



City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	23 July 2020
Licensing Ref No:	20/03768/LIPV - Premises Licence Variation
Title of Report:	Dirty Bones Ground Floor 14 Denman Street London W1D 7HJ
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:	Variation of a Premises Licence, Licensing Act 2003		
Application received date:	4 May 2020		
Applicant:	Db Denman Ltd		
Premises:	Dirty Bones		
Premises address:	Ground Floor 14 Denman Street London W1D 7HJ	Ward:	West End
		Cumulative Impact Area:	West End
Premises description:	The premises currently operates as an American restaurant and cocktail bar		
Variation description:	<p>To vary the existing premises licence so as to-</p> <ol style="list-style-type: none"> 1. Vary the terminal hour for the sale of alcohol to 01:00 Monday to Saturday, subject to remaining ancillary to table meal (no change Sunday) 2. Vary the terminal hour for late night refreshment and closing to 01:30 Monday to Saturday (no change Sunday); and 3. Remove conditions 9 and embedded restrictions at 12-14, with retention of New Year's Eve permission. 		
Premises licence history:	The premises have had the benefit of a premises licence since September 2005. The current premises licence reference is 19/16055/LIPVM a copy of which appears at Appendix 2 of this report. Please see Appendix 5 of the report for a full licence history.		
Applicant submissions:	None		

1-B Current and proposed licensable activities, areas and hours						
Regulated Entertainment						
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	Unrestricted		No change		Ground floor	No change
Tuesday						
Wednesday						
Thursday						
Friday						
Saturday						
Sunday						
Seasonal	Current:			Proposed:		

Variations/Non-standard timings:	None	No change
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Late night refreshment						
Indoors, outdoors or both			Current :		Proposed:	
			Both		No change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	00:30	23:00	01:30	Ground floor	No change
Tuesday	23:00	00:30	23:00	01:30		
Wednesday	23:0	00:30	23:00	01:30		
Thursday	23:00	00:30	23:00	01:30		
Friday	23:00	00:30	23:00	01:30		
Saturday	23:00	00:30	23:00	01:30		
Sunday	23:00	00:00	No change			
Seasonal variations/ Non-standard timings:	Current: The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.				Proposed: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.	

Sale by Retail of Alcohol						
On or off sales			Current :		Proposed:	
			On and off the premises		No change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	00:00	10:00	01:00	Ground floor	No change
Tuesday	10:00	00:00	10:00	01:00		
Wednesday	10:00	00:00	10:00	01:00		
Thursday	10:00	00:00	10:00	01:00		
Friday	10:00	00:00	10:00	01:00		
Saturday	10:00	00:00	10:00	01:00		
Sunday	12:00	23:30	No change			
Seasonal variations/ Non-standard timings:	Current: On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).				Proposed: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.	

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	00:30	10:00	01:30	Ground floor	No change
Tuesday	10:00	00:30	10:00	01:30		
Wednesday	10:00	00:30	10:00	01:30		

Thursday	10:00	00:30	10:00	01:30		
Friday	10:00	00:30	10:00	01:30		
Saturday	10:00	00:30	10:00	01:30		
Sunday	12:00	00:00	No change			
Seasonal variations/ Non-standard timings:	Current:				Proposed:	
	None				No change	

1-C Layout alteration
No change of layout is proposed

1-D Conditions being removed
Condition
9. There shall be no bar.
12. (i) Alcohol may be sold or supplied: (a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10:00 to 23:00 (b) On Sundays, other than Christmas Day or New Year's Eve, 12:00 to 22:30 (c) On Good Friday, 12:00 to 22:30 (d) On Christmas Day, 12:00 to 15:00 and 19:00 to 22:30 (e) On New Year's Eve, except on a Sunday, 10:00 to 23:00 (f) On New Year's Eve on a Sunday, 12:00 to 22:30 (g) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December). (ii) Alcohol may be sold or supplied for one hour following the hours set out above to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes or in other parts of the premises the hours set out above shall continue to apply.
13. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies: (a) He is the child of the holder of the premises licence. (b) He resides in the premises, but is not employed there. (c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress. (d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary. In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals. NOTE - The above restrictions do not prohibit: (a) during the first thirty minutes after the above hours the consumption of the alcohol on the premises; (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel; (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking table meals there if the alcohol was supplied for consumption as ancillary to the meals;

(d) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;

(e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;

(f) the sale of alcohol to a trader or registered club for the purposes of the trade or club;

(g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;

(h) the taking of alcohol from the premises by a person residing there;

(i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;

(j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

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

Adult entertainment:	Current position:	Proposed position:
	None	No change

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Licensing Authority
Representative:	Angela Seaward
Received:	1 June 2020
<p>Dear Sirs</p> <p>I write in relation to the application submitted for a variation of the premises licence, Dirty Bones, 14 Denman Street, London, W1D 7HJ</p> <p>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:</p> <ul style="list-style-type: none"> • Public Nuisance • Prevention of Crime & Disorder • Public Safety • Protection of children from harm <p>The application seeks the following variations:</p>	

- Vary the terminal hour for the sale of alcohol to 01:00 Monday to Saturday, subject to remaining ancillary to table meal (no change Sunday);
- Vary the terminal hour for late night refreshment and closing to 01:30 Monday to Saturday (no change Sunday); and
- Remove conditions 9 and embedded restrictions at 12-14, with retention of NYE permission.

The application is currently considered under policy HRS1, CIP1, RNT2 and PB2

At present the premises already operates outside of the core hours and has done since the licence was converted in 2005. Westminster's Core Hours Policy HRS1 states that "Applications for hours outside the core hours set out below in this policy will be considered on their merits".

Paragraph 2.3.3 advises that the council wishes to see a less alcohol led and a more diverse range and variety of entertainment available later at night, and will allow for greater flexibility to those premises that add to a more varied offer of entertainment and cultural activity. The premises currently operates as restaurant and according to the plan has the provision of a bar, as the variation wishes to remove the condition which prohibits a bar within the premises the licensing authority encourages the applicant to provide further submission in relation to the intended use of the bar.

The premises currently operates as a restaurant, paragraph 2.5.3 states that a restaurant is defined as premises (i) in which customers are shown to their table, (ii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery, (iii) which do not provide any take away service of food or drink for immediate consumption, and (iv) where intoxicating liquor shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of intoxicating liquor by such persons is ancillary to taking such meals.

Therefore the licensing authority proposes the following model conditions so that the premises can be considered inline with policy RNT2.

MC38 - The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.

MC39 - The supply of alcohol shall be by waiter or waitress service only.

The licensing authority also encourages the applicant to provide further submission to advise if there is any facility for takeaways as the premises currently benefits from sale of alcohol on and off the premises. The applicant is encouraged to also consider model condition 16; There shall be no sales of alcohol for consumption off the premises after (23.00).

Please accept this email as a formal representation.

Responsible Authority:	Environmental Health Service
Representative:	Maxwell Koduah
Received:	18 May

I refer to the variation application for the above-mentioned premises. The premises is located within the West End Cumulative Impact area. I have considered the information that you have provided within and accompanying this application. I have also considered the application in line with the relevant policies within the Councils Statement of Licensing Policy dated January 2016.

The applicant is seeking the following variation:

1) Increase the terminal hours for the provision of late-night refreshment from 00:30 hours to 01:30 hours Monday to Saturday

2. Increase the terminal hours for the supply of alcohol from 00:00 hours (midnight) to 01:00 hours Monday to Saturday

3. Remove condition 9 which reads
There shall be no bar

4. Remove conditions 12 & 13 which read:

12. (i) Alcohol may be sold or supplied:

(a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10:00 to 23:00

(b) On Sundays, other than Christmas Day or New Year's Eve, 12:00 to 22:30

(c) On Good Friday, 12:00 to 22:30

(d) On Christmas Day, 12:00 to 15:00 and 19:00 to 22:30

(e) On New Year's Eve, except on a Sunday, 10:00 to 23:00

(f) On New Year's Eve on a Sunday, 12:00 to 22:30

(g) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

(ii) Alcohol may be sold or supplied for one hour following the hours set out above to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes or in other parts of the premises the hours set out above shall continue to apply.

NOTE - The above restrictions do not prohibit:

(a) during the first thirty minutes after the above hours the consumption of the alcohol on the premises;

(b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;

(c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking table meals there if the alcohol was supplied for consumption as ancillary to the meals;

(d) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;

(e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;

(f) the sale of alcohol to a trader or registered club for the purposes of the trade or club;

(g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;

(h) the taking of alcohol from the premises by a person residing there;

(i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;

(j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.

13. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:

(a) He is the child of the holder of the premises licence.

(b) He resides in the premises, but is not employed there.

(c) He is in the bar solely for the purpose of passing to or from some part of the premises which

is not a bar and to or from which there is no other convenient means of access or egress.
(d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

Following consideration of the application and how it may affect the Licensing Objectives and meeting the requirements of the Council's Statement of Licensing Policy I wish to make the following representation:

1. The hours requested to provide Late-Night Refreshment may have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the West End Cumulative Impact area
2. The hours requested to supply alcohol may have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the West End Cumulative Impact area
3. Removing the "no bar" condition without an alternative safeguard within the licence may have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the West End Cumulative Impact area
4. Removing public nuisance and public safety safeguards embedded within conditions 12 to 14 may have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the West End Cumulative Impact area

It is my view that, as presented, the application may have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the West End Cumulative Impact area

The applicant is asked to contact the undersigned to discuss the application further to ensure minimal public nuisance and public safety risks and following this, additional conditions may be recommended by Environmental Health to support the licensing objectives Prevention of Public Nuisance and Public Safety

Responsible Authority:	Metropolitan Police Service (withdrawn)
Representative:	Dave Morgan
Received:	26 May 2020

With regards the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, **are** making a representation against this application.

The venue is situated within the Cumulative Impact Area and it is our belief that if granted, the application would undermine the Licensing Objectives in relation to The Prevention of Crime and Disorder.

The operating hours sought for licensable activities fall outside of Westminster's core hours and I would encourage that the applicant reduce the hours to fall within Westminster's Core hours.

Also, although I am not adverse to removing the conditions you have requested (Conditions 9, 12, 13 and 14), I would like to see certain model conditions not currently present to be included (or replaced) in order to help promote the Licensing Objectives..

These are:

1. MC66 (To replace conditions 10 and 11).

The premises shall only operate as a restaurant

- (i) in which customers are shown to their table,
- (ii) where the supply of alcohol is by waiter or waitress service only,
- (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
- (iv) which do not provide any take away service of food or drink for immediate consumption,
- (v) which do not provide any take away service of food or drink after 23.00, and
- (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

2. MC01

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.

3. MC02

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.

4. MC16

There shall be no sales of alcohol for consumption off the premises after (23.00).

5. MC17

All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.

6. MC47

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.

7. MC49

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, searching equipment or scanning equipment
- (g) any refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service.

If the above conditions are agreed, I would be willing to withdraw my representation.

Following agreement of the above conations, the Metropolitan Police Service withdrew their representation on 4 June 2020

2-B Other Persons			
Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	2 June 2020		
<p>We write to make a relevant representation to the above application on behalf of [REDACTED] [REDACTED]</p> <p>[REDACTED] objects to this application as it is currently presented, on the grounds of prevention of crime and disorder, prevention of public nuisance, public safety and cumulative impact in the West End Cumulative Impact Area.</p> <p>About [REDACTED]</p> <p>[REDACTED] 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.</p> <p>Application summary</p> <p>Premises variation; to vary the existing premises licence,</p> <ol style="list-style-type: none"> 1. Vary the terminal hour for the sale of alcohol to 01:00 Mon to Sat, subject to remaining ancillary to table meal (no change Sunday) 2. Vary the terminal hour for late night refreshment and closing to 01:30 Mon to Sat (no change Sunday) : and 3. Remove conditions 9 and embedded restrictions at 12 - 14, with retention of NYE permission. <p>Current licence</p> <p>Sale of alcohol: Mon-Sat: 10:00 - 00:00. Sun: 12:00 - 23:30 Late night refreshment: Mon - Sat: 23:00 - 00:30. Sun: 23:00 - 00:00 Opening hours: Mon-Sat: 10:00 - 00:30. Sun: 12:00 - 00:00 Capacity: from the GF plan 56</p> <p>The application</p> <p>We object to this application on the following grounds,</p> <ul style="list-style-type: none"> • It seeks to extend the terminal hour to 01:30 six days a week, this being outside core hours - policies CIP1, HRS1 and RNT2 apply. These premises will be attractive to people who have 			

been drinking at bars and nightclubs which goes directly against CIA policies. The applicant needs to demonstrate how they will promote the licensing objectives and not add to cumulative impact.

- We also note the applicant has applied for the removal of condition 9, which states, '**there shall be no bar.**' The application fails to provide any additional information as to the reason for the removal of this condition. The existing plan shows a bar counter with four seats, is the aim to create a new bar? We would welcome further information on this point.
- We are further surprised that the applicant feels a new terminal hour of 01:30 requires no further measures than a core hours licence.
- Soho is at the forefront of the late-night economy in Westminster with its numerous restaurants, bars and entertainment establishments. The area is densely populated at night with people drinking on the street, creating loud levels of noise, causing disturbance and anti-social behaviour. In Soho between **01:00 - 02:30 there are 75 licensed premises** for the sale of alcohol in Soho, ***capacity for 49 of these premises is 13,371**. This figure would have been higher as there were 15 licences where capacity was not recorded. This application, if granted, will add an additional 01:30 licence to this already large number. We believe this addition cannot be justified and will add to cumulative impact. (*capacity taken from premises licences).
- Residents already suffer from late night noise, disturbance, anti-social behaviour and increased crime and disorder from the existing number of licensed premises in Soho. In our view this application will fail to promote these objectives - see Licensing Objectives below.
- This is the latest in a series of applications for significantly extended hours in Soho and are concerned this trend will continue as the result of the effect of COVID-19 on the hospitality industry. Whilst we acknowledge the difficulties for restaurants, bars, cinemas and theatres, the Statement of Licensing Policy 2016 remains the same, and we also maintain our position that there needs to be a balance between the late night economy and residential amenity. We consider this balance has for some time been in favour of late night premises which in turn has led to a deterioration and reduction in residential amenity. The view of the Soho Society is that the way for Soho to thrive post COVID-19 is for rents and rates to fall rather than by extending licences.

The Licensing Objectives

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

Prevention of crime and disorder

Criminal activity associated with the late-night 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 late at night. People are targeted as they leave late night venues which is evidenced by the crime figure. Figures for Soho highlight a huge increase in robberies, * 111 robberies took place within the four-month period from Nov - Feb 2017/18, for the same period in 2018/19 the figure was 266 an 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, a significant increase of 156%. (*Source; Police UK data).

Criminal activity is not limited to robberies at night. Drug dealers are also in the area targeting people. Dealers are seen in this area daily, with an increase in numbers from the early evening until late into the night, 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 customers leaving a restaurant at 01:30 in this area will attract criminal elements and result in an increase in crime and disorder.

Prevention of public nuisance

This is a residential area and residents will be disturbed from customers leaving these premises at 01:30, it will add to public nuisance and anti-social behaviour and have a detrimental impact on residential amenity. Residents are already disturbed by noise from people loitering in the street, drug dealers, taxis and pedicabs.

Public Safety

Under the objective PS1, the applicant needs to '*... demonstrate that the public will be safe within and in the vicinity of the premises,*' and goes on to state '*Crime, disorder and antisocial behaviour inside and in the vicinity of licensed premises may threaten public safety and affect perceptions of public safety.*' Drunk and highly intoxicated people on the streets late at night are very vulnerable requiring support and to prevent them from becoming victims of crime. To help people who become vulnerable on a night out Westminster City Council with the LGBT foundation has established the Soho Angels. As the Committee are no doubt aware, these are a group of volunteers who work on Friday and Saturday nights between 10pm and 5am helping vulnerable or distressed people on a night out. They work with St. John Ambulance who provide medical assistance at an 8 bedded night hub in St. Anne's Church on Dean Street. In their first year of operation they helped over 1,200 people, medical assistance was given in 230 cases, of which 80 were classed as serious incidents, and 40 crimes were reported. This is further evidence of the impact of the high number of late night uses and large number of people out on the streets, such that a dedicated team of volunteers is required to help the vulnerable, keeping them safe from harm.

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, anti-social behaviour, crime and disorder and the change in character of historic areas.

The application proposes to ***add an additional late night licence with a capacity of 56 to the existing 75 01:00 - 02:30 licensed premises, capacity for 49 of these premises being 13,371.*** Any increase in the number of people on the streets late at night will add to cumulative impact in the West End CIA.

Conclusion

We believe another late night premises which closes at 01:30 would fail to promote the licensing objectives of the prevention of crime and disorder, prevention of public nuisance and public safety and will add negatively to cumulative impact. Considering all the issues raised within this representation we respectfully request this application is rejected.

3. Policy & Guidance

The following policies within the City of Westminster Statement of Licensing Policy apply:

Policy CP1 applies	<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>
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></p> <p>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 provision of other licensable activities:</u></p> <p>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>
Policy RNT2 applies	<p>Applications will be granted subject to other policies in this Statement and subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas.</p>
Policy PB2 applies	<p>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.</p>

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, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

5. Appendices

Appendix 1	Premises licence 19/16055/LIPVM
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

Report author:	Kevin Jackaman Senior Licensing Officer
Contact:	Telephone: 0207 614 6500 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	Licensing Authority Representation	1 June 2020
5	Environmental Health Service Representation	18 May 2020
6	Metropolitan Police Service Representation (Withdrawn 4 June 2020)	26 May 2020
7	Interested Party Representation	2 June 2020



Schedule 12
Part A

WARD: West End
UPRN: 100023601810

City of Westminster

64 Victoria Street, London, SW1E 6QP

Premises licence

Regulation 33, 34

Premises licence number:

19/16055/LIPVM

Original Reference:

05/09176/LIPC

Part 1 – Premises details

Postal address of premises:

Ground Floor
14 Denman Street
London
W1D 7HJ

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

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

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

Playing of Recorded Music	Unrestricted
Late Night Refreshment	
Monday to Saturday:	23:00 to 00:30
Sunday:	23:00 to 00:00
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit	Unrestricted
Sale by Retail of Alcohol	
Monday to Saturday:	10:00 to 00:00
Sunday:	12:00 to 23:30

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

The opening hours of the premises:

Monday to Saturday:	10:00 to 00:30
Sunday:	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:

Db Denman Ltd
Finsgate
5-7 Cranwood Street
London
EC1V 9EE

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

10488055

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

Name: Jamie Timothy Sulkin

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: 2005/04179/LAPER
Licensing Authority: London Borough of Hammersmith & Fulham

Date: 16 Dfecember 2019

This licence has been authorised by Kevin Jackaman 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 shall take all reasonable steps to 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children:
 - (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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (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;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on:
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) 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.
5. The responsible person shall ensure that no alcohol is dispensed 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).
6. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

7. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- (2) 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 a holographic mark.

8. The responsible person shall 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; and
- (b) customers are made aware of the availability of these measures.

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.

Conditions reproducing the effect of conditions subject to which relevant existing licences have effect

Conditions for the Sale of Alcohol

9. There shall be no bar.
10. The licence is to be used for restaurant purposes only.
11. The sale and supply and consumption of intoxicating liquor shall be restricted to persons partaking of a substantial meal on the premises.

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

Permitted hours for the Sale of Alcohol

12. (i) Alcohol may be sold or supplied:
 - (a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10:00 to 23:00
 - (b) On Sundays, other than Christmas Day or New Year's Eve, 12:00 to 22:30
 - (c) On Good Friday, 12:00 to 22:30
 - (d) On Christmas Day, 12:00 to 15:00 and 19:00 to 22:30
 - (e) On New Year's Eve, except on a Sunday, 10:00 to 23:00
 - (f) On New Year's Eve on a Sunday, 12:00 to 22:30
 - (g) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

- (ii) Alcohol may be sold or supplied for one hour following the hours set out above to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes or in other parts of the premises the hours set out above shall continue to apply.

NOTE - The above restrictions do not prohibit:

- (a) during the first thirty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking table meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (d) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (f) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (h) the taking of alcohol from the premises by a person residing there;
- (i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
- (j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.

- 13. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:
 - (a) He is the child of the holder of the premises licence.
 - (b) He resides in the premises, but is not employed there.
 - (c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.

- (d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

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

Annex 2 – Conditions consistent with the operating Schedule

None

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

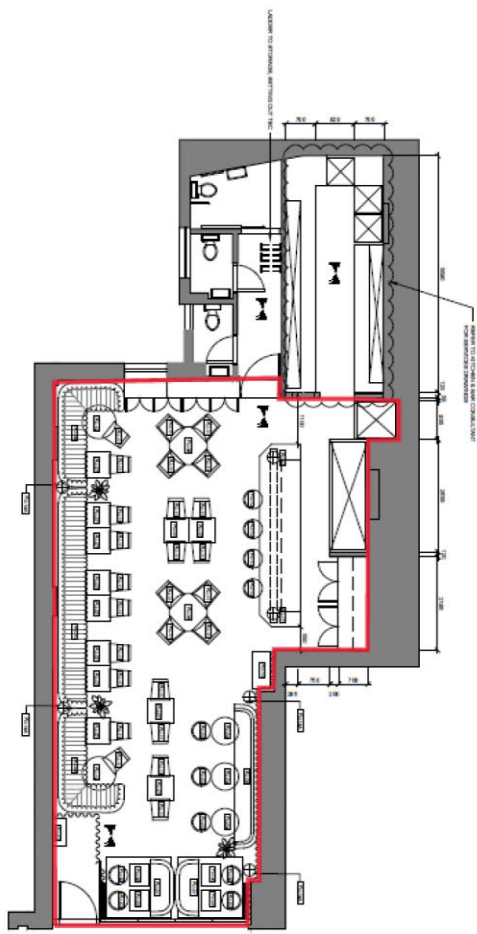
None

Annex 4 – Plans

SCALE
 1:50
 1:100
 1:200



GA-01 | FURNITURE & SETTING OUT PLAN
 SCALE 1:50



PROJECT REF : 14 DIRTY BONES
 ADDRESS : DENMAN ST
 POST CODE : WID 7HJ

TITLE
 FURNITURE & SETTING OUT PLAN
 Date 11/12/06 Scale 1:50@A1
 DWG NO Rev
 GA-01 A
 Paper Size A1

REVISION NOTES

Rev	Date	Comment
A	15.12.16	FIRST ISSUE

ISSUED FOR DESIGN INTENT



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

Schedule 12
Part B

WARD: West End
UPRN: 100023601810

**Premises licence
summary**

Regulation 33, 34

Premises licence number:

19/16055/LIPVM

Part 1 – Premises details

Postal address of premises:

Clockjack Oven
Ground Floor
14 Denman Street
London
W1D 7HJ

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

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

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

Playing of Recorded Music Unrestricted

Late Night Refreshment

Monday to Saturday: 23:00 to 00:30
Sunday: 23:00 to 00:00

Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit

Sale by Retail of Alcohol

Monday to Saturday: 10:00 to 00:00
Sunday: 12:00 to 23:30

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

The opening hours of the premises:

Monday to Saturday: 10:00 to 00:30
Sunday: 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:

Db Denman Ltd
Finsgate
5-7 Cranwood Street
London
EC1V 9EE

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

10488055

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

Name: Sulkin Jamie Timothy

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

Restricted

Date: 16 December 2019

This licence has been authorised by Kevin Jackaman on behalf of the Director - Public Protection and Licensing.

Applicant Supporting Documents

Appendix 2

None

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
05/09176/LIPC	Conversion	25.09.2005	Granted under delegated authority
06/05835/WCCMAP	Master licence	25.09.2005	Granted under delegated authority
08/05198/LIPDPS	Variation of designated premises supervisor	13.06.2008	Granted under delegated authority
09/09420/LIPDPS	Variation of designated premises supervisor	03.12.2009	Granted under delegated authority
12/02294/LIPT	Transfer of premises licence – FSN Restaurant Ltd to Piccadilly Spice Ltd	02.04.2012	Granted under delegated authority
12/09152/LIPT	Transfer of premises licence – Piccadilly Spice Ltd to Wishbone Investments Ltd	05.11.2012	Granted under delegated authority
12/09136/LIPVM	Minor variation of premises licence – change of layout	05.11.2012	Granted under delegated authority
12/09157/LIPDPS	Variation of designated premises supervisor	05.11.2012	Granted under delegated authority
16/01944/LIPDPS	Variation of designated premises supervisor	03.03.2016	Granted under delegated authority
16/07975/LIPDPS	Variation of designated premises supervisor	02.09.2016	Granted under delegated authority
17/09664/LIPT	Transfer of premises licence – Wishbone Investments Ltd to DB Denman Ltd	20.09.2017	Granted under delegated authority
17/09757/LIPDPS	Variation of designated premises supervisor	20.09.2017	Granted under delegated authority

19/16055/LIPVM	Minor variation of premises licence – change of layout	16.12.2019	Granted under delegated authority
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Temporary Event Notices

Temporary Event Notices	Date of Event	Activities/Hours	Decision
19/15523/LITENP	07.12.2019	Regulated entertainment, late night refreshment and supply of alcohol 00:00 to 01:00	Event permitted
19/15903/LITENP	13.12.2019 to 14.12,2019	Regulated entertainment, late night refreshment and supply of alcohol 00:00 to 01:00	Event permitted

There is no appeal history

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

When determining an application for a new premises licence under the provisions of the Licensing Act 2003, the licensing authority must, unless it decides to reject the application, grant the licence subject to the conditions which are indicated as mandatory in this schedule.

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

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

Conditions: On Current Licence -

Mandatory:

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

- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor.

For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

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

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

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula -

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

Where -

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Conditions for the sale of alcohol

9. There shall be no bar.

10. The licence is to be used for restaurant purposes only.
11. The sale and supply and consumption of intoxicating liquor shall be restricted to persons partaking of a substantial meal on the premises.

The applicant has agreed to replace conditions 9 and 10 with the model restaurant condition proposed below at condition 15

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

Permitted hours for the Sale of Alcohol

12. (i) Alcohol may be sold or supplied:
 - (a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10:00 to 23:00
 - (b) On Sundays, other than Christmas Day or New Year's Eve, 12:00 to 22:30
 - (c) On Good Friday, 12:00 to 22:30
 - (d) On Christmas Day, 12:00 to 15:00 and 19:00 to 22:30
 - (e) On New Year's Eve, except on a Sunday, 10:00 to 23:00
 - (f) On New Year's Eve on a Sunday, 12:00 to 22:30
 - (g) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).
- (ii) Alcohol may be sold or supplied for one hour following the hours set out above to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes or in other parts of the premises the hours set out above shall continue to apply.

NOTE - The above restrictions do not prohibit:

- (a) during the first thirty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking table meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (d) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (f) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (h) the taking of alcohol from the premises by a person residing there;
- (i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;

- (j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.

- 13. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:
 - (a) He is the child of the holder of the premises licence.
 - (b) He resides in the premises, but is not employed there.
 - (c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
 - (d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

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

Annex 2 – Conditions consistent with the operating Schedule

None

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

None

Conditions proposed by the Metropolitan Police Service and agreed by the applicant so as to form part of the operating schedule

- 15. The premises shall only operate as a restaurant
 - (i) in which customers are shown to their table,
 - (ii) where the supply of alcohol is by waiter or waitress service only,
 - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
 - (iv) which do not provide any take away service of food or drink for immediate consumption,
 - (v) which do not provide any take away service of food or drink after 23.00, and
 - (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

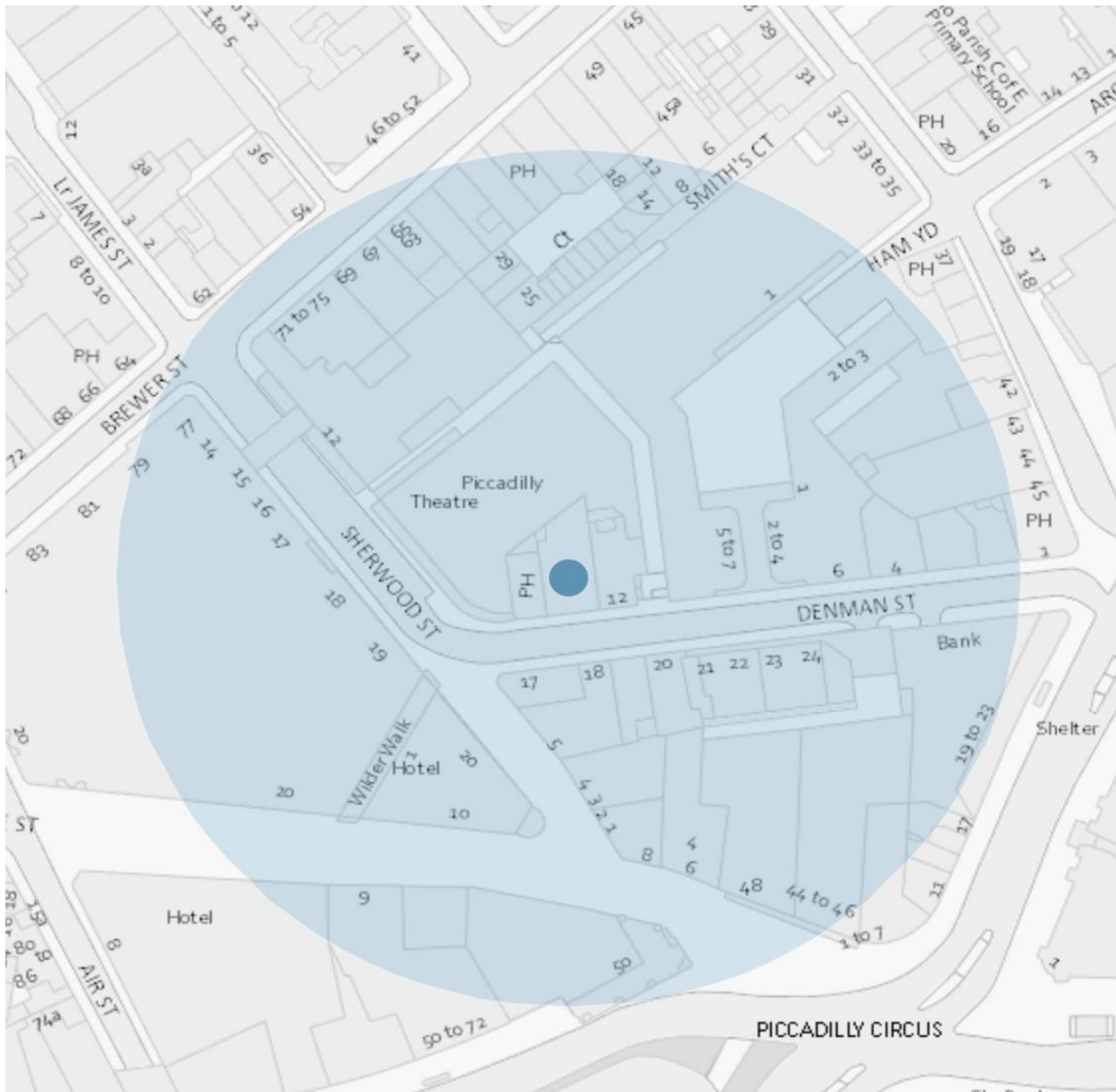
Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

16. 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.
17. 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.
18. There shall be no sales of alcohol for consumption off the premises after (23.00).
19. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
20. 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.
21. 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, searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service

Conditions proposed by the Environmental Health Service and agreed by the applicant so as to form part of the operating schedule

22. 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
23. There shall be no sales of alcohol for consumption off the premises after 23.00 hours.
24. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises
25. 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
26. 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

27. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times
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



Resident count: 58

Licensed premises within 75m of 14 Denman Street, London, W1				
Licence Number	Trading Name	Address	Premises Type	Time Period
11/11032/LIPDPS	The Queen's Head	15 Denman Street London W1D 7HN	Public house or pub restaurant	Monday to Sunday; 10:00 - 00:00
20/02638/LIPT	Masters Club	Basement 12 - 14 Denman Street London W1D 7HL	Night clubs and discos	Monday to Saturday; 09:00 - 03:30 Sunday; 09:00 - 23:00

16/09243/LIPV	Kricket Soho	12-14 Denman Street London W1D 7HJ	Restaurant	Monday to Saturday; 10:00 - 23:30 Sunday; 12:00 - 23:00
19/07875/LIPT	Jamies Italian	17 Denman Street London W1D 7HW	Restaurant	Monday to Thursday; 08:00 - 00:00 Friday to Saturday; 08:00 - 00:30 Sunday; 08:00 - 23:30 Sundays before Bank Holidays; 12:00 - 00:00
17/09980/LIPVM	Piccadilly Theatre	Piccadilly Theatre Denman Street London W1D 7DY	Theatre	Monday to Friday; 09:00 - 04:00 Saturday to Sunday; 09:00 - 03:00
20/00217/LIPDPS	Brasserie Zedel	20 Sherwood Street London W1F 7ED	Restaurant	Monday to Sunday; 08:00 - 01:00
10/03172/LIPN	Kim's Mart	24-25 Denman Street London W1D 7HS	Shop (large)	Monday to Sunday; 09:00 - 22:00
20/01636/LIPT	Jewel Piccadilly	Basement And Ground Floor And Part First Floor 4 - 6 Glasshouse Street London W1B 5DQ	Restaurant	Monday to Saturday; 09:00 - 01:30 Sunday; 09:00 - 01:00
18/12780/LIPDPS	The Velvet Rooms	Part First Floor To Fifth Floor 4 - 6 Glasshouse Street London W1B 5DQ	Restaurant	Monday to Saturday; 09:00 - 00:30 Sunday; 12:00 - 00:00
20/03926/LIPCH	Chilli Shaker Indian Cuisine	4 Denman Street London W1D 7HD	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
15/12078/LIPDPS	Engawa	2 Ham Yard London W1D 7DT	Restaurant	Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sunday; 12:00 - 22:30

19/13655/LIPDPS	Ham Yard Hotel	Ham Yard Hotel 1 Ham Yard London W1D 7DT	Hotel, 4+ star or major chain	Not Recorded; XXXX - XXXX
06/05475/WCCMAP	Taro Kaz Restaurant	61 Brewer Street London W1F 9UW	Restaurant	Monday to Saturday; 09:00 - 01:00 Sunday; 09:00 - 00:00
19/09769/LIPCH	Japan Centre	19 Shaftesbury Avenue London W1D 7ED	Shop	Monday to Saturday; 08:00 - 23:30 Sunday; 12:00 - 23:00
18/16069/LIPDPS	Glasshouse Stores Public House	55 Brewer Street London W1F 9UJ	Public house or pub restaurant	Monday to Saturday; 10:00 - 23:30 Sunday; 12:00 - 23:00
19/09766/LIPCH	Shoryu Soho	2-3 Denman Street London W1D 7HA	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
19/15758/LIPT	Mash Brewer Street Limited	77 Brewer Street London W1F 9ZN	Restaurant	Monday to Sunday; 11:30 - 01:30