

Licensing Sub-Committee Report

Item No:	
Date:	11 February 2016
Licensing Ref No:	15/11508/LIPN - New Premises Licence
Title of Report:	The Marylebone Tup 93 Marylebone High Street London W1U 4RE
Report of:	Director of Public Protection and Licensing
Wards involved:	Marylebone High Street
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Mrs Sumeet Anand-Patel Senior Licensing Officer
Contact details	Telephone: 020 7641 2737 Email: sanandpatel@westminster.gov.uk

End:	23:30	23:30	23:30	23:30	00:00	00:00	22:30
Seasonal variations:	N/A						
Non-standard timings:	From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.						

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	09:00	09:00	09:00	09:00	09:00	09:00	09:00
End:	23:30	23:30	23:30	23:30	00:00	00:00	22:30
Seasonal variations:	N/A						
Non-standard timings:	From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.						
Adult Entertainment:	N/A						

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Metropolitan Police Service
Representative:	Sgt Richard Bunch
Received:	31 st December 2015
Status:	Withdrawn following applicants agreement to the EH conditions
<p>Hello Rebecca,</p> <p>I have now had the opportunity to view this application in which your client seeks the following:</p> <p>The applicant is seeking the following licensable activities:</p> <ol style="list-style-type: none"> 1. Supply of Alcohol for 'On' and 'Off' the premises, Monday to Thursday, from 10:00 to 23:30 hours, Friday and Saturday, 10:00 to 00:00 hours and Sunday 12:00 to 22:30 hours. 2. Provision of Late Night Refreshment 'Indoors' , Monday to Thursday, from 23:00 to 23:30 hours and Friday and Saturday, 23:00 to 00:00 hours 3. To provide the following Regulated Entertainments 'Indoors' from 09.00 to 23.30 hours Monday to Thursday, 09:00 to 00:00 hours Friday and Saturday and 09:00 to 22:30 Sunday: <ul style="list-style-type: none"> • Recorded Music • Live Music 4. To provide Films 'Indoors' from 09.00 to 23.30 hours Monday to Thursday, 09:00 to 00:00 hours Friday and Saturday and 09:00 to 22:30 Sunday 5. To provide Indoor Sporting events from 09.00 to 23.30 hours Monday to Thursday, 09:00 to 00:00 hours Friday and Saturday and 09:00 to 22:30 Sunday 6. Non Standard timings for all the above licensable activities extend from end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day 	

With reference to the above, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be making a representation against this application.

It is our belief that if granted the application would undermine the Licensing Objectives in relation to the following:

1. The Prevention of Crime and Disorder
2. There is a likelihood of a an increase in public nuisance
3. There will be an increase risk to public safety

Regards

Sergeant Richard Bunch

18th January 2016:

Hello Felicity,

I managed to visit the premises last evening and spoke with the DPS. In the light of this visit and the fact that the conditions 1-19 have been agreed with Anil Drayan I herewith withdraw my representation.

Many thanks and kind regards.

Richard.

Sergeant Richard Bunch

Responsible Authority:	Environmental Health
Representative:	Anil Drayan
Received:	22 December 2015

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

The applicant has submitted a plan of the premises showing the basement, Ground Floor, First Floor and Second Floor, drawing no 873/03, dated 26 Nov 15.

The applicant is seeking the following licensable activities:

1. Supply of Alcohol for 'On' and 'Off' the premises, Monday to Thursday, from 10:00 to 23:30 hours, Friday and Saturday, 10:00 to 00:00 hours and Sunday 12:00 to 22:30 hours.
2. Provision of Late Night Refreshment 'Indoors' , Monday to Thursday, from 23:00 to 23:30 hours and Friday and Saturday, 23:00 to 00:00 hours
3. To provide the following Regulated Entertainments 'Indoors' from 09.00 to 23.30 hours Monday to Thursday, 09:00 to 00:00 hours Friday and Saturday and 09:00 to 22:30 Sunday
 - Recorded Music
 - Live Music
4. To provide Films 'Indoors' from 09.00 to 23.30 hours Monday to Thursday, 09:00 to 00:00 hours Friday and Saturday and 09:00 to 22:30 Sunday

5. To provide Indoor Sporting events from 09.00 to 23.30 hours Monday to Thursday, 09:00 to 00:00 hours Friday and Saturday and 09:00 to 22:30 Sunday

6. Non Standard timings for all the above licensable activities extend from end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day

I wish to make the following representations based on the plans and operating schedule submitted

1. The Supply of Alcohol 'On' and 'Off' the premises and for the hours requested may have the effect of increasing Public Nuisance in the area.
2. Provision of Late Night Refreshment may have the effect of increasing Public Nuisance in the area.
3. The provision of the Regulated Entertainments requested and for the hours requested may have the effect of increasing Public Nuisance in the area and may adversely impact on Public Safety.
4. The provision of Films and for the hours requested may have the effect of increasing Public Nuisance in the area and may adversely impact on Public Safety.
5. The provision of Indoor Sporting events and for the hours requested may have the effect of increasing Public Nuisance in the area and may adversely impact on Public Safety.
6. Non Standard timings for the above licensable activities may have the effect of increasing Public Nuisance in the area and may adversely impact on Public Safety.

The applicant states that the purpose of the application is to extend the licensable areas to the first floor whereas the existing licence, 15/01622/LIPDPS, permits this to the ground floor only.

It's not clear if the premises have undergone refurbishment for the proposed use and will in any case need to be inspected for Public Safety prior to commencement of licensing activities.

It is also unclear from the plans and conditions what the increase in capacity will be as a result of the additional area. Environmental Health advises the provision of sanitary accommodation for any proposed capacity to be in line with British Standard 6465, as amended.

The applicant is advised that Environmental Health will also need to be satisfied that any plant and machinery employed should have appropriate mitigation measures to prevent Public Nuisance from odour and/or noise from its use.

A list of conditions/undertakings has been offered in the operating schedule but these do not appear to include all conditions on the existing licence.

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

Anil Drayan

Following the representation, EH and the applicant have agreed conditions 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

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 are 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. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder or nuisance
 - (d) any incidents of disorder
 - (e) any faults in the CCTV system
 - (f) any refusal of the sale of alcohol
 - (g) any visit by a relevant authority or emergency service
4. 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.
5. A noise limiter must be fitted to the musical amplification system set at a level determined 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.
6. 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.
7. All windows and external doors shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
8. 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.
9. All outside tables and chairs shall be removed or rendered unusable by 23.00 each day.
10. After 23:00 hours patrons permitted to temporarily leave or use the external areas of the premises and then re-enter the premises eg to smoke, shall not be permitted to take any drinks or glass containers with them.
11. 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.

12. No collections of waste or recycling materials, including bottles, from the premises shall take place between 23.00 and 07.00 hours on the following day.
13. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 07.00 hours on the following day.
14. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
15. 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.
16. All staff will be trained as to their responsibilities with regard to the licensing objectives and complying with the conditions on the premises licence. The training will be regularly refreshed at least every 6 months and staff records maintained on site and made available for inspection by authorised officers of the Council or the Police. New staff shall be similarly trained within one month of starting their employment.
17. No licensable activities shall take place at the premises before the plans, as deposited, will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where minor layout changes have occurred during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority at which time this condition shall be removed from the Licence by the licensing authority.
18. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.
19. No licensable activities shall take place at the premises under this Licence until the premises licence, 15/01622/LIPDPS, has been surrendered and this condition removed from the Licence

2-B Other Persons	
Name:	Mr John Morrissey
Address and/or Residents Association:	14 St Andrew's Mansions London W1U 4EQ
Received:	5 th January 2016
I wish to oppose this application which if granted would increase the number of customers in this establishment. Marylebone is a residential area. We do not want further extension of public houses with the attendant noise and late night pavement traffic. These establishments already create a nuisance to residents and pedestrians particularly with customers blocking the pavement.	

3. Policy & Guidance

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

Policy HRS1 applies	<p>Policy HRS1 applies:</p> <p>(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.</p> <p>(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.</p>
Policy MD1 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.
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.

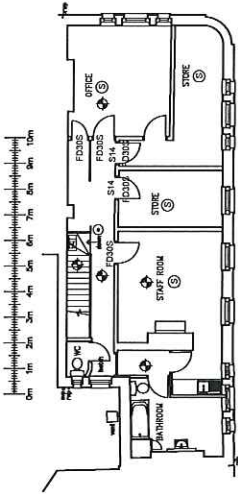
4. Appendices

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

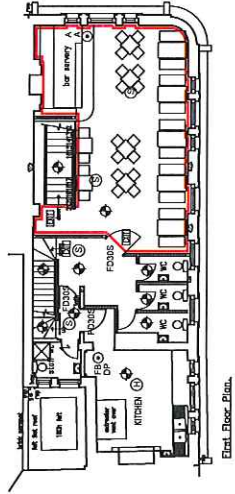
Report author:	Mrs Sumeet Anand-Patel Senior Licensing Officer
Contact:	Telephone: 020 7641 2737 Email: sanandpatel@westminster.gov.uk

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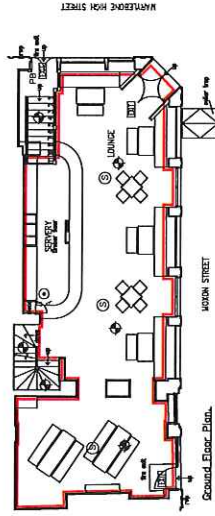
APPENDIX 1



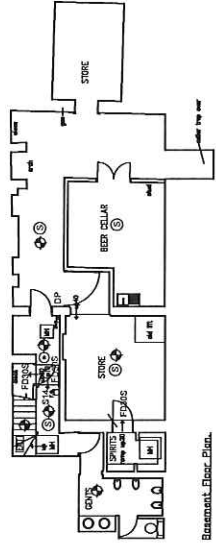
Second Floor Plan.



First Floor Plan.



Ground Floor Plan.



Basement Floor Plan.

LEGEND	
	LICENCED AREA DEMISE LINE
	NON-MAINTAINED EMERGENCY LUMINAIRE
	EMERGENCY EXIT SIGN
	SMOKE DETECTOR
	HEAT DETECTOR
	VISION PANEL IN DOOR (FIRE RATED IN DOORS)
	PUSH BAR TO EMERGENCY EXIT DOORS
	BREAK GLASS FIRE ALARM CALL POINT
	AFFY FACILITY PURPOSE FIRE EXTINGUISHER
	DRY POWDER EXTINGUISHER
	FIRE BLANKET
	'FIRE DOOR KEEP LOCKED SHUT' SIGN
	'FIRE EXIT KEEP CLEAR' SIGN
	'PUSH BAR TO OPEN SIGN
	1 HOUR FIRE RESISTANT DOOR WITH INTUMESCENT STRIPS, SMOKE SEALS AND SELF CLOSING DEVICE
	1 HOUR FIRE RESISTANT MESH MESH INTUMESCENT STRIPS, SMOKE SEALS AND SELF CLOSING DEVICE

GENERAL NOTES:

- Existing existing emergency lighting installation to serve all areas including the bar, kitchen, staff room and store areas. The installation shall be upgraded to meet the requirements of BS 5266: Part 1 to Building Control and Fire Officers approval.
- Existing existing fire alarm system throughout, including break glass fire alarm call points, alarm bell sounders (to be replaced with 120dB sounders) and fire alarm control panel to be installed in accordance with BS 5830: Part 1 to meet Building Control and Fire Officers approval.
- AFFF type fire extinguishers to bar, kitchen and fire blanket to be installed in accordance with BS 5033: Part 1 to meet Building Control and Fire Officers approval.
- At least one fire extinguisher to be provided in each area to be approved by the Fire Officer.
- Walls and ceiling linings to be Class 1 (generally) and Class 0 to escape lobbies and stairwells.
- Means of escape to comply with Building Control / Fire Officers requirements.
- All doors to be Class 1 (generally) and Class 0 to escape lobbies and stairwells.
- Check/upgrade existing ceiling between a) basement car park and ground floor mezzanine areas, and b) first floor landing areas and staircase for accommodation.
- Electrical power/lighting circuits upgraded to current IEE regulations with NICEIC conditions.

Rev. Date. Name. Amended by.

300 International Group
DISCOVER + DESIGN + DELIVER
 19th Mews Street, St Katherine Docks, London, E1W 1UG
 Tel: 020 7112 7548
 www.300group.com

Client: Marylebone, 93 Marylebone High St, London W1U 4RE

Project: Licensing Layout

Scale: 1:100 @ A1 Drawing No. 873/03

Date: 26 Nov 15 Drawn by: Steve Curtis

APPENDIX 2



City of Westminster

64 Victoria Street, London, SW1E 6QP

Schedule 12
Part A

WARD: Marylebone High
Street
UPRN: 100023463708

Premises licence

Regulation 33, 34

Premises licence number:

15/01622/LIPDPS

Original Reference:

05/06815/LIPCV

Part 1 – Premises details

Postal address of premises:

The Marylebone Tap
93 Marylebone High Street
London
W1U 4RE

Telephone Number: 0207 935 4373

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Exhibition of a Film
Provision of facilities for making Music
Indoor Sporting Event
Performance of Live Music
Playing of Recorded Music
Late Night Refreshment
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit
Sale by Retail of Alcohol

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

Exhibition of a Film

Monday to Thursday: 09:00 to 23:30 (after 23:00 subject to condition 18)
Friday to Saturday: 09:00 to 00:00 (after 23:00 subject to condition 18)
Sunday: 09:00 to 22:30

Indoor Sporting Event

Monday to Thursday: 09:00 to 23:30 (after 23:00 subject to condition 18)
Friday to Saturday: 09:00 to 00:00 (after 23:00 subject to condition 18)
Sunday: 09:00 to 22:30

Performance of Live Music

Monday to Thursday: 09:00 to 23:30 (after 23:00 subject to condition 18)
Friday to Saturday: 09:00 to 00:00 (after 23:00 subject to condition 18)
Sunday: 09:00 to 22:30

Playing of Recorded Music

Unrestricted

Late Night Refreshment

Monday to Thursday: 23:00 to 23:30 (after 23:00 subject to condition 18)
Friday to Saturday: 23:00 to 00:00 (after 23:00 subject to condition 18)

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

Sale by Retail of Alcohol

Monday to Thursday: 10:00 to 23:30 (after 23:00 subject to condition 18)
Friday to Saturday: 10:00 to 00:00 (after 23:00 subject to condition 18)
Sunday: 12:00 to 22:30

For times authorised for New Year see conditions at Annex 1&3

The opening hours of the premises:

Monday to Thursday: 09:00 to 23:30
Friday to Saturday: 09:00 to 00:00
Sunday: 09:00 to 23:00

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

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

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

AS Marylebone Limited
65 New Cavendish Street
London
W1U 4RE

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

07779694

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

Name: Darin Francis McLean

Please note: It is the policy of the Licensing Authority not to display the address details of a designated premises supervisor.

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:

Licence Number: 03143
Licensing Authority: London Borough Of Lambeth

Date: _____19th May 2015_____

This licence has been authorised by Miss Bina Patel on behalf of the Director - Public Protection and Licensing.

Annex 1 – Mandatory conditions

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

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

7. The responsible person must ensure that—

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

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

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

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

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

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

Where -

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

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

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

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

11. A sound limiting device located in a separate and remote lockable cabinet from the volume control shall be fitted to any musical amplification system and set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service to ensure that no noise nuisance is caused to local residents. The operational panel of the noise limiter shall then be secured to the satisfaction of an officer from the EHS. The keys securing the noise limiter cabinet shall be held by the licence holder or authorised manager only and shall not be assessed by any other person. The limiter shall not be altered without the prior agreement with the EHS.
12. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
13. All windows and external doors shall be kept closed after 21:00 or at any time regulated entertainment takes place, except for immediate access and egress of persons.
14. All outside tables and chairs shall be removed or rendered unusable by 23:00 hours each day.
15. After 23:00 hours each day patrons permitted to temporarily leave or use the external areas of the premises and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
16. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and to leave the area quietly.

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

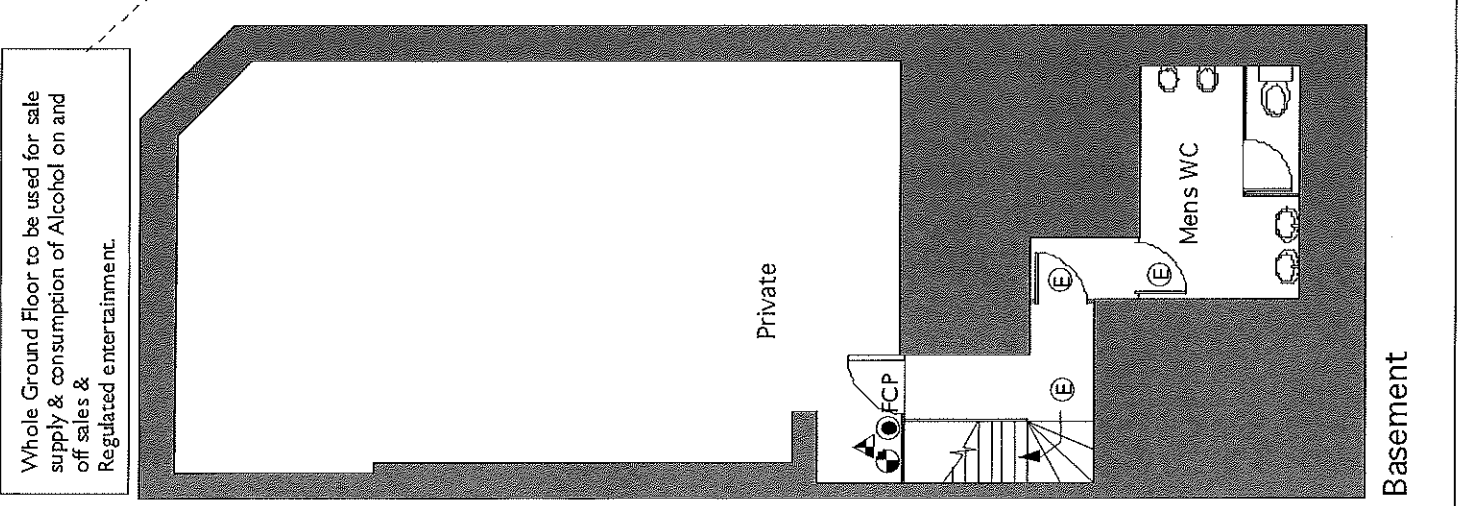
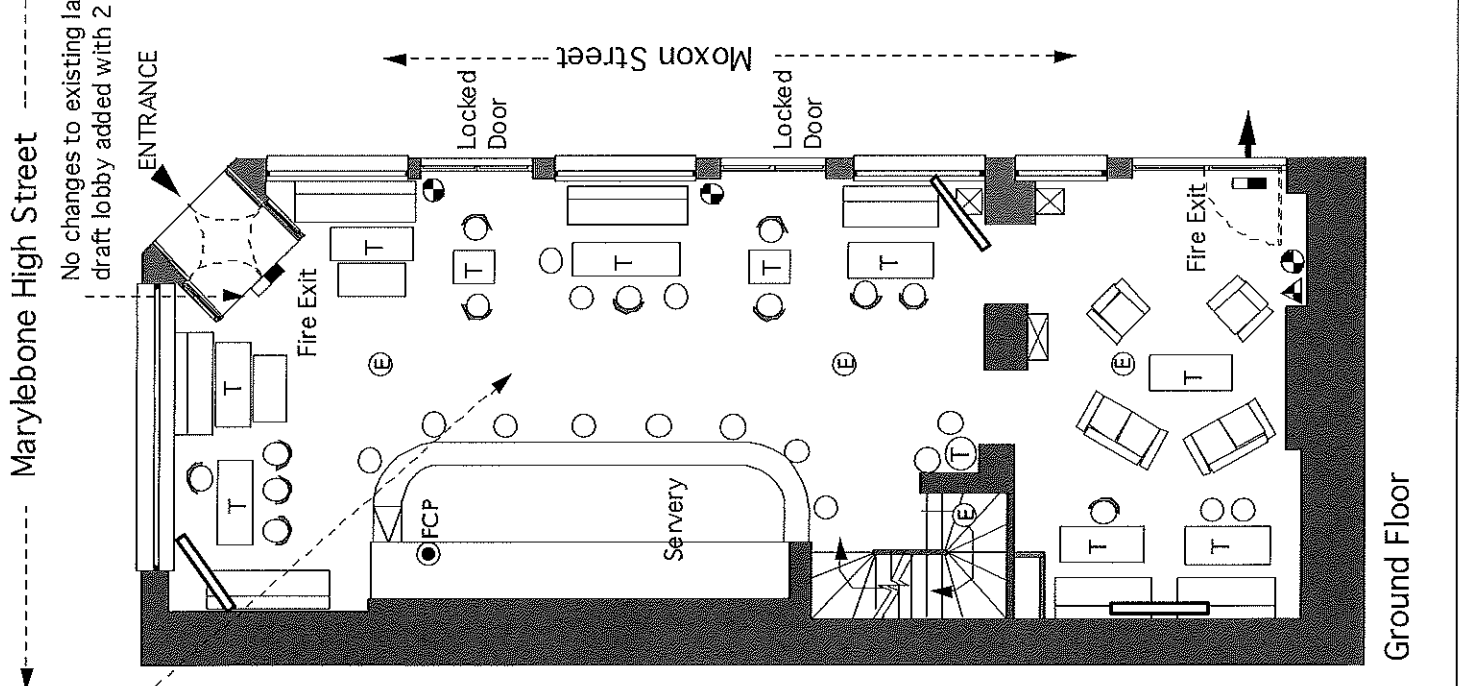
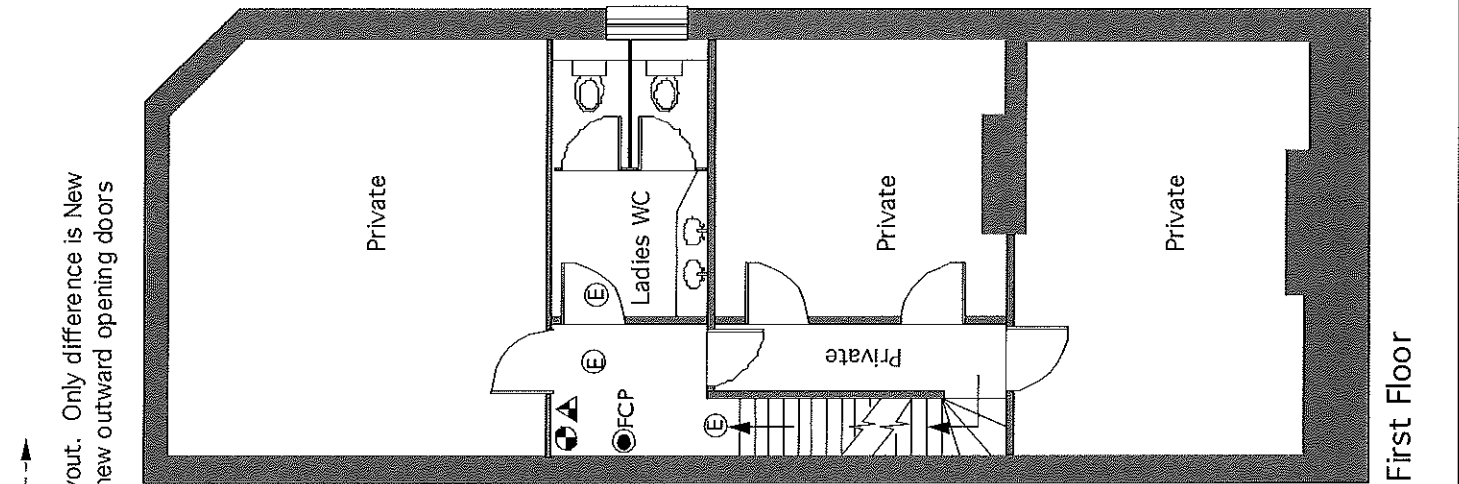
17. Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours.

In this condition, permitted hours means:

- (a) On Monday to Thursday 10:00 to 23:30
 - (b) On Friday to Saturday 10:00 to 00:00
 - (c) On Sundays 12:00 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, midnight on 31st December).
18. The extension of terminal hours for Sale of Alcohol, Regulated Entertainment and Late Night Refreshment, Monday to Thursday 23.00 to 23.30 and Friday and Saturdays 23.00 to 00.00, shall not take effect until the works have been carried out to the premises which include the creation of a lobby; doors being locked as shown on the plan and the installation of door shutters and air conditioning all of which must be to the satisfaction of the licensing authority. These undertaking made by the applicant shall be made in writing to the Council.
19. The sale of alcohol is to cease 20 minutes before time of closure.

Annex 4 – Plans
attached

Key		Table
		Seating
		Bench seating
		Chair
		Stool
		Soft seating
		Soft seating
		Flat screen TV
Whole Ground Floor to be used for sale supply & consumption of Alcohol on and off sales & Regulated entertainment.		
	Illuminated Fire EXIT sign	
	Fire Extinguisher - Foam	
	Fire Extinguisher - Co2	
	Emergency light	
	Fire Alarm Call Point	
Premises Licence Plans - London		
16 Cromwell Road London N3 2ET Tel 020 8617 3432		
Site Address 93 Marylebone High Street London W1U 4RE		
Revised 9 July 2012 Additional notes added		
Scale 1:100		
Date 3 July 2012		



Whole Ground Floor to be used for sale supply & consumption of Alcohol on and off sales & Regulated entertainment.

No changes to existing layout. Only difference is New draft lobby added with 2 new outward opening doors



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

Schedule 12
Part B

WARD: Marylebone High
Street
UPRN: 100023463708

Premises licence
summary

Regulation 33, 34

Premises licence number:

15/01622/LIPDPS

Part 1 – Premises details

Postal address of premises:

The Marylebone Tap
93 Marylebone High Street
London
W1U 4RE

Telephone Number: 0207 935 4373

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Exhibition of a Film
Provision of facilities for making Music
Indoor Sporting Event
Performance of Live Music
Playing of Recorded Music
Late Night Refreshment
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit
Sale by Retail of Alcohol

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

Exhibition of a Film

Monday to Thursday:	09:00 to 23:30 (after 23:00 subject to condition 18)
Friday to Saturday:	09:00 to 00:00 (after 23:00 subject to condition 18)
Sunday:	09:00 to 22:30

Indoor Sporting Event

Monday to Thursday:	09:00 to 23:30 (after 23:00 subject to condition 18)
Friday to Saturday:	09:00 to 00:00 (after 23:00 subject to condition 18)
Sunday:	09:00 to 22:30

Performance of Live Music

Monday to Thursday:	09:00 to 23:30 (after 23:00 subject to condition 18)
Friday to Saturday:	09:00 to 00:00 (after 23:00 subject to condition 18)
Sunday:	09:00 to 22:30

Playing of Recorded Music	Unrestricted
Late Night Refreshment	
Monday to Thursday:	23:00 to 23:30 (after 23:00 subject to condition 18)
Friday to Saturday:	23:00 to 00:00 (after 23:00 subject to condition 18)
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit	Unrestricted
Sale by Retail of Alcohol	
Monday to Thursday:	10:00 to 23:30 (after 23:00 subject to condition 18)
Friday to Saturday:	10:00 to 00:00 (after 23:00 subject to condition 18)
Sunday:	12:00 to 22:30

For times authorised for New Year see conditions at Annex 1&3

The opening hours of the premises:	
Monday to Thursday:	09:00 to 23:30
Friday to Saturday:	09:00 to 00:00
Sunday:	09:00 to 23:00

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:
Alcohol is supplied for consumption both on and off the Premises.

Name and (registered) address of holder of premises licence:
AS Marylebone Limited 65 New Cavendish Street London W1U 4RE

Registered number of holder, for example company number, charity number (where applicable)
07779694

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

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

Date: _____ 19th May 2015 _____

This licence has been authorised by Miss Bina Patel on behalf of the Director - Public Protection and Licensing.

Licence History

Licence No.	Detail of Application	Date Determined	Determined By
05/06815/LIPCV Conversion Variation	Application to convert and vary the Justices On Licence	26.09.2005	Granted by Licensing Sub-Committee
06/03595/LIPDPS DPS Variation	Application to vary the designated premises supervisor	13.05.2006	Granted under delegated authority
07/02115/LIPDPS DPS Variation	Application to vary the designated premises supervisor	09.03.2007	Granted under delegated authority
07/09211/LIPT Transfer	Application to transfer the licence	08.11.2007	Granted under delegated authority
08/00970/LIPT Transfer	Application to transfer the licence	12.03.2008	Granted under delegated authority
11/12082/LIPT Transfer	Application to transfer the licence	18.01.2012	Granted under delegated authority
12/05806/LIPVM Minor Variation	Application to amend the plans and add conditions to the licence	23.07.2012	Granted under delegated authority
14/09086/LITENP Temporary Event Notice	To permit the sale of alcohol and regulated entertainment on 1 st November 2014 from 00:01 to 01:00	29.10.2014	Notice granted
15/01368/LITENP Temporary Event Notice	To permit the sale of alcohol and regulated entertainment on 28 th February 2015 from 00:01 to 01:00	16.03.2015	Notice granted
15/01622/LIPDPS DPS Variation	Application to vary the designated premises supervisor	19.05.2015	Granted under delegated authority
15/01627/LITENP Temporary Event Notice	To permit the sale of alcohol and regulated entertainment on 27 th March 2015 from 00:01 to 01:00	09.03.2015	Notice granted

15/08217/LITENP Temporary Event Notice	To permit the sale of alcohol and regulated entertainment on 27 th and 28 th November 2015 from 00:30 to 02:00	02.02.2015	Notice granted
15/08630/LITENP Temporary Event Notice	To permit the sale of alcohol and regulated entertainment on 29 th November 2015 from 00:30 to 02:00	17.12.2015	Notice granted
15/09619/LITENP Temporary Event Notice	To permit the sale of alcohol, late night refreshment and regulated entertainment from 4 th December to 6 th December 2015 from 00:30 to 02:00	22.12.2015	Notice granted
15/10154/LITENP Temporary Event Notice	To permit the sale of alcohol and regulated entertainment 10 th to 12 th December 2015 from 00:30 to 02:00	17.12.2015	Notice granted
15/10986/LITENP Temporary Event Notice	To permit the sale of alcohol, late night refreshment and regulated entertainment from 17 th December to 19 th December 2015 from 00:30 to 02:00	01.12.2015	Notice granted
15/11508/LIPN New Licence	Current Application		Pending

There is no appeal history for the premises

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

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

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

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

Annex 1 – Mandatory conditions

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

alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

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

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

8(i) A relevant person shall ensure that no alcohol is sold or supplied for

consumption on or off the premises for a price which is less than the permitted price.

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

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

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

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

Where -

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price Paragraph 8(ii)(b) above on a day ("the first day") would be different permitted price on the next day ("the second day") as a result of a the rate of duty or value added tax.
(2) The permitted price which would apply on the first day applies to supplies of alcohol which take place before the expiry of the period days beginning on the second day.

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

Consistent with the operating schedule:

10. Open containers of alcohol shall not be removed from the premises, save for consumption in any delineated external area.
11. A first aid box will be available at the premises at all times.
12. Regular safety checks shall be carried out by staff.
13. Management shall liaise with the Fire Authority as necessary to ensure compliance with all necessary fire regulations.
14. The premises shall maintain an Incident Log and public liability insurance.
15. The exterior of the building shall be cleared of litter at regular intervals.
16. Staff training will include the Challenge 21 Policy and its operation. In particular, staff shall be trained to take such action as is necessary to prevent the sale of alcohol to persons over the age of 18 where those customers are engaged in the distribution of alcohol to persons under the age of 18. The training must be given to a new member of staff before they commence employment and all staff must receive refresher training every 6 months.
17. Notices advising what forms of ID are acceptable must be displayed.
18. Notices must be displayed in prominent positions indicating that the Challenge 21 policy is in force.

Conditions proposed by EH and agreed with the applicant

19. 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.
20. 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 are 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
21. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder or nuisance
 - (d) any incidents of disorder
 - (e) any faults in the CCTV system
 - (f) any refusal of the sale of alcohol
 - (g) any visit by a relevant authority or emergency service
22. 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.

23. 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.
24. 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.
25. All windows and external doors shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
26. 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.
27. All outside tables and chairs shall be removed or rendered unusable by 23.00 each day.
28. After 23:00 hours patrons permitted to temporarily leave or use the external areas of the premises and then re-enter the premises eg to smoke, shall not be permitted to take any drinks or glass containers with them.
29. 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.
30. No collections of waste or recycling materials, including bottles, from the premises shall take place between 23.00 and 07.00 hours on the following day.
31. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 07.00 hours on the following day.
32. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
33. 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.
34. All staff will be trained as to their responsibilities with regard to the licensing objectives and on complying with the conditions on the premises licence. The training will be regularly refreshed at least every 6 months and staff records maintained on site and made available for inspection by authorised officers of the Council or the Police. New staff shall be similarly trained within one month of starting their employment.
35. No licensable activities shall take place at the premises before the plans, as deposited, will be checked by the Environmental Health Consultation Team to

ensure they are an accurate reflection of the premises constructed. Where minor layout changes have occurred during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority at which time this condition shall be removed from the Licence by the licensing authority.

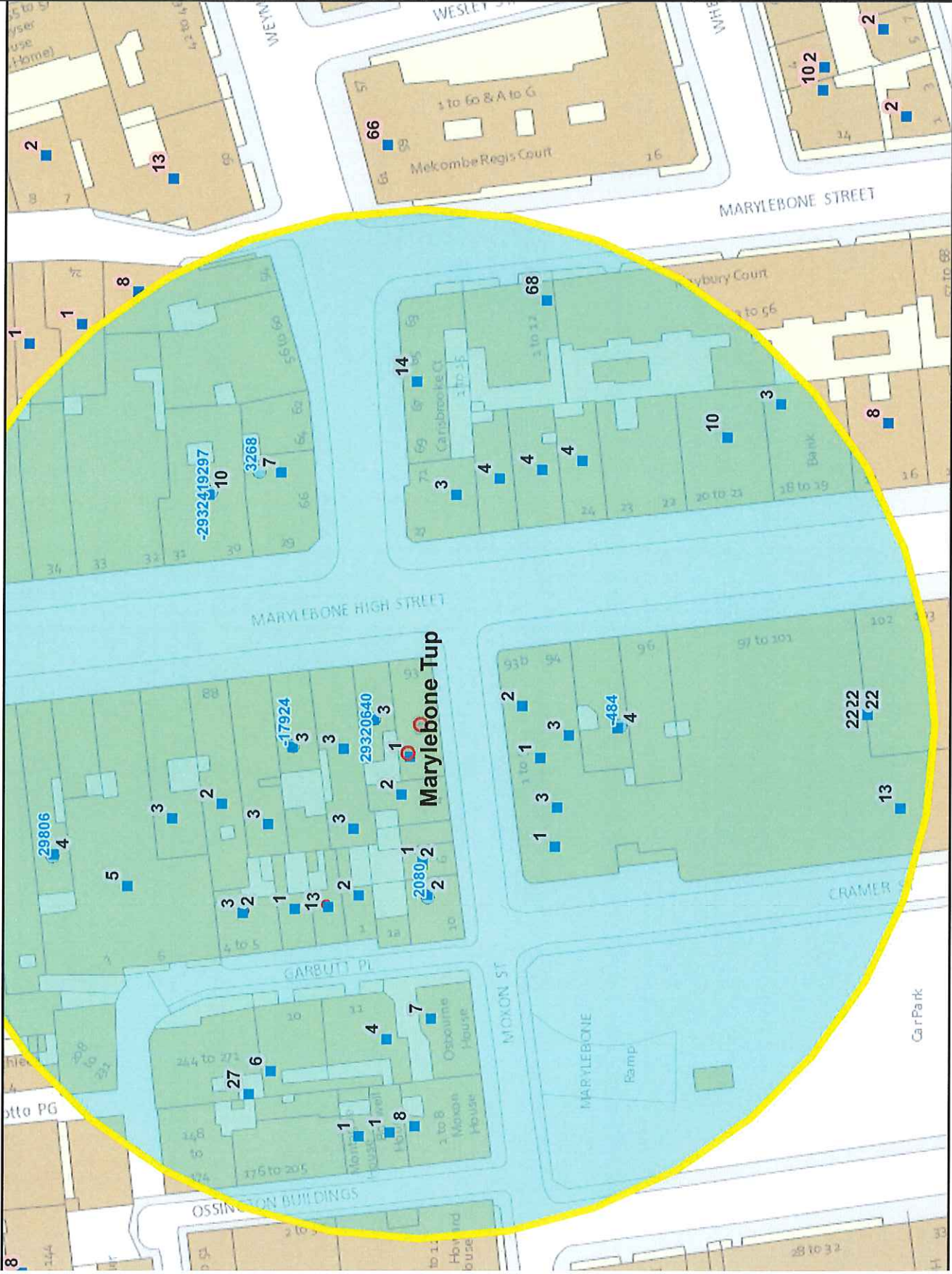
36. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.
37. No licensable activities shall take place at the premises under this Licence until the premises licence, 15/01622/LIPDPS, has been surrendered and this condition removed from the Licence



The Marylebone Tup, 93 Marylebone High Street, London

City of Westminster

APPENDIX 5



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Residential / Proposed Residential	326
Under Construction	Not known
Other Uses	Not known
Proportion Residential of all Uses	Not known

Data Source: Uniform Database
Date: 29/01/2016

9 Meters

Premises within 75 metres of: Marylebone Twp, 93 Marylebone High Street, London

p / n	Name of Premises	Premises Address	Opening Hours
640	Waitrose Supermarket	First Floor Flat 92 Marylebone High Street London W1U 4RD	Monday to Sunday 08:00 - 23:00
2080	La Fromagerie (Marylebone Ltd)	8-10 Moxon Street London W1U 4ES	Monday to Friday 08:00 - 23:30 Saturday 09:00 - 23:30 Sunday 10:00 - 23:00
29320	Aubaine	Second Floor And Third Floor Maisonette 92 Marylebone High Street London W1U 4RD	Monday to Sunday 08:00 - 00:00
29806	Fish Work Seafood Cafe	Suite 200 84 Marylebone High Street London W1U 4QW	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-29324	Strada Restaurant	Strathray House 30 Marylebone High Street London W1U 4PN	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
3268	Inn 1888	Flat 5A 66 Weymouth Street London W1G 6NZ	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 23:00
19297	Topkapi Restaurant	Flat 7 Strathray House 30 Marylebone High Street London W1U 4PN	Sunday 10:00 - 00:00 Monday to Saturday 10:00 - 00:30
-17924	The Marylebone Twp	Basement And Ground Floor 90 Marylebone High Street London W1U 4QZ	Friday to Saturday 09:00 - 00:00 Sunday 09:00 - 23:00 Monday to Thursday 09:00 - 23:30
-484	Patisserie Valerie	95H Marylebone High Street London W1U 4RQ	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00

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
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