

🔆 Vestminster	Licensing Sub-Committee Report
Item No:	
Date:	16 February 2023
Licensing Ref No:	22/11910/LIPV - Premises Licence Variation
Title of Report:	Lockhouse 3 Merchant Square City Of Westminster London W2 1AZ
Report of	
Licensing Ref No: Title of Report: Report of:	Lockhouse 3 Merchant Square City Of Westminster London

Wards involved:

Policy context:

Financial summary:

Report Author:

Contact details

Hyde Park

City of Westminster Statement of Licensing Policy

None

Karyn Abbott Senior Licensing Officer

Telephone: 0207 641 6500 Email: kabbott@westminster.gov.uk

1. Application

1-A Applicant and premi	ses					
Application Type:	Variation of a Premises Lice	ence, Licensing Act	t 2003			
Application received date:	14 December 2022					
Applicant:	Young & Co.'s Brewery Pl	С				
Premises:	Lockhouse					
Premises address:	3 Merchant Square City Of Westminster	Ward:	Hyde Park			
	London W2 1AZ	Cumulative Impact Area:	None			
		Special Consideration Zone:	None			
Premises description:	The premises operates as a		Restaurant.			
Variation description:	 This variation application seeks to permit the following: 1. Remove Condition 46 below No licensable activities shall take place at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined. 2. Amend condition 21 to Patrons permitted to temporarily leave and re-enter the premises shall be limited to 20 persons with a maximum of 10 persons each in two separate designated smoking areas. 4. Amend condition 47 to The consumption of alcohol outside the building will be restricted to customers who are seated. 					
Premises licence history:	The premises has had the b July 2016. The current premises licence at Appendix 1 of this report A full licence and Temporar premises appears at Apper	ce (22/04300/LIPCH t. ry Event Notice His	H) can be viewed			
Applicant submissions:	None					
Applicant amendments:	None					
Applicant amendments:	INONE					

1-B Current and proposed licensable activities, areas and hours

Regulated Entertainment

Exhibition of films

	•••	rrent ours	-	osed urs	Licens	sable Area	
	Start:	End:	Start:	End:	Curre	nt:	Proposed:
Monday	10:00	23:30	No Cha	nge	Groun	d and	No Change
Tuesday	10:00	23:30			Mezza	nine Floor	
Wednesday	10:00	23:30					
Thursday	10:00	23:30					
Friday	10:00	23:30					
Saturday	10:00	23:30					
Sunday	12:00	22:00					
Seasonal	Cur	rent:				Proposed:	
variations:	Nor	e				No Change	9
Non-standard	Cur	rent:				Proposed:	
timings:	are Sun hou (a) : hou cas Holi (b) t Alco	extended days befors shall a 30 minute r for the s e of Sund days or, the termin	for the sa l on New ore Bank lso be ex es prior to sale of ald lays befo nal hour fo ew Year's	Year's E Holidays tended u the term cohol in t re Bank or the Sa	eve OR s these intil: hinal he ale of	No Change	

Recorded Music								
	Current Hours		Proposed L Hours		Licens	Licensable Area		
	Start:	End:	Start:	End:	Curre	nt:	Proposed:	
Monday	00:00	00:00	No Cha	nge	Groun	d and	No Change	
Tuesday	00:00	00:00			Mezza	nine Floor		
Wednesday	00:00	00:00						
Thursday	00:00	00:00						
Friday	00:00	00:00						
Saturday	00:00	00:00						
Sunday	00:00	00:00						
Seasonal	Curr	ent:				Proposed:		
variations/	None	e				No Change		
Non-standard timings:	None	9				No Change		

Late night ref	Late night refreshment							
Indoors, outdoors or both			Current	t :			Pro	posed:
		Both				No (Change	
		rent urs	Prop Ho	osed urs	Licens	sable A	rea	
	Start:	End:	Start:	End:	Currei	nt:		Proposed:
Monday	23:00	23:30	No Cha	nge	Groun	d and		No Change
Tuesday	23:00	23:30			Mezza	nine Flo	oor	
Wednesday	23:00	23:30						
Thursday	23:00	23:30						
Friday	23:00	00:00						
Saturday	23:00	00:00						
Sunday	N/A	N/A						
Seasonal	Curr	ent:				Propo	sed:	
variations/	Non	e				None		
Non-standard	Whe	n hours	for the sa	le of alco	bhol	No Ch	ange	•
timings:	are e	extended	on New	Year's E	ve OR			
			ore Bank					
			lso be ex					
			hal hour fo					
		alcohol in the case of Sundays						
		before Bank Holidays, or;						
		(b) from 23:00 on New Year's Eve						
			the morn	ing on N	ew			
	Year	's Day						

Sale by Retail	Sale by Retail of Alcohol							
On or off sale	s		Current	t :		Pro	posed:	
			Both			Both	1	
	Cur	rent	Prop	osed	Licens	sable Area		
	Ho	urs	Но	urs				
	Start:	End:	Start:	End:	Curre	nt:	Proposed:	
Monday	10:00	23:30	No Cha	nge	Groun	d and	No Change	
Tuesday	10:00	23:30			Mezza	nine Floor		
Wednesday	10:00	23:30						
Thursday	10:00	23:30						
Friday	10:00	00:00						
Saturday	10:00	00:00						
Sunday	12:00	22:30						
Seasonal	Curr	ent:				Proposed:		
variations/	Sund	lays befo	ore Bank	Holidays	:	No Change		
Non-standard	12:0	0 to 00:0	0	-		_		
timings:	From	From the end of permitted hours on				No Change		
	New	New Year's Eve to the start of						
	perm	nitted hou	urs on Ne	w Year's	Day			

Hours premises are open to the public								
	Current Hours		Proposed Pre Hours		Premi	Premises Area		
	Start:	End:	Start:	End:	Curre	nt:	Proposed:	
Monday	07:00	23:30	No Cha	nge	Groun	d and	No Change	
Tuesday	07:00	23:30			Mezza	nine Floor		
Wednesday	07:00	23:30						
Thursday	07:00	23:30						
Friday	07:00	00:00						
Saturday	07:00	00:00						
Sunday	07:00	22:30						
Seasonal	Curr	ent:				Proposed:		
variations/	Non	None				No Change	•	
Non-standard	Whe	When hours for sale of alcohol are				No Change	;	
timings:	exte	nded the	se hours	shall als	o be			
	exte	nded to a	a later ter	minal ho	our			

1-C Layout alteration

No Change

1-D Conditions to be removed

Condition

46. No licensable activities shall take place at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined.

Conditions to be bein	g varied		
Condition		Proposed var	iation
21. Patrons permitted to tempor then re-enter the premises shall 10 persons and those wishing to be directed to the designated sr defined on the licence plan	be limited to smoke shall	enter the premi persons with a	ted to temporarily leave and re- ses shall be limited to 20 maximum of 10 persons each designated smoking areas.
47. The sale and supply of alcohol outside the premises building shall be restricted to alcohol consumed at the outside tables and chairs shown on the licence plan, shall be by waiter or waitress service, served only to a person seated taking a substantial meal there and for consumption by such a person ancillary to their meal.			on of alcohol outside the restricted to customers who are
Adult entertainment:	Current position:		Proposed position:
	None		No Change

2. Representations

2-A Responsible Authorities				
Responsible Authority:	Environmental Health Service			
Representative:	Ayesha Bolton			
Received:	11 January 2023			

I refer to the application for a variation of the Premises Licence number **22/04300/LIPCH**, for the above premises.

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

The applicant is seeking the following:

- 1. To remove condition 46 under Annex 3, a works condition.
- 2. To amend condition 21 under Annex 3 to read "Patrons permitted to temporarily leave and re-enter the premises shall be limited to 20 persons with a maximum of 10 persons each in two separate designated smoking areas."
- 3. To amend condition 47 under Annex 3 to read "The consumption of alcohol outside the building will be restricted to customers who are seated."

I wish to make the following representation:

- 1. The removal of condition number 46 may impact on Public Safety.
- 2. The amendment of condition 21 as proposed will have the likely effect of causing an increase in Public Nuisance within the area and may impact on Public Safety.
- 3. The amendment of condition 47 as proposed will have the likely effect of causing an increase in Public Nuisance within the area and may impact on Public Safety.

Should you wish to discuss the matter further please do not hesitate to contact me.

2-B Other Pers	sons	
Name:		
Address and/or Res	idents Association:	
Received:	24 December 2022	
at first it seems like a a restaurant-as the o agreed-to being a "pu "public nuisance,nois	minor change it fundar rigin noise and anti-soc ublic house" with all the se etc".The original dec	ation to alter the licensing for The Lockhouse. Whilst mentally changes this premises from primarily being cial owners stated and the licensing committee attendant problems such a license gives in terms of ision agreed this was primarily a residential area- ve it- and the restrictions put in place were to
The new application to outside plan only 12 to the outside area with drinking being limited makes no reference to	tables, seating only 24 no seating and therefo I to being seated and w to most of these restrict	fact that the existing license specifies on the people, and only one smoking area at one end of re no drinking in that area as per the license, ith table service only as with all the outside area . It tions nor to the need for table service. The idea that one and sit at the limited number of tables is not

I have made a formal complaint about the number of people drinking outside (roughly 50-60 I counted, virtually none seated and smokers also outside, all drinking, at both ends of the outside area and at the left hand end also all of them (10 in total) actually outside the area for eating/drinking for as per the plan for tables.

The new owners-by their own admission not a restaurant company-are quite clearly, belatedly, trying to fundamentally change this to a drinking venue as opposed to a restaurant and should never have bought it with its existing license if this was their intention.

I would urge the committee to refuse this new licence as the "likely effect" will be an increase in public nuisance including noise and anti-social behaviour in this essentially residential area. I will attend a meeting if

Name.	
Address and/or Residents Association:	

Received: 10 January 2023

Our comments are made as an Amenity Society recognised by Westminster City Council. We are officially charged with working towards the preservation and enhancement of the architectural and environmental quality of Little Venice, Maida Vale and the Paddington Waterway area (including planning and licensing issues).

We recognise that these premises are run as a business and we are aware that it has to be a viable operation, providing services for locals. We are very keen to ensure that an appropriate balance is maintained between the legitimate rights of business and the equally legitimate and important rights of residents.

Introduction

Our representation is made on the basis that the likely impact of the application, if granted as applied for, would be to harm the licensing objectives, particularly that of prevention of public nuisance.

We would also ask that the Licensing Authority pay great attention to any comments submitted by local residents, and we would wish to support them in respect of valid concerns they may have.

The application and reasons for representation

The application seeks The application is to:

Remove condition 46 under Annex 3. This is a works condition, and this should have been removed by the previous operator.

Amend condition 21 under Annex 3 to read "Patrons permitted to temporarily leave and re-enter the premises shall be limited to 20 persons with a maximum of 10 persons each in two separate designated smoking areas."

Amend condition 47 under Annex 3 to read "The consumption of alcohol outside the building will be restricted to customers who are seated."

We do not have any objection to the removal of condition 46.

However we do object to the amending of the other two conditions.

Effectively, the changes increase the numbers of smokers and provide an alternative location, and remove the requirement for those outside to consume a table meal with alcohol.

These conditions were added to the licence when it was granted in order to protect local residents who live in very close proximity above the premises.

The applicant saying that they are not a restaurant operator is wholly insufficient to justify the changes. The premises does not have an 'ancillary' condition inside, only outside. The reasons for the condition are clear and it should remain. The same goes for the smoking condition.

Conclusion

We are also aware that applications can be amended to take into account concerns raised by responsible authorities or other persons. Please let us know if any amendments are made to this application so that we can consider if they resolve our concerns and, if appropriate, liaise with local residents.

If a hearing takes place, we will endeavour to attend. Or appoint Richard Brown to represent us.

Name:			
Address and/or Res	idents Association:		
Received:	10 January 2023		
Dear Sirs	,		
I am writing on behall relevant representation	f of the second states of the second states of the		make a
Introduction			
non party-political, vo	luntary organisation, we repres	e special character of our area. A r sent more than 1,000 people.	is
•	e application process, although	n consultations with licence applica we have not been contacted by th	
Background			
	s large restaurant/bar in Mercha acing over to a large public area	ant Square, within the Bayswater a and the canal.	
The application			
We make this represe and disorder.	entation based on prevention o	f public nuisance and prevention o	f crime
	ral public, Monday to Thursday	permits sale of alcohol on and of th 10am to 11.30pm, Friday & Satur	
The application seeks Conditions Nos 21 &		o 46 and to substantially vary word	ling of

position	
DOSIDOL	
poondon	

strongly objects to changes proposed to Conditions No's 21 & 47 but has no objection to remove Condition No 46.

We consider that the proposed rewording of the two Condition will cause a substantial nuisance to occupants of the surrounding properties and to the general area in and around Merchant Square.

The application states that 'Young's are not restaurant operators and the current restriction on customers outside is that they must all be seated and taking a substantial meal and service must be by waiter or waitress only. Young's are principally pub operators, although food is a significant part of the offer. Young's recognise the sensitivity of the site in relation to local residents and for that reason are content to maintain the other restrictions, but particularly that customers must be seated.'

However, the premises is not a restaurant. The more restrictive conditions only relate to the outside area and were imposed when the licence was granted in recognition of the sensitivity of the location (which the applicant appears to accept). We therefore fail to see how rewording the conditions promotes the licensing objectives.

We understand that there may have been some enforcement visits to the premises as a result of a complaint made by a resident as a result of apparent breaches of the very conditions the applicant seeks to amend. We assume that these details will be provided by the relevant authority.

Conclusion

We are aware of course that applications can be amended, and as ever, **sector** is very happy for our contact details to be passed to the applicant/their solicitors, and to discuss the operation and application with them.

We reserve the right to make further comments/proposals/conditions in due course when we have more information about the application/operation.

Name:		
Address and/or Res	idents Association:	
Received:	10 January 2023	

Dear Premises Licensing

I am writing to make a relevant representation objecting to this license application. I make this representation based on prevention of public nuisance and prevention of crime and disorder.

There is an existing license for the premises which permits sale of alcohol on and off the premises to the general public, Monday to Thursday 10am to 11.30pm, Friday & Saturday 10am to midnight, Sunday, midday to 22.30.

The application seeks to remove works Condition No 46 and to substantially vary wording of Conditions Nos 21 & 47.

I object to changes proposed to Conditions Nos 21 & 47 but have no objection to remove Condition No 46. The proposed rewording of the two Conditions will cause a substantial nuisance to occupants of the surrounding properties and to the general area in and around Merchant Square.

The application states that 'Young's are not restaurant operators and the current restriction on customers outside is that they must all be seated and taking a substantial meal and service must be by waiter or waitress only. Young's are principally pub operators, although food is a significant part of the offer. Young's recognise the sensitivity of the site in relation to local residents and for that reason are content to maintain the other restrictions, but particularly that customers must be seated.'

However, the premises is not a restaurant. The more restrictive conditions only relate to the outside area and were imposed when the license was granted in recognition of the sensitivity of the location (which the applicant accepts). I therefore fail to see how rewording the conditions promotes the licensing objectives.

I also understand that there may have been some enforcement visits to the premises as a result of a resident's complaint following apparent breaches of the very conditions the applicant seeks to amend.

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:			
The following policies with Policy PB1 applies	 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. B. It is the Licensing Authority's policy to refuse applications within 		
	 B. It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone other than: 1. Applications to vary the existing licence hours within the council's Core Hours Policy HRS1. 2. Applications that seek to vary the existing licence so as to reduce the overall capacity of the premises. C. The applications referred to in Clause B1 and B2 will generally be granted subject to: 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1, and/or, 2. 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. 3. The application and operation of the venue continuing to meet the 		
	 definition of a Public House or Bar in Clause D. 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. 		

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	Current Premises Licence 22/04300/LIPCH
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

Report author:	Karyn Abbott Senior Licensing Officer
Contact:	Telephone: 0207 641 6500 Email: kabbott@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 October 2021 Policv 3 Amended Guidance issued under section 182 of April 2018 the Licensing Act 2003 4 **Environmental Health Service** 11 January 2023 Representation 1 24 December 2022 5 10 January 2023 6 **Representation 2** 10 January 2023 7 **Representation 3** 8 Representation 4 10 January 2023

Current Premises Licence 22/04300/LIPCH

Appendix 1

***	Schedul Part /		WARD: Hyde Park UPRN: 010033626529		
City of Westminst 64 Victoria Street, London, SW1E 6		licence	Regulation 33, 34		
Premises licence number:		22/04300/LIPC	ж		
Original Reference:		16/05415/LIP	N		
Part 1 – Premises details					
Postal address of premises:					
Lockhouse 3 Merchant Square London W2 1AZ					
Telephone Number: Not Suppl	ied				
Where the licence is time limit	led, the dates:				
Not applicable					
Licensable activities authorised by the licence:					
Exhibition of a Film Playing of Recorded Music Late Night Refreshment Sale by Retail of Alcohol					
The times the licence authoris	es the carrying out	of licensable ar	tivities:		
	ies the carrying out	or noensable av	Autors.		
Exhibition of a Film Monday to Sunday: 10:00 to 23:30 Sunday: 12:00 to 22:00 Non-standard Timings: When hours for the sale of alcohol are extended on NYE OR Sundays before BH these hours shall also be extended until: (a) 30 minutes prior to the terminal hour for the sale of alcohol in the case of Sundays before Bank Holidays or, (b) the terminal hour for the Sale of Alcohol on New Year's Eve/New Year's Day					
Playing of Recorded Music	Un	restricted			
Late Night Refreshment Monday to Thursday: Friday to Saturday: Non-standard Timings: When he before BH these hours shall also (a) the terminal hour for the sale (b) from 23:00 on New Year's E	23: 23: ours for the sale of action be extended until: of alcohol in the case	00 to 23:30 00 to 00:00 ohol are extende e of Sundays bet	fore Bank Holidays, or;		

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
Sundays before Bank Holidays:	12:00 to 00:00
Non-standard Timings: From the end of per- permitted hours on New Year's Day	mitted hours on New Year's Eve to the start of

The opening hours of the premises:

Monday to Thursday:	07:00 to 23:30
Friday to Saturday:	07:00 to 00:00
Sunday:	07:00 to 22:30
When hours for sale of alcohol are extended the	ese hours shall also be extended to a later terminal
hour	

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:

Young & Co.'s Brewery Plc Copper House 5 Garratt Lane Wandsworth London SW18 4AQ

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

00032762

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

Name:

Daithi Mayston King

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: Licensing Authority: 05/09149/LIPERS City of Westminster Council

Date: 21 April 2022

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

Annex 1 - Mandatory conditions

- No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
- 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.
- Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
- 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.
 - games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - 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
 - 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).
- The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- (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
 - 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+(DxV)

Where -

- P is the permitted price,
- 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
- 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,
 - the designated premises supervisor (if any) in respect of such a licence, or
 - 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.
- 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.
- All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

Annex 2 - Conditions consistent with the operating Schedule

None

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

- Alcoholic drinks may not be removed from the premises building save for 11 consumption by those seated in the external demised areas provided for that purpose.
- Children under the age of 16 shall not be permitted to enter or remain at the 12. premises after 22:00 unless they are dining with an adult or attending a pre booked function
- 13 The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
- 14 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 are 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.
- 15. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue (b) all ejections of patrons (c) any complaints received concerning crime and disorder

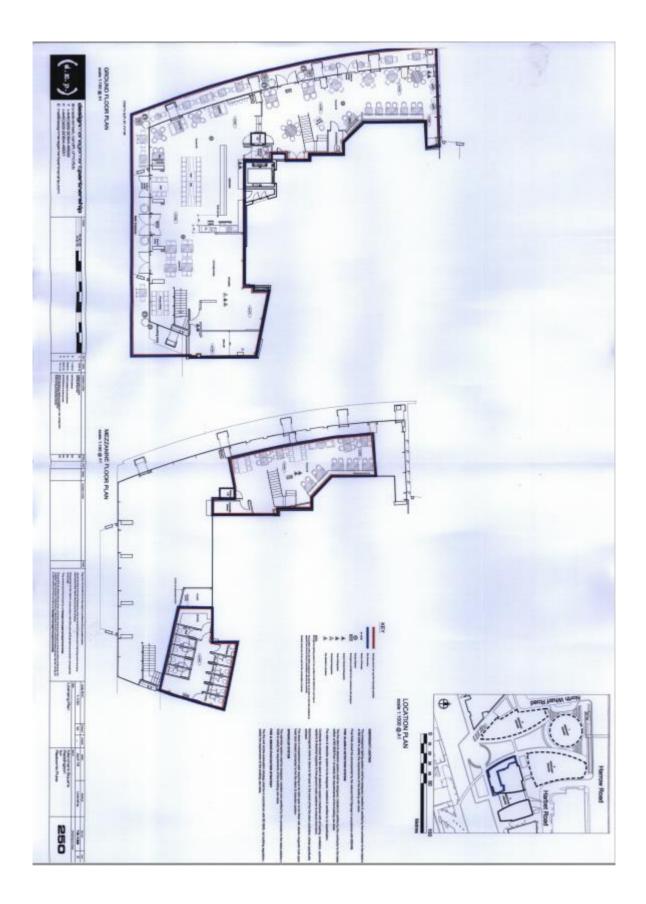
 - (d) any incidents of disorder
 - (e) any faults in the CCTV system (f) any refusal of the sale of alcohol
 - (g) any visit by a relevant authority or emergency service
- 16 A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale 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
- 17 Door supervisors will be employed by the Premises Licence Holder on a risk assessed basis. A suitable risk assessment will be undertaken and documented on a daily basis by the DPS, in relation to whether or not door supervisors are to be employed on specific occasions. On occasions when door supervisors are employed they shall display their SIA Licence at all times, worn with a high visibility arm band.
- 18. All outside tables and chairs shall be rendered unusable by 22:00 each day
- 19 Substantial food and suitable beverages other than intoxicating liquor shall be available during the whole of permitted hours in all parts of the premises where intoxicating liquor is sold and supplied.
- 20. Patrons permitted to temporarily leave and then re-enter the premises shall not be permitted to take drinks or glass containers with them.
- 21. Patrons permitted to temporarily leave and then re-enter the premises shall be limited to 10 persons and those wishing to smoke shall be directed to the designated smoking area defined on the licence plan
- 22 There shall be no take away of hot food or hot drink after 23.00 hours.

- Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
- Clearly legible notices shall be displayed at all exits from the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.
- 25. A Challenge 21 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.
- During the Notting Hill Carnival, the following conditions will apply on Sunday and Monday of that weekend:

Drinks shall only be served in polycarbonate glasses There shall be no entry or re-entry to the premises after 20.30hrs

- 27. The layout of the licensed area both internally and externally as shown on the approved plan at the ground floor layout shall be substantially laid out for tables and chairs as indicated on the approved licensing drawing.
- 28. There shall be no sales of alcohol for consumption off the premises.
- All external doors and windows shall be kept closed whilst regulated entertainment is taking place and in any case after 22:00 hours except for immediate access and egress of persons.
- No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
- 31. There shall be no regulated entertainment in the outside area.
- Loudspeakers shall not be located in the entrance or exits areas or outside the premises building.
- No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0800 hours.
- 34. During the hours of operation, sufficient measures must be in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and the area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
- 35. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
- The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
- All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.
- All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.

- 39. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flameretarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.
- Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
- The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
- 42. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given.
 - dry ice and cryogenic fog
 - smoke machines and fog generators
 - pyrotechnics including fireworks
 - firearms
 - lasers
 - explosives and highly flammable substances real flame
 - strobe lighting
- The certificates listed below shall be submitted to the Licensing Authority upon written request.
- (a) Any permanent or temporary emergency lighting battery or system
- (b) Any permanent or temporary electrical installation
- (c) Any permanent or temporary emergency warning system
- There shall be no cinema style seating at the premises.
- Deliveries to the premises shall only take place in the designated area within the basement loading area.
- 46. No licensable activities shall take place at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined.
- 47. The sale and supply of alcohol outside the premises building shall be restricted to alcohol consumed at the outside tables and chairs shown on the licence plan, shall be by waiter or waitress service, served only to a person seated taking a substantial meal there and for consumption by such a person ancillary to their meal.
- 48. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
- The use of Shisha or Hookah (or similar) smoking apparatus is not permitted anywhere on the premises.





Schedule 12 Part B WARD: Hyde Park UPRN: 010033626529

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

Premises licence summary

Regulation 33, 34

Premises licence number:

22/04300/LIPCH

Part 1 – Premises details

Postal address of premises:

Lockhouse 3 Merchant Square London W2 1AZ

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Exhibition of a Film Playing of Recorded Music Late Night Refreshment Sale by Retail of Alcohol

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

Exhibition of a Film Monday to Sunday: 10:00 to 23:00 12:00 to 22:00 Sunday: Non-standard Timings: When hours for the sale of alcohol are extended on NYE OR Sundays before BH these hours shall also be extended until: (a) 30 minutes prior to the terminal hour for the sale of alcohol in the case of Sundays before Bank Holidays or, (b) the terminal hour for the Sale of Alcohol on New Year's Eve/New Year's Day Playing of Recorded Music Unrestricted Late Night Refreshment 23:00 to 23:30 Monday to Thursday: Friday to Saturday: 23:00 to 00:00 Non-standard Timings: When hours for the sale of alcohol are extended on NYE OR Sundays before BH these hours shall also be extended until: (a) 30 minutes prior to the terminal hour for the sale of alcohol in the case of Sundays before Bank Holidays or,

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
Sundays before Bank Holidays:	12:00 to 00:00
Non-standard Timings: From the end of perm	nitted hours on New Year's Eve to the start of

The opening hours of the premises:

Monday to Thursday:	07:00 to 23:30
Friday to Saturday:	07:00 to 00:00
Sunday:	07:00 to 22:30

When hours for sale of alcohol are extended these hours shall also be extended to a later terminal hour

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:

Young & Co.'s Brewery Pic Copper House 5 Garratt Lane Wandsworth London SW18 4AQ

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

00032762

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

Name: Daithi Mayston King

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

Restricted

Date: 21 April 2022

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

Applicant Supporting Documents

<u>Appendix 2</u>

None

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
16/05415/LIPN	New Premises Licence Application	14 July 2016	Granted by Licensing Sub-Committee
16/12702/LIPVM	Premises Licence – Minor Variation – Layout Changes	8 December 2016	Granted under Delegated Authority
16/13206/LIPDPS	Premises Licence – Vary DPS	31 January 2017	Granted under Delegated Authority
17/07075/LIPCH	Premises Licence – Change Licence Holders Address	26 January 2017	Granted under Delegated Authority
19/02681/LIPCH	Premises Licence – Change Licence Holders Address	6 March 2019	Granted under Delegated Authority
19/08713/LIPDPS	Premises Licence – Vary DPS	18 October 2019	Granted under Delegated Authority
19/10394/LIPDPS	Premises Licence – Vary DPS	18 October 2019	Granted under Delegated Authority
20/08855/LIPT	Transfer Premises Licence Holder from BFI Limited to Young & Co.'s Brewery Plc	19 October 2020	Granted under Delegated Authority
20/11327/LIPDPS	Premises Licence – Vary DPS	21 December 2020	Granted under Delegated Authority
21/07566/LIPDPS	Premises Licence – Vary DPS	16 August 2021	Granted under Delegated Authority
22/04300/LIPCH	Premises Licence – Change Licence Holders Address	21 April 2022	Granted under Delegated Authority

There is no appeal history

Temporary Event Notice History

Application	Details of Application	Date Determined	Decision
19/07728/LITENP	Temporary Event Notice	16 July 2019	Notice Granted
19/07872/LITENP	Temporary Event Notice	2 July 2019	Notice Granted
22/04113/LITENP	Temporary Event Notice	25 April 2022	Notice Granted
22/05897/LITENP	Temporary Event Notice	20 June 2022	Notice Granted
22/05898/LITENP	Temporary Event Notice	20 June 2022	Notice Granted
22/10195/LITENP	Temporary Event Notice	6 December 2022	Notice Granted

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: $\frac{1}{2}$ 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+(DxV)

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
- 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.

10. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

Annex 2 – Conditions consistent with the operating Schedule

None

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

- 11. Alcoholic drinks may not be removed from the premises building save for consumption by those seated in the external demised areas provided for that purpose.
- 12. Children under the age of 16 shall not be permitted to enter or remain at the premises after 22:00 unless they are dining with an adult or attending a pre booked function.
- 13. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
- 14. 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 are 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.
- 15. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) any faults in the CCTV system
 - (f) any refusal of the sale of alcohol
 - (g) any visit by a relevant authority or emergency service
- 16. 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
- 17. Door supervisors will be employed by the Premises Licence Holder on a risk assessed basis. A suitable risk assessment will be undertaken and documented on a daily basis by the DPS, in relation to whether or not door supervisors are to be employed on specific occasions. On occasions when door supervisors are employed they shall display their SIA Licence at all times, worn with a high visibility arm band.
- 18. All outside tables and chairs shall be rendered unusable by 22:00 each day
- 19. Substantial food and suitable beverages other than intoxicating liquor shall be available during the whole of permitted hours in all parts of the premises where intoxicating liquor is sold and supplied.

- 20. Patrons permitted to temporarily leave and then re-enter the premises shall not be permitted to take drinks or glass containers with them.
- 21. Patrons permitted to temporarily leave and then re-enter the premises shall be limited to 10 persons and those wishing to smoke shall be directed to the designated smoking area defined on the licence plan

Condition 21 is proposed to be varied by the applicant to the following:

Patrons permitted to temporarily leave and re-enter the premises shall be limited to 20 persons with a maximum of 10 persons each in two separate designated smoking areas.

- 22. There shall be no take away of hot food or hot drink after 23.00 hours.
- 23. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
- 24. Clearly legible notices shall be displayed at all exits from the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.
- 25. A Challenge 21 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.
- 26. During the Notting Hill Carnival, the following conditions will apply on Sunday and Monday of that weekend:

Drinks shall only be served in polycarbonate glasses There shall be no entry or re-entry to the premises after 20.30hrs

- 27. The layout of the licensed area both internally and externally as shown on the approved plan at the ground floor layout shall be substantially laid out for tables and chairs as indicated on the approved licensing drawing.
- 28. There shall be no sales of alcohol for consumption off the premises.
- 29. All external doors and windows shall be kept closed whilst regulated entertainment is taking place and in any case after 22:00 hours except for immediate access and egress of persons.
- 30. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
- 31. There shall be no regulated entertainment in the outside area.
- 32. Loudspeakers shall not be located in the entrance or exits areas or outside the premises building.
- 33. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0800 hours.
- 34. During the hours of operation, sufficient measures must be in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and the area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage

arrangements by close of business.

- 35. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
- 36. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
- 37. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.
- 38. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
- 39. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame- retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.
- 40. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
- 41. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
- 42. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given.
 - dry ice and cryogenic fog
 - smoke machines and fog generators
 - pyrotechnics including fireworks
 - firearms
 - lasers
 - explosives and highly flammable substances real flame
 - strobe lighting
- 43. The certificates listed below shall be submitted to the Licensing Authority upon written request.
- (a) Any permanent or temporary emergency lighting battery or system
- (b) Any permanent or temporary electrical installation
- (c) Any permanent or temporary emergency warning system
- 44. There shall be no cinema style seating at the premises.
- 45. Deliveries to the premises shall only take place in the designated area within the basement loading area.

Condition 46 is proposed to be removed by the applicant:

46. No licensable activities shall take place at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined.

47. The sale and supply of alcohol outside the premises building shall be restricted to alcohol consumed at the outside tables and chairs shown on the licence plan, shall be by waiter or waitress service, served only to a person seated taking a substantial meal there and for consumption by such a person ancillary to their meal.

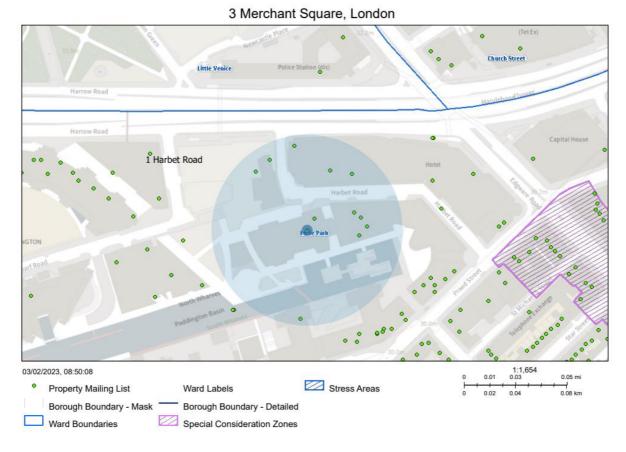
Condition 47 is proposed to be varied by the applicant to the following:

The consumption of alcohol outside the building will be restricted to customers who are seated.

- 48. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
- 49. The use of Shisha or Hookah (or similar) smoking apparatus is not permitted anywhere on the premises.

Residential Map and List of Premises in the Vicinity

Appendix 5



Resident Count = 226

Licensed premises within 75 metres of 3 Merchant Square, London						
Licence Number	Trading Name	Address	Premises Type	Time Period		
20/07542/LIPT	Pizza Express	Units 35 And 37 3 Merchant Square City Of Westminster London W2 1BF		Sunday; 12:00 - 22:30 Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sundays before Bank Holidays; 12:00 - 00:00		
22/04300/LIPCH	Lockhouse	3 Merchant Square City Of Westminster London W2 1AZ	Cafe	Sunday; 07:00 - 22:30 Monday to Thursday; 07:00 - 23:30 Friday to Saturday; 07:00 - 00:00		
10/02411/LIPVM	Merchant Square	Development Site - Land At Harbet Road London W2 1JU	Park / Open Space	Monday to Sunday; 00:00 - 00:00		

22/06867/LIPDPS	-	Merchant Square City Of Westminster London	Not Recorded	Monday to Sunday; 00:00 - 00:00
16/01609/LIPN		Merchant Square City Of Westminster London	Miscellaneous	Sunday; 12:00 - 21:00 Monday to Saturday; 12:00 - 22:00
21/02426/LIPCHT	Brew Dog	Unit 1 West End Quay South Wharf Road London W2 1JX		Sunday; 12:00 - 22:30 Monday to Saturday; 10:00 - 23:30