

Licensing Sub-Committee Report

Item No:	
Date:	28 March 2019
Licensing Ref No:	19/00705/LIPN - New Premises Licence
Title of Report:	48 Albemarle Street London W1S 4JP
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:	Kevin Jackaman Senior Licensing Officer
Contact details	Telephone: 0207 641 8094 Email: kjackaman@westminster.gov.uk

1. Application

1-A Applicant and premises																							
Application Type:	New Premises Licence, Licensing Act 2003																						
Application received date:	18 January 2019																						
Applicant:	Tizzola Properties Ltd																						
Premises address:	48 Albemarle Street London W1S 4JP	Ward:	West End Ward																				
		Cumulative Impact Area:	None																				
Premises description:	According to the application form, the application is for a 'shadow licence' of Gazelle, 48 Albemarle Street, on exactly the same terms as licence number 17/07479/LIPN.																						
Premises licence history:	<p>A premises licence is currently in existence at the premises under reference 17/07479/LIPN. A copy of this licence is attached as Appendix 4.</p> <p>In summary, this premises licence permits the following licensable activities and operating hours:</p> <p>Exhibition of a Film</p> <table> <tr> <td>Monday to Wednesday:</td> <td>10:00 to 23:30</td> </tr> <tr> <td>Thursday to Saturday:</td> <td>10:00 to 00:00</td> </tr> <tr> <td>Sunday:</td> <td>12:00 to 23:00</td> </tr> </table> <p>Late Night refreshment</p> <table> <tr> <td>Monday to Wednesday:</td> <td>23:00 to 23:30</td> </tr> <tr> <td>Thursday to Saturday:</td> <td>23:00 to 00:00</td> </tr> </table> <p>Sale by Retail of Alcohol (On Sales)</p> <table> <tr> <td>Monday to Wednesday:</td> <td>10:00 to 23:30</td> </tr> <tr> <td>Thursday to Saturday:</td> <td>10:00 to 00:00</td> </tr> <tr> <td>Sunday:</td> <td>12:00 to 22:30</td> </tr> </table> <p>Sale by Retail of Alcohol (Off Sales)</p> <table> <tr> <td>Monday to Saturday</td> <td>10:00 to 23:00</td> </tr> <tr> <td>Sunday</td> <td>12:00 to 22:30</td> </tr> </table>			Monday to Wednesday:	10:00 to 23:30	Thursday to Saturday:	10:00 to 00:00	Sunday:	12:00 to 23:00	Monday to Wednesday:	23:00 to 23:30	Thursday to Saturday:	23:00 to 00:00	Monday to Wednesday:	10:00 to 23:30	Thursday to Saturday:	10:00 to 00:00	Sunday:	12:00 to 22:30	Monday to Saturday	10:00 to 23:00	Sunday	12:00 to 22:30
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Applicant submissions:	Further submissions from the applicant appear at Appendix 3 .																						

1-B Proposed licensable activities and hours							
Exhibition of a Film:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	12:00
End:	23:30	23:30	23:30	00:00	00:00	00:00	23:00
Seasonal variations/ Non-standard timings:	Sundays before Bank holidays until 00:00. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. An additional hour from the end of permitted hours on the morning following Valentine's Day, Christmas Eve and Boxing Day.						

1-B Proposed licensable activities and hours							
Late Night Refreshment:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	
End:	23:30	23:30	23:30	00:00	00:00	00:00	
Seasonal variations/ Non-standard timings:		Sunday immediately before bank holidays from 23:00 to 00:00; From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. An additional hour from the end of permitted hours on the morning following Valentine's Day, Christmas Eve and Boxing Day.					

Sale by retail of alcohol				On or off sales or both:			On the premises
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	12:00
End:	23:30	23:30	23:30	00:00	00:00	00:00	22:30
Seasonal variations/ Non-standard timings:		From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. An additional hour from the end of permitted hours on the morning following Valentine's Day, Christmas Eve and Boxing Day. Sundays before Bank Holidays 12:00 - 00:00					

Sale by retail of alcohol				On or off sales or both:			Off the premises
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	12:00
End:	23:00	23:00	23:00	23:00	23:00	23:00	22:30
Seasonal variations/ Non-standard timings:		None					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	08:00	08:00	08:00	08:00	08:00	08:00	12:00
End:	00:00	00:00	00:00	00:30	00:30	00:30	23:00
Seasonal variations/ Non-standard timings:		From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. An additional hour from the end of permitted hours on the morning following Valentine's Day, Christmas Eve and Boxing Day. Sundays before bank holidays 12:00 - 00:00.					

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Service
Representative:	Ian Watson
Received:	13 February 2019 (<i>Withdrawn</i>)

I refer to the application for a New Premises Licence for the above premises.

The applicant has submitted floor plans of the premises.

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

The applicant is seeking the following

1. To provide for the Supply of Alcohol 'On' and 'off' the premises Monday to Wednesday 10.00 – 23.30 hours, Thursday and Saturday between 10.00 and 00.00 hours and Sunday between 12.00 to 22.30 hours. New Year's Eve to New Year's Day. Sundays before Bank Holiday 12.00 to 00.00 hours.
2. To provide Late Night Refreshment 'Indoors' Monday to Wednesday 23.00 – 23.30 hours, Thursday and Saturday between 23.00 and 00.00 hours. New Year's Eve to New Year's Day. Sundays before Bank Holiday 23.00 to 00.00 hours.
3. To provide regulated entertainment 'indoors' comprising
 - Films
Monday to Saturday between 09.00 and 03.30 hours and Sunday between 09.00 to 00.00 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 area.
2. The hours requested to permit the provision of late night refreshment will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the area.
3. The hours requested to permit the provision of regulated entertainment will have the likely effect of causing an increase in Public Nuisance within the area.

The applicant has provided additional information with the application which is being addressed.

Following assessment of the application, on the basis that no additional hours, activities or conditions were being sought, the Environment Health representation was withdrawn on 1 March 2019

2-B Other Persons	
Name:	Gazzelle Bar Limited
Address and/or Residents Association:	TLT Solicitors 20 Gresham Street London EC2V 7JE
Received:	15 February 2019

We write on behalf of The Gazelle Bar Ltd, the holders of a premises licence at 48 Albemarle Street, London W1S 4JP.

We supply this letter in connection with the "shadow" licence application submitted by Thomas & Thomas Partners on behalf of Tizzola Properties Ltd.

We consider that this application should be rejected entirely and if not, it should be refused by your Licensing Sub-Committee as being contrary to the Licensing Objectives.

We will start by explaining why the application is so fundamentally flawed that is invalid and that there is therefore no application for you to consider. However, because the defects could potentially be remedied by withdrawal and making a subsequent application we will deal with the application as if it were valid in the first instance and set out why it should be refused as to grant the application would be contrary to all four Licensing Objectives.

An application for a licence must be in the prescribed form (s17 of the Licensing Act 2003). This application should be rejected because it is not in the prescribed form, which requires the Applicant to formally declare that he/she understands that (page 16):-

"It is an offence, liable on conviction to a fine up to a level 5 on the standard scale, under Section 158 of the Licencing Act 2003, to make a false statement in or in connection with this application."

The prescribed form provides tick boxes at the end of the form to remind the Applicant of the essential documents which are required.

"I have attached a scanned copy of the consent form completed by the proposed premises supervisor. "

Despite ticking this box there is no copy consent form scanned or otherwise. The prescribed form also requires acknowledgement by the Applicant that:"I have enclosed (sic) the plan of the premises. "

Whilst this box is ticked, no plan is enclosed (or scanned).

The next declaration explains why this is important and why this application should be rejected.

"I understand that if I do not comply with the above requirement my application will be rejected"

That box is also ticked. This application should be rejected.

Abuse of process

Should the committee not be with us we now set out why the application should be refused on the basis that the application for a "shadow" licence is an anomaly of the Licensing Act 2003 and that it should also be refused because it would be contrary to all four Licensing Objectives.

The Applicant is reminded that it is a criminal offence to make a false statement and requires

acknowledgement of this with a tick box.

"I/we understand that it is an offence, liable on conviction to a fine of up to level 5 on the standard scale, under Section 158 of the Licensing Act 2003 to make a false statement in or in connection with this application. "

The prescribed form also requires "please attach a proof of right to work" (for the DPS). This box is rightly not ticked because there is no DPS.

The next tick box (but one) requires the complier of the form to acknowledge "Ticking this box indicates you have read and understood the above declaration. " And later the Applicant confirms that "The DPS named in this application form is entitled to work in the UK, (and is not subject to conditions preventing him or her from doing work relating to licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)."

The Applicant wrongly confirms that this is true, however there is no DPS and there is no right to work.

We now refer to page 13 of the application where the details of the DPS are given. The difficulties that the agent has in completing this section demonstrate one of the reasons why an application for a "shadow" licence is an abuse of process and is abhorrent to the Licensing Act 2003.

The electronic prescribed form is set up so the complier cannot make a mistake and any deviation has to be intentional. This is achieved by the method that unless there is an entry in a box the complier is not able to continue to the next box or download the form as a proper application.

At page 13 of the application the complier enters details which he or she knows is false in order to give the impression that the application is bona fide.

The complier is then required to:

"please print the 'Consent of Individual to being specified as premises supervision' form (shown on page 19 and 20), and have the person specified above sign and confirm the details given. "

As mentioned earlier the complier is required to make a declaration that the form is uploaded and that the DPS is entitled to work in the UK and that the complier has seen a copy of the proof of right to work. They haven't.

At page 6 the prescribed form asks "what Licensable Activities do you intend to carry on from the premises?" This application for a shadow licence cannot have an intention to carry on a licensable activity from the premises- The Applicant is a company registered in the BV Islands and is effectively applying for the licence as a Landlord in the conveyancing sense, so will consent to someone else providing Licensable Activities.

Part 3 Operating Schedules (page 5).

The Applicant has not completed the box concerning when it wants the premises licence to start, the Applicant doesn't know when it wants it to start (see later for the importance of this fact.)

The form requires the Applicant to give a "General description of premises". The application does not reveal a description of the premises but merely recites that it wants the application to be for a "shadow licence" of Gazelle and gives details of that. The description of the premises is designed to give members of the public an idea of what the premises is going to be like. An informed member of the public would not understand what a "shadow licence". A "shadow licence" is not a term of art and one could not even look up what this means in a dictionary.

The next reason why this application for a "shadow licence" is an abuse of process is that the Applicant has no present intention to use the licence him/herself.

We now turn to why an application for this sort is an abuse of process and not in the public interest.

The purpose of a shadow licence is to have a licence ready to bring into force immediately without having to apply for a new licence and to avoid the notice period and potential objections. What it does is it denies members of the public a chance have a say in whether a licence should be granted at the relevant time. Equally importantly, it denies the Licensing Authority an opportunity to consider whether a new licence should be granted at the relevant time and in those circumstances it must be contrary to the Licensing Objectives.

There are two circumstances when a shadow licence would be activated if it was granted.

A premises licence remains in force until it is either revoked or surrendered. There are a number of reasons why a licence is revoked but in this case the applicant is asking for a duplicate of the licence held by its tenant. The Act provides for a way that that licence can be transferred to the Landlord (Section 42 Licensing Act 2003) but that requires the consent of the existing licensee to be attached or "if that is not practicable a statement of the reasons for the failure to provide the licence. "The Landlord can rely upon this section and get the licence transferred if he has the consent of the Tenant. In the circumstances of a dispute between the Landlord and Tenant, the Licensing Authority has discretion to waive the requirement of producing the consent of the Licensee in accordance with Section 44 (6) Licensing Act 2003.

"The applicant (has to) show(s) to the Authorities satisfaction —

That he has taken al/ reasonable steps to obtain that consent; and

(a) That if the application was granted he would be in a position to use the premises for the licensable activity or activities authorised by the premises licence.

This application for a shadow licence takes away that decision from the Licensing Authority.

Westminster as Licensing Authority have in the past required the Applicant for the transfer and the Licensee to resolve their dispute, in the High Court if necessary.

Westminster as Licensing Authority may think there is a good reason for waiving the necessity to have the consent but it should be Westminster and not the Landlord of the Licensee that should make that decision. Not to retain that discretion appears to us to be an abuse of process.

The other alternative is that the licence is revoked. The revocation of a licence is the last resort for a Licensing Authority and will be a decision that is not taken lightly. Granting a "shadow" licence will allow the Landlord to effectively overturn any revocation and in an extreme case the Landlord could activate the licence and allow a Licensee to continue to trade under the authority of the "shadow" licence. This undermines the Licensing Objective of the Prevention of Crime and Disorder. We say that this is an abuse of process. The Licensing Act 2003 lays down methods to activate or reactivate a licence but they all require the consent of the Licensing Authority where it can exercise its discretion. It must be contrary to the public interest to allow a Landlord to deprive the Licensing Authority from the exercise of its discretion.

We trust that the above is clear, please do not hesitate to contact us if you have any queries.

We would be grateful if we could be kept abreast of the Licensing Authority's decision in this matter and offered the opportunity to attend any Sub-Committee hearing in the event that the Licensing Authority are not minded to refuse this application outright as they should.

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy HRS1 applies	<p>(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.</p> <p>(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</p> <p><u>For premises for the supply of alcohol for consumption on the premises:</u> Monday to Thursday: 10:00 to 23:30 Friday and Saturday: 10:00 to midnight Sundays immediately prior to Bank Holidays: Midday to midnight Other Sundays: Midday to 22:30</p> <p><u>For premises for the supply of alcohol for consumption off the premises:</u> Monday to Saturday: 08:00 to 23:00 Sundays: 10:00 to 22:30</p>
Policy PB1 applies	Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.

4. Equality Implications

The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary, section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

5. Appendices

Appendix 1	Premises Licence 19/00705/LIPN
Appendix 2	Premises Plan
Appendix 3	Applicant supporting documents
Appendix 4	Interested Party supporting documents
Appendix 5	Premises history
Appendix 6	Proposed conditions
Appendix 7	Residential map and list of premises in the vicinity

Report author:	Kevin Jackaman Senior Licensing Officer
Contact:	Telephone: 0207 641 8094 Email: kjackaman@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	April 2018
4	Environmental Health Representation	13 February 2019 (withdrawn 1 March 2019)
5	Interested Party Representation	15 February 2019
6	Applicants Supporting Documents	25 February 2019
7	Interested Party Supporting Documents	15 March 2019



Schedule 12
Part A

WARD: West End
UPRN: 100023473387

City of Westminster

64 Victoria Street, London, SW1E 6QP

Premises licence

Regulation 33, 34

Premises licence number:

17/07479/LIPN

Original Reference:

17/07479/LIPN

Part 1 – Premises details

Postal address of premises:

48 Albemarle Street
London
W1S 4JP

Telephone Number:

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Exhibition of a Film
Late Night Refreshment
Sale by Retail of Alcohol

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

Exhibition of a Film

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

Non-standard Timings:

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

An additional hour from the end of permitted hours on the morning following Valentine's Day, Christmas Eve and Boxing Day.

Late Night Refreshment

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

Non-standard Timings:

Sunday immediately before bank holidays from 23:00 to 00:00

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

An additional hour from the end of permitted hours on the morning following Valentine's Day, Christmas Eve and Boxing Day.

Sale by Retail of Alcohol

Monday to Wednesday:	10:00 to 23:30 (on sales)
Thursday to Saturday:	10:00 to 00:00 (on sales)
Sunday:	12:00 to 22:30 (on sales)

Monday to Saturday	10:00 to 23:00 (off sales)
Sunday	12:00 to 22:30 (off sales)

Sundays before Bank Holidays:	12:00 to 00:00
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Non-standard Timings:

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

An additional hour from the end of permitted hours on the morning following Valentine's Day, Christmas Eve and Boxing Day.

The opening hours of the premises:

Monday to Wednesday:	08:00 to 00:00
Thursday to Saturday:	08:00 to 00:30
Sunday:	08:00 to 23:00
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:

The Gazelle Bar Ltd
Unit 26 Regent Studios
8 Andrews Road
London
E8 4QN

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

10261076

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

Name: Simon Conigliaro

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: LBWANDS/01745
Licensing Authority: London Borough Of Wandsworth

Date: 19th January 2018

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.

Annex 2 – Conditions consistent with the operating Schedule

9. Substantial food and non-intoxicating beverages shall be available throughout the trading day in all parts of the premises where alcohol is supplied for consumption on the premises and until 30 minutes prior to closing.
10. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
11. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
12. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times
13. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 hours and 07.00 hours on the following day
14. No deliveries to the premises shall take place between 23:00 hours and 07:00 hours on the following day
15. A direct telephone number for the manager at the premises shall be publically made available at all times the premises is open. This telephone number will be made available to residents and businesses in the vicinity
16. A Challenge 21 or Challenge 25 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.
17. All relevant staff will receive refresher training on relevant alcohol laws and the licence holder's policy on challenging for ID. Such training to take place at least twice a year. Records will be maintained at the premises containing information about the training of any person who is authorised to make a sale of alcohol, including the date of their training and the nature of the training undertaken. The relevant documentation shall be produced on reasonable request to a police officer or a relevant officer of a responsible authority.
18. 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.
19. 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. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system,
 - (g) any refusal of the sale of alcohol

(h) any visit by a relevant authority or emergency service.

- 19 The supply of alcohol shall be by waiter or waitress service to seated customers only with the exception of:
 - (a) Those customers seated at the bar counter who may be served direct by the bar staff; and
 - (b) A maximum of fifteen (15) customers permitted to stand whilst waiting for a table.
- 20 The maximum number of persons permitted on the premises at any one time (excluding staff) shall not exceed:
 - a) First floor - 60 persons
 - b) Second floor - 60 persons
- 21 There shall be no sales of alcohol for consumption "off" the premises after 23:00 hours.
- 22 All sales of alcohol for consumption "off" the premises shall be in sealed containers only and shall not be consumed "on" the premises.
- 23 There shall be no sales of hot food or hot drinks for consumption "off" the premises after 23:00
- 24 No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises, nor vibration be transmitted through the structure of the premises which gives rise to a nuisance
- 25 Loudspeakers shall not be located in the entrance lobby or outside the premises building
- 26 All windows shall be kept closed after 23:00 hours or at any time when regulated entertainment takes place
- 27 Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly
- 28 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
- 29 The edges of the treads of steps and stairways shall be maintained so as to be conspicuous
- 30 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
- 31 No waste or recyclable materials, including bottles, shall be moved, removed or placed in outside areas between 23.00 hours and 08.00 hours
- 32 The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided
- 33 Licensable activity is not to take place until the premises have been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from this licence by the licensing authority.

- 34 Before the premises open to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority

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

None

Annex 4 – Plans

Attached



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

Schedule 12
Part B

WARD: West End
UPRN: 100023473387

Premises licence
summary

Regulation 33, 34

Premises licence number:

17/07479/LIPN

Part 1 – Premises details

Postal address of premises:

48 Albemarle Street
London
W1S 4JP

Telephone Number:

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Exhibition of a Film
Late Night Refreshment
Sale by Retail of Alcohol

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

Exhibition of a Film

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

Non-standard Timings:

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

An additional hour from the end of permitted hours on the morning following Valentine's Day, Christmas Eve and Boxing Day.

Late Night Refreshment

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

Non-standard Timings:

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

An additional hour from the end of permitted hours on the morning following Valentine's Day, Christmas Eve and Boxing Day.

Sale by Retail of Alcohol

Monday to Wednesday:	10:00 to 23:30 (on sales)
Thursday to Saturday:	10:00 to 00:00 (on sales)
Sunday:	12:00 to 22:30 (on sales)

Monday to Saturday	10:00 to 23:00 (off sales)
Sunday	12:00 to 22:30 (off sales)

Sundays before Bank Holidays:	12:00 to 00:00
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Non-standard Timings:

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

An additional hour from the end of permitted hours on the morning following Valentine's Day, Christmas Eve and Boxing Day.

The opening hours of the premises:

Monday to Wednesday:	08:00 to 00:00
Thursday to Saturday:	08:00 to 00:30
Sunday:	08:00 to 23:00
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:

The Gazelle Bar Ltd
Unit 26 Regent Studios
8 Andrews Road
London
E8 4QN

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

10261076

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

Name: Simon Conigliaro

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

Restricted

Date: 19th January 2018

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

Thomas & Thomas
Partners LLP

Your ref: 19/00705/LPN
Our ref: AT/TIZ.1.1

38a Monmouth Street
London WC2H 9EP
tel: 020 7042 0410
fax: 020 7379 6618

Licensing Service
City of Westminster
64 Victoria Street
London SW1E 6QP

25 February 2019

Dear Sirs

19/00705/LPN Premises Licence 48 Albermarle Street London W1S 4JP

We write further to our email of 20th February 2019, and now respond in full on behalf the applicant Tizzola Properties Ltd to the representation received from TLT on behalf of Gazelle Bar Ltd.

It is submitted, from the outset, that the representation is frivolous and vexatious; wrong in law and has no reference to any of the four licensing objectives.

Application not in the prescribed form:

Solicitors on behalf of The Gazelle Bar Ltd make a number of points. Our client takes issue with all of these.

Firstly, it is said that because boxes in the application form were ticked indicating that a copy of the consent form of the DPS, together with a plan of the premises, were enclosed with the application (but were not in fact enclosed), that this somehow invalidates the application.

With respect, this is disingenuous. The way that the on-line application process is configured on the portal is such that it is impossible to progress through the application form unless these boxes are ticked.

Nevertheless, it was clear in the application itself that this was an application for a shadow licence in exactly the same terms as the primary licence.

The application form makes it abundantly clear that the applicant would seek to rely upon the plan attached to the existing licence, and whilst it is agreed that no plan was in fact attached, it is clear beyond doubt that reference is made to the existing plan. It is for that reason that the box was ticked.

In the same way, although the box referring to the consent of the Designated Premises Supervisor ("DPS") was ticked (otherwise the on-line process could proceed no further), it was made patently clear in the application itself that this was an application for a shadow licence and that there was to be no DPS.

A similar point is taken in respect of the "proof of right to work" declaration. Gazelle Bar Ltd make this submission under what it terms "abuse of process". In our submission, this falls under the same heading as the points addressed above.

They complain that the box stating that *"the DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to licensable activity) and I have seen a copy of his or her proof of entitlement to work **if appropriate**"* (our emphasis) has been ticked.

Two points arise in response. The first is that the application process cannot be completed without this box being ticked. The second point is that it was made clear in the application form itself that there was to be no DPS.

The words "if appropriate" mean, in our submission, appropriate to these circumstances. In other words, if there is to be no DPS then there is no requirement to have been satisfied of his right to work.

A similar point is made under the "abuse of process" heading, but which more correctly falls under his "invalid application" heading.

This relates to the complaint in relation to an intention to carry out licensable activities at the premises. It is wrongfully and unfairly said that "an applicant for a shadow licence cannot have an intention to carry on a licensable activity from the premises".

In *R (OTA Extreme Oyster) v Guildford Borough Council [2013] EWHC 2174 (Admin)* Turner J made it clear that there is nothing unlawful in a landlord making an application for a shadow licence which mirrors the primary licence. The wording of section 16(1)(a) of the Licensing Act 2003 ("LA2003") should be given a wide interpretation and would cover a landlord who "carries" on a business at the premises by virtue of the fact that he is in receipt of rent, or who seeks to protect his position in the event of the insolvency of the tenant. It should be remembered that in *Extreme Oyster* the landlord had no present intention to use the premises themselves (one of Guildford Borough Council's complaints).

It matters not that the applicant has not completed the box indicating when it wants the licence to start. A shadow licence has immediate effect and entitles the holder to protect its interests as against an insolvent tenant, or one who has placed the primary licence in jeopardy by surrendering it or mismanaging the premises in such a way as to occasion a review.

Similarly, with respect to the operating schedule the applicant has fully recited what the premises are by way of reference to the existing licence. A member of the public can easily access WCC's website for details of the existing licence.

These points are technical (and technically incorrect) and wholly without merit.

Similar points were taken in *R (on the application of D&D Bar Services Ltd) v Romford Magistrates Court [2014] EWHC 344 (Admin)* by a claimant who failed to satisfy the Administrative Court that an application for review of a licence was somehow invalid because the grounds for review were not stated in the notice and because the notice on the premises was in the wrong font size. Judge Blackett said this in response to those submissions:

Mr Kolvin (for the claimant) suggested that Regulations which are mandatory make compliance easier, so that there can be no doubt that unless they are complied with to the absolute letter, then the process is invalid. That may be so, but in my view it could never have been the intention of Parliament that minor errors on a notice or advertisement for a licensing review should make any subsequent consideration of the licence void. Such an approach would lead to absurd consequences. It is clear that there must be substantial compliance with Regulations 38(1) (a) and 39 but the process should not be frustrated by minor errors. Mr Kolvin's suggestion that there has been a total failure to comply with a significant part of a requirement does not reflect the reality of what occurred. District Judge Lucie considered the errors in the notice to be "minor irregularities." In the context of this case that is an entirely reasonable conclusion with which I agree and he was right to follow the approach in R v Soneji [2006] 1 AC 340 (HL) and R v Secretary of State for the Home Department ex parte Jeyanthan [2000] 1 WLR 354. At paragraph 26 of his judgment he said:

"It appears to me that it would not be in the overall interests of justice to quash the decision of the committee as a result of the irregularities. Had any party been able to show substantial prejudice or injustice then the decision may have been different. This is not a case, in my judgement, where non-compliance anywhere near approaches the degree or status that would go to the jurisdiction of the committee.

I agree entirely with the District Judge's approach."

In the light of the above, how can it possibly be said that there has not been substantial compliance in Tizzola Properties Ltd's application? Who has been prejudiced? What injustice is being alleged or apparent?

Abuse of process:

There a number of submissions under this heading, which have no foundation in law.

They firstly complain that a shadow licence "denies members of the public a chance to have a say in whether a licence should be granted at the relevant time". In asserting this they ignore entirely the legitimacy of the shadow licence regime as sanctioned by The Administrative Court in the **Extreme Oyster** case. There is an opportunity for members of the public and responsible authorities to object to the shadow licence at the time that the application is made (as was the case in Extreme Oyster).

Moreover, if the primary licence is reviewed, then as a matter of practice WCC's officers and the police invariably review the shadow licence at the same time to inquire as to what steps the shadow licence holder took by way of due diligence to ensure that the primary licence was being run correctly and

whether the shadow licence itself should be allowed to continue, and whether it can be said that the landlord was promoting the licensing objectives. It can hardly be said that the review process is in any way undermined by a shadow licence being in place. It cannot be said that in some way the shadow licence has “*deprive(d) the Licensing Authority from (sic) the exercise of its discretion*”.

If the complaint is that the old tenant leaves (for whatever reason) and refuses to consent to a transfer of the primary licence and the landlord operates the shadow licence, then it is equally open to the responsible authorities (and residents) to review the shadow licence if there is any concern about any new operation.

In the event of the insolvency of the tenant, then the licence lapses under section 27 LA2003, but can be resurrected under section 50 LA2003 if an application for transfer of the licence is made within 28 days of insolvency. Guildford Borough Council unsuccessfully took the point in *Extreme Oyster* that these transfer provisions in the event of insolvency negated one of the reasons given by the landlord as to why he would wish to have a shadow licence. Turner J dismissed this argument by the Borough Council. There is nothing in the legislation that prevents a shadow licence being operated in place of a transfer of the primary licence. Indeed, it makes sound sense. Very often the landlord is only informed of the insolvency of the tenant late in the day, and after the 28 day period has elapsed.

For all of the reasons above, the representation on behalf of The Gazelle Bar Ltd is ill conceived; vexatious and frivolous; and has no foundation in law or indeed relevant or undermining of any of the licensing objectives.

Yours faithfully,



Thomas & Thomas Partners LLP
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Our ref 303L/LE06/101267/000007

Your ref c/o [REDACTED]



Licensing Sub-Committee (2)
 Rooms 18.01 to 18.03
 Westminster City Council
 18th floor, City Hall
 64 Victoria Street
 LONDON SW1E 6QP

By email only to [REDACTED]

Direct tel +44 (0)333 006 1358

Date 15 March 2019

Direct fax +44 (0)333 006 0011

Email luke.elford@tltsolicitors.com

Dear Councillors Mitchell, Wilkinson and Toki

Licensing Act 2003

Our client: The Gazelle Bar Ltd

19/00705/LIPN - Application for a new premises licence by Tizzola Properties Ltd

We act for The Gazelle Bar Ltd ("Gazelle"), the holder of a Premises Licence at 48 Albemarle Street, London (ref: 17/07479/LIPN) ("the Gazelle Licence"). We enclose a copy of the Premises Licence for ease of reference. We write further to our letter of 15 February 2019. We enclose a copy of our letter for ease of reference.

Defective Application

We mentioned in our letter of 15 February that the Applicant's application is defective, why it is defective, and why it should be refused in its entirety on that basis. Whether or not the application is refused is not a matter of discretion. We thought it would be helpful if we explain why.

Section 17 of the Licensing Act 2003 sets the requirements for an application for a Premises Licence.

Section 17(1) requires that an application is made to the relevant Licensing Authority. There is no issue there, Westminster City Council are the relevant Licensing Authority for the purposes of Section 17(1).

Section 17(3) provides that an application under section 17 **must** also be accompanied by:

- (a) an operating schedule;
- (b) **by a plan of the premises to which the application relates, in the prescribed form,**
and
- (c) **if the licensable activities to which the application relates ('the relevant licensable activities') include the supply of alcohol, by a form of consent in the**

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prescribed form given by the individual whom the applicant wishes to have specified in the premises licence as a premises supervisor.

Section 17(3)(c) is crucial and the Applicant's application was not and is still not accompanied by a form given by the individual whom the Applicant wishes to have specified in the premises licence as the premises supervisor.

If you would kindly turn to page 6 of the Applicant's application, a copy of which we enclose for ease of reference, you will see that under the question "What licensable activities do you intend to carry on from the premises?" that the Applicant has ticked films, provision of late night refreshment and **supply of alcohol.**

If you would kindly now turn to page 13 of the Applicant's application you will see that in box M the Applicant has asked to supply alcohol both on and off the premises from 10:00 until 23:30 Monday to Wednesday, from 10:00 until 00:00 Thursday to Saturday and from 12:00 until 22:30 on Sundays.

Beneath box M there is a box that asks the applicant to "state the name and the details of the individual whom you wish to specify on the licence as the premises supervisor." That box has been filled in as follows:

Title: Mr
Surname: N/a (Shadow Licence)
First name(s): -
Date of Birth: 17/01/2019
Address: -
Postcode: -
Personal Licence number (if known) -
Issuing licensing authority (if known)

There is then a statement as follows:

Please print the 'Consent of individual to being specified as premises supervisor' form (shown on pages 19 and 20), and have the person specified above sign and confirm the details given.

Box M and the name and details of the individual to be specified as premises supervisor directly relate to section 17(3)(c) of the Licensing Act 2003.

We submit that because the Licensing Act 2003 provides that an application for a premises licence **must** (section 17(3)), where the application includes the supply of alcohol, be accompanied **by a form of consent in the prescribed form given by the individual whom the applicant wishes to have specified in the premises licence as the premises supervisor** – that the Applicant's application should be rejected outright.

There is no way around section 17(3)(c), it is a requirement of the Licensing Act 2003 and cannot be overridden or circumnavigated.

We have corresponded with your Senior Licensing Officer, Mr Kevin Jackaman, on this point and in the interests of transparency, we enclose our email correspondence with him for your information.

Mr Jackaman's email of 27 February 2019 (timed 15:55) does not deal with the point raised above at all. You will see that we responded on the same date (timed 16:19) specifically raising the point about section 17(3)(c). Mr Jackaman responded on 1 March and we have copied the salient points of his email below:

With regards to your comments regarding the DPS consent, it is the Licensing Authorities [sic] view that the legislation requires the details of the DPS to be included if the licensable activities include the supply of alcohol.

Put simply, the licensable activities the Applicant has applied for **include** the supply of alcohol. The Applicant has ticked the relevant box at page 6 and has completed box M at page 13. The Applicant has tried, and failed, to give the details of the person to be specified as the premises supervisor. They can't, as there isn't one.

...it is unlawful to sell alcohol if there is no DPS. For example, A [sic] premises licence holder might have an existing DPS who resigns with immediate effect. That resignation will prevent any alcohol being sold until a new DPS is appointed and there is a process for achieving that without delay in section 38 of the 2003 Act. In the meantime, however, the licence holder is in the same position that a new applicant will be in who has not identified a DPS.

With respect to Mr Jackaman's understanding of the Licensing Act 2003, these are two different points and we appear to be at crossed purposes. We accept entirely that it is unlawful to continue to sell alcohol without a designated premises supervisor and where the premises licence holder is faced with a situation where his or her designated premises supervisor resigns, he or she must find another personal licence holder to take on that role and that an application to appoint a new designated premises supervisor can be made immediately with interim effect. We are saying that it is unlawful for the Licensing Authority to accept or consider an application for a premises licence that includes, as a licensable activity, the supply of alcohol where the Applicant has not complied with section 17(3)(c).

*It is the Licensing Authorities [sic] view that there is no need to identify a DPS when making a new application **if** the applicant is able to indicate that it wants the licence but is not yet in a position to identify who the DPS will be. The applicant will not be able to sell alcohol until a DPS has been appointed. The holder of the shadow licence may also submit (as is the case of this application [sic]) that there is no need for a DPS if they do not intend to make use of the shadow licence.*

Mr Jackaman makes a number of points here and we will deal with them in turn.

Mr Jackaman's first point is that it is the Licensing Authority's view that there is no need to identify a designated premises supervisor **if** the applicant is able to indicate that it wants the licence but it is not yet in a position to identify who the designated premises supervisor will be. We do not know whether this is the Licensing Authority's view or Mr Jackaman's personal view, but with the utmost of respect and in relation to section 17(3)(c) it is incorrect. If the applicant is



applying for the supply of alcohol (as the Applicant) is here then the application must be accompanied by a form of consent signed by a prospective premises supervisor.

Mr Jackaman then states that the applicant will not be able to sell alcohol until a DPS is appointed. This is irrelevant given that the application must be accompanied by a form of consent signed by a prospective premises supervisor.

Finally, Mr Jackaman goes on to say that the holder of a shadow licence may also submit (as is the case of this application) [sic] that there is no need for a DPS is they do not intend to make use of the shadow licence. First, if you kindly turn to page 3 of the Applicant's application you will see that the Applicant has ticked two boxes, that the Applicant is applying for a premises licence as b) a person other than an individual (in this case a limited company) and the box that says:

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities.

The Applicant clearly intends to make use of the premises licence otherwise it would not have applied for it in the first place.

Second, there is no such thing as a "shadow" licence. There is case law as the Applicant's solicitor points out in his letter of 25 February 2019 that makes reference to "shadow licences" but "shadow licence" is simply a term given to premises licence held by a second entity for a premises where there is already a licence in place. For the avoidance of doubt we take no issue with the fact that a Licensing Authority can grant more than one premises licence for a premises or part thereof – section 11 Licensing Act 2003. The word "shadow" does not appear in the Licensing Act 2003, not even once.

Finally, for the reasons outlined above we do not accept that it is permissible to accept an application that does not comply with section 17(3)(c) even if there is no intention to make use of the licence immediately.

We trust that makes the position clear in relation to the Applicant's failure to specify an individual whom is wishes to appoint premises supervisor and the Applicant's failure to supply a form of consent for that person. This application is invalid.

It is fair to say that we also believe the application is defective and should therefore be rejected by virtue of the Applicant's failure to enclose a plan of the premises in the prescribed form. We do not propose to repeat all the reasons why that is the case but we thought it would be helpful just to deal with the points raised by Mr Jackaman in his email of 27 February 2019 (timed 15:55).

At paragraph 3 of his email, Mr Jackaman states:

...it does think that a plan should be included with the application form as this is required in accordance with section 17(3)(b) of the Licensing Act 2003, however, it was submitted that the plan currently attached to the premises licence was not changing and a copy of the existing licence was plan [sic] available on the licensing register... the position would have been different if no plan had been attached and there had been no reference to a plan.

Section 17(3)(b) is abundantly clear in relation to the fact that a plan of the premises in the prescribed form must be provided with the application. With respect, Section 17(3)(b) does not say that the application must be accompanied by a plan in the prescribed form but that you

don't have to supply one if it can be downloaded from the internet. We fully appreciate that the officer may be taking a pragmatic attitude to the Applicant's failures but by so doing, he is trying to find a way around the requirements of the Licensing Act 2003, which is unlawful.

Supposing for a minute that the Licensing Authority's position is correct, which of course we say it isn't, then allowing the Applicant to simply say that the Applicant's licence shall mirror the Gazelle licence would produce some very odd results indeed. What if, for example, Gazelle decided to submit a minor variation to change the layout of the plans appended to the Gazelle licence. Would the plans submitted as part of the Applicant's application be automatically updated to reflect the newly submitted plans? Would the Applicant's licence be granted on the basis of plans that were out of date and incorrect? Would the Applicant be required to submit a minor variation of its own to bring its plans in line with the Gazelle licence?

What if the changes were more substantial and required a variation application? No discourtesy is intended by this line of questioning, it is merely to show the nonsense achieved by submitting an application that does not comply with the requirements of the Licensing Act 2003.

We might add that had the Applicant's solicitor taken the time to print off the plans from the licensing register and submit them then this defect could have been avoided very simply indeed.

We trust that makes the position clear in relation to the Applicant's failure to provide a plan of the premises in the prescribed form. This application is invalid and should not be considered by the Licensing Sub-Committee.

If the Licensing Sub-Committee determines that the Applicant's application is valid and that they wish to hear the application then we wish to make the following points concerning the background to this application and, in the event the Licensing Sub-Committee are minded to grant the application, the imposition of an appropriate and proportionate condition to the Applicant's premises licence.

Background

We acted for Gazelle in obtaining the Gazelle Licence. We also acted for Gazelle in the negotiation of its lease of the premises from Tizzola Properties Limited ("the Applicant").

During the negotiation of the lease between Gazelle and the Applicant there was much discussion about whether the Applicant apply for a Premises Licence or whether the Premises Licence would be applied for by Gazelle. The lease was negotiated on the basis that Gazelle would apply for a Premises Licence. A clause was also inserted into the lease prohibiting the Applicant from making any application for a Premises Licence. The clause is as follows:

7.5 Premises Licence

The Landlord shall not (and shall not authorise any other person to) make an application for a Premises Licence for the Property.

This application is made in breach of an express provision of the lease between Gazelle and the Applicant

We have pointed this out to the Applicant via the Applicant's solicitors, Thomas & Thomas Partners and have invited the Applicant to withdraw their application. The Applicant has thus far



refused to do so and Gazelle are considering legal action in relation to the wilful breach of clause 7.5 by the Applicant.

Appropriate and proportionate conditions

If the Licensing Sub-Committee is against us on the validity of the application and if the Licensing Sub-Committee decides that granting the Applicant a premises licence will not undermine the Licensing Objectives then we ask that the Licensing Sub-Committee impose two additional conditions (the Applicant has requested that the Licensing Sub-Committee attach all of the conditions of the Gazelle Licence) to any premises licence granted to the Applicant. Those conditions are as follows:

- Premises Licence number 19/00705/LIPN shall have no effect until such time as premises licence number 17/07479/LIPN (or such subsequent number the licence is given) has been surrendered and rendered incapable of resurrection; and
- The licensable activities authorised by this licence can only be carried on at the premises by Tizzola Properties Ltd.

Our first suggested condition means that the Applicant's premises licence cannot be used until such time as the Gazelle Licence is no more. We feel this is a suitable compromise as it offers the Applicant a licence, which they crave and Gazelle protection from its licence being overridden by the Applicant.

Our second suggested condition ties the Applicant to any premises licence that is granted inexorably. This is a condition that Westminster City Council has imposed before. Simply put, we say that if the Applicant is so keen to hold a licence as a responsible landlord then it will have no objection to this condition.

Conclusion

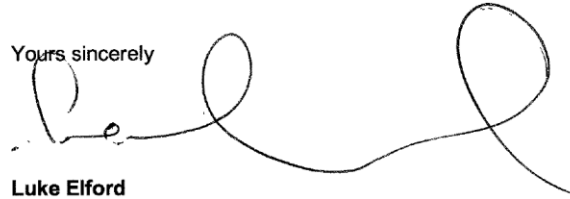
First, this application is defective and should be refused on that basis alone. There is no discretion in the matter. It is unlawful to do otherwise and places the Council in a very difficult position indeed.

There should be no second, but if you are not with us on refusing the application entirely then we will look to develop the reasons why to grant this licence would undermine the Licensing Objectives orally before you at the Committee hearing.

It follows that if there no second there would be no third, but if you are still not with us as to why you should refuse to grant this Applicant a shadow licence and you are minded to grant the licence we simply ask that you impose the two appropriate and proportionate conditions identified above.

We thank you for taking the time to read this letter.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Luke Elford', with a large, stylized flourish extending to the right.

Luke Elford
Associate
for TLT LLP

cc Mr Kevin Jackaman - Senior Licensing Officer
Mr Alun Thomas - Solicitor for the Applicant

Luke Elford

From: Luke Elford
Sent: 06 March 2019 09:38
To: 'Jackaman, Kevin: WCC'
Subject: RE: 19/00705/LIPN - 48 Albemarle Street London W1S 4JP [TLT-TLT.FID5729692]

Thanks for the heads up Kevin

Kind regards

Luke Elford
Associate
for TLT LLP
D: [REDACTED]
M: [REDACTED]
[LinkedIn](#) | [Twitter](#) | [Aspiring Solicitors](#)
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From: Jackaman, Kevin: WCC [mailto:kjackaman@westminster.gov.uk]
Sent: 06 March 2019 09:03
To: Luke Elford
Subject: RE: 19/00705/LIPN - 48 Albemarle Street London W1S 4JP

Dear Luke

Further to my previous email. Please note that due to listing issues, the hearing of this matter has now been listed for 28th March.

Please date that this is a provisional date and formal notification will be sent out as soon as the date is confirmed.

Kind regards

Kevin

From: Jackaman, Kevin: WCC
Sent: 01 March 2019 09:06
To: 'Luke Elford' <Luke.Elford@TLTsolicitors.com>
Subject: RE: 19/00705/LIPN - 48 Albemarle Street London W1S 4JP

Dear Luke

With regards to your comments regarding the DPS consent, it is the Licensing Authorities view that the legislation requires the details of the DPS to be included if the licensable activities include the supply of alcohol.

However, it is unlawful to sell alcohol if there is no DPS. For example, A premises licence holder might have an existing DPS who resigns with immediate effect. That resignation will prevent any alcohol being sold until a new DPS is appointed and there is a process for achieving that without delay in section 38 of the 2003 Act. In the meantime, however, the licence holder is in the same position that a new applicant will be in who has not identified a DPS.

It is the Licensing Authorities view that there is no need to identify a DPS when making a new application **if** the applicant is able to indicate that it wants the licence but is not yet in a position to identify who the DPS will be. The

applicant will not be able to sell alcohol until a DPS has been appointed. The holder of a shadow licence may also submit (as is the case of this application) that there is no need for a DPS if they do not intend to make use of the shadow licence.

With regards to the hearing date, please note that this matter has been provisionally listed for 21st March 2019.

Regards

Kevin

From: Luke Elford <Luke.Elford@TLTsolicitors.com>
Sent: 27 February 2019 16:19
To: Jackaman, Kevin: WCC <kjackaman@westminster.gov.uk>
Subject: Re: 19/00705/LIPN - 48 Albemarle Street London W1S 4JP

Dear Kevin

Thanks for this.

Further correspondence to follow of course but perhaps it would help if you asked your legal services whether or not an application without a DPS consent form (section 17 (3)(c))?

They appear to have ignored this rather fundamental flaw in the application and concentrated on the issue of plans. Of course, we do not accept their interpretation is correct.

It is also worth pointing out at this juncture that there is a specific clause in my clients agreement with the landlord that prohibits the very application the landlord has made.

Please let me have the legal advisers comments just as soon as you're able and we'll send you our dates to avoid for a hearing.

Kind regards

Luke Elford
Associate
for TLT LLP
D: [REDACTED]
M: [REDACTED]

----- Original Message -----

From: "Jackaman, Kevin: WCC" <kjackaman@westminster.gov.uk>
Date: Wed, 27 Feb 2019, 15:55
To: Luke Elford <Luke.Elford@TLTsolicitors.com>
Subject: 19/00705/LIPN - 48 Albemarle Street London W1S 4JP

Dear Luke

Further to your letter of 15th February 2019, I have now had the opportunity to speak with Legal and to obtain comments from the applicant., a copy of which I attach.

The Licensing Authority notes the submissions submitted on behalf of your client, The Gazelle Bar Ltd, and their assertion that the application by Thomas and Thomas on behalf of Tizzola Properties Ltd is invalid. These

submissions have been considered by Thomas and Thomas who have denied that their application is invalid and who have, in turn, submitted that the representation by The Gazelle Bar Ltd is frivolous and vexatious.

The Licensing authority does accept that there are some difficulties for an applicant making use of the on-line application form as there is no mechanism to provide an explanation as to why certain boxes are or are not being ticked. However, it also accepts that it would have been helpful if more detail had been included when completing the on-line form. By way of example, it does think that a plan should be included with the application form as this is required in accordance with section 17(3)(b) of the Licensing Act 2003, however, it was submitted that the plan currently attached to the premises licence was not changing and a copy of the existing licence was plan was available on the on licensing register. On that basis, the Licensing Authority does not believe that a member of the public searching the register would have been prejudiced, and for the reasons given by Thomas and Thomas, it does not accept that the application is invalid in that it did make reference to the same plan being used as is attached to the primary licence. The position would have been different if no plan had been attached and there had been no reference to a plan.

In respect of your point in respect of page 6 of the form which asks the applicant to state what licensable activities it intends to carry on from the premises, there is no statutory requirement for the applicant to actually carry on licensable activities. An applicant simply has to be a person who is carrying on or who proposes to carry on a business which involves the use of premises for licensable activities.

The Licensing Authority appreciates the concerns that have been expressed about the implications of granting a "shadow licence", though it acknowledges and accepts the legal submissions made by Thomas and Thomas regarding the Extreme Oyster case. In those circumstances, the Licensing Authority does not think that the representation submitted will carry a great deal of weight however it does not accept that the representation can be rejected on the basis that it is frivolous or vexatious.

The application will therefore be listed for a hearing before the Licensing Sub-Committee where both the applicant and The Gazelle Bar Ltd will be able to pursue their respective submissions once again.

You will of course be advised of the hearing date in due course.

Regards

Kevin.

From: Luke Elford <Luke.Elford@TLTsolicitors.com>

Sent: 22 February 2019 10:32

To: Jackaman, Kevin: WCC <kjackaman@westminster.gov.uk>

Subject: RE: 19/00705/LIPN | Premises Licence - New | Open for Consultation | 48 Albemarle Street London W1S 4JP - Objection and letter concerning application [TLT-TLT.FID5729692]

Good morning Kevin

I was just wondering if there is any update on this please? Have legal come back to you?

Happy to chat it through.

Kind regards

Luke Elford

Associate

for TLT LLP

D: [REDACTED]

M: [REDACTED]

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From: Luke Elford
Sent: 18 February 2019 12:50
To: Jackaman, Kevin: WCC
Subject: Re: 19/00705/LIPN | Premises Licence - New | Open for Consultation | 48 Albemarle Street London W1S 4JP - Objection and letter concerning application [TLT-TLT.FID5729692]

Thanks for acknowledging.

I look forward to hearing from you.

Kind regards

Luke Elford
Associate
for TLT LLP
D: [REDACTED]
M: [REDACTED]

----- Original Message -----

From: "Jackaman, Kevin: WCC" <kjackaman@westminster.gov.uk>
Date: Mon, 18 Feb 2019, 12:48
To: Luke Elford <Luke.Elford@TLTsolicitors.com>
Subject: FW: 19/00705/LIPN | Premises Licence - New | Open for Consultation | 48 Albemarle Street London W1S 4JP - Objection and letter concerning application [TLT-TLT.FID5729692]

Dear Mr Elford

Thank you for your email and letter dated 15th February 2019, safe receipt of which I acknowledge.

I have forwarded your letter to the Council's legal advisors for their comments and will provide you with a substantive response in due course.

Regards

Kevin.

Kevin Jackaman
Senior Licensing Officer
Licensing Team
Public Protection & Licensing Department
Westminster City Council
15th Floor
64 Victoria Street
London SW1E 6QP
Direct Line: [REDACTED]
Call Centre (for general queries): 0207 641 6500
Email: kjackaman@westminster.gov.uk
Web: www.westminster.gov.uk

From: Luke Elford <Luke.Elford@TLTsolicitors.com>
Sent: 15 February 2019 15:46

To: Licensing: WCC <Licensing@westminster.gov.uk>
Subject: 19/00705/LIPN | Premises Licence - New | Open for Consultation | 48 Albemarle Street London W1S 4JP - Objection and letter concerning application [TLT-TLT.FID5729692]

Dear Licensing Team

Please find attached my letter of today's date.

I would be grateful if you would pass this to the case officer (Kevin Jackaman) and confirm safe receipt.

I will be sending a copy of the letter to the Applicant's solicitors in due course.

Kind regards

Luke Elford

Associate

for TLT LLP

D: [REDACTED]

M: [REDACTED]

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There is no licence or appeal history for the premises.

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 necessary for the promotion of the licensing objectives.

This schedule lists those conditions which are consistent with the operating schedule, or proposed as necessary 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

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.

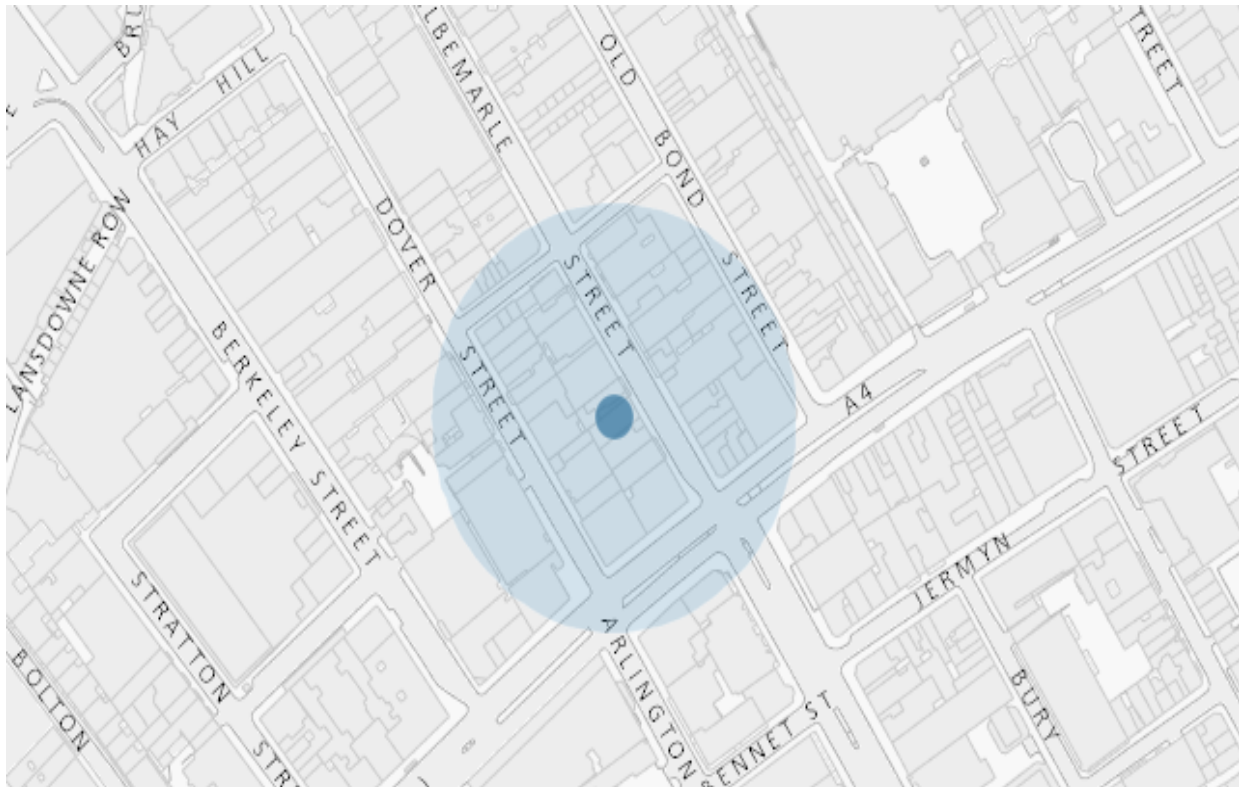
Conditions consistent with the operating schedule

9. Substantial food and non-intoxicating beverages shall be available throughout the trading day in all parts of the premises where alcohol is supplied for consumption on the premises and until 30 minutes prior to closing.
10. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
11. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
12. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times
13. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 hours and 07.00 hours on the following day
14. No deliveries to the premises shall take place between 23:00 hours and 07:00 hours on the following day
15. A direct telephone number for the manager at the premises shall be publically made available at all times the premises is open. This telephone number will be made available to residents and businesses in the vicinity
16. A Challenge 21 or Challenge 25 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.
17. All relevant staff will receive refresher training on relevant alcohol laws and the licence holder's policy on challenging for ID. Such training to take place at least twice a year. Records will be maintained at the premises containing information about the training of any person who is authorised to make a sale of alcohol, including the date of their training and the nature of the training undertaken. The relevant documentation shall be produced on reasonable request to a police officer or a relevant officer of a responsible authority.
18. 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.
19. 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. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons

- (f) any faults in the CCTV system,
- (g) any refusal of the sale of alcohol
- (h) any visit by a relevant authority or emergency service.

- 19 The supply of alcohol shall be by waiter or waitress service to seated customers only with the exception of:
 - (a) Those customers seated at the bar counter who may be served direct by the bar staff; and
 - (b) A maximum of fifteen (15) customers permitted to stand whilst waiting for a table.
- 20 The maximum number of persons permitted on the premises at any one time (excluding staff) shall not exceed:
 - a) First floor - 60 persons
 - b) Second floor - 60 persons
- 21 There shall be no sales of alcohol for consumption "off" the premises after 23:00 hours.
- 22 All sales of alcohol for consumption "off" the premises shall be in sealed containers only and shall not be consumed "on" the premises.
- 23 There shall be no sales of hot food or hot drinks for consumption "off" the premises after 23:00
- 24 No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises, nor vibration be transmitted through the structure of the premises which gives rise to a nuisance
- 25 Loudspeakers shall not be located in the entrance lobby or outside the premises building
- 26 All windows shall be kept closed after 23:00 hours or at any time when regulated entertainment takes place
- 27 Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly
- 28 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
- 29 The edges of the treads of steps and stairways shall be maintained so as to be conspicuous
- 30 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
- 31 No waste or recyclable materials, including bottles, shall be moved, removed or placed in outside areas between 23.00 hours and 08.00 hours
- 32 The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided

- 33 Licensable activity is not to take place until the premises have been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from this licence by the licensing authority.
- 34 Before the premises open to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority



Resident Count: 34

Licensed premises within 75 metres of 48 Albemarle Street London, W1S 4JP

Licence Number	Trading Name	Address	Premises Type	Time Period
17/07479/LIPN	Not Recorded	48 Albemarle Street London W1S 4JP	Restaurant	Monday to Wednesday; 08:00 - 00:00 Thursday to Saturday; 08:00 - 00:30 Sunday; 08:00 - 23:00 Sundays before Bank Holidays; 12:00 - 00:00
18/14106/LIPDPS	Mnky Hse	8 Dover Street London W1S 4LF	Not Recorded	Monday to Saturday; 09:00 - 04:00 Sunday; 09:00 - 00:30
18/01431/LIPDPS	The Clarence Public House	4 Dover Street London W1S 4LB	Public house or pub restaurant	Monday to Saturday; 07:00 - 00:30 Sunday; 07:00 - 23:30

14/07481/LIPDPS	Pescatori	11 - 12 Dover Street London W1S 4LH	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 23:00 - 00:00
09/03331/LIPD	Thresher Wine Shop	12 Dover Street London W1S 4LL	Shop	Monday to Saturday; 08:00 - 23:00 Sunday; 10:00 - 22:30
17/06029/LIPN	The Grand	67 - 68A Piccadilly London W1J 0HJ	Not Recorded	Monday to Sunday; 07:00 - 23:30
18/07496/LIPVM	Mahiki	1 Dover Street London W1S 4LA	Restaurant	Monday to Saturday; 09:00 - 03:30 Sunday; 09:00 - 00:30
17/02892/LIPV	Gymkhana Restaurants	Basement And Ground Floor 42 Albemarle Street London W1S 4JH	Restaurant	Monday to Saturday; 10:00 - 02:30 Sunday; 10:00 - 01:30
15/04806/LIPDPS	Caffe Concerto	61 Piccadilly London W1J 0DY	Cafe	Monday to Sunday; 07:00 - 23:30
14/09521/LIPVM	Mayfair Club	Basement 49-50 Dover Street London W1J 8DJ	Night clubs and discos	Monday to Saturday; 09:00 - 06:00 Sunday; 09:00 - 05:00
18/09996/LIPDPS	The Kings Head	The Kings Head 10 Stafford Street London W1S 4RX	Public house or pub restaurant	Monday to Thursday; 07:00 - 00:30 Friday to Saturday; 07:00 - 01:30 Sunday; 07:00 - 00:30
17/00492/LIPN	Stafford Food News & Wine	Stafford House 5 Stafford Street London W1S 4RR	Food store	Monday to Sunday; 07:00 - 23:00
09/06623/LIPN	Le Petit Cafe	5A Stafford Street London W1S 4RR	Cafe	Monday to Friday; 06:00 - 20:00 Saturday; 08:00 - 20:00
18/08858/LIPDPS	Caviar House Restaurant	Ground Floor 161 Piccadilly London W1J 9EA	Restaurant	Monday to Saturday; 10:00 - 23:30 Sunday; 10:00 - 23:00

15/07336/LIPV	Caviar House Restaurant	Ground Floor 161 Piccadilly London W1J 9EA	Restaurant	Monday to Saturday; 10:00 - 23:30 Sunday; 10:00 - 23:00
12/11096/LIPN	The Arts Club	Basement To First Floor 40 Dover Street London W1S 4NP	Club or institution	Monday to Saturday; 08:30 - 03:30 Monday to Sunday; 00:00 - 00:00 Sunday; 08:30 - 00:00
18/15970/LIPV	The Arts Club	Basement To First Floor 40 Dover Street London W1S 4NP	Club or institution	Monday to Sunday; 00:00 - 00:00
12/07557/LIPDPS	The Arts Club	Basement To First Floor 40 Dover Street London W1S 4NP	Club or institution	Monday to Sunday; 00:00 - 00:00 Monday to Sunday; 08:30 - 03:30
17/05517/LIPVM	The Arts Club	Basement To First Floor 40 Dover Street London W1S 4NP	Club or institution	Monday to Sunday; 00:00 - 00:00
18/03417/LIPDPS	Whisky Shop	70 Piccadilly London W1J 8HP	Shop	Monday to Saturday; 08:00 - 23:00 Sunday; 10:00 - 22:30
18/00868/LIPDPS	Babbo Restaurant Limited	Ground Floor Cardinal House 39 - 40 Albemarle Street London W1S 4JQ	Restaurant	Monday to Saturday; 10:00 - 01:30 Sunday; 12:00 - 00:00
15/03326/LIPN	Aura	48-49 St James's Street London SW1A 1JT	Night clubs and discos	Monday to Saturday; 09:00 - 03:30 Sunday; 09:00 - 03:00 Sundays before Bank Holidays; 09:00 - 03:30