

# Licensing Sub-Committee Report

Item No:	
Date:	24 October 2019
Licensing Ref No:	19/09810/LIPN - New Premises Licence
Title of Report:	The Admiral Duncan Public House 54 Old Compton Street London W1D 4UD
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:	Michelle Steward Senior Licensing Officer
Contact details	Telephone: 020 7641 1872 Email: msteward1@westminster.gov.uk

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	8 August 2019		
<b>Applicant:</b>	Stonegate Pub Company Limited		
<b>Premises:</b>	The Admiral Duncan Public House		
<b>Premises address:</b>	54 Old Compton Street London W1D 4UD	<b>Ward:</b>	West End
		<b>Cumulative Impact Area:</b>	West End
<b>Premises description:</b>	According to the application form, this is an application for a premises licence operating as a public house.		
<b>Premises licence history:</b>	Although this is a new premises licence application, the premises has had the benefit of a premises licence since 2005. The current premises licence 17/06945/LIPDPS is attached at Appendix 3 of the report together with a full licence history. If the Licensing Sub-Committee are minded to grant the application, the applicant has confirmed that licence 17/06945/LIPDPS will be surrendered.		
<b>Applicant submissions:</b>	Submissions from the applicant can be seen at Appendix 2.		

1-B Proposed licensable activities and hours							
<b>Late Night Refreshment:</b>				<b>Indoors, outdoors or both:</b>			Indoors
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	23:00	23:00	23:00	23:00	23:00	23:00	
<b>End:</b>	03:00	03:00	03:00	03:00	03:00	03:00	
<b>Seasonal variations/ Non-standard timings:</b>			The terminal hour to be 03:00 hours the following day on Bank Holiday Sundays, New Year's Eve and Christmas Eve.  An additional hour to the terminal hour on the day that British Summertime commences.				

<b>Provision of films, live music, recorded music, performance of dance and anything of a similar description</b>				<b>Indoors, outdoors or both:</b>			Indoors
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	10:00	10:00	10:00	10:00	10:00	10:00	12:00
<b>End:</b>	03:00	03:00	03:00	03:00	03:00	03:00	22:30
<b>Seasonal variations/ Non-standard timings:</b>			The terminal hour to be 03:00 hours the following day on Bank Holiday Sundays, New Year's Eve and Christmas Eve.  An additional hour to the terminal hour on the day that British Summertime commences.				

Sale by retail of alcohol				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
<b>Start:</b>	10:00	10:00	10:00	10:00	10:00	10:00	12:00
<b>End:</b>	03:00	03:00	03:00	03:00	03:00	03:00	22:30
<b>Seasonal variations/ Non-standard timings:</b>			The terminal hour to be 03:00 hours the following day on Bank Holiday Sundays, New Year's Eve and Christmas Eve.  An additional hour to the terminal hour on the day that British Summertime commences.				

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
<b>Start:</b>	10:00	10:00	10:00	10:00	10:00	10:00	12:00
<b>End:</b>	03:30	03:30	03:30	03:30	03:30	03:30	23:00
<b>Seasonal variations/ Non-standard timings:</b>			The terminal hour to be 03:00 hours the following day on Bank Holiday Sundays, New Year's Eve and Christmas Eve.  An additional hour to the terminal hour on the day that British Summertime commences.				

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Metropolitan Police Service
<b>Representative:</b>	PC Bryan Lewis
<b>Received:</b>	3 September 2019
<p>With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, is objecting to this application as it is our belief that if granted this application would undermine the Licensing Objectives.</p> <p>The venue is located in the West End Cumulative Impact Area, a locality where there is traditionally high levels of crime and disorder. We have concerns that this application will cause further policing problems in an already demanding area.</p>	
<b>Responsible Authority:</b>	Environmental Health Service
<b>Representative:</b>	Ian Watson
<b>Received:</b>	4 September 2019
<p>I refer to the application for a New Premises Licence for the above premises.  <b>The premises are located within the West End Cumulative Impact Area as stated in the City of Westminster's Statement of Licensing Policy.</b>  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 Saturday between 10.00 and 03.00 hours and Sunday between 12.00 to 22.30 hours. British summertime additional hour, Bank Holiday Sundays, Christmas Eve and New Year's Eve till 03.00 hours.</p>	

2. To provide Late Night Refreshment 'Indoors' Monday to Saturday between 23.00 and 03.00 hours. British summertime additional hour, Bank Holiday Sundays, Christmas Eve and New Year's Eve till 03.00 hours.

3. To provide regulated entertainment 'Indoors' comprising

- Films
- Live Music
- Recorded Music
- Performance of Dance
- Anything of a similar description to Live Music, Recorded Music and Performance of Dance

Monday to Saturday between 10.00 and 03.00 hours and Sunday between 12.00 to 22.30 hours. British summertime additional hour, Bank Holiday Sundays, Christmas Eve and New Year's Eve till 03.00 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 West End CIA.
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 West End CIA.
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 West End CIA.

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

<b>Responsible Authority:</b>	Licensing Authority
<b>Representative:</b>	Karyn Abbott
<b>Received:</b>	3 September 2019

I write in relation to the application submitted for a new premises licence for 54 Old Compton Street, London W1D 4UD.

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

- Public Nuisance
- Prevention of Crime & Disorder
- Public Safety
- Protection of children from harm

The application seeks the following:

- **Films, Live and Recorded Music Performance of Dance, Anything of a similar description to that falling within (e), (f) or (g) - Indoors**  
Monday to Saturday 10:00 to 03:00  
Sunday 12:00 to 22:30

**Non Standard Timings:**

The terminal hour to be 03:00 hours the following day on Bank Holiday Sundays, New Years Eve and Christmas Eve.

An additional hour to the terminal hour on the day that British Summertime commences.

- **Late Night Refreshment**  
Monday to Saturday 23:00 to 03:00

- **Supply of Alcohol On and Off Premises**  
Monday to Saturday 10:00 to 03:00  
Sunday 12:00 to 22:30

**Non Standard Timings:**

The terminal hour to be 03:00 hours the following day on Bank Holiday Sundays, New Years Eve and Christmas Eve.

An additional hour to the terminal hour on the day that British Summertime commences.

- **Opening Hours to Public**  
Monday to Saturday 10:00 to 03:30  
Sunday 12:00 to 23:00

**Non Standard Timings:**

The terminal hour to be 03:00 hours the following day on Bank Holiday Sundays, New Years Eve and Christmas Eve.

An additional hour to the terminal hour on the day that British Summertime commences.

The premises is located within the West End Cumulative Impact Area and as such various policy points must be considered, namely CIP1, HRS1, PVC2, MD2 and PB2.

Although the premises are currently licensed (Licence no. 17/06945/LIPDPS) the applicant has applied for a new application. As such, the operating hours applied for licensable activities currently fall outside of Westminster's core hours. For premises for the supply of alcohol for consumption on and off the premises and other licensable activities, the Licensing Authority encourage that the applicant reduce the hours to be within Westminster's Core hours;

**Supply of Alcohol On and Off the Premises**

Monday to Thursday 10:00 to 23:30  
Friday to Saturday 10:00 to 00:00  
Sunday 12:00 to 22:30

**Other Licensable activities**

Monday to Thursday 09:00 to 23:30  
Friday to Saturday 09:00 to 00:00  
Sunday: 09:00 to 22:30

The application as it currently stands falls within Westminster's MD2 and PB2 Policy. It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas other than applications to vary hours within Core Hours under Policy HRS1. Paragraphs 2.5.23 and 2.5.48 states that the Licensing Authority considers that new applications for pubs and bars plus premises offering facilities for music and dancing in the Cumulative Impact Areas should be refused save where an applicant can demonstrate exceptional circumstances.

With regard to Policy PB2 the Licensing Authority note that after the hours of 23:30 hours Monday to Thursday and midnight Friday and Saturday the premises will only provide the sale by retail of alcohol and licensable activities when live staged cabaret performances are taking place. Further, the applicants have proposed additional conditions that restrict licensable activities after these times to the operation of Stonegate Pub Company Limited. Therefore, before these times of 23:30 hours Monday to Thursday and midnight Friday and Saturday,

however it should be noted that on the current licence the applicants are able to operate as a bar between the hours of Monday to Thursday 10:00 to 23:30, Friday to Saturday 10:00 to 00:00 and Sunday 12:00 to 22:30.

The Licensing Authority makes reference to Policy MD2 due to the proposed operation of the premises which could allow audience participation (through dancing) when performances are taking place.

The Environmental Health Service (in their Pre-Application advice 19/01580/PREAPM), have suggested that a condition be attached to any licence that may be granted.

1. Public dancing will not be permitted on the premises beyond 23:30 hours Monday to Thursday and midnight Friday and Saturday.

Should the applicant agree the condition above the Licensing Authority feel that this will detach the operation from MD2 and bring it more in line with Policy PVC2.

The Councils Policy under PVC2 states 'Applications will be granted subject to other policies, provided it is demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas.'

Paragraph 2.5.33 states, 'The policies apply to a wide range of premises including theatres, cinemas, concert halls and other performance venues providing regulated entertainment. Bars are a normal feature of performance venues, but they should be ancillary to the overall use of the premises as a performance venue. The hours of the operation of the bar will usually be those related to the times the premises are open for performances and should not extend later than the hours of performances. Any more general use of these bars in Cumulative Impact Areas will only be granted as an exception to policy which will have to be argued for on grounds that it will not add to cumulative impact in the Cumulative Impact Areas.'

Finally, as mentioned above the premises currently benefit from licence 17/06945/LIPDPS. As part of the proposed operating schedule this will be surrendered should this application be granted. The Licensing Authority would therefore suggest the following condition be added to the licence:

MC62 – No licensable activities shall take place at the premises until premises licence 17/06945/LIPDPS (or such other number subsequently issued for the premises) has been surrendered and is incapable of resurrection.

The Licensing Authority looks forward to receiving further submissions from the applicant in due course.

2-B Other Persons	
<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	5 September 2019
Thank you for the notification of an application for a new premises license for the above public house. As a long-time 91 year old [REDACTED], I wish to object on the following grounds: The noise level is already very loud particularly from late in the evening onward when the comperes and the cabaret artistes' microphones are being used during performances. So much	

so that I cannot hear my television or radio even if I turn my volume control up. I feel therefore that if a new license is granted for a further 3 or 4 hours until (as I understand) 3.00 am, it would be a quite unreasonable situation for me, the disturbance from the customers leaving usually continuing for at least another hour outside their door until they have dispersed.

**Please see Appendix 4 for photographs that accompanied this representation.**

<b>Name:</b>	██████████
<b>Address and/or Residents Association:</b>	██████████ ██████████ ██████████
<b>Received:</b>	4 September 2019

I write with reference to your letter dated 9th August 2019 regarding Notification of a New Premises Licence Application for The Admiral Duncan Public House, 54 Old Compton St.

I live directly opposite the Admiral Duncan Pub and I strongly object to any alteration to their current Licence in any form including any extension of opening hours or any change their existing licence as it currently stands.

I have often had cause to call the Westminster Noise Team with regard to the noise levels coming from the Admiral Duncan Pub when they have live acts on the small stage in the Pub and the noise levels of their PA system. When they have live entertainment inside the pub (mostly drag performers) the singing and the compère's announcements are actually deafening! This is a regular occurrence and it is an enormous relief when the pub closes and I strongly object to any extension of their pub licensing hours.

I understand that it is part of their licensing requirements to keep the doors at the front of the pub closed but very often even with the doors closed when there is a live performance the PA system is extremely loud and it feels like the acts performing in the pub are actually performing right here with me in my living room!

I have ██████████ but my flat is actually ██████████, since 1983. I used to know the previous landlords / managers of the pub and had a good relationship with them and they were extremely helpful and always said if the music or entertainment was too loud just give them a call and they would remind staff to turn down the music and shut the doors.

I used to have a very good relationship with the previous manager ██████████ (who has since very sadly passed away) and he was always very understanding with regards the fact that their were people living opposite the pub and was extremely community minded and always made sure the music and entertainment was kept at reason

<b>Name:</b>	██████████
<b>Address and/or Residents Association:</b>	██████████ ██████████ ██████████ ██████████
<b>Received:</b>	29 August 2019

My objection to this application stems from my living and working standard office hours in central London. The noise and disturbance from such a late license will - and this will, on past experience, extend well beyond the 3am close time - cause sleep deprivation and harm to the many residents ██████████.

SoHo is a diverse and vibrant community that welcomes many visitors but I urge the licensing

Committee to attend to the needs of its permanent residents when considering this new license application.

<b>Name:</b>	██████████
<b>Address and/or Residents Association:</b>	██████████ ██████████ ██████████ ██████████
<b>Received:</b>	5 September 2019

We write to make a relevant representation to the above application on behalf of ██████████  
██████████

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

### ***About The Soho Society***

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

### **Application summary**

New premises licence.

### **Sale of Alcohol / Live Music / Recorded Music/ Performance Dance (staff and performers) / Anything Similar / Films**

Mon to Sat: 10.00 - 03.00  
Sun: 12.00 to 22.30

### **Late Night Refreshment**

Mon to Sat: 23.00 to 03.00

### **Hours open to the public**

Mon to Sat: 10.00 to 03.30  
Sun: 12.00 to 23.00

### **Current Licence**

Pub with cabaret within core hours

### **The application**

We acknowledge the premises is a well-regarded LGBT venue, and we are aware that many have recently closed due to financial and market pressures. However, the application is for a new 3am licence with a closing hour of 3.30am and capacity of 125. The hours sought and capacity of the venue will definitely add to cumulative impact, fail to support the licensing objectives and have a detrimental impact on local residents and the surrounding area. Furthermore, the application is contrary to a number of policies, HRS1, PB2, CIP1 and we also include MD2 due to the range of entertainment applied for. It is our view there are no genuinely exceptional circumstances to policy in this case.

Old Compton Street is a vibrant and diverse street offering a range of mixed uses, the predominant ones being restaurants, residential accommodation, retail shops, bars and pubs. It

attracts large numbers of people during the daytime but even higher numbers at night due to the large number of evening / late licences in the street, and in the surrounding streets of Wardour Street, Dean Street, Frith Street and Greek Street. We believe this area has the highest concentration of late-night licensed venues in Soho and Westminster, with Old Compton Street being possibly the most saturated (in terms of licensed premises) in the entire West End Cumulative Impact Area. At night Old Compton Street transforms in nature, as recently witnessed by members of the Soho Society Licensing Committee. The street becomes the central social 'venue' in the neighbourhood where large numbers of people gather outside the bars and restaurants or simply spend time walking through. It is therefore extremely noisy and this is compounded by numbers of pedicabs (at least 8 witnessed on a recent weekend night) parked in the street and blaring out loud music, thus creating a significant noise nuisance. This late-night ambient cacophony is further compounded by music escaping from bars with open doors. As evidence we submit photographs and a video of Old Compton Street taken on 1st September between 00.45 - 01.15.

Additionally, as the Committee will no doubt be aware, large numbers of people on the streets at night attract criminal activity. There are more drug dealers in Old Compton Street and the surrounding streets at night than are ever seen during daytime. On our recent walk-about we saw four positioning themselves on the corner of Old Compton Street and Dean Street, with others positioned in Frith and Greek Street waiting for people to leave venues in order to sell drugs. Some people were clearly vulnerable due to intoxication and / or drug use, thus becoming easy targets for robbers and thieves. It is well known that gangs are also present at night, loitering outside late night venues waiting for people to leave in order to rob them (see prevention of crime and disorder below). We also note that all of this is occurring without any visible police presence or apparent law enforcement. Late night Old Compton Street and the surrounding area transforms itself into a loud and noisy venue where people are enjoying themselves, but alongside this there is a sinister environment, fuelled by the night time economy and led by drug dealers and other criminal elements intent on capitalising on the vulnerabilities of people on a night out. This is of course not good for Westminster as the last memory any victim will have of an otherwise enjoyable night out is being targeted in this way.

In the middle of this mayhem we must not forget that the street is highly residential, with a number of domestic properties directly opposite the Admiral Duncan. These residents already suffer from noise nuisance with the sheer numbers of people on the street, including the pedicabs playing loud music, the presence of drug dealers and others. Therefore, to add an additional late-night venue with a capacity of 125 to a street already saturated with late night uses, will add negatively to the cumulative impact and will very likely facilitate an increase in crime and disorder and public nuisance.

### **The Licensing Objectives**

In relation to the licensing objectives our concerns are as follows.

#### **Prevention of crime and disorder**

Criminal activity associated with the night time economy / venues and large numbers of people on the streets results in high levels of serious crime. In Soho the majority of robberies take place at night with people being targeted as they leave venues, which is evidenced by the crime figures. Recent figures for Soho highlight a huge increase in robberies, 111 robberies took place within the four-month period from Nov - Feb 2017/18, and for the same period in 2018/19 the figure was 266, a very significant increase of 140%. Figures for theft from person also show a similar increase - 401 for the same period in 2017/18 to 1,028 in 2018/19, an alarming increase of 156%.

Criminal activity is not limited to robberies at night. Drug dealers are also in the area targeting people. Old Compton Street and the surrounding streets, including Dean Street is a drug dealing hotspot especially at night. Dealers are seen in this area daily, with an increase in numbers from the early evening until the early hours of the morning, and they openly approach people on a night out. Drug dealers are in Soho late at night as there is a huge market for

drugs which is linked to the number and late terminal hours of licensed venues.

We are in no doubt that a new late night licence in an area already saturated will attract criminal elements and result in an increase in crime and disorder.

### **Prevention of public nuisance**

Large numbers of people being discharged from the venue into the surrounding area will have a detrimental impact on residential amenity. Residents are already disturbed by noise from people loitering in the street, drug dealers, taxis and pedicabs. We believe this type of disturbance, nuisance and antisocial behaviour will increase if this application is granted.

### **Licensing Policy - Cumulative Impact**

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

The policies in relation to the stress areas are directed at the global and cumulative effects of licences on the area as a whole (2.4.5 of the policy). The policies are intended to be strict and will only be overridden in genuinely exceptional circumstances (2.4.2 of the policy). The growth in the entertainment industry in Soho has led to a marked deterioration in the quality of life and well-being of local residents and it has jeopardised the sustainability of the community. Soho has a substantial residential community and many of these residents suffer from problems such as, but not limited to, high levels of noise nuisance, problems with waste, urinating and defecating in the streets, threats to public safety, antisocial behaviour, crime and disorder and the change in character of historic areas.

This is an application for what is effectively a new late-night entertainment venue, capacity of 125 in the West End Cumulative Impact area, with residents living opposite and around the premises, and levels of crime, disorder and public nuisance on the increase in the neighbourhood. This application if granted will undoubtedly add negatively to cumulative impact in Soho.

For the reasons we have set out, we believe that granting this application would fail to promote the licensing objectives of prevention of public nuisance, prevention of crime and disorder and add to the cumulative impact in the West End Cumulative Impact Area. Furthermore, it is contrary to a number of policies and, in our view, there are no genuinely exceptional circumstances to policy in this case. We respectfully urge the Licensing Sub-Committee to reject this application.

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	5 September 2019

On behalf of myself and the Soho Safer Neighbourhood Ward Panel (which I chair), I would like to object to this application on the grounds of prevention of crime and disorder, prevention of public nuisance and cumulative impact in the West End Cumulative Impact Area. The Admiral Duncan is a long established LGBT venue. Old Compton Street already has many late night venues. However, this particular part of the street (Wardour to Dean Streets) is home to a large number of residents - there are two blocks of flats opposite, which house some elderly residents, with one late night venue, Balan'a restaurant. There are also high levels of crime (robbery) in this particular part of Soho, particularly between the hours of midnight and 4 am, with vulnerable people being particularly targeted. It is also an area that has a high level of drug dealing and related antisocial behaviour.

In addition, areas with late night licences attract pedicabs, looking for customers. While they are waiting for premises to empty they have a tendency to play loud music and generally cause a nuisance.

As I say, this particular part of the street is home to large numbers of residents, and this licence should not be granted, as I do not believe they have probed 'exceptional circumstances'.

Please do not hesitate to contact me if I can be of further assistance.

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<b>Policy HRS1 applies</b>	<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> <p><u>For premises for the provision of other licensable activities:</u>  Monday to Thursday: 09:00 to 23.30  Friday and Saturday: 09:00 to midnight  Sundays immediately prior to Bank Holidays: 09:00 to midnight  Other Sundays: 09:00 to 22:30</p>
<b>Policy CIP1 applies</b>	<p>(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.</p> <p>(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.</p>
<b>Policy PB2 applies:</b>	It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas other than applications to vary hours within the Core Hours under Policy HRS1.

### 4. 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.

#### 4. Appendices

<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents
<b>Appendix 3</b>	Objectors supporting documents
<b>Appendix 4</b>	Premises history
<b>Appendix 5</b>	Proposed conditions
<b>Appendix 6</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Michelle Steward Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 1872 Email: msteward1@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**

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
<b>4</b>	Metropolitan Police Service	3 September 2019
<b>5</b>	Licensing Authority	3 September 2019
<b>6</b>	Environmental Health Service	4 September 2019
<b>7</b>	Representation 1	29 August 2019
<b>8</b>	Representation 2	4 September 2019
<b>9</b>	Representation 3	5 September 2019
<b>10</b>	Representation 4	5 September 2019
<b>11</b>	Representation 5	5 September 2019



Stonegate have owned and operated the Admiral Duncan since 2015. The premises has a long and proud history as an institution in the heart of Soho. It has operated as a pub for nearly 200 years, and is a prominent premises in the LGBT+ community.

The Admiral Duncan has the benefit of an existing premises licence, number 17/06945/LIPDPS. The existing premises licence permits the sale of alcohol from 10am to 11.30pm, Monday to Thursday, to midnight on Friday and Saturday and from 12 noon to 10.30pm on Sunday. Opening and other licensable activities are permitted to that terminal hour. In addition, the licence permits an extension of hours on a number of non standard timings, including Bank Holidays and the Saints Days.

The existing premises licence is subject to a number of conditions, many of which are outdated, duplicate other legislation and are unenforceable.

This New Premises Licence Application does not propose any change to the existing start time for hours of operation on any day of the week under the existing licence. The application does seek permission for licensable activities to continue until 03:00 hours the following day on Mondays to Saturdays inclusive, with opening permitted for 30 minutes. There is no change sought to the permitted hours on Sundays, save for the addition of 30 minutes dispersal time. Non standard timings are sought only for Bank Holiday Sundays, Christmas Eve and New Year's Eve and British Summertime.

The purpose of the application is to allow the premises to use the additional hours to provide entertainment for its existing and loyal customer base. The premises currently operates cabaret entertainment seven days a week and has done successfully for a number of years. That is the primary purpose of many customers' visits. Entertainment spend has increased in the region of £60,000 in the past three years. The purpose of the application is to allow the premises to continue to offer cabaret for longer.

Our customers want to continue their night in a safe and comfortable environment, rather than leave and go to another premises. Extending the terminal hour will prevent double migration of customers leaving our premises and then another premises later on. Keeping our customers with us means that they are in a safe, controlled and supervised environment and allows for a gradual dispersal which can be managed and contained.

This new premises licence application has also been submitted to update the premises licence conditions to ensure that they are suitable for the style of operation at the premises. As this is a New Premises Licence Application we have taken the opportunity to replace the existing operating schedule, which is outdated in parts, and offer an updated bespoke operating schedule to the hours proposed which has been drawn up following pre-consultation with the relevant officers of the Council. New conditions are offered which bolster the operating schedule ensuring it is robust, clear, appropriate and enforceable.

We have considered the impact of the new premises licence application and in particular note that the premises fall within Westminster City Council's West End Stress Area. Steps have been taken to ensure that the application and proposed operation will continue to promote the licensing objectives without adding to the cumulative impact of the area. In particular, the application proposes a set of conditions which ensure any later hours are operated ancillary to the use of the premises as an entertainment venue and additionally are only operated by Stonegate Pub Company.

The applicant has very carefully considered Westminster's Statement of Licensing Policy. They note that high priority is given to greater diversity of entertainment (para 1.3), which this application seeks to do by linking the use of the premises as an entertainment venue.

A comprehensive operating plan will be implemented should the application be granted. We have undertaken formal pre consultation with the Environmental Health officer prior to submission of the application. The comments raised have been taken into account in putting together this application. Stonegate are committed to partnership working and wish to engage with the responsible authorities at all times.

Stonegate Pub Company Limited have in place an extensive licensing manual detailing both company policies appropriate across the whole estate, along with procedures in place at a local level to ensure the premises operates to the highest standard and promotes the licensing objectives. These include policies regarding social responsibility and underage sales which promote responsible drinking and discourage drunkenness as well as procedures to prevent crime and disorder and public nuisance.

In the event that this new premises licence is granted as applied for or in an acceptable form, the intention will be to surrender the existing premises licence number 17/06945/LIPDPS. Stonegate are an experienced operator of LGBT+ premises in both Westminster and nationally. In particular, they operate the following sites in Westminster alongside the Admiral Duncan: Comptons, Rupert Street, Duke of Wellington, Village and Halfway II Heaven, where later hours were obtained in 2012 and have been successfully operated since.

Considering the above, we believe that the New Premises Licence Application will not have an adverse impact on the licensing objectives, nor will it add to the cumulative impact of the area, and the applicant believes that the measures proposed in the bespoke operating schedule, along with the existing measures in place, will ensure the premises continue to promote the licensing objectives.











Schedule 12  
Part A

WARD: West End  
UPRN: 100023472371

## City of Westminster

64 Victoria Street, London, SW1E 6QP

Premises licence

Regulation 33, 34

Premises licence number:

17/06945/LIPDPS

Original Reference:

05/09750/LIPN

### Part 1 – Premises details

#### Postal address of premises:

Admiral Duncan Public House  
54 Old Compton Street  
London  
W1D 4UD

Telephone Number: 020 7437 5300

#### Where the licence is time limited, the dates:

Not applicable

#### Licensable activities authorised by the licence:

Performance of Live Music  
Playing of Recorded Music  
Late Night Refreshment  
Sale by Retail of Alcohol

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

##### Performance of Live Music

Monday to Thursday: 10:00 to 23:30  
Friday to Saturday: 10:00 to 00:00  
Sunday: 12:00 to 22:30

Non-standard Timings: See conditions 29 and 30

##### Playing of Recorded Music

Monday to Thursday: 10:00 to 23:30  
Friday to Saturday: 10:00 to 00:00  
Sunday: 12:00 to 22:30

Non-standard Timings: See conditions 29 and 30

##### Late Night Refreshment

Monday to Thursday: 23:00 to 23:30  
Friday to Saturday: 23:00 to 00:00

Non-standard Timings: See conditions 29 and 30

##### Sale by Retail of Alcohol

Monday to Thursday: 10:00 to 23:30

Friday to Saturday: 10:00 to 00:00  
Sunday: 12:00 to 22:30  
Non-standard Timings: See conditions 29 and 30

*For times authorised for Christmas, New Year and Good Friday see conditions at Annex 1*

**The opening hours of the premises:**

Monday to Thursday: 10:00 to 23:30  
Friday to Saturday: 10:00 to 00:00  
Sunday: 12:00 to 22:30

**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:**

Stonegate Pub Co Ltd  
Porter Tun House  
500 Capability Green  
Luton  
LU1 3LS  
*Electronic Mail : risk.support@stonegatepubs.com*

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

FC029833

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

**Name:** Karl Nixon

***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:** Pers-Lic/285  
**Licensing Authority:** London Borough Of Croydon

**Date:** \_\_\_\_\_ 7 July 2017 \_\_\_\_\_

**This licence has been authorised by Miss Susan Patterson 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**

None

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

9. Children under the age of 18 shall not be allowed to play on Section 34 permitted AWP machine.
10. Children shall not be allowed in the area immediately to the bar servery.
11. Entertainment offered shall be suitable for young persons when children are allowed on the premises.
12. Children shall be supervised by the accompanying adult.
13. A recognised proof of age policy shall be enforced.
14. There shall be a no smoking area on the premises.
15. The licensee shall enforce a zero tolerance towards illegal drugs.
16. Disc jockey (if used on any night) shall ask customers to leave quietly.
17. All instances of crime and disorder shall be reported to the police and shall be kept in an incident logbook.
18. Free drinking water shall be available.
19. Members of staff shall carry out additional internal and external patrols to limit noise pollution when entertainment is being offered within the premises.
20. Notices shall be displayed asking customers to respect neighbours in the area when leaving the premises.
21. Soft drinks and non-alcoholic refreshment shall be available when the premises stayed open for an extended period between the cessation of the supply of alcohol and the closure of the premises.
22. Suitable beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.
23. A sound limiting device shall be fitted to the musical amplification system and set in agreement with and to the satisfaction of the Environmental Health Division of Westminster City Council. The operational panel shall then be secured and the system not be altered without prior agreement with the Environmental Health Division.
24. The folding doors to the Old Compton Street elevation shall be closed when musical entertainment is taking place.
25. A CCTV system shall be installed, maintained, operated as reasonably specified by the Metropolitan Police Crime and Prevention Officer. Information will be retained and be retrievable for at least a period of 31 days.
26. Suitable beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.
27. Live music shall be limited to a maximum of two performers and bona fide private events.
28. Any entertainment, performance, service or exhibition involving nudity or sexual stimulation which would come within the definition of a sex establishment in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Greater London Council (General Powers) Act 1986, (whether or not locally adopted), shall not be provided. This condition does not apply to any entertainment that is an integral part of a licensed performance of a play.
29. On statutory bank holiday weekend periods (Friday, Saturday, Sunday and Monday) and for the Thursday before Good Friday and for Christmas Eve, the terminal hour for the sale of alcohol,

regulated entertainment and late night refreshment will be extended by one hour for licensable activities. This does not include Bank Holiday Mondays where the following day is a working day.

30. On St. David's Day, St. Patrick's Day, St George's Day, and St Andrew's Day, the terminal hour for the sale of alcohol, regulated entertainment and late night refreshment will be extended by one hour, with seven days notice of any event given to the police and the police have the right to veto any event.

**Annex 4 – Plans**

Attached



Schedule 12  
Part B

WARD: West End  
UPRN: 100023472371

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

**Premises licence  
summary**

Regulation 33, 34

**Premises licence number:**

17/06945/LIPDPS

**Part 1 – Premises details**

**Postal address of premises:**

Admiral Duncan Public House  
54 Old Compton Street  
London  
W1D 4UD

**Telephone Number:** 020 7437 5300

**Where the licence is time limited, the dates:**

Not applicable

**Licensable activities authorised by the licence:**

Performance of Live Music  
Playing of Recorded Music  
Late Night Refreshment  
Sale by Retail of Alcohol

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

**Performance of Live Music**

Monday to Thursday: 10:00 to 23:30  
Friday to Saturday: 10:00 to 00:00  
Sunday: 12:00 to 22:30

Non-standard Timings: See conditions 29 and 30

**Playing of Recorded Music**

Monday to Thursday: 10:00 to 23:30  
Friday to Saturday: 10:00 to 00:00  
Sunday: 12:00 to 22:30

Non-standard Timings: See conditions 29 and 30

**Late Night Refreshment**

Monday to Thursday: 23:00 to 23:30  
Friday to Saturday: 23:00 to 00:00

Non-standard Timings: See conditions 29 and 30

**Sale by Retail of Alcohol**

Monday to Thursday: 10:00 to 23:30  
Friday to Saturday: 10:00 to 00:00  
Sunday: 12:00 to 22:30

Non-standard Timings: See conditions 29 and 30

*For times authorised for Christmas, New Year and Good Friday see conditions at Annex 1*

**The opening hours of the premises:**

Monday to Thursday:	10:00 to 23:30
Friday to Saturday:	10:00 to 00:00
Sunday:	12:00 to 22:30

**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:**

Stonegate Pub Co Ltd  
Porter Tun House  
500 Capability Green  
Luton  
LU1 3LS

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

FC029833

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

**Name:** Karl Nixon

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

**Date:** \_\_\_\_\_ 7 July 2017 \_\_\_\_\_

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

### Licence and Appeal History

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
05/09750/LIPN	Application for a new Premises Licence	23 November 2005	Granted under delegated authority
05/13215/LIPDPS	Application to vary the Designated Premises Supervisor	08 December 2005	Granted under delegated authority
05/13469/LIPT	Application to transfer the Premises Licence	07 December 2005	Granted under delegated authority
08/08772/LIPT	Application to transfer the Premises Licence	07 October 2008	Granted under delegated authority
13/03855/LIPDPS	Application to vary the Designated Premises Supervisor	19 July 2013	Granted under delegated authority
13/04834/LIPDPS	Application to vary the Designated Premises Supervisor	19 July 2013	Granted under delegated authority
15/08418/LIPT	Application to transfer the Premises Licence	14 October 2015	Granted under delegated authority
17/05521/LIPDPS	Application to vary the Designated Premises Supervisor	26 June 2017	Granted under delegated authority
17/06945/LIPDPS	Application to vary the Designated Premises Supervisor	07 July 2017	Granted under delegated authority

## 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. 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.

10. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. 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.
11. Where the premises trade for sale of alcohol beyond 23.30 hours Monday to Thursday and midnight Friday and Saturday the premises shall employ a minimum of 1 door supervisor from 21:00 hours until close.
12. Where the premises trade for sale of alcohol beyond 23.30 hours Monday to Thursday and midnight Friday and Saturday, a personal licence holder will be on duty from 23:00 hours, save for in exceptional or unforeseen circumstances.
13. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
  - a. all crimes reported to the venue
  - b. all ejections of patrons
  - c. any complaints received concerning crime and disorder
  - d. any incidents of disorder
  - e. all seizures of drugs or offensive weapons
  - f. any faults in the CCTV system
  - g. any visit by a relevant authority or emergency service.
14. The licensable activities authorised by this premises licence can only be carried out by Stonegate Pub Company Limited beyond 23:30 hours Monday to Thursday and beyond 00:00 hours Friday and Saturday.
15. The hours for licensable activities shall end at 23.30 hours Monday to Thursday and midnight Friday and Saturday when live staged cabaret entertainment is not provided after these hours.
16. After 23.30 hours Monday to Thursday and midnight Friday and Saturday the supply of alcohol shall be ancillary to the provision of live staged cabaret entertainment.
17. Notices shall be displayed asking customers to respect neighbours in the area when leaving the premises.
18. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, Premises Management so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.

19. All windows and external doors shall be kept closed after 23:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
20. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open.
21. No waste or recyclable materials, including bottles, shall be moved, removed or placed in outside areas between 23.00 hours and 08.00 hours.
22. 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.
23. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
24. Door supervisors shall ask customers to leave quietly.
25. After 23.00 hours patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
26. There shall be no sales of alcohol for consumption off the premises after 23.00 hours.
27. The premises licence holder shall ensure that any patrons smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
28. 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.
29. 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.
30. 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.

**Conditions proposed by the Licensing Authority so as to form part of the operating schedule:**

31. No licensable activities shall take place at the premises until premises licence 17/06945/LIPDPS (or such other number subsequently issued for the premises) has been surrendered and is incapable of resurrection.

**Conditions proposed by the Police**

None

**Conditions proposed by Environmental Health**

None

**Residential Map and List of Premises in the Vicinity**

**Appendix 5**



**Resident Count within 75 metres of the premises: 176**

<b>Premises within 75 metres of The Admiral Duncan Public House, 54 Old Compton Street, London, W1D 4UD</b>				
LicenceNumber	TradingName	Address	PremisesType	TimePeriod
17/06945/LIPDPS	Admiral Duncan Public House	54 Old Compton Street London W1D 4UD	Public house or pub restaurant	Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00   Sunday; 12:00 - 22:30
19/01788/LIPDPS	Tuk Tuk	Basement And Ground Floor 56 Old Compton Street London W1D 4UE	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
12/03653/LIPDPS	Tonkotsu	Basement To First Floor 63 Dean Street London W1D 4QG	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
16/09064/LIPVM	Wok On Fire	43 Old Compton Street London W1D 6HG	Restaurant	Monday to Thursday; 11:00 - 01:00   Friday to Saturday;

				11:00 - 02:00   Sunday; 11:00 - 00:00
09/06572/LIPN	Amorino	41 Old Compton Street London W1D 6HF	Restaurant	Monday to Saturday; 12:00 - 01:00   Sunday; 12:00 - 23:00
17/14216/LIPDPS	Maitre Choux	60 Dean Street London W1D 6AW	Cafe	Monday to Saturday; 10:00 - 23:00   Sunday; 12:00 - 22:30
16/00056/LIPCH	&Pasta	60 Dean Street London W1D 6AW	Cafe	Monday to Thursday; 07:00 - 00:00   Friday to Saturday; 07:00 - 00:30   Sunday; 07:00 - 23:00
18/04298/LIPDPS	Smack Soho	Kemble House 58 Dean Street London W1D 6AL	Cafe	Monday to Saturday; 12:00 - 22:00
19/10598/LIPT	Smack Soho	Kemble House 58 Dean Street London W1D 6AL	Cafe	Monday to Saturday; 12:00 - 22:00
17/08963/LIPN	Rambla	64 Dean Street London W1D 4QQ	Restaurant	Monday to Thursday; 10:00 - 00:00   Friday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 23:00
18/01928/LIPDPS	Hipchips	49 Old Compton Street London W1D 6HL	Restaurant	Monday to Saturday; 12:00 - 23:00   Sunday; 12:00 - 20:00
18/02207/LIPDPS	Balans Restaurant	Ground Floor 60 - 62 Old Compton Street London W1D 4UG	Restaurant	Monday; 09:00 - 03:30   Tuesday to Sunday; 09:00 - 05:00
17/02012/LIPVM	Leggero (formerly La Polenteria)	64 Old Compton Street London W1D 4TL	Cafe	Monday to Thursday; 07:30 - 23:30   Friday; 07:30 - 00:00   Saturday;

				08:00 - 00:00   Sunday; 08:00 - 23:00
16/00095/LIPDPS	Compton News	48 Old Compton Street London W1D 4UA	Shop	Monday to Saturday; 07:00 - 01:00   Sunday; 08:00 - 22:00
14/00825/LIPDPS	Pulcinella Restaurant	Basement To First Floor 37 Old Compton Street London W1D 5JY	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
18/04716/LIPDPS	Rosas	Ground Floor And Basement 48 Dean Street London W1D 5BF	Shop	Monday to Saturday; 10:00 - 23:30   Sunday; 12:00 - 23:00
16/05700/LIPDPS	Patisserie Valerie	44 Old Compton Street London W1D 4TY	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
18/13002/LIPVM	Comptons Of Soho Public House	51 - 53 Old Compton Street London W1D 6HN	Public house or pub restaurant	Monday to Thursday; 10:00 - 00:00   Friday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 23:00   Sundays before Bank Holidays; 12:00 - 00:30
12/03560/LIPV	Selva Food & Wine	68 Old Compton Street London W1D 4UJ	Shop	Monday to Sunday; 00:00 - 00:00
09/06680/LIPVM	French House Public House	49 Dean Street London W1D 5BG	Public house or pub restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
17/14701/LIPCH	Cay Tre (Soho)	42 - 43 Dean Street London W1D 4PZ	Restaurant	Monday to Sunday; 09:30 - 01:30
17/00253/LIPVM	The Groucho Club	44-45 Dean Street London W1D 4QB	Club or institution	Monday to Saturday; 09:00 - 02:30   Sunday; 12:00

				- 00:00
18/00946/LIPDPS	Blacks	Basement To First Floor 67 Dean Street London W1D 4QH	Club or institution	Monday to Saturday; 10:00 - 01:30   Sunday; 12:00 - 01:00
08/09144/LIPD	The Vintage House	Basement And Ground Floor 42 Old Compton Street London W1D 4LR	Shop	Monday to Saturday; 08:00 - 23:00   Sunday; 10:00 - 22:30
18/02552/LIPV	Soho Whisky Club	First Floor 42 Old Compton Street London W1D 4TX	Wine bar	Monday; 10:00 - 23:00   Tuesday; 10:00 - 23:00   Wednesday; 10:00 - 23:00   Thursday; 10:00 - 23:00   Friday; 10:00 - 00:00   Saturday; 10:00 - 00:00   Sunday; 10:00 - 22:00
17/04816/LIPDPS	Le Relais De Venise L'Entrecote	50 Dean Street London W1D 5BQ	Restaurant	Monday to Saturday; 09:00 - 03:30   Sunday; 12:00 - 00:00
13/04926/LIPDPS	Herman Ze German	Basement And Ground Floor 33 Old Compton Street London W1D 5JU	Restaurant	Monday to Thursday; 11:00 - 23:30   Friday to Saturday; 11:00 - 00:00   Sunday; 11:00 - 22:30
19/00635/LIPN	Jackson & Rye	56 Wardour Street London W1D 4JG	Restaurant	Monday to Saturday; 08:00 - 00:30   Sunday; 08:00 - 00:00
18/09942/LIPDPS	Jackson + Rye	56 Wardour Street London W1D 4JG	Restaurant	Monday to Saturday; 08:00 - 00:30   Sunday; 08:00 - 00:00

11/08882/LIPDPS	Duck Soup	Basement And Ground Floor 41 Dean Street London W1D 4PY	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
12/02725/LIPDPS	Gauthier At Lindsay House	21 Romilly Street London W1D 5AF	Restaurant	Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00   Sunday; 10:00 - 22:30
16/07760/LIPDPS	Poppies Fish Chips	55-59 Old Compton Street London W1D 6HP	Cafe	Monday to Saturday; 09:00 - 01:30   Sunday; 09:00 - 01:00
17/01943/LIPDPS	Tuscan Delicatessen	Basement And Ground Floor 72 Old Compton Street London W1D 4UN	Cafe	Monday to Sunday; 10:00 - 00:30
13/04147/LIPDPS	40 Dean Street	40 Dean Street London W1D 4PX	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
19/00878/LIPT	I Camisa & Son	Basement And Ground Floor 61 Old Compton Street London W1D 6HS	Shop	Monday to Saturday; 08:00 - 23:00   Sunday; 10:00 - 22:30
06/05841/WCCMAP	I Camisa & Son	Basement And Ground Floor 61 Old Compton Street London W1D 6HS	Shop	Monday to Saturday; 08:00 - 23:00   Sunday; 10:00 - 22:30
18/14814/LIPDPS	Belgo	29 - 31 Old Compton Street London W1D 5JS	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
06/05560/WCCMAP	Gerry's Wine & Spirits	74-76 Old Compton Street London W1D 4UW	Shop	Monday to Saturday; 08:00 - 23:00   Sunday; 10:00 - 22:30

11/02308/LIPDPS	Prix Fixe Brasserie	Basement And Ground Floor 39 Dean Street London W1D 4PU	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
16/09678/LIPV	Pepe Italian Street Food	Basement And Ground Floor 27 Old Compton Street London W1D 5JP	Restaurant	Monday to Wednesday; 08:00 - 00:30   Thursday to Saturday; 08:00 - 03:00   Sunday; 10:00 - 00:00
13/02742/LIPDPS	Cafe Espana	Basement To First Floor 63 Old Compton Street London W1D 6HT	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
18/08872/LIPDPS	Assa	23 Romilly Street London W1D 5AQ	Club or institution	Monday to Saturday; 10:00 - 00:30   Monday to Saturday; 10:00 - 23:30   Sunday; 12:00 - 00:00   Sunday; 12:00 - 23:00
16/07026/LIPCH	Golden Lion Public House	51 Dean Street London W1D 5BH	Public house or pub restaurant	Monday to Thursday; 07:00 - 23:30   Monday to Saturday; 07:00 - 00:30   Friday to Saturday; 07:00 - 00:00   Sunday; 07:00 - 23:00   Sunday; 07:00 - 00:00
18/01551/LIPDPS	Muriels Kitchen	36 Old Compton Street London W1D 4US	Restaurant	Monday to Sunday; 07:00 - 01:30
06/12560/WCCMAP	The Delhi Brasserie	44 Frith Street London W1D 4SB	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00

19/02423/LIPDPS	Sushi Eatery	Basement And Ground Floor 40 Frith Street London W1D 5LN	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
11/01841/LIPDPS	Ronnie Scott's Jazz Club	Basement And Ground Floor And Part First Floor 47 Frith Street London W1D 4HT	Night clubs and discos	Monday to Saturday; 09:00 - 03:30   Sunday; 09:00 - 00:30
19/03302/LIPDPS	BA Shan Restaurant	24 Romilly Street London W1D 5AH	Restaurant	Monday to Saturday; 12:00 - 00:00   Sunday; 12:00 - 23:30
18/03962/LIPDPS	Burger & Lobster	36 - 38 Dean Street London W1D 3TE	Restaurant	Monday to Thursday; 10:00 - 00:30   Friday to Saturday; 10:00 - 01:00   Sunday; 12:00 - 23:00   Sundays before Bank Holidays; 12:00 - 00:30
18/10183/LIPDPS	ZIMA Russian Street Food And Bar	45 Frith Street London W1D 4SD	Restaurant	Monday to Saturday; 10:00 - 01:00   Sunday; 12:00 - 00:00
18/07653/LIPDPS	Freedom	Basement And Ground Floor National House 60 - 66 Wardour Street London W1F 0TA	Restaurant	Monday to Saturday; 09:00 - 03:30   Sunday; 09:00 - 00:00
16/11472/LIPN	Starbucks	Ground Floor National House 60 - 66 Wardour Street London W1F 0TA	Restaurant	Monday to Thursday; 23:00 - 23:30   Friday to Saturday; 23:00 - 00:00
17/14358/LIPDPS	Not Recorded	39 Frith Street London W1D 5LL	Cafe	Monday to Sunday; 06:00 - 03:00

17/01437/LIPVM	Caffe Nero	Ground Floor 43 Frith Street London W1D 4SA	Cafe	Thursday to Saturday; 23:00 - 04:00   Sunday to Wednesday; 23:00 - 02:00
08/11517/LIPD	Gerry's Club	Basement 52-53 Dean Street London W1D 5BJ	Club or institution	Monday to Saturday; 10:00 - 03:30   Sunday; 12:00 - 23:00