



City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	7 September 2017
Licensing Ref No:	17/07390/LIPV - Premises Licence Variation
Title of Report:	O'Neill's 37 - 38 Great Marlborough Street London W1F 7JF
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 1872 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:	5 July 2017		
Applicant:	Mitchells And Butlers Leisure Retail Ltd		
Premises:	O'Neill's		
Premises address:	37 - 38 Great Marlborough Street London W1F 7JF	Ward:	West End
		Cumulative Impact Area:	Yes
Premises description:	The premises operate as a public house.		
Variation description:	<p>According to the application, the applicant is seeking to vary the following:</p> <ul style="list-style-type: none"> To vary the sale of alcohol on Sunday (to include Sunday immediately prior to a bank holiday) to commence at 10.00 hours. To amend Condition 11 C & D under Annex 3 to reflect the hours on Sundays to be from 10.00 hours. 		
Premises licence history:	The premises benefits from a premises licence (Appendix 3) of the report		
Applicant submissions:	Appendix see Appendix 1 of the report		
Plan:	Copies of the premises plans are available on request and for display at the hearing.		

1-B Current and proposed licensable activities, areas and hours						
Regulated Entertainment						
Indoor Sporting Event, Performance of live music						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	23:30	No change		Ground Floor, Basement	
Tuesday	10:00	23:30			Ground Floor, Basement	
Wednesday	10:00	23:30			Ground Floor,	

			Basement	No Change
Thursday	10:00	23:30	Ground Floor, Basement	
Friday	10:00	00:00	Ground Floor, Basement	
Saturday	10:00	00:00	Ground Floor, Basement	
Sunday	12:00	22:30	Ground Floor, Basement	
Sundays before Bank Holidays	12:00	00:00	Ground Floor, Basement	

Playing of Recorded Music, Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	Unrestricted	Unrestricted	No change		Ground Floor, Basement	No Change
Tuesday	Unrestricted	Unrestricted			Ground Floor, Basement	
Wednesday	Unrestricted	Unrestricted			Ground Floor, Basement	
Thursday	Unrestricted	Unrestricted			Ground Floor, Basement	
Friday	Unrestricted	Unrestricted			Ground Floor, Basement	
Saturday	Unrestricted	Unrestricted			Ground Floor, Basement	
Sunday	Unrestricted	Unrestricted			Ground Floor, Basement	
Sunday before Bank Holidays	Unrestricted	Unrestricted			Ground Floor, Basement	

Late night refreshment						
Indoors, outdoors or both	Current :				Proposed:	
	Indoors				Indoors	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:

Monday	23:00	23:30	No change	Ground Floor, Basement	No Change
Tuesday	23:00	23:30		Ground Floor, Basement	
Wednesday	23:00	23:30		Ground Floor, Basement	
Thursday	23:00	23:30		Ground Floor, Basement	
Friday	23:00	00:00		Ground Floor, Basement	
Saturday	23:00	00:00		Ground Floor, Basement	
Sunday before Bank Holiday	23:00	00:00		Ground Floor, Basement	
Seasonal variations/ Non-standard timings:	Current:			Proposed:	
	The terminal hour for Late Night Refreshment on New Year's Eve is extended to 05:00 on New Year's Day			No change	

Sale by Retail of Alcohol						
On or off sales			Current :		Proposed:	
			Both		Both	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	23:30	No Change		Ground Floor, Basement	No Change
Tuesday	10:00	23:30			Ground Floor, Basement	
Wednesday	10:00	23:30			Ground Floor, Basement	
Thursday	10:00	23:30			Ground Floor, Basement	
Friday	10:00	00:00			Ground Floor, Basement	
Saturday	10:00	00:00			Ground Floor, Basement	
Sunday	12:00	22:30			10:00	
Sunday before Bank Holiday	12:00	00:00	10:00	00:00	Ground Floor, Basement	
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, 00.00 midnight on 31st				Bank holiday Sundays to commence at 10.00 hours until 00.00 hours.	

December).

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	07:00	23:30	No Change		Ground Floor, Basement	No Change
Tuesday	07:00	23:30			Ground Floor, Basement	
Wednesday	07:00	23:30			Ground Floor, Basement	
Thursday	07:00	23:30			Ground Floor, Basement	
Friday	07:00	00:00			Ground Floor, Basement	
Saturday	07:00	00:00			Ground Floor, Basement	
Sunday	07:00	22:50			Ground Floor, Basement	
Sundays before Bank Holidays	07:00	00:00			Ground Floor, Basement	

1-C Conditions being varied, added or removed	
Condition	Proposed variation
<p>Condition 11C</p> <p>(c) Sunday 12:00 to 22:30</p> <p>Condition 11D</p> <p>(d) Sunday Prior to Bank Holiday: 12:00 to 00:00</p>	<p>Condition 11 C:</p> <p>To amend Condition 11 C to reflect the hours on Sundays to be from 10.00 hours.</p> <p>Condition 11 D:</p> <p>To vary the sale of alcohol on Sunday immediately prior to a bank holiday to commence at 10.00 hours.</p>

2. Representations

2-A Responsible Authorities	
Responsible Authority:	The Environmental Health Service (withdrawn)
Representative:	Ian Watson
Received:	2 nd August 2017

I refer to the application for a 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 operating schedule submitted.

The applicant is seeking the following

1. To extend the Supply of Alcohol 'On' the Sunday between 10.00 and 12.00 hours ancillary to food.
2. Amend condition 11 c and d to reflect the new hours.

I wish to make the following representation

1. The hours requested for the Supply of Alcohol will have the likely effect of causing an increase in Public Nuisance within the West End Cumulative Impact Area.
2. No objection.

Environmental Health have withdrawn their representation as they are content with the condition proposed by the applicant for the proposed early operational hours on a Sunday being 'The sale of alcohol on Sunday between the hours of 10.00 and 12.00 and shall be for consumption "On" the premises only, and shall be ancillary to substantial food'.

Responsible Authority:	The Licensing Authority
-------------------------------	-------------------------

Representative:	Mr David Sycamore
------------------------	-------------------

Received:	27 th July 2017
------------------	----------------------------

I write in relation to the application submitted for a variation of a Premises Licence for the following 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

The premises is located within the West End Cumulative Impact and as such a number of policy points must be considered.

The applicants seek to sell alcohol beyond core hours as stipulated in the Westminster Statement of Licensing Policy. We are concerned that this will allow people, albeit with food, to purchase and consume alcohol earlier in the day. Sunday is acknowledged in the Policy as a day when residents are entitled to have reduced impact from licenced premises.

We look forward to seeing from the applicant why the application should be granted against the policy points listed above.

Please accept this as a formal objection.

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 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.

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.

4. Appendices

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

Report author:	Miss Yolanda Wade Senior Licensing Officer
Contact:	Telephone: 020 7641 1872 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	5 th July 2017
5	The Licensing Authority Representation	27 th July 2017
6	The Environmental Health Representation	2 nd August 2017

BREAKFAST



orelitts

1000/1000/1000

BREAKFAST

CLASSIC BREAKFAST £4.69

The nation's favourite! Grilled back bacon, pork sausage, fried free range egg, hash brown, Heinz® baked beans, grilled half tomato and your choice of white or wholemeal toast and butter

LARGE BREAKFAST £6.69

Two rashers of grilled back bacon, two pork sausages, two fried free range eggs, two hash browns, Heinz® baked beans, flat mushroom, grilled half tomato and your choice of white or wholemeal toast and butter

MEGA BREAKFAST £8.69

Three rashers of grilled back bacon, three pork sausages, three fried free range eggs, three hash browns, Heinz® baked beans, flat mushroom, grilled half tomatoes and your choice of white or wholemeal toast and butter

CLASSIC VEGETARIAN BREAKFAST (V) £4.69

Vegetarian sausage, fried free range egg, hash brown, Heinz® baked beans, flat mushroom, grilled half tomato and your choice of white or wholemeal toast and butter

LARGE VEGETARIAN BREAKFAST (V) £6.69

Two vegetarian sausages, two fried free range eggs, two hash browns, Heinz® baked beans, two flat mushrooms, grilled half tomato and your choice of white or wholemeal toast and butter

EGG MUFFINS

EGGS BENEDICT £5.69

Toasted English muffin topped with Yorkshire ham, poached free range egg and hollandaise sauce

EGGS FLORENTINE (V) £5.69

Toasted English muffin topped with wilted baby spinach, poached free range egg and hollandaise sauce

BREAKFAST MUFFIN £5.79

Double size* beef burger, pork sausage, grilled back bacon, and a fried free range egg topped with Monterey Jack cheese in a toasted muffin

*Add 50p (over 17.5p)

BUILD YOUR BREKKIES JUST HOW YOU LIKE 'EM

GRILLED FLAT MUSHROOM (V)	60p	GRILLED TOMATO (V)	60p
HEINZ® BAKED BEANS (V)	60p	PORK SAUSAGE	60p
FRIED FREE RANGE EGG (V)	60p	GRILLED BACK BACON	60p
VEGETARIAN SAUSAGE (V)	60p	WHITE TOAST (V)	90p
HASH BROWN (V)	60p	WHOLEMEAL TOAST (V)	90p

UNLIMITED TEA or FILTER COFFEE £1.00 WITH ANY BREAKFAST*



SANDWICHES & WRAPS

SERVED ON WHITE OR WHOLEMEAL BLOOMER WITH YOUR CHOICE OF FILLINGS. LOAD UP WITH EXTRAS FOR 60P

BACON	£3.29
PORK SAUSAGE	£3.29
BACON & EGG	£3.49
PORK SAUSAGE & EGG	£3.49
VEGETARIAN SAUSAGE & EGG (V)	£3.49
BREAKFAST WRAP	£3.99
Grilled back bacon, pork sausage, fried free range egg and Monterey Jack cheese served in a flour tortilla	
VEGETARIAN BREAKFAST WRAP (V)	£3.99
Vegetarian sausage, grilled mushroom, fried free range egg and Monterey Jack cheese served in a flour tortilla	

BREAKFAST BITES

PORRIDGE (V)	£2.49
Made with junk-o oats and topped with your choice of Hartley's® strawberry jam, Nutella® hazelnut spread or honey	
TOAST (V)	99p
Two slices of white or wholemeal with your choice of Hartley's® strawberry jam, Nutella® hazelnut spread or honey	
ENGLISH MUFFIN (V)	99p
With your choice of Hartley's® strawberry jam, Nutella® hazelnut spread or honey	

(V) Made with Vegetarian ingredients, however some of our preparation and cooking methods could affect this. If you require more information, please ask your server. All our food is prepared in a kitchen where nuts, cereals containing gluten and other allergens are present, and our menu descriptions do not include all ingredients. If you have a food allergy or intolerance, please let us know before ordering. Full allergen information for food and drink is available, upon request. All weights stated are approximate uncooked weights. *Unlimited use of filter coffee is available in total 13 stores and subject to our fair usage policy. All items are subject to availability. All prices include VAT at the current rate. Cuckoo may vary by site.

TEA & COFFEE

LAVAZZA

LAVAZZA SELECT THE BEST RAINFOREST ALLIANCE CERTIFIED ARABICA BEANS AND BLEND THEM WITH OVER 120 YEARS OF EXPERIENCE AND PASSION

ESPRESSO	£2.00
AMERICANO	£2.00
CAPPUCCINO	£2.50
LATTE	£2.50
MOCHA	£2.50
TEA	£2.00
HOT CHOCOLATE	£2.50

GO LARGE ON COFFEE FOR 30P



Licence & Appeal History

Application	Details of Application	Date Determined	Decision
05/05509/LIPCV	Application for conversion	02.08.2005	Granted Under Delegated Authority
06/10209/WCCMAP	Application for new premises Licence	28.10.2005	Granted Under Delegated Authority
11/01136/LIPDPS	Application to vary the Designated Premises Supervisor	24.02.2011	Granted Under Delegated Authority
11/02851/LIPVM	Application for a Minor Variation to carry out internal alterations to the premises.	20.04.2011	Granted Under Delegated Authority
11/09819/LIPDPS	Application to vary the Designated Premises Supervisor	31.10.2011	Granted Under Delegated Authority
11/12045/LIPVM	Application for a Minor Variation to carry out internal alterations to the premises and to vary the opening commencement hour to 08:00 on Monday to Saturday and 10:00 Sunday (no change to existing licensable activity hours).	29.12.2011	Granted Under Delegated Authority
12/08286/LIPVM	Application for a Minor Variation to carry out internal alterations to include the following: Basement- relocate trade kitchen, gents toilets, staff room and cleaners store. Form new freezer and chiller store and add new hoists to new kitchen position. Ground- New section of fixed seating by stairs. Removal one section of fixed seating and add new hoists and shelf. Move a section of fixed seating forward in the corner to	09.10.2012	Granted Under Delegated Authority

	allow ducting to pass through.		
14/07619/LIPDPS	Application to vary the Designated Premises Supervisor	03.11.2014	Granted Under Delegated Authority
14/08841/LIPVM	Application for a Minor Variation to vary the opening commencement hour to 07:00 Monday to Sunday (no change to existing licensable activity hours)	03.11.2014	Granted Under Delegated Authority
15/00645/LIPDPS	Application to vary the Designated Premises Supervisor	26.02.2015	Granted Under Delegated Authority
15/08950/LIPCHD	Application to change DPS Address Details	13.10.2015	Granted Under Delegated Authority

Temporary Event Notice:

Application	Details of Application	Decision
11/12287/LITENP	Temporary Event Notice	Notice Allowed
12/01053/LITENP	Temporary Event Notice	Notice Allowed
12/04964/LITENP	Temporary Event Notice	Notice Allowed
13/01323/LITENP	Temporary Event Notice	Notice Allowed
13/03075/LITENP	Temporary Event Notice	Notice Allowed
14/01418/LITENP	Temporary Event Notice	Notice Allowed
14/04220/LITENP	Temporary Event Notice	Notice Allowed

14/04259/LITENP	Temporary Event Notice	Notice Allowed
14/04262/LITENP	Temporary Event Notice	Notice Allowed
14/04263/LITENP	Temporary Event Notice	Notice Allowed
15/01169/LITENP	Temporary Event Notice	Notice Allowed
15/08647/LITENP	Temporary Event Notice	Notice Allowed
15/10138/LITENP	Temporary Event Notice	Notice Allowed
16/01257/LITENP	Temporary Event Notice	Notice Allowed
17/00675/LITENP	Temporary Event Notice	Notice Allowed
17/04484/LITENP	Temporary Event Notice	Notice Allowed
17/04501/LITENP	Temporary Event Notice	Notice Allowed
17/04505/LITENP	Temporary Event Notice	Notice Allowed
17/04509/LITENP	Temporary Event Notice	Notice Allowed
17/04516/LITENP	Temporary Event Notice	Notice Allowed
17/04520/LITENP	Temporary Event Notice	Notice Allowed

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.

Conditions which reproduce the effect of any restriction imposed on the use of the premises by specified enactment

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

Annex 2 – Conditions consistent with the operating Schedule

10. The Venue will 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 for a 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

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

11. The permitted hours for sale and supply of alcohol is:
 - (a) Monday to Thursday 10:00 to 23:30
 - (b) Friday to Saturday 10:00 to 00:00
 - (c) Sunday 12:00 to 22:30
 - (d) Sunday Prior to Bank Holiday: 12:00 to 00:00
 - (e) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).
12. Customers shall be off the premises by no later than 23:30 Monday to Thursday, 00:00 Friday to Saturday and Sunday prior Bank holiday and 22:50 Sunday .
13. Credit card sales shall be allowed, subject to the proviso that customers are to be presented with an itemised bill.
14. All persons under the age of 14 shall be accompanied at all times by an adult. No person under 14 shall be allowed to remain in the bar area after 21:00 unless they are taking table meals accompanied by an adult when after 21:30.
15. Noise and vibration will not be allowed to emanate from the premises so as to cause a public nuisance to nearby properties.
16. All windows and doors to be kept closed when regulated entertainment takes place except immediate access and egress of persons. For avoidance of doubt the reference to regulated entertainment does not include background music.
17. A sound limiting device must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service. The keys securing the noise limiter shall be held by the applicant only, and shall not be accessed by any other person. The limiter shall not be altered without prior agreement with the Environmental Health Service.
18. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised officer of the Environmental Health Service.
19. Any additional generating equipment shall not be used on the premises without being routed through the sound limiter device.

20. There shall be no licensable activities or consumption of alcohol by patrons permitted outside the premises after 23:00 Monday to Saturday and after 22:30 on Sunday except as may be permitted under any street trading licence that may be granted by Westminster City Council.
21. Whilst live music is taking place the number of persons accommodated at any one time (excluding staff) shall not exceed the following:
225 persons ground floor.
22. All emergency doors shall be maintained effectively self closing and not held open other than by approved device.
23. Curtains and hangings shall be arranged so as not to obstruct emergency signs.
24. The certificates below shall be submitted to the Licensing Authority upon written request:
 - (a) any emergency lighting battery or system
 - (b) any electrical installation
 - (c) Any emergency warning system.
25. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used 10 days prior notice being given to the Licensing Authority where consent has not previously been given:
 - dry ice and cryogenic fog
 - smoke machines and fog generators
 - pyrotechnics including fire works
 - firearms
 - lasers
 - explosives and highly flammable substances
 - real flame
 - strobe lighting
26. Flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby properties (save insofar as they are necessary for the prevention of crime).
27. All electrical sockets used to supply power for hand held electrical equipment shall be protected by a residual current device of 30 milliamps sensitivity complying with British Standard Specification 4293 : 1993.
28. No person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased. NOTE: (1) This rule does not apply to exhibitions given under the provision of Section 2(1A) and 5 of the Hypnotism Act 1952.
29. No entertainment, performance, service or exhibition involving nudity or sexual stimulation which would come within the definition of a sex establishment in

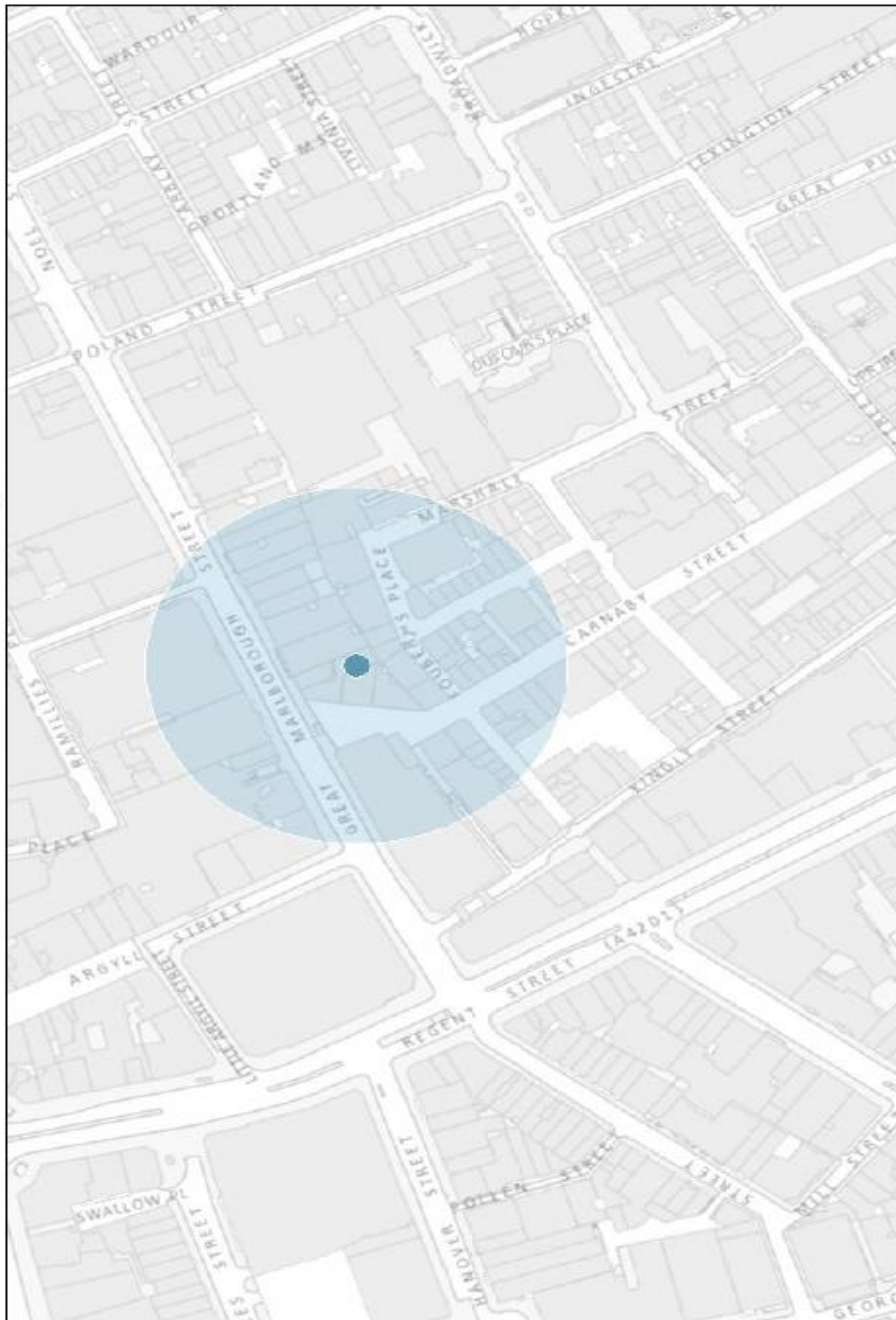
Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Greater London Council (General Powers) Act 1986 (whether or not locally adopted), shall be provided.

30. There shall be no striptease or nudity and all persons shall be decently attired at all times.
31. 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.
32. There shall be no loud speakers located within the acoustic lobby or externally.
33. The performance of live music shall be restricted to a maximum of 4 performers.
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) any complaints received regarding crime and disorder
 - (c) any incidents of disorder
 - (d) any faults in the CCTV system
 - (e) any refusal of the sale of alcohol
 - (f) any visit by a relevant authority or emergency service.
35. There shall be no live music or sound checks Monday to Friday from 09:00 hours to 18:00 hours except for Bank Holiday Mondays.
36. All performances of live music shall be restricted to the raised area only as shown on the plan MC605-203 dated March 2011.

Proposed Condition as part of the Operating Schedule

37. The sale of alcohol on Sunday between the hours of 10.00 and 12.00 and shall be for consumption "on" the premises only, and shall be ancillary to substantial food.

O'Neill's 37 - 38 Great Marlborough Street



August 24, 2017

Resident Count: 56

Copy of Existing Licence



City of Westminster

64 Victoria Street, London, SW1E 6QP

Schedule 12
Part A

WARD: West End
UPRN: 010033534989

Premises licence

Regulation 33, 34

Premises licence number:

15/08950/LIPCHD

Original Reference:

05/05509/LIPCV

Part 1 – Premises details

Postal address of premises:

O'Neill's
37 - 38 Great Marlborough Street
London
W1F 7JF

Telephone Number: 020 7437 0039

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Indoor Sporting Event
Performance of Live Music
Playing of Recorded Music
Late Night Refreshment
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit
Sale by Retail of Alcohol

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

Indoor Sporting Event

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

Performance of Live Music

Monday to Thursday:	18:00 to 23:00
Friday:	18:00 to 23:30
Saturday:	10:00 to 23:30
Sunday:	12:00 to 22:30
Bank Holiday:	10:00 to 23:30 (Monday)

Non-standard Timings: Continuous trading hours on 31st December each year until start time on the following day

Playing of Recorded Music

Unrestricted

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
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit	
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
<i>For times authorised for Christmas, New Year and Good Friday see conditions at Annex 1 & 3</i>	

The opening hours of the premises:	
Monday to Thursday:	07:00 to 23:30
Friday to Saturday:	07:00 to 00:00
Sunday:	07:00 to 22:50
Sundays before Bank Holidays:	07:00 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:
Mitchells And Butlers Leisure Retail Ltd 27 Fleet Street Birmingham B3 1JP

Registered number of holder, for example company number, charity number (where applicable)
01001181

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:
Name: Kerry Ann Rossall
<i>Please note: It is the policy of the Licensing Authority not to display the address details of a designated premises supervisor.</i>

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

<p>Licence Number: 009158 Licensing Authority: London Borough Of Barking And Dagenham</p>

Date: 13th October 2015

**This licence has been authorised by Miss Yolanda Wade on behalf of the 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.

Conditions which reproduce the effect of any restriction imposed on the use of the premises by specified enactment

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

Annex 2 – Conditions consistent with the operating Schedule

10. The Venue will 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 for a 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

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

11. The permitted hours for sale and supply of alcohol is:
 - (a) Monday to Thursday 10:00 to 23:30
 - (b) Friday to Saturday 10:00 to 00:00
 - (c) Sunday 12:00 to 22:30
 - (d) Sunday Prior to Bank Holiday: 12:00 to 00:00
 - (e) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).
12. Customers shall be off the premises by no later than 23:30 Monday to Thursday, 00:00 Friday to Saturday and Sunday prior Bank holiday and 22:50 Sunday .
13. Credit card sales shall be allowed, subject to the proviso that customers are to be presented with an itemised bill.
14. All persons under the age Of 14 shall be accompanied at all times by an adult. No person under 14 shall be allowed to remain in the bar area after 21:00 unless they are taking table meals accompanied by an adult when after 21:30.
15. Noise and vibration will not be allowed to emanate from the premises so as to cause a public nuisance to nearby properties.
16. All windows and doors to be kept closed when regulated entertainment takes place except immediate access and egress of persons. For avoidance of doubt the reference to regulated entertainment does not include background music.
17. A sound limiting device must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service. The keys securing the noise limiter shall be held by the applicant only, and shall not be accessed by any other person. The limiter shall not be altered without prior agreement with the Environmental Health Service.
18. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised officer of the Environmental Health Service.
19. Any additional generating equipment shall not be used on the premises without being routed through the sound limiter device.
20. There shall be no licensable activities or consumption of alcohol by patrons permitted outside the premises after 23:00 Monday to Saturday and after 22:30 on Sunday except as may be permitted under any street trading licence that may be granted by Westminster City Council.
21. Whilst live music is taking place the number of persons accommodated at any one time (excluding staff) shall not exceed the following:
225 persons ground floor.
22. All emergency doors shall be maintained effectively self closing and not held open other than by approved device.
23. Curtains and hangings shall be arranged so as not to obstruct emergency signs.
24. The certificates below shall be submitted to the Licensing Authority upon written request:
 - (a) any emergency lighting battery or system

- (b) any electrical installation
 - (c) Any emergency warning system.
25. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used 10 days prior notice being given to the Licensing Authority where consent has not previously been given:
- dry ice and cryogenic fog
 - smoke machines and fog generators
 - pyrotechnics including fire works
 - firearms
 - lasers
 - explosives and highly flammable substances
 - real flame
 - strobe lighting
26. Flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby properties (save insofar as they are necessary for the prevention of crime).
27. All electrical sockets used to supply power for hand held electrical equipment shall be protected by a residual current device of 30 milliamps sensitivity complying with British Standard Specification 4293 : 1993.
28. No person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased. NOTE: (1) This rule does not apply to exhibitions given under the provision of Section 2(1A) and 5 of the Hypnotism Act 1952.
29. 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.
30. There shall be no striptease or nudity and all persons shall be decently attired at all times.
31. 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.
32. There shall be no loud speakers located within the acoustic lobby or externally.
33. The performance of live music shall be restricted to a maximum of 4 performers.
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) any complaints received regarding crime and disorder
 - (c) any incidents of disorder
 - (d) any faults in the CCTV system
 - (e) any refusal of the sale of alcohol
 - (f) any visit by a relevant authority or emergency service.

35. There shall be no live music or sound checks Monday to Friday from 09:00 hours to 18:00 hours except for Bank Holiday Mondays.
36. All performances of live music shall be restricted to the raised area only as shown on the plan MC605-203 dated March 2011.

Annex 4 – Plans

(Attached)



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

Schedule 12
Part B

WARD: West End
UPRN: 010033534989

Premises licence
summary

Regulation 33, 34

Premises licence number:

15/08950/LIPCHD

Part 1 – Premises details

Postal address of premises:

O'Neill's
37 - 38 Great Marlborough Street
London
W1F 7JF

Telephone Number: 020 7437 0039

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Indoor Sporting Event
Performance of Live Music
Playing of Recorded Music
Late Night Refreshment
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit
Sale by Retail of Alcohol

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

Indoor Sporting Event

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

Performance of Live Music

Monday to Thursday:	18:00 to 23:00
Friday:	18:00 to 23:30
Saturday:	10:00 to 23:30
Sunday:	12:00 to 22:30
Bank Holiday:	10:00 to 23:30 (Monday)

Non-standard Timings: Continuous trading hours on 31st December each year until start time on the following day

Playing of Recorded Music

Unrestricted

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
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit	
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
<i>For times authorised for Christmas, New Year and Good Friday see conditions at Annex 1&3</i>	

The opening hours of the premises:	
Monday to Thursday:	07:00 to 23:30
Friday to Saturday:	07:00 to 00:00
Sunday:	07:00 to 22:50
Sundays before Bank Holidays:	07:00 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:	
Mitchells And Butlers Leisure Retail Ltd 27 Fleet Street Birmingham B3 1JP	

Registered number of holder, for example company number, charity number (where applicable)	
01001181	

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

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

Date: 13th October 2015

This licence has been authorised by Miss Yolanda Wade on behalf of the Director -
Public Protection and Licensing.