



City of Westminster

# Licensing Sub-Committee Report

Item No:	
Date:	28 July 2022
Licensing Ref No:	22/05341/LIPV - Premises Licence Variation
Title of Report:	The Plumbers Arms Public House 14 Lower Belgrave Street London SW1W 0LN
Report of:	Director of Public Protection and Licensing
Wards involved:	Knightsbridge & Belgravia
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: <a href="mailto:kjackaman@westminster.gov.uk">kjackaman@westminster.gov.uk</a>

<b>1.</b>	<b>Application</b>		
<b>1-A</b>	<b>Applicant and premises</b>		
<b>Application Type:</b>	Variation of a Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	19 May 2022		
<b>Applicant:</b>	Spirit Pub Company (Services) Limited		
<b>Premises:</b>	The Plumbers Arms Public House		
<b>Premises address:</b>	14 Lower Belgrave Street London SW1W 0LN	<b>Ward:</b>	Knightsbridge & Belgravia
		<b>Cumulative Impact Area:</b>	None
		<b>Special Consideration Zone:</b>	None
<b>Premises description:</b>	The premises are a public house		
<b>Variation description:</b>	<p>To remove the following conditions:</p> <p>“After 21:00 hours, patrons permitted to temporarily leave and then re-enter the premises e.g., to smoke, shall not be permitted to take drinks or glass containers with them.”</p> <p>“An SIA licensed door supervisor, wearing a high visibility jacket or vest, shall be on duty at the premises after 17:00 hours on Thursday and Friday evenings, and at other times on a risk assessed basis when customers are drinking outside. The door supervisors duties shall include monitoring the behaviour of customers outside the premises and ensuring that the pavement remains clear for pedestrians.”</p> <p>To be amended to:</p> <p>“After 22:00 hours, patrons permitted to temporarily leave and then re-enter the premises e.g., to smoke, shall not be permitted to take drinks or glass containers with them.”</p> <p>“A risk assessment will be undertaken when customers are drinking outside. If identified via the risk assessment a licensed door supervisor will be on duty on Thursday and Friday evenings, door supervisors duties shall include monitoring the behaviour of customers outside the premises and ensuring that the pavement remains clear for pedestrians.”</p>		
<b>Premises licence history:</b>	<p>The premises has had the benefit of a premises licence since September 2005. The current premises licence reference is 19/07039/LIPDPS, a copy of which is attached as Appendix 1 of this report.</p> <p>Please see Appendix 4 of the report for a full licence history</p>		
<b>Applicant submissions:</b>	None		
<b>Applicant amendments:</b>	None		

<b>1-B</b>	<b>Current and proposed licensable activities, areas and hours</b>					
<b>Regulated Entertainment</b>						
<b>Performance of live music</b>						
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Licensable Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	09:00	23:30	No change in hours is proposed		Ground and first floors	No change
<b>Tuesday</b>	09:00	23:30				
<b>Wednesday</b>	09:00	23:30				
<b>Thursday</b>	09:00	23:30				
<b>Friday</b>	09:00	00:00				
<b>Saturday</b>	09:00	00:00				
<b>Sunday</b>	09:00	22:30				
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>				<b>Proposed:</b>	
	<p>The terminal hour for late night refreshment on New Years Eve is extended to 05:00 on New Years Day.</p> <p>The terminal for sale and of alcohol, regulated entertainment and late night refreshment may be extended by one hour on statutory bank holiday weekends (Friday to Monday), the Thursday before Good Friday and Christmas Eve with ten days notice to be given to the Metropolitan Police Service and the Licensing Department of Westminster City Council. The Police to have veto over any event.</p> <p>The terminal hour for sale/supply of alcohol, regulated entertainment and late night refreshment is extended by one hour on St David's Day, St Patrick's Day, St George's Day and St Andrew's Day with 10 days notice to be given to the Metropolitan Police Service and the Licensing Department of Westminster City Council. The Police to have veto over any event</p>				No change	

<b>Performance of recorded music, Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit</b>						
	<b>Current Hours</b>		<b>Proposed Hours</b>		<b>Licensable Area</b>	
	<b>Start:</b>	<b>End:</b>	<b>Start:</b>	<b>End:</b>	<b>Current:</b>	<b>Proposed:</b>
<b>Monday</b>	Unrestricted		No change in hours is proposed		Ground and first floors	No change
<b>Tuesday</b>						
<b>Wednesday</b>						
<b>Thursday</b>						
<b>Friday</b>						
<b>Saturday</b>						
<b>Sunday</b>						
<b>Seasonal</b>	<b>Current:</b>				<b>Proposed:</b>	

<b>variations/ Non-standard timings:</b>	None	No change
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**Late night refreshment**

<b>Indoors, outdoors or both</b>	<b>Current :</b>	<b>Proposed:</b>
	Both	No change

	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
<b>Monday</b>	23:00	23:30	No change in hours is proposed		Ground and first floors	No change
<b>Tuesday</b>	23:00	23:30				
<b>Wednesday</b>	23:00	23:30				
<b>Thursday</b>	23:00	23:30				
<b>Friday</b>	23:00	00:00				
<b>Saturday</b>	23:00	00:0				
<b>Sunday</b>	N/A					

<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>	<b>Proposed:</b>
	<p>The terminal hour for late night refreshment on New Years Eve is extended to 05:00 on New Years Day.</p> <p>The terminal for sale and of alcohol, regulated entertainment and late night refreshment may be extended by one hour on statutory bank holiday weekends (Friday to Monday), the Thursday before Good Friday and Christmas Eve with ten days notice to be given to the Metropolitan Police Service and the Licensing Department of Westminster City Council. The Police to have veto over any event.</p> <p>The terminal hour for sale/supply of alcohol, regulated entertainment and late night refreshment is extended by one hour on St David's Day, St Patrick's Day, St George's Day and St Andrew's Day with 10 days notice to be given to the Metropolitan Police Service and the Licensing Department of Westminster City Council. The Police to have veto over any event</p>	No change



Sale by Retail of Alcohol						
On or off sales			Current :		Proposed:	
			On and off		No change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
<b>Monday</b>	10:00	23:30	No change in hours is proposed		Ground and first floors	No change
<b>Tuesday</b>	10:00	23:30				
<b>Wednesday</b>	10:00	23:30				
<b>Thursday</b>	10:00	23:30				
<b>Friday</b>	10:00	00:00				
<b>Saturday</b>	10:00	00:00				
<b>Sunday</b>	12:00	22:30				
Seasonal variations/ Non-standard timings:		Current:			Proposed:	
		<p>The terminal for sale and of alcohol, regulated entertainment and late night refreshment may be extended by one hour on statutory bank holiday weekends (Friday to Monday), the Thursday before Good Friday and Christmas Eve with ten days notice to be given to the Metropolitan Police Service and the Licensing Department of Westminster City Council. The Police to have veto over any event.</p> <p>The terminal hour for sale/supply of alcohol, regulated entertainment and late night refreshment is extended by one hour on St David's Day, St Patrick's Day, St George's Day and St Andrew's Day with 10 days notice to be given to the Metropolitan Police Service and the Licensing Department of Westminster City Council. The Police to have veto over any event</p>			No change	

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
<b>Monday</b>	09:00	23:30	No change in hours is proposed		Ground and first floors	No change
<b>Tuesday</b>	09:00	23:30				
<b>Wednesday</b>	09:00	23:00				
<b>Thursday</b>	09:00	23:30				
<b>Friday</b>	09:00	00:00				
<b>Saturday</b>	09:00	00:00				
<b>Sunday</b>	09:00	23:00				
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b>				<b>Proposed:</b>	
	None				No change	

1-C	Layout alteration
No change of layout is proposed	

1-D	Conditions being varied, added or removed	
Condition	Proposed variation	
16. After 21:00 hours, patrons permitted to temporarily leave and then re-enter the premises e.g., to smoke, shall not be permitted to take drinks or glass containers with them.”	After 22:00 hours, patrons permitted to temporarily leave and then re-enter the premises e.g., to smoke, shall not be permitted to take drinks or glass containers with them.”	
17. An SIA licensed door supervisor, wearing a high visibility jacket or vest, shall be on duty at the premises after 17:00 hours on Thursday and Friday evenings, and at other times on a risk assessed basis when customers are drinking outside. The door supervisors duties shall include monitoring the behaviour of customers outside the premises and ensuring that the pavement remains clear for pedestrians.”	A risk assessment will be undertaken when customers are drinking outside. If identified via the risk assessment a licensed door supervisor will be on duty on Thursday and Friday evenings, door supervisors duties shall include monitoring the behaviour of customers outside the premises and ensuring that the pavement remains clear for pedestrians.”	
<b>Adult entertainment:</b>	<b>Current position:</b>	<b>Proposed position:</b>
	None	No change

<b>2.</b>	<b>Representations</b>
<b>2-A</b>	<b>Responsible Authorities</b>
<b>Responsible Authority:</b>	Environmental Health
<b>Representative:</b>	Dave Nevitt
<b>Received:</b>	13 June 2022
<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.</p>	

<b>2-B</b>	<b>Other Persons</b>
<b>Name:</b>	██████████
<b>Address and/or Residents Association:</b>	██████████ ██████████ ██████████
<b>Received:</b>	16 June 2022
<p>In regards to the application with reference number (22/05341/LIPV)</p> <p>I am writing as ██████████, freehold owner of ██████████.</p> <p>I have fought hard to have a restriction with the pub's customers to drink outside only until 9PM. Unfortunately I have been told just now 162 that the pub has applied for an extension for drinks to be extended outside till 10pm. I have not been told before hand so wish you will consider my plea in time to oppose this application.</p> <p>One must not forget that there are families with young children living in the street and not to forget elderly people who wish to have a peaceful early sleep.</p> <p>Please note that I am sending you my email in time for your consideration. As I have only just learned of the application, I will submit further information in support of my representation shortly.</p> <p><b>On 11 July 2022 the Objector submitted the following additional information:-</b></p> <p>As you know we fought to have a restriction imposed on the pub preventing customers to drink outside of their premises as of 9pm. In the past the pub was the source of public nuisance. It was badly managed with patrons making a lot of noise during the day and at night. And during the day the masses of patrons blocked the pavement preventing me from walking safely past the pub.</p> <p>All of the above led to a review of the premises' licence which resulted in the current restrictions, namely: after 9pm the cordoned area is removed, customers are required to drink inside and may only return outside to smoke without their glasses. There must also be an SIA person at certain times.</p> <p>The pub now wishes to extend the restriction to 10pm and remove the requirement for an SIA</p>	

person to be present.

The application seeks to remove the following conditions: *After 21:00 hours, patrons permitted to temporarily leave and then re-enter the premises e.g., to smoke, shall not be permitted to take drinks or glass containers with them. An SIA licensed door supervisor, wearing a high visibility jacket or vest, shall be on duty at the premises after 17:00 hours on Thursday and Friday evenings, and at other times on a risk assessed basis when customers are drinking outside. The door supervisor's duties shall include monitoring the behaviour of customers outside the premises and ensuring that the pavement remains clear for pedestrians.*

To be amended to: *After 22:00 hours, patrons permitted to temporarily leave and then re-enter the premises e.g., to smoke, shall not be permitted to take drinks or glass containers with them. A risk assessment will be undertaken when customers are drinking outside. If identified via the risk assessment a licensed door supervisor will be on duty on Thursday and Friday evenings, door supervisor's duties shall include monitoring the behaviour of customers outside the premises and ensuring that the pavement remains clear for pedestrians*

The Sub-Committee imposed conditions to restrict outside drinking in the manner the applicant now wishes to amend.

I firmly oppose this request for a number of reasons:

1. Lower Belgrave street is mostly a residential area. Therefore, by early evening the loud noise emanating from the pub's patrons outside are invasive and disturb the privacy of the local residents. Even though there is a guard to monitor the patrons outside, he or she can do little to moderate their noise levels. Extending the outside drinking to 10pm will exacerbate this situation and result in public nuisance.
2. I am an elderly lady living next door to the pub and the loud noise from the pub's patrons (laughter, shouting) after 9pm will affect me adversely and disturb my sleep. And also when I have my grandchildren staying overnight the noise levels will disturb them equally.

The likely effect of this would be an increase in noise from i) customers drinking outside later in the evening; and ii) customers drinking in greater numbers and in a less controlled manner due to the deletion of the SIA requirement. The ensuing noise would cause a nuisance.

I understand the pub has its own commercial objectives, however, they need to balance this with respect for the mental well being of residents living in proximity to their business. And I fear that an extension to 10pm will result in the public nuisance I experienced in the past, returning.

<b>Name:</b>	██████████
<b>Address and/or Residents Association:</b>	████████████████████ ██████████ ██████████
<b>Received:</b>	02 June 2022

This all depends how it will affect noise pollution with regards to people outside drinking, live or recorded music being audible outside, added traffic.

This is first and foremost a residential area and as a neighbouring resident this worries me.

<b>Name:</b>	████████████████████
<b>Address and/or Residents Association:</b>	████████████████████ ████████████████████ ████████████████████
<b>Received:</b>	27 May 2022

We would like to object to the proposed amendment. We are residents living in the street, and we have children sleeping at the front of the house, so the delay to 22.00 is unacceptable. Furthermore the Policeman in high visibility jacket has been very effective in limiting the noise to the residents, and we wish him to continue his duties. Before the policeman was installed, pub customers were too noisy, and invading the pavement and the surrounding areas.

**On 13<sup>th</sup> July 2022, the Objector submitted the following additional information:-**

I would like to submit the following additional evidence:

- 1. a photograph taken before the restrictions where in place, showing people everywhere in the street.



- 2. a video taken on the 8/10/2009 taken at 20.39 showing just how loud and out of control things can get, even relatively early in the evening, and late in the season (October).

So please consider that we are living ████████████████████, with windows on the street, and that we have children who need to study in the evening, and then sleep. The current status is that the pub is behaving very well, they are keeping the crowd under control, and there is no noise. But if the restrictions are relaxed, things can get noisy very quickly when people get drunk.

**The video provided will be circulated with the published Committee report**

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	09 June 2022

[REDACTED] the pub where the punters stand and drink and smoke and leave plastic cups and cigarette butts behind! Even with the current security on patrol, some drinkers loiter outside the only access way to my property and block my entrance. On occasions that I have had to ask them to move out of my access, they have reacted unpleasantly. I fear without the patrol, the situation would be even worst.

I do not wish to have interaction with drinkers who shall we say may be 'jolly'. It is also unpleasant to have to move through their cigarette smoke. At least the patrol can keep them clear of my access. And I would only need to interact with the patrol as opposed with the punters.

I thank you for giving me the chance to be heard.

### 3. Policy & Guidance

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

#### Policy HRS1 applies

- 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.
- 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:
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

	<p>bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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 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><b>Policy PB1(A) applies</b></p>	<p>A. Applications outside the West End Cumulative Zone 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 being within the council's Core Hours Policy HRS1. 3. The operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1. 4. The applicant has taken account of the Special Consideration Zones policy SCZ1 if the premises are located within a designated zone. 5. The application and operation of the venue meet the definition of a Public House or Bar in Clause D.</p> <p>D. For the purposes of this policy a Public House or Bar is defined as a premises, or part of a premises that's primary use is the sale or supply of alcohol for consumption on those premises and/or for consumption off the premises for consumption outside the venue.</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	Existing Premises Licence
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Decision from Review hearing on 15 January 2013
Appendix 5	Proposed conditions
Appendix 6	Residential map and list of premises in the vicinity

<b>Report author:</b>	Kevin Jackaman Senior Licensing Officer
<b>Contact:</b>	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	7 <sup>th</sup> January 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Environmental Health representation	13 June 2022
5	Interested party representation (1)	16 June 2022
6	Interested party representation (2)	02 June 2022
7	Interested party representation (3)	27 May 2022
8	Interested party representation (4)	09 June 2022





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

Schedule 12  
Part A

**WARD: Knightsbridge  
And Belgravia  
UPRN: 100022774714**

**Premises licence**

Regulation 33, 34

**Premises licence number:**

19/07039/LIPDPS

**Original Reference:**

05/06632/LIPCV

**Part 1 – Premises details**

**Postal address of premises:**

The Plumbers Arms Public House  
Plumbers Arms  
14 Lower Belgrave Street  
London  
SW1W 0LN

**Telephone Number:** 0207 730 4067

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

Not applicable

**Licensable activities authorised by the licence:**

Performance of Live Music  
Playing of Recorded Music  
Late Night Refreshment  
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:**

**Performance of Live Music**

Monday to Thursday: 09:00 to 23:30  
Friday to Saturday: 09:00 to 00:00  
Sunday: 09:00 to 22:30  
Non-standard Timings: See conditions 12 and 13

**Playing of Recorded Music**

Unrestricted

**Late Night Refreshment**

Monday to Thursday: 23:00 to 23:30  
Friday to Saturday: 23:00 to 00:00  
Non-standard Timings: See conditions 12 and 13

**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 Thursday:	10:00 to 23:30
Friday to Saturday:	10:00 to 00:00
Sunday:	12:00 to 22:30
Non-standard Timings:	See conditions 12 and 13

*For times authorised for Christmas, New Year and Good Friday see conditions at Annex 1&3*

**The opening hours of the premises:**

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

**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:**

Spirit Pub Company (Services) Limited  
Westgate Brewery  
Bury St Edmunds  
Suffolk  
IP33 1QT  
*Business Phone Number : 01284 763 222*

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

05266811

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

**Name:** Ashley Marc Coombs

***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:** 19-222382-1  
**Licensing Authority:** The Royal Borough Of Kensington And Chelsea

**Date:** 25 June 2019

**This licence has been authorised by Bushara Hamida on behalf of the Director - Public Protection and Licensing.**

## Annex 1 – Mandatory conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
  - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
    - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
    - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
    - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
    - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6.
  - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
  - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
  - (a) a holographic mark, or
  - (b) an ultraviolet feature.

7. The responsible person must ensure that—

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
  - (i) beer or cider: ½ pint;
  - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
  - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

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

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

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -

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

Where -

- (i) P is the permitted price,
  - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
  - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,



- (ii) the designated premises supervisor (if any) in respect of such a licence, or
  - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

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

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

**Annex 2 – Conditions consistent with the operating Schedule**

None

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

10. The permitted hours for the sale by retail of alcohol are:

- (a) Monday to Thursday 10:00 to 23:30
- (b) Friday to Saturday 10:00 to 00:00
- (c) Sunday - 12:00 to 22:30

NOTE - The above restrictions do not prohibit:

- (a) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (c) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (d) 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;
- (e) the taking of alcohol from the premises by a person residing there;
- (f) 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;
- (g) 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.

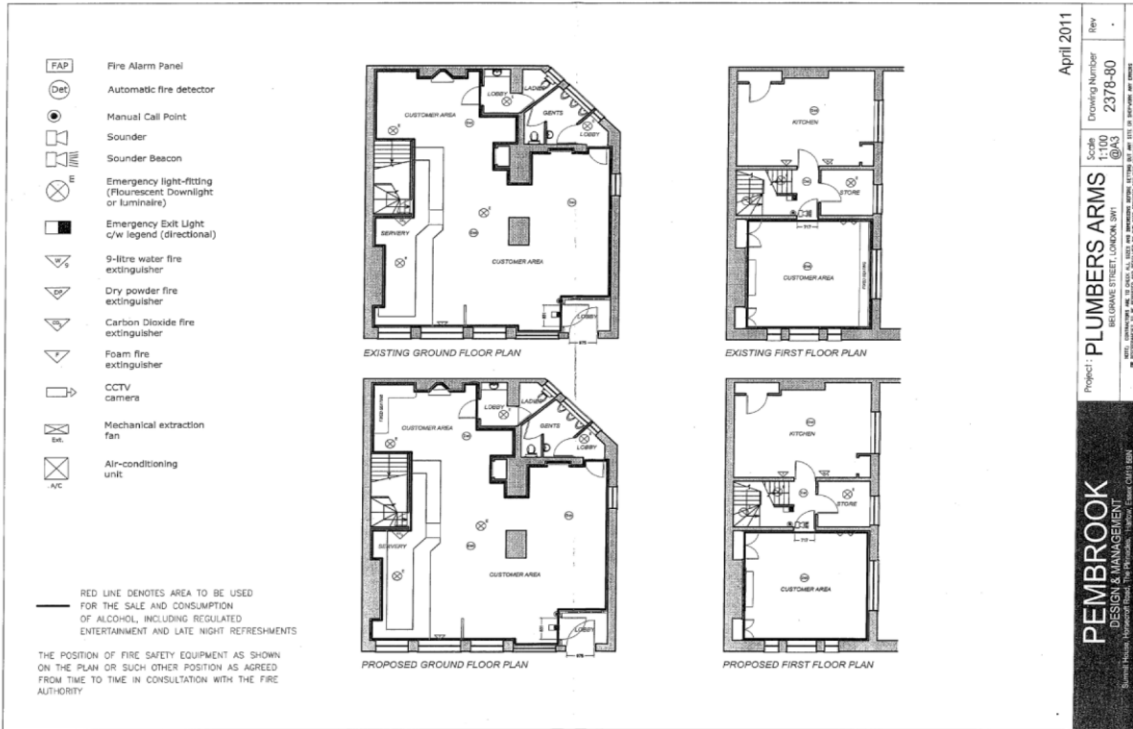
In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.

- 11. Regulated Entertainment in the form of live music is limited to two performers only.
- 12. The terminal hour for sale/supply of alcohol, regulated entertainment and late night refreshment is extended by one hour on St David's Day, St Patrick's Day, St George's Day and St Andrew's Day with 10 days notice to be given to the Metropolitan Police Service and the Licensing Department of Westminster City Council. The Police to have veto over any event.
- 13. The terminal for sale and of alcohol, regulated entertainment and late night refreshment may be extended by one hour on statutory bank holiday weekends (Friday to Monday), the Thursday before Good Friday and Christmas Eve with ten days notice to be given to the Metropolitan Police Service and the Licensing Department of Westminster City Council. The Police to have veto over any event.
- 14. All children on the premises to be accompanied by an adult, to be on the premises for the purpose of a meal and to have vacated the premises by 9.30pm.
- 15. When payment is made by credit or debit card, customer is to be presented with an itemised bill showing the details of all alcoholic drinks purchased.

16. After 21:00 hours, patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
17. An SIA licensed door supervisor, wearing a high visibility jacket or vest, shall be on duty at the premises after 17:00 hours on Thursday and Friday evenings, and at other times on a risk assessed basis when customers are drinking outside. The door supervisor's duties shall include monitoring the behaviour of the customers outside the premises and ensuring that the pavement remains clear for pedestrians.
18. The premises licence holder shall ensure that the outside of the premises is managed so as to ensure that the pavement is not blocked, there is no public nuisance caused to local residents and patrons are prevented from spreading to areas outside neighbouring premises.
19. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
20. Notices shall be prominently displayed at any area used for smoking requesting patrons to respects the needs of local residents and use the area quietly.
21. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which give rise to a nuisance.
22. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kern edge, shall be swept and or washed daily, and litter and sweeping collected.



# Annex 4 – Plans





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

**Schedule 12  
Part B**

**WARD: Knightsbridge  
And Belgravia  
UPRN: 100022774714**

**Premises licence  
summary**

Regulation 33, 34

**Premises licence number:**

19/07039/LIPDPS

**Part 1 – Premises details**

**Postal address of premises:**

The Plumbers Arms Public House  
Plumbers Arms  
14 Lower Belgrave Street  
London  
SW1W 0LN

**Telephone Number:** 0207 730 4067

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

Not applicable

**Licensable activities authorised by the licence:**

Performance of Live Music  
Playing of Recorded Music  
Late Night Refreshment  
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:**

**Performance of Live Music**

Monday to Thursday:	09:00 to 23:30
Friday to Saturday:	09:00 to 00:00
Sunday:	09:00 to 22:30
Non-standard Timings:	See conditions 12 and 13

**Playing of Recorded Music**

Unrestricted

**Late Night Refreshment**

Monday to Thursday:	23:00 to 23:30
Friday to Saturday:	23:00 to 00:00
Non-standard Timings:	See conditions 12 and 13

**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 Thursday:	10:00 to 23:30
Friday to Saturday:	10:00 to 00:00
Sunday:	12:00 to 22:30
Non-standard Timings:	See conditions 12 and 13

*For times authorised for Christmas, New Year and Good Friday see conditions at Annex 1&3*

**The opening hours of the premises:**

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

**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:**

Spirit Pub Company (Services) Limited  
Westgate Brewery  
Bury St Edmunds  
Suffolk  
IP33 1QT

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

05266811

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

**Name:** Ashley Marc Coombs

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

Restricted

**Date:** 25 June 2019

**This licence has been authorised by Bushara Hamida on behalf of the Director - Public Protection and Licensing.**

**Applicant Supporting Documents**

**Appendix 2**

None

**Licence & Appeal History**

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
<b>05/06632/LIPCV</b>	<b>Conversion</b>	<b>21.09.2005</b>	<b>Granted by Licensing Sub Committee</b>
09/05634/LIPCH	Change of licence holder details	25.07.2009	Granted under delegated authority
10/00248/LIPDPS	Change of DPS	28.01.2010	Granted under delegated authority
10/02169/LIPDPS	Change of DPS	13.04.2010	Granted under delegated authority
10/03039/LIPDPS	Change of DPS	17.05.2010	Granted under delegated authority
11/03353/LIPVM	Minor variation - variation of layout	06.05.2011	Granted under delegated authority
12/00683/LIPDPS	Change of DPS	14.02.2012	Granted under delegated authority
12/09796/LIREVP	Review of the premises licence	15.01.2013	Modification of conditions – see full LSC decision at appendix 4
19/07039/LIPDPS	Change of DPS	25.06.2019	Granted under delegated authority

**There is no appeal history**

**LICENSING SUB-COMMITTEE No. 1**

*Tuesday 15 January 2013*

Membership: Councillor Audrey Lewis (Chairman), Councillor Nicholas Evans and Councillor Gwyneth Hampson

Legal Adviser: Barry Panto  
Policy Adviser: Chris Wroe  
Committee Officer: Jonathan Deacon

Relevant Representations: In support of the review application - Mrs Lydia Del Maestro (the Applicant), Environmental Health Service, three local businesses and one local resident.

Against the review application – one local resident.

Present: Mrs Lydia Del Maestro (the Applicant), Mr Richard Brown (Citizens Advice Bureau Licensing Advice Project, Representing the Applicant), Ms Rebecca St Rose (Environmental Health), Mr Daniel Ferrer (Licensing Inspector), Mr Matthew Phipps (TLT Solicitors, Representing the Licence Holder), Mr Timothy Brown (Designated Premises Supervisor) and Mr Ian Torpey (Business Development Manager and Area Manager, Licensee Company).

**Review of the premises licence for The Plumbers Arms Public House, 14 Lower Belgrave Street, SW1**

**12/09796/LIREVP**

An application has been submitted by Mrs Lydia Del Maestro for a Review of the premises licence for the Plumbers Arms Public House. The application was received by the Licensing Service on 8 November 2012, on the grounds of the Prevention of Public Nuisance.

Guidance issued under section 182 of the Licensing Act 2003 (para 11.2) states that at any stage following the grant of a premises licence, a responsible authority, such as the Police or the Environmental Health Service, or any other person who can seek a review, may ask the Licensing Authority to review the premises licence because of a matter arising at the premises in connection with any of the four licensing objectives.

As such, in accordance with section 52(2) of the above-mentioned Act, the Licensing Authority must hold a hearing to consider the application and any relevant representations.

The premises currently benefits from a premises licence that permits:

**Performance of Live Music:**

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

<b>Playing of recorded Music:</b>	Unrestricted
<b>Private Entertainment:</b>	Unrestricted

**Late Night Refreshment**

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

**Sale by Retail of Alcohol**

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

**Opening Hours:**

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

The Applicant has stated that there has been a number of instances of public nuisance arising from outside drinking and the problems are worst in Summer and in the evening and can also occur at any time of the day throughout the year. Customers are gathering outside the premises on Lower Belgrave Street which is mainly a residential area. Although there is a barrier outside the premises, it does not have the desired result at busy times whereby customers spill out onto the pavement, blocking it and causing noise nuisance. Residents on both sides of the street are affected.

Representations have been received in support of this review from the Environmental Health Service who believe that the licensing objectives are being undermined.

Representations have been received in support of this review from two local businesses and one local resident and a local residents association under the licensing objectives.

Representations have been received from one local resident against the review application.

The Authority must, having regard to the application and the representations take such steps (if any), as it considers appropriate for the promotion of the licensing objectives. The steps are:

- (a) to modify the conditions of the licence;
- (b) to exclude a licensable activity from the scope of the licence;
- (c) to remove the designated premises supervisor;
- (d) to suspend the licence for a period not exceeding three months;



(e) to revoke the licence;  
and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition added.

In accordance with section 52(6) of the 2003 Act, if the authority takes measures to modify conditions or exclude licensable activities from the licence, it may stipulate that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

The licensing authority's determination of this application does not have effect until the 21 day appeal period has expired or if the decision is appealed the date the appeal is determined and / or disposed of.

The applicant is seeking a number of conditions to be attached to the licence upon determination of the Review.

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The Sub-Committee initially heard from Mr Brown, representing the Applicant. He stated that Mrs Del Maestro had submitted the review application on the grounds of the prevention of public nuisance due to noise from customers drinking outside The Plumbers Arms Public House and also patrons obstructing the pavement. Mrs Del Maestro had lived in her property for 50 years which was two doors down from the pub. Mr Brown said his client had experienced a number of problems over the years. This was demonstrated by her letter expressing her concerns in response to an application by the premises to convert the justices' licence and to extend the proposed hours in 2005. The concerns set out in the letter were those which still existed to this day. Patrons drinking outside were loud and intrusive and the noise was at its greatest on Thursday and Friday evenings. Mr Brown stated that the main times when public nuisance was experienced by his client was between 17:00 hours and 21:30 hours on Thursday and Friday evenings during the summer but this was not the only time that nuisance was caused. Photographs taken by the Applicant, mainly from her residence, included the lunchtime period and an evening in November. Recent noise complaints had been received by the Council's Noise Team on 5 October 2012 and 9 January 2013. 3 of the 5 noise complaints received by the Noise Team during 2012 had been made by his client. Mr Brown emphasised that Mrs Del Maestro did not contact the Noise Team on every occasion when she was disturbed by noise from outside the pub.

Mr Brown informed Members that it was not his client's position that patrons drinking outside the pub were particularly poorly behaved. Laughing, shouting and general conversation adversely affected local residents as could be seen in neighbours' representations. A barrier was kept outside the pub but during busy times this was pushed out or patrons ignored it. The photographs showed a member of staff rather than a SIA licensed door supervisor attempting to monitor the situation with 30-40 customers on the pavement. There were no conditions on the existing licence which addressed any of these issues. Mr Brown made the point that there had been attempts by the parties to resolve the situation. When the previous Designated Premises Supervisor ('DPS') had been at The Plumbers Arms, a SIA licensed door supervisor had been employed on Thursday and Friday evenings. This had resulted in a slight improvement but during the summer of 2012 this practice had ceased.



Mr Brown referred briefly to the other representations received in relation to the review application. Mr Sanna, the owner of the restaurant at 10-12 Lower Belgrave Street had commented on the large number of people outside the premises which the management had not been able to control effectively. The noise levels had been a serious problem which had led to complaints from Mr Sanna's own customers. The local estate agent between the pub and the Applicant noted the need for the pub to monitor the crowds and noise in the street. Mr Bowen had written of the noise generated by the patrons of the pub being a constant nuisance especially late at night. He had written that he had made regular phone complaints. Mr Hutchinson worked in a solicitor's office directly opposite Mrs Del Maestro. His letter actually constituted a series of observations rather than a letter in support of or against the review application. He did not advocate that the licence should be withdrawn or restricted and felt that the landlord held the key to resolving matters as much as the licensing authority. The letter against the review had stated that if the licence was revoked it would be a travesty. Mr Brown added that the Applicant was not making a case for the licence to be revoked. She wished to have proper management of the outside area to prevent public nuisance and 8 specific conditions were proposed to achieve this.

Mrs Del Maestro addressed the Sub-Committee. She stated that the situation regarding noise outside the pub had got worse in recent times. There had been a short period of respite. There was a barrier outside The Plumbers Arms but this was ignored by patrons and they blocked the pavement and even entered the road. In the evening there was noise pollution. Groups of patrons from the pub would talk loudly on the phone outside her house, smoke there and leave empty beer glasses on her forecourt. Her grandchildren were not able to sleep during the summer when they stayed with her. Mrs Del Maestro expressed the view that the management of the pub had not taken into account that it was located in a residential area.

The Sub-Committee heard from Ms St Rose for Environmental Health. She stated that Environmental Health supported the review application of the premises licence. The history of complaints received from April 2010 onwards was included in the report. Mr Ferrer, Licensing Inspector, had been working with management of The Plumbers Arms and local residents since 2009. She confirmed that the premises had a 'tables and chairs' licence.

Mr Ferrer provided some details of the situation since he had been working with management of the pub and local residents. The most complaints received by the Noise Team had been during 2009. Then there had been a period of respite. He had managed to obtain undertakings from the pub that there would be no outside drinking after 21:30 hours and that a SIA licensed door supervisor would be employed on Thursday and Friday evenings. This had taken place when the previous DPS had been in post. Since the current DPS had arrived, the previous undertakings had not been adhered to. In particular no SIA licensed door supervisor was currently employed.

Mr Phipps, representing the Licensee, addressed the Sub-Committee. He stated that he was not making the case that the review was not merited but that the situation was not as bad as it had been presented. He believed the point had been

adequately made in the representation of the local estate agent. It was the case that when the DPS was on top of the issues outside the premises the customers' noise was moderated. When this was not the case, there was a problem. He stated that there was little evidence of incidents in Environmental Health's history of noise complaints since May 2010 to warrant Environmental Health's support of the review application. There had been a gap of a year between recorded noise complaints from May 2011 to May 2012 and a further gap of 9 months between recorded noise complaints from July 2010 to April 2011. He accepted on behalf of his client that photographs showed that patrons of the pub had been outside the barriers. Mr Phipps stated that the Council's policy was that the degree of nuisance increased with the lateness of the hours and it was not the case that public nuisance was being caused by the premises late at night.

Mr Phipps, referring to the Applicant's proposed conditions, stated that his client did not object to five out of the eight suggested. These included that there would be no noise emanating from the premises and that notices would be displayed requesting patrons to use the area quietly when smoking and leave the area quietly after the pub had closed. The Licensee did object to having to employ a SIA registered door supervisor on Thursday and Friday evenings. Mr Phipps made the point that the monitoring of the outside area could be carried out as equally as effectively by a dedicated member of staff who would be able to build a rapport. Door supervisors tended to involve themselves in matters of conflict and there was not conflict in this case. He requested that as the issues outside the pub tended to occur during the summer months that the obligation on management should only be required from 31 April to 31 September. Mr Phipps expressed the view that the two conditions requiring a set time when outside drinking would be discontinued and also a time when smokers would be limited to a specific number outside the premises were not appropriate or proportionate. He added if Members were minded to set a time deadline for outside drinking, this should not be before 21:30 hours.

Mr Phipps said there had been periods in recent years when good management had resolved issues outside the premises and others when this had not been the case. He apologised on behalf of his client that there had been a lack of appreciation of the issues but it was crystallised in minds now. There was now an opportunity to demonstrate that matters would be attended to and ensure that there was an end to the need for residents to complain. He accepted that the Sub-Committee could not take it purely on trust that all issues would be resolved. However, if the 5 conditions proposed by the Applicant were attached to the licence plus two conditions that a dedicated member of staff supervised the outside area and that customers were required to drink within a designated area outside the premises, this would be a proportionate response and would meet the licensing objectives.

The Sub-Committee asked Mr Phipps to explain why the current DPS had not followed the practices of the previous DPS at the premises. Mr Phipps responded that the pub had continued the practice of outside drinking discontinuing at 21:30 hours. There were signs in windows that patrons should respect the needs of local residents and there was already a member of staff supervising the outside area. Mr Phipps accepted that from time to time the member of staff had failed to manage the barriers effectively. The Chairman brought to the Licensee's attention the entry of 27 July 2012 in Environmental Health's complaints history. This had the comment that



the outside area had been consistently overcrowded with patrons spilling all over the street and that when the manageress had been asked to address it she had been 'rude to the point of offensive'. The Chairman stated that this surely was evidence that a DPS was required to resolve any conflict in the external area. Mr Ferrer made the point that the door supervisor previously employed by the premises had been more effective than members of staff.

Mr Brown responded to some of the points made by Mr Phipps. In terms of the complaints history, there was always the difficulty of any complaints being corroborated. Those suffering from the effects of nuisance did not usually instantly reach for the telephone to make a complaint. It would normally have to go on for some time. The Applicant was requesting that outside drinking was discontinued at approximately 19:30 or 20:00 hours and that the numbers smoking outside were limited at this time.

**Decision (including reasons):**

The Sub-Committee considered that public nuisance had been created as a result of noise from customers drinking outside The Plumbers Arms Public House and also patrons obstructing the pavement. There had been a broad spread of complaints from local people over a lengthy period of time. The Licensees had not previously demonstrated that they were able to solve the issues that had been raised. It was therefore necessary to attach conditions to the licence to ensure that the issues were addressed. This included that a SIA licensed door supervisor would be employed after 17:00 hours on Thursday and Friday evenings. The door supervisor would be required to wear a high visibility jacket or vest. It had not been shown that staff were able to manage those drinking outside the premises and there had been evidence that the situation had improved somewhat when a door supervisor had been employed previously.

The Sub-Committee considered it appropriate and proportionate to attach the condition that after 21:00 hours, patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, would not be permitted to take drinks or glass containers with them. Taking into account the Applicant's concerns regarding patrons of the pub drinking and smoking outside her house, the Applicant's proposed condition was amended to 'the premises licence holder shall ensure that the outside of the premises is managed so as to ensure that the pavement is not blocked, there is no public nuisance caused to local residents and patrons are prevented from spreading to areas outside neighbouring premises'. The Sub-Committee noted the Licensee's proposed condition that customers were required to drink within a designated area outside the premises but did not attach it to the licence because the Licensing Sub-Committee has no powers to enforce the designation of official drinking areas.

## Conditions on the Licence

### **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 hold 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.

**Additional Conditions**

9. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.
10. The permitted hours for the sale by retail of alcohol are:
  - (a) Monday to Thursday 10:00 to 23:30
  - (b) Friday to Saturday 10:00 to 00:00
  - (c) Sunday - 12:00 to 22:30

NOTE - The above restrictions do not prohibit:

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

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

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

(d) 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;

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

(f) 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;

(g) 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.

11. Regulated Entertainment in the form of live music is limited to two performers only.
12. The terminal hour for sale/supply of alcohol, regulated entertainment and late night refreshment is extended by one hour on St David's Day, St Patrick's Day, St George's Day and St Andrew's Day with 10 days notice to be given to the Metropolitan Police Service and the Licensing Department of Westminster City Council. The Police to have veto over any event.
13. The terminal for sale and of alcohol, regulated entertainment and late night refreshment may be extended by one hour on statutory bank holiday weekends (Friday to Monday), the Thursday before Good Friday and Christmas Eve with ten days notice to be given to the Metropolitan Police Service and the Licensing Department of Westminster City Council. The Police to have veto over any event.
14. All children on the premises to be accompanied by an adult, to be on the premises for the purpose of a meal and to have vacated the premises by 9.30pm.
15. When payment is made by credit or debit card, customer is to be presented with an itemised bill showing the details of all alcoholic drinks purchased.

**Conditions attached to the licence at the Licensing Sub-Committee review hearing**

16. After 21:00 hours, patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
17. An SIA licensed door supervisor, wearing a high visibility jacket or vest, shall be on duty at the premises after 17:00 hours on Thursday and Friday evenings, and at other times on a risk assessed basis when customers are drinking outside. The door supervisor's duties shall include monitoring the behaviour of the customers outside the premises and ensuring that the pavement remains clear for pedestrians.
18. The premises licence holder shall ensure that the outside of the premises is managed so as to ensure that the pavement is not blocked, there is no public nuisance caused to local residents and patrons are prevented from spreading to areas outside neighbouring premises.
19. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
20. Notices shall be prominently displayed at any area used for smoking requesting patrons to respects the needs of local residents and use the area quietly.
21. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which give rise to a nuisance.
22. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kern edge, shall be swept and or washed daily, and litter and sweeping collected.

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

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

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

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

**Conditions: On Current Licence -**

**Mandatory:**

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



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

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

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

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

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

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

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

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

Where -

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

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

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

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

**Annex 2 – Conditions consistent with the operating Schedule**

None

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

10. The permitted hours for the sale by retail of alcohol are:

- (a) Monday to Thursday 10:00 to 23:30
- (b) Friday to Saturday 10:00 to 00:00
- (c) Sunday - 12:00 to 22:30

NOTE - The above restrictions do not prohibit:

- (a) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (c) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (d) 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;
- (e) the taking of alcohol from the premises by a person residing there;
- (f) 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;
- (g) 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.

11. Regulated Entertainment in the form of live music is limited to two performers only.
12. The terminal hour for sale/supply of alcohol, regulated entertainment and late night refreshment is extended by one hour on St David's Day, St Patrick's Day, St George's Day and St Andrew's Day with 10 days notice to be given to the Metropolitan Police Service and the Licensing Department of Westminster City Council. The Police to have veto over any event.
13. The terminal for sale and of alcohol, regulated entertainment and late night refreshment may be extended by one hour on statutory bank holiday weekends (Friday to Monday), the Thursday before Good Friday and Christmas Eve with ten days notice to be given to

the Metropolitan Police Service and the Licensing Department of Westminster City Council. The Police to have veto over any event.

14. All children on the premises to be accompanied by an adult, to be on the premises for the purpose of a meal and to have vacated the premises by 9.30pm.
15. When payment is made by credit or debit card, customer is to be presented with an itemised bill showing the details of all alcoholic drinks purchased.
16. After 21:00 hours, patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.

**The applicant is seeking to vary condition 16 as follows:**

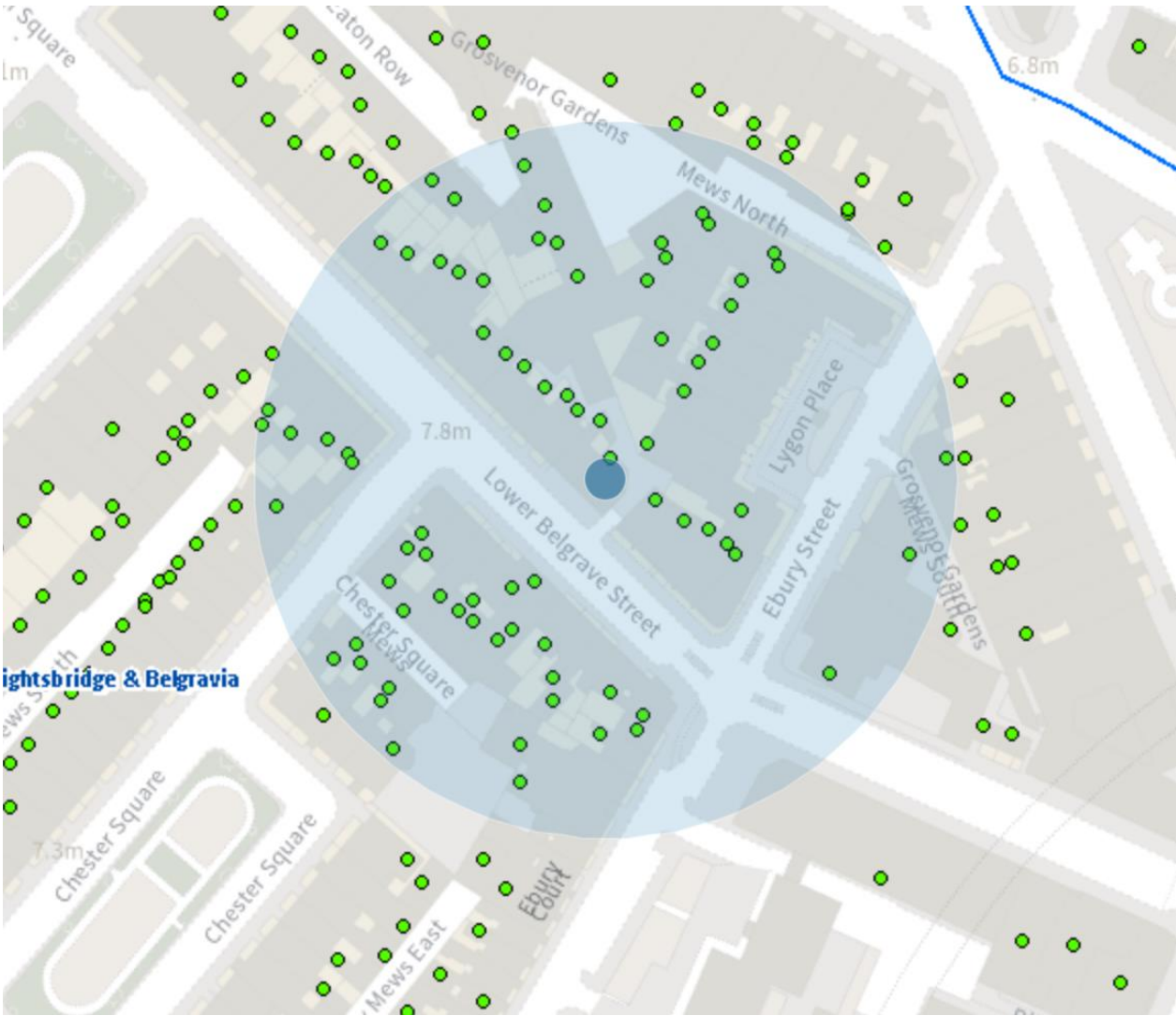
**After 22:00 hours, patrons permitted to temporarily leave and then re-enter the premises e.g., to smoke, shall not be permitted to take drinks or glass containers with them.**

17. An SIA licensed door supervisor, wearing a high visibility jacket or vest, shall be on duty at the premises after 17:00 hours on Thursday and Friday evenings, and at other times on a risk assessed basis when customers are drinking outside. The door supervisor's duties shall include monitoring the behaviour of the customers outside the premises and ensuring that the pavement remains clear for pedestrians.

**The applicant is seeking to vary condition 17 as follows:**

**A risk assessment will be undertaken when customers are drinking outside. If identified via the risk assessment a licensed door supervisor will be on duty on Thursday and Friday evenings, door supervisors duties shall include monitoring the behaviour of customers outside the premises and ensuring that the pavement remains clear for pedestrians.**

18. The premises licence holder shall ensure that the outside of the premises is managed so as to ensure that the pavement is not blocked, there is no public nuisance caused to local residents and patrons are prevented from spreading to areas outside neighbouring premises.
19. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
20. Notices shall be prominently displayed at any area used for smoking requesting patrons to respects the needs of local residents and use the area quietly.
21. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which give rise to a nuisance.
22. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kern edge, shall be swept and or washed daily, and litter and sweeping collected.



Resident count: 101

Licensed premises within 75m of Plumbers Arms, 14 Lower Belgrave Street, London, SW1

Licence Number	Trading Name	Address	Premises Type	Time Period
07/01136/WCCMAP	Olivino	12 Lower Belgrave Street London SW1W 0LJ	Restaurant	Sunday; 10:00 - 22:30   Monday to Saturday; 09:00 - 23:00
10/04159/LIPD	Olivimare & Olivino	10 Lower Belgrave Street London SW1W 0LJ	Restaurant	Sunday; 12:00 - 23:30   Monday to Saturday; 10:00 - 00:00
17/14431/LIPT	Charles Of Belgravia	27 Lower Belgrave Street London SW1W 0LS	Shop	Saturday; 07:00 - 20:00   Sunday; 11:00 - 17:00   Monday to Friday; 07:30 - 20:00
20/03310/LIPV	UNI Restaurant	18A Ebury Street London SW1W 0LU	Restaurant	Sunday; 11:00 - 22:30   Monday to Saturday; 11:00 - 23:30