



City of Westminster

Title:

Licensing Sub-Committee (3)

Meeting Date:

Thursday 8 February 2024

Time:

10.00 am

Venue:

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

Members:

Councillors:

Robert Eagleton (Chair)
Concia Albert
Louise Hyams

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

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

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

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

If you require further information, please contact the Committee Officer, Katherine Stagg, Committee and Councillor Co-ordinator.

Email: kstagg@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. TOWNHOUSE, 129 VICTORIA STREET, SW1E 6RD

(Pages 1 - 32)

| Ward CIA* SCZ** | Site Name & Address | Application Type | Licensing Reference No. |
|--|--|----------------------------|----------------------------|
| Vincent Square * None ** None | Townhouse 129 Victoria Street SW1E 6RD | New Premises Licence | 23/07941/LIPN |
| *Cumulative Impact Area ** Special Consideration Zone | | | |

2. 61 KINGLY STREET, W1B 5QL**(Pages 33 - 72)**

| Ward CIA* SCZ** | Site Name & Address | Application Type | Licensing Reference No. |
|--|-----------------------------|-------------------------|----------------------------|
| West End * West End ** None | 61 Kingly Street W1B 5QL | New Premises Licence | 23/08418/LIPN |
| *Cumulative Impact Area ** Special Consideration Zone | | | |

3. SHAKESPEARE'S HEAD PUBLIC HOUSE, 29 GREAT MARLBOROUGH STREET, W1F 7HZ**(Pages 73 -
114)**

| Ward CIA* SCZ** | Site Name & Address | Application Type | Licensing Reference No. |
|--|---|----------------------------------|----------------------------|
| West End * West End ** None | Shakespeare's Head Public House 29 Great Marlborough Street W1F 7HZ | Premises Licence Variation | 23/07875/LIPV |
| *Cumulative Impact Area ** Special Consideration Zone | | | |

**Stuart Love
Chief Executive
31 January 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 |

This page is intentionally left blank



City of Westminster

Licensing Sub-Committee Report

Item No:

8 February 2024

Licensing Ref No:

23/07941/LIPN - New Premises Licence

Title of Report:

Townhouse
129 Victoria Street
London
SW1E 6RD

Report of:

Director of Public Protection and Licensing

Wards involved:

Vincent Square

Policy context:

City of Westminster Statement of Licensing Policy

Financial summary:

None

Report Author:

James Hayes
Principal Licensing Officer

Contact details

Telephone: 020 7641 6500
Email: jhayes2@westminster.gov.uk

1. Application

| 1-A Applicant and premises | | | |
|-----------------------------------|--|--|--|
| Application Type: | New Premises Licence, Licensing Act 2003 | | |
| Application received date: | 6 November 2023 | | |
| Applicant: | Townhouse Group Ltd | | |
| Premises: | Townhouse | | |
| Premises address: | 129 Victoria Street London SW1E 6RD | Ward: Cumulative Impact Area: Special Consideration Zone: | Vincent Square None None |
| Premises description: | According to the application form, the applicant proposes to operate the premises premium nail salon and retail store. | | |
| Premises licence history: | This is a new premises licence application and therefore no premises licence history exists. | | |
| Applicant submissions: | On original submissions, the applicant proposed 17 conditions in their operating schedule. | | |
| Applicant amendments: | <p>After the consultation period and following mediation the applicant proposed an updated set of conditions in their operating schedule. This can be found at Appendix 2.</p> <p>The full set of conditions can be found at Appendix 4.</p> <p>The applicant also amended the timings from:</p> <p>Sale of Alcohol (On sales only) Monday to Saturday: 09:00 to 23:00 Sunday: 09:00 to 22:30</p> <p>Opening Hours Monday to Sunday: 07:00 to 23:00</p> <p>To</p> <p>Sale of Alcohol (On sales only) Monday to Sunday: 09:00 to 21:00</p> <p>Opening Hours Monday to Sunday: 07:00 to 21:30.</p> <p>The hours for Retail Sale of Alcohol and Opening Hours are reflected in section 1-B of the report.</p> | | |

| 1-B 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 | 09:00 |
| End: | 21:00 | 21:00 | 21:00 | 21:00 | 21:00 | 21:00 | 21:00 |
| Seasonal variations/ Non-standard timings: | None | | | | | | |

| Hours premises are open to the public | | | | | | | |
|--|-------|-------|-------|-------|-------|-------|-------|
| Day: | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
| Start: | 07:00 | 07:00 | 07:00 | 07:00 | 07:00 | 07:00 | 07:00 |
| End: | 21:30 | 21:30 | 21:30 | 21:30 | 21:30 | 21:30 | 21:30 |
| Seasonal variations/ Non-standard timings: | None | | | | | | |
| Adult Entertainment: | None | | | | | | |

2. Representations

| 2-A Responsible Authorities | |
|-----------------------------|---|
| Responsible Authority: | Environmental Health Service |
| Representative: | Ayesha Bolton |
| Received: | 04 December 2023 (Withdrawn 04 December 2023) |

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

The applicant has submitted floor plans of the premises.

This representation is based on the plans and operating schedule submitted.

The applicant is seeking the following:

1. To provide Supply of Alcohol On the premises Monday to Saturday 09.00 to 23.00 and Sunday 09.00 to 22.30 hours.

I have no objection to this application.

The operating schedule includes the following works conditions:

16. 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.

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

I have visited the premises and it was satisfactory. The works condition 16 above is not necessary and can be removed.

The maximum capacity for the premises has been agreed with the applicant to be 25 persons. Hence the works condition 17 above should be replaced with the following condition: "The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 25 persons."

Due to the above condition being agreed with the applicant, the Environmental Health Service representation was withdrawn 04 December 2023.

| | |
|---------------------------------------|--|
| 2-A Other Persons | |
| Name: | [REDACTED] |
| Address and/or Residents Association: | [REDACTED] [REDACTED] [REDACTED] |
| Received: | 14 November 2023 |

Dear Sirs The proposed alcohol license would affect us differently if:

a) The entrance and exit is on Victoria Street.

This would not be so much of a problem for us, but I think the area already has many bars and pubs and an alcohol problem.

b) This would be worse as the rear of the property in question - which already has a door onto Howick Place - is used by customers to enter or leave the premises. [REDACTED]
[REDACTED]

I believe the noise level, taking into consideration what I have witnessed in this area of Westminster, would be very difficult to live with. There is also the risk of anti-social behaviour after alcohol has been consumed in excess - which as I am sure you are aware is already a problem in this part of London. Further, as I understand it, it would be 7 days per week.

Behind Victoria Street, it is mainly residential.

I would be very grateful if the council would take into consideration all of our buildings' residents who are in the same situation as we are. Thank you for your kind consideration.

3. Policy & Guidance

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

| | |
|----------------------------|---|
| Policy HRS1 applies | A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy. B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following: 1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm. 2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues |
|----------------------------|---|

| | |
|--|---|
| | <p>identified in that area and provided adequate mitigation.</p> <p>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.</p> <p>4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.</p> <p>5. The proposed hours when any music, including incidental music, will be played.</p> <p>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.</p> <p>7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.</p> <p>8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at 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 this application for each premises use type as defined within this policy are:</p> <p>11a. Shops (all licensable activities that are provided as ancillary to the primary use of the premises as a shop except the off sale of alcohol)</p> <p>Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to Midnight. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to Midnight.</p> <p>11b. Shops (off-sales of alcohol where it forms either the ancillary or primary use of the premises)</p> |
|--|---|

| | |
|----------------------------|---|
| | <p>Monday to Saturday: 8am to 11pm. Sunday: 9am to 10.30pm.</p> |
| Policy SHP1 applies | <p>A. Applications for a shop outside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities are within the council's Core Hours Policy HRS1. 3. The operation of any delivery services for alcohol meeting the council's Ancillary Alcohol and/or Latenight Refreshment Delivery Service Policy DEL1. 4. The applicant having taken account of the Special Consideration Zone Policy SCZ1 if the premises are located within a designated zone. 5. The application and operation of the venue meeting the definition of a shop in Clause C. <p>B. Applications for a shop inside the West End Cumulative Impact Zone will be considered on their own merits and subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities are within the council's Core Hours Policy HRS1. 3. The operation of any delivery services for alcohol meeting the council's Ancillary Alcohol and/or Latenight Refreshment Delivery Service Policy DEL1. 4. The applicant having demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone. 5. The application and operation of the venue meeting the definition of a shop in Clause C. <p>C. For the purposes of this policy:</p> <ol style="list-style-type: none"> 1. A shop is defined as a stall, vehicle, vessel, temporary structure, building or part of a stall, vehicle, vessel, temporary structure or building where the primary activity is the sale of goods or services to customers upon payment. 2. The licensable activities for the sale of alcohol for consumption on the premises, regulated entertainment and/or late night refreshment must be ancillary to the primary use of the premises as a shop. 3. The licensable activity of the sale of alcohol for consumption off the premises must be an ancillary function to the primary use of the premises unless that primary use is to sell alcohol for consumption off the premises, e.g. a traditional off licence. |

4. Equality Implications

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

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

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

5. Appendices

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

| | |
|-----------------------|---|
| Report author: | James Hayes Principal Licensing Officer |
| Contact: | Telephone: 020 7641 6500 Email: jhayes2@westminster.gov.uk |

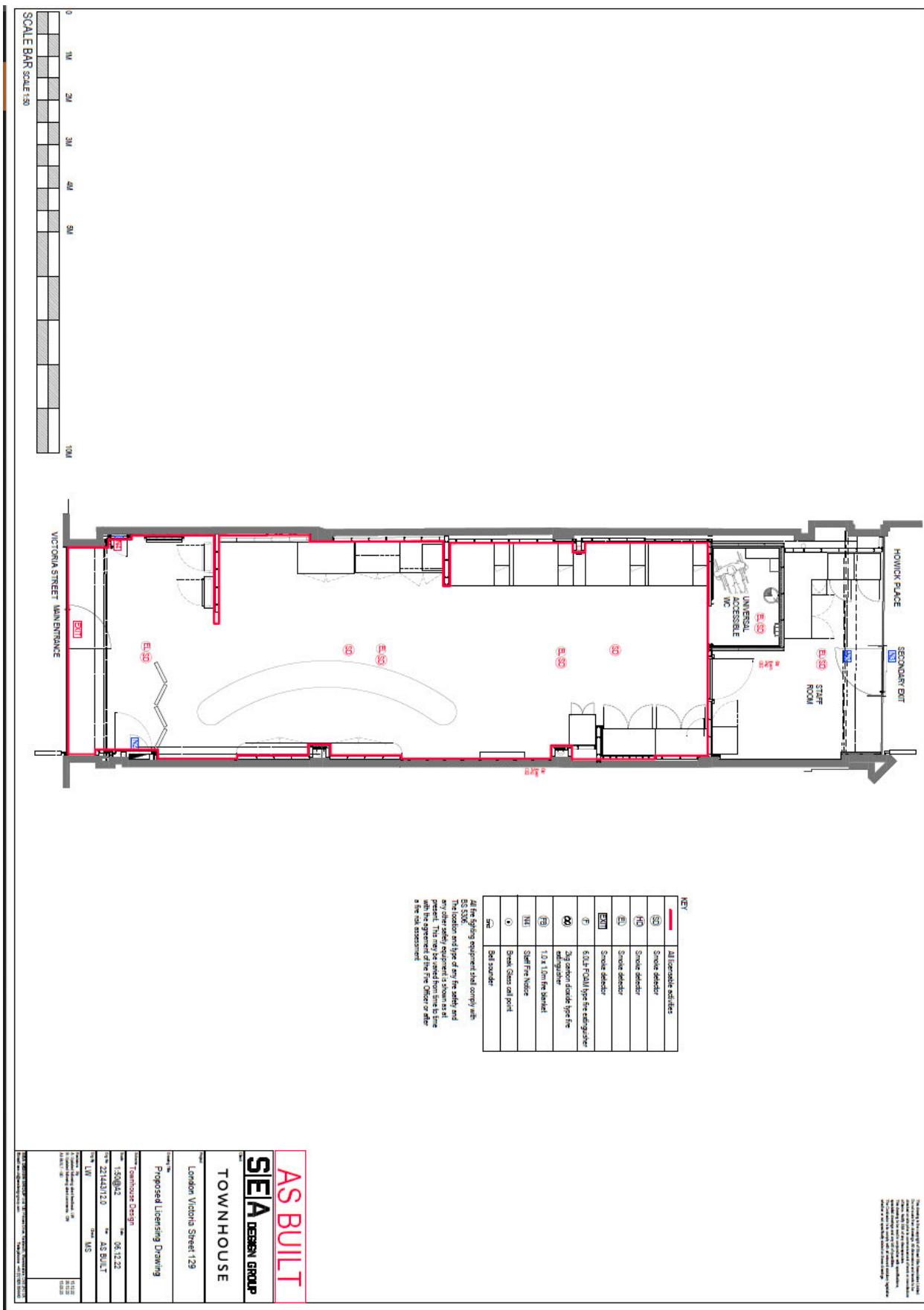
If you have any queries about this report or wish to inspect one of the background papers please contact the report author.

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

| | | |
|----------|---|------------------|
| 1 | Licensing Act 2003 | N/A |
| 2 | City of Westminster Statement of Licensing Policy | 01 October 2021 |
| 3 | Amended Guidance issued under section 182 of the Licensing Act 2003 | December 2022 |
| 4 | Environmental Health Service (withdrawn 04 December 2023) | 04 December 2023 |
| 5 | Representation 1 | 14 November 2023 |

Premises Plans

Appendix 1



**Thomas & Thomas
Partners LLP**

**Townhouse
129 Victoria Street
SW1E 6RD**

SUMMARY OF PROPOSALS

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

**Solicitors for the
Applicant/TOW.2.9**

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

Introduction

1. Townhouse is a luxury nail and beauty salon founded by Junaita Huber-Millet in 2018, and run together with her husband. The concept flourished, and they have now expanded to over 30 salons nationwide.
2. Three Townhouse salons in Westminster are already licensed for alcohol: 88 Great Portland Street, 6 Slingsby Place and 120 Edgware Road – all authorising sales until 10pm or 11pm. The licences for Slingsby Place and Edgware Road were only granted very recently, but the Great Portland Street premises has been licensed for alcohol since 2018, and has operated without any issues since.
3. The company is applying here for a premises licence for the salon at 129 Victoria Street (the “Premises”). As shown below, the salon is already open and operating (without alcohol), with a special treatments licence covering the nail services (licence reference 23/00894/LIMSTN).



The Application

4. The application seeks permission for sales of alcohol for consumption on the Premises only, 09:00 to 21:00, Monday to Sunday, with closing by 21:30.
5. Alcohol will only be for people receiving or waiting to receive treatments, and will be ancillary to the primary use as a nail and beauty salon at all times. Two conditions have been proposed to guarantee this:

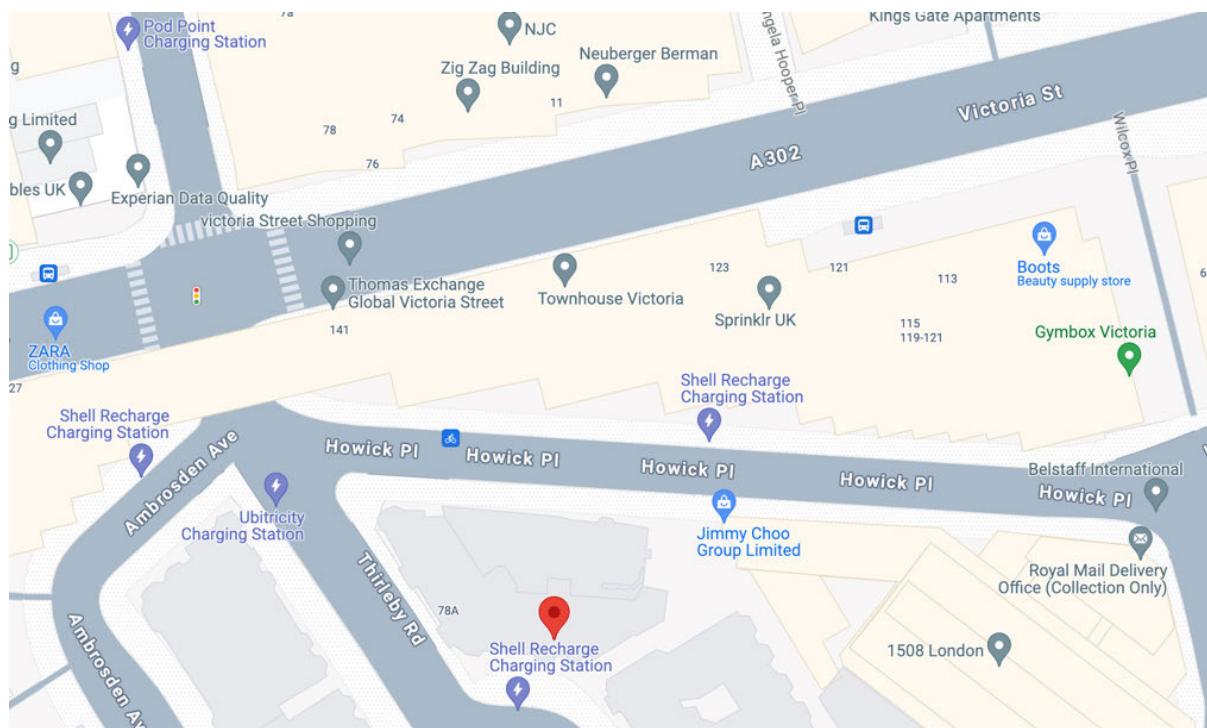
- 1) The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as a nail and beauty salon.*
 - 2) The sale of alcohol shall be limited to customers who are receiving or waiting to receive treatments.*
 6. Off sales are not requested, and neither is regulated entertainment – and the alcohol hours are well within the City Council’s Core Hours for shops, which match those for restaurants at 09:00 to 23:30 Monday to Thursday, 00:00 Friday & Saturday and 22:30 Sunday.

Environmental Health

- Following correspondence with Ayesha Bolton of Environmental Health, a site visit was completed on 4 December 2023, where the Premises were deemed satisfactory and “signed-off” ready to permit licensable activities should the licence be granted. A maximum capacity of 25 persons excluding staff has also been agreed. The other responsible authorities have no concerns.

objection

8. A single █ has objected,



9. The [REDACTED] indicated in their representation that

[REDACTED], and were concerned about customers entering and exiting the premises via the door at the back of the Premises. That rear door is shown in the image below:



10. They expanded further in correspondence that they did not think the 10pm cut-off for having the rubbish collected would be enforced, and elaborated that they "*really can't believe that women cannot get their nails 'done' without the need for alcohol. It is approximately a 45 minute process. Society is in a sorry state.*"
11. The applicant took the concerns on board, and offered to:
 - (a) reduce alcohol to 21:00 all week, with closing by 21:30 (having asked for 23:00 Monday to Saturday and 22:30 on Sunday in the original application, which was already earlier than Core Hours);
 - (b) tighten the waste and servicing conditions further, so as to prohibit collections or deliveries, or the moving of waste, between 08:00 and 21:30 (which goes significantly beyond the Council's model conditions, which propose a window of 08:00 and 23:00); and
 - (c) add a condition that prohibits customers from ever using the rear door on Horwick Place, except in an emergency - ensuring that customers can only access the Premises via Victoria Street, far out of sight and earshot of the resident's windows.

12. This proposal was met with hostility, with the objector asserting that, rather than the company offering a glass of alcohol before a treatment: "*I would suggest the client having a manicure or pedicure turn up on time and therefore not have to wait. And the business become professional and not keep customers waiting.*"
13. This correspondence is enclosed for the Sub-Committee. A revised application summary showing the changes to the hours and the conditions is also enclosed for the Sub-Committee, with the amendments shown in track changes.

Policy

Shops Policy SHP1

14. The Premises is located outside the Victoria Special Consideration Zone.
15. The nature of the business and the conditions offered mean the Premises are within the definition of a shop in SHP1, as a "*building where the primary activity is the sale of goods or services to customers for payment*"¹ and where alcohol is to be "*ancillary to the primary use of the premises as a shop*".²
16. SHP1.A says that applications such as this will "*generally be granted*":
 - "*A. Applications for a shop outside the West End Cumulative Impact Zone will generally be granted subject to:*
 - (1) *The application meeting the requirements of 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.*
17. Limbs (3) and (4) are not in point here – and the rest are all satisfied, as the application promotes the licensing objectives by offering a suite of conditions that go significantly beyond the Council's own benchmarks.

¹ SHP1.C.1

² SHP1.C.2

18. Contrary to the [REDACTED] suggestion that a proposal to sell alcohol is indicative of a lack of business professionalism, the policy makes clear (at F144) that “[t]he Licensing Authority is keen to support shops who wish to offer ancillary licensable activities to the main purpose of their shop” and (at F145) that common examples of where it is envisaged this would be appropriate include “boutique[s] [...], hairdressers, massage parlours, or anything of a similar nature where the primary use is the purchase of goods by customers or to provide a service.”

Conclusion

19. This is an application to permit a premium nail and beauty salon to offer ancillary alcohol alongside their treatments, and will allow a dynamic new business to continue its successful operation in Westminster. It is carefully conditioned and supported by policy, even before the significant amendments offered to address the [REDACTED] stated concerns.

Thomas & Thomas Partners LLP

January 2024

Application for Premises Licence

Townhouse
129 Victoria Street, London, SW1E 6RD

Proposed Hours

| | |
|---------------------------------|---|
| Sale of Alcohol (On sales only) | Monday to <u>Sunday</u> Saturday : 09:00 to <u>21:00</u> 23:00 Sunday: 09:00 to 22:30 |
| Opening Hours | Monday to Sunday: 07:00 to <u>23:00</u> 21:30 |

Applicant: Townhouse Group Limited

Description: Premium nail salon and retail store. To allow the ancillary sale of alcohol for consumption on the premises only.

Proposed Conditions:

1. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as a nail and beauty salon.
2. The sale of alcohol shall be limited to customers who are receiving or waiting to receive treatments.
3. All staff engaged or to be engaged in the sale of alcohol on the premises will be trained in age restricted sales to require evidence of age from any person seeking to buy alcohol and appearing to be under the age of 18.
4. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognized photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
5. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or authorised officer of the Council as soon as practicable on request.
6. 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.

7. 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.
 8. 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 alcoholic beverages with them.
 9. There shall be no sales of alcohol for consumption off the premises.
 10. There shall be no self-service of alcohol.
 11. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
 12. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 21:30~~22:00~~ hours and 08.00 hours on the following day.
 13. No collections of waste or recycling materials (including bottles) from the premises shall take place between 21:30~~22:00~~ hours and 08.00 on the following day.
 14. No deliveries to the premises shall take place between 21:30~~22:00~~ hours and 08.00 hours on the following day.
15. Save for private pre-booked events, the supply of alcohol shall be to persons seated only.
16. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 25 persons.
17. Save for emergencies, customers shall only enter or exit from the main door onto Victoria Street.

~~Works conditions (to be removed prior to licensable activities taking place):-~~

- ~~15. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.~~
- ~~16. No licensable activities shall take at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined.~~

Subject: Re: RE: Licensing Sub Committee, 08 February 2024 - Townhouse, 129 Victoria Street, 23/07941/LIPN
Date: Monday, 29 January 2024 at 21:56:07 Greenwich Mean Time
From: Will Robinson
To: Hayes, James: WCC
Attachments: image001.png

From: Hayes, James: WCC [REDACTED]
Sent: Tuesday, January 16, 2024 11:32 AM
To: Ryan Peermamode [REDACTED]
Subject: RE: 23/07941/LIPN, Townhouse, 129 Victoria Street

Thanks for the below Ryan, I will share with the Objector today.

I'll let you know once I get a response.

James

From: Ryan Peermamode [REDACTED]
Sent: Friday, January 12, 2024 2:29 PM
To: Hayes, James: WCC [REDACTED]
Subject: RE: 23/07941/LIPN, Townhouse, 129 Victoria Street

Hi James

Hope all's well. Excuse the delay here.

I have taken instructions and attach an amended schedule which notes:-

1. Reduced terminal hour to 21:00 all week, closing 30 minutes thereafter;
2. Restrict delivery or waste collections not between 21:30 to 08:00 hours. NB There is an internal communal waste storage and collection point for the wider building. No waste is placed on the street from Townhouse;
3. Include condition preventing customer use of the rear door onto Howick Pl, save for emergencies; and
4. Maximum capacity now agreed at 25 persons.

Lastly to note, as there are no other objections from either residents or a responsible authority, it would be desirable to reach agreement without need for a hearing to save council resources.

I would be grateful if you could pass onto the objector for their comment.

Thanks again

Ryan

From: Ryan Peermamode
Sent: 08 December 2023 10:46
To: Hayes, James: WCC [REDACTED]
Subject: RE: 23/07941/LIPN, Townhouse, 129 Victoria Street

Great! I'll take instruction and aim to get something over to you to forward on next week.

Thanks James

Ryan

From: Hayes, James: WCC [REDACTED]
Sent: Friday, December 8, 2023 9:12 AM
To: Ryan Peermamode [REDACTED]>
Subject: RE: 23/07941/LIPN, Townhouse, 129 Victoria Street

Good morning Ryan, the objector has responded and confirmed they wish to maintain their objection and did not want me to pass over their private details in order for them to contact you directly.

If there are further details relevant to the objection that you would like to pass on through me, I am more than happy to assist.

Feel free to give me a call if you need further details.

Kind regards,

James Hayes
Principal Officer – Premises Licensing
Environment, Climate and Public Protection
Westminster City Council
15th Floor City Hall
64 Victoria Street
London SW1E 6QP
Tel: [REDACTED]
westminster.gov.uk



City of Westminster

From: Hayes, James: WCC
Sent: Thursday, December 7, 2023 11:35 AM
To: Ryan Peermamode [REDACTED]
Subject: RE: 23/07941/LIPN, Townhouse, 129 Victoria Street

Hi Ryan, I have reached out to the objector this morning seeking consent to share their email. Their address is



I have also provided your details in order they may wish to contact you directly to assist mediation.

I'll speak with you again as soon as I have another update.

Kind regards,

James Hayes
Principal Officer – Premises Licensing
Environment, Climate and Public Protection
Westminster City Council
15th Floor City Hall
64 Victoria Street
London SW1E 6QP
Tel: [REDACTED]
westminster.gov.uk



City of Westminster

From: Ryan Peermamode [REDACTED]
Sent: Thursday, December 7, 2023 10:54 AM
To: Hayes, James: WCC <[REDACTED]>
Subject: RE: 23/07941/LIPN, Townhouse, 129 Victoria Street

Hi James

Thanks for correspondence with this.

Are you able to share the objector's details and email address so we may reach out directly?

Thanks

Ryan

Ryan Peermamode
CILEX Paralegal

Thomas & Thomas Partners LLP
38a Monmouth Street, London, WC2H 9EP
[REDACTED]

From: Hayes, James: WCC <[REDACTED]>
Sent: Wednesday, December 6, 2023 9:53 AM
To: Ryan Peermamode <[REDACTED]>
Subject: RE: 23/07941/LIPN, Townhouse, 129 Victoria Street

Hi Ryan, I hope you're well. I have heard back from the [REDACTED], who has provided the below. [REDACTED]

I have written back to them regarding the process from here, and seeking further options for agreement prior to a hearing. I will keep you posted.

Thank you for your comprehensive response to my concerns.

However, I really can't believe that women cannot get their nails 'done' without the need for alcohol. It is approximately a 45 minute process. Society is in a sorry state.

I assume this will lead to groups of women deciding to party in Townhouse before a night out or it could be used for the first stop on a hen night?

In my experience too, this license will lead in the future to further developments at Townhouse. A food license perhaps? Or a change of use to a bar eventually?

Who is going to police the garbage being put out after 22.00hrs. As I said [REDACTED] are overlooking Townhouse and as we work during the day [REDACTED] And you say that is the latest they will put it out. We already hear delivery people for the shop rear entrances on Howick Place banging crates around, and hydraulics on tail gates on trucks in the early hours. The people who look after the bicycles also make a huge amount of noise.

So to answer your question I am sorry to be difficult but my fears are not allayed and I would NOT like the license to be granted.

I believe unless one is a [REDACTED] in the vicinity one cannot understand how this would affect our lives.

Thank you for your understanding.

Feel free to give me a call if you would like to discuss further.

Kind regards,

James Hayes
Principal Officer – Premises Licensing
Environment, Climate and Public Protection
Westminster City Council
15th Floor City Hall
64 Victoria Street
London SW1E 6QP
Tel: [REDACTED]
westminster.gov.uk



City of Westminster

From: Ryan Peermamode [REDACTED]
Sent: Tuesday, December 5, 2023 6:01 PM
To: Hayes, James: WCC <[REDACTED]>
Subject: RE: 23/07941/LIPN, Townhouse, 129 Victoria Street

Thank you James and sorry I has missed call earlier

Please let me know once you hear back from the [REDACTED]. I can then take further instructions if required.

Thanks

Ryan

Ryan Peermamode

CILEX Paralegal

Thomas & Thomas Partners LLP
38a Monmouth Street, London, WC2H 9EP
[REDACTED]
[REDACTED]
[REDACTED]

From: Hayes, James: WCC [REDACTED]
Sent: Tuesday, December 5, 2023 9:54 AM
To: Ryan Peermamode [REDACTED]
Subject: 23/07941/LIPN, Townhouse, 129 Victoria Street

Dear Ryan, I write regarding the above application, which had a last date for objection of 04 December 2023. We have received 2 representations to the application, one from Environmental Health (which you have received and covers capacity), and one from [REDACTED] which is provided below:

Comments: 14/11/2023 1:22 PM Dear Sirs, The proposed alcohol license would affect us differently if:

- a) The entrance and exit is on Victoria Street. This would not be so much of a problem for us, but I think the area already has many bars and pubs and an alcohol problem.
- b) This would be worse as the rear of the property in question - which already has a door onto Howick Place - is used by customers to enter or leave the premises. [REDACTED]

I believe the noise level, taking into consideration what I have witnessed in this area of Westminster, would be very difficult to live with. There is also the risk of anti-social behaviour after alcohol has been consumed in excess - which as I am sure you are aware is already a problem in this part of London. Further, as I understand it, it would be 7 days per week.

Behind Victoria Street, it is mainly residential.

I would be very grateful if the council would take into consideration all of our buildings' [REDACTED] who are in the same situation as we are. Thank you for your kind consideration.

Sincerely,

I have forwarded the proposed conditions you included with the application to the [REDACTED] to assist with mediation, and asked whether they address the concerns raised. Once I hear back from the [REDACTED], I will contact you again. Alternatively, if there are any further conditions you may like to consider, please let me know and I will forward these on.

Please let me know if I can be of further assistance.

Kind regards,

James Hayes

Principal Officer – Premises Licensing
Environment, Climate and Public Protection
Westminster City Council
15th Floor City Hall
64 Victoria Street
London SW1E 6QP

westminster.gov.uk



City of Westminster

This E-Mail may contain information which is privileged, confidential and protected from disclosure.

If you are not the intended recipient of this E-mail or any part of it, please telephone Westminster City Council immediately on receipt.
You should not disclose the contents to any other person or take copies.

This E-Mail may contain information which is privileged, confidential and protected from disclosure.

If you are not the intended recipient of this E-mail or any part of it, please telephone Westminster City Council immediately on receipt.
You should not disclose the contents to any other person or take copies.

This E-Mail may contain information which is privileged, confidential and protected from disclosure.

If you are not the intended recipient of this E-mail or any part of it, please telephone Westminster City Council immediately on receipt.
You should not disclose the contents to any other person or take copies.

This E-Mail may contain information which is privileged, confidential and protected from disclosure.

If you are not the intended recipient of this E-mail or any part of it, please telephone Westminster City Council immediately on receipt.
You should not disclose the contents to any other person or take copies.

This E-Mail may contain information which is privileged, confidential and protected from

disclosure.

If you are not the intended recipient of this E-mail or any part of it, please telephone Westminster City Council immediately on receipt.

You should not disclose the contents to any other person or take copies.

This E-Mail may contain information which is privileged, confidential and protected from disclosure.

If you are not the intended recipient of this E-mail or any part of it, please telephone Westminster City Council immediately on receipt.

You should not disclose the contents to any other person or take copies.

Subject: FW: RE: Licensing Sub Committee, 08 February 2024 - Townhouse, 129 Victoria Street, 23/07941/LIPN
Date: Monday, 29 January 2024 at 21:57:31 Greenwich Mean Time
From: Will Robinson
Attachments: image001.png

From: Hayes, James: WCC [REDACTED]
Date: Friday, 19 January 2024 at 09:00
To: Ryan Peermamode [REDACTED]
Subject: RE: Licensing Sub Committee, 08 February 2024 - Townhouse, 129 Victoria Street, 23/07941/LIPN

Dear Ryan, please see below:

I have read the proposed amendments to the license application. It would seem that the applicant agrees with [REDACTED] that the proposed license, should it be granted, would indeed cause an upset locally evident in his willingness to make changes.

However, the [REDACTED] in our building are still not in favour of an alcohol license in a nail salon adjacent to our homes, let alone a license to serve alcohol at 09.00 hrs.

There are many drinking venues on Victoria street and many alcoholics lying in the streets to prove it.

I would suggest the client having a manicure or pedicure turn up on time and therefore does not have to wait. And the business become professional and not keep customers waiting.

So sorry but we in the building cannot oblige.

Thank you for your understanding.

Premises History

Appendix 3

There is no licence or appeal history for the premises.

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

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

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

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

Mandatory Conditions

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

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

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

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

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

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

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

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

Where -

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

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

Conditions consistent with the operating schedule

9. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as a nail and beauty salon.
10. The sale of alcohol shall be limited to customers who are receiving or waiting to receive treatments.
11. All staff engaged or to be engaged in the sale of alcohol on the premises will be trained in age restricted sales to require evidence of age from any person seeking to buy alcohol and appearing to be under the age of 18.
12. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognized photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
13. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or authorised officer of the Council as soon as practicable on request.
14. 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.
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. 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 alcoholic beverages with them.
17. There shall be no sales of alcohol for consumption off the premises.
18. There shall be no self-service of alcohol.
19. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
20. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 21.30 hours and 08.00 hours on the following day.
21. No collections of waste or recycling materials (including bottles) from the premises shall take place between 21.30 and 08.00 on the following day.
22. No deliveries to the premises shall take place between 21:30 and 08.00 hours on the

following day.

23. Save for private pre-booked events, the supply of alcohol shall be to persons seated only.
24. Save for emergencies, customers shall only enter or exit from the main door onto Victoria Street.

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

25. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 25 persons.



Resident Count: 86

| Licensed premises within 75m of 129 Victoria Street, London | | | | |
|---|---------------------|---|----------------------|---|
| Licence Number | Trading Name | Address | Premises Type | Time Period |
| 23/04504/LIPDPS | Hotel Chocolat | 133 Victoria Street London SW1E 6RD | Shop | Monday to Sunday; 08:00 - 23:00 |
| 22/06775/LIPDPS | Ivy Collection | 66 Victoria Street London SW1E 6SQ | Restaurant | Friday to Saturday; 07:00 - 00:30 Sunday to Thursday; 07:00 - 00:00 Sundays before Bank Holidays; 07:00 - 00:30 |
| 23/08392/LIPDPS | Iberica | Zig Zag Building 70 Victoria Street London SW1E 6SQ | Restaurant | Friday to Saturday; 10:00 - 00:30 Sunday to Thursday; |

| | | | | |
|----------------|-----------------|---|---------------------------|---|
| | | | | 10:00 - 00:00 Sundays before Bank Holidays; 10:00 - 00:30 |
| 23/09195/LIPRW | Lane 7 | Zig Zag Building 70 Victoria Street London SW1E 6SQ | Indoor bowling centre | Sunday; 12:00 - 23:00 Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30 |
| 23/04190/LIPN | Bam Karaoke Box | 74 Victoria Street London SW1E 6SQ | Night clubs and discos | Sunday; 09:00 - 23:30 Monday to Tuesday; 09:00 - 00:30 Wednesday to Saturday; 09:00 - 01:30 |
| 23/02561/LIPT | M W Restaurants | Kingsgate House 66 - 74 Victoria Street London SW1E 6SQ | Restaurant | Friday to Saturday; 07:00 - 00:30 Sunday to Thursday; 07:00 - 00:00 |



City of Westminster

Licensing Sub-Committee Report

Item No:

Date:

Licensing Ref No:

Title of Report:

61 Kingly Street
London
W1B 5QL

Report of:

Wards involved:

Policy context:

Financial summary:

Report Author:

Jessica Donovan
Senior Licensing Officer

Contact details

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

1. Application

| 1-A Applicant and premises | | | |
|-----------------------------------|---|--|--------------------------|
| Application Type: | New Premises Licence, Licensing Act 2003 | | |
| Application received date: | 20 November 2023 | | |
| Applicant: | Mr Samirkumar Natvarbhai Patel | | |
| Premises: | N/A | | |
| Premises address: | 61 Kingly Street London W1B 5QL | Ward: Cumulative Impact Area: | West End West End |
| | | Special Consideration Zone: | None |
| Premises description: | The premises intends to operate as a convenience store. | | |
| Premises licence history: | <p>The premises has had the benefit of a premises licence since 2018 however, the licence was surrendered in February 2023 (22/02704/LIPDPS).</p> <p>A copy of the surrendered premises licence 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: | <p>The applicant has provided a response to the Licensing Authority's representation.</p> <p>A copy of the submissions can be found at Appendix 2.</p> | | |
| Applicant amendments: | None | | |

| 1-B Proposed licensable activities and hours | | | | | | | |
|---|-------|-------|-------|--------------------------|-------|-------|-----------|
| Sale by retail of alcohol | | | | On or off sales or both: | | | Off sales |
| Day: | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
| Start: | 13:00 | 13:00 | 13:00 | 13:00 | 13:00 | 13:00 | 13:00 |
| End: | 23:00 | 23:00 | 23:00 | 23:00 | 23:00 | 23:00 | 23:00 |
| Seasonal variations/ Non-standard timings: | N/A | | | | | | |

| Hours premises are open to the public | | | | | | | |
|---|-------|-------|-------|-------|-------|-------|-------|
| Day: | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
| Start: | 06:30 | 06:30 | 06:30 | 06:30 | 06:30 | 07:00 | 09:30 |
| End: | 23:00 | 23:00 | 23:00 | 23:00 | 23:00 | 23:00 | 23:00 |
| Seasonal variations/ Non-standard timings: | N/A | | | | | | |

2. Representations

| 2-A Responsible Authorities | |
|-------------------------------|-------------------------|
| Responsible Authority: | The Licensing Authority |
| Representative: | Roxsana Haq |
| Received: | 18 December 2023 |

I write in relation to the application submitted for a New Premises Licence for:

23/08418/LIPN: 61 Kingly Street, London W1B 5QL

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 Licensing Objectives:

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

This application seeks the following:

Sale by retail of alcohol for consumption off the premises

Monday to Sundays 13:00 to 23:00

The premises is located within the West End Cumulative Impact zone and as such policy points CIP1, HRS1 and SHP1 must be considered.

We note the hours applied for licensable activities is outside the Westminster core hours for off licences.

Furthermore the Licensing Authority are aware that the applicant has a history of non-compliance at the premises. The premises had the benefit of a premises licence (22/02704/LIPDPS) between March 2022 and March 2023. The licence was surrendered by the applicant following several breaches of the licence witnessed by the Metropolitan Police Service and the Westminster Trading Standards team. It is unclear what, if anything has changed at this time to demonstrate that the applicant will be able to comply with this premises licence or promote the licensing objectives if granted.

The Licensing Service submit that the application will adversely impact on Cumulative Impact. The applicant has failed to show how they will promote the licensing objectives, The Prevention of Crime and Disorder, the prevention of Public Nuisance and the Protection of Children from Harm (“CD1, PS1, PN1 and CH1”) by failing to provide sufficient conditions within the operating schedule.

Unless the applicant can satisfy the concerns of the Licensing Authority and by demonstrating

that the application will not add to cumulative impact if granted, it will be for Licensing Sub-Committee Members to determine this application, given its location within the West End Cumulative Impact zone.

Please accept this as a formal representation and we look forward to receiving any further submissions which will be forwarded on for Members information.

| | |
|-------------------------------|------------------------------|
| Responsible Authority: | Environmental Health Service |
| Representative: | Anil Drayan |
| Received: | 18 December 2023 |

The premises are located in the West End Cumulative Impact Zone.

Environmental Health make representations against this application as the proposal may adversely impact on the Public Nuisance and Protection of Children from Harm licensing objectives.

In adequate conditions have been provided, such as, how alcohol shall be controlled from access to the public when the premises is open for non-licensable activities. I also understand the applicant is the same as the previous licence holder whom the Police had concerns how that licence was being operated.

The applicant is requested to contact the undersigned to discuss the above after which additional conditions may be proposed.

| | |
|-------------------------------|-----------------------------|
| Responsible Authority: | Metropolitan Police Service |
| Representative: | PC Tom Stewart |
| Received: | 14 December 2023 |

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 **61 Kingly Street London W1B 5QL.**

The application seeks the following:

Sale of Alcohol (off the premises)

Monday to Sunday 13:00 to 23:00

Opening Hours to Public

Monday to Sunday 06:30 to 23:00

The Police submit that, if granted, the premises would undermine the licensing objective '**The Prevention of Crime and Disorder, The prevention of Public Nuisance and The Protection of Children from Harm**', as well as adversely affect cumulative impact within the West End Cumulative Impact Zone ("CIZ").

This premises falls within the Shops Policy ("SHP1") and it is the Licensing Authority's policy to consider such applications within the West End Cumulative Impact Zone on its merits and subject to the following:

- The applicant having demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone
- The application meeting the requirements of policies CD1, PS1, PN1 and CH1.

The Police submit that the applicant has failed to address the above points. The Police submit that the application will adversely impact on Cumulative Impact. The applicant has failed to show how they will promote the licensing objectives, The Prevention of Crime and Disorder, the prevention of Public Nuisance and the Protection of Children from Harm ("CD1, PS1, PN1 and CH1") by failing to provide sufficient conditions within the operating schedule.

The applicant has a history of non-compliance at the premises. The premises had the benefit of a premises licence (22/02704/LIPDPS) between March 2022 and March 2023. The licence was surrendered by the applicant following several breaches of the licence witnessed by Police. It is unclear what, if anything has changed at this time to demonstrate that the applicant will be able to comply with this premises licence or promote the licensing objectives if granted.

The Police request that this application is refused.

2-B Other Persons

| | | | |
|---------------------------------------|-------------|--------------------------|-----------|
| Name: | [REDACTED] | | |
| Address and/or Residents Association: | [REDACTED] | | |
| Status: | Valid | In support or objection: | OBJECTION |
| Received: | 18 Dec 2023 | | |

We object to this application for a new licensed convenience store. 61 Kingly Street is in an area that is predominantly already made up of premises selling on and off sales of alcohol.

There are too many shops selling alcohol in Soho. If people wanted to take alcohol home, they would buy it locally (no-one is far from a licensed convenience store in London). So the only purpose of buying from a convenience store is to drink it on the street. We know it is common practice in Soho for individuals or groups to purchase alcohol at convenience stores, wander round Soho, or gather in a public place, drink on the street, become inebriated, or more inebriated, and cause noise and bad behaviour including street urination. Inebriated people also attract crime gangs to the area and can be the victims of crime.

We note that the application is for an extension of core hours to 23.00 on Sundays.

The new CIA is pointing towards a presumption to refuse all new application applications and variations in the WECIZ.

The Committee will be aware the premises is situated within the West End Cumulative Impact Zone and the onus is on the applicant to demonstrate they will not increase cumulative impact and will promote the licensing objectives.

Increasing the number of licensed premises in the West End CIZ is highlighted in the recently published draft Cumulative Impact Assessment 2023, it confirms crime levels in Westminster has reached pre-COVID levels and since the last Cumulative Impact

Assessment 2020 crimes have concentrated even further in the West End. The modelling shows a 50% increase in undesirable behaviours from any new OR extended licence.

The evidence is clear any addition in the number of hours, the number of people consuming alcohol, the number of licensed premises will fail to promote the licensing objectives and increase cumulative impact. It concludes with a proposed new Licensing Authority Statement which states;

*'It is the view of the Licensing Authority that **the number of relevant authorisations in respect of premises in parts of the West End is such that it is likely that it would be inconsistent with the authority's duty under section 4(1) Licensing Act 2003 to grant any further relevant authorisations or variations in respect of premises in that area.** In accordance with section 5A(6) of the Licensing Act 2003 the Licensing authority will consult on its intention to publish this cumulative impact assessment prior to its final approval and publication.' (our emphasis)* (Appendix 1 Cumulative Impact, Appendix 2 Crime and Disorder).

Soho is at the heart of the West End's food, beverage and entertainment district with its **491** licensed premises, the demand for licensed premises in the West End and Soho shows no tendency to reduce, from 2020 to November 2023, 51 new alcohol licences have been granted with a capacity of over 4,245.

There are very real concerns amongst residents about the ever increasing numbers of licensed premises. We know residents who live near the premises already suffer from noise and disturbance which is caused by dispersal from premises in this area, its had a huge impact on their health and well being.

Residents have been subjected to noise disturbance and anti-social behaviour that are beyond acceptable levels. They are disturbed by the late night activity as people walk by (often shouting, or arguing), noise from pedicabs, car doors slamming, horns hooting, people vomiting and urinating [REDACTED]. Residents are also often disturbed even if an establishment is not located directly on their street, as customers (often noisy and intoxicated) leave premises and either carry on their night out in Soho or make their way home.

We know many residents experience sleep disturbance, [REDACTED] conducted a survey which confirms that residents are disturbed by noise at night, and say that this is having a negative impact on their lives. 87 people responded of which 78 are Soho residents with ages spread fairly evenly from 22 to 80, 59% of whom have lived in Soho for more than ten years.

When asked about disturbed sleep, 24% of respondents say they have their sleep disturbed seven nights a week, 16% five or six nights a week, and 19% three or four nights a week.

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

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

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

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

The full survey can be found in **Appendix 3**.

In summary, this application for an off sales licence will increase cumulative impact and fail to promote the licensing objectives.

Yours faithfully,

[REDACTED]
[REDACTED]
[REDACTED]

Appendix 1 : Cumulative Impact
Appendix 2 : Crime and Disorder

Appendix 3 : [REDACTED] Sleep Survey Results
Appendix 4 : The Application

Appendix 5 : [REDACTED]

Appendix 1 : Cumulative Impact

This area has been identified by Westminster City Council as under stress because of the cumulative effect of the concentration of licensed premises has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses. The evidence presented in the draft Cumulative Impact Assessment 2023 continues to show high levels of cumulative impact in the West End Zone 1 in 2022, it states,

'West End Zone is the epicentre for issues associated with cumulative impact within the **borough.**' (p.50)

The proposed Licensing Authority Statement strengthens the previous 2020 CIA statement in acknowledging the increasing and detrimental impact of the large number of licensed premises in the West End, it concludes,

'It is the view of the Licensing Authority that the number of relevant authorisations in respect of premises in parts of the West End is such that it is likely that it would be inconsistent with the authority's duty under section 4(1) Licensing Act 2003 to grant any further relevant authorisations or variations in respect of premises in that area. In accordance with section 5A(6) of the Licensing Act 2003 the Licensing authority will consult on its intention to publish this cumulative impact assessment prior to its final approval and publication.' (p.80)(our emphasis)

In any application for an alcohol licence in the Cumulative Impact Zone the applicant is required to demonstrate that the application will not increase the Cumulative Impact. In the draft Cumulative Impact Assessment 2023 the modelling shows an overall factor of up to 1.5, which means that for every additional licence granted the number of undesirable behaviours expected in the area in a year would increase by up to a multiple of 1.5. This means a **50% increase in undesirable behaviours from any one new or extended licence, similarly the figures suggest a 26% increase in reported theft for each additional licence issued - for whatever type of venue: club, restaurant or café.** In relation to noise, it concludes,

The number of licensed premises is a significant factor in the generation of noise complaints.'

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

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

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

Appendix 2 : Crime and Disorder

The draft Cumulative Impact Assessment 2023 states by September 2022 crime in Westminster had reached pre-pandemic levels. It compared the proportion of crimes that occurred in 2022 against the period of the 2020 CIA (2017 - 2019) it indicates that '**crimes within Westminster has concentrated even further within West End Zone 1.**'

It confirmed the majority of the hotspots for the four major crime types (overnight thefts, robbery, drug offences, violence against person) were closely concentrated in the West

End, stating,

'This provides further evidence to the greater prevalence of criminal offences within this area, and given the temporal nature of this analysis, also suggests that criminal activity within this area is getting worse.'

Overall the West End Zone 1 accounts for:

- Just under 66% of all crime in Westminster
- 47% of violent crimes - approximately 59% at night (most prior to and after midnight)
- 44% (968) of all overnight robberies
- Over 65% of sexual offences.
- 52% of all night time alcohol related ASB
- 74% drug offences, small clusters include Soho - Old Compton Street
- 57% of all ASB call details included reference to public house/nightclub, night-time transport route, station, hotel or restaurant establishment

It confirms the majority of crime takes place on Friday / Saturday and Saturday/Sunday between 6pm - 6am. Overnight crime is identified as being particularly prevalent in Old Compton Street, Greek Street and Frith Street.

The level of crime, disorder and anti-social behaviour continues to be a huge problem in Soho, the crime figures are high and rising. The police crime reports for April/May 2023 shows current levels of alcohol related assaults, sexual assaults and robberies within the West End area are now higher than at pre-COVID levels. The peak times for crime being between 10pm - 2am.

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

It is well known that intoxicated people become victims of crime, their vulnerability being exploited by gangs or individuals who are in Soho explicitly to target them.

Appendix 3 : [REDACTED] Sleep Survey Results - 31 October 2022

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

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

It is therefore unsurprising that a survey conducted by [REDACTED] confirms that residents are disturbed by noise at night and this is having a negative impact on their lives.

87 people responded of which 78 are Soho residents with ages spread fairly evenly from 22 to 80, 59% having lived in Soho for more than 10 years.

59% have lived in Soho more than 10 years 26% between 3 and 10 years

6% between 1 and 3 years and

9% have lived here less than a year 42% own their homes

20% are Soho Housing Association and the rest tenants with other landlords 10 respondents

have children living at home with them

58% have double glazing 37% single glazing

5% have triple glazing

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

16% of respondents have their sleep disturbed 5 or 6 nights a week 19% of respondents have their sleep disturbed 3 or 4 nights a week 19% of respondents have their sleep disturbed once or twice a week 20% do not have a problem with environmental noise pollution

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

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

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

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

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

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

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

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

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

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

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

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

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

Many respondents made additional comments:-

[REDACTED] the noise & air pollution finally broke me. Like the frog in the pan of water with the heat gradually turned up, it took me a while to realise that it wasn't me going soft, it was the significant degradation of the environment around me. [REDACTED]

[REDACTED] several other tenants have moved in & swiftly out again citing sleep disruption & excessive night noise as their reason for leaving. The flat is now used as an office rather than as residential.

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

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

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

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

There is supposed to be a presumption to refuse new licences but in practice the council still lets new things through until after Midnight, which is far too late and has made a nonsense of the policy.

There should be a quiet window of 11pm to 8am every day. 7am deliveries are far too early for a lot of people if they are noisy or use cages or refrigeration.

[REDACTED] Regularly now (most nights) there are traffic jams in the street at 3am in the morning with cars picking up people leaving clubs. The cars frequently are using their horns. Last night they had their door open with music blaring. we have 2 motorbike stands close together. 1 in [REDACTED] and 1 in [REDACTED] There is always at least one bike revving up at either 3am or really early like 530amThis noise has changed and increased over the past 3-4 years. I am woken up most nights at about 3am. And i have double glazing and [REDACTED].

Businesses take no responsibility for their customers drinking/eating and mainly shouting outside, including when they are queuing, and particularly when they are leaving. Post al fresco, there is a new attitude that anything goes on the streets and that includes contempt for the community who live here. The Council need to rethink this and put some major resource into enforcement.

[REDACTED] It's never been this noisy!

Early hours waste collections (including bottle smashing) also includes the food & beverage businesses putting their waste in the street and bottle bins at anti-social hours ahead of collection times. Our local restaurants are not supposed to put bottles out between the hours of 23:00 and 07:00 but they frequently do. Frequently delivery trucks some with noisy refrigeration units are also delivering early hours.

Also deliveries & pedicabs. Unfortunately my lack of sleep due to noise has caused serious health issues and I now cannot work and suffer anxiety and depression. I'm woken up on average 5 times per night and have considered suicide. Why I'm being denied sleep between the hours of 11pm and 7am astonishes me. The freeholders Shaftesbury Carnaby show a total disrespect to the effects that noise has on the residents of Soho

Appendix 4 : Application

New Premises Licence - 23/08418/LIPN
Convenience store with off licence sales of
alcohol

Sales of Alcohol - off sales : Monday to Sunday: 13:00 - 23:00

Opening Hours: Monday to Friday : 06:30 - 23:00. Saturday : 07:00 - 23:00. Sunday : 09:30 - 23:00

Appendix 5 :

[REDACTED] is a charitable company limited by guarantee established in 1972. [REDACTED]

[REDACTED] and was formed to make Soho a better place to live, work or visit by preserving and enhancing the area's existing diversity of character and uses, and by improving its facilities, amenities and environment.

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> |
| Policy SHP1 applies | <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> |

| | |
|--|--|
| | <p>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.</p> <p>2. The hours for licensable activities are within the council's Core Hours Policy HRS1.</p> <p>3. The operation of any delivery services for alcohol meeting the council's Ancillary Alcohol and/or Late night Refreshment Delivery Service Policy DEL1.</p> <p>4. The applicant having demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone.</p> <p>5. The application and operation of the venue meeting the definition of a shop in Clause C.</p> <p>C. For the purposes of this policy:</p> <p>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.</p> <p>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.</p> <p>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.</p> |
|--|--|

4. Equality Implications

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

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

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

5. Appendices

| | |
|-------------------|--|
| Appendix 1 | Premises plans |
| Appendix 2 | Applicant supporting documents |
| Appendix 3 | Surrendered premises licence 22/02704/LIPDPS |
| Appendix 4 | Premises history |
| Appendix 5 | Proposed conditions |
| Appendix 6 | Residential map and list of premises in the vicinity |

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

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

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

| | | |
|---|---|------------------|
| 1 | Licensing Act 2003 | N/A |
| 2 | City of Westminster Statement of Licensing Policy | 01 October 2021 |
| 3 | Amended Guidance issued under section 182 of the Licensing Act 2003 | December 2022 |
| 4 | Cumulative Impact Assessment | 04 December 2023 |
| 5 | The Licensing Authority representation | 18 December 2023 |
| 6 | Environmental Health Service representation | 18 December 2023 |
| 7 | Metropolitan Police representation | 14 December 2023 |
| 8 | Interested party representation | 18 December 2023 |

Premises Plans

Appendix 1

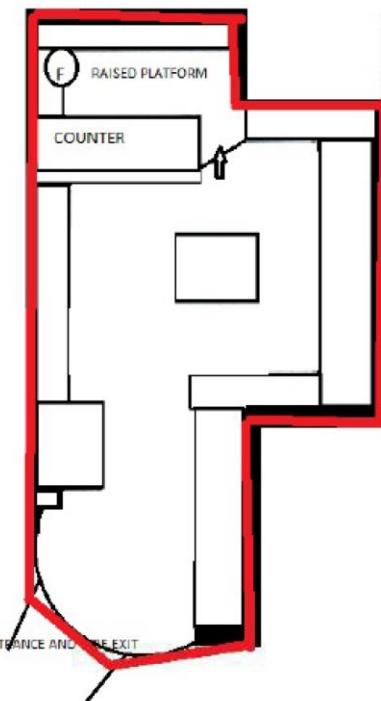
PREMISES; KINGLY NEWS
61 KINGLY STREET
LONDON
W1B 5QL

 FIRE EXTINGUISHERS
F 1 X 4KG POWDER OR
EQUIVALENT

 LICENSABLE AREA

WHOLE OF LICENSABLE AREA
TO BE LICENSED FOR ALCOHOL
DISPLAY

MAXIMUM 15% OF RETAIL
SPACE FOR ALCOHOL DISPLAY



Applicant's response to the Licensing Authority representation

Dear Ms Haq,

I am aware of Mr Patel's past misdemeanours. I have discussed these with him and the possible consequences if he repeats them. He is cogniscent of the applied meanings of all four licensing objectives and how they apply to his situation.

I suggested that he labels all containers of beers and ciders with the name and address of the shop to identify if his premises are responsible for that sale. Notices can be placed in the windows asking customers not to disturb the neighbours.

Please suggest conditions that might be acceptable to the authority that will allow you to grant the licence.

Regards,

[REDACTED]

ADM Training Services

[REDACTED]

[REDACTED]

[REDACTED]



**Schedule 12
Part A**

**WARD: West End
UPRN: 100023470427**

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

Premises licence

Regulation 33, 34

**Premises licence
number:**

22/02704/LIPDPS

Original Reference:

18/09828/LIPN

Part 1 – Premises details

Postal address of premises:

61 Kingly Street
London
W1B 5QL

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Sale by Retail of Alcohol

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

Sale by Retail of Alcohol

Monday to Sunday: 13:00 to 23:00

The opening hours of the premises:

Monday to Friday: 06:30 to 23:00
Saturday: 07:00 to 23:00
Sunday: 09:30 to 23:00

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:

[REDACTED]

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

N/A

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

Name: Samirkumar Natvarbhai Patel

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: 21/03470/LIPERS

Licensing Authority: London Borough of Croydon

Date: 6th April 2022

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

Annex 1 – Mandatory conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either –
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
5.
 - (i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
 - (ii) For the purposes of the condition set out in paragraph 5(i) above -
 - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) "permitted price" is the price found by applying the formula -
$$P = D + (D \times V)$$
Where -
 - (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

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

- (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

5

- (iii). Where the permitted price given by Paragraph 5(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 5(iv). (1) Sub-paragraph 5(iv)(2) below applies where the permitted price given by Paragraph 5(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the operating Schedule

None

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

6. Staff training shall be recorded and updated every 6 months Training shall cover the requirements for ID as part of age verification, how to detect proxy sales, the consequences of underage sales (fines and punishment) , drunks , and other relevant matters as regards the licensing act, and the responsibilities of staff.
7. The licence holder shall ensure that a refusals register is kept on the premises and that this shall be immediately available upon request of an authorised officer. The register shall record any refused sale of alcohol.. The refusal register shall be inspected on a regular basis by the DPS and signed by the DPS that they have checked the register. At least 12 months of refusal register details shall be retained and made available upon request by an authorised officer
8. There shall be a documented reporting structure back to the Designated Premises Supervisor (DPS) and premises licence holder which shall include telephone contact numbers. This reporting document shall be immediately available upon request of an authorised officer
9. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
10. Signage shall be prominently displayed warning customers of the legal penalties for purchasing alcohol for any person under the age of 18 years.
11. The premises shall install and maintain a comprehensive CCTV system as per the following 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 in line with data protection law (such as a section 29 request). The CCTV system shall be checked regularly to ensure it is working in line with the requirements of the licence.
12. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
13. 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. 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) any faults in the CCTV system
 - (f) any refusal of the sale of alcohol
 - (g) any visit by a relevant authority or emergency service.

15. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
16. 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.
17. 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.
18. There shall be no self-service of spirits on the premises, save for spirit mixtures less than 5.5% ABV.
19. There shall be no deliveries of alcohol before 8am or after 8pm
20. There shall be litter patrols on a regular basis (at least daily).
21. There shall be no single can sales - minimum quantity in can sales to be four cans.
22. Outside of the hours authorised for the sale of alcohol and whilst the premises are open to the public, the licence holder shall ensure that all alcohol within the premises (including alcohol behind the counter) is secured in a locked store room or behind locked grilles, locked screens or locked cabinet doors so as to prevent access to the alcohol by both customers and staff.
23. 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.
24. All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
25. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.

Annex 4 – Plans

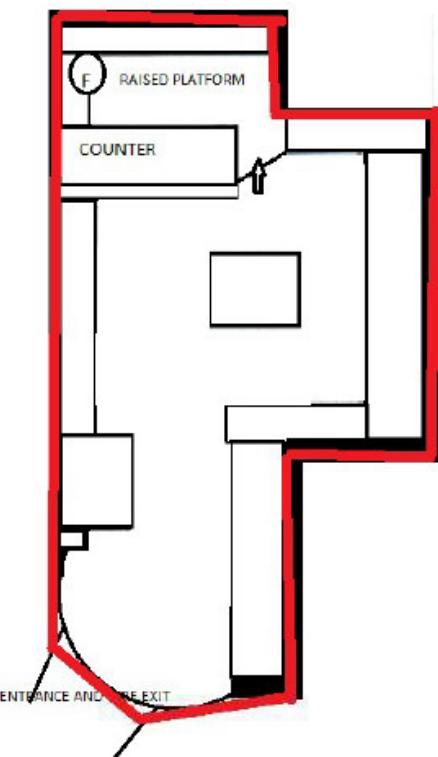
PREMISES; KINGLY NEWS
61 KINGLY STREET
LONDON
W1B 5QL

F FIRE EXTINGUISHERS
1 X 4KG POWDER OR EQUIVALENT

LICENSABLE AREA

WHOLE OF LICENSABLE AREA TO BE LICENSED FOR ALCOHOL DISPLAY

MAXIMUM 15% OF RETAIL SPACE FOR ALCOHOL DISPLAY





Schedule 12
Part B

WARD: West End
UPRN: 100023470427

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

Premises licence
summary

Regulation 33, 34

Premises licence
number:

22/02704/LIPDPS

Part 1 – Premises details

Postal address of premises:

61 Kingly Street
London
W1B 5QL

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Sale by Retail of Alcohol

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

Sale by Retail of Alcohol

Monday to Sunday: 13:00 to 23:00

The opening hours of the premises:

Monday to Friday: 06:30 to 23:00
Saturday: 07:00 to 23:00
Sunday: 09:30 to 23:00

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:

[REDACTED]

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

N/A

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

Name: Samirkumar Natvarbhai Patel

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

Restricted

Date: 6th April 2022

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

| Application | Details of Application | Date Determined | Decision |
|-----------------|---|-----------------|---|
| 07/04170/LIPN | New premises licence Sale by Retail of Alcohol Monday to Saturday 08:00 to 23:00 Sunday 10:00 to 22:30 | 02.08.2007 | Refused by Licensing Sub-Committee |
| 18/09828/LIPN | New premises licence Sale by Retail of Alcohol Monday to Sunday: 10:00 to 20:00 | 17.12.2018 | Granted by Licensing Sub-Committee |
| 21/04146/LIPVM | Minor Variation: To vary the hours for the sale of alcohol of the premises to 13:00 to 23:00 Monday to Sunday | 21.05.2021 | Granted under Delegated Authority |
| 22/02703/LIPT | Transfer application: Regency Coffee Boutique Limited to Mr Samirkumar Natvarbhai Patel | 30.03.2022 | Granted under Delegated Authority |
| 22/02704/LIPDPS | Application to Vary the Designated Premises Supervisor | 01.04.2022 | Granted under Delegated Authority <i>Surrendered February 2023</i> |

There is no appeal or Temporary Event Notice history

Appendix 5

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

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

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

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

Mandatory Conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
- 5(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 5(ii) For the purposes of the condition set out in paragraph 5(i) above -
 - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act

1979;

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

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

Where -

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

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

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

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

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

- 5(iii). Where the permitted price given by Paragraph 5(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

- 5(iv). (1) Sub-paragraph 5(iv)(2) below applies where the permitted price given by Paragraph 5(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Conditions consistent with the operating schedule

6. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol. No supply of alcohol will be made when there is no designated premises supervisor is not present at the shop nor will any supply of alcohol be made at a time the designated premises supervisor does not hold a personal licence or their licence is suspended.
7. The premises licence holder shall ensure that all training records shall be retained for 12 months and made available to police and local authority officers upon reasonable request.

8. No alcohol will be sold or supplied at the premises for a price which is less than the permitted price.
9. At all times when the premise is open, a person who can operate the CCTV system must be present on the premises.
10. CCTV camera system covering both internal and external to the premises is to be installed.
11. The CCTV recordings are to be maintained for 30 days and to be provided upon request to either a Police Officer or an officer of any other Responsible Authority.
12. An incident log shall be kept at the premises and shall be made available for inspection by Police or Council Officers upon reasonable request which should record the following;
 - All crimes reported to the venue
 - All ejections of patrons
 - Any complaints received
 - Any incidents of disorder
 - Any visit by a relevant authority or emergency service.
13. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
14. There shall be no self-service of spirits on the premises.
15. A Challenge 25 policy will be operated at the premises whereby anyone who appears to be under the age of 25 shall be asked to provide proof of age that he or she is over 18. Proof of age shall only comprise of a passport, a photo-card driving licence or an industry approved proof of age identity card. Notices shall be displayed in the premises to advise patrons and staff that a 'Challenge 25' operates in the premises. Any refusals of sale of age related products are recorded in a refusals logs as is reasonably practicable after the sale is refused. The log should show the date and time of the event, the products sought, the gender and approximate age of the customer and a description of the customer and the name of the member of staff who refused the sale. The refusal log shall be made available for inspection by the Police or Council Officers.

Conditions proposed by the Licensing Authority

None

Conditions proposed by the Environmental Health Service

None

Conditions proposed by the Metropolitan Police Service

None

Residential Map and List of Premises in the Vicinity

Appendix 6

61 Kingly Street, London, W1B 5QL



Resident Count: 7

| Licensed premises within 75 metres of 61 Kingly Street, London, W1B 5QL | | | | |
|---|---|---|-----------------------------------|---|
| Licence Number | Trading Name | Address | Premises Type | Time Period |
| 19/16795/LIPVM | Dehesa | 17 Kingly Street London W1B 5PU | Restaurant | Monday; 10:00 - 00:00 Tuesday; 10:00 - 00:00 Wednesday; 10:00 - 00:00 Thursday; 10:00 - 00:00 Friday; 10:00 - 00:30 Saturday; 10:00 - 00:30 Sunday; 12:00 - 23:00 Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30 |
| 23/04230/LIPN | Hugo Boss - 178-180 Regent Street | 180 Regent Street London W1B 5TW | Shop (large) | Monday; 10:00 - 21:00 Tuesday; 10:00 - 21:00 Wednesday; 10:00 - 21:00 Thursday; 10:00 - 21:00 Friday; 10:00 - 21:00 Saturday; 10:00 - 21:00 Sunday; 10:00 - 21:00 |
| 23/05192/LIPDPS | Blue Posts Public House | 18 Kingly Street London W1B 5PX | Public house or pub restaurant | Sunday; 08:00 - 23:00 Monday to Thursday; 08:00 - 23:30 Friday to Saturday; 08:00 - 00:00 Sundays before Bank Holidays; 08:00 - 00:00 |
| 21/03716/LIPVM | Crispin | 19 Kingly Street London W1B 5PY | Restaurant | Sunday; 10:00 - 22:30 Monday to Thursday; 08:00 - 23:30 Friday to |

| | | | | |
|-----------------|-----------------|--|-----------------------------------|--|
| | | | | Saturday; 08:00 - 00:00 |
| 23/05150/LIPT | Jinjuu | Basement And Ground Floor 15 - 16 Kingly Street London W1B 5PT | Restaurant | Monday; 10:00 - 01:30 Tuesday; 10:00 - 01:30 Wednesday; 10:00 - 01:30 Thursday; 10:00 - 01:30 Friday; 10:00 - 01:30 Saturday; 10:00 - 01:30 Sunday; 12:00 - 00:00 |
| 18/12995/LIPDPS | Hamleys | Basement To Seventh Floor 188 - 196 Regent Street London W1B 5QR | Shop (very large) | Saturday; 09:00 - 20:00 Sunday; 12:00 - 18:00 Monday to Wednesday; 10:00 - 20:00 Thursday to Friday; 10:00 - 21:00 |
| 14/03870/LIPT | Mother Mash | 26 Ganton Street London W1F 7QZ | Public house or pub restaurant | Monday to Friday; 08:00 - 23:00 Saturday to Sunday; 10:00 - 23:00 |
| 20/07653/LIPDPS | Aint Nothin But | 20 Kingly Street London W1B 5PZ | Wine bar | Sunday; 09:00 - 00:00 Monday to Thursday; 09:00 - 01:30 Friday to Saturday; 09:00 - 03:30 Sundays before Bank Holidays; 09:00 - 01:30 |
| 23/08251/LIPVM | Rosas | 23A Ganton Street London W1F 9BW | Cafe | Sunday; 12:00 - 23:00 Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Christmas Eve; 12:00 - 00:00 Christmas Eve; 10:00 - 00:00 Sundays before Bank Holidays; |

| | | | | |
|-----------------|-----------------------|---|--------------------------------|---|
| | | | | 12:00 - 00:00 |
| 21/03365/LIPDPS | Kolamba | 21 Kingly Street London W1B 5QA | Restaurant | Sunday; 10:00 - 23:00 Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30 Sundays before Bank Holidays; 10:00 - 00:30 |
| 23/02692/LIPDPS | Pix | Basement And Ground Floor 24 Ganton Street London W1F 7QY | Restaurant | Sunday; 12:00 - 22:30 Monday to Thursday; 12:00 - 23:30 Friday to Saturday; 12:00 - 00:00 |
| 23/03147/LIPT | Wright Brothers Soho | 12 - 13 Kingly Street London | Restaurant | Sunday; 08:00 - 23:00 Monday to Saturday; 08:00 - 00:00 |
| 23/08647/LIPDPS | Red Lion Public House | 14 Kingly Street London W1B 5PR | Public house or pub restaurant | Sunday; 12:00 - 23:00 Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 |
| 15/00525/LIPN | Pizza Pilgrims Kiosk | 11 Kingly Street London W1B 5PL | Shop | Saturday; 10:00 - 23:00 Sunday; 10:00 - 22:30 Monday to Saturday; 08:00 - 23:00 |
| 23/09186/LIPVM | Pizza Pilgrims | 11 Kingly Street London W1B 5PL | Shop | Monday; 08:00 - 00:30 Tuesday; 08:00 - 00:30 Wednesday; 08:00 - 00:30 Thursday; 08:00 - 00:30 Friday; 08:00 - 00:30 Saturday; 08:00 - 00:30 Sunday; 08:00 - 00:30 |
| 22/01668/LIPDPS | The Ganton Arms | 18 - 20 Ganton Street | Restaurant | Sunday; 12:00 - 00:00 Monday to |

| | | | | |
|-----------------|----------------|--|--------------------------------------|---|
| | | London W1F 7BX | | Friday; 10:00 - 00:30 |
| 17/09470/LIPV | Pastaio | 19 Ganton Street London W1F 9BN | Restaurant | Sunday; 12:00 - 23:00 Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30 |
| 22/12065/LIPVM | Cirque Le Soir | Basement 15-21 Ganton Street London W1F 9BN | Night clubs and discos | Monday; 00:00 - 00:00 Wednesday; 00:00 - 00:00 Thursday; 00:00 - 00:00 Friday; 00:00 - 00:00 Saturday; 00:00 - 00:00 Wednesday to Saturday; 00:00 - 00:00 |
| 18/07664/LIPDPS | Cirque Le Soir | Basement 15-21 Ganton Street London W1F 9BN | Night clubs and discos | Monday; 00:00 - 00:00 Wednesday to Saturday; 00:00 - 00:00 |
| 22/09921/LIPT | The Court | 9 Kingly Street London W1B 5PH | Club or institution | Saturday; 09:00 - 00:30 Sunday; 12:00 - 23:00 Monday to Friday; 09:00 - 03:30 |
| 22/05147/LIPN | Shadow Licence | 9 Kingly Street London W1B 5PH | Premises Licence - Shadow Licence | Saturday; 09:00 - 00:30 Sunday; 12:00 - 23:00 Monday to Friday; 09:00 - 03:30 |
| 23/05401/LIPN | Not Recorded | 9 - 11 Kingly Street London W1B 5PH | Night clubs and discos | Sunday; 12:00 - 23:00 Monday to Saturday; 09:00 - 01:30 |
| 23/04741/LIPT | Patty & Bun | Ground Floor 26 Kingly Street London W1B 5QD | Restaurant | Monday to Sunday; 11:00 - 00:00 |
| 21/02690/LIPDPS | Flare | 14 - 22 Ganton Street London W1F | Public house or pub restaurant | Sunday; 12:00 - 22:30 Sunday; 12:00 - 23:30 |

| | | | | |
|-----------------|---|--|------------------------|--|
| | | 7BS | | Monday to Wednesday; 09:00 - 00:00 Monday to Thursday; 10:00 - 23:30 Thursday to Saturday; 09:00 - 01:00 Friday to Saturday; 10:00 - 00:00 Sundays before Bank Holidays; 12:00 - 00:00 |
| 23/04406/LIPDPS | EI Pollote | 13 Ganton Street London W1F 9BL | Cafe | Sunday; 12:00 - 22:30 Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 |
| 24/00353/LIPCH | Rum Kitchen, First Floor, Units 1.12 And 1.13 | First Floor 12 Kingly Court London W1B 5PW | Restaurant | Sunday; 12:00 - 23:00 Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30 |
| 22/09539/LIPDPS | Cahoots | Unit G 13 Kingly Court London W1B 5PW | Night clubs and discos | Sunday; 09:00 - 00:00 Monday to Wednesday; 09:00 - 03:00 Thursday to Saturday; 09:00 - 03:30 |
| 17/08811/LIPN | Smeg St James's | Regent Street London | Shop | Sunday; 12:00 - 18:00 Monday to Saturday; 10:00 - 19:00 |
| 19/11048/LIPDPS | Regent Street Area | Regent Street London | Park / Open Space | Monday to Sunday; 00:00 - 00:00 |
| 23/07892/LIPDPS | Marsha | Ground Floor Unit 2 And First Floor Units 4-6 Kingly Court Kingly Court London W1B 5PW | Restaurant | Sunday; 07:00 - 22:30 Monday to Thursday; 07:00 - 23:30 Friday to Saturday; 07:00 - 00:00 |
| 19/09764/LIPCH | Shoryu | Ground | Restaurant | Sunday; 12:00 |

| | | | | |
|-----------------|-------------------------------------|--|------------|---|
| | | Floor Unit 3-5 Kingly Court Kingly Court London W1B 5PW | | - 23:00 Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30 |
| 15/11467/LIPDPS | Le Bab (Units 2.10 And 2.11) | Kingly Court Kingly Street London W1B 5PW | Restaurant | Sunday; 12:00 - 23:00 Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30 |
| 23/07091/LIPVM | Oka Restaurant Units 1.14 - 1.16 | Kingly Court Kingly Street London W1B 5PW | Restaurant | Sunday; 12:00 - 23:00 Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30 |
| 23/08566/LIPDPS | Imads Syrian Kitchen Ltd | Second Floor Unit 14 Kingly Court Kingly Court London W1B 5PW | Restaurant | Sunday; 12:00 - 23:00 Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30 |
| 23/01272/LIPVM | Imad's Syrian Restaurant | Second Floor Unit 14 Kingly Court Kingly Court London W1B 5PW | Restaurant | Sunday; 09:00 - 22:30 Monday to Thursday; 09:00 - 23:30 Friday to Saturday; 09:00 - 00:00 |
| 18/08932/LIPDPS | Senor Ceviche | First Floor Units 1-3 Kingly Court Kingly Court London W1B 5PW | Restaurant | Sunday; 12:00 - 23:00 Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30 |
| 23/02760/LIPT | Units 1.7 And 1.8, First Floor | Kingly Court Kingly Street London W1B 5PW | Restaurant | Sunday; 12:00 - 23:00 Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30 |
| 21/10252/LIPDPS | Korean Dinner Party | Kingly Court Kingly Street | Restaurant | Sunday; 12:00 - 23:00 |

| | | | | |
|-----------------|------------------------------|--|------------|--|
| | | London W1B 5PW | | Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30 |
| 23/05097/LIPDPS | Unit 2.1-2.4 Kingly Court | Second Floor Units 1 And 2 Kingly Court Kingly Street London W1B 5PW | Restaurant | Sunday; 09:00 - 22:30 Monday to Thursday; 09:00 - 23:30 Friday to Saturday; 09:00 - 00:00 |
| 21/03852/LIPT | Ralphs Coffee & Bar | Sceptre House 169 - 173 Regent Street London W1B 4JG | Wine bar | Sunday; 11:00 - 18:00 Monday to Saturday; 10:00 - 21:00 |

This page is intentionally left blank



City of Westminster

Agenda Item 3. Licensing Sub-Committee Report

Item No:

Date:

Licensing Ref No:

Title of Report:

Report of:

Wards involved:

Policy context:

Financial summary:

Report Author:

Contact details

1. Application

| 1-A Applicant and premises | | | |
|-----------------------------------|---|--|------------------------------|
| Application Type: | Variation of a Premises Licence, Licensing Act 2003 | | |
| Application received date: | 3 November 2023 | | |
| Applicant: | Spirit Pub Company (Services) Limited | | |
| Premises: | Shakespeare's Head Public House | | |
| Premises address: | 29 Great Marlborough Street London W1F 7HZ | Ward: Cumulative Impact Area: Special Consideration Zone: | West End West End None |
| Premises description: | The premises trade as a public house. | | |
| Variation description: | <p>This is an application to remove all the existing conditions on the current premises licence (Annex 3, 10 to 16 inclusive) and replace with a new operating schedule of conditions.</p> <p>To also permit all currently permitted licensable activities (live music, anything similar to live/recording music and sale of alcohol) to commence from 10:00 on Sundays. The terminal hour for these activities to remain unchanged.</p> <p>All other permitted hours and activities are to remain unchanged.</p> | | |
| Premises licence history: | <p>The premises have had the benefit of a premises licence since August 2005.</p> <p>The current premises licence (23/0566/LIPDPS) can be viewed at Appendix 2 of this report.</p> | | |
| Applicant submissions: | None | | |
| Applicant amendments: | <p>Following consultation, the applicant has amended the start time for live music, anything similar to live/recording music and sale of alcohol to commence on Sundays from 10:00 to 11:00.</p> <p>The hours as now applied for appear in section 1-B below</p> | | |

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

Regulated Entertainment

Performance of live music

| | Current Hours | | Proposed Hours | | Licensable Area | |
|---|--|-------|----------------|-------|------------------|-----------|
| | Start: | End: | Start: | End: | Current: | Proposed: |
| Monday | 10:00 | 00:00 | | | No change | |
| Tuesday | 10:00 | 00:00 | | | | |
| Wednesday | 10:00 | 00:00 | | | | |
| Thursday | 10:00 | 00:00 | | | | |
| Friday | 10:00 | 00:00 | | | | |
| Saturday | 10:00 | 00:00 | | | | |
| Sunday | 12:00 | 23:30 | 11:00 | 23:00 | | |
| Seasonal variations/ Non-standard timings: | Current: | | | | Proposed: | |
| | The terminal hour for all licensable activities is extended by one hour for statutory bank holiday weekend periods (not including bank holiday Mondays) and for Thursday before Good Friday and for Christmas Eve. | | | | No change | |

Anything of a similar description to live music, recorded music or performance of dance

| | Current Hours | | Proposed Hours | | Licensable Area | |
|---|--|-------|----------------|-------|------------------|-----------|
| | Start: | End: | Start: | End: | Current: | Proposed: |
| Monday | 10:00 | 00:00 | | | No change | |
| Tuesday | 10:00 | 00:00 | | | | |
| Wednesday | 10:00 | 00:00 | | | | |
| Thursday | 10:00 | 00:00 | | | | |
| Friday | 10:00 | 00:00 | | | | |
| Saturday | 10:00 | 00:00 | | | | |
| Sunday | 12:00 | 23:30 | 11:00 | 23:00 | | |
| Seasonal variations/ Non-standard timings: | Current: | | | | Proposed: | |
| | The terminal hour for all licensable activities is extended by one hour for statutory bank holiday weekend periods (not including bank holiday Mondays) and for Thursday before Good Friday and for Christmas Eve. | | | | No change | |

| Sale by Retail of Alcohol | | | | | | |
|---|--|----------------------|------------------|-----------------------|---|-------------------------|
| On or off sales | | | Current : | | Proposed: | |
| | | | On and Off | | No change | |
| | | Current Hours | | Proposed Hours | Licensable Area | |
| | | Start: | End: | Start: | End: | Current: |
| Monday | 10:00 | 00:00 | | No change | | Ground and first floors |
| Tuesday | 10:00 | 00:00 | | | | |
| Wednesday | 10:00 | 00:00 | | | | |
| Thursday | 10:00 | 00:00 | | | | |
| Friday | 10:00 | 00:00 | | | | |
| Saturday | 10:00 | 00:00 | | | | |
| Sunday | 12:00 | 23:30 | 11:00 | 23:30 | | |
| Seasonal variations/ Non-standard timings: | Current: | | | | Proposed: | |
| | <p>On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).</p> <p>The terminal hour for all licensable activities is extended by one hour for statutory bank holiday weekend periods (not including bank holiday Mondays) and for Thursday before Good Friday and for Christmas Eve.</p> | | | | <p>The premises may remain open for the sale of alcohol and the provision of late-night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.</p> <p>The terminal hour for all licensable activities, and the closing time of the premises, is extended by one hour for statutory bank holiday weekend periods (not including bank holiday Mondays) and for Thursday before Good Friday and for Christmas Eve.</p> | |

| Hours premises are open to the public | | | | | | | | |
|---|-----------------|-------|----------------------|-------------|--|-------------|----------------------|------------------|
| | | | Current Hours | | Proposed Hours | | Premises Area | |
| | | | Start: | End: | Start: | End: | Current: | Proposed: |
| Monday | 07:00 | 00:30 | No change | | Ground and first floors | | No change | |
| Tuesday | 07:00 | 00:30 | | | | | | |
| Wednesday | 07:00 | 00:30 | | | | | | |
| Thursday | 07:00 | 00:30 | | | | | | |
| Friday | 07:00 | 00:30 | | | | | | |
| Saturday | 07:00 | 00:30 | | | | | | |
| Sunday | 07:00 | 00:00 | | | | | | |
| Seasonal variations/ Non-standard timings: | Current: | | | | Proposed: | | | |
| | None | | | | <p>The premises may remain open for the sale of alcohol and the provision of late-night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.</p> <p>The terminal hour for all licensable activities, and the closing time of the</p> | | | |

| | | |
|--|--|--|
| | | premises, is extended by one hour for statutory bank holiday weekend periods (not including bank holiday Mondays) and for Thursday before Good Friday and for Christmas Eve. |
|--|--|--|

1-C Layout alteration

No change of layout is proposed

1-D Conditions being removed

10 (i) Alcohol may be sold or supplied:

- (a) On Monday to Saturday 10:00 to 23:00
- (b) On Sundays 12:00 to 22:30

(c) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

(ii) Alcohol may be sold or supplied for one hour following the hours set out above to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes or in other parts of the premises the hours set out above shall continue to apply.

NOTE - The above restrictions do not prohibit:

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

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

11. Children under 14 should be off the premises (first floor) by 9:30pm when taking a meal.

12. When payment is made by credit card, the customer must be presented with an itemised bill showing the details of all alcoholic drinks purchased.

13. The terminal hour for all licensable activities is extended by one hour for statutory bank holiday weekend periods (not including bank holiday Mondays) and for Thursday before Good Friday and for Christmas Eve.
14. Live Music shall be limited to two performers only.
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

1-D Conditions being added

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team.
2. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises **and will include the external area immediately outside the premises entrance.**
(wording in bold added following consultation with the Metropolitan Police Service)
3. All recordings shall be stored for a minimum period of 31 days with date and time stamping.
4. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
5. 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.
6. Un accompanied children under the age of 14 should be off the premises by 9:30pm, with the exception being those who are seated and taking a table meal.
7. The terminal hour for all licensable activities, and the closing time of the premises, is extended by one hour for statutory bank holiday weekend periods (not including bank holiday Mondays) and for Thursday before Good Friday and for Christmas Eve.
8. Live Music shall be limited to two performers only.
9. The provision of door supervisors shall be risk assessed, a copy of which shall be kept on site and made available to the police on request.
10. Where door supervisors are employed the door supervisors will correctly display their SIA licence so as to be visible when on duty at the premises.

11. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly

12. 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.

13. A record shall be kept detailing all refused sales of alcohol.

14. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:

(a) all crimes reported to the venue

(b) all ejections of patrons

(c) any complaints received concerning crime and disorder

(d) any incidents of disorder

(e) all seizures of drugs or offensive weapons

(f) any faults in the CCTV system, searching equipment or scanning equipment

(h) any visit by a relevant authority or emergency service.

15. 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.

16. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.

17. 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.

18. The premises may remain open for the sale of alcohol and the provision of late-night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.

| Adult entertainment: | Current position: | Proposed position: |
|-----------------------------|--------------------------|---------------------------|
| | None | No change |

2. Representations

| 2-A Responsible Authorities | |
|---|--|
| Responsible Authority: | Licensing Authority |
| Representative: | Roxsana Haq |
| Received: | 01 December 2023 (Withdrawn 26th January 2024) |
| <p>I write in relation to the application submitted to vary a Premises Licence for the following premises:</p> <p>23/07875/LIPV: Shakespeare's Head Public House, 29 Great Marlborough Street, London W1F 7HZ</p> <p>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 Licensing Objectives:</p> <ul style="list-style-type: none">• Public Nuisance• Prevention of Crime & Disorder• Public Safety• Protection of Children from harm <p>The application seeks the following variations:</p> <p>To remove all of the existing conditions on the current premises licence (Annex 3 – Conditions 10 to 16 inclusive) and replace with a new operating schedule of conditions.</p> <p>To permit all currently permitted licensable activities (live music, anything similar to live/recorded music and sale of alcohol) to commence from 10:00 on Sunday's.</p> <p>(The terminal hour for these activities will remain unchanged. All other permitted hours and activities are to remain unchanged).</p> <p>The premises is located within the West End Cumulative Impact Zone and as such, a number of policy points must be considered namely CIP1, HRS1 and PB1.</p> <p>The Licensing Authority note the proposed conditions are those which help bring the licence in line with the council's model conditions and therefore aid the promotion of the licensing objectives. However, we would like clarification as to why the applicant seeks to increase the commencement hour for licensable activities at the venue on Sundays. What will the nature of the operation be like outside of the current granted core hours for Public Houses?</p> <p>Furthermore, paragraph 2.4.5 states, The Licensing Authority's policies, in relation to the Cumulative Impact Areas, are directed at the global and cumulative effects of licences on the area as a whole. The Licensing Authority requests the applicant to provide further submissions as to how the premises will not add to cumulative impact in the cumulative impact area, as per policy CIP1 and PB1.</p> <p>Further discussions will be held with the applicant prior to any scheduled hearing and any further submissions will be forwarded on for Members information if the application is to be determined by Licensing Sub-Committee Members.</p> | |

Please accept this as a formal representation and I look forward to hearing from you soon so that this objection can be re-considered.

Following consultation, the applicant amended the start time for live music, anything similar to live/recorded music and sale of alcohol to commence on Sundays from 10:00 to 11:00. On that basis, the Licensing Authority withdrew their representation on 26 January 2024.

| | |
|-------------------------------|----------------------|
| Responsible Authority: | Environmental Health |
| Representative: | Ayesha Bolton |
| Received: | 01 December 2023 |

I wish to submit a representation against the variation of Premises Licence application for the above premises under the Licensing objectives of Prevention of Public Nuisance and Public Safety.

It is Environmental Health view that the granting of the application as presented would have the likely effect of causing an increase in Public Nuisance and may impact on Public Safety within the area.

2-B Other Persons

| | | | |
|--|--------------|---------------------------------|-----------|
| Name: | [REDACTED] | | |
| Address and/or Residents Association: | Soho Society | | |
| Status: | Valid | In support or objection: | Objection |
| Received: | 30 Nov 2023 | | |

We object to this application to extend the hours of this public house to 10am on Sundays. The Committee will be aware the premises is situated within the West End Cumulative Impact Zone and the onus is on the applicant to demonstrate they will not increase cumulative impact and will promote the licensing objectives.

Increasing the number hours for the consumption of alcohol in the West End CIZ is highlighted in the recently published draft Cumulative Impact Assessment 2023, it confirms crime levels in Westminster has reached pre-COVID levels and since the last Cumulative Impact Assessment 2020 crimes have concentrated even further in the West End. The modelling shows a 50% increase in undesirable behaviours from any new **OR extended licence**.

The evidence is clear any addition in the number of hours, the number of people consuming alcohol, the number of licensed premises will fail to promote the licensing objectives and increase cumulative impact. It concludes with a new Licensing Authority Statement which makes it clear **granting further authorisations and variations in the West End Zone 1 would be inconsistent with the authority's duty under the Licensing Act 2003**. (Appendix 1 Cumulative Impact, Appendix 2 Crime and Disorder). Soho is at the heart of the West End's food, beverage and entertainment district with its **489** licensed premises, the demand and year on year increase in the number of new licensed premises and variations to extend shows no tendency to reduce, it is therefore unsurprising residents suffer for noise disturbance and anti-social behaviours.

Any extension in hours will increase public nuisance. (Appendix 3 Soho Society Sleep Survey) In summary, this application to increase the hours of a pub in the West End Cumulative Impact Zone cannot be justified, the applicant has to demonstrate they will not increase cumulative impact and will promote the licensing objectives, they have failed to do so and we respectfully

ask the Committee to refuse this application.

Appendix 1 : Cumulative Impact

Appendix 2 : Crime and Disorder

Appendix 3 : Soho Society Sleep Survey Results

Appendix 4 : The Application

Appendix 5 : The Soho Society

Appendix 1 : Cumulative Impact

This area has been identified by Westminster City Council as under stress because of the cumulative effect of the concentration of licensed premises has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses. The evidence presented in the draft Cumulative Impact Assessment 2023 continues to show high levels of cumulative impact in the West End Zone 1 in 2022, it states,

'West End Zone 1 is the epicentre for issues associated with cumulative impact within the borough.' (p.50)

The proposed Licensing Authority Statement strengthens the previous 2020 CIA statement in acknowledging the increasing and detrimental impact of the large number of licensed premises in the West End, and concludes,

'It is the view of the Licensing Authority that the number of relevant authorisations in respect of premises in parts of the West End is such that it is likely that it would be inconsistent with the authority's duty under section 4(1) Licensing Act 2003 to grant any further relevant authorisations or variations in respect of premises in that area. In accordance with section 5A(6) of the Licensing Act 2003 the Licensing authority will consult on its intention to publish this cumulative impact assessment prior to its final approval and publication.'

(p.80)(our emphasis)

In any application for an alcohol licence in the Cumulative Impact Zone the applicant is required to demonstrate that the application will not increase the Cumulative Impact. In the draft Cumulative Impact Assessment 2023 the modelling shows an overall factor of up to 1.5, which means that for every additional licence granted the number of undesirable behaviours expected in the area in a year would increase by up to a multiple of 1.5. This means **a 50% increase in undesirable behaviours from any one new or extended licence; similarly the figures suggest a 26% increase in reported theft for each additional licence issued for whatever type of venue: club, restaurant or café.** In relation to noise, it concludes,

'The number of licensed premises is a significant factor in the generation of noise complaints.'

The policies in relation to the cumulative impact zone are directed at the global and cumulative effects of licences on the area as a whole (D16. of the SoLP 2021).

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

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

Appendix 2 : Crime and Disorder

The draft Cumulative Impact Assessment 2023 states by September 2022 crime in Westminster had reached pre-pandemic levels. It compared the proportion of crimes that occurred in 2022 against the period of the 2020 CIA (2017 - 2019) it indicates that '**crimes within Westminster has concentrated even further within West End Zone 1.**' (p.52).

It confirmed the majority of the hotspots for the four major crime types (overnight thefts, robbery, drug offences, violence against person) were closely concentrated in the West End, stating, '**This provides further evidence to the greater prevalence of criminal offences within this area, and given the temporal nature of this analysis, also suggests that criminal activity within this area is getting worse.**' (p.47)

Overall the West End Zone 1 accounts for:

- Just under 66% of all crime in Westminster
- 47% of violent crimes - approximately 59% at night (most prior to and after midnight)
- 44% (968) of all overnight robberies
- Over 65% of sexual offences.
- 52% of all night time alcohol related ASB
- 74% drug offences, small clusters include Soho - Old Compton Street
- 57% of all ASB call details included reference to public house/nightclub, night-time transport route, station, hotel or restaurant establishment.

It confirms the majority of crime takes place on Friday / Saturday and Saturday/Sunday between 6pm - 6am. Overnight crime is identified as being particularly prevalent in Old Compton Street, Greek Street and Frith Street.

The levels of crime, disorder and anti-social behaviour continue to be a huge problem in Soho - the crime figures are high and rising. The police crime reports for April/May 2023 shows current levels of alcohol related assaults, sexual assaults and robberies within the West End area are now higher than at pre-COVID levels. The peak times for crime being between 10pm - 2am.

In Soho the majority of robberies take place at night, with people being targeted as they leave venues.

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

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

Appendix 3 : Soho Society Sleep Survey Results - 31 October 2022

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

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

59% have lived in Soho more than 10 years

26% between 3 and 10 years

6% between 1 and 3 years and

9% have lived here less than a year

42% own their homes

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

10 respondents have children living at home with them

58% have double glazing

37% single glazing

5% have triple glazing

24% of respondents have their sleep disturbed 7 nights a week
16% of respondents have their sleep disturbed 5 or 6 nights a week
19% of respondents have their sleep disturbed 3 or 4 nights a week
19% of respondents have their sleep disturbed once or twice a week
20% do not have a problem with environmental noise pollution

Topping the list in September was people drinking in the street with 54 mentions, then pedicabs with 51, waste collections at 48, construction noise 36, car horns 33 and deliveries at 25. Other noise sources identified were air conditioning, motorbikes revving, building alarms and music from licensed venues.

The most common identified problem at 42% of respondents was people drinking and shouting in the street.

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

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

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

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

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

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

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

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

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

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

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

Many respondents made additional comments:-

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

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

As a disabled person working from home, I find it extremely exhausting not able to have rest at night, Screams and noise of drunk people every night, The Landlord WCC does not want to change the windows to a double glazing nor allow tenants to pay privately for windows to be upgraded.

Noise at home, lack of sleep, and concentration in the day time. I have a hand held noise monitor, I recorded noise levels of 97db outside the pub at the corner of Broadwick and Berwick Streets.

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

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

There is supposed to be a presumption to refuse new licences but in practice the council still lets new things through until after Midnight, which is far too late and has made a nonsense of the policy.

There should be a quiet window of 11pm to 8am every day. 7am deliveries are far too early for a lot of people if they are noisy or use cages or refrigeration.

I live in Marshall St and overlook it. Regularly now (most nights) there are traffic jams in the street at 3am in the morning with cars picking up people leaving clubs. The cars frequently are using their horns. Last night they had their door open with music blaring. we have 2 motorbike stands close together. 1 in Broadwick St and 1 in Marshall St. There is always at least one bike revving up at either 3am or really early like 530amThis noise has changed and increased over the past 3-4 years. I am woken up most nights at about 3am. And I have double glazing and am on [a high] floor.

Businesses take no responsibility for their customers drinking/eating and mainly shouting outside, including when they are queuing, and particularly when they are leaving. Post al fresco, there is a new attitude that anything goes on the streets and that includes contempt for the community who live here. The Council need to rethink this and put some major resource into enforcement.

I've lived in Soho for 60 years... Born and bred.. It's never been this noisy!

Early hours waste collections (including bottle smashing) also includes the food & beverage businesses putting their waste in the street and bottle bins at anti-social hours ahead of collection times. Our local restaurants are not supposed to put bottles out between the hours of 23:00 and 07:00 but they frequently do. Frequently delivery trucks some with noisy refrigeration units are also delivering early hours.

Also deliveries & pedicabs. Unfortunately my lack of sleep due to noise has caused serious health issues and I now cannot work and suffer anxiety and depression. I'm woken up on average 5 times per night and have considered suicide. Why I'm being denied sleep between the hours of 11pm and 7am astonishes me. The freeholders Shaftesbury Carnaby show a total disrespect to the effects that noise has on the residents of Soho

Appendix 4 : The Application Variation

To permit all currently permitted licensable activities, live music, recorded music / anything similar and the sale of alcohol to commence from 10am on Sundays.

To remove existing conditions on the current licence (Annex 3,10 to 16) and replace with a new operating schedule of conditions.

Current Licence: 23/05191/LIPDPS

Sale of Alcohol: Sunday: 12pm - 11.30pm

Appendix 5

The Soho Society

The Soho Society is a charitable company limited by guarantee established in 1972. The Society is a recognised amenity group and was formed to make Soho a better place to live, work or visit by preserving and enhancing the area's existing diversity of character and uses, and by improving its facilities, amenities and environment.

Further Submissions received 29th January 2024

We have maintained our objection to the proposed increase in licensable activities on Sundays not only because of it falling outside the core hours policy, but if granted we expect to see similar applications to be submitted for pubs owned by the company in Soho, it will also set a precedent for other public houses.

We raise a linked area of concern arising from the concerns expressed in our representation, relating to the removal of Condition 10 which states,

- (i) Alcohol may be sold or supplied:
 - (a) On Monday to Saturday 10:00 to 23:00
 - (b) On Sundays 12:00 to 22:30

(ii) Alcohol may be sold or supplied for one hour following the hours set out above to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as ancillary to his meal. For other purposes or in other parts of the premises the hours set out above shall continue to apply.

The removal of this condition will facilitate an increase in the number of people permitted to consume alcohol without the consumption of a table meal, resulting in an increase in the number of drinkers until midnight and its likely negative impact on the West End Cumulative Impact Zone and Licensing Objectives.

We ask the applicant to confirm the areas currently set aside for food service plus its capacity in respect of this condition.

3. Policy & Guidance

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

| | |
|----------------------------|---|
| Policy CIP1 applies | 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: <ul style="list-style-type: none">1. Vary the hours within Core Hours under Policy HRS1, and/or2. Vary the licence to reduce the overall capacity of the premises. 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. 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. |
| Policy HRS1 applies | A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy. B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following: <ul 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 |

| | |
|------------------------------|---|
| | <p>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.</p> <p>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.</p> <p>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.</p> <p>4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.</p> <p>5. The proposed hours when any music, including incidental music, will be played.</p> <p>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.</p> <p>7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.</p> <p>8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at 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> |
| Policy PB1(B) applies | <p>B. It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone other than:</p> <p>1. Applications to vary the existing licence hours within the council's Core Hours Policy HRS1.</p> <p>2. Applications that seek to vary the existing licence so as to reduce the overall capacity of the premises.</p> <p>C. The applications referred to in Clause B1 and B2 will generally be granted subject to:</p> <p>1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1, and/or,</p> <p>2. The operation of any delivery services for alcohol and/or latenight</p> |

| | |
|--|---|
| | <p>refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.</p> <p>3. The application and operation of the venue continuing to meet the definition of a Public House or Bar in Clause D.</p> <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 Licence |
| 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: | 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 | 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 | Licensing Authority Representation | 01 December 2023 (Withdrawn 26 January 2024) |
| 6 | Environmental Health Representation | 01 December 2023 |
| 7 | Interested Party Representation | 30 November 2023 |



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

Premises licence

Regulation 33, 34

Premises licence number:

23/05191/LIPDPS

Original Reference:

05/06687/LIPCV

Part 1 – Premises details

Postal address of premises:

Shakespeare's Head Public House
29 Great Marlborough Street
London
W1F 7HZ

Telephone Number: 020 7734 2911

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

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

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

Performance of Live Music

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

Playing of Recorded Music

Unrestricted

Anything of a similar description to Live Music or Recorded Music

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

Late Night Refreshment

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

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

Sale by Retail of Alcohol

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

For times authorised for New Year see conditions at Annex 1

The opening hours of the premises:

| | |
|---------------------|----------------|
| Monday to Saturday: | 07:00 to 00:30 |
| Sunday: | 07:00 to 00:00 |

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

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

Part 2**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:**

Spirit Pub Company (Services) Limited
Westgate Brewery
Bury St Edmunds
Suffolk
IP33 1QT
Business Phone Number : 01283 498 400

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

05266811

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

Name: Danylo Tetsuo Pereira Iamaguchi

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/02887
Licensing Authority: London Borough o Wandsworth

Date: 22nd August 2023

This licence has been authorised by Angela Rowe 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: $\frac{1}{2}$ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

- 8
- (i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
 - (ii) For the purposes of the condition set out in paragraph 8(i) above –
 - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) "permitted price" is the price found by applying the formula -

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

Where -

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

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

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

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

Annex 2 – Conditions consistent with the operating Schedule

None

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

- 10 (i) Alcohol may be sold or supplied:
- (a) On Monday to Saturday 10:00 to 23:00
 - (b) On Sundays 12:00 to 22:30
 - (c) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).
- (ii) Alcohol may be sold or supplied for one hour following the hours set out above to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes or in other parts of the premises the hours set out above shall continue to apply.

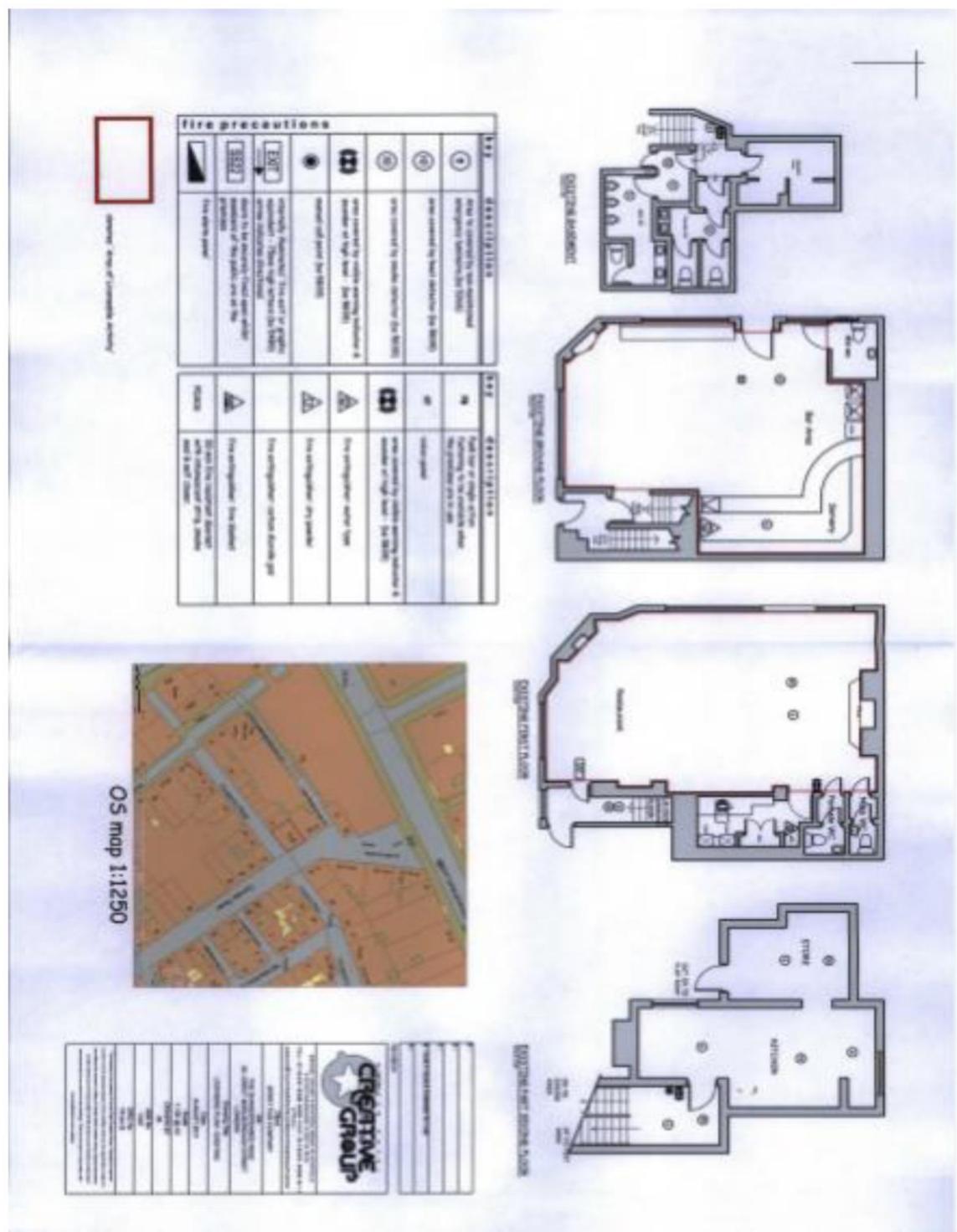
NOTE - The above restrictions do not prohibit:

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

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

11. Children under 14 should be off the premises (first floor) by 9:30pm when taking a meal.
12. When payment is made by credit card, the customer must be presented with an itemised bill showing the details of all alcoholic drinks purchased.
13. The terminal hour for all licensable activities is extended by one hour for statutory bank holiday weekend periods (not including bank holiday Mondays) and for Thursday before Good Friday and for Christmas Eve.
14. Live Music shall be limited to two performers only.
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.

Annex 4 – Plans





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

Premises licence
summary

Regulation 33, 34

Premises licence number:

23/05191/LIPDPS

Part 1 – Premises details

Postal address of premises:

Shakespeare's Head Public House
29 Great Marlborough Street
London
W1F 7HZ

Telephone Number: 020 7734 2911

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

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

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

Performance of Live Music

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

Playing of Recorded Music

Unrestricted

Anything of a similar description to Live Music or Recorded Music

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

Late Night Refreshment

| | |
|---------------------|----------------|
| Monday to Saturday: | 23:00 to 00:30 |
| Sunday: | 23:00 to 00:00 |

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

Sale by Retail of Alcohol

Monday to Saturday:

10:00 to 00:00

Sunday:

12:00 to 23:30

*For times authorised for New Year see conditions at Annex 1***The opening hours of the premises:**

Monday to Saturday:

07:00 to 00:30

Sunday:

07:00 to 00:00

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

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

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

Spirit Pub Company (Services) Limited
Westgate Brewery
Bury St Edmunds
Suffolk
IP33 1QT

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

05266811

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

Name: Danylo Tetsuo Pereira Iamaguchi

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

Restricted

Date: 22nd August 2023

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

Applicant Supporting Documents

None

Appendix 2

Licence & Appeal History

| Application | Details of Application | Date Determined | Decision |
|--------------------|--|------------------------|-----------------------------------|
| 05/06687/LIPCV | Conversion | 28.09.2005 | Granted under delegated authority |
| 05/12427/LIPDPS | Variation of DPS | 13.12.2005 | Granted under delegated authority |
| 06/01975/LIPDPS | Variation of DPS | 23.03.2006 | Granted under delegated authority |
| 06/11671/LIPV | Variation – change of layout | 18.12.2006 | Granted under delegated authority |
| 06/11995/LIPDPS | Variation of DPS | 18.12.2006 | Granted under delegated authority |
| 07/10566/LIPDPS | Variation of DPS | 02.11.2007 | Granted under delegated authority |
| 11/09248/LIPV | Variation – change of layout | 14.10.2011 | Granted under delegated authority |
| 12/00901/LIPVM | Minor variation – Vary the opening time to 07:00 | 24.02.2012 | Granted under delegated authority |
| 15/05637/LIPDPS | Variation of DPS | 24.07.2015 | Granted under delegated authority |
| 17/09645/LIPDPS | Variation of DPS | 14.03.2018 | Granted under delegated authority |
| 18/12477/LIPVM | Minor variation – Additional of model CCTV condition | 07.11.2018 | Granted under delegated authority |
| 23/03255/LIPDPS | Variation of DPS | 02.06.2023 | Granted under delegated authority |

| | | | |
|-----------------|------------------|------------|-----------------------------------|
| 23/05191/LIPDPS | Variation of DPS | 22.08.2023 | Granted under delegated authority |
|-----------------|------------------|------------|-----------------------------------|

There is no appeal history

Temporary Event Notices in the last 12 months

| Temporary Event Notices | Date of Event | Activities/Hours | Decision |
|--------------------------------|--------------------------|-----------------------------------|-----------------|
| 23/00792/LITENP | 12.02.2023 to 13.02.2023 | Sale of Alcohol 22:00 to 04:00 | Event permitted |
| 23/07556/LITENP | 23.11.2023 to 26.11.2023 | Sale of Alcohol 23:00 to 00:15 | Event permitted |
| 23/08273/LITENP | 30.11.2023 to 03.12.2023 | Sale of Alcohol 23:00 to 01:15 | Event permitted |
| 23/08278/LITENP | 07.12.2023 to 10.12.2023 | Sale of Alcohol 23:00 to 01:15 | Event permitted |
| 23/08279/LITENP | 14.12.2023 to 17.12.2023 | Sale of Alcohol 23:00 to 01:15 | Event permitted |
| 23/09144/LITENP | 21.12.2023 to 24.12.2023 | Sale of Alcohol 23:00 to 00:15 | Event permitted |
| 23/09142/LITENP | 28.12.2023 to 28.12.2023 | Sale of Alcohol 23:00 to 00:15 | Event permitted |

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.

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

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

Annex 2 – Conditions consistent with the operating Schedule

10. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team.
11. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises **and will include the external area immediately outside the premises entrance.**
(wording in bold added following consultation with the Metropolitan Police Service)
12. All recordings shall be stored for a minimum period of 31 days with date and time stamping.
13. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
14. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
15. Un accompanied children under the age of 14 should be off the premises by 9:30pm, with the exception being those who are seated and taking a table meal.
16. The terminal hour for all licensable activities, and the closing time of the premises, is extended by one hour for statutory bank holiday weekend periods (not including bank holiday Mondays) and for Thursday before Good Friday and for Christmas Eve.
17. Live Music shall be limited to two performers only.
18. The provision of door supervisors shall be risk assessed, a copy of which shall be kept on site and made available to the police on request.
19. Where door supervisors are employed the door supervisors will correctly display their SIA licence so as to be visible when on duty at the premises.
20. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly
21. 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.
22. A record shall be kept detailing all refused sales of alcohol.
23. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder

- (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system, searching equipment or scanning equipment
 - (h) any visit by a relevant authority or emergency service.
24. 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.
25. 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.
26. 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.
27. The premises may remain open for the sale of alcohol and the provision of late-night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.

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

The following conditions are to be removed:

- 10 (i) Alcohol may be sold or supplied:
- (a) On Monday to Saturday 10:00 to 23:00
 - (b) On Sundays 12:00 to 22:30
 - (c) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).
- (ii) Alcohol may be sold or supplied for one hour following the hours set out above to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes or in other parts of the premises the hours set out above shall continue to apply.
- NOTE - The above restrictions do not prohibit:
- (a) during the first thirty minutes after the above hours the consumption of the alcohol on the premises;
 - (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
 - (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking table meals there if the alcohol was supplied for consumption as ancillary to the meals;
 - (d) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
 - (e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
 - (f) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
 - (g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
 - (h) the taking of alcohol from the premises by a person residing there;
 - (i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
 - (j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption

of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

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

11. Children under 14 should be off the premises (first floor) by 9:30pm when taking a meal.
12. When payment is made by credit card, the customer must be presented with an itemised bill showing the details of all alcoholic drinks purchased.
13. The terminal hour for all licensable activities is extended by one hour for statutory bank holiday weekend periods (not including bank holiday Mondays) and for Thursday before Good Friday and for Christmas Eve.
14. Live Music shall be limited to two performers only.
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.

Residential Map and List of Premises in the Vicinity

Appendix 5



Resident count: 38

| Licensed premises within 75m of 29 Great Marlborough Street, London, W1 | | | | |
|---|-------------------------------|--|---------------|---|
| Licence Number | Trading Name | Address | Premises Type | Time Period |
| 13/00326/LIPST | Foubert's Place/Kingly Street | 14 - 16 Foubert's Place London W1F 7PH | Restaurant | Friday to Saturday; 10:00 - 00:30 Sunday to Thursday; 10:00 - 00:00 |
| 23/01736/LIPDPS | Dishoom | 14 - 16 Foubert's Place London W1F 7PH | Restaurant | Sunday; 10:00 - 00:00 Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30 |

| | | | | |
|-----------------|--------------------------|--|--------------------------------|---|
| 23/06872/LIPT | KuaAina | 26 Foubert's Place London W1F 7PR | Restaurant | Sunday; 12:00 - 22:30 Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 |
| 17/10271/LIPV | Liberty | 25 Great Marlborough Street London W1F 7HH | Shop (very large) | Sunday; 12:00 - 22:30 Monday to Saturday; 10:00 - 23:00 |
| 15/08447/LIPDPS | The Clachan Public House | 34 Kingly Street London W1B 5QH | Public house or pub restaurant | Sunday; 07:00 - 22:30 Sunday; 07:00 - 00:00 Monday to Thursday; 07:00 - 23:30 Monday to Saturday; 07:00 - 00:30 Friday to Saturday; 07:00 - 00:00 Sundays before Bank Holidays; 07:00 - 00:00 |
| 19/03354/LIPT | Antidote | 12A Newburgh Street London W1F 7RR | Restaurant | Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30 |
| 23/00679/LIPCH | Leon | Ground Floor 35 - 36 Great Marlborough Street London W1F 7JB | Public house or pub restaurant | Monday to Sunday; 08:00 - 00:00 |
| 23/04741/LIPT | Patty & Bun | Ground Floor 26 Kingly Street London W1B 5QD | Restaurant | Monday to Sunday; 11:00 - 00:00 |
| 23/02126/LIPDPS | O Neills | 37-38 Great Marlborough Street London W1F 7JF | Public house or pub restaurant | Monday; 07:00 - 23:30 Tuesday; 07:00 - 23:30 Wednesday; 07:00 - 23:30 Thursday; 07:00 - 23:30 Friday; 07:00 - 00:00 Saturday; 07:00 - 00:00 Sunday; 07:00 |

| | | | | |
|-----------------|----------------------|--|-----------------------------------|--|
| | | | | - 22:50 Sundays before Bank Holidays; 07:00 - 00:00 |
| 12/03140/LIPVM | Cowshed Shop Soho | 31 Foubert's Place London W1F 7QF | Hairdresser or beauty salon | Sunday; 11:00 - 17:00 Monday to Saturday; 10:00 - 22:00 |
| 18/10231/LIPT | Flatplanet | Ground Floor 37 - 39 Great Marlborough Street London W1F 7JB | Cafe | Monday to Sunday; 08:00 - 23:00 |
| 22/09738/LIPDPS | Not Recorded | 30 - 32 Foubert's Place London W1F 7PS | Restaurant | Monday; 08:00 - 00:00 Tuesday; 08:00 - 00:00 Wednesday; 08:00 - 00:00 Thursday; 08:00 - 00:00 Friday; 08:00 - 00:30 Saturday; 08:00 - 00:30 Sunday; 09:00 - 23:00 |
| 21/03365/LIPDPS | Kolamba | 21 Kingly Street London W1B 5QA | Restaurant | Sunday; 10:00 - 23:00 Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30 Sundays before Bank Holidays; 10:00 - 00:30 |
| 22/06824/LIPDPS | Wagamama | 42 Great Marlborough Street London | Restaurant | Sunday; 08:00 - 22:30 Monday to Saturday; 08:00 - 23:30 |
| 22/06884/LIPDPS | The White Horse | 16 Newburgh Street London W1F 7RY | Public house or pub restaurant | Sunday; 07:00 - 22:50 Monday to Thursday; 07:00 - 23:30 Monday to Saturday; 07:00 - 00:30 Friday to Saturday; 07:00 - 00:00 |

| | | | |
|--|--|--|--|
| | | | Sundays before Bank Holidays; 07:00 - 00:00 |
|--|--|--|--|

This page is intentionally left blank