



City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	20 January 2021
Licensing Ref No:	21/07367/LIPN - New Premises Licence
Title of Report:	Proud Galleries 32 John Adam Street London WC2N 6HL
Report of:	Director of Public Protection and Licensing
Wards involved:	St James's
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Kevin Jackaman Senior Licensing Officer
Contact details	Telephone: 0207 641 6500 Email: kjackaman@westminster.gov.uk

1.	Application		
1-A	Applicant and premises		
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	23 July 2021		
Applicant:	The Strand Photography Gallery Limited		
Premises:	Proud Galleries		
Premises address:	32 John Adam Street London WC2N 6HL	Ward:	St James's
		Cumulative Impact Area:	None
		Special Consideration Zone:	West End Buffer
Premises description:	According to the application form the premises intends to trade as a photography gallery, which is building its offering to include drinks with showings and similar events, as well as viewings, and more generally for a bistro style operation.		
Premises licence history:	This is an application for a new premises licence and therefore has no premises licence history. However the premises currently has the benefit of a tables and chairs licence, a copy of which appears at appendix 3		
Applicant submissions:	The applicant has provided a response to the Metropolitan Police Service representation. A copy of the email appears at appendix 2		
Applicant amendments:	None		

1-B	Proposed licensable activities and hours						
Film:	Indoors, outdoors or both					Indoors	
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	10:00
End:	23:00	23:00	23:00	23:30	23:30	23:30	22:00
Seasonal variations/ Non-standard timings:	Sundays immediately prior to a bank holiday: 10:00 to 23:30						

Sale by retail of alcohol	On or off sales or both:					Both	
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	10:00
End:	23:00	23:00	23:00	23:30	23:30	23:30	22:00
Seasonal variations/ Non-standard timings:	Sundays immediately prior to a bank holiday: 10:00 to 23:30						

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	10:00
End:	23:30	23:30	23:30	00:00	00:00	00:00	22:30
Seasonal variations/ Non-standard timings:		Sundays immediately prior to a bank holiday: 09:00 to 00:00					
Adult Entertainment:		None					

2.	Representations
2-A	Responsible Authorities
Responsible Authority:	Metropolitan Police Service (withdrawn)
Representative:	Dave Morgan
Received:	16 August 2021
<p>I am writing with reference to the above application for which I am in receipt of. There is limited information on the operating schedule as to how you plan to operate the premises licence therefore the Metropolitan Police as a responsible authority are making a representation against this application in respect of the licensing objectives in the Prevention of Crime and Disorder and in the Protection of Children from Harm.</p> <p>Please could you provide some clarification on the following?</p> <ol style="list-style-type: none"> How often will events/viewings be held? Will these events be ticketed/invite only or will they be open to the public? When events are not being held how do you plan to operate? I note that you have suggested a bistro style operation, however no ancillary condition has been offered. Will the basement remain open to the public when there are planned events on ground floor? How will this be managed? <p>The response from the applicant appears at appendix 2</p> <p>Following further consultation with the applicant, the Metropolitan Police withdrew their representation on 3rd November 2021</p>	
Responsible Authority:	Environmental Health
Representative:	Dave Nevitt
Received:	20 August 2021
<p>I wish to make Representations on the following grounds:</p> <p>Representation is made in relation to the application, as the proposals are likely to increase the risk of Public Nuisance and may impact upon Public Safety.</p>	

Responsible Authority:	Licensing Authority
Representative:	Roxsana Haq
Received:	20 August 2021

write in relation to the application (21/07367/LIPN) submitted for a new Premises Licence for:
The Strand Photography Gallery, 32 John Adam Street, London WC2N 6HL

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

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

This application seeks to permit the following licensable activities:

Supply of alcohol (on and off sales):

Monday to Wednesday 10:00 to 23:00

Thursday to Saturday 10:00 to 23:30

Sunday 10:00 to 22:00

Sundays immediately prior to a bank holiday: 10:00 to 23:30

Films

Monday to Wednesday 10:00 to 23:00

Thursday to Saturday 10:00 to 23:30

Sunday 10:00 to 22:00

Sundays immediately prior to a bank holiday: 10:00 to 23:30

A number of policy points are to be considered for this application; Special Consideration Zones Policy SCZ1 and Cinemas, Cultural Venues, Live Sporting Premises and Outdoor Spaces Policy CCSOS1.

The premises are located within a designated Special Consideration Zone (SCZ) namely the West End Buffer SCZ.

Policy point D37 states that “The Licensing Authority has created this policy to alert future licensing applicants to the importance of taking such significant local issues fully into account in their operating schedules, by particularising the steps that they are proposing to take to promote the licensing objectives in light of those issues in addition to all other matters. This policy will apply to areas of the city that were, until recently a Cumulative Impact Zone, or show significant level of incident rates that are above the borough average but are not yet linked to cumulative impact. This policy aims to prevent areas that have a high concentration of licensed premises and significant levels of incidents from reverting to or becoming a Cumulative Impact Zone.”

Policy point D43 states; “Applications for premises licences and club premises certificates within these Special Consideration Zone (SCZ) will not be subject to the presumption of refusal, but applicants should consider, when drawing up their operating schedules the 2020 Cumulative Impact Assessment findings for these areas.

Furthermore, Policy point D44 states “Applicants within a SCZ that receive representations should consider the points that have been raised and whether the proposed mitigation is sufficient. If they are not, additional mitigation should be proposed in an attempt to reduce any potential impact on the licensing objectives. The Licensing Authority will consider the measures proposed within the applicants’ operating schedule and whether the application meets the

criteria within other relevant policies within this statement.”

As stated in the policy applicants should demonstrate that they have taken account of the issues particular to the West End Buffer SCZ, as identified within the 2020 Cumulative Impact Assessment, and should set out any proposed mitigation measures in relation to those issues within their operating schedule. The Licensing Authority invite the applicant to provide further submissions to demonstrate they have considered the policy:

D47. states “The West End Buffer area is the area that was identified in the 2020 Cumulative Impact Assessment as West End Zones 1 and 2, which are not included in the designated Cumulative Impact Zone (CIZ). This area is approximately 0.66km² and occupies approximately 3.6% of the borough’s footprint. There are approximately 2,300 residential households within this area.

The rate of incidents per square kilometre was nearly four times the borough average. This area is closely associated with dispersal due to the large number of transport hubs; which includes a national rail station, a number of Underground stations and large numbers of night bus routes.

D48. Although all incident rates are well above the borough average, the key local issues that need to be considered by applicants are:

- Robberies.
- Theft.
- Antisocial behaviour on and around public transport.
- Incidents relating to ambulance call outs at night to the locations of licensed premises for intoxication, injury related to intoxication and/or assault.

Policy SCZ1 states:

“A. In addition to meeting the other policies within this statement, applications within a designated Special Consideration Zone should demonstrate that they have taken account of the issues particular to the Zone, in question as identified within the 2020 Cumulative Impact Assessment, and should set out any proposed mitigation measures in relation to those issues within their operating schedule”

For the purpose of Clause A, the designated Special Consideration Zone (SCZ) for this application is the West End Buffer SCZ.

The Licensing Authority would like further submissions relating to the key local issues as identified at paragraph D48 of the Policy, and how these are to be addressed?

Policy point D45 states; “In some cases, where there is significant concern associated with an application and its impact on the licensing objectives, and insufficient mitigation has been proposed within the applicants’ operating schedule or through further submissions, the Licensing Authority may have no other option than to refuse the application.”

Furthermore, policy point D46 says, “The Licensing Authority will keep the Special Consideration Zones under review. However, attention will be given to the West End Buffer, Queensway/Bayswater, Edgware Road and East Covent Garden SCZs as these were areas that were formally Cumulative Impact Zones. The Licensing Authority wants to closely monitor the SCZ’s so as to identify if they reach a point where there is ongoing detrimental impact on the licensing objectives that can be conclusively linked with the number of licensed premises in the area. If that does occur and it is deemed to be as a result of cumulative impact the Licensing Authority may designate the relevant area as a Cumulative Impact Zone which would then mean the Cumulative Impact Policy would apply. The aim, however, is that this policy approach will prevent any increase in the local issues identified within the 2020 Cumulative Impact Assessment and therefore there will be no need to consider applying a more restrictive policy approach.”

Policy CCSOS1 states:

A. Applications outside the West End Cumulative Zones will generally be granted subject to:

1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.
 2. The hours for licensable activities are within the council's Core Hours Policy HRS1.
 3. The applicant has clearly demonstrated that the sale by retail of alcohol and late-night refreshment will be ancillary to the venue's primary function as a cinemas, cultural and live sporting venues and outdoor space.
 4. The applicant has taken account of the Special Consideration Zone Policy SCZ1 if the premises are located within a designated area.
 5. The application and operation of the venue meeting the definition for a cinema, cultural venue, live sporting premises or outdoor space as per Clause C.
- C. For the purposes of this policy the primary function of a cinema, cultural venue and live sporting premises is defined as:

1. Cinema

For the exhibition of feature or shorts films to an audience.

2. Cultural Venues

- a. Theatres: for the performance of plays, dramatic or other entertainment performances to an audience.

- b. Performance Venues: for a live performance in front of an audience which may include concert halls, comedy clubs or similar performances venues.

- c. Cultural Uses: for the exhibition of art (e.g. galleries), a museum, or historical building/site that is open for visitors to visit on payment.

Will the visitors be required to pay an admission fee to partake in the exhibition of art or film?

Furthermore, it is noted that the applicant has applied for both on and off sales for sale by retail of alcohol, and to permit patrons use of an outdoor area until 22:00 the Licensing Authority seeks further information.

Will this area be supervised?

Will the sale by retail of alcohol be by waiter/waitress service only?

Please provide further information as to the style and operation of the Gallery and the sale of alcohol. The Licensing Authority seek the addition of the following conditions to the operating schedule:

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

MC71 "The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are properly supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway."

Additional discussion will be held with the applicant to establish the operation. This will allow for the Licensing Authority to propose additional conditions and amendments to the application if required. Please note if the proposed operation of a premises does not meet all or part of the definition within the premises use policies the Licensing Authority will have regard to the policy that most closely relates to that operation.

Any further submissions will be forwarded on for Members information.

Please accept this as a formal representation and we look forward to receiving further submissions.

2-B Other Persons	
Name:	██████████
Address and/or Residents Association:	Reynolds Dawson Solicitors 34 John Adam Street London WC2N 6HW
Received:	20 August 2021
<p>Reynolds Dawson Solicitors is a solicitors' practice based at 34 John Adam Street, London WC2 6HW. The practice has been at the address since 1994 and occupies the Ground Floor of 34 John Adam Street. The accommodation above the office is Charing Cross hotel accommodation. We were notified of the application by post, and with people away from their premises at this time, more than at any other time, would query whether this application has actually reached many of the local residents.</p> <p>In relation to the application submitted, we understand that the application is for a licence for premises <i>already</i> occupied by Proud Galleries (as per the plan 'layout plan Ground') although the plan 'Layout plan Basement' seems to envisage a different area. The Ground floor plan shows a narrow area of John Adam Street with the occupied area extending back up Buckingham Street, whereas the basement plan shows an area which would appear to run contra wise and in fact run under the premises that our office occupies.</p> <p>It is not clear therefore if the application is to convert the former flat, which runs under our premises, into a drinking club.</p> <p>Although we note that part of the application is to enable films to be shown, there is no information about what sort of films, and we note that although the plan references five lounges, a bar, a bar lounge, a forward lounge, a wine cellar, a basement courtyard, a foyer, a coat check and toilets, there is no mention of where a film would be shown. There is no reference to any food preparation area which seems at odds with the proposal for a 'bistro style operation'.</p> <p>One of the primary benefits of the location of John Adam Street is that it has been a quiet thoroughfare, although not without its challenges. The street is largely a mix of offices and residential accommodation, save for the Theodore Bullfrog, and with the RSA based further up the road.</p> <p>As the Council may already be aware, the location of Five Guys Burger Bar, on the corner, has brought disruption, primarily by virtue of distinct unpleasant food smells emanating from the rear of that premises, into our premises. These have regularly been reported to Westminster Council who have recognised the problem and endeavoured to ensure that extractions systems are efficiently maintained. A benefit of the pandemic has been the temporary closure of the premises and reduction in odour although matters are now returning to the pre-covid situation.</p> <p>Further along John Adam Street, and opposite Proud Galleries is The Theodore Bullfrog Public House. Their licensing hours are 12pm to 11pm Monday to Saturday and 12pm to 6pm on Sunday. It is not clear what the basis is to support an application for drinking alcohol at an art Gallery from 10:00 am to 11:00 pm, seven days a week (with one less hour on Sunday).</p> <p>As a result of our location, we already have to deal with members of the public urinating, defecating and/or vomiting near to, and on, the front step of our premises. We have taken such steps as we can to discourage these activities, which we fear will only increase with all day drinking so proximate. This is extremely unpleasant for our staff to have to deal with.</p> <p>Although we cannot often open the windows to the rear of our premises (along the area marked as a footpath which is actually York Place) due to the smell, we anticipate that the basement courtyard would become a smoking area, adding to the fumes and further preventing our staff</p>	

from having fresh air. In addition, the use of the courtyard would add the factor of noise and further reduce our ability to continue to carry on our business in advising and representing clients and our quiet enjoyment of the premises.

We object strongly to both being the subject of a licence being granted as this will unequivocally disturb the quiet enjoyment of our premises and disrupt the, until now, ideal working environment that has been available in accordance with the terms of our lease with Network Rail. The basement has hitherto been occupied by a single tenant who has never interfered with or disrupted the working of the solicitors' practice and, indeed, has always been a model tenant in those terms, notwithstanding the fact that occasionally access to the street was gained from his flat, via our offices.

There is no indication as to the nature of any building works which are going to be required to carry out this refurbishment, but they are presumably extensive and undoubtedly disruptive. The application is silent on addressing impact on neighbouring businesses. There appear to be no provisions for sound proofing, no recognition of the inevitable noise, disruption, and chaos that would be caused by establishing the premises nor any reference to what steps would be taken to mitigate in such circumstances. The application does not appear to be well or thoroughly thought out or considered. It does not address the issues that will inevitably arise if people are attending, and drinking alcohol, from 10:00 am to 23:00 hours, all immediately below or adjacent to our office space. The ability for our business to enable us to meet with clients in quiet, secure accommodation is crucial to the essential running of the practice, and the work which we undertake.

It is difficult to envisage what provisions could be put in place to remedy these potential, and very real concerns. The volume of pedestrian traffic, presumably attracted by the new venture is going to be a further blight on the quiet enjoyment of the premises; there have already been occasions when those congregating outside the Theodore Bullfrog, spill out into John Adam Street, but the public house is across Buckingham Street which provides a natural barrier. It is still common however for us to come across beer glasses and bottles left on the window ledges of our premises.

Setting aside whether or not the basement of our premises is a suitable venue for what is envisaged, strong objection is taken to these proposals also by reference to the hours during which alcohol can be consumed. The nature of our business is that it is common practice for members of staff, and fee earners, as well as clients to be working in our offices beyond usual office hours on a regular basis. Naturally we are concerned at the security of our staff, entering and leaving their working premises, frequently outside usual office hours because of the nature of the work that we do.

Name:	██████████ (withdrawn)
Address and/or Residents Association:	██████████ ██████████ ██████████
Received:	19 August 2021

I object to this planning application. There is already a lot of noise from bars at either end of Buckingham Street (Gordon's Wine Bar and The Theodore Bullfrog), and Villers St (All Bar One). This new proposed bar with the late opening hours will simply add to this further, with increased rubbish, noise and anti-social behaviour (urination and vomiting between cars and on doorsteps) on Buckingham Street. The proposal for the outdoor drinking section will also add to the noise, as will smokers coming outside. There is simply no need for another bar in this location.

Following consultation with the applicant, the Interested Party withdrew their representation on 10 November 2021

3.	Policy & Guidance
The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy HRS1 applies	<p>A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:</p> <ol style="list-style-type: none"> 1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm. 2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation. 3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed. 4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises. 5. The proposed hours when any music, including incidental music, will be played. 6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises. 7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity. 8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night. 9. The capacity of the premises. 10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation. 11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely. 12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises. 13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives. 14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding

	<p>Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.</p> <p>C. For the purpose of Clauses A and B above, the Core Hours for this application as defined within this policy are:</p> <p>2. Cinemas, Cultural Venues and Live Sporting Premises Monday to Sunday: 9am to Midnight.</p> <p>D. Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.</p> <p>E. For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement. Note: The core hours are for all licensable activities but if an application includes late night refreshment then the starting time for that licensable activity will be 11pm.</p>
<p>Policy CCSOS1(A) applies</p>	<p>A. Applications outside the West End Cumulative Zones will generally be granted subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities are within the council's Core Hours Policy HRS1. 3. The operation of any delivery services for alcohol and/or late-night refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1. 4. The applicant has clearly demonstrated that the sale by retail of alcohol and late-night refreshment will be ancillary to the venue's primary function as a cinemas, cultural and live sporting venues and outdoor space. 5. The applicant has taken account of the Special Consideration Zone Policy SCZ1 if the premises are located within a designated area. 6. The application and operation of the venue meeting the definition for a cinema, cultural venue, live sporting premises or outdoor space as per Clause C. <p>C. For the purposes of this policy the primary function of a cinema, cultural venue and live sporting premises is defined as:</p> <ol style="list-style-type: none"> 1. Cinema For the exhibition of feature or shorts films to an audience. 2. Cultural Venues <ol style="list-style-type: none"> a. Theatres: for the performance of plays, dramatic or other entertainment performances to an audience. b. Performance Venues: for a live performance in front of an audience which may include concert halls, comedy clubs or similar performances venues. c. Cultural Uses: for the exhibition of art (e.g. galleries), a museum, or historical building/site that is open for visitors to visit on payment. 3. Live sporting premises: the premises or the use to which the licence is intended for <ol style="list-style-type: none"> a. Live sporting events in the form of boxing and wrestling which takes place either inside or outside in the presence of an audience. b. Live sporting events that are licensable as they are being held within a building where the sport and audience are accommodated wholly or partly inside that building. c. Live sporting events that will take place outside a building, where the live sporting event is not a licensable activity but other licensable

	<p>activities, are provided ancillary to that live sporting event.</p> <p>4. Outdoor space The use of an outdoor space for licensable activities and other purposes as part of or ancillary to an event, small to large concerts, national significant musical concert or events (e.g. Hyde Park), Mayoral or council organised events and seasonal activities (e.g. Christmas market or Winter Wonderland).</p> <p>5. For the purposes of C1 to C3 above: a. The sale of alcohol and late-night refreshment must be an ancillary function to the primary purpose of the venue. b. An audience may include either invited guests, members of that venue or associated organisation or members of the public who have purchased a ticket or not</p>
Policy SCZ1 applies	<p>A. In addition to meeting the other policies within this statement, applications within a designated Special Consideration Zone should demonstrate that they have taken account of the issues particular to the Zone, in question as identified within the 2020 Cumulative Impact Assessment, and should set out any proposed mitigation measures in relation to those issues within their operating schedule.</p> <p>B. For the purpose of Clause A, the designated Special Consideration Zone for this application is:</p> <ul style="list-style-type: none"> • West End Buffer.

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.

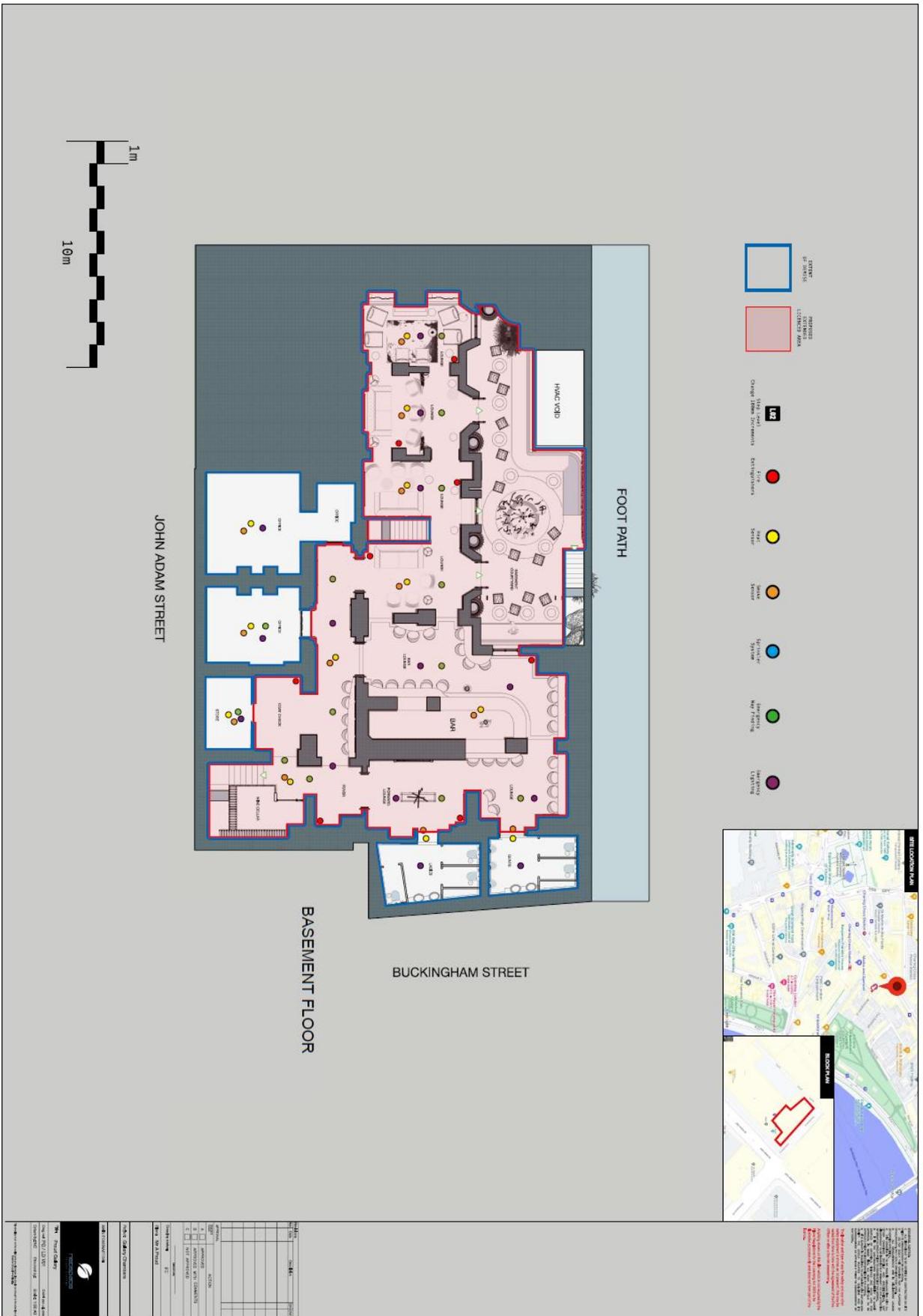
5.	Appendices
Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Tables and Chairs Licence
Appendix 4	Premises history
Appendix 5	Proposed conditions
Appendix 6	Residential map and list of premises in the vicinity

Report author:	Kevin Jackaman Senior Licensing Officer
Contact:	Telephone: 0207 641 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	October 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Metropolitan Police Service representation	16 August 2021 (withdrawn 3 November 2021)
5	Environmental Heath representation	20 August 2021
6	Licensing Authority representation	20 August 2021
7	Interested Party representation (1)	20 August 2021
8	Interested Party representation (2)	19 August 2021 (withdrawn 10 November 2021)



Applicant response to Metropolitan Police Service representation

From: [Niall McCann](#)
To: [Sondh, Nicole: WCC](#)
Cc: [Marilyn Gayle](#)
Subject: 28 - 32 John Adam Street, London, WC2N 6HL
Date: 01 September 2021 16:39:16
Attachments: [image336432.png](#)
[image293032.png](#)
[image295940.png](#)
[image537380.png](#)
[image877557.png](#)
[image366321.png](#)

Dear Nicole

Thank you for your representation in respect of the above application.

Your questions, with the applicant's answers, are as follows:

Q. How often will events/viewings be held?

A. Actual events/private viewings will be held approximately once a month but the gallery is open every day. It has been operating since 1994 (see <https://proudalleries.com/>) and has become a tourist attraction - a vital cultural institution which is supported by the Arts Council.

Q. Will these events be ticketed/invite only or will they be open to the public?

A. Please see above. The gallery is always open to members of the public to view/purchase the artwork on offer.

Q. When events are not being held how do you plan to operate? I note that you have suggested a bistro style operation, however no ancillary condition has been offered.

A. The intention is that the F & B offer will run alongside the gallery with patrons being able to enjoy the artwork whilst being able to have a bite to eat and/or a drink in quiet and relaxed surroundings. Whilst there will always be substantial food on offer, the applicant would like the flexibility to be able to serve patrons without food. The bar will be located in the basement, accessible by walking through the main part of the gallery on the ground floor. As you will see from the plans the intention is to have small, intimate rooms to give the impression of a private members club.

Q. Will the basement remain open to the public when there are planned events on the ground floor? How will this be managed?

A. Events will cover the entirety of the venue. There will mostly be private, invite only, to promote a particular photographer.

Could I suggest that you contact PC Russ Gibson (Russ.Gibson@met.police.uk), the gallery's local police officer? He is in favour of the scheme as he anticipates it will alleviate problems being caused by rough sleepers and public urination in the close proximity.

I hope that the above assists. If you have any further queries, perhaps we could discuss them on a Teams call?

Best,

Niall McCann | Partner

Recognised as a Leading Licensing Lawyer by Chambers & Partners and The Legal 500. Noted for Gaming and Betting by The Legal 500 2021

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48 Chancery Lane, London WC2A 1JF, United Kingdom



PAVEMENT LICENCE FURTHER CONDITIONS

National conditions:

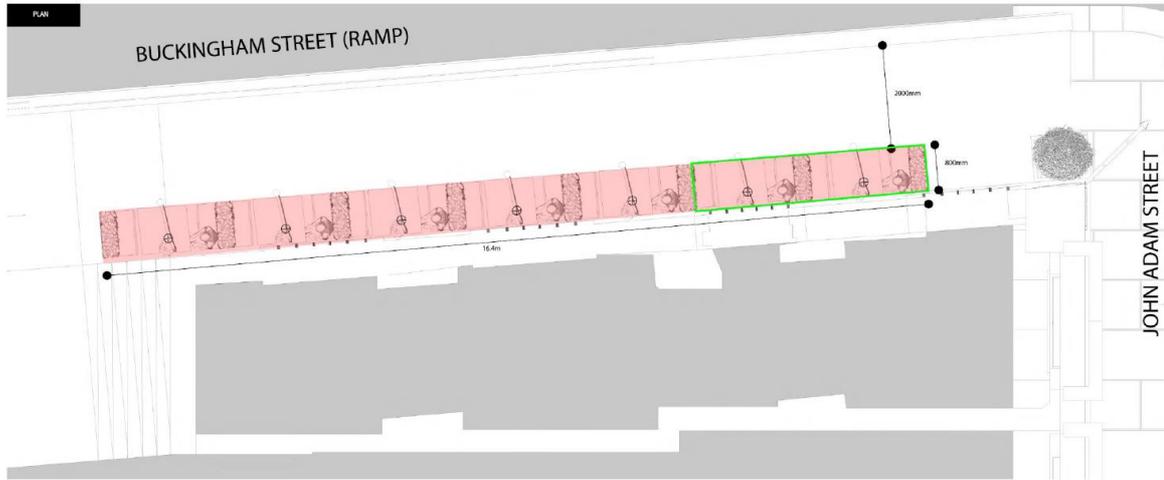
1. The Licensee must ensure that clear routes of access along the highway are maintained, taking into account the needs of disabled people, and the recommended minimum footway widths and distances required for access by mobility impaired and visually impaired persons are provided at all times the licence is in operation.
2. Where the furniture on the relevant highways consists of seating for use by persons, for the purpose of consuming food or drink, the licence holder must make reasonable provision for seating where smoking is not permitted.

Local conditions:

3. All food and beverages (alcoholic and non-alcoholic) for consumption in the licensed area must be supplied by waiter/waitress service to seated customers only.
4. The licence holder shall refrain from placing tables and chairs and other authorised furniture on the highway for so long as may be necessary in the case of a Special Event, when reasonably required to do so by a duly authorised officer of the Council, a police officer or an officer of any other emergency service.
5. This licence only permits the use of table and chairs or other authorised furniture on the highway in the area designated on the plan attached to the licence.
6. Any tables and chairs or other authorised furniture for use pursuant to this licence is only authorised in connection with an adjacent premise which is to be used for the sale of food or drink for consumption on or off the premises.
7. No alcohol is to be sold or consumed from the designated area identified unless that sale and/or consumption is approved under the Licensing Act 2003 which includes any temporary authorisations for the sale of alcohol permitted pursuant to the Business and Planning Act 2020.
8. No furniture may be placed within the designated area identified on the plan other than that expressly permitted by the licence.
9. This Licence does not allow the use of loudspeakers, amplification or other similar equipment.
10. All furniture approved for use, including tables, chairs, barriers and heaters must be safe for public use and must be kept in good repair and condition.
11. Operators are required to manage their premises and outdoor seating areas in accordance with current social distancing measures and government guidance.
12. The Licensee must ensure that good order and behaviour is maintained at all times by people using any tables and chairs or other authorised furniture pursuant to this licence and that no nuisance is caused to residential or business neighbours.
13. The number of persons seated in the licensed area shall not exceed either the maximum capacity stated in the application form or on the pavement licence or the total number identified in the Covid-19 risk assessment, whichever is the lowest.

14. All customers consuming refreshments within the licensed area shall be seated.
15. The number of tables and chairs or other authorised furniture detailed on the pavement licence shall not be exceeded.
16. If a pavement licence is deemed to be granted, the number of tables and chairs or other authorised furniture shall not exceed the number specified in the application form and the licence must not exceed any other limitations on use that have been specified in the application form.
17. The trading area shall not exceed the dimensions specified on the pavement licence or any limits marked on the ground during trading hours.
18. The layout of tables, chairs and other authorised furniture must be in accordance with the plan appended to the licence at all times that the licence is in use.
19. All tables and chairs and other authorised furniture shall be removed immediately from the highway when reasonably required by the City Council, Metropolitan Police, emergency services, or any statutory undertaker or utility.
20. The tables and chairs and other authorised furniture shall not be placed on the highway before the time specified and are to be removed no later than 20:00 hours or when the road is due to reopen (whichever is earlier). Service at the tables should cease at least 30 minutes prior for this to be achieved. Trading may only take place on the days and during the times specified on the licence.
21. The tables and chairs and other authorised furniture is to be removed by 22:30 on Bank Holidays. Service at the tables should cease at least 30 minutes prior for this to be achieved.
22. All tables and chairs and other authorised furniture that is used in connection with a pavement licence must be removable which means that it is not a permanent fixed structure and is able to be moved easily and stored away at the end of use for the day.
23. A copy of the licence shall be displayed during the hours of trading in a prominent position agreed by the Council, either in the front window of the premises or nearby so as to be clearly visible from the outside to anyone wishing to inspect it.
24. No fixtures to or excavation of any kind shall be made in the surface of the highway, which shall be left entirely undisturbed.
25. The Licensee shall not use this licence unless it has public liability insurance cover in the sum of not less than £2 million and has provided a copy of that policy to the Licensing Authority.
26. All tables and chairs and other authorised furniture permitted by this licence must be completely removed from the licensed external area by the terminal hour permitted for the licence and stored inside the premises or stored in a designated area away from noise sensitive properties. Tables and chairs and other authorised furniture must be stored in such a way that they cannot be moved or used overnight.
27. Staff must regularly monitor the licensed area to ensure it is kept clean and tidy. Any litter or waste arising from use of the licensed area must be cleared away as soon as is practicable.
28. If a pavement licence is deemed to be granted, it will be subject to these standard local conditions.
29. The Council reserves the right to add additional conditions to individual licence applications where it is appropriate to do so.

PLAN



Tables and Chairs History

Application	Details of Application	Duration	Decision
21/04241/STTCPL	7 Tables, 28 chairs	24.06.2021 to 30.09.2021	Granted under delegated authority
21/09101/STTCPF	7 Tables, 28 chairs	01.10.2021 to 31.03.2022	Granted under delegated authority

There is no premises licence or appeal history for the premises

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

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

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

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

Mandatory Conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or

less in a manner which carries a significant risk of undermining a licensing objective;

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

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

- 8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 8(ii) For the purposes of the condition set out in paragraph 8(i) above -
- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -
- $$P = D + (D \times V)$$
- Where -
- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
9. Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.

Conditions consistent with the operating schedule

10. Other than for gallery showings and similar events, 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 during the periods when alcohol is sold.
11. The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as a gallery.
12. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team.
13. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.
14. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance.
15. All recordings shall be stored for a minimum period of 31 days with date and time stamping.
16. 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. The premises will comply with a dispersal policy document. This policy shall be reviewed on a 6 monthly basis to ensure it is still effective and shall be updated if necessary.
19. All booked events shall be risk assessed at or shortly after the time of booking, and prior to the event taking place.
20. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables.
21. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 08.00 hours on the following day.
22. No deliveries to the premises shall take place between 23.00 and 08.00 hours on the following day.
23. No deliveries from the premises, either by the licensee or a third party, shall take place between 23:00 and 08:00 hours on the following day.
24. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
25. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
26. The outside area shall be closed to customers from 22.00.

27. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number and/or is to be made available to residents and businesses in the vicinity.
28. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke or make a phone call, shall not be permitted to take glass containers with them.
29. Staff will be training in and there will be implementation of underage ID checks. Training records for staff will be logged.
30. 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.
31. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
32. 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

None

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

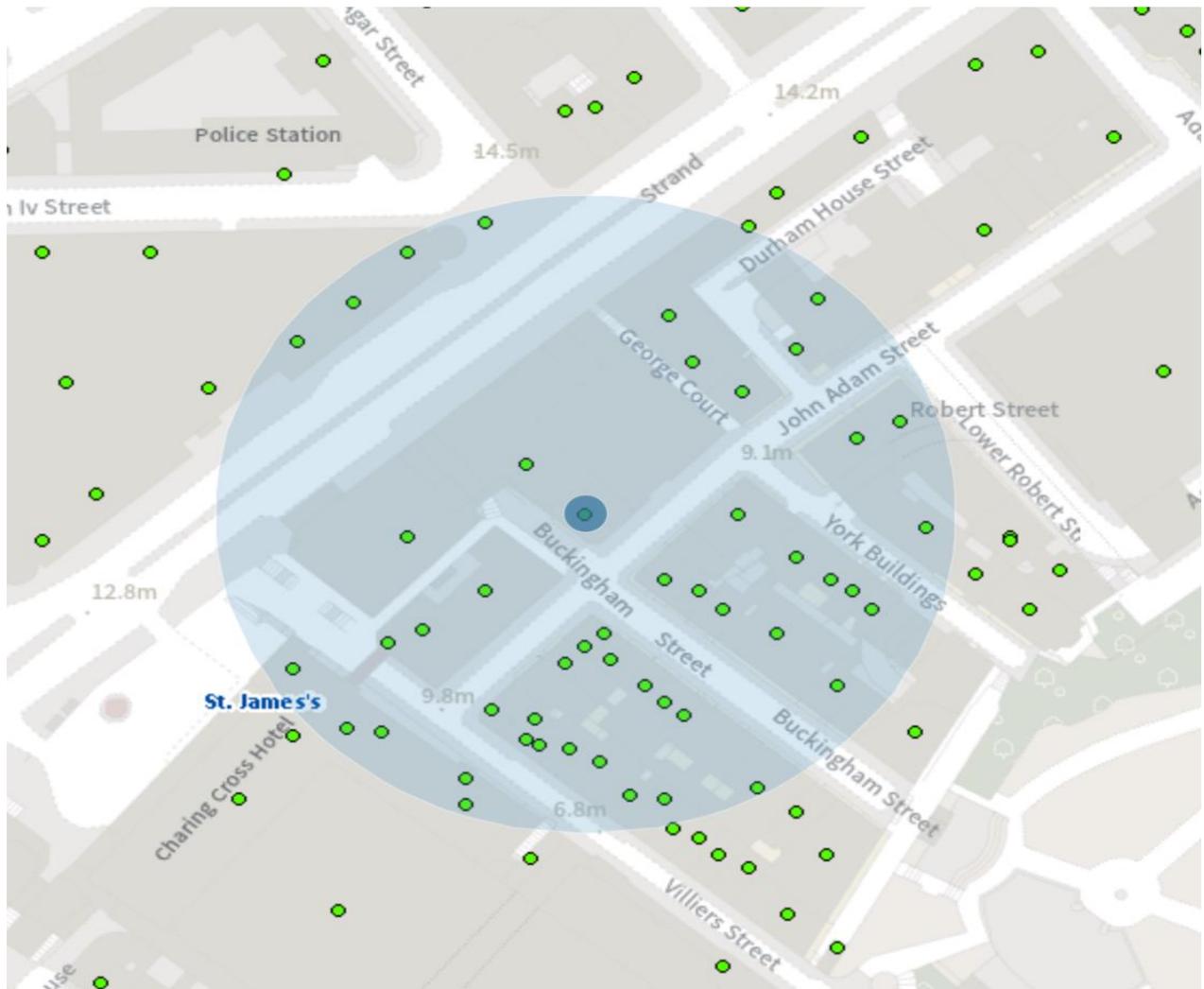
33. The supply of alcohol by waiter or waitress service shall always be available.

Conditions proposed by the Licensing Authority

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

(The applicant has agreed an alternative condition with the Metropolitan Police Service as per condition 33)

35. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are properly supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway."



Resident Count:192

Licensed premises with 75m of 32 John Adam Street, London, WC2				
Licence Number	Trading Name	Address	Premises Type	Time Period
21/08169/LIPDPS	Theodore Bullfrog	26 - 30 John Adam Street London WC2N 6HL	Public house or pub restaurant	Monday; 10:00 - 23:30 Tuesday; 10:00 - 23:30 Wednesday; 10:00 - 23:30 Thursday; 10:00 - 23:30 Friday; 10:00 - 23:30 Sunday; 12:00 - 23:00

13/08544/LIPN	Bain & Company, Inc (First & Seventh Floors)	40 Strand London WC2N 5HZ	Office	Monday to Sunday; 00:00 - 00:00
21/00657/LIPDPS	Sainsburys	36 - 37 Strand London WC2N 5HY	Shop (large)	Monday to Sunday; 00:00 - 00:00
18/04149/LIPVM	McDonald's	34 - 35 Strand London WC2N 5HY	Restaurant	Monday to Sunday; 05:00 - 05:00
20/07005/LIPT	ITSU	Basement Floor And Ground Floor 33 Strand London WC2N 5HZ	Restaurant	Sunday; 09:00 - 22:30 Monday to Saturday; 09:00 - 23:00
20/10533/LIPCH	Retro Bar	2 George Court London WC2N 6HH	Public house or pub restaurant	Sunday; 12:00 - 23:00 Monday to Saturday; 10:00 - 23:30
21/13374/LIPDPS	Five Guys	9-11 Villiers Street London WC2N 6NA	Restaurant	Friday; 08:00 - 00:00 Saturday; 09:00 - 00:00 Sunday; 09:30 - 22:30 Monday to Thursday; 08:00 - 23:30
16/13756/LIPV	Lupita	Basement And Ground Floor Part 15 Villiers Street London WC2N 6ND	Restaurant	Sunday; 10:00 - 23:00 Monday to Thursday; 08:00 - 00:00 Friday to Saturday; 08:00 - 00:30 Sundays before Bank Holidays; 10:00 - 00:00
19/10004/LIPN	Not Recorded	Basement And Ground Floor Part 15 Villiers Street London WC2N 6ND	Restaurant	Sunday; 10:00 - 23:00 Monday to Thursday; 08:00 - 00:00 Friday to Saturday; 08:00 - 00:30 Sundays before Bank Holidays; 10:00 - 00:00
20/08466/LIPT	Glasgow City Council	19 Villiers	Takeaway food	Thursday to

	Strathclyde Pension Fund	Street London WC2N 6ND	outlet	Saturday; 07:00 - 02:00 Sunday to Wednesday; 07:00 - 01:00
15/00609/LIPDPS	L'Ulivo	21-23 Villiers Street London WC2N 6ND	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
21/11535/LIPDPS	The Princess Of Wales	27 Villiers Street London WC2N 6ND	Public house or pub restaurant	Monday to Sunday; 07:00 - 00:30
20/01313/LIPDPS	All Bar One	6 Villiers Street London WC2N 6NQ	Restaurant	Sunday; 08:00 - 23:00 Monday to Wednesday; 08:00 - 23:30 Thursday to Saturday; 08:00 - 00:00