



City of Westminster

Committee Agenda

Title: **Licensing Sub-Committee (1)**

Meeting Date: **Wednesday 6 March 2024**

Time: **10.00 am**

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

Members: **Councillors:**

Aziz Toki (Chair)
Iman Less
Melvyn Caplan

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 any further information, please contact Sarah Craddock, Committee and Councillor Co-ordinator.

Email: scraddock@westminster.gov.uk

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. 58-60 LUPUS STREET, SW1V 3EE

Pages 1–48

Ward CIA* SCZ**	Site Name & Address	Application Type	Licensing Reference No.
Pimlico North * None ** None	58-60 Lupus Street SW1V 3EE	Premises Licence Variation	23/08600/LIPV
*Cumulative Impact Area ** Special Consideration Zone			

2. 26-29 DRURY LANE, WC2B 5RL**Pages 49-112**

Ward CIA* SCZ**	Site Name & Address	Application Type	Licensing Reference No.
St James's * None ** East Covent Garden	26-29 Drury Lane WC2B 5RL	New Premises Licence	23/08873/LIPN
*Cumulative Impact Area ** Special Consideration Zone			

**3. PENELOPES, DRURY HOUSE, 34-43 RUSSELL STREET,
WC2B 5HA****Pages 113-148**

Ward CIA* SCZ**	Site Name & Address	Application Type	Licensing Reference No.
St James's * None ** East Covent Garden	Penelopes Drury House 34-43 Russell Street WC2B 5HA	Premises Licence Variation	23/08842/LIPV
*Cumulative Impact Area ** Special Consideration Zone			

4. 136 SHAFTESBURY AVENUE, W1D 5EZ**Pages 149-204**

Ward CIA* SCZ**	Site Name & Address	Application Type	Licensing Reference No.
St James's * West End ** None	136 Shaftesbury Avenue W1D 5EZ	New Premises Licence	23/09175/LIPN
*Cumulative Impact Area ** Special Consideration Zone			

Stuart Love
Chief Executive
27 February 2024

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

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City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	6 March 2024
Licensing Ref No:	23/08600/LIPV - Premises Licence Variation
Title of Report:	58 - 60 Lupus Street London SW1V 3EE
Report of:	Director of Public Protection and Licensing
Wards involved:	Pimlico North
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Jessica Donovan Senior Licensing Officer
Contact details	Telephone: 020 7641 6500 Email: jdonovan@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	24 November 2023		
Applicant:	Atlantico (UK) Ltd		
Premises:	N/A		
Premises address:	58 - 60 Lupus Street London SW1V 3EE	Ward:	Pimlico North
		Cumulative Impact Area:	None
		Special Consideration Zone:	None
Premises description:	The premises currently operates as a delicatessen.		
Variation description:	<p>This variation seeks the following:</p> <ul style="list-style-type: none"> To add the Retail Sale of Alcohol for consumption on the premises Monday to Saturday 10:00 to 20:00 and Sunday 10:00 to 18:00 To vary the plans to add the seating area as part of the licensable area. To remove condition 10 and 17 		
Premises licence history:	<p>The premises has had the benefit of a premises licence since 2020</p> <p>The current premises licence (20/08598/LIPN) can be viewed at Appendix 3 of this report.</p> <p>A full licence history for the premises appears at Appendix 4.</p>		
Applicant submissions:	There are no submissions from the applicant.		
Applicant amendments:	None		

1-B Current and proposed licensable activities, areas and hours						
Sale by Retail of Alcohol						
On or off sales			Current :		Proposed:	
			Off sales		Both	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	20:00	No change		Basement and Ground Floor	No change
Tuesday	10:00	20:00				
Wednesday	10:00	20:00				
Thursday	10:00	20:00				
Friday	10:00	20:00				
Saturday	10:00	20:00				
Sunday	10:00	18:00				
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	10:00	22:00	No change		Basement and Ground Floor	No change
Tuesday	10:00	22:00				
Wednesday	10:00	22:00				
Thursday	10:00	22:00				
Friday	10:00	22:00				
Saturday	10:00	22:00				
Sunday	10:00	18:00				
Seasonal variations/ Non-standard timings:		Current:			Proposed:	
		N/A			N/A	

1-C Layout alteration
<ul style="list-style-type: none"> To vary the plans to add the seating area as part of the licensable area.

1-D Conditions proposed to be removed
Condition
10. There shall be no consumption of alcohol by customers at the tables and chairs outside the premises.
17. No single cans or bottles of beer or cider or spirit mixtures shall be sold at the Premises.

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Service
Representative:	Anil Drayan
Received:	11 January 2024
<p>I refer to the application for variation of the Premises Licence for the above premises.</p> <p>The applicant has submitted new plan of the premises showing the Basement, Ground Floor and External Area, dated 28 November 2023.</p> <ol style="list-style-type: none">1. Add the Sale of Alcohol 'ON' the premises from 10:00 am until 20:00 Monday to Saturday and Sunday's from 10:00 am until 18:002. To update the plan of the premises to show ON and OFF Sale of Alcohol areas (including the external seating area and thereby to remove Condition 10).3. To remove Condition 17 <p>I wish to make the following representations based on the plans submitted and the support operating schedule:</p> <ol style="list-style-type: none">1. Adding the Sale of Alcohol 'ON' the premises and for the hours requested may have the effect of increasing Public Nuisance in the area and impact on Public Safety2. To allow ON and OFF Sale of Alcohol in the external seating area may have the effect of increasing Public Nuisance in the area3. Removal of Condition 17 may impact on Public Safety in the area <p>Environmental Health also makes the following further comments and representations:</p> <ul style="list-style-type: none">• Further information is requested on the proposed capacity internally and externally. This is required to assess for Public Safety and if the sanitary accommodation is sufficient• The nature of the external area for the Tables and Chairs (eg is it public pavement or private forecourt)• How the nature and use of the premises may change as a result of the variation eg will it result in increased cooking at the premises and thereby potentially lead to cooking odour nuisance.• A premises history check of Environmental Health records for the last 2 years shows the following relevant service request with regards to the operation of the existing licence.<ul style="list-style-type: none">➤ City Inspector visited premises 17.06.2023 following a complaint received that the Licensee was not complying with Condition 24.➤ During the visit City Inspector found that Conditions 12, 19, 20, 21, 22 and 25 were also not being complied with – Licensee advised to rectify asap as a revisit will be carried out and if necessary further action may be taken➤ Revisit carried out 2.08.2023 – City Inspector reports all conditions now being	

complied with.

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

2-B Other Persons			
Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or objection:	Objection
Received:	4 January 2024		
<p>I am writing to object to the above-mentioned licensing application. As you are well aware the shop [REDACTED]. We are already inconvenienced by the tables and chairs and the noise of the air conditioning that we have had to put up with since Delicias moved in together with excess cooking smells.</p> <p>The last thing we need is for alcohol being used and sold so that people can sit outside [REDACTED] drinking. This will change the nature [REDACTED] and will encourage smoking and drinking and possible behaviour disturbances [REDACTED].</p>			
Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or objection:	Objection
Received:	4 January 2024		
<p>I am writing to object to the above-mentioned licensing application. As you are well aware the shop [REDACTED]. We are already inconvenienced by the tables and chairs and the noise of the air conditioning that we have had to put up with since Delicias moved in together with excess cooking smells.</p> <p>The last thing we need is for alcohol being used and sold so that people can sit outside [REDACTED] drinking. This will change the nature [REDACTED] and will encourage smoking and drinking and possible behaviour disturbances [REDACTED].</p>			
Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or objection:	OBJECTION
Received:	12 January 2024		
<p>I hope you're well. [REDACTED] and received a notification of the Licensing application for the Delicias café and deli, Atlantico UK Ltd, 58-60 Lupus Street SW1, just before Christmas. I would like to object to the application and make the following comments:</p> <p>This is not a suitable location for a licensed premises given that it's in a primarily residential</p>			

area - the entrance to [REDACTED]
 [REDACTED] Nearby accommodation includes sheltered housing, social housing and housing for adults recovering from mental health problems, including alcohol addiction. I have concerns about alcohol consumption causing anti-social behaviour which spills out on to the pavements and causes disturbances to local residents. This includes inebriated patrons harrassing residents, causing noise disturbance, littering and overcrowding. The Public Safety aspect is of particular concern to me as I often walk alone back to my flat later in the evening past the premises and as a female I would like to continue to feel safe in the area in which I live.

The Delicias cafe and deli is in very close proximity to several schools - Pimlico Academy, Pimlico Primary School and Churchill Gardens Primary School. Schoolchildren pass by the premises on their way to and from school, several times a day. I am worried that they will be put in harm's way by passing by an establishment promoting alcohol consumption and by coming into contact with inebriated patrons. This is very likely given that the application is for alcohol consumption to happen on the outside seating area as well as inside.

The mitigations made by the applicant in terms of not allowing vertical drinking, only serving alcohol with food, not serving drunk customers and signage saying to respect the neighbours are unlikely to work in practice as that is not how establishments such as this are run - there simply won't be enough staff members employed to babysit and police customers and inebriated customers by their nature will do what they please.

There is a danger that granting this application sets a precedent for other businesses situated on Lupus Street which creates the risk it turning into a strip of bars and cafés which promote all-day drinking and the associated anti-social behaviour and disorder this would create. This would create more work for the Police, would ruin the special character of the area and would destroy the rights of residents to quietly enjoy living in their homes. There would be no turning back if an application such as this is allowed to proceed.

Name:	[REDACTED]		
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]		
Status:	Valid	In support or objection:	Objection
Received:	11 January 2024		

[REDACTED] and wish to object to this application on the grounds of public nuisance, protecting children from harm, public safety and residential amenity.

The premises are on a quiet row of shops. Above is a block of 12 flats. Opposite and behind the premises are blocks of flats, diagonally opposite is a school and local library. There are three schools and a nursery in close proximity. No business on the parade has a licence for on-site sale of alcohol, and there has been none previously. Previous applications for on-premises licences on this row of shops have been refused (21/01357/LIPN) or withdrawn (23/03991/LIPV).

The premises already cause significant nuisance to residents [REDACTED], including noise during trading hours, litter at entrances to communal areas, smoking [REDACTED] and illegally parked vehicles. As several residents are retired and less mobile, this constitutes a significant nuisance. The proposed licence would worsen this nuisance, per objections made by other residents. The proposal includes a substantial number of outdoor seats, at which alcohol and food would be served [REDACTED].

I also have personal and public safety concerns due to the potential for street drinking and disorderly behaviour from customers. Because of these concerns, there are existing conditions placed on the applicant's off-premises licence specifically to limit the potential for street drinking.

It would be inconsistent to now grant an on-premises licence. In their decision to refuse a similar recent application (21/01357/LIPN) on the same row of shops, the licencing committee made a range of observations about the negative potential of granting an on-premises licence, and limited future recourse for residents.

Name:	[REDACTED]		
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]		
Status:	Valid	In support or objection:	Objection
Received:	1 January 2024		

[REDACTED] wish to object, on the grounds of public nuisance, protecting children from harm, public safety & residential amenity. The premises are on a small retail parade, and there are 12 flats above. The area is primarily residential: opposite are residential blocks of flats. No business on the parade has a licence for on-site sale of alcohol, and there has been none previously; an application for on-site sale of alcohol for a café at the end was refused in July 2021, 21/01357/LIPN. The present business is a delicatessen & has an off-licence currently, & there is a planning application pending for 4 small tables & 8 chairs outside - 21/03747/TCH.

These proposals appear to apply for on-site sale of alcohol for up to 31 seats, including 16 outside. If permitted, this would enable the business to trade as a licensed eatery and seems a significant change in business style. It would affect the area substantially. The area is quiet in the evenings but the requested hours of up to 8pm (6pm Sunday) would mean in an increase in noise (inevitable when alcohol is consumed) causing a significant public nuisance to residents [REDACTED]. Residents would be unable to open windows in Summer. The business hours elsewhere are given as up to 10 pm & it is likely licensing hours could be adjusted to later. The increase in noise would also affect residential amenity, conflicting with PIM 1 - Pimlico Neighbourhood Plan. In addition, there are 3 schools in the area & the increase in availability of alcohol in the area could be a real issue in terms of protecting children from harm; there is also increased potential for anti-social behaviour from all-day drinking affecting public safety. It is not clear how staff inside the store would deal with large groups which might gather outside and become disorderly.

Name:	[REDACTED]		
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]		
Status:	Valid	In support or objection:	Objection
Received:	7 January 2024		

I wish to object strongly to this application on grounds of public nuisance and loss of residential amenity. The delicatessen in question sits underneath a residential block of 12 flats and proposes the outdoor consumption of alcohol up to 8 pm six days per week. The residents are likely to be disturbed by raised voices that go with the consumption of alcohol, particularly in the spring to summer months when residents have their windows open. One should also note the application seeks permission to sell individual bottles of beer. The character of the premises will change from a delicatessen to something approaching a pub/restaurant. Previous and more conservative applications to serve alcohol from this and other establishments in the area have been turned down. There seems no good reason to permit this application.

Name:		[REDACTED]	
Address and/or Residents Association:			
Status:	Valid	In support or objection:	Objection
Received:	12 January 2024		
<p>There has been NO on-premises sale of alcohol in this short parade of shops at this extremity of the Lupus Street Shopping Centre.</p> <p>At the licensing hearing 21/1/2021: Ref 20/08598/LIPN, in order to obtain the currently held “off” licence, the same applicant was adamant that there would be NO drinking outside the premises at their provided tables and chairs. Nor any “ON” premises drinking.</p> <p>This was a deciding factor in granting the “OFF” licence.</p> <p>The applicant remains in breach of several of the imposed conditions on their current licence. Eg:</p> <ul style="list-style-type: none"> • All tables and chairs (permission (lapsed 2021) granted but limited to 4 tables and 8 chairs) to be removed from outside and stored inside by 6pm. • Rear door to remain closed. • All external lights to be turned off by 6pm. • No noise/vibration nuisance to residents. <p>Above Conditions NOT ADHERED TO BY THE APPLICANT.</p> <p>The applicants proposed licensing plan shows 4 double tables and 16 chairs outside.</p> <p>OVER 50% OF LICENSABLE ACTIVITY WILL BE ON THE PUBLIC HIGHWAY.</p> <p>RELEVANT PLANNING HISTORY</p> <p>The applicant has NO current permission to use ANY of the public highway for the placement of tables and chairs.</p> <p>The lapsed 19/08973/TCH temporary tables and chairs on the public highway consent, with conditions was for 4 small tables and 8 chairs. Note that WCC HIGHWAYS imposed this number of tables and chairs outside – the applicant wished for more. Even with this reduced seating there remains a “pinch point”.</p> <p>The applicant was and remains in breach of 5 out of the 6 imposed conditions. They have continuously defied the conditions and positioned 4 double tables with 16 chairs outside, put them out them outside earlier than permitted and not taken them in at 6pm, with shop lights left on blazing at midnight.</p> <p>When the temporary consent ended, they were not to use the outside pavement. Disregarded. Outside tables and chairs are regularly in use.</p> <p>There is an outstanding planning application for use of the public highway for the placing of 4 small tables and 8 chairs. (See 21/03747/TCH)</p> <p>Street Trading Licence</p> <p>The applicant has NO street trading licence although an “informative” placed on the now lapsed planning consent required such a necessary licence. NEVER obtained. (Advised 19/08973/TCH decision). Any insurance for on-street public highway activity??</p>			

The Application

As it is written, the licence variation, if granted, would permit the premises to operate as a pub/bar/drinking establishment/alcohol led business with both ON and OFF premises alcohol sales.

Over half of the licensable activity will take place outside ie “street drinking”.

Reasons for Objection

Public Safety

The location of the shop, in the middle of a short parade of shops is wholly unsuitable for an on-premises licence.

The outside proposed tables and chairs are DOUBLE the those permitted by WCC Highways. Crowds (not all customers) currently congregate and block the pavement (public highway) and obstruct the entrance to the only access/egress [REDACTED].

Residents and visitors to [REDACTED] should not have to dodge and pass in front of potentially drunk customers to access their homes.

With proposed table service, there will be glassware carried to the tables with the likelihood of breakages on the public highway.

Prevention of Crime and Disorder

Any consumption of alcohol, especially later into the evening with all day drinking has the acknowledged potential to lead to an increase in crime and disorder. Especially if outside, as acknowledged by WCC Environmental Health Services (see report ref the refused 21/01357/LIPN)

Public Nuisance

This application fails to promote the prevention of public nuisance.

Policy PN1 is a key consideration.

“The potential for nuisance associated with the style, characteristics and activities of the business to be carried on at the premises and the potential steps which could be taken to reduce the risk of nuisance occurring. This will particularly apply in areas of residential accommodation and where there is residential accommodation in the proximity of the premises.”

The application fails to illustrate and promote/comply with SoLP PN1 (C14, C15, C16, C17, C18, C22)

The applicant has failed to provide any plan/policy to protect residential amenity and avoid public nuisance.

See Licensing Policy, Appendix 11. (5)

“All applicants must provide a statement demonstrating how they do or do not comply with the following criteria. A noise report will not usually be required where all the following criteria are met”.

The following stipulated criteria is NOT met.

(D) There are no noise sensitive properties above below adjacent opposite in the proximity of the premises or otherwise likely to be affected.”

The premises are situated immediately below residential accommodation [REDACTED] with more residential properties opposite and adjacent and to the rear. Therefore, classed as “noise sensitive properties”.

Local residents have a reasonable expectation (and a legal right) to “quiet enjoyment”.

The nuisance emanating from 58-60 Lupus Street is evident and disturbing. Many recorded complaints due to plant and machinery submitted to WCC since Delicias took occupation of the premises.

In addition to general chatter/mobile phone usage and smoking odour nuisance [REDACTED], there will internal noise nuisance. [REDACTED] has no sound insulation and noise will be transmitted through the fabric of the building.

Protection of Children from Harm

No operating schedule is provided, nor any policy supplied to protect children from harm.

It is inappropriate to have an **all-day** drinking establishment so close to 3 schools in this residential area. Three schools, Pimlico Academy, Pimlico Primary and Churchill Gardens Primary Academy are a stones throw away. Primary school children supervised by their teaches in "crocodile" formation pass in front of this parade of shops. Children will be exposed to potentially increasingly rowdy noisy customers outside, drinking and smoking all day.

In addition, there are well known sheltered accommodation supporting vulnerable adults battling alcohol and mental health conditions, literally within 70m of the premises. It is simply inappropriate for vulnerable adults to exposed to on street all day drinking.

Conclusion

This residential location is totally unsuited for an "on" premises licence. The resulting nuisance will totally change this parade of non-core frontage and severely impact on residential amenity.

If this application is approved, it will set a precedent and then the whole of this Lupus Street parade (as 52 Lupus Street will re-apply for a license) will transform this residential area into street drinking destination.

Please refuse this application.

Name:	[REDACTED]		
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]		
Status:	Valid	In support or objection:	Objection
Received:	30 December 2023		

I object to this application in the strongest possible terms. Selling alcohol on the premises from 10.00 every day of the week is completely inappropriate. Serving alcohol until 20.00 Monday to Saturday inclusive, including to customers sitting outside on the pavement [REDACTED] is unthinkable. The application cannot comply with the local scheme, and will inevitably cause nuisance to neighbours and possible harm to children.

This is a residential setting, located within yards of a secondary and primary school, a primary school and a pre-school nursery. The neighbouring shops in the parade are all closed by 18.00 at the very latest, often by 17.00. They are a glass & mirror shop, a carpet shop and a non-licensed cafe.

The seating outside on the pavement is extensive and already causes noise disturbance with people talking loudly - once alcohol is served this will only make things worse.

Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or objection:	Objection
Received:	27 December 2023		

I object to this application.

Since this deli/grocery business Delicias de Portugal opened, there has been a tension between its operation and the residents [REDACTED]. The main problems have been noise and disturbance as a result of non-alcoholic refreshments being consumed outside at tables. This application is a dramatic ratcheting up of potential disturbance to residents with sales of alcohol both inside and outside the premises between 10.00 - 20.00 Monday - Saturday and to 10.00 - 18.00 hours on Sundays

I have deep concerns about the mitigations proposed to meet the licensing objectives. They are all generic. Since Delicias started, there has been little or no active communication with the residents [REDACTED] about their concerns. I cannot see how the generic mitigations are going to address this.

It the past, the coffee shop at the junction of St George's Drive and Lupus Street, has applied for a licensing application which was refused. To approve this application for Delicias no doubt could encourage that coffee shop to follow suit. Also the premises is close to the Pimlico Academy and selling alcohol might be an inducement to students, even if they are 18+.

I would welcome the opportunity to express my concerns before the Sub-Committee.

Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or objection:	Objection
Received:	20 December 2023		

This delicatessen is a much loved local shop and I support their business as a valuable local resource. However I have concerns about the inclusion of the outside seating area in the proposed addition of 'on-sales' of alcohol and so object to the removal of condition 10 from their current licence. I would also object to the removal of condition 31, I note this is not proposed in this application. This premises was subject to a licensing hearing on 21 Jan 2021 following a lot of residential objections, which agreed comprehensive conditions with local residents to promote the licensing objectives.

Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or objection:	Objection
Received:	4 January 2024		

[REDACTED] my concerns about this application are threefold:

1) that enabling what was a stop-by deli to reinvent itself as a bar will exacerbate two forms of pollution that are already significantly disturbing for local residents - the first, the noise pollution that already provides a near-constant soundtrack to residents' home-working days; the second, the overwhelming smells of cooking that seep up through the block, and will no doubt intensify if the quantity of paying (and staying) customers increases. These disturbances are causes of public and personal nuisance that are set to scale new heights if this application is allowed;

2) that encouraging yet another watering-hole to open just outside several residents' [REDACTED] will increase the likelihood of alcohol-fuelled discord and intimidation, thereby contributing to an atmosphere of insecurity for residents. Though the deli has been selling wine to customers, the idea that it will open its doors and pavements to on-site consumers is a totally different proposition, far exceeding the scope of its current license. The change poses a disproportionately egregious threat to public safety to the supposed benefit of having one more alcohol-licensed premises in central London. This is far from in the public interest.

3) that, in its most extreme form, the wilful facilitation of intoxicated customers could lead to an increase in crime and disorder among patrons, and would therefore be in direct contravention of the licensing objectives.

On that basis, I would urge those considering this application to reject it - the residents deserve to enjoy their homes and the surrounding area in peace and security.

Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or objection:	Objection
Received:	11 January 2024		

The applicant wishes to vary his OFF License (20/08598/LIPN) – to an alcohol ON License Mon-Sat 10:00 to 20:00 hrs and Sunday 10:00 to 18:00 hrs.

He seeks to remove Condition 10 of the actual Premises License to allow the consumption of alcohol in the seating area outside the premises and to remove Condition 17 to permit single cans or bottles of beer or spirit mixtures to be sold at the premises.

The stated hours the premises are open to the public do not tally with the actual hours of trading.

IMPORTANT NOTE:
There is a discrepancy between the pavement plan for this application and the plan for the accompanying application 21/03747/TCH (Pending) which seeks permission for pavement seating and shows only 4 tables and 8 chairs on the exterior plan. (PHOTO 3). Yet this application 23/08600/LIPV shows 4 double-length tables and 16 chairs. (PHOTO 2)

The total number of seats in the licenseable area is 31 and more than 50% (16) are on the public pavement making this an area for street drinking.

The applicant has never had a street trading license in breach of an informative in the planning consent that he had to hold one when his temporary permission expired on 1st June 2021.
19/08973/TCH

The Applicant has been in breach of 5 out of 6 planning conditions imposed in that consent.
(PHOTO 1).

GENERAL

There is no possible way that the four Licensing Objectives can be met in this residential location as evidenced by the refusal of 52 Lupus Street's application for an ON License on the grounds of public nuisance and the protection of children from harm. **(21/01357/LIPN)**

PREVENTION OF CRIME AND DISORDER

Rowdy behaviour and disorder occurs wherever alcohol is sold. A CCTV camera will not protect the neighbourhood. Alcohol will be available for 10 hrs weekdays and 8 hrs on Sundays. The plan shows 31 seats in the licenseable area - 16 sited on the exterior pavement where disorder and noise will affect both passers-by and residents [REDACTED]
[REDACTED]

The customer base will rapidly change - attracting those intending to drink all day. Food as a condition of service will not prevent excess alcohol consumption. The premises will degenerate into an alcohol-led all-day drinking hole with accompanying problems.

It is unreasonable to expect staff to control or eject inebriated drinkers. Available food is not identified – whether merely bar snacks or a plated meal – neither of which limit the consumption of alcohol either inside or outside the premises. Therefore the business will be able to operate as a wine bar.

To permit an ON License only a few feet below residential property invites the worst kinds of problems for the public as well as residents [REDACTED]

PUBLIC SAFETY

Alcohol consumption leads to unpredictable behaviour. To permit this in a highly populated residential area is asking for trouble. Passers-by will be intimidated by drinkers at the outside tables and residents [REDACTED] will have to pass them in order to enter their property. Customers already conglomerate outside this entrance. Staff who challenge drinkers standing to drink near the tables may be the target of aggressive behaviour. Waiting staff on the pavement area will have to carry liquids and glasses along the public highway – this is a serious Health and Safety issue and one which Highways are also likely to oppose. 'Under 25 Challenge', posters, signage, refusal book and staff training can not prevent rowdy behaviour. Drinking whether seated or standing is a danger to the public and will have a detrimental effect on the neighbourhood.

PROTECTION OF CHILDREN FROM HARM

There is a serious lack of information here. Under-age drinking is one thing but the protection of children is another. Parents and children currently use the outside seating. How is this possible with a 10 hour alcohol license? What time of day will children be excluded from the premises inside and out? The shop is in close proximity to two Primary Schools (Pimlico Primary and Churchill Gardens Primary Academy) in addition to Pimlico Academy – all within a few hundred yards of the premises. Children frequently pass the premises or close by when walking to and from school – it is an unacceptable example for children to witness drinkers each day at the outside tables. **(PHOTO 6)**

PUBLIC NUISANCE

Residents request the Committee to pay particular attention to the following and to the Statement of Licensing Policy 2021 at PN1 which requires relevant considerations to be paid regarding nuisance where there is residential accommodation in proximity of the premises. See PN1 (1) (2) (3) and Appendix 11.

This business operates directly beneath and opposite residential properties. Lupus Street is very quiet in the evenings as noted by the Appeals Inspector in the recent APP/X5990/W/19/3234214 – Cafe de Borek, 52 Lupus Street which intended to trade as a cafe from 10 am to 10 pm:

'Noise and Odour

17. There are residential properties directly above and opposite the appeal premises and during my site visit, I did not note any evening or late night uses in the immediate vicinity. Although situated on a fairly busy road I would therefore expect pedestrian and vehicular activity to reduce and the area to be quieter throughout the evening.

18. Noise is likely to result from customers arriving at and departing from the appeal premises, talking and possibly congregating in groups on the footway outside. In addition, noise may well arise from staff legitimately engaged in activities such as clearing away and locking up the premises at closing time. Such noise will occur directly beneath the windows of the upper floor flats and in close proximity to other neighbouring residential properties. This will be more intrusive in the evening when background noise levels are likely to be lower. Residents have a reasonable expectation that their living accommodation should be quieter at this time: indeed, I note representations from neighbours in this regard.

19. For the reasons set out above I conclude that the development has a harmful effect on the living conditions of the occupants of neighbouring residential properties with regard to noise and local environmental quality.

24. The current use of the appeal premises may well provide a valuable community and social facility for all its customers. However, the adverse impacts set out above outweigh any such benefits.'

The circumstances here are identical. [REDACTED], an unlisted building of merit in the Pimlico Conservation Area is not sound-insulated and cannot withstand the inevitable noise nuisance the granting of an on-license will cause. Smoking beneath residential windows is an environmental health issue and already prevents residents above from opening their windows.

These windows are only a few feet above pavement level. The pavement seating outside the premises means the residents above have nowhere to go to escape the noise and smoke rising from beneath.

The Applicant has placed 4 double length tables with 16 seats outside the premises and requests the same number in this application (**PHOTO 2**) in spite of having only limited temporary consent which the Highways Planning Manager and the Projects Officer (Waste) restricted to only 4 small tables and 8 chairs. (**PHOTO 3**). This consent expired in June 2021.

This causes obstruction on the pavement particularly at the pinch-point by the tree where customers park buggies and sit at the ends of tables. (**PHOTOS 4 & 5**). This overwhelms the area and causes problems for pedestrians and those with buggies or mobility scooters. It is detrimental both to residential amenity and the surrounding neighbourhood.

Nuisance from Lighting

Trading at night during the winter months means light-spill will be of particular nuisance to residents in the terrace immediately opposite where there are living rooms and children's

bedrooms. The applicant (with residents' strong opposition) was granted an off-license to trade until 20:00 hrs with conditions that no alcohol may be consumed on the premises or on the forecourt and pavement seating must be removed by 18:00 hrs and fascia lights turned off. The Applicant has been in breach of 5 out of 6 planning conditions imposed in that consent. **(PHOTO 1)**.

Nuisance to close neighbours

What happens on the [REDACTED] parade is audible, visible and inescapable for the residents [REDACTED]. The windows of pavement level commercial units are face-to-face with pavement level residential windows [REDACTED]. A situation which does not exist in any other section of Lupus Street.

This Local Area Shopping Centre is largely residential. This proposal will totally change the tone and character of the neighbourhood to its detriment and is harmful to residents.

CONCLUSION

If granted, a future application for an extension is likely and any future tenant will also be entitled to an ON License. An ON license application at 52 Lupus Street **21/01357/LIPN** was refused on the grounds of public nuisance and the protection of children from harm. Should this license be granted a dangerous precedent will be set - allowing a further application from 52 Lupus Street – thus turning the entire [REDACTED] parade into a drinking destination.

The policy to support the local economy has sidelined the need to protect local residents who since the introduction of Use Class E have become an irrelevance in their own homes.

I therefore request that this application is **REFUSED**.

PHOTO 1

EXISTING CONSENTS FOR DELICIAS

Extract from the Tables and Chairs Planning Consent.
Tables and chairs outside must be stored inside.
Permitted outside between 9am – 6pm. See Condition 3

19/08973/TCH

Condition(s):

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 You must not put the tables and chairs and, where relevant, other furniture, equipment or screening hereby approved in any other position than that shown on drawing P'01 Rev. A. (C25AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 2016) and TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25AC)

- 3 You can only put the tables and chairs and, where relevant, other furniture, equipment or screening hereby approved on the pavement between 09:00 and 18:00. (C25BA)

Reason:

To protect neighbouring residents from noise and disturbance as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and TACE 11 of our Unitary Development Plan that we adopted in January 2007. (R25BD)

- 4 The tables and chairs must only be used by customers of the A1 retail unit at 58 -60 Lupus Street. (C25CA)

PHOTO 2

PHOTO 3

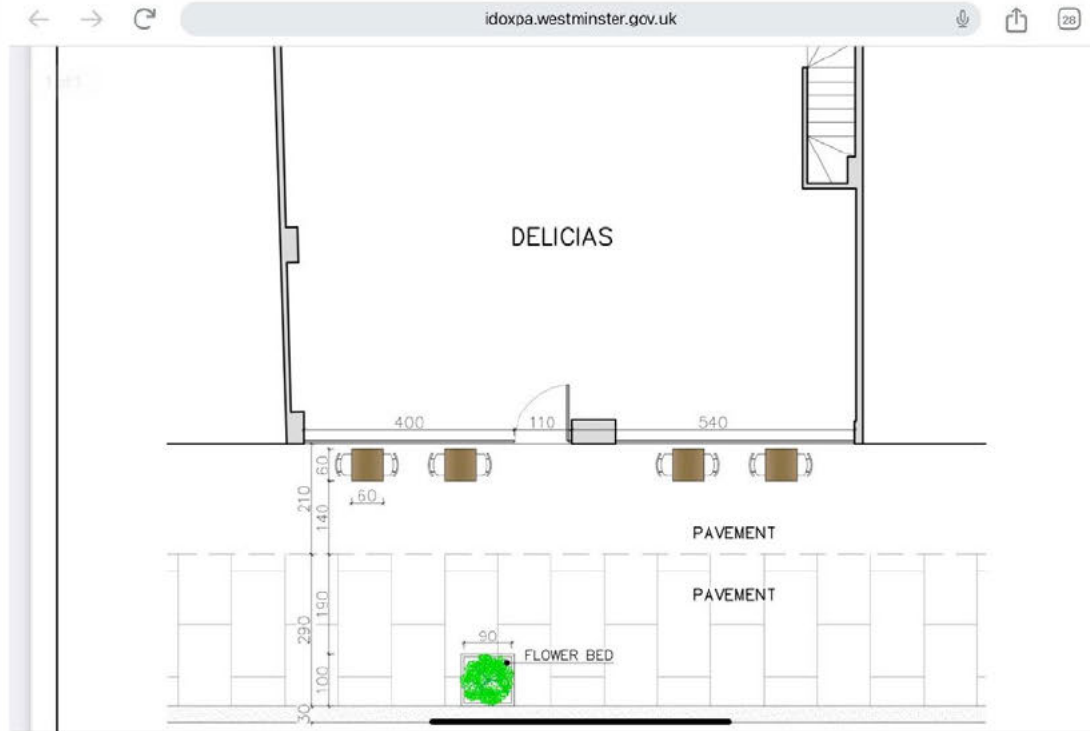


PHOTO 4



PHOTO 5



PHOTO 6



Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED] [REDACTED]	
Status:	Valid	In support or objection:	Objection
Received:	6 January 2024		

[REDACTED] Delicia which is seeking to greatly extend its permissions to allow consumption of alcohol on the premises and outside, [REDACTED]

[REDACTED] and the area, as I'm sure you must know, is predominantly residential, well ordered and generally peaceful. In addition there is a nursery and three schools close by - two primary and one secondary. The success of the businesses [REDACTED] is obviously of benefit to all but Delicia is a Portuguese delicatessen which achieved permission also to sell bottles of wine to be taken away for consumption. To go from this to a licensed drinking establishment into the late hours is bizarre and wholly against the interests of the council tax payers living here. In addition granting permission to sell single cans of alcohol - which they're also seeking - would attract problem drinkers who can be seen frequenting and causing a public nuisance in the area around Warwick Way and Sainsbury's.

The coffee shop at the end [REDACTED], on the corner of St George's Drive, also tried to get a licence but was turned down on just the above criteria. It operates very successfully as a coffee shop and Delicia seems to do very well as a deli selling coffee too.

The potential noise, nuisance and possibility of trouble plus the attendant litter would be wholly unacceptable to local residents. It would generate noise transmitted [REDACTED] and greatly impinge on our right to a peaceful environment.

I look forward to your response and the decision of the Licensing Committee.

Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or objection:	Objection
Received:	6 January 2024		

[REDACTED]

The premises is on a small retail parade with upper floors 100% residential 12 flats. Other businesses currently include a glass shop, carpet shop, small café. The area is principally residential: opposite and behind are residential blocks of flats, diagonally opposite is a school and local library plus 3 schools in the area, & a nursery school. No business on the parade at present has a licence for on-site sale of alcohol, and there has been none previously; an application for on-site sale of alcohol for the café at the far end was refused in July 2021 – 21/01357/LIPN. A subsequent application was withdrawn in 2023 - 23/03991/LIPV.

The present business is a delicatessen / grocery and has an off-licence currently, granted in 2021 on the basis of strict conditions to mitigate at least some of the concerns at the time by residents/owners in the area, particularly regarding consumption of alcohol at external tables. There is currently a planning application pending for 4 small tables & 8 chairs outside – 21/03747/TCH (not 16) [**it must also be noted that the area applied for is considered part of the highway and does belong to the demised premises**]. The licensing proposals are brief but appear to apply for on-site sale of alcohol for up to 31 seats, of which over half (16 are

outside. If permitted, this would enable the business to trade as a licensed eatery/ small restaurant and suggests a significant change in business style. There is a concern that the business could become more alcohol-led, with a particular focus on external activity. The licensing hours requested are Mon – Sat 10am-8pm & Sundays 10am-6pm but the hours of business on the Council website are up to 10 pm Mon-Sat. It is unclear how this would operate, & whether alcohol would cease to be consumed at 8pm, if the shop was open later. It is probable that that licensing hours could easily be adjusted to later times. The proposals will mean that there will be eating and drinking immediately underneath residents' windows, on each day of the week, and the increased noise (likely when alcohol is consumed) and smoking will cause a nuisance and affect residential amenity. (Residential amenity is relevant here under policy PN1 of the Council's Statement of Licensing Policy and PIM 1 of the Pimlico Neighbourhood Plan.) It will make it difficult for residents to open windows in late Spring through to Autumn. The noise is also likely to affect residents [REDACTED]. It is probable that there will be increased noise from inside the premises, which will be transmitted through to residents [REDACTED] the building has no sound insulation. We still suffer from vibration noise and smells of cooking emanating from the back door. Clearing up operations, extending after closing times, will also probably be noisy. There may also be increased litter due to glass bottles and cans from drinking. It is not clear what measures would be in place to prevent the noise becoming a public nuisance.

One of the other main concerns, there could be harm to children, as there are 3 schools in the area plus a nursery; the proposals will increase the availability of alcohol in the area & it is not clear how the premises will prevent the sale of alcohol to adults who may pass it on to underaged children. Children and teenagers may be attracted to the premises especially in the afternoons when leaving school or in the evening.

In terms of public safety, the outside seating could lead to large groups congregating around the premises which could be a problem to local residents, whether in the block or walking past. One of the doors [REDACTED] is close to the outside seating area and was blocked by customers of Delicias. Not forgetting delivery vans, Deliver and the likes. It is not clear how staff would respond to potentially difficult situations outside (or inside) the premises, which they may not be able to see easily if the premises becomes crowded, and how they would deal with customers who become drunk and disorderly. The availability of alcohol on the premises could give rise to anti-social behaviour, and result in increased crime.

One of the conditions agreed when the licence was granted was to prevent the sale of single bottles/cans in order to mitigate the risk of street drinkers being attracted to the premises. The condition does not prevent the sale of e.g. a single bottle of wine. There is no reason now to remove that condition.

I ask that the Licensing Authority pay close attention to the particular location of this premises being beneath, opposite, and adjacent to residential accommodation, and pay close attention to the refusal of an application for 'on sales' for a different premises in the same parade of shops previously, and to conclude that the licence currently in place is sufficient.

On these ground I wish to record my strong objections to this application. In summary, the proposals could result in causing harm to residential amenity, and give rise to public nuisance through increased noise and litter, and has the potential to cause harm to children and to cause problems for public safety.

Please acknowledge receipt and register my complaint.

Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or objection:	Objection
Received:	6 January 2024		

[REDACTED]

The premises is on a small retail parade with upper floors 100% residential 12 flats. Other businesses currently include a glass shop, carpet shop, small café. The area is principally residential: opposite and behind are residential blocks of flats, diagonally opposite is a school and local library plus 3 schools in the area, & a nursery school. No business on the parade at present has a licence for on-site sale of alcohol, and there has been none previously; an application for on-site sale of alcohol for the café at the far end was refused in July 2021 – 21/01357/LIPN. A subsequent application was withdrawn in 2023 - 23/03991/LIPV.

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In terms of public safety, the outside seating could lead to large groups congregating around the premises which could be a problem to local residents, whether in the block or walking past. One of the doors to [REDACTED] is close to the outside seating area and was blocked by customers of Delicias. Not forgetting delivery vans, Deliver and the likes. It is not clear how staff would

respond to potentially difficult situations outside (or inside) the premises, which they may not be able to see easily if the premises becomes crowded, and how they would deal with customers who become drunk and disorderly. The availability of alcohol on the premises could give rise to anti-social behaviour, and result in increased crime.

One of the conditions agreed when the licence was granted was to prevent the sale of single bottles/cans in order to mitigate the risk of street drinkers being attracted to the premises. The condition does not prevent the sale of e.g. a single bottle of wine. There is no reason now to remove that condition.

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On these ground I wish to record my strong objections to this application. In summary, the proposals could result in causing harm to residential amenity, and give rise to public nuisance through increased noise and litter, and has the potential to cause harm to children and to cause problems for public safety.

Please acknowledge receipt and register my complaint.

Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or objection:	Objection
Received:	10 January 2024		

23/08600/LIPV - Variation of Premises License to ON License for sale of alcohol Mon-Sat 10am to 8pm and Sunday 10am to 6pm.

Please note how the exterior pavement plans in this application differ from the current (pending) application 21/03747/TCH for pavement seating. It is 4 long tables and 16 chairs in this application and only 4 tables and 8 chairs in the pavement seating application.

The circumstances here match those of the recent application for an ON License at 52 Lupus Street 21/01357/LIPN which was refused on the grounds of public nuisance and protection of children from harm.

PREVENTION OF CRIME AND DISORDER

A CCTV camera will not prevent disorder when alcohol is available for 10 hrs each weekday and 8 hours on Sundays. Customers will go there to drink not for any food which may be available. Inebriated customers will soon cause problems as the premises will be operating as a pub or wine bar. Staff training will not prevent disorder and the effects on residential amenity [REDACTED] will be detrimental.

PUBLIC SAFETY

This area is highly residential and passers-by to the outside tables will feel apprehensive when passing the tables if behaviour is loud or threatening. Residents [REDACTED] already have their access blocked by people standing across the entrance. Waiting staff carrying trays of bottles or glasses may collide with pedestrians on the pavement. This situation is detrimental to the neighbourhood and a consideration for public safety.

PROTECTION OF CHILDREN FROM HARM

It is a poor decision to place an area for street drinking so close to two Primary Schools - Pimlico Primary and Churchill Gardens Primary Academy and also Pimlico Academy. It not a good example for children to witness drinking at outside tables when passing on their way to and from school. This was an important consideration in the decision to refuse an ON License at 52 Lupus Street 21/01357/LIPN.

PUBLIC NUISANCE

The panel should pay close attention to its own Statement of Licensing Policy 2021 at PN1

where consideration should be paid to potential nuisance where residential accommodation is in proximity to the premises. Again, public nuisance was cited in the refusal at 52 Lupus Street for an ON License 21/01357/LIPN. The number of pavement seats here (16) does not tally with the number shown (8) in the pending application 21/03747/TCH. The applicant has been without a street trading license since June 2021 and had only temporary permission for 8 seats and a condition to obtain a street trading license. The number of seats here (16) guarantees there will be noise nuisance and reduced quality of life for those [REDACTED] pavement level. The applicant has shown himself to be incapable of following the rules and he should not be rewarded for doing so.

I request that this application is REFUSED.

Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or objection:	Objection
Received:	4 January 2024		

I am writing to object to the above-mentioned licensing application. As you are well aware the shop [REDACTED]. We are already inconvenienced by the tables and chairs and the noise of the air conditioning that we have had to put up with since Delicias moved in together with excess cooking smells.

The last thing we need is for alcohol being used and sold so that people can sit outside [REDACTED] drinking. This will change the nature of [REDACTED] and will encourage smoking and drinking and possible behaviour disturbances [REDACTED].

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 SHP1 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.
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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

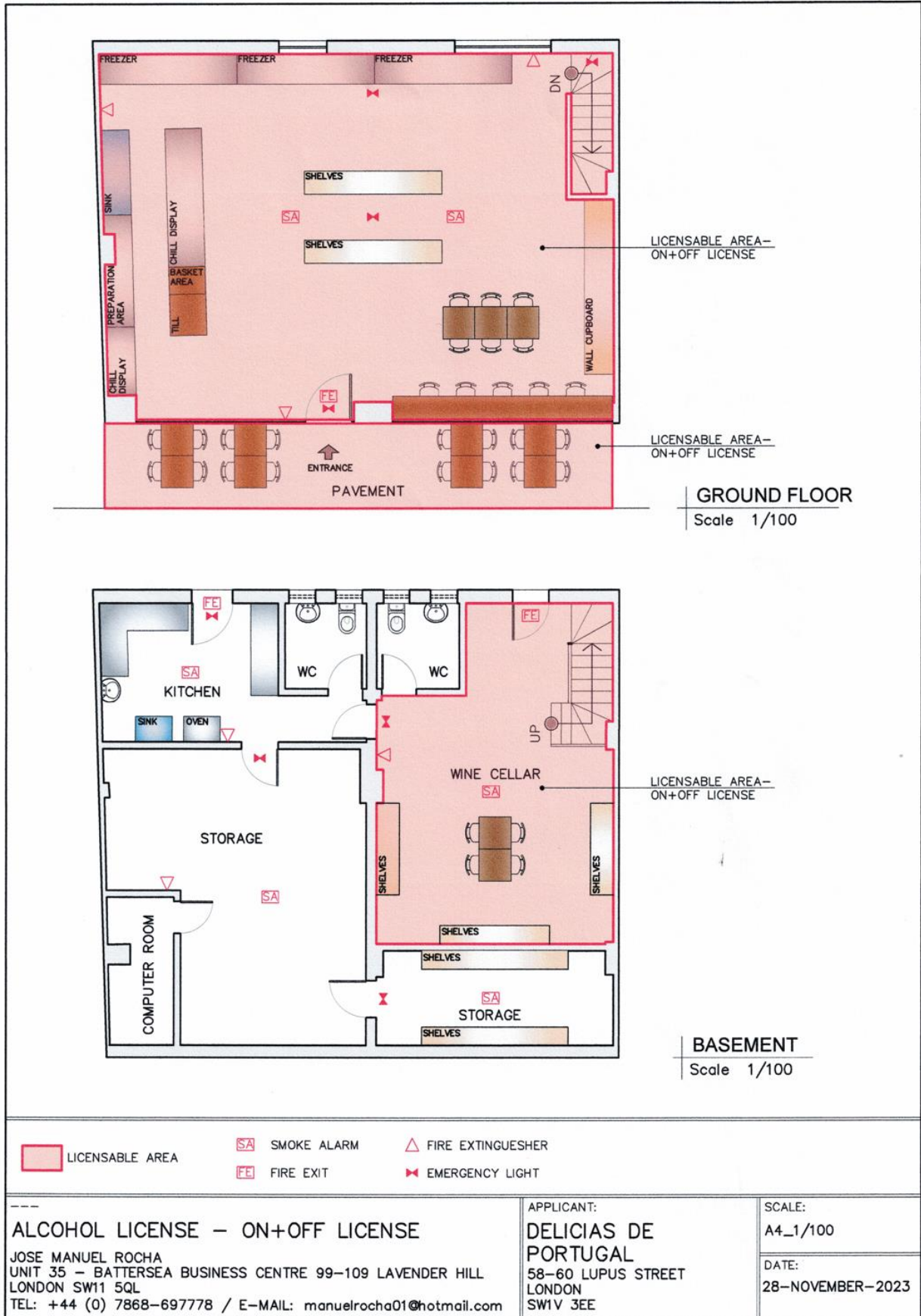
Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Existing premises licence 20/08598/LIPN
Appendix 4	Premises history
Appendix 5	Proposed conditions
Appendix 6	Residential map and list of premises in the vicinity

Report author:	Miss 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	07 January 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	December 2023
4	Cumulative Impact Assessment	04 December 2023
5	Environmental Health Service representation	11 January 2024
6	Interested party representation (1)	04 January 2024
7	Interested party representation (2)	04 January 2024
8	Interested party representation (3)	12 January 2024
9	Interested party representation (4)	11 January 2024
10	Interested party representation (5)	01 January 2024
11	Interested party representation (6)	07 January 2024
12	Interested party representation (7)	12 January 2024
13	Interested party representation (8)	30 December 2023
14	Interested party representation (9)	27 December 2023
15	Interested party representation (10)	20 December 2023
16	Interested party representation (11)	04 January 2024
17	Interested party representation (12)	11 January 2024
18	Interested party representation (13)	06 January 2024
19	Interested party representation (14)	06 January 2024
20	Interested party representation (15)	06 January 2024
21	Interested party representation (16)	10 January 2024
22	Interested party representation (17)	04 January 2024



There are no submissions from the applicant.



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

**Schedule 12
Part A**

**WARD: Warwick
UPRN: 010033624481**

Premises licence

Regulation 33, 34

**Premises licence
number:**

20/08598/LIPN

Original Reference:

20/08598/LIPN

Part 1 – Premises details

Postal address of premises:

58 - 60 Lupus Street
London
SW1V 3EE

Telephone Number: None 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: 10:00 to 20:00
Sunday: 10:00 to 18:00

The opening hours of the premises:

Monday to Saturday: 08:00 to 22:00
Sunday: 10:00 to 18:00

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

Alcohol is supplied for consumption off the Premises.

Part 2

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

Atlantico (UK) Ltd
Unit 1 - Zk Park
23 Commerce Way
Croydon
CR0 4ZS

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

03076022

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

Name: Manuel Joao Ferreira Batista

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: LBWANDS/00125
Licensing Authority: London Borough of Wandsworth

Date: 29 January 2021

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

Annex 1 – Mandatory conditions

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

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

7. The responsible person must ensure that—

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

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

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

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

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

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

Where -

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

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

Annex 2 – Conditions consistent with the operating Schedule

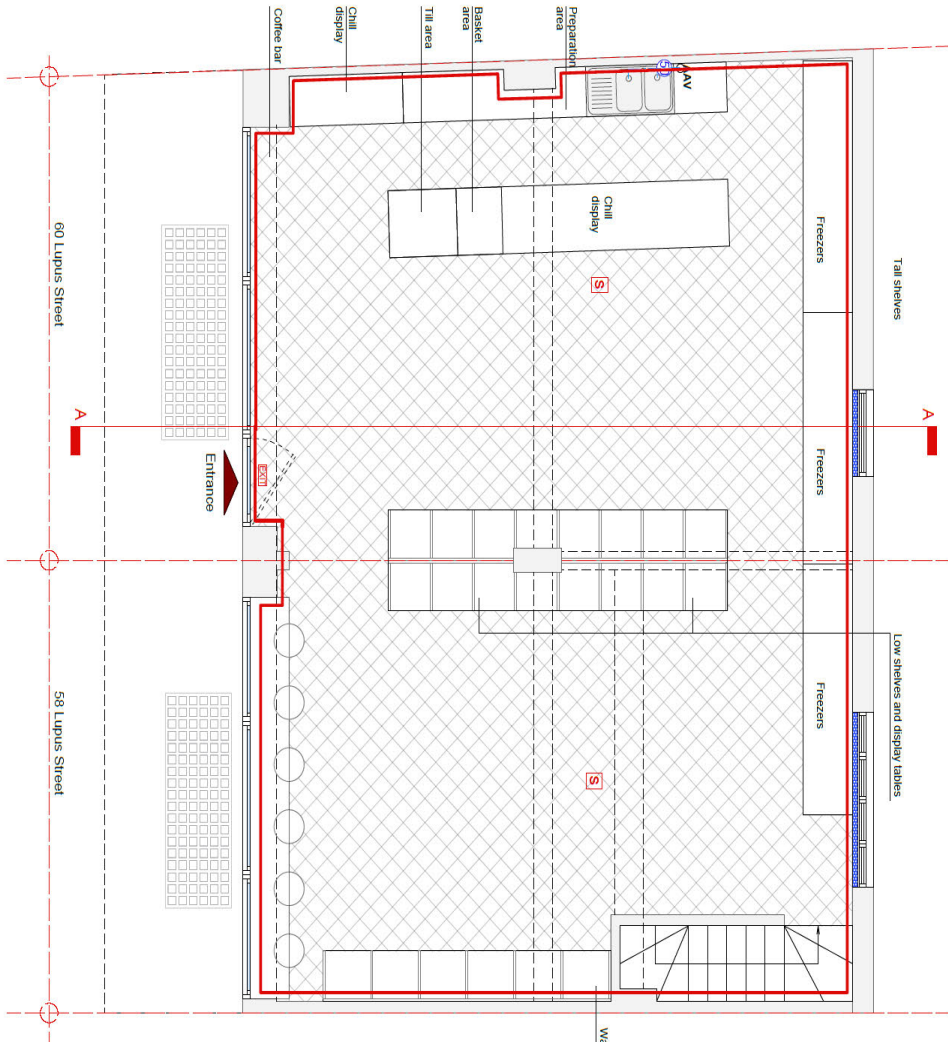
None

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

9. The sale of alcohol authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as a delicatessen.
10. There shall be no consumption of alcohol by customers at the tables and chairs outside the premises.
11. All sales of alcohol for consumption 'Off' the premises shall be in sealed containers only and shall not be consumed on the premises.
12. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
13. 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.
14. No super strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles.
15. No more than 15% of the sales area shall be used at any one time for the sale, exposure for sale or display of alcohol.
16. There shall be no self-service of spirits on the premises, save for spirit mixtures less than 5.5% ABV.
17. No single cans or bottles of beer or cider or spirit mixtures shall be sold at the Premises.
18. No miniature bottles of spirits of 20 cl or below shall be sold from the premises.
19. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale.
20. 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 are open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31-day period.
21. 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 licensable activities are provided. 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.

22. An incident log shall be kept at the premises and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
23. 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.
24. The doors at the rear of the premises shall be kept closed at all times, except for the immediate access and egress of persons.
25. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
26. A direct telephone number for the manager at the premises shall be publicly available at all times the premises are open. This telephone number is to be made available to residents and businesses in the vicinity.
27. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
28. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
29. No collections of waste or recycling materials (including bottles) from the premises shall take place between 22:00 hours and 08:00 hours on the following day.
30. No deliveries to the premises shall take place between 22:00 hours and 08:00 hours on the following day.
31. The tables and chairs shall be removed from outside the premises at 18:00 hours.

GROUND FLOOR PLANS
PROPOSED



Licensable area



do not scale dimension from this drawing. all dimensions to be determined on site prior to purchase and manufacture. all discrepancies between indicative dimensions and actual dimensions on site to be brought to the architect's attention. this drawing is copyright and should not be copied or duplicated in any way without the consent of the architect & CA Ltd

reference

project
58-60 Lupus Street
SW1V 3EE

architect
Tudorjfranco
architects
London W1D 2NS
T: 020 8994 3210
e: info@tudorjfranco.co.uk

drawings
ground floor plans
Proposed

building control

project No: 1022 date: 09/13
drawing No: 1P02 revision: B scale: 1:50
Copyright



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

Schedule 12
Part B

Premises licence
summary

WARD: Warwick
UPRN: 010033624481

Regulation 33, 34

Premises licence
number:

20/08598/LIPN

Part 1 – Premises details

Postal address of premises:

58 - 60 Lupus Street
London
SW1V 3EE

Telephone Number: None 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: 10:00 to 20:00
Sunday: 10:00 to 18:00

The opening hours of the premises:

Monday to Saturday: 08:00 to 22:00
Sunday: 10:00 to 18:00

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

Alcohol is supplied for consumption off the Premises.

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

Atlantico (Uk) Ltd
Unit 1 - Zk Park
23 Commerce Way
Croydon
CR0 4ZS

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

03076022

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

Name: Manuel Joao Ferreira Batista

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

Restricted

Date: 29 January 2021

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

Application	Details of Application	Date Determined	Decision
20/08598/LIPN	New premises licence Sale by Retail of Alcohol Monday to Saturday: 10:00 to 20:00 Sunday: 10:00 to 18:00	21.02.2021	Granted by Licensing Sub-Committee

There is no appeal history

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

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

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

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

Conditions: On Current Licence -

Mandatory:

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

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

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

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

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

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

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

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

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

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

Where -

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

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

Annex 2 – Conditions consistent with the operating Schedule

None

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

9. The sale of alcohol authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as a delicatessen.
10. There shall be no consumption of alcohol by customers at the tables and chairs outside the premises.

Condition 10 is proposed to be removed by the applicant.

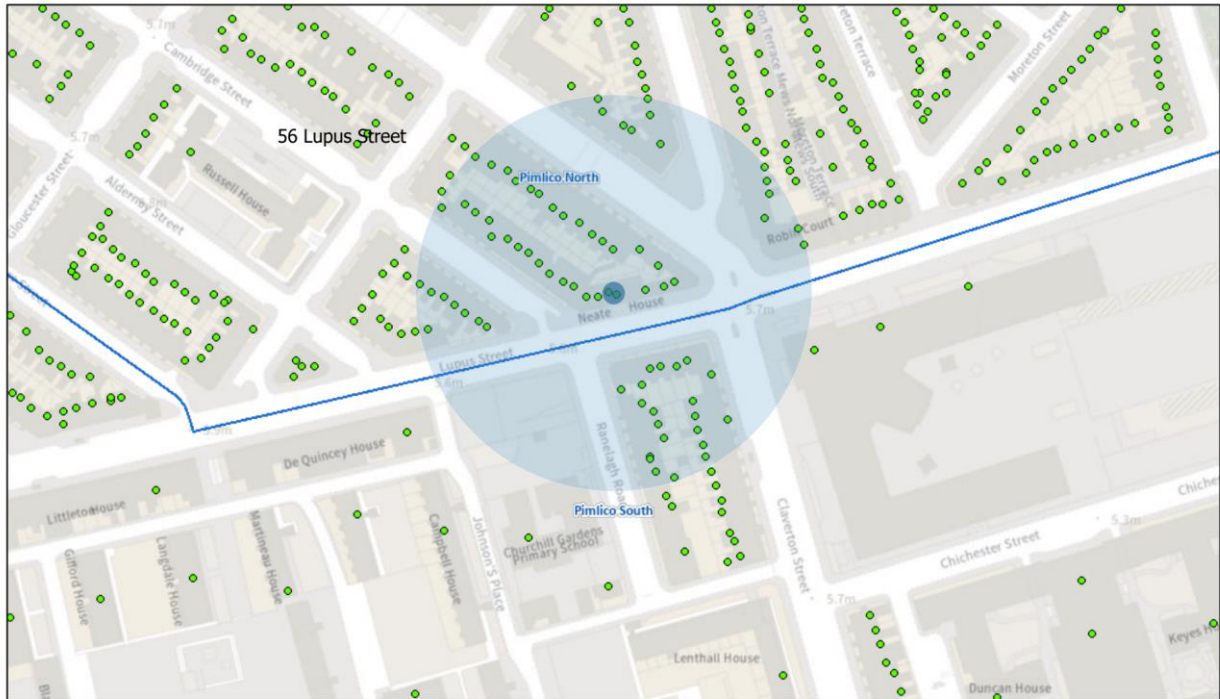
11. All sales of alcohol for consumption 'Off' the premises shall be in sealed containers only and shall not be consumed on the premises.
12. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
13. A Challenge 25 proof of age scheme 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.
14. No super strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles.
15. No more than 15% of the sales area shall be used at any one time for the sale, exposure for sale or display of alcohol.
16. There shall be no self-service of spirits on the premises, save for spirit mixtures less than 5.5% ABV.
17. No single cans or bottles of beer or cider or spirit mixtures shall be sold at the Premises.

Condition 17 is proposed to be removed by the applicant.

18. No miniature bottles of spirits of 20 cl or below shall be sold from the premises.
19. Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale.
20. 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 are open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31-day period.
21. 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 licensable activities are provided. 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.

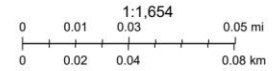
22. An incident log shall be kept at the premises and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
23. 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.
24. The doors at the rear of the premises shall be kept closed at all times, except for the immediate access and egress of persons.
25. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
26. A direct telephone number for the manager at the premises shall be publicly available at all times the premises are open. This telephone number is to be made available to residents and businesses in the vicinity.
27. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
28. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
29. No collections of waste or recycling materials (including bottles) from the premises shall take place between 22:00 hours and 08:00 hours on the following day.
30. No deliveries to the premises shall take place between 22:00 hours and 08:00 hours on the following day.
31. The tables and chairs shall be removed from outside the premises at 18:00 hours.

58 - 60 Lupus Street, London, SW1V 3EE



20/02/2024, 11:12:07

- Property Mailing List
- Ward Boundaries
- Ward Labels



Resident count: 364

There are no other licensed premises within 75 metres of 58-60 Lupus Street, London, SW1V 3EE.



City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	6 March 2024
Licensing Ref No:	23/08873/LIPN - New Premises Licence
Title of Report:	Redacted 26 - 29 Drury Lane London WC2B 5RL
Report of:	Director of Public Protection and Licensing
Wards involved:	St James's
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Karyn Abbott Senior Licensing Officer
Contact details	Telephone: 020 7641 6500 Email: kabbott@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	5 December 2023		
Applicant:	Redacted Covent Garden Ltd		
Premises:	Redacted		
Premises address:	26 - 29 Drury Lane London WC2B 5RL	Ward:	St James's
		Cumulative Impact Area:	None
		Special Consideration Zone:	East Covent Garden
Premises description:	According to the application form the premises intends to operate as a British & Italian grill restaurant over the ground and basement floors with private dining rooms, function space, bar area and external seating.		
Premises licence history:	This is a new premises licence application and therefore no premises licence history exists.		
Applicant submissions:	The applicant has proposed thirty conditions		
Applicant amendments:	None		

1-B Proposed licensable activities and hours							
Live Music:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	09:00	09:00	09:00	09:00	09:00	09:00	09:00
End:	23:30	23:30	23:30	00:00	00:00	00:00	22:30
Seasonal variations/ Non-standard timings:		From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. On Sundays immediately prior to Bank Holidays to 00:00.					

Recorded Music:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	09:00	09:00	09:00	09:00	09:00	09:00	09:00
End:	23:30	23:30	23:30	00:00	00:00	00:00	22:30
Seasonal variations/ Non-standard timings:		From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. On Sundays immediately prior to Bank Holidays to 00:00.					

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	00:00	00:00	00:00	N/A
Seasonal variations/ Non-standard timings:		From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. On Sundays immediately prior to Bank Holidays to 00:00.					

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	00:00	00:00	00:00	22:30
Seasonal variations/ Non-standard timings:		From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. On Sundays immediately prior to Bank Holidays to 00:00.					

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

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Service
Representative:	Sally Fabbricatore
Received:	01 January 2024
<u>The Randall Institute, 26 - 29 Drury Lane, London, WC2B 5RL</u>	
I refer to the application for a new Premises Licence for the above premises.	
The premises is situated in the East Covent Garden Special Consideration Zone.	
This representation is based on the Operating Schedule and the submitted plans for the ground floor and basement dated October 2023.	
The applicant is seeking the following on the ground floor and basement:	

1. To allow the Supply of Alcohol 'on and off' the premises Monday to Wednesday 09:00-23:30 hours, Thursday to Saturday 09:00–00:00 hours and Sunday 09:00-22:30 hours.
2. To allow the provision of Late Night Refreshment Monday to Wednesday 23:00-23:30 hours and Thursday Saturday 23:00–00:00 hours.
3. To allow the provision of Regulated Entertainment of Recorded Music and Live Music Monday to Wednesday 09:00-23:30 hours, Thursday to Saturday 09:00–00:00 hours and Sunday 09:00-22:30 hours.
4. To allow the above licensable activities on Sundays prior to bank holidays until 00:00 hours for the Supply of Alcohol and from the end of the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

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

1. The provision of the Supply of Alcohol may cause an increase in Public Nuisance in the area, it may also impact on Public Safety.
2. The provision of Late Night Refreshment may cause an increase in Public Nuisance in the area, it may also impact on Public Safety.
3. The provision of Regulated Entertainment may cause an increase in Public Nuisance in the area, it may also impact on Public Safety.
4. The non-standard timings may cause an increase in Public Nuisance in the area.

Further information and proposed conditions have been provided, which are being considered. Further conditions may be proposed in order to uphold the Licensing Objectives.

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

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]	
Status:	Valid	In support or objection:	OBJECTION
Received:	13 Dec 2023		

To whom this message may concern,

As a [REDACTED] I am in strong opposition to any further applications that would encourage footfall and people traffic, alcohol licenses for punters to consume etc., as this will only add to the extremely rough living conditions already experienced within the area of Drury Lane due to local businesses. Further increase in footfall and alcohol consumption will have a detrimental effect on the mental well being of all who live in the area. Businesses are already struggling to manage their punters and businesses operations as it is, adding more and granting further permissions will make life living here more harsh.

Please do not take my comments lightly, we have all suffered enough.

Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or objection:	OBJECTION
Received:	14 Dec 2023		

Good morning,

I would please like to object to few very specific points on behalf of the Friends [REDACTED], an amenity local group with members (50+) [REDACTED], and surroundings streets, with many residents affected by this future restaurant, and also the ever increasing night like activity in the area.

Our amenity group, as many other residents, agrees fully with points also made by the CGCA There are only 4 points we would like you to impose for the sake of moderation and to protect the amenity of residents. These 4 points would put this restaurant on part with the restaurant Caravan next door with whom a good relation has been developed thanks to their ability to exchange with residents and adapt

Here are the points

1. Most importantly. The hours for use of tables and chairs outside should be restricted to 22:00, as with Caravan.
2. That recorded music is excluded, or if required there will be a noise lobby with doors (there is a lobby without doors) to prevent noise escape.
3. The Thursday times should be 23:30 with 00:00 closing. We assume the request is because "Thursday is the new Friday" but residents still need to sleep and people dispersing 30 minutes later does make a difference.
4. The bar capacity should be specified (and limited) and the use for non-diners should end at 22:00 to prevent it being a drink led venue.

Thank you very much for your consideration

Further Submissions received 25th December 2023

Good morning

Apologies, I should have given more context

All the points listed below fall under the

3. Prevention of public nuisance
and possibly

2. Promotion of public safety

We have around the junction of Parker Street and Drury Lane (where this new restaurant is) already a large number of venues in a small radius such as

Clubs/bars: Bunga Bunga, The Piano Works,...

Pubs: Lowlander, The Sun, ...

Restaurants: Redacted, Caravan...

The Gillian Lynne Theater...

and this is really starting to have a negative cumulative impact on the residents in terms of noise and commotion in the evenings. We have more drunk people than ever in the street, with a lots of noise made at night when customers of these places disperse,.... it includes people vomiting and urinating of the door of our building and others

I live in [REDACTED] so I suffer as a resident but I know other residents

more affected, and they are members of the Friends ██████████ that I represent here. As a resident and as the Friends ██████████ representative, I am only asking you to impose a few tweaks to their licence so that long term, the cumulative impact of this venue together with others can remain within acceptable limits, especially this alcohol of drinking alcohol outside until 10 pm max at tables outside. Having a number of tables and chairs outside, on Drury Lane, past 10 pm will have a devastated impact on residents living nearby. Noise of customers drinking at the table should be curtailed at 10 pm to allow residents to sleep. A slightly earlier finish than planned on Thursday 00:00 instead of 00:30 for Redacted would allow earlier dispersion on Thursday, as many residents work on Fridays and need to sleep: 00.30 on a Thursday is far to late

This is in the context above that I would be grateful if you would consider, for residents, incl myself at 12 Parker Street, the 4 points made below in my email

The restaurant Caravan at 36 Drury Lane was kind enough to consult with residents and the "adapted" terms that I am requesting for Redacted will only bring them in line with the Caravan restaurant licence terms.

I would make sense if both licences are "aligned" with each other, with both venues behind next door to each other

I would really appreciate if you could take into consideration the points made above (and in my first email)

Thank you very much

Name:		██████████	
Address and/or Residents Association:		██████████ ██████████ ██████████	
Status:	Valid	In support or objection:	OBJECTION
Received:	2 Jan 2024		

The CGCA is making a Representation regarding this application because of the impact on the Public Nuisance and Crime and Disorder Licensing Objectives. Our detailed Representation has been sent to the Officer via email.

This is an application for "Redacted", a large "British Italian Grill Restaurant" situated next to the new premises, Caravan, on Drury Lane. It is on ground floor and basement level. The basement appears to be for Private Dining and the ground floor on the plan is about 65% restaurant and 35% bar area. The applicant has not offered MC66 and so whilst food does need to be available there is no requirement that alcohol is restricted to those taking a table meal, other than for any area outside authorised to have table and chairs (until 23:00). As well as LNR and Sale of Alcohol the application includes recorded music. This implies that this will be more than background music after 23:00 (before which no licence is needed). The hours requested for Licensable Activities are in line with WCC's Core Hours other than Thursday when they are extended by 30 minutes. The premises intends to remain open for an additional 30 minutes after this time.

The location is on the border between Camden and Westminster. There are a substantial number of residential properties in the vicinity, many of the closest ones being in Camden. A map showing the locations is attached to this Representation.

The premises are applying to operate without alcohol being ancillary to a table meal, beyond Core Hours with recorded music in excess of background and with outside tables and chairs until 23:00. We believe that this will harm the Licensing Objective of the Prevention of Public Nuisance. The fact that it can operate until these hours as a bar also risks harm to the Licensing Objective of the Prevention of Crime.

We believe that the licence in its current form should be refused.

We believe that the following amendments to the licence would reduce the risk of harm to the Licensing Objectives.

1. The premises should be required to operate as a restaurant (MC66 applies) after 22:00. All alcohol should be served to seated customers by waiter/waitress service. This will reduce

the risk of impact of the bar use of the premises.

2. The Thursday times should be 23:30 with 00:00 closing (in line with Mon-Wed). We assume the request is because "Thursday is the new Friday" but residents still need to sleep and people dispersing 30 minutes later will have an impact on residents in the vicinity. There is every route away from the premises that takes customer passed residential properties in the area.
3. Recorded music should be excluded, or if required there will be a noise lobby with doors (there is a lobby without doors) to prevent noise escape. There is already a condition requiring noise escaping not to cause a nuisance but if they are having recorded music (which is louder than just background music and will go after 23:00) then we believe this is appropriate.
4. The hours for use of tables and chairs outside should be restricted to 22:00. There are residents opposite and this reduces the risk for noise from people using these, and the process of putting them out of use and away, from causing a nuisance.

We are happy to discuss the details of licence amendments and conditions with the responsible Authorities and the applicant.

We hope that this representation is clear and ask that you advise us well in advance of any meeting at which this application will be discussed.

Name:	[REDACTED]		
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]		
Status:	Valid	In support or objection:	OBJECTION
Received:	2 Jan 2024		

Hi, the area the premises is in is a high stress area due to intermittent overcrowding, heavy traffic, and significant disruption due to the high level of late licensed and/or drink-led venues. We are therefore very concerned by the suggestion of another venue which will have 35% of its area dedicated to drinking (from a bar area). If Westminster are prone to grant yet another relatively late license, can we please suggest this is only with restricted and reasonable hours and conditions. The recent opening of caravan next door has no license to play music due to the possible disruption so we would request consistency and the same to be applied to redacted (confusing name for a venue?!). If music is allowed, then it would be important to ensure an outer and inner door is fitted so that music does not escape premises. We would ask all licensing to be conditional on being served with food, and if not, for non-food served alcohol to be terminated at 10pm. It would also be preferable for all licensing activities to terminate at 11pm at the latest, 10pm on holidays and Sundays. We ask this as we are based on [REDACTED] [REDACTED] which is now primarily residential, along with several buildings close to the venue on Drury Lane. We already suffer from noise, and anti-social behaviour from patrons of Piano works, Bunga bunga, comedy club, Sway, the sun and others in the immediate vicinity and more licensed premises can only make things worse. We might also add this could be particularly damaging/ disruptive to the [REDACTED] residents as current issues and transitory as people leave and arrive at venues but both caravan and potentially redacted could create constant noise if allowed outside seating. We therefore repeat the request to please consider residents, not just businesses, and to not grant this license, or please restrict hours and apply conditions consistent with others

Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or objection:	OBJECTION
Received:	2 Jan 2024		

02/01/2024 3:05 PM Hi, the area the premises is in is a high stress area due to intermittent overcrowding, heavy traffic, and significant disruption due to the high level of late licensed and/or drink-led venues. We are therefore very concerned by the suggestion of another venue which will have 35% of its area dedicated to drinking (from a bar area). If Westminster are prone to grant yet another relatively late license, can we please suggest this is only with restricted and reasonable hours and conditions. The recent opening of caravan [REDACTED] has no license to play music due to the possible disruption so we would request consistency and the same to be applied to redacted (confusing name for a venue?!). If music is allowed, then it would be important to ensure an outer and inner door is fitted so that music does not escape premises. We would ask all licensing to be conditional on being served with food, and if not, for non-food served alcohol to be terminated at 10pm. It would also be preferable for all licensing activities to terminate at 11pm at the latest, 10pm on holidays and Sundays. We ask this as we are based [REDACTED], which is now primarily residential, along with several buildings close to the venue on Drury Lane. We already suffer from noise, and anti-social behavior from patrons of Piano works, Bunga bunga, comedy club, Sway, the sun and others in the immediate vicinity and more licensed premises can only make things worse. We might also add this could be particularly damaging/ disruptive to the [REDACTED] residents as current issues and transitory as people leave and arrive at venues but both caravan and potentially redacted could create constant noise if allowed outside seating. We therefore repeat the request to please consider residents, not just businesses, and to not grant this license, or please restrict hours and apply conditions consistent with others

Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or objection:	SUPPORT
Received:	2 Jan 2024		

Please can the City Council consider this representation in support of the above application on behalf of the Landlord: [REDACTED]

The thoughtful refurbishment and development of the Grainhouse building on Dryden Street/ Drury Lane has brought about significant improvements to the immediate surrounds and wider local area.

[REDACTED] supports the proposal for an attractive new and high calibre restaurant on the lower floors of the building. The team behind Redacted have multiple successful one-off restaurant concepts across the UK and Europe. Whilst this is the first Redacted restaurant, the chefs and founders are those who set up Luca in Farringdon and the Clove Club in Shoreditch. They are known for high quality food and drinks, supported by outstanding service. The restaurant is the concept of a collaboration of several of the most renown experts in the restaurant industry in terms of curation, marketing, food, and service. The proposed hours and extensive list of conditions demonstrate that the applicant has considered the local amenity and is committed to promoting the licensing objectives.

We also believe that activating the frontages of this building, which has been closed for a long time, will help reduce local ASB and make the local vicinity safer. A professional licensed operator will provide a supervisory presence and provide a positive contribution to the local area.

Finally, the proposed restaurant will provide an attractive offer for theatre goers, local workers, tourists and the local community.

We therefore hope that the application is granted by the City Council.

3. Policy & Guidance

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

<p>Policy SCZ1 applies</p>	<p>A. In addition to meeting the other policies within this statement, applications within a designated Special Consideration Zone should demonstrate that they have taken account of the issues particular to the Zone, in question as identified within the 2020 Cumulative Impact Assessment, and should set out any proposed mitigation measures in relation to those issues within their operating schedule.</p> <p>B. For the purpose of Clause A, the designated Special Consideration Zones are:</p> <ul style="list-style-type: none"> • West End Buffer. • Queensway/Bayswater. • Edgware Road. • East Covent Garden. • Mayfair. • Victoria.
<p>Policy HRS1 applies</p>	<p>A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:</p> <ol style="list-style-type: none"> 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

	<p>night.</p> <p>9. The capacity of the premises.</p> <p>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> <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>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.</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>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	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: 020 7641 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	01 October 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	December 2023
4	Cumulative Impact Assessment	04 December 2023
5	Environmental Health Service	01 January 2024
6	Representation 1	13 December 2023
7	Representation 2	14 December 2023
8	Representation 3	02 January 2024
9	Representation 4	02 January 2024
10	Representation 5	02 January 2024
11	Representation 6	02 January 2024

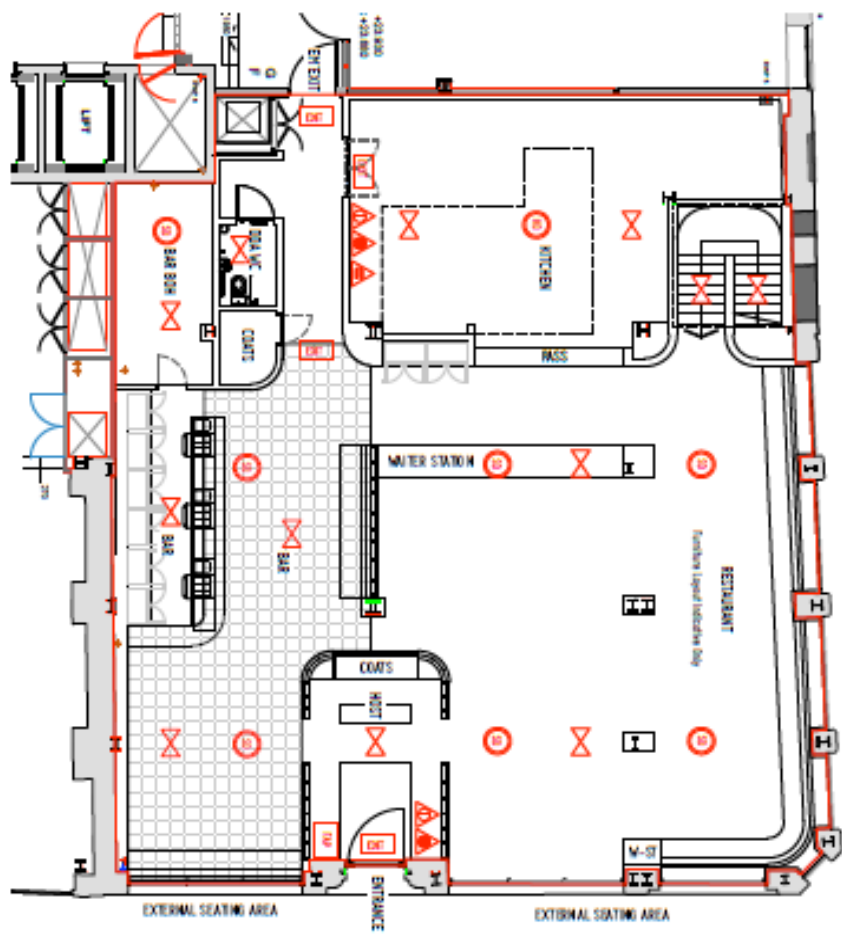
LEGEND

1. ALL WALLS AND PARTITIONS TO BE FIRE-RATED TO RESISTANCE.
2. PARTITIONS/SCREENS TO COMPLY WITH BS 5824 PART 1, ON FINISHING FACED SIDE TO COMPLY WITH BS 5824.
3. FIRE SAFETY RELATED SIGNS AND NOTICES TO COMPLY WITH BS 5824.
4. FIRE ALARMS TO COMPLY WITH BS 5824.
5. WALL AND CEILING LININGS ARE TO BE CLASS 1 SOUNDABSORBENT (AS DEFINED BY BS 5824) IN PUBLIC AREAS AND CLASS 0 IN ESCAPE ROUTES.
6. OVERSTREET SEATING REQUIREMENT TO COMPLY WITH THE FOLLOWING:
 - SEATING SUBJECT TO ALLEYS, TIGHTS AND SPECIFIED IN BS 5824 PART 2 FIRE TEST FOR RESISTANCE METHODS OF TEST FOR THE OVERSTREET SEATING.
 - BS 5824 PART 2 FIRE TEST FOR OVERSTREET SEATING METHODS OF TEST FOR THE OVERSTREET SEATING COMPARTMENT FOR THE OVERSTREET SEATING COMPARTMENT TO BE COMBUSTION CLASS 1.
7. FLOORS THAT DON'T HAVE A FLAME RESISTANT TREATMENT TO PASS THE WATER SLOTT TEST AS DETAIL BY BS 5824 PART 2 TO BE SUBMITTED TO THE ARCHITECT.
8. CEILING AND PARTS TO SUPPORT THE LIGHT PERFORMANCE REQUIREMENTS TO BE BS 5824 PART 2.
9. AIRPORT, PORT AND AIRCRAFT SERVICES TO BE THE RESPONSIBILITY OF THE OPERATOR OF THE AIRPORT.
10. FIREWORKS SUPPORT REQUIREMENT ONLY TO BE THE RESPONSIBILITY OF THE OPERATOR.



FIGURE 1: LIFE SAFETY/ESCAPE ROUTES

	ESCAPE ROUTES FOR SIGN		ESCAPE ROUTES WITH TIGHTER FINISH		WATER-FIRE EXTINGUISHER
	ESCAPE ROUTES FOR SIGN		ESCAPE ROUTES WITH TIGHTER FINISH		ESCAPE ROUTES WITH TIGHTER FINISH
	ESCAPE ROUTES FOR SIGN		ESCAPE ROUTES WITH TIGHTER FINISH		ESCAPE ROUTES WITH TIGHTER FINISH
	ESCAPE ROUTES FOR SIGN		ESCAPE ROUTES WITH TIGHTER FINISH		ESCAPE ROUTES WITH TIGHTER FINISH



Version 3	REVISIONS
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DEPENDENT AREAS

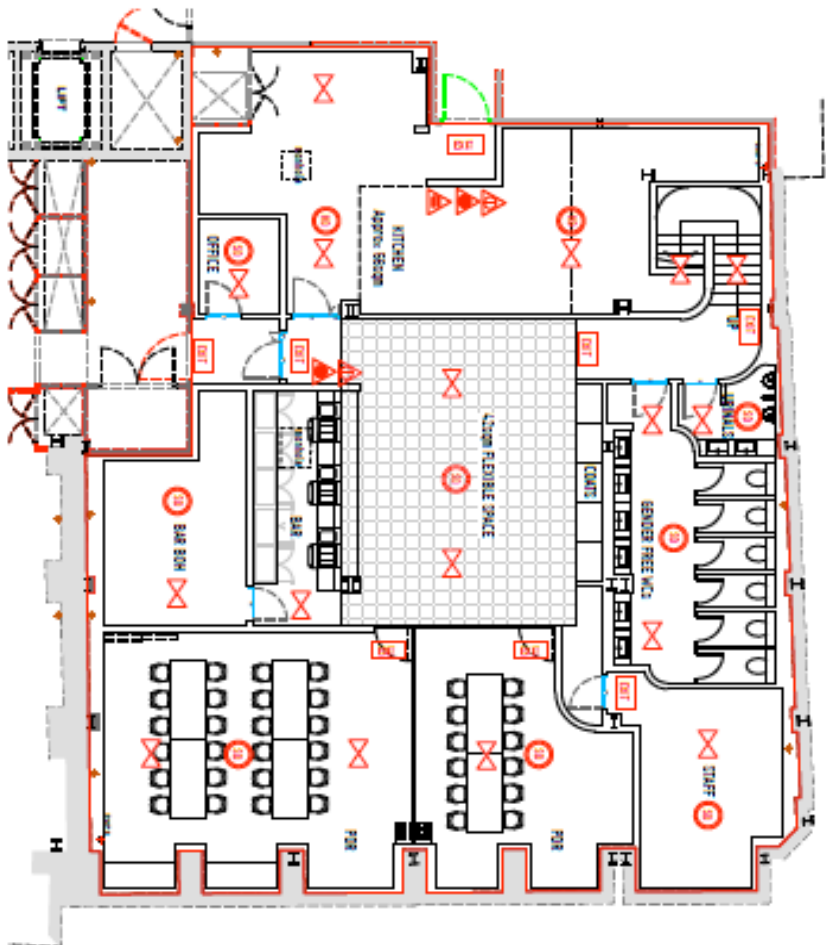
1. ALL WALLS AND PARTITIONS TO BE PENETRATED MUST BE FOR FIRE RESISTANCE.
2. PENETRATIONS THROUGH TO COMPARTMENTS MUST BE FIRE RESISTANT AND PENETRATION CLOSURE MUST BE AS STATED.
3. FIRE SAFETY AND ACCESS SIGNAGE MUST BE TO COMPARTMENT WITH NO SIGN.
4. FIRE FIGHTING EQUIPMENT TO COMPARTMENT AS STATED.
5. WALL AND CEILING LININGS ARE TO BE CLASS 1 SOUNDING OF TYPICAL DETENTION BY DESIGN (PART 7) IN WALLS AND CEILING AND CLASS 1 IN CEILING AREAS.
6. UNSTRUCTURED STEELING PENETRATING TO COMPARTMENT ARE FOLLOWING:
 - SHOWN SUBJECT TO QUALITY TESTS AS SPECIFIED IN BS 5952 PART 2 TEST FOR PENETRATING METHODS OF TEST FOR THE DEMONSTRATION OF PENETRATIONS.
 - BS 5952 PART 2 TEST FOR PENETRATING METHODS OF TEST FOR THE DEMONSTRATION OF PENETRATIONS FOR TESTING BY TYPING SOURCE. PENETRATIONS TEST TO BE CONDUCTED SUBJECT TO:
7. PENETRATIONS THROUGH WALLS MUST BE PENETRATED TO MATCH THE WALLS SOUND TEST AS SPECIFIED IN BS 5952 PART 2 TEST FOR PENETRATIONS TO BE PENETRATED TO THE APPOINTMENT.
8. CEILING AND PARTITIONS TO SPECIFY THE A PENETRATIONS REQUIREMENTS TO BE AS STATED PART 2.
9. APPOINTMENT TO MATCH AND PENETRATIONS METHODS TO BE PENETRATED TO THE SPECIFICATION OF THE FIRE APPOINTMENT.
10. PENETRATIONS APPOINTMENT ONLY

— AREA OF DESIGNATED ACTIVITY

▭ INDICATES RISK AREA

FIG 8. LIFE SAFETY/LIFELINE SYMBOLS

☒	ALERTNESS FOR RISK	☒	SMOKE DETECTOR WITH INTEGRAL SMOKE & HEAT DETECTOR	⚠	WATER FIRE EXTINGUISHER
☒	EMERGENCY ACCESS POINT (NON PENETRATING)	☒	SMOKE DETECTOR WITH INTEGRAL SMOKE & HEAT DETECTOR	⚠	FLAME FIRE EXTINGUISHER
☒	NON PENETRATING POINT	☒	FIRE ALARM SMOKE	⚠	FIRE EXTINGUISHER
☒	PENETRATING POINT				



NOTES:
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VERSIONS	
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[~~REDACTED~~]

A NEW RESTAURANT FOR LONDON
FROM STEVIE PARLE AND RICHARD TURNER



A NEW RESTAURANT FOR LONDON

Five of the most successful and experienced hospitality operators in London have combined funds and forces to open an iconic new restaurant on Drury Lane.

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The Restaurant

A collaboration between some of London's best: Michelin-starred front of house superstars Johnny Smith and Daniel Willis, of The Clove Club and Luca, are backing chef/ restaurateur Stevie Parle and chef/butcher Richard Turner to open a brilliant new restaurant!

Serving the simple and delicious food Stevie and Richard are so well known for, and with a whole carcass approach to meat cookery, [] is a new British grill restaurant taking inspiration from Italy. There will be pasta and a strongly ingredient-led, live fire grill menu of meat and seafood from the British Isles, including Britain's Best Beef™!

We own a 150 strong herd of 100% grass fed cattle in the Cotswolds. The herd enjoys a pasture life year round on a farm run entirely on the principles of regenerative agriculture. For sustainability and flavour, nothing will beat our Wildfarmed beef.

In terms of market position, pricing and audience, we plan to create a grand and convivial dining room in a spectacular space. A gem of a restaurant. A price point similar to Hawksmoor but design and vibe much more like The Delaunay and Decimo. Expect something original, colourful, lighter, brighter and more (mid-century) modern.

We're also big fans of smaller, chef-led venues such as Manteca and Brat in Shoreditch. As well as the world class seafood at The Seahorse in Devon, and we want to bring some of their ethics and success to Drury Lane.

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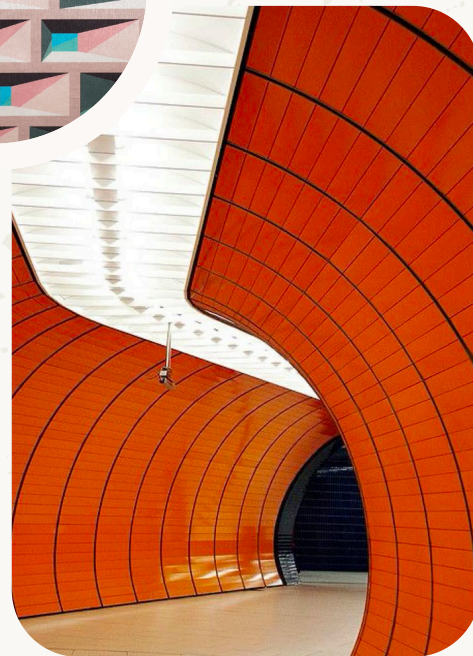
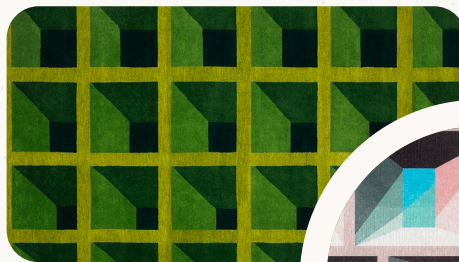
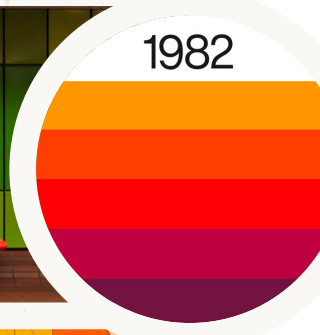
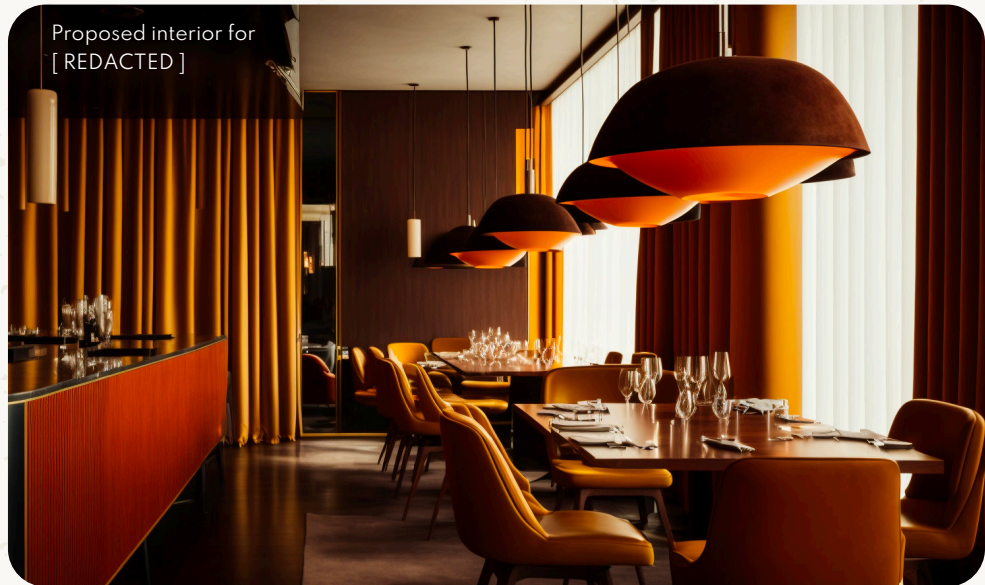
Example menu



[REDACTED]

SNACKS	Fried Sage leaves, hot honey 4
	London sourdough & Tuscan oil butter 5
STARTERS	Back-fat & rosemary flatbread 9
	Cured meats & gnoccho fritto 14/21
	Longhorn x dairy beef carpaccio, cherry wood balsamic 12
	Six varietal tomato salad 12
	Fried pigs head, mustard fruit, fermented beetroot 11
	Crudo bream, jalapeño, tomato & fig leaf oil 14
	Watermelon, tomato, chilli and sheep's cheese 10
PASTA & RISOTTO	Nettle & squash ravioli 16/24
	Spaghetti with Dorset clams, n'duja, parsley & sherry 22/33
	Saffron risotto, bone marrow, red cow Parmesan 17/25.5
	Hand rolled pappardelle, slow cooked duck ragu 22/23
SECONDS	Gorgonzola burger 17
	Beef, pork & veal meatballs, cooked in Nebbiolo & tomato 20
	Wood roast wild sea bass, lemon & rosemary 32
	Chalk stream trout 26
	English Lop pork collar steak 22
	Wood grilled salt marsh lamb leg 26
TO SHARE FOR 2-4	Whole veal shank braised in Pinot Grigio and anchovy, risotto Milanese 75
	Fish stew, bass, bream, clams, langoustine, tomato chilli & chickpeas 95
	Longhorn x dairy cow Bistecca Fiorentina (900g) 95
	English Lop pork chop (800g) 45
	Hundred layer lasagna 48

SAUCES 4 (4 each)	green sauce	SIDES (6 each)	beef fat & garlic pink firs
	red almond sauce		potato, fennel & porcini
	chianti anchovy butter		zucchini fritti
	olive oil mayonnaise		spinach, olive oil
	gravy		slow cooked borlotti beans & roasted tomatoes



Market position



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FRONT OF HOUSE

Johnny Smith and Daniel Willis

Johnny Smith and Daniel Willis hail from Manchester and are the co-founders (with chef Isaac McHale) of two of London's most successful independent restaurants. They first established themselves in 2010 with The Clove Club supper clubs, followed by the Young Turks residency at The Ten Bells.

In 2013 they opened The Clove Club in Shoreditch, which has gone on to achieve two Michelin stars and is the highest ranked British restaurant in the 'World's 50 Best'.

In 2016 they opened Luca in Clerkenwell, a restaurant inspired by their love of Italy, with a focus on British seasonal produce. Luca has become one of London's most loved restaurants and in 2023 was awarded a Michelin star.



THE CLOVE CLUB



LUCA





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CHEF TEAM

Stevie Parle and Richard Turner

Chef-restaurateur and writer **Stevie Parle** started his cooking career in some fantastic restaurants, including The River Café and Moro in London, and the Spotted Pig in New York. In 2010, he opened his first restaurant, The Dock Kitchen, aged 25 and was named 'Young Chef of the Year' by Observer Food Monthly. In 2021 Stevie was awarded 'Best Restaurateur' by GQ magazine. His current focus is the casual fresh pasta brand Pastaio. Stevie has written countless recipe features, several books and presented a food documentary series for Channel 4.

After a seven year stint in The Parachute Regiment, **Richard Turner** has been a chef for more than 30 years working at the highest level in some of the world's best restaurants. He started at 3 Michelin star icons, Le Gavroche and La Tante Claire, before rising through the ranks during five years with Marco Pierre White and then onto France to work under Joel Robuchon and Alain Ducasse, also at 3 Michelin star level.

Since 2000, Richard has held several Head Chef and Executive Chef positions at a variety of restaurants and opened over thirty restaurants, pubs and hotels before starting his own businesses. He is currently co-owner of Turner & George, the Meatopia food festival and Blacklock, and a shareholder in Hawksmoor.

Richard has authored two cookbooks, Prime and Hog, and has co-authored three restaurant books.

INVESTOR / DIRECTOR

Jonathan Downey

Since leaving his career as a corporate lawyer in 1999, Downey has become a highly influential voice in UK hospitality - opening over 45 bars, clubs, restaurants and a hotel in London, New York, Ibiza, Chamonix and Melbourne. In 2015 he was named by Debrett's/Sunday Times as one of the 20 most influential Brits in food and drink and is a perennial in The Evening Standard's Power List of the '1,000 Most Influential Londoner's'. He has received three Lifetime Achievement Awards, including one at the Spirited Awards in New Orleans.

"We will create a world class, modern restaurant in a beautiful space. A place to eat, meet, drink, think, create, celebrate and amaze. A restaurant with so much 'WOW'. A restaurant that will be a wonderful new amenity and eating-meeting place for locals, bringing people together through the awesome power of food."



INTERIOR DESIGN Jonathan Mangham

Projects include The Clove Club, Rotorino, Dominique Ansel Treehouse and Sager and Wilde in London, as well as Asia de Cuba and China Grill in Dubai.

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Jonathan Mangham



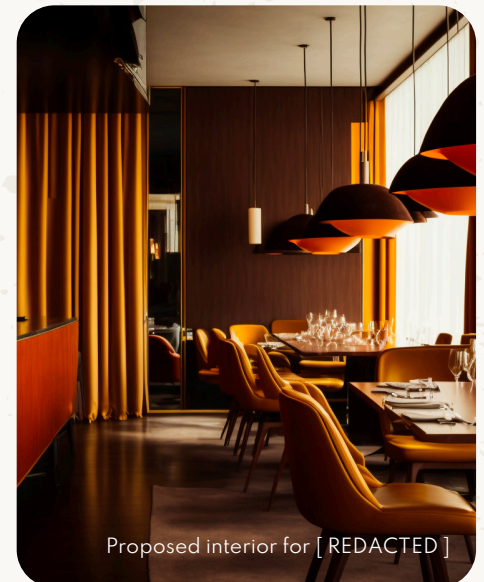
Proposed interior for [REDACTED]



Rotorino, London



China Grill, Dubai



Proposed interior for [REDACTED]



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[█████]

150 strong herd of 100% grass fed cattle in the Cotswolds.

REDACTED

GRAINHOUSE



[Redacted] Restaurant
26 - 29 Drury Lane, WC2B 5RH

APPLICATION FOR A NEW
PREMISES LICENCE REF:
23/08873/LIPN

SUMMARY OF PROPOSALS

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

Reference: JS/ROT.3.1

Solicitors for the Applicant

The Applicant

1. The applicant team comprises some of London's finest restaurateurs and hospitality operators:
 - a. **Stevie Parle** – award-winning chef-restaurateur and writer. He has worked in some of London's best restaurants and currently operates highly-acclaimed Pastaio restaurant on Ganton Street in Westminster. He was named "*Young Chef of the Year*" by the Observer and was awarded "*Best Restaurateur*" by GQ Magazine in 2021. He has written several cookery books and presented a food documentary series for Channel 4.
 - b. **Richard Turner** – a chef with more than 30 years' experience in some of the world's best restaurants, including 3 Michelin Star Le Gavroche and La Tante Claire, as well as further 3 Michelin Star level work under Joel Robuchon and Alain Ducasse in France. He has ownership interests in long standing Westminster restaurants Hawksmoor and Blacklock.
 - c. **Johnny Smith & Daniel Willis** – co-founders of two of London's most successful independent restaurants, including 2 Michelin Star The Clove Club in Shoreditch, which is the highest ranked British restaurant in the "*World's 50 Best*", and most recently awarded a Michelin Star for their restaurant Luca in Clerkenwell.
 - d. **Jonathan Downey** – ex-lawyer who has become a highly influential voice in UK hospitality, opening over 45 hospitality businesses in London and internationally. He has been named as one of the "*20 Most Influential Brits in Food and Drink*" and in the Evening Standard's power list of the "*1000 most influential Londoners*". He has received three lifetime achievement awards. Most recently, he was praised for his dedicated campaigning on behalf of the hospitality industry during the Covid-19 pandemic, regularly appearing on major TV news channels and in national mainstream media.
2. The applicant team has a proven track record in founding exceptional and groundbreaking restaurants in London. The team is exactly the type of operator recognised in Westminster's Statement of Licensing Policy as capable of contributing to Westminster's status as a world-class city.¹
3. Alongside the awards and accolades, the applicant team has a combined *circa* 100 year outstanding operational track record. They are committed to drawing upon their collective decades of experience in implementing the highest standards of robust management procedures to ensure their new restaurant promotes the Licensing Objectives and operates harmoniously alongside the local community in Covent Garden.

¹ Policy paragraph F125

The Restaurant Proposal

4. The restaurant will operate as a new British Grill restaurant taking inspiration from Italy, serving the simple and delicious food Stevie and Richard are so well known for. There will be pasta and a strong ingredient-led, fire grill menu of meat and seafood from the British Isles. The team own a 150 strong herd of 100% grass fed cattle in the Cotswolds. The herd enjoys a pasture life year-round on a farm run entirely on the principles of sustainable and regenerative agriculture.

Location

5. The premises is situated just inside Westminster, across the road (Drury Lane) from the London Borough of Camden. All interested party representations have been lodged by Camden residents.
6. The premises location is identified on the hexagon maps appended to these submissions, which have been extracted from the City Council's recent cumulative impact assessment. The hexagon maps demonstrate that the area is not experiencing cumulative impact, and there are extremely low levels of crime, noise and anti-social behaviour.
7. The premises is located outside of the West End Cumulative Impact Zone and inside the East Covent Garden Special Consideration Zone.

Application

8. The application proposes licensable activities in accordance with Core Hours, except for an additional 30 minutes on Thursdays and 30 minutes closure time to facilitate a controlled dispersal. The operating schedule includes 30 comprehensive and robust conditions to promote all four Licensing Objectives.
9. The applicant carefully considered the terms of the Premises Licence application before submission. The applicant's experienced team has determined that the specific hours and conditions proposed are precisely what are required to make the project a viable success.
10. The applicant has also been mindful of local residents and the Statement of Licensing Policy (the Policy) when undertaking their thoughtful business planning. Achieving a Premises Licence on the terms proposed are paramount to the restaurant project in a relentlessly difficult economic climate for the hospitality sector and fine margins. Any concessions will likely result in the project becoming unfeasible, the premises left vacant and the applicant looking elsewhere for a home for their restaurant.

Representations

11. There is a representation in support from the freeholder of the building. The freeholder has vetted the applicant before commencing lease negotiations, which is conditional on the grant of a Premises Licence.
12. There are no representations from the Metropolitan Police or Licensing Authority.
13. There is a representation from the Environmental Health Consultation Team in light of four local resident objections, including the Covent Garden Community Association. The applicant is grateful to the Covent Garden Community Association for engaging at the time the application was submitted and in the lead up to the Licensing Sub-Committee hearing.
14. The applicant is also grateful to those objectors² who have indicated that they may not object to the licence being granted in principle, subject to four proposed amendments. The four proposed amendments reflect concessions made by the next-door restaurant operator, Caravan, during their application process.
15. Caravan's Premises Licence 23/09140/LIPRW was granted under delegated powers in October 2023. Caravan's business is materially different from the applicant's proposed restaurant. Caravan are known for their breakfast and all-day offering. The Caravan Premises Licence was not determined by the Licensing Sub-Committee and each application must be determined on its own individual merits³.
16. The applicant addresses the four proposed amendments made by the objectors as follows:

1. Restaurant Use

17. The applicant proposes restaurant use controlled under recently granted planning permission and by the following condition:

Save for persons in the area hatched on the licence plan and persons attending pre-booked private functions, the consumption of alcohol on the premises shall only be to seated persons consuming a table meal at the premises served by waiter or waitress, including any outside area.

18. The objectors request that full model restaurant condition MC66 applies after 10.00 pm, with alcohol served to seated customers by waiter/waitress service at all times. The applicant is already effectively proposing this in respect of the significant majority of the premises i.e. the larger unhatched area on the licence plan. Even in the smaller hatched area on the licence plan, it is anticipated a significant number of customers will be eating, whether inside the hatched bar area, or before or after their meal in the unhatched area.

² Including the Covent Garden Community Association and Friends of [REDACTED]

³ Policy page 5

19. This aspect of the application proposals is crucial to the applicant's business model. It is absolutely not because the applicant is proposing a late-night bar business or similar. It is a small area where a limited number of customers can visit the premises for a drink with or without food. A key objective is to showcase the restaurant to local workers, residents or theatregoers before or after a show. The premises is in the heart of theatreland and many theatregoers may not want a full table meal before or after a performance.
20. The bar area will compliment the restaurant and contribute to its look and feel. Revenue generated from the bar area is not anticipated to be significant but it will be important in a business sector where margins are fine. There is no realistic possibility that a small bar area within a world-class restaurant is likely to contribute to crime, disorder or public nuisance, as recognised by the Police and Licensing Authority.
21. The Policy does not require full model condition 66 due to the premises' location outside the Cumulative Impact Zone.

2. Thursday Terminal Hours

22. The application proposes licensable activities 30 minutes after Core Hours on Thursdays. Licensable activities are proposed in accordance with Core Hours in respect of all other days of the week.
23. Transport for London have recently published data indicating Friday usage of London transport networks are at 73% compared to pre-pandemic levels. With many persons working from home on Fridays, Thursday has become an increasingly crucial night of trade for restaurant operators in central London. Thursday evening is vital to ensure the success of the restaurant proposals. The hours allow for a final sitting and those visiting for supper after the theatre, without an artificially early and rushed closure. Further submissions in respect of the proposed hours are set out below in the context of policy HRS1.

3. Recorded Music

24. The objectors request that recorded music is excluded from the application proposals. The applicant is not proposing Regulated Entertainment to facilitate a noisy bar offering. Regulated Entertainment has been properly proposed by the applicant to ensure consent is in place for occasions where music levels may be slightly beyond ambient background levels. This may include low-scale live music performances, or music played during corporate functions or private celebrations.
25. The applicant has proposed Model Condition 12 to provide an absolute safeguard from noise outbreak and has fully addressed the public nuisance Licensing Objective in the Appendix 11 submissions. The extremely high standard of fit-out in the recently developed building will also facilitate robust noise attenuation.

4. External Seating

26. The applicant has proposed a terminal hour of 11.00 pm for external seating on Drury Lane in accordance with model condition 19 and Policy PN1.
27. Granting the Premises Licence would not automatically permit external furniture⁴. Any future external seating proposal would have to be more specifically scrutinised under the Pavement Licence application process. Pavement Licences would only be granted on a temporary basis for a few months at a time. This provides a thorough ongoing monitoring process with regular opportunities for the Responsible Authorities, Highways Team and local stakeholders to provide feedback in respect of the ongoing use of external areas.

Policy

28. The introductory section of the Policy states:

“If the proposed operation of a premises does not meet all or part of the definition within the premises use policies the licensing authority will have regard to the policy that most closely relates to that operation. For example, if an application is for a food led establishment providing meals for customers for consumption on the premises that does not fit the definition of a restaurant within the restaurant policy RNT1, the licensing authority will generally look to apply the same considerations under the restaurant policy when determining that application. The licensing authority is aware that the operation, styles and experience that licensed premises offer are always evolving and in that some operations will not fit the premises use policy definitions”. [emphasis added]

29. The Policy anticipates proposals such as the current application. It follows that restaurant policy RNT1 should be applied.
30. The proposals are made by a team of restaurateurs with decades of experience working in some of the world's best restaurants. The applicant has no intention whatsoever to operate anything other than a restaurant. The proposed restaurant licence conditions and planning controls provide absolute protection that the premises will operate as a restaurant and not as a late-night bar or similar under Policy PB1.
31. Policy RNT1 states that applications for restaurants outside (and inside) the West End Cumulative Impact Zone **will generally be granted** subject to the other policies. In any event, there would be no presumption to refuse the proposed restaurant bar area even if the application was considered under Policy PB1 due to the premises' location.
32. The other policies include the Licensing Objective policies CD1, PS1, PN1 and CH1. The comprehensive

⁴ Policy paragraph F120

operating schedule of 30 licence conditions will promote the Licensing Objectives.

33. The proposed hours are broadly in accordance with Policy HRS1. Policy HRS1 states that:

*“Applications within the core hours set out below in this policy **will generally be granted** for the relevant premises uses” [emphasis added].*

34. In respect of the additional 30 minutes on Thursdays, there is no presumption to refuse. Policy HRS1 states that *“applications for hours outside the core hours ... will be considered on their merits”*.

35. Paragraph E3 of the policy states *“these are not policies to refuse applications for hours longer than the core hours, and consideration will in all cases be given to the individual merits of an application”*.

36. Considering the individual merits of the application alongside the Policy criteria in HRS1, the applicant can demonstrate that the additional 30 minutes on Thursdays only will have no adverse impact on the Licensing Objectives and can be granted under HRS1:

a. The comprehensive operating schedule of model conditions address the Licensing Objectives and associated policies CD1, PS1, PN1 and CH1. In particular, Model Condition 12 completely addresses the risk of noise outbreak from the premises at all times.

b. The applicant’s dispersal policy and Appendix 11 submission provide further measures to ensure there is no noise outbreak from the premises itself or during the dispersal process. There are no local residents living in the premises building block. The proposed hours, even the additional 30 minutes on Thursdays, are not inconsistent with the permitted hours of existing premises in the area. Other premises on Drury Lane are authorised to provide licensable activities into the early hours of the morning by the London Borough of Camden.

c. The type of use, being a world-class restaurant consistent with the Policy objectives, is extremely unlikely to impact upon the Licensing Objectives and does not fall within the higher risk category of premises identified in Policy HRS1, for example pubs and bars.

37. The premises is located in the East Covent Garden Special Consideration Zone. This area has been associated with *“elevated levels of noise nuisance at night surrounding locations of licensed premises”*. The hexagon maps published in the 2023 cumulative impact assessment demonstrate that the hyper-local vicinity of the premises is not currently experiencing cumulative impact, crime, high levels of noise or anti-social behaviour. The Licensing Authority has not submitted a representation based upon the Special Consideration Zone.

38. The specific type of use, proposed hours, dispersal policy, Appendix 11 submission and robust licence

conditions will ensure that there is no realistic possibility of the premises contributing to the type of problems identified in the wider East Covent Garden Special Consideration Zone.

Summary

39. The applicant submits:

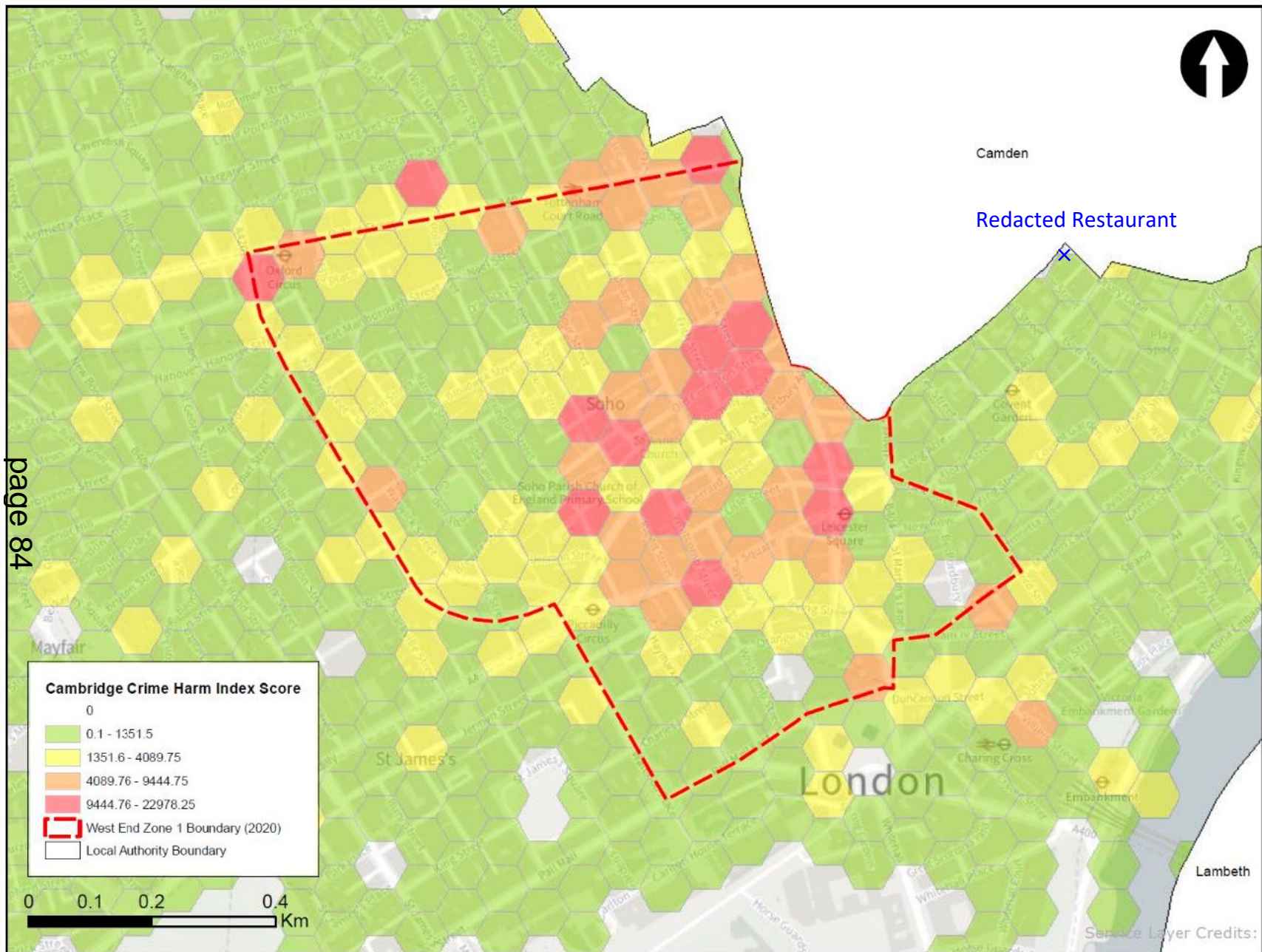
- a. The Policy allows the application to be considered under RNT1. Policy RNT1 states that restaurant applications *will generally be granted*.
- b. The premises is located outside of the Cumulative Impact Zone. The 2023 cumulative impact assessment provides evidence that licensed premises are not having an adverse impact on the hyper-local area.
- c. Policy HRS1 allows the additional 30 minutes on Thursdays to be granted when considering the individual merits of the application. The applicant has identified Thursday as a crucial night of trade and there is no evidence that an additional 30 minutes only will have any adverse impact on the Licensing Objectives.
- d. The comprehensive operating schedule of robust conditions will promote all four Licensing Objectives and associated policies at all times, including between 23:00 – 00:00 on Thursdays.
- e. The resident association objectors have indicated that they do not object to the grant of the licence in principle. The applicant has addressed the four proposed amendments set out in the resident association representations.
- f. Any concessions made in respect of the four amendments proposed by the resident association objectors or otherwise will materially impact upon the viability of the applicant's proposals.
- g. The Licensing Sub-Committee are rarely presented with an applicant of this level and calibre. The collaboration brings *circa* 100 years of world class restaurant expertise and proven operational experience.

40. The applicant invites the Licensing Sub-Committee to please grant the application on the terms applied for accordingly.

Thomas & Thomas Partners LLP

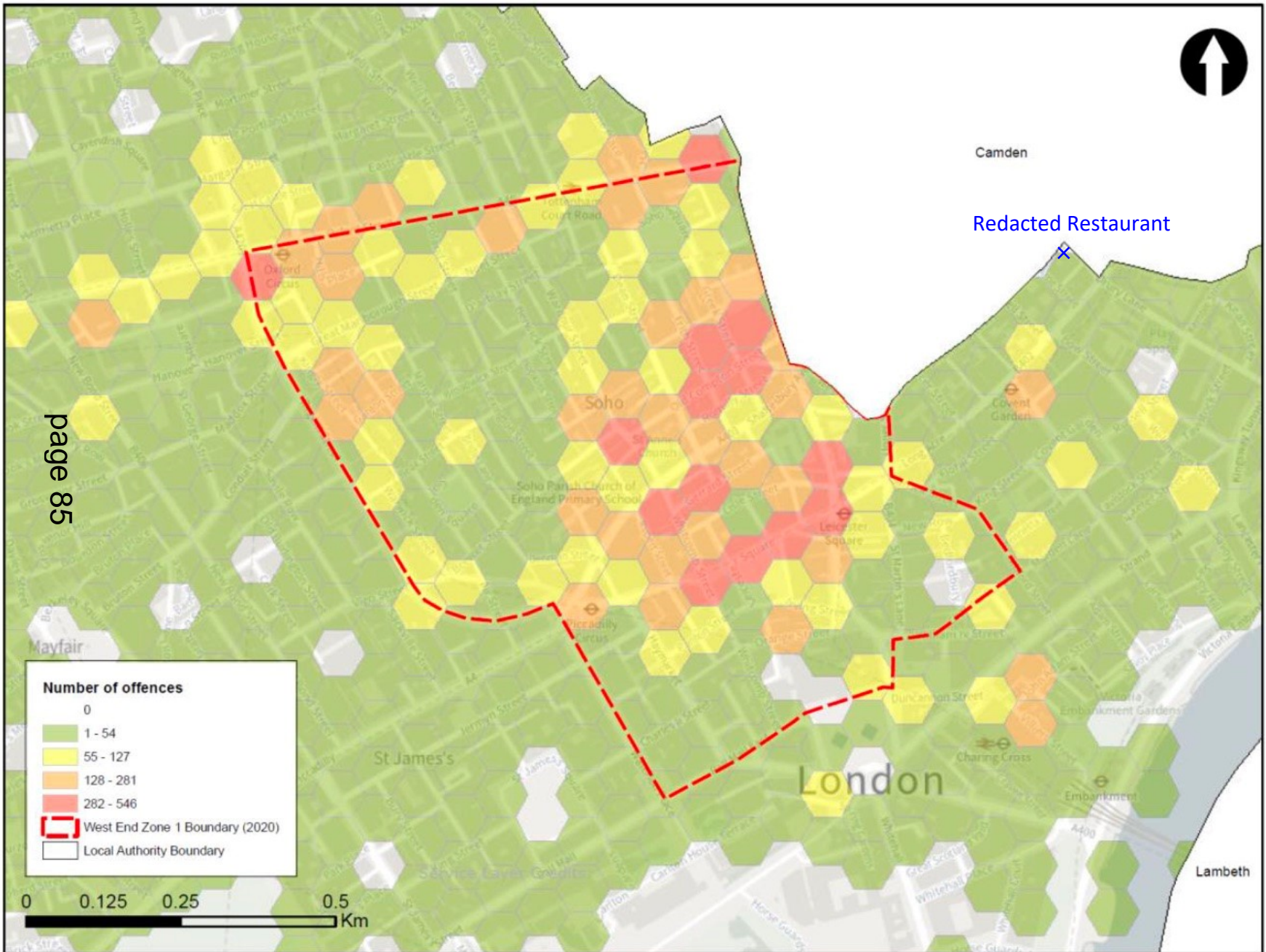
February 2024

Cambridge Crime Harm Index by hexagon (West End Zone 1)



This map combines each of the cumulative impact variables that are present within the West End Zone 1, weighting each based on the seriousness of harm.

Overnight crime (theft, robbery, drugs, VAP, sexual offences) (West End Zone 1) by hexagon



[Redacted] Restaurant 26-29 Drury Lane WC2B 5RH



Appendix 11 Submission & Operational Management Plan

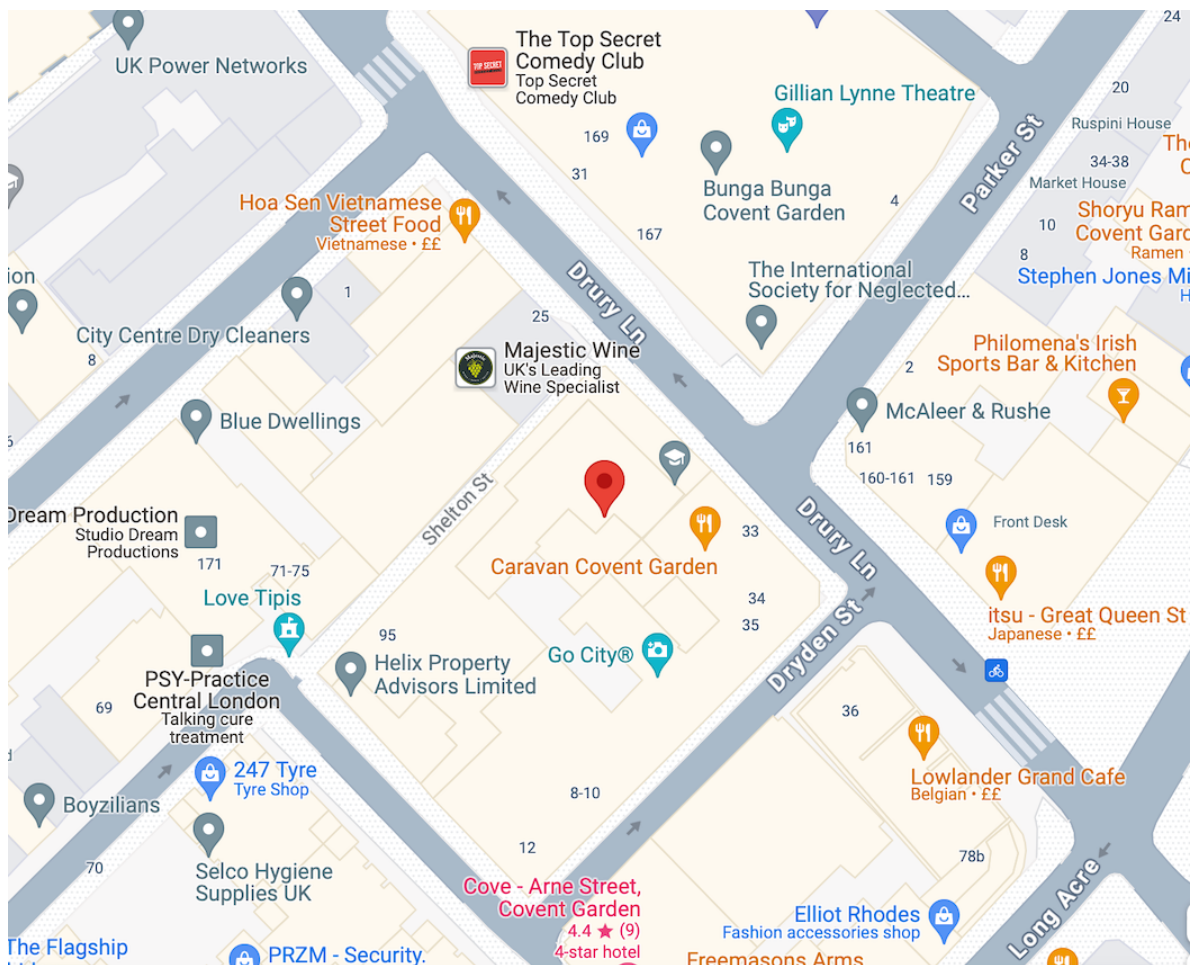
February 2024

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5. Noise Criteria
6. External Area Management Plan
7. Smoking Policy
8. Dispersal Policy
9. Closing Procedure

1 Introduction

- 1.1 This statement has been prepared to support an application for a new Premises Licence for 'Redacted' Restaurant situated at 26-29 Drury Lane London WC2B 5RH.
- 1.2 This document illustrates the applicant's comprehensive operational management strategy to ensure that robust controls are in place to promote the licensing objectives and to prevent any disturbance to local residents in accordance with Appendix 11 of the City of Westminster Statement of Licensing Policy.
- 1.3 The operational management procedures will ensure that the restaurant operates sympathetically alongside the Covent Garden community, with an emphasis on preventing crime, disorder and any sources of nuisance to the local community.



2 General Operation Controls

- 2.1 The experienced restaurant management team will take their responsibilities as a neighbour extremely seriously. Management controls shall include:
- 2.1.1 Extensive employee induction and on-going refresher training, including:
 - 2.1.1.1 Responsibilities in the local area and towards local residents.
 - 2.1.1.2 Customer care and hospitality.
 - 2.1.1.3 Complaint handling.
 - 2.1.1.4 Food Safety.
 - 2.1.1.5 Health and Safety.
 - 2.1.1.6 Fire Safety.
 - 2.1.1.7 Security awareness.
 - 2.1.1.8 Counter terrorism training.
 - 2.1.1.9 Safeguarding and welfare engagement training, for example WAVE training in partnership with the Westminster Police Licensing Team, drink spiking and “Ask for Angela”.
 - 2.1.1.10 Obligations under the Licensing Act 2003.
- 2.2 Operational procedures to mitigate nuisance in the local area, including:
- 2.2.1 Responsible management of patrons both within internal and external areas of the Development.
 - 2.2.2 Controlled management of the arrival and departure of patrons, including encouraging departing patrons to disperse quickly and quietly to their onwards direction of travel.
 - 2.2.3 Advice and recommendations from the Grainhouse development’s acoustic consultants.
 - 2.2.4 Sympathetic servicing of the restaurant.
 - 2.2.5 Internal CCTV coverage including full frontal imaging of anyone entering the licensed premises.

3 Noise Sources & Control

3.1 The applicant has considered the relevant potential sources of noise set out in Appendix 11 below, with an overview of how each potential source of noise is prevented or mitigated:

3.1.1 *music and human voices, both amplified and unamplified:*

- Music levels controlled and played at level typically associated with restaurant use.
- Reception lobby installed.
- High building specification and standard of fit out to prevent noise breakout.
- Model Condition 12 to prevent noise emanating from the premises causing a nuisance.

3.1.2 *other internal activities*

- Not applicable / see above.

3.1.3 *use of open areas*

- External Area Management Plan implemented to ensure professional and responsible management of external seating.
- Model Condition 19 proposed meaning any external furniture cannot be used after 23.00 in accordance with Policy PN1.
- External seating subject to ongoing review and monitoring under the pavement licensing process.

3.1.4 *patrons queuing*

- Staggered reservation times to prevent customers arriving en masse.
- Ample internal space in reception and bar area to immediately welcome and hold customers inside.

3.1.5 *patrons and staff entering and leaving the Restaurant and in its vicinity*

- Dispersal policy (see below)

Appendix 11 Submission: Redacted Restaurant 26 – 29 Drury Lane

3.1.6 vehicles arriving, waiting, parking and departing

- Vehicles not permitted to loiter, leave engines running, drivers talk loudly or otherwise engage in any activity that may cause a nuisance or block the highway.
- As above, please refer to Dispersal Policy below.

3.1.7 deliveries and collections including refuse and collection of recyclable materials

- Servicing & Waste policies implemented to minimise impact of this activity on the local amenity.
- Servicing and Waste management plan scrutinised and approved under planning process

3.1.8 plant, machinery and associated equipment

- Considered and assessed as part of Noise Impact Assessment at planning stage in accordance with City Council's noise criteria.

4 Planned Management Measures for Control of Noise

- 4.1 The applicant will implement wide-ranging measures for the control of noise in order to promote the prevention of public nuisance licensing objective, comply with Policy PN1 and in accordance with noise conditions imposed on the development planning consent:
- 4.1.1 Robust licence conditions to control the use of the restaurant and promote the licensing objectives.
 - 4.1.2 An extremely high standard of build and fit out to prevent noise breakout within the mixed-use development building and outside the premises.
 - 4.1.3 Installation and use of high specification audio and sound generating systems.
 - 4.1.4 Comprehensive management systems covering all aspects of the restaurant's operation, including an operational management plan; thorough staff training programmes and a dispersal policy (see below).
- 4.2 The applicant addresses the criteria set out in Appendix 11 as follows:
- 4.2.1 *Hours of operation* – licensable activities provided in accordance with Core Hours Friday – Wednesday (an extra 30mins only on Thursday) and time for winding down.
 - 4.2.2 *Location of entry and departure points* – clear entry and exit on accessible thoroughfare (Drury Lane).
 - 4.2.3 *Door control* – supervised by reception staff in ground floor reception lobby.
 - 4.2.4 *Control and prevention of queuing* – controlled by staggered reservation times and supervised by reception staff in ground floor reception lobby.
 - 4.2.5 *Control of amplified and unamplified music and voices* – music provided consistent with restaurant use and robust noise attenuation works safeguarded by Model Condition 12.
 - 4.2.6 *Steps to be taken to achieve good behaviour outside and within the premises* – highest standards of professional management demanded by applicant leadership team and zero tolerance of unreasonable patron behaviour whether inside or outside the premises.
 - 4.2.7 *Communication with customers (signs, announcements and other means)* – Model Condition 21 proposed.

Appendix 11 Submission: Redacted Restaurant 26 – 29 Drury Lane

- 4.2.8 *Management of use of outdoor areas* – please refer to External Area Management plan.
- 4.2.9 *Steps to be taken to ensure customers leave quietly* – please refer to Dispersal Policy.
- 4.2.10 *Advice to customers on departure routes* - please refer to Dispersal Policy.
- 4.2.11 *Stewarded access to taxis and licensed mini-cabs* - please refer to Dispersal Policy.
- 4.2.12 *Arrangements for dedicated taxi or licensed minicabs to collect patrons in a manner so as to minimise any disturbance* - please refer to Dispersal Policy.
- 4.2.13 *Arrangements for staff and patron parking* – NA – the premises is extremely well serviced by public transport links.
- 4.2.14 *Limits set on hours for servicing and delivery* – Model Conditions on servicing and delivery proposed and subject to servicing and management procedures under the planning controls. Conditions proposing servicing times between 20:00 – 08:00.
- 4.2.15 *Guidance to drivers to limit noise during deliveries* - subject to servicing and management procedures under the planning controls.
- 4.2.16 *Communications with suppliers and service providers* - Model Conditions on servicing and delivery proposed that will be subject to servicing and management procedures under the planning controls and regularly monitored by the applicant.
- 4.2.17 *Providing quiet means for storage and movement of waste and recycling materials* – Model Condition 34 proposed.

5 Noise Criteria

5.1 The criteria set out in Policy PN1 are addressed as follows:

Noise and Vibration

5.2 Noise mitigation measures set out above have been implemented.

5.3 Model conditions are included in the existing premises licence addressing noise and vibration, including Model Condition 12:

5.3.1 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.

5.4 The fabric of the building and high standard of fit out will provide a high level of sound insulation. This provides the applicant with an excellent starting position before implementing further noise mitigation controls.

5.5 The following additional controls are in place:

5.5.1 Limiting music noise levels

5.5.2 Installation of sound absorbent furnishings

5.5.3 Use of reception lobby at main ground floor entry/exit point

5.5.4 Strategic mounting of speakers

5.5.5 Consideration of noise impact assessment produced by developer acoustic consultant

5.6 Plant noise is compliant with and in accordance with emission criteria recommended by the City Council and development noise report. This ensures that noise and vibration from the plant machinery does not cause a nuisance.

5.7 Management controls are implemented to ensure residents are not disturbed by noise from the restaurant in accordance with Policy PN1.

Eating, Drinking and Smoking Outside Premises

- 5.8 Please refer to the External Area Management Plan.
- 5.9 Model Condition 19 prevents external tables and chairs being used after 23:00hrs in accordance with Policy PN1.
- 5.10 This area is used as a controlled and dedicated smoking area.
- 5.11 The applicant does not expect a significant number of smokers. In any event, smokers will be supervised at street level to ensure they do not obstruct the highway and do not cause a nuisance.
- 5.12 A Smoking Policy is included below.

6 External Area Management Plan

- 6.1 Any external area will be subject to Model Condition 19 and an ongoing requirement to obtain a temporary Pavement Licence.
- 6.2 The objective of these procedures is to ensure the restaurant's outdoor tables and chairs are used responsibly by customers and managed professionally by all members of staff.
- 6.3 All members of staff must be committed to being responsible neighbours to local residents in accordance with a duty to ensure the operation of the restaurant and the outside seating does not have any adverse impact on the local residents.
- 6.4 The procedures must be followed at all times without exception. As well as preventing the risk of noise nuisance caused by customers using the external seating, it is also important to ensure the furniture does not block the pavement.
- 6.5 The outdoor tables and chairs must only be used during the permitted hours. Under no circumstances whatsoever can the outside seating be used outside these hours.
- 6.6 Outside the permitted hours the tables and chairs must be rendered unusable by either:
 - 6.6.1 Quietly bringing the tables and chairs inside; and/or
 - 6.6.2 Quietly tilting/folding/securing the chairs so that they are rendered unusable.
- 6.7 The external furniture must be positioned in accordance with the plan appended to the Pavement Licence. Furniture will be fitted with rubber feet and will be lifted, not dragged.
- 6.8 The area must be regularly monitored to ensure the furniture does not encroach onto the pavement and cause an obstruction to members of the public passing by.
- 6.9 Under no circumstances may any additional tables and chairs be placed outside the premises.
- 6.10 Customers must not be permitted to move the outside tables and chairs from one designated position to another.
- 6.11 Staff must regularly monitor and patrol the outside area at all times the premises are open to ensure these rules are complied with. Staff must ensure customers do not use the outside seating outside

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the permitted hours.

- 6.12 Customer behaviour that may cause a disturbance or nuisance to local residents will not be tolerated. Examples of this type of behaviour include shouting; raised voices; intoxication; unruly; and/or any other form of antisocial behaviour.
- 6.13 In the event a customer demonstrates behaviour contrary to these rules the duty manager must immediately ask the customer to quieten down and respect local residents. If the customer fails to comply with a first warning that customer must be politely asked to leave the premises.
- 6.14 An incident log should be recorded and maintained in respect of all incidents occurring in the outside seating area. Relevant incidents include: customers acting otherwise than in accordance with these rules; attempted unauthorised use of the seating outside the permitted hours; complaints received by customers; complaints received by local residents; any unauthorised use of the outside seating including customer attempts to reposition the seating layout; accidents; and any other relevant incidents. The incident log must be regularly checked by a member of management.
- 6.15 Customers smoking in outside areas shall not be permitted to cause obstruction of the highway to passers-by.
- 6.16 Regular litter and glass collections shall be carried out in all outside areas

7 Smoking Policy

- 7.1 Customers will be permitted to use Drury Lane to smoke during operational times.
- 7.2 Customers smoking at street level will be monitored by reception staff to ensure they do not obstruct the highway nor cause a nuisance.
- 7.3 Smokers will not be permitted to take drinks outside.
- 7.4 The application proposes Model Condition 57 and:

Patrons permitted to temporarily leave and then re-enter the premises e.g. to smoke, shall be limited to 10 persons at any one time.

8 Dispersal Policy

8.1 The objective of the Dispersal Policy is to ensure a quiet, controlled and swift dispersal of customers.

8.2 The Dispersal Policy promotes a professional and responsible management of customers as they leave to ensure they make their journey home without any adverse impact on local residents.

Entrances and Exits

8.3 The main entrance and exit is situated on Drury Lane. This will be managed by reception staff inside at all times.

8.4 At peak periods, additional staff will be employed to assist with the quiet dispersal of customers and to monitor taxis.

Transport

8.5 Customers will arrive and depart by various modes of transport. Customers will be welcomed straight into the restaurant by reception staff to avoid queuing or loitering outside.

8.6 When arriving by private car, customers and drivers will be reminded not to leave engines running unnecessarily, to keep conversation to a minimum and avoid slamming car doors.

8.7 The restaurant is well serviced by public transport links, as set out below. Staff will be familiar with the transport links and will advise customers where required.

Tube

8.7.1 The following tube stations are located within walking distance of the restaurant and benefit from the extended night-tube times:

8.7.1.1 Covent Garden Underground Station.

8.7.1.2 Leicester Square Underground Station.

8.7.1.3 Tottenham Court Road Underground Station.

8.7.1.4 Holborn Underground Station.

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8.7.2 Where necessary customers will be given directions to the relevant station and reminded to reach the station as quietly and as quickly as possible when they leave.

8.8 Taxi

8.8.1 Black cabs are readily available right through the day and night in Covent Garden. Customers will be encouraged to go directly into a waiting cab when leaving the restaurant.

8.8.2 Any customer wishing to leave the restaurant by taxi / private hire vehicle will be required to book a taxi in advance and remain in the restaurant until their vehicle has arrived.

8.8.3 Staff will assist customers and guests calling a taxi if required.

8.8.4 Other forms of app based (e.g. uber) taxis will also be used by customers. Customers will be encouraged to wait inside the restaurant until their taxi has arrived to ensure a quick and quiet exit.

9 Closing Procedure

9.1 Management controls will be implemented to ensure that the closing procedure has no adverse impact on local residents. The procedure facilitates a quick and quiet closure of the restaurant.

9.2 Management controls include:

9.2.1 Ensuring all customers are off the premises by the authorised closing times.

9.2.2 A prompt clean and clear up of the restaurant as soon as possible after closure.

9.2.3 Employees must leave the restaurant quickly and quietly, at all times following the Dispersal Policy set out above.

9.2.4 Employees are not permitted to loiter outside the restaurant or smoke in the vicinity after closing.

There is no licence or appeal history for the premises.

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

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

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

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

Mandatory Conditions

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

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

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

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

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

Conditions consistent with the operating schedule

9. Save for persons in the area hatched on the licence plan and persons attending pre booked private functions, the consumption of alcohol on the premises shall only be to seated persons consuming a table meal at the premises served by waiter or waitress, including any outside area.
10. 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.
11. With the exception of any external area licensed by Westminster City Council for the placing of tables and chairs where persons may only consume alcohol when taking a table meal and be seated, all sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
12. No sales of alcohol for consumption off the premises after 23.00.
13. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
14. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
15. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
16. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23:00 and 08:00 hours on the following day.
17. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises and that this area shall be swept and or washed and litter and sweeping collected and stored in accordance with the approved refuse storage arrangements by close of business.
18. 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.
19. 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.
 - f) 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.

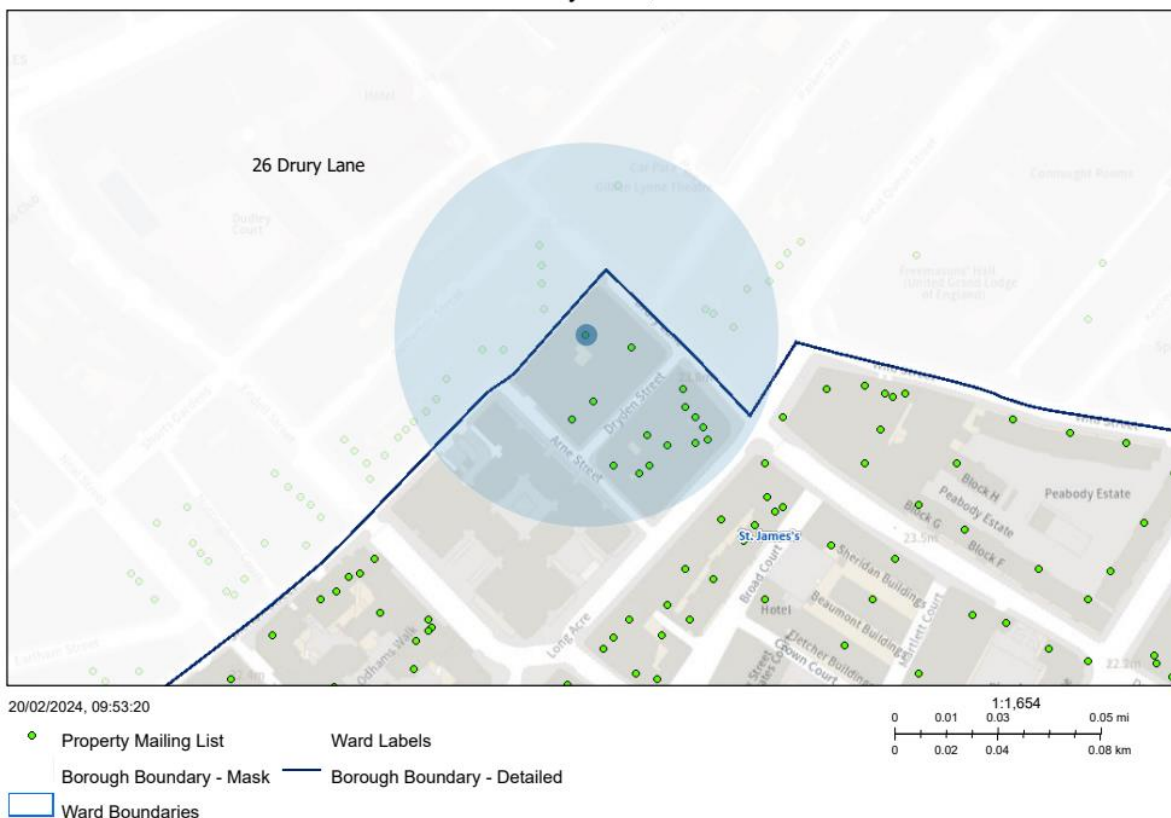
20. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - a) all crimes reported to the venue
 - b) all ejections of patrons
 - c) 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
21. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
22. All outside tables and chairs shall be rendered unusable in the outside area by 23:00 hours each day.
23. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
24. 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.
25. Patrons permitted to temporarily leave and then re-enter the premises e.g. to smoke, shall be limited to 10 persons at any one time.
26. There shall be no take away service of food or drink for immediate consumption.
27. No deliveries to the premises shall take place between 20:00 and 08:00 on the following day except for deliveries of fresh produce which are permitted from 07:00 provided that they are made by hand or with a pneumatic wheel trolley, without the use of roll cages and/or tail lifts. Deliveries of fresh produce shall include dairy, bread, fresh fruit and vegetables.
28. A copy of the premises' dispersal policy shall be made readily available at the premises for inspection by a police officer and/or an authorised officer of Westminster City Council.
29. All pre-booked private events at the premises shall be risk assessed. The risk assessment shall be checked, and the event authorised by the general manager, or in their absence, a nominated deputy. The written risk assessment shall be specific to the event and made available to the Police and licensing authority upon their request. Consideration will be given for the need of SIA door supervisors.
30. There shall be no sales of hot food or hot drink for consumption off the premises after 23:00 hours each day.
31. The name and address of any person hosting a pre-booked private event shall be kept at the premises at all times and shall be made available on demand for inspection by Responsible Authority officers.
32. There shall be no externally promoted DJ-led events at the premises at any time.

33. All outside tables and chairs on Drury Lane shall be rendered unusable by 23:00 hours each day.
34. The premises licence holder shall at all times comply with an Operational Management Plan (OMP) which may be amended from time to time. Such copies of this document shall be made request. The OMP shall be reviewed regularly and whenever the licence holder is made aware of issues associated with its operation. If the premises licence holder seeks to amend or vary the OMP in a way which may adversely effect the licensing objectives, the licensing authority and police shall be notified in writing of the proposals and their views (if any) taken into account.
35. The licence holder shall ensure that all queue to enter the premises which forms outside the premises is orderly and supervised by staff so as to ensure that there is no public nuisance or obstruction to the public highway.
36. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
37. Before the premises open to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where there are minor changes to the premises layout during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.
38. 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.

Conditions proposed by the Environmental Health

None

26 - 29 Drury Lane, London



Resident Count: 16

Licensed premises within 75m of The Randall Institute, 26 - 29 Drury Lane, London				
Licence Number	Trading Name	Address	Premises Type	Time Period
17/14798/LIPN	Not Recorded	30 - 35 Drury Lane London WC2B 5RH	Shop	Monday; 06:00 - 00:00 Tuesday; 06:00 - 00:00 Wednesday; 06:00 - 00:00 Thursday; 06:00 - 00:00 Friday; 06:00 - 00:00 Saturday; 06:00 - 00:00 Sunday; 06:00 - 00:00
23/09140/LIPRW	Caravan Covent Garden	36 Drury Lane London WC2B 5RR	Not Recorded	Sunday; 08:00 - 22:30 Monday to Thursday; 07:00 - 00:00 Friday to Saturday; 07:00 - 00:30
23/03858/LIPDPS	Lowlander Grand Cafe	36 Drury Lane London WC2B 5RR	Public house or pub restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
22/10585/LIPN	Club Soda	39 Drury Lane London WC2B 5RR	Shop	Sunday; 10:00 - 22:00 Monday to Saturday; 10:00 - 23:00

24/00440/LIPDPS	Freemasons Arms Public House	81 - 82 Long Acre London WC2E 9NG	Public house or pub restaurant	Sunday; 12:00 - 22:50 Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00
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City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	6 March 2024
Licensing Ref No:	23/08842/LIPV – Premises Licence Variation
Title of Report:	Penelopes Drury House 34-43 Russell Street London WC2B 5HA
Report of:	Director of Public Protection and Licensing
Wards involved:	St James's
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Roxsana Haq Senior Licensing Officer
Contact details	Telephone: 020 7641 6500 Email: rhaq@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	4 December 2023		
Applicant:	Manex Properties Limited		
Premises:	Penelopes		
Premises address:	Drury House 34-43 Russell Street London WC2B 5HA	Ward:	St James's
		Cumulative Impact Area:	None
		Special Consideration Zone:	East Covent Garden
Premises description:	The premises is a restaurant on the ground floor of the Amano Hotel.		
Variation description:	<p>This application is to extend the terminal hours for Licensable Activities at the Premises, by 1 hour and 30 minutes daily, and to extend the Opening Hours by 2 hours daily.</p> <p>In support of the above, the Applicant proposes replacing the current Last Entry Condition (Condition 30) with Westminster's Model Condition 15: MC15 - There shall be no admittance or re-admittance to the premises after 23.00 Monday to Thursday, 23:30 Friday and Saturday, and 22:00 Sunday, except for patrons permitted to temporarily leave the premises (e.g. to smoke, make a phone call).</p>		
Premises licence history:	The premises has been licenced since 2016 the current licensee has held the licence since June 2021. A full history can be found at Appendix 3 .		
Applicant submissions:	None.		
Applicant amendments:	Following mediation with interested parties the applicant has agreed to further conditions which can be seen at Appendix 4 .		

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

Late night refreshment						
Indoors, outdoors or both		Current :			Proposed:	
		Indoors			No change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	23:30	23:00	01:00	As shown in plan appended to the licence	No change
Tuesday						
Wednesday						
Thursday						
Friday	23:00	00:00	23:00	01:30		
Saturday						
Sunday	N/A	N/A	23:00	00:00		
Seasonal variations/ Non-standard timings:		Current:			Proposed:	
		Sundays before Bank Holidays: 23:00 to 00:00 From the end of hours on New Years Eve to the start of hours on New Years Day.			Sundays prior to bank holidays, hours to be as Saturdays. On the morning of BST commencing, all hours to be increased by 1 hour.	

Sale by Retail of Alcohol										
On or off sales		Current :			Proposed:					
	Current Hours		Proposed Hours		Licensable Area					
	Start:	End:	Start:	End:	Current:	Proposed:				
Monday	10:00	23:30	10:00	01:00	As shown in plan appended to the licence	No change				
Tuesday										
Wednesday										
Thursday										
Friday							10:00	00:00	10:00	01:30
Saturday										
Sunday	12:00	22:30	12:00	00:00						
Seasonal variations/ Non-standard timings:		Current:			Proposed:					
		Sundays before Bank Holidays: 23:00 to 00:00 From the end of hours on New Years Eve to the start of hours on New Years Day.			Sundays prior to bank holidays, hours to be as Saturdays. On the morning of BST commencing, all hours to be increased by 1 hour.					

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	08:00	23:30	08:00	01:30	As shown in plan appended to the licence	No change
Tuesday						
Wednesday						
Thursday						
Friday	08:00	00:00	08:00	02:00		
Saturday	08:00	22:30	08:00	00:30		
Sunday						
Seasonal variations/ Non-standard timings:	Current:			Proposed:		
	Sundays before Bank Holidays: 23:00 to 00:00 From the end of hours on New Years Eve to the start of hours on New Years Day.			Sundays prior to bank holidays, hours to be as Saturdays. On the morning of BST commencing, all hours to be increased by 1 hour.		

1-C Layout alteration
There are no layout changes being sought.

1-D Conditions being varied, added or removed.		
Condition	Proposed variation	
Condition 30. Last entry time for customers to the premises is 30 minutes prior to the end of licensable activities.	There shall be no admittance or re-admittance to the premises after 23.00 Monday to Thursday, 23:30 Friday and Saturday, and 22:00 Sunday, except for patrons permitted to temporarily leave the premises (e.g. to smoke, make a phone call).	
Adult entertainment:	Current position:	Proposed position:
	None	None

2. Representations

2-A	Responsible Authorities
Responsible Authority:	Environmental Health Consultation Team
Representative:	Sally Fabbriatore
Received:	28 December 2023

Licensing Act 2003

Penelope's, Drury House, 34-43 Russell Street, London, WC2B 5HA

I refer to the variation application for the Premises Licence, 22/11794/LIPDPS, for the above premises.

The premises are situated in the East Covent Garden Special Consideration Zone as stated in City of Westminster's Statement of Licensing Policy.

This representation is based on the Operating Schedule and the plans attached to the current licence.

The applicant is seeking the following on the **ground floor**, to increase the terminal hour for the current licensable activities of Late Night Refreshment and the Sale of Alcohol to Monday to Thursday until 01:00 hours, Friday and Saturday until 01:30 hours and Sunday until 00:00 hours. To also allow the non-standard timings of Sunday's prior to bank holidays, hours to be as Saturdays and on the morning of BST commencing, all hours to be increased by 1 hour.

I wish to make the following representation in relation to the above application, the increase of hours for licensable activities may cause an increase in Public Nuisance in the area.

The granting of the variation as presented would have the likely effect of causing an increase in Public Nuisance in the area.

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

Sally Fabbriatore
Environmental Health – Senior Practitioner

2-B Other Persons			
Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or objection:	OBJECTION
Received:	31 Dec 2023		

I completely object to this variation application. Previously, the same venue had caused noise issues to the neighbourhood in crown court by playing loud DJ music that surpassed the noise limit. It also did not control their customers appropriately, which resulted in nuisance at late night in crown court, including loud talking, drunken shouting, and increased footfall in crown court during night time, and disturb neighbours in crown court and Martlett Court. It also invited smokers loitering around the areas, and littering. This application described that the venue would allow customers to go out for calls and cigarettes after 12am midnight, which are the exact conducts that neighbours have complained before and do not want to have in the areas. Given the previous history and track record of the venue, I do not have full confidence that the venue could manage not causing disturbance to the neighbours.

Further submissions received on 21 February 2024:

Dear Roxsana

Further to my email yesterday, pls see my comments below. For these reasons, I am not comfortable with the revised proposal and would maintain my original objection.

1. The revised condition clause 1 and 2 contradict each other. While clause 1 notes no glassware permitted to be brought outside, clause 2 states otherwise (inferring from the fact that they state they would allow drinking outside). This does not provide me sufficient comfort that the license holder will ensure none of their patrons will be standing outside in late night drinking, which could cause noise and disturbance to the surrounding environment.
2. Clause 5 noted that the licence holder will “ensure that all staff are informed of the need to enter and leave the Premises quietly”. This language doesn’t provide me sufficient comfort on the license holder’s effort to educate and ensure their staff not to cause noise or disturbance to the surrounding environment. It should be the license holder’s responsibility to hold their staff accountable, hence, in my view, the language should reflect this fact. For instance, the language below better reflects the license holder’s responsibility that they should commit to bear:

“ensure that all staff are informed of the need to entre and leave the Premises quietly....”.
3. Clause 6 stated the license holder’s intention to deploy staff/ door supervisor to patrol surrounding areas, but subject to “a risk assessment”. I don’t take much comfort from this and think this condition is loose enough to allow leeway for it to be interpreted by the license holder as they wish. The license holder should clarify how many staff they intend to deploy, and also clarify what their “risk assessment” entails. They should also be clear about under what condition based on their “risk assessment” they will not deploy staff/ door supervisor to patrol surrounding areas.

Pls do not hesitate to contact me should you have any questions.

Kind regards,

Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or objection:	OBJECTION
Received:	31 Dec 2023		
<p>Noise and late night disturbance have increased significantly since the opening of Penelope Restaurant and Amano Hotel.</p> <p>As it is, weekly disco nights on Saturday (and additional events) have increased the number of party goers, who then linger on Crown Court and wander around in groups disturbing those who have the misfortune to live in Charter House. We do not want to encourage even more disturbances into the early morning hours.</p> <p>Westminster Council seems to have forgotten that Crown Court (a pedestrian walkway) is a residential area where families and older people live. I would like to sleep on my schedule, not one dictated by events at Amano Hotel.</p> <p>Amano Hotel continues to steadily encroach upon our neighbourhood. Deliveries to entrance on Crown Court begin as early as 5.00am and the Hotel has now appropriated public space for permanent outdoor storage (covered by tarpaulin) of unused items.</p> <p>Please do not allow Amano to continue encroaching on us, at what point will the well being of residents in Charter House be seriously considered?</p>			

Name:		[REDACTED] (WITHDRAWN)	
Address and/or Residents Association:		[REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or objection:	OBJECTION
Received:	21 Dec 2023		
<p>Penelope's is a restaurant. They host weekly events that involve dancing and loud music with DJ's.</p> <p>The main entrance opens into Crown Court which is a residential area. It already emits and echoes noise towards and upwards to the residential blocks that face it. When people spill onto Crown Court they make considerable noise.</p> <p>Absent traffic or ambient noise late at night, the noise echoes significantly more into the Court and disturbs local residents in the adjacent building. It is almost impossible to supervise or policing noise levels there, especially when people are in high spirits and/or under the influence of alcohol or other stimulants.</p> <p>Our building management board has had previous noise issues at this property (albeit dealt with amicably). A daily late license, particularly early mornings on weekends will further degrade the amenity and sleeping conditions of all those living locally.</p> <p>I personally do not reside locally now, but I have tenants in my apartment who do reside locally.</p> <p>Following mediation, the interested party withdrew their representation on 21.02.2024</p>			

Name:		██████████ (WITHDRAWN)	
Address and/or Residents Association:		██████████ ██████████ ██████████	
Status:	Valid	In support or objection:	OBJECTION
Received:	21 Dec 2023		
<p>We as residents of Martlett Court estate (Sheridan, Beaumont and Fletcher buildings), have not been informed by either WCC or CGRA, such an application was being considered, as we are a residential community of 100 years, with approximately 120 flats which equals 240 people, a 2am alcohol licence would equal more noise, nuisance etc.</p> <p>We are friends of the Amano Hotel and restaurant and bars and have huge affection for the manager - but such a late closing is not considerate to a residential setting of children, elderly and professionals who will likely be disturbed.</p> <p>Following mediation, the interested party withdrew their representation on 22.02.2024</p>			

Name:		██████████ (WITHDRAWN)	
Address and/or Residents Association:		██████████ ██████████ ██████████	
Status:	Valid	In support or objection:	OBJECTION
Received:	21 Dec 2023		
<p>Penelope's is a restaurant. They host weekly events that involve dancing and loud music with DJ's.</p> <p>The main entrance opens into Crown Court which is a residential area that echoes noise. Late at night when there is little traffic or ambient noise any sound echoes in the Court and disturbs local residents in the adjacent building. No amount of supervision or policing will stop people walking around, smoking and talking loudly under the influence of high spirits and alcohol.</p> <p>We have had previous noise issues at this property (albeit dealt with amicably) and feel that a daily late licence and particularly 2am on weekends will greatly affect local residents.</p> <p>I am very concerned that our residential area is becoming more and more noisy and little consideration seems to be given to locals.</p> <p>Following mediation, the interested party withdrew their representation on 21.02.2024</p>			

Name:		██████████ (WITHDRAWN)	
Address and/or Residents Association:		██████████ ██████████ ██████████	
Status:	Valid	In support or objection:	OBJECTION
Received:	1 Jan 2024		
<p>The CGCA is making a Representation regarding this application because of the impact on the Public Nuisance Licensing Objective.</p> <p>This is an application for a Licence Variation for extend the hours of operation of Penelope's, a restaurant situated on the ground Floor of the Amano Hotel. The main entrance of the</p>			

restaurant is situated at the corner of Crown Court and Russell Street. The entrance of the hotel (which also allows access to the restaurant) is situated at the corner of Russell Street.

The restaurant is currently licenced to WCC's Core Hours and has a series of conditions, including last entry 30 minutes before closing. The application is to extend the hours for licensable activities but maintains the last entry times.

The impact of the variation is therefore:

- More people are likely to come to the premises in the period before the current last entry times as they will have longer to eat their meal.
- People will leave the premises more gradually, but until a much later time, than currently
- Customers smoking will be outside the premises until 2 hours later than currently (01:30/02:00 instead of 23:30/00:00).

The concern of the CGCA, on behalf of residents, is that the later hours of operation will have an impact on residents in the surrounding area through noise, especially those living in the residential buildings in the vicinity of Crown Court. Residents in these buildings have told us that they have already experienced public nuisance because of noise from users of the restaurant during its current hours. These have been reported to the Hotel who have taken steps to manage this. However, with the later hours of operation the impact would be likely to be even greater.

The CGCA believes that the application should be refused.

We believe that the impact could however, be mitigated, by reflecting the following in appropriate conditions.

1. After the last entry time to the premises all egress should be via the main hotel entrance, and not the entrance at the Crown Court, Russell Street corner. This will ensure that customers do not exit onto Crown Court, which is a quiet pedestrianised area. After this time this entrance should be used only in an emergency.
2. The current smoking area is on Russell Street and should be marked on the plan in accordance with condition 32 of the current licence. It is not marked as required. We assume that it is currently at the Western end of the premises. We believe that after the last entry time it should be moved to the Eastern end of premises, closer to the main hotel entrance. Both areas should be marked on the plan.
3. Customers leaving the premises via taxi or PHV after the time when the Crown Court entrance is closed will be encouraged to wait inside the hotel lobby until their transport has arrived.

We believe that if these 3 additional requirements are placed on the licence then the impact of the variation on the Licensing Objectives will be minimised.

We hope that this representation is clear and ask that you advise us well in advance of any meeting at which this application will be discussed.

Yours faithfully,

██████████ - CGCA Licensing Sub-Committee

Following the agreement of conditions the CGCA withdrew their representation on 23.02.2024.

3. Policy & Guidance

The following policies within the City of Westminster Statement of Licensing Policy apply:	
Restaurant Policy RNT1 applies	<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 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 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.
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

	<p>they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation.</p> <ol style="list-style-type: none"> 3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed. 4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises. 5. The proposed hours when any music, including incidental music, will be played. 6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises. 7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity. 8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night. 9. The capacity of the premises. 10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation. 11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely. 12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises. 13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives. 14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications. <p>C. For the purpose of Clauses A and B above, the Core Hours for applications for each premises use type as defined within this policy are:</p> <p style="margin-left: 40px;">8. Restaurants Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to Midnight. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to Midnight.</p> <p>D. Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted</p>
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	<p>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>
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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

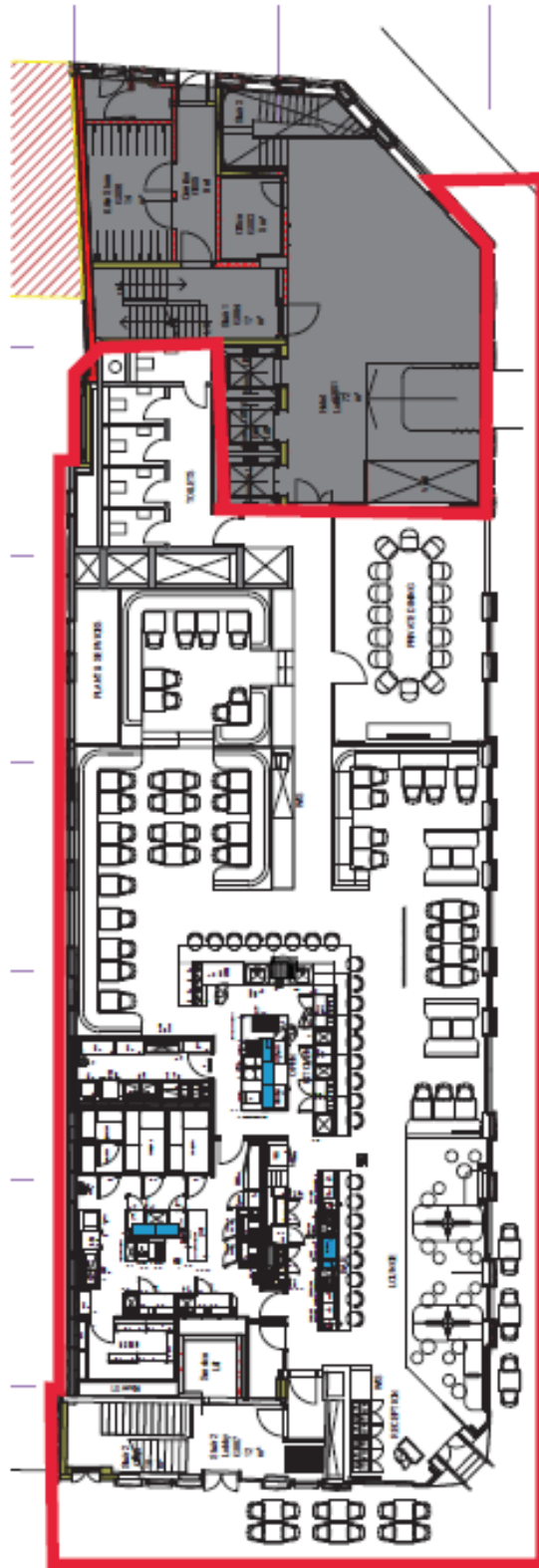
Report author:	Ms Roxsana Haq Senior Licensing Officer
Contact:	Telephone: 020 7641 6500 Email: rhag@westminster.gov.uk


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	07 January 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	December 2023
4	Cumulative Impact Assessment	04 December 2023
5	Environmental Health representation	28 December 2023
6	Interested Party 1	31 December 2023
7	Interested Party 2	31 December 2023
8	Interested Party 3 (<i>withdrawn 21.02.2024</i>)	21 December 2023
9	Interested Party 4 (<i>withdrawn 22.02.2024</i>)	21 December 2023
10	Interested Party 5 (<i>withdrawn 21.02.2024</i>)	21 December 2023
11	Interested Party 6 (<i>withdrawn 23.02.2024</i>)	01 January 2024

IMPORTANT:- Licensable activities can take place anywhere within the red line. The position of loose furniture and equipment is shown for diagrammatic purposes only. Firefighting equipment is indicated but may be moved subject to the fire risk assessment carried out under the Regulatory Reform (Fire Safety) Order 2005 or by agreement with the fire officer.



	Drawn by	CJ	Checked by	DAK/ML
	Issue	04/06/2022	Drawn by	24/06/2022
Approved Location Permitted Restaurant CSE All tables must use fire proof mats. If a table needs to not be, it must be a table.		Scale	M 1:50	
		GP		A3 04/06/22

Applicant Supporting Documents

Appendix 2

There are no submissions from the applicant.

Licence & Appeal History (there is no appeal history)

Application	Details of Application	Date Determined	Decision
16/02519/LIPN	New premises licence application	26.05.2016	Granted in full by Licensing Sub-Committee
17/10508/LIPT	Transfer application from GFS Turkish Restaurants Limited to Qoot BC1 UK Limited	04.10.2017	Granted under delegated authority
17/10516/LIPDPS	Vary DPS	04.10.2017	Granted under delegated authority
17/12080/LIPV	Major refurbishment of premises. Layout changes	19.01.2018	Granted under delegated authority
18/01370/LIPVM	Layout change and vary condition 26 to read: In relation to the front left dining area only, before the premises opens to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.	27.02.2018	Granted under delegated authority
18/06588/LIPVM	To remove works conditions	20.06.2018	Granted under delegated authority
21/05414/LIPT	Transfer licence holder to Manex Properties Limited	01.07.2021	Granted under delegated authority
22/07253/LIPVM	Vary layout and add works conditions	16.08.2022	Granted under delegated authority
22/08298/LIPVM	Replace works conditions	22.09.2022	Granted under delegated authority
22/11794/LIPDPS	Vary DPS	23.12.2022	Granted under delegated authority



Schedule 12
Part A

WARD: St James's
UPRN: 100023430695

City of Westminster

64 Victoria Street, London, SW1E 6QP

Premises licence

Regulation 33, 34

Premises licence number:

22/11794/LIPDPS

Original Reference:

16/02519/LIPN

Part 1 – Premises details

Postal address of premises:

Penelope's
Drury House
34-43 Russell Street
London
WC2B 5HA

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Late Night Refreshment
Sale by Retail of Alcohol

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

Late Night Refreshment

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

Non-standard Timings: From the end of hours on New Years Eve to the start of hours on New Years Day.

Sale by Retail of Alcohol

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

Non-standard Timings: From the end of hours on New Years Eve to the start of hours on New Years Day.

The opening hours of the premises:

Monday to Thursday: 08:00 to 23:30
Friday to Saturday: 08:00 to 00:00
Sunday: 08:00 to 22:30
Sundays before Bank Holidays: 08:00 to 00:00

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

Alcohol is supplied for consumption on the Premises.

Part 2

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

Manex Properties Limited
10A Chandos Street
London
United Kingdom
W1G 9DQ

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

11534324

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

Name: Simon Galic

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: 02886
Licensing Authority: London Borough of Lambeth

Date: 23rd December 2022

Signed:



pp

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

Annex 1 – Mandatory conditions

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

- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either –
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.

7. The responsible person must ensure that –

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

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

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

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

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

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

Where -

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

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

Annex 2 – Conditions consistent with the operating Schedule

None

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

9. 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.
10. The number of persons permitted in the premises at any one-time (excluding staff) shall not exceed 150 persons.
11. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
12. There shall be no sale of alcohol for consumption 'off the premises.
13. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 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 premise 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. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
17. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
18. 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.
19. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
20. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
21. 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.

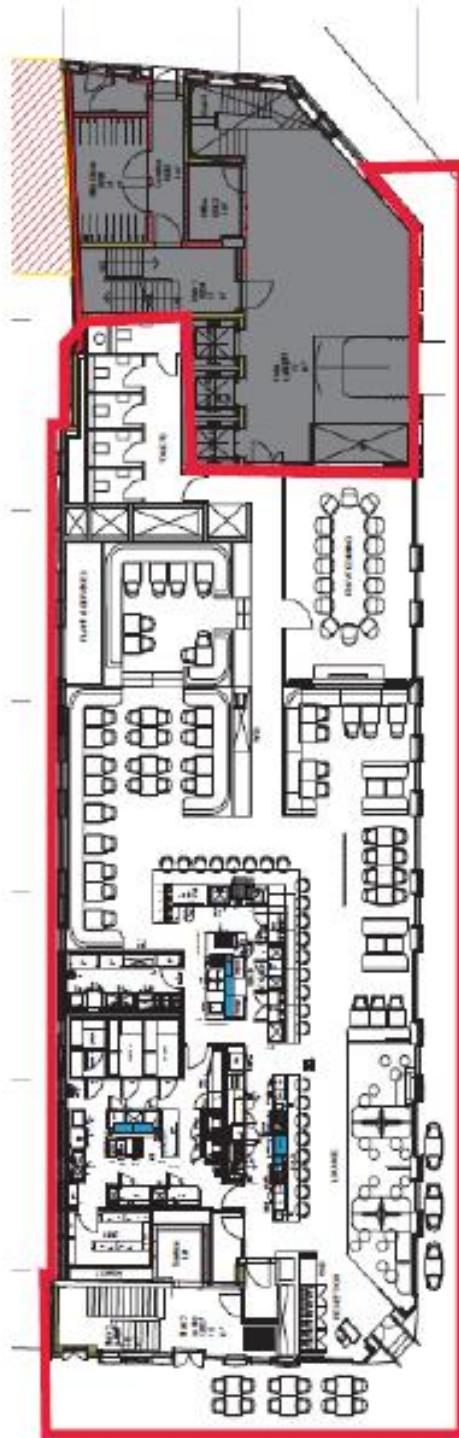
22. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
23. Waste collection from the premises to take place only within the following hours: 08:00 - 20:00 Mondays to Saturdays and 10:00 - 20:00 on Sundays.
24. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service
25. Deliveries to the premises to take place only within the following hours: 08:00 - 20:00 Mondays to Saturdays and 10:00 - 20:00 on Sundays. Drivers must stop on Russell Street only.
26. All outside tables and chairs shall be rendered unusable by 22:00 each day in Russell Street and by 20:00 in Crown Court or in accordance with the terminal hour as set out in any tables and chairs permission granted by the City Council, whichever is the earlier.
27. Patrons permitted to temporarily leave and then re-enter the building e.g. to smoke, shall not be permitted to take drinks or glass containers with them. This does not apply to customers seated within the external private forecourt area who are taking substantial meals within that area.
28. The premises shall only operate as a restaurant
 - (i) in which customers are shown to their table,
 - (ii) where the supply of alcohol is by waiter or waitress service only,
 - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non-disposable crockery,
 - (iv) which do not provide any take away service of food or drink for immediate consumption,
 - (v) which do not provide any take away service of food or drink after 23.00, and
 - (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises (including the private forecourt area) and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

Notwithstanding this condition, customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.
29. The area hatched on the plan attached to this premises licence may be used only for those persons who are waiting to be seated at a table in the main restaurant area or for those who have finished a table meal. The service of alcohol in this hatched area shall be by waiter/waitress. The maximum capacity of this hatched area shall be limited to 20 persons.
30. Last entry time for customers to the premises is 30 minutes prior to the end of licensable activities.

31. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
32. Patrons permitted to temporarily leave and then re-enter the premises to smoke shall be restricted to a designated smoking area in Russell Street shown cross-hatched on the plan attached to this premises licence. This area shall be enclosed within appropriate barriers.
33. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 10 persons at any one time.
34. The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.
35. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
36. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 20.00 hours and 08.00 hours on the following day.

Annex 4 – Plans

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



	Drawn: CJ	Checked:
	Stage: Consult	Date: 24.04.2020
		No. 138 Approved by: [Signature] Approved on: 11.04.2020



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

Schedule 12
Part B

WARD: St James's
UPRN: 100023430695

Premises licence
summary

Regulation 33, 34

Premises licence number:

22/11794/LIPDPS

Part 1 – Premises details

Postal address of premises:

Penelope's
Drury House
34-43 Russell Street
London
WC2B 5HA

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Late Night Refreshment
Sale by Retail of Alcohol

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

Late Night Refreshment

Monday to Thursday: 23:00 to 23:30

Friday to Saturday: 23:00 to 00:00

Sundays before Bank Holidays: 23:00 to 00:00

Non-standard Timings: From the end of hours on New Years Eve to the start of hours on New Years Day.

Sale by Retail of Alcohol

Monday to Thursday: 10:00 to 23:30

Friday to Saturday: 10:00 to 00:00

Sunday: 12:00 to 22:30

Sundays before Bank Holidays: 12:00 to 00:00

Non-standard Timings: From the end of hours on New Years Eve to the start of hours on New Years Day.

The opening hours of the premises:

Monday to Thursday: 08:00 to 23:30

Friday to Saturday: 08:00 to 00:00

Sunday: 08:00 to 22:30

Sundays before Bank Holidays: 08:00 to 00:00

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

Alcohol is supplied for consumption on the Premises.

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

Manex Properties Limited
10A Chandos Street
London
United Kingdom
W1G 9DQ

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

11534324

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

Name: Simon Galic

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

Restricted

Date: 23rd December 2022

Signed:



PP

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

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

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

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

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

Conditions: On Current Licence -

Mandatory:

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

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

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

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

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

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

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

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

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

Where -

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

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

Annex 2 – Conditions consistent with the operating Schedule

None

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

9. 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.
10. The number of persons permitted in the premises at any one-time (excluding staff) shall not exceed 150 persons.
11. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
12. There shall be no sale of alcohol for consumption 'off' the premises.
13. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 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 premise 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. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
17. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
18. 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.
19. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
20. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
21. 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.

22. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
23. Waste collection from the premises to take place only within the following hours: 08:00 - 20:00 Mondays to Saturdays and 10:00 - 20:00 on Sundays.
24. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service
25. Deliveries to the premises to take place only within the following hours: 08:00 - 20:00 Mondays to Saturdays and 10:00 - 20:00 on Sundays. Drivers must stop on Russell Street only.
26. All outside tables and chairs shall be rendered unusable by 22:00 each day in Russell Street and by 20:00 in Crown Court or in accordance with the terminal hour as set out in any tables and chairs permission granted by the City Council, whichever is the earlier.
27. Patrons permitted to temporarily leave and then re-enter the building e.g. to smoke, shall not be permitted to take drinks or glass containers with them. This does not apply to customers seated within the external private forecourt area who are taking substantial meals within that area.
28. The premises shall only operate as a restaurant
 - (i) in which customers are shown to their table,
 - (ii) where the supply of alcohol is by waiter or waitress service only,
 - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non-disposable crockery,
 - (iv) which do not provide any take away service of food or drink for immediate consumption,
 - (v) which do not provide any take away service of food or drink after 23.00, and
 - (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises (including the private forecourt area) and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

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

29. The area hatched on the plan attached to this premises licence may be used only for those persons who are waiting to be seated at a table in the main restaurant area or for those who have finished a table meal. The service of alcohol in this hatched area shall be by waiter/waitress. The maximum capacity of this hatched area shall be limited to 20 persons.

30. Last entry time for customers to the premises is 30 minutes prior to the end of licensable activities.

Condition 30 above to be replaced with:

30. **There shall be no admittance or re-admittance to the premises after 23.00 Monday to Thursday, 23:30 Friday and Saturday, and 22:00 Sunday, except for patrons permitted to temporarily leave the premises (e.g. to smoke, make a phone call).**
31. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
32. Patrons permitted to temporarily leave and then re-enter the premises to smoke shall be restricted to a designated smoking area in Russell Street shown cross-hatched on the plan attached to this premises licence. This area shall be enclosed within appropriate barriers.
33. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 10 persons at any one time.
34. The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.
35. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
36. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 20.00 hours and 08.00 hours on the following day.

Conditions agreed with the CGCA so as to form part of the operating schedule:

37. 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.
38. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are properly supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
39. Patrons who have ordered taxis shall be encouraged by the Premises to wait inside the Premises for their taxi, up until 11pm daily, after which they shall be encouraged to wait in the Amano Hotel lobby.
40. The main entrance/exit to the Premises located on the corner of Russell Street and Crown Court, shall be closed and not used (save for in an emergency) by patrons or staff, from 11pm until close of business daily. After that time, all patrons shall leave the Premises by way of the Amano Hotel lobby.
41. The Premises Licence Holder shall ensure that staff are informed of the need to enter and leave the Premises quietly, and are not to congregate at the staff entrance in Crown Court at any time
42. The Premises Licence Holder shall deploy staff/SIA Door Supervisors to patrol the Russell Street/Crown Court area unless a risk assessment shows that this is not necessary to support the Licensing Objectives.

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City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	6 March 2024
Licensing Ref No:	23/09175/LIPN - New Premises Licence
Title of Report:	136 Shaftesbury Avenue London W1D 5EZ
Report of:	Director of Public Protection and Licensing
Wards involved:	St James's
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Kevin Jackaman Senior Licensing Officer
Contact details	Telephone: 0207 641 6500 Email: kjackaman@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	18 December 2023		
Applicant:	Stone Nest		
Premises:	Stone Nest		
Premises address:	136 Shaftesbury Avenue London W1D 5EZ	Ward:	St James's
		Cumulative Impact Area:	West End
		Special Consideration Zone:	None
Premises description:	<p>The premises currently hold a time limited premises licence which expires on 08 April 2024.</p> <p>The applicant is seeking a further time limited licence on the same terms.</p>		
Premises licence history:	<p>The premises have had the benefit of a premises licence since June 2005. Since April 2019 the premises have benefited from a number of time limited premises licences.</p> <p>The most recent time limited licence (licence number (21/14611/LIPN) can be viewed at Appendix 2 of this report.</p> <p>A full licence history for the premises appears at Appendix 4</p>		
Applicant submissions:	None		
Applicant amendments:	None		

1-B Proposed licensable activities and hours							
Plays:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	09:00	09:00	09:00	09:00	09:00	09:00	10:00
End:	02:00	02:00	02:00	02:00	02:00	02:00	00:00
Seasonal variations/ Non-standard timings:	<p>On the morning that Greenwich Mean Time changes to British Summer Time, one hour will be added to the terminal hours of any activities where the existing terminal hour ends after 01.00.</p> <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p> <p>On Sundays immediately prior to Bank Holidays or Public Holidays 10:00 to 03:00</p>						

Films:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	09:00	09:00	09:00	09:00	09:00	09:00	10:00
End:	02:00	02:00	02:00	02:00	02:00	02:00	00:00
Seasonal variations/ Non-standard timings:			<p>On the morning that Greenwich Mean Time changes to British Summer Time, one hour will be added to the terminal hours of any activities where the existing terminal hour ends after 01.00.</p> <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p> <p>On Sundays immediately prior to Bank Holidays or Public Holidays 10:00 to 03:00</p>				

Live music:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	09:00	09:00	09:00	09:00	09:00	09:00	10:00
End:	02:00	02:00	02:00	02:00	02:00	02:00	00:00
Seasonal variations/ Non-standard timings:			<p>On the morning that Greenwich Mean Time changes to British Summer Time, one hour will be added to the terminal hours of any activities where the existing terminal hour ends after 01.00.</p> <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p> <p>On Sundays immediately prior to Bank Holidays or Public Holidays 10:00 to 03:00</p>				

Recorded music:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	09:00	09:00	09:00	09:00	09:00	09:00	10:00
End:	02:00	02:00	02:00	02:00	02:00	02:00	00:00
Seasonal variations/ Non-standard timings:			<p>On the morning that Greenwich Mean Time changes to British Summer Time, one hour will be added to the terminal hours of any activities where the existing terminal hour ends after 01.00.</p> <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p> <p>On Sundays immediately prior to Bank Holidays or Public Holidays 10:00 to 03:00</p>				

Performance of dance:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	09:00	09:00	09:00	09:00	09:00	09:00	10:00
End:	02:00	02:00	02:00	02:00	02:00	02:00	00:00
Seasonal variations/ Non-standard timings:		<p>On the morning that Greenwich Mean Time changes to British Summer Time, one hour will be added to the terminal hours of any activities where the existing terminal hour ends after 01.00.</p> <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p> <p>On Sundays immediately prior to Bank Holidays or Public Holidays 10:00 to 03:00</p>					

Anything of a similar description to live music, recorded music or performance of dance:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	09:00	09:00	09:00	09:00	09:00	09:00	10:00
End:	02:00	02:00	02:00	02:00	02:00	02:00	00:00
Seasonal variations/ Non-standard timings:		<p>On the morning that Greenwich Mean Time changes to British Summer Time, one hour will be added to the terminal hours of any activities where the existing terminal hour ends after 01.00.</p> <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p> <p>On Sundays immediately prior to Bank Holidays or Public Holidays 10:00 to 03:00</p>					

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:	02:00	02:00	02:00	02:00	02:00	02:00	00:00
Seasonal variations/ Non-standard timings:		<p>On the morning that Greenwich Mean Time changes to British Summer Time, one hour will be added to the terminal hours of any activities where the existing terminal hour ends after 01.00.</p> <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p> <p>On Sundays immediately prior to Bank Holidays or Public Holidays 23:00 to 03:00</p>					

Sale by retail of alcohol				On or off sales or both:			On
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	09:00	09:00	09:00	09:00	09:00	09:00	10:00
End:	02:00	02:00	02:00	02:00	02:00	02:00	00:00
Seasonal variations/ Non-standard timings:		<p>On the morning that Greenwich Mean Time changes to British Summer Time, one hour will be added to the terminal hours of any activities where the existing terminal hour ends after 01.00.</p> <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p> <p>On Sundays immediately prior to Bank Holidays or Public Holidays 10:00 to 03:00</p>					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	09:00	09:00	09:00	09:00	09:00	09:00	10:00
End:	04:00	04:00	04:00	04:00	04:00	04:00	04:00
Seasonal variations/ Non-standard timings:		<p>On the morning that Greenwich Mean Time changes to British Summer Time, one hour will be added to the terminal hours of any activities where the existing terminal hour ends after 01.00.</p> <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p>					
Adult Entertainment:		None					

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Metropolitan Police Service
Representative:	Tom Stewart
Received:	11 January 2024
Dear Westminster Licensing Service,	
<p>I am writing on behalf of the Commissioner of the Metropolitan Police Service ("The Police") to make representations opposing the grant of a premises licence application for <u>136 Shaftesbury Avenue London W1D 5EZ</u>.</p>	
<p>The application seeks the following:</p>	
Sale of Alcohol	Monday – Saturday: 09:00 – 02:00 Sunday: 10:00 – 00:00
Regulated entertainment (performance of dance, films, plays, live music, recorded music, anything similar) :	Monday – Saturday: 09:00 – 02:00 Sunday: 10:00 – 00:00

Late Night Refreshment:

Monday – Saturday: 23:00 – 02:00

Sunday: 23:00 – 00:00

Opening Hours

Monday to Saturday: 09:00 to 04:00

Sunday: 10:00 to 04:00

The Police submit that, if granted, the premises would undermine the licensing objective ‘**The Prevention of Crime and Disorder**’, as well as adversely affect cumulative impact within the West End Cumulative Impact Zone (“CIZ”).

The applicant will need to demonstrate that they will not add to cumulative impact within the CIZ. As the application currently stands, the Police do not feel that this has been achieved.

The Metropolitan Police have submitted further supporting evidence which appears at appendix

Responsible Authority:	Environmental Health
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Representative:	Kudzaishe Mondhlani
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Received:	11 January 2024
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I refer to the application for an extension of a Premises Licence.

The premises currently benefit from a premises license reference: 21/14611/LIPN.

The premises are located within the West End CIZ as stated in the City of Westminster’s Statement of Licensing Policy.

This representation is based on the operating schedule and plans submitted basement floor plans ref: LI-01 basement floor, LI-02 ground floor, LI-03 1st Floor and LI-04 second floor dated 15/5/21.

The applicant is seeking the following.

1. To provide for the Supply of Alcohol ‘On’ the premises Monday to Saturday between 09:00 and 02.00 and Sundays between 10:00 and 00:00 hours.

On the morning that Greenwich Mean Time changed to British Summer Time, one hour will be added to the terminal hours of any activities where the existing terminal hour ends after 01:00.

From end of permitted hours New years Eve to Start of permitted hours New Years Day.
Sunday prior to bank/public holiday 10:00-03:00.

2. To provide Late Night Refreshment ‘Indoors’ Monday to Saturday between 23.00 and 02:00 hours Sunday between 23.00 to 00.00 hours.

On the morning that Greenwich Mean Time changed to British Summer Time, one hour will be added to the terminal hours of any activities where the existing terminal hour ends after 01:00.

From end of permitted hours New years Eve to Start of permitted hours New Years Day.
Sunday prior to bank/public holiday 23:00-03:00.

3. To provide regulated entertainment in the form of plays, films, live music, recorded music, performance of dance and anything of a similar nature indoors Monday to Saturday between 09:00 and 02.00 and Sundays between 10:00 and 00:00 hours

On the morning that Greenwich Mean Time changed to British Summer Time, one hour will be added to the terminal hours of any activities where the existing terminal hour ends after

01:00.

From end of permitted hours New years Eve to Start of permitted hours New Years Day.
Sunday prior to bank/public holiday 10:00-03:00.

I wish to make the following representation.

1. The supply of alcohol may have the likely effect of causing an increase in Public Nuisance in area and may also impact on Public Safety in the West End CIZ.
2. The provision of late-night refreshment may have the likely effect of causing an increase in Public Nuisance and impact on Public Safety in the West End CIZ.
3. The provision of regulated entertainment may have the likely effect of causing an increase in Public Nuisance and impact on Public Safety in the West End CIZ.

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

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

Responsible Authority:	Licensing Authority
Representative:	Roxsana Haq
Received:	15 January 2024

I write in relation to the application submitted for a new (time limited) premises licence for **136 Shaftesbury Avenue, London W1D 5EZ.**

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 applicant is seeking the following licensable activities:

The application seeks the following:

Sale of Alcohol

Monday – Saturday: 09:00 – 02:00

Sunday: 10:00 – 00:00

Regulated entertainment (performance of dance, films, plays, live music, recorded music, anything similar):

Monday – Saturday: 09:00 – 02:00

Sunday: 10:00 – 00:00

Late Night Refreshment:

Monday – Saturday: 23:00 – 02:00

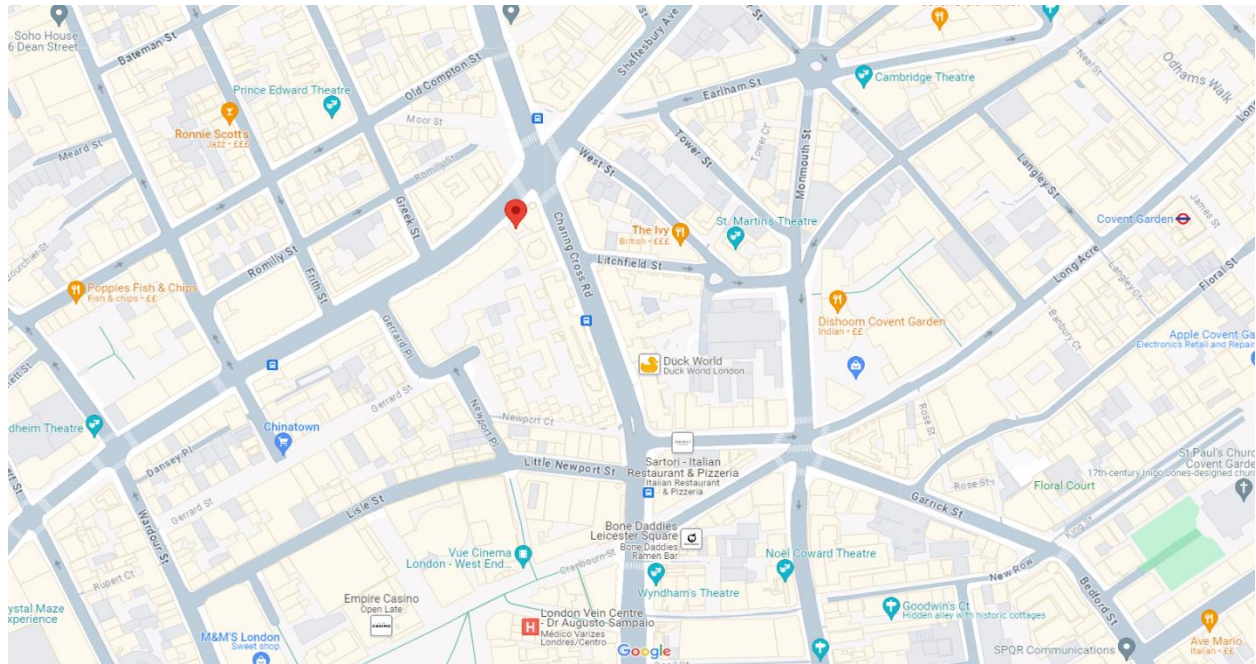
Sunday: 23:00 – 00:00

Opening Hours

Monday to Saturday: 09:00 to 04:00

Sunday: 10:00 to 04:00

The premises is located on the corner of Shaftesbury Avenue and Charing Cross Road, approximately 6 minutes' walk from Piccadilly Circus and Covent Garden. The area is predominantly commercial with limited residential properties within 50 meters of the premises. See location map below.



The premises intends to continue to operate as a bar and will be considered under policy PB1. The premises is located within the West End Cumulative Impact Zone and is seeking hours outside of the Councils Core hours and as such additional policy points must be considered, namely HRS1 and CIP1.

The core hours policy is a key policy in promoting the Licensing objectives, particularly relating to crime and disorder and public nuisance. The hours policy provides a set of core hours that relate to the location where an application may be made, or premises currently operates and for the specific premises use/operation of that premise.

The West End has been designated as a Cumulative Impact Zone and the evidence to support this has been produced within the Licensing Authority's 2020 Cumulative Impact Assessment. As a result, the West End Cumulative Impact Zone has a presumption to refuse certain types of premises use applications that are outside of Core Hours. This policy approach is necessary to promote the licensing objectives. Unlike the rest of the city this zone has the largest concentration of licensed premises in the city and, within the heart of this zone, the average incident rate is nine times greater than the rest of the city

Notwithstanding the above, hours later than core hours will be considered on their own merits in relation to other policies in the Statement of Licensing Policy. The Licensing Authority is particularly concerned that premises that primarily serve alcohol, with or without the provision of any ancillary playing of music, can give rise to public nuisance for residents and other businesses, particularly where there is a concentration of such premises. This is principally due to noise from the premises and from patrons when they leave. Pubs and bars present opportunities for crime and they can also give rise to disorder. This is of particular concern within the West End Cumulative Impact Zone where there are substantial numbers of licensed premises within a confined area. Premises that primarily sell alcohol are likely to have a greater risk of impacting the licensing objectives.

The applicant is required to demonstrate that they have considered the potential risks to the

licensing objectives and that the proposed licence will have no adverse impact within the West End Cumulative Impact Zone. In its current form the applicant has not provided any additional measures or conditions to demonstrate that the granting of this application will not add to cumulative impact and on that basis the Licensing Authority make formal representation.

The Licensing Authority looks forward to receiving further submissions from the applicant and anticipate the site visit will further assist us to consider the application and possible policy implications.

2-B Other Persons			
Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or objection:	Objection
Received:	15 January 2024		
<p>I write to object to this application on behalf of myself and the Soho Ward Panel on the basis that it is against the council's licensing policy to grant a licence until this time (2 am), also on the basis of cumulative impact, and the potential for crime and disorder (this area having probably the highest crime figures in Westminster) particularly between the hours of 10 pm and 4 am.</p> <p>I would ask that the application be refused.</p>			

3. Policy & Guidance

The following policies within the City of Westminster Statement of Licensing Policy apply:	
Policy CIP1 applies	<p>A. It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone for: pubs and bars, fast food premises, and music and dancing and similar entertainment, other than applications to:</p> <ol style="list-style-type: none"> 1. Vary the hours within Core Hours under Policy HRS1, and/or 2. Vary the licence to reduce the overall capacity of the premises. <p>C. Applications for other premises types within the West End Cumulative Impact Zones will be subject to other policies within this statement and must demonstrate that they will not add to cumulative impact.</p> <p>D. For the purposes of this policy the premises types referred to in Clause A are defined within the relevant premises use policies within this statement.</p>
Policy HRS1 applies	<p>A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:</p> <ol style="list-style-type: none"> 1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm. 2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation. 3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed. 4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises. 5. The proposed hours when any music, including incidental music, will be played. 6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises. 7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity. 8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night. 9. The capacity of the premises. 10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation. 11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.

	<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>Policy PB1(B) applies</p>	<p>B. It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone other than:</p> <ol style="list-style-type: none"> 1. Applications to vary the existing licence hours within the council's Core Hours Policy HRS1. 2. Applications that seek to vary the existing licence so as to reduce the overall capacity of the premises. <p>C. The applications referred to in Clause B1 and B2 will generally be granted subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1, and/or, 2. The operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1. 3. The application and operation of the venue continuing to meet the definition of a Public House or Bar in Clause D. <p>D. For the purposes of this policy a Public House or Bar is defined as a premises, or part of a premises that's primary use is the sale or supply of alcohol for consumption on those premises and/or for consumption off the premises for consumption outside the venue.</p>

4. Equality Implications

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

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

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

5. Appendices

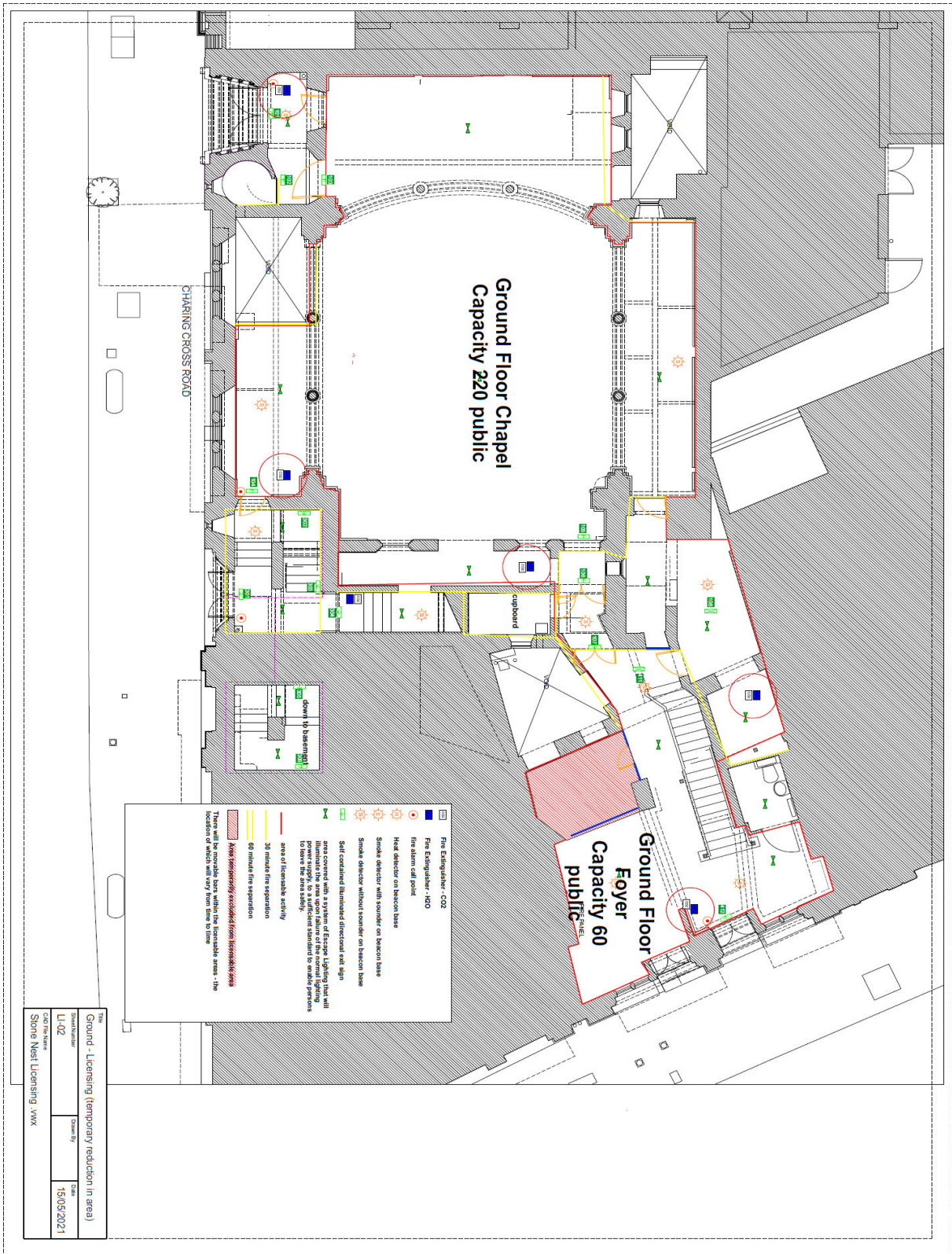
Appendix 1	Premises plans
Appendix 2	Current premises Licence
Appendix 3	Applicant supporting documents
Appendix 4	Metropolitan Police supporting documents
Appendix 5	Premises history
Appendix 6	Proposed conditions
Appendix 7	Residential map and list of premises in the vicinity

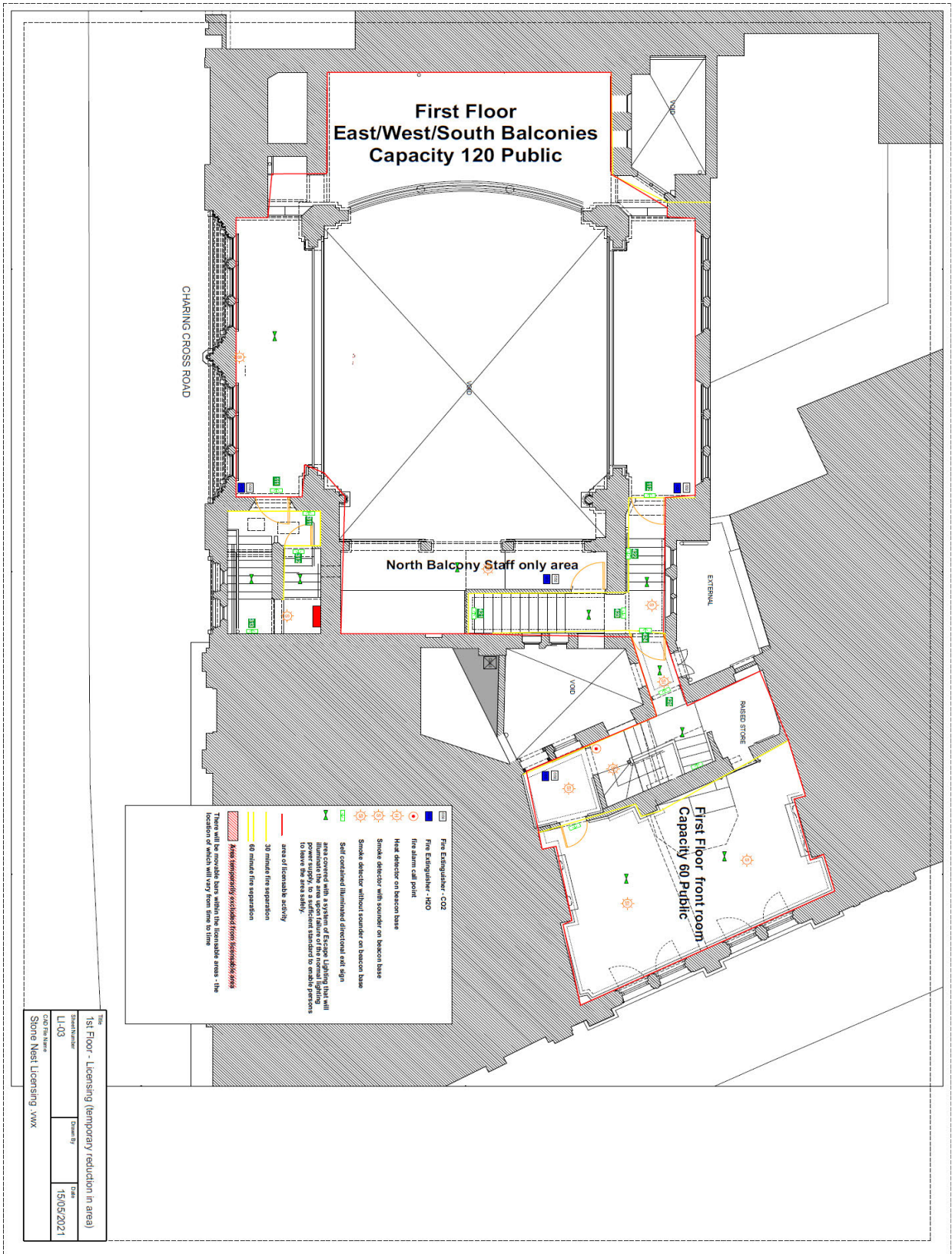
Report author:	Kevin Jackaman Senior Licensing Officer
Contact:	Telephone: 020 7641 6500 Email: kjackaman@westminster.gov.uk

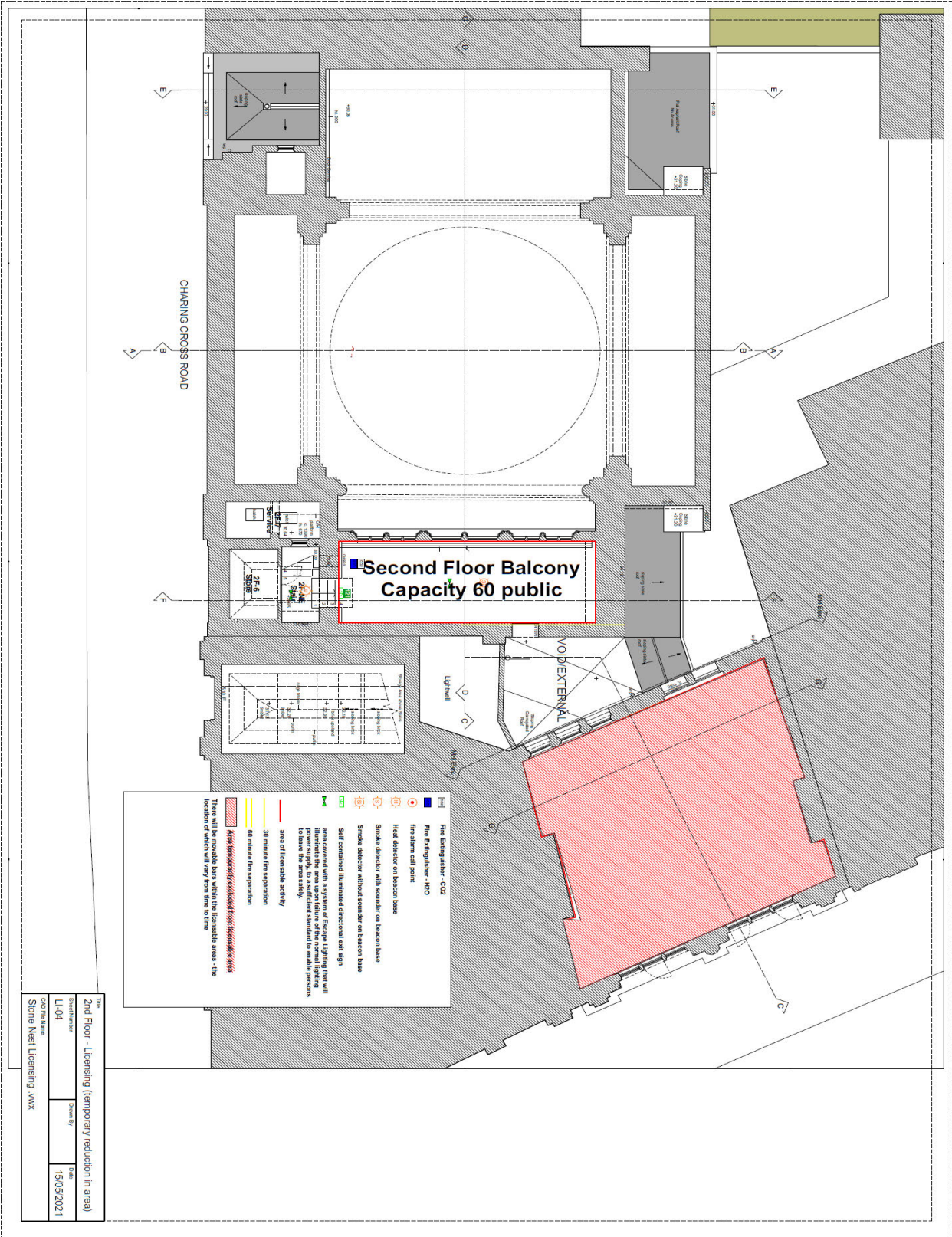
If you have any queries about this report or wish to inspect one of the background papers please contact the report author.

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 2023
4	Cumulative Impact Assessment	04 December 2023
5	Metropolitan Police Service representation	11 January 2024
6	Environmental Health representation	11 January 2024
7	Licensing Authority representation	15 January 2024
8	Interested Party representation	15 January 2024









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

**Schedule 12
Part A**

**WARD: St James's
UPRN: 010033599479**

Premises licence

Regulation 33, 34

Premises licence number:	21/14611/LIPN
Original Reference:	21/14611/LIPN

Part 1 – Premises details

Postal address of premises:

Stone Nest
136 Shaftesbury Avenue
London
W1D 5EZ

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

9th April 2022 to 8th April 2024

Licensable activities authorised by the licence:

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

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

Performance of Dance

Monday to Saturday:	09:00 to 02:00
Sunday:	10:00 to 00:00

Seasonal Details: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
On Sundays immediately prior to Bank Holidays or Public Holidays 10:00 to 03:00
On the morning that Greenwich Mean Time changes to British Summer Time, one hour will be added to the terminal hours of any activities where the existing terminal hour ends after 01.00.

Exhibition of a Film

Monday to Saturday:	09:00 to 02:00
Sunday:	10:00 to 00:00

Seasonal Details: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
On Sundays immediately prior to Bank Holidays or Public Holidays 10:00 to 03:00

On the morning that Greenwich Mean Time changes to British Summer Time, one hour will be added to the terminal hours of any activities where the existing terminal hour ends after 01.00.

Performance of Live Music

Monday to Saturday: 09:00 to 02:00
Sunday: 10:00 to 00:00

Seasonal Details: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

On Sundays immediately prior to Bank Holidays or Public Holidays 10:00 to 03:00

On the morning that Greenwich Mean Time changes to British Summer Time, one hour will be added to the terminal hours of any activities where the existing terminal hour ends after 01.00.

Playing of Recorded Music

Monday to Saturday: 09:00 to 02:00
Sunday: 10:00 to 00:00

Seasonal Details: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

On Sundays immediately prior to Bank Holidays or Public Holidays 10:00 to 03:00

On the morning that Greenwich Mean Time changes to British Summer Time, one hour will be added to the terminal hours of any activities where the existing terminal hour ends after 01.00.

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

Monday to Saturday: 09:00 to 02:00
Sunday: 10:00 to 02:00

Seasonal Details: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

On Sundays immediately prior to Bank Holidays or Public Holidays 10:00 to 03:00

On the morning that Greenwich Mean Time changes to British Summer Time, one hour will be added to the terminal hours of any activities where the existing terminal hour ends after 01.00.

Performance of a Play

Monday to Saturday: 09:00 to 02:00
Sunday: 10:00 to 00:00

Seasonal Details: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

On Sundays immediately prior to Bank Holidays or Public Holidays 10:00 to 03:00

On the morning that Greenwich Mean Time changes to British Summer Time, one hour will be added to the terminal hours of any activities where the existing terminal hour ends after 01.00.

Late Night Refreshment

Monday to Saturday: 23:00 to 02:00
Sunday: 23:00 to 00:00

Seasonal Details: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

On Sundays immediately prior to Bank Holidays or Public Holidays 23:00 to 03:00

On the morning that Greenwich Mean Time changes to British Summer Time, one hour will be added to the terminal hours of any activities where the existing terminal hour ends after 01.00.

Sale by Retail of Alcohol

Monday to Saturday: 10:00 to 02:00
Sunday: 12:00 to 00:00

Seasonal Details: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

On Sundays immediately prior to Bank Holidays or Public Holidays 12:00 to 03:00

On the morning that Greenwich Mean Time changes to British Summer Time, one hour will be added to the terminal hours of any activities where the existing terminal hour ends after 01.00.

The opening hours of the premises:

Monday to Saturday: 09:00 to 04:00
Sunday: 10:00 to 04:00

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

Alcohol is supplied for consumption on the Premises.

Part 2

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

Stone Nest
Bates Wells Braithwaite
10 Queen St Pl
London
EC4R 1BE

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

Registered Charity: 1150118

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

Name: Richard James Williamson

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: 140118
Licensing Authority: London Borough of Tower Hamlets

Date: 07 March 2022

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

Annex 1 – Mandatory conditions

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

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

7. The responsible person must ensure that—

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

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

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

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

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

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

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

Where -

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

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

- (i) the holder of the premises licence,

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

Annex 2 – Conditions consistent with the operating Schedule

11. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.
12. Substantial food and non-intoxicating beverages, including drinking water, shall be available throughout the permitted hours in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
13. The sale and consumption of alcohol must be ancillary to the use of the premises for entertainment (including plays) and/or substantial refreshment
14. Save as where incidental to a theatrical performance, there shall be no striptease, no nudity and all persons on the premises to be decently attired except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
15. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
16. 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.
17. 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.
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. The highway in the vicinity of the premises is swept at regular intervals while customers are queuing to enter the premises and also at the close of business, and litter and sweepings collected, stored and disposed of in accordance with the approved refuse storage and disposal arrangements.
20. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
21. Save for collections at scheduled Westminster times, no collections of waste or recycling materials (including bottles) from the premises shall take place between 23:00

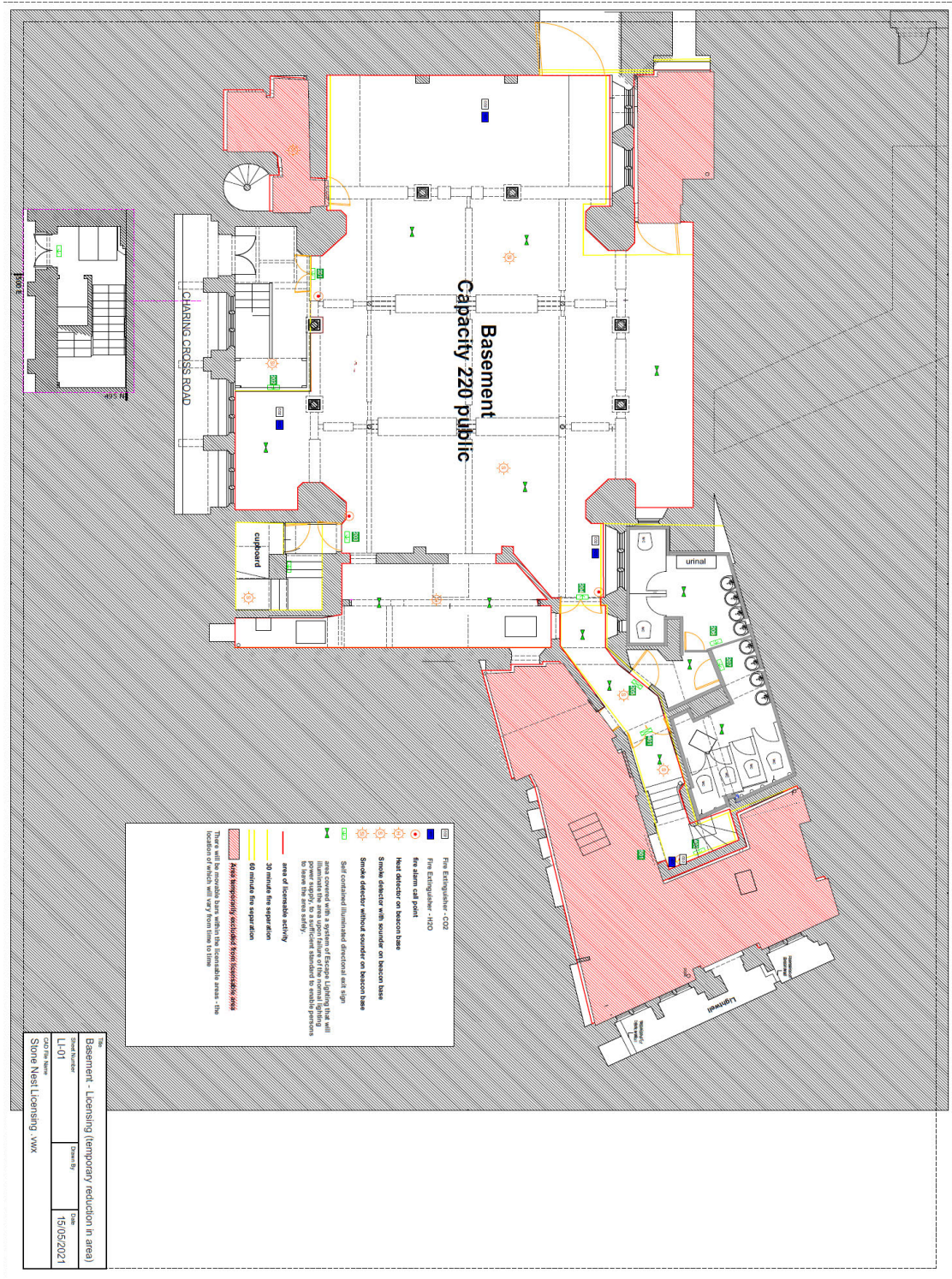
- and 07:00 on the following day.
22. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
 23. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
 24. The premises licence holder shall ensure that any patrons smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
 25. No unauthorised advertisement of any kind (including placard, poster, sticker, flyer, picture, letter sign or other mark) is inscribed or affixed upon the surface of the highway street furniture, tree or any other property, or is distributed in the street to the public, that advertises or promotes the establishment, its premises or any of its events, facilities, goods or services.
 26. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
 27. No loud speakers shall be located in the entrance lobby areas of Charing Cross Road.
 28. 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.
 29. 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.
 30. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
 31. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
 32. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
 33. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
 34. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.
 35. There shall be no admittance or re-admittance to the premises after 0100 except for patrons permitted to temporarily leave the premises to smoke.
 36. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.
 37. Any alcohol sold in the auditorium or for consumption in the auditorium when there is a performance taking place shall only be contained in non-breakable vessels, unless the subject of a risk assessment or where agreed in writing with the Environmental Health Consultation Team.

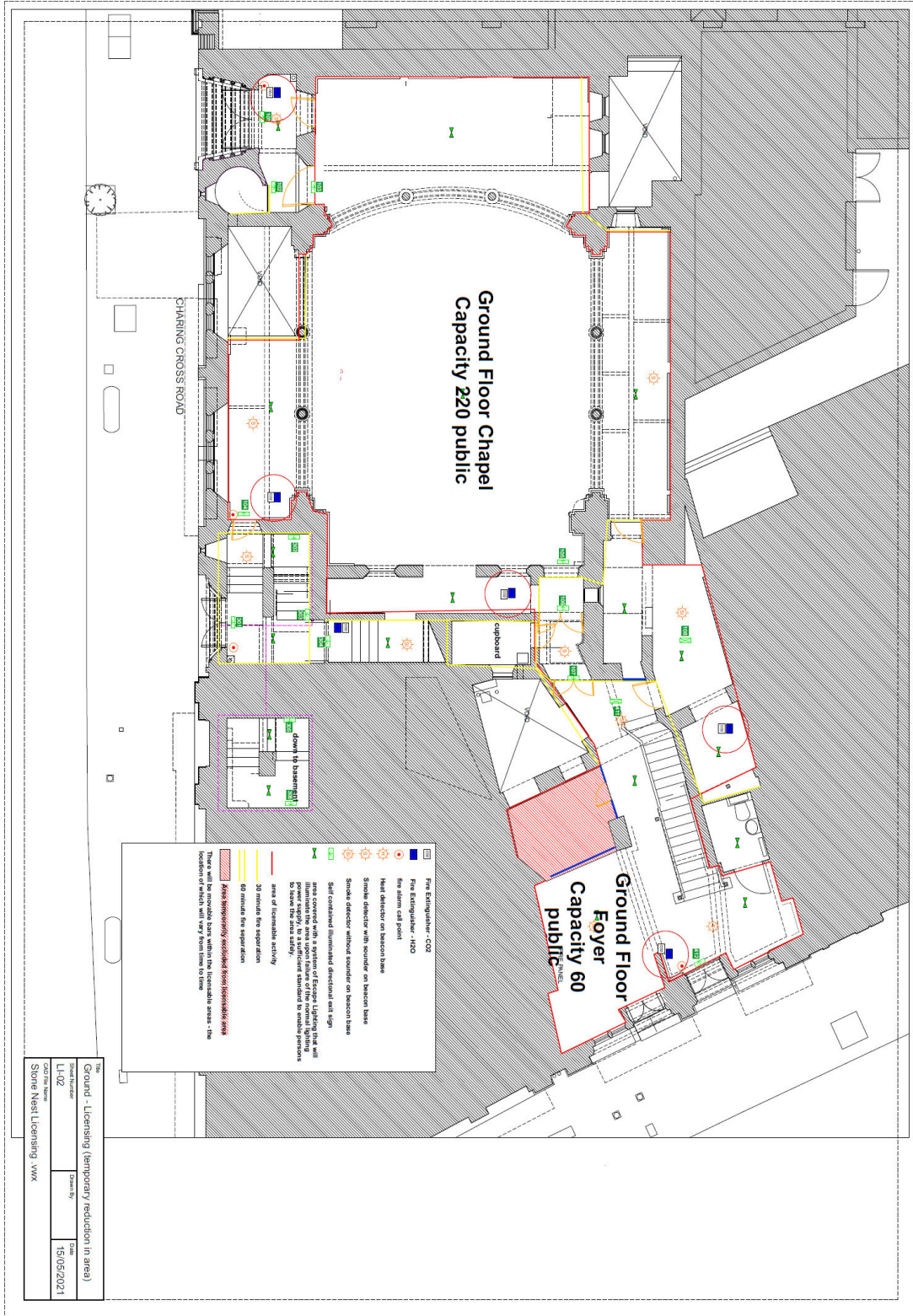
38. Any special effects or mechanical installations shall be arranged, operated and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the licensing authority where consent has not previously been given:
- o dry ice and cryogenic fog
 - o smoke machines and fog generators
 - o pyrotechnics including fireworks
 - o firearms
 - o lasers
 - o explosives and highly flammable substances.
 - o real flame.
 - o strobe lighting.
39. The capacity of the premises:
- | | |
|---------------------------------------|------------|
| Basement | 220 |
| Ground Floor Chapel | 220 |
| Ground Floor Foyer | 60 |
| First Floor East/West/South Balconies | 120 |
| First Floor East Balcony | 60 |
| First Floor West Balcony | 60 |
| First Floor Front Room | 60 |
| Second Floor Balcony | 60 |
| Total | 740 |
- The overall capacity of the premises shall not exceed 600 persons (excluding staff).
40. 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.
41. The following minimum of SIA registered staff shall be deployed at the premises until customers have left:
- a) on any day when the basement is open or any capacity in excess of 100, a minimum of one SIA from 6pm;
 - b) when open after midnight, a minimum of two;
 - c) further SIA as may be required on a risk-assessed basis.
42. Unless otherwise agreed in writing with the Metropolitan Polices licensing team and subject to a risk assessment, all persons/bags entering or re-entering the premises after 23:00 shall be searched by a SIA licensed member of staff and monitored by the premises CCTV system.
43. All staff involved in the sale or supply of alcohol shall be trained in the responsible sale of alcohol. The Designated Premises Supervisor and the Duty Managers shall in addition have ACT-E and WAVE training (or subsequent equivalent training). The training log will be made available for inspection by the Police and licensing authority.
44. There will be search policy on a Risk-assessed basis.

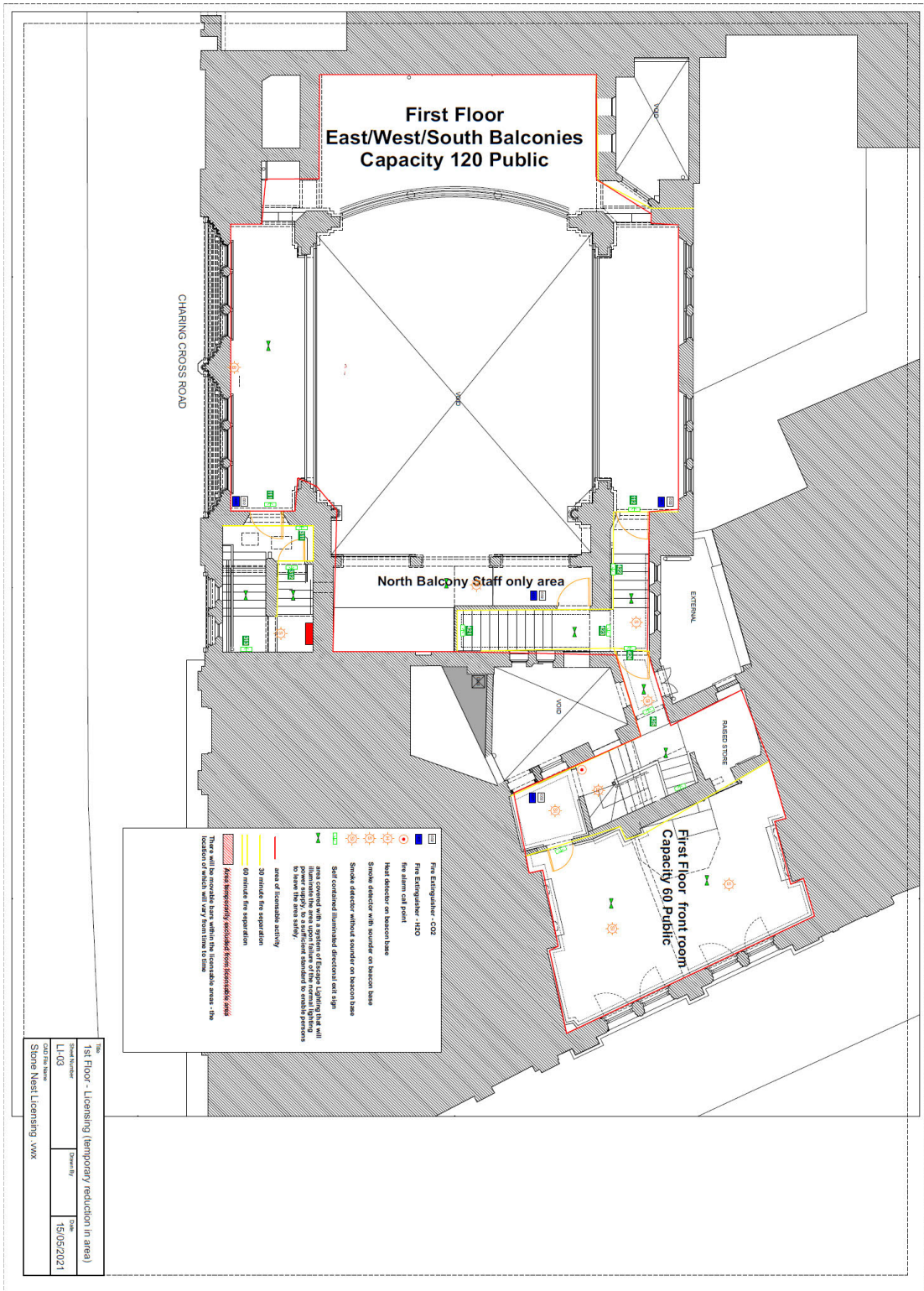
Annex 3 – Conditions attached after a hearing by the licensing authority

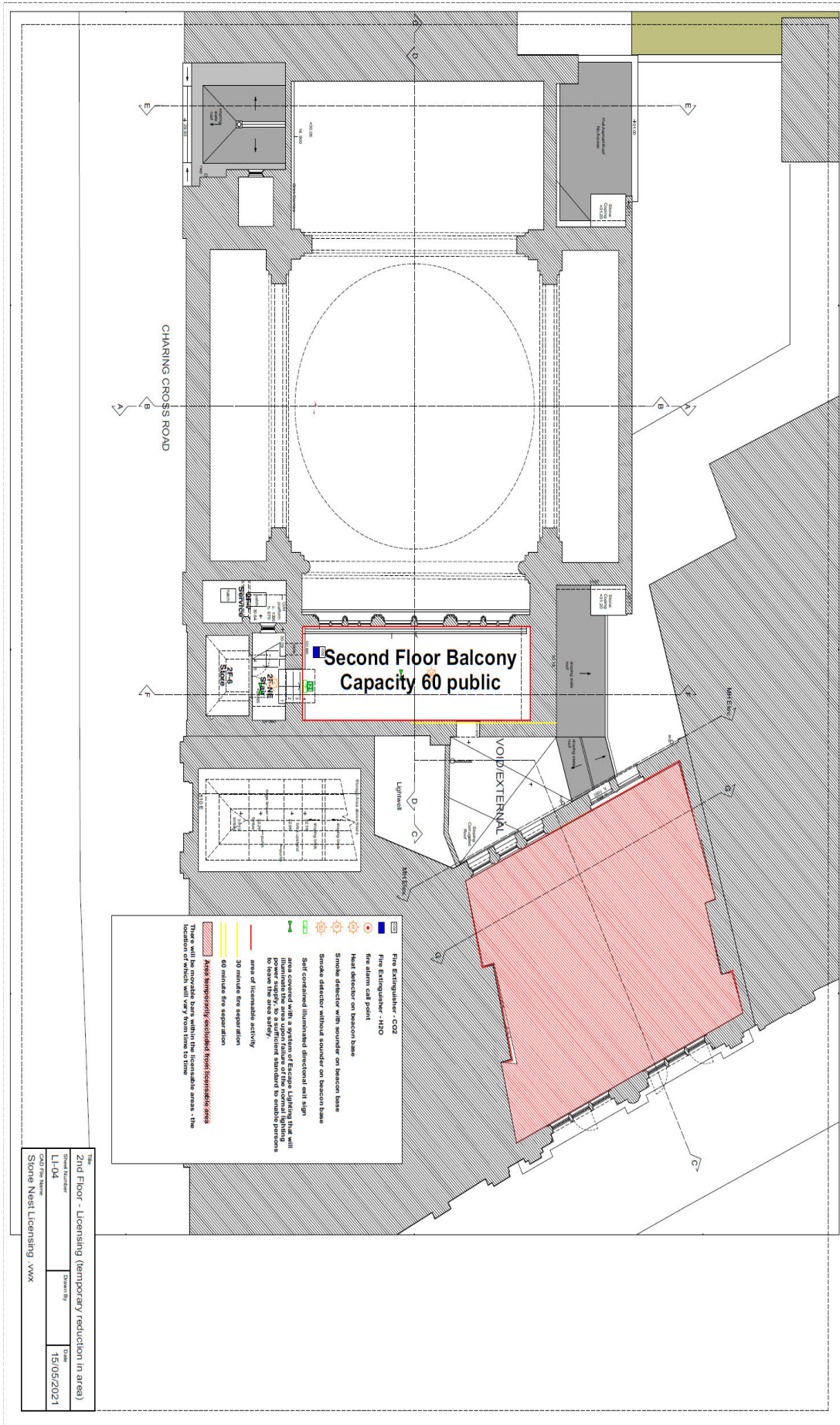
None

Annex 4 – Plans











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

**Schedule 12
Part B**

**WARD: St James's
UPRN: 010033599479**

**Premises licence
summary**

Regulation 33, 34

Premises licence number:

21/14611/LIPN

Part 1 – Premises details

Postal address of premises:

Stone Nest
136 Shaftesbury Avenue
London
W1D 5EZ

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

9th April 2022 to 8th April 2024

Licensable activities authorised by the licence:

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

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

Performance of Dance

Monday to Saturday: 09:00 to 02:00
Sunday: 10:00 to 00:00

Seasonal Details: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

On Sundays immediately prior to Bank Holidays or Public Holidays 10:00 to 03:00

On the morning that Greenwich Mean Time changes to British Summer Time, one hour will be added to the terminal hours of any activities where the existing terminal hour ends after 01.00.

Exhibition of a Film

Monday to Saturday: 09:00 to 02:00
Sunday: 10:00 to 00:00

Seasonal Details: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

On Sundays immediately prior to Bank Holidays or Public Holidays 10:00 to 03:00

On the morning that Greenwich Mean Time changes to British Summer Time, one hour will be added to the terminal hours of any activities where the existing terminal hour ends after 01.00.

Performance of Live Music

Monday to Saturday: 09:00 to 02:00

Sunday: 10:00 to 00:00

Seasonal Details: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

On Sundays immediately prior to Bank Holidays or Public Holidays 10:00 to 03:00

On the morning that Greenwich Mean Time changes to British Summer Time, one hour will be added to the terminal hours of any activities where the existing terminal hour ends after 01.00.

Playing of Recorded Music

Monday to Saturday: 09:00 to 02:00

Sunday: 10:00 to 00:00

Seasonal Details: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

On Sundays immediately prior to Bank Holidays or Public Holidays 10:00 to 03:00

On the morning that Greenwich Mean Time changes to British Summer Time, one hour will be added to the terminal hours of any activities where the existing terminal hour ends after 01.00.

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

Monday to Saturday: 09:00 to 02:00

Sunday: 10:00 to 02:00

Seasonal Details: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

On Sundays immediately prior to Bank Holidays or Public Holidays 10:00 to 03:00

On the morning that Greenwich Mean Time changes to British Summer Time, one hour will be added to the terminal hours of any activities where the existing terminal hour ends after 01.00.

Performance of a Play

Monday to Saturday: 09:00 to 02:00

Sunday: 10:00 to 00:00

Seasonal Details: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

On Sundays immediately prior to Bank Holidays or Public Holidays 10:00 to 03:00

On the morning that Greenwich Mean Time changes to British Summer Time, one hour will be added to the terminal hours of any activities where the existing terminal hour ends after 01.00.

Late Night Refreshment

Monday to Saturday: 23:00 to 02:00

Sunday: 23:00 to 00:00

Seasonal Details: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

On Sundays immediately prior to Bank Holidays or Public Holidays 23:00 to 03:00

On the morning that Greenwich Mean Time changes to British Summer Time, one hour will be added to the terminal hours of any activities where the existing terminal hour ends after 01.00.

Sale by Retail of Alcohol

Monday to Saturday: 10:00 to 02:00

Sunday: 12:00 to 00:00

Seasonal Details: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

On Sundays immediately prior to Bank Holidays or Public Holidays 12:00 to 03:00

On the morning that Greenwich Mean Time changes to British Summer Time, one hour will be added to the terminal hours of any activities where the existing terminal hour ends after 01.00.

The opening hours of the premises:

Monday to Saturday: 09:00 to 04:00

Sunday: 10:00 to 04:00

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

Alcohol is supplied for consumption on the Premises.

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

Stone Nest
Bates Wells Braithwaite
10 Queen St Pl
London
EC4R 1BE

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

Registered Charity: 1150118

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

Name: Richard James Williamson

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

Restricted

Date: 07 March 2022

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

None



TOTAL POLICING

Westminster Licensing Service
Westminster City Hall
15th Floor 64 Victoria Street
SW1E 6QP

Sent via email to:
Licensing@westminster.gov.uk

Westminster Police Licensing Team
Westminster City Hall
15th Flr 64 Victoria Street
SW1E 6QP

Mobile - 07917395768

Email -

Tom.stewart@met.police.uk

Email –

tstewart1@westminster.gov.uk

Monday, 26 February 2024

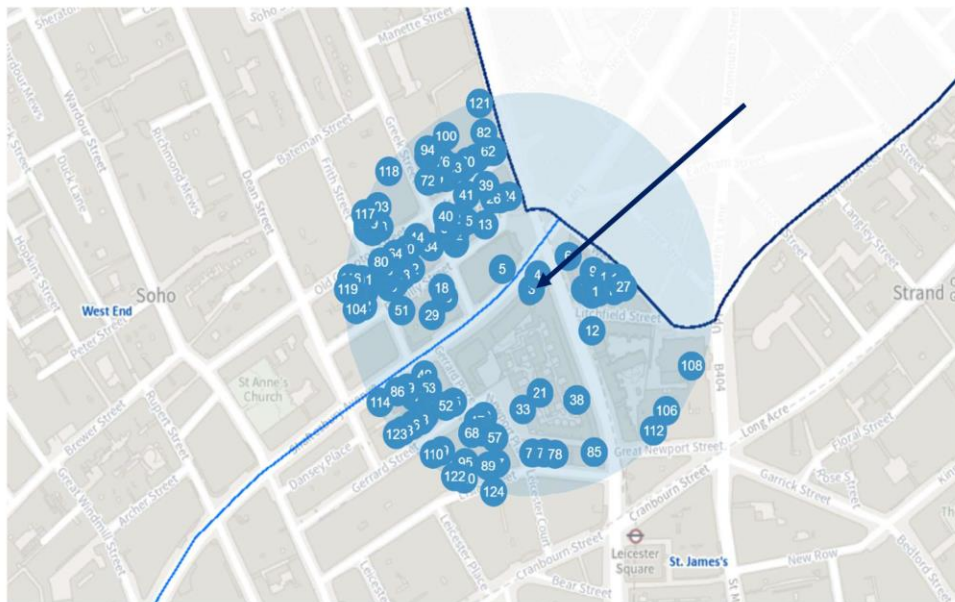
Re: 23/09175/LIPN 136 Shaftesbury Avenue London W1D 5EZ

Further Police representations

Location

136 Shaftesbury Avenue is located with the West End Cumulative Impact Zone (“WECIZ”), at the Cambridge Circus junction. This junction is located at the far East end of Shaftesbury Avenue and borders the South East part of Soho.

There are 124 licenced premises (Licenced under the Licensing Act 2003) located within a 150 metre radius of 136 Shaftesbury Avenue. Please see below figure. N.B, this does not include the licenced premises located with the borough of Camden, which borders this area to the North East.



TOTAL POLICING





Statement of Licensing Policy

As stated above, the premise is located within the WECIZ. The premises intends to operate as a bar and falls within the PB1 (Public Houses and Bars) Policy. Policy PB1.b.1 and 2 states:

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

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

The statement of licensing policy states at P93:

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

The application was presented as **“The premises currently operate under temporary licence no. 21/14611/LIPN and this application is for a further temporary licence”**. The hours and conditions were replicated in their entirety, apart from condition 12 which reads: *“Substantial food and non-intoxicating beverages, including drinking water, shall be available throughout the permitted hours in all parts of the premises where alcohol is sold or supplied for consumption on the premises”*. It was a concern to the Police that it was the intention of the applicant to remove this condition. It should be noted that the applicant has since offered to keep this condition on the operating schedule if the licence is granted.

The application seeks to replace another time limited licence which is due to expire in April 2024. This application seeks licensable activities at the premises for 2 years, until the 8th of April 2026. The Police submit that such ‘trial’ period licence are contrary to Westminster’s Statement of





Licensing Policy.

Policy. Paragraph B14 states:

“Trial periods are not appropriate in the Cumulative Impact Policy with regard to the policies for fast food (FFP1), for pubs and bars (PB1), and music and dancing (MD1) in the West End Cumulative Impact Zone. This is because the impact on the Cumulative Impact Zone of any one premises staying open later can rarely be measured empirically over a trial period (which underlies the fact that cumulative impact is a consequence of the totality of premises in an area rather any individual premises). Moreover, there are not the resources available to the responsible authorities to conduct such empirical measurement exercises. Accordingly, a trial period for individual premises in the Cumulative Impact Zone will almost inevitably be refused. Any trial periods to demonstrate that granting licences of other types does not add to cumulative impact in the Cumulative Impact Zone would generally be impractical for the same reasons. The council considers that as a general principle, trial periods are not in accordance with the principles of the Licensing Act because the Licensing Authority needs to be satisfied that the grant of an application would promote the licensing objectives, and if it were so satisfied a trial period would not be necessary”

The Police submit that replacing a licence that has ‘lapsed’ or ‘ended’ should not be treated as exceptional circumstances when granting licences for pubs or bars within the WECIZ.

Cumulative Impact Assessment 2023 (“CIA”)

The 2023 Cumulative Impact Assessment reinforced that fact that that West End suffers from Cumulative Impact. This assessment states: *“In 2022 the borough now accounted for **9.2%** (83,633) of all total notifiable offences recorded across the Metropolitan Police Service (MPS) compared with **6.9%** (54,988) in 2021. Much of the crime that does occur in Westminster takes place in the **West End**. Just under 66% (50,462) of all crime in Westminster and 74% (43,715) of ‘public realm’ crime¹ occurs in just two wards: West End Ward and St James’s Ward. The concentration of licensed premises in the West End, alongside the high levels of crime suggests*

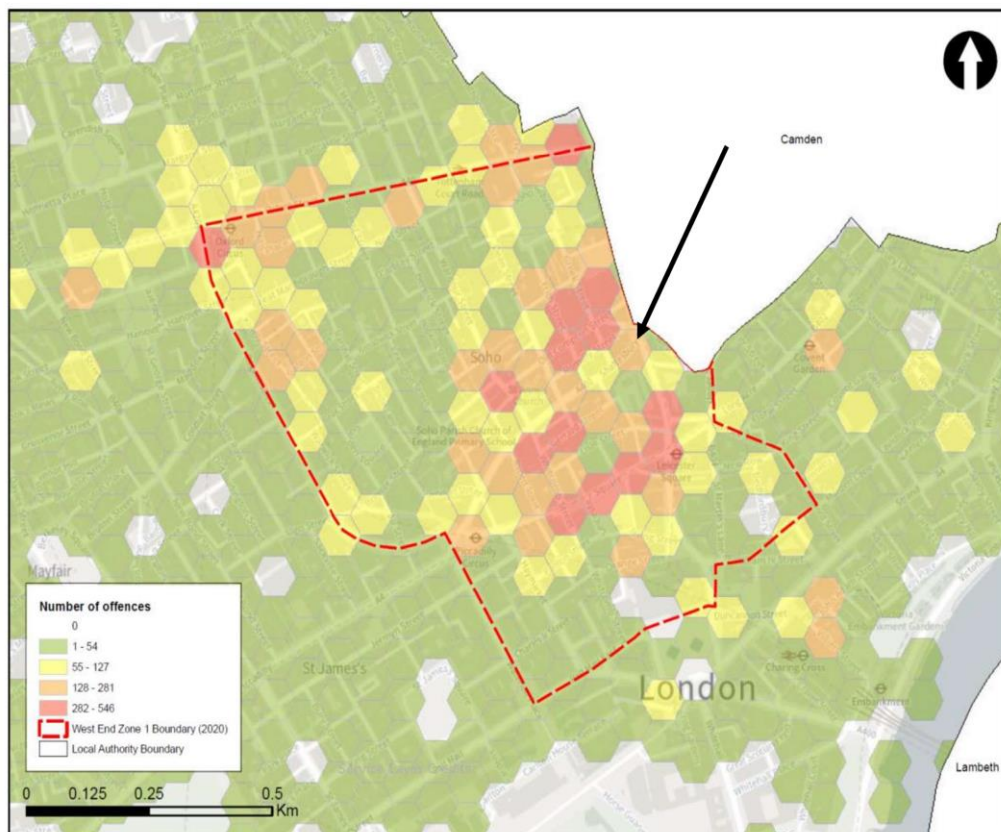




certain considerations will need to be made for this area". (Emphasis added).

Analysis of the overnight crime (theft, robbery, drugs, violence against the person and sexual offences) within the WECIZ can be seen in on page 58 of the CIA and is produced below:

Overnight crime (theft, robbery, drugs, VAP, sexual offences) (West End Zone 1) by hexagon

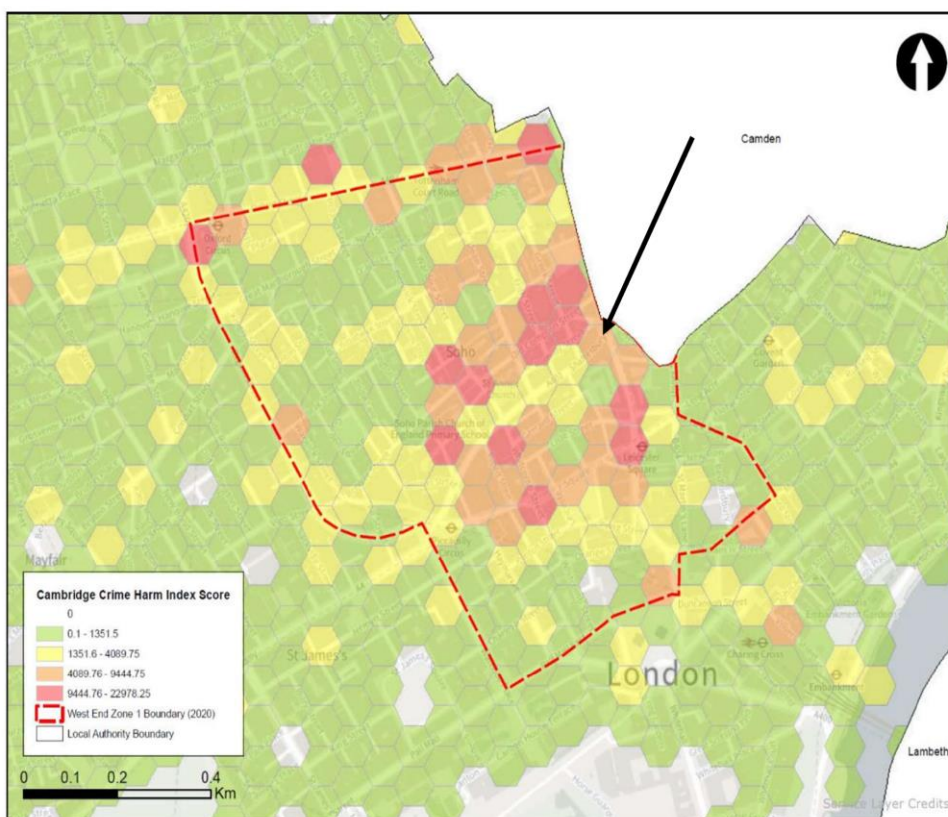


136 Shaftesbury Avenue is located within a orange hexagon (2nd highest crime levels) and borders a red hexagon (highest crime levels) located in the South Eastern part of Soho. The is also replicated via the Cambridge Crime Harm Index by hexagon table located at page 57 of the CIA and produced below.





Cambridge Crime Harm Index by hexagon (West End Zone 1)



This map combines each of the cumulative impact variables that are present within the West End Zone 1, weighting each based on the seriousness of harm.

The operation of the premises

The Police submit that the premises has a low level of reported crime. However, this itself should not be treated as an exception to policy as any crime related to its customers once they have left or before they arrive is not quantifiable but will still inevitably add to cumulative impact.

The premise have however come to the attention of Police Licensing previously. Officers conducted a visit at the premises on Friday 14th July 2023. Officers noted several breaches of the premises licence. These breaches included condition 12, which relates to substantial food being available and is the same condition which was omitted from the application and the CCTV condition which states:





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

Officers noted that the main bar area in the basement where the consumption of alcohol was taking place had no CCTV coverage whatsoever. This was pointed out to the operator and their representative as a breach during the visit in July 2023. During a site visit on the 23rd January 2024 in relation to the current application, I noticed that there was still no CCTV cameras in the basement bar area. It is disappointing that the operator failed to rectify this breach as it leaves their customers potentially vulnerable and hinders any police investigation into alleged crime at the premises.

The Police respectfully submit that this application is refused.

Yours sincerely,

Pc Tom Stewart 4230AW

Westminster Police Licensing Team

On behalf of the Commissioner of the Metropolitan Police Service



Licence & Appeal History

Application	Details of Application	Date Determined	Decision
05/03077/LIPCV	Conversion	08.06.2005	Granted under delegated authority
05/12728/LIPDPS	Variation of DPS	23.11.2005	Granted under delegated authority (Licence surrendered 08.07.2009)
09/02072/LIPN	New premises licence For the provision of regulated entertainment, late night refreshment and sale of alcohol from 10:00 to 02:00 Monday to Saturday and 10:00 to 00:00 Sunday	02.07.2009	Granted under delegated authority
09/08135/LIPT	Transfer - Regent Inns Plc to WH Properties Limited	02.11.2009	Granted under delegated authority
10/00597/LIPT	Transfer - WH Properties Limited to K/S Charing Cross	18.02.2010	Granted under delegated authority
11/08810/LIPT	Transfer - K/S Charing Cross to Balta LTD	19.09.2011	Granted under delegated authority
13/05563/LIPDPS	Variation of DPS	08.08.2013	Granted under delegated authority
19/01668/LIPN	New premises licence For the provision of regulated entertainment, late night refreshment and sale of alcohol from 10:00 to 02:00 Monday to Saturday and 10:00 to 00:00 Sunday. The Licence is time limited to 08.04.2022	09.04.2019	Granted under delegated authority

21/08126/LIPDPS	Variation of DPS	11.11.2021	Granted under delegated authority (Licence expired)
21/14611/LIPN	New premises licence For the provision of regulated entertainment, late night refreshment and sale of alcohol from 10:00 to 02:00 Monday to Saturday and 10:00 to 00:00 Sunday. The Licence is time limited to 08.04.2024	02.03.2022	Granted under delegated authority (Licence expires 08.04.2024)

There is no appeal history

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

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

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

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

Mandatory Conditions

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

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

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

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

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

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

Conditions consistent with the operating schedule

11. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.
12. The sale and consumption of alcohol must be ancillary to the use of the premises for entertainment (including plays) or substantial refreshment.
13. Save as where incidental to a theatrical performance, there shall be no striptease, no nudity and all persons on the premises to be decently attired except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
14. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
15. 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.
16. An incident log shall be kept at the premises and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - a. all crimes reported to the venue
 - b. all ejections of patrons
 - c. any complaints received concerning crime and disorder
 - d. any incidents of disorder
 - e. all seizures of drugs or offensive weapons
 - f. any faults in the CCTV system
 - g. any refusal of the sale of alcohol
 - h. any visit by a relevant authority or emergency service.
17. 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.
18. The highway in the vicinity of the premises is swept at regular intervals while customers are queuing to enter the premises and also at the close of business, and litter and sweepings collected, stored and disposed of in accordance with the approved refuse storage and disposal arrangements.
19. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

20. Save for collections at scheduled Westminster times, no collections of waste or recycling materials (including bottles) from the premises shall take place between 23:00 and 07:00 on the following day.
21. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
22. 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.
23. The premises licence holder shall ensure that any patrons smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
24. No unauthorised advertisement of any kind (including placard, poster, sticker, flyer, picture, letter sign or other mark) is inscribed or affixed upon the surface of the highway street furniture, tree or any other property, or is distributed in the street to the public, that advertises or promotes the establishment, its premises or any of its events, facilities, goods or services.
25. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
26. No loud speakers shall be located in the entrance lobby areas of Charing Cross Road.
27. 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.
28. 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.
29. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
30. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
31. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
32. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
33. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.
34. There shall be no admittance or re-admittance to the premises after 0100 except for patrons permitted to temporarily leave the premises to smoke.
35. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.

36. Any alcohol sold in the auditorium or for consumption in the auditorium when there is a performance taking place shall only be contained in non-breakable vessels, unless the subject of a risk assessment or where agreed in writing with the Environmental Health Consultation Team.
37. Any special effects or mechanical installations shall be arranged, operated and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the licensing authority where consent has not previously been given:
- o dry ice and cryogenic fog
 - o smoke machines and fog generators
 - o pyrotechnics including fireworks
 - o firearms
 - o lasers
 - o explosives and highly flammable substances.
 - o real flame.
 - o strobe lighting.
38. The capacity of the premises:
- Basement 220
 - Ground Floor Chapel 220
 - Ground Floor Foyer 60
 - First Floor East/West/South Balconies 120
 - First Floor East Balcony 60
 - First Floor West Balcony 60
 - First Floor Front Room 60
 - Second Floor Balcony 60
 - Total 740
- The overall capacity of the premises shall not exceed 600 persons (excluding staff).
39. 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.
40. The following minimum of SIA registered staff shall be deployed at the premises until customers have left:
- a) on any day when the basement is open or any capacity in excess of 100, a minimum of one SIA from 6pm;
 - b) when open after midnight, a minimum of two;
 - c) further SIA as may be required on a risk-assessed basis.
41. Unless otherwise agreed in writing with the Metropolitan Polices licensing team and subject to a risk assessment, all persons/bags entering or re-entering the premises after 23:00 shall be searched by a SIA licensed member of staff and monitored by the premises CCTV system.
42. All staff involved in the sale or supply of alcohol shall be trained in the responsible sale of alcohol. The Designated Premises Supervisor and the Duty Managers shall in addition have ACT-E and WAVE training (or subsequent equivalent training). The training log will be made available for inspection by the Police and licensing authority.
43. There will be search policy on a Risk-assessed basis.

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

44. Substantial food and non-intoxicating beverages, including drinking water, shall be available throughout the permitted hours in all parts of the premises where alcohol is sold or supplied for consumption on the premises.

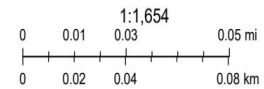
Conditions proposed by the Police

None

136 Shaftesbury Avenue London W1



21/02/2024, 14:15:24



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

Resident Count: 82

Licensed premises within 75m of 136 Shaftesbury Avenue				
Licence Number	Trading Name	Address	Premises Type	Time Period
21/14611/LIPN	Not Recorded	136 Shaftesbury Avenue London W1D 5EZ	Miscellaneous	Sunday; 10:00 - 04:00 Monday to Saturday; 09:00 - 04:00
18/09254/LIPN	Not Recorded	136 Shaftesbury Avenue London W1D 5EZ	Not Recorded	Sunday; 10:00 - 04:00 Monday to Saturday; 09:00 - 04:00

13/05563/LIPDPS	Walkabout	136 Shaftesbury Avenue London W1D 5EZ	Pub or pub restaurant with lodge	Sunday; 10:00 - 04:00 Monday to Saturday; 09:00 - 04:00
24/00117/LIPCH	Wingstop Restaurants	Basement To Second Floor 138 Shaftesbury Avenue London WC2H 8HB	Restaurant	Monday to Sunday; 10:00 - 00:00
22/07234/LIPDPS	Palace Theatre	Palace Theatre 109 - 113 Shaftesbury Avenue London W1D 5AY	Theatre	Monday to Sunday; 09:00 - 00:00
22/02349/LIPDPS	Slim Chickens	1 Cambridge Circus London WC2H 8PA	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
10/10268/LIPT	Subway	82 Charing Cross Road London WC2H 0BA	Shop	Sunday; 08:00 - 00:00 Monday to Saturday; 08:00 - 06:00
08/06532/LIPN	Karine Jackson Hair Beauty	24 Litchfield Street London WC2H 9NJ	Hairdresser or beauty salon	Monday; 10:00 - 19:00 Tuesday; 10:00 - 21:00 Wednesday; 10:00 - 20:00 Thursday; 10:00 - 21:00 Friday; 10:00 - 19:00 Saturday; 09:00 - 18:00
20/07509/LIPRW	Louis	13-15 West Street London WC2H 9NE	Restaurant	Sunday; 12:00 - 22:30 Monday to Saturday; 09:00 - 02:00
16/04558/LIPT	Le Beaujolais Wine Bar	25 Litchfield Street London WC2H 9NJ	Wine bar	Sunday; 12:00 - 23:00 Monday to Saturday; 10:00 - 23:30

16/04565/LIPT	Le Beaujolais Restaurant Club	25 Litchfield Street London WC2H 9NJ	Wine bar	Sunday; 12:00 - 23:00 Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00
22/01939/LIPVM	Not Recorded	76 - 78 Charing Cross Road London WC2H 0BD	Cafe	Sunday; 09:00 - 23:00 Monday to Thursday; 09:00 - 00:00 Friday to Saturday; 09:00 - 00:30
23/05683/LIPDPS	The Spice Of Life	37-39 Romilly Street London W1D 5NA	Pub or pub restaurant with lodge	Sunday; 09:00 - 23:00 Monday to Thursday; 09:00 - 23:30 Friday to Saturday; 09:00 - 00:00 New Year's Eve; 00:00 - 00:00 Sundays before Bank Holidays; 09:00 - 00:00
17/09476/LIPRW	London Grace	11 West Street London WC2H 9NE	Hairdresser or beauty salon	Saturday; 09:00 - 20:00 Sunday; 10:00 - 16:00 Monday to Wednesday; 09:00 - 21:00 Thursday to Friday; 09:00 - 22:00
09/01988/LIPD	Souk Restaurant	Ground 27 Litchfield Street London WC2H 9NJ	Cafe	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
20/07132/LIPCH	Coach & Horses Public House	29 Greek Street London W1D 5DH	Pub or pub restaurant with lodge	Sunday; 12:00 - 22:50 Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sundays before Bank Holidays; 12:00

				- 00:00
23/03570/LIPDPS	The Ivy Club	9 West Street London WC2H 9NE	Shop	Sunday; 10:00 - 23:00 Monday to Saturday; 08:00 - 02:30
21/04531/LIPN	Viet Noodle Bar	Basement And Ground Floor 34 Greek Street London W1D 5DJ	Restaurant	Sunday; 12:00 - 20:00 Monday to Saturday; 12:00 - 23:00
23/01478/LIPDPS	The Cambridge Hotel	93 Charing Cross Road London WC2H 0DP	Public house or pub restaurant	Monday; 07:00 - 00:30 Tuesday; 07:00 - 00:30 Wednesday; 07:00 - 00:30 Thursday; 07:00 - 00:30 Friday; 07:00 - 00:30 Sunday; 07:00 - 22:50 Sunday; 07:00 - 00:00 Monday to Thursday; 07:00 - 23:30 Friday to Saturday; 07:00 - 00:00 Sundays before Bank Holidays; 07:00 - 00:00
23/03696/LIPDPS	Z Hotel	The Z Hotel Soho 17 Moor Street London W1D 5AP	Hotel, 4+ star or major chain	Monday to Sunday; 00:01 - 00:00
22/08436/LIPDPS	Y Ming	35 - 36 Greek Street London W1D 5DL	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
16/11180/LIPN	Maison Berteaux	28 Greek Street London W1D 5DQ	Food store (large)	Monday to Sunday; 08:00 - 23:00
23/08501/LIPDPS	La Bodega Negra	Basement And Ground Floor 16 Moor Street London W1D 5AP	Restaurant	Monday to Sunday; 00:00 - 00:00

23/07691/LIPT	Limoncello	Basement And Ground Floor 8-9 Moor Street London W1D 5ND	Restaurant	Sunday; 08:00 - 23:00 Monday to Thursday; 08:00 - 00:30 Friday to Saturday; 08:00 - 01:00
23/03557/LIPDPS	The Ivy	1 - 5 West Street London WC2H 9NQ	Restaurant	Sunday; 08:00 - 01:00 Monday to Saturday; 08:00 - 01:30

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