



City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	21 January 2016
Licensing Ref No:	15/10185/LIPV - Premises Licence Variation
Title of Report:	Shepherds Tavern 50 Hertford Street London W1J 7SS
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Mr Steve Rowe Senior Licensing Officer
Contact details	Telephone: 020 7641 7816 Email: srowe@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	10 November 2015		
Applicant:	Spirit Pub Company (Services) Limited		
Premises:	Shepherds Tavern		
Premises address:	50 Hertford Street London W1J 7SS	Ward:	West End
		Cumulative Impact Area:	None
Premises description:	Public House		
Variation description:	<ol style="list-style-type: none"> 1. To change the layout of the first floor so as to add a bar 2. To remove the restrictions on trading hours for Good Friday and Christmas Day under condition 9c and 9d (which apply to the 1st Floor only) so that permitted hours on the Day will apply. 		
Premises licence history:	Please see Appendix 3		
Applicant submissions:	<p>The applicant has advised that the variation for the changes to the plan/layout will be of no effect until the work has been completed.</p> <p>On the 14th January the applicant confirmed that they would withdraw the live music aspect of the application, which included removing the condition restricting regulated entertainment on the first floor to pre-booked events only.</p> <p>They also agreed to 4 conditions proposed by the Environmental Health Service (see Appendix 4).</p> <p>Due to the amendment of the application and the agreement to their proposed conditions the Environmental Health Service withdrew their representation to the application.</p>		

1-C Layout alteration

To vary the layout and design of the premises in accordance with the submitted plan to show a bar on the first floor.

1-D Conditions being varied, added or removed		
Condition	Proposed variation	
9 (c) and 9 (d)	To remove the restrictions on trading hours for Good Friday and Christmas Day (for the 1 st Floor only) so that the hours on that day reflect what is permitted on the licence for a Friday and whatever Christmas Day Falls on.	
Adult entertainment:	Current position:	Proposed position:
	N/A	No Change

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Metropolitan Police Service
Representative:	Sgt Richard Bunch
Received:	8 th December 2015
<p>The Metropolitan Police being a 'Responsible Authority' under the Licensing Act 2003 wish to make the following representations against the application. This is based on the information and plans available to the police at this time:</p> <ol style="list-style-type: none"> 1. The proposed changes will not support the licensing objectives with regards to crime and disorder. 2. The proposed changes are likely to have a negative impact on public nuisance and safety. <p>I would welcome the opportunity to make a site visit and discuss the proposals and licence conditions with my colleague Mr Anil Drayan EHO.</p>	

2-B Other Persons			
Name:	Loren Kennedy		
Address and/or Residents Association:	Global Invest Consult Limited 45 Hertford Street		
Status:	Valid	In support or opposed:	Opposed
Received:	2 nd December 2015		
We would like to file an Objection to this application.			

Prevention of public nuisance, Public safety and prevention of crime and disorder.

There is constant parking on double yellow lines, blocking other vehicles through fare.

Punters also over spill the pavement onto the road creating more danger for themselves and traffic on an already busy street.

Regards,

Loren Kennedy

Name:	Orbiton Estates		
Address and/or Residents Association:	The Estate Office Carrington House 6 Hertford Street London W1J 7RE		
Status:	Valid	In support or opposed:	Opposed
Received:	12 th December 2015		

As the comprehensive representation by Orbiton Estates contains tables and formatting it has been attached as an Annex to this report as the Licensing service have been unable to format the wording into this section of the report. Please refer to Appendix....

3. Policy & Guidance

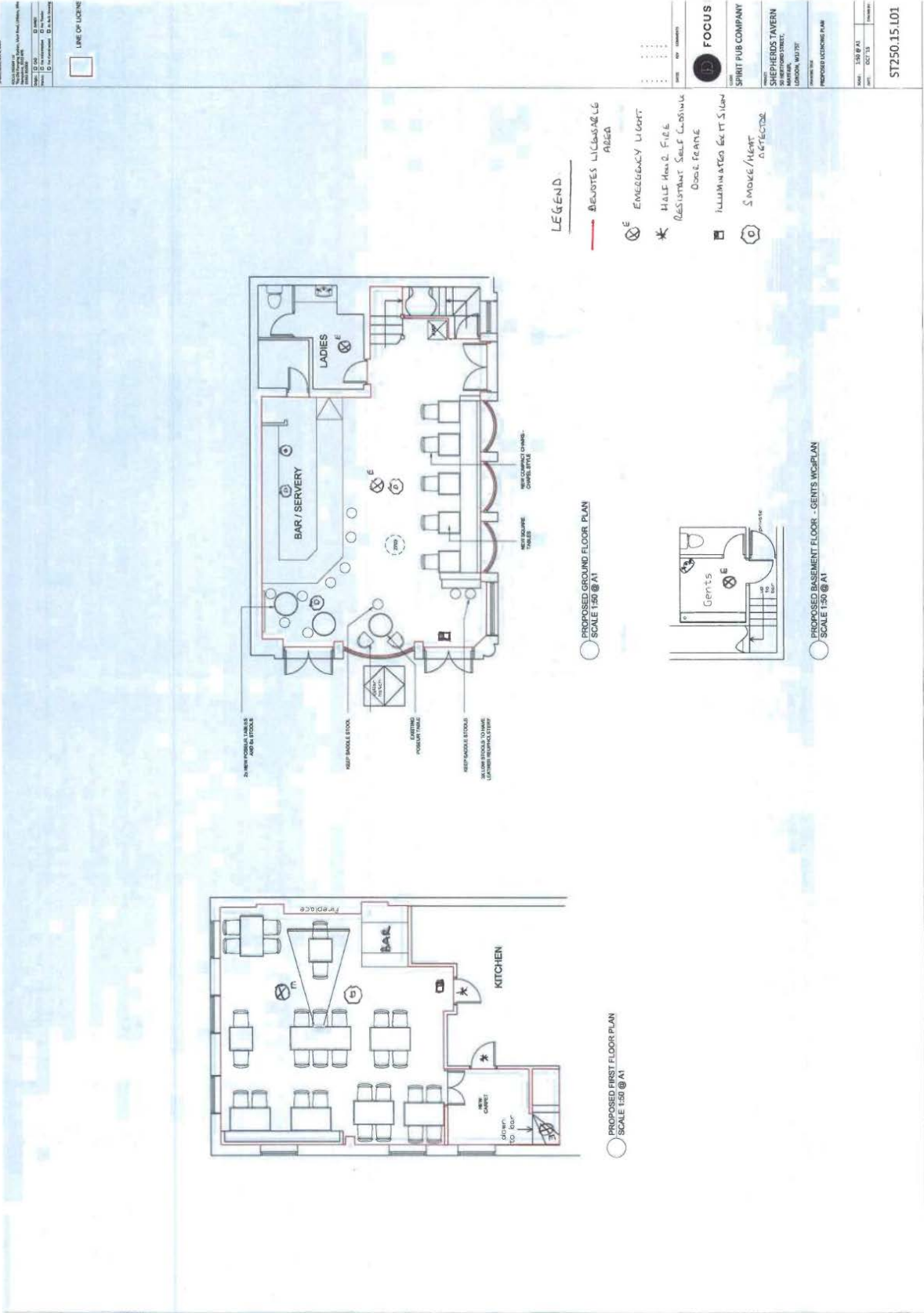
The following policies within the City Of Westminster Statement of Licensing Policy apply:

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

Appendix 1	Premises plans
Appendix 2	Orbiton Estates Representation
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

Report author:	Mr Steve Rowe Senior Licensing Officer
Contact:	Telephone: 020 7641 7816 Email: srowe@westminster.gov.uk



ORBITON ESTATES

Estate Agents Surveyors Valuers
Property Management

The Estate Office Carrington House 6 Hertford Street London W1J 7RE
Telephone: 020 7629 1445 Fax: 020 7629 1282

Your ref:

Our ref:

Date:

9 December 2015

Delivered by e-mail

Licensing Service
Westminster City Hall
64 Victoria Street
Westminster
SW1E 6QP

Dear Sir/Madam

**APPLICATION TO VARY A PREMISES LICENCE UNDER THE LICENSING ACT 2003
(REF. 15/10185/LIPV)
SHEPHERDS TAVERN, 50 HERTFORD STREET, W1J 7SS**

Orbiton Estates wish to make a representation in connection with an application to vary an existing premises licence at Shepherds Tavern, 50 Hertford Street (the 'Application Site' or 'Site') made by Spirit Pub Company (Services) Limited (the 'Applicant').

Orbiton Estates represents the interest of the residents at Carrington House which is located directly to the east of the Site on Hertford Street. Orbiton Estates therefore represent an 'interested party' affected by the proposed licence. We wish to **object** to this application on the basis of the adverse amenity impact on the residents of Carrington House; in other words, crime and disorder and public nuisance.

Relevant Considerations

The application is subject to the following policies : PB1, MD1, CD1, PN1 and HRS1. Notably, the applicant has no existing management policies enshrined in either the existing planning use or premises licence or indeed the application that sufficiently mitigate the impact of the proposals. The application is also contrary to all of those policies as explained and justified further below.

The Proposed Licence Variation

The premises trades as a traditional public house. The Applicant seeks to vary the layout and design of the premises in accordance with the submitted plan (drawing ST250.15.L01), namely to include a bar on the first floor. The addition of a bar constitutes an intensification of use without further safeguard or condition e.g. that the area is only used by diners.

ORBITON INVESTMENTS LIMITED
Registered Office: 8 Wimpole Street London W1G 9SP
Registered in England and Wales: No. 1331769

The Applicant also seeks to permit live music and anything similar to live or recorded music on the first floor for the same times as currently permitted on the ground floor. Similarly, there is sparse detail or comfort provided in the application as to the type, nature and frequency of the entertainment and the measures and safeguards in place to prevent public nuisance. The existing licence is 09/05557/LIPCH.

Location/Days of the Week	Opening Hours	Existing Late Night Refreshment Restrictions (09/05557/LIPCH)	Existing Live Music Restrictions (09/05557/LIPCH)	Proposed Live Music Restrictions (15/10185/LIPV)
Ground Floor – Monday to Thursday	09:00 to 23:30	23:00 to 23:30	09:00 to 23:30	As existing
Ground Floor – Friday	09:00 to 00:00	23:00 to 00:00	09:00 to 00:00	As existing
Ground Floor – Saturday	10:00 to 00:00	23:00 to 00:00	10:00 to 00:00	As existing
Ground Floor – Sunday	10:00 to 23:00	N/A	10:00 to 22:30	As existing
First Floor – Monday to Thursday	10:00 to 00:30	23:00 to 00:30	N/A	09:00 to 23:30
First Floor – Friday	10:00 to 00:30	23:00 to 00:30	N/A	09:00 to 00:00
First Floor – Saturday	10:00 to 00:30	23:00 to 00:30	N/A	10:00 to 00:00
First Floor – Sunday	12:00 to 00:00	23:00 to 00:00	N/A	10:00 to 22:30
Ground and First Floors – Sundays before Bank Holidays	N/A	23:00 to 00:00	N/A	10:00 to 22:30

The proposed licence variation also seeks to remove the restrictions on trading hours for Good Friday and Christmas Day under Annex 1 9(c) and (d) so that the hours on that day reflect what is permitted on the licence for a Friday and whatever day Christmas Day falls on. To clarify, this means the following alteration will be made to allow trading hours to be extended as follows:

Location/Days of the Week	Existing Trading Hour Restrictions	Proposed Trading Hour Restrictions
Good Friday	12.00 to 22.30	09.00 to 00.00
Christmas Day	12.00 to 15.00 and 19.00 to 22.30	Dependent on which day of the week, up to 09.00 to 00.00

It has been proposed that “any regulated entertainment on the first floor will take place for pre-booked events only” Whilst of some comfort that this will presumably not be (although it could be) used on a daily basis, even occasional use of the first floor for functions will impact on local amenity unless appropriately controlled through works and conditions.

It is also of the upmost concern that condition 15 of the existing licence restricts “*(The) performance of live music and anything of a similar description to include **Karaoke only***”. Should the extension of live music be allowed in the first floor, as there has been no application change that condition, the only regulated entertainment that could be played would be karaoke. Presumably therefore, these private events with live music could only be karaoke parties?

There is no proposal to install a sound limiter, no acoustic report and no apparent works to the premises that mitigate the likely outbreak of amplified (and very loud) music. The effect of a karaoke bar on the first floor of a public house in this location is unimaginable and unthinkable.

Specific Concerns

At present, on occasions there are issues in relation to smoking outside the premises and associated noise and litter disturbances arising from Shepherds Tavern. Our comments are therefore relevant to controls required over the quantity of people departing the site simultaneously late at night and in addition, the number of people potentially congregating to smoke outside the premises in the early hours. These potential issues are therefore relevant to the impact of the additional proposed use and hours (where the floorspace for the provision of regulated entertainment has been extended).

Whilst the first floor already permits the sale of alcohol until midnight and late night refreshment until 00:30, the addition of live music to be permitted alongside this is likely to alter the nature of the use of this part of the premises and increase the quantity of noise arising from it. Furthermore, from our assessment of the legal and planning background of the site there is no limit to the capacity of the site and as such, the allowance for additional capacity for live music is particularly likely to increase the quantity of people at the site who create noise disturbances and depart late at night, therefore exacerbating any current nuisance to neighbouring residents caused by the remainder of the premises.

The impacts that could very clearly arise would be:

- Increased numbers of people, many of whom will be in ‘high spirits’, departing the premises late at night (through whatever means) and making noise as they do so;
- Increased numbers of people potentially congregating to smoke outside the premises, conversing and otherwise making noise whilst standing there; and

- Increase in further impacts relation to eating, drinking and smoking outside the premises, including exacerbation of existing issues, including inadequate collection of drinking vessels and litter and people urinating in close proximity to Carrington House.

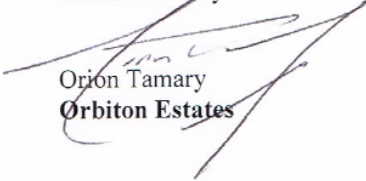
In addition, we therefore wish to object to the extension of trading hours on Good Friday and Christmas Day on behalf of the residents to Carrington House, many of whom are likely to be residing in the building during these public holidays. The existing disturbances at the site noted above are particularly likely to be exacerbated during these times, with increased numbers of people in 'high spirits'.

Ultimately, the premises are a Pub. Our client's residents are already affected from the activities within and outside the premises. Because of the lack of controls in place or indeed that could be offered, any extension of what is already permitted will only intensify existing nuisance and make the existing position worse.

We therefore wish to **object** to the variation sought and request that Westminster Council considers the most appropriate measures to deal with our client's comments; we trust they can be taken and agreed in order to minimise potential disturbances to Carrington House and protect the amenity of all leaseholders and residents of the building.

We trust the above is sufficient for your current purposes however should you require any further information regarding the above, please do not hesitate to contact me.

Yours faithfully



Orion Tamary
Orbiton Estates

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
Conversion and Variation 05/06527/LIPCV	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 Sale by Retail of Alcohol Monday to Saturday: 10:00 to 00:00 Sunday: 12:00 to 23:30	21.09.2005	Granted in part
Current Variation 15/10185/LIPV			

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 variation of a 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 -

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 shall take all reasonable steps to 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children;
 - (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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (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;

- (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on;
- (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
- (e) 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.
5. The responsible person shall ensure that no alcohol is dispensed 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).
6. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
7. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- (2) 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 a holographic mark.
8. The responsible person shall 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; and
 - (b) customers are made aware of the availability of these measures.

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.

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

9. (i) Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours.

First Floor Only

In this condition, permitted hours means:

- (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 noon 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, 00.00 midnight on 31st December).
- (ii) Alcohol may be sold or supplied for one hour following the hours set out above (other than Christmas Day and New Year's Eve), and on Christmas Day, between 15.00 and 19.00, 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.

- 10. 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

- 11. Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours.

In this condition, permitted hours means:

- (a) On Mondays to Thursdays, 10.00 to 23.30.
- (b) On Fridays and Saturdays, 10.00 to 00.00.
- (c) On Sundays, 12.00 noon to 22.30.
- (d) 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, 00.00 midnight on 31st December).

NOTE - The above restrictions do not prohibit:

- (a) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (c) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (d) 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;
- (e) the taking of alcohol from the premises by a person residing there;
- (f) 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;
- (g) 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.

- 12. This licence permits the premises to extend the sale/supply of alcohol, regulated entertainment and late night refreshment by one hour on St David's Day, St Patrick's Day, St George's Day and St Andrew's Day, with ten days notice and agreement with the police to be given.
- 13. This licence permits the premises to extend the sale/supply of alcohol, regulated entertainment and late night refreshment by one hour on statutory bank holiday weekends, the Thursday before Good Friday and for Christmas Eve, to exclude bank holiday Mondays.
- 14. Children under 16 to be off the premises by 21:30.
- 15. Performance of live music and anything of a similar description to include Karaoke only.
- 16. When payment is made with credit or debit card customers is to be presented with itemised billing showing details of alcoholic drinks purchased

(These Mandatory Conditions replace the current Premises Licence Mandatory Conditions):

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

6.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
7. The responsible person must ensure that—
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

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

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

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

Where -

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

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

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

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

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

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

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

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

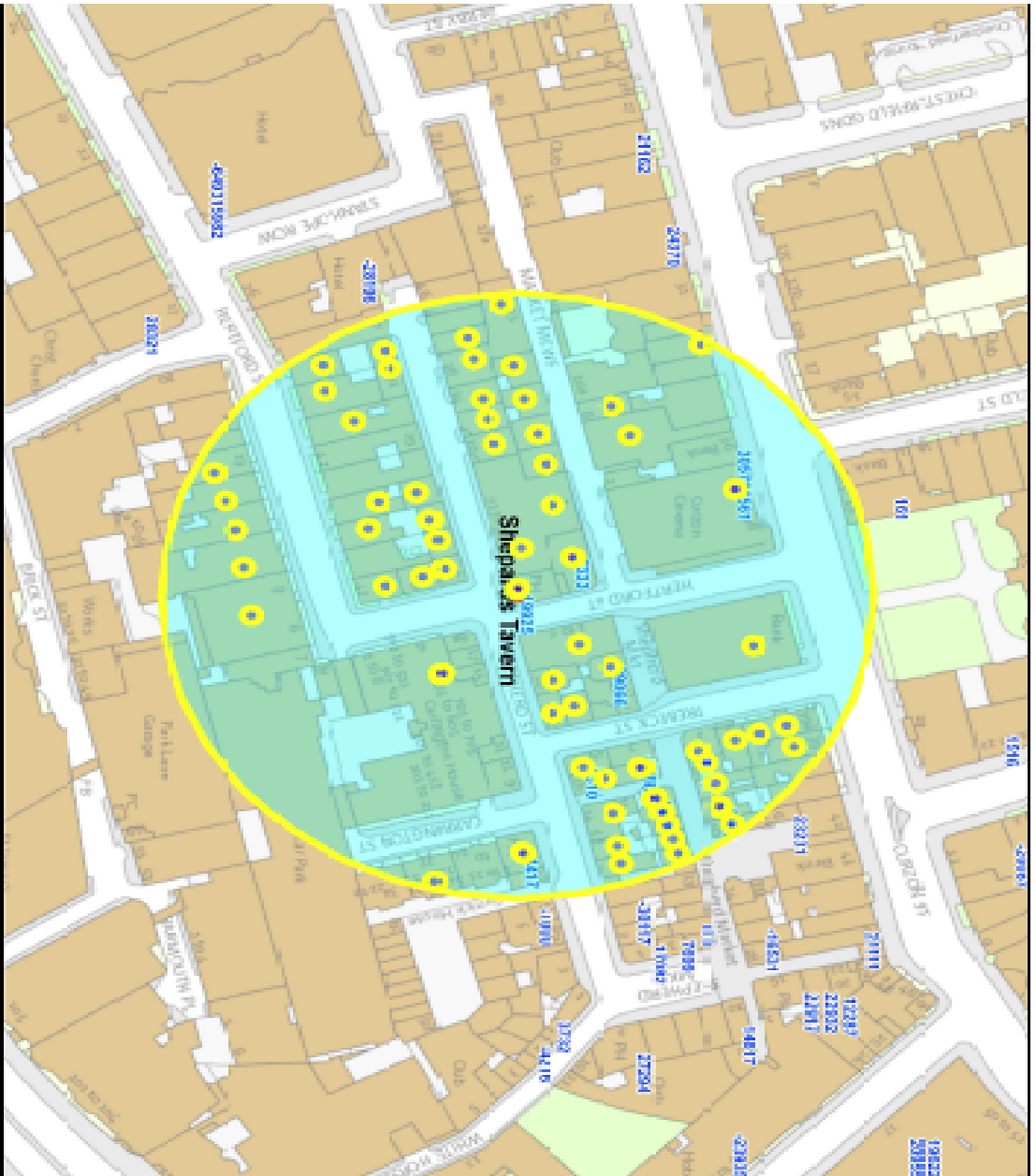
Annex 2 – Conditions consistent with the operating Schedule

Removal of reference to Good Friday and Christmas Day (1st Floor only) on condition 9c and 9d of the current premises licence.

Annex 3 – Conditions proposed by the Environmental Health Service and agreed by the applicant in their operating schedule

1. 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.
2. 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.
3. 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.
4. 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.

Shepard's Tavern, 50 Hertford Street, W1J 7SS



10
Meters

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Residential / Proposed Residential	301
Under Construction	Not Known
Other Uses	Not Known
Proportion Resident of all Uses	Not Known
Data Source: Uniform Database Date: 11/01/2016	

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 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Application Form	
5	Current Licence	
6	EH Representation	
7	Police Representation	
8	Global Invest Representation	