



City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	8 September 2016
Licensing Ref No:	16/07539/LIPV - Premises Licence Variation
Title of Report:	Temper Trenchard House 19-25 Broadwick Street London
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Yolanda Wade Senior Licensing Officer
Contact details	Telephone: 020 7641 1884 Email: ywade@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	18 July 2016		
Applicant:	Casper And Cole Ltd		
Premises:	Temper		
Premises address:	Trenchard House 19-25 Broadwick Street London W1F 0DF	Ward:	West End
		Cumulative Impact Area:	West End
Premises description:	The premises operate as a restaurant on the lower ground floor only.		
Variation description:	<p>The Proposed variation includes the following:</p> <ul style="list-style-type: none"> Amend the plans so as to include the ground floor (layout to include new central kitchen, new toilet location, private dining room and new fixed seating) and to amend the plans for the lower ground floor. Extend the area hatched black referred to in condition 13 to include the hatched area on the ground floor 		
Premises licence history:	The premises is currently licensed see Appendix 3		
Applicant submissions:	None		

1-B Current and proposed licensable activities, areas and hours						
Regulated Entertainment						
Playing of recorded Music						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	23:30	Unchanged	Unchanged	Lower Ground Floor	Ground Floor
Tuesday	10:00	23:30	Unchanged	Unchanged	Lower Ground Floor	Ground Floor
Wednesday	10:00	23:30	Unchanged	Unchanged	Lower Ground Floor	Ground Floor
Thursday	10:00	23:30	Unchanged	Unchanged	Lower Ground Floor	Ground Floor
Friday	10:00	00:00	Unchanged	Unchanged	Lower Ground Floor	Ground Floor
Saturday	10:00	00:00	Unchanged	Unchanged	Lower Ground Floor	Ground Floor
Sunday	12:00	22:30	Unchanged	Unchanged	Lower Ground Floor	Ground Floor
Seasonal variations:	Current:			Proposed:		
	N/A			N/A		
Non-standard timings:	Current:			Proposed:		
	Non-standard Timings: From the end			Unchanged		

	of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.	

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	Unchanged	Unchanged	Lower Ground Floor	Ground Floor
Tuesday	23:00	23:30	Unchanged	Unchanged	Lower Ground Floor	Ground Floor
Wednesday	23:00	23:30	Unchanged	Unchanged	Lower Ground Floor	Ground Floor
Thursday	23:00	23:30	Unchanged	Unchanged	Lower Ground Floor	Ground Floor
Friday	23:00	00:00	Unchanged	Unchanged	Lower Ground Floor	Ground Floor
Saturday	23:00	00:00	Unchanged	Unchanged	Lower Ground Floor	Ground Floor
Sunday					Lower Ground Floor	Ground Floor
Seasonal variations/ Non-standard timings:	Current:			Proposed:		
	N/A			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			Unchanged		

Sale by Retail of Alcohol						
On or off sales		Current :			Proposed:	
		On			Unchanged	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	23:30	Unchanged	Unchanged	Lower Ground Floor	Ground Floor
Tuesday	10:00	23:30	Unchanged	Unchanged	Lower Ground Floor	Ground Floor
Wednesday	10:00	23:30	Unchanged	Unchanged	Lower	Ground Floor

					Ground Floor	
Thursday	10:00	23:30	Unchanged	Unchanged	Lower Ground Floor	Ground Floor
Friday	10:00	00:00	Unchanged	Unchanged	Lower Ground Floor	Ground Floor
Saturday	10:00	00:00	Unchanged	Unchanged	Lower Ground Floor	Ground Floor
Sunday	12:00	22:30	Unchanged	Unchanged	Lower Ground Floor	Ground Floor
Seasonal variations/ Non-standard timings:	Current:			Proposed:		
	N/A			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			Unchanged		

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	08:00	23:30	Unchanged	Unchanged	Lower Ground Floor	Ground Floor
Tuesday	08:00	23:30	Unchanged	Unchanged	Lower Ground Floor	Ground Floor
Wednesday	08:00	23:30	Unchanged	Unchanged	Lower Ground Floor	Ground Floor
Thursday	08:00	23:30	Unchanged	Unchanged	Lower Ground Floor	Ground Floor
Friday	08:00	00:00	Unchanged	Unchanged	Lower Ground Floor	Ground Floor
Saturday	08:00	00:00	Unchanged	Unchanged	Lower Ground Floor	Ground Floor
Sunday	10:00	22:30	Unchanged	Unchanged	Lower Ground Floor	Ground Floor
Seasonal variations/ Non-standard timings:	Current:			Proposed:		
	N/A			N/A		
	N/A			N/A		

1-C Layout alteration
<p>The proposed alteration at the premises to include the following:</p> <ul style="list-style-type: none"> Amend the plans so as to include the ground floor (layout to include new central kitchen, new toilet location, private dining room and new fixed seating) and to amend the plans for the lower ground floor. Extend the area hatched black referred to in condition 13 to include the hatched area on the ground floor of the premises

1-D Conditions being varied, added or removed
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Condition	Proposed variation
<p>Condition 13</p> <p>Save in the area hatched black, the premises shall only operate as a restaurant</p> <p>(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.</p> <p>In the area hatched black, the sale of alcohol will only be to persons taking a table meal or prior to a table meal.</p>	<p>Extend the area hatched black referred to in condition 13 to include the hatched area on the ground floor of the premises.</p>

2. Representations

2-A Responsible Authorities	
Responsible Authority:	The Environmental Health Service
Representative:	Dave Nevitt
Received:	15 th August 2016
<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>The premises is located in the West End Cumulative Impact Area as defined by the City Councils Licensing Policy.</p>	
Responsible	The Metropolitan Police (withdrawn)

Authority:	
Representative:	Adam Deweltz
Received:	28.07.2016

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.

The venue is situated within the Cumulative Impact Area. It is our belief that if granted the application would undermine the Licensing Objectives in relation to The Prevention of Crime and Disorder.

The Police representation has been withdrawn .

2-B Other Persons

Name:	The Soho Society		
Address and/or Residents Association	St Anne's Tower 55 Dean Street London W1D 6AF		
Status:	Resident Association	In support or opposed:	Opposed
Received:	15 th August 2016		

I write to make a relevant representation to the above application on behalf of The Soho Society.

The Soho Society objects to this application as it is currently presented, on the grounds of prevention of public nuisance, prevention of crime and disorder, and cumulative impact in the West End Cumulative Impact Area.

About The Soho Society

The Soho Society is a charitable company limited by guarantee established in 1972. The society is a recognised amenity group and was formed to make Soho a better place to live, work or visit by preserving and enhancing the area's existing diversity of character and uses, and by improving its facilities, amenities and environment. In particular, the society supports the Westminster City Council's policies, including the cumulative impact policy, as set out in the Statement of Licensing Policy 2016.

Application summary

The application is described in Westminster Licensing News (8 August 2016 edition) as follows: *Permit the supply of alcohol without food for consumption on the premises until 20:00 on any day by waiter/waitress service to customers seated in the ground floor area for a maximum of 15 persons, as shown on the plan 300.L.L.01. Extend the area hatched black referred to in condition 13 to include the ground floor area and amend the hatched area in the lower ground in accordance with the new layout. Amend ground floor layout to include new central kitchen, new toilet location, private dining room and new fixed seating.*

Increase in drinking capacity in the West End Cumulative Impact Area

The application seeks to increase the capacity for problematic vertical drinking, that is not ancillary to food, in the West End Cumulative Impact Area. This application therefore fails to promote the licensing objectives of prevention of crime and disorder, and public nuisance. Recent Metropolitan Police crime statistics show high levels of theft, theft from person, anti-social behaviour, drugs and sexual offenses in the area. There are private homes in nearby buildings, and residents in the immediate area are subject to noise and general nuisance every night of the week. It is therefore felt necessary that these conditions must be applied to the whole premises:

MC38 The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.

MC39 The supply of alcohol shall be by waiter or waitress service only.

Statement of Licensing Policy

The following are section of Westminster City Council is appropriate in this case:

2.5.3 'The council is particularly concerned that restaurant premises in the cumulative impact areas do not, even in part, come to operate as 'vertical drinking' premises where customers consume alcohol standing throughout the evening.'

Licensing policy and cumulative impact

The Licensing Authority recognises in its Statement of Licensing Policy 2016 that Westminster has a substantial residential population and that the Council has a duty to protect it from nuisance (Policy 2.2.10).

This area has been identified by the City Council (Policy 2.4.1)) as a cumulative impact area because the cumulative effect of the concentration of late night and drink led premises and/or night cafes has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses. The Policy states that the extent of crime and disorder and public nuisance...arises from the number of people there late at night; a particular number of them being intoxicated, especially in the West End Cumulative Impact Area (Policy 2.4.1).

The policies in relation to the stress areas are directed at the global and cumulative effects of licences on the area as a whole (Policy 2.4.5). The policies are intended to be strict and will only be overridden in 'genuinely exceptional circumstances' (Policy 2.4.2).

The growth in the entertainment industry in Soho has led to a marked deterioration in the quality of life and well-being of local residents and it has jeopardised the sustainability of the community. Soho has a substantial residential community and many of these residents suffer from the problems identified in the 'Characteristics of Cumulative Impact Areas' (Policy Appendix 14). These include, but are not limited to, high levels of noise nuisance, problems with waste, urinating and defecating in the streets, threats to public safety, anti-social behaviour, crime and disorder and the change in character of historic areas.

Conclusion

Para 9.37 of the s182 Guidance requires the licensing authority to determine the application with a view to promoting the licensing objectives in the overall interests of the local community. For the reasons I have set out, we believe that the application, if granted in its present form, would fail to promote the licensing objectives of prevention of public nuisance and prevention of crime and disorder. I respectfully urge the Licensing Sub-Committee to reject this application. Please let me know if any proposals are made to amend the application; particularly in respect of the hours sought or any further conditions proposed.

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy RNT2 applies:	Policy RNT2 applies: Applications will be granted subject to other policies in this Statement and subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas.
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 CIP1 applies:	(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1. (ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.

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 Yolanda Wade Senior Licensing Officer
Contact:	Telephone: 020 7641 1884 Email: ywade@westminster.gov.uk

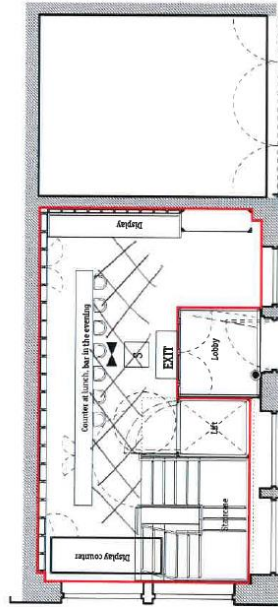
If you have any queries about this report or wish to inspect one of the background papers please contact the report author.

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

1	Licensing Act 2003	N/A
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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	18 th July 2016
5	Police Rep	28 th July 2016
6	EH Rep	15 th August 2016
7	Police Withdrawal of Rep	10 th August 2016
8	Mr David Kelly Rep	27 th July 2016
9	Tim Lord Rep	3 rd August 2016
10	Mr Simon Osborne-Smith Rep	27 th July 2016
11	Soho Society Rep	15 th August 2016
12	Licensing Service Rep	15 th August 2016
13	Licensing Service Withdrawal of Rep	22 nd August 2016
14	Mr David Kelly Withdrawal of Rep	27 th August 2016
15	Tim Lord Rep Withdrawal of Rep	30 th August 2016
16	Mr Simon Osborne-Smith Withdrawal of Rep	30 th August 2016

Proposed seats at bar	7
Gross floor	49sqm
Effective dining area	42sqm



THE LOCATION AND TYPE OF ANY FIRE SAFETY AND ANY OTHER SAFETY EQUIPMENT IS SHOWN AS AT PRESENT. THIS MAY BE VARIED FROM TIME TO TIME WITH THE AGREEMENT OF THE FIRE OFFICER OR AFTER A FIRE RISK ASSESSMENT ANYTHING SHOWN ON THIS PLAN WHICH IS NOT REQUIRED BY THE PLANNING REGULATIONS IS FOR ILLUSTRATIVE PURPOSES ONLY AND DOES NOT FORM PART OF THE LICENSE.

1 Proposed Ground Floor Plan
1:100

KEY

- EXIT - Illuminated fire exit sign
- S - Zone covered by emergency lighting.
- H - Smoke alarms and Fire alarms sounder.
- - Heat alarms.
- - Call point.
- - Areas where licensable activities take place

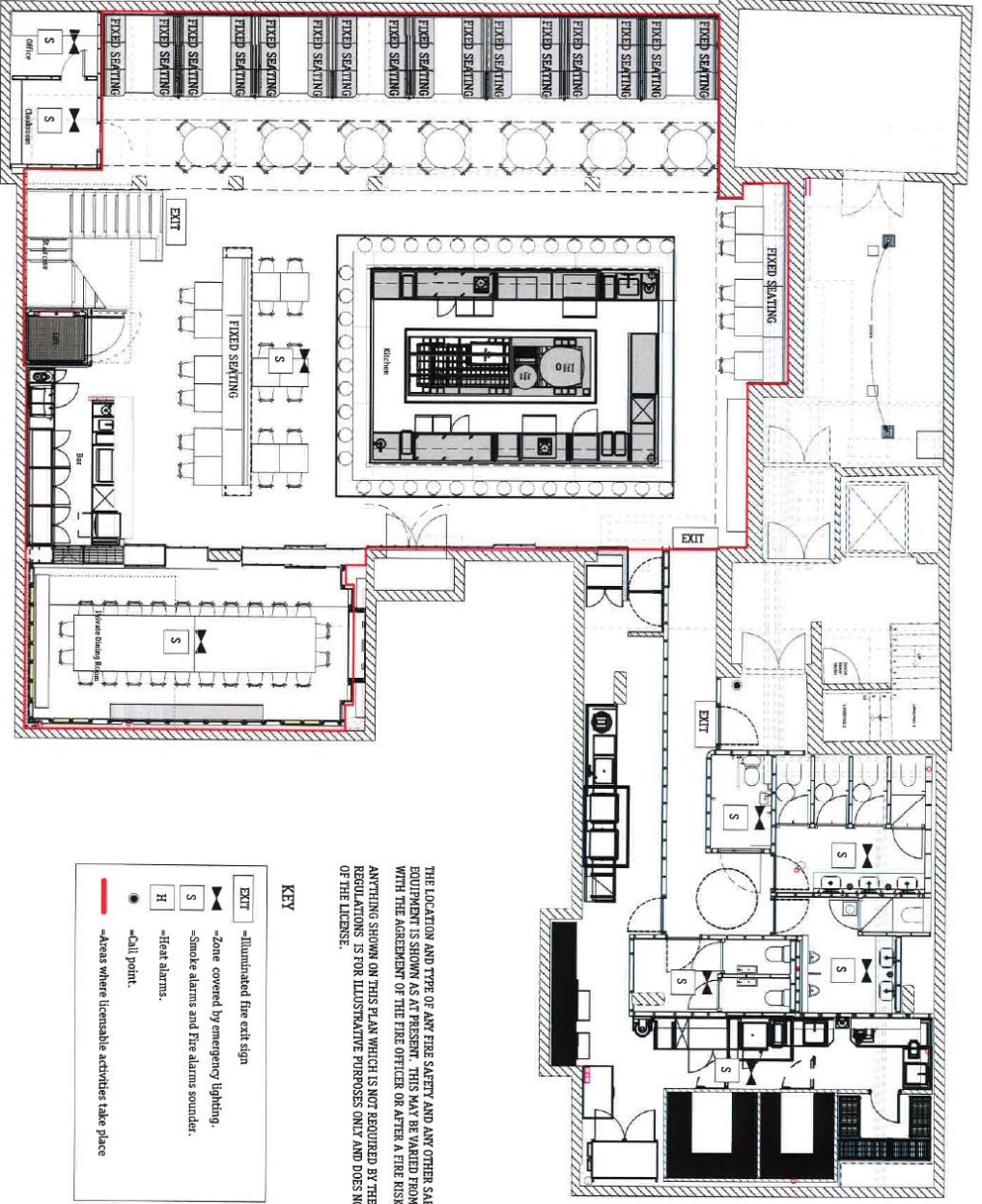
Notes

Revision	Date	Description
A	08/04/2015	Revised Licensing

Project	Cityville @ Duxley
Client	Manly & Partners
Drawing title	Proposed Ground Floor Plan
Drawing Date	11/09/14
Scale	1:100 @ A3
Drawn By	SW/AL/ES
Checked By	SW/AL/ES
Date	04/04/2015
Author	SW/AL/ES
Drawn	SW/AL/ES
Checked	SW/AL/ES
Date	04/04/2015
Author	SW/AL/ES
Drawn	SW/AL/ES
Checked	SW/AL/ES
Date	04/04/2015

This plan, when approved, shall be used only for the purposes for which it was approved and shall not be used for any other purpose without the written consent of the Council. It shall not be used for any other purpose without the written consent of the Council.

Proposed kitchen covers	37
Proposed dining covers	110
Proposed Party room covers	24
Total proposed covers	171
Gross floor	391sqm
Effective dining area	288sqm



THE LOCATION AND TYPE OF ANY FIRE SAFETY AND ANY OTHER SAFETY EQUIPMENT IS SHOWN AS AT PRESENT. THIS MAY BE VARIED FROM TIME TO TIME WITH THE AGREEMENT OF THE FIRE OFFICER OR AFTER A FIRE RISK ASSESSMENT. ANYTHING SHOWN ON THIS PLAN WHICH IS NOT REQUIRED BY THE PLANNING REGULATIONS IS FOR ILLUSTRATIVE PURPOSES ONLY AND DOES NOT FORM PART OF THE LICENSE.

1 Proposed Lower Ground Floor Plan
1:100

Project: *Quincy & Paddy*
Client: *Quincy & Paddy*
Address: *110-112, The Arcade, Dublin 1*
Scale: *1:100 @ A3*
Date: *May 2017*
Author: *MOLLIE*
Check: *A*

No Supporting Documents received

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
13/08650/LIPN	Application for a new premises licence	Granted by Licensing Sub Committee	14.01.2014
16/06598/LIPT	Application to Transfer premises licence from Shaftesbury Soho Ltd to Casper And Cole Ltd	Granted under Delegated Authority	11.07.2016
16/06604/LIPDPS	Application to Vary Designated Premises Supervisor	Granted under Delegated Authority	12.07.2016

There is no appeal history

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

When determining an application for a variation 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.

9. The premises shall install and maintain a 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

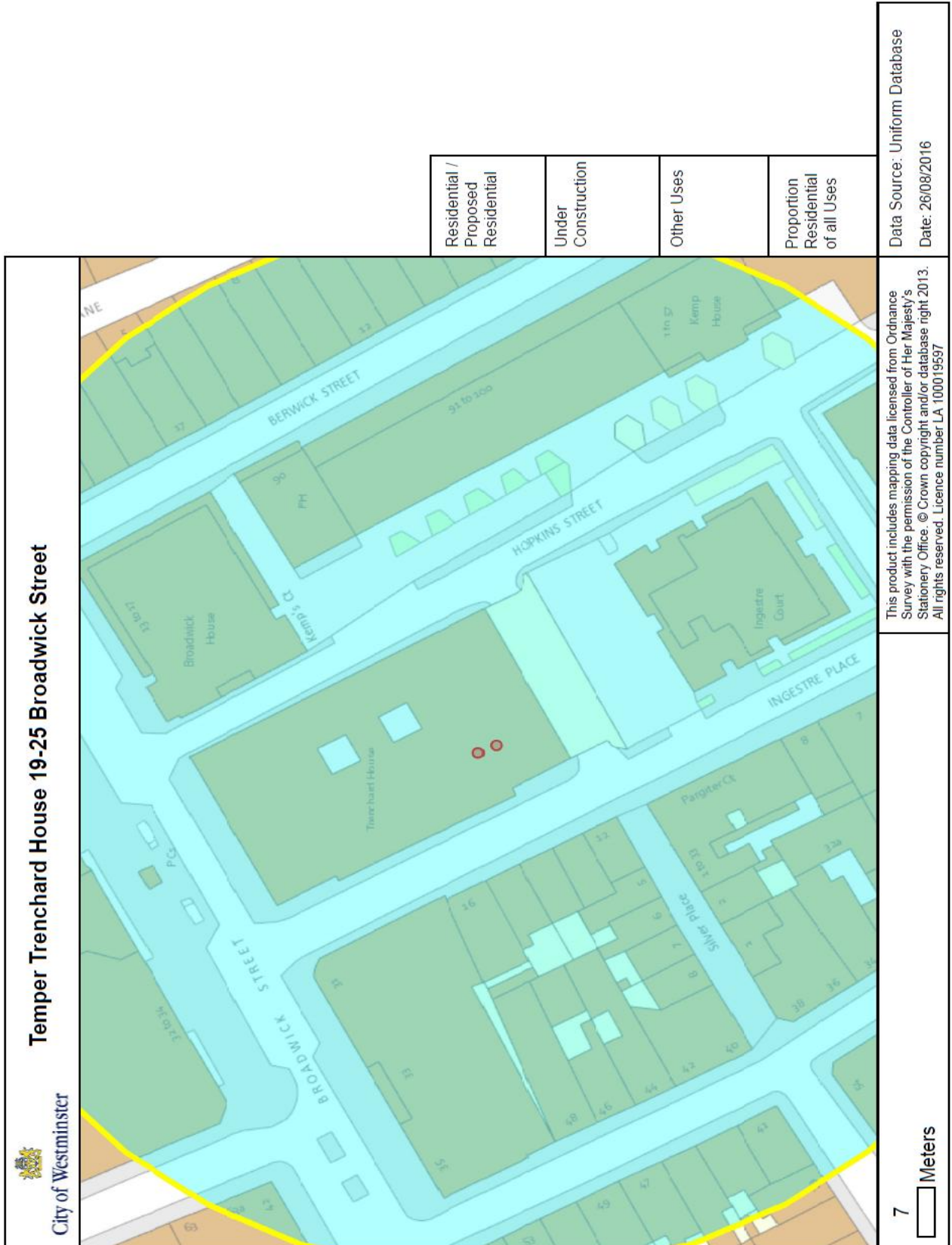
CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately 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 to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
11. Substantial food and suitable beverages other than alcohol, including drinking water, shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.
12. 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
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system or searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
13. Save in the area hatched black, 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.

In the area hatched black, the sale of alcohol will only be to persons taking a table meal or prior to a table meal. **(Proposed to extend to Ground Floor by Applicant)**
14. Patrons permitted to temporarily leave and then re-enter the premises to smoke shall not be permitted to smoke in Ingestre Place.
15. Bins and bottle banks to be located internally within the building
16. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
17. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
18. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.

19. No deliveries to, or removals from, the premises shall take place between 23.00 and 07.00 on the following day.
20. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
21. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open and be displayed in letters of not less than two inches to be visible from the outside of the premises.
22. 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.
23. 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.
24. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed 200 persons.
25. No drinks shall be taken outside the premises.
26. The Licence 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.
27. Before the Premises open to the public, the plans as provided with the application will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the Premises constructed and this condition has been removed from the Licence. Where the Premises layout has changed from the plans provided during the course of construction a variation application may be required.
28. 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.

Appendix 5



**Premises within 75 metres of: Temper Trenchard House 19-25
Broadwick Street**

p / n	Name of Premises	Premises Address	Licensed Hours
2213	Polpetto	11 Berwick Street London W1F 0PL	Friday to Saturday 09:00 - 00:00 Sunday 09:00 - 22:30 Monday to Thursday 09:00 - 23:30
31607	Aurora Restaurant	Basement And Ground Floor 49 Lexington Street London W1F 9AP	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-29089	Not Recorded	Trenchard House 19 - 25 Broadwick Street London W1F 0DF	Friday to Saturday 08:00 - 00:00 Monday to Thursday 08:00 - 23:30 Sunday 10:00 - 22:30
-2894	Andrew Edmunds	Basement And Ground Floor 46 Lexington Street London W1F 0LP	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
8928	Duck & Rice	90-91 Berwick Street London W1F 0QB	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sundays before Bank Holidays 12:00 - 00:00 Sunday 12:00 - 22:30
11612	Red Dog	Basement And Ground Floor 20 Berwick Street London W1F 0PY	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sundays before Bank Holidays 12:00 - 00:00 Sunday 12:00 - 22:30
16859	Bao	53 Lexington Street London W1F 9AS	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 22:30
30252	The Book Shop	12 Ingestre Place London W1F 0JF	Monday to Sunday 12:00 - 23:00
-26317	Mediterranean Cafe	18 Berwick Street London W1F 0PU	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-21178	Bar Du Marche	Ground Floor 19 Berwick Street London W1F 0PX	Monday to Friday 10:00 - 01:00 Saturday 11:00 - 01:00 Sunday 12:00 - 00:00
-19355	Mildred's Restaurant	45 Lexington Street London W1F 9AN	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
12094	Flat White Limited	17 Berwick Street London W1F 0PT	Monday to Friday 08:00 - 22:00 Saturday to Sunday 09:00 - 22:00 Sundays before Bank Holidays 09:00 - 23:00
15067	My Place	Basement And Ground Floor 21 Berwick Street London W1F 0PZ	Thursday to Saturday 07:00 - 00:00 Monday to Wednesday 07:00 - 23:30 Sundays before Bank Holidays 10:00 - 00:00 Sunday 10:00 - 22:30
26015	Duck & Rice First Floor	90-91 Berwick Street London W1F 0QB	Monday to Saturday 10:00 - 01:30 Sunday 12:00 - 01:30
27310	Fernandez And Wells	Basement And Ground Floor 43 Lexington Street London W1F 9AL	Sunday 08:00 - 22:00 Monday to Saturday 08:00 - 23:30

27501	Itsu	31 Broadwick Street London W1F 0DG	Monday to Sunday 09:00 - 21:30
27806	Yauatcha	Basement 15 - 17 Broadwick Street London W1F 0DE	Monday to Saturday 08:00 - 01:00 Sunday 10:00 - 00:00 Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
29432	Academy Club	First Floor Front 46 Lexington Street London W1F 0LP	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
-31636	Yauatcha	Basement And Ground Floor 15 - 17 Broadwick Street London W1F 0DE	Monday to Sunday 08:00 - 01:00