



City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	2 June 2016
Licensing Ref No:	16/03221/LIPV - Premises Licence Variation
Title of Report:	The Sherlock Holmes 10-11 Northumberland Street London WC2N 5DA
Report of:	Director of Public Protection and Licensing
Wards involved:	St James's
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	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:	31 March 2016		
Applicant:	Greene King Brewing And Retailing Limited		
Premises:	The Sherlock Holmes		
Premises address:	10-11 Northumberland Street London WC2N 5DA	Ward:	St James's
		Cumulative Impact Area:	No
Premises description:	The Premises is Public House with restaurant and roof top garden.		
Variation description:	To extend sale of alcohol hours, commencement time only, to 8am and to amend condition 11.		
Premises licence history:	The premises have been licensed since at least October 2005.		
Applicant submissions:	None submitted		

1-B Current and proposed licensable activities, areas and hours						
Performance of Live Music & Anything of a similar description to Live Music or Recorded Music						
Indoors, outdoors or both		Current :			Proposed:	
		Indoors			No change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	18:00	23:00	No Change			
Tuesday	18:00	23:00				
Wednesday	18:00	23:00				
Thursday	18:00	23:00				
Friday	18:00	23:00				
Saturday	18:00	23:00				
Sunday	18:00	23:00				
Seasonal Variations / Non-	Current:				Proposed:	
	Licensable activities shall be permitted for an extra hour on the				No Change	

standard timings:	following days: Good Friday, Easter Saturday and Easter Sunday.	
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Recorded Music & Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit						
Indoors, outdoors or both			Current :			Proposed:
			Indoors			Indoors
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	Unrestricted		No Change			
Tuesday						
Wednesday						
Thursday						
Friday						
Saturday						
Sunday						
Seasonal Variations / Non-standard timings	Current:				Proposed:	
	None				None	

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	No Change			
Tuesday	23:00	23:30				
Wednesday	23:00	23:30				
Thursday	23:00	00:00				
Friday	23:00	00:00				
Saturday	23:00	00:00				
Sunday	23:00	23:30				
Seasonal Variations / Non-standard timings	Current:				Proposed:	
	Licensable activities shall be permitted for an extra hour on the following days: Good Friday, Easter Saturday and Easter Sunday.				No Change	

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	11:00	23:00	08:00	23:00		
Tuesday	11:00	23:00	08:00	23:00		
Wednesday	11:00	23:00	08:00	23:00		
Thursday	11:00	00:00	08:00	00:00		
Friday	11:00	00:00	08:00	00:00		
Saturday	11:00	00:00	08:00	00:00		
Sunday	11:00	23:00	08:00	22:30		
Seasonal Variations / Non-standard timings:	Current:				Proposed:	
	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).				No Change.	

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	08:00	23:30	No Change			
Tuesday	08:00	23:30				
Wednesday	08:00	23:30				
Thursday	08:00	00:30				
Friday	08:00	00:30				
Saturday	08:00	00:30				
Sunday	08:00	23:30				
Seasonal Variations / Non-standard timings	Current:				Proposed:	
	None				None	

1-C Layout alteration
None proposed.

1-D Conditions being varied, added or removed		
Condition	Proposed variation	
Alcohol shall be sold during the following permitted hours: (a) Sunday to Wednesday 11:00 to 23:00 (b) Thursday to Saturday 11:00 to 00:30 (c) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, 00.00 midnight on 31st December).	Alcohol shall be sold during the following permitted hours: (a) Sunday to Wednesday 08:00 to 23:00 (b) Thursday to Saturday 08:00 to 00:30 (c) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, 00.00 midnight on 31st December).	
Adult entertainment:	Current position:	Proposed position:
	Not applicable	

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Consultation Team
Representative:	Mr David Nevitt
Received:	27 th April 2016
<p>I refer to the above application which seeks to vary Premises Licence 15/09380/LIPDPS to include the following (as described by the applicant):</p> <p>Extend the Sale of Alcohol to commence at 0800hrs daily, and Amend Condition 11 accordingly.</p> <p>I wish to make Representations on the following grounds:</p> <p>Representation is made in relation to the application, as the proposals are likely to increase Public Nuisance and may impact upon Public Safety.</p> <p>Should you wish to discuss the matter further please do not hesitate to contact me.</p>	

2-B Other Persons			
Name:		Mr Alexander Semernin	
Address and/or Residents Association:		14 Craven Street London	
Status:	Valid	In support or opposed:	Opposed
Received:	5 th April 2016		
<p>My house is directly opposite the Sherlock Holmes Pub and I have in the past made several noise complaints about the rowdy and noisy behaviour from the pub. Given the poor management of the pub, the previous complaints and the effect that this noise has on myself and my family I strongly object to the variation of the premises licence. I shall defend my rights to peaceful enjoyment of my home with all means and I will make my complaint to the Councillors and my MP should you approve this variation.</p>			

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
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.
Policy HRS1 applies:	<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>

4. Appendices

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

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

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

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Application Form	31 st March 2016
5	Current Premises Licence	Issued on 23 rd November 2015
6	Representation – Alexander Semernin	5 th April 2016
7	Representation – Environmental Health Officer	27 th April 2016

Applicant Supporting Documents

None Submitted

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
05/06531/LIPC	Premises Licence Conversion	10/10/2015	Granted by Licensing Sub Committee
11/07383/LIPV	Premises Licence Variation Layout change	23/08/2011	Granted by Licensing Sub Committee
13/05560/LIPVM	Premises Licence Minor Variation To vary the plans to include the removal of the food counter.	09/08/2013	Refused under Delegated Authority
13/04752/LIPVM	Premises Licence Minor Variation Vary opening hours to 08:00.	29/09/2013	Granted under Delegated Authority
13/06337/LIPVM	Premises Licence Variation Layout Change	30/09/2013	Granted by Licensing Sub Committee
15/08039/LIPV	Premises Licence Variation Layout Change	10/11/2015	Granted by Delegated Authority
15/08918/LIPDPS	Vary the Designated Premises Supervisor	21/11/2015	Granted by Delegated Authority
15/09380/LIPDPS	Vary the Designated Premises Supervisor	23/01/2015	Granted by Delegated Authority

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.

Conditions reproducing the effect of conditions subject to which the relevant existing licenses have effect.

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

Annex 2 – Conditions consistent with the operating Schedule

10. The Variation of the Premises Licence 15/08039/LIPV to include (relocation of existing lobby and bar counter on the first floor, remove lobby at top of basement staircase, new timber screen/seating) will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence – **This has been cleared by an Environmental Health Officer and can be removed.**

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

11. Alcohol shall be sold during the following permitted hours:
- (a) Sunday to Wednesday 11:00 to 23:00
- (b) Thursday to Saturday 11:00 to 00:30
- (c) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, 00.00 midnight on 31st December).

To be amended to:

11a. Alcohol shall be sold during the following permitted hours:

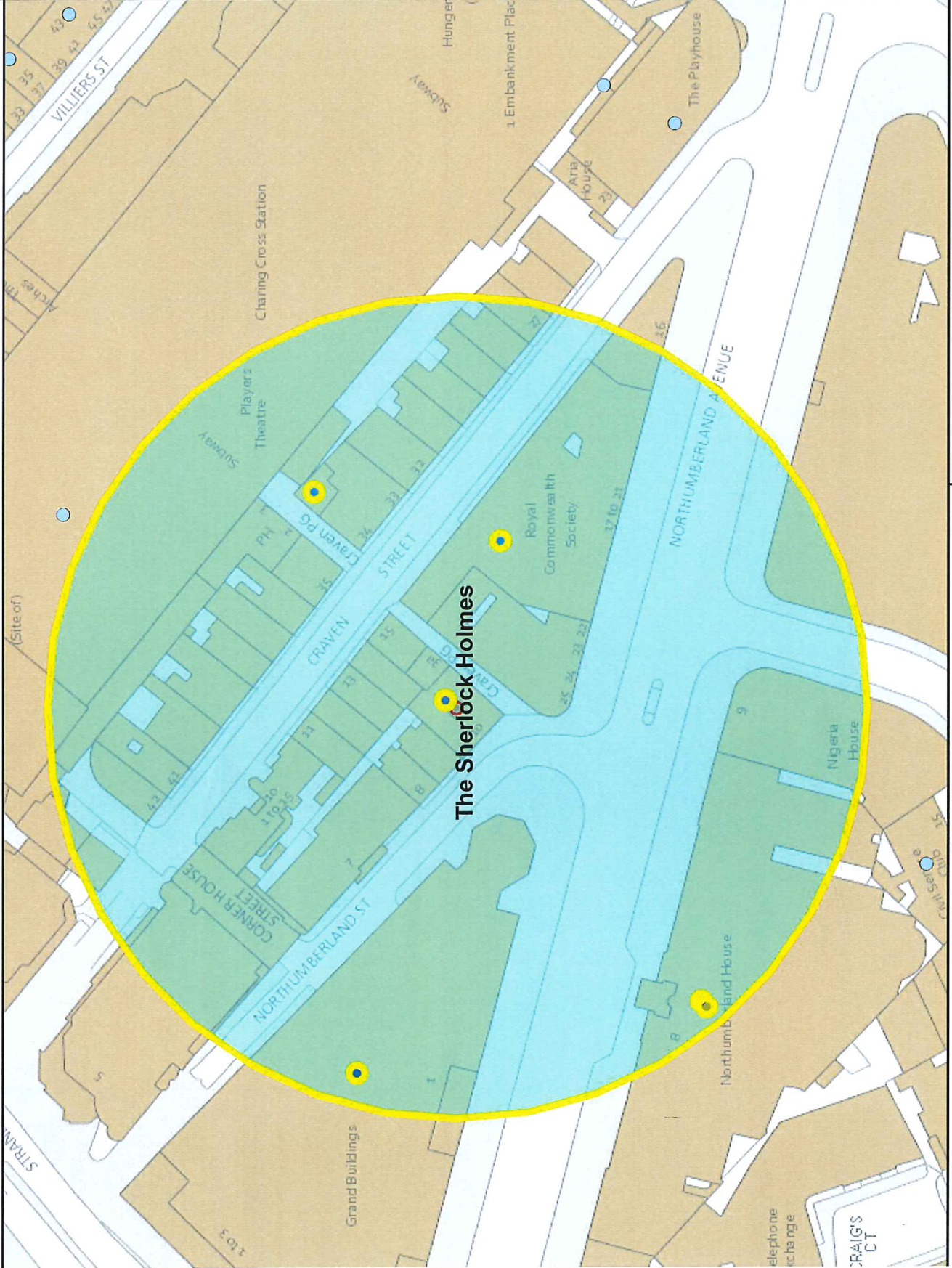
- (a) ***Sunday to Wednesday 08:00 to 23:00***
- (b) ***Thursday to Saturday 08:00 to 00:30***

(c) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, 00.00 midnight on 31st December).

12. The premises are allowed to provide late night refreshment both on and off the premises from Thursday to Saturday 23:00 to 00:00.
13. Licensable activities shall be permitted for an extra hour on the following days: Good Friday, Easter Saturday and Easter Sunday.
14. No children shall be allowed on the premises after 21:00.



The Sherlock Holmes



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Data Source: Uniform Data
Date: 19/05/2016

Appendix 5

Residential / Proposed Residential	56
Under Construction	
Other Uses	
Proportion Residential of all Uses	

Licensing Premises within 75m radius of The Sherlock Holmes, 10-11 Northumberland Street, WC2N 5DA

P/N	Name of Premises	Premises Address	Licensed Hours
-22835	Not Recorded	Grand Buildings 1 - 3 Strand London WC2N 5HE	Monday to Saturday 07:00 - 00:30 Sunday 08:00 - 00:00
-4229	Basement & Ground Floors	8 Northumberland Avenue London WC2N 5BW	Monday to Sunday 07:00 - 02:30
29	PREZZO RESTAURANT	Basement And Ground Floor Unit D Grand Buildings Northumberland Avenue London WC2N 5BW	Monday to Saturday 12:00 - 00:00 Sunday 12:00 - 23:30
8536	Club Quarters, Trafalgar Square	8 Northumberland Avenue London WC2N 5BW	Monday to Sunday 00:00 - 00:00
-19249	Commonwealth Club	18-21 Northumberland Avenue London WC2N 5BJ	Monday to Sunday 00:00 - 00:00
8686	The Ship & Shovell	Ground Floor 1 Craven Passage London WC2N 5PH	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
9712	Bianco43	7 Northumberland Avenue London WC2N 5BY	Monday to Sunday 12:00 - 23:00