Licensing department was informed in order for the business to be made aware of and changes to be made in order to comply with the requirements of the inspection. The inspection for their application was carried out on 31st December 2022. I decided to carry out observations on the premises as other licensing inspections for the premises had recently failed.

On Sunday 2nd April 2023 at approximately 00:22 hours myself and my colleague [REDACTED] approached Wok and Fire, 33 Haymarket. At the entrance I observed a number of people inside the premises waiting to be served by the till. Staff members were preparing food orders. A cash sale was witnessed for hot food. The customer was male, unknown ethnicity approximately 5ft 9in, in dark clothes and a blue hoodie of slim build. The food was prepared at the front of the premises in front of me by the front window of the business. The food was cooked in a wok on a gas stove, steam and flames from the cooking was witnessed whilst the member of staff was preparing the order. The food was then placed in a takeaway noodle box and handed to the customer. The customer was seen adding sauce to the order and blowing the food cool before consuming it. I approached a male member of staff roughly 5ft 7in, of slim build, dark hair, unknown ethnicity to whom I introduced myself too. I showed my council identification badge and asked to speak to the person in charge. I was then put on a

phone call with a male by the name of [REDACTED] who claimed to be the manager of the premises.

I asked [REDACTED] "what were their opening times of the business?" to which [REDACTED] replied 11:00 till 23:00 hours.

I then asked [REDACTED] "why the sale of hot food was being made available at 00:21?" to which [REDACTED] replied "staff know not to sell hot food or drinks past 23:00 hours as an application for a late night refreshment licence had been submitted. Staff should only be selling cold food after 23:00"

I advised [REDACTED] he could sell hot food and drinks without a licence until 23:00 hours. I asked [REDACTED] to reiterate the information given to him by me to all staff members and to refrain from selling hot food and drinks past 23:00 hours, until a late night refreshment licence has been obtained and granted. [REDACTED] agreed to comply.

[REDACTED]'s contact details were taken, an email was sent to him including the licensing department following my visit with detail of what was witnessed, discussed and advised on.

Statement of:

[REDACTED]

Age of witness:
(if over 18 enter "over 18")

"Over 18 years"

Occupation of Witness:

City Inspector

Address:

Westminster City Hall
64 Victoria Street
London
S1WE 6QP

This statement, consisting of 1 page(s) each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signed,

[REDACTED]

Dated: 23rd June 2023

I am a City Inspector employed by Westminster City Council in the Public Protection and Licensing Department, 15th Floor, City Hall, 64 Victoria Street, SW1E 6QP. I am authorised to enter and inspect premises, make enquires, and to exercise the functions and powers as contained under the provisions of the Licensing Act 2003.

On Friday 23rd June 2023 at 23:27 hours myself and my colleague [REDACTED] approached Wok and Fire, 33 Haymarket. At the entrance of the premises, I witnessed two members of staff cooking hot food in two separate woks. The woks were steaming hot, flames were visible from the stove as the food was being prepared. I approached both male staff members to whom I introduced myself too. I spoke [REDACTED] who I've spoken to before. I showed my council identification badge to [REDACTED] and asked if I could speak to the person in charge. I was eventually put on a phone call with [REDACTED] the manager of the premises.

I asked [REDACTED] "why the sale of hot food was being made available at 23:28?" to which [REDACTED] replied "The two orders being prepared at the time of the breach were pre orders which were taken over the phone, hence why there was no till or online receipts to show what time the orders were placed."

I reiterated to [REDACTED] that the sale of hot food and drinks can be made up until 23:00 hours without a licence. I asked [REDACTED] to comply with the legislation until a decision has been finalised regarding their application. [REDACTED] agreed to comply.

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

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

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

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

Mandatory Conditions

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

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

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

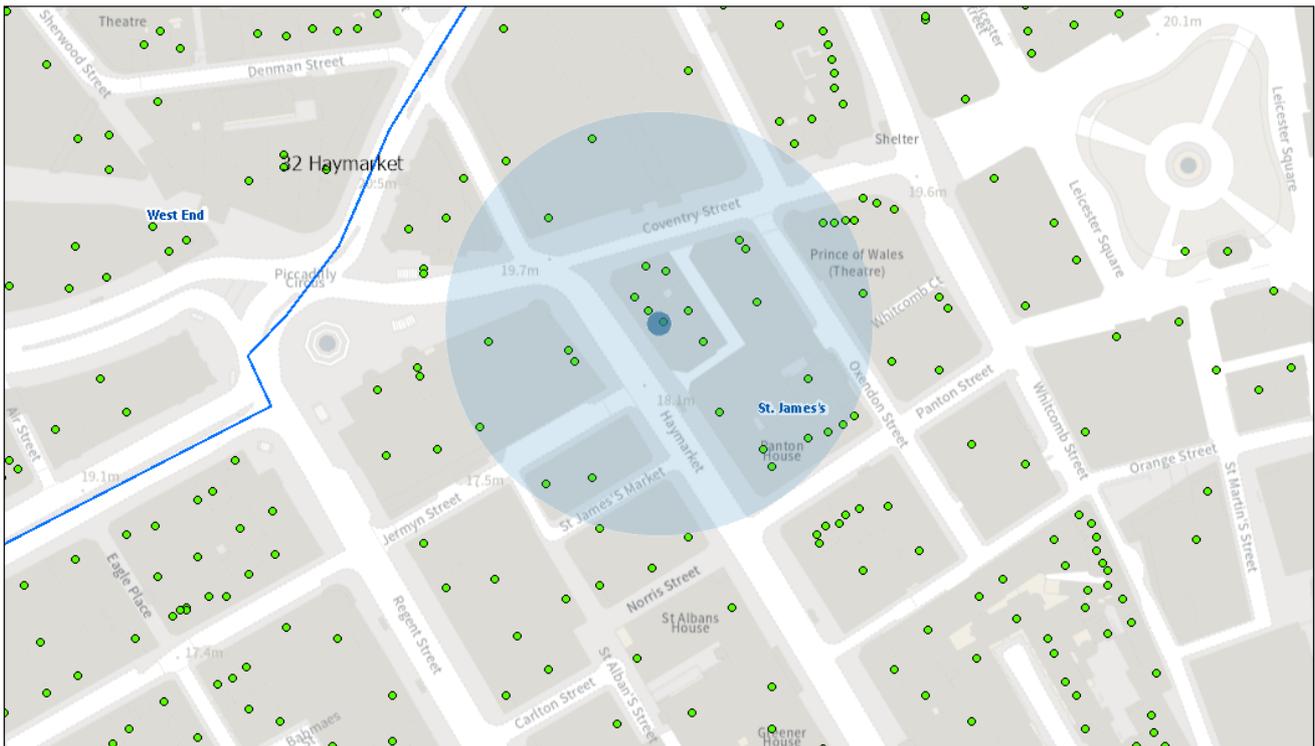
- 8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 8(ii) For the purposes of the condition set out in paragraph 8(i) above -
- (a) "duty" is to be construed in accordance with the Alcoholic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

Conditions consistent with the operating schedule.

9. Notices shall be prominently displayed at each exit from the premises asking patrons to be considerate to neighbours when leaving.
10. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the 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. At least one member of staff on duty whilst the licence is being used shall be trained in the requirements of the Licensing Act in terms of the licensing objectives, offences committed under the Act and conditions of the Premises Licence.
13. Policies and procedures shall be put in place for the collection of street litter generated by the premises and such policies shall be implemented by staff whenever the premises are being used under the terms of this licence.
14. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system, searching equipment or scanning equipment
 - (g) any visit by a relevant authority or emergency service.
15. From 9pm whenever the venue is operational on Fridays and Saturdays there will be 1 licensed door supervisor on duty on the premises. They will correctly display their SIA licence which will be visible whilst on duty.
16. There shall be no consumption of late-night refreshment on the premises.
17. 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.
18. 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.

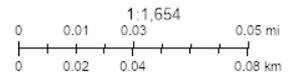
19. No deliveries to the premises shall take place between (23.00) and (08.00) hours on the following day.
20. No deliveries from the premises, either by the licensee or a third party shall take place between (23:00) and (08:00) hours on the following day.
21. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
22. 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.
23. 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.
24. Delivery drivers 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 the license premises; not to leave engines running when the vehicles are parked; and not to obstruct the highway.

33 Haymarket London



30/06/2023, 10:21:52

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



Resident Count: 31

Licensed premises within 75 metres of 33 Haymarket, London.				
Licence Number	Trading Name	Address	Premises Type	Time Period
20/07366/LIPCH	Aberdeen Steak House	21-22 Coventry Street London W1D 7AE	Restaurant	Sunday; 10:00 - 00:00 Monday to Saturday; 10:00 - 01:00 Sundays before Bank Holidays; 10:00 - 01:00
22/04106/LIPDPS	Tiger Tiger	Haymarket House 28-29 Haymarket London SW1Y 4SP	Night clubs and discos	Sunday; 09:00 - 00:30 Monday to Saturday; 09:00 - 03:30

17/02769/LIPDPS	The Comedy Store	Ground Floor Right Haymarket House 1A Oxendon Street London SW1Y 4EE	Theatre	Sunday; 09:00 - 01:00 Monday to Saturday; 09:00 - 05:00
20/02193/LIPRW	Happy Bar & Grill	25-29 Coventry Street London W1D 7AG	Restaurant	Sunday; 12:00 - 00:30 Monday to Saturday; 10:00 - 01:30 Sundays before Bank Holidays; 12:00 - 01:00
15/04802/LIPDPS	Caffe Concerto	45 Haymarket London SW1Y 4SE	Cafe	Monday to Sunday; 08:00 - 23:30
21/04813/LIPDPS	Comedy	Basement To Second Floor 7 Oxendon Street London SW1Y 4EE	Night clubs and discos	Sunday; 07:00 - 00:30 Sunday; 07:00 - 22:30 Monday to Thursday; 07:00 - 23:30 Monday to Saturday; 07:00 - 02:30 Friday to Saturday; 07:00 - 00:00 Sundays before Bank Holidays; 07:00 - 00:00
23/00049/LIPVM	Hard Rock Cafe	Criterion Building 225-229 Piccadilly London W1J 9HR	Not Recorded	Friday to Saturday; 07:00 - 02:30 Sunday to Thursday; 07:00 - 01:30
23/01249/LIPDPS	Toba	St James's Market London	Restaurant	Sunday; 12:00 - 23:00 Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30
17/13227/LIPDPS	1	St James's Market London	Office	Saturday to Sunday; 00:00 - 00:00

21/10397/LIPDPS	Pizza Express	26 Haymarket London SW1Y 4SP	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
20/07347/LIPCHT	Jumak39	39 Panton Street London SW1Y 4EA	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
21/05711/LIPN	Layalina	32 Coventry Street London W1D 6BR	Restaurant	Monday to Sunday; 00:00 - 00:00
18/00656/LIPN	Trocadero Hotel/Sky Bar & Restaurant	Trocadero 13 Coventry Street London W1D 7DH	Hotel, 3 star or under	Monday to Sunday; 00:00 - 00:00
23/00684/LIPN	Not Recorded	Trocadero 13 Coventry Street London W1D 7DH	Not Recorded	Sunday; 09:00 - 23:00 Monday to Thursday; 09:00 - 00:00 Friday to Saturday; 09:00 - 00:30
22/00403/LIPDPS	Picturehouse Central	Trocadero 13 Coventry Street London W1D 7DH	Cinema	Monday to Sunday; 00:00 - 23:59
20/07563/LIPDPS	Five Guys	Trocadero 13 Coventry Street London W1D 7DH	Restaurant	Sunday; 10:00 - 22:30 Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00
21/06624/LIPN	Sky Bar Lounge	Trocadero 13 Coventry Street London W1D 7DH	Restaurant	Monday to Sunday; 00:00 - 00:00
17/08106/LIPN	Unit 4 - Happy Bar And Grill	Trocadero 13 Coventry Street London W1D 7DH	Restaurant	Sunday; 08:00 - 22:30 Monday to Thursday; 08:00 - 23:30 Friday to Saturday; 08:00 - 00:00

22/02946/LIPDPS	Tasting Italy	Ground Floor to Second Floor 38 Panton Street London SW1Y 4EA	Restaurant	Monday to Sunday; 12:00 - 00:00
22/11749/LIPDPS	Prince Of Wales Theatre	31 Coventry Street London W1D 6AS	Theatre	Monday to Sunday; 09:00 - 00:00
21/09831/LIPVM	Not Recorded	52 Haymarket London SW1Y 4RP	Restaurant	Monday; 07:00 - 01:00 Tuesday; 07:00 - 01:00 Wednesday; 07:00 - 01:00 Thursday; 07:00 - 01:00 Friday; 07:00 - 01:00 Sunday; 07:00 - 23:30
21/00632/LIPN	(Shadow Licence)	52 Haymarket London SW1Y 4RP	Premises Licence - Shadow Licence	Sunday; 07:00 - 23:30 Monday to Saturday; 07:00 - 01:00
10/07825/LIPD	Woodlands Restaurant	Basement And Ground Floor 37 Panton Street London SW1Y 4EA	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30

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City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	13 July 2023
Licensing Ref No:	23/02649/LIPN - New Premises Licence
Title of Report:	King Henry VIII Hotel 23 Leinster Gardens London
Report of:	Director of Public Protection and Licensing
Wards involved:	Lancaster Gate
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Ms Emanuela Meloyan Senior Licensing Officer
Contact details	Telephone: 0207 641 6500 Email: emeloyan@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	24 April 2023		
Applicant:	Ordersupply Limited		
Premises:	King Henry VIII Hotel		
Premises address:	23 Leinster Gardens London W2 3AN	Ward:	Lancaster Gate
		Cumulative Impact Area:	None
		Special Consideration Zone:	None
Premises description:	According to the application the premises intends to operate as a Hotel lobby bar at ground and lower ground floor level, ancillary to the use of the premises as a hotel. The provision of licensable activities shall be to residents of the hotel and their bona fide guests only.		
Premises licence history:	This is a new premises licence application, and no premises history exists.		
Applicant submissions:	In addition to the application form the applicant has proposed conditions to form part of the operating schedule that that appear at Appendix 4.		
Applicant amendments:	None		

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:	00:00 on Sundays immediately before Bank Holiday Mondays. From the end of permitted hours on New Years' Eve to the start of permitted hours on New Years' Day. 00:00 – 00:00 for hotel residents and their bona fide guests by way of room service.						

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:	23:30	23:30	23:30	23:30	00:00	00:00	22:30
Seasonal variations/ Non-standard timings:	00:00 on Sundays immediately before Bank Holiday Mondays. From the end of permitted hours on New Years' Eve to the start of permitted hours on New Years' Day. 00:00 – 00:00 for hotel residents and their bona fide guests by way of room service.						

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

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health
Representative:	Maxwell Owusu Koduah
Received:	12 May 2023

I refer to the application for a new Premises Licence number for the above-mentioned premises. I have considered the information that you have provided within and accompanying this application. I have also considered the application in line with the relevant policies within the Councils Statement of Licensing Policy dated October 2021.

Applicant is seeking the following licensable activities:

Provision of late-night refreshment Indoors at the following times

- Monday to Thursday 23:00 – 23:30 hours
- Friday to Saturday 23:00 – 00:00 hours
- Sunday immediately before BH 23:00 – 00:00 hours
- New Years' Eve to the start of permitted hours on New Years' Day

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

- Monday to Thursday 09:00 – 23:30 hours
- Friday to Saturday 09:00 – 00:00 hours
- Sunday 09:00 – 22:30 hours
- Sunday immediately before BH 09:00 – 00:00 hours
- New Years' Eve to the start of permitted hours on New Years' Day

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

1. The hours requested to provide late-night refreshment may have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the area.
2. The supply of alcohol the hours requested may have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the area.

As presented, the application would have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the area.

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.

The applicant is asked to contact the undersigned to arrange a site visit to assess the premises to ensure the premises is satisfactory and following this, additional conditions may be recommended by Environmental Health to support the licensing objectives Prevention of Public Nuisance and Public Safety

Please contact me if you are minded discussing any of the matters above.

2-B Other Persons	
Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED]
Received:	15 May 2023
<p>Dear Westminster City Council,</p> <p>I am reaching out to express my opposition to licence application 23/02649/LIPN (23 Leinster Gardens). I am a resident living directly facing the Henry Hotel, and I strongly object to the proposed late-night bar opening.</p> <p>Leinster Gardens has become increasingly noisy due to the presence of multiple hotels and sometimes unruly guests. The outside terrace of the Blakemore Hotel, located just 30 meters down the road, is a prime example. Adding another bar, with late-night music, will only increase the discomfort for families with young children trying to secure a peaceful sleep.</p> <p>It is crucial that Leinster Gardens and the surrounding area remain appealing to residents and families as it's a local community. The street already has a bar and pub, and there is no need to attract even more noisy tourists from the surrounding areas. I therefore would like to oppose the projected changes.</p>	
Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED]
Received:	09 May 2023
<p>Dear Westminster City Council,</p> <p>I am writing to comment on licence application 23/02649/LIPN (23 Leinster Gardens). As a resident immediately facing the Henry Hotel, I am strongly opposed to the opening of this late-night bar.</p> <p>Living on Leinster Gardens is becoming increasingly intolerable as there are more than 10 hotels in the immediate vicinity - many of which attract poorly behaved tourists. The outside terrace in front of the Blakemore Hotel just 30 metres down the road is a case in point: hotel guests often drunkenly sit on the terrace, shouting and singing well into the night. Adding another bar (with late night music) will compound the misery for families with young children trying to secure sound sleep.</p> <p>On a related note, staff at The Henry have not demonstrated the civic behaviour that suggests the bar will be operated in strict compliance with rules. One employee routinely idles his motorbike engine for minutes at a time and then aggressively revs the engine as he races down the street. This happens every day.</p> <p>Leinster Gardens and the immediate area must remain attractive to residents and families. The street already has a bar and pub, and need not attract even more noisy tourists from the surrounding area. Should the Council approve the application anyway, I would kindly request the hotel mandated to install effective sound isolation and is not allowed to host guests on the terrace.</p>	

Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED]
Received:	10 May 2023
Dear Westminster City Council,	
<p>I am writing to comment on licence application 23/02649/LIPN (23 Leinster Gardens). As a resident immediately facing the Henry Hotel, I am strongly opposed to the opening of this late-night bar.</p> <p>Living on Leinster Gardens is becoming increasingly intolerable as there are more than 10 hotels in the immediate vicinity - many of which attract poorly behaved tourists. The outside terrace in front of the Blakemore Hotel just 30 metres down the road is a case in point: hotel guests often drunkenly sit on the terrace, shouting and singing well into the night. Adding another bar (with late night music) will compound the misery for families with young children trying to secure sound sleep.</p> <p>Leinster Gardens and the immediate area must remain attractive to residents and families. The street already has a bar and pub, and need not attract even more noisy tourists from the surrounding area. Should the Council approve the application anyway, I would kindly request the hotel is mandated to install effective sound isolation and is not allowed to host guests on the terrace.</p>	
Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED]
Received:	11 May 2023
<p>I am writing to object to the above application for Premise license to Henry VIII hotel on Leinster Gardens.</p> <p>I live in Flat 2, 22 Leuster gardens and having an outside sitting area will create tremendous disturbance on the street. There is enough disturbance already coming from hotels on this street and behaved loud tourist.</p> <p>I object strongly to this application.</p>	
Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED]
Received:	08 May 2023
<p>I am concerned this will create serious noise pollution for our building. Drunken tourists sat outside the Blakemore Hotel which is 100 meter away from this hotel regularly keep my kids up at night and I imagine this, located much more closely opposite to our building, will be worse</p>	
Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED]
Received:	22 May 2023
Dear Sirs	

I am writing on behalf of the South East Bayswater Residents' Association (SEBRA) to make a relevant representation objecting to this licence application on the basis of the likely impact on the licensing objective of 'prevention of public nuisance'.

Introduction

SEBRA was formed in 1970 and works to protect the special character of our area. A non-profit, non party-political, voluntary organisation, we represent more than 1,000 people. SEBRA is consulted by Westminster Council on both major developments and all Council activities which affect the daily lives of residents.

As a recognised amenity society we often engage in consultations with licence applicants both before and during the application process and note with some disappointment that we have not been contacted by the applicant in this case.

Background

The premises are situated in a predominantly residential area with some hotels and adjacent Leinster Terrace has a small parade of shops & restaurant/ cafes and the Leinster Arms, all with residential units above.

SEBRA's position

The application is described as:

'Hotel lobby bar at ground and lower ground floor level, ancillary to the use of the premises as a hotel. The provision of licensable activities shall be to residents of the hotel and their bona fide guests only.'

The application is for core hours for the ground and lower ground, and 24/7 for room service to bedrooms for residents and their guests.

The plans show a large external area within the red line for licensable activities.

The licensable activities shall be to residents of the hotel and their bona fide guests only.'

SEBRA is concerned that this application appears to be for a restaurant and a hotel as 'off sales' have been requested and Late Night Refreshment.

We ask that 'off sales' and late night refreshment will only be for residents of hotel and their bona fida guests only for room service. We do not see why other types of off sale should be permitted.

Condition No 20 would seem to allow a delivery service - possible also take aways - (with alcohol) between 0700 to 2300 - why do they want this condition? SEBRA would want no deliveries to others at all, as the primary use of premises is a large established hotel. We have concerns on noise and congregating of drivers outside premises.

G4. The Licensing Authority is concerned with the growing levels of residential complaints and issues associated with public nuisance that is either generated at or in the general vicinity of the licensed premises where deliveries are collected or at the end destination where the delivery is made. Complaints often relate to noise from delivery personnel waiting around the licensed premises or from their delivery vehicles. Applicants must consider the potential impact of noise nuisance from delivery personnel and their vehicles at the licensed premises or at the

end destination. Appropriate waiting areas inside the licensed premises must be provided to prevent delivery personnel congregating outside the venue.

The criteria and considerations set out in DEL1 simply have not been addressed – for instance are the delivery drivers to be 3rd parties? If so, the policy is much stricter on what hours may be granted.

On conditions Nos 12 & 19 we would want hours to be 20.00 to 08.00.

One of our main concerns is the use of the very large external front terrace in front of the hotel, which faces over to residential premises and a large block of flats diagonally opposite in Craven Hill Gardens.

SEBRA is concerned on potential noise and disturbance from the premises, particularly from the large terrace and believe use of terrace should be limited to say, no later than 22.00.

There is no indication of how many bona fide guests per hotel resident.

Conclusion

We are aware of course that applications can be amended, and as ever, SEBRA is always very happy and indeed ask for our contact details, including mobile number, to be passed to the applicant/their solicitors, and to discuss the operation and application with them.

We reserve the right to make further comments /proposals /conditions in due course when we have more information about the application/operation.

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

Received:	22 May 2023
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Hi team,
Please could you note my support for SEBRA's objections. Agree on all counts.
Kind regards.

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

Received:	22 May 2023
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Licensing Team,
I would like to echo Cllr Ormsby's views on this. Key points are on restricting delivery, restriction on terrace use (due to the noise pollution impact) and the point on the off sales.
Kind regards.

3. Policy & Guidance

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

Policy HRS1 applies

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

	<p>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> <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 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 HOT1 applies</p>	<p>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 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 sale by retail of alcohol, regulated entertainment and late-night refreshment must be an ancillary function to the primary purpose of the venue as a hotel. 5. The applicant has taken account of the Special Consideration Zone Policy SCZ1 if the premises are located within a designated zone. 6. The application and operation of the venue meeting the definition of a Hotel 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,

	<p>PS1, PN1 and CH1.</p> <ol style="list-style-type: none"> 2. The hours for licensable activities are 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 sale by retail of alcohol, regulated entertainment and late-night refreshment must be an ancillary function to the primary purpose of the venue as a hotel. 5. The applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone. 6. The application and operation of the venue meeting the definition of a Hotel as per Clause C. <p>C. For the purposes of this policy a Hotel is defined as a premises that is primarily used as an establishment providing overnight accommodation for customers.</p>
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4. Equality Implications

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

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

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

5. Appendices

Appendix 1	Premises 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 Emanuela Meloyan Senior Licensing Officer
Contact:	Telephone: 0207 641 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 representation	12 May 2023
5	Interested Party representation (1)	15 May 2023
6	Interested Party representation (2)	09 May 2023
7	Interested Party representation (3)	10 May 2023
8	Interested Party representation (4)	11 May 2023
9	Interested Party representation (5)	08 May 2023
10	Interested Party representation (6)	22 May 2023

None

There is no licence or appeal history for the premises.

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

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

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

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

Mandatory Conditions

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

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

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

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

- 8(ii) For the purposes of the condition set out in paragraph 8(i) above -
- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) "permitted price" is the price found by applying the formula -

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

Conditions consistent with the operating schedule proposed by the applicant

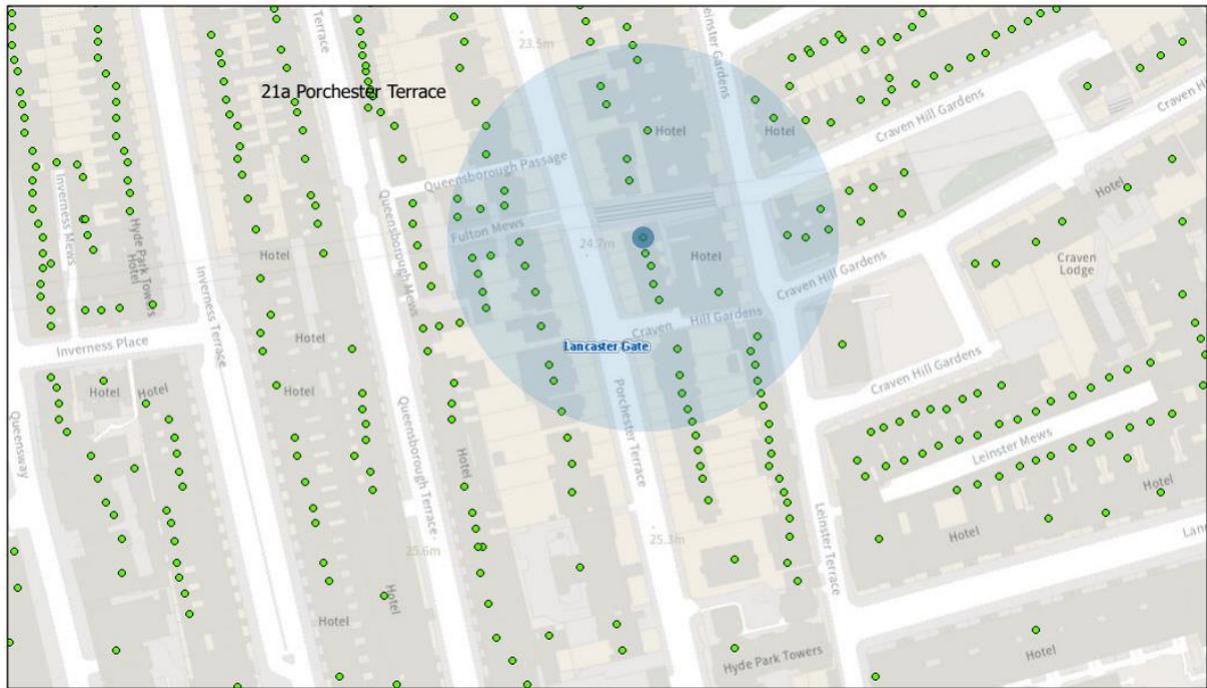
- 9. Licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as a hotel.
- 10. The provision of licensable activities shall be to residents of the hotel and their bona fide guests only.
- 11. The external terrace shall not be used for licensable activities between 23.00 and 09.00 hours.

12. In the external terrace, alcohol shall only be served to patrons seated at tables.
13. CCTV:
 - (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.
14. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. 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.
15. 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.
16. Save for alcohol provided to hotel residents and their bona fide guests in their bedrooms, there shall be no sales of alcohol for consumption off the premises after 23.00 hours.
17. Save for alcohol provided to hotel residents and their bona fide guests in their bedrooms, all sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
18. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
19. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
20. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 07.00 hours on the following day save for where the Westminster City Council collection times are different.
21. 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.
22. 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.

23. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 07.00 hours on the following day save for where the Westminster City Council collection times are different.
24. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
25. 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.
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
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
27. No deliveries to the premises shall take place between 23.00 and 07.00 hours on the following day.
28. No deliveries from the premises, either by the licensee or a third party, shall take place between 23:00 and 07:00 hours on the following day.
29. Patrons permitted to temporarily leave and then re-enter the premises, e.g., to smoke or make a phone call, shall not be permitted to take glass containers with them.
30. 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.
31. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided
32. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
33. No licensable activities shall take place at the premises until the licensing authority are satisfied that the premises is constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association Technical Standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition shall be removed from the licence by the licensing authority. Where there have been minor changes to layout updated plans shall be provided to the Licensing Authority.

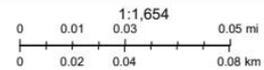
34. No licensable activities shall take place at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined.

King Henry VIII Hotel, 23 Leinster Gardens, London, W2 3AN



05/07/2023, 14:10:21

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



Resident Count:144

Licensed premises within 75m of King Henry VIII Hotel, 23 Leinster Gardens, London, W2 3AN				
Licence Number	Trading Name	Address	Premises Type	Time Period
22/05750/LIPDPS	Blakemore Hotel	25 - 31 Leinster Gardens London W2 3AN	Hotel	Monday to Saturday – 10:00 – 01:30; Sunday – 12:00 – 01:00
21/14639/LIPN	Victoria Exchange Food & Wine	30-31 Leinster Terrace London W2 3ET	Shop	Monday to Saturday – 08:00 – 23:00; Sunday – 10:00 – 23:30



City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	13 July 2023
Licensing Ref No:	23/03022/LIPN - New Premises Licence
Title of Report:	The St Johns Wood General Store 17 St John's Wood High Street London NW8 7NG
Report of:	Director of Public Protection and Licensing
Wards involved:	Regent's Park
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Karyn Abbott Senior Licensing Officer
Contact details	Telephone: 0207 641 6500 Email: kabbott@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	9 May 2023		
Applicant:	T42 Limited		
Premises:	The St Johns Wood General Store		
Premises address:	17 St John's Wood High Street London NW8 7NG	Ward:	Regents Park
		Cumulative Impact Area:	None
		Special Consideration Zone:	None
Premises description:	According to the application form, the applicant proposes to operate the premises as a general store.		
Premises licence history:	This is a new premises licence application and therefore no premises licence history exists.		
Applicant submissions:	<p>The applicant has proposed 13 conditions in their operating schedule. The Metropolitan Police proposed to amend a condition and this has been agreed by the applicant.</p> <p>These can be found in Appendix 4.</p> <p>The applicant has provided a summary of proposals, a letter to the interested parties and details about the premises, this can be found at Appendix 2.</p>		
Applicant amendments:	None		

1-B Proposed licensable activities and hours							
Sale by retail of alcohol				On or off sales or both:			Off
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	08:00	08:00	08:00	08:00	08:00	08:00	09:00
End:	23:00	23:00	23:00	23:00	23:00	23:00	22:30
Seasonal variations/ Non-standard timings:			None				

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	07:00	07:00	07:00	07:00	07:00	07:00	07:00
End:	23:00	23:00	23:00	23:00	23:00	23:00	23:00
Seasonal variations/ Non-standard timings:			None				
Adult Entertainment:			None				

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Metropolitan Police Service
Representative:	PC Reaz Guerra
Received:	27 May 2023 (Withdrawn 23rd June 2023)
<p>Application for a New Premises Licence 23/03022/LIPN 17 St John's Wood High Street, London, NW8 7NG</p> <p>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 that if granted the application would undermine the Licensing Objectives. The premises are situated within the West End Cumulative Impact Area.</p> <p>There is insufficient detail contained within the operating schedule to promote the licensing objectives.</p> <p>It is for these reasons that we object to this application.</p> <p>I have seen the list of proposed conditions, please could your proposed condition 6 be amended to MC01 as below.</p> <p>MC01</p> <ul style="list-style-type: none"> (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. <p>The above condition has been amended and agreed by the applicant and the Metropolitan Police have withdrawn their representation on the 23rd June 2023. This condition can be found at Appendix 4.</p>	
Responsible Authority:	Environmental Health Service
Representative:	Kudzaishe Mondhlani
Received:	31 May 2023
<p>I refer to the application for a new Premises Licence.</p> <p>This representation is based on the operating schedule and plans submitted drawing number 6392/01 dated 27/04/2023.</p> <p>The applicant is seeking to supply alcohol for consumption off the premises Monday to Saturday between 08:00 to 23:00 hours and Sundays between 09:00 to 22:30 hours.</p> <p>I wish to make the following representations in relation to the above application:</p>	

1. The supply of alcohol would have the likely effect of causing an increase in Public Nuisance the area and may also impact on Public Safety

The granting of this application as presented would have the likely effect of causing an increase in Public Nuisance and may also impact on Public Safety.

The applicant has provided additional information which is being considered and will be assessed upon a site visit. Additional Environmental Health conditions may be proposed to uphold the licensing objectives.

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

2-B Other Persons	
Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]
Received:	6 June 2023
Cars will constantly drive up and depart until late every evening . Car doors will be slammed and engines started. There will be unnecessary revving of engines of flashy sports cars, screeching tires, insane loud music or amplified conversations on cell phones. All this will definitely disturb the piece.	
Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]
Received:	6 June 2023
View is that application is inappropriate for a conservation area of special unique historical character"as over the hours of opening and alcohol sales.	
Fear that the availability of cheap alcohol late into the evening will ensure that people who have drunk too much continue drinking and hang around the high street creating, noise, disturbance and engaging in anti-social behaviour.	
Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]
Received:	6 June 2023
I object regarding public nuisance and disorder.	

3. Policy & Guidance

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

Policy HRS1 applies

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

	<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 this application for each premises use type as defined within this policy are:</p> <p>11a. Shops (all licensable activities that are provided as ancillary to the primary use of the premises as a shop except the off sale of alcohol) Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to Midnight. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to Midnight.</p> <p>11b. 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>Policy SPH1 applies</p>	<p>A. Applications for a shop 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 are within the council's Core Hours Policy HRS1. 3. The operation of any delivery services for alcohol meeting the council's Ancillary Alcohol and/or Latenight Refreshment Delivery Service Policy DEL1. 4. The applicant having taken account of the Special Consideration Zone Policy SCZ1 if the premises are located within a designated zone. 5. The application and operation of the venue meeting the definition of a shop in Clause C. <p>B. Applications for a shop inside the West End Cumulative Impact Zone will be considered on their own merits and subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities are within the council's Core Hours Policy HRS1. 3. The operation of any delivery services for alcohol meeting the council's Ancillary Alcohol and/or Latenight Refreshment Delivery Service Policy DEL1. 4. The applicant having demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone. 5. The application and operation of the venue meeting the definition of a shop in Clause C. <p>C. For the purposes of this policy:</p> <ol style="list-style-type: none"> 1. A shop is defined as a stall, vehicle, vessel, temporary structure, building or part of a stall, vehicle, vessel, temporary structure or building where the primary activity is the sale of goods or services to customers upon payment. 2. The licensable activities for the sale of alcohol for consumption on the premises, regulated entertainment and/or late night refreshment must be ancillary to the primary use of the premises as a shop. 3. The licensable activity of the sale of alcohol for consumption off the premises must be an ancillary function to the primary use of the premises unless that primary use is to sell alcohol for consumption off the premises, e.g. a traditional off licence.

4. Equality Implications

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

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

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

5. Appendices

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

Report author:	Karyn Abbott Senior Licensing Officer
Contact:	Telephone: 0207 641 6500 Email: kabbott@westminster.gov.uk

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

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	October 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	December 2022
4	Metropolitan Police Service (Withdrawn 23 June 2023)	27 May 2023
5	Environmental Health Service	31 May 2023
6	Representation 1	6 July 2023
7	Representation 2	6 July 2023
8	Representation 3	6 July 2023

Thomas & Thomas
Partners LLP

**The St. John's Wood General Store
17 St. John's Wood High Street
London NW8 7NG**

SUMMARY OF PROPOSALS

**THOMAS & THOMAS PARTNERS LLP
38A MONMOUTH STREET
LONDON
WC2H 9EP**

**Reference: AT/T42.1.1
Solicitors for the Applicant**

Thomas & Thomas Partners LLP is a limited liability partnership registered in England & Wales under number OC363873. A list of members is available for inspection at our registered office at 38a Monmouth Street, London WC2H 9EP. Thomas & Thomas Partners LLP is regulated by the Solicitors Regulation Authority under number 561362.

Introduction

1. Raj Bathia founded "The General Store"¹ in 2001, via his company T42 Limited (the "Applicant"), to bring high-quality produce from around the world to the people of London.
2. The concept was a great success – they have since expanded to three stores across London: a flagship in Battersea Power Station, and two further stores in Queenstown Road, Battersea and Pavillion Road, Chelsea. Mr. Bathia remains the sole shareholder, director and CEO. A presentation document giving a flavour of the business is attached.
3. The concept is "*your global local store*", bringing speciality produce close to people's homes, in residential areas – in a friendly, boutique environment, with superb customer service, a world away from the usual supermarket experience. Local residents are also offered the convenience of prompt grocery delivery.

4. In the words of Mr. Bathia:

*"We are able to supply one of the widest ranges of products to be found in the capital, coupled with friendly local service. You can come in for a barista coffee, do your shopping here or have it delivered. Whether you want a freshly made sandwich from our continental deli, a bottle of fine wine or simply your weekly food shop, we have everything you need."*²

5. This has helped Mr. Bathia build up a loyal base of discerning customers across Battersea and Chelsea over the last 20 years, all of whom value The General Store's unique offering. He now hopes to do the same for the people of St. John's Wood.

The Application

6. The premises are located at 17 St. John's Wood High Street, outside any cumulative impact area or special consideration zone.
7. The application is to authorise "off" sales of alcohol only. As one would expect for a grocery store, there will be no in-store consumption of alcohol under any circumstances.
8. Alcohol will also only be an ancillary part of the store's overall premium offering, which will cover a broad range of produce - from speciality breads to fresh fruit and vegetables, to chocolates and confectionary and beauty products, and much in between.
9. The hours applied for are fully aligned to the Core Hours recommended for shops in the Council's policy: 08:00 to 23:00 Monday – Saturday, and 09:00 to 22:30 on Sunday.³

¹ See <https://thegeneral.store/>

² See page 3 of the presentation.

³ See policy HRS1.C.10b

The Responsible Authorities

10. A condition regarding CCTV was agreed with the police, after which they were happy to withdraw their representation. The EHO has not proposed any additional conditions as of today.

Interested Parties

11. Three interested parties expressed concerns – somewhat surprisingly - about *“revving of engines of flashy sports cars, screeching tires, insane loud music”, “public nuisance and disorder”* and that *“the availability of cheap alcohol late into the evening will ensure that people who have drunk too much continue drinking and hang around the high street creating, noise, disturbance and engaging in anti-social behaviour.”*
12. As these concerns seemed to stem from a serious misunderstanding of The General Store’s business, the Applicant shared an explanatory letter,⁴ seeking to reassure about what was proposed, and offering to answer any questions. No response has been received, however.
13. As set out in the letter, the Applicant wishes to emphasise that the kind of issues described here are completely contrary to The General Store’s concept and manner of business. Mr. Bathia plans to bring premium quality produce to local people: families; professionals; discerning locals, young and old. *“Cheap alcohol”* (and associated street drinking) could not be further from what is proposed.

Policy

Shops policy SHP1

14. SHP1 provides:

“A. Applications for a shop outside the West End Cumulative Impact Zone will generally be granted subject to:

- 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.*
- 2. The hours for licensable activities are within the council’s Core Hours Policy HRS1.*
- 3. The operation of any delivery services for alcohol meeting the council’s Ancillary Alcohol and/or Latenight Refreshment Delivery Service Policy DEL1.*
- 4. The applicant having taken account of the Special Consideration Zone Policy SCZ1 if the premises are located within a designated zone.*
- 5. The application and operation of the venue meeting the definition of a shop in Clause C.”*

⁴ A copy of this letter is enclosed.

15. These requirements are all met here. The General Store meets the definition of a “shop”, the hours are within core and a comprehensive set of model conditions is proposed to safeguard all four licensing objectives – including as to CCTV, a proof of age scheme, timing of deliveries and waste and restrictions on super-strength beer, lager and cider.

16. But these conditions are simply belts-and-braces for what is already an extremely low-risk proposal: the premium, family-friendly nature of the shop will in and of itself safeguard the licensing objectives. Indeed, the store (if allowed to open) will actively improve public safety in the area - and help to reduce crime - by activating the street frontage and providing a safe, welcoming space in the evening for people to drop into, with exceptionally well-trained staff always on hand.

Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1

17. DEL1 similarly provides that applications will “generally be granted”, and all the relevant requirements are met here: deliveries are only to take place within the same Core Hours, and will simply form an ancillary part of an overall grocery delivery service, offered for the convenience of local residents.

Conclusion

18. The policy notes that the Licensing Authority is “keen to support shops who wish to offer ancillary licensable activities to the main purpose of their shop”,⁵ provided the shops are “operated in a way that will promote the licensing objectives and not impact residents”.⁶

19. This application could not be more squarely within this rhetoric. Mr. Bathia has decades of demonstrable experience providing the residents of Battersea and Chelsea with a unique, family-friendly service, with an exceptional team of staff. The St John’s Wood General Store will be no different.

Thomas & Thomas Partners
July 2023

⁵ At F144.

⁶ At F144.



Dear Neighbour

The City Council have been kind enough to pass on a copy of your representation to our licensing application and I have asked them to circulate a response to you as I don't have your direct email address but I hope you find it helpful nonetheless.

I think there has been some misunderstanding. I am pleased to say we are nothing like the type of use that you might envisage from the bare bones of the application. The [general store](#), as you will see in the preceding link and [here](#), was founded in 2001, very much to introduce to high-end speciality shop particularly in residential areas. As it stands, we have a flagship sort at Battersea Power Station, another store in Queenstown Road, Battersea and one in Pavillion Road, Chelsea.

One of our unique facets is that we offer local delivery for residents and many items are unobtainable elsewhere. Just some examples shown in the presentation.

There will be no cheap or discounted alcohol and no alcohol sold for consumption on the premises. It's very much an ancillary part of [our offer](#). Our licence conditions can be found [here](#).

I would be very happy to either meet you at our new site in St John's Wood, elsewhere or indeed online. I do hope that's possible so I can set your mind at rest and that you can enjoy our new store when it opens.

Please do let me know should you have any queries arising in the meantime. My email and mobile number are below.

With kind regards

Yours sincerely

Ray Bathia
Owner

Tel: 07985 160 272

Email: raj@thebatterseageneralstore.co.uk



Excellence in Retail

General Store was founded in 2001 with a clear vision - to introduce high-end, speciality products to London. From our travels across the globe, together with our passion for food and drink, we discovered exceptional products we knew Londoners would love. Through ambition and dedication, we turned our vision into a promise. A promise to offer the finest produce from around the world and to provide excellent customer service as standard. This promise is now shared across our brands and drives us in everything we do.

From our headquarters in the new vibrant Battersea Power Station redevelopment, our dedicated team continues to explore international tastes and flavours as well as local markets and artisan products, ensuring we are at the forefront of retail intelligence. Our business has been built upon the foundation of honesty, integrity and knowledge. This is reflected in the long-standing relationships we share with our customers, the trust and admiration we receive from suppliers, and in our extraordinary team, which is formed of many different nationalities with a plethora of skills and expertise. Together, we are united in ensuring that the General Store is providing the quality, choice and service London deserves. As we evolve and expand, one thing will never change - our dedication to sourcing the very best, and to customer service excellence. We made a promise - to our customers, to our staff, and to London, and here at General Store, we keep our promises.

Raj Bathia
CEO



Luxury Grocer

We were the first retailer to open for business at Circus West Village, the retail hub of the vibrant Battersea Power Station redevelopment site. From its stylish décor and accomplished staff, The Battersea General Store offers a unique shopping experience. We offer a vast range of exquisite foods from all around the world, while also celebrating local craft produce.

“We are your global local store,” says owner Raj Bathia. “We are able to supply one of the widest ranges of products to be found in the capital, coupled with friendly local service. You can come in for a barista coffee, do your shopping here or have it delivered. Whether you want a freshly made sandwich from our continental deli, a bottle of fine wine or simply your weekly food shop, we have everything you need.” The 6,500 square foot Battersea General Store offers local delivery for residents and many items which are unavailable elsewhere in London: cookies from Nantucket, vodkas from France and Hong Kong, award-winning Burrata from Italy and a wide selection of teas from around the world.

“Should you be able to name something we haven’t got, we will do everything we can to get it for you,” promises Raj Bathia.

Whether you are shopping for a bottle of milk or a bottle of Dom Perignon, The Battersea General Store will have the everyday items you need and the exceptional products you want.



A great selection of fruit & Veg

freshly baked produce on site every day



Delicious sandwiches and snacks available



A wide variety of artisan products



Your favourite coffee served with a smile



We stock a wide range of beverages for any occasion

Cooking ingredients to spice up your meal



We have a wonderful hamper gift fillers



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 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.
- 5(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.
- 5(ii) For the purposes of the condition set out in paragraph 5(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.

5(iii). Where the permitted price given by Paragraph 5(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.

5(iv). (1) Sub-paragraph 5(iv)(2) below applies where the permitted price given by Paragraph 5(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

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

Conditions consistent with the operating schedule

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

7. Notices shall be prominently displayed within the premises requesting patrons to respect the needs of local residents and leave the local area quietly.

8. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

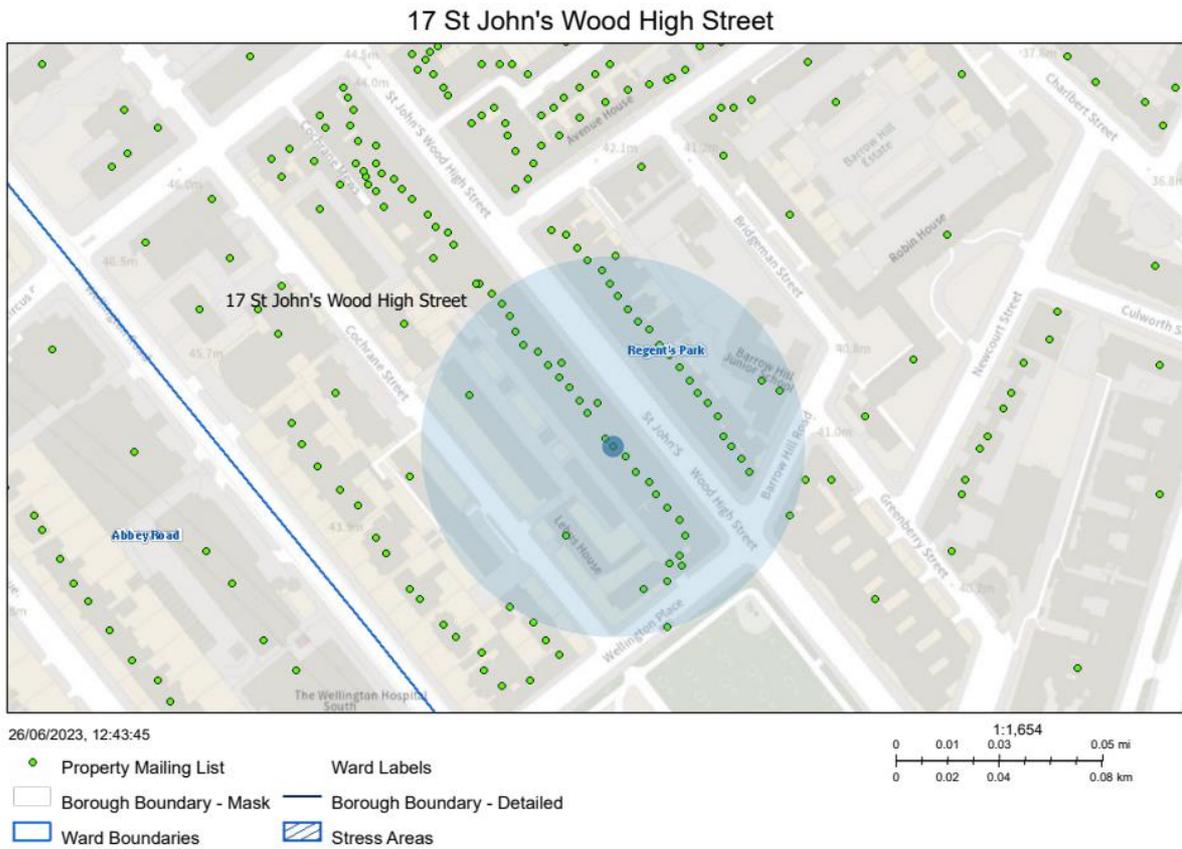
9. No waste or recyclable materials, including bottles, shall be moved, removed or placed in outside areas between 23:00 hours and 07:00 hours on the day following.
10. No deliveries shall be made to the premises between 23:00 hours and 07:00 hours.

Condition 11 amended by the police and agreed by the applicant to form part of the operating schedule.

11.
 - (a) The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team.
 - (b) All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.
 - (c) The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance.
 - (d) All recordings shall be stored for a minimum period of 31 days with date and time stamping.
 - (e) Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
12. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
13. 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.
14. No super-strength beer, lager or ciders above 5.5% ABV (alcohol by volume) shall be sold at the premises save for premium beer or ciders in glass bottles.
15. 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.
16. There shall be no self-selection of spirits on the premises, save for spirit mixtures less than 5.5% ABV.
17. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
18. 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.

Conditions proposed by the Environmental Health

None



Resident Count = 216

Licensed premises within 75 metres of 17 St John's Wood High Street, London				
Licence Number	Trading Name	Address	Premises Type	Time Period
20/07410/LIPN	Rococo Chocolates	Ground Floor 27 St John's Wood High Street London NW8 7NH	Shop	Sunday; 10:00 - 19:00 Monday to Tuesday; 10:00 - 19:00 Wednesday to Saturday; 10:00 - 20:00
15/07993/LIPD	Sahara Restaurant	7 St John's Wood High Street London NW8 7NG	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
22/03569/LIPN	Not Recorded	29A St John's Wood High Street London NW8 7NJ	Restaurant	Sunday; 09:00 - 00:30 Monday to Saturday; 09:00 - 01:00
21/09784/LIPT	Harry Morgan Restaurant	29 - 31 St John's Wood High Street London NW8 7NH	Restaurant	Sunday; 09:00 - 00:30 Monday to Saturday; 09:00 - 01:00
22/05559/LIPN	Cinder	Basement And Ground Floor 5 St	Not Recorded	Sunday; 12:00 - 22:30 Monday to

		John's Wood High Street London NW8 7NG		Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00
12/09175/LIPDPS	Fego Caffè	64 St John's Wood High Street London NW8 7SH	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
22/08313/LIPDPS	Soutine	60 St John's Wood High Street London NW8 7SH	Restaurant	Sunday; 08:00 - 00:00 Monday to Saturday; 07:00 - 00:30



City of Westminster

Licensing Sub-Committee Report

Item No:

Date:

13 July 2023

Licensing Ref No:

23/02937/LIPV - Premises Licence Variation

Title of Report:

Clemence
46 Shepherd Market
London
W1J 7QS

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:	4 May 2023		
Applicant:	1WSBH Ltd		
Premises:	Clemence		
Premises address:	46 Shepherd Market London W1J 7QS	Ward:	West End
		Cumulative Impact Area:	None
		Special Consideration Zone:	None
Premises description:	The premises currently operates as a café and shop with a small bar serving coffees, carafes of wine, small glasses of 'pression' craft beers, and a short list of wines.		
Variation description:	This variation seeks the following: <ul style="list-style-type: none"> To vary the terminal hour for the retail sale of alcohol on Thursday to Saturday from 22:30 to 23:30. To add Late Night Refreshment. To vary the opening hours on Friday to Saturday from 23:30 to 00:00. 		
Premises licence history:	The premises has had the benefit of a premises licence since 2022. The current premises licence (22/00815/LIPN) can be viewed at Appendix 2 of this report along with the premises history at Appendix 3 .		
Applicant submissions:	The applicant has provided a mediation letter for the interested party. A copy can be found at Appendix 1 .		
Applicant amendments:	None		

1-B Current and proposed licensable activities, areas and hours						
Late night refreshment						
Indoors, outdoors or both		Current :			Proposed:	
		N/A			Indoors	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	N/A		N/A	N/A	N/A	Basement and Ground Floor
Tuesday			N/A	N/A		
Wednesday			N/A	N/A		
Thursday			23:00	23:30		
Friday			23:00	23:30		
Saturday			23:00	23:30		
Sunday			N/A	N/A		
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	N/A				N/A	

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	09:00	22:30	09:00	22:30	Basement and Ground Floor	No change
Tuesday	09:00	22:30	09:00	22:30		
Wednesday	09:00	22:30	09:00	22:30		
Thursday	09:00	22:30	09:00	23:30		
Friday	09:00	22:30	09:00	23:30		
Saturday	09:00	22:30	09:00	23:30		
Sunday	09:00	21:30	09:00	21:30		
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	N/A				N/A	

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	09:00	23:30	09:00	23:30	Basement and Ground Floor	No change
Tuesday	09:00	23:30	09:00	23:30		
Wednesday	09:00	23:30	09:00	23:30		
Thursday	09:00	23:30	09:00	23:30		
Friday	09:00	23:30	09:00	00:00		
Saturday	09:00	23:30	09:00	00:00		
Sunday	09:00	22:30	09:00	22:30		
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	N/A				N/A	

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

2. Representations

2-A Other Persons			
Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	29 May 2023		
<p>The application fails to take into account the impact of these extended licences on residents. [REDACTED] is typically residential [REDACTED], and the noise and disruption from late night drinking significantly impairs the experience of living [REDACTED]. This problem is exacerbated when drinkers are outside, and despite many assurances from business owners over the years (and indeed the terms of their licences), they prove incapable of limiting the outside crowds.</p> <p>The existing licensing hours are much more consistent with the mixed use nature of the neighbourhood and the extended hours should be rejected.</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> <ol style="list-style-type: none"> 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. <p>D. Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.</p> <p>E. For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement.</p>
<p>Policy RNT1 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 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 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 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 demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone. 5. 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, except if provided via an ancillary delivery service to customers at their residential or workplace address. 4. Where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals. 5. The sale and consumption of alcohol prior to such meals may be in a bar area but must also be ancillary to the taking of such meal.
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4. Equality Implications

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

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

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

5. Appendices

Appendix 1	Applicant supporting documents
Appendix 2	Existing premises licence 22/00815/LIPN
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	Interested party representation	29 May 2023

Mediation letter

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

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

6 June 2023

Dear [REDACTED]

Premises Licence Variation Application – Clemence 46 Shepherd Market W1J 7QS

I hope that this letter finds you well. Westminster Council have provided me with a copy of your representation in respect of my premises licence variation application. Thank you for taking the time to comment on my proposals.

As you may know, Clemence operates as an all-day friendly café and shop with a small bar serving coffees, carafes of wine, small glasses of 'pression' craft beers, and a short list of wines taken from our sister shop the long serving and well-loved Shepherd Market Winehouse. The menu serves delicious cheese, charcuterie and oysters in season.

I engaged with the [REDACTED] before submitting the application. Following that consultation, they did not object to the application. I am equally committed to engaging with you to address the concerns that you have raised.

My management team and I will continue to utilise the years of experience we have operating the Shepherd Market Winehouse to ensure Clemence continues to run professionally and responsibly alongside the local community at all times. The licence includes a number of comprehensive conditions to safeguard the business operation and ensure the promotion of the licensing objectives in Shepherd Market during the proposed hours.

In addition, after considering your concerns, we intend to review our management procedures with our team to ensure that you and your neighbours are not disturbed by the additional hours proposed.

Thank you for taking the time to consider this letter. Please do not hesitate to contact me if you would like to discuss the application further or arrange a meeting.

Yours sincerely

Nathan Lowry



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

Schedule 12
Part A

WARD: West End
UPRN: 100023476481

Premises licence

Regulation 33, 34

Premises licence number:

22/00815/LIPN

Original Reference:

22/00815/LIPN

Part 1 – Premises details

Postal address of premises:

Clemence
46 Shepherd Market
London
W1J 7QS

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Sale by Retail of Alcohol

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

Sale by Retail of Alcohol

Monday to Saturday: 09:00 to 22:30
Sunday: 09:00 to 21:30

The opening hours of the premises:

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

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

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

Part 2

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

1WSBH Ltd
160C Drake Street
Rochdale
OL16 1QD

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

13156291

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

Name: Mr Nathan Lowry

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: 05/02119/LIPERS
Licensing Authority: City Of Westminster Council

Date: 19 January 2023

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

Annex 1 – Mandatory conditions

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

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

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

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

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

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

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

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

Where -

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

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

Annex 2 – Conditions consistent with the operating Schedule

9. There shall be no self-service of alcohol on the premises.
10. 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.
11. Notices to be prominently displayed requesting persons to respect the needs of local residents and to leave the premises and area quietly.
12. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number and/or is to be made available to residents and businesses in the vicinity
13. No rubbish including bottles will be moved, removed or placed in outside areas between 2300 hours and 0800 hours
14. The supply of alcohol shall be by waiter or waitress service only
15. The supply of alcohol at the premises shall only be to a person seated taking a substantial table meal there and for consumption by such a person as ancillary to their meal.

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

16. Alcohol may only be sold for consumption by members of a private club and their bona fide guests (not exceeding (4) guests per member). No person shall be admitted to membership of the private club or be entitled to take advantage of any of the privileges of membership without an interval of at least 48 hours between their nomination or application for membership and their admission
17. A list of the names and addresses of members of the Club shall be kept on the premises at all times together with a book showing the names and dates of attendance of any guests introduced by members. Both the list and the book shall be produced on demand for inspection by the police or an authorised officer of the Council
18. 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.
19. 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.
20. There shall be no sales of alcohol for consumption off the premises after 23.00 hours.

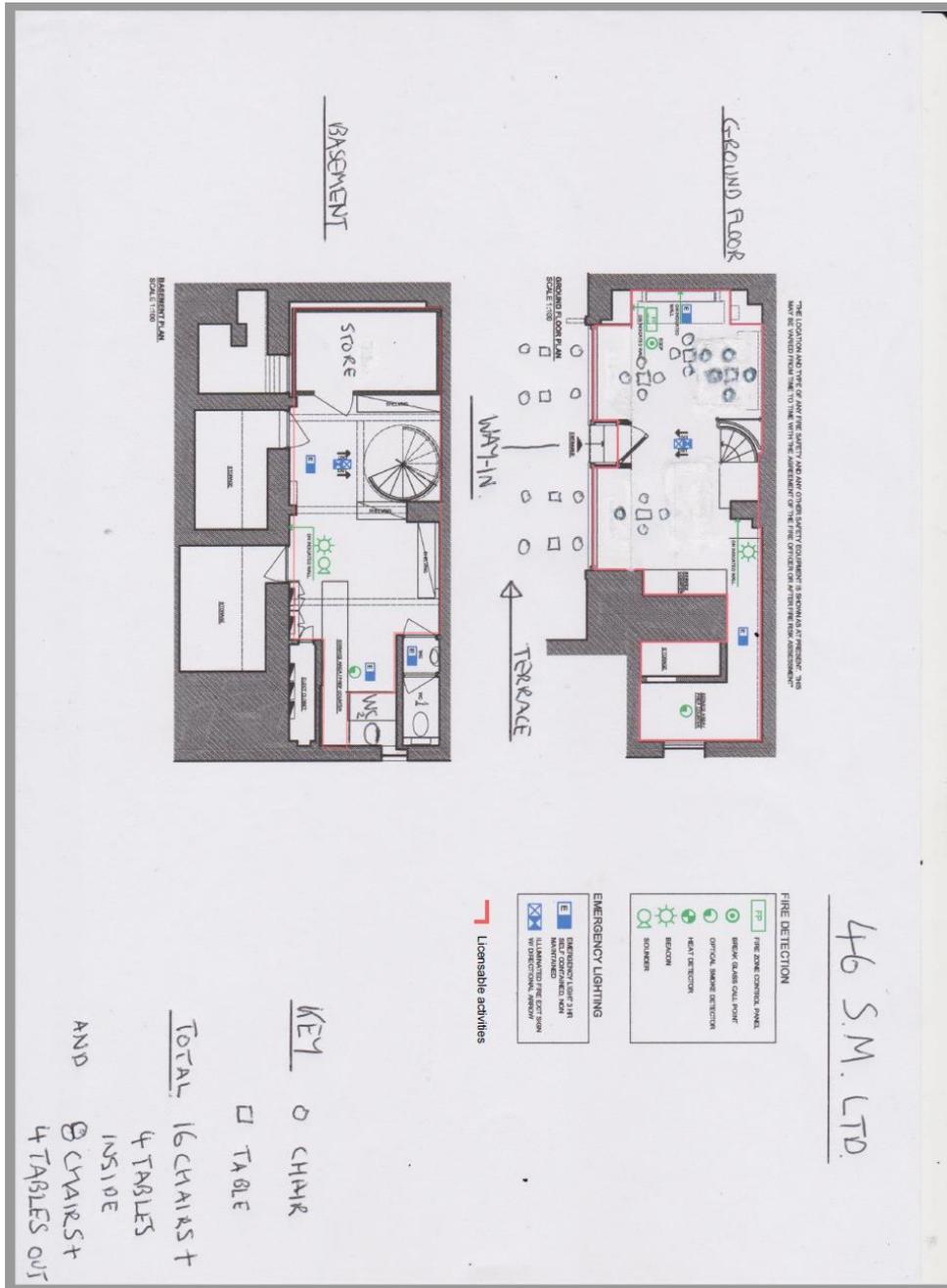
21. All sales of alcohol for consumption off the premises shall be in sealed containers only
22. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00 hours
23. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
24. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
25. There shall be no smoking of shisha at any area dedicated for smoking
26. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
27. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23:00 hours and 08:00 hours on the following day.
28. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke or make a phone call, shall not be permitted to take glass containers with them
29. All windows and the ground floor external doors, shall be kept closed after 23:00 hours, except for the immediate access and egress of persons
30. 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
31. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided
32. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means
33. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device
34. 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
35. 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
36. 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.
37. CCTV:

- 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.
38. 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.
39. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. 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, (g) any refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service.

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

None.

Annex 4 – Plans





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

Schedule 12
Part B

Premises licence
summary

WARD: West End
UPRN: 100023476481

Regulation 33, 34

Premises licence
number:

22/00815/LIPN

Part 1 – Premises details

Postal address of premises:

Clemence
46 Shepherd Market
London
W1J 7QS

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Sale by Retail of Alcohol

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

Sale by Retail of Alcohol

Monday to Saturday:	09:00 to 22:30
Sunday:	09:00 to 21:30

The opening hours of the premises:

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

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

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

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

1WSBH Ltd
160C Drake Street
Rochdale
OL16 1QD

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

13156291

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

Name: Mr Nathan Lowry

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

Restricted

Date: 19 January 2023

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

Application	Details of Application	Date Determined	Decision
22/00815/LIPN	New premises licence Retail Sale of Alcohol: Monday to Saturday 09:00 to 22:30 Sunday 09:00 to 21:30	23.03.2022	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

9. There shall be no self-service of alcohol on the premises.

10. 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.
11. Notices to be prominently displayed requesting persons to respect the needs of local residents and to leave the premises and area quietly.
12. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number and/or is to be made available to residents and businesses in the vicinity
13. No rubbish including bottles will be moved, removed or placed in outside areas between 2300 hours and 0800 hours
14. The supply of alcohol shall be by waiter or waitress service only
15. The supply of alcohol at the premises shall only be to a person seated taking a substantial table meal there and for consumption by such a person as ancillary to their meal.

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

16. Alcohol may only be sold for consumption by members of a private club and their bona fide guests (not exceeding (4) guests per member). No person shall be admitted to membership of the private club or be entitled to take advantage of any of the privileges of membership without an interval of at least 48 hours between their nomination or application for membership and their admission
17. A list of the names and addresses of members of the Club shall be kept on the premises at all times together with a book showing the names and dates of attendance of any guests introduced by members. Both the list and the book shall be produced on demand for inspection by the police or an authorised officer of the Council
18. 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.
19. 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.
20. There shall be no sales of alcohol for consumption off the premises after 23.00 hours.
21. All sales of alcohol for consumption off the premises shall be in sealed containers only
22. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00 hours

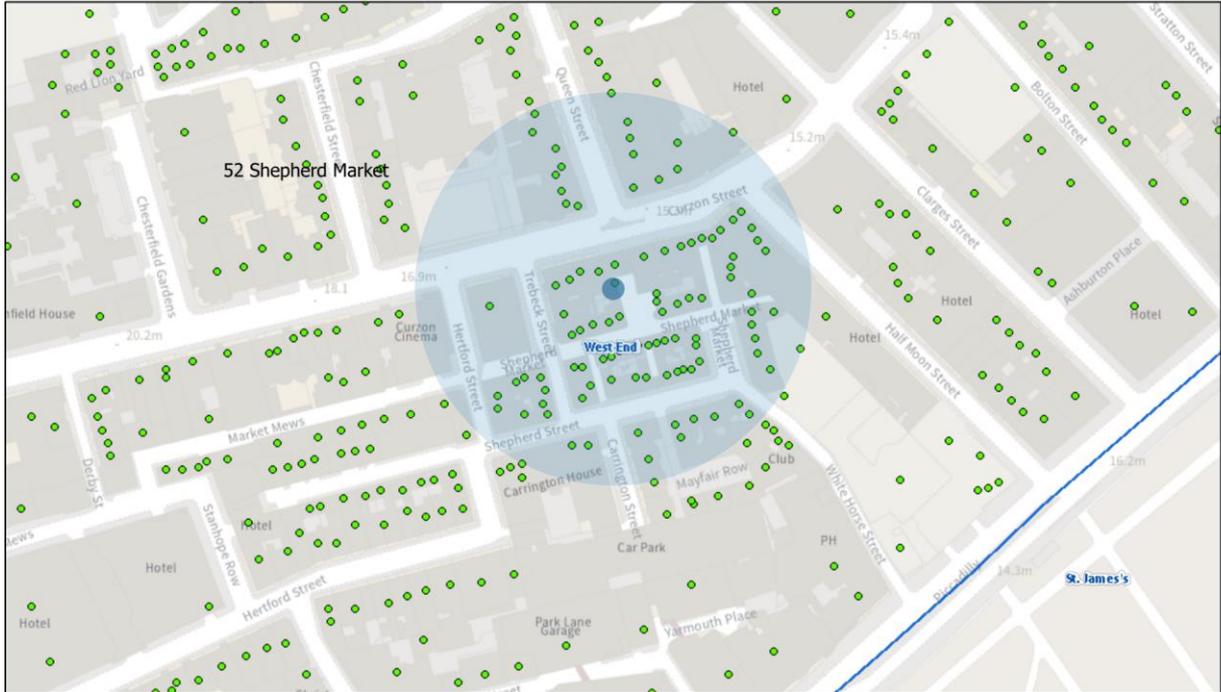
23. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
24. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
25. There shall be no smoking of shisha at any area dedicated for smoking
26. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
27. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23:00 hours and 08:00 hours on the following day.
28. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke or make a phone call, shall not be permitted to take glass containers with them
29. All windows and the ground floor external doors, shall be kept closed after 23:00 hours, except for the immediate access and egress of persons
30. 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
31. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided
32. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means
33. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device
34. 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
35. 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
36. 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.

37. CCTV:
- 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.
38. 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.
39. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. 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, (g) any refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service.

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

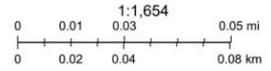
None

46 Shepherd Market, London, W1J 7QS



26/06/2023, 12:04:24

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



Resident Count: 132

Licensed premises within 75 metres of 46 Shepherd Market, London, W1J 7QS				
Licence Number	Trading Name	Address	Premises Type	Time Period
12/08761/LIPN	L'Eto Caffè	Basement And Ground Floor 46 - 48 Shepherd Market London W1J 7QS	Cafe	Monday to Sunday; 08:00 - 20:30
22/00815/LIPN	Clemence	46 Shepherd Market London W1J 7QS	Shop (large)	Sunday; 09:00 - 22:30 Monday to Saturday; 09:00 - 23:30
15/08015/LIPDPS	Brasserie Al Hamra	52 Shepherd Market London W1J 7QU	Cafe	Sunday; 12:00 - 00:30 Monday to Saturday; 09:00 - 00:30
16/03441/LIPVM	Shepherds Market Fine Wine	21 Shepherd Market London W1J 7PN	Wine bar	Sunday; 12:00 - 22:30 Monday to Saturday; 08:00 - 23:00
23/03489/LIPRW	Le Boudin Blanc	5 Trebeck Street London W1J 7LT	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
22/09518/LIPT	Le Boudin Blanc	5 Trebeck Street London W1J 7LT	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
19/07458/LIPN	Not Recorded	Basement And Ground Floor 19 Shepherd Market London W1J 7PJ	Not Recorded	Monday to Sunday; 08:00 - 22:30
19/01505/LIPT	Iran Restaurant	27 Shepherd Market London W1J 7PR	Restaurant	Sunday; 08:00 - 23:00 Monday to Saturday; 07:00 - 00:00
18/07751/LIPDPS	Ferdi	Basement And Ground Floor 30 Shepherd Market London	Shop	Sunday; 08:00 - 23:30 Monday to Saturday; 08:00 - 00:00

		W1J 7QN		
15/08808/LIPDPS	Al Hamra Restaurant	31-33 Shepherd Market London W1J 7PT	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
11/05119/LIPN	Misto	7 Shepherd Market London W1J 7PE	Restaurant	Sunday; 12:00 - 22:30 Monday to Thursday; 11:00 - 23:30 Friday to Saturday; 11:00 - 00:00
17/00239/LIPN	Mayfair News	28 Shepherd Market London W1J 7QL	Shop	Sunday; 07:00 - 22:30 Monday to Saturday; 07:00 - 23:00
12/01313/LIPN	Yazu Sushi	Basement Part And Ground Floor 46 Curzon Street London W1J 7UH	Restaurant	Monday to Saturday; 12:00 - 22:00
22/04052/LIPDPS	The Little Square	3 Shepherd Market London W1J 7PB	Shop	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
18/14075/LIPT	Curzon Mayfair Cinema	38 Curzon Street London W1J 7TY	Cinema	Sunday; 10:00 - 02:30 Monday to Saturday; 09:00 - 02:30
17/14552/LIPDPS	Cafe Ambassadeur	Ground Floor 2 Shepherd Street London W1J 7JE	Cafe	Monday to Sunday; 06:00 - 23:30
06/06509/WCCMAP	L'artiste Muscle	1 Shepherd Market London W1J 7PA	Wine bar	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
23/00676/LIPDPS	Sofra	19 Trebeck Street London W1J 7LX	Office	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
22/10844/LIPDPS	Ye Grapes	16 Shepherd Market London	Public house or pub restaurant	Sunday; 12:00 - 23:00 Monday to Saturday;

		W1J 7QQ		10:00 - 23:30
22/09887/LIPCH	Maru	18 Shepherd Market London W1J 7QH	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
06/06358/WCCMAP	Da Corradi Restaurant	Basement And Ground Floor 20-22 Shepherd Market London W1J 7QJ	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
21/12682/LIPV	Tamarind Restaurant	21 Queen Street London W1J 5PR	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
21/06706/LIPT	5 Hertford Street	55 Shepherd Market London W1J 7PU	Restaurant	Wednesday; 07:30 - 02:30 Sunday; 12:00 - 00:30 Monday to Tuesday; 07:30 - 01:30 Thursday to Saturday; 07:30 - 03:00
20/01581/LIPCH	Little House	2 Queen Street London W1J 5PA	Restaurant	Sunday; 08:00 - 22:30 Monday to Thursday; 08:00 - 01:30 Friday to Saturday; 08:00 - 02:30
22/05556/LIPV	Kitty Fishers Restaurant	Basement And Ground Floor Front 10 Shepherd Market London W1J 7QF	Restaurant	Monday; 10:00 - 00:00 Tuesday; 10:00 - 00:00 Wednesday; 10:00 - 00:00 Thursday; 10:00 - 00:00 Friday; 10:00 - 00:00 Saturday; 10:00 - 00:00

				Sunday; 12:00 - 00:00
22/02089/LIPVM	The Market Tavern	7 Shepherd Street London W1J 7HR	Public house or pub restaurant	Monday; 07:00 - 23:30 Tuesday; 07:00 - 23:30 Wednesday; 07:00 - 23:30 Thursday; 07:00 - 23:30 Friday; 07:00 - 23:30 Saturday; 07:00 - 23:30 Sunday; 07:00 - 23:00
19/04356/LIPDPS	L'autre Wine Bar	5B Shepherd Street London W1J 7HP	Wine bar	Sunday; 12:00 - 00:00 Sunday; 12:00 - 23:00 Monday to Saturday; 10:00 - 23:30 Monday to Saturday; 10:00 - 00:30
20/11521/LIPDPS	Murano	Ground Floor North Meadows House 20 - 22 Queen Street London W1J 5PR	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 01:30
20/06850/LIPN	Caffe Inn	3 Shepherd Street London W1J 7HL	Cafe	Sunday; 07:00 - 22:30 Monday to Thursday; 07:00 - 23:30 Friday to Saturday; 07:00 - 00:00
18/08102/LIPDPS	Le Menar	1A Shepherd Street London W1J 7HJ	Restaurant	Sunday; 09:00 - 00:00 Monday to Saturday; 09:00 - 01:00 Sundays before Bank Holidays; 09:00 - 01:00
18/14311/LIPDPS	Kings Arms	Whole Building 2 Shepherd Market London W1J 7QA	Public house or pub restaurant	Sunday; 10:00 - 00:00 Monday to Wednesday; 10:00 - 00:30 Thursday to

				Saturday; 10:00 - 01:00
18/06444/LIPV	Turmeaus Tobacconist	1 White Horse Street London W1J 7LB	Shop	Saturday; 10:00 - 18:00 Sunday; 12:00 - 16:00 Monday to Tuesday; 10:00 - 18:00 Wednesday to Friday; 10:00 - 19:00