



City of Westminster

# Licensing Sub-Committee Report

Item No:	
Date:	17 November 2016
Licensing Ref No:	16/10032/LIPV - Premises Licence Variation
Title of Report:	The White Swan 14 New Row London WC2N 4LF
Report of:	Director of Public Protection and Licensing
Wards involved:	St James'
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Mr Nick Nelson Senior Licensing Officer
Contact details	Telephone: 020 7641 3431 Email: nnelson@westminster.gov.uk

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	Variation of a Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	19 September 2016		
<b>Applicant:</b>	Mitchells & Butlers Leisure Retail Limited		
<b>Premises:</b>	The White Swan		
<b>Premises address:</b>	14 New Row London WC2N 4LF	<b>Ward:</b>	St James'
		<b>Cumulative Impact Area:</b>	West End
<b>Premises description:</b>	The premises operates over the basement, ground, first and second floors as a bar and restaurant. Licensable activities are restricted to the ground and first floors only by condition 16 on the current licence.		
<b>Variation description:</b>	<p>To remove conditions 17, 18 and 19 from the current premises licence (14/09721/LIPVM) relating to the First Floor and replace them with alternative conditions (see <b>Appendix 4</b>).</p> <p>Currently, the conditions restrict use to restaurant only with provision for 10 persons dining to use the designated bar area. The applicant wishes to operate private and corporate pre-booked functions with a buffet style food offer, which the conditions currently do not permit.</p>		
<b>Premises licence history:</b>	The premises, under the current licence holder, has held a premises licence since at least 2005 and previously operated as O'Neills Public House. This licence was surrendered on 8 May 2012. The current licence was first granted on 18 August 2011.		
<b>Applicant submissions:</b>	The applicant has proposed two conditions in the operating schedule (see <b>Appendix 4</b> ).		

1-B Current and proposed licensable activities, areas and hours						
Late night refreshment						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
<b>Monday</b>	23:00	23:30	No change		Ground & first floor	No change
<b>Tuesday</b>	23:00	23:30	No change		Ground & first floor	No change
<b>Wednesday</b>	23:00	23:30	No change		Ground & first floor	No change
<b>Thursday</b>	23:00	23:30	No change		Ground & first floor	No change

<b>Friday</b>	23:00	00:00	No change	Ground & first floor	No change
<b>Saturday</b>	23:00	00:00	No change	Ground & first floor	No change
<b>Sunday</b>	N/A	N/A	No change	Ground & first floor	No change
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>			<b>Proposed:</b>	
	The terminal hour on New Year's Eve is extended until 05:00 hours on New Year's Day.			No change	
	Sundays before Bank Holidays: 23:00 – 00:00			No change	

<b>Sale by Retail of Alcohol</b>						
<b>On or off sales</b>			<b>Current :</b>		<b>Proposed:</b>	
			On and off sales		No change	
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Licensable Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	10:00	23:30	No change		Ground & first floor	No change
<b>Tuesday</b>	10:00	23:30	No change		Ground & first floor	No change
<b>Wednesday</b>	10:00	23:30	No change		Ground & first floor	No change
<b>Thursday</b>	10:00	23:30	No change		Ground & first floor	No change
<b>Friday</b>	10:00	00:00	No change		Ground & first floor	No change
<b>Saturday</b>	10:00	00:00	No change		Ground & first floor	No change
<b>Sunday</b>	12:00	22:30	No change		Ground & first floor	No change
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>			<b>Proposed:</b>		
	The terminal hour on New Year's Eve is extended until 10:00 hours on New Year's Day.			No change		
	Sundays before Bank Holidays: 12:00 – 00:00			No change		

<b>Hours premises are open to the public</b>						
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Premises Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	07:00	23:30	No change		Ground & first floor	No change
<b>Tuesday</b>	07:00	23:30	No change		Ground & first floor	No change
<b>Wednesday</b>	07:00	23:30	No change		Ground & first floor	No change
<b>Thursday</b>	07:00	23:30	No change		Ground & first floor	No change
<b>Friday</b>	07:00	00:00	No change		Ground & first floor	No change
<b>Saturday</b>	07:00	00:00	No change		Ground & first floor	No change
<b>Sunday</b>	07:00	22:50	No change		Ground & first floor	No change
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>			<b>Proposed:</b>		
	The terminal hour for opening hours on New Year's Eve is extended until 10:00 hours on New Year's Day.			No change		
	Sundays before Bank Holidays: 07:00 – 00:00			No change		

<b>1-C Conditions being varied, added or removed</b>		
<b>Conditions to be removed:</b>		
17. On the first floor the supply of alcohol shall be by waiter or waitress service only.		
18. On the first floor 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.		
19. Notwithstanding the condition above, alcohol may be supplied and consumed prior to their meal in the designated bar area marked as servery on the plan, by up to a maximum at any one time, of 10 persons dining at the premises.		
<b>Conditions to be added:</b>		
On the first floor, the sale of alcohol shall be by waiter/waitress service and shall only be to persons seated taking a table meal there for consumption by such person as ancillary to their meal with the exception of the following:		
<ul style="list-style-type: none"> <li>a) Persons waiting to dine or who have dined, (up to a maximum of 10), may be supplied with alcohol in the designated bar area marked as servery upon the plan; and</li> <li>b) Persons attending a pre-booked private or corporate function where alcohol shall be served ancillary to substantial refreshment.</li> </ul>		
The DPS or other management staff at the premises shall participate in local Pubwatch meetings, if operating.		
<b>Adult entertainment:</b>	<b>Current position:</b>	<b>Proposed position:</b>
	Adult entertainment is restricted by conditions 14 and 15 on the current licence.	No change

## 2. Representations

<b>2-A Responsible Authorities</b>	
<b>Responsible Authority:</b>	Environmental Health
<b>Representative:</b>	Mr Maxwell Koduah
<b>Received:</b>	11 October 2016
I wish to make the following representation:	
<p>1. Replacing conditions 17, 18 &amp; 19 of current premises license and replacing them as above will have the likely effect of causing an increase in Public Nuisance within the West End Cumulative Impact area.</p> <p>The granting of the application as presented would have the likely effect of causing an increase in Public Nuisance within the West End Cumulative Impact area.</p>	

The applicant has provided some conditions in support of the application which are being considered but do not fully address the concerns of Environmental Health.

<b>Responsible Authority:</b>	Licensing Authority
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<b>Representative:</b>	Mr Steve Rowe
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<b>Received:</b>	17 October 2016
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I write in relation to the application submitted for a variation of the Premises Licence for the above premises.

As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011 the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the Licensing Objectives:

- Public Nuisance
- Prevention of Crime & Disorder
- Public Safety
- Protection of Children from Harm

As it stands the application does contravene Westminster's Statement of Licensing Policies CIP1, RNT2 and PB2. The application seeks to remove conditions 17, 18 and 19 of Premises Licence 14/09721/LIPVM and replace them with:

'On the first floor, the sale of alcohol shall be by waiter/waitress service and shall only be to persons seated taking meal there for consumption by such person as ancillary to their meal with the exception of the following:

Up to 10 persons waiting to dine or who have dined may be supplied with alcohol in the designated bar area marked as servery on the plan.

Persons attending a pre-booked private or corporate function where alcohol shall be served ancillary to substantial refreshment. The alcohol service shall be by way of waiter/waitress or bar service'.

The premises is located inside the Cumulative Impact Area.

Policy CIP1 states (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. However part (ii) states: 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.

Policy RNT2 which relates to restaurants within the CIA states '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.

Paragraph 2.5.3 of the Council's Policy relating to restaurants states in part that '.....The

Council is particularly concerned that restaurant premises in the cumulative impact areas do not, even in part, come to operate as bars and particularly not as “vertical drinking” premises where customers consume alcohol standing throughout the evening.’

Policy PB2 which relates to pubs and bars states ‘It is the Licensing Authority’s policy to refuse applications in the CIA other than applications to vary the hours within the core hours under policy HRS1’.

Please therefore accept this as a formal representation, further details will be provided in due course including a discussion relating to conditions.

2-B Other Persons			
<b>Name:</b>		Mrs Tanja Howarth	
<b>Address and/or Residents Association:</b>		19 New Row London	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	16 October 2016		
<p>I have not been able to find out what kind of variation of their licence has been applied for. Please e-mail details. If it is a request for extended opening hours, I want to object strongly. New Row's residents are already subjected to massive noise caused by people standing outside the White Swan and the Roundhouse drinking alcohol, shouting and often singing. This goes on well into midnight and 1 p.m. Now that the street has been pedestrianised, this will have a further impact with crowds walking from Leicester Square and Garrick Street. Has the Covent Garden Community Association been informed of this variation of license?</p> <p>Further details of the application were provided to Mrs Howarth on 19 October 2016. At the time of writing, no further comment has been received.</p>			

### 3. Policy & Guidance

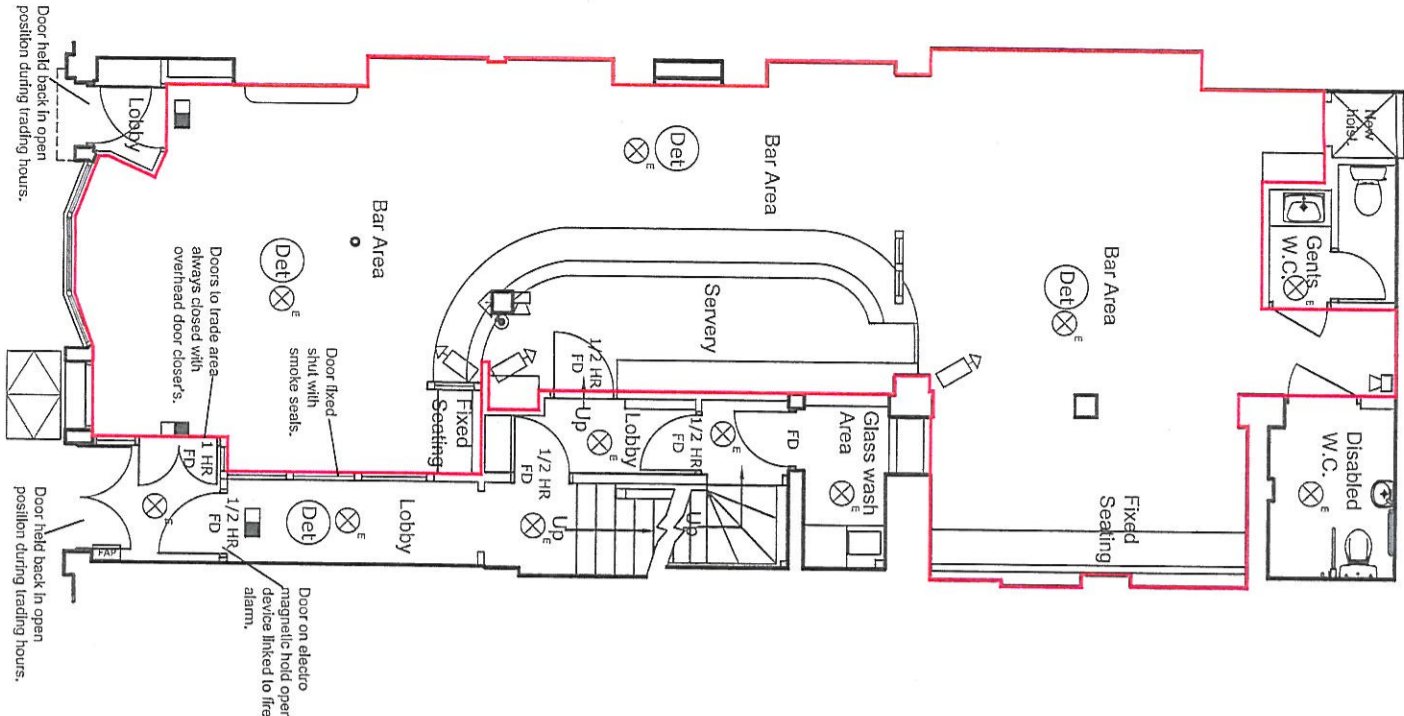
The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<b>Policy CIP1 applies</b>	<p>(i) It is the Licensing Authority’s policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.</p> <p>(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.</p>
<b>Policy PB2 applies</b>	It is the Licensing Authority’s policy to refuse applications in the Cumulative Impact Areas other than applications to vary hours within the Core Hours under Policy HRS1.

#### 4. Appendices

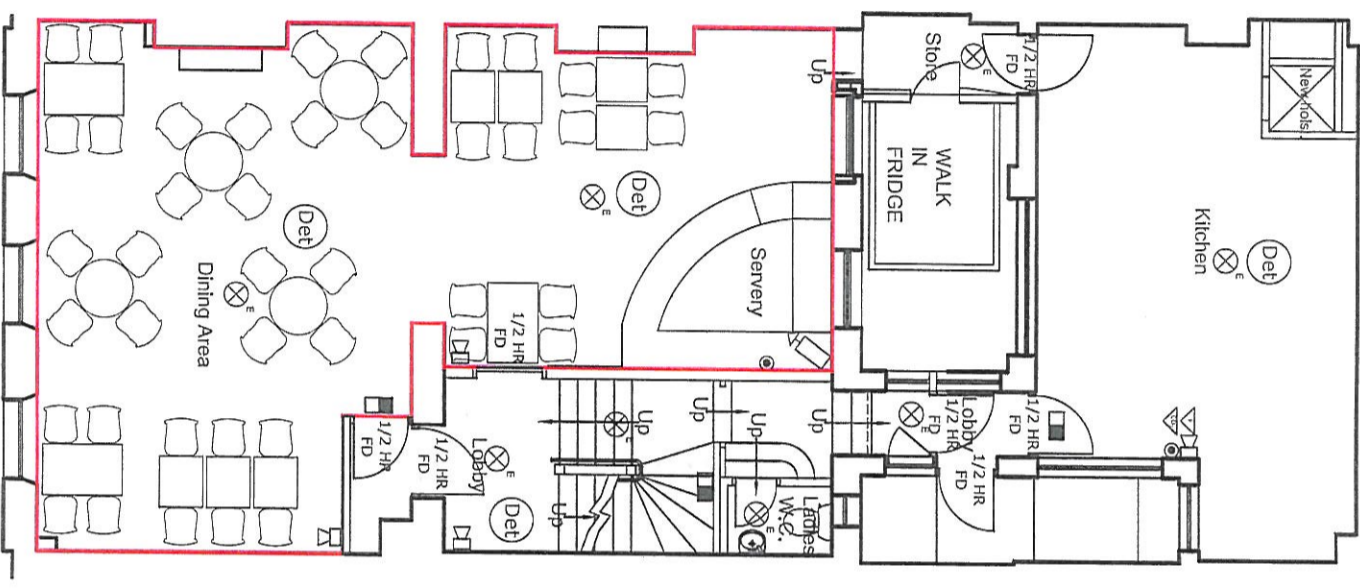
<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents - none
<b>Appendix 3</b>	Premises history
<b>Appendix 4</b>	Proposed conditions
<b>Appendix 5</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Mr Nick Nelson Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 3431 Email: <a href="mailto:nnelson@westminster.gov.uk">nnelson@westminster.gov.uk</a>

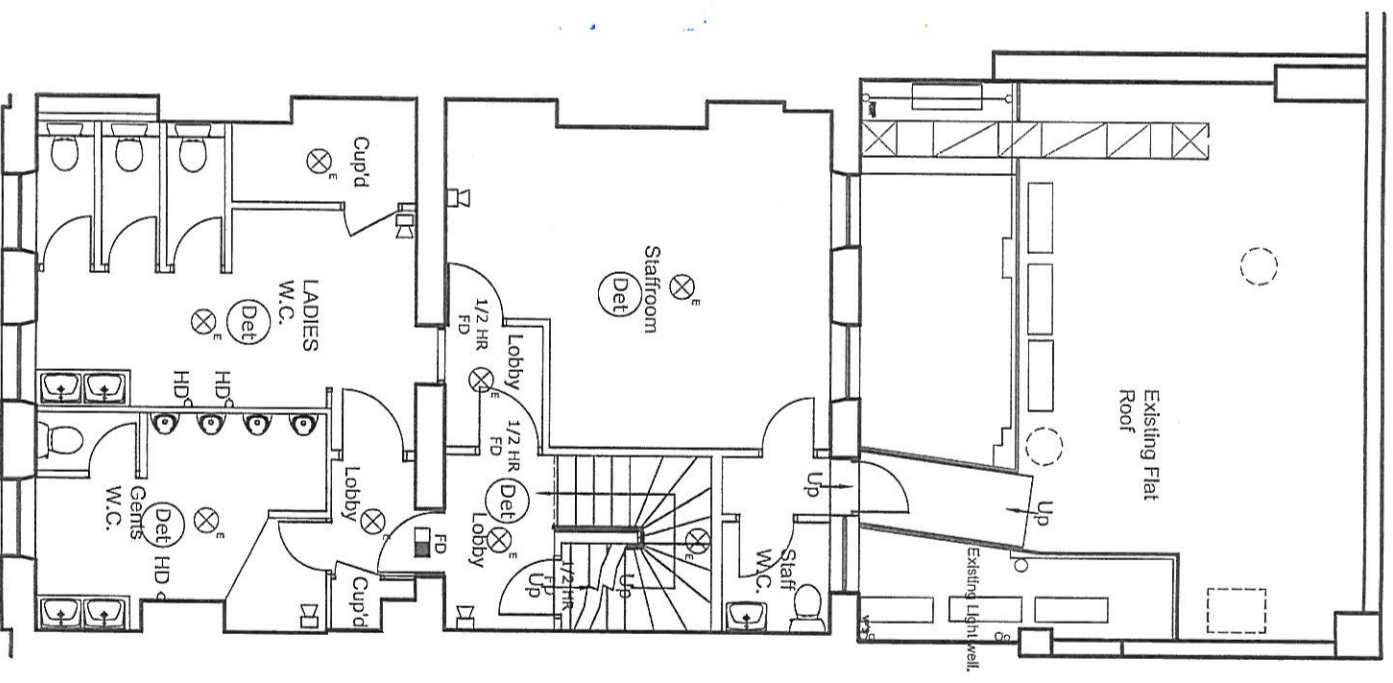
# Appendix 1 - Plans



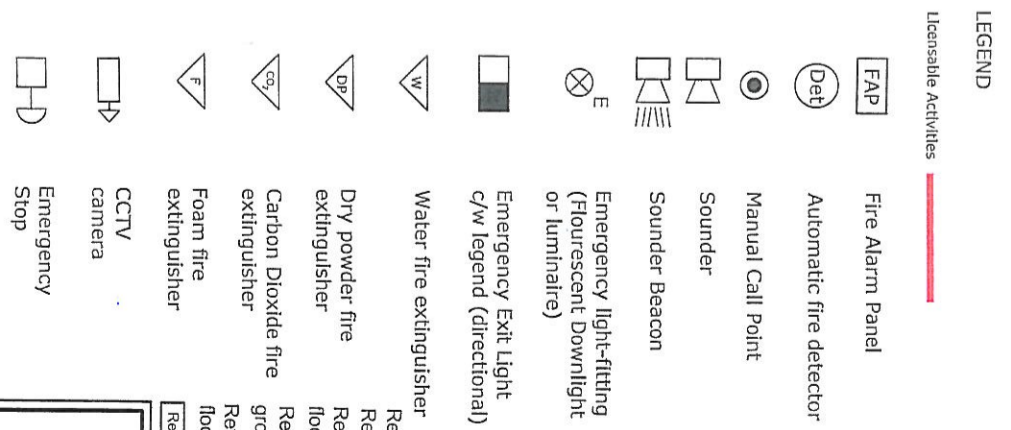
Proposed Ground Floor Plan



Proposed First Floor Plan



Proposed Second Floor Plan



Rev E 12.07.12. Screen removed.  
 Rev D 01.5.12 Note amended.  
 Rev C 30.3.12 Lobby added to first floor plan.  
 Rev B 16.8.11 Gents toilets added to ground floor and ladies to first floor.  
 Rev A 7.6.11 Furniture added to 1st floor.

**ARC DESIGN ASSOCIATES**

51 - 55 Fowler Road  
 Hainault  
 Essex IG6 3XE  
 Tel: 020 3559 8656  
 Fax: 020 3559 8777

Note :-  
 This drawing must not be scaled. All dimensions and levels must be checked on site and any discrepancies are to be reported to ARC DESIGN ASSOCIATES prior to manufacture.

**Mitchells & Butlers**  
 27 Fleet Street  
 Buryhampton  
 BS 3 1LP  
 Tel: 0203 609 3000  
 www.mitchells.com

CLIENT: Mitchells & Butlers  
 PROJECT: O'Neills  
 14 New Road  
 London WC2N 4LF

TITLE: Proposed Ground, First & Second Floor Licensing Plans  
 ISSUE

Scale: 1:100  
 Date: May 11  
 Drawn: MA

Drawing No. 1605/L02  
 Rev. E



DRAINAGE (above ground)

Soil waste pipe work & fittings to BS 4514:1983  
Sanitary pipe work to BS 5254:1976 & BS5572:1978

WASTE PIPE WORK SCHEDULE:

50mm  $\phi$  Urinal: Falls 18-90mm/m run  
50mm  $\phi$  W.H.B: Falls 18-45mm/m run  
100mm  $\phi$  Soil: Falls 9-90mm/m run

BRANCH CONNECTIONS:

32mm  $\phi$  W.H.B: Max 1700mm run  
40mm  $\phi$  W.H.B: Max 3000mm run  
40mm  $\phi$  Sink: Max 3000mm run (Falls 18-90mm/m run)  
50mm  $\phi$  Sink: Max 4000mm run (Falls 18-90mm/m run)  
100mm  $\phi$  Soil: Max 6000mm run (Falls 9mm/m run)

All wastes fitted with min 75mm deep seal traps to BS 3249:1979  
Wastes/Appurtenances exceeding max runs to be fitted anti-siphon type bottle traps to Building Inspectors approval.

SOIL STACKS:

Main 100mm  $\phi$  ventilating pipe work terminating min 900mm above any opening into building.  
SOIL STACKS:  
DURGOL type or sim. approved air venting device installed at Ht. above flood level of highest sanitary fitting. All stacks to be ventilated (spec as described) and to be adequately cleaned etc.  
Fitted at base of stacks/changes in direction

DRAINAGE (Below ground).

All drainage works to comply with C.P. BS 8301:1985.

Drains to be laid in 110mm  $\phi$  OSMA/RAIN by Wavin Building Products Ltd or sim. approved PVC-U underground drainage system with flexible joints to BS 4660:1989. Drains to be laid in min 1 IN 40 Falls on min 100mm granular bedding & surround to BS 882:1982 Table 4 or BS 8301:1985 Appendix 'D'. Backfilling of min 100mm selected granular material free from stones larger than 40mm  $\phi$

DRAINS PASSING THRO' WALLS/FDMS:

Lay rocker pipes comprising pipe cast into wall max. 150mm projections each side, connect max 600mm long rocker pipes both sides with flexible joints.

MANHOLE CONSTRUCTION (F.W.):

150mm plain in-situ conc. base slab -150mm thick. All manhole openings to BS5911:1989 bedded & sealed with mortar on min 100mm lean mix conc. surround.

INSPECTION CHAMBERS (S.W.):

450mm  $\phi$ OSMA type PVC-U universal I.C to BS 7158:1989 with multi-base invert unit on min 100mm granular bedding 150mm granular backfill/surround.

MANHOLE COVER & FRAMES:

Cast iron by Glymed Foundry Products Ltd or sim. approved to BS EN 124:1994 to the following spec.

EXT MANHOLES: 'Chiltern' L.D. Recessed single seal size 690x340 Ref:3352  
INT MANHOLES: 'Chavot' L.D Recessed double seal upright size 780x620 Ref:3671

Depth of recessed covers to suit floor finishes.

INSPECTION CHAMBERS: Grade 'C' s.s. screw down type ductile iron to BS EN 124: 1994 with frame set into min 150mm deep conc surround

GULLIES: OSMA type or sim. approved PVC-U bottle type gully to BS 4660:1989 set on conc. base and haunching.

INTERNAL ALTERATIONS.

ALTERATIONS TO BE READ IN CONJUNCTION WITH CONSULTING STRUCTURE'S AND DETAILS.

EXTG OPENINGS:

Window/door frames removed and openings infilled with lightweight blockwork (unless other wise indicated), thickness to suit wall, make good in plaster/render to spec finishes to match existing.


NEW OPENINGS:

Walls to be carefully taken down and cut back to suit opening joints, make good reveals & floor finishes.  
Insert new beams, form and bearings as necessary to struct.  
Edges details.  
Use concrete to provide adequate temporary support structures pending etc. to edge structure are necessary during site operations (refer to H&S risk assessment site specific).

INTERNAL WALLS/PARTITIONS.

NON-LOADBEARING PARTITIONS:  
100x50 timber studs @ 400mm c/s lined both sides, with 1 NO. layer 12.5mm gyfroc wallboard with 5mm plaster finish

WASH-UP AREAS/TOILETS:

Partitioning lined with 12.5mm gyfroc moisture resistant wallboard, joints taped and sealed with 5mm plaster finish.  
Indicates 1/2 Hour F.R const thus: 

1/2 HOUR F.R CONSTRUCTION:

Partitioning as described, but lined both sides with 1 NO. layer 15mm gyfroc, 'Fleehine' board joints taped & sealed with 5mm plaster finish.

PUBLIC AREAS & TOILETS:

As described but lined both sides with composite 1 NO. layer 12.5mm gyfroc wallboard on 1 NO. layer 9mm W.P.S plywood sheathing.

FIRE DOORS & SIGNAGE.

All fire resisting door & frame assemblies to comply with performance criteria & requirements BS 478: part 22 & 28 and fitted with approved self closing devices, cold seals and fluorescent strips with min 4mm gap between door & frame.

**[FB]** Door held in the open position during business hours

**[FD30s]** 30min fire resisting door & frame

**[FD60s]** 60min fire resisting door & frame

**[SC]** Approved self closing device: overhead closers in public areas.

**[VP]** Vision panel: comprising 6.5mm 'Pyran' or sim. approved F.R. clear glazing in 25x25mm H.W timber heading and bedded in fluorescent compound.

**[ST1]** 'Fire door keep locked' sign.

**[S20]** 'Fire door keep clear' sign min 100mm high lettering

**[S22]** 'Fire exit' or 'emergency' exit notices, min 75mm lettering, with directional arrow where necessary, pointing in direction of escape.

Emergency release device/push bar fastening with Push Bar to Open sign min 75mm high lettering

**[PB]** All Emergency Signage to BS 54499 Part 1 1990

FIRE PROTECTION.

SAVP AND SERVICE DUCTS:

Where passing thro' compartment/fire enclosures to be fire stopped with Sealmaster type TC1 pipe ducer of similar approved fluorescent type fire collar to achieve min. 1 Hr. F.R.

PARTITION ADJUTMENT WITH SOFFITS:

Fire stopping to min. 15mm gap comprising Corofil Fire wall Ref C144 or similar approved high density mineral fibre fire stopping spec. 15x100 wide strip (or to suit width of partition).

STRUCTURAL STEEL WORK:

All new beams/columns to be fire protected to achieve min 1 Hr. F.R.  
Encasement: 2No. layer 12.5mm gyfroc Fireline boards, staggered with joints taped and sealed, with 5mm Plaster finish.  
Fire linings fixed to min. 50x50mm (finished size) S.W treated timber battens

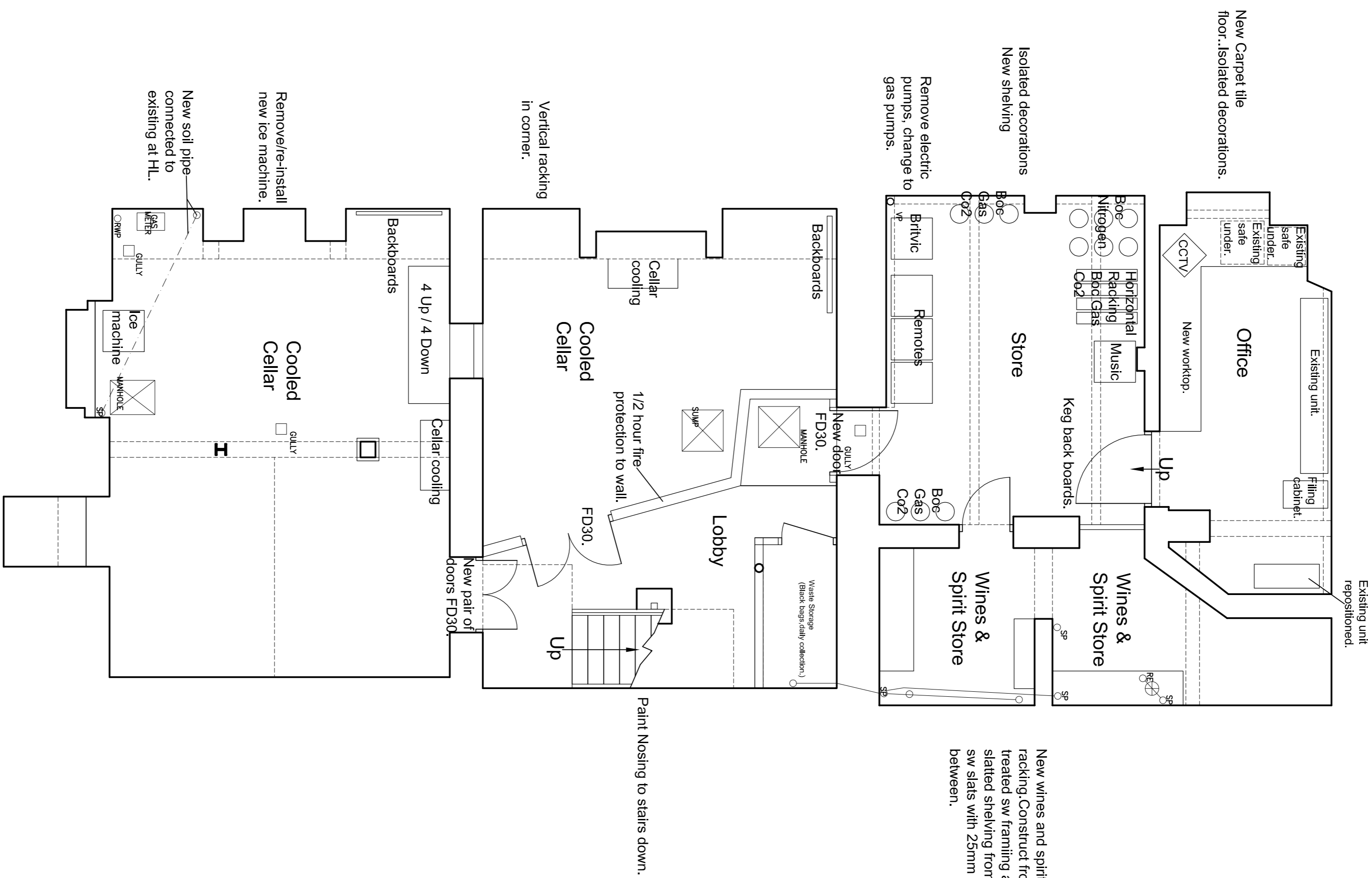
Fire protection to steel work to be calculated by HPA values in accordance with design tables of the ASFRCA Yellow Book Fire Protection for Structural Steel in Buildings (1992 edition)

GLAZINGS.

All new glazing panels to lobby screens, sidelights, doors to be fitted with toughened safety glass to BS 02507:1981

Following conditions :-

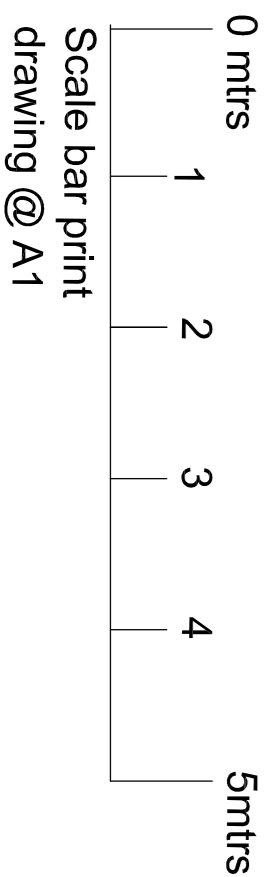
- a) All doors and glazing below 1500mm above FFL
- b) All windows and glazing below 800mm above FFL



New wines and spirits racking Construct from 50x50mm treated sw framing and 3rows of slatted shelving from ex50x25mm sw slats with 25mm gaps between.

Paint Nosing to stairs down.

**Proposed Basement Plan**



**Note :-**  
This drawing must not be scaled. All dimensions and levels must be checked on site and any discrepancies are to be reported to ARC DESIGN ASSOCIATES prior to manufacture.

**ARC DESIGN ASSOCIATES**  
51 - 55 Fowler Road  
Essex CB8 3AE  
Hemel Hempstead  
Tel: 020 5559 8586  
Fax: 020 5559 8777

Rev	Date
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- Rev F 20/04/12 Cellar cooling added.
- Rev E 04/04/12 Office details added.
- Rev D 28/03/12 Minor amendments.
- Rev C 27/09/11 Drainage from second floor revised.
- Rev B 05/09/11 Waste Storage noted.
- Rev A 29/07/11 Proposed drainage positions and runs added.

**Mitchells & Butlers**  
27 Fleet Street  
Bromington  
B3 1JP  
Tel: 0870 609 3000  
www.mnbic.com

**CLIENT**  
Mitchells & Butlers

**PROJECT**  
O'Neills,  
14 New Row,  
London WC2N 4LF

**TITLE**  
Proposed Basement  
Plan

**ISSUE**

Scale:	Drawing No.	Rev.
1:50@A1	1605/03	F
Date: Dec 10		
Drawn: MA		

### Licence & Appeal History

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
05/04272/LIPCV Conversion application	Application to convert the premises licence under the Licensing Act 2003	14.07.2005	Granted by Licensing Sub-Committee
06/01443/LIPDPS Vary DPS	Application to vary the designated premises supervisor	03.03.2006	Granted under delegated authority
06/09256/LIPDPS Vary DPS	Application to vary the designated premises supervisor	27.09.2006	Granted under delegated authority
07/00416/LIPDPS Vary DPS	Application to vary the designated premises supervisor	01.02.2007	Granted under delegated authority
07/02787/LIPDPS Vary DPS	Application to vary the designated premises supervisor	08.05.2007	Granted under delegated authority
07/03325/LIPV Variation application	Application to vary the premises layout	13.05.2007	Granted under delegated authority
09/03686/LIPV Variation application	Application to vary the premises layout	17.06.2009	Granted under delegated authority  Licence surrendered 08.05.2012
11/06445/LIPN New application	Application for a new premises licence	18.08.2011	Granted by Licensing Sub-Committee
12/02728/LIPVM Minor variation	Application to vary the layout of the premises	26.04.2012	Granted under delegated authority
12/03569/LIPDPS Vary DPS	Application to vary the designated premises supervisor	20.06.2012	Granted under delegated authority
12/06279/LIPVM Minor variation	Application to vary the layout of the premises	07.08.2012	Granted under delegated authority

13/00030/LIPDPS Vary DPS	Application to vary the designated premises supervisor	27.02.2013	Granted under delegated authority
13/09840/LIPDPS Vary DPS	Application to vary the designated premises supervisor	19.12.2013	Granted under delegated authority
14/09721/LIPVM Minor variation	Application to vary the opening commencement to 07:00 Monday to Sunday (no change to existing licensable activity hours)	26.11.2014	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 a new premises licence under the provisions of the Licensing Act 2003, the licensing authority must, unless it decides to reject the application, grant the licence subject to the conditions which are indicated as mandatory in this schedule.

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

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

**Conditions: On Current Licence -**

**Mandatory:**

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

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

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

A responsible person in relation to a licensed premises means the holder of the 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 a Metropolitan Police Crime Prevention Officer. 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. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
- 10. Toughened glass shall be used at the premises.
- 11. Customers shall be encouraged to leave the premises quietly.
- 12. Any music played at the premises shall be at such a level so as to be conducive to conversation.
- 13. A proof of age scheme, such as Challenge 21, shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.
- 14. No entertainment, performance, service, or exhibition involving nudity or sexual stimulation which would come within the definition of a sex establishment in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Greater London Council (General Powers) Act 1986 (whether or not locally adopted), shall be provided.
- 15. There shall be no striptease or nudity, and all persons shall be decently attired at all times.

16. Licensable activities shall be restricted to the ground and first floor only.
17. On the first floor the supply of alcohol shall be by waiter or waitress service only.

*Proposed to be removed by the applicant*

18. On the first floor 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.

*Proposed to be removed by the applicant*

19. Notwithstanding the condition above, alcohol may be supplied and consumed prior to their meal in the designated bar area marked as servery on the plan, by up to a maximum at any one time, of 10 persons dining at the premises.

*Proposed to be removed by the applicant*

20. Substantial food and suitable beverages other than intoxicating liquor (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.
21. Subject to condition 22, all sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
22. Drinks may be consumed outside the premises but only until 23:00 hours.
23. There shall be no sales of hot food or hot drink for consumption off the premises after 23:00 hours.
24. No deliveries to the premises shall be arranged between 23:00 hours and 08:00 hours.
25. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 23:00 hours and 07:00 hours.
26. The pavement immediately outside the premises shall be swept and or washed.
27. All external doors and windows shall be kept closed after 21:00 hours, except for immediate access and egress of persons.
28. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
29. Clearly legible notices shall be displayed at all exits from the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.
30. No entertainment, performance, service, or exhibition involving nudity or sexual stimulation which would come within the definition of a sex establishment in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as



amended by the Greater London Council (General Powers) Act 1986 (whether or not locally adopted), shall be provided.

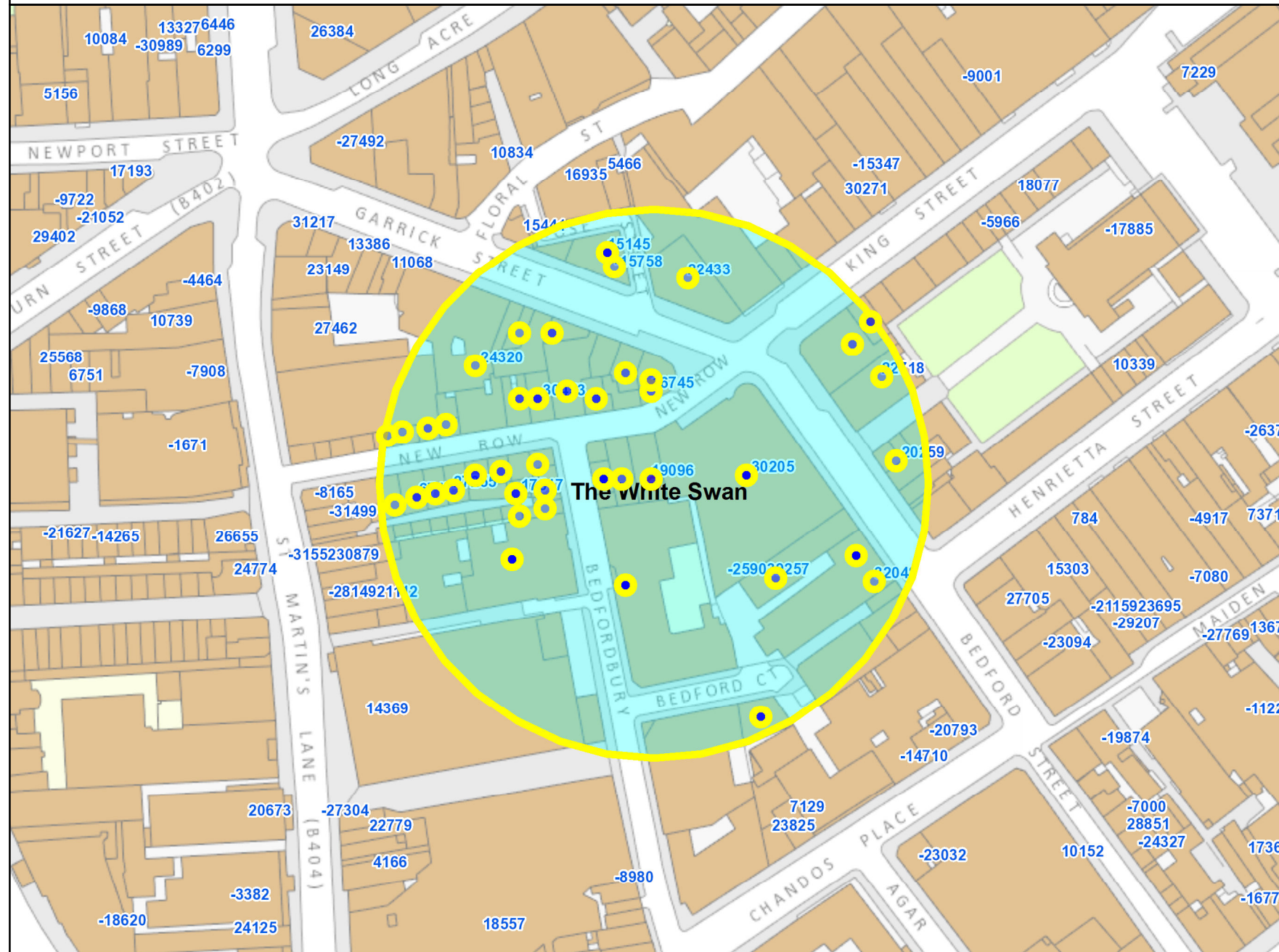
31. There shall be no striptease or nudity, and all persons shall be decently attired at all times.
32. The number of persons accommodated at any one time (excluding staff) shall not exceed the following:  
  
First Floor - 50.
33. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.
34. 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
  - (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.
35. There shall be no access by patrons to the roof terrace of the premises at any time and no access by staff or residents of the premises between 22:00 hours and 08:00 hours, save for emergency.
36. The terminal hour for licensable activities and opening hours on New Year's Eve are extended until 10:00 hours on New Year's Day.

**Conditions proposed by the applicant:**

37. On the first floor, the sale of alcohol shall be by waiter/waitress service and shall only be to persons seated taking a table meal there for consumption by such person as ancillary to their meal with the exception of the following:
  - a) Persons waiting to dine or who have dined, (up to a maximum of 10), may be supplied with alcohol in the designated bar area marked as servery upon the plan; and
  - b) Persons attending a pre-booked private or corporate function where alcohol shall be served ancillary to substantial refreshment.
38. The DPS or other management staff at the premises shall participate in local Pubwatch meetings, if operating.



# The White Swan, 14 New Row



Residential / Proposed Residential	181
Under Construction	None
Other Uses	None
Proportion Residential of all Uses	None

10  
 Meters

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Data Source: Uniform Database  
 Date: 02/11/2016

**Premises within 75 metres of: The White Swan, 14 New Row**

<b>p / n</b>	<b>Name of Premises</b>	<b>Premises Address</b>	<b>Licensed Hours</b>
-30453	Benito's Hat	Ground 19 New Row London WC2N 4LA	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-24320	Garrick Club	15 Garrick Street London WC2E 9AY	Monday to Sunday 07:00 - 01:30
-20259	Pasta Brown	31 Bedford Street London WC2E 9EH	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-6717	Cafe Nuvo	4 New Row London WC2N 4LH	Monday to Sunday 08:00 - 23:00
19096	The White Swan	14 New Row London WC2N 4LF	Friday to Saturday 07:00 - 00:00 Sundays before Bank Holidays 07:00 - 00:00 Sunday 07:00 - 22:50 Monday to Thursday 07:00 - 23:30
22433	Carluccio's	2A Garrick Street London WC2E 9BH	Friday to Saturday 08:00 - 00:00 Monday to Thursday 08:00 - 23:30 Sunday 10:00 - 22:30
27255	Grand Indian 1 Restaurant	6 New Row London WC2N 4LH	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-30205	Tesco	22-25 Bedford Street London WC2E 9EQ	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30
-25903	Concert Artistes Association	20 Bedford Street London WC2E 9HP	Monday to Saturday 11:00 - 01:00 Sunday 12:00 - 22:30
-17517	Giovanni's Restaurant	10 Goodwin's Court London WC2N 4LL	Monday to Saturday 10:00 - 15:00 Sunday 12:00 - 15:00 Sunday 18:00 - 00:00 Monday to Saturday 18:00 - 00:30
-15758	Com Viet	2 Garrick Street London WC2E 9BH	Monday to Sunday 10:00 - 00:30
9257	Adventure Bar	Ground Floor And Basement 20 Bedford Street London WC2E 9HP	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
15145	Steak & Co	4 - 6 Garrick Street London WC2E 9BH	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
16745	Round House	1 Garrick Street London WC2E 9AR	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 - 23:00
22718	Paul Patisserie	Ground Floor Inigo House 29 Bedford Street London WC2E 9ED	Monday to Saturday 07:30 - 23:30 Sunday 09:00 - 23:00
32048	Restaurant	17 Bedford Street London WC2E 9HP	Monday to Saturday 09:00 - 00:00 Sunday 09:30 - 23:00

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

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

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
<b>4</b>	Application form	19 September 2016
<b>5</b>	Current licence	5 February 2015