



City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	21 st July 2016
Licensing Ref No:	16/03451/LIPV - Premises Licence Variation
Title of Report:	Smith & Wollensky The Adelphi 1-11 John Adam Street London WC2N 6HT
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:	6 April 2016		
Applicant:	S W Hospitality Europe Limited		
Premises:	Smith & Wollensky		
Premises address:	The Adelphi 1-11 John Adam Street London WC2N 6HT	Ward:	St James's
		Cumulative Impact Area:	No
Premises description:	American style Steak House Restaurant		
Variation description:	<p>To delete condition 31 attached to premises licence replace it with:</p> <p>"Notwithstanding condition 18, alcohol may be supplied and consumed in the basement bar area (designated on the plan) to a maximum of 40 patrons at any one time between the hours of 17:00 and 20:00 on Mondays to Saturdays only."</p> <p>Pre-application advice has been sought from the Environmental Health Consultation Team.</p> <p>No changes to the permitted hours or activities are sought or implied.</p>		
Premises licence history:	The premises has been licensed since June 2014.		
Applicant submissions:	None		

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

Late night refreshment						
Indoors, outdoors or both			Current :			Proposed:
			Indoors			No Change
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	23:30	No Change		No Change	
Tuesday	23:00	23:30				
Wednesday	23:00	23:30				
Thursday	23:00	23:30				
Friday	23:00	00:00				
Saturday	23:00	00:00				
Sunday						
Seasonal variations/ Non-standard timings:		Current:			Proposed:	
		None			None	

Sale by Retail of Alcohol						
On or off sales			Current :			Proposed:
			On Sales			No Change
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	23:30	No Change		No Change	
Tuesday	10:00	23:30				
Wednesday	10:00	23:30				
Thursday	10:00	23:30				
Friday	10:00	00:00				
Saturday	10:00	00:00				
Sunday	12:00	22:30				
Seasonal variations/ Non-standard timings:		Current:			Proposed:	
		None			None	

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

1-C Layout alteration
No Change

1-D Conditions being varied, added or removed		
Condition	Proposed variation	
31. Notwithstanding condition 19, alcohol may be supplied and consumed prior to their meal in the bar area (designated on the plan), by up to a maximum of any one time, of 14 persons dining at the premises.	31. Notwithstanding condition 18, alcohol may be supplied and consumed in the basement bar area (designated on the plan) to a maximum of 40 patrons at any one time between the hours of 17:00 and 20:00 on Mondays to Saturdays only	
Adult entertainment:	Current position:	Proposed position:
	None	None

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health
Representative:	Mr David Nevitt
Received:	4 th May 2016
So as to delete condition 31 attached to premises licence 15/04094/LIPVM and replace it with:	

"Notwithstanding condition 18, alcohol may be supplied and consumed in the basement bar area (designated on the plan) to a maximum of 40 patrons at any one time between the hours of 17:00 and 20:00 on Mondays to Saturdays only."

The application follows, and is consistent with, pre-application advice sought from the Environmental Health Consultation Team (ref: 16/02171/PREAPM).

No changes to the permitted hours or activities are sought or implied.

The applicant has proposed Conditions which are under consideration.

I wish to make Representations on the following grounds:

Representation is made in relation to the application, as the proposals are likely to increase Public Nuisance and may impact upon Public Safety.

Should you wish to discuss the matter further please do not hesitate to contact me.

2-B Other Persons			
Name:		Ms Malu Halasa	
Address and/or Residents Association:		4-5 York Buildings, London, WC2N 6JN	
Status:	Valid	In support or opposed:	Opposed
Received:	4 th May 2016		
<p><i>I live on York Buildings, a block and a half from Smith and Wollensky's. I objected to the original planning of the restaurant as well as to its 2014 licensing.</i></p> <p><i>This new licensing application seeks to increase the number of people permitted to use the bar area from 14 to 40. It would also permit the use of the bar area regardless of whether the customers will also be dining. These are significant changes to the original licensing for Smith and Wollensky's. An independent bar area was not considered when the Council granted the licence in 2014.</i></p> <p><i>The likely effect of granting this new license contravenes licensing objectives. There would be more public nuisance and noise in what is a quiet residential neighbourhood.</i></p>			
Name:		Mr Kenneth Tyrrell	
Address and/or Residents Association:		Flat 33, Little Adelphi, London	
Status:	Valid	In support or opposed:	Opposed
Received:	26 th April 2016		
<p><i>The original application specifically excluded bar area only. The application to amend this would, inevitable, given the applicant's repeated request for variations, be the thin end of the wedge with the future prospect of large numbers of drinkers spilling outside in clement either. I strongly object.</i></p>			

Name:	Mr John Nuttall		
Address and/or Residents Association	27 The Little Adelphi, 10 John Adam Street, London		
Status:	Valid	In support of opposed:	Opposed
Received:	3 rd May 2016		

We are writing as the owners of Flat 27 The little Adelphi, 10 John Adam Street to object to this application. Flat 27 is on the second floor facing onto John Adam Street.

We objected to the original application and to the subsequent change in hours.

This application represents a significant change in the type of establishment, from an up market restaurant where alcohol is served to diners only, to one where customers may purchase only alcohol. Furthermore the proposed expansion of the bar area signifies that Smith and Wollensky are seeking to expand this side of their operation.

There is a risk of increased noise and public disturbance in this residential area from the increased numbers and from the likely change in clientele. This area has no need for further bars. While the proposed hours from 17.00hrs to 20.00hrs may suggest that potential disturbance is limited, this is the thin end of the wedge and we are sure that, if successful, Smith and Wollesnky will seek to increase the hours at a later date.

Local residents have been faced with what seems like a constant stream of applications for variations in planning and licensing applications and if the number of objections has decreased it is because they are getting worn down by having to make representations that do not seem to be heard.

The Council originally granted permission for a restaurant serving alcohol. This application represents a significant change and we urge the Council to reject it.

John and Caroline Nuttall

Name:	Dr V Bhalla		
Address and/or Residents Association	10-14 John Adam Street		
Status:	Valid	In support or opposed:	Opposed
Received:	25 th April 2016		

I wish to object to the planning application ref : 16/03451/LIPV.

I have a three bedroom flat in the Little Adelphi, 10-14 John Adam Street.

I made representation against the original application too when the licence was applied for in 2014. The current licence was granted in 2014 to 'core hours'. The licence is subject to restaurant conditions, but a small bar area was permitted for 14 people, ancillary to restaurant, only for people waiting to dine.

The decision suggests that the fact the premises would be restricted to restaurant use with an ancillary bar was a significant consideration when the Sub-Committee decided to grant the licence.

What is now proposed is two-fold - firstly, to increase the number of customers permitted in the bar area (in a different location) to 40; secondly, to allow independent use of the bar i.e. without any requirement to eat. This will apply between 5pm and 8pm Mon-Sat.

This will have a huge impact on residents. Noise, drunken, disorderly behaviour and congestion due to

parked cars will worsen. My wife and daughters are already afraid to go out by themselves at night on John Adam street due to drunk and disorderly individuals. This has worsened since opening of Smith & Wollensky. Combination of Smith & Wollensky and Adam street club has made lives of residents miserable and if this application is granted then it will worsen. Even sleeping at night is becoming difficult due to shouting drunk individuals. I am pretty certain that the customers of Smith and Wollensky are responsible for above in part as nuisance, drunk and disorderly behaviour never used to be to this extent.

An independent bar area was not contemplated when the Council granted the licence in 2014. Granting permission to this application in due time see this restaurant turn in to a bar/club kind of facility.

For above reasons I object against this application.

Name:	Alun And Jane Jones		
Address and/or Residents Association:	Flat 30 , Little Adelphi,		
Status:	Valid	In support or opposed:	Opposed
Received:	2 nd May 2016		

We are writing to you as the owners of Flat 30 in the Little Adelphi which is situated just across John Adam Street from the Smith & Wollensky restaurant.

We object strongly to yet another attempt to extend the licensing scope, which will change the character of the clientele and increase the threat to the peace and orderly nature of the immediate neighbourhood. We objected to the previous licensing requests on the grounds of prevention of public nuisance and, again, for similar reasons, we repeat the objection to this application.

In fact this current application which aims to expand the bar capacity and permit alcohol sales to non-dining customers represents a substantial change in the form of the establishment. There has already been an extension of licensing hours since the original license was granted and now the company seeks to increase alcohol sales by other ways. This requested change must bring with it an increased risk of various forms of anti-social behaviour. Furthermore, it seems very unlikely that the process will stop here. This seems to be very much the thin end of the wedge and through this repeated application process the company is attempting to achieve the type of establishment which was clearly rejected initially.

The Adelphi area has conservation status which should be taken into consideration in reaching planning related decisions (Document ID No. 2932, Status: Adopted Supplementary Planning Guidance). Moreover, this end of John Adam street has a significant residential presence and we understand that it is Westminster CC policy to encourage this usage. Increasing the sales of alcohol is hardly conducive to these goals. In addition to the alcohol related concerns, the increase in general usage of the S&W establishment brings other problems to the immediate vicinity. Specifically, increased congestion and noise both cause unwanted inconvenience and intrusion into the everyday life of local residents. The local roads do not have the capacity to handle current traffic volumes let alone even more. The licensing conditions should recognise the need for preventing public nuisance.

In addition to the immediate adverse impact of the S&W proposal, we are worried that the development will set a precedent for further commercialisation of this end of John Adam Street, thus further damaging the residential amenity and character that has earned it its conservation status.

The original licensing conditions recognised these possible consequences for local residents. Nothing has changed since the original permit was granted, yet S&W repeatedly tries to circumvent the initial decision. For all of these reasons we strongly object to the current licensing application.

Name: --		Sue Mahony	
Address and/or Residents Association:			
Status:	Valid	In support or opposed:	Opposed
Received:	2 nd May 2016		

I am writing to you in my capacity as Chairman of the Board of the Little Adelphi Freehold Company representing the interests of the flat owners in The Little Adelphi. There are a total of 66 flats in the building, which is just across the road from the Smith & Wollensky establishment and all of the owners and, where flats are sub-let occupants, are affected by this application.

The Board is alarmed by the repeated attempts to extend the licensing conditions, thereby changing the nature of the clientele and increasing the threat to the peace and orderly nature of the immediate neighbourhood. We have objected to the previous licensing requests on the grounds of prevention of public nuisance and, for the same reasons, we repeat the objection to this latest application.

Indeed, we believe that this current application which seeks to expand the bar area and permit bar sales to non- dining customers represents a substantial change in the nature of the establishment. There has already been an extension of licensing hours since the original license was granted and although this request does not extend the trading hours, it yet again seeks to increase alcohol sales, bringing with it the risk of various forms of anti-social behaviour. Moreover it would seem to be naïve to assume that the process will stop here. By a steady incremental application process the company is attempting to achieve the type of establishment which was clearly rejected initially. We trust that the licensing authorities can recognise this trend.

Name:		Chairman Of The Board Of The Little Adelphi Freehold Company	
Address and/or Residents Association			
Status:	Valid	In support of opposed:	Opposed
Received:	2 nd May 2016		

John Adam street has a significant residential presence and we understand that it is Westminster CC policy to encourage this usage. Moreover the Adelphi area has conservation status which is supposed to be taken into consideration in reaching planning related decisions (Document ID No. 2932, Status: Adopted Supplementary Planning Guidance). Increasing the sales of alcohol is hardly conducive to these goals. In addition to the alcohol related concerns, the increase in general usage of the S&W establishment brings other problems to the immediate vicinity. Specifically, increased congestion and noise both cause unwanted inconvenience and intrusion into the everyday life of local residents. The licensing conditions should recognise the need for preventing public nuisance.

The original licensing conditions recognised these possible consequences for local residents. Nothing has changed since the original permit was granted, yet S&W repeatedly tries to circumvent the initial decision.

In addition to the immediate adverse impact of the S&W proposal, the Board is concerned that the developments set a precedent for further commercialisation of that end of John Adam Street, thus further undermining the residential amenity and character that has earned it its conservation status.

For all of these reasons the Board strongly object to the current licensing application.

Name:		Luke Hughes	
Address and/or Residents Association			
Status:	Valid	In support or opposed:	Opposed
Received:	4 th May 2016		

I write as a long-term resident in an apartment in Little Adelphi in John Adam Street and vehemently object to the application to vary the existing premises licence at 1-11 John Adam Street.

Amongst the many reasons are:

1. *the streets around John Adam Street are essentially residential in character and always have been; there are quite enough opportunities for extended licences closer to Villiers Street and the Strand which are far better suited to accommodate licensed premises of the kind now proposed*
3. *we objected initially to the current licence in 2014. This new application is cynical 'mission creep'; the applicant was fully aware of the reasons for objection at the time and resumably now want to make the case that they are not making as much return on their investment as they predicted and are now seeking to inflict their perception of a solution on residential neighbours*
4. *having eaten in their restaurant, the reasons why they may now be making as much money as they would like is because the service is bad - you're left waiting for ages to be seated predominantly because of highly inefficient staff*
5. *an independent bar was not part of the original application*
6. *bars invariably bring with them raucous and loud behaviour especially around closing time*
7. *if this extension is granted, in no time there will be further applications from neighbouring developers, greatly eroding the very special residential nature of the adjoining streets*

Name:		Trustees Of Alan Tallentire	
Address and/or Residents Association:		Stonegate Law	
Status:	Valid	In support or opposed:	Opposed
Received:	3 rd May 2015		

Application to vary premises licence ref: 16/03451/LIPV ('the Application')

We act on behalf of the Trustees of Alan Tallentire, in their capacity as owners of Flat 9, The Little Adelphi. This is a residential apartment within close proximity of the above restaurant for which the Application has been made. John Adam Street is a quiet enclave south of the Strand. The street is a mixture of residential and offices, and is in the Adelphi Conservation Area. Our clients' property's bedrooms are on the John Adam Street side of the building, and customers of the proposed premises will have to walk past our flat when leaving the premises to access transport away from the area.

Our clients' representation is made upon the basis that the likely impact of the Application, if granted, would be to harm the licensing objective of prevention of public nuisance. It could also impact on the

prevention of crime and disorder. Taken as a whole, the Application will, if granted, have a significant and disproportionate impact on local residents.

The Application

The application seeks to

- a) Increase the number of people permitted to use the bar area from 14 to 40, an almost threefold increase; and
- b) Permit the use of the bar area regardless of whether the customer will also be dining.

We note that a similar application was submitted regarding Smith & Wollensky in 2014 and we were required to make submission at that time. Many of the concerns raised in that objection remain relevant today, but we will set out our clients' specific concerns in relation to this application as below.

We would however highlight that a second application within such a short time frame raises the concern that there is a pattern of incremental applications which potentially undermine the licensing authority's initial decision. Indeed we understand that an extension of licensing hours has already been granted since the original application.

Prevention of public nuisance and prevention of crime and disorder

The elements of the application which are likely to impact on public nuisance are detailed below:

Change in nature of premises -the conditions proposed with the application envisage a bar area serving 40 people irrespective of whether they are dining. As such our clients are concerned that the premises may become a destination for standing room drinking which would lead to a greater number of patrons and an increased likelihood of anti-social behaviour.

Crime & disorder- This is a primarily residential area and such a drinking establishment will impact the residential amenity. Our clients are concerned that the quality of life in the area will be reduced in consequence of an increase in public nuisance, crime, vandalism and antisocial behaviour associated with standing room drinking.

Noise - We submit that an increase in the number of people permitted to use the bar area will naturally increase the footfall. This coupled with a change towards standing room drinking, which will reduce the time spent there by each patron, will greatly increase the number of cars and taxis arriving and departing creating parking problems and noise problems.

Access - Our clients are concerned that an increase in traffic will generate access difficulties for deliveries and rubbish collection.

Conclusion

The licensing authority is charged with determining the Application with a view to promoting the licensing objectives in the overall interests of the local community (Guidance 9.334). For the reasons stated, our clients are concerned that the Application does not promote the objectives and they are therefore opposed to the application being granted.

Name:	Gerald McDonald		
Address and/or Residents Association:			
Status:	Valid	In support or opposed:	Opposed
Received:	4 th May 2016		

We are writing to you as residents of Little Adelphi, a block of flats in John Adam Street and near the Smith & Wollensky restaurant. We object to this licensing variation.

This application will introduce a new type of clientele into the restaurant, now that it is proposed to lift the requirement that patrons must eat in the restaurant. At least under the previous conditions, the restaurant would assume some responsibility for the behaviour of its guests, the proposal now is that they can be let out onto John Adam Street in any condition with the risk of public nuisance.

This variation is a substantial change to the nature of this establishment, it is unclear whether the owners want to make this a bar or a restaurant, or perhaps both. Whatever their intention, these continual variations and the persistent "Let's try this" approach is not conducive to the residential area in which this place is situated. We hope that the Licensing authorities can recognise this tactic and the aims of Smith & Wollensky in these continual amendments.

Name:		Gordon Sutherland	
Address and/or Residents Association		Flat 11 , Little Adelphi	
Status:	Valid	In support of opposed:	Opposed
Received:	1 st May 2016		

I am writing this as the owner and resident of Flat 11, Little Adelphi, John Adam Street to register my objection to the above application on the grounds increased public nuisance including public disorder offences.

Since planning permission was first sought for a bar and restaurant in the Adelphi Building I have objected on the ground of increased risk of public nuisance, risk of public order offences, erosion of the residential nature of this conservation area. In addition, I objected to the various licensing applications S&W continually submit in attempt to increase the size, extension of licensing hours and the change in style of the restaurant from upscale to casual dining. Throughout this process S&W have argued that alcohol will only be sold to those dining with the exception of the 14 people waiting for their table. This is a core condition of their licensing approval was put in place to help protect the neighbourhood. This was willingly accepted by S&W management as a condition of operation.

Yet, now we see an attempt to eliminate this critical condition and, in effect, create bar to permit the sale of alcohol to non dining customers within the restricted hours of 17,00 to 20,00. This represents a substantial change in the nature of the establishment. There has already been an extension of licensing hours since the original license was granted and although this request does not extend the trading hours, it yet again seeks to increase alcohol sales, bringing with it the risk of various forms of anti-social behaviour. Moreover it would seem to be naïve to assume that the process will stop here. By a steady incremental application process the company is attempting to achieve the type of establishment which was clearly rejected initially.

We trust that the licensing authorities can recognise this trend and instruct the management to respect its commitment to the neighbourhood and the conditions of the existing licence an cease from this on going campaign to impose on this neighbourhood yet another cocktail bar/ casual ding experience with extended hours - which appears to the ultimate aim.

I should also point out that between these hours this is the time young families are en route to their own evening of entertainment in the west end and having 'run the gauntlet' of street drinking outside the Theodore pub to be faced with yet another risk from alcohol fuelled customers as they are disgorged from S&W seems somewhat unfair and an unnecessary. No doubt S&W will argue that their doormen are responsible and will manage such situations. Unfortunately, since opening, there have been several situations where said doorman are more concerned with opening the door or talking to their reception desk staff than addressing any noise or risk on the pedestrian area. In addition to the alcohol related concerns, the increase in general usage of the S&W establishment brings other problems to the immediate vicinity. Specifically, increased congestion and noise both cause unwanted inconvenience and intrusion into the everyday life of local residents.

The area surrounding the S&W restaurant has a significant residential presence and as this is something we understand that it is Westminster CC is keen to encourage, evidenced by the current plans for more residential apartment in the area, therefore it seems counterintuitive to encourage alcohol consumption only with the recognised social difficulties this can cause any neighbourhood. The original licensing conditions recognised these possible consequences for local residents. Nothing has changed since the original permit was granted yet S&W repeatedly try to circumvent the initial decision. For the above reasons I strongly object to the current licensing app.

Name:		Carmen Fernandezmas	
Address and/or Residents Association		Flat 2, 4 York Building, WC2N 6JN	
Status:	Valid	In support or opposed:	Opposed
Received:	1 st May 2016		

I own the residential flat at Flat 2, 4 York Buildings, WC2N 6JN. I have been a resident in this area since 2006 and in the Covent Garden area since 2001. I know the area well. I live one block west of the premises where Smith & Wollensky operate.

I objected to the original licence application in 2014. I did so then and I do so now because I wish to preserve the residential nature of the area. Now more so than in 2014 where the majority of the premises in the streets along John Adam Street, York Buildings and Buckingham Place were offices, but are now majority residential. Our area has seen a boom in developments from office to luxury flats.

As you are aware, the licence is subject to restaurant conditions with an important proviso that a small bar area would be permitted only for people dining and waiting to be seated. This was an important consideration for the Sub-Committee when it granted the licence.

What is now being proposed erodes this condition significantly in that (i) it increases the number of customers permitted in the bar area (in a different location) to 40, and (ii) it allows independent use of the bar i.e. without any requirement to eat. This will apply between 5pm and 8pm Mon-Sat. An independent bar area was not permitted by the Sub-Committee.

Granting independent use of a bar changes the nature of the restaurant. Smith & Wollensky is a very expensive "destination" restaurant that not everyone can afford. By allowing a bar without the need for a dining reservation, the premises become accessible to more people and a different sort of crowd with a different purpose in mind. Rather than a quiet evening night out, the bar becomes a destination in its own right for after-work gatherings and becomes the starting point for a "good night out". This increases the likelihood of causing nuisance (i.e. noise), and increases in crime and disorder (i.e. urination on the street, particularly on the corner of York Buildings and Lower Robert Street).

I see examples of nuisance and disorder although I cannot say the situations I have witnessed come from Smith & Wollensky. There are wine bars on Villiers Street, and so patrons from those establishments may be the cause of the problems I have seen to date. The fact that I am already witnessing these problems indicates there is an existing problem, and allowing for more bars in the area will only increase the likelihood of this arising.

If a bar area is granted this goes against the protections that were put in place by both the licence authority and the planning authority in the face of many protests from the residents in the area who live in a conservation area that is becoming increasingly residential.

Name:	Dolores Murphy		
Address and/or Residents Association:			
Status:	Valid	In support or opposed:	Opposed
Received:	30 th April 2016		

I live opposite the site in the Little Adelphi and my property faces onto John Adam Street. I would like to register my objection to the proposed application.

This is an attempt to increase the allowed usage of the restaurant, bit by bit, to its original plans which were thankfully refused.

This is a highly residential road and should be conserved as such.

Allowing a bar, used by non diners, will definitely increase noise in the area during those times due to alcohol and increased footfall.

I have already noted increased disruption since the restaurant opened and should this application be granted it will be of further detriment to this area.

Name:	Caroline Nuttall		
Address and/or Residents Association:			
Status:	Valid	In support or opposed:	Opposed
Received:	3 rd May 2016		

I am writing to you in my capacity as Chairman of the Board of the Little Adelphi Freehold Company representing the interests of the flat owners in The Little Adelphi. There are a total of 66 flats in the building, which is just across the road from the Smith & Wollensky establishment and all of the owners and, where flats are sub-let occupants, are affected by this application.

The Board is alarmed by the repeated attempts to extend the licensing conditions, thereby changing the nature of the clientele and increasing the threat to the peace and orderly nature of the immediate neighbourhood. We have objected to the previous licensing requests on the grounds of prevention of public nuisance and, for the same reasons, we repeat the objection to this latest application.

Indeed, we believe that this current application which seeks to expand the bar area and permit bar sales to non- dining customers represents a substantial change in the nature of the establishment. There has already been an extension of licensing hours since the original license was granted and although this request does not extend the trading hours, it yet again seeks to increase alcohol sales, bringing with it the risk of various forms of anti-social behaviour. Moreover it would seem to be naïve to assume that the process will stop here. By a steady incremental application process the company is attempting to achieve the type of establishment which was clearly rejected initially. We trust that the licensing authorities can recognise this trend.

John Adam Street has a significant residential presence and we understand that it is Westminster CC policy to encourage this usage. Moreover the Adelphi area has conservation status which is supposed to be taken into consideration in reaching planning related decisions (Document ID No. 2932, Status: Adopted Supplementary Planning Guidance). Increasing the sales of alcohol is hardly conducive to these goals. In addition to the alcohol related concerns, the increase in general usage of the S&W establishment brings other problems to the immediate vicinity. Specifically, increased congestion and

noise both cause unwanted inconvenience and intrusion into the everyday life of local residents. The licensing conditions should recognise the need for preventing public nuisance.

The original licensing conditions recognised these possible consequences for local residents.

Nothing has changed since the original permit was granted, yet S&W repeatedly tries to circumvent the initial decision.

In addition to the immediate adverse impact of the S&W proposal, the Board is concerned that the developments set a precedent for further commercialisation of that end of John Adam Street, thus further undermining the residential amenity and character that has earned it its conservation status.

For all of these reasons the Board strongly object to the current licensing application.

Name:	Mrs M McDonald		
Address and/or Residents Association			
Status:	Valid	In support of opposed:	Opposed
Received:	4 th May 2016		

We are writing to you as residents of Little Adelphi, a block of flats in John Adam Street and near the Smith & Wollensky restaurant. We object to this licensing variation.

Now that it is proposed to lift the requirement that patrons must eat in the restaurant, this latest application will introduce a new type of clientele into the restaurant. The proposed changes would admit people whose only intention would be to drink. At least under the previous conditions, the restaurant would assume some responsibility for the behaviour of its guests, the proposal now is that they can be let out onto John Adam Street in any condition with the very serious risk of public nuisance in terms of noise and disorderly behaviour coupled with the unavoidable consequence of people urinating in the street.

This variation is a substantial change to the nature of this establishment, whose owners seem to be continually trying to change the terms of the license. Now it is unclear whether they want to make this a bar or a restaurant, or perhaps both. The continual variations and this persistent approach are not conducive to the preservation of the peaceful and quiet residential area in which this place is situated. We hope that the Licensing authorities can recognise the regrettable intentions of Smith & Wollensky in seeking to bombard the residents with these continual amendments in the hope that one day we will give in.

Name:	Russel Taylor		
Address and/or Residents Association			
Status:	Valid	In support or opposed:	Opposed
Received:	4 th May 2016		

I live just down from the Smith & Wollensky establishment, and would like to strongly object to this application. What we see is even after the unprecedented number of objections and even a massive residence attendance at the licensing meetings to objecting to the modified licensing requests we see that by a steady incremental application process the company is attempting to achieve the type of establishment which was clearly rejected. We trust that the licensing authorities can recognize this and will act to stop this going further still and so keeping to the view of the panel that objected it when presented in full. Neither I nor the licensing committee should be considered like a frog (ie slowly boiled in

a pan of water so we don't jump out).

I am personally alarmed by the repeated attempts to extend the licensing conditions, thereby changing the nature of the clientele and increasing the threat to the peace and orderly nature of the immediate neighbourhood. We have objected to the previous licensing requests on the grounds of prevention of public nuisance and, for the same reasons, we repeat the objection to this latest application.

Indeed, I believe that this current application which seeks to expand the bar area and permit bar sales to non- dining customers represents a substantial change in the nature of the establishment. There has already been an extension of licensing hours since the original license was granted and although this request does not extend the trading hours, it yet again seeks to increase alcohol sales, bringing with it the risk of various forms of anti-social behaviour. Moreover it would seem to be naïve to assume that the process will stop here. By a steady incremental application process the company is attempting to achieve the type of establishment which was clearly rejected initially. We trust that the licensing authorities can recognise this trend.

The Board is alarmed by the repeated attempts to extend the licensing conditions, thereby changing the nature of the clientele and increasing the threat to the peace and orderly nature of the immediate neighbourhood. We have objected to the previous licensing requests on the grounds of prevention of public nuisance and, for the same reasons, we repeat the objection to this latest application.

Indeed, we believe that this current application which seeks to expand the bar area and permit bar sales to non- dining customers represents a substantial change in the nature of the establishment. There has already been an extension of licensing hours since the original license was granted and although this request does not extend the trading hours, it yet again seeks to increase alcohol sales, bringing with it the risk of various forms of anti-social behaviour. Moreover it would seem to be naïve to assume that the process will stop here. By a steady incremental application process the company is attempting to achieve the type of establishment which was clearly rejected initially. We trust that the licensing authorities can recognise this trend.

Name:		Polly Phipps	
Address and/or Residents Association			
Status:	Valid	In support or opposed:	Opposed
Received:	4 th May 2016		

I own and live in a flat in The Little Adelphi no more than 20m from Smith & Wollensky. I am writing to emphatically express my objections to Smith & Wollensky's latest application to extend their licence. How can extending the bar facilities so that non-diners may drink as much as they like possibly be in the interests of anyone in the neighbourhood apart from Smith & Wollensky?

John Adam Street and Adam Street are two strikingly peaceful and architecturally interesting oases in the hurly burly of Villiers Street and The Strand where plenty of bars are available. Covent Garden, Bedford Street are less than 5 minutes away. There is no need to add the disruption which inevitably erupts from bars into this conservation area.

It has to be stressed that this is primarily a residential area; the streets are narrow and a stream of cabs delivering/collecting customers to Smith & Wollensky will further degrade the character of the streets and the quality of the air in those streets by creating congestion.

As a resident I feel strongly that when a licence is granted the terms should be adhered to and the licensee should understand that incremental applications to extend the licence will not be considered. Clearly Smith & Wollensky hope to wear down resistance by drip feeding application extensions thereby using up my and the Council's time.

Name:		Annie Thompson	
Address and/or Residents Association			
Status:	Valid	In support or opposed:	Opposed
Received:	4 th May 2016		
<i>I'm writing in to oppose Smith and Wollensky's application to extend their license.</i>			
Name:		Cynthia Clarry	
Address and/or Residents Association			
Status:	Valid	In support or opposed:	Opposed
Received:	26 th April 2016		
<p><i>With reference to the current Licensing application ref 16/03451/LIPV I would like you to formally acknowledge my complaint against this application. I am writing in my capacity as a member of the Board of the Little Adelphi Freehold Company, representing the interests of the flat owners at the Little Adelphi located opposite S&W. I own a flat in the building.</i></p> <p><i>The attempts of your applicant to change the licensing conditions will have an impact on the residents within the immediate vicinity and is therefore a threat to their right to peace and quiet. The new licence proposes to allow access to the bar for 40 people between the hours of 5pm -8pm but restricting and monitoring the number of people and the hours will in reality be arbitrary and subject to the management of the day.</i></p> <p><i>The original licence granted in 2014 was for 'core hours' and ancillary to restaurant. I can confirm that our board made representation when this licence was applied for in 2014. The new application will increase the footfall and road traffic in and around the area to the restaurant and may well lead to an increase in noise and anti social behaviour in the area. We are in the process of installing CTV cameras to the outside of Little Adelphi as we currently have reports from our porters of anti- social behaviour on Durham Street. We are in the process of doing repairs to the outside/pavement and railing area where excessive traffic and negligent drivers have damaged the fabric and the railings at considerable cost to us.</i></p> <p><i>John Adam Street has a significant residential presence and is of important historic reference and I strongly object to the current licensing application which seems to fly in the face of preserving and maintaining the quality and residential aspect of the street and the surrounding Georgian buildings.</i></p>			

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 RNT1 applies:	Applications will generally be granted and reviews determined, subject to 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	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

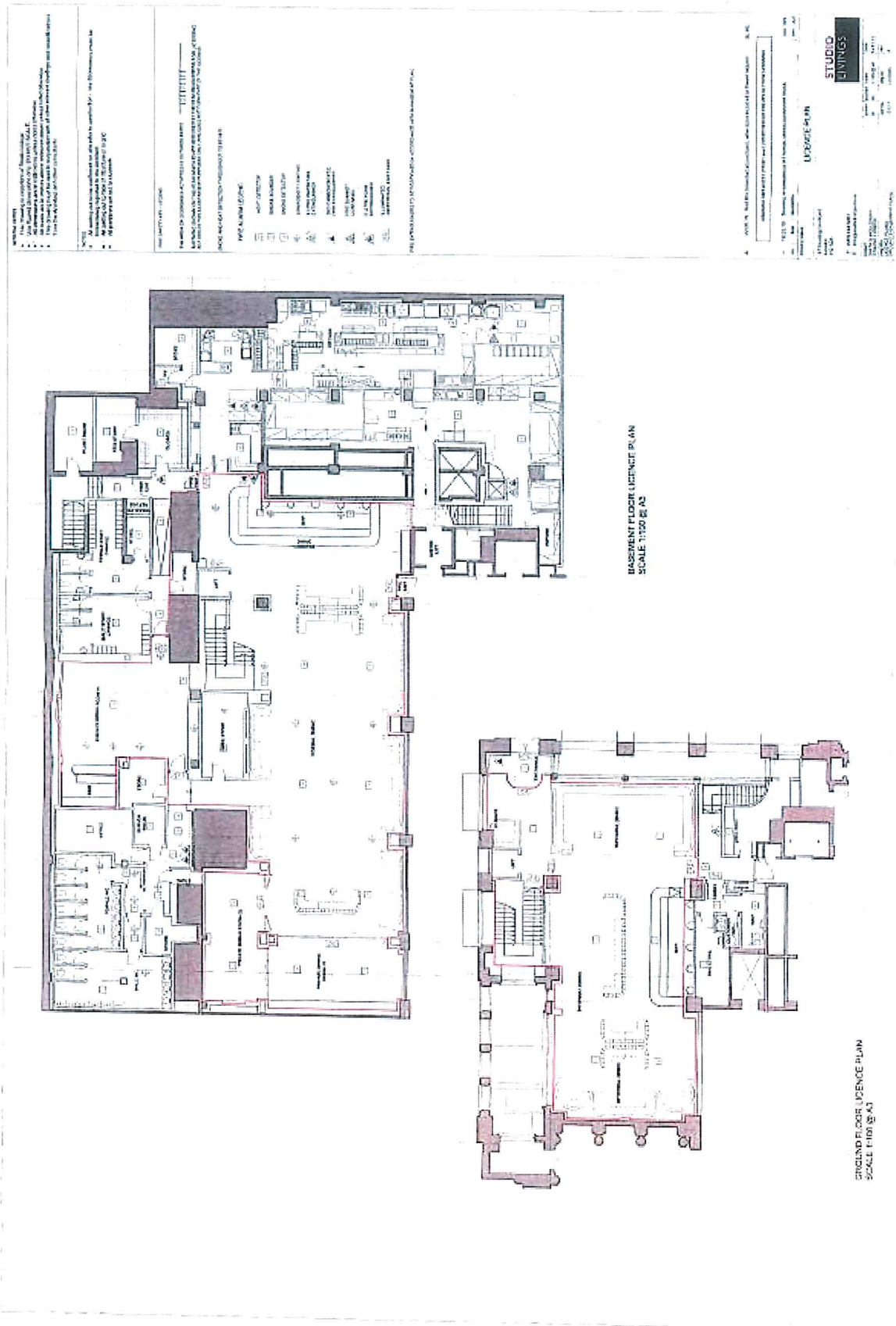
Report author:	Miss Heidi Lawrance Senior Licensing Officer
Contact:	Telephone: 020 7641 2751 Email: hlawrance@westminster.gov.uk

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	06/04/2016
5	Representation – Dr Bhalla	26/04/2016
6	Representation – Mr and Mrs Jones	04/05/2016
7	Representation –Mr and Mrs Mohony	04/05/2016
8	Representation –Mr Hughes	04/05/2016
9	Representation –Trustees Of Alan Tallentire	03/05/2016
10	Representation –Mr McDonald	04/05/2016
11	Representation –Mr Sutherland	01/05/2016
12	Representation –Ms Fernandez	01/05/2016
13	Representation –Ms D Murphy	30/04/2016
14	Representation –Little Adelphi Freehold Company Ltd	04/05/2016
15	Representation –Mrs E McDonald	04/05/2016
16	Representation –Mr Hughes	04/05/2016
17	Representation –Mr Taylor	04/05/2016
18	Representation –Ms P Phipps	04/05/2016
19	Representation –Ms A Thomson	04/05/2016
20	Representation –Mr K Taylor	23/04/2016
21	Representation –Mr J Nuttall	03/05/2016
22	Representation –Ms M Halasa	04/05/2016
23	Representation – Environmental Health	04/05/2016

Plan of the Premises



Applicant Supporting Documents

None

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
14/03172/LIPN	Application for a new Premises Licence	16/06/2014	Granted by Licensing Sub-Committee
15/04094/LIPVM	Minor Variation The proposed minor variation is to alter the layout of the premises.	15/06/2015	Granted under Delegated Authority
15/01886/LIPDPS	Vary the Designated Premises Supervisor	19/10/2015	Granted under 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 to vary the premises licence under the provisions of the Licensing Act 2003, the licensing authority must, unless it decides to reject the application, grant the licence subject to the conditions which are indicated as mandatory in this schedule.

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

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

Conditions: On Current Licence -

Mandatory:

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

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

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

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

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

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

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

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

Where -

- (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

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

Annex 2 – Conditions consistent with the operating Schedule

None

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

9. 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.
10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
11. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
12. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
13. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
14. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

15. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 19:00 hours and 07:00 hours on the following day.
16. No deliveries to the premises shall take place between 19:00 hours and 08.00 hours Monday to Friday, 18:00 hours to 10:00 hours Saturdays and not at all on Sundays.
17. No collections of waste or recycling materials (including bottles) from the premises shall take place between 19:00 hours and 07:00 hours on the following day.
18. The premises shall only operate as a restaurant:
 - (i) in which customers are shown to their table,
 - (ii) where the supply of alcohol is by waiter or waitress service only,
 - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
 - (iv) which do not provide any take away service of food or drink for immediate consumption,
 - (v) which do not provide any take away service of food or drink after 23.00, and
 - (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

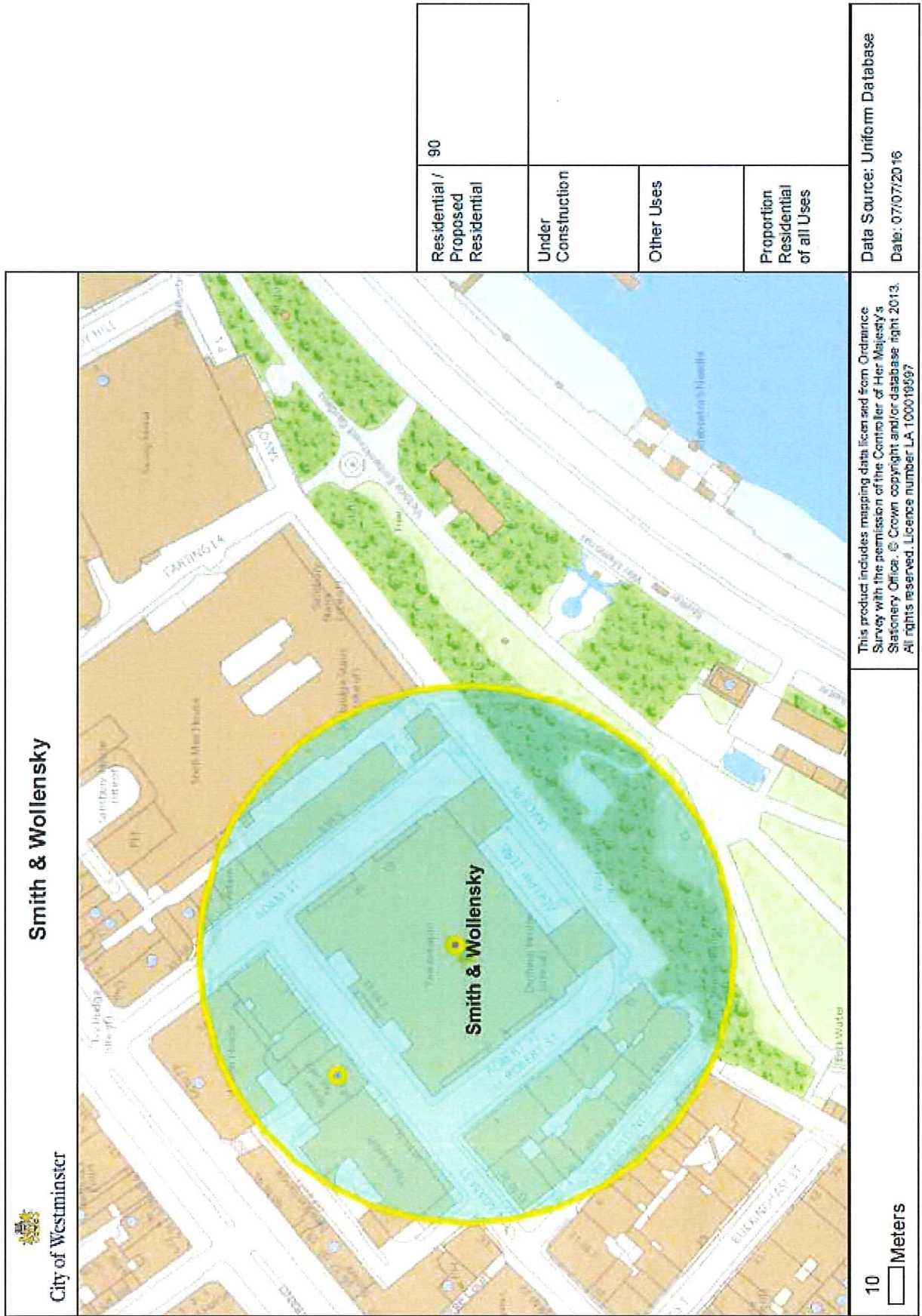
Notwithstanding this condition, customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

19. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
20. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
21. 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.
22. Servicing must only take place from Lower Robert Street and from Savoy Place and from no other locations.
23. At least one door staff shall be on duty at the entrance of the premises at all times whilst it is open for business.

24. All windows and external doors shall be kept closed after 21:00 hours, , except for the immediate access and egress of persons.
25. Patrons permitted to temporarily leave and then re-enter the premises, eg to smoke, shall be limited to 6 persons at any one time.
26. 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.
27. There shall be no sales of hot food or hot drink for consumption off the premises after 23:00.
28. Patrons permitted to temporarily leave and then re-enter the premises, eg to smoke, shall not be permitted to take drinks or glass containers with them.
29. The licence will have no effect until the capacity of the premises has been assessed by the Environmental Health Consultation team and a condition detailing the agreed capacity has replaced this condition on the Licence.
30. The Licence Holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.
31. Notwithstanding condition 19, alcohol may be supplied and consumed prior to their meal in the bar area (designated on the plan), by up to a maximum of any one time, of 14 persons dining at the premises.

To be amended to:

Notwithstanding condition 18, alcohol may be supplied and consumed in the basement bar area (designated on the plan) to a maximum of 40 patrons at any one time between the hours of 17:00 and 20:00 on Mondays to Saturdays only



Residential / Proposed Residential	90
Under Construction	
Other Uses	
Proportion Residential of all Uses	

Data Source: Uniform Database
Date: 07/07/2016

Premises with 75m of Smith & Wollensky, The Adelphi, 1-11 John Adams Street, WC2N 6HT

p / n	Name of Premises	Premises Address	Licensed Hours
23377	Royal Society Of Arts	Royal Society Of Arts 8 John Adam Street London WC2N 6HA	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:0