



City of Westminster

Licensing Sub-Committee Report

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| Item No: | |
| Date: | 12 January 2016 |
| Licensing Ref No: | 15/09852/LIPV - Premises Licence Variation |
| Title of Report: | The Phoenix 51 Moscow Road London W2 4AL |
| Report of: | Director of Public Protection and Licensing |
| Wards involved: | Lancaster Gate |
| Policy context: | City of Westminster Statement of Licensing Policy |
| Financial summary: | None |
| Report Author: | Miss Heidi Lawrance Senior Licensing Officer |
| Contact details | Telephone: 020 7641 2751 Email: hlawrance@westminster.gov.uk |

1. Application

| 1-A Applicant and premises | | | |
|-----------------------------------|--|-------------------------------|----------------|
| Application Type: | Variation of a Premises Licence, Licensing Act 2003 | | |
| Application received date: | 3 November 2015 | | |
| Applicant: | Spirit Pub Company (Services) Limited | | |
| Premises: | The Phoenix | | |
| Premises address: | 51 Moscow Road | Ward: | Lancaster Gate |
| | London W2 4AL | Cumulative Impact Area | |
| Premises description: | The Premises is a Public House | | |
| Variation description: | <p>This is an application to extend the permission for the sale of alcohol Monday to Saturday from 10:00 until 00:00 (current permission 10:00 until 23:00). For the above to maintain thirty minutes drinking up time following the last permitted sale of alcohol.</p> <p>To extend late night refreshment Monday to Thursday from 23:00 until 00:00 and Friday to Saturday 23:00 until 00:30 the following morning (current permission 23:00 until 23:30). To remove the restriction on trading hours for Good Friday under annex 1 9(c) so that the hours on that day reflect what is permitted on the licence for a Friday. All other hours, activities and conditions are to remain unchanged by this application.</p> | | |
| Premises licence history: | The Premises has had a Premises Licence since October 2005. | | |
| Applicant submissions: | | | |

| 1-B Current and proposed licensable activities, areas and hours | | | | | | |
|---|---------------|-----------|----------------|-------|-----------------|-----------|
| Late night refreshment | | | | | | |
| Indoors, outdoors or both | | Current : | | | Proposed: | |
| | | Indoors | | | Indoors | |
| | Current Hours | | Proposed Hours | | Licensable Area | |
| | Start: | End: | Start: | End: | Current: | Proposed: |
| Monday | 23:00 | 23:30 | 23:00 | 00:00 | | |
| Tuesday | 23:00 | 23:30 | 23:00 | 00:00 | | |
| Wednesday | 23:00 | 23:30 | 23:00 | 00:00 | | |

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|-----------------------|-------|-------|-------|-------|--|--|
| Friday | 23:00 | 23:30 | 23:00 | 00:30 | | |
| Saturday | 23:00 | 23:30 | 23:00 | 00:30 | | |
| Sunday | | | | | | |
| Seasonal variations: | None | | | | | |
| Non-standard timings: | | | | | | |

| Sale by Retail of Alcohol | | | | | | |
|---------------------------|---------------|-------|----------------|-------|-----------------|-----------|
| On or off sales | | | Current : | | Proposed: | |
| | | | Both | | Both | |
| | Current Hours | | Proposed Hours | | Licensable Area | |
| | Start: | End: | Start: | End: | Current: | Proposed: |
| Monday | 10:00 | 23:00 | 10:00 | 00:00 | | |
| Tuesday | 10:00 | 23:00 | 10:00 | 00:00 | | |
| Wednesday | 10:00 | 23:00 | 10:00 | 00:00 | | |
| Thursday | 10:00 | 23:00 | 10:00 | 00:00 | | |
| Friday | 10:00 | 23:00 | 10:00 | 00:00 | | |
| Saturday | 10:00 | 23:00 | 10:00 | 00:00 | | |
| Sunday | 12:00 | 22:30 | 12:00 | 22:30 | | |
| Seasonal variations: | None | | | | | |
| Non-standard timings: | | | | | | |

| Hours premises are open to the public | | | | | | |
|---------------------------------------|---------------|-------|----------------|-------|---------------|-----------|
| | Current Hours | | Proposed Hours | | Premises Area | |
| | Start: | End: | Start: | End: | Current: | Proposed: |
| Monday | 07:00 | 23:30 | 07:00 | 00:30 | | |
| Tuesday | 07:00 | 23:30 | 07:00 | 00:30 | | |
| Wednesday | 07:00 | 23:30 | 07:00 | 00:30 | | |
| Thursday | 07:00 | 23:30 | 07:00 | 00:30 | | |
| Friday | 07:00 | 23:30 | 07:00 | 00:30 | | |
| Saturday | 07:00 | 23:30 | 07:00 | 00:30 | | |
| Sunday | 07:00 | 23:00 | 07:00 | 00:30 | | |
| Seasonal variations: | None | | | | | |
| Non-standard timings: | | | | | | |

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| 1-C Layout alteration |
| None proposed |

1-D Conditions being varied, added or removed

| Condition | Proposed variation |
|---|---|
| <p>9. Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours.</p> <p>In this condition, permitted hours means:</p> <ul style="list-style-type: none">(a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10:00 to 23:00;(b) On Sundays, other than Christmas Day or New Year's Eve, 12:00 to 22:30;(c) On Good Friday, 12:00 to 22:30;(d) On Christmas Day, 12:00 to 15:00 and 19:00 to 22:30;(e) On New Year's Eve, except on a Sunday, 10:00 to 23:00;(f) On New Year's Eve on a Sunday, 12:00 to 22:30;(g) 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>NOTE - The above restrictions do not prohibit:</p> <ul style="list-style-type: none">(a) during the first twenty 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 | <p>To remove the restrict on trading hours for Good Friday under Annex 1 9(c) so that the hours on that day reflect what is permitted on the Licence for a Friday</p> |

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| <p>for the purposes of the trade or club;</p> <p>(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;</p> <p>(h) the taking of alcohol from the premises by a person residing there;</p> <p>(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;</p> <p>(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.</p> <p>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.</p> | | |
| Adult entertainment: | Current position: | Proposed position: |
| | None | None |

2. Representations

| 2-A Responsible Authorities | |
|---|--------------------------------|
| Responsible Authority: | Metropolitan Police |
| Representative: | Mr Toby Janes |
| Received: | 30 th November 2015 |
| <p>With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority make a representation against application.</p> <p>It is our belief that if granted the application would undermine the Licensing Objectives in relation to the prevention of crime and disorder as there are insufficient conditions contained within the operating schedule.</p> <p>The following conditions listed below are those that Police would like you to attach to your premises licence as I believe they will address Police concerns in relation to crime and disorder.</p> <p>1.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</p> | |

system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.

2. 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.

3. All customers to be off the premises by 00.30.

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

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received concerning crime and disorder
- (d) any incidents of disorder
- (e) all seizures of drugs or offensive weapons
- (f) any faults in the CCTV system, searching equipment or scanning equipment
- (g) any refusal of the sale of alcohol
- (h) any visit by a relevant authority or emergency service.

Following agreement of conditions this representation has now been withdrawn. The conditions are as follows:

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

2. 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.

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| Responsible Authority: | Environmental Health |
| Representative: | Anil Drayan |
| Received: | 30 th November 2015 |

THE PHOENIX, 51 MOSCOW ROAD, LONDON, W2 4AL

I refer to the application for variation of the Premises Licence, 14/11306/LIPDPS, for the above premises.

The applicant is seeking the following:

1. To increase the hours for the provision of Late Night Refreshment 'indoors' so that they are 23:00 to 00:00 hours Monday to Thursday and 23:00 to 00:30 hours Friday and Saturday
2. To increase the hours for Supply of Alcohol for 'On' and 'Off' the premises so that they are from 10:00 to 00:00 hours Monday to Saturday. This request includes maintaining the thirty minutes drinking up time following the last permitted sale of alcohol.
3. To remove restrictions on trading hours for Good Friday under Annex 1, 9(c).

I wish to make the following representations as numbered above:

1. The increase in hours requested for the provision of Late Night Refreshment may have the likely effect of causing an increase in Public Nuisance in the area
2. The increase in hours requested for the supply of alcohol and maintenance of 'drinking up time' may have the likely effect of causing an increase in Public Nuisance in the area
3. No representation made

The proposed increase in hours for alcohol are also beyond the 'core' hours as stated in Westminster's Statement of Licensing Policy.

The applicant has not offered any additional conditions as part of the proposal. However should the variation be granted Environmental Health considers additional conditions may be appropriate to allay its concerns.

The applicant is requested to contact the undersigned to arrange a site visit to discuss the issues raised by the application.

Additional information submitted by Environmental Health

Further to my memo dated 30 November and following a site visit and discussions with the manager / DPS, Ireneusz Tomecki, the following further information was ascertained:

- The premises was closed for 10 days in July 2015 for an extensive refurbishment.
- The premises has a private forecourt fronting on Moscow Road on which are located 5 tables, each with 4 chairs. The manager explained that current operation is to render these external facilities unusable after 10.30pm. Patrons wishing to go

outside after this time, eg to smoke, are only permitted to do so without any drinks.

- The fire risk assessment gives the premises has an internal capacity for 150 patrons. There are 3 WC's for females, 1 WC and 4 urinals for males. Based on the guidance *British Standard 6465 – Provision of Sanitary Accommodation* the premises complies with the recommended standard for facilities for males and is 1 female WC short to be fully compliant for female provision.
- For major events (defined by DPS as usually when DJ music or live band are hired) a SIA registered door supervisor is usually employed following a risk assessment carried out prior to the event. Music is played through the performers own sound systems as speakers at the premises are relatively of small power rating. Also it was ascertained there is no electronic noise limiter fitted to the sound system.
- An application has been submitted for the upper floors to be a licensed House in Multiple Occupation (HMO) consisting of 5 units.

A history check since 2012 of the Council's Noise Team and Licensing Inspector intervention records shows the following 2 nuisance complaint entries logged on the Council's Noise Team's premises database:

i. Date, day and time complaint received:

27 September 2015, Sunday 22:36 hours;

Reason for complaint:

Loud music from the pub since 9pm which has increased around 10 mins ago. No callback required.

Action by Noise Team:

Visit unable to be made.

ii. Date complaint received:

4.11.2015 - originally sent to police neighbourhood watch who passed it onto Licensing Inspectors for investigation.

Nature of complaint:

I am a Moscow Road resident and writing in respect of the Phoenix pub. I am going to request a review of their existing licence conditions as we have been experiencing anti-social behaviour and public safety concerns associated with the operation of the pub, both within and outside of the terms of their licence (loud music, out of hours drinking, drinkers spilling out onto the public highway. I don't believe the licence as it currently stands is suitable for the predominantly residential area.

Action by Licensing Inspectors:

Monitoring visit - at the time of visit (Friday 20 November 2015 – 11pm) the premises were quiet with all main doors to venue closed. No issues found.

Visited premises (Monday 20 November 2015 – 2pm) and spoke with the area manager and the general manager with regards to noise complaint made by a local resident and what proactive measures were being taken or are in place to deal with prevention of noise nuisance specifically. Advice on appropriate measures also provided.

I understand that the applicant has amended the application to reduce the variation so that licensable activities are in line with 'core hours'.

However it is also my understanding that the applicant wishes to maintain the request for 'thirty minutes drinking up time following the last permitted sale of alcohol'. Environmental Health considers this to be not consistent with 'core hour' policy but nevertheless would be content if any consumption was in accordance with Condition 9, Note (c) as stated on the existing licence conditions.

| 2-B Other Persons | |
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| Name: | Mr Rexford Ladd |
| Address and/or Residents Association: | 4 Windsor Court Moscow Road London W2 4SN |
| Received: | 27 th November 2015 |

I write on behalf of Windsor Court Longleaseholders Association to make a representation in respect of the *above* application for a new premises licence. The representation is made on the basis that the likely impact of the application, if granted, would be to harm the licensing objective of prevention of public nuisance and prevention of crime and disorder. The application is also contrary to policies HRS1 and PB1 of the City Council's Statement of Licensing Policy.

I am a local resident in the vicinity of this premises. I write in my personal capacity as a resident who will be affected by problems connected with the licensing objectives should the application be granted, and in my capacity as Chairman of Windsor Court Longleaseholders Association.

Windsor Court is at a 45 degree angle from the premises and at a distance of no more than 20 metres.

This part of Moscow Road does already have a small parade of shops and another Public House which in the main DO NOT give us any cause for concern.

The application seeks to *vary* the current premises licence so as to significantly extend the hours for licensable activities. Sale of alcohol is currently permitted to 11pm Mon-Sat, 10.30pm Sun; it is proposed to amend this to midnight Man-Sat. Late night refreshment is currently permitted to 11.30pm Man-Sat; it is proposed to amend this to midnight Mon-Thurs, 12.30am Fri-Sat. Opening hours are currently 7am -11.30pm Man-Sat, 7am -11pm Sun; it is proposed that the terminal hour is amended to 12.30am Men-Sat.

Our concerns are as follows:

Prevention of public nuisance

The hours proposed are well in excess of the 'core hours' set out in the City Council's

Statement of Licensing Policy ('SLP') Policy HRSI. Extending the hours beyond what is currently permitted would inevitably lead to an increase in the noise, anti-social behaviour and other public nuisance which residents experience in the local area, including from this premises. The nuisance is the noise made by persons when leaving the premises, which include very loud talking and swearing and general unruly behavior.

Should the application be granted, patrons would of course be leaving later, having had the chance to consume more alcohol.

Opening later would lead to the premises becoming a destination venue, resulting in more customers arriving in the vicinity late at night, and departing from the vicinity late at night. Patrons from other licensed premises would migrate to the Phoenix from other nearby premises which close earlier. This is particularly important in the context of 'cumulative impact', see below. This could cause noise nuisance to residents both as customers arrive and as they leave, which would be later at night than presently allowed.

In terms of dispersal of customers, there is no information in the application to explain how this would be facilitated. It is concerning that the applicant has not considered the impact of the later hours on dispersal of customers. The current hours permit customers to go home via the tubes and buses (before night buses start). Thus, later hours can lead to difficulties in customer dispersing as quickly as possible from the area. Night buses are far less frequent than regular buses. Problems with dispersal are explicitly recognised in the Council's SLP. If customers cannot easily catch a tube or regular bus, this would increase the noise from taxis and people shouting loud goodbyes and discussing what to do next, in the quiet residential side streets in the vicinity.

There is no information about outside drinking/smoking. The pub is a popular venue to watch sport. Later hours for alcohol combined with sporting events can lead to customers being excessively loud outside the premises, and when they leave. If this happens at a later hour, it will disrupt our sleep.

Loud music can often be heard emanating from the premises. This is disturbing at present, and would only become more intrusive given the later hours proposed.

The Guidance issued under s182 Licensing Act 2003 makes it clear that there are certain expectations of applicants; namely, that an applicant is expected to have assessed any risk posed to the local area by the proposals, and to include positive proposals in their application on how they will manage any potential risks (Guidance 8.34 and 8.35). Without prejudice to our contention that there are no steps which would appropriately mitigate risk in this location to these hours, the applicant does not appear to have carried out enquiries in this regard.

Excess alcohol consumption leads to lower inhibitions. This can lead to low-level anti-social

behaviour and crime. There is also the possibility that, having drunk more for longer, until later) they can become the perpetrators (or indeed) victims of crime, increasing pressure on police resources.

Cumulative impact

The premises is not located in a designated Cumulative Impact Area (CIA). However, the Queensway CIA is very close by. There is a real risk that people dispersing from this premises at 12.30am will disperse in to the CIA looking for transport or other late night venues, adding to the problems within the CIA. Similarly, there is a real risk that people will migrate from premises in the CIA to the Phoenix, thereby bringing with it the problems which are inherent in the CIA.

Statement of licensing Policy

The application is outside the Council's core hours Policy HRS for when customers can be on the premises. However, even if it were compliant with this Policy, it is not compliant with other policies, particularly the 'public nuisance' Policy PNI. We refer specifically to para 2.2.12:

'Residents are often subjected to nuisance from the noise of people on their way to and from premises, and loitering in the streets after they have left premises. This can affect residents even at some distance from the premises themselves, especially along routes to transport facilities, and to car parks and parking areas and on routes between late night premises of various types. The nuisance from noise depends on its nature and whether it is during the day, the evening or at night. Late night noise is often unsettling; particularly shouting and screaming. Some of this is associated with aggression and assaults but most of it is "high spirits". It is impossible to distinguish between the reasons for these noises and in any case, it is very disturbing late at night. The degree of nuisance caused by noise increases with the lateness of the hour; especially if it disturbs or prevents sleep.'

There is a great deal of residential accommodation in the vicinity and applicants in such areas should be held to a stricter standard.

There have been two previous applications to vary the premises licence to increase the hours for licensable activities (application ref: 12/04087/LIPV and application ref: 10/09802/LIPV). Both applications were withdrawn following a significant number of objections from residents. We wonder what has changed since 2012. Residents can sometimes get 'worn down' by repeat applications, particularly where there is nothing which makes a repeat application stand out as different to previous applications.

Conclusion

The licensing authority is charged with determining the application with a view to promoting

the licensing objectives in the overall interests of the local community (Guidance 9.37). An application may be refused on the grounds that this is appropriate for the promotion of the licensing objectives (Guidance 9.39).

For the reasons stated, we are therefore opposed to the application being granted. The current hours are at the limit of what is appropriate for this location, given the factors I have outlined above.

We look forward to being kept informed of any developments, and would like to attend or be represented at the hearing in due course.

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| Name: | Mr Joseph Ogden |
| Address and/or Residents Association: | 27 Burnham Court Moscow Road London W2 4SW |
| Received: | 30 th November 2015 |

I live in Burnham Court on the other side of the road from the Phoenix pub and urge the committee to refuse the application on the grounds that it will extend noisy late-night disruption in a predominantly residential area - the pub is surrounded by significant residential buildings, many of which are occupied by young families - and that it will make it difficult to reject similar applications from the two other pubs on the stretch, which would add up to exponentially increased disruption at a time when residents are due some peace and quiet.

It's relevant to mention that I only heard about this application today, the day before the deadline, and a quick check with neighbours suggests there is general ignorance about it, and, had more been aware you would have received many more objections. The only notice I can locate is in the window of the pub itself. A similar application for the Shiori restaurant, virtually next door to the Phoenix pub was posted on lamp posts on both sides of the street. Can I suggest that this be taken into account in the committee's deliberations?

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| Name: | Baroness Gardner |
| Address and/or Residents Association: | 25 Caroline Place London W2 4AN |
| Received: | 10 th November 2015 |

Dear Sir,

Extension of Hours: Phoenix Pub corner of Bark Place and Moscow Road W2

Please register my objection to this application on a number of grounds:

1. Public nuisance. This is a residential area with a significant number of older residents and also of young families. Allowing longer hours would have a markedly adverse effect on both of these groups. In addition the working age residents in the immediate area also need quiet sleep time hours. Extending the present hours would change the character of the area and what is now a pleasant, peaceful and safe locality would be destroyed by the Phoenix staying open and after "drinking up time", patrons leaving after midnight.

2. As mentioned in 1 above, the safety of children would be at risk due to sleep disturbance at that late hour, damaging to their health and causing them to be fearful due to shouting or noisy

behaviour of people leaving the premises.

3. Safety. Crime and disorder will be encouraged by the later licensing. In the vicinity of many licensed premises, vandalism of local property is common as also use of local gardens and basement areas for urinating. In some cases residents are frightened by people found "sleeping it off", in the area, such as a garage front or garden of their home. In these days of a worrying level of knife crime, residents may well be threatened and a change in the ethos of the area would definitely have a strong risk of an increase in crime and disorder.

4. Public Order. Would definitely be under threat from the items listed in numbers 1-3 above.

By long tradition, Good Friday is not treated as "any other Friday" and I support the continuance of the present recognition of the special traditional significance of Good Friday.

Baroness Gardner

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| Name: | Mr Tim Snell |
| Address and/or Residents Association: | Chenies House, 37 Moscow Road London W2 4AH |
| Received: | 6 th November 2015 |

I am writing to object to the proposed variation to the premises licence for the Phoenix Public House.

As an immediate neighbour to the pub (I live in Chenies House, 37 Moscow Road W2 4AH), I am well placed to comment on the existing problems caused by the operation of the pub. The existing problems are in fact so bad that I will shortly be requesting a review of the existing licence against the licencing objectives, as I don't believe it is appropriate for its predominantly residential location, and its terms are not being complied with.

My concerns about the operation fall into two categories – public nuisance and public safety.

The existing operation causes frequent and significant noise disturbance late at night. Drinkers are allowed to remain inside and outside the premises after official closing hours and remain on the public highway after hours. The resulting shouting, chanting and screaming prevents us from sleeping, wakes us up. The management do not seem to encourage its clients to leave in a timely fashion, or behave in a manner that reflects the residential context. When the pub hosts live or recorded music nights, the volume of the music is significantly beyond what I consider to be normal or reasonable, and these special events only compound the wider problems of noise I describe above.

The premises is on the corner of Bark Place and Moscow Road. The pavements in this location are very narrow and drinkers spill out onto the pavements and road which often prevents members of the public from passing safely. It is also a hazard for drivers with drinkers often spilling into the road. This is not controlled by the management.

I object to the proposed variation of the licence on the grounds that all of the problems identified above will get worse and will be experienced later at night. This would represent a gradual but significant erosion of the quality of life of residents. Any extension to, or relaxation of, the existing licence should be rejected. Similarly, any requests for temporary event notices which have the effect of extending or relaxing existing licence provisions should be rejected also and I would be grateful if you could consider this representation when any future requests of this

nature are made.

Your team manager James Hayes has been in touch with me, and I will respond shortly to request a review of the existing premises licence. Many thanks for this.

If you require any further information please don't hesitate to contact me.

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| Name: | Mr John Yiannakis |
| Address and/or Residents Association: | 28 Caroline Place London W2 4AN |
| Received: | 1 st December 2015 |

I strongly object to the above application by the Phoenix Public House because of the harm it will cause to the neighbourhood.

It is already bad enough walking home at night from the Bayswater tube station being accosted by drunks and encountering people urinating outside the pub on Bark Place, people arguing in a drunken stupor, and people smoking strange smelling cigarettes.

There have been incidents when intoxicated patrons accosted residents returning from the theatre (my sister Athena Yiannaki was one of them).

This is predominantly a residential neighbourhood and, as such, we expect some protection from public nuisance and disorder and the consequences which the above will bring to the residents.

The area outside the pub is invariably littered with broken glass, a consequence from the inconsiderate behaviour of the customers of the Phoenix, so much so, that we are forced to walk in the road, not on the pavement, in order to avoid stepping onto the shards of glass. The danger and the harm this causes to the children is huge.

Consequently, I beg you to reject the application for the safeguard of the neighbourhood, its residents, especially the children.

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| Name: | Ms Fiona Mates |
| Address and/or Residents Association: | Bark Place London |
| Received: | 14 th November 2015 |

As a resident of Bark Place where we are extremely close to the Phoenix pub and affected by both the noise of those drinking outside the pub and from those leaving the pub as they go home I would like to oppose strongly their application for later opening hours.

We get a large amount of disturbance from groups leaving the pub to walk up to the main road and 12.30 would be totally unacceptable for this residential street.

There are always empty glasses left around and cigarette butts strewn the street in the morning as children walk to school, we would not welcome any opportunity for more.

I urge you not to accept this application.

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| Name: | Mrs Camilla Fritze |
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| Address and/or Residents Association: | 30 Bark Place London W2 4at |
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| Received: | 28 th November 2015 |
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While the internal refurbishment is appreciated the fact that noisy clientele of the pub walk down a residential street at night singing songs and shouting has not. For this I do not blame the pub but the reality is people leaving a pub after a number of drinks is not compatible with people trying to sleep. Bark place is a quiet family street and I don't see why the opening hours should be extended especially when the clientele of the pub is not local residents. The extended hours would be disruptive to the residential living of the people living on bark place.

Finally the pub applied for the same extension a few years ago. What has changed? I get the sense that the large pub company that owns it must have a lawyer who just keeps putting applications in until they finally find a time when the neighbours who object either aren't aware or just give up. Is this right? If there was a way to stop future applications unless they can prove a change in circumstances it would save a lot of time and money.

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| Name: | Mr & Mrs Peter And Sophia Massey-Cook |
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| Address and/or Residents Association: | 38 Bark Place London W2 4AT |
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| Received: | 30 th November 2015 |
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We wish to object to the above application on the basis that it will fail to promote the licensing objectives of prevention of Public Nuisance, Protection of Children from Harm, and Prevention of Crime and Disorder. Later closing hours would significantly increase the aggravation already caused to the residents of Bark Place by increasing the total alcohol consumption. Noise from outside drinkers and smokers would prevent residents from sleeping and the footfall and noisy conversations from patrons leaving would take place at even more unsociable hours. As the Neighbourhood Watch Coordinators for Bark Place we are concerned that increased drinking hours is likely to lead to more drunk and disorderly behaviour and associated crime in the locality.

The Phoenix is on the corner of Bark Place and Moscow Road. Moscow Road is a quiet street with three pubs, only a few shops and many residents in numerous mansion blocks. Bark Place is an entirely residential road, joining Moscow Road and Bayswater Road, via Orme Court, apart from a sixth form college which is closed in the evenings and weekends. The houses, which are all well-maintained are mostly owner-occupied, many of them by families with children. Our house is approximately 100 metres from The Phoenix Pub, yet we are disturbed by patrons using our street to get to and from the establishment. Bark Place is used as a pedestrian thoroughfare to Bayswater Road.

In recent years, The Phoenix has caused us the following problems:

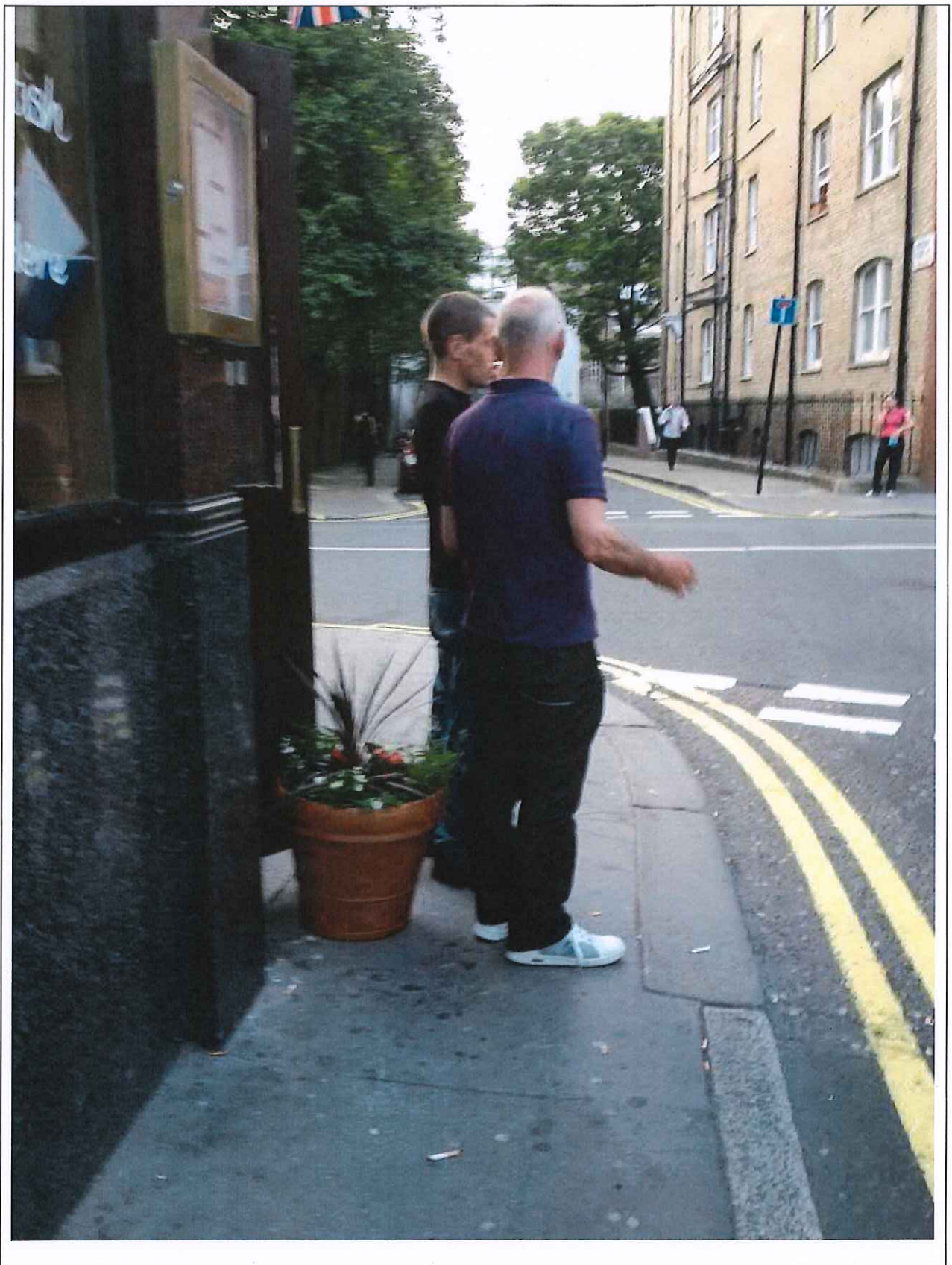
- People drinking and smoking on the narrow pavement on the Bark Place frontage preventing pedestrians from passing without going into the road.
- Men urinating openly on Bark Place, to the rear of The Phoenix and to the rear of Mulberry Pizza (47 Moscow Road)
- Pub glasses left on garden walls and planted in our hedges.
- Cigarette butts and vomit on the pavement.

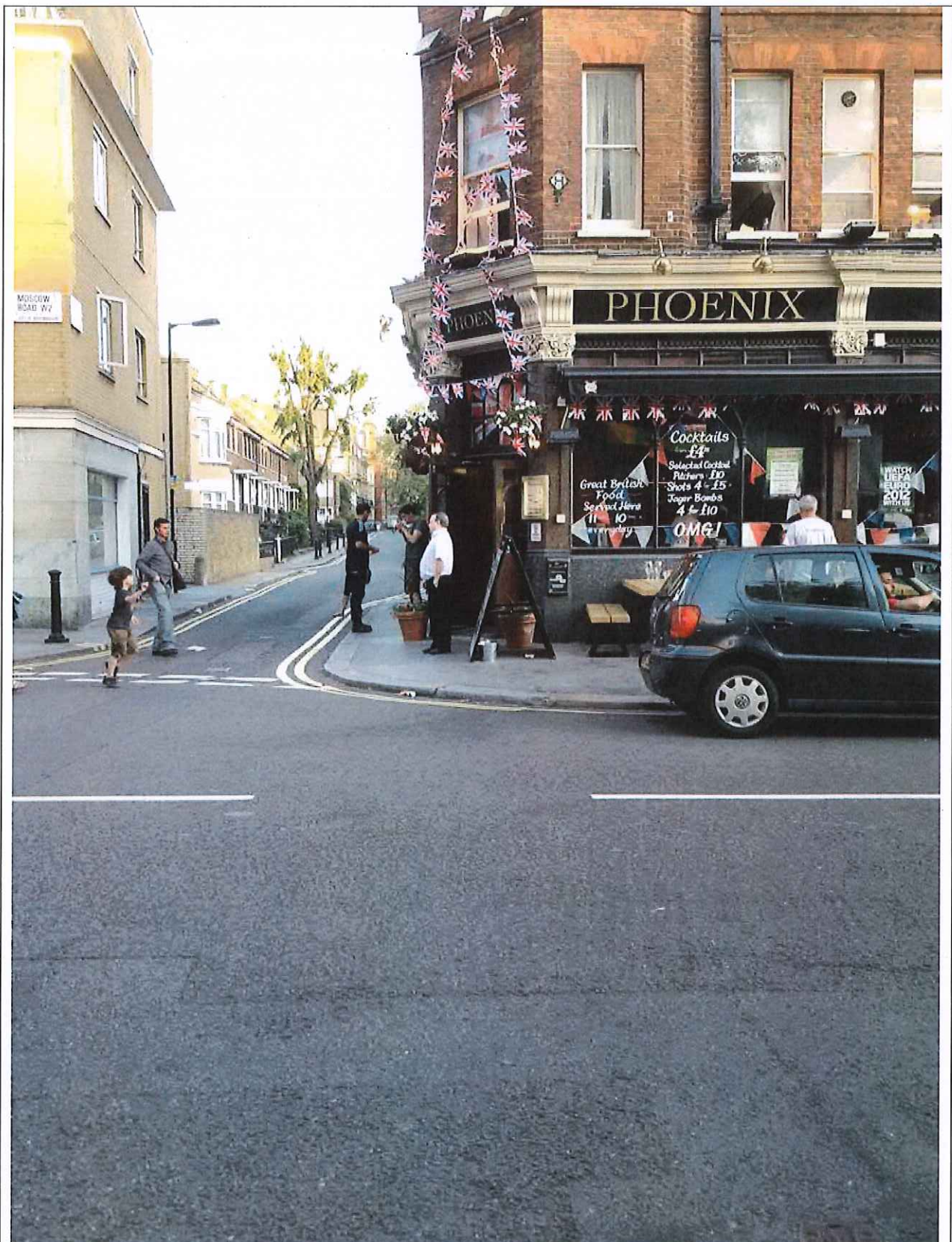
- Noise from people drinking and eating at outside tables
- The noise of “merry” customers leaving The Phoenix at closing times, which disturbs the sleep and peace of mind of the residents even at current closing times

Such incidents would undoubtedly be magnified by the proposed increase of licensed hours and would take place when occupants of Bark Place and Moscow Road have every right to peaceful enjoyment of their property and undisturbed sleep.



The outside tables, which are beside the windows of residential houses.





Drinkers and smokers, even in small numbers, regularly force pedestrians to walk in the narrow road.



The rear doors to the Phoenix Pub, which open out onto the narrow pavement, cause danger to passing pedestrians.

The Phoenix Pub has put in applications for extended hours in both 2010 and 2012, both of which received considerable numbers of objection letters from neighbours and were either withdrawn or rejected on the basis of the disruption which would be caused to residents.

Bark Place, like the other surrounding residential roads, is an extremely quiet residential one-lane road which has almost no motor traffic at night. The houses are relatively high for the width of the road, which creates an echo effect, rather than absorbing the sound. You could virtually hear a pin drop. Consequently, the conversations held by groups of Phoenix customers as they leave the pub and make their way to Bayswater Road are loud enough to wake anyone sleeping at the front of the houses, even when their windows are closed. They often stop for some time to continue their conversations before they part company. This is frequently followed by the slamming of car doors and loud "goodbye"s. To reduce disturbance caused by the noise from the Phoenix patrons our windows must be kept shut on warm evenings. These houses do not have air conditioning, therefore closing windows is extremely unpleasant in the summer months.

Patrons of The Phoenix are not local residents of the Bark Place area. At closing time, customers almost always need to walk down Bark Place and then Orme Court to find transport: taxis on Bayswater Road, buses on Bayswater Road, and Queensway tube station. Bark Place and Orme Court have narrow, poorly lit openings at either end, which make late-night encounters with often drunken pub patrons all the more disquieting for residents returning home. Those entering this area at night are either residents, or patrons of The Phoenix.

We also ask that the application to remove trading restrictions on Good Friday be refused as this is a time of family holiday for the residents.

We ask you to reject this application for extended licensed hours.

| | |
|--|-----------------------------------|
| Name: | Dr Rachel pope |
| Address and/or Residents Association: | 11 Bark Place London W2 4AR |
| Received: | 30 th November 2015 |

We used to live at 20 bark place even closer to the pub and now at 11 Bark Place this is a real community with young children and there has always been noise from the pub at closing time I feel this will be detrimental to the well being of local families with disturbance after midnight. There have been numerous occasions of vomiting on the pavement. There is a narrow pinch point in the road here and with customers spilling onto the road late at night risk of injury.

| | |
|--|---|
| Name: | Miss Karin Amstad |
| Address and/or Residents Association: | 26 Windsor Court Moscow Road London W2 4SN |
| Received: | 14 th November 2015 |

We object on the basis that this pub is in the middle of a residential area surrounded by plenty of flats and houses nearby, where people typically go for a drink after work or to watch football, as most football matches are shown in this pub. For both groups the current opening hours cater for sufficiently.

The pub is not in an area where people would naturally go out late at night, say for a last drink after theatre or so. After 10pm the pub empties very quickly and it is difficult to see how extended opening hours would increase trading for the pub apart from the odd drunken reveller who would visit and later on leave very noisily, something that already happens regularly.

Furthermore the moving inside of tables and chairs causes nightly screeching noises and having this even later will cause further and later disruptions for residents. Whenever the doors are open, loud music spills into the streets which can easily be heard in the flats and houses nearby. Again, having this going on until even later will only affect residents adversely further.

| | |
|--|---|
| Name: | Mr Anthony Rendell |
| Address and/or Residents Association: | 9 Bark Place Bayswater London W2 4AR |
| Received: | 29 th November 2015 |

I wish to object to the extension of hours at The Phoenix pub. It is on the corner of Moscow Rd and Bark Place, surrounded by residences.

There is inevitably noise from outside drinkers and smokers, whose happy conversations are loud. Many go home down Bark Place to Bayswater Road for busses, cabs, and the tube. This is disturbing to residents who include children and the elderly (some of whom are in poor health who need sleep. Quiet enjoyment of these residences is impossible, especially on warm nights,

when patrons like to pause to talk and shout and sing and smoke, and it's essential to close our front windows Local people don't use the pub much, and patrons are transients, including tourists, and they don't think about residents.

Extending the hours later would make things worse.

I also object to removing restrictions on Good Friday, as Easter is an important family time for residents and their visiting relatives.

| | |
|--|-----------------------------------|
| Name: | Mrs M.J. Fraser |
| Address and/or Residents Association: | 39 Bark Place London W2 4AT |
| Received: | 30 th November 2015 |

As a resident of Bark Place for almost 30 years I stand firm in objecting to any licensing extension which may result in the disturbance of the neighbourhood outside of what should be considered reasonable and considerate social hours.

Bark Place is a through road to the main Bayswater Road and late hour noise and revelry, besides peeing/puking and litter dropping in the streets in a relatively peaceful evening/night period as a result of increased drinking time is not acceptable.

I therefore register my objections to this application for these reasons and on the grounds that any decisions would also set precedence for other applications from similar commercial venues in what is essentially a residential area including families with young children, elderly people and those in between.

Thank you for your attention and I hope my comments will be taken into due consideration.

| | |
|--|-----------------------------------|
| Name: | Mr Guy Usher |
| Address and/or Residents Association: | 25 Bark Place London W2 4AT |
| Received: | 29 th November 2015 |

We are the owners and residents on a house in Bark Place which is the third house along that street from The Phoenix. Bark Place is a quiet residential street.

We object to the application due to the fact that there will be increased levels of noise and disruption caused by drunken individuals leaving the premises at a later hour. We frequently experience small crowds of people hanging around and speaking or shouting very loudly, often for some time after they leave the pub. Later opening hours will make this more disruptive to sleep as it will be later and there will be more time to get more drunk.

The pub is extremely busy when major sporting events are screened and the viewers often do not leave once the game has finished.

Although in this respect things have improved slightly in the last year, we still see evidence the next morning of people having urinated or being sick in the street and litter (including beer bottles) being dumped in our front garden).

Music in any form should not, in any event, be permitted, beyond the current hours.

| | |
|--|--|
| Name: | Ms Eleni Antoniadou |
| Address and/or Residents Association: | Eleni Antoniadou Environmental Ltd 2 Chenies House 37 Moscow Road London W2 4AH |
| Received: | 20 th November 2015 |

RE: Objection Licence Application Number: 15/09852/LIPV to extend the licensing hours to 24:00 at the Phoenix Pub on Moscow Road

In response to Licence Application Number: 15/09852/LIPV to extend the licensing hours to 24:00 at the Phoenix Pub on Moscow Road , I write to express my objection on the following environmental impact and social impact grounds:

Social Impacts-Lack of consideration of local residents leading to reduction in quality of life for local residents

1) The Phoenix Pub does not manage their current license until 23:00 with a drinking time of 23:30 appropriately and responsibly. It allows customers to linger in groups not only outside the pub where permitted but also on the public pavement around the pub and directly below the adjacent residential properties (including our building, which is adjacent to the pub) until at least one hour to one and half hours after closing time. I have photographic evidence of the pub filled with customers still drinking at midnight to support this.

There is no effort made on behalf of the pub to disperse customers by or after the 23:30 drinking time by the staff , or to keep volume down in respect of local residents after closing time. I have contacted the Westminster Noise Team on several occasions, after contacting the pub directly with no action taken by the pub staff and management. The most recent phone call to the Westminster Noise Team was made on the Saturday 31st October at 01:00 in the morning. On this occasion a DJ was used for a Halloween event and the pub operated until 01:00 with drunken customers creating noise until 02:00.

The pub clients also linger in our building backyard whilst at the pub or leaving the pub. Even though this is largely ignored, by the residents on the occasions that we do ask pub clients to leave due to noise, we have been threatened with physical violence.

Environmental Impacts- Noise

2) The Phoenix pub has this year started to have live amplified music on Saturdays, in addition to the live screening of football matches, such as the World Cup. Noise levels are frequently so loud that they can be heard within our property, which has both double glazing and secondary glazing, with all the windows closed. We have recently installed double glazing in response to the increased noise levels generated by the pub. We have also raised phone calls with the Westminster Noise team on 3 occasions this year alone in relation to loud music with amplification which continues until beyond 22:00, which is considered to be within the controlled noise hours.

3) The noise from customers drinking, shouting, singing in groups both whilst at the pub and leaving the pub can be heard within our property with the acoustic insulation and is loudest between 10:00- 00:30 due to the lack of management of clients by the pub staff and drunken behaviour of clients. As I monitor noise on construction sites and operational highways and have access to a noise meter, I can confirm that the noise levels within our property frequently exceed the set guidelines set for construction sites/ operational highways and would stop a construction project under Section 61 if these noise levels were detected at the closest

residential receptor. As we work during the day and have a young child, our quality of life has been reduced due to the noise levels and associated lack of sleep. The nature of the loud noise outbursts also means there is no way to adapt to the noise levels. Night life venues can operate within residential areas, but within the acceptable noise levels during controlled hours.

There are at least 100 noise sensitive receptors within a 100m of the pub who could be affected by noise.

Cumulative Impact- Number of drinking venues on Moscow Road

4) Within a radius of 100m of our property there are already 7 venues where alcohol can be purchased and consumed either on or off the premises up until 23:00 or later in restaurants. This includes a total of 3 pubs, one off license, a supermarket, 3 restaurants. There are also existing restaurants, hotels, night clubs and bars which already operate until later hours on Queensway , Notting Hill Gate, Portobello and in the wider area. Extending the hours of operation of the pub will therefore not contribute positively to the environment or quality of life in the local area or provide a new social benefit-for those wishing to go out late- which does not exist already . The majority of establishments in our immediate area now manage to control the behaviour of clients, and do not generate social impacts on such as frequent basis. We are therefore willing to accept that there will be some level of noise and drinking associated behaviour in our area which cannot be easily managed or reduced such as public urination, drinking on our doorstep, etc.

However, taking into consideration the frequency and level of noise and social disturbance generated by the Phoenix pub, and their inability/ lack of will to take action to reduce noise impacts to acceptable levels and respect local residents, despite frequent visits from the Westminster noise team and phone calls from locals residents, I strongly object the planning application to operate until 24:00 with drinking time until 00:30.

Even with the most appropriate mitigation measures to manage clients, this is not an acceptable time for a drinking venue within densely populated residential area.

I am willing to take this matter to the highest authority and can provide environmental evidence of the issues identified above.

| | |
|--|--------------------------------------|
| Name: | Carole Jackson |
| Address and/or Residents Association: | 4 Lombardy Place London W2 4AU |
| Received: | 10 th November 2015 |

Application Reference: 15/09852/LIPV

Notice is hereby given that Spirit Pub Company (Services) Limited (the applicant) has applied to the City of Westminster for a variation of their premises licence for:
The Phoenix, 51 Moscow Road, London, W2 4AL

I would like to object to the above application as there will be increased noise later at night which will disturb the local residents as this is a residential area and should be maintained as such.

| | |
|--|--|
| Name: | Mrs Laura Marani |
| Address and/or Residents Association: | Windsor Court Moscow Road London W2 4SN |

Received: 17th November 2015

The Phoenix (no.51) has applied many times for variation of the licence and many letters have been written, as well as personal representation and withdrawal of the application. Roughly 1 month ago a variation of licence was applied for by no 45 and many neighbours feared this would lead to a renewed effort from the Phoenix (as has happened)

The conditions have not changed in all this time and the objections which have been raised in the past, and which I am sure you have on file, still stand. Please let me know if it all has to be spelled out again.

I am sure the manager of the Phoenix does his best, but putting in all the effort possible will not make the customers take heed.

Please, please consider the 'rights' (hate that word!) of the residents to enjoy living (and sleeping) in this area and consider that, if the licence changes, then all the other licensed premises in this street will all want more.

Thank you for your consideration.

| | |
|--|-----------------------------------|
| Name: | Mr William Relton |
| Address and/or Residents Association: | 23 Bark Place London W2 4AT |

Received: 30th November 2015

I understand that the Phoenix pub has applied to extend their licensing hours and vary the conditions concerning public holidays.

May I oppose this application on the grounds that the proposed closing time is well after normal bed times for the residents near the pub ? We are the nearest dwelling and we still find our drive used as an ashtray and find empty, or half empty, glasses perched on our gateway.

Why would people want to consume alcohol after the hour when only night buses operate? Surely they would not attempt to drive. The safest remedy is to close at 10.30 so that responsible drinkers can return home without endangering pedestrians or other, sober, drivers.

Bark Place is a residential area, likewise St Petersburg Mews where our son and family live.

There is quite enough noise without augmenting it late at night.

If this application is granted, then you can expect a further one from the Kings Head and goodness knows what will happen to LAFitness under its new management.

Please do not open the way for an avalanche of applications which, if approved, would completely transform this quiet area in which we have lived happily since 1981.

| | |
|---|---------------------------------------|
| Name: | Anthony Brooke |
| Address and/or Residents Association: | 20 Caroline Place London W2 4AN |
| Received: | 7 th November 2015 |
| <p>I am a resident of Caroline Place which is very close to The Phoenix in Moscow Road.</p> <p>I strongly object to the proposal to extend The Phoenix's opening hours as set out in Application Reference 15/09852/LIPV. The area is quiet and residential. The customers of The Phoenix have on numerous occasions engaged in anti-social, criminal and noisy behaviour and this would only be exacerbated if the pub's opening hours were extended as is proposed.</p> <p>I hope that these views will be taken into account when the application is considered.</p> | |
| Name: | Sarah Joiner |
| Address and/or Residents Association: | 4 Caroline Place London W2 4AW |
| Received: | 7 th November 2015 |
| <p>I write as a local resident of Caroline Place to object to the extension of hours at the Phoenix pub. This is situated in a residential area with many young families living directly by the pub. We are blessed with near silence at night time and residents would be greatly concerned if the hours were extended in any way. The pub is not frequented by residents and attracts outsiders.</p> <p>It is essential that the opening hours are NOT extended as it will lead to an increase in social nuisance, local petty crime and anti-social behaviour.</p> | |
| Name: | Jacqueline Wase-Bailey |
| Address and/or Residents Association: | Not supplied |
| Received: | 9 th November 2015 |
| <p>As a local resident I just wish to object to the above application.</p> <p>For many reasons ie it is a quiet residential area and there are 3 other pubs very close by.</p> | |

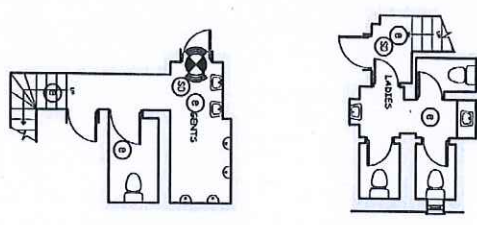
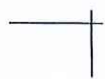
3. Policy & Guidance

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| The following policies within the City Of Westminster Statement of Licensing Policy apply: | |
| Policy HRS1 applies: | (i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy. (ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies. |
| Policy PB1 applies: | Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1. |

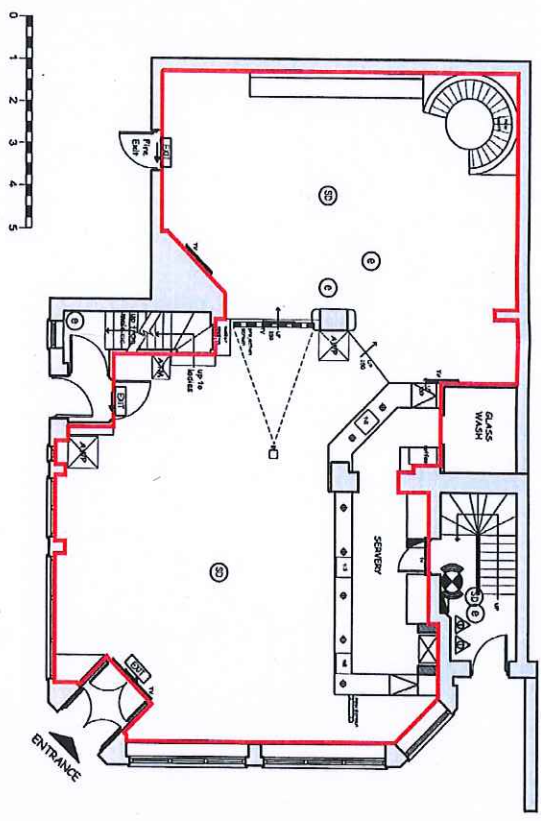
4. Appendices

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

| | |
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| Report author: | Miss Heidi Lawrance Senior Licensing Officer |
| Contact: | Telephone: 020 7641 2751 Email: hlawrance@westminster.gov.uk |



PROPOSED FLOOR PLAN



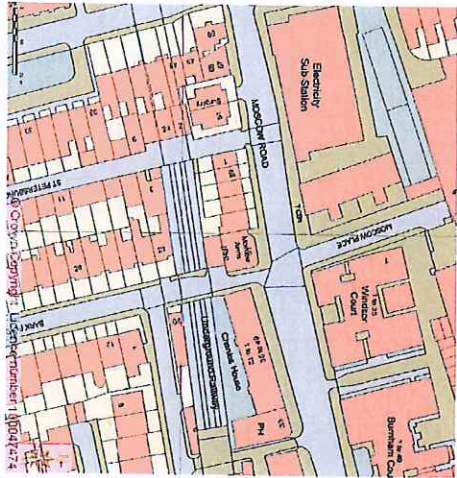
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SPRINT PUB COMPANY
 THE MONKX
 51, MOSCOW ROAD
 DUBLIN 15
 DECEMBER 2012
 LICENSING PROPOSED PLAN
 DATE
 1.10.12 @ A3
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 JH
 CHECKED BY
 JH
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OS MAP
Scale 1:1250

| key | description |
|------|--|
| ⊕ | Area to covered by non-maintained emergency luminaire (bs 5266) |
| HD | area covered by heat detector (bs 5839) |
| SD | area covered by smoke detector (bs 5839) |
| ⊗ | area covered by visible warning indicator & sounder at high level - (bs 5839) |
| ⊙ | manual call point (bs 5839) |
| EXIT | internally illuminated 'fire exit' or graphic equivalent - 75mm high letters (bs 5499) |
| SS22 | doors to be securely fixed open whilst members of the public are on the premises |
| ▲ | fire alarm panel |

notes

- main contractor to ensure adequate power supply is available and the 'feeder' meters are equipped.
- all electrical installations to conform to current UK regulations.
- basic of basic lighting fittings to be re-lamp & cleaned unless otherwise advised by designer.
- this drawing is to be read in conjunction with fire safety drawing.
- main contractor to advise 'fire power' to external lights and light fittings.
- note where contractor to provide wiring to lighting installation for external lighting contractor to wire to junction box for signage contractor to fit.
- allow for two dimming circuits.
- certificates of compliance to BS 5266 - emergency lighting Pt. 1:1999 & Pt. 1:1999 to be provided to the fire authority.
- certificates of compliance to BS 5839 - fire detection and alarm systems for buildings Pt. 1:1998.
- main contractor to advise fire new disabled alarm fully compliant with the latest B's regs doc M.
- ding to be read in conjunction with signage scheme.

| key | description |
|-------|---|
| PB | Push bar or single action fastening to be available when the premises are in use |
| VP | vision panel |
| SC | self closing - opening force limited to 20 newtons to comply with Building Regulations Doc. M |
| ⚠ | fire extinguisher: water type |
| ⚠ | fire extinguisher: dry powder |
| ⚠ | fire extinguisher: carbon dioxide gas |
| ⚠ | fire extinguisher: fire blanket |
| FD30S | 30 min fire resistant doorset with intumescent strip, smoke seal & self closer. |
| ▲ | fire extinguisher: foam |

denotes 'Area of Licensable Activity'

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 EMAIL: SALES@CREATIVEGROUP.COM

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 11, GARDENERS
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None provided.

Appendix 3

Licence & Appeal History

| Application | Details of Application | Date Determined | Decision |
|--|--|---|-----------------|
| New Premises Licence 15/05421/LIPCV | Applied for Regulated Entertainment & Sale of Alcohol Monday to Saturday: 10:00 to 23:00 Sunday: 12:00 to 22:20 Late Night Refreshment: Monday to Saturday 23:00 to 23:30 | Conversion from old legislation to new – deemed granted | 10/10/2005 |
| Vary DPS 07/06357/LIPDPS | Application to vary the Designated Premises Supervisor | Granted under Delegated Authority | 06/07/2007 |
| Vary DPS 07/12118/LIPDPS | Application to vary the Designated Premises Supervisor | Granted under Delegated Authority | 18/12/2007 |
| Change of Details 09/04169/LIPCH | Change of details | Granted under Delegated Authority | 05/06/2009 |
| Minor Variation 10/07625/LIPVM | Minor Variation to Remove the condition 'No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies: a) he is the child of the holder of the premises licence; b) he resides in the premises, but is not employed there; c) he is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress; d) the bar is in a railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary'. Add the condition "Children will only be permitted when accompanied by an adult". Add the condition "A challenge 21 policy will be employed whereby those individuals who appear to be under the age of 21 and are attempting to purchase alcohol will be asked to provide identification. | Granted under Delegated Authority | 18/10/2010 |

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| | The only type of identification that will be accepted is a passport, photo driving licence or any other PASS accredited identification. Staff will be trained in this policy and records will be kept". | | |
| Application to Vary the Premises Licence 10/09802/LIPV | To permit the sale of alcohol Monday to Thursday until 23:30hrs and Friday and Saturday until 00:00hrs (currently permitted until 23.00). To permit late night refreshment Friday and Saturday until 00:00hrs (currently permitted until 23:30). Opening hours of the premises are to match the terminal hour for the sale of alcohol. For all of the above on the Sundays immediately prior to bank holidays until 00:00. From the end of permitted hours on New Years Eve until the start of permitted hours New Years Day. Remove the restrictions on hours for Christmas Day and Good Friday so that which ever day of the week these respective days fall on, the hours for that day will apply. All other hours (including the Sunday permission), licensible activities and conditions are to remain unchanged. | Application withdrawn | 24/11/2011 |
| Vary DPS 11/05325/LIPDPS | Application to vary the Designated Premises Supervisor | Granted under Delegated Authority | 13/06/2011 |
| Application to Vary the Premises Licence 12/04087/LIPV | To extend the sale of alcohol as follows:- 10:00 until 00:30 the following morning on Thursday to Saturday (current permission 10:00 until 23:00) To permit the premises to open for the sale of alcohol on Sunday from 10:00 (current permission 12:00). To extend late night refreshment as follows:- 23:00 until 01:00 the following morning on Thursday to Saturday (current permission 23:00 until 23:30) To maintain 30 minutes drinking up time following the last permitted sale of alcohol. To add the following conditions:- "There will be no first entry to the premises after 23:30" "No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance" "The designated premises supervisor or a member of staff nominated for the purpose shall ensure that prominent, clear and legible notices are displayed at all exits requiring | Application Withdrawn | 06/07/2012 |

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| | customers to respect the needs of local residents and to leave the area quietly prior to opening for trading" "No rubbish including bottles will be moved, removed or placed in outside areas between 23:00 and 08:00" "Late night refreshment is restricted to consumption on the premises". To remove the restriction the Good Friday and Christmas Day trading hours. All other hours, licensable activities, conditions and non standard timings are to remain unchanged. | | |
| Application for a Minor Variation 12/05521/LIPVM | To permit the premises to open from 07:00 in order to serve breakfast and non-alcoholic beverages. There is to be no change to licensable activities or timings. | Granted under Delegated Authority | 18/07/2012 |
| Application for a Minor Variation 12/11135/LIPVM | To vary the plans attached to the existing premises licence so as to incorporate the following changes: 1. Removal of part raised floor to create one flat raised floor at 1 step up. 2. Introduction of new dining height fixed seating and curved feature booth seating. 3. Removal of internal timber screen in raised floor area. 4. Addition of half-timber screen by end of bar to control customer access. 5. New timber drinks shelves by AWP positions. There are no proposed changes to current licensable activities or timings. | Granted under Delegated Authority | 07/01/2013 |
| Vary DPS 14/02825/LIPDPS | Application to vary the Designated Premises Supervisor | Granted under Delegated Authority | 09/06/2014 |
| Vary DPS 14/05583/LIPDPS | Application to vary the Designated Premises Supervisor | Granted under Delegated Authority | 28/07/2014 |
| Vary DPS 14/11306/LIPDPS | Application to vary the Designated Premises Supervisor | Granted under Delegated Authority | 28/12/2014 |

There is no appeal history

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

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

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

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

Conditions: On Current Licence -

Mandatory:

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

- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;

- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

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

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

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

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

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

Where -

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

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

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

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

- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the operating Schedule

11. Children will only be permitted when accompanied by an adult.
12. A challenge 21 policy will be employed whereby those individuals who appear to be under the age of 21 and are attempting to purchase alcohol will be asked to provide identification. The only type of identification will be accepted is a passport, photo driving licence or any other PASS accredited identification. Staff will be trained in this policy and records will be kept.

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

None

Conditions agreed by Metropolitan Police Service

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
2. 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.
3. All customers to be off the premises by 00.30

4. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following: (a) all crimes reported to the venue (b) all ejections of patrons (c) any complaints received concerning crime and disorder (d) any incidents of disorder (e) all seizures of drugs or offensive weapons (f) any faults in the CCTV system, searching equipment or scanning equipment (g) any refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service.

Proposed conditions from applicant in relation to the Environmental Health Representation and Resident Representations *(Not yet agreed by EH or residents)*

5. No drinks will be permitted outside after 22:30 on any day. Signs will be displayed to notify customers of this policy at all exits to the premises.
6. Signs will be displayed at all exits reminding customers to respect the residents in the immediate vicinity when leaving the premises.
7. Outside chairs will be stacked away and stored by 22:30 daily.
8. All doors and windows to be closed during regulated entertainment.
9. During trading hours the duty manager will undertake a patrol outside the premises to assess customer and music noise and to ensure that no public nuisance is being caused.
10. Staff will regularly collect glasses from outside the premises (at least every 20 minutes) and inform the duty manager of anything they witness that they consider might undermine the prevention of public nuisance objective. It will be for the duty manager to take reasonable measures to ensure that no public nuisance is caused.
11. 15 minutes before the terminal hour for sale of alcohol, 'last orders' will be called, music levels turned down to 'background' levels and lighting adjusted (increased) to indicate that the premises is preparing to close.
12. A complaints log (the Log) shall be maintained and all complaints made to the premises shall be recorded in the Log. As a minimum, the Log will record the date and time of the complaint, the name and address of the complainant (if known), the name of the person recording the complaint, the nature of the complaint and any action taken thereafter.
13. From 20 minutes prior to closing the premises, the duty manager will patrol outside the front of the premises to ensure a quiet customer dispersal. The duty manager will remain outside until such time as the last customers have left.

Proposed conditions by Environmental Health *Not yet agreed by Applicant*

14. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises or its vicinity save for on the private forecourt on Moscow Road.

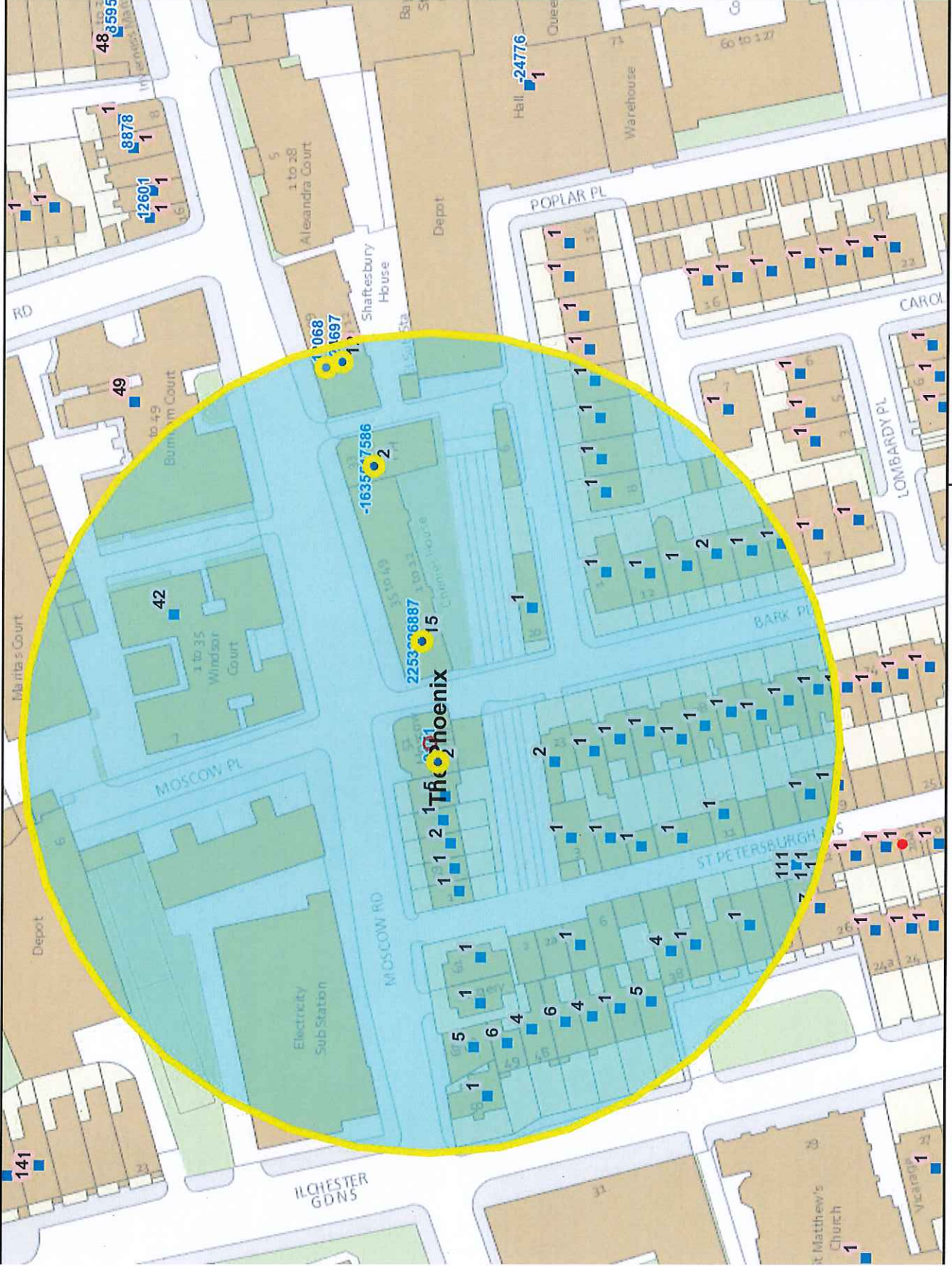
15. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
16. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
17. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
18. When amplified music is being played all windows and external doors shall be kept closed except for the immediate access and egress of persons.
19. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
20. All outside tables and chairs shall be removed or rendered unusable by (22.30) hours.
21. After (22:30) hours patrons permitted to temporarily leave and then re-enter the premises, eg to smoke, shall not be permitted to take drinks or glass containers with them.
22. Notices shall be prominently displayed at the exit/entrance and in the external area requesting patrons to respect the needs of local residents and businesses and when leaving to do so quietly.
23. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
24. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 08.00 hours on the following day.
25. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

26. No collections of waste or recycling materials, including bottles, from the premises shall take place between 23.00 and 08.00 hours on the following day.
27. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.

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 | 7 th January 2011 |
| 3 | Amended Guidance issued under section 182 of the Licensing Act 2003 | March 2015 |



| | |
|------------------------------------|-----|
| Residential / Proposed Residential | 159 |
| Under Construction | |
| Other Uses | |
| Proportion Residential of all Uses | |

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Data Source: Uniform Database
Date: 09/12/2015

Premises within 75 metres of:

| p / n | Name of Premises | Premises Address | Licensed Hours |
|--------|-------------------------|---|---|
| 22532 | Mulberry Street | Ground Floor 47 Moscow Road London W2 4AH | Sunday 12:00 - 22:30 Monday to Saturday 12:00 - 23:00 |
| 26887 | Shori | 45 Moscow Road London W2 4AH | Monday to Saturday 12:00 - 15:00 Monday to Saturday 18:00 - 22:30 |
| -24687 | Olympic Food Centre | 21 Moscow Road London W2 4AH | Sunday 08:00 - 22:30 Monday to Saturday 08:00 - 23:00 |
| -16355 | Kings Head Public House | Kings Head 33 Moscow Road London W2 4AH | Sunday 07:00 - 23:00 Monday to Saturday 07:00 - 23:30 |
| -12068 | Byzantium Cafe | Ground Floor 31 Moscow Road London W2 4AH | Monday to Sunday 08:00 - 23:00 |
| 9171 | The Phoenix | 51 Moscow Road London W2 4AL | Sunday 07:00 - 23:00 Monday to Saturday 07:00 - 23:30 |
| 17586 | Kings Head Public House | Kings Head 33 Moscow Road London W2 4AH | Sunday 07:00 - 23:00 Monday to Saturday 07:00 - 23:30 |



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