



City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	25 May 2017
Licensing Ref No:	17/03126/LIPV - Premises Licence Variation
Title of Report:	Duck & Rice 90-91 Berwick Street London W1F 0QB
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:	23 March 2017		
Applicant:	Duck & Rice Limited		
Premises:	Duck & Rice		
Premises address:	90-91 Berwick Street London W1F 0QB	Ward:	West End
		Cumulative Impact Area:	Yes
Premises description:	The premises are currently operated as a restaurant on the first floor and a bar on the ground floor with an outside area for tables and chairs.		
Variation description:	<p>According to the application the applicant is seeking to vary conditions on premises licence (15/05416/LIPDPS)</p> <ul style="list-style-type: none"> To amend Conditions 23, 24, 27 and 28 as follows:- <p>Amend Condition 23 to read: There shall be no sales of alcohol for consumption off the premises after 22:00 hours.</p> <p>Amend Condition 24 to read: After 22:00 hours, patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.</p> <p>Amend Condition 27 to read: All outside tables and chairs shall be gradually rendered unusable by 22:00 each day.</p> <p>Amend Condition 28 to read: All outside areas shall cease to be used after 22:00 hours except by patrons permitted to temporarily leave and then re-enter the premises e.g. to smoke.</p> <ul style="list-style-type: none"> To remove conditions 25 and 26 of the licence. To add the following additional conditions on the licence: <ul style="list-style-type: none"> 1) The premises shall operate in accordance with an Outside Area Management Plan. The Outside Area Management Plan shall be reviewed regularly and at least once every quarter and a copy shall be made available for inspection by any responsible authority within a reasonable time of request. 2) The variation of this premises licence will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team (following request from the Premises Licence holder) at which time this condition 		

	shall be removed from this licence by the licensing authority.
Premises licence history:	The premises are currently licensed and the licence history can be found at Appendix 3
Applicant submissions:	Proposed conditions

1-B Current and proposed licensable activities, areas and hours (15/05416/LIPDPS)							
Late night refreshment							
Indoors, outdoors or both		Current :				Proposed:	
		On and Off				On and Off	
	Current Hours		Proposed Hours		Licensable Area		
	Start:	End:	Start:	End:	Current:	Proposed:	
Monday	23:00	23:30	No change	No change	Basement, Ground and First Floors	No change	
Tuesday	23:00	23:30	No change	No change	Basement, Ground and First Floors	No change	
Wednesday	23:00	23:30	No change	No change	Basement, Ground and First Floors	No change	
Thursday	23:00	23:30	No change	No change	Basement, Ground and First Floors	No change	
Friday	23:00	00:00	No change	No change	Basement, Ground and First Floors	No change	
Saturday	23:00	00:00	No change	No change	Basement, Ground and First Floors	No change	
Sundays	23:00	00:00	No change	No change	Basement, Ground and First Floors	No change	

Seasonal variations/ Non-standard timings:	Current:		Proposed:	
		Sunday before Bank Holiday 23:00 to 00:00		No Change

Sale by Retail of Alcohol							
On or off sales		Current :				Proposed:	
		On and off				On and off	
	Current Hours		Proposed Hours		Licensable Area		
	Start:	End:	Start:	End:	Current:	Proposed:	

Monday	10:00	23:30	No change	No change	Basement, Ground and First Floors	No change
Tuesday	10:00	23:30	No change	No change	Basement, Ground and First Floors	No change
Wednesday	10:00	23:30	No change	No change	Basement, Ground and First Floors	No change
Thursday	10:00	23:30	No change	No change	Basement, Ground and First Floors	No change
Friday	10:00	00:00	No change	No change	Basement, Ground and First Floors	No change
Saturday	10:00	00:00	No change	No change	Basement, Ground and First Floors	No change
Sunday	12:00	22:30	No change	No change	Basement, Ground and First Floors	No change
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	Sundays before Bank Holidays: 12:00 to 00:00				No Change	

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	23:30	No change	No change	Basement, Ground and First Floors	No Change
Tuesday	10:00	23:30	No change	No change	Basement, Ground and First Floors	No Change
Wednesday	10:00	23:30	No change	No change	Basement, Ground and First Floors	No Change
Thursday	10:00	23:30	No change	No change	Basement, Ground and First Floors	No Change
Friday	10:00	00:00	No change	No change	Basement, Ground and	No Change

					First Floors	
Saturday	10:00	00:00	No change	No change	Basement, Ground and First Floors	No Change
Sunday	12:00	22:30	No change	No change	Basement, Ground and First Floors	No Change
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	Sundays before Bank Holidays: 12:00 to 00:00				No Change	

1-C Conditions being varied, added or removed	
Condition	Proposed variation
<p>Conditions 23:</p> <p>There shall be no sales of alcohol for consumption off the premises after 21:00 hours.</p> <p>Condition 24:</p> <p>After 18:00 hours, patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them (except to persons dining outside).</p> <p>Condition 27:</p> <p>All outside tables and chairs shall be rendered unusable by 21.00 each day</p> <p>Condition 28:</p> <p>All outside areas shall cease to be used after 21:00 hours except by patrons permitted to temporarily leave and then re-enter the premises e.g. to smoke.</p>	<p>Amend Condition 23 to read:</p> <p>There shall be no sales of alcohol for consumption off the premises after 22:00 hours.</p> <p>Amend Condition 24 to read:</p> <p>After 22:00 hours, patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.</p> <p>Amend Condition 27 to read:</p> <p>All outside tables and chairs shall be gradually rendered unusable by 22:00 each day.</p> <p>Amend Condition 28 to read:</p> <p>All outside areas shall cease to be used after 22:00 hours except by patrons permitted to temporarily leave and then re-enter the premises e.g. to smoke.</p>
<p>Condition 25</p> <p>After 18:00 hours, the supply of alcohol at any outside seating area shall only be to patrons seated at tables and shall cease to be used after 21:00 hours except by patrons permitted to temporarily leave and then re-enter the premises e.g. to smoke.</p> <p>Condition 26</p> <p>After 18:00 hours, the sale and supply of</p>	<p>Proposed to be removed</p> <p>Proposed to be removed</p>

<p>alcohol at any outside seating area shall be served by waiter or waitress service only to a person seated taking a substantial table meal there and for consumption by such a person as ancillary to their meal.</p>	
	<ul style="list-style-type: none"> • To add the following additional conditions on the licence: <ol style="list-style-type: none"> 1) The premises shall operate in accordance with an Outside Area Management Plan. The Outside Area Management Plan shall be reviewed regularly and at least once every quarter and a copy shall be made available for inspection by any responsible authority within a reasonable time of request. 2) The variation of this premises licence will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team (following request from the Premises Licence holder) at which time this condition shall be removed from this licence by the licensing authority.

2. Representations

2-A Responsible Authorities	
Responsible Authority:	The Metropolitan Police Service
Representative:	PC Sandy Russell
Received:	5 th April 2017
<p>With reference to the above application, I am writing to inform you that the Metropolitan Police, as a responsible authority, will be objecting to this application. It is our belief that if granted the application would undermine the Licensing Objectives.</p> <p>We are not in a position to support this application due to a high volume of crime and disorder issues currently being experienced in and around the Berwick Street area. We feel strongly that the outcome of this application would be better left to the decision of a Licensing Sub-committee.</p>	
Responsible Authority:	The Licensing Authority
Representative:	Mr Steve Rowe
Received:	20 th April 2017
<p>I write in relation to the application submitted for a variation of the Premises Licence for the</p>	

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, HRS1, RNT2 and PB2.

The application seeks to:

- To amend conditions 23, 24, 27 and 28 and replace with:

23. *There shall be no sales of alcohol for consumption off the premises after 22:00 hours.*

24. *After 22:00 hours, patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them (except to persons dining outside).*

27. *All outside tables and chairs shall be rendered unusable by 22.00 each day.*

28. *All outside areas shall cease to be used after 22:00 hours except by patrons permitted to temporarily leave and then re-enter the premises e.g. to smoke.*

- To remove conditions 25 and 26:

25. *After 18:00 hours, the supply of alcohol at any outside seating area shall only be to patrons seated at tables and shall cease to be used after 21:00 hours except by patrons permitted to temporarily leave and then re-enter the premises e.g. to smoke.*

26. *After 18:00 hours, the sale and supply of alcohol at any outside seating area shall be by waiter or waitress service only to a person seated taking a substantial table meal there and for consumption by such a person as ancillary to their meal.*

- To add the following two conditions:

1. The premises shall operate in accordance with an Outside Area Management Plan. The Outside Area Management Plan shall be reviewed regularly and at least once every quarter and a copy shall be made available for inspection by any responsible authority within a reasonable time of request.
2. The variation of this premises licence will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team (following request from the Premises Licence holder) at which time this condition shall be removed from this licence by the licensing authority.

The premises do not intend to vary any of the licensable activities or hours at the premises.

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 HRS1 states at paragraph 2.3.2: "It is the intention to generally grant licences... where the hours when customers are permitted to be on the premises are within the 'core hours' as set out in Policy HRS1. This is not a policy to refuse applications for longer hours than the core hours and consideration will in all cases be given to the individual merits of an application. Where a proposal is made to operate outside these core hours each application will be considered on its merits against the criteria as set out in paragraph (ii) (of Policy HRS1)".

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'.

In addition to my representation I provide comments submitted by the Licensing Inspectorate which I would like to be included as part of my submissions and may call Mr Hayes witness if needed at a LSC hearing.

Please therefore accept this as a formal representation, further details will be provided in due course including a discussion relating to conditions. In the meantime, please provide a suitable date to arrange a site visit.

The City Inspectors have provided a supporting statement to support the representation made by the Licensing Authority (**Appendix 6**)

Responsible Authority:	The Environmental Health Service
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Representative:	Ian Watson
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Received:	19 th April 2017
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I refer to the application for variation of the Premises Licence.

The premises are located within the West End Cumulative Impact Area as stated in the City of Westminster's Statement of Licensing Policy.

This representation is based on the plans and operating schedule submitted.

The applicant is seeking the following

1. To amend conditions 23, 24, 27 and 28 with a terminal hour of 22.00 hours.
2. To remove conditions 25 and 26.
3. To add two conditions in relation to a management plan and works condition.

I wish to make the following representation

1. No objection.
2. Representation is made as the removal of these conditions will have the likely effect of causing an increase in Public Nuisance within the West End Cumulative Impact Area.
3. Representation is made as the management plan does not have sufficient detail to minimise Public Nuisance within the West End Cumulative Impact Area.

The applicant has provided conditions in support of the application but these do not fully address the concerns of Environmental Health and additional conditions may be proposed.

2-B Other Persons	
Name:	Mr John McGrath
Address and/or Residents Association:	9 Raydon St, London, N195BU
Received:	7 th April 2017
Received: 7 Apr 2017	
SUPPORT	
<i>4:14 PM on 07 Apr 2017 I've worked on the fruit and veg stall outside the duck and rice for 15 years. This is a real community pub and in the 2 years they have been open I have seen no trouble at all. The place is really well run and I fully support their application</i>	
Name:	Mr Fernando Barretto
Address and/or Residents Association:	Thunderhead, 5th Floor Ingeni Building 17 Broadwick Street London
Received:	7 th April 2017
Received: 7 April 2017	
SUPPORT	
<i>1:08 PM on 07 Apr 2017 As a local business, we are regular visitors to the Duck and Rice and feel they encourage a great community pub spirit. There is never trouble at this well-run establishment and we support them in their quest to extend outdoor drinking times to help create the vibe which Soho needs to hold onto.</i>	

Name:	Mrs Violet Trayte
Address and/or Residents Association	Flat 5 Ingestre Court, Ingestre Place, London
Received:	7 th April 2017
<p><i>Received: 7 Apr 2017</i> SUPPORT 3:42 PM on 07 Apr 2017 I am writing this letter to say that I fully support their application for the restrictions on their outside drinking to be lifted. I am 90 years old and have lived in Soho for 90 years. I know and have experienced how well the management team at the Duck and Rice run the pub and they are always so helpful to me and other members of the community. I am really happy that they really are and want to be a pub for the local community</p>	
Name:	Mr Patrick Perry
Address and/or Residents Association	19, 1-6 Dufours Place, Soho London
Received:	7 th April 2017
<p><i>Received: 7 Apr 2017</i> SUPPORT 5:02 PM on 07 Apr 2017 Completely in favour of Duck and Rice having an outside license</p>	
Name:	Mr Jim Margerham
Address and/or Residents Association	19 Parkwood, Beckenham Junction, Kent
Received:	7 th April 2017
<p><i>Received: 7 Apr 2017</i> SUPPORT 4:22 PM on 07 Apr 2017 I've worked on the fruit and Veg stall outside for 22 years and the thought of being able to have a pint outside at 6 when I finish work is great.</p>	
Name:	Mr Alex Brew
Address and/or Residents Association	Thunderhead, Ingeni Building 17 Broadwick Street London
Received:	7 th April 2017

Received: 7 Apr 2017

SUPPORT

1:37 PM on 07 Apr 2017 The Duck and Rice are a key member of the Berwick Street community and allowing visitors to spend more time outside in the coming summer months makes a lot of sense. Berwick Street Market is incredibly popular and keeping more people around in the evening can only boost commerce and the community.

On a personal note, as someone who works locally, I cannot often get to the Duck and Rice before 6pm but would certainly love to enjoy the warmer weather whilst there.

Name:

Mrs Shirley Sprosta

Address and/or Residents Association

Flat 18
2 Hopkins Street
London

Received:

31st March 2017

Received: 31 Mar 2017

SUPPORT

6:40 PM on 31 Mar 2017 The Duck & Rice have the full support of the local community and should be allowed like all other bars & restaurants in Berwick St to allow its customers the choice of sitting/standing outside to enjoy a drink and watch the world go by. it has been fully supportive and involved in all of community activities in a fully responsible way, I for one am looking forward to enjoying a lovely beer in the sun outside my favourite restaurant.

Name:

Mr Sean Davison

Address and/or Residents Association

17 Broadwick
London
W1F 0DJ

Received:

31st March 2017

Received: 31 Mar 2017

SUPPORT

6:40 PM on 31 Mar 2017 The Duck & Rice have the full support of the local community and should be allowed like all other bars & restaurants in Berwick St to allow its customers the choice of sitting/standing outside to enjoy a drink and watch the world go by. it has been fully supportive and involved in all of community activities in a fully responsible way, I for one am looking forward to enjoying a lovely beer in the sun outside my favourite restaurant.

Name:

The Soho Society

Address and/or Residents Association

St Anne's Tower
55 Dean Street
London
W1D 6AF

Received:

18th April 2017

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 (09 April 2017) as follows:

To amend Conditions 23, 24, 27 and 28 as follows:- 23. There shall be no sales of alcohol for consumption off the premises after 22:00 hours. 24. After 22:00 hours, patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them. 27. All outside tables and chairs shall be gradually rendered unusable by 22:00 each day. 28. All outside areas shall cease to be used after 22:00 hours except by patrons permitted to temporarily leave and then re-enter the premises e.g. to smoke. To remove conditions 25 and 26.

Hours of operation

With reference to the current premises license, the application therefore seeks to increase the terminal hour for off-sales from 21.00 to 22.00 hours; the terminal hour for consumption of drinks outside by e.g. smokers from 18.00 to 22.00 hours; and the terminal hour for use of tables and chairs outside the premises from 21.00 to 22.00 hours. The application further seeks the removal of conditions 25 and 26 which require the consumption of alcohol on tables and chairs outside the premises after 18.00 and before 21.00 hours to be by waiter/waitress service and ancillary to a substantial table meal. There are private homes in nearby buildings, and residents in the surrounding area are subject to noise and general nuisance every night of the week. Given the history of the premises and well-known previous difficulties with residents in the immediate West End Cumulative Impact Area, we therefore feel it is necessary to keep all outside consumption to the currently licensed operating hours and conditions.

Licensing policy

This area has been identified by the Westminster City Council (2.4.1 of the Statement of Licensing Policy, as amended) as under stress because the cumulative effect of the concentration of late night and drink led premises and night cafes has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses.

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

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, particularly in light of the historic background that has led to the carefully constructed licensing regime for

these particular premises. 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 CIA1 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.
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 PB2 applies:	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

Appendix 1	Premises plans
Appendix 2	Applicant supporting documents

Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Existing Licence (15/05416/LIPDPS- Ground Floor and First Floor)
Appendix 6	Copy of Memo from City Inspector
Appendix 7	Residential map and list of premises in the vicinity

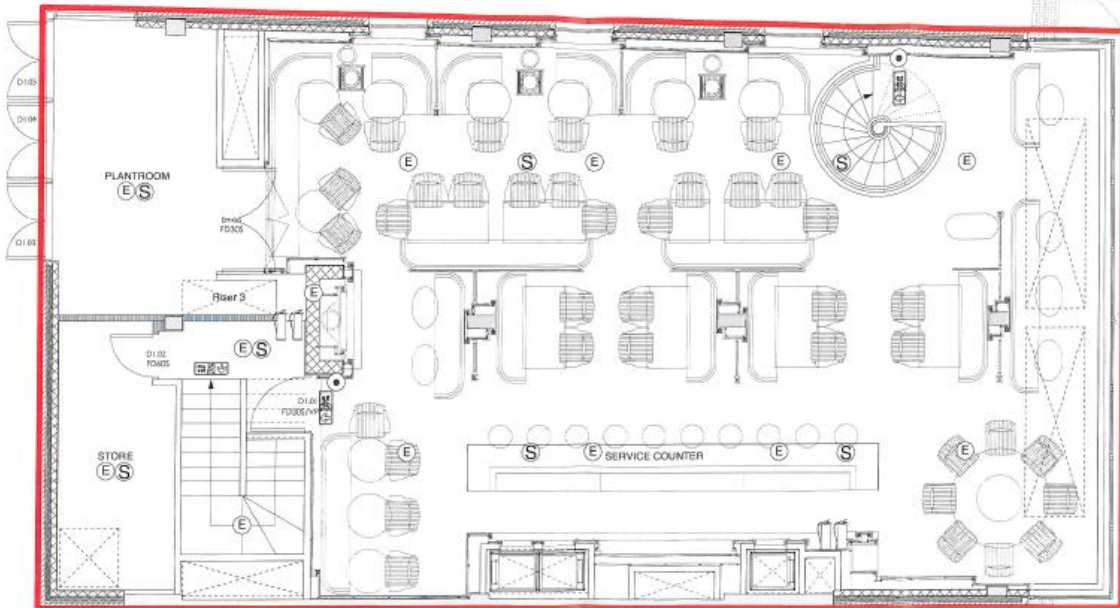
Report author:	Miss Yolanda Wade Senior Licensing Officer
Contact:	Telephone: 020 7641 1884 Email: ywade@westminster.gov.uk

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
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	23 rd March 2017
5	The Licensing Authority Representation	20 th April 2017
6	The Environmental Health Service Representation	19 th April 2017
7	The Metropolitan Police Representation	5 th April 2017
8	Mr John McGrath Support Letter	7 th April 2017
9	Mr Fernando Barretto Support Letter	7 th April 2017
10	Mrs Violet Trayte Support Letter	7 th April 2017
11	Mr Patrick Perry Support Letter	7 th April 2017
12	Mr Jim Margerham Support Letter	7 th April 2017
13	Mr Alex Brew	7 th April 2017
14	Mrs Shirley Sprosta	31 st March 2017
15	Mr Sean Davison	31 st March 2017
16	The Soho Society	18 th April 2017

1. The architect is not responsible for the accuracy of the information provided in this document. The user of this document is advised to verify the information provided in this document with the relevant authorities.



LEGEND:

- S Fire Detector, beacon & sounder
- Fire Alarm Call Point
- E Emergency Light
- Escape Signage
- Fire Extinguisher

All loanable activities may take place anywhere within the red line. The position of any loose furniture is shown for diagrammatic purposes only. The location of fire equipment is shown as is on the date hereof but may be moved in consultation with the fire officer.

Date: 12/02/14

Archer Humphreys Architects
 100, Abchurch Lane, London EC4N 3DF
 Tel: 020 7404 1234
 Fax: 020 7404 1235
 Email: info@archerhumphreys.com

Project:	100, Abchurch Lane
Client:	100, Abchurch Lane Ltd
Architect:	Archer Humphreys Architects
Date:	12/02/14
Scale:	1:100
Author:	[Name]
Check:	[Name]
Drawn:	[Name]
Reviewed:	[Name]

DUCK AND RICE

APPLICATION FOR VARIATION OF THE
PREMISES LICENCE



PRESENTATION TO
WESTMINSTER CITY COUNCIL

DUCK AND RICE

Duck and Rice is a concept by Alan Yau which is a “Chinese gastropub”. His company, Duck & Rice, carried out a complete refurbishment of the now-closed pub, The Endurance, formerly called The King of Corsica which also had problems in the past.

Duck and Rice is a unique project in the heart of Soho, home to Berwick Street Market. Berwick Street market, is due to undergo a series of major improvement works as part of a multimillion-pound regeneration scheme. Duck and Rice, since inception has been a key contributor to the local community and economy and some of its community objectives include:-

- bringing the local community together by being a social place for residents, local market stall holders and nearby businesses to enjoy.
- to involve the community in the Duck and Rice as much as possible from staff recruitment to giving back to the local community.
- to promote the Duck and Rice as a place for locals, offering the venue for community meetings, and fun events such as quizzes, bingo and other suitable events.
- run regular stakeholder meetings to establish success or otherwise of what Duck and Rice are doing,
- respond to stakeholder feedback and tell stakeholders what we have done in response to their feedback.
- continue to promote community events via the Duck and Rice communication channels (Print, Website, Twitter etc)
- sponsor local events.

Currently the way the outside area is being utilised is at odds with this philosophy as the conditions were effectively inherited from an old licence and operator that struggled with managing the outside area. Duck and Rice have carefully analysed the use of the outside area and the street and are therefore making this variation that will put in place better more robust conditions, a definitive plan for the outside area and strike a balance of using the outside area in a better way but at the same time continuing to promote the four licensing objectives.

Controls will be agreed with officers and where possible with local residents to ensure that the premises can continue in partnership.

Set out on the next few pages are the achievements of the operator and a small snapshot of the quality and the Outside Management Plan.

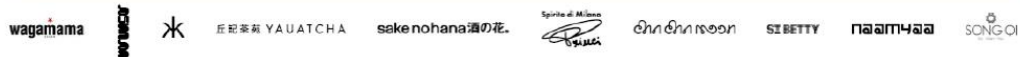
ALAN YAU

ALAN YAU OBE



Alan Yau OBE, the globally known and respected restaurateur,
is the creative force behind the culinary, design and musical vision of Park Chinois.

1992	1999	2001	2003	2004	2005	2006	2008	2010	2011	2012	2014
Launch of Wagamama, Japanese noodle bar, Bloomsbury, London	Launch of Busaba Eathai, casual dining Thai restaurant, Soho, London	Launch of Hakkasan, Fine-dining contemporary Chinese restaurant, London	Hakkasan awarded one Michelin star	Launch of Yauatcha, Chinese teahouse & Patisserie, Soho, London	Yauatcha Awarded one Michelin star	Alan Yau awarded an OBE for contribution to the British restaurant industry	Launch of Princi, Italian bakery, Soho, London	Alan Yau ordained as a Buddhist Monk at Wat Dhammakaya, Thailand	Launch of ST BETTY, All-day brasserie, IFC Central, Hong Kong	Launch of Naamyaa, Bangkok Cafe, Islington, London. Launch of Jing Yaa Tang, Peking Duck speciality Restaurant, Opposite House Hotel, Beijing	Launch of Song Qi, Fine dining Chinese Restaurant, Monaco



- 1992 Launch of Wagamama, Japanese noodle bar, Bloomsbury, London
- 1999 Launch of Busaba Eathai, casual dining Thai restaurant, Soho, London
- 2001 Launch of Hakkasan, fine-dining contemporary Chinese restaurant, London
- 2003 Hakkasan awarded one Michelin star
- 2004 Launch of Yauatcha, Chinese teahouse & Patisserie, Soho, London
- 2005 Yauatcha Awarded one Michelin star
- 2006 Alan Yau awarded an OBE for contribution to the British restaurant industry
- 2008 Launch of Princi, Italian bakery, Soho, London
- 2010 Alan Yau ordained as a Buddhist Monk at Wat Dhammakaya, Thailand
- 2011 Launch of ST BETTY, All-day brasserie, IFC Central, Hong Kong
- 2012 Launch of Naamyaa, Bangkok Cafe, Islington, London.
Launch of Jing Yaa Tang, Peking Duck speciality Restaurant, Opposite House Hotel, Beijing
- 2014 Launch of Song Qi, Fine dining Chinese Restaurant, Monaco
- 2015 Launch of Duck and Rice

THE PREMISES





SAMPLE MENU

SUMMER 2015

duck & rice

QINGHU RICE WINE ♦ 10 year old 500ml £45

TANK OLD FASHIONED ♦ £8.00

PILSNER URQUELL TANK BEER ♦ Pint £5.30

BEER SNACKS

Prawn cracker
£2.00

Grilled Ibérico Jamón,
Sierra Di Jabugo £12.50 (70g)

Gingko nut &
Himalayan salt £5.20

Edamame
£3.50

Chilli & shallot cashew nut
£4.50

SOUP

Crabmeat & sweetcorn £9.00
Hot & sour £8.00
Spicy kimchi & tofu v £7.50

SALAD

Crispy duck salad £14.50
Chicken fun pei £7.50
Tofu & tomato salad v £7.50

SMALL CHOW

Steamed Diver Scallop £9.00 (each)
Ginger & spring onion or Black bean

Sesame prawn toast £6.50
Salt & pepper broad bean v £4.50
Salt & pepper squid £10.50
Chilli Sichuan chicken £16.50
Parr-fried pork & Chinese leaves gyoza £5.50
Sichuan vegetable dumpling v £4.00
Jellyfish & Chinese celery £6.50
Hong Kong Garden spring roll £5.20
Char sui pork, prawn & bean sprout

CRISPY DUCK
Crispy Aromatic Duck
Pancake, spring onion, cucumber & duck sauce
Half £22.00

THE TEN HEAVENLY KINGS OF DIM SUM

Canton Yumcha Classics

Har Gau £6.00	Shu Mai Pork & prawn or Scallop £6.00 / £8.20
Char Siu Bun £4.50	Taro Croquette £4.20
Venison Puff £4.80	Mooli Puff £3.80
Yuba Roll £4.50	Lotus Leaf wrapped Rice £5.20
Spring Roll Crispy duck or Veg £7.60 / £3.90	Chung Fun Prawn or Char sui £6.50

HOUSE DUCK

Cantonese Roast Duck

Hand reared on a natural diet at family owned
Silver Hill Farm (Ireland) to produce
succulent, tender duck full of flavour

Whole £38.00 / Half £24.00

HEROES

The Duck & Rice House Special

Lobster Cantonese £48.00
Whole native lobster ginger & spring onion with noodle

CANTON ROAST

Jasmine smoked pork rib £14.00
Barbecue beef short rib £28.00
Honey roasted char sui £16.50

CHINA GRILL

Grade 5 Japanese Beef (200g)
£48.00

HOME COMFORT

Kung Po chicken £12.00
Bavette steak with ginger & spring onion £16.00
Crispy shredded beef £9.00
Black pepper beef £16.00
Sweet & sour pork £9.00
Wasabi prawn £10.50
Chicken & black bean sauce £9.50
XO Prawn & roasted pineapple £15.50
Organic salmon & black bean £22.00
Salt baked chicken with ginger sauce £19.50
Roast duck stir-fry £16.50
With tofu, mustard green & black bean

CHOW MEIN Fried Noodle

Singapore fried noodle £12.00
Beef ho fun £10.50
N° 23 £9.50
Shredded pork crispy noodle £10.50
Malaysian Char Kwetio £12.50
Braised beef udon £13.50
Black pepper glass noodle v £8.00

CHOP SUEY

Chicken chop suey £12.50

FOO YOUNG Chinese Scrambled Egg

Crabmeat Foo Young £14.50

CURRY

Malaysian Chicken Curry/Vegetable Curry v
Japanese rice or Brown rice
£14.50/13.50

BUDDHA'S DELIGHT

Black pepper mock chicken v £12.50
Taro, lotus root, yam bean & chilli v £10.50
Braised yuba & silken tofu v £9.50

RICE

Fried rice Fukienish £12.50
Ginger cod with egg sauce & fried rice £11.50
Egg fried rice £5.50

VEGETABLE

Steamed aubergine with mui choi v £8.90
Gai lan & salted fish £12.80
Chinese lettuce & black bean mackerel £9.90
Chinese seasonal organic vegetable £9.90
Any style

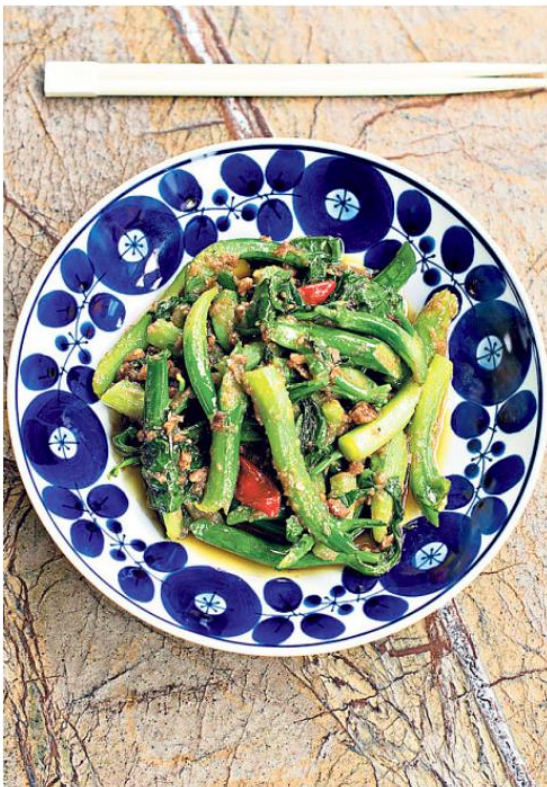
(v) = Suitable for vegetarians ♦ Prices include 20% VAT
Discretionary service charge of 12.5% will be added to your bill
www.theduckandrice.com

#IMBIBEWITHE

Please ask a member of our team before ordering if you have any food allergies or intolerances. Nuts and flour is used in our kitchen, and despite efforts to prevent cross-contamination any of our dishes may contain traces of nuts and gluten

The Food







DUCK AND RICE OUTSIDE MANAGEMENT PLAN

This Outside Management Plans has been prepared to set out the strategy and approach to the operation of the outside area of Duck and Rice .

Its purpose is to give a clear overview of the proposed operation and the ethos and management strategy underpinning the use of the outside area. Duck and Rice is a local community public house with an exquisite dining room on the first floor.

This Outside Management Plan has been prepared by Duck and Rice Limited with input from the wider local community.

In preparing the Outside Management Plan, due regard has been given to best practices built over the years of operation at Berwick Street.

Duck and Rice Limited have carefully considered site-specific issues raised by local consultees and stakeholders and built into this Outside Management Plan measures to address their concerns. This Outside Management Plan is a document that will be improved from time to time as it is a working best practices document that may change through discussions with interested parties and more specifically with our neighbours to ensure their concerns are addressed.

Staffing of Outside Areas

1. staffing levels shall be assessed and Duck and Rice will ensure that the terraces particularly at busy periods will be adequate to ensure the outside areas are supervised;
2. each member of Outside Area management team will have received adequate training on this Management plan and this will be properly documented and records kept. The associated training record will be kept in the Register (see below) on the licensed premises and made available for inspection by the Licensing Officer, Trading Standards or the Police;
3. the management team will ensure that all cups, glasses and plates etc are picked up from the terraces on a regular basis, including throughout the operation
4. There will be designated cleaners and collectors during the busy periods to ensure that the outside areas remain clean and tidy throughout the operation.

Management of the Outside Area

5. Duck and Rice will ensure that there is effective management of customer behaviour whilst using the outside areas.
6. There will always be a duty manager on duty on the ground floor.
7. There shall be at least one SIA trained Door Security Staff shall be on duty from 18:00 to 22:30 whilst the outside areas are being used.
8. Responsible use of the outside areas shall be promoted to customers
9. Appropriate signage shall be in place on the outside to remind customers to respect our neighbours and to use the area quietly.
10. A 30 - 60 minute winding down time is incorporated so that dispersing customers outside the premises is more gradual.
11. From 20:00 hours customers will be gradually encouraged to move from Kemp Court to Berwick street after the market closes.
12. Duck and Rice will not tolerate any person congregating outside of the premises after the agreed terminal hour and they will be asked to move inside or moved on quickly and quietly.
13. Duck and Rice will be at all times be aware of activity outside of the premises and endeavour by their presence to minimise bad behaviour regardless of whether they are visitors to Duck and Rice or not.
14. Noise levels will be monitored by Outside area management staff and customers who are noisy will be politely asked to keep the noise down. Should a customer decline they will be asked to leave the premises and will be banned from the premises.
15. Duck and Rice will maintain an outside management register. This will include:
 - a. contact details of staff that have been trained and that they understand the need to control the outside area
 - b. all persons who may make a complaint by the use of the outside area will have their complaint logged with a record of the date and time and a description of the activities occurring which gave rise to the complaint
 - c. details of any action taken as a result of the complaint.

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
Conversion and variation	To convert the existing licences and vary the licence	09.09.2005	Conversion granted under delegated authority Variation refused
Appeal	Appeal against the conversion and variation application	13.12.2006	Determined by Magistrates Court
Review	Review of the Premises Licence	26.06.2008	Determined by Licensing Sub Committee
Appeal	Appeal against Review application	30.06.2009	Appeal refused by Magistrates Court
Appeal	Appeal against decision of Magistrates Court decision	21.07.2009	Appeal dismissed
Court of Appeal	Application to the Supreme Court seeking permission to appeal.	26.01.2011	Appeal refused
Minor	Application for a minor variation	19.09.2011	Granted under delegated authority
Transfer	Transfer the premises licence	11.04.2012	Granted under delegated authority
Variation	Application to vary the premises licence	17.07.2012	Application withdrawn by applicants
Transfer	Application to transfer the premises licence from Shaftesbury Soho Limited to Duck & Rice Limited	15.06.2013	Granted under delegated authority Licence suspended 11.11.13 for outstanding annual fee.
New	Application for a new premises licence for the ground and first floor	10.10.2013	Granted by Licensing Sub-Committee

Minor Variation	Application to change the layout of the premises and to vary capacity so as to reduce by 20 on the ground floor and increase by 20 on the first floor	31.3.2014	Granted under delegated authority
TEN	Temporary Event Notices for extension of hours on New Year's Eve until 03:00	24.11.2014	Notice acknowledged
Variation of the Designated Premises Supervisor	Application to Vary the Designated Premises Supervisor	20.07.2015	Granted Under Delegated Authority
TEN	Temporary Event Notices for extension of hours on 25.7.15 until 02:00	10.7.2015	Notice acknowledged
TEN	Temporary Event Notices for extension of hours on 1.8.15 until 02:00	17.7.2015	Notice acknowledged
TEN	Temporary Event Notices for extension of hours on 12.9.15 until 02:00	3.8.2015	Notice acknowledged
TEN	Temporary Event Notices for extension of hours on 19.9.15 until 02:00	3.8.2015	Notice acknowledged
TEN	Temporary Event Notices for extension of hours on 26.9.15 until 02:00	3.8.2015	Notice acknowledged
TEN	Temporary Event Notice	18.08.2015	Notice acknowledged
TEN	Temporary Event Notice	18.12.2015	Notice acknowledged
TEN	Temporary Event Notice	14.08.2015	Notice acknowledged
TEN	Temporary Event Notice	14.08.2015	Notice acknowledged
TEN	Temporary Event Notice	14.08.2015	Notice acknowledged
NEW	Application for a new premises licence for the first floor	22.10.2015	Granted by Licensing Sub-Committee

TEN	Temporary Event Notice	17.12.2015	Notice acknowledged
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Appeal History re: ENDURANCE, 90-91 BERWICK STREET W1

On 26 and 27 July 2008 the Licensing Sub-Committee considered an application made by the Environmental Health Service for a Review of a premises licence in respect of the Endurance Public House, 90-91 Berwick Street W1 on the grounds of public nuisance. Representations in support of the application for Review were also received from the Police and from local residents. In addition, representations against the Review were received from the licensee, from the Westminster Licensees Association, and from a number of local residents in Berwick Street and Hanson Street. In addition representations in support of the licensee, and against the Review, were received from 36 local businesses, and 10 traders from Berwick Street Market.

The decision of the Sub-Committee was to add a number of additional conditions to the premises licence including that "no customer shall be permitted to take drinks from the premises in an open container after 18.00".

Notice of appeal was received from Hope and Glory Public Houses Ltd against the decision of the Licensing Sub-Committee.

Judgment was handed down on 30 June 2009 dismissing the appeal, and awarding costs to the City Council.

On 13 July 2009, the City Council was served with the Notice of Hearing in the High Court for an Application to Stay the decision of the Magistrates' Court. The City Council, as Interested Party in the proceedings, served additional written evidence in advance of the hearing.

On 15 July 2009, Burton J in the High Court considered the Claimants application and the written evidence submitted on behalf of the Claimant and the Interested Party. At that hearing the Claimants, undertook to withdraw their request for District Judge Snow to state a case and instead requested leave to proceed by way of an amended application for Judicial Review of the District Judge's decision. Burton J ordered that there be leave for the Claimant's to amend their application for Judicial Review and adjourned proceedings to continue on 21 July 2009.

On 21 July 2009, the hearing of the above matter continued before Burton J in the High Court. Burton J refused permission for Judicial Review and refused to grant a stay. He awarded costs to the City Council.

A renewed application to the Court of Appeal for permission to Judicially Review District Judge Snow's decision was refused by the Court of Appeal on the papers. A renewed application for an oral hearing was then made by the Claimants.

On 19 May 2010 Application for permission to appeal was granted in the Court of Appeal but limited to only one ground whether "The court erred in directing that it would only reverse the decision of the Licensing Sub-Committee if it was satisfied that the decision was wrong". The appeal was heard on 9 November 2010 before Wall LJ, Laws LJ and Toulson LJ. Judgment was received dismissing the appeal. Costs were awarded to the City Council.

The Claimant then submitted an application to the Supreme Court seeking permission to appeal. The City Council lodged a notice of objection to the notice of appeal with the Supreme Court. The Supreme Court refused the Claimant's permission to Appeal.

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

When determining an application for variation of 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

9. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed:

Ground Floor 120 persons (to include any unlicensed outside areas)
First Floor 100

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

10. 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.
11. 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.
12. There shall be no payment made by or on behalf of the licensee to any person for bringing customers to the premises directly off the street.
13. 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 venue 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.
14. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
15. All waste should be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times save for the waste kept in sealed receptacles off the high way and no glass bottles at all should be placed outside the premises between 22:00 and 08:00
16. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, is swept and or washed and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
17. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
18. 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.
19. As soon as possible and in any event within 1 month from the grant of this licence, the premises shall join the local pubwatch or local crime reduction scheme approved by the police and local radio scheme, if available.
20. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
21. Signs to remind their customers to exit the premises very quietly and respect the residential neighbourhood when leaving the premises shall be put up very visibly inside the premises.

22. The first floor of 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, supplied, or consumed on the premises otherwise than to 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.

23. There shall be no sales of alcohol for consumption off the premises after 21:00 hours.

Propose to amend Condition 23 to read: There shall be no sales of alcohol for consumption off the premises after 22:00 hours.

24. After 18:00 hours, patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them (except to persons dining outside).

Propose to amend Condition 24 to read: After 22:00 hours, patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.

25. After 18:00 hours, the supply of alcohol at any outside seating area shall only be to patrons seated at tables and shall cease to be used after 21:00 hours except by patrons permitted to temporarily leave and then re-enter the premises e.g. to smoke. **(Proposed to be removed)**

26. After 18:00 hours, the sale and supply of alcohol at any outside seating area shall by waiter or waitress service only to a person seated taking a substantial table meal there and for consumption by such a person as ancillary to their meal. **(Proposed to be removed)**

27. All outside tables and chairs shall be rendered unusable by 21.00 each day.

Propose to amend Condition 27 to read: All outside tables and chairs shall be gradually rendered unusable by 22:00 each day

28. All outside areas shall cease to be used after 21:00 hours except by patrons permitted to temporarily leave and then re-enter the premises e.g. to smoke.

Propose to amend Condition 28 to read: All outside areas shall cease to be used after 22:00 hours except by patrons permitted to temporarily leave and then re-enter the premises e.g. to smoke.

29. 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.

30. There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises.

31. 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.
32. All external doors shall be kept closed after 21.00 hours except for the immediate access and egress of persons.
33. The ground floor concertina door to the rear of the premises shall be kept closed after 21.00 hours.
34. 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.
35. 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.
36. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
37. On each Wednesday, Thursday, and Friday a SIA registered door supervisor shall be on duty on the ground floor entrance in use at the premises after 18.00 hours whilst the premises are open to the public.

The application for a new premises licence for Duck and Rice (13/06310/LIPN) resulted in some of the conditions imposed following the earlier review being amended. This did not result in an increase in the number of complaints being recorded.

Based on the above, granting this variation application could impact on the licensing objective of prevention of public nuisance.

I note the applicant has proposed an Outside Area Management Plan, which would form a part of the premises licence. It is my view that determining whether this Outside Area Management Plan is sufficient to ensure there will be no likely impact on the licensing objective of prevention of public nuisance should rest with the Licensing Sub Committee.

Please let me know if you require any further details.

James Hayes
Team Manager – City Operations

Current Existing Licence 15/05416/LIPDPS to be Varied (Ground Floor and Basement)



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

Schedule 12
Part A

WARD: West End
UPRN: 010033530452

Premises licence

Regulation 33, 34

Premises licence number:

15/05416/LIPDPS

Original Reference:

13/06310/LIPN

Part 1 – Premises details

Postal address of premises:

Duck & Rice
90-91 Berwick Street
London
W1F 0QB

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Late Night Refreshment
Sale by Retail of Alcohol

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

Late Night Refreshment

Monday to Thursday: 23:00 to 23:30
Friday to Saturday: 23:00 to 00:00
Sundays before Bank Holidays: 23:00 to 00:00

Sale by Retail of Alcohol

Monday to Thursday: 10:00 to 23:30
Friday to Saturday: 10:00 to 00:00
Sunday: 12:00 to 22:30
Sundays before Bank Holidays: 12:00 to 00:00

The opening hours of the premises:

Monday to Thursday: 10:00 to 23:30
Friday to Saturday: 10:00 to 00:00
Sunday: 12:00 to 22:30
Sundays before Bank Holidays: 12:00 to 00:00

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

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

Part 2

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

Duck & Rice Limited
5th Floor
85-86 Newman Street
London
W1T 3EX

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

07882794

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

Name: Kevin McAnulty

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

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

Licence Number: P01603
Licensing Authority: London Borough of Redbridge

Date: 15 August 2015

Signed: pp
Director - Public Protection and Licensing

Annex 1 – Mandatory conditions

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

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

7. The responsible person must ensure that—

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

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

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

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

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

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

Where -

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

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

Annex 2 – Conditions consistent with the operating Schedule

9. The number of persons permitted in the premises at any one time (excluding staff) shall not exceed:

Ground Floor	120 persons (to include any unlicensed outside areas)
First Floor	100

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

10. 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.
11. 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.
12. There shall be no payment made by or on behalf of the licensee to any person for bringing customers to the premises directly off the street.
13. 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 venue 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.
14. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
15. All waste should be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times save for the waste kept in sealed receptacles off the high way and no glass bottles at all should be placed outside the premises between 22:00 and 08:00
16. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, is swept and or washed and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
17. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
18. 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.
19. As soon as possible and in any event within 1 month from the grant of this licence, the premises shall join the local pubwatch or local crime reduction scheme approved by the police and local radio scheme, if available.
20. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
21. Signs to remind their customers to exit the premises very quietly and respect the residential neighbourhood when leaving the premises shall be put up very visibly inside the premises.
22. The first floor of 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, supplied, or consumed on the premises otherwise than to 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.

23. There shall be no sales of alcohol for consumption off the premises after 21:00 hours.
24. After 18:00 hours, patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them (except to persons dining outside).
25. After 18:00 hours, the supply of alcohol at any outside seating area shall only be to patrons seated at tables and shall cease to be used after 21:00 hours except by patrons permitted to temporarily leave and then re-enter the premises e.g. to smoke.
26. After 18:00 hours, the sale and supply of alcohol at any outside seating area shall be by waiter or waitress service only to a person seated taking a substantial table meal there and for consumption by such a person as ancillary to their meal.
27. All outside tables and chairs shall be rendered unusable by 21.00 each day.
28. All outside areas shall cease to be used after 21:00 hours except by patrons permitted to temporarily leave and then re-enter the premises e.g. to smoke.
29. 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.
30. There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises.
31. 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.
32. All external doors shall be kept closed after 21.00 hours except for the immediate access and egress of persons.
33. The ground floor concertina door to the rear of the premises shall be kept closed after 21.00 hours.
34. 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.
35. 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.
36. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the

police or an authorised officer of the City Council at all times whilst the premises is open.

37. On each Wednesday, Thursday, and Friday a SIA registered door supervisor shall be on duty on the ground floor entrance in use at the premises after 18.00 hours whilst the premises are open to the public.

Annex 4 – Plans

Attached



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

Schedule 12
Part B

WARD: West End
UPRN: 010033530452

Premises licence
summary

Regulation 33, 34

Premises licence number:

15/05416/LIPDPS

Part 1 – Premises details

Postal address of premises:

Duck & Rice
90-91 Berwick Street
London
W1F 0QB

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Late Night Refreshment
Sale by Retail of Alcohol

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

Late Night Refreshment

Monday to Thursday:	23:00 to 23:30
Friday to Saturday:	23:00 to 00:00
Sundays before Bank Holidays:	23:00 to 00:00

Sale by Retail of Alcohol

Monday to Thursday:	10:00 to 23:30
Friday to Saturday:	10:00 to 00:00
Sunday:	12:00 to 22:30
Sundays before Bank Holidays:	12:00 to 00:00

The opening hours of the premises:

Monday to Thursday:	10:00 to 23:30
Friday to Saturday:	10:00 to 00:00
Sunday:	12:00 to 22:30
Sundays before Bank Holidays:	12:00 to 00:00

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

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

Name and (registered) address of holder of premises licence:

Duck & Rice Limited
5th Floor
85-86 Newman Street
London
W1T 3EX

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

07882794

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

Name: Kevin McAnulty

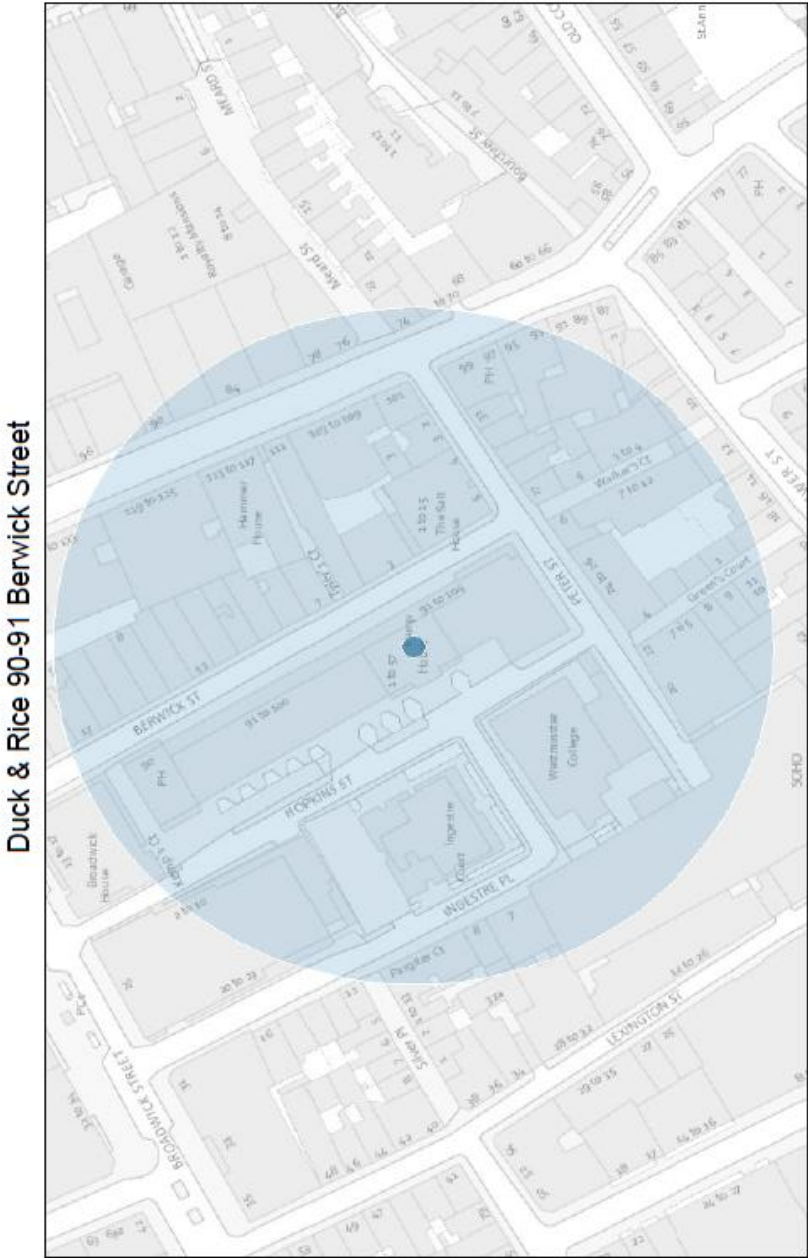
State whether access to the premises by children is restricted or prohibited:

Restricted

Date: 15 August 2015

Signed: pp
Director - Public Protection and Licensing

Residential Map and List of Premises in the Vicinity



Resident Count: 498